# ADDENDUM TO THE CITY OF NEWPORT BEACH GENERAL PLAN UPDATE ENVIRONMENTAL IMPACT REPORT

## The Ritz-Carlton Residences Project

**May 2022**

City of Newport Beach
Planning Department
100 Civic Center Drive
Newport Beach, California 92660

PSOMAS

**TABLE OF CONTENTS**

## TABLES

**Table** **Page**

## EXHIBITS



## APPENDICES

**Appendix**

**ACRONYM LIST**

| | |
|---|---|
| AAM | Annual Arithmetic Mean |
| AB | Assembly Bill |
| ACM | asbestos-containing materials |
| ACP | asbestos cement pipe |
| ADT | average daily trip |
| AELUP | Airport Environs Land Use Plan |
| afy | acre-feet per year |
| ALUC | Airport Land Use Commission |
| AQMD | Air Quality Management District |
| AQMP | Air Quality Management Plan |
| ASTM | American Society for Testing and Materials |
| BERD | Built Environment Resources Directory |
| BMP | Best Management Practice |
| CAAQS | California Ambient Air Quality Standards |
| CalEEMod | California Emissions Estimator Model |
| CalEPA | California Environmental Protection Agency |
| Cal Fire | California Department of Forestry and Fire Prevention |
| Caltrans | California Department of Transportation |
| CARB | California Air Resources Board |
| CBC | California Building Code |
| CCR | California Code of Regulations |
| CDFW | California Department of Fish and Wildlife |
| CDMG | California Division of Mines and Geology |
| CEQA | California Environmental Quality Act |
| CGS | California Geological Survey |
| $CH_4$ | Methane |
| CHR | California Historic Resources |
| CHRIS | California Historic Resources Inventory System |
| City | City of Newport Beach |
| CNEL | Community Noise Equivalent Level |
| CO | carbon monoxide |
| $CO_2$ | carbon dioxide |
| CPUC | California Public Utilities Commission |
| CRHR | California Register of Historic Resources |
| CV | Visitor Serving Commercial |
| CWA | Clean Water Act |
| CY | cubic yard |
| dBA | A-weighted decibels |
| DOSH | Division of Occupational Safety and Health |
| DTSC | Department of Toxic Substances Control |
| EAP | Energy Action Plan |
| EDR | Environmental Data Resources |
| EIR | Environmental Impact Report |
| ERNS | Emergency Response Notification System |
| ESA | Environmental Science Associates |
| FID | Facility Inventory Database |

| | |
|---|---|
| FTA | Federal Transit Administration |
| GHG | greenhouse gas |
| GP | General Plan |
| GWP | Global Warming Potential |
| HCP | Habitat Conservation Plan |
| HVAC | heating, ventilation, and air conditioning |
| I | Interstate |
| IRWD | Irvine Ranch Water District |
| kWh | kilowatt hour |
| LBUSD | Laguna Beach Unified School District |
| LCFS | Low Carbon Fuel Standard |
| $L_{max}$ | maximum instantaneous noise level |
| LOS | level of service |
| LRA | Local Responsibility Area |
| LUST | leaking underground storage tank |
| MBTA | Migratory Bird Treaty Act |
| MCWD | Mesa Consolidated Water District |
| $mg/m^3$ | milligrams per cubic meter |
| mgd | million gallons per day |
| MM | mitigation measure |
| MMs | mitigation measures |
| MRZ-1 | Mineral Resource Zone-1 (an area with little or no likelihood for presence of significant mineral resources) |
| MTCO2e/yr | metric tons of carbon dioxide equivalent per year |
| MWDOC | Municipal Water District of Orange County |
| MWS | Modular Wetland Systems |
| $N_2O$ | nitrous oxide |
| NAAQS | National Ambient Air Quality Standards |
| NBFD | Newport Beach Fire Department |
| NBMC | Newport Beach Municipal Code |
| NBPD | Newport Beach Police Department |
| NBPL | Newport Beach Public Library |
| NCCP | Natural Community Conservation Plan |
| NMUSD | Newport Mesa Unified School District |
| NO | nitric oxide |
| $NO_2$ | nitrogen dioxide |
| NOD | Notice of Determination |
| NOx | nitrogen oxide |
| NPDES | National Pollutant Discharge Elimination System |
| $O_3$ | ozone |
| OCSD | Orange County Sanitation District |
| OCWD | Orange County Water District |
| OHP | Office of Historic Preservation |
| OITC | Outdoor-Indoor Transmission Class |
| PFC | perfluorocarbons |
| PCH | Pacific Coast Highway |
| PM10 | respirable particulate matter with a diameter of 10 microns or less |
| PM2.5 | fine particulate matter with a diameter of 2.5 microns or less |

| | |
|---|---|
| ppm | parts per million |
| PRC | Public Resources Code |
| PST | Pacific Standard Time |
| RCRA-SQG | Resource Conservation and Recovery Act - Small Quantity Generators |
| REC | recognized environmental condition |
| ROG | reactive organic gases |
| ROW | right-of-way |
| RR | regulatory requirement |
| RTP/SCS | Regional Transportation Plan/Sustainable Communities Strategy |
| RWQCB | Regional Water Quality Control Board |
| SAUSD | Santa Ana Unified School District |
| SB | Senate Bill |
| SCAG | Southern California Association of Governments |
| SCAQMD | South Coast Air Quality Management District |
| SCCIS | South Central Coastal Information Center |
| SCE | Southern California Edison |
| SCGC | Southern California Gas Company |
| $SF_6$ | sulfur hexafluoride |
| SIP | State Implementation Plan |
| $SO_2$ | sulfur dioxide |
| SoCAB | South Coast Air Basin |
| SR | State Route |
| SRA | Source Receptor Area |
| STC | Sound Transmission Class |
| SWEEPS | Statewide Environmental Evaluation and Planning System |
| SWPPP | Storm Water Pollution Prevention Plan |
| SWRCB | State Water Resources Control Board |
| TACs | toxic air contaminants |
| $\mu g/m^3$ | micrograms per cubic meter |
| UNFCCC | United Nations Framework Convention on Climate Change |
| USEPA | U.S. Environmental Protection Agency |
| USFWS | U.S. Fish and Wildlife Service |
| USGS | U.S. Geological Survey |
| UST | underground storage tank |
| VdB | velocity in decibels |
| VHFHSZ | Very High Fire Hazard Severity Zone |
| VMT | vehicle miles traveled |
| VOCs | volatile organic compounds |

*This page intentionally left blank*

# 1.0 INTRODUCTION

## 1.1 PURPOSE AND BASIS FOR THE ADDENDUM

On July 25, 2006, the City Council of the City of Newport Beach (City) adopted the Final Environmental Impact Report (EIR) for the City of Newport Beach General Plan Update EIR, which consisted of three volumes: Volume I—City of Newport Beach General Plan 2006 Update Draft EIR; Volume IA—Draft EIR Changes, Responses to Comments, and Final EIR Report Preparers; and Volume II—Technical Appendices to the Draft EIR. The Draft EIR was distributed for a 45-day public review from April 21 to June 5, 2006. The City Council found that the Final EIR was complete and was prepared in compliance with the California Environmental Quality Act (CEQA) (*Public Resources Code* [PRC], Section 21000 et seq.) and concluded that the General Plan Update would not result in a significant environmental impact to the surrounding area. The General Plan Update was approved by the City Council on July 25, 2006 and upheld by a vote of the electorate on November 7, 2006. The Notice of Determination (NOD) for the EIR was filed on July 26, 2006, at the Orange County Clerk. The EIR is herein referred to as the "2006 EIR". The General Plan Update analyzed in the 2006 EIR is herein referred to as the "2006 General Plan Update".

CEQA allows for the preparation of an Addendum to a certified EIR (Section 15164 of the CEQA Guidelines, Addendum to an EIR or Negative Declaration) to document minor changes in the project characteristics or environmental conditions under which the project will be developed. This Addendum to the Certified 2006 EIR for the proposed Project has been prepared in accordance with the provisions of CEQA (PRC, Sections 21000 et seq.); the State CEQA Guidelines (Title 14, *California Code of Regulations,* Sections 15000 et seq.); and the rules, regulations, and procedures for implementing CEQA as adopted by the City of Newport Beach. Section 15164(b) of the State CEQA Guidelines states that "an addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred". Pursuant to Section 15162 of the CEQA Guidelines, no subsequent EIR may be required for a project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that one or more of the following conditions are met:

A. When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

    (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

    (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new

significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(d) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

In accordance with Sections 15162 and 15164 of the State CEQA Guidelines, based on the analysis and substantial evidence presented in this Addendum, the City has determined there are no new significant environmental impacts resulting from the proposed Project. The City has determined that there are no substantial increases in the severity of any previously identified significant environmental impacts and no new mitigation measures are required for the implementation of the proposed Project; there are no changes in circumstances under which the proposed Project would be undertaken that would result in new or more severe significant environmental impacts; and there is no new information of substantial importance that would result in one or more new or substantially more severe significant impacts. Therefore, an Addendum is the appropriate environmental documentation for the proposed Project and requested approvals.

Pursuant to Section 15050 of the State CEQA Guidelines, the City of Newport Beach is the lead agency for this Addendum and has the authority for Project approval and approval of the accompanying environmental documentation (i.e., this Addendum).

## 1.2 BACKGROUND

### 1.2.1 CITY OF NEWPORT BEACH GENERAL PLAN UPDATE

In 2006, the City of Newport Beach comprehensively updated the City's General Plan from the last updated version in 1988. The General Plan Update provided land use, housing, circulation and infrastructure, public service, resource conservation, and public safety policies for the entire City.

The 2006 General Plan Update not only proposed policies for the future land use and development citywide, but it also focused on the nine primary study areas (10.5 percent of the City's land area) where majority of the proposed land use changes would occur. Accordingly, the 2006 EIR would comprehensively address the impacts of all policies throughout the City and, additionally, focus on those areas in which the most significant land use changes could occur.

The update to the General Plan would result in changes in the Residential (single- and multi-family), Commercial, Office, Industrial, Visitor Serving, Institutional, and Parks land uses but would seek to conserve the existing land use pattern. The General Plan Update would primarily result in re-use of economically underperforming properties and obsolete development; conversion of uses in response to market demand (e.g., office and industrial to residential); and more intense use of land in defined areas. As indicated above, several subareas were the subjects of special study during the update process. These subareas were identified as districts or corridors depending on a number of factors, including physical form, functional role, and relation to land or water.

## Districts

Districts were identifiable by their common functional role, mix of uses, density/intensity, physical form and character, and/or environmental setting. The General Plan policies in the identified districts would focus on those that would likely change over the next 20 years, as the existing land uses would be enhanced, underperforming properties would be revitalized, and opportunities would be provided to accommodate the City's fair share of regional housing needs. These subareas would encompass areas that would extend equally in length and breadth. The following five districts were identified:

- West Newport Mesa
- Newport Center/Fashion Island
- John Wayne Airport Area
- Banning Ranch
- Balboa Peninsular

## Corridors

Similar to the districts, corridors were also determined to share common characteristics such as their functional role, land use mix, density/intensity, physical form and character, and/or environmental setting. They differed in their linear configuration, generally with shallow depth parcels located along arterial streets. The 2006 General Plan Update's policies would focus on those in which change was anticipated to occur during the next 20 years. The following four districts were identified:

- West Newport Highway
- Old Newport Boulevard
- Mariners' Mile
- Corona del Mar

The 2006 General Plan Update also included other land use changes; transportation improvements; and goals and policy changes in the Land Use, Circulation, Safety, Natural Resources, and Recreation elements of the General Plan. Additionally, two new elements, Historical Resources and Arts and Cultural, were introduced.

## Newport Center/Fashion Island

The proposed Ritz-Carlton Residences Project is within the Newport Center/Fashion Island subarea. The 2006 General Plan Update would allow for expanded retail opportunities at Fashion Island, including an additional anchor department store and ancillary shops, another hotel or additions to existing hotels, and additional housing units. Plan policies would encourage improved pedestrian connections and streetscape amenities connecting the area's diverse districts.

## Mitigation Measures of the Adopted Final EIR

The 2006 EIR did not include any mitigation measures, as the potential impacts were either considered less than significant requiring no mitigation measures, or no feasible mitigation measures were available for the potentially significant impacts. As such, those impacts were considered significant and unavoidable. However, applicable General Plan policies were applied in each of the technical topics.

# 2.0 PROJECT DESCRIPTION AND SETTING

## 2.1 PROJECT LOCATION

The Project site is located at 900 Newport Center Drive, in the 9.53-acre VEA Newport Beach, A Marriott Resort and Spa, immediately southwest of Fashion Island, within the Newport Center-Fashion Island subarea, in Newport Beach, California. The site is a largely mixed-use area of the City, surrounded by MacArthur Boulevard to the east, San Joaquin Road to the north, Jamboree Road to the west, and Pacific Coast Highway (PCH) to the south. The Project site can be accessed from Newport Center Drive and Santa Barbara Drive. Regional access to the site is provided by PCH, SR 73, and Interstate 405 (I-405) via Jamboree Road and MacArthur Boulevard. See Exhibit 2-1, Regional Location and Local Vicinity Map and Exhibit 2-2, Aerial Photograph.

## 2.2 EXISTING SITE AND AREA CHARACTERISTICS

The VEA Newport Beach, A Marriott Resort and Spa was originally constructed in 1975 and renovated in 1986, which included construction of the Pacific Pointe building and the parking structure. The hotel operates under Use Permit 2095.

The resort hotel campus includes 532 hotel rooms and expansive amenities, including three swimming pools, a day spa, restaurants, conference/ballroom space, meeting rooms, and ancillary support uses. The resort hotel components are within five separate buildings and one parking structure. The site includes approximately 698 parking spaces, including self-parking and valet parking options. The existing buildings range from 30 feet to 151 feet in height and overlook the Newport Beach Country Club golf course.

Land uses in the area include retail, commercial office, residential (condominium), entertainment, and restaurant. Some of major the developments in the area include, but are not limited to, the Fashion Island Regional Commercial retail shopping center, major commercial office developments, residential developments, including the Granville and Meridian condominium communities, the Colony at Fashion Island apartment homes, and the Newport Beach Country Club. The Meridian condominium community is located immediately adjacent to the Project site on the north along Santa Barbara Drive, with the guard-gated Granville Condominiums immediately to the southeast. Mid-rise commercial office buildings are located across Santa Barbara Drive to the north, and Fashion Island is located across Newport Center Drive to the north/northeast. The Newport Beach Country Club golf course abuts the southern property line.

In addition to several residential communities, including Meridian, Villas at Fashion Island, Vivante Senior Housing (currently under construction), and other pending projects, Newport Center is characterized by high- and mid-rise office buildings surrounding Fashion Island, which provide residents and visitors shopping, entertainment, and restaurant amenities. The majority of the high-rise buildings are located in Blocks 400-600, with building heights exceeding 300 feet above ground level. Low- and mid-rise buildings are concentrated in the southeastern portion of Newport Center closest to MacArthur Boulevard and Pacific Coast Highway. Newport Center is considered a major employment center, with research and development and high technology


D:\Projects\3NEW\003300\MXD\Addendum\ex_RL_LV_20220309.mxd

# Regional Location and Local Vicinity

Exhibit 2-1

*The Ritz-Carlton Residences Project*

N W E S

2,000 1,000 0 2,000 Feet

PSOMAS

(Rev: 03/10/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_RL_LV.pdf


Aerial Source: Esri, Maxar 2020

D:\Projects\3NEW\003300\MXD\Addendum\ex_Aerial_20220309.mxd

# Aerial Photograph

Exhibit 2-2

*The Ritz-Carlton Residences Project*

N
W E
S

200 100 0 200

Feet

PSOMAS

(Rev: 03/10/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_Aerial.pdf

businesses in addition to substantial medical office uses. The Newport Beach Civic Center is located in Newport Center between Avocado Avenue and MacArthur Boulevard.

# 2.3 PLANNING CONTEXT

## 2.3.1 LAND USE DESIGNATIONS

The proposed Project site has a General Plan designation of Visitor Serving Commercial (CV); a Coastal Land Use Plan designation of Visitor Serving Commercial (CV-B); and a Zoning designation of Commercial Visitor-Serving (CV). All CV designations allow for overnight accommodations and accessory land uses. The proposed hotel branded residences are an allowable accessory land use within City Council Policy K-4 and Director's Determination No. DD2021-001. As such, the proposed Project is consistent with the applicable CV land use designations.

### Council Policy K-4 and Director's Interpretation

On March 9, 2021, the City Council adopted Resolution No. 2021-18 Reducing the Barriers to the Creation of Housing (Council Policy K-4). Council Policy K-4 directed City staff to develop, modify as necessary, and aggressively implement strategies and action plans designed to accelerate housing production consistent with the policy, including encouraging the development of mixed-use hotels. The goals of Council Policy K-4 include interpreting ambiguities in the City's General Plan, Coastal Land Use Plan, Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC). City Policy K-4 would allow hotels and motels, located outside the Coastal Commission Appeal Jurisdiction, to convert up to 30 percent of their approved hotel rooms to residential units on a one-for-one basis. Such interpretation allows for residential units to be deemed an accessory use to the principal use of a hotel and find that such residential uses are consistent with the hotel and motel's underlying General Plan, Zoning Code, and Local Coastal Plan Program land use and zoning designations.

On April 30, 2021, the Community Development Director issued Director's Determination No. DD2021-001. The Director's Determination was considered by the City Council on appeal on August 24, 2021. The City Council denied the appeal and upheld the Director's Determination. Director's Determination No. DD2021-001 implemented City Council Policy K-4 and found that residential uses are allowable as an accessory use within four resort hotels, including the VEA Newport Beach, A Marriott Resort and Spa.

The proposed application for the conversion of hotel units to "hotel branded residences" as an accessory use at the existing VEA Newport Beach, A Marriott Resort and Spa is consistent with the letter and spirit of City Council Policy K-4 and Director's Determination No. DD2021-001. The City has already identified the VEA Newport Beach, A Marriott Resort and Spa as a qualifying resort hotel offering destination accommodations, including restaurant and recreation facilities. The conversion of up to 159 hotel units to hotel branded residences represents a 30 percent conversion of the 532 existing units and would result in a decrease in the corresponding number of hotel rooms. The VEA Newport Beach, A Marriott Resort and Spa is located outside the California Coastal Commission Appeal Jurisdiction, identified in California PRC Section 30603(a).

# 2.4 PROPOSED PROJECT DESCRIPTION

The proposed Project improvement area consists of 2.775 acres within the 9.53-acre Newport Beach Marriott Report Hotel property. The development footprint of the proposed building and the subterranean parking garage are approximately 25,023 sf and 44,860 sf, respectively.

The Project proposes conversion of up to 30 percent of the existing 532 hotel rooms to hotel branded residences. The existing southernmost building, Harbor Landing, would be demolished to accommodate construction of the new residential building. The demolition of the Harbor Landing building and interior reconfiguration of the Harbor Point building would result in reduction of up to 159 hotel units (i.e., removal of 133 units from Harbor Landing and reduction of 26 units of 153 units from Harbor Point). No additional modifications are proposed to the Harbor Point building.

The proposed new 22-story building would include up to 159 hotel branded residences, but the total units at the VEA Newport Beach, A Marriott Resort and Spa would remain at 532. Of the 532 units, assuming 159 would be hotel branded residences, then 373 would be traditional hotel rooms. Please refer to Exhibit 2-3, Overall Site Plan. The new building is proposed to be up to approximately 279 feet above ground level to the penthouse level, with additional accessory improvements and rooftop appurtenances such as elevator overruns and screened mechanical equipment. The rooftop improvements would project to 295 feet in height, consistent with the existing high-rise height limitation zone, which allows building height of 300 feet. Site Section is depicted on Exhibits 2-4, and perspectives are shown on Exhibits 2-5a through 2-5c.

The new building would include the building lobby area on level 1, which would also provide space for administrative offices, a lounge, resident amenities, restrooms, and back of house facilities. Residential units would start on level 2 with a range of sizes from approximately 877 sf to 2,787 sf. Penthouse units ranging in size from 4,171 sf to 7,259 sf would be on levels 21 and 22. The building rooftop would include accessory improvements and house screened rooftop appurtenances. The residential building would be constructed using stone, metal, wood, steel, and glass glazing accents.

## 2.4.1 CIRCULATION AND PARKING

Onsite circulation for the hotel drop-off/pick-up and parking would not change. Residents and guests of the hotel branded residences would be directed to a separate entrance on the south side of the property along Newport Center Drive. This driveway currently provides access from the existing parking structure and is gate-arm controlled. The new access would align with the existing intersection, which is across from Cucina Enoteca and Nordstrom at Fashion Island. The new access drive would direct vehicles to the new porte cochere and where valet service would deliver cars into a new subterranean parking structure. A new secondary driveway would be constructed along the southern boundary of the Project site providing service and fire access from Newport Center Drive along the western boundary of the property to the Event Lawn.

### Hotel Branded Residences Parking Structure

For the hotel branded residences, a new 5-level, 408-space subterranean parking structure would be constructed adjacent to the new building under the porte cochere and entry drive area.


Source: MVE + Partners, 2022

# Overall Site Plan

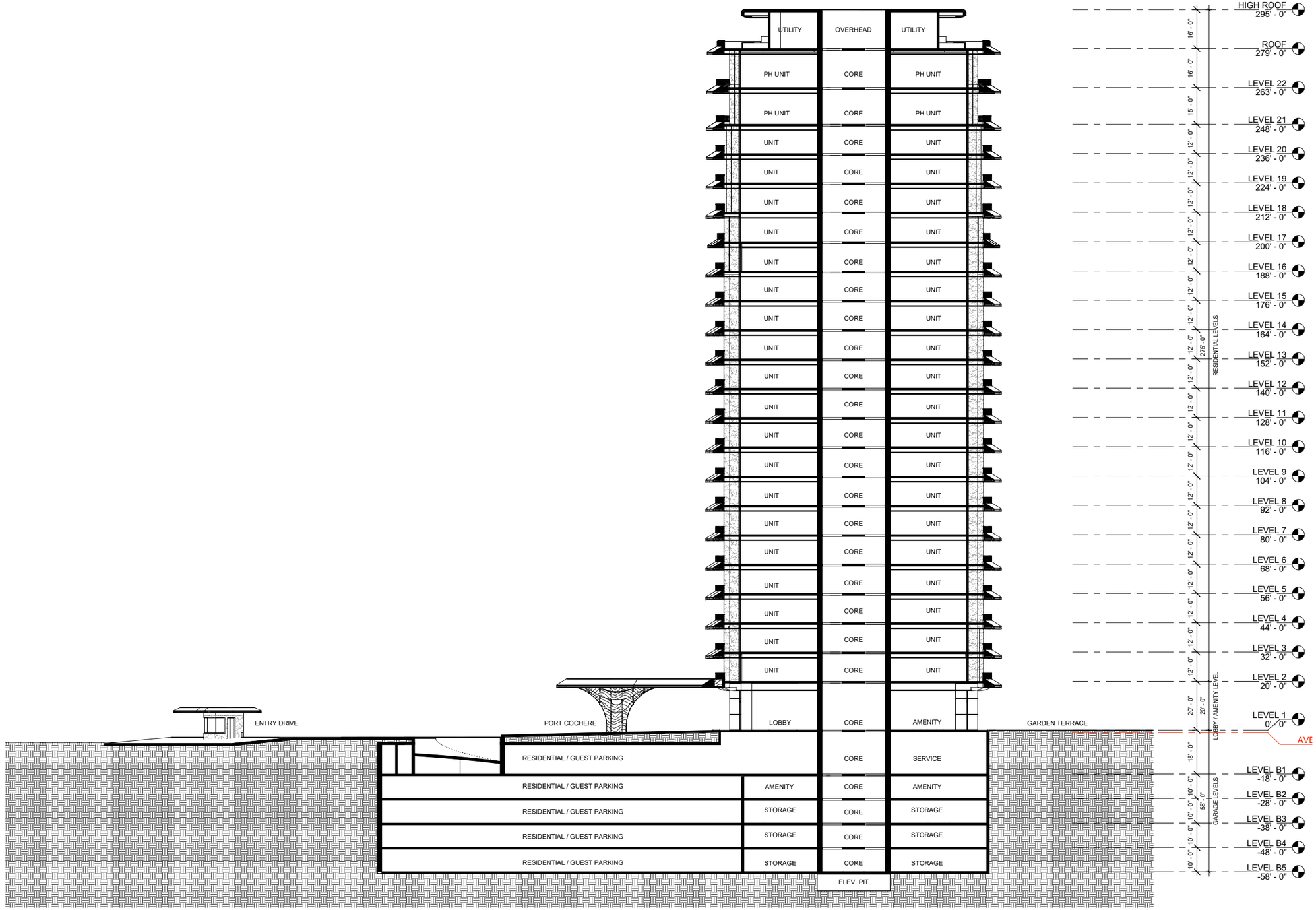
Exhibit 2-3

*The Ritz-Carlton Residences Project*

PSOMAS

(03/09/2022 JVR) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_SitePlan.pdf

D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_SitePlan_20220309.ai




Source: MVE + Partners, 2022

# Site Section

Exhibit 2-4

*The Ritz-Carlton Residences Project*

PSOMAS

(03/09/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_Site_Section.pdf

D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_Site_Section_20220309.ai

Source: MVE + Partners, 2022

# South Perspective

Exhibit 2-5a

*The Ritz-Carlton Residences Project*

PSOMAS

(03/09/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_Perspective_South.pdf

D:\Projects\3NEW003300\GRAPHICS\Addendum\ex_Perspective_South_20220309.ai

Source: MVE + Partners, 2022

# Porte Cohere Perspective

Exhibit 2-5b

*The Ritz-Carlton Residences Project*

PSOMAS

(03/09/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_Perspective_PortCohere.pdf

D:\Projects\3NEW003300\GRAPHICS\Addendum\ex_Perspective_PorteCohere_1_20220309.ai


Source: MVE + Partners, 2022

# Porte Cohere Perspective

Exhibit 2-5c

*The Ritz-Carlton Residences Project*

PSOMAS

(03/09/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_Perspective_PortCohere.pdf

D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_Perspective_PorteCohere_2_20220309.ai

Of the 408 spaces, 300 would be tandem and 108 would be standard spaces. Each subterranean level (1 through 5) would be constructed with spaces for valet parked vehicles. The new residential tower and the parking structure would be accessed via Newport Center Drive where residents and guests would be directed to valet services located at the porte cochere (Exhibits 2-5b and 2-5c). All parking would be valet-served.

In addition to parking, level 1 would provide facilities such as a mailroom, employee breakroom, trash enclosure, storage, security office, and kitchen. The loading dock would also be located on subterranean level 1 and accessed by the service driveway from the proposed fire access driveway on the southern boundary of the property. Subterranean level 2 would house amenities for the building as well as electrical, engineering, utility, and maintenance facilities. Subterranean levels 3, 4 and 5 would have storage facilities and parking.

## Landscaping and Amenities

The proposed Project site would include extensive landscape and hardscape areas with pedestrian circulation. The proposed conceptual landscape plan would include a hierarchy of plant materials including trees, vines, shrubs, and turf throughout the Project site and in open space areas. Along Newport Center Drive, at the frontage of the Project site, several existing palm trees in the right-of-way (ROW) may be temporarily removed during construction. Evergreen specimen trees (Pinus species or similar) would be located towards the outer portions of the Project site, near the boundary, while canopy shade trees would be located around the motorcourt and event lawn. Smaller accent trees (such as Olea europea or similar) would be located around the pool area.

A layered landscape concept along the Project site boundaries of the Project site would provide a buffer between the Project site and the existing adjacent residential development to the west and, the hotel uses to the north, and the public ROW to the west. Landscape screening is also proposed for the proposed parking structure, which includes developing mature vines to cover the stucco-finished areas. Marriott maintenance and groundskeeping staff would service both the hotel and the hotel branded residences. Proposed landscape plan, landscape planting plan, landscape paving plan, and pedestrian circulation are depicted on Exhibits 2-6 through 2-9.

Additionally, a new 8,000-square-foot event lawn would be located along the southern boundary of the property near the new residential building and hotel pool area. The new event lawn would be used for outdoor events with the added function as a terminus for the fire access road. Please refer to Exhibit 2-10, Open Space Plan.

The project also includes construction of a new swimming pool and a resident serving amenities including a fitness facility and meeting rooms.

## Hotel Parking Structure

As part of this Project, the existing hotel parking structure would be demolished, and a new hotel parking structure rebuilt in the same location but realigned slightly toward Newport Center Drive to provide improved onsite vehicular circulation. The hotel parking structure would be 6 levels (4 levels subterranean and 2 levels above ground) and include 400 parking spaces. The


Source: MVE + Partners, Burton Studio, 2022

# Landscape Plan

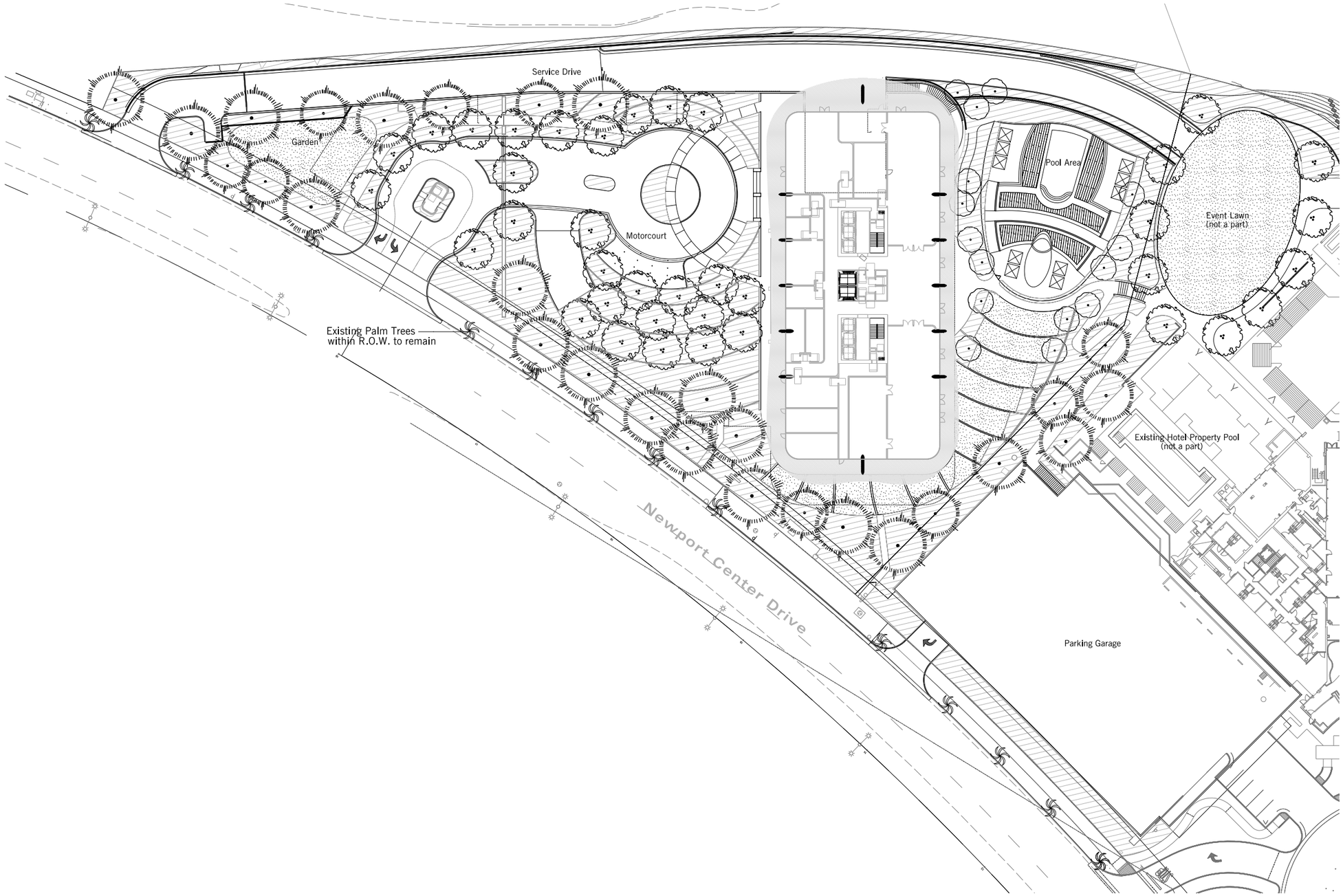
Exhibit 2-6

*The Ritz-Carlton Residences Project*

PSOMAS

(03/09/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_LandscapePlan.pdf

D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_LandscapePlan_20220309.ai




## Plant Legend

### Trees

| Symbol | Description |
|---|---|
| | Evergreen Specimen Tree - Pinus species or similar |
| | Canopy Shade Tree - Cinnamomum camphora or similar |
| | Accent Tree - Olea europea or similar |

### Shrubs and Turf

| Symbol | Description |
|---|---|
| | Shrub planting area - Refer to Sheet L105 |
| | Turf - Faux turf |

Source: MVE + Partners, Burton Studio, 2022

# Landscape Planting Plan

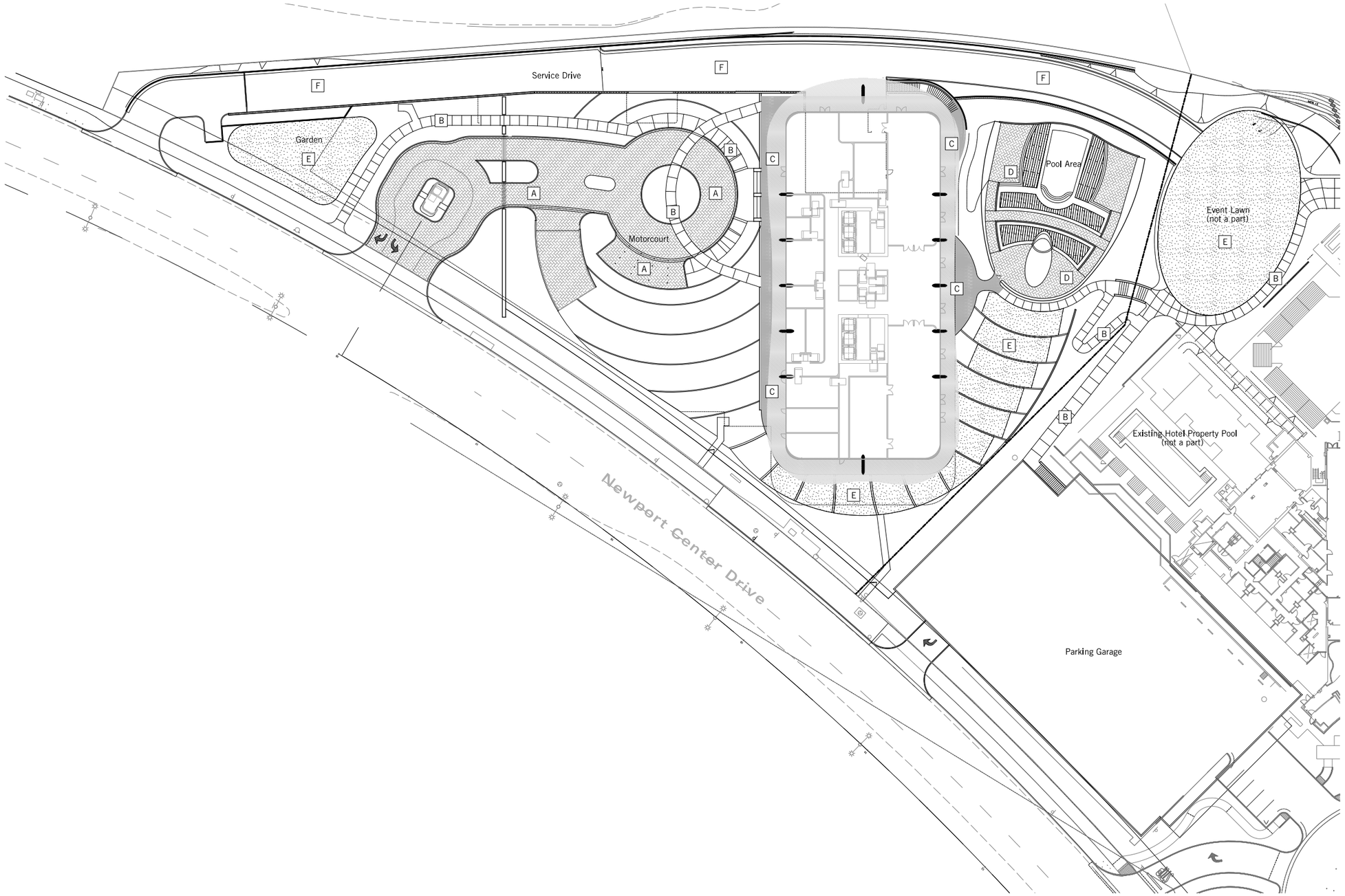
Exhibit 2-7

*The Ritz-Carlton Residences Project*

PSOMAS

(03/09/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_Landscape_Planting.pdf

D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_Landscape_Planting_20220309.ai




## Paving Legend

| Symbol | Description |
|---|---|
| A | Vehicular Entry Paving - Stone paving or Interlocking concrete pavers |
| B | Pedestrian Walk Paving - Integral color concrete or Interlocking concrete pavers |
| C | Arrival / Terrace Paving - Stone paving or Integral color concrete |
| D | Pool Deck Paving - Hardwood deck paving and Concrete paving or Stone paving |
| E | Event Lawn / Garden Space - Faux Turf |
| F | Vehicular Service Drive / Fire Access - Concrete Paving or Ashphalt |

Source: MVE + Partners, Burton Studio, 2022

# Landscape Paving Plan

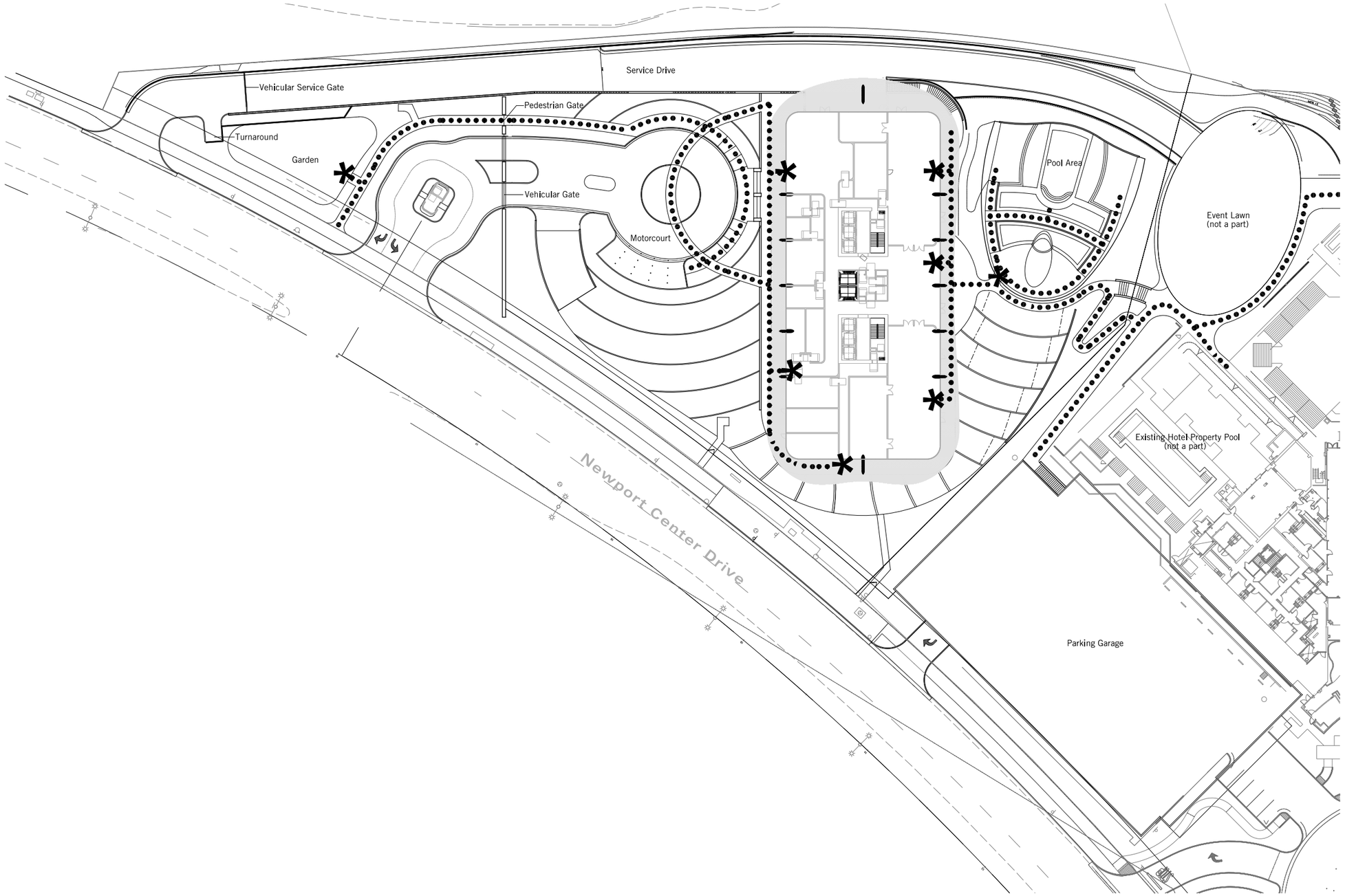
Exhibit 2-8

*The Ritz-Carlton Residences Project*

PSOMAS

(03/09/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_Landscape_Paving.pdf

D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_Landscape_Paving_20220309.ai




## Circulation Legend

| Symbol | Description |
|---|---|
| ●●●●● | Pedestrian, Accessible Path of Travel |
| * | Building / Amenity Accessible Entrance |

Source: MVE + Partners, Burton Studio, 2022

# Pedestrian Circulation Plan

Exhibit 2-9

*The Ritz-Carlton Residences Project*

PSOMAS

(03/09/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_Pedestrian_Circulation.pdf

D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_Pedestrian_Circulation_20220309.ai

## OPEN SPACE:

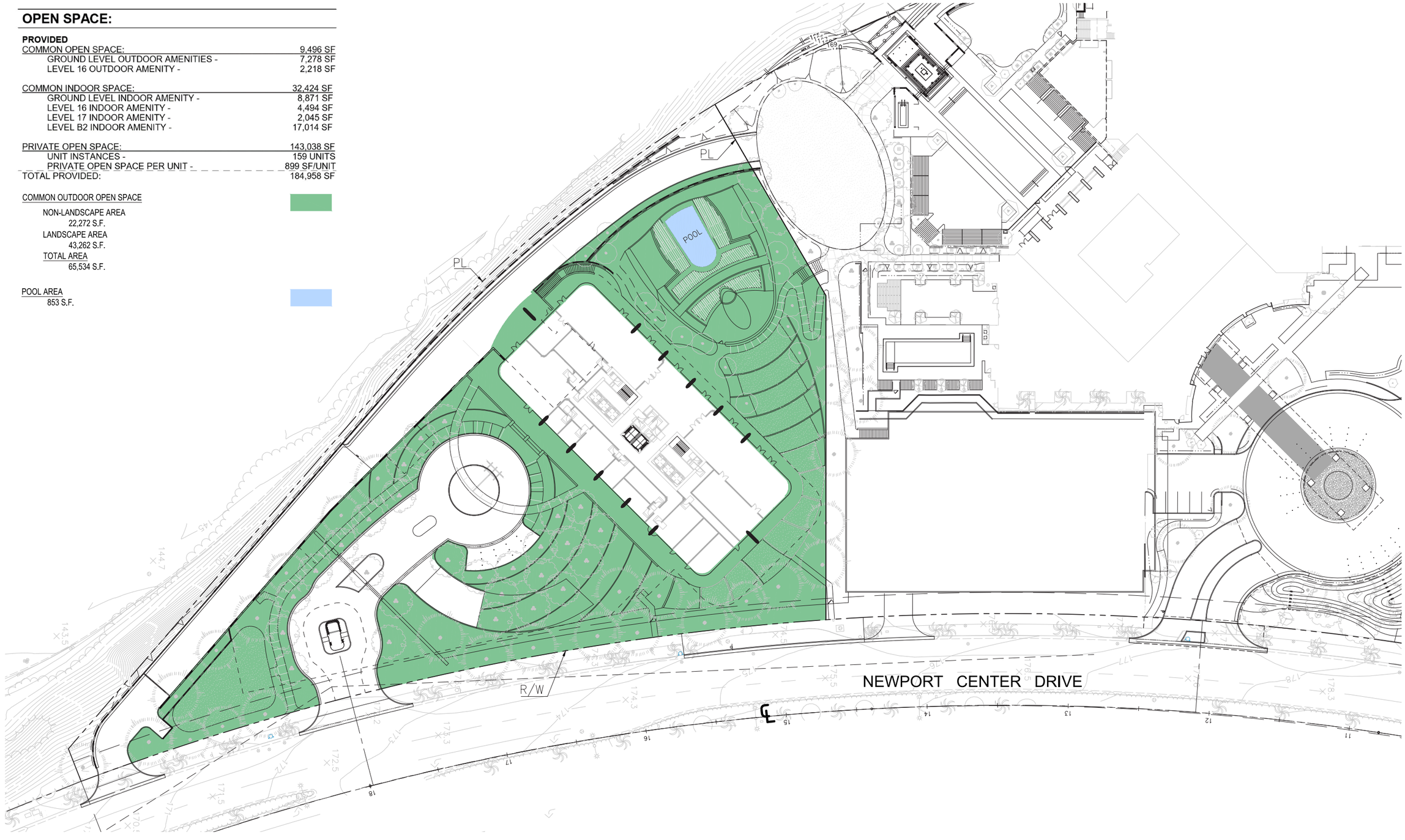
**PROVIDED**

| | |
|---|---|
| COMMON OPEN SPACE: | 9,496 SF |
| GROUND LEVEL OUTDOOR AMENITIES - | 7,278 SF |
| LEVEL 16 OUTDOOR AMENITY - | 2,218 SF |
| COMMON INDOOR SPACE: | 32,424 SF |
| GROUND LEVEL INDOOR AMENITY - | 8,871 SF |
| LEVEL 16 INDOOR AMENITY - | 4,494 SF |
| LEVEL 17 INDOOR AMENITY - | 2,045 SF |
| LEVEL B2 INDOOR AMENITY - | 17,014 SF |
| PRIVATE OPEN SPACE: | 143,038 SF |
| UNIT INSTANCES - | 159 UNITS |
| PRIVATE OPEN SPACE PER UNIT - | 899 SF/UNIT |
| TOTAL PROVIDED: | 184,958 SF |

COMMON OUTDOOR OPEN SPACE

NON-LANDSCAPE AREA
22,272 S.F.
LANDSCAPE AREA
43,262 S.F.
TOTAL AREA
65,534 S.F.

POOL AREA
853 S.F.




Source: Fuscoe Engineering, 2022

# Open Space Plan

Exhibit 2-10

*The Ritz-Carlton Residences Project*

0 30 60 120 Feet

PSOMAS

(03/09/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_OpenSpace_Plan.pdf

D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_OpenSpace_Plan_20220309.ai

rebuilt parking structure would also include enhanced circulation efficiency and be managed by valet operations

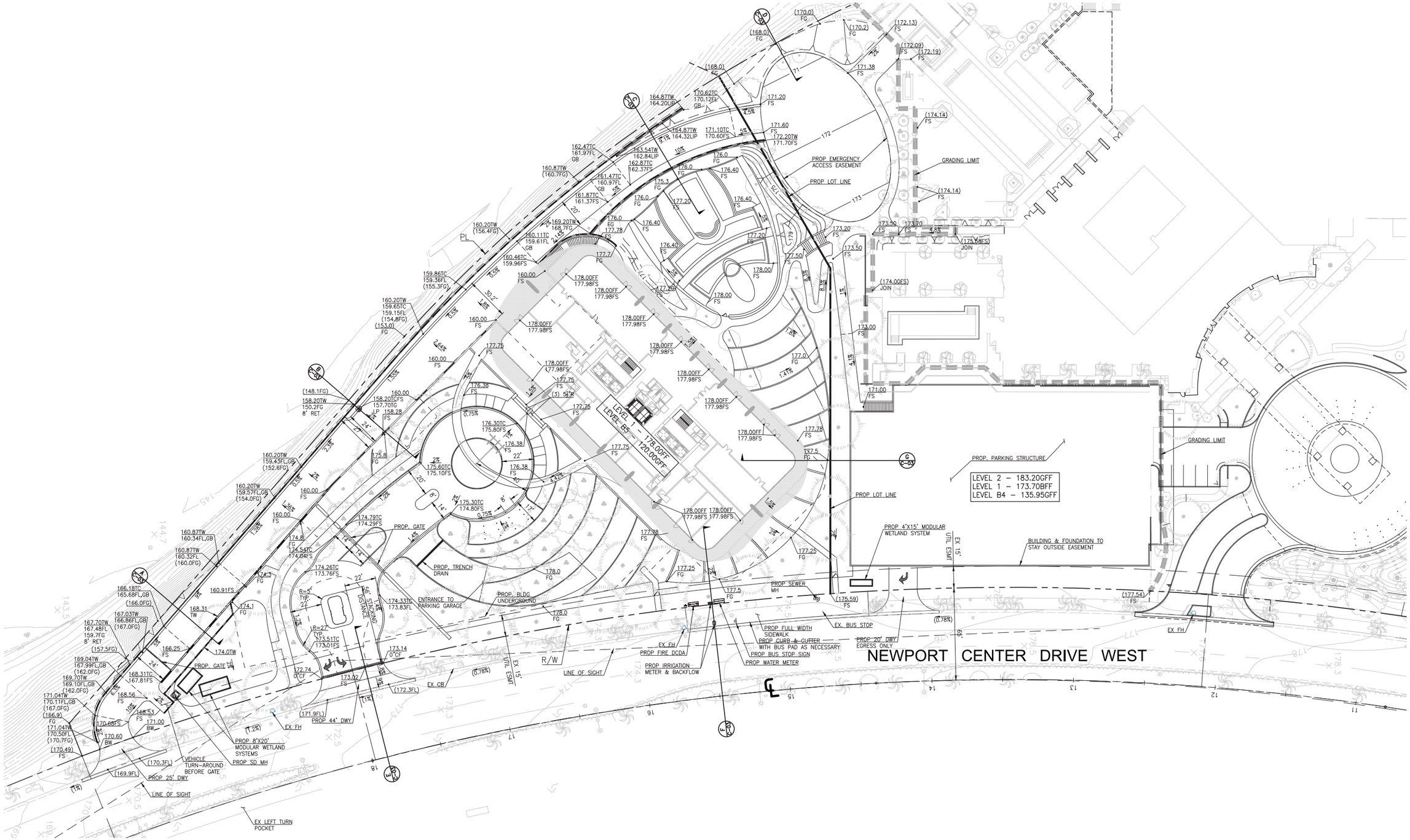
## 2.4.2 FUTURE OPERATIONS

Operations for the hotel would continue to be managed by Marriott trained staff while the hotel branded residences would be managed by trained Ritz-Carlton staff. Both the hotel and branded residences would remain under the Marriott umbrella under common leadership from the existing General Manager. Marriott maintenance and groundskeeping staff would service both the hotel and the hotel branded residences. A temporary sales office for the hotel branded residences could be located on the property.

In addition to existing hotel amenities such as a lounge, a fitness center, a full-service spa, pools, event lawns, a conference center, ballrooms, and restaurants that would remain available for hotel guest and residents use, the Project proposes new pool facilities, fitness facilities, meeting rooms, and other food service amenities for exclusive use of the residents. Recreation opportunities provided by the hotel include a resort style pool and spa, meeting and conference rooms, new restaurant and bar, bike rentals, paddle and surfboard rentals and an event lawn area where hotel guests and residents and guests of the hotel branded residences may attend events.

## 2.4.3 PROJECT CONSTRUCTION

Project construction is anticipated to be completed in 42 months from the start of demolition. This timeline includes approximately 6 months of demolition and site preparation and approximately 36 months for construction of the new subterranean parking structure and residential building. The Project would require demolition of approximately 263,194 sf and the export of 205,700 cubic yards (cy) of soil. Please refer to Exhibit 2-11, Conceptual Grading Plan. Construction equipment would be staged onsite in the development area to avoid disturbing hotel operations and guests. Offsite parking would be provided daily for workers with a shuttle to the hotel, if necessary. During construction, hotel operations would be slightly impacted, as guests would be redirected to a nearby offsite parking area. However, the hotel and all amenities would remain in operation with possible minimal closure of select outdoor amenities during the grading and site preparation phase of construction.




Source: Fuscoe Engineering, 2022

# Conceptual Grading Plan

Exhibit 2-11

*The Ritz-Carlton Residences Project*

0 30 60 120 Feet

PSOMAS

(03/09/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_ConceptualGrading.pdf

D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_ConceptualGrading_Plan_20220309.ai

*This page intentionally left blank*

# 3.0 ENVIRONMENTAL CHECKLIST

This Addendum evaluates whether any of the conditions requiring preparation of a Subsequent Environmental Impact Report (EIR), pursuant to Section 15162 of the CEQA Guidelines, are met, and whether there are new significant impacts resulting from the proposed Project, as compared to the impacts previously approved and analyzed in the 2006 EIR. As previously identified in Section 1.0, Introduction, of this Addendum, the 2006 EIR was adopted by the Newport Beach City Council on July 25, 2006 and approved on November 7, 2006. The analysis contained within this Addendum thus relies upon and incorporates by reference the said Program EIR (i.e., "2006 EIR"). This Addendum uses the Environmental Checklist Form, pursuant to 15063(d)(3) of the CEQA Guidelines, that compares the anticipated environmental effects of the proposed Project with those addressed in the 2006 EIR.

For each topical issue, summaries of the environmental analysis conclusions from the 2006 EIR are provided. The 2006 EIR did not include any mitigation measures, as the potential impacts were either considered less than significant requiring no mitigation measures, or no feasible mitigation measures were available for the potentially significant impacts. As such, those impacts were considered significant and unavoidable. However, applicable General Plan policies were applied in each of the technical topics. Relevant policies are also applied in the respective sections of this Addendum document.

Following the summary of the 2006 EIR, the analysis for the proposed Project is presented. This document is an Addendum to the adopted 2006 EIR and demonstrates that there are no changes to the previous information or analysis or changes in circumstances that would substantially increase significant environmental impacts or create any new significant impacts. This Addendum demonstrates that no new information of substantial importance has been identified that shows the proposed Project would have one or more significant effects not discussed in the 2006 EIR. Additionally, this Addendum demonstrates that no new mitigation measures are required beyond the General Plan policies identified in the 2006 EIR.

## 3.1 AESTHETICS

### 3.1.1 2006 EIR

The 2006 EIR stated that there are no officially designated scenic vistas in the City, but many natural features, such as the ocean and bay, provide open coastal views. Particular roadways are identified as providing public coastal views of significant vistas within the City's Local Coastal Program. State Route 1 (SR 1) is identified as "eligible" for State Scenic Highway designation, but the City would need to adopt a scenic corridor protection program and apply for scenic approval from the California Department of Transportation (Caltrans) to officially designate the highway. Because there are no designated State Scenic Highways in the City, the 2006 EIR found that implementation of the General Plan would have no impact. The 2006 EIR stated that the General Plan Update would provide development opportunities, which would complement and enhance the City's existing visual character. Therefore the 2006 EIR determined that the General Plan Update would have a less-than-significant impact on the visual character of developed urban areas. Regarding new sources of daytime glare, the 2006 EIR stated that glare could be produced

by the increased amount of surface area of proposed commercial and residential structures, which could reflect or concentrate sunlight and result in a potentially significant impact. However, Policy LU 5.5.2 would require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as the use of reflective surfaces that increase heat gain of adjoining buildings and ambient glare. Implementation of design features required by Policy 5.5.2, including the use of non-reflective textured surfaces on building exteriors, as well as avoidance of the use of reflective glass, would reduce impacts resulting from daytime glare from new development to a less-than-significant level. Regarding nighttime light, as implementation of the General Plan Update would primarily result in infill of vacant or underutilized parcels, as well as intensification and reuse of existing sites, the majority of new development would be located in areas that commonly experience at least minimal impacts from existing light sources. The 2006 EIR focused on the impacts to Banning Ranch and determined that development in Banning Ranch would result in significant and unavoidable impacts, but that nighttime light in other areas of the City, when following General Plan Update policies, would result in less than significant impacts.

## Mitigation Measures

No mitigation measures were required.

# 3.1.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **AESTHETICS –** Would the project: | | | | |
| a) Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☑ |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | ☑ |
| c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? | ☐ | ☐ | ☐ | ☑ |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☐ | ☑ |

## Existing Views and Visual Character

The Project site is currently developed with an existing tri-level hotel built in 1975, a swimming pool, outdoor landscaped areas, and a subterranean parking structure, and surface parking. Additionally, the Project site contains site improvements, including but not limited to, two

vehicle access points off Newport Center Drive. Landscaping and perimeter block walls are located on the western and southern boundaries of the Project site.

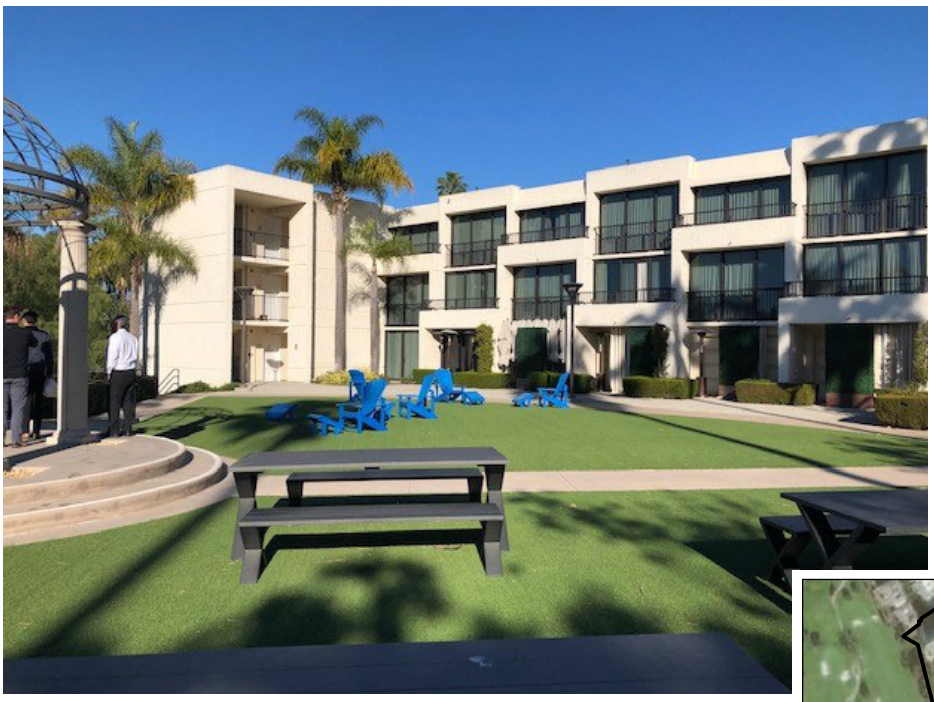
The existing visual character of the Project site is depicted in the site photographs provided on Exhibits 3.1-1a through 3.1-1c and are described below.

- **View 1** on Exhibit 3.1-1a, Site Photographs: Looking north toward the existing building to be demolished and replaced with the proposed hotel branded residences. This view shows a turf and seating area in the foreground and a domed pergola in the middle ground in the left of the photograph.
- **View 2** on Exhibit 3.1-1a, Site Photographs: Looking east toward the existing building to be demolished and replaced with the proposed residences. This view shows landscaping and turf in the foreground and middle ground and the courtyard of the existing building fenced off. The pool behind the fence is not visible.
- **View 3** on Exhibit 3.1-1b, Site Photographs: Looking west toward the adjacent golf course. This view shows the rooftops of the existing residential development in the middle ground and the golf course in the background. This view also shows the railing, in front of the hedge, that separates the VEA Newport Beach, A Marriott Resort and Spa from the adjacent property.
- **View 4** on Exhibit 3.1-1b, Site Photographs: Looking south/southwest toward the golf course. This view shows the existing building to be demolished in the foreground in the lower left of the photograph, and the rooftops of the existing residential development behind the building.
- **View 5** on Exhibit 3.1-1c, Site Photographs: Looking west toward the entrance to the VEA Newport Beach, A Marriott Resort and Spa. This view shows the entrance under construction/renovation and the existing hotel tower behind the entrance.
- **View 6** on Exhibit 3.1-1c, Site Photographs: Looking north toward the existing hotel tower that is currently under renovation. This view shows the existing building to be demolished in the foreground and the hotel tower behind it.

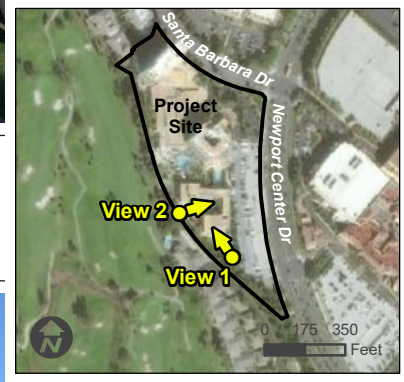
### *Would the Project:*

### *a) Have a substantial adverse effect on a scenic vista?*

**No Substantial Change from Previous Analysis.** The 2006 EIR states that there are no officially designated scenic vistas in the City, but many natural features, such as the ocean and bay, provide open coastal views. Particular roadways, including Newport Center Drive from Newport Center Drive East/West to Farallon Drive/Granville Drive, were identified as providing coastal views as significant vistas. This portion of Newport Center Drive is located 0.11-mile east of the Project site. However, the view from this roadway is intended to show views of the ocean to the southwest, and the Project site would not hinder this view, as the proposed residential structure would be northwest of this roadway and would not block coastal views. According to Caltrans List of Eligible and Officially Designated Scenic Highways, there are no Officially Designated State scenic highways in the City of Newport Beach. Portions of SR-1 are identified as "Eligible" for State Scenic Highway designation, including the segment of SR-1 located approximately 0.36-mile south of the Project site (Caltrans 2022). Due to intervening development and topography,



View 1




View 2

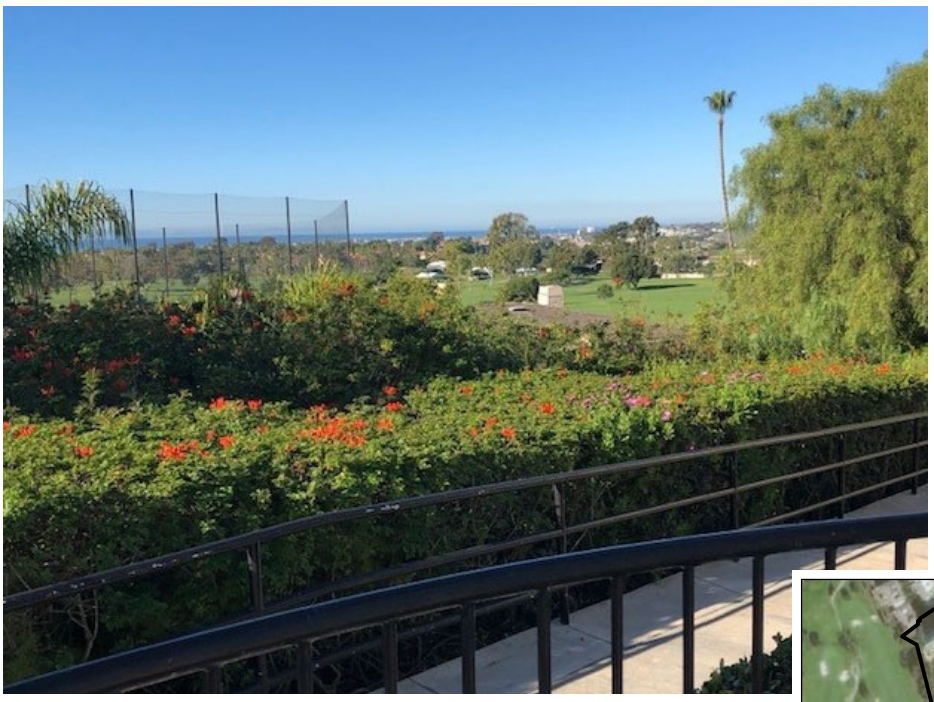
D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_SP1_20220426.ai

## Site Photographs

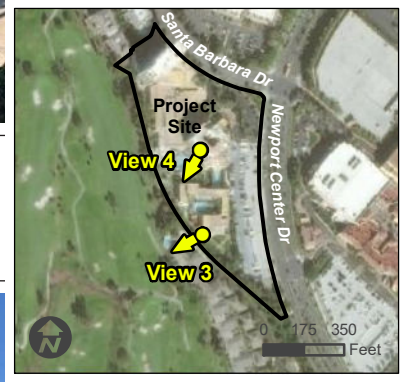
Exhibit 3.1-1a

*The Ritz-Carlton Residences Project*

PSOMAS



View 3




View 4

D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_SP2_20220426.ai

## Site Photographs

Exhibit 3.1-1b

*The Ritz-Carlton Residences Project*

PSOMAS

View 5


View 6

D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_SP3_20220426.ai

# Site Photographs

Exhibit 3.1-1c

*The Ritz-Carlton Residences Project*

PSOMAS

no portion of the Project site is visible from SR-1 under existing conditions. Under the proposed condition, given that the proposed building would be 22 stories tall, the upper floors of the proposed structure may be visible from portions of SR-1, in the viewshed looking north toward Newport Center/Fashion Island. However, it should be noted, as detailed below, the height of the residential tower would not exceed the height limit of 300 feet.

Because the Project site and its existing features are not currently visible from SR-1, the demolition and removal of existing features would have no effect on the viewshed of SR-1. When the Project is developed as proposed, the residential condominium structure would be a compatible height to other nearby structures in Newport Center and has no potential to damage scenic resources visible from SR-1. In addition to surrounding residential communities, the Project area is characterized by high- and mid-rise office buildings surrounding Fashion Island. The majority of the high-rise buildings are located in Blocks 400-600, with building heights exceeding 300 feet above ground level. The new building is proposed to be up to approximately 279 feet above ground level, with limited projections for rooftop appurtenances such as elevator overruns and screened mechanical equipment. The rooftop appurtenances would project to 295 feet in height, consistent with the existing high-rise height limitation zone, which allows building height of 300 feet. Further, because SR-1 is not an Officially Designated State scenic highway corridor, the Project would have no potential impact to scenic resources visible from a State scenic highway. Therefore, the Project would not create a new significant impact pertaining to scenic vistas that was not previously analyzed, and no new mitigation measures are required.

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

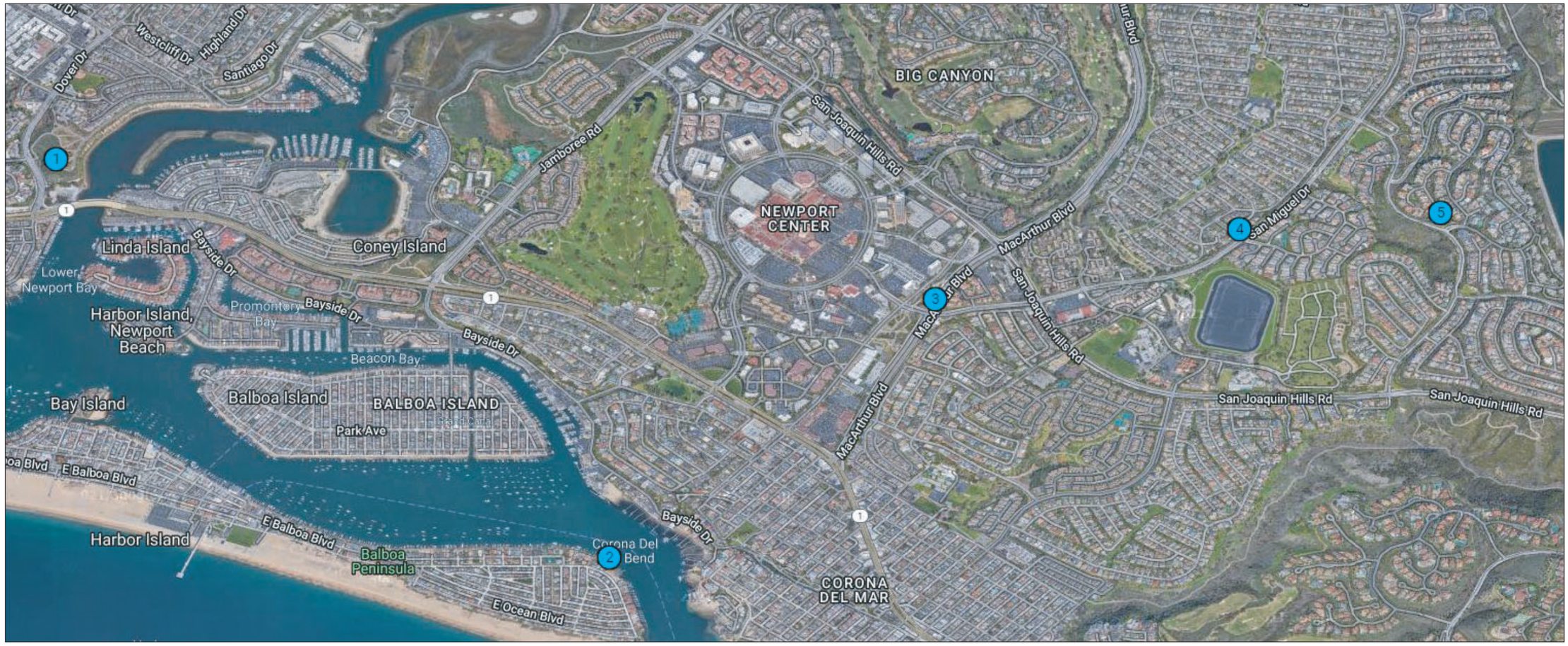
**No Substantial Change from Previous Analysis**. As detailed above, the 2006 EIR identified that there are no officially designated scenic highways within the City of Newport Beach or in surrounding nearby cities (Caltrans 2022). The nearest Eligible Scenic Highway is SR 1, which is designated as "Eligible for State Scenic Highway" designation and is located approximately 0.36-mile south of the Project site at its nearest point. The Project site is not currently visible from this portion of SR-1, due to intervening topography and structures. Under the proposed condition, given that the building would be 22 stories tall, the upper floors of the building may be visible from portions of SR-1, in the viewshed looking north toward Newport Center/Fashion Island. The rooftop appurtenances would project 295 feet in height, consistent with the existing high-rise height limitation zone, which allows building height of 300 feet. Further, because SR-1 is not an Officially Designated State scenic highway corridor, the Project would have no potential impact to scenic resources visible from a State scenic highway. As such, implementation of the proposed Project would not damage scenic resources within a State scenic highway. Additionally, there are no rock outcroppings, historic buildings, or any other scenic resources at the Project site. There are ornamental trees located in landscaped areas, but the trees are not considered scenic resources. Therefore, the Project would not create a new significant impact pertaining to scenic resources, including tees, rock outcroppings, and historic buildings within a state scenic highway. No impacts would occur, that was not previously analyzed, and no new mitigation measures are required.

***c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?***

**No Substantial Change from Previous Analysis.** The Project site is located within an urbanized area. As such, the potential impacts under this threshold are assessed based on whether the Project would conflict with applicable zoning and other regulations governing scenic quality. The Project uses would be consistent with the CV zoning designation, as detailed in Section 2.3, Planning Context, of this Addendum. Additionally, the 2006 EIR emphasizes that the General Plan Update would concentrate infill development and redevelopment in several specific subareas, including Newport Center/Fashion Island. For example, the General Plan Update states that high-density residential uses are proposed in the Newport Center/Fashion Island area. Specifically, in Newport Center/Fashion Island, Policy LU 6.14.4 would encourage some new development to be located and designed to orient to the inner side of Newport Center Drive, establishing physical and visual continuity that would diminish the dominance of surface parking lots and encourage pedestrian activity. Implementation of the proposed Project would represent a change to the existing visual character of the Project site. The Project would replace an existing building with high-density hotel branded residences and would remove the existing surface parking on-site to develop a parking structure and subterranean parking for the hotel branded residences. During grading and construction, construction equipment and activities would be visible from the immediately surrounding uses. This visual change would be temporary in nature and typical of construction sites in an urban environment; therefore, temporary impacts during construction would be less than significant.

To address visual changes associated with implementation of the proposed Project and to address the relationship between the proposed Project and the land uses surrounding the site, visual simulations were prepared to depict the views of the hotel branded residences tower post Project buildout, as shown on Exhibit 3.1-2a through 3.1-2c and described below:

- **View 1** on Exhibit 3.1-2a, Visual Simulations: Looking east from Castaway Park toward the Project site. The focal point in this view is Newport Bay. Surrounding land uses include residential uses. In the distance, the proposed residential tower can be seen along with a variety of mid- to high-rise buildings. Given that the height of the proposed tower would not exceed the height limit of 300 feet, and that it is against an existing hill, the proposed building does not stand out as a visual impact.
- **View 2** on Exhibit 3.1-2a, Visual Simulations: Looking north from the Balboa Peninsula toward the Project site. As shown, the Peninsula is surrounded by beach access and residential land uses. The proposed residential tower and other mid- to high-rise buildings are visible in the background. In this view, although the tower is more prominent, it is not the only high-rise building, and as such the proposed residential building does not create a visual impact.
- **View 3** on Exhibit 3.1-3b, Visual Simulations: Looking northwest from the intersection of San Miguel Drive and Avocado toward the Project site. This view shows some of the mid--rise commercial uses surrounding the Project site. Fashion Island retail shopping center can also be seen in this view. In this view the proposed residential tower is highly visible




1 View Location

Source: MVE + Partners, 2022

## Visual Simulations Key Map

Exhibit 3.1-2a

*The Ritz-Carlton Residences Project*

N W E S

PSOMAS

(04/26/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_VisSim.pdf

D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_VisSim_KeyMap_20220426.ai

View 1

View 2

Source: MVE + Partners, 2022

# Visual Simulations

Exhibit 3.1-2b

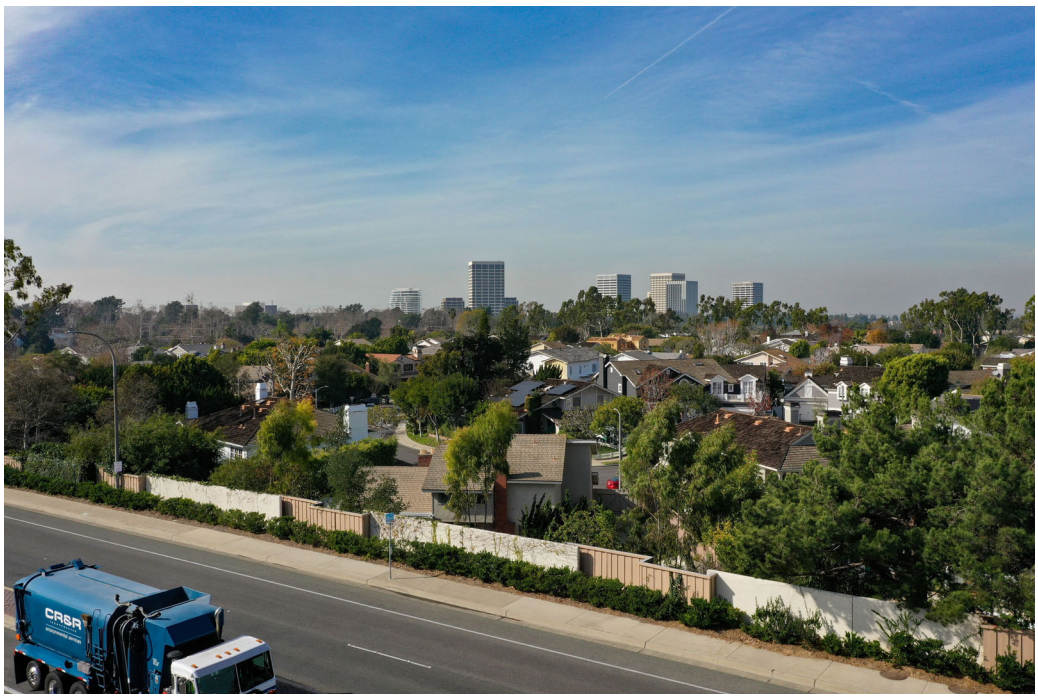
*The Ritz-Carlton Residences Project*

PSOMAS

(04/26/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_VisSim.pdf

D:\Projects\3NEW003300\GRAPHICS\Addendum\ex_VisSim_1_20220426.ai


View 3




View 4

Source: MVE + Partners, 2022

# Visual Simulations

Exhibit 3.1-2c

*The Ritz-Carlton Residences Project*

PSOMAS

(04/26/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_VisSim.pdf

D:\Projects\3NEW003300\GRAPHICS\Addendum\ex_VisSim_2_20220426.ai

View 5

Source: MVE + Partners, 2022

# Visual Simulations

Exhibit 3.1-2d

*The Ritz-Carlton Residences Project*

PSOMAS

(04/26/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_VisSim.pdf

D:\Projects\3NEW003300\GRAPHICS\Addendum\ex_VisSim_3_20220426.ai

in the absence of other high-rise buildings immediately surrounding it. However, given this view is visible by the motorists on these roadways, the view would be transient, as such no permanent visual impact would result.

- **View 4** on Exhibit 3.1-2b, Visual Simulations: Looking west from the intersection of San Miguel Drive and Yacht Coquette toward the Project site. Surrounding land uses include single-family residences. The view from this vantage point shows the proposed residential tower along with other mid- and high-rise buildings. The building does not appear as tall as others and does not create a visual impact.
- **View 5** on Exhibit 3.1-2c, Visual Simulations: Looking southwest from Spy Glass Hill Road toward the Project site. Views of the site from this vantage point are limited due to the distance and mature trees and vegetation. Residential and mid- to high-rise buildings can be seen in the distance, and the residential tower is partially visible from behind an existing mid-rise building. As such, the proposed Project does not create a visual impact.

While the proposed Project would alter the existing visual character of the Project site and views from surrounding vantage points, this change would not be considered a substantial degradation of the Project site or its surroundings, as discussed above. This change includes the introduction of a 22-story tower, which would be visually compatible with the existing uses in the surrounding area, especially given that the height of the structure would not exceed the high-rise height limitation zone. In addition to several residential communities, the Project area is characterized by high- and mid-rise office buildings surrounding Fashion Island. The majority of the high-rise buildings are located in Blocks 400-600, with building heights exceeding 300 feet above ground level. The new building is proposed to be up to approximately 279 feet above ground level, with limited projections for rooftop appurtenances such as elevator overruns and screened mechanical equipment. The rooftop appurtenances would project to 295 feet in height, consistent with the existing high-rise height limitation zone, which allows building height of 300 feet. Additionally, the proposed structure would be aesthetically compatible with existing surrounding uses by complying with applicable regulations governing scenic quality. Therefore, the Project would not create a new significant impact pertaining to visual character or public views of the site that was not previously analyzed, and no new mitigation measures are required.

### *Shade and Shadow Analysis*

The City of Newport Beach does not have standards, regulations, or ordinances governing shading of adjacent properties applicable to this area. Shade and shadow in urban settings is a common phenomenon where differences in building height occur among structures in adjacent or nearby development. Taller buildings have the potential to cast shadow on adjacent land uses; and, depending on the circumstances and duration of this shading, the effect may be regarded as adverse. A shade and shadow analysis was conducted for the proposed Project to determine if shadow-sensitive uses surrounding the proposed building would be impacted by shade or shadow effects. The computer-generated shade and shadow simulations were prepared by inputting building height, setbacks, geographic location, orientation, day of year, and time of day. Calculation and interpretation of this information provide the location of the sun over the earth, producing an accurate angle of the sun and the resulting shadows. The shade and shadow analysis represents Midsummer Solstice, Midwinter Solstice, Spring Equinox, and Autumn Equinox in the 2022 calendar year. The Midsummer Solstice, Spring Equinox, and Autumn Equinox all fall in Pacific Daylight time and represent the proposed Project's shadows from 9

a.m. to 5 p.m. The Midwinter Solstice falls in Pacific Standard Time (PST) and represents the proposed Project's shadows from 9 a.m. to 3 p.m. Exhibit 3.1-3a through Exhibit 3.1-3d depict the results of the shade and shadow analysis.

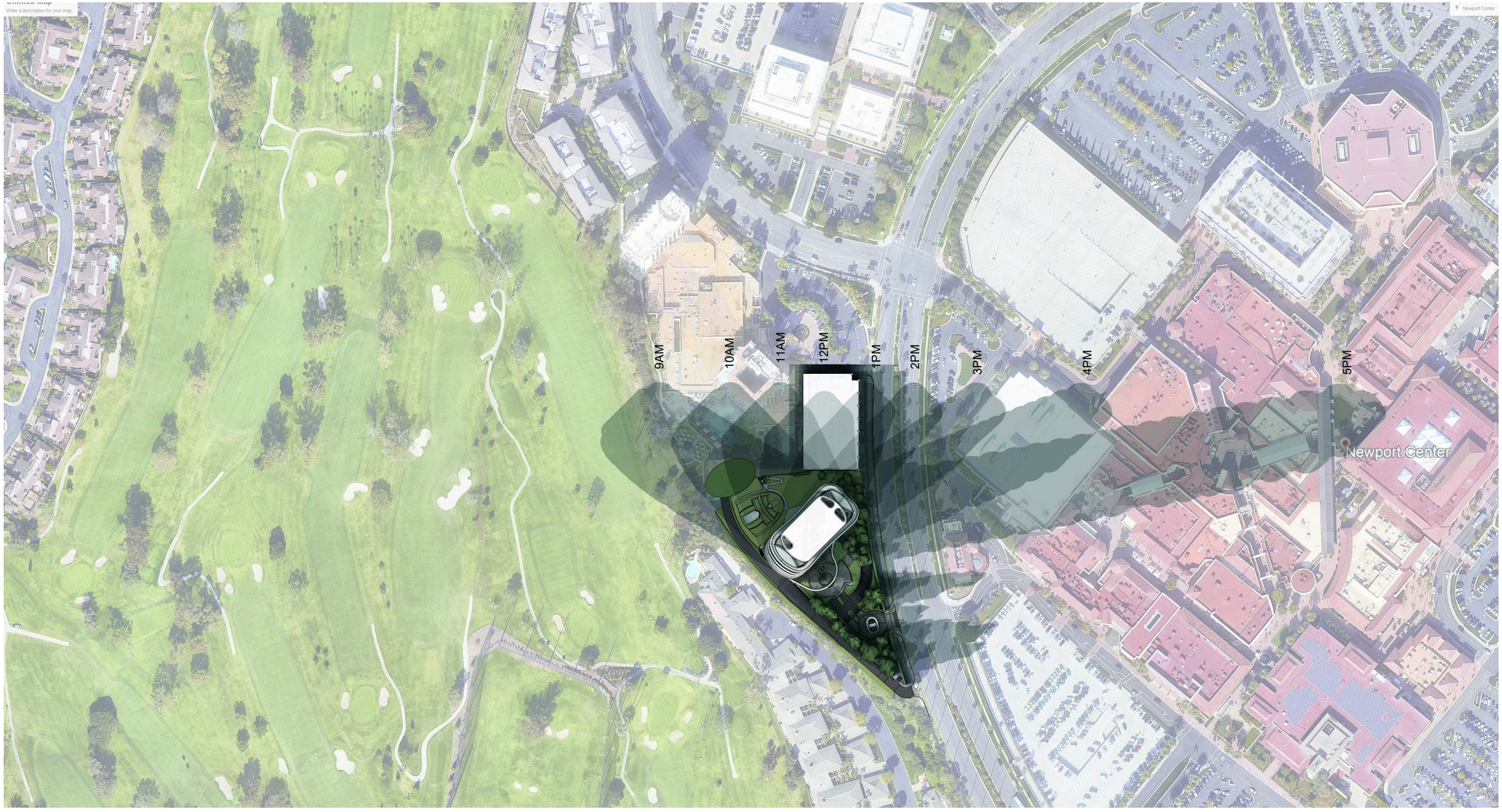
By analyzing the shade and shadow effects at multiple times of day, the Earth's rotation around the sun is illustrated. For example, during early morning hours (sunrise), the sun is positioned low in the sky and casts longer shadows. As the day progresses, shadow lengths become shorter as the sun approaches its highest point in the sky around midday (noon). From this point in the day, the sun's position in the sky becomes progressively lower, and the corresponding shadows become longer until the sun disappears beyond the horizon at sunset. As a rule, the longest shadows are cast during the winter months (morning and afternoon hours); and the shortest shadows are cast during the summer months (noon hour). Based on review of existing uses surrounding the Project site, the only shadow-sensitive uses appear to be the Granville condominium community (on Granville Drive, south of the Project site) and the Meridian condominium complex (at 1001 Santa Barbara Drive, northwest of the Project site).

The proposed Project would cast shadow on the garage portion of one residence at the Grandville community at 9 a.m. during Midsummer Solstice (June 21), and at over some residences at the Meridian condominium complex at 9 a.m. during Midwinter Solstice (December 21), as shown in Exhibit 3.1-3b and 3.1-3d, respectively. By 10 a.m., the shadows would not cover these residences. This less than 1-hour shadow is under the 3-hour requirement set forth in the North Newport Center Planned Community Development Plan (Newport Beach 2015). Due to the short duration of anticipated shadows on off-site properties, the proposed Project would result in less than significant shade and shadow impacts, and no mitigation is required. Therefore, the Project would not create a new significant impact pertaining to visual character or public views of the site and the shade and shadow effect that were not previously analyzed, and no new mitigation measures are required.

### *d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

**No Substantial Change from Previous Analysis**. The Project site is located in an area that is already subject to ambient lighting from existing and surrounding uses. The site is developed with hotel uses, and the larger area is currently developed with retail, commercial office, residential (condominium), entertainment, and restaurant uses. Existing sources of light include streetlights, vehicle headlights, and interior and exterior lighting from existing buildings on site as well surrounding uses. Consistent with existing conditions in the vicinity, the proposed Project would include new exterior light sources that would generate light at levels sufficient for safety and visibility. Additionally, the Project would comply with Municipal Code Chapter 20.30.070 "Outdoor Lighting" which requires light to be shielded and confined within the site boundaries to prevent spillage. Since the Project site and surrounding areas are largely developed, the lighting associated with the proposed Project would not substantially increase light and glare within the site or surroundings. With compliance with General Plan policies and Municipal Code 20.30.070 potential impacts would be less than significant. Additionally, regarding glare, the proposed structure would be constructed with non-reflective materials and textured surface on the exteriors in compliance with General Plan Policy LU 5.6.2. Therefore, the Project would not create a new significant impact pertaining to daytime or nighttime lighting and glare that were not previously analyzed, and no new mitigation measures are required.

## MARCH 20 - SPRING EQUINOX (PACIFIC DAYLIGHT TIME 9AM-5PM)




Source: MVE + Partners, 2022

# Shade and Shadow Analysis

Exhibit 3.1-3a

*The Ritz-Carlton Residences Project*

N
W E
S

PSOMAS

(03/09/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_ShadeShadow_1_Spring.pdf

D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_ShadeShadow_1_Spring_20220309.ai

## JUNE 21 - MIDSUMMER SOLSTICE (PACIFIC DAYLIGHT TIME 9AM-5PM)


Source: MVE + Partners, 2022

Shade and Shadow Analysis

Exhibit 3.1-3b

*The Ritz-Carlton Residences Project*

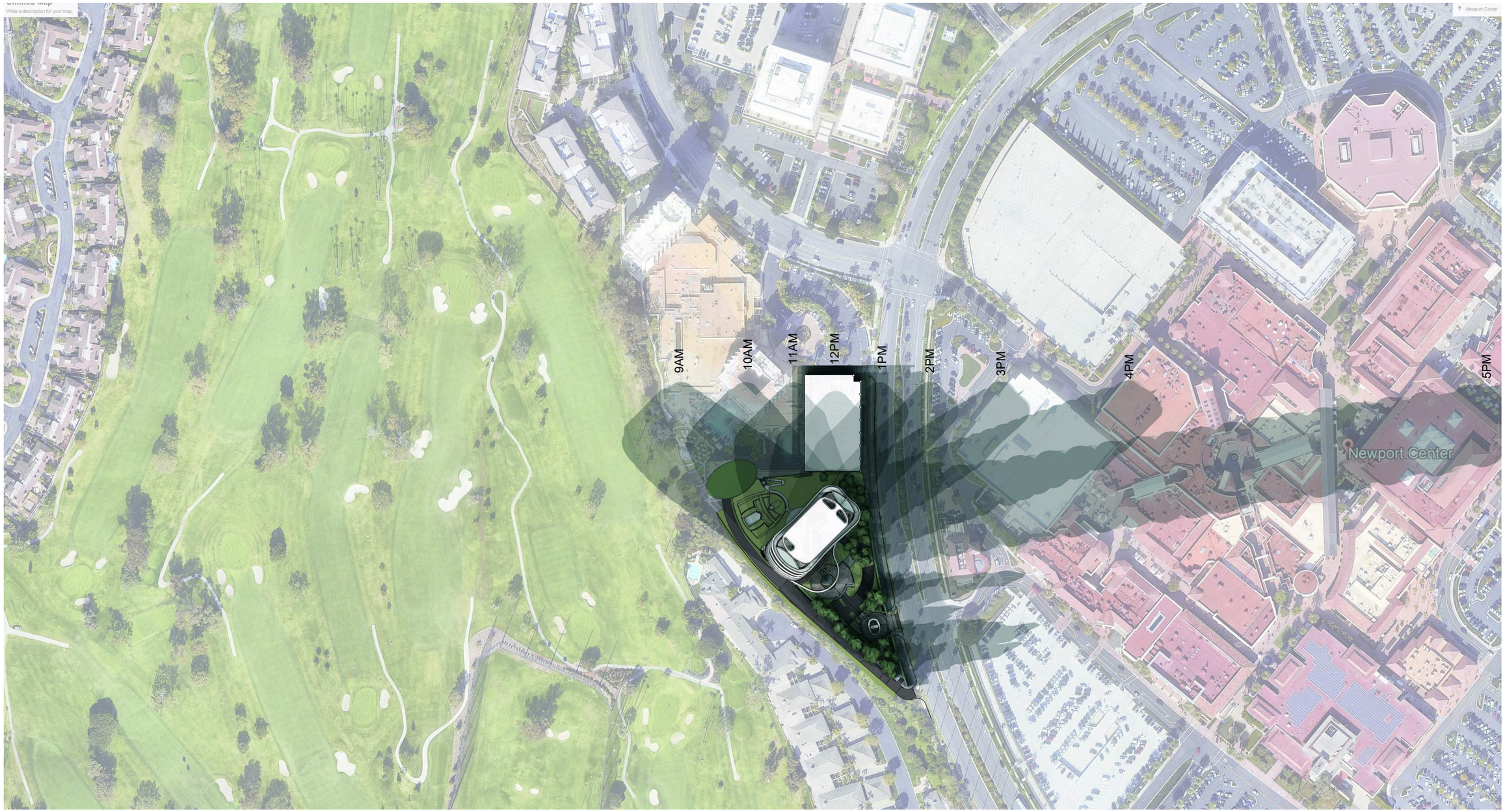
N
W
E
S

PSOMAS

(03/09/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_ShadeShadow_2_MidSummer.pdf

D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_ShadeShadow_2_MidSummer_20220309.ai

## SEPTEMBER 22 - AUTUMN EQUINOX (PACIFIC DAYLIGHT TIME 9AM-5PM)




Source: MVE + Partners, 2022

# Shade and Shadow Analysis

Exhibit 3.1-3c

*The Ritz-Carlton Residences Project*

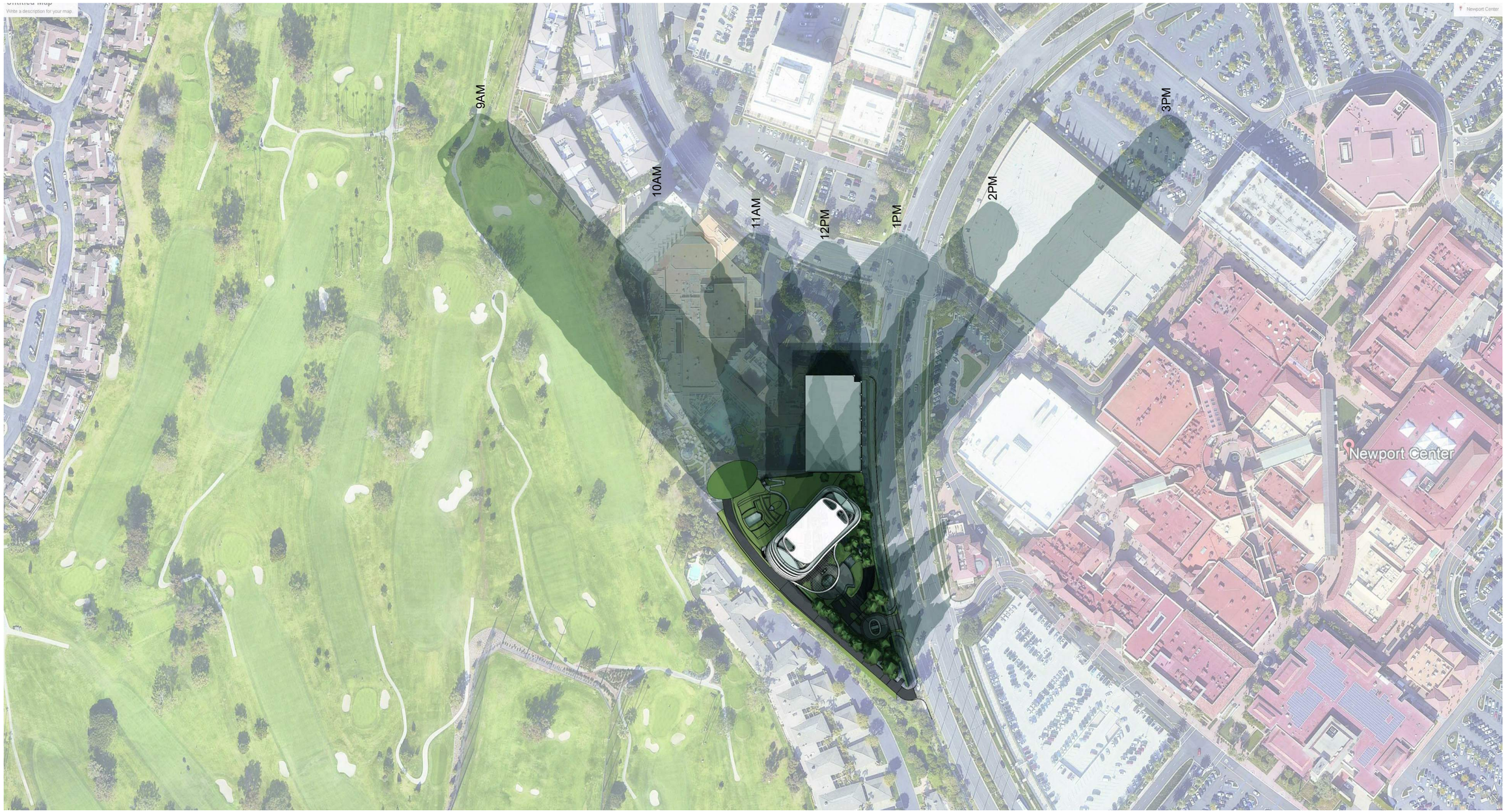
N
W E
S

PSOMAS

(03/09/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_ShadeShadow_3_Autumn.pdf

D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_ShadeShadow_3_Autumn_20220309.ai

## DECEMBER 21 - MIDWINTER SOLSTICE (PACIFIC STANDARD TIME 9AM-3PM)




Source: MVE + Partners, 2022

# Shade and Shadow Analysis

Exhibit 3.1-3d

*The Ritz-Carlton Residences Project*

N
W E
S

PSOMAS

(03/09/2022 MMD) R:\Projects\NEW\3NEW003300 - Ritz-Carlton Residences\Graphics\Addendum\ex_ShadeShadow_4_MidWinter.pdf

D:\Projects\3NEW\003300\GRAPHICS\Addendum\ex_ShadeShadow_4_MidWinter_20220309.ai

## Conclusion

The aesthetics impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the aesthetics analysis provided in the 2006 EIR are required.

# 3.2 AGRICULTURE AND FORESTRY RESOURCES

## 3.2.1 2006 EIR

The 2006 EIR identified that the topic of Agricultural Resources was focused out because the City contains no designated farmland by the California Department of Conservation, Farmland Mapping Program, no land designated Farmland would be converted to non-agricultural use as a result of implementation of the 2006 General Plan Update; no sites in the City are zoned for agricultural use; and no sites would be affected by a Williamson Act contract. Therefore, as detailed in the Initial Study (Appendix A of the 2006 EIR), the General Plan Update would result in no impacts pertaining to agriculture resources.

## 3.2.2 MITIGATION MEASURES

No mitigation measures were required.

## 3.2.3 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **AGRICULTURE AND FORESTRY RESOURCES –** 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? | ☐ | ☐ | ☐ | ☑ |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | ☐ | ☐ | ☐ | ☑ |
| 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])? | ☐ | ☐ | ☐ | ☑ |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | ☐ | ☐ | ☐ | ☑ |
| 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? | ☐ | ☐ | ☐ | ☑ |

***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 Substantial Change from Previous Analysis.** The 2006 EIR determined that there would be no impacts related to conversion of Farmland with implementation of the 2006 General Plan Update. Consistent with the findings of the 2006 EIR, there are no designated Farmlands within or near the Project site. No farmland conversion or impacts to agricultural uses would occur with implementation of the proposed Project. The Project would not create a new significant impact on agricultural resources, and no new mitigation measures are required.

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

**No Substantial Change from Previous Analysis.** The 2006 EIR determined that there would be no impact related to conflict with existing zoning for agricultural use or a Williamson Act contract with implementation of the 2006 General Plan Update. Consistent with the findings of the 2006 EIR, there are no agricultural activities within or near the Project site. Also, the Project area is not zoned for agricultural use, and there are no Williamson Act Contracts. No impacts to agricultural uses would occur with implementation of the proposed Project. The proposed Project would not create a new significant impact on agricultural resources, and no new mitigation measures are required.

***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 Substantial Change from Previous Analysis.** At the time of approval of the 2006 EIR, rezoning of forest land, timberland, or timberland zoned Timberland Production was not a CEQA Appendix G threshold question. However, no forest land occurs on the site or within the area, and no rezoning of forest land or timberland zoned Timberland Production is proposed as part of the Project. The proposed Project would not create a new significant impact on forest land, and no new mitigation measures are required.

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

**No Substantial Change from Previous Analysis.** At the time of approval of the 2006 EIR, loss of forest land or conversion of forest land to non-forest use was not a CEQA Appendix G threshold question. However, no loss of forest land or conversion of forest land to non-forest use is proposed as part of the Project. The proposed Project would not create a new significant impact on forest land, and no new mitigation measures are required.

***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 Substantial Change from Previous Analysis.** Consistent with the findings of the 2006 EIR, no conversion of Farmland to a non-agricultural use is proposed as part of the Project. Additionally, there would be no conversion of forest land to a non-forest use with the proposed Project. Therefore, the proposed Project would not create a new significant impact on conversion of Farmland or forest land, and no new mitigation measures are required.

## Conclusion

The agriculture and forestry resources impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no substantial changes to the agriculture and forestry resources analysis provided in the 2006 EIR are required.

# 3.3 AIR QUALITY

An Air Quality and Greenhouse Gas Analysis technical report has been prepared for the Project, titled "Air Quality and Greenhouse Gas Analysis—Ritz-Carlton Residences Project, Newport Beach, Orange County, California". The report was prepared by LSA in February 2022 (LSA 2022a); is included in Appendix A, Air Quality and Greenhouse Gas Emissions Technical Report, of this Addendum; and is summarized in this analysis.

## 3.3.1 2006 EIR

The 2006 EIR referenced the South Coast Air Quality Management District's (SCAQMD's) 2003 Air Quality Management Plan (AQMP) to determine if implementation of the General Plan would conflict with or obstruct implementation of an applicable air quality plan. The 2006 EIR found that the General Plan would be consistent with the 2003 AQMP goal to reduce vehicle miles traveled (VMT); however, the 2006 EIR concluded that since the AQMP growth projections are based on Southern California Association of Government (SCAG) population levels, the increase in population growth associated with the General Plan would not have been accounted for in the AQMP. As such, the 2006 EIR found that implementation of the General Plan would not be consistent with the AQMP. As such, the 2006 EIR identified this inconsistency as a significant and unavoidable impact (LSA 2022a).

As discussed in the 2006 EIR, implementation of the General Plan would result in new emissions generated by construction activities. The 2006 EIR determined that some projects that would be implemented under the General Plan could individually exceed the SCAQMD thresholds and that the total amount of construction assumed in the General Plan could also exceed the SCAQMD's thresholds of significance. The 2006 EIR identified General Plan Policies NR 8.1 through NR 8.5 to reduce air pollutant emissions from construction activities, which call for the maintenance of construction equipment, the use of non-polluting and non-toxic building equipment, and minimizing fugitive dust. However, the 2006 EIR found that the impact would remain significant and unavoidable (LSA 2022a).

In addition, the 2006 EIR determined that the General Plan Update may not meet the performance standard for annual emissions reductions and could result in a cumulatively considerable net increase of one or more criteria pollutants for which the Project region is in nonattainment under an applicable federal or State ambient air quality standard, and this impact would be significant and unavoidable. Motor vehicles, and traffic-congested roadways and intersections are the primary source of high localized CO concentrations. Localized areas where ambient concentrations exceed federal and/or State standards for CO are termed CO "hotspots." Based on the General Plan-related traffic, the 2006 EIR determined that implementation of the General Plan Update would not expose existing or future sensitive uses within the City to substantial CO concentrations (LSA 2022a). This impact was found to be less than significant.

The 2006 EIR determined that when evaluating potential air quality impacts to sensitive receptors, the SCAQMD is primarily concerned with high localized concentrations of CO. As discussed above, the 2006 EIR determined that implementation of the General Plan would not expose existing or future sensitive uses within the City to substantial CO concentrations. This impact was found to be less than significant. Consumer products and diesel particulate matter (DPM) and other sources of Toxic Air Contaminants (TACs) were not addressed at the General Plan Level (LSA 2022a).

The 2006 EIR concluded that construction-related odors are limited to the number of people living and working nearby the source, and due to the temporary nature of such odors, impacts were considered less than significant. In addition, the 2006 EIR found that trash receptacles would be stored in areas and in containers, as required by City and Health Department regulations, and would be emptied on a regular basis, before potentially substantial odors have a chance to develop (LSA 2022a). As such, the 2006 EIR found that General Plan implementation would not create objectionable odors affecting a substantial number of people within the City, and potential impacts would be less than significant.

The 2006 EIR found that growth under the General Plan is inconsistent with growth under the 2003 AQMP; therefore, the impact of the General Plan is cumulatively considerable. This was considered a significant impact. In addition, the 2006 EIR determined that the General Plan Update would have the potential to contribute to a cumulatively considerable net increase of a criteria as the contribution of daily construction and operational emissions from the proposed project could be cumulatively considerable. This cumulative impact was considered to be significant. The 2006 EIR also found that cumulative development is not expected to expose sensitive receptors to substantial pollutant concentrations. Therefore, the Project's contribution to the impact was considered less than cumulatively considerable, and the cumulative impact would be less than significant. Lastly, the General Plan EIR determined that cumulative development would not have a potentially significant impact in terms of the creation of objectionable odors affecting a substantial number of people. Cumulative odor impacts would thus be less than significant (LSA 2022a).

## Mitigation Measures

No mitigation measures were required.

# 3.3.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **AIR QUALITY** – Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project: | | | | |
| a) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☑ |
| b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. | ☐ | ☐ | ☐ | ☑ |
| c) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☐ | ☑ |
| d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? | ☐ | ☐ | ☐ | ☑ |

## Air Quality Background

The SCAQMD has established quantitative thresholds for short-term (construction) emissions and long-term (operational) emissions for the following criteria pollutants: ozone, carbon monoxide, nitrogen oxides, sulfur dioxide, and particulate matter 10 and 2.5 microns. The characteristics and health effects of these criteria pollutants are described below:

- Ozone ($O_3$) is a nearly colorless gas that is formed by photochemical reaction (when nitrogen dioxide is broken down by sunlight). Ground-level $O_3$ exposure can cause a variety of health problems, including lung irritation, wheezing, coughing, pain when taking a deep breath, and breathing difficulties during exercise or outdoor activities; permanent lung damage; aggravated asthma; and increased susceptibility to respiratory illnesses.
- Carbon monoxide (CO) is a colorless and odorless toxic gas which, in the urban environment, is associated primarily with the incomplete combustion of fossil fuels in motor vehicles. CO combines with hemoglobin in the bloodstream and reduces the amount of oxygen that can be circulated through the body. High CO concentrations can lead to headaches, aggravation of cardiovascular disease, and impairment of central nervous system functions.
- Nitrogen oxides (NOx) are yellowish-brown gases, which at high levels can cause breathing difficulties. NOx are formed when nitric oxide (NO—a pollutant from internal combustion processes) combines with oxygen.
- Sulfur dioxide ($SO_2$) is a colorless, pungent gas formed primarily by the combustion of sulfur-containing fossil fuels. Health effects include acute respiratory symptoms and difficulty in breathing for children.
- Particulate Matter 10 (PM10) and Particulate Matter 2.5 (PM2.5) refer to particulate matter less than ten microns and two and one-half microns in diameter, respectively. Particulates of this size cause a greater health risk than larger-sized particles since fine particles can more easily cause irritation. Particulate matter includes both aerosols and solid particles. An example of particulate matter is fugitive dust. Short-term exposure to high PM2.5 levels is associated with premature mortality and increased hospital admissions and emergency room visits. Long-term exposure to high PM2.5 levels is associated with premature mortality and development of chronic respiratory disease. Short-term exposure to high PM10 levels is associated with hospital admissions for cardiopulmonary diseases, increased respiratory symptoms, and possible premature mortality.
- Lead. Leaded gasoline (phased out in the United States beginning in 1973), paint (on older houses and cars), smelters (metal refineries), and the manufacture of lead storage batteries have been the primary sources of lead released into the atmosphere. Lead has multiple adverse neurotoxic health effects, and children are at special risk. Some lead-containing chemicals cause cancer in animals. Lead levels in the air have decreased substantially since leaded gasoline was eliminated. Ambient lead concentrations are only monitored on an as-warranted, site-specific basis in California. On October 15, 2008, the United States Environmental Protection Agency (USEPA) strengthened the national ambient air quality standard for lead by lowering it from 1.5 to 0.15 micrograms per cubic meter ($\mu g/m^3$). The USEPA revised the monitoring requirements for lead in December

2010. These requirements focus on airports and large urban areas, resulting in an increase in 76 monitors nationally (LSA 2022a).

- Volatile Organic Compounds (VOCs) (also known as reactive organic gases [ROGs] and reactive organic compounds [ROCs]) are formed from the combustion of fuels and the evaporation of organic solvents. VOCs are not defined as criteria pollutants, however, because VOCs accumulate in the atmosphere more quickly during the winter, when sunlight is limited and photochemical reactions are slower, they are a prime component of the photochemical smog reaction. There are no attainment designations for VOCs (LSA 2022a).
- Toxic Air Contaminants (TACs). In addition to the criteria pollutants discussed above, TACs are another group of pollutants of concern. TACs are injurious in small quantities and are regulated by the USEPA and California Air Resources Board (CARB). Some examples of TACs include benzene, butadiene, formaldehyde, and hydrogen sulfide. The identification, regulation, and monitoring of TACs is relatively recent compared to that for criteria pollutants. TACs do not have ambient air quality standards, but are regulated by the USEPA, CARB, and the SCAQMD. In 1998, CARB identified particulate matter from diesel-fueled engines as a TAC. CARB has completed a risk management process that identified potential cancer risks for a range of activities using diesel-fueled engines. High-volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic (e.g., distribution centers and truck stops) were identified as posing the highest risk to adjacent receptors. Other facilities associated with increased risk include warehouse distribution centers, large retail or industrial facilities, high-volume transit centers, and schools with a high volume of bus traffic. Health risks from TACs are a function of both concentration and duration of exposure. Unlike TACs emitted from industrial and other stationary sources noted above, most DPM is emitted from mobile sources—primarily "off-road" sources such as construction and mining equipment, agricultural equipment, and truck-mounted refrigeration units, as well as "on-road" sources such as trucks and buses traveling on freeways and local roadways. Although not specifically monitored, recent studies indicate that exposure to DPM may contribute significantly to a cancer risk (a risk of approximately 500 to 700 in 1,000,000) that is greater than all other measured TACs combined. The technology for reducing DPM emissions from heavy-duty trucks is well established, and both State and federal agencies are moving aggressively to regulate engines and emission control systems to reduce and remediate diesel emissions. The CARB anticipated that by 2020, average statewide DPM concentrations will decrease by 85 percent from levels in 2000 with full implementation of the CARB's Diesel Risk Reduction Plan, meaning that the statewide health risk from DPM is expected to decrease from 540 cancer cases in 1,000,000 to 21.5 cancer cases in 1,000,000. The CARB 2000 Diesel Risk Reduction Plan is still the most recent version and has not been updated (LSA 2022a).

The SCAQMD regulates air quality in the Orange County and is the agency principally responsible for comprehensive air pollution control in the South Coast Air Basin (SoCAB). The SCAQMD develops rules and regulations, establishes permitting requirements for stationary sources, inspects emissions sources, and enforces such measures through educational programs or fines, when necessary. The SCAQMD is directly responsible for reducing emissions from stationary (area and point), mobile, and indirect sources. It has responded to this requirement by preparing a sequence of AQMPs.

The SCAQMD adopted the 2016 AQMP on March 3, 2017 (SCAQMD 2017). The 2016 AQMP incorporates the latest scientific and technical information and planning assumptions, including SCAG's 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), updated emission inventory methodologies for various source categories, and SCAG's latest growth forecasts.

The two principal criteria for conformance to an AQMP are:

1. Whether a project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay timely attainment of air quality standards or the interim emissions reductions in the AQMP.
2. Whether a project will exceed the assumptions in the AQMP based on the year of project buildout.

To estimate if a project may adversely affect the air quality in the region, the SCAQMD has prepared the *Air Quality Analysis Guidance Handbook* (SCAQMD CEQA Handbook) to provide guidance to those who analyze the air quality impacts of projects (SCAQMD 1993). The SCAQMD CEQA Handbook provides significance thresholds for both construction and operation of projects within the SCAQMD's jurisdictional boundaries. The SCAQMD recommends that projects be evaluated in terms of the quantitative thresholds established to assess both the regional and localized impacts of project-related air pollutant emissions. The SCAQMD CEQA Handbook states that any project in the SoCAB with daily emissions that exceed any of the identified significance thresholds may have an individually and cumulatively significant air quality impact. The SCAQMD thresholds are identified in Table 3-1, South Coast Air Quality Management District Air Quality Significance Thresholds.

**TABLE 3-1**
**SOUTH COAST AIR QUALITY MANAGEMENT**
**DISTRICT AIR QUALITY SIGNIFICANCE THRESHOLDS**

| Mass Daily Thresholds (lbs/day) | | |
|---|---|---|
| **Pollutant** | **Construction** | **Operation** |
| VOC | 75 | 55 |
| NOx | 100 | 55 |
| CO | 550 | 550 |
| PM10 | 150 | 150 |
| PM2.5 | 55 | 55 |
| SOx | 150 | 150 |
| Lead | 3 | 3 |

lbs/day: pounds per day; VOC: volatile organic compound; NOx: nitrogen oxides; CO: carbon monoxide; PM10: respirable particulate matter 10 microns or less in diameter; PM2.5: fine particulate matter 2.5 microns or less in diameter; SOx: sulfur oxides.

Source: SCAQMD 2019.

## *Regulatory Background*

The U.S. Environmental Protection Agency (USEPA) defines seven "criteria" air pollutants, as described above. These pollutants are called criteria pollutants because the USEPA has established National Ambient Air Quality Standards (NAAQS) for the concentrations of these pollutants (USEPA 2014). The CARB has also established standards for the criteria pollutants, known as California Ambient Air Quality Standards (CAAQS), and the State standards are generally more restrictive than the NAAQS. When a region has air quality that fails to meet the standards, the USEPA and the CARB designate the region as "nonattainment", and the regional air quality agency must develop plans to attain the standards.

Based on monitored air pollutant concentrations, the USEPA and the CARB designate an area's status in attaining the NAAQS and the CAAQS, respectively, for selected criteria pollutants. These attainment designations are shown in Table 3-2, Attainment Status of Criteria Pollutants in the South Coast Air Basin. As identified in Table 3-2, Orange County is a nonattainment area for $O_3$, PM10, and PM2.5.

**TABLE 3-2**
**ATTAINMENT STATUS OF CRITERIA POLLUTANTS**
**IN THE SOUTH COAST AIR BASIN**

| Pollutant | State | Federal |
|---|---|---|
| $O_3$ (1 hour) | Nonattainment | No standards |
| $O_3$ (8 hour) | Nonattainment | Nonattainment |
| PM10 | Nonattainment | Attainment/Maintenance |
| PM2.5 | Nonattainment | Nonattainment |
| CO | Attainment | Unclassified/Attainment |
| $NO_2$ | Attainment | Unclassified/Attainment |
| $SO_2$ | Attainment | Attainment |
| Lead | Attainment | Attainment/Nonattainment* |
| All others | Attainment/Unclassified | No standards |

$O_3$: ozone; PM2.5: respirable particulate matter 10 microns or less in diameter; PM2.5: fine particulate matter 2.5 microns or less in diameter; CO: carbon monoxide; $NO_2$: nitrogen dioxide; $SO_2$: sulfur dioxide; SoCAB: South Coast Air Basin.

* Los Angeles County is classified nonattainment for lead; the remainder of the SoCAB is in attainment of the State and federal standards.

Source: CARB 2019 (State), CARB 2018 (federal).

CARB, a part of the California Environmental Protection Agency (CalEPA), is responsible for coordinating and administering both the federal and State air pollution control programs in California. In this capacity, CARB conducts research, sets the CAAQS (as shown in Table 3-3, California and Federal Ambient Air Quality Standards), compiles emission inventories, develops suggested control measures, oversees local programs, and prepares the State Implementation Plan (SIP). For regions that do not attain the CAAQS, CARB requires the air districts to prepare plans for attaining the standards. These plans are then integrated into the SIP. CARB establishes emissions standards for (1) motor vehicles sold in California, (2) consumer products (e.g., hair

spray, aerosol paints, barbecue lighter fluid), and (3) various types of commercial equipment. It also sets fuel specifications to further reduce vehicular emissions.

Ozone ($O_3$) is a secondary pollutant and is created when NOx and VOCs react in the presence of sunlight. The predominant source of air emissions generated by Project development would be from vehicle emissions. Motor vehicles primarily emit CO, NOx, and VOCs. The NAAQS and CAAQS are designed to protect the health and welfare of the populace within a reasonable margin of safety. The NAAQS and CAAQS for $O_3$, CO, $NO_2$, $SO_2$, PM10, PM2.5, and lead are shown in Table 3-3.

**TABLE 3-3**
**CALIFORNIA AND FEDERAL AMBIENT AIR QUALITY STANDARDS**

| Pollutant | Averaging Time | California Standards | Federal Standards | |
|---|---|---|---|---|
| | | | Primary[a] | Secondary[b] |
| $O_3$ | 1 Hour | 0.09 ppm (180 µg/m³) | – | – |
| | 8 Hour | 0.070 ppm (137 µg/m³) | 0.070 ppm (137 µg/m³) | Same as Primary |
| PM10 | 24 Hour | 50 µg/m³ | 150 µg/m³ | Same as Primary |
| | AAM | 20 µg/m³ | – | Same as Primary |
| PM2.5 | 24 Hour | – | 35 µg/m³ | Same as Primary |
| | AAM | 12 µg/m³ | 12.0 µg/m³ | 15.0 µg/m³ |
| CO | 1 Hour | 20 ppm (23 mg/m³) | 35 ppm (40 mg/m³) | – |
| | 8 Hour | 9.0 ppm (10 mg/m³) | 9 ppm (10 mg/m³) | – |
| | 8 Hour (Lake Tahoe) | 6 ppm (7 mg/m³) | – | – |
| $NO_2$ | AAM | 0.030 ppm (57 µg/m³) | 0.053 ppm (100 µg/m³) | Same as Primary |
| | 1 Hour | 0.18 ppm (339 µg/m³) | 0.100 ppm (188 µg/m³) | – |
| $SO_2$ | 24 Hour | 0.04 ppm (105 µg/m³) | – | – |
| | 3 Hour | – | – | 0.5 ppm (1,300 µg/m³) |
| | 1 Hour | 0.25 ppm (655 µg/m³) | 0.075 ppm (196 µg/m³) | – |
| Lead | 30-day Avg. | 1.5 µg/m³ | – | – |
| | Calendar Quarter | – | 1.5 µg/m³ | Same as Primary |
| | Rolling 3-month Avg. | – | 0.15 µg/m³ | |
| Visibility Reducing Particles | 8 Hour | Extinction coefficient of 0.23 per km – visibility ≥ 10 miles (0.07 per km – ≥30 miles for Lake Tahoe) | **No Federal Standards** | |
| Sulfates | 24 Hour | 25 µg/m³ | | |
| Hydrogen Sulfide | 1 Hour | 0.03 ppm (42 µg/m³) | | |
| Vinyl Chloride | 24 Hour | 0.01 ppm (26 µg/m³) | | |

$O_3$: ozone; ppm: parts per million; µg/m³: micrograms per cubic meter; PM10: respirable particulate matter 10 microns or less in diameter; AAM: Annual Arithmetic Mean; –: No Standard; $PM_{2.5}$: fine particulate matter 2.5 microns or less in diameter; CO: carbon monoxide; mg/m³: milligrams per cubic meter; $NO_2$: nitrogen dioxide; $SO_2$: sulfur dioxide; km: kilometer.

[a] *National Primary Standards:* The levels of air quality necessary, within an adequate margin of safety, to protect the public health.

[b] *National Secondary Standards:* The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.

Note: More detailed information in the data presented in this table can be found at the CARB website (www.arb.ca.gov).

Source: SCAQMD 2016.

***Would the Project:***

***a) Conflict with or obstruct implementation of the applicable air quality plan?***

**No Substantial Change from Previous Analysis.** Air pollutant emissions associated with the Project would occur over the short term from construction activities and over the long term from operational activities associated with the proposed Project.

CEQA requires a discussion of any inconsistencies between a project and applicable General Plans (GPs) and regional plans (CEQA Guidelines Section 15125). The regional plan that applies to the proposed Project includes the SCAQMD's AQMP, as discussed above. A project is considered to be consistent with the AQMP if it furthers one or more policies and does not obstruct other policies. The SCAQMD CEQA Handbook identifies two key indicators of consistency:

1. Whether the project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP.
2. Whether the project will exceed the assumptions in the AQMP, or increments based on the year of project buildout and phase.

Both criteria are evaluated for the Project, as shown below.

With respect to determining the proposed Project consistency with AQMP growth assumptions, the projections in the AQMP for achieving air quality goals are based on assumptions in SCAG's RTP/SCS regarding population, housing, and growth trends. According to SCAG's 2020—2045 RTP/SCS, the City's population, households, and employment are forecast to increase by approximately 7,100 residents, 2,900 households, and 1,500 jobs, respectively, between 2016 and 2045 (LSA 2022a). The proposed Project would convert 159 hotel rooms to 159 hotel-branded residences and associated parking. The proposed Project would result in an increase of 361 residents (5 percent of SCAG's projected population growth for the City from 2016 to 2045 of 7,100 residents) and 159 residential units (5 percent of SCAG's projected household growth for the County from 2016 to 2045 of 2,900 households). Therefore, additional units from the Project would not interfere with SCAQMD's goals for improving air quality in the region because the Project would house growth that SCAQMD already projected for the City. Therefore, the Project would not conflict with the 2016 AQMP and, as such, would not jeopardize attainment of the CAAQS and NAAQS in the area under the jurisdiction of the SCAQMD (LSA 2022a).

Furthermore, as shown in Tables 3-4 and 3-5 below, construction and operation of the Project would not result in an exceedance of the SCAQMD's thresholds for criteria pollutants; therefore, the Project is not expected to result in a violation of air quality standards. Due to these factors, it can be concluded that the proposed Project would be consistent with the projections in the AQMP. Therefore, the Project would not lead to new or substantially more severe significant impacts associated with clean air consistency beyond those identified in the 2006 EIR (LSA 2022a). Therefore, the Project would not create a new significant impact pertaining to obstruction of an air quality plan that was not previously analyzed, and no new mitigation measures are required.

***b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?***

**No Substantial Change from Previous Analysis.** The following analysis describes the Project's construction- and operation-related air quality impacts. As explained in the following pages, the Project would result in less-than-significant construction and operational air quality impacts.

## *Construction*

During construction, short-term degradation of air quality may occur due to the release of particulate emissions generated by demolition, grading, paving, building, and other construction related activities. Emissions from construction equipment are also anticipated and would include CO, NOx, VOC, directly emitted particulate matter (PM2.5 and PM10), and TACs such as diesel exhaust particulate matter. If not properly controlled, construction activities, identified above, would temporarily generate particulate emissions. Sources of fugitive dust would include disturbed soils at the construction site. Unless properly controlled, vehicles leaving the site would deposit dirt and mud on local streets, which could be an additional source of airborne dust after it dries. PM10 emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. PM10 emissions would depend on soil moisture, silt content of soil, wind speed, and the amount of operating equipment. Larger dust particles would settle near the source, while fine particles would be dispersed over greater distances from the construction site. Water or other soil stabilizers can be used to control dust, resulting in emission reductions of 50 percent or more. The SCAQMD has established Rule 403: Fugitive Dust, which would require the Applicant to implement measures that would reduce the amount of particulate matter generated during the construction period. In addition to dust related $PM_{10}$ emissions, heavy trucks and construction equipment powered by gasoline and diesel engines would generate CO, $SO_2$, NOx, VOCs, and some soot particulate (PM2.5 and PM10) in exhaust emissions. If construction activities were to increase traffic congestion in the area, CO and other emissions from traffic would increase slightly while those vehicles idle in traffic. However, these emissions would be temporary in nature and limited to the immediate area surrounding the construction site (LSA 2022a).

Construction emissions were estimated for the Project using California Emissions Estimator Model version 2020.4.0 (CalEEMod) computer program. The proposed Project would require the demolition of the existing on-site buildings, which was included in CalEEMod. Construction-related emissions are presented in Table 3-4, Project Construction Emissions. CalEEMod output sheets are included in Appendix A.

**TABLE 3-4**
**PROJECT CONSTRUCTION EMISSIONS**

| Project Construction | Emissions (lbs/day) | | | | | |
|---|---|---|---|---|---|---|
| | **VOC** | **NOx** | **CO** | **SOx** | **PM10** | **PM2.5** |
| Demolition | 1.0 | 22.3 | 16.1 | <0.1 | 1.6 | 0.9 |
| Site Preparation | 0.7 | 20.0 | 13.9 | <0.1 | 1.3 | 0.6 |
| Grading | 1.2 | 50.1 | 23.0 | 0.2 | 8.6 | 3.5 |
| Building Construction | 1.9 | 23.4 | 24.9 | 0.1 | 4.4 | 1.8 |
| Paving | 0.8 | 15.6 | 13.4 | <0.1 | 0.7 | 0.6 |
| Architectural Coating | 8.1 | 2.5 | 3.5 | <0.1 | 0.7 | 0.3 |
| **Maximum** | **10.0** | **50.1** | **27.4** | **0.2** | **8.6** | **3.5** |
| *SCAQMD Significance Thresholds (Table 3-1)* | *55.0* | *55.0* | *550.0* | *150.0* | *150.0* | *55.0* |
| **Significant Impact?** | **No** | **No** | **No** | **No** | **No** | **No** |

lbs/day: pounds per day; VOC: volatile organic compound; NOx: nitrogen oxides; CO: carbon monoxide; SOx: sulfur oxides; PM10: respirable particulate matter 10 microns or less in diameter; PM2.5: fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District; -- data not provided.

Note: Maximum emissions of VOC and CO occurred during the overlapping building construction and architectural coating phases.

Source: SCAQMD 2019 (thresholds); LSA 2022a, See Appendix A for technical report and CalEEMod outputs.

As shown in Table 3-4, construction emissions associated with the Project would not exceed the SCAQMD thresholds for VOC, $NO_x$, CO, sulfur oxides ($SO_x$), PM2.5, or PM10 emissions. In addition to the construction period thresholds of significance, the Project is required to comply with regional rules that assist in reducing short-term air pollutant emissions. SCAQMD Rule 403 requires that fugitive dust be controlled with best-available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 403 requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off site. With compliance with Rule 403, construction of the proposed Project would not result in emissions that would result in a cumulatively considerable net increase of any criteria pollutant for which the Project regional is nonattainment under an applicable federal or State ambient air quality standard. Therefore, the proposed Project would not lead to new or substantially more severe significant impacts associated with construction-related air quality beyond those identified in the 2006 EIR.

## *Operations*

Long-term air pollutant emission impacts are those typically associated with mobile sources (e.g., vehicle trips), energy sources (e.g., electricity and natural gas), area sources (e.g., architectural coatings and the use of landscape maintenance equipment), and stationary sources (e.g., diesel emergency backup generator) related to the Project. PM10 emissions result from running exhaust, tire and brake wear, and the entrainment of dust into the atmosphere from vehicles traveling on paved roadways. Entrainment of PM10 occurs when vehicle tires pulverize small rocks and pavement, and the vehicle wakes generate airborne dust. The contribution of tire and brake wear is small compared to the other PM emission processes. Gasoline-powered engines have small rates of particulate matter emissions compared with diesel powered vehicles. As discussed in the Methodology section above, the proposed Project would result in fewer daily trips than under existing conditions; therefore, the proposed Project would not generate new mobile source emissions.

Energy source emissions result from activities in buildings for which electricity and natural gas are used. The quantity of emissions is the product of usage intensity (i.e., the amount of electricity or natural gas) and the emission factor of the fuel source. The primary sources of energy demand for the proposed Project would include building mechanical systems, such as heating and air conditioning, lighting, and plug-in electronics, such as refrigerators or computers. Greater building or appliance efficiency reduces the amount of energy for a given activity and thus lowers the resultant emissions. The emission factor is determined by the fuel source, with cleaner energy sources, like renewable energy, producing fewer emissions than conventional sources. The Project would comply with the 2019 CALGreen Code and 2019 Energy Efficiency Standards (Title 24, Part 6), which are accounted for in CalEEMod. Typically, area source emissions consist of direct sources of air emissions located at the Project site, including architectural coatings and the use of landscape maintenance equipment. Area source emissions associated with the Project would include emissions from the use of architectural coatings, consumer products, and landscaping equipment. The residential units would not include wood-burning hearths. The proposed Project would also generate stationary source emissions associated with use of the diesel emergency backup generator. Long-term operation emissions associated with the proposed Project were calculated using CalEEMod. Model results are shown in Table 3-5, Project Operational Emissions, below (LSA 2022a). CalEEMod output sheets are included in Appendix A.

**TABLE 3-5**
**PROJECT OPERATIONAL EMISSIONS**

| Source | Emissions (lbs/day) | | | | | |
|---|---|---|---|---|---|---|
| | **VOC** | **NOx** | **CO** | **SOx** | **PM10** | **PM2.5** |
| **Existing Operational Emissions** | | | | | | |
| Existing Area Sources | 1.5 | <0.1 | 0.1 | <0.1 | <0.1 | <0.1 |
| Existing Energy Sources | 0.1 | 0.6 | 0.5 | <0.1 | <0.1 | <0.1 |
| Existing Mobile Sources | 2.8 | 2.5 | 25.2 | 0.1 | 6.4 | 1.7 |
| Total Existing Emissions | **4.4** | **3.1** | **25.8** | **0.1** | **6.5** | **1.8** |
| **Proposed Project Operational Emissions** | | | | | | |
| Project Area Sources | 9.8 | 2.5 | 14.2 | <0.1 | 0.3 | 0.3 |
| Project Energy Sources | 0.1 | 0.4 | 0.2 | <0.1 | <0.1 | <0.1 |
| Project Mobile Sources | 1.6 | 1.2 | 14.1 | <0.1 | 3.6 | 1 |
| Project Stationary Sources | 0.1 | 0.2 | 0.2 | <0.1 | <0.1 | <0.1 |
| Total Project Emissions | **11.5** | **4.4** | **28.7** | **<0.1** | **3.9** | **1.3** |
| Net Operational Emissions | **7.1** | **1.3** | **2.9** | **<0.1** | **-2.6** | **-0.5** |
| *SCAQMD Significance Thresholds (Table 3-1)* | *55* | *55* | *550* | *150* | *150* | *55* |
| **Significant Impact?** | **No** | **No** | **No** | **No** | **No** | **No** |

lbs/day: pounds per day; VOC: volatile organic compound; NOx: nitrogen oxides; CO: carbon monoxide; SOx: sulfur oxides; PM10: respirable particulate matter 10 microns or less in diameter; PM2.5: fine particulate matter 2.5 microns or less in diameter; SCAQMD: South Coast Air Quality Management District.

Source: SCAQMD 2019 (thresholds); LSA 2022a. see Appendix A for technical report and CalEEMod outputs.

The results shown in Table 3-5 indicate the Project would not exceed the significance criteria for VOC, NOx, CO, SOx, PM10, or PM2.5 emissions; thus, it would not have a significant effect on regional air quality. Therefore, operation of the Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project regional is nonattainment under an applicable federal or State ambient air quality standard (LSA 2022a). As a result, the proposed Project would not lead to new or substantially more severe significant impacts associated with operation-related air quality beyond those identified in the 2006 EIR. Therefore, the Project would not create a new significant impact pertaining to cumulatively considerable air quality emissions that was not previously analyzed, and no new mitigation measures are required.

### *c) Expose sensitive receptors to substantial pollutant concentrations?*

**No Substantial Change from Previous Analysis.** A significant impact would occur when a Project generates pollutant concentrations to a degree that would significantly affect sensitive receptors, which include populations that are more susceptible to the effects of air pollution than the population at large.

For the purposes of this analysis, sensitive receptors are areas of population that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptor locations include residences, schools, day care centers, hospitals, parks, and similar uses, which are sensitive to air quality. Impacts on sensitive receptors are of particular concern because they

are the population most vulnerable to the effects of air pollution. The closest sensitive receptors to the Project site include the Meridian condominium community immediately adjacent to the Project site on the north along Santa Barbara Drive and the Granville Condominiums immediately to the southeast (LSA 2022a).

Project construction and operational emissions were compared to the LST screening tables in Source Receptor Area (SRA) 18. The results of the LST analysis, summarized in Table 3-6, Project Maximum Localized Daily Emissions, indicate that the Project would not result in an exceedance of the SCAQMD LSTs during Project construction or operation. Therefore, the proposed Project would not lead to new or substantially more severe significant impacts associated with localized air quality beyond those identified in the 2006 EIR (LSA 2022a).

**TABLE 3-6**
**PROJECT MAXIMUM LOCALIZED DAILY EMISSIONS (LBS/DAY)**

| Year | $NO_x$ | CO | PM10 | PM2.5 |
|---|---|---|---|---|
| Maximum Daily Construction Emissions | 21.2 | 15.4 | 3.8 | 2.0 |
| ***SCAQMD LST[a]*** | ***111.5*** | ***804.5*** | ***5.5*** | ***4.0*** |
| ***Exceeds Thresholds*** | ***No*** | ***No*** | ***No*** | ***No*** |
| Maximum Daily Operational Emissions | 2.8 | 15.1 | <0.1 | <0.1 |
| ***SCAQMD LST[b]*** | ***147.0*** | ***1,155.0*** | ***2.5*** | ***2.0*** |
| ***Exceeds Thresholds*** | ***No*** | ***No*** | ***No*** | ***No*** |

lbs/day: pounds per day; $NO_x$: nitrogen oxides; CO: carbon monoxide; SCAQMD: South Coast Air Quality Management District; PM10: respirable particulate matter 10 microns or less in diameter; PM2.5: fine particulate matter 2.5 microns or less in diameter; LST: Localized Significance Threshold.

[a] Construction Thresholds for Source Receptor Area 18, North Coastal Orange County for a 1.5-acre site, 25-meter receptor distance (SCAQMD 2022).

[b] Operational Thresholds for Source Receptor Area 18, North Coastal Orange County for a 2.775-acre site, 25-meter receptor distance (SCAQMD 2009).

Source: LSA 2022a, Appendix A, Air Quality and Greenhouse Gas Emissions Technical Report

Construction of the proposed Project may expose surrounding sensitive receptors to airborne particulates, as well as a small quantity of construction equipment pollutants (i.e., usually diesel-fueled vehicles and equipment). However, construction contractors would be required to implement measures to reduce or eliminate emissions by following SCAQMD rules for standard construction practices. The use of diesel-powered construction equipment would be temporary and episodic. The duration of exposure would be short, and exhaust from construction equipment dissipates rapidly. Current models and methodologies for conducting health risk assessments are associated with chronic exposure periods of 9, 30, and 70 years, which do not correlate with the temporary and highly variable nature of construction activities. Construction would be subject to and would comply with California Code of Regulations (e.g., CCR Title 13, Division 3, Article 1, Chapter 10, Sections 2485 and 2449), which reduce DPM and criteria pollutant emissions from in-use off-road diesel-fueled vehicles and limit the idling of heavy-duty construction equipment to no more than five minutes. These regulations further reduce nearby sensitive receptors' exposure to temporary and variable DPM emissions (LSA 2022a).

As shown in 3-6 above, the Project would not result in significant localized or regional emissions during Project construction or operation. In addition, as discussed above, given the extremely

low level of CO concentrations in the Project area and lack of traffic impacts at any intersections, project-related vehicles are not expected to contribute significantly to, or result in CO concentrations exceeding the State or federal CO standards. Therefore, once the Project is constructed, the Project would not be a source of substantial pollutant emissions and sensitive receptors would not be exposed to substantial pollutant concentrations during Project construction and operation (LSA 2022a). Therefore, the proposed Project would not lead to new or substantially more severe significant impacts to nearby sensitive receptors beyond those identified in the 2006 EIR.

***Carbon Monoxide Hotspot***

Vehicular trips contribute to congestion at intersections and along roadway segments. Localized air quality impacts would occur when emissions from vehicular traffic increase as a result of a proposed project. The primary mobile-source pollutant of local concern is CO, a direct function of vehicle idling time and, thus, of traffic flow conditions. CO transport is extremely limited; under normal meteorological conditions, CO disperses rapidly with distance from the source. However, under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels, affecting local sensitive receptors (e.g., residents, schoolchildren, the elderly, and hospital patients). Typically, high CO concentrations are associated with roadways or intersections operating at unacceptable levels of service or with extremely high traffic volumes. In areas with high ambient background CO concentrations, modeling is recommended to determine a project's effect on local CO levels. An assessment of project-related impacts on localized ambient air quality requires that future ambient air quality levels be projected. Existing CO concentrations in the immediate Project vicinity are not available. Ambient CO levels monitored at the Long Beach station, the closest station to the Project site, showed a highest recorded 1-hour concentration of 4.7 ppm (the State standard is 20 ppm) and a highest 8-hour concentration of 2.1 ppm (the State standard is 9 ppm) during the past 3 years (Table G). The highest CO concentrations would normally occur during peak traffic hours; hence, CO impacts calculated under peak traffic conditions represent a worst-case analysis. As described in the Trip Generation Analysis prepared for the Project (Appendix J), the proposed Project would generate 30 fewer AM peak hour trips and 43 fewer PM peak-hour trips. As the proposed Project would not generate 100 or more AM or PM peak hour trips, the Project did not meet the criteria for an evaluation of study area intersection or roadway segment level of service (LOS). Therefore, it is assumed that the addition of the proposed Project traffic would not create any significant adverse impacts to nearby intersections. Therefore, given the extremely low level of CO concentrations in the Project area, and lack of traffic impacts at any intersections, Project-related vehicles are not expected to contribute significantly to CO concentrations exceeding the State or federal CO standards (LSA 2022a). Therefore, the proposed Project would not lead to new or substantially more severe significant impacts associated with CO hot spots beyond those identified in the 2006 EIR.

***d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?***

**No Substantial Change from Previous Analysis.** During Project construction, some odors may be present due to diesel exhaust. However, these odors would be temporary and limited to the construction period. The proposed Project would not include any activities or operations that would generate objectionable odors and once operational, the Project would not be a source of

odors. Therefore, the proposed Project would not result in other emissions (such as those leading to odors) affecting a substantial number of people. Therefore, the proposed Project would not lead to new or substantially more severe significant impacts related to odors beyond those identified in the 2006 EIR (LSA 2022a). Therefore, the Project would not create a new significant impact pertaining to other emissions that was not previously analyzed, and no new mitigation measures are required.

## Conclusions

The air quality impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the air quality analysis provided in the 2006 EIR are required.

# 3.4 BIOLOGICAL RESOURCES

The following analysis summarizes the "Ritz-Carlton Residences–Biological Resources Technical Memorandum" (Biological Resources Memorandum) prepared for the Project by Environmental Science Associates (ESA), dated January 26, 2022 (ESA 2022a). This Biological Resources Memorandum is included in Appendix B of this Addendum.

## 3.4.1 2006 EIR

The 2006 EIR identified Citywide biological resources, including habitat types; sensitive biological resources, special status species; marine resources; and sensitive marine sources. Development could also result in the removal of mature trees that may serve as perching or nesting sites for migratory birds and raptors in both developed and undeveloped areas. Federal and State regulations, including the Migratory Bird Treaty Act, Federal Endangered Species Act, and California Endangered Species Act, restrict activities that may result in the "take" (kill, harm, harass, etc.) of certain species, including their active nests. The 2006 EIR determined that compliance with these policies and federal and State laws would mitigate potential impacts to a less than significant level.

The 2006 EIR noted several General Plan goals, which would protect wetlands and riparian vegetation. The General Plan policies would serve to regulate indirect impacts future development could have on riparian habitats. Therefore, the impacts associated with riparian habitats were determined to be less than significant.

The 2006 EIR identified several wetland habitats along the coast of Newport Beach between the Santa Ana River and the boundary between the City and unincorporated Orange County. The 2006 EIR noted that development would be confined to previously developed areas and would not be located near wetland areas. Adherence to the identified State and federal laws and regulations would result in less than significant impacts on jurisdictional waters and wetlands.

The 2006 EIR found that there would be no impact to wildlife nursery sites and corridors with implementation of the policies outlined in the General Plan Update. Additionally, the 2006 EIR determined that implementation of the General Plan Update would not conflict with the provisions of an adopted Habitat Conservation Plan (ESA 2022a).

## Mitigation Measures

No mitigation measures were required.

## 3.4.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **BIOLOGICAL RESOURCES** – Would the project: | | | | |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☑ |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | ☐ | ☐ | ☐ | ☑ |
| c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | ☐ | ☐ | ☐ | ☑ |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | ☐ | ☐ | ☐ | ☑ |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | ☐ | ☐ | ☐ | ☑ |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | ☐ | ☐ | ☐ | ☑ |

***Would the Project:***

***a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?***

**No Substantial Change from Previous Analysis.** The Project site is fully developed, and no special-status plants or native plant communities occur within the Project site boundaries. No special-status plant species were considered to have any potential to occur since the Project site is completely developed with hardscape, structures, and ornamental landscaping. Therefore, no impact related to a substantial adverse effect on any plant species identified as candidate, sensitive, or special status in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS) would occur Project implementation. No mitigation for special status plants is required (ESA 2022a).

The Biological Study Area (BSA) analyzed includes the Project site and a buffer of up to 500 feet from the anticipated limits of disturbance in natural space or landscape areas (e.g., on the adjacent golf course property). The BSA does not occur in or near any designated Critical Habitat for any federally listed species or special status wildlife. Although the Project would be implemented in a highly developed area containing ornamental landscaping rather than natural habitat, two sensitive wildlife species may have a low potential to occur in the Project area. The American peregrine falcon, a California Fully Protected species, is known to have nested historically near the top of the Marriott Hotel in the early nineties (over 25 years ago) and has been sighted within a 4-mile radius of the property in the past 10 years. However, no evidence of current or recent usage by a peregrine falcon was observed during the rooftop survey. Nevertheless, the existing rooftop, and rooftops of adjacent buildings could provide potential overwintering and nesting opportunities for this species. White-tailed kites may also have a low potential to nest in the tree canopy along the western/southwestern Project site boundary and in the golf course to the west of the Project. The potential for either of these species to nest in the immediate area is considered low due to the high level of human and mechanical activity (ESA 2022a).

Notably, with regard to redevelopment or infill projects in existing developed areas in the City, the 2006 EIR anticipated that "the proposed General Plan Update would allow infill development throughout the Planning Area, following existing land use patterns. The Update would concentrate new development and redevelopment in several specified subareas: Newport Center/Fashion Island, Balboa Village, Balboa Peninsula, West Newport Mesa, West Newport Highway, Mariners' Mile, and the Airport Area." The same section also made clear that "implementation of Policies NR 10.1 and NR 10.2 would ensure that all future development cooperates with federal, state, and private resource protection agencies/organizations..." and further acknowledged that "implementation of the proposed General Plan Update would be subject to all applicable federal, state, and local policies and regulations related to the protection of biological resources" (ESA 2022a). Thus, implementation of the Project is subject to compliance with the federal Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code. In California, the active nests and eggs of all native bird species, except certain game birds, are protected under the California Fish and Game Code Section 3503, which states: "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." In addition, the federal MBTA (16 U.S. Code [USC] 703–711) makes it unlawful to take or kill individuals of most bird species found in the United States, unless that taking or killing is authorized pursuant to regulation 16 USC 703, 704. The federal definition of "Take" is defined as "to pursue, hunt, shoot, wound, kill, trap, capture, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect" (50 CFR 10.12). Thus, even if not designated as a special-status or "sensitive" species, most bird species, except exotic birds and game birds, are afforded protection under State and federal laws while they are engaged in breeding activity. However, unless a project may have a substantial adverse effect on a species identified as a candidate, sensitive, or special-status species, impacts involving the loss or destruction of a limited number of nests of non-sensitive species would not normally be categorized as "significant" or regarded as substantially adverse impacts to biological resources, and thus would not warrant mitigation to be imposed and enforced by a lead agency under CEQA.

If any nesting activity occurs in the proposed Project vicinity, Project-related demolition or construction could indirectly affect nesting activity and adversely affect individual birds, if present. Such adverse effects would be potentially significant since the white-tailed kite and

peregrine falcon are fully protected in California, which means take of these species is prohibited, and State law makes no provisions for incidental take of these species. Likewise, other raptors, such as Cooper's hawk, are protected under the MBTA and the California Fish and Game Code. In addition, the same demolition and construction activities that could affect raptor species, if present, could also adversely affect other birds during the nesting season. As stated above, CEQA does not specifically require that limited impacts to a small number of common birds with no special status should be considered biologically significant or substantially adverse. As noted above, the 2006 EIR references the policy that projects are expected to cooperate with regulatory agencies and comply with existing regulations. Therefore, implementation of regulatory requirement (RR) BIO-1, which requires avoidance or pre-construction surveys to determine presence of nesting birds prior to construction and potential buffers from nests, would ensure compliance with State and federal laws that protect nesting birds by conducting preconstruction surveys and requiring implementation of avoidance measures. Therefore, the Project would not create a new significant impact to candidate, sensitive, or special status species that was not previously analyzed, and no new mitigation measures are required.

***b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?***

**No Substantial Change from Previous Analysis.** The Project site is developed and within an urbanized area of the City. According to the Biological Resources Technical Memorandum, no riparian habitat or sensitive natural communities occur on the Project site (ESA 2022a). As such, no impact would occur to any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS. The Project would not create a new significant impact to riparian habitat, or other sensitive natural communities, and no new mitigation measures are required.

***c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

**No Substantial Change from Previous Analysis.** The Project site is fully developed with Project-associated buildings, parking lots, and walkways. No wetlands or "waters" subject to State or federal regulatory jurisdiction, such as waters of the United States, pursuant to Clean Water Act (CWA) Section 404, or streams or lakes, pursuant to California Fish and Game Code Section 1600 et al., occur on the Project site (ESA 2022a). The Project site does not contain any resources that would be regulated under the CWA or California Fish and Game Code Section 1600 et al., and there are no potential offsite impacts that could be regulated under the CWA or California Fish and Game Code Section 1600. Therefore, the Project would not create a new significant impact with respect to a substantial adverse effect on State or federally protected wetlands (including but not limited to marsh, vernal pool coastal) through direct removal, filling, hydrological interruption, or other means for on-site resources.

***d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

**No Substantial Change from Previous Analysis.** The Project site does not contribute to or function as part of a migration corridor for terrestrial or avian wildlife species and nor is it part of a regionally important or vital wildlife movement corridor. Also, no known or expected native wildlife nursery sites occur in the Project vicinity, and no such resources would be affected by the Project (ESA 2022a). Therefore, the Project would not create a new significant impact to movement of any native resident or migratory fish or wildlife species that was not previously analyzed, and no new mitigation measures are required.

***e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

**No Substantial Change from Previous Analysis.** Trees within the Project site are not on property owned by the City or within a public right-of-way and thus, are not subject to NBMC Sections 13.08 or 13.09 that protect trees in the City. It is possible that the project may damage or require removal (e.g., for site access) of the Mexican fan palms that occur along the public street adjacent to the Project site). However, the Applicant is required to comply with the applicable City Municipal Code section(s) regarding tree preservation and removal. Therefore, in the event that the Project would encroach into the public right-of-way and require removal of City trees, the property owner or Applicant would be required to submit a tree removal form to the Municipal Operations Director, pay all related tree removal and one-for-one replacement costs, and meet all provisions of City Council Policies L-2 and L-6 and City Municipal Code Chapters 13.08 and 13.09, or any successor policies or sections. Therefore, as the result of complying with the relevant Municipal Code Sections, the Project would not conflict with local policies and ordinances protecting biological resources, and no new impact that was not previously analyzed in the 2006 EIR, would occur, and no mitigation is required.

***f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?***

**No Substantial Change from Previous Analysis.** The Project site is within an urbanized area and not within any established Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved of habitat conservation plans. The Project is in a developed area that lies within the overall planning area that is addressed under the Orange County Central and Coastal NCCP/HCP. The Newport Center, including the Project site were developed prior to the establishment of the NCCP/HCP, and the Project site is not within or adjacent to any natural areas that comprise the NCCP/HCP Reserve System. Furthermore, the Project site contains no habitat areas or resources subject to the provisions of the NCCP/HCP or any other approved local, regional, or State HCP (ESA 2022a). Further, the Project would not directly impact any habitat subject to any conservation planning instruments. Therefore, the Project would not create a new significant impact to or conflict with approved HCPs and NCCPs that was not previously analyzed, and no new mitigation measures are required.

## Regulatory Requirements

**RR BIO-1** **Migratory Bird Treaty Act.** Impacts to nesting birds would be avoided by conducting construction activities outside of the bird nesting season (i.e., from September 1 to February 14 for most birds, from July 1 to January 14 for raptors). However, if demolition and/or construction activities must occur during the nesting season, the following would apply during the time frames indicated:

A. Prior to work during the bird nesting season (February 15 to August 31 for most birds, January 15 to June 31 for raptors), a qualified biologist shall conduct a pre-construction survey of all suitable habitat for the presence of nesting birds no more than 14 days prior to construction activities. The results of the pre-construction survey shall be valid for 14 days; if construction activities do not commence within 14 days following the survey or if activities cease for more than 14 consecutive days, a new pre-construction nesting bird survey shall be conducted before construction resumes.

B. If any active nests are found during a pre-construction nesting bird survey, a buffer of up to 300 feet for most bird species and 500 feet for raptors, or as determined appropriate by the qualified biologist (based on species-specific tolerances and site-specific conditions such as "line-of-site" between nest and work areas), shall be delineated, flagged, and avoided until the nesting cycle is complete (i.e., the qualified biologist determines that the young have fledged or the nest has failed). Alternatively, the qualified biologist may recommend other measures to minimize disturbances to active nests that may include but are not limited to limiting the duration of certain activities, placing sound and/or visual barriers (e.g., noise blankets on temporary chain-link fencing), and/or providing full-time monitoring by a qualified biologist.

C. In the event that surveys identify white-tailed kite or American peregrine falcon present on site or within 500 feet of construction activity, such occurrence shall be documented and CDFW shall be notified. If an active nest of either species is encountered, a minimum buffer of 500 feet shall be delineated, flagged, and avoided by construction activity until the nesting cycle is complete (i.e., the qualified biologist determines that the young have fledged, or the nest has failed). Alternatively, a qualified biologist may recommend other measures as noted in Item B, above. However, CDFW must be consulted prior to any reduction of avoidance buffers or implementation of other measures as no take is allowed of these species.

## Conclusion

The biological resources impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the biological resources analysis provided in the 2006 EIR are required.

# 3.5 CULTURAL RESOURCES

A Historic Resources Assessment Report (Historic Resources Report) was prepared for the proposed Project, prepared by Environmental Science Associates (ESA), in January 2022 (ESA 2022b). The Historic Resources Report is included in Appendix C of this Addendum and is summarized here by reference.

## 3.5.1 2006 EIR

The 2006 EIR indicated that the City has 11 properties listed or designated eligible for listing on the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), or otherwise listed as historic or potentially historic in the California Historic Resources Inventory System (CHRIS), maintained by the Office of Historic Preservation. The City Historical Register also recognizes five structures or properties of local historical or architectural significance, most of which are not listed in the NRHP and CRHR. In addition to the formally recognized resources, the City's Historic Resource Inventory includes 61 properties, while not officially adopted, which serves as a guide to potentially historic properties that may have historic or cultural significance to the City. The 2006 EIR noted that buildout could result in the demolition of historic or potentially historic structures; however, General Plan Policies HR 1.1 through HR 1.5 protect historically significant landmarks, sites, and structures through: requiring that the Historical Resources Inventory be maintained and updated; encouraging the preservation and adaptive reuse of historic structures; promoting the placement of historical landmarks throughout the City; encouraging adaptive reuse; and mandating the incorporation of historical elements in new redevelopment projects in the City. The analysis identified that the Airport Area, Newport Center, West Newport Mesa and Mariners' Mile do not have historic resources. However, the 2006 EIR determined that as demolition of a historic structure constitutes a physical effect on the environment, the impacts to historical resources were significant and unavoidable.

The 2006 EIR concluded that impacts to archaeological resources would be less than significant, and that General Plan Goal HR 2 and NR 18 would protect archaeological resources. The Newport Beach City Council also established "Archaeological Guidelines (K-5)" requiring the City to prepare and maintain sources of information regarding archaeological sites.

The 2006 EIR concluded that impacts to human remains would be less than significant. Human burials have specific provisions for treatment in Section 5097 of the *California Public Resources Code*. Disturbing human remains would destroy the resources and could potentially violate the health code. The *California Health and Safety Code* (Sections 7050.5, 7051, and 7054) contains specific provisions for the protection of human burial remains. PRC Section 5097.98 addresses the disposition of Native American burials, protects such remains, and established the Native American Heritage Commission to resolve any related disputes.

General Plan Policies HR 2.1 and NR 18.1 require that any new development under the General Plan protect and preserve archaeological resources from destruction. Other policies under Goal HR2 and Goal NR 18 ensure that information resources are maintained regarding these resources, such that all grading and excavation activities with potential to affect cultural or archaeological resources be monitored by a qualified archaeologist.

## Mitigation Measures

No mitigation measures were required.

## 3.5.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **CULTURAL RESOURCES** – Would the project: | | | | |
| a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? | ☐ | ☐ | ☐ | ☑ |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | ☐ | ☐ | ☐ | ☑ |
| c) Disturb any human remains, including those interred outside of formal cemeteries? | ☐ | ☐ | ☐ | ☑ |

***Would the Project:***

***a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?***

**No Substantial Change from Previous Analysis.** The Project site is over 45 years in age but has not been previously evaluated as a historic resource. Building A is a stand-alone three-story guest room building designed in the Postmodern style and constructed in 1975. Buildings B, C, and D were also constructed in 1975, and include a nine-story guest room tower, a two-story ancillary building, and a three-story guest room wing, also designed in the Postmodern style. A one-story addition was constructed in 1985, and a 10-story tower addition was constructed in 1986, both in the Postmodern style. A concrete subterranean parking garage was constructed in 1984 (part of the Project). It should be noted that with the exception of the parking garage, the above structures are not part of the proposed Project and would remain. The two-story structure to the west of the parking garage and the parking garage would be demolished to accommodate the proposed Project. For the current evaluation, each building at the Project site and the hotel complex as a whole was evaluated as a potential historical resource under the following historic context and subtheme: Context: Hotels, Subtheme: Resort Hotels (1895-1980). Additionally, the hotel buildings and complex were also evaluated under context for Postmodernism Architectural Style (1968-Present). The existing hotel complex on the Project site was surveyed and evaluated for eligibility as a historical resource for listing in the National Register of Historic Places (National Register), California Register of Historical Resources (California Register), as well as for local designation as a City of Newport Beach Historical Property (ESA 2022b).

The hotel complex was constructed as part of the larger Newport Center master plan as Marriott Hotel. The Project site does not appear to have been a notable property within the Marriott Hotel corporation's extensive portfolio of global hotels, and it also does not appear to be a significant commercial development within Newport Center, particularly given that the hotel complex was

constructed in a later period of Newport Center's development. The Project site was not found to be significant for its association with important events or people, and it does not appear that the Project site embodies the distinctive characteristics of the suburban resort hotel property type, nor does the Project site appear to be a significant example of the Postmodern style of architecture. The Project site, at 900 Newport Center Drive, was tangentially associated with notable local architect William Blurock, who served to oversee the architectural plans and designs as developed by the Marriott Corporation's in-house design and engineering team, as was common procedure for a large hotelier chain. Further, the Project site is not likely to yield information important in prehistory or history. The Historic Resource Assessment found that the hotel complex located at 900 Newport Center Drive, comprised of Buildings A – F and Structure G, are ineligible for listing in the National or California registers or as a City of Newport Beach Historical Property (ESA 2022b). Therefore, the existing hotel buildings and complex at the Project site do not appear to qualify as a historical resource under CEQA.

The hotel complex lacks significant historical associations necessary to qualify as a historic resource under national, State, and local criteria. Further, the complex no longer retains historic integrity, due to substantial additions, tenant improvements, and removal of its original landscape. Consequently, the Historic Resource Assessment recommends a California Historic Resource (CHR) Status Code of "6Z", which means that the Project site appears ineligible individually for listing in the National Register, the California Register, and for local designation through survey evaluation. The proposed Project would convert up to 30 percent of the existing hotel rooms into hotel branded residences. As stated above, the Project would demolish Building A, and construct a new 295-foot-high residential building with landscaping and site modifications throughout. Since the existing hotel buildings and complex on the Project site were found to be ineligible as historic resources, the proposed Project would have no direct impact on historical architectural resources pursuant to CEQA.

Moreover, the Project would have a less than significant impact on identified historic resources in the Project vicinity. These resources are as follows:

- The modern 9-story commercial office twin towers—designated historic resource, at 500 Newport Center Drive, within 0.46 mile of the site (CHR Status Code 2S2).
- Pacific Life Insurance Company Building, built in 1973—potential historic resource, at 700 Newport Center Drive, within approximately 0.2 mile of the site, designed by master architect William Pereira with a Modern International Style (ESA 2022b).
- The 1953 Boy Scout Jamboree—a California Point of Historical Interest that does not meet the California Register criteria (CHR Status Code 7P), adjacent to the Project site in the area that is now Fashion Island.

It should be noted that none of the above resources would be visually or physically impacted by the proposed Project. Therefore, the Historic Resource Assessment finds that the Project would not cause any substantial adverse change in the significance of a historical resource as defined in Section 15064.5 and as such would not have any significant effects on historical resources.

As discussed above, it is noted that the 2006 General Plan EIR concluded that build out under the General Plan would result in a significant and unavoidable impact to historical resources that were not considered for historic evaluation at that time because they were less than 50 years in age but that they could be considered during the planning period of the proposed General Plan

Update. This potential impact was considered significant in the 2006 General Plan EIR. Although the buildings at the Project site were less than 50 years in age in 2006, over 16 years have passed since then and the Project site's existing buildings are now of age to require evaluation as a potential historical resource pursuant to CEQA. The Historic Resources Assessment found that the property does not meet the eligibility thresholds for listing as a historical resource and concluded that the Project would have no direct impact on built historic environment on the site. Additionally, it concluded that a less than significant impact would occur on identified historical resources in the Project vicinity. In light of the findings of the Historic Resources Assessment, no new impact pertaining to historic resources that was not previously identified in the 2006 EIR would result, and no mitigation is required.

### *b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*

**No Substantial Change from Previous Analysis.** A records search for the Project site was conducted on January 11, 2022, at the California Historical Resources Information System (CHRIS) South Central Coastal Information Center (SCCIC) housed at California State University at Fullerton. The records search included a review of all recorded historic architectural resources within the Project site and within a 0.5-mile radius of the Project site. ESA also reviewed the Built Environment Resources Directory (BERD), and the Office of Historic Preservation's (OHP) list of California Historical Resources, which includes listings in the National Register, California Register, California State Historical Landmarks, and California Points of Interest. The results of the records search indicate that 30 cultural resources studies have been conducted within a 0.5-mile radius of the Project Site. Of those 30 previous studies, none overlaps the Project site (ESA 2022b).

The Project site is urban, developed, paved and has been previously disturbed. Nonetheless, the area is potentially sensitive for archaeological and tribal cultural resources. The Project would be required to comply with City Council Policy K-5, which requires preservation of significant archeological and tribal cultural resources in the event of an inadvertent discovery. Compliance with General Plan Policy HR 2.1 and Policy NR 18.1 would require that any new development protect and preserve archaeological and tribal resources from destruction, and that potential impacts to such resources be avoided and minimized through planning policies and permit conditions. As such, compliance with these regulations would ensure impacts to archaeological resources remain less than significant. Therefore, no new significant impacts that were not previously identified in the 2006 EIR would result that would require a mitigation measure.

### *c) Disturb any human remains, including those interred outside of formal cemeteries?*

**No Substantial Change from Previous Analysis.** As stated above, the Project site has been previously disturbed and is currently developed with a hotel use. There is no indication that there are burials present at the Project site, and it is unlikely that human remains would be discovered during Project development. In the event that human remains are discovered during grading activities, the Project would adhere to all State and local regulations and policies, including *California Health and Safety Code* Section 7050.5, *CEQA* Section 15064.5, and *PRC* Section 5097.98, to addresses procedures to follow the discovery of human remains. Compliance with these regulations would ensure that impacts to human remains would not occur. Therefore,

the proposed Project would not result in a new significant impact related to the disruption of human remains, that was not previously identified, and no mitigation is required.

## Conclusion

The cultural resources impact of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the cultural resources analysis provided in the 2006 EIR are required.

# 3.6 ENERGY

An Energy report, titled "Energy Report—Ritz-Carlton Residences Project, Newport Beach, California", was prepared for the proposed Project, by LSA in February 2022 (LSA 2022b). The report is included in Appendix D, of this Addendum and is summarized here by reference.

## 3.6.1 2006 EIR

The 2006 EIR did not directly address energy impacts, because energy analysis was not part of the required CEQA Checklist analysis at the time that the 2006 EIR was adopted. Effective December 28, 2018, the State adopted amendments to the State CEQA Guidelines requiring the analysis of and mitigation for energy, as separate topic, in CEQA documents.

However, the 2006 EIR did include an analysis of the impacts on public services and utilities, which included electricity and natural gas, in Section 4.14, Utilities and Service Systems, of the 2006 EIR. Impacts to electricity and natural gas services were found to be less than significant. The electricity and natural gas analysis in the 2006 EIR did not respond to the specific questions in the new energy section as adopted in 2018, which are provided in the impact analysis below.

The 2006 EIR concluded that there would be no impact related to the relocation or construction of new electrical power or natural gas facilities. Additional energy demands resulting from implementation of the General Plan Update would be adequately met by current and planned infrastructure during most of the year as well as compliance with the energy conservation measures contained in the State's Title 24, Building Standards and CALGreen Requirements, which would reduce the amount of energy needed for the operation of any buildings. The projected electrical demand for buildout under the General Plan was expected to be within Southern California Edison's (SCE's) then-current ten-year load forecasts. Southern California Gas Company (SCGC) indicated that an adequate supply of natural gas was available to serve additional development, and that the natural gas service provided to the City would not be impaired by buildout under the General Plan. Any expansion of service necessitated by the General Plan implementation would be in accordance with SCGC policies and extension rules on file with the California Public Utilities Commission (CPUC) at the time contractual agreements are made. Natural gas demand projected for the General Plan would not exceed available or planned supply, and no new infrastructure would be required. Therefore, the 2006 EIR determined that no impact would result.

## Mitigation Measures

No mitigation measures were required.

# 3.6.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **ENERGY** – Would the project: | | | | |
| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | ☐ | ☐ | ☐ | ☑ |
| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | ☐ | ☐ | ☐ | ☑ |

***Would the Project:***

***a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?***

**No Substantial Change from Previous Analysis.** The following analysis evaluates the Project's potential to increase the demand for energy through construction and operation of the Project, day-to-day operations, and fuel consumption associated with Project construction.

## *Energy Consumption During Construction*

Construction activities would require energy for activities such as the manufacturing and transportation of building materials, demolition and grading activities, building construction, paving, and architectural coatings. Construction of the Project would require electricity to power construction-related equipment but would not involve the consumption of natural gas. The construction-related equipment, including forklifts, would not be powered by natural gas, and no natural gas demand is anticipated during construction.

Transportation energy represents the largest energy use during construction and would occur from the transport and use of construction equipment, delivery vehicles and haul trucks, and construction worker vehicles that would use petroleum fuels (e.g., diesel fuel and/or gasoline). Therefore, the analysis of energy use during construction focuses on fuel consumption. Construction trucks and vendor trucks hauling materials to and from the Project site would be anticipated to use diesel fuel, whereas construction workers traveling to and from the Project site would conservatively be anticipated to use gasoline-powered vehicles. Fuel consumption from transportation uses depends on the type and number of trips, VMT, the fuel efficiency of the vehicles, and the travel mode (LSA 2022b).

Construction emissions were estimated for the Project using the CalEEMod model, as detailed in Section 3.3, Air Quality, of this Addendum. Estimates of fuel consumption (diesel fuel and gasoline) from construction equipment, construction trucks, and construction worker vehicles were based on default construction equipment assumptions and trip estimates from CalEEMod and fuel efficiencies from the EMissions FACtor 2021 model (EMFAC2021). Fuel consumption

estimates are presented in Table 3-7, Project Energy Consumption Estimates During Construction. CalEEMod output sheets and detailed energy calculations are included in Appendix D of this Addendum.

**TABLE 3-7**
**PROJECT ENERGY CONSUMPTION ESTIMATES DURING CONSTRUCTION**

| Energy Type | Total Energy Consumption (gallons) | Percentage Increase Countywide |
|---|---|---|
| Diesel | 384,165 | 0.25% |
| Gasoline | 247,164 | 0.25% |
| Source: LSA 2022b. See Appendix D, Energy Report. | | |

As detailed in Table 3-7, above, the Project would consume approximately 384,165 gallons of diesel fuel and approximately 247,165 gallons of gasoline during construction. Based on fuel consumption obtained from EMFAC2021, approximately 154.1 million gallons of diesel and approximately 1.3 billion gallons of gasoline were consumed from vehicle trips in Orange County in 2021. Therefore, construction of the Project would increase the annual construction generated fuel use in Orange County by approximately 0.25 percent for diesel fuel and 0.02 percent for gasoline based on the year 2021. As such, construction of the Project would have a negligible effect on local and regional energy supplies. Furthermore, impacts related to energy use during construction would be temporary and relatively minimal in comparison to Orange County's overall use of the State's available energy resources. No unusual Project characteristics would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or the State. In addition, construction activities are not anticipated to result in an inefficient use of energy as gasoline and diesel fuel would be supplied by construction contractors who would conserve the use of their supplies to minimize their costs on the Project. The Project would not cause or result in the need for additional energy facilities or an additional or expanded delivery system. As such, fuel consumption during construction would not be inefficient, wasteful, or unnecessary (LSA 2022b).

### *Energy Use During Operations*

Operational energy use is typically associated with natural gas use, electricity consumption, and fuel used for vehicle trips associated with a project. Energy consumption was estimated for the Project using default energy intensities by land use type in CalEEMod for existing conditions and the Project. Trip generation rates used in CalEEMod for the Project were based on the Project's Trip Generation Letter, which identifies that the existing conditions typically generate approximately 1,271 average daily trips (ADTs), and the Project would generate approximately 722 ADTs (Pirzadeh and Associates 2022). In addition, consistent with the plans prepared for the Project, this analysis assumed use of an emergency diesel generator, only natural gas hearth (no wood burning), water-efficient irrigation systems, and use of water efficient landscape. When project-specific data were not available, default assumptions from CalEEMod were used in the analysis (LSA 2022b).

As identified above, the Project would result in a net decrease in vehicle trips; therefore, the Project would not result in a net increase in gasoline or diesel fuel consumption during operation. The Project would also require a diesel emergency backup generator; however, diesel

consumption associated with the emergency backup generator is expected to be minimal and would nominally increase annual diesel fuel use in Orange County. Energy use consumed during operation of the Project would be associated with electricity and natural gas consumption (LSA 2022b). Electricity and natural gas usage estimates associated with the Project and existing conditions are shown in Table 3-8, Energy Consumption Estimates During Operation of the Project, below.

**TABLE 3-8**
**ENERGY CONSUMPTION ESTIMATES DURING OPERATION OF THE PROJECT**

| Energy Type | Annual Energy Consumption | Percentage Increase Countywide |
|---|---|---|
| **Existing Conditions** | | |
| Existing Electricity Consumption (kWh/yr) | 1,744,878 | -- |
| Existing Natural Gas Consumption (therms/yr) | 22,854 | -- |
| **Proposed Project** | | |
| Project Electricity Consumption (kWh/yr) | 2,367,789 | -- |
| Project Natural Gas Consumption (therms/yr) | 17,732 | -- |
| **Net Operational Electricity Consumption (kWh/yr)** | **622,911** | **<0.01** |
| **Net Operational Natural Gas Consumption (therms/yr)** | **-5,122** | **0.00%** |

kWh: kilowatt hour; yr: year.
Source: LSA 2022b (Appendix D).

The Project would comply with the current CALGreen Code and the Energy Efficiency Code regarding energy conservation and green building standards, which is accounted for in this analysis. As shown in Table 3-8, above, the estimated potential net increase in electricity demand associated with the operation of the proposed project is 622,911-kilowatt hours (kWh) per year. Total electricity demand in Orange County in 2020 was approximately 19,733 gigawatt-hours (GWh) (19,733,139,603 kWh). Therefore, operation of the Project would negligibly increase the annual electricity consumption in Orange County by less than 0.01 percent (LSA 2022b). Based on the negligible increase in annual electricity consumption, it is assumed that SCE has sufficient resources that would be adequate to serve the Project.

Electrical and natural gas demand associated with Project operations would not be considered inefficient, wasteful, or unnecessary. The Project would be required to adhere to all federal, State, and local requirements for energy efficiency, which would substantially reduce energy usage. In addition, the Project is consistent with the Project site's General Plan designation as Visitor Serving Commercial (CV) and Anomaly Area 43 designation. As such, it is assumed that the Project's energy impacts have already been accounted for in the 2006 EIR. The Project would not cause or result in the need for additional energy facilities or an additional or expanded delivery system (LSA 2022b). The Project would not lead to new or substantially more severe significant impacts associated with energy demand beyond those identified in the 2006 EIR. The Project would not create a new significant impact pertaining to energy that was not previously analyzed, and no new mitigation measures are required.

***b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?***

**No Substantial Change from Previous Analysis.** The City has an adopted Energy Action Plan (EAP) that outlines various measures and strategizes numerous methods on how the City's long-term vision can be achieved. The EAP goals include the following: meet and exceed AB 32 energy reduction goals; be an example for energy efficiency and sustainability at City facilities; continue interacting, educating, and informing the community about energy efficiency and GHG emissions; explore the newest green technologies and methods to decrease future energy dependency; explore renewable energy recourses (not limited to solar) and possible financing based on available grants/rebates; enhance energy efficiency and operations in existing buildings through systematic commissioning strategies or independent energy efficiency studies; and evaluate all the suggested energy efficiency action measures presented in this EAP, establish a priority for implementation, and determine possible funding sources (LSA 2022b).

The Project would meet the latest California CALGreen Code, which includes the latest in energy efficiency standards, consistent with the goals of the City's EAP. The City's EAP goals are primarily applicable to City facilities; therefore, the Project was analyzed for consistency with the State's 2020 Integrated Energy Policy Report. The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive programs for ZEVs and their infrastructure needs, and encouragement of urban designs that reduce VMT and accommodate pedestrian and bicycle access. In addition, the Integrated Energy Policy Report provides the results of the California Energy Commission's (CEC's) assessments of a variety of energy issues facing California. As indicated above, energy usage on the Project site during construction would be temporary in nature and relatively small in comparison to the overall use in the County. In addition, energy usage associated with operation of the Project would be relatively minimal in comparison to the overall use in Orange County, and the State's available energy resources. Therefore, energy impacts at the regional level would be negligible. Because California's energy conservation planning actions are conducted at a regional level, and because the proposed Project's total impact on regional energy supplies would be minor, the Project would not conflict with or obstruct California's energy conservation plans as described in the CEC's Integrated Energy Policy Report. Additionally, the Project would not result in the inefficient, wasteful, and unnecessary consumption of energy, as detailed above. Therefore, the Project would not lead to new or substantially more severe significant impacts associated with consistency with plans for renewable energy or energy efficiency (LSA 2022b). The Project would not create a new significant impact pertaining to energy that was not previously analyzed, and no new mitigation measures are required.

## Conclusion

The energy impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the energy analysis provided in the 2006 EIR are required.

# 3.7 GEOLOGY AND SOILS

The following analysis summarizes the "Preliminary Geotechnical Exploration and Plan Review for the Ritz-Carlton Residences Tower and Parking Structure" (Geotechnical Exploration), prepared for the Project by NMG Geotechnical, Inc. (NMG), dated January 19, 2022 (NMG 2022). This Geotechnical Exploration is included in Appendix E of this Addendum.

## 3.7.1 2006 EIR

The 2006 EIR concluded that implementation of the General Plan would not expose people or structures to adverse effects involving rupture of a fault located in an Alquist-Priolo Fault Zone. The Newport-Inglewood fault zone, the Whittier fault zone, the San Joaquin Hills fault zone, and the Elysian Park fault zone, all have potential to cause moderate to large earthquakes that would result in ground shaking in Newport Beach and nearby communities. However, none of these faults has been zoned under the guidelines of the Alquist-Priolo Earthquake Fault Zoning Act. As such, there are no Alquist-Priolo zones in the City and more specifically in the Newport Center/Fashion Island area, and no impact would result. The General Plan policies (i.e., S 4.1, S 4.2, S 4.4, and S 4.5) ensure that adverse effects caused by seismic and geologic hazards such as strong seismic ground shaking are minimized. Additionally, new development would be required to comply with the building design standards of the California Building Code (CBC). Compliance with applicable regulations and the policies contained in the General Plan would ensure that impacts related to strong seismic ground shaking remain at a less than significant level.

Portions of the City that are susceptible to liquefaction and related ground failure (i.e., seismically induced settlement) include areas along the coastline that includes Balboa Peninsula, in and around the Newport Bay and Upper Newport Bay, in the lower reaches of major streams in Newport Beach, and in the floodplain of the Santa Ana River. A considerable part of the City mapped liquefiable areas are already built. The City Safety Element Policies S 4.1 through S 4.6 require new development to be in compliance with geologic hazard safety standards for seismic design of structures in the City.

Further, the 2006 EIR concluded that implementation of the General Plan would have a less than significant impact associated with soil erosion or topsoil. All demolition and construction activities would be required to comply with CBC Chapter 70 standards. General Plan Policies NR 3.11, NR 3.12, and NR 3.13 would require compliance with applicable local, State, or federal laws. Compliance with the CBC and the National Pollutant Discharge Elimination System (NPDES) permits would minimize effects from erosion and ensure consistency with the Regional Water Quality Control Board (RWQCB) Water Quality Control Plan. Impacts were determined to be less than significant, and no mitigation is required.

The 2006 EIR also concluded that implementation of the General Plan would have a less than significant impact related to unstable soils, or compressible and expansive soils, as a result of collapse, subsidence, differential settlement, lateral spreading, or heaving. Adherence to the City's codes and General Plan policies, including S 4.4 and S 4.6 would ensure that development is not located on unstable soils or geologic units and no significant impacts would occur. Impacts would be less than significant, and no mitigation is required.

Additionally, the 2006 EIR concluded that implementation of the General Plan would have a less than significant impact related to unstable soils or geologic units. Development would be required to comply with all applicable provisions of the CBC related to soil hazard-related design. Also, General Plan Policies S 4.4 and S 4.6 would require that development not be located on unstable soils or geologic units. Impacts were determined to be less than significant, and no mitigation is required.

The 2006 EIR determined that the Newport Center/Fashion Island area is almost entirely built out with established utility services and new development would not require the use of septic tanks.

Furthermore, the 2006 EIR identified that potential impacts to paleontological resources would be less than significant with compliance with General Plan policies and Newport Beach City Council Paleontological Guidelines (K-4). The City has known significant paleontological resources, including portions of the Vaqueros formation that underlie the Newport Coast, Newport Banning Ranch, the Topanga and Monterey Formations, and Fossil Canyon in the North Bluffs area. Ground disturbing activities would have the potential to damage or destroy paleontological resources that may be present below the surface. The Newport Beach City Council Paleontological Guidelines (K-4) requires the City to prepare and maintain sources of information regarding paleontological sites. Compliance with policies within Goal NR 18 and the policies under Goal HR 2 would reduce this impact to a less than significant level.

## Mitigation Measures

No mitigation measures were required.

# 3.7.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **GEOLOGY AND SOILS** – Would the project: | | | | |
| a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) 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? Refer to Division of Mines and Geology Special Publication 42. | ☐ | ☐ | ☐ | ☑ |
| ii) Strong seismic ground shaking? | ☐ | ☐ | ☐ | ☑ |
| iii) Seismic-related ground failure, including liquefaction? | ☐ | ☐ | ☐ | ☑ |
| iv) Landslides? | ☐ | ☐ | ☐ | ☑ |
| b) Result in substantial soil erosion or the loss of topsoil? | ☐ | ☐ | ☐ | ☑ |

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | ☐ | ☐ | ☐ | ☑ |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? | ☐ | ☐ | ☐ | ☑ |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water? | ☐ | ☐ | ☐ | ☑ |
| f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | ☐ | ☐ | ☐ | ☑ |

***Would the Project:***

***a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:***

***i) 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 Substantial Change from Previous Analysis.** According to the Geotechnical Exploration prepared for the Project, the site is not located within a fault-rupture hazard zone as defined by the Alquist-Priolo Special Studies Act, and no evidence of active faulting was found during the investigation. Additionally, based on mapping by the State, there are no active faults mapped at the Project site. The closest major active faults are the Newport-Inglewood Fault located 2.7 miles (4.4 km) to the south of the site, and the San Joaquin Hills Blind Thrust Fault located 3.3 miles (5.3 km) north of the site. Since there are no active faults at the site, the potential for primary ground rupture is considered very low (NMG 2022), and as such no risk of loss, injury, or death would be anticipated. Therefore, the Project would not create a new significant impact pertaining to rupture of a known earthquake fault that was not previously analyzed, and no new mitigation measures are required.

***ii) Strong seismic groundshaking?***

**No Substantial Change from Previous Analysis.** Properties in southern California are subject to seismic hazards of varying degrees depending upon the proximity, degree of activity, and capability of nearby faults. These hazards can be primary (i.e., directly related to the energy release of an earthquake, such as surface rupture and ground shaking) or secondary (i.e., related to the effect of earthquake energy on the physical world, which can cause phenomena such as liquefaction and ground lurching). Since there are no active faults at the site, the potential for primary ground rupture is considered very low. According to the Geotechnical Exploration prepared for the Project, the primary seismic hazard for this site is ground shaking due to a

future earthquake on one of the major regional active faults (NMG 2022). However, implementation of current codes and regulations identified in the NBMC would ensure that potential impacts related to seismic ground shaking would be less than significant, and as such no risk of loss, injury, or death would be anticipated. Therefore, the Project would not create a new significant impact pertaining to strong seismic groundshaking that was not previously analyzed, and no new mitigation measures are required.

#### *iii) Seismic-related ground failure, including liquefaction?*

**No Substantial Change from Previous Analysis**. Liquefaction is a seismic phenomenon in which loose, saturated, granular soils behave similarly to a fluid when subject to high-intensity ground shaking. Liquefaction occurs when three general conditions coexist, shallow groundwater; low density non-cohesive (granular) soils; and high-intensity ground motion. Studies indicate that saturated, loose near surface cohesionless soils exhibit the highest liquefaction potential, while dry, dense, cohesionless soils and cohesive soils exhibit low to negligible liquefaction potential. Effects of liquefaction on level ground include settlement, sand boils, and bearing capacity failures below structures. However, according to the Geotechnical Exploration prepared for the Project, the site is not located in an area classified by the State as having soils that are potentially liquefiable (NMG 2022). As such no risk of loss, injury, or death would be anticipated. In the absence of liquefiable soils within the Project area, the Project would not create a new significant impact pertaining to seismic-related ground failure that was not previously analyzed, and no new mitigation measures are required.

#### *iv) Landslides?*

**No Substantial Change from Previous Analysis.** Earthquake-induced landslides occur in areas where previous landslides have occurred and in areas where the topographic, geologic, geotechnical, and subsurface groundwater conditions are conducive to permanent ground displacements. According to the Geotechnical Exploration prepared for the Project, the site is not mapped as susceptible to seismically induced landslides, based on the California Department of Mines and Geology (CDMG) Seismic Hazards Maps (NMG 2022). Therefore, the Project would not create a new significant impact pertaining to landslides that was not previously analyzed, and no new mitigation measures are required.

### *b) Result in substantial soil erosion or the loss of topsoil?*

**No Substantial Change from Previous Analysis.** Due to the location of the Project site in a relatively flat and developed area, the proposed Project is not anticipated to result in substantial erosion or loss of topsoil. According to the Water Quality Management Plan (WQMP), with implementation of the proposed Project, impervious surfaces on the Project site would increase from 80 percent under existing conditions to 90 percent impervious upon Project completion (Fuscoe 2021). This increase in impervious surface area would occur primarily due to the increase in development area associated with the proposed Project, as discussed previously in Section 2.0, Project Description and Setting. Once construction is complete, the Project site shall comply with Best Management Practices (BMPs) identified in the WQMP prepared for the proposed Project to reduce erosion effects to less than significant levels as discussed in Section 3.10, Hydrology and Water Quality, of this Addendum. Furthermore, construction activities would be performed pursuant to the current National Pollutant Discharge Elimination System (NPDES) permit requirements. Therefore, the Project would not create a new significant impact

pertaining to substantial erosion or the loss of topsoil that was not previously analyzed, and no new mitigation measures are required.

***c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?***

**No Substantial Change from Previous Analysis**. As discussed above, the Project site is not located in a potential landslide or a potential liquefaction area. Seismic-related ground failure, including liquefaction and settlement, is addressed under Threshold 3.7(a-ii). In addition, as addressed under Threshold 3.7(a-iv), the site is not located within a landslide zone. Lateral spreading is a liquefaction-related phenomenon, and as there is no risk of liquefaction, there would be no risk of lateral spreading. Therefore, the Project would not create new significant impacts pertaining to onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse that were not previously analyzed, and no new mitigation measures are required.

Subsidence is a lowering or settlement of the ground surface through collapse of subsurface void space. This condition can occur in areas where soil or groundwater has moved out of an area and has created a void space unable to sustain the materials above it or in areas where subsurface materials are dissolved, leaving little or no support for surface soils or features. The 2006 EIR concluded that implementation of the General Plan would have a less than significant impact related to subsidence. According to the United States Geological Survey (USGS), the Project site is located within an area of land subsidence that is primarily caused by groundwater pumping (USGS 2022). This geotechnical issue can be addressed through adherence to typical design and construction practices (such as design in accordance with the CBC). The Project would also require all recommendations from the Geotechnical Exploration prepared for the Project to be included in site preparation and building design specifications. As such, the proposed Project would have a less than significant impact associated with the exposure of people or structures to hazards associated with unstable geologic units or soils. No mitigation is required. Therefore, the Project would not create a new significant impact pertaining to soil instability that was not previously analyzed, and no new mitigation measures are required.

***d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?***

**No Substantial Change from Previous Analysis**. Expansive soils are materials that, when subject to a constant load, are prone to expansion when exposed to water. As discussed in the 2006 EIR, the City contains soils that are highly expansive, and subject to significant volume changes due to moisture fluctuations. According to the Geotechnical Exploration prepared for the Project, the site is underlain by varying thickness of compacted fill overlying native marine terrace deposits and bedrock of the Monterey Formation. Based on prior laboratory test results and experience with the soil materials within Fashion Island, NMG anticipates the near-surface fill soils and the marine terrace deposits at the site to have expansion potential ranging from "very low" to "medium." The anticipated expansion potential of the bedrock materials may vary from "very low" for the sandstone materials to "high" for the silty claystone and clayey siltstone materials (NMG 2022). However, implementation of current codes and regulations identified in the NBMC would ensure that potential impacts related to expansive soils would be less than significant. Therefore, the Project would not create a new significant impact that was not previously analyzed, and no new mitigation measures are required.

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

**No Substantial Change from Previous Analysis**. Similar to the discussion in the 2006 EIR, there would be no impact regarding the Project site having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. The Project site is within the VEA Newport Beach, A Marriott Resort and Spa, immediately southwest of Fashion Island, within the Newport Center-Fashion Island subarea, which is a highly developed and urbanized area of the City. As such, sewers have been and are available for disposal of wastewater. The Project would not require the inclusion of septic tanks or alternative wastewater disposal systems. Therefore, the Project would not create a new significant impact regarding septic tanks or alternative wastewater disposal systems that was not previously analyzed, and no new mitigation measures are required.

***f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

**No Substantial Change from Previous Analysis**. The 2006 EIR indicated that the site was not recognized as being a location for potential discovery of subsurface paleontological resources. The proposed Project would adhere to the General Plan policies under Goals HR 2 and NR 18 during ground disturbing activities that may impact previously undisturbed grounds. Additionally, the Project would comply with the City's "Paleontological Guidelines (K-5)," which requires the Applicant to retain a qualified paleontologist to be available on-call during ground-disturbing activities onsite and provides protocols in the event of an inadvertent discovery of a paleontological resource. Therefore, the Project would not create a new significant impact regarding paleontological resources that was not previously analyzed, and no new mitigation measures are required.

## Conclusions

The geology and soils, including paleontological resources, impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the geology and soils and paleontological resources analysis provided in the 2006 EIR are required.

# 3.8 GREENHOUSE GAS EMISSIONS

An Air Quality and Greenhouse Gas (GHG) Emissions Analysis technical report titled "Air Quality and Greenhouse Gas Analysis—Ritz-Carlton Residences Project, Newport Beach, Orange County, California", was prepared for the Project, by LSA in February 2022 (LSA 2022a). It is included in Appendix A of this Addendum and is summarized here by reference.

## 3.8.1 2006 EIR

Although the topic of greenhouse gas emissions was not part of the Appendix G of CEQA Guidelines at the time the 2006 EIR was prepared, the issue of GHG emissions and climate change impacts is not new information that was not known or could not have been known at the time of the certification of the 2006 EIR. The United Nations Framework Convention on Climate Change (UNFCCC) was established in 1992. The regulation of GHG emissions to reduce climate change impacts was extensively debated and analyzed throughout the early 1990s. The studies and analyses of this issue resulted in the adoption of the Kyoto Protocol in 1997. Many EIRs from 2006 and earlier described how climate change (often called global warming) would result in sea-level rise and other environmental changes. At the time of approval of the 2006 EIR, the contribution of GHG emissions to climate change was a prominent issue of concern. Therefore, the fact that GHG emissions could have a significant adverse environmental impact was known at the time the General Plan was approved and the 2006 EIR was certified. When the Housing Element was updated in 2013, the City analyzed GHG emissions and found that the Housing Element would have less than significant impacts with respect to this topic. Although the City finds that the issue of GHG impacts and climate change is not "new information" under PRC Section 21166, the following analysis for the proposed Project is provided for informational purposes. The 2006 EIR did not evaluate the effects of GHG emissions or consistency with GHG reduction plans (LSA 2022a).

### Mitigation Measures

No mitigation measures were required.

## 3.8.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **GREENHOUSE GAS EMISSIONS** – Would the project: | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☐ | ☐ | ☑ |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | ☐ | ☐ | ☐ | ☑ |

***Would the Project:***

***a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***

**No Substantial Change from Previous Analysis.** This section describes the proposed Project's construction- and operational-related GHG emissions and contribution to global climate change. The SCAQMD has not addressed emission thresholds for construction in their CEQA Handbook; however, the SCAQMD requires quantification and disclosure. Thus, construction emissions are discussed in this section.

## Construction Greenhouse Gas Emissions

Demolition and construction activities associated with the proposed Project would produce combustion emissions from various sources. During construction, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as carbon dioxide ($CO_2$), methane ($CH_4$), and nitrous oxide ($N_2O$). Furthermore, $CH_4$ is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change. The SCAQMD does not have an adopted threshold of significance for construction related GHG emissions. For the purpose of this analysis, the proposed Project is compared to the adjusted screening level Tier 3 Numerical Screening Threshold of 2,400 metric tons of carbon dioxide equivalent per year ($MTCO_2e$/yr) for all land use types, detailed further in Appendix A of this Addendum. Under the Tier 3 Numerical Screen Threshold, a Project would have less than significant GHG emissions if it would result in operational-related GHG emissions of less than 2,400 MT $CO_2e$/yr. However, lead agencies are required to quantify and disclose GHG emissions that would occur during construction. The SCAQMD then requires the construction GHG emissions to be amortized over the life of the Project, defined by the SCAQMD as 30 years, added to the operational emissions, and compared to the applicable interim GHG significance threshold tier. Using CalEEMod, it is estimated that the Project would generate approximately 3,508 $MTCO_2e$ during construction of the Project (see Appendix A for CalEEMod outputs). When amortized over the 30-year life of the Project, annual emissions would be 117 $MTCO_2e$, as shown in Table 3-9, Project Greenhouse Gas Emissions (LSA 2022a).

## Operational Greenhouse Gas Emissions

Long-term operational GHG emissions are typically associated with mobile, area, and stationary sources as well as indirect emissions from sources associated with energy consumption, waste sources, and water sources. The proposed Project would result in fewer daily trips than under existing conditions; therefore, the proposed Project would not generate new mobile source GHG emissions. Area source emissions would be associated with activities such as landscaping and maintenance on the Project site, and other sources. Energy source emissions would result at off-site utility providers as a result of increased electricity demand generated by the Project. Waste source emissions produced by the proposed Project include energy generated by land filling and other methods of disposal related to transporting and managing Project waste. Water source emissions associated with the proposed Project are generated by water supply and conveyance, water treatment, water distribution, and wastewater treatment. The proposed Project would

also produce stationary source emissions associated with the diesel emergency backup generator. Following guidance from the SCAQMD, GHG emissions were estimated for the operational year of 2025 using CalEEMod (LSA 2022a). Table 3-9 shows the calculated GHG emissions for the proposed Project.

**TABLE 3-9**
**PROJECT GREENHOUSE GAS EMISSIONS**

| Emission Source | Emissions ($MTCO_2e$/yr) |
|---|---|
| **Existing Operational Emissions** | |
| Area | <1 |
| Energy | 434 |
| Mobile | 968 |
| Waste | 44 |
| Water | 16 |
| **Total Existing Emissions** | **1,462** |
| **Proposed Project Operational Emissions** | |
| Area | 37 |
| Energy | 517 |
| Mobile | 541 |
| Stationary | 7 |
| Waste | 37 |
| Water | 50 |
| **Total Project Operational Emissions** | **1,189** |
| **Total Net Operational Emissions** | **-272** |
| **Amortized Construction Emissions** | **117** |
| ***Total Net Annual Emissions*** | ***-156*** |
| ***SCAQMD Tier 3 Threshold*** | ***2,400*** |
| ***Exceeds Threshold?*** | ***No*** |

$MTCO_2e$/yr: metric tons of carbon dioxide equivalent per year.

Source: LSA 2022a (Appendix A of this Addendum)

Based on the analysis, the proposed Project would result in a net decrease of approximately 156 $MTCO_2e$/yr over existing conditions. As such, operation of the proposed Project would not generate significant GHG emissions that would have a significant effect on the environment. Therefore, the proposed Project would not lead to new or substantially more severe significant impacts associated with operational GHG emissions, and no new mitigation measures are required.

### *b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

**No Substantial Change from Previous Analysis**. An evaluation of the proposed Project's consistency with the City's EAP, the 2017 Scoping Plan, and the 2020–2045 RTP/SCS is provided below.

## City of Newport Beach Energy Action Plan

The City of Newport Beach has an EAP, which identifies the City's vision and goals on achieving energy efficiency in local government facilities and in the community. The driving force for City of Newport Beach's energy efficiency efforts includes demonstrating leadership through the implementation of cost-effective energy efficiency improvements in their own facilities, minimizing costs associated with energy and utilities, and protecting the environment. The EAP is intended to guide the City to reduce GHG emissions by lowering municipal and community wide energy use (LSA 2022a).

The proposed Project would meet the latest California CALGreen Code and Energy Efficiency Code, which include the latest in energy efficiency standards, consistent with the goals of the Scoping Plan and the City's EAP.

### *2017 Scoping Plan*

California's major initiative for reducing GHG emissions is Assembly Bill (AB) 32, passed by the State legislature on August 31, 2006. This effort aims at reducing GHG emissions to 1990 levels by 2020. The CARB has established the level of GHG emissions in 1990 at 427 million metric tons of carbon dioxide equivalent ($MMTCO_2e$). The emissions target of 427 $MMTCO_2e$ requires the reduction of 169 $MMTCO_2e$ from the State's projected business-as-usual 2020 emissions of 596 $MMTCO_2e$. AB 32 requires the CARB to prepare a Scoping Plan that outlines the main State strategies for meeting the 2020 deadline and to reduce GHGs that contribute to global climate change. The Scoping Plan was approved by the CARB on December 11, 2008 and contains the main strategies California will implement to achieve the reduction of approximately 169 $MMTCO_2e$, or approximately 30 percent, from the State's projected 2020 emissions level of 596 $MMTCO_2e$ under a business-as-usual scenario (this is a reduction of 42 $MMTCO_2e$, or almost 10 percent from 2002–2004 average emissions). The Scoping Plan also includes CARB-recommended GHG reductions for each emissions sector of the State's GHG inventory. The Scoping Plan identifies 18 emission reduction measures that address cap-and-trade programs, vehicle gas standards, energy efficiency, low carbon fuel standards, renewable energy, regional transportation-related GHG targets, vehicle efficiency measures, goods movement, solar roof programs, industrial emissions, high speed rail, green building strategies, recycling, sustainable forests, water, and air. In June 2007, the CARB approved a list of 37 early action measures, including three discrete early action measures (Low Carbon Fuel Standard [LCFS], Restrictions on Global Warming Potential [GWP] Refrigerants, and Landfill $CH_4$ Capture). Discrete early action measures are measures that were required to be adopted as regulations and made effective no later than January 1, 2010, the date established by Health and Safety Code Section 38560.5. The CARB adopted additional early action measures in October 2007 that tripled the number of discrete early action measures. These measures relate to truck efficiency, port electrification, reduction of perfluorocarbons (PFCs) from the semiconductor industry, reduction of propellants in consumer products, proper tire inflation, and sulfur hexafluoride ($SF_6$) reductions from the non-electricity sector. The combination of early action measures is estimated to reduce statewide GHG emissions by nearly 16 $MMTCO_2e$. The CARB approved the First Update to the Climate Change Scoping Plan on May 22, 2014. The First Update identifies opportunities to leverage existing and new funds to further drive GHG emission reductions through strategic planning and targeted low carbon investments. The First Update defines CARB climate change priorities until 2020 and also sets the groundwork to reach long-term goals set

forth in Executive Orders (EOs) S-3-05 and B-16-2012. The Update highlights California's progress toward meeting the "near-term" 2020 GHG emission reduction goals as defined in the initial Scoping Plan. It also evaluates how to align the State's "longer-term" GHG reduction strategies with other State policy priorities for water, waste, natural resources, clean energy, transportation, and land use. CARB released a second update to the Scoping Plan, the 2017 Scoping Plan, to reflect the 2030 target set by EO B-30-15 and codified by SB 32. CARB is currently working on an update to the 2017 Scoping Plan, which will be released this year. The 2022 Scoping Plan Update would assess progress towards achieving the SB 32 2030 target and lay out a path to achieve carbon neutrality no later than 2045 (LSA 2022a).

The proposed Project is also analyzed for consistency with the 2017 Scoping Plan. The measures applicable to the proposed Project from the 2017 Scoping Plan include energy efficiency measures, water conservation and efficiency measures, and transportation and motor vehicle measures, as discussed below.

Energy efficient measures are intended to maximize energy efficiency building and appliance standards, pursue additional efficiency efforts including new technologies and new policy and implementation mechanisms, and pursue comparable investment in energy efficiency from all retail providers of electricity in California. In addition, these measures are designed to expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings. As discussed above, the proposed Project would comply with the CALGreen Code and the Energy Efficiency Code regarding energy conservation and green building standards. Therefore, the proposed Project would comply with applicable energy measures. Water conservation and efficiency measures are intended to continue efficiency programs and use cleaner energy sources to move and treat water. Increasing the efficiency of water transport and reducing water use would reduce GHG emissions. As noted above, the Project would comply with the CALGreen Code and Title 24, which includes a variety of different measures, including reduction of wastewater and water use. In addition, the proposed Project would include water-efficient irrigation systems and use water efficient landscape. Therefore, the proposed Project would not conflict with any of the water conservation and efficiency measures. The goal of transportation and motor vehicle measures is to develop regional GHG emissions reduction targets for passenger vehicles. Specific regional emission targets for transportation emissions would not directly apply to the proposed Project. The second phase of Pavley standards will reduce GHG emissions from new cars by 34 percent from 2016 levels by 2025, resulting in a 3 percent decrease in average vehicle emissions for all vehicles by 2020. Vehicles traveling to the Project site would comply with the Pavley II (LEV III) Advanced Clean Cars Program (LSA 2022a). Therefore, the proposed Project would not conflict with the identified transportation and motor vehicle measures.

### *2020–2045 Regional Transportation Plan/Sustainable Communities Strategy*

On September 3, 2020, the Southern California Association of Governments (SCAG) adopted Connect SoCal–The 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (2020–2045 RTP/SCS). In general, the SCS outlines a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce vehicle miles traveled (VMT) from automobiles and light-duty trucks and thereby reduce GHG emissions from these sources. For the SCAG region, CARB has set GHG reduction targets at 8 percent below 2005 per capita emissions levels by 2020, and 19 percent below 2005 per capita emissions levels by 2035. The RTP/SCS lays out a strategy for

the region to meet these targets. Overall, the SCS is meant to provide growth strategies that would achieve the regional GHG emissions reduction targets. Land use strategies to achieve the region's targets include planning for new growth around high-quality transit areas and livable corridors and creating neighborhood mobility areas to integrate land use and transportation and plan for more active lifestyles. However, the SCS does not require that local General Plans, Specific Plans, or zoning be consistent with the SCS; SCAG is required to consider local land use controls when drafting the SCS (LSA 2022a).

The Project would include the demolition of 159 hotel rooms and would construct 159 hotel-branded residences and associated parking. As discussed above, the Project would result in an increase of 361 residents (5 percent of SCAG's projected population growth for the City from 2016 to 2045 of 7,100 residents) and 159 residential units (5 percent of SCAG's projected household growth for the County from 2016 to 2045 of 2,900 households). The Project is envisioned as a high-rise housing development adjacent to commercial opportunities to encourage pedestrian access and provide a consumer base for nearby commercial uses. The Project would also provide on-site amenities and would provide connections to adjacent parcels to provide connectivity and convenient access to the nearby commercial and retail uses. In addition, the Project would result in fewer daily trips than under existing conditions; therefore, the proposed Project would not generate new mobile source emissions. Implementing SCAG's RTP/SCS would greatly reduce the regional GHG emissions from transportation, helping to achieve Statewide emissions reduction targets. As stated above, the Project would result in fewer daily trips than under existing conditions and would not conflict with the stated goals of the RTP/SCS; therefore, the Project would not interfere with SCAG's ability to achieve the region's GHG reduction target of 19 percent below 2005 per capita emissions level by 2035. Furthermore, the proposed Project is not regionally significant per State CEQA Guidelines Section 15206 and as such, it would not conflict with the SCAG's RTP/SCS targets since those targets were established and are applicable on a regional level. Given the nature of the proposed Project, it is anticipated that Project implementation would not interfere with SCAG's ability to implement the regional strategies outlined in the RTP/SCS (LSA 2022a).

Overall, the proposed Project would comply with existing State regulations adopted to achieve the overall GHG emissions reduction goals identified in AB 32 and would be consistent with applicable plans and programs designed to reduce GHG emissions. Therefore, the proposed Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. The impacts would be less than significant, and no new mitigation measures are required.

## Conclusion

In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the analysis provided in the 2006 EIR are required.

# 3.9 HAZARDS AND HAZARDOUS MATERIALS

The following analysis is derived from the "Phase I Environmental Site Assessment" (Phase I ESA), prepared for the Project by EBI Consulting (EBI), dated September 8, 2020 (EBI 2020). This Phase I ESA is included in Appendix F of this Addendum.

## 3.9.1 2006 EIR

As identified in the 2006 EIR, implementation of the General Plan would have a less than significant impact with respect to hazardous materials. Oversight by the appropriate federal, State, and local agencies and compliance with applicable regulations related to the handling and storage of hazardous materials would minimize the risk of the public's potential exposure to these substances. Therefore, impacts were considered less than significant.

The 2006 EIR concluded that compliance with existing regulations of the County Environmental Health Division, County Department of Toxic Substances Control, and RWQCB and General Plan Policies S 7.1 and S 7.4 would reduce impacts related to the release of hazardous materials into the environment. Additionally, compliance with Titles 8, 22, 26, and 49 of the CCR would ensure that this impact is less than significant.

Further, the 2006 EIR noted the areas of concerns for hazardous materials sites near schools. Compliance with the provisions of the City's Fire Code and implementation of Policy S 7.5 in the Safety Element of the General Plan in addition to the California Health and Safety Code would minimize the risks associated with the exposure of sensitive receptors to hazardous materials. Impacts were considered less than significant.

Additionally, the 2006 EIR identified that John Wayne Airport (JWA) is the nearest airport to Newport Center/Fashion Island area. JWA generates nearly all aviation traffic directly above the City of Newport Beach due to flight paths. All land uses surrounding the airport are required to comply and be compatible with the land use standards established in the City's Municipal Code and the Airport Land Use Commission's (ALUC) Airport Environs Land Use Plan (AELUP) for JWA. It should be noted that the northern inland portions of the City extending south just past Fashion Island, are included within the AELUP's height restriction zone for JWA.

The City of Newport Beach Emergency Management Plan guides responses to emergency situations associated with natural disasters, technological incidents, and nuclear defense operations. Implementation of General Plan policies S 9.1, S 9.2, and S 9.3 would reduce impacts associated with emergency response and evacuation in the City to a less than significant level.

Furthermore, according to the 2006 EIR, the City defines a wildland fire hazard area as any geographic area that contains the type and condition of vegetation, topography, weather, and structure density that potentially increases the possibility of wildland fires. The eastern portion of the City and surrounding areas to the north, east, and southeast include grass- and brush-covered hillsides with significant topographic relief that facilitate the rapid spread of fire, especially if fanned by coastal breezes or Santa Ana winds. The 2006 EIR noted that even though implementation of the proposed General Plan Update could result in development in urbanized areas adjacent to or intermixed with wildlands, this impact would be less than significant.

## Mitigation Measures

No mitigation measures were required.

## 3.9.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **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? | ☐ | ☐ | ☐ | ☑ |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | ☐ | ☐ | ☐ | ☑ |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☑ |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | ☐ | ☐ | ☐ | ☑ |
| 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 a public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? | ☐ | ☐ | ☐ | ☑ |
| f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☑ |
| g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? | ☐ | ☐ | ☐ | ☑ |

***Would the Project:***

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

**No Substantial Change from Previous Analysis.** Construction activities associated with the proposed Project would require the transport and use of standard construction equipment and materials, some of which may involve a hazardous component such as transport and storage of fuels.

The severity of these potential effects varies by type of activity, concentration and/or type of hazardous materials or wastes, and proximity to sensitive receptors. Given these activities would be associated with construction, they would be temporary in nature. Additionally, the proposed Project, similar to all development pursuant to the General Plan, would be required to comply with regulations and standards established by the applicable federal and State regulatory

agencies, including the DTSC, the USEPA, and OSHA and their standards of safety. All hazardous substances (e.g., paint, adhesives, finishing materials, cleaning agents, and fuels) would be handled in accordance with the same regulations. Compliance with applicable laws and requirements governing the use, storage, transportation, and disposal of hazardous materials would ensure that the proposed Project would not create a significant hazard to the public or the environment through the routine transport, storage, production, use, or disposal of hazardous materials.

Long-term, operational hazards to the environment or the public through the transport, use, or disposal of hazardous materials are typically associated with the operation of non-residential uses, such as industrial and some commercial uses. The Project contemplates hotel branded residences within an existing resort hotel complex. Hazardous materials are not expected to be associated with the Project in substantial quantities once it is implemented. Use of hazardous materials would be limited to normal household chemicals such as cleansers and solvents and would be limited in household quantities. Because these materials would be used in very limited quantities, they are not considered a significant hazard to the public. Furthermore, these substances would be contained, stored, and used in accordance with manufacturers' instruction and handled in compliance with applicable standards and regulations. The proposed Project's impact on creating long-term significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials would be less than significant. Thus, the Project would not create a new significant impact pertaining to significant hazards through the release of hazardous materials into the environment that was not previously analyzed, and no new mitigation measures are required.

***b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?***

According to the Phase I ESA prepared for the Project site, there are several historic conditions associated with the Project site that may create a hazard to the public or environment.

## Current Property Use

As of 2020, the Project site was occupied by Newport Beach Marriott Hotel and Spa, a full-service hotel that includes 532 hotel rooms. Additional on-site amenities include 24 meeting rooms, a beauty shop, a spa, a restaurant, a coffee shop, guest laundry room, and three pools. There are currently no manufacturing or industrial operations conducted at the Project site.

## Historical Information

EBI investigated the history of the Project site dating back to 1940 or first developed use. No environmentally significant conditions were identified on the Project site or surrounding properties during the historical review. The Project site appeared vacant until 1977 when the site was improved with structures resembling a portion of the existing hotel.

## Current Use of Adjacent Properties

Properties in the vicinity of the Project site are primarily characterized by residential and retail/commercial development, as well as a golf course. The Project site is bound to the north by Santa Barbara Drive, beyond which are commercial office buildings located at 840 and 880 Newport Center Drive; to the east by Newport Center Drive, beyond which is a parking structure associated with Fashion Island, a commercial store located at 901 Newport Center Drive, and a restaurant located at 951 Newport Center Drive; to the south by a private, gated residential community; to the west by the golf course portion of the Newport Beach Country Club; and to the northwest by a residential complex located at 1001 Santa Barbara Drive.

## Findings

A recognized environmental condition (REC) refers to the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property, due to release to the environment; under conditions indicative of a release to the environment; or under conditions that pose a material threat of a future release to the environment. The following was identified during the course of the Phase I ESA:

- EBI observed one 10,000-gallon diesel underground storage tank (UST) near the receiving dock on the northern portion of the Project site. The tank is reportedly double-walled and is equipped with a leak monitoring system. Site personnel did not report any leaks associated with the tank. In addition, site personnel reported that the current on-site UST was installed at the Project site in 2005 and did not replace any pre-existing on-site USTs. However, a review of the Statewide Environmental Evaluation and Planning System (SWEEPS) UST regulatory database listing indicates that a 10,000-gallon diesel UST was initially registered at the Project site starting in 1988. EBI requested records from the Orange County Health Care Agency to obtain any records associated with the current UST. Additionally, EBI requested documents related to the current on-site UST from the site contact to determine the exact age of the existing UST. Documentation has since been provided indicating that the UST was last inspected on September 16, 2020, and the results indicate that the UST tank does not have a leak and therefore does not require additional investigation.

In addition, the following consideration outside the scope of ASTM Practice E 1527-13 was identified in connection with the Project site:

- EBI conducted a limited screening survey for the presence of asbestos-containing materials (ACM) at the Project site, including the collection of bulk samples of suspect ACM. Laboratory analytical results are currently pending. These materials were observed to be undamaged and in good condition at the time of assessment. It is noted that this survey was limited to observations of accessible areas and the scope of work for this assessment did not include the collection and laboratory analysis of bulk samples of undamaged suspect ACM. Additional suspect ACM may be present in inaccessible areas. Based on the condition of the identified ACM, these materials do not currently pose a significant environmental threat to the occupants of the Project site. ACM do not present a problem when maintained in good condition. However, additional sampling, removal, and disposal arrangements may be necessary should building construction or renovation

activities be conducted. Asbestos is a condition outside the scope of ASTM E 1527-13 and is not considered a REC.

Based on the findings of the Phase I ESA, potential exposure to ACMs represents a significant impact. However, with adherence to standard requirements, including the *California Health and Safety Code* and California Occupational Safety and Health Administration (Cal OSHA) Standards, potential impacts would be less than significant level. Therefore, the Project would not create a new significant impact pertaining to significant hazards through the release of hazardous materials into the environment, that was not previously analyzed, and no new mitigation measures are required.

***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 Substantial Change from Previous Analysis.** The Project site is not proximate to a school; no school is located within one-quarter mile of the site. Corona del Mar High School located at 2101 Eastbluff Drive is approximately 1.1 miles from the Project site. As detailed under responses to Thresholds 3.9(a) and 3.9(b), the proposed Project would continue to follow proper protocol for handling and disposal of hazardous materials and substances. Temporary construction activities may require the use of materials listed as hazardous; however, these materials would be routine construction materials and would not be required in large quantities. Additionally, the contractor would be required to use standard construction controls and safety procedures, which would avoid and minimize the potential for accidental release or spill of such substances into the environment.

Further, residential activities associated with occupancy of the proposed hotel branded residences would be similar to other residential uses surrounding the site and would not generate hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste in quantities that may impact students at schools within 0.25 mile of the site, if one existed within that distance., The Project would not create a new significant impact regarding hazardous materials near schools, during construction and operation, that was not previously analyzed, and no new mitigation measures are required.

***d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?***

**No Substantial Change from Previous Analysis**. As part of the Phase I ESA and based on a review of the Environmental Data Resources (EDR) Radius Map with Geocheck® prepared for the Project site by Environmental Data Resources, Inc. (2020), the following facilities were listed adjacent to the site. Search parameters were based on a one-mile radius of the Project site and consisted of a search of federal, State, local, tribal, and other databases. The complete list of databases and additional information regarding the identified site can be found in Appendix F.

- **NEWPORT BEACH MARRIOTT HOTEL; HMP PROP INC; HOST MARRIOTT CORP NEWPORT BEACH (900 Newport Center Drive).** The UST, SWEEPS UST, CA Facility Inventory Database (FID) UST, and California Environmental Reporting System (CERS) TANKS listings are related to the operations of one, on-site, 10,000-gallon diesel fuel UST. As per the SWEEPS UST listing, the Action Date is reported as September 15, 1992. No

other pertinent information was reported. The remaining listings are generally related to routine generation of hazardous materials from at least 1993-2019 associated with the operation of a full-service hotel. As per the HAZNET listings, reported wastes generated on-site include unspecified oil-containing waste, other inorganic solid waste, tank bottom waste, asbestos containing waste, and aqueous solution with total organic residues less than 10, among others. The generation of hazardous materials associated with hotel operations is considered unlikely to represent an environmental concern to the Project site.

- **PACIFIC FINANCIAL PLAZA; ASPHALTO WASTEWATER SUMP NO (840 Newport Center Drive).** The listings associated with Pacific Financial Plaza appear to be generally related to office use. The utilization of an AST is noted on the CERS TANKS listing while AT&T is noted as a generator of waste on the CERS HAZ WASTE listing. This is likely related to cellular equipment attached to the adjacent office buildings. The listings associated with ASPHALTO WASTEWATER SUMP NO appear to be related to a wastewater treatment/pump station. A review of current and historical aerial photographs does not indicate that the north adjacent property has been used for wastewater treatment of pumping/storage purposes. Hence, it is possible, that clerical operations associated with the wastewater pump/treatment center are located within the adjacent office building or that a lift station is located in this area. Based on the absence of reported releases, conditions associated with these listings are considered unlikely to represent an environmental concern to the Project site.

- **NORDSTROM INC 333 (901 Newport Center Drive).** These listings are generally related to the operation of a commercial clothing store located on the east adjacent property. The Resource Conservation and Recovery Act - Small Quantity Generators (RCRA-SQG) listing does not report any violations. The Emergency Response Notification System (ERNS) listing notes that a drum fell off a pickup truck at a job site near the adjacent property address. The drum reportedly spilled diesel fuel onto the ground. The spill was reported to have been addressed. Based upon the absence of reported violations and the reported type of operations, conditions associated with the east adjacent property are considered unlikely to represent an environmental concern to the Project site.

- **PACIFIC FINANCIAL PLAZA (800 Newport Center Drive).** As per the listings, a nearby facility to the northeast is listed as a leaking underground storage tank (LUST) facility. According to the listing, the Potential Contaminants of concern are listed as "gasoline" while the Potential Media Affect is reported as "soil." The status is reported as "Completed - Case Closed" as of November 26, 1990. Based upon the separating distance, the current regulatory status and the reported impact to soil only, conditions associated with the nearby LUST facility are considered unlikely to represent an environmental concern to the Project site.

According to the EDR Radius Map, no hazardous materials sites were identified within the boundaries of the Project site. Of the hazardous materials sites identified in the Project vicinity, none of the identified sites pose a hazard to the Project site. No impacts related to known hazardous materials sites would occur. Therefore, no new significant impact pertaining to hazardous materials sites that was not previously analyzed would occur, and no new mitigation measures are required.

***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 or excessive noise for people residing or working in the project area?***

**No Substantial Change from Previous Analysis**. The Project site is not located within an adopted Airport Land Use Plan or within two miles of a public airport or public use airport. The nearest airport to the site is John Wayne Airport, located approximately 3.0 miles northeast of the Project site. According to the Airport Environs Land Use Plan (AELUP 2008) for John Wayne Airport, the Project site is not located in the Airport Influence Area of the airport. Therefore, the Project would not create a new significant impact regarding a safety hazard or excessive noise for people residing or working in the project area that was not previously analyzed, and no new mitigation measures are required.

***f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

**No Substantial Change from Previous Analysis.** The proposed Project would not impair or physically interfere with an adopted emergency response or evacuation plan, including the City of Newport Beach Emergency Operations Plan (EOP). The EOP identifies evacuation routes, emergency facilities, and City personnel and describes the overall responsibilities of federal, State, regional, Operational Area, and City entities. No revisions to the adopted EOP would be required as a result of the proposed Project. Primary access to all major roads would be maintained during construction of the Project and no evacuation routes would be impacted during Project implementation. Adherence to all applicable regulations and General Plan policies would result in a less than significant impact with respect to interference with an adopted emergency response plan or emergency evacuation plan. Therefore, the Project would not create a new significant impact related to emergency response, evacuation, or disaster plans that were not previously analyzed, and no new mitigation measures are required.

***g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?***

**No Substantial Change from Previous Analysis.** The proposed Project is not within a State responsibility area or designated Very High Fire Hazard Severity Zones (VHFHSZ), as defined by the California Department of Forestry and Fire Prevention (CAL FIRE). The nearest Local Responsibility Area (LRA)-designated VHFHSZ is located 1.45 miles southeast of the Project site, within the hillside and open space areas within the City (CAL FIRE 2011). The site is in a highly urbanized area and surrounded by developed land on all sides. The proposed hotel branded residential tower and parking structure would be constructed to meet current building and fire codes requirements. Therefore, the Project would not create a new significant impact to emergency response plans or emergency evacuation plans, and no new mitigation measures are required.

## Conclusions

The hazards and hazardous materials impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of

previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the hazards and hazardous materials analysis provided in the 2006 EIR are required.

# 3.10 HYDROLOGY AND WATER QUALITY

The information in this section is derived from the "Preliminary Water Quality Management Plan, The Ritz-Carlton Residences, Newport Beach, CA" (WQMP) prepared for the proposed Project by Fuscoe Engineering, Inc. (2021) and the "Preliminary Hydrology Report, The Ritz-Carlton Residences, Newport Beach, California" prepared for the proposed Project Fuscoe Engineering, Inc. (2021). The reports are included as Appendices G and Appendix H in this Addendum.

## 3.10.1 2006 EIR

The 2006 EIR determined that the implementation of development set forth in the 2006 General Plan could result in an increase in pollutants in storm water and wastewater. However, water quality standards and waste discharge requirements would not be violated with compliance with regulations including, but not limited to, the State Water Resources Control Board (SWRCB) Construction General Permit and preparation and implementation of Stormwater Pollution Prevention Plan (SWPPP) required for compliance with the National Pollution Discharge Elimination System (NPDES) General Construction Stormwater Activity Permit. Impacts to violation of any water quality standards or waste discharge requirements were deemed less than significant.

Further, the 2006 EIR identified that implementation of the General Plan could create additional impervious surfaces which could interfere with groundwater recharge, and that development could substantially deplete groundwater supplies. However, the 2006 EIR also noted that as the four subareas are currently developed, there would be no substantive change in the amount of impervious surfaces. Thus, the 2006 EIR identified that new development would not substantially affect groundwater recharge and that potential impacts to groundwater recharge would be less than significant.

Regarding drainage and erosion, the 2006 EIR stated that development under the proposed General Plan Update could alter the existing drainage pattern of the Planning Area and potentially result in erosion and siltation. However, General Plan Update policies, including preparation of a Water Quality Management Plan (WQMP) and implementation of best management practices (BMPs) would reduce the risk of short-term erosion resulting from drainage alterations during construction and operations to less than significant. The General Plan Update could also alter the existing drainage pattern of the Planning Area and potentially result in increased downstream flooding through the addition of impervious surfaces, exceeding the capacity of existing or planned stormwater drainage systems, or providing substantial additional sources of polluted runoff. However, General plan Update policies, such as preparation of a WQMP, implementation of BMPs, incorporation of stormwater detention facilities, design of drainage facilities to minimize adverse effects on water quality, and minimization of increases in impervious areas, would reduce impacts to less than significant.

Furthermore, although the increase in stormwater runoff from implementation of the General Plan Update could increase stormwater runoff, which would require expansion of existing or construction of new storm drain facilities, impacts would be less than significant, as upgrades, expansion, and construction of necessary utilities to accommodate new development would be subject to project-specific environmental review.

Development of the General Plan Update anticipated placing housing or structures within a 100-year flood zone. However, the Newport Center/Fashion Island subarea does not contain 100-year flood zone areas within its boundaries. This impact was deemed less than significant. Additionally, implementation of the flood protection policies contained in the General Plan Update and existing City Municipal Code, would minimize the impact of flooding. These protective measures would also reduce impacts from flooding as a result of dam failure to the extent feasible. Thus, risks associated with flooding, including dam failure inundation, was deemed less than significant.

The 2006 EIR also noted that development under the proposed General Plan Update would increase the exposure of people to the low probability but high-risk events such as seiche, tsunami, and mudflows. However, the Newport Center/Fashion Island subarea was not included as a probable area for these impacts. This impact was deemed less than significant with implementation of flood protection policies contained in the Safety Element of the proposed General Plan Update.

## Mitigation Measures

No mitigation measures were required.

# 3.10.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **HYDROLOGY AND WATER QUALITY** – Would the project: | | | | |
| a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? | ☐ | ☐ | ☐ | ☑ |
| b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? | ☐ | ☐ | ☐ | ☑ |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would**:** | ☐ | ☐ | ☐ | ☑ |
| i) result in substantial erosion or siltation on- or off-site; | | | | |
| ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; | | | | |
| iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or | | | | |
| iv) impede or redirect flood flows? | | | | |

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? | ☐ | ☐ | ☐ | ☑ |
| e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? | ☐ | ☐ | ☐ | ☑ |

***Would the Project:***

***a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?***

**No Substantial Change from Previous Analysis.** According to the WQMP, potential pollutant sources associated with the construction and operation of the proposed Project may include suspended solid/sediment, nutrients, heavy metals, pathogens (bacteria/virus), pesticides, oil and grease, toxic organic compounds, and trash and debris (Fuscoe 2021c). Construction and operation of the proposed Project would increase the potential for storm water runoff to transport these pollutants into the storm drain system, thus contributing to the degradation of water quality and the potential violation of water quality standards or waste discharge requirements.

Short-term construction impacts from the proposed Project would be minimized through compliance with the NPDES Construction General Permit. This permit, which requires filing a notice of intent (NOI) with the State Water Resources Control Board, requires the development and implementation of a SWPPP, which must include (1) erosion and sediment-control BMPs that meet or exceed measures required by the Construction General Permit and (2) BMPs that control other potential construction-related pollutants. A SWPPP would be developed as required by, and in compliance with, the NPDES Construction General Permit. In addition to the requirements of the NPDES Construction General Permit, the *California Building Code* and grading permit requirements include provisions that require reduction of erosion and sedimentation impacts during construction. Full compliance with applicable local, State, and federal regulations would ensure that water quality impacts associated with construction would be less than significant.

As indicated in the WQMP prepared for the Project, the following structural source control BMPs would achieve long-term water quality enhancement through proposed drainage and treatment systems: providing storm drain stenciling and signage; using efficient irrigation systems and landscape design, water conservation, smart controllers, and source control; and incorporating requirements applicable to individual priority project categories (from SDRWQCB NPDES Permit). Non-structural BMPs (also identified in the Preliminary WQMP) would reduce pollutant loading into storm water runoff (Fuscoe 2021c). Therefore, with compliance with the recommendations set forth in the WQMP for the Project, potential impacts related to storm water would be less than significant. Therefore, the Project would not create a new significant impact pertaining to short- and long-term potential water quality-related impacts that was not previously analyzed, and no new mitigation measures are required.

***b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project impede sustainable groundwater management of the basin?***

**No Substantial Change from Previous Analysis.** Under existing conditions, the Project site is currently 80 percent impervious and does not contribute significantly to groundwater recharge due to the small amounts of unpaved areas or pervious surfaces, which are subject to surface water infiltration. As identified in the WQMP, the surface of the site would increase the impervious condition to approximately 90 percent. Due to the nominal increase in impervious surface area, development of the proposed Project would not interfere with groundwater recharge through the elimination of surface water infiltration.

The proposed Project would not withdraw directly from the groundwater basin; rather, water resources would be provided by the City (Section 3.19, Utilities and Service Systems). The proposed Project would connect to existing water mains (i.e., 12-inch water main on Newport Center Drive) that are serviced by the City of Newport Beach. The City has indicated that there is adequate water capacity to serve the proposed Project. Therefore, the Project would not create a new significant impact pertaining to groundwater that was not previously analyzed, and no new mitigation measures are required.

***c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:***

***i) result in substantial erosion or siltation on- or off-site;***

***ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;***

***iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or***

***iv) impede or redirect flood flows?***

**No Substantial Change from Previous Analysis.** The Project site is located within the Newport Bay Watershed. The development area drains to the Lower Newport Bay. As described in Section 3.0, Project Description, the proposed Project would include construction of a residential building and parking structures. The proposed drainage is expected to generally mimic the existing drainage patterns. A portion (0.08 acre) of the southwestern area of the site would continue to drain westerly towards the golf course. The parking structure would drain easterly towards to Newport Center Drive and outlet through a curb drain.

According to the WQMP, development of the proposed Project would not alter the course of a stream or river. Under proposed conditions, runoff would flow similar to existing conditions. An area drain system would collect runoff within the Project area and direct low flows to one of three Modular Wetland Systems (MWS) for water quality treatment. High flows would bypass the biotreatment system and exit the site. Flows would comingle with offsite runoff from the Newport Beach Marriott Hotel and Spa. The biotreatment units would be sized for both off-site

and on-site flows. Most flows would travel to the southeast corner of the site, connecting to an existing storm drain system that ties into an 18-inch storm drain that connects to the existing 42-inch storm drainpipe along Newport Center Drive. A small portion of runoff (approximately 0.08 acre) would exit the site to the west and drain to the adjacent golf course. Runoff from the proposed parking structure (approximately 0.74 acre) would drain easterly and outlet through a curb drain before entering a catch basin and joining the 42-inch storm drain along Newport Center Drive. After traveling along Newport Center Drive, flows eventually enter Lower Newport Bay and the Pacific Ocean.

According to the Hydrology Report prepared for the Project, the proposed condition drainage patterns would generally mimic those of the existing condition, with the exception of sub-area E. The results show that the proposed condition flows do not exceed those of existing condition at any of the discharge locations. The existing and proposed drainage systems have capacities to provide drainage interception and conveyance for the proposed Project. Specifically, the existing peak flow for the 100-year storm is 37.7 cfs; however, this volume would decrease by 5.1 cfs to 32.6 cfs with the proposed Project (Fuscoe 2021b). The Project would result in a decrease of storm flows and would not result in an impact to the capacity of the storm water drainage system. Compliance with the WQMP would reduce any erosion-related impacts to less than significant levels. Therefore, the Project would not create a new significant impact pertaining to substantial erosion, runoff water, or flood flows that were not previously analyzed, and no new mitigation measures are required.

### *d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

According to the 2006 EIR, the probability of dam failure affecting the City is low. The potential for secondary seismic hazards, such as tsunami and seiche, is also considered very low to none because the Project site is located away from the ocean at an elevation of over 170 feet above msl and outside of mapped tsunami inundation zones. Further, the Project site is not located adjacent to a confined body of water; therefore, the potential for seismic hazard of a seiche (an oscillation of a body of water in an enclosed basin) is considered very low to none (Fuscoe 2021c). Therefore, the Project would not result in new significant impacts pertaining to flood hazard, tsunami, or seiche that would release pollutants due to inundation, that were not previously analyzed, and no new mitigation measures are required.

### *e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

**No Substantial Change from Previous Analysis.** As discussed above under Threshold 3.10(a), the Project would comply with applicable water quality regulations for long-term impacts. Specifically, the Project would comply with the NPDES Permit requirements. For long-term water quality impacts, in accordance with the NPDES program, the Project would continue to operate in accordance with the Orange County Municipal Storm Water Permit.

As detailed in the 2006 EIR, there are no groundwater wells on the Project site, and no wells are proposed as part of the Project. The proposed Project would not involve direct withdrawals of groundwater, nor would it interfere with groundwater recharge such that it would result in a net deficit in aquifer volume or lowering of the local groundwater table. Therefore, the Project would

not create a new significant impact pertaining to sustainable groundwater management plan that was not previously analyzed, and no new mitigation measures are required.

## Conclusion

The hydrology and water quality impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the hydrology and water quality analysis provided in the 2006 EIR are required.

# 3.11 LAND USE AND PLANNING

## 3.11.1 2006 EIR

The Project site is located within the Newport Center/Fashion Island area – a regional center of business and commerce that includes major retail, professional office, entertainment, hotel, and residential uses in a master planned mixed use development. Fashion Island, a regional shopping center, forms the nucleus of Newport Center and is framed by this mixture of office, entertainment, and residential land uses. New land uses in this subarea include additional commercial uses (approximately 430,000 sf), approximately 600 multi-family residential units, and approximately 250 additional hotel rooms. Residential units have existed in this area since the 1970s and increased through the 1990s. No conflicts between the residential and commercial uses have occurred previously in this area, as evidenced by the lack of complaints by area residents. Goals and policies contained in the proposed General Plan Update would serve to promote a mixed use, pedestrian-friendly district for this subarea that would continue commercial and residential uses. Policy LU 6.14.5 encourages improved pedestrian connections and streetscape amenities connecting the area's diverse districts. Goals contained in the proposed General Plan Update related to mixed use development (Goal 5.3) specifically articulate that such development should promote compatibility among uses. General Plan Policy LU 5.3.1 calls for the consideration of compatibility issues in design of mixed-use development. Thus, mixed use development under the General Plan Update would be, by design, compatible with adjacent non-residential uses.

The 2006 EIR concluded that the General Plan would not include any roadway extensions or other development features through currently developed areas; instead, it would allow limited infill development in select subareas of the City. The 2006 EIR did not include any extensions of roadways or other development features through currently developed areas that could physically divide an established community. Therefore, the 2006 EIR would not physically divide an established community and impacts were identified as less than significant.

The 2006 EIR analyzed land use incompatibility with regard to introducing new land uses and structures that could result in intensification of development in the City. The 2006 EIR concluded that the majority of land use changes proposed would not result in incompatibilities or nuisances that would rise to a level of significance and impacts were considered less than significant. The 2006 EIR was found to be consistent with all applicable land use plans for the City.

## Mitigation Measures

No mitigation measures were required.

# 3.11.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **LAND USE AND PLANNING** – Would the project: | | | | |
| a) Physically divide an established community? | ☐ | ☐ | ☐ | ☑ |
| b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? | ☐ | ☐ | ☐ | ☑ |

***Would the Project:***

***a) Physically divide an established community?***

**No Substantial Change from Previous Analysis.** The Project site is currently developed with hotel use and is bound by Newport Center Drive to the east and surrounded by retail, commercial office, residential (condominium), and a golf course. Overall, the Project site is within a largely mixed-use area of the City and specifically within a hotel resort complex. The nearest residential use to the Project site is the Grandville Private Residential Community, which is located adjacent to the Project's southwestern boundary. The Project would establish a new hotel branded residential tower on a site that is currently used for a hotel. Therefore, the Project would not physically divide an established community as none exists on the site. No new impact that was not previously discussed would occur, and no mitigation is required.

***b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?***

**No Substantial Change from Previous Analysis**. As stated in Section 2.3.1, Land Use Designation, the proposed Project site has a General Plan designation of Visitor Serving Commercial (CV); a Coastal Land Use Plan designation of Visitor Serving Commercial (CV-B); and a Zoning designation of Commercial Visitor-Serving (CV). All CV designations allow for overnight accommodations and accessory land uses. The proposed hotel branded residences are an allowable accessory land use within City Council Policy K-4 and Director's Determination No. DD2021-001. As such, the proposed Project is consistent with the applicable CV land use designations.

In light of consistency with and direction by the City Council Policy K-4 and Director's Determination No. DD2021-001, the Project overall would be consistent with the applicable goals and policies of the City's General Plan. The Project would not require a General Plan land use amendment. As such, implementation of the proposed Project would not result in significant land use impacts including consistency with goals and policies. Therefore, the Project would not

create a new significant impact pertaining to land use that was not previously analyzed, and no new mitigation measures are required.

## Conclusion

The land use and planning impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the land use and planning analysis provided in the 2006 EIR are required.

# 3.12 MINERAL RESOURCES

## 3.12.1 2006 EIR

Regarding mineral resources, the 2006 EIR determined that the Planning Area contained areas with Mineral Resource Zones 1 and 3. The Project site, including potions within the Newport Center/Fashion Island subarea, is located within MRZ-1, as designated by the California Geological Survey (CGS). The MRZ-1 designation represents areas where available geologic information indicates there is little or no likelihood for presence of significant mineral resources. Most of the active oil wells are currently located in the West Newport and Newport production areas, and the 2006 EIR did not identify any oil or gas production facilities within the Newport Center/Fashion Island area or the Project site. The 2006 EIR determined that implementation of the proposed General Plan Update would not result in the loss of the availability of known mineral resources that would be of value to the region and the residents of the State. Regarding the loss of availability of a locally important mineral resource recovery site, the 2006 EIR indicated that implementation of the General Plan Update would not 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.

### Mitigation Measures

No mitigation measures were required.

## 3.12.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **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? | ☐ | ☐ | ☐ | ☑ |
| 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? | ☐ | ☐ | ☐ | ☑ |

***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 Substantial Change from Previous Analysis.** The 2006 EIR determined that there would be no impact regarding the loss of availability of a known mineral resource that would be of value to the region and the residents of the State. As indicated above, the Project site was determined to be within MRZ-1, which is an area with no significant mineral deposits. Therefore, the proposed Project would not disturb mineral resources, nor would it change the availability of

resources on or near the Project site. The proposed Project would not create a new significant impact related to mineral resources of value to the region and residents of the State that was not previously analyzed, and no new mitigation measures are required.

***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?***

**No Substantial Change from Previous Analysis.** The 2006 EIR determined that there would be no impact regarding the loss of availability of a locally important mineral resources recovery site delineated on a local general plan, specific plan, or other land use plan. The proposed Project would not require mineral resources, nor would it change the availability of resources on or near the Project site. Additionally, as the Project site is located within MRZ-1, the area does not contain significant mineral deposits. Therefore, the proposed Project would not create a new significant impact related to loss of availability of mineral resources recovery sites, not previously analyzed, and no new mitigation measures are required.

## Conclusion

The mineral resources impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no substantial changes to the mineral resources analysis provided in the 2006 EIR are required.

# 3.13 NOISE

A Noise and Vibration Impact Analysis Technical Report, titled "Noise and Vibration Impact Analysis—Ritz-Carlton Residences Project, Newport Beach, Orange County, California", was prepared by LSA, in February 2022 (LSA 2022c). The report is included in Appendix I, Noise Report, of this Addendum and is summarized here by reference.

## 3.13.1 2006 EIR

The 2006 EIR found that under the General Plan, the primary source of temporary or periodic noise within the City would be construction activities and maintenance work, including both construction-site activities and the transport of workers and equipment to and from the construction sites. The 2006 EIR determined that construction noise is not subject to the noise standards in the Municipal Code but would only occur during limited hours of the day and days of the week. Therefore, the 2006 EIR determined that since construction noise would be exempt from the City code, impacts were considered less than significant (LSA 2022c).

The 2006 EIR evaluated future roadway noise levels within the City with the implementation of the General Plan. The 2006 EIR found that the 24 roadway segments along Birch Street, Campus Drive, Coast Highway, Irvine Avenue, Jamboree Road, MacArthur Boulevard, and Newport Coast Drive would have a significant increase in noise at 100 feet from the centerline. As identified in the 2006 EIR, the changes in motor vehicle trips and circulation patterns would increase noise levels within the City by a maximum of 3.7 A-weighted decibels (dBA) Community Noise Equivalent Level (CNEL), although most increases in noise would be between 1 and 3 dBA. The 2006 EIR concluded that while there are a number of policies in the General Plan under Goal N2 that would help mitigate the impact of traffic noise on receptors, impacts would remain significant and unavoidable. The 2006 EIR did not evaluate long-term noise impacts associated with other sources associated with Project operation (LSA 2022c).

As discussed in the 2006 EIR, locations throughout the City would experience changes in noise levels due to an increase in vehicular traffic. The 2006 EIR found that based on the information in the existing and future noise contours, noise levels in excess of standards established by the City could occur where schools, libraries, health care facilities, and residential uses are located in the City and will continue to be, exposed to exterior noise levels that exceed the City's standard of 60 dBA CNEL. As such, the 2006 EIR concluded that implementation of General Plan policies associated with Goals N1 and N2 (requiring that all remodeling/additions to structures comply with the General Plan noise standards, requiring the use of walls, berms, interior noise insulation, double paned windows, or other noise mitigation measures in new residential or other new land uses) would reduce noise impacts to future land uses, but would do little to remediate noise effects on existing land uses. As such, this impact was considered significant and unavoidable (LSA 2022c).

As identified in the 2006 EIR, construction activities that would occur under the General Plan would have the potential to generate groundborne vibration. As such, the 2006 EIR found that construction activities would occur at discrete locations in the City and vibration from such activity may impact existing buildings and their occupants if they are located close enough to the construction sites. The 2006 EIR determined that vibration levels could be problematic if sensitive uses are located within about 100 feet of potential Project construction sites, where

sensitive receptors would experience vibration levels that exceed the Federal Transit Administration's (FTA's) vibration annoyance impact threshold of 72 vibration velocity in decibels (VdB). The 2006 EIR found that if impacts occur, the only mitigation that could eliminate the vibration impact is ensuring a distance of approximately 150 feet between construction and existing sensitive receptors. However, the 2006 EIR concluded that it is not feasible to prohibit construction within 150 feet of all existing receptors, thus, when construction vibration occurs, impacts would be significant (LSA 2022c). The 2006 EIR did not evaluate potential long-term vibration impacts.

The 2006 EIR stated that implementation of the General Plan Update would expose sensitive receptors in proximity to the John Wayne Airport to excessive noise levels if the receptors were located within the Airport Environs Land Use Plan (AELUP) "High Noise Impact Zones". Overall, impacts on interior noise levels at new land uses in the vicinity of the John Wayne Airport (JWA) would be less than significant. However, if residences were to be developed within the 65 dBA CNEL noise contour, exterior noise would exceed allowable noise levels for residential areas and impacts would be significant and unavoidable (LSA 2022c).

## Mitigation Measures

No mitigation measures were required.

# 3.13.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **NOISE** – Would the project result in: | | | | |
| a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☐ | ☐ | ☑ |
| b) Generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☐ | ☑ |
| c) For a project located within the vicinity of a private airstrip or 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? | ☐ | ☐ | ☐ | ☑ |

***Would the Project:***

***a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?***

**No Substantial Change from Previous Analysis.**

## Temporary Increases in Ambient Noise

Two types of temporary noise impacts would occur during Project construction (i.e., temporary increases in ambient noise levels): (1) equipment delivery and construction worker commutes; and (2) Project construction operations. The first type of temporary (short-term) construction noise would result from transport of construction equipment and materials to the Project site and construction worker commutes. Construction is anticipated to be completed in 42 months from the start of demolition. This timeline includes approximately 6 months of demolition and site preparation and approximately 36 months of construction of the new subterranean parking structure and residential building. More specifically, the proposed Project would require the demolition of approximately 263,194 sf and the export of 205,700 cy of soil. Construction equipment would be staged onsite to avoid impeding hotel operations and disturbing guests. Offsite parking would be provided daily for workers with a shuttle to the hotel, if necessary. During construction, hotel operations would be slightly impacted, as guests would be redirected to a nearby offsite parking area. However, the hotel and all hotel amenities would remain in operation with possible minimal closure of select outdoor amenities subject to noise and dust during the grading and site preparation phase of construction. Project construction specifications would include the following elements for all construction work associated with the Project (LSA 2022c):

- Construction equipment, fixed or mobile, will be equipped with properly operating and maintained noise mufflers consistent with manufacturers' standards.
- Construction staging areas will be located away from off-site sensitive uses during the later phases of Project development.
- The Project contractor will place all stationary construction equipment so that emitted noise is directed away from the sensitive receptors nearest the proposed Project site whenever feasible.
- The construction contractor will schedule high-noise-producing activities between the hours of 8:00 a.m. and 5:00 p.m. to minimize disruption to sensitive uses.
- A "noise disturbance coordinator" will be established. The disturbance coordinator will be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler) and will be required to implement reasonable measures to reduce noise levels. All notices that are sent to residential units within 500 feet of the construction site and all signs posted at the construction site will list the telephone number for the disturbance coordinator.

The Project is estimated to generate 1,197 hauling truck trips over a 180-day demolition phase (6.65 trips per day) and a total of 15,125 hauling truck trips over a 100-day grading phase (151 trips per day) based on the CalEEMod (Version 2020.4.0) output, shown in Appendix C of the Air Quality and Greenhouse Gas Impact Analysis for the Ritz-Carlton Residences Project (LSA 2022a, Air Quality and GHG Analysis, Appendix A of this Addendum). These transportation activities would incrementally raise noise levels on access roads leading to the site. It is expected that larger trucks used in equipment delivery would generate higher noise levels than trucks

associated with worker commutes. The single-event noise from equipment trucks passing at a distance of 50 feet from a sensitive noise receptor would reach a maximum level of 84 dBA maximum instantaneous noise level ($L_{max}$). However, the pieces of heavy equipment for grading and construction activities would be moved on site just one time and would remain on site for the duration of each construction phase. This one-time trip, when heavy construction equipment is moved on and off site, would not add to the daily traffic noise in the Project vicinity. The total number of daily vehicle trips would be minimal when compared to existing traffic volumes on the affected streets, and the long-term noise level change associated with these trips would not be perceptible. Therefore, equipment transport noise and construction-related worker commute impacts would be short term and would not result in a significant off-site noise impact (LSA 2022c).

The second type of short-term noise impact is related to noise generated during site preparation, grading, building construction, architectural coating, and paving on the Project site. Construction is undertaken in discrete steps, each of which has its own mix of equipment, and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on the Project site. Therefore, the noise levels vary as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase. Construction noise levels would fluctuate throughout the construction period as equipment moves between the various areas on the Project site. To assess the specific noise levels at the surrounding sensitive receptors, the average noise level experienced during demolition (the loudest phase of construction) was assessed based on the average distance of activities to the nearest surrounding receptor, which would be approximately 105 feet from the property line of the existing condominium residences to the south. It is expected that average composite noise levels during construction at the nearest off-site residential land uses to the south would reach 79.8 dBA $L_{eq}$ during the demolition phase. Similarly, it is anticipated that composite noise levels during construction at the nearest commercial land uses 330 feet to the east would reach 69.9 dBA $L_{eq}$ during the demolition phase (LSA 2022c). These predicted noise levels would only occur when all construction equipment is operating simultaneously.

While construction-related, short-term noise levels have the potential to be higher than existing ambient noise levels in the Project area under existing conditions, these noise impacts would no longer occur once Project construction is completed. At residential receptors to the south, hourly average construction noise levels during all phases would be louder than existing ambient daytime (7:00 a.m. to 7:00 p.m.) hourly average noise levels of 51.1 to 58.0 dBA $L_{eq}$ measured at LT-1, on the Noise Monitoring Locations (Appendix I). At receptors farther away from traffic sources, hourly average construction noise levels during all phases would at times be louder than the lowest existing ambient daytime hourly average noise levels of 49.5 dBA $L_{eq}$ and 49.4 dBA $L_{eq}$ measured at LT-1 and LT-2, respectively (Appendix I). The proposed Project would be required to comply with the construction hours specified in the City's Noise Ordinance, which states that construction activities are allowed between 7:00 a.m. and 6:30 p.m., Monday through Friday, and from 8:00 a.m. to 6:00 p.m. on Saturday. No construction is permitted outside of these hours or on Sundays and federal holidays. As it relates to off-site uses, for informational purposes, construction-related noise impacts would remain below the 80 dBA $L_{eq}$ and 85 dBA $L_{eq}$ 8-hour construction noise level criteria as established by the FTA for residential and commercial land uses. With adherence to the City's construction hours and implementation of construction noise

elements, as discussed above, construction noise impacts would be considered less than significant. The less than significant finding is consistent with the findings of the 2006 EIR (LSA 2022c). Therefore, the proposed Project would not lead to new or substantially more severe significant impacts associated with construction noise beyond those identified in the 2006 EIR.

## Permanent Increases in Ambient Noise

Potential sources of noise during Project operation could include vehicle traffic, noise from the heating, ventilation, and air conditioning (HVAC) units, and noise from use of the on-site recreational areas by residents. Impacts from these noise sources are evaluated below.

### *Traffic Noise Impacts to Off-Site Receivers*

Consistent with the findings in the Newport Beach Marriott Hotel and Spa Trip Generation (Pirzadeh & Associates 2022, Appendix J of this Addendum), the proposed Project would not generate new vehicle trips and would result in a net reduction of 549 daily trips to the site when compared to existing conditions. Traffic noise levels would either remain the same or decrease as a result of the Project. Therefore, no new mitigation measures are required because there would be no impact from Project-related traffic on off-site sensitive receptors (LSA 2022c). Therefore, the proposed Project would not lead to new or substantially more severe significant impacts associated with traffic noise beyond those identified in the 2006 EIR.

### *Heating, Ventilation, and Air Conditioning Equipment*

The Project uses would have rooftop HVAC units. The HVAC equipment could operate up to 24 hours per day. Rooftop HVAC equipment would generate a noise level of 71.2 dBA $L_{eq}$ at 5 feet. The closest off-site uses are the condominium residences to the south, which are 318 feet from the nearest location that HVAC would potentially be located. The reduction of rooftop HVAC equipment noise levels would be provided primarily by distance attenuation to off-site uses as well as the proposed building edge/roofline breaking line-of-sight from source to receiver. At the nearest offsite residential land uses, noise levels from HVAC are estimated to approach 30.0 dBA $L_{eq}$. This noise level would not exceed the City's exterior daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) noise standards of 55 dBA $L_{eq}$ and 50 dBA $L_{eq}$, respectively. In addition, these noise levels would be well below the lowest nighttime hourly noise level of 39.8 dBA $L_{eq}$ measured at LT-2., Project-related HVAC noise levels would not contribute to ambient noise levels at the nearest residences (LSA 2022c). Therefore, the proposed Project would not lead to new or substantially more severe significant impacts associated with HVAC noise levels.

### *Outdoor Activity (Pool/Amenity) Area*

The Project would have an on-grade outdoor activity pool/amenity area northwest of the proposed residential building. The closest off-site uses are condominium residences to the southwest, 140 feet from the acoustical center of the outdoor activity area. The reduction of outdoor activity noise levels would be provided primarily by distance attenuation to off-site uses. Assuming 20 people talking continuously with raised voice levels, activity noise levels are estimated to approach 45.6 dBA $L_{eq}$ at the nearest off-site residential land uses. This noise level would not exceed the City's exterior daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m.

to 7:00 a.m.) noise standards of 55 dBA $L_{eq}$ and 50 dBA $L_{eq}$, respectively. In addition, hotel amenity spaces are typically limited to daytime hours of operation and are closed during nighttime hours (LSA 2022c). Therefore, the proposed Project would not lead to new or substantially more severe significant impacts associated with outdoor activity noise.

## *Composite Noise Levels*

Table 3-10, Composite Noise Levels at Nearest Receptor, presents a summary of the composite noise levels at the residential uses to the south.

**TABLE 3-10**
**COMPOSITE NOISE LEVELS AT NEAREST RECEPTOR**

| Receptor Location | Daytime/Nighttime Conditions | Stationary Noise Sources (dBA Leq) | | Composite Noise Level (dBA Leq) | Daytime/Nighttime HVAC Equipment Outdoor Activity1 Noise Limit (dBA $L_{eq}$) |
|---|---|---|---|---|---|
| | | HVAC Equipment | Outdoor Activity[1] | | |
| Residential Condominium Uses south of the Project | Daytime 7:00 a.m. to 10:00 p.m. | 30.0 | 45.6 | 45.7 | 55 |
| | Nighttime 10:00 p.m. to 7:00 a.m. | 30.0 | -- | 30.0 | 50 |

[1] Pool/amenity areas would be limited to daytime hours of operation and closed during nighttime hours; therefore, noise levels outdoor activities would not contribute to the composite noise levels at nearest receptors.

dBA = A-weighted decibels
$L_{eq}$ = equivalent continuous sound level

Source: LSA 2022c (Appendix I of this Addendum).

The results show that noise impacts associated with the proposed Project would not cause an increase in noise experienced at the residential uses to the south, assuming a conservative scenario in which both HVAC and maximum noise levels from amenity/pool activity would occur during daytime hours (LSA 2022c). Therefore, the proposed Project would not lead to new or substantially more severe significant impacts beyond those identified in the 2006 EIR.

## *Land Use Compatibility Assessment*

The land use compatibility of the Project site was assessed based on the Land Use Compatibility guidelines contained in the City of Newport Beach General Plan. Outdoor amenity areas and indoor sleeping areas associated with the proposed Project would be exposed to traffic noise along Newport Center Drive, adjacent commercial uses, and occasional aircraft operations (LSA 2022c).

### Exterior Ambient Noise Impacts

Based on monitoring results (in Table F and G of Appendix I of this Addendum), noise levels at the Project site are up to 58.3 dBA CNEL. Per the City's General Plan Noise Element, noise levels of up to 60 dBA CNEL are considered clearly compatible. Additionally, the outdoor activity/amenity area including the proposed pools, lounge, and deck would be set back from the

adjacent roadways and shielded by the proposed buildings, resulting in noise levels well below 60 dBA CNEL at these areas (LSA 2022c). Therefore, the existing noise environment would be compatible for the proposed land uses.

Interior Noise Levels

Based on the architectural plans for the proposed Project, it was confirmed that all units would have central air conditioning, thus allowing for windows and glass doors to be closed. The exterior façade of the proposed residential units would be comprised of a storefront window system-type glass assembly. Using data from the transmission loss test report (Western Electro-Acoustic Laboratory 2013) for the Quest Series Ecowall 141, a minimum reduction of 23 dBA CNEL can be expected with a similar assembly that has a Sound Transmission Class (STC) rating of 38 and an Outdoor-Indoor Transmission Class (OITC) rating of 27. With a reduction of 23 dBA, interior levels are expected to be approximately 39 dBA CNEL, which would be well below the City's interior noise level standard of 45 dBA CNEL (LSA 2022c). Therefore, the proposed Project would not lead to new or substantially more severe significant impacts associated with land use compatibility beyond those identified in the 2006 EIR. The Project would not result in a new significant impact pertaining to noise that was not previously analyzed, and no new mitigation measures are required.

***b) Generation of excessive groundborne vibration or groundborne noise levels?***

**No Substantial Change from Previous Analysis.**

## Short-term Vibration Impacts

Ground-borne noise and vibration from construction activity would be mostly low to moderate. While there is currently limited information regarding vibration source levels, to provide a comparison of vibration levels expected for a Project of this size (as shown in Table J of Appendix I, Noise and Vibration Impact Analysis—Ritz-Carlton Residences Project, Newport Beach, Orange County, California), a large bulldozer would generate approximately 87 VdB of ground-borne vibration when measured at 25 feet based on the Transit Noise and Vibration Impact Assessment Manual (FTA 2018). The distance to the nearest buildings for vibration impact analysis is measured between the nearest off-site buildings and the Project boundary (assuming the construction equipment would be used at or near the Project boundary) because vibration impacts occur normally within the buildings. As discussed above, vibration levels above 94 VdB would result in potential damage to nonengineered timber and masonry building and levels above 72 VdB would have the potential to cause annoyance at sensitive residential receptors. The closest off-site structures to the Project site are the existing residential buildings to the southwest, approximately 33 feet from the potential construction activities. These buildings are assumed to be non-engineered timber and masonry. As detailed in Appendix I of this Addendum, the operation of a large bulldozer would generate ground-borne vibration levels of 83 VdB. At this level, vibration from construction would not result in damage to surrounding buildings; however, those levels would exceed the 72 VdB threshold for annoyance to sensitive uses. Therefore, construction of the Project could expose people to excessive ground-borne vibration. This impact would be significant and unavoidable, as construction would need to be 100 feet or more away from structures to avoid annoyance (LSA 2022c). The 2006 EIR identified all construction vibration impacts to be significant and unavoidable; therefore, the proposed

Project would not lead to new or substantially more severe significant impacts associated with construction vibration beyond those identified in the 2006 EIR.

## Long-term Vibration Impacts

The 2006 EIR did not evaluate potential long-term vibration impacts. The streets surrounding the Project area are paved, smooth, and unlikely to cause significant ground-borne vibration. In addition, the rubber tires and suspension systems of buses and other on-road vehicles make it unusual for on-road vehicles to cause ground-borne noise or vibration issues. It is therefore assumed that no such vehicular vibration impacts would occur, and no vibration impact analysis of on-road vehicles is necessary. Additionally, once constructed, the proposed Project is a residential development and would not include uses that would generate ground-borne vibration (LSA 2022c). Therefore, the proposed Project would not lead to new or substantially more severe significant impacts associated with long-term vibration impacts, and no new mitigation measures are required.

***c) For a project located within the vicinity of a private airstrip or 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 Substantial Change from Previous Analysis.** The 2006 EIR determined that there would be a less than significant impact pertaining to aircraft noise exposure if proposed residential uses were located outside of the noise contours detailed in the 2006 EIR. The proposed Project would not develop land uses that would locate persons in an area subject to noise within the noise contours provided in the 2006 EIR. Therefore, the proposed Project would not create a new significant impact pertaining to aircraft noise exposure that was not previously analyzed, and no new mitigation measures are required.

## Conclusion

The noise impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the noise analysis provided in the 2006 EIR are required.

# 3.14 POPULATION AND HOUSING

## 3.14.1 2006 EIR

The 2006 EIR assumed that General Plan buildout would increase the number of dwelling units in the City by 14,215 units (approximately 12,515 multi-family units and approximately 1,700 single-family units), for a total of 54,394 dwelling units. Using a population generation factor of 2.19 persons per household, the 2006 EIR indicated that the 14,215 residential units would result in a population increase of approximately 31,131 residents. This increase would result in a total population of 103,753 persons at General Plan buildout. The increase in residential units and the associated increase in population would exceed SCAG's projections. The number of households in the City projected by SCAG by 2030 was 43,100 units, while the number of dwelling units under the General Plan would be 54,394 units. The SCAG projected population was 94,167 residents by 2030, while the population resulting from the General Plan buildout would be approximately 10 percent higher, or 103,753 residents. The General Plan EIR concluded that since residential growth would substantially increase population growth within the City (by approximately 43 percent over 2002 population [baseline conditions], and approximately 10 percent higher than then-existing SCAG projections), impacts pertaining to population growth would be considered significant. It was noted that the estimated population increase represented a conservative, worst-case scenario because it assumed that all allowed units would be built. Additionally, this estimate assumed that all residences in the City would be occupied. The City typically has a substantially higher vacancy rate than that of the County due to a higher percentage of vacation properties (seasonal housing).

The 2006 EIR noted that development under the General Plan Update would occur primarily on sparse, developable land in the City, by intensifying current land uses and through conversion of land uses of economically underperforming and obsolete development. The 2006 EIR determined there would be no impact regarding the displacement of substantial numbers of existing housing or people necessitating the construction of replacement housing elsewhere.

### Mitigation Measures

No mitigation measures were required.

## 3.14.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **POPULATION AND HOUSING**–Would the project: | | | | |
| a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | ☐ | ☐ | ☐ | ☑ |
| b) Displace substantial number of existing people or housing, necessitating the construction of replacement housing elsewhere? | ☐ | ☐ | ☐ | ☑ |

***Would the Project:***

***a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?***

**No Substantial Change from Previous Analysis.**

The proposed Project would allow for the development of 159 hotel-branded residences. Assuming the same population generation factor of 2.19 persons per unit per the City's General Plan Update, the proposed Project would generate a residential population of approximately 348 persons. However, using the US Census data generation factor of 2.27 persons per unit (used in the Air Quality/Greenhouse Gas Emission report), the Project would generate a total of 361 persons. To be more conservative, this number is assumed as the residential population of the proposed Project. The increase of 361 in residential population is 5 percent of SCAG's projected population growth for the City from 2016 to 2045 of 7,100 residents.

The State has declared that the lack of housing is a critical problem that threatens the economic, environmental, and social quality of life in California. The consequences of the housing crisis include the lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commutes, and air quality deterioration.

As part of the 2006 General Plan Update and 2010 Zoning Code Update, new mixed-use housing opportunity zones were created throughout the City as a strategy to enhance and revitalize underperforming and underutilized properties. The Newport Center, where the Project site is located, is included in a new mixed-use housing opportunity zone. The Airport Area and Newport Center have proven the most successful with several approved and constructed mixed-use developments, such as Uptown Newport and Villas Fashion Island. On March 9, 2021, the City adopted Resolution No. 2021-18 Reducing Barriers to the Creation of Housing (Council Policy K-4) in an effort to encourage and incentivize the development of mixed-use hotels, with hotel-branded residential units as an accessory use within a resort complex. This is described in Section 2.3, Planning Context, of this Addendum. Council Policy K-4 allows for hotels and motels,

located outside of the Coastal Commission Appeal Areas, to convert up to thirty percent of their permitted hotel and motel rooms into residential units on a one-for-one basis. This would allow the residential units as accessory use to the principal use of a hotel. The Project proposes conversion of up to 30 percent of the existing 532 hotel rooms to hotel branded residences. Therefore, Project implementation would contribute to the City's housing goals and be consistent with projected growth in the City based on SCAG's growth forecasts. Additionally, the Project does not include the extension of roads or other infrastructure to underutilized areas, which could induce indirect growth. Therefore, the Project would not induce substantial unplanned population growth in the City. The Project would not create a new significant impact pertaining population growth that was not previously analyzed, and no new mitigation measures are required.

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

**No Substantial Change from Previous Analysis**. The proposed Project site is currently developed with an existing hotel building and associated amenities, surface parking, and landscaping. No existing residential uses are located on-site. As such, the Project would not displace existing people or housing, necessitating the construction of replacement housing elsewhere, consistent with the conclusions for the 2006 EIR. Therefore, the Project would not create a new significant impact pertaining to displacement of people or housing that was not previously analyzed, and no new mitigation measures are required.

## Conclusion

The population and housing impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the population and housing analysis provided in the 2006 EIR are required.

# 3.15 PUBLIC SERVICES

## 3.15.1 2006 EIR

The 2006 EIR found that impacts to fire services from implementation of the General Plan Update were less than significant. Any new development that would occur under the General Plan Update would be required to comply with all applicable Federal, State, and local regulations governing the provision of fire protection services, including adequate fire access, fire flows, and number of hydrants. Additionally, the General Plan Update policies ensured impacts would be less than significant.

The 2006 EIR determined that build out of the General Plan would have a less than significant impact on police services. To maintain acceptable levels of service, the General Plan Update included policies to ensure adequate law enforcement is provided as the City experiences future development. To maintain the ratio of 1.7 officers per 1,000 residents (148 officers and 85,120 residents), the Newport Beach Police Department (NBPD) would have had to provide 53 additional officers by General Plan Update buildout. Maintaining the Police Department's ratio of 0.60 nonsworn personnel per sworn officer would result in the addition of 32 nonsworn personnel. The addition of 85 police personnel would require Police Department to expand police facilities. However, since Police Department did not have near-term plans for expansion of police facilities, staff, or equipment inventory, it was deemed speculative to determine whether a new substation would be considered. The 2006 EIR stated that all new development would be subject to the City's project-specific environmental review under CEQA. Therefore, the 2006 EIR found that impacts to police services would be less than significant.

As stated in the 2006 EIR, the Newport-Mesa Unified School District (NMUSD), with a service area of 58.83 square miles, provides educational services to the City of Newport Beach, City of Costa Mesa, and other unincorporated areas of Orange County. The Airport Area is served by the Santa Ana Unified School District (SAUSD). A small portion of the City located in the eastern part of the City is served by the Laguna Beach Unified School District (LBUSD). The 2006 EIR identifies that the NMUSD serves the majority of the City and has 32 public schools including 22 elementary schools, 2 junior high schools, 5 high schools, 2 alternative education centers, and 1 adult school. There are also several private schools in the City or local area that are available to the City's residents for educational services. The General Plan Update included goals and policies to address capacity issues for NMUSD and SAUSD. Buildout would likely require construction of new school facilities; however, the 2006 EIR concluded that with compliance with General Plan policies impacts would be less than significant.

The 2006 EIR stated that parks, although included as a public service in Appendix G of the CEQA Guidelines, are analyzed separately in Section 4.12 (Recreation) of the 2006 EIR. As such, further discussion of parks is discussed in Section 3.16, Recreation, of this Addendum.

Upon full buildout of the General Plan Update, the population in the Planning Area would increase by 31,131. This increase in residents would increase the demand for library services and facilities. Policy LU 2.8 of the proposed General Plan Update would help ensure that adequate library facilities are provided to the City's residents and that public services can adequately support new development. The Newport Beach Public Library (NBPL) stated that the growing need for electronic resources, as opposed to physical library resources, is changing. Therefore,

the 2006 EIR stated that due to the growing need for electronic resources, former service standards (e.g., a certain number of volumes per thousand residents) are no longer appropriate when assessing the needs of the NBPL. Therefore, increased development in the City does not necessarily equate to an increase in total volumes or square feet of library space. The 2006 EIR determined that compliance with policies contained in the General Plan Updated would ensure that any future identified library need would be adequately met. Impacts to libraries was determined to be less than significant.

## Mitigation Measures

No mitigation measures were required.

# 3.15.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **PUBLIC SERVICES**–Would the project: | | | | |
| a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | | | | |
| Fire protection? | ☐ | ☐ | ☐ | ☑ |
| Police protection? | ☐ | ☐ | ☐ | ☑ |
| Schools? | ☐ | ☐ | ☐ | ☑ |
| Parks? | ☐ | ☐ | ☐ | ☑ |
| Other public facilities? | ☐ | ☐ | ☐ | ☑ |

***Would the Project:***

***a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:***

***i) Fire protection?***

**No Substantial Change from Previous Analysis.** The Newport Beach Fire Department (NBFD) provides fire protection services for the entire City. The NBFD is responsible for reducing loss of life and property from fire, medical, and environmental emergencies. In addition to fire suppression, the NBFD also provides fire prevention and hazard reduction services. The Fire Prevention Division works in conjunction with the City's Planning, Public Works, and Building

Departments to ensure that all new construction and remodels are built in compliance with local and State building and fire codes, including the provision of adequate emergency access and on-site fire protection measures. Based on the most recently available information from 2022, the NBFD's average response time is four minutes and 22 seconds (City of Newport Beach 2022). The nearest fire station to the Project site is NBFD Station No. 3 at 868 Santa Barbara Drive, approximately 0.3 mile north of the Project site. It is unlikely that the implementation of the Project would result in an appreciable increase in demand for fire services, as the overall units at the hotel campus would remain the same. Due to the overall unit capacity remaining the same with implementation of the Project, the Project is not expected to measurably impact average response times because the Project site's existing uses are already in the NBFD service area and are adequately served by the existing NBFD service facilities. Additionally, the proposed buildings on-site would be constructed in accordance with current applicable fire codes and would replace the older, on-site building and parking structure that were constructed in the 1970s. Current fire codes are more stringent than the requirements of the past. Also, due to the Project site's proximity of less than a mile from the fire station, the Project would be adequately served by existing fire services, and no new or expanded facilities would be necessary. Therefore, the proposed Project would not create a new significant impact pertaining to fire protection services that was not previously analyzed, and no new mitigation measures are required.

***ii) Police protection?***

**No Substantial Change from Previous Analysis.** The NBPD provides local police services to the City, including the Project site. The Project site is within Area 3 of the NBPD's service area, which includes Eastbluff, Bonita Canyon, Big Canyon, Newport Center, Harbor Cove, Bayside Village, Island Lagoon, Park Newport, Promontory Point, and Balboa Island. The NBPD is located at 870 Santa Barbara Drive, which is 0.4 miles north of the Project site. Under existing conditions, the Project site's hotel uses are served by the NBPD. Due to the overall unit capacity remaining the same with implementation of the Project, the Project is not expected to measurably impact average response times because the Project site's existing uses are already in the NBPD service area and are adequately served by the existing NBPD service facilities. As such, there would be a less than significant impact, consistent with the finding of the 2006 EIR. The proposed Project would not create a new significant impact pertaining to police protection services that was not previously analyzed, and no new mitigation measures are required.

***iii) Schools?***

**No Substantial Change from Previous Analysis.** Under existing conditions, the Project site is occupied by hotel uses and a parking structure, both of which do not generate any demand for school services. The Project's 159 hotel branded residences, which is anticipated to generate an approximate 348-person increase in the City's population. The Project site is located within the NMUSD. The Project has the potential to generate school-aged children who would require school services, although this is a conservative assumption, as the hotel branded residences would likely be a second home for future residents, and thus, their children may not attend schools within the City. Based on the student generation rates assumed in the 2006 EIR[1] the

[1] The 2006 EIR estimated that implementation of the General Plan Update would result in the construction of approximately 14,215 dwelling units over existing conditions within the City. The increase in DUs would increase enrollment in the local schools serving Newport Beach. Using California Department of Finance population projections, and assuming that approximately 20 percent of the potential increase in population would represent children attending grades K through 12, implementation of the proposed General Plan Update would result in an enrollment

Project's 159 hotel branded residences would generate approximately 70 school aged students, with 35 elementary school students, 17 middle school students, and 17 high school students (City of Newport Beach 2006). As provided under Section 17620 of the California Education Code and Section 65970 of the California Government Code, the payment of statutory school development fees would fully mitigate a project's impacts on schools. Thus, impacts would be less than significant, and no mitigation is required. The proposed Project would not create a new significant impact on schools that was not previously analyzed, and no new mitigation measures are required.

***iv) Parks?***

**No Substantial Change from Previous Analysis.** The proposed 159 hotel branded residences would result in a population of approximately 348 persons, which would generate a demand for parks and recreational facilities. The 159 proposed hotel branded residences would replace 159 traditional hotel rooms at the site, and therefore, the total units at the hotel campus would remain at 532 units. As the existing hotel guests already generate use of the existing neighborhood and regional parks or other recreational facilities within the City, implementation of the Project would not substantially change the characteristics of impacts when compared to the current condition, as the number of units have not increased as a result of the Project. Additionally, it should be noted that the hotel branded residences would have access to the amenities of the existing resort hotel campus, in addition to the amenities that would be exclusively provided for future residents of the Project. The existing resort hotel campus includes amenities such as swimming pools and a day spa. The proposed Project would also offer on-site amenities and open space, including a swimming pool and 899 sf of private open space per unit, for a total of 142,941 sf of private open space for the residences. The Project would also provide 9,496 sf of common open space, and 32,424 sf of common indoor space for its residences. These on-site open space areas are expected to meet some of the demand for recreation facilities generated by residents of the Project. Project residents would also use nearby City parks and other public and regional parks. As the Newport Center is in excess of park facilities by 8.1 acres, this Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that the Project would result in substantial adverse physical impacts associated with parks. Additionally, the property owner or Applicant would be required to pay City park fees applicable at the time building permits are issued. Therefore, the proposed Project would not create a new significant impact on parks that was not previously analyzed, and no new mitigation measures are required.

***v) Other public facilities (libraries)?***

**No Substantial Change from Previous Analysis.** The 2006 EIR determined there would be less than significant impact related to other public facilities (i.e., libraries). Under existing conditions, it is unlikely that the existing uses (i.e., hotel uses) generated demand for library facilities. With implementation of the Project, 159 existing hotel units would be demolished and replaced with 159 hotel branded residences. Therefore, the demand for library services within the City would

increase of approximately 6,230 students (3,115 elementary school students, 1,557 students for middle schools, and 1,558 high school students) in the Planning Area. The number of elementary, middle, and high school students, respectively, was divided by the dwelling unit increase of 14,215 to obtain the following student generation ratios (rounded) for each grade level: 0.22 elementary students, 0.11 middle school students, and 0.11 high school students per household. These student generation ratios were used to estimate the number of students that the proposed Project would generate.

be incrementally increased because of the Project's resident population increase of 348 persons. The City's General Plan Arts and Cultural Element does not establish any quantitative standards for determining the amount of physical library space needed to serve the City's population. Additionally, given changes in technology (i.e., the use of electronic media in lieu of physical library resources), the demand for physical library space based on population-based projections is speculative, as detailed in the 2006 EIR. The NBPL's Central library underwent an approximately 17,000-square-foot expansion in 2013 to service the City's population; the addition of approximately 348 persons to the City's population associated with the Project has no potential to directly or indirectly create the need to construct a new library or physically expand an existing library facility (NBPL 2022). Additionally, at the City, library services receive funding from property tax. As such, a portion of the Project's tax assessment would be dedicated to the City's Library Fund. Therefore, the proposed Project would not create a new significant impact on other public facilities, specifically libraries, that was not previously analyzed, and no new mitigation measures are required.

## Conclusion

The public services impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the public services analysis provided in the 2006 EIR are required.

# 3.16 RECREATION

## 3.16.1 2006 EIR

The 2006 EIR evaluated parks and recreational facilities on a Citywide basis and by service area. Twelve service areas were identified. At the time of adoption of the 2006 EIR, there was a deficit of approximately 38.8 acres of combined park and beach acreage citywide, with seven of the twelve service areas experiencing a deficit in this combined recreation acreage. However, the 2006 EIR stated that two of the twelve service areas within the City, Newport Center and Harbor View, had no identified park and recreation needs. The 2006 EIR detailed that there was a park surplus within the Newport Center service area of 8.1 acres (as of June 2005). Overall, the 2006 EIR found that impacts would be less than significant from increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The construction and enhancement of park and recreational facilities and implementation of the goals and policies proposed in the General Plan Update would ensure that increased demand and use resulting from an increase in the Citywide population would not significantly accelerate the deterioration of existing recreational facilities.

Regarding inclusion of recreational facilities which may have an adverse physical effect on the environment, the 2006 EIR noted that the Newport Center park locations have not experienced development or much disturbance, and aesthetic, biological, or hydrology impacts could occur from their development as parks. This impact was determined to be less than significant.

### Mitigation Measures

No mitigation measures were required.

## 3.16.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **RECREATION**–Would the project: | | | | |
| (a) 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? | ☐ | ☐ | ☐ | ☑ |
| b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | ☐ | ☐ | ☐ | ☑ |

***Would the Project:***

***a) 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?***

**No Substantial Change from Previous Analysis.** The Project site is located within the Newport Center service area, as detailed in the 2006 EIR. The analysis indicated that there is a park surplus within the Newport Center service area of 8.1 acres as of June 2005. Overall, the 2006 EIR found that impacts from increased use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated would be less than significant.

The proposed 159 hotel branded residences would result in a population of approximately 348 persons, which would generate a demand for parks and recreational facilities. The 159 proposed hotel branded residences would replace 159 traditional hotel rooms at the site, and therefore, the total units at the hotel campus would remain at 532 units. As the existing hotel guests already generate use of the existing neighborhood and regional parks or other recreational facilities within the City, implementation of the Project would not substantially change the characteristics of impacts when compared to the current condition, as the number of units would not increase as a result of the Project. Additionally, it should be noted that the hotel branded residences would have access to the amenities of the existing resort hotel campus, in addition to the amenities provided for the exclusive use of the future residents of the Project. The existing resort hotel campus includes amenities such as swimming pools and a day spa. The proposed Project would also offer on-site amenities and open space, including a swimming pool and 899 sf of private open space per unit, for a total of 142,941 sf of private open space for the residences. The Project would also provide 9,496 sf of common open space, and 32,424 sf of common indoor space for its residents. These on-site open space areas are expected to meet some of the demand for recreation facilities generated by residents of the Project. Project residents would also use nearby City parks and other public and regional parks. As the Newport Center is in excess of park facilities by 8.1 acres, this Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that physical deterioration would be accelerated. Therefore, the Project would not create a new significant impact pertaining to increased use of existing neighborhood and regional parks or other recreational facilities such that would result in substantial physical deterioration of the facility. No new significant impact pertaining to existing parks would occur that was not previously analyzed, and no new mitigation measures are required.

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

**No Substantial Change from Previous Analysis.** As described above, the Project would include indoor and outdoor active and passive gathering spaces that would be available for use by residents, in addition to existing, on-site amenities for hotel guests. These areas would be on and adjacent to the Project site and the physical impacts resulting from the construction of these facilities have been addressed through the impact analysis presented in this document.

Since the recreation needs of the residents would be partially met on site and the Newport Center has an excess of parkland, the proposed Project would not result in a substantial increased demand for recreational facilities, requiring the construction of new parks that would adversely affect the environment. There are adequate regional parks and recreational facilities that would serve the Project and meet the potential demand. Additionally, the property owner or Applicant would be required to pay City park fees applicable at the time building permits are issued. Therefore, the Project would not create a new significant impact pertaining to construction or expansion of recreational facilities that was not previously analyzed, and no new mitigation measures are required.

## Conclusion

The recreation impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the recreation analysis provided in the 2006 EIR are required.

# 3.17 TRANSPORTATION

The following analysis summarizes the "Newport Beach Marriott Hotel and Spa – Revised Letter" (Trip Generation Memorandum), prepared for the Project by Pirzadeh Associates, Inc. (Pirzadeh), dated January 26, 2022 (Pirzadeh 2022). This technical memorandum is included in Appendix J of this Addendum.

## 3.17.1 2006 EIR

The 2006 EIR Transportation Study evaluated existing traffic conditions, future traffic conditions without implementation of the General Plan Update, and traffic conditions following implementation of the General Plan Update. The Transportation Study also analyzed the buildout scenarios, including Without Project (buildout of the then current General Plan); With Project (buildout of proposed General Plan Update); and General Plan Update without surrounding regional growth.

General Plan Circulation Element Policies CE 6.1.1., CE 6.1.2, CE 6.1.3, CE 6.2.1, CE 6.2.2, CE 6.2.3, CE 5.1.14, CE 5.1.15, CE 5.1.16, CE 5.2.1, and CE 5.2.2 encourage alternative modes of transportation, use of intelligent transportation systems, encourage enhancement and maintenance of public water transportation services and expanded public water transportation uses and land support facilities. In addition, improvements at some intersections have been limited to protect bicycle and pedestrian safety. The 2006 EIR concluded that impacts related to alternative transportation would be less than significant.

Additionally, the 2006 EIR concluded that impacts related to geometric design features would be less than significant. General Plan policies in the Circulation Element and the Land Use Element (CE 1.3.2, 2.2.1, 2.2.5) provide for maintaining and enhancing existing roadways, increasing safety of roadways, and balancing safety, quality of life and efficiency in the design of circulation and access. Compliance with General Plan policies would help reduce hazards due to design features. This impact would be less than significant.

Furthermore, the 2006 EIR found that impacts related to emergency access were less than significant. Projects would be required to meet all applicable local and State regulatory standards for adequate emergency access. General Plan policies related to disaster planning include measures for effective emergency response to natural or human-induced disasters that minimizes the loss of life and damage to property and reducing disruptions in the delivery of vital public and private services during and following a disaster. Therefore, the 2006 EIR concluded that with compliance with applicable regulatory standards and Municipal Code and Fire Code requirements regarding emergency access, impacts would be less than significant.

## Mitigation Measures

No mitigation measures were required.

# 3.17.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **TRANSPORTATION –** Would the project: | | | | |
| a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? | ☐ | ☐ | ☐ | ☑ |
| b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? | ☐ | ☐ | ☐ | ☑ |
| c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | ☑ |
| d) Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☑ |

**Would the project:**

***a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?***

## Project Trip Generation

**No Substantial Change from Previous Analysis.** The Trip Generation Memorandum evaluated the anticipated trip generation for the proposed Project. In evaluating the trip generation for existing and future facilities, trip generation rates published in the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual (11th Edition), were used. As shown in Table 3-11 below, the existing hotel generates 245 AM peak hour trips and 314 PM peak hour trips, and 4,251 average daily trips (ADT).

**TABLE 3-11**
**TRIP GENERATION – EXISTING HOTEL**

| ITE # | Land Use Description | Rooms | Peak Hour of Adjacent Street | | | | | | ADT |
|---|---|---|---|---|---|---|---|---|---|
| | | | AM | | | PM | | | |
| | | | Total | IN | OUT | Total | IN | OUT | |
| 310 | Hotel | 532 | 245 | 137 | 108 | 314 | 160 | 154 | 4,251 |
| Source: Pirzadeh 2022. | | | | | | | | | |

Table 3-12, below, shows the anticipated trip generation for the proposed hotel branded residences based on multi-family housing high rise land use trip generation rate. The Project would generate 43 AM peak hour trips, 51 PM peak hour trips, and 722 average daily trips (ADTs).

**TABLE 3-12**
**TRIP GENERATION – HOTEL BRANDED RESIDENCES**

| ITE # | Land Use Description | DU | Peak Hour of Adjacent Street | | | | | | ADT |
|---|---|---|---|---|---|---|---|---|---|
| | | | AM | | | PM | | | |
| | | | Total | IN | OUT | Total | IN | OUT | |
| 222 | Multi-Family Housing High Rise | 159 | 43 | 15 | 28 | 51 | 28 | 23 | 722 |
| *Source: Pirzadeh 2022.* | | | | | | | | | |

The anticipated trip generation for the combined existing hotel and the proposed hotel branded residences are shown in Table 3-13, below. As indicated, the combined scenario results in a total of 3,702 ADTs.

**TABLE 3-13**
**TRIP GENERATION – EXISTING HOTEL AND HOTEL BRANDED RESIDENCES**

| Land Use Description | Units/ Rooms | Peak Hour of Adjacent Street | | | | | | ADT |
|---|---|---|---|---|---|---|---|---|
| | | AM | | | PM | | | |
| | | Total | IN | OUT | Total | IN | OUT | |
| Existing Hotel | 373 rooms | 172 | 96 | 76 | 220 | 112 | 108 | 2,980 |
| Multi-Family Housing High Rise | 159 du | 43 | 15 | 28 | 51 | 28 | 23 | 722 |
| Total | N/A | 215 | 111 | 104 | 271 | 140 | 131 | 3,702 |
| *Source: Pirzadeh 2022.* | | | | | | | | |

Table 3-14 identifies the trip generation comparison between the existing hotel and proposed hotel branded residences. As shown in this table, the proposed residential development (159 units) with the redeveloped hotel rooms (373 rooms) would generate less trips (30 less AM peak hour trip, 43 less PM peak hour trips, and 549 fewer ADTs) and hence less traffic on the adjacent roadways, compared to the existing hotel with 532 hotel rooms.

**TABLE 3-14**
**TRIP GENERATION – TRIP GENERATION COMPARISON**

| Land Use Description | Units/ Rooms | Peak Hour of Adjacent Street | | | | | | ADT |
|---|---|---|---|---|---|---|---|---|
| | | AM | | | PM | | | |
| | | Total | IN | OUT | Total | IN | OUT | |
| Existing Hotel | 532 rooms | 245 | 137 | 108 | 314 | 160 | 154 | 4,251 |
| Renovated Hotel / Hotel Branded Residences | 373 rooms / 159 du | 215 | 111 | 104 | 271 | 140 | 131 | 3,702 |
| Difference | N/A | -30 | -26 | -4 | -43 | -20 | -23 | -549 |
| *Source: Pirzadeh 2022.* | | | | | | | | |

Therefore, the proposed Project would not create a new significant traffic impact pertaining to conflict with a policy or program that was not previously analyzed, and no new mitigation measures are required.

## Alternative Modes of Transportation

The Project site located within a fully developed and urbanized area of the City, where alternative modes of transportation (e.g., transit, bicycles) are highly encouraged and functional. The proposed hotel branded residences Project would have no impact pertaining to an applicable plan, ordinance, or policy supporting alternative transportation and associated facilities (e.g., bus stops, bicycle lanes and racks, and pedestrian trails).

The Project would not result in any impacts to the existing alternative transportation in the area, and additionally, it is anticipated that the Project would not result in increased demand for alternative transportation that is not already available in the area. Moreover, it is assumed that future residents of the proposed Project would not rely on public transportation as they would own their own vehicles. However, existing walkways and bicycle trails in the area would meet their recreation needs. Therefore, the proposed Project would not create a new significant impact pertaining to conflict with a policy or program that was not previously analyzed, and no new mitigation measures are required.

### *b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

**No Substantial Change from Previous Analysis.** On September 27, 2013, Senate Bill (SB) 743 was signed into law and started a process that would change transportation impact analysis as part of CEQA compliance. Accordingly, transportation analyses for CEQA require analysis of transportation impacts using vehicle miles traveled (VMT) metrics instead of level of service (LOS), which was previously the metric used for CEQA transportation analyses. On January 20, 2016, the Office of Planning and Research (OPR) released revisions to its proposed CEQA guidelines for the implementation of SB 743, and final review and rulemaking for the new guidelines were completed in December 2018. OPR allowed lead agencies an opt-in period to adopt the guidelines before the mandatory date adoption of July 1, 2020.

The City's *Policy K-3, Implementation of Procedures for the California Environmental Quality Act, Item H, Vehicle Miles Traveled (VMT) Analysis Methodology*, identifies that the City's VMT analysis methodology is supplemented by the City SB 743 VMT Implementation Guide, dated April 6, 2020. It further indicates that land use projects that meet one or more of the criteria provided in Subsection (2)(a) or (2)(b), would be considered to have a less than significant impact, and no further VMT analysis would be required. The proposed Project complies with criterion (2)(a)(v), which state: "*The Land Use Project generates a net increase of 300 or less daily trips, utilizing the most current Institute of Transportation Engineers (ITE) Trip Generation Manual. Credit may apply for existing uses generating traffic on the site, as outlined in Chapter 15.40 (Traffic Phasing Ordinance) of the Newport Beach Municipal Code*."

As discussed above under Threshold (a), Table 3-14 identifies the trip generation comparison between the existing hotel and proposed hotel branded residences. As shown in this table, the proposed residential development (159 units) with the redeveloped hotel rooms (373 rooms)

would generate less trips (30 less AM peak hour trip, 43 less PM peak hour trips, and 549 fewer ADTs) and hence less traffic on the adjacent roadways, compared to the existing hotel with 532 hotel rooms. Thus, the proposed Project would not result in any increases in trips, and thus no VMT analysis is required for the Project.

As such, the Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b) of the State CEQA Guidelines. Therefore, the proposed Project would not create a new significant impact, and no new mitigation measures are required.

### *c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses?*

**No Substantial Change from Previous Analysis.** Consistent with the analysis in the 2006 EIR, the proposed Project site and immediate surrounding area do not contain any roadway or other design features, which could produce significant traffic hazards. For transportation purposes, onsite circulation for the hotel drop-off/pick-up and parking would not change. Residents and guests would be directed to a separate entrance on the south side of the property along Newport Center Drive. This driveway currently provides access from the existing parking structure and is gate-arm controlled. The new access would align with the existing intersection, which is across from Cucina Enoteca and Nordstrom at Fashion Island. The new access drive would direct vehicles to the new porte cochere and where valet service would direct cars into a new subterranean parking structure. Additionally, a new secondary driveway would be constructed along the southern boundary of the Project site providing service and fire access from Newport Center Drive along the western boundary of the property to the Event Lawn. None of these elements would result in a potential impact related to increase in hazards due to a design feature or incompatible uses. Additionally, consistency with the General Plan policies would help reduce hazards due to design features. Therefore, the proposed Project would not create a new significant impact pertaining to site geometry that was not previously analyzed, and no new mitigation measures are required.

### *d) Result in inadequate emergency access?*

**No Substantial Change from Previous Analysis.** The 2006 EIR determined that the 2006 General Plan Update would result in no impacts regarding inadequate emergency access. Onsite circulation for the hotel drop-off/pick-up and parking would not change. Residents and guests of the hotel branded residences would be directed to a separate entrance on the south side of the property along Newport Center Drive. This driveway currently provides access from the existing parking structure and is gate-arm controlled. The new access would align with the existing intersection. As indicated above, a new secondary driveway would be constructed along the southern boundary of the Project site providing service and fire access from Newport Center Drive along the western boundary of the property to the Event Lawn. Consistent with the analysis in the 2006 EIR, the Project would meet all applicable local and State regulatory standards for adequate emergency access. Therefore, the Project would not create a new significant impact pertaining to emergency access that was not previously analyzed, and no new mitigation measures are required.

## Conclusion

The transportation impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the transportation analysis provided in the 2006 EIR are required.

# 3.18 TRIBAL CULTURAL RESOURCES

## 3.18.1 2006 EIR

The Tribal Cultural Resources Section was not included in the CEQA Appendix G Checklist at the time the 2006 EIR was adopted. This section was added to the checklist in September 2016 and reflects the requirements of Assembly Bill (AB) 52, requiring consultation with the Native American tribal governments on projects that were initiated on or after July 1, 2015. The 2006 General Plan Update was not subject to the requirements of AB 52, which is applicable only to a project that has a Notice of Preparation, a Negative Declaration, or MND filed on or after July 1, 2015. Thus, the 2006 EIR was not required to conduct AB 52 tribal consultation.

Although tribal cultural resources were not explicitly discussed in the 2006 EIR, cultural resources were addressed in Section 4.4 of the 2006 EIR and Section 3.5 of this Addendum

### Mitigation Measures

No mitigation measures were required.

## 3.18.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **TRIBAL CULTURAL RESOURCES –** Would the project: | | | | |
| a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: | ☐ | ☐ | ☐ | ☑ |
| i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | ☐ | ☐ | ☐ | ☑ |
| ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | ☐ | ☐ | ☐ | ☑ |

Compliance with Assembly Bill (AB) 52 pertaining to Native American Tribal Consultation is required for projects with publicly circulated CEQA documents, such as EIRs, MNDs, or NDs filed

on or after July 1, 2015. The present Addendum does not require circulation for public review; thus, discussion of the tribal consultation process and analysis of impacts to tribal cultural resources is not required here. However, for informational purposes, an analysis is provided below.

***Would the Project:***

***Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:***

***a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?***

**No Substantial Change from Previous Analysis.** The Project site is within an existing hotel resort complex, which includes hotel buildings, accessory uses, and amenities. The overall site has been disturbed, even prior to implementation of the 2006 General Plan Update. As discussed above in Section 3.5, Cultural Resources, of this Addendum, although the Project site has been previously disturbed, the area is potentially sensitive for archaeological and tribal cultural resources. The Project would be required to comply with City Council Policy K-5, which requires preservation of significant archeological and tribal cultural resources. Compliance with General Plan Policy HR 2.1 and Policy NR 18.1 would require that any new development protect and preserve archaeological and tribal resources from destruction, and that potential impacts to such resources be avoided and minimized through planning policies and permit conditions. As such, compliance with these regulations would ensure impacts to archaeological resources remain less than significant. Therefore, no new significant impacts that were not previously identified in the 2006 EIR would result that would require a new mitigation measure.

***b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.***

**No Substantial Change from Previous Analysis.** Consistent with the findings of the 2006 EIR, there is no indication that there are burials present at the Project site, and it is unlikely that human remains would be discovered during Project development. As discussed above in Section 3.5, Cultural Resources, although the potential for the proposed Project-related grading to have significant impacts on archaeological and paleontological resources is considered low, the proposed construction activities could potentially disturb native soils, and therefore, archaeological or tribal cultural resources may be uncovered at the site. In the event that archaeological and/or tribal cultural resources are discovered during grading activities, the *California Health and Safety Code* Section 7050.5, *CEQA* Section 15064.5, and the *California Public Resources Code* Section 5097.98 describe procedures for monitoring and protocols to be followed in the event that archaeological and/or tribal cultural resources are discovered during

construction activities. Therefore, the Project would not create a new significant impact pertaining to archaeological resources and disruption of human remains, that was not previously analyzed, and no new mitigation measures are required.

## Conclusion

The tribal cultural resources impacts of the proposed Project would be consistent with the cultural resources impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the tribal cultural resources analysis provided in the 2006 EIR are required.

# 3.19 UTILITIES AND SERVICE SYSTEMS

Information in this section is derived from the "Sewer Analysis Report, The Ritz-Carlton Residences Newport Beach, Newport Beach, CA" (Sewer Report) and "Water Demand Report, The Ritz-Carlton Residences Newport Beach, Newport Beach, CA" (Water Report), both prepared for the Project by Fuscoe Engineering (Fuscoe), dated December 2021 (Fuscoe 2021a and 2021b). The Sewer and Water Reports are included in Appendices E-1 and E-2, respectively.

## 3.19.1 2006 EIR

### Water

The City's surface water suppliers are the City, the Mesa Consolidated Water District (MCWD), and the Irvine Ranch Water District (IRWD), which source their imported water from the Municipal Water District of Orange County (MWDOC). The 2006 EIR concluded that the City's three water suppliers would have enough capacity to serve General Plan development and that no relocation or expansion of water facilities is required. Impacts would be less than significant. All of service providers used groundwater and recycled water to supplement their supply. MWDOC indicated that its 2030 projected availability of imported water supply would exceed the 2030 projected regionwide demand for imported water supply by at least 155,000 acre-feet. Therefore, MWDOC would be able to meet 100 percent of the City's imported water needs through 2030.

According to the City of Newport Beach's 2005 Urban Water Management Plan referenced in the 2006 EIR, water supplies would continue to meet the City's imported water needs until year 2030. Orange County Water District (OCWD), which provides the groundwater supply to the City, projects that there would be sufficient groundwater supplies to meet any future demand requirements in Newport Beach. The water supply impact associated with the City's water service boundaries within the Newport Center/Fashion Island Area was determined to be less than significant.

### Wastewater

The 2006 EIR concluded that implementation of the General Plan would produce an additional 4.12 million gallons per day (mgd) of wastewater. The additional wastewater would be treated at Orange County Sanitation District (OCSD) Reclamation Plants Nos. 1 and 2. Reclamation Plant No. 1 had a capacity of 174 mgd and treated an average flow of 90 mgd, approximately 52 percent of its design capacity. Reclamation Plant No. 2 had a capacity of 276 mgd and treated an average of 153 mgd, approximately 55 percent of its design capacity. The additional 4.12 mgd from buildout of the General Plan was determined to be nominal compared to the capacities of the two plants. In addition, policies within the General Plan require adequate wastewater facilities and conveyance systems to be available to the City residents through renovations, installations, and improvements when needed. Impacts were determined to be less than significant.

## Storm Drainage

The 2006 EIR concluded that impacts to the City's storm drainage system would be less than significant. Since the City of Newport Beach is almost entirely built out, development would occur only in areas with existing storm drainage infrastructure. The Orange County Drainage Area Management Plan would require new developments to create and implement a Water Quality Management Plan (WQMP), which would ensure pollutant discharges are reduced to the maximum extent practicable and do not exceed existing storm drainage capacities. Therefore, any additional stormwater runoff would not exceed storm drainage capacities, and impacts were determined to be less than significant.

## Solid Waste

The 2006 EIR found that impacts on existing solid waste facilities from project-generated solid waste were less than significant. Development would result in additional solid waste to be disposed of at the Frank R. Bowerman Sanitary Landfill. Based on the landfill's 16-year lifespan and remaining capacity of approximately 44.6 million tons (at the time the previous EIR was prepared), the increase in solid waste was considered less than significant.

The 2006 EIR concluded that no impacts would occur related to compliance with federal, State, and local regulations. AB 939, the Integrated Waste Management Act of 1989 (PRC Section 40000 et seq.) required all local governments to develop source reduction, reuse, recycling, and composting programs to reduce tonnage of solid waste that would be diverted to landfills. Cities were required to divert at least 50 percent of all solid waste generated by January 1, 2000.

AB 1327, the California Solid Waste Reuse and Recycling Access Act of 1991 (PRC Section 42900 et seq.), required the California Integrated Waste Management Board to develop a model ordinance requiring adequate areas for the collection and loading of recyclable materials in development projects. Local agencies were then required to adopt and enforce either the model ordinance or an ordinance of their own by September 1, 1993. Chapter 6.06 of Newport Beach Municipal Code (NBMC) includes waste recycling requirements in conformance with AB 1327. The City consistently diverts 50 percent or more of solid waste; therefore, the City is in compliance with this legislation.

## Mitigation Measures

No mitigation measures were required.

# 3.19.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **UTILITIES AND SERVICE SYSTEMS –** Would the project: | | | | |
| a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? | ☐ | ☐ | ☐ | ☑ |
| b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? | ☐ | ☐ | ☐ | ☑ |
| c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | ☐ | ☐ | ☐ | ☑ |
| d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? | ☐ | ☐ | ☐ | ☑ |
| e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? | ☐ | ☐ | ☐ | ☑ |

***Would the Project:***

***a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?***

**No Substantial Change from Previous Analysis.**

## Water

The proposed Project consists of 159 hotel-branded residences, representing approximately 30 percent of the total units the VEA Newport Beach, A Marriott Resort and Spa. The proposed Project would at connect to existing water mains (i.e., existing 12-inch water main on Newport Center Drive) that are serviced by the City of Newport Beach. The City has indicated that there is adequate water capacity to serve the proposed Project. Therefore, the Project would not result in a new significant impact related to new or expanded water facilities, that was not previously identified, and no mitigation is required.

## Wastewater

The following wastewater analysis is derived from the Sewer Report, prepared by Fuscoe for the Project. According to the Sewer Report, wastewater from the site currently discharges to the City's public sewer system through two 8-inch sewer laterals on the east side of the Project site. The laterals connect to the existing 10-inch sewer main in Newport Center Drive. The existing manhole loading with flow generation is summarized in Table 3-15, Existing Condition Peak Wastewater Flows, and the existing and proposed flow increases are presented in Table 3-16, Existing Sewer with Proposed Condition Flows. The calculations and results presented in the Sewer Report demonstrate that the existing sewer system would not be adversely impacted by the wastewater flows associated with the proposed Project.

**TABLE 3-15**
**EXISTING CONDITION PEAK WASTEWATER FLOWS**

| Manhole Number | Street | Pipe Size/Slope | Peak Flow (gpm) | Peak Flow (cfs) | Flow Depth (inches) | Percent-Full |
|---|---|---|---|---|---|---|
| K19_046 | Newport Center Drive | 10-inch S=0.88% | 151.08 (outflow) | 0.337 (outflow) | 2.9-inch (Calibrated) | 29% |
| Gpm: gallons per minute cfs: cubic feet per second<br>Source: Fuscoe 2021b | | | | | | |

**TABLE 3-16**
**EXISTING SEWER WITH PROPOSED CONDITION FLOWS**

| Manhole Number | Street | Pipe Size/Slope | Existing Peak Flow (cfs) | Project Peak Flow (cfs) | Proposed Flow in Pipe (cfs) | Proposed Flow Depth (inches) | Proposed Percent Full |
|---|---|---|---|---|---|---|---|
| K19_046 | Newport Center Drive | 10-inch S=0.88% | 0.337 | 0.161 | 0.498 | 3.52 | 35.2% |
| Gpm: gallons per minute cfs: cubic feet per second<br>Source: Fuscoe 2021b | | | | | | | |

The Sewer Report shows that the existing 10-inch sewer main in Newport Center Drive is currently at 29 percent-full for the existing peak wastewater flows. The proposed development would connect to the existing 8-inch laterals and discharge into the 10-inch sewer main. The flow depth of the existing public sewer system with the proposed conditions would be at 35.2 percent-full and would be in compliance with the City of Newport Beach Design Criteria. Therefore, no sewer upgrades would be required to accommodate the proposed Project. Therefore, the Project would not result in a new significant impact related to wastewater treatment, that was not previously identified, and no mitigation is required.

## Storm Water Drainage

Development of the proposed Project would alter the on-site drainage patterns with the development of the new building, parking structures, and associated site improvements.

However, the proposed Project, similar to other projects developed pursuant to the General Plan, would be required to implement a WQMP. The WQMP would reduce discharge of stormwater into urban runoff from the operational phase by managing site runoff volumes and flow rates through application of appropriate best management practices. BMPs would be designed in accordance with the NPDES requirements. Any drainage facilities would also be designed in accordance with Section 19.28.080 of NBMC. Therefore, stormwater runoff expected at buildout of the proposed Project would not exceed existing storm drainage capacities, and impacts would be less than significant.

As discussed under Section 3.10, Hydrology and Water Quality, the existing drainage pattern is generally from north to south, toward the roadways to the east, and the golf course to the west. The intersection of Santa Barbara Drive and Newport Center Drive represents a high point in the adjacent roadways, with drainage on Santa Barbara Drive flowing northwesterly, and drainage on Newport Center Drive flowing southerly, following the easterly frontage from the property. There are existing City of Newport Beach Storm Drain facilities that accept drainage from site frontage and onsite area drain systems.

Under proposed conditions, runoff would flow similar to the existing conditions. An area drain system would collect runoff within the Project area and direct low flows to one of three Modular Wetland Systems (MWS) for water quality treatment. High flows would bypass the biotreatment system and exit the site. Flows would comingle with offsite runoff from the Newport Beach Marriot Hotel and Spa. The biotreatment units would be sized for both off-site and on-site flows. Most flows would travel to the southeast corner of the site, connecting to an existing storm drain system that ties into an 18-inch storm drain that connects to the existing 42-inch storm drainpipe along Newport Center Drive. A small portion of runoff (approximately 0.08 acre) would exit the site to the west and drain to the adjacent golf course. Runoff from the proposed parking structure (approximately 0.74 acre) would drain easterly and outlet through a curb drain before entering a catch basin and joining the 42-inch storm drain along Newport Center Drive. After traveling along Newport Center Drive, flows eventually enter Lower Newport Bay and the Pacific Ocean. Therefore, the Project would not result in a new significant impact related to storm water drainage, that was not previously identified, and no mitigation is required.

## Electric Power

Southern California Edison (SCE) currently provides electricity to the City of Newport Beach, including the Project site (SCE 2022). The service would be provided in accordance with SCE's policies and extension rules on file with the California Public Utilities Commission (CPUC). Therefore, the Project would not result in a new significant impact related to electrical service, that was not previously identified, and no new mitigation is required.

## Natural Gas

The Southern California Gas Company (SCGC) currently provides natural gas service to the City of Newport Beach, including the Project site (SCGC 2022). The service would be provided in accordance with SCGC's policies and extension rules on file with the CPUC. Therefore, the Project would not result in a new significant impact related to natural gas service, that was not previously identified, and no new mitigation is required.

## Telecommunications

Telecommunications are provided by Spectrum, Cox, and Google Fiber. Local telecommunications companies operate and maintain transmission and distribution infrastructure in the Project area. Therefore, the Project would not result in a new significant impact related to telecommunications facilities, that was not previously identified, and no new mitigation is required.

***b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple years?***

**No Substantial Change from Previous Analysis.** According to the Water Report, water for domestic service and fire protection is provided to the property by the City of Newport Beach. There is an existing 12-inch asbestos cement pipe (ACP) waterline and two fire hydrants fronting the Project site along Newport Center Drive. Based on the City's GIS mapping system, there are no existing recycled water lines in the vicinity of the Project site. The existing water demand for the Project site is 136 acre-feet per year (afy), and the proposed water demand would be 187 afy, which means, the development of the proposed hotel branded residences would result in the additional demand of 51 afy. No additional hydrants would be required. The 2020 UWMP found that the City's supply capabilities are expected to balance anticipated total water use and supply and accommodate normal years, single dry years, and multiple dry-year events. The UWMP indicated that there is adequate existing and planned water supply to accommodate future development accounted for in the General Plan, including the Project, and its associated water demands. Therefore, the Project would not result in a new significant impact related to water supplies, that was not previously identified, and no new mitigation is required.

***c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?***

**No Substantial Change from Previous Analysis.** As stated previously, the incremental increase in wastewater generated by the proposed Project could be accommodated by OCSD's treatment plants. The City requires NPDES permits, which set limits on allowable concentrations in any wastewater discharge. The City's Municipal Code also requires dwelling units and commercial uses to connect to the City's public sewer network and prohibits certain polluting substances from being discharged into a public sewer. The proposed Project, similar to developments in accordance with the General Plan, would be required to comply with all provisions of the NPDES program and the NBMC and would not exceed wastewater treatment requirements. Therefore, the Project would not create a new significant impact pertaining to wastewater treatment that was not previously analyzed, and no new mitigation measures are required.

***d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?***

**No Substantial Change from Previous Analysis.** The Frank R. Bowerman Landfill has a maximum permitted disposal of 11,500 tons per day. The landfill has a remaining capacity of 205,000,000 cubic yards with a closure date of December 31, 2053 (CalRecycle 2022). As

identified in Table 3-16, Estimated Solid Waste Generation, the proposed Project would generate approximately 1,019 pounds of solid waste per day (1 ton per day or 365 tons/year). The estimated refuse generation for the Project is less than 0.01 percent of the landfill's annual tons per day average. The proposed Project's development intensity is consistent with the City's development assumptions, which are used by the County of Orange in their long-term planning for landfill capacity. The County's landfill system has capacity in excess of the required 15-year threshold established by the California Department of Resources Recycling and Recovery. Based on the remaining capacity of the Bowerman Landfill and the County's long-term planning programs required to meet CalRecycle requirements, there would be adequate waste disposal capacity within the permitted County's landfill system to meet the needs of the proposed Project. Therefore, the Project would not create a new significant impact pertaining to solid waste disposal that was not previously analyzed, and no new mitigation measures are required.

**TABLE 3-17**
**ESTIMATED SOLID WASTE GENERATION**

| Units/Square Feet (sf) | Solid Waste Generation Rate | Solid Waste Generation |
|---|---|---|
| 159 units: multi-family residential | 6.41 lbs/unit/day | 1,019.19 lbs/day |
| Total | | 1,019.19 lbs/day (365 tons/yr) |
| Source: Newport Beach 2006. | | |

The proposed Project, similar to other projects developed pursuant to the General Plan, would comply with the California Green Building Standards and AB 341. The 2019 California Green Building Standards Code requires that at least 65 percent of the nonhazardous construction and demolition waste from residential construction be recycled and/or salvaged for reuse. AB 341 mandates a statewide solid waste diversion rate of 75 percent by 2020. Therefore, the Project would not create a new significant impact pertaining to solid waste reduction goals that was not previously analyzed, and no new mitigation measures are required.

### *e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

**No Substantial Change from Previous Analysis.** Compliance with AB 939 is measured for each jurisdiction, in part, as actual disposal amounts compared to target disposal amounts. Target disposal rates for the City are 9.6 pounds per day (ppd) per resident. Actual disposal rates in 2018 were 6.9 ppd per resident. Therefore, solid waste diversion in Newport Beach is consistent with AB 939, thus the Project's solid waste generation would be consistent with AB 939 and AB 1327. The proposed Project, similar to all projects, is required to recycle construction waste in compliance with the 2019 California Green Building Code, store and collect recyclable materials in compliance with AB 341 and handle green waste in accordance with AB 1826. Therefore, the proposed Project would not create a new significant impact pertaining to solid waste regulations that was not previously analyzed, and no new mitigation measures are required.

## Conclusion

The utilities and service systems impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the utilities and service systems analysis provided in the 2006 EIR are required.

# 3.20 WILDFIRE

## 3.20.1 2006 EIR

Effective December 28, 2018, the State adopted amendments to the State CEQA Guidelines requiring the analysis and mitigation of wildfire as a separate topic in CEQA documents. The 2006 EIR was adopted prior to the 2018 State CEQA Guidelines amendments, and as such, responses to wildfire as a separate topic was not addressed.

However, the 2006 EIR addressed exposure of structures to a significant risk of loss, injury or death involving wildland fires, in Section 4.6, Hazards and Hazardous Materials. According to the 2006 EIR, the City defines a wildland fire hazard area as any geographic area that contains the type and condition of vegetation, topography, weather, and structure density that potentially increases the possibility of wildland fires. The eastern portion of the City and surrounding areas to the north, east, and southeast include grass- and brush-covered hillsides with significant topographic relief that facilitate the rapid spread of fire, especially if fanned by coastal breezes or Santa Ana winds. The 2006 EIR noted that while implementation of the proposed General Plan Update could result in development in urbanized areas adjacent to or intermixed with wildlands, thereby exposing people or structures to risks involving wildland fires, this impact would be less than significant.

### Mitigation Measures

No mitigation measures were required.

## 3.20.2 PROPOSED PROJECT IMPACT ANALYSIS

| Environmental Issues | New Significant Impact | More Severe Impacts | New Ability to Substantially Reduce Significant Impact | No Substantial Change From Previous Analysis |
|---|---|---|---|---|
| **WILDFIRE**– If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project: | | | | |
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☑ |
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? | ☐ | ☐ | ☐ | ☑ |
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | ☐ | ☐ | ☐ | ☑ |
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | ☐ | ☐ | ☐ | ☑ |

***If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project:***

***a) Substantially impair an adopted emergency response plan or emergency evacuation plan?***

**No Substantial Change from Previous Analysis.** The proposed Project is not within a State responsibility area or designated Very High Fire Hazard Severity Zones (VHFHSZ), as defined by the California Department of Forestry and Fire Prevention (CAL FIRE). The nearest Local Responsibility Area (LRA)-designated VHFHSZ is located 1.45 miles southeast of the Project site, within the hillside and open space areas within the City (CAL FIRE 2011).

Temporary lane closures on adjacent streets may be required during the short-term construction period. However, Project construction would not involve full closure of any public roadway during construction. Additionally, because Checklist Response thresholds 3.20a through 3.20d apply only to those projects that are "located in or near state responsibility areas or lands classified as very high fire hazard severity zones", no impacts related to these thresholds would occur, and no mitigation is required. Therefore, the Project would not create a new significant impact to emergency response plans or emergency evacuation plans, and no new mitigation measures are required.

***b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?***

**No Substantial Change from Previous Analysis.** The Project site is in a highly urbanized area of the City, and there are no large, undeveloped areas and/or steep slopes on or near the site that would exacerbate fire risks such that would expose the Project and its occupants to wildfire related hazards. The site and the surrounding areas are not located in designated VHFHSZ, as identified by CAL FIRE. Rather, the site is within a Non-VHFHSZ area. Therefore, the Project is not expected to exacerbate wildfire risks and create pollutants associated with wildfire or uncontrolled spread of wildfire. Additionally, because Checklist Response thresholds 3.20a through 3.20d apply only to those projects that are "located in or near state responsibility areas or lands classified as very high fire hazard severity zones", the Project would not create a new significant impact pertaining to exacerbation of fire risks, and no new mitigation measures are required.

***c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?***

**No Substantial Change from Previous Analysis.** As previously described, the proposed Project is not within a designated VHFHSZ as defined by CAL FIRE. The site is located in a highly urbanized area and surrounded by developed land on all sides. All proposed structures would be constructed to meet current building and fire codes. Implementation of the proposed Project and maintenance of associated infrastructure would not exacerbate fire risk such that would result in a significant temporary or ongoing impact. Additionally, because Checklist Response

thresholds 3.20a through 3.20d apply only to those projects that are "located in or near state responsibility areas or lands classified as very high fire hazard severity zones", the Project would not create a new significant impact pertaining to installation or maintenance of associated infrastructure that may exacerbate fire risk, and no new mitigation measures are required.

***d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?***

**No Substantial Change from Previous Analysis.** As previously described, the proposed Project is not within a designated VHFHSZ as defined by CAL FIRE. The Project is in a highly urbanized area that is in a generally flat topographical area away from downslope or landslide areas. Specifically, implementation of the Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. Additionally, Checklist Response thresholds 3.20a through 3.20d apply only to those projects that are "located in or near state responsibility areas or lands classified as very high fire hazard severity zones". Therefore, the Project would not create a new significant impact pertaining to exposure or people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes, and no new mitigation measures are required.

## Conclusion

The wildfire impacts of the proposed Project would be consistent with the impacts identified for the 2006 General Plan Update, analyzed in the 2006 EIR. The proposed Project would not create a new significant impact or a substantial increase in the severity of previously identified effects. In regard to Section 15162 of the State CEQA Guidelines, (1) no substantial changes are proposed as part of the proposed Project that would result in new significant effects or an increase in severity of previous effects; (2) no substantial changes in circumstances have occurred that would result in new significant effects; and (3) no new information has become known that was not previously known that would (a) create new significant impacts, (b) increase the severity of previously examined effects, or (c) determine that mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible; or (4) introduce mitigation measures that are considerably different from those analyzed in the 2006 EIR. For these reasons, no major revisions to the wildfire analysis provided in the 2006 EIR are required.

*This page intentionally left blank*

# 4.0 CONCLUSIONS

Based on the analysis provided in this Addendum, there is substantial evidence to determine that (1) the proposed Project does not represent a substantial change from the previously approved project evaluated in the 2006 EIR; (2) no substantial changes have occurred with respect to the circumstances under which the proposed Project is undertaken; and (3) the proposed Project has not introduced new information of substantial importance that was not previously known. The proposed Project would not have any new or substantially more severe impacts than what was evaluated in the 2006 EIR. No new Mitigation Measures are recommended in addition to those adopted at the time the 2006 EIR was certified that would further reduce Project impacts. The 2006 EIR, when considered in conjunction with this Addendum, provides adequate documentation, pursuant to the CEQA for the Project.

*This page intentionally left blank*

# 5.0 REFERENCES


Airport Land Use Commission (ALUC). 2008 (April 17, Amended). Airport Environs Land Use Plan for John Wayne Airport.

California Air Resources Board (CARB). 2019 (August, last updated). Maps of State Area Designations. Sacramento, CA: CARB. https://ww2.arb.ca.gov/resources/documents/maps-state-and-federal-area-designations.

———. 2018 (October, last updated). Maps of Federal Area Designations. Sacramento, CA: CARB. https://ww2.arb.ca.gov/resources/documents/maps-state-and-federal-area-designations.

California Department of Forestry and Fire Prevention (CAL FIRE). 2011 (October). Newport Beach—Very High Fire Hazard Severity Zones in LRA as Recommended by CAL FIRE. Sacramento, CA: CAL FIRE. https://osfm.fire.ca.gov/media/5891/c30_newportbeach_vhfhsz.pdf.

California Department of Transportation (Caltrans). 2022 (February 8, last accessed). California State Scenic Highway System Map - ArcGIS Online. Sacramento, CA: Caltrans. https://www.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa.

CalRecycle. 2022 (March 7, date accessed). SWIS Facility/Site Activity Details: Frank R. Bowerman Sanitary LF (30-AB-0360). https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2767?siteID=2103.

EBI Consulting. 2020 (September 8). Phase I Environmental Site Assessment, Marriott Newport Beach, 900 Newport Center Drive, Newport Beach, California 92660, EBI Project No. I320000294. Burlington, MA: EBI.

Environmental Science Associates (ESA). 2022a (January 26). The Ritz-Carlton Residences - Biological Resources Technical Memorandum. Irvine, CA: ESA. Appendix B.

———. 2022b (January 2022). CONFIDENTIAL—NOT FOR PUBLIC DISTRIBUTION—Newport Center Project, Newport Beach, California, Cultural Resources Assessment Report. Pasadena, CA: ESA.

———. 2022c (January 2022). Final 900 Newport Center Drive, Newport Beach, California—Historic Resource Assessment. Los Angeles, CA: ESA.

———. 2022d (January 2022). Confidential Paleontological Resources Assessment for the Newport Center Project; City of Newport Beach, Orange County, California. Irvine, CA: ESA.

Fuscoe Engineering. 2021a. Preliminary Water Quality Management Plan (WQMP), Ritz-Carlton Residences, Newport Beach, California. Irvine, CA: Fuscoe.

———. 2021b. Preliminary Hydrology Report, The Ritz-Carlton Residences Newport Beach, Newport Beach, California. Irvine, CA: Fuscoe.

———. 2021c. Sewer Analysis, The Ritz-Carlton Residences Newport Beach, Newport Beach, California. Irvine, CA: Fuscoe.

———. 2021d. Water Demand Report, The Ritz-Carlton Residences Newport Beach, Newport Beach, California. Irvine, CA: Fuscoe.

Larry Seeman Associates (LSA). 2022a (February 8). Air Quality and Greenhouse Gas Analysis—The Ritz-Carlton Residences Project, Newport Beach, California. Clovis, CA: LSA. Appendix A of this Addendum.

———. 2022b (February 8). Energy Report—The Ritz-Carlton Residences Project, Newport Beach, California. Clovis, CA: LSA. Appendix D of this Addendum.

———. 2022c (February 8). Noise and Vibration Impact Analysis—The Ritz-Carlton Residences Project, Newport Beach, California. Irvine, CA: LSA. Appendix J of this Addendum.

Newport Beach, City of. 2022 (January 26, last accessed). Emergency Medical Services. Newport Beach, CA: the City. https://www.newportbeachca.gov/government/departments/fire-department/emergency-medical-services-division.

———. 2015. North Newport Center Planned Community Development Plan. Newport Beach, CA: City of Newport Beach.

———. 2006. City of Newport Beach General Plan. Newport Beach, CA: City of Newport Beach. https://www.newportbeachca.gov/government/departments/community-development/planning-division/general-plan-codes-and-regulations/general-plan.

Newport Beach Public Library (NBPL). 2022 (January 27, last accessed). Central Library. Newport Beach, CA: the City. https://www.newportbeachlibrary.org/about/hours-and-locations/central-library.

NMG Geotechnical, Inc. 2022 (January 19). Preliminary Geotechnical Exploration and Plan for the Ritz-Carlton Residences Tower and Parking Structures at 900 Newport Center Drive, Vesting Tentative Tract Map No. 19222, City of Newport Beach, California. Irvine, CA: NMG.

Pirzadeh Associates, Inc. 2022 (January 26.) Newport Beach Marriott Hotel and Spa – Revised Letter. Irvine, CA: Pirzadeh.

South Coast Air Quality Management District (SCAQMD). 2022 (February 25, last accessed). Fact Sheet for Applying CalEEMod to Localized Significance Thresholds. Diamond Bar, CA: SCAQMD. http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/caleemod-guidance.pdf.

———. 2019 (April, Revision). SCAQMD Air Quality Significance Thresholds. Diamond Bar, CA: SCAQMD. http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf?sfvrsn=2.

———. 2017. Air Quality Management Plan (AQMP). Diamond Bar, CA: SCAQMD. http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan.

———. 2016 (February). National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) Attainment Status for South Coast Air Basin. Diamond Bar, CA: SCAQMD. http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/naaqs-caaqs-feb2016.pdf?sfvrsn=2.

———. 2010 (September 28). Minutes for the GHG Significance Threshold Stakeholder Working Group #15. Diamond Bar, CA: SCAQMD.

———. 2009. Localized Significance Thresholds. Diamond Bar, CA: SCAQMD. http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook/localized-significance-thresholds

Southern California Edison (SCE). 2022 (March 8, date accessed). Our Service Territory. SCE Territory Map | Leadership | Who We Are | About Us | Home - SCE. Rosemead, CA: SCE.

Southern California Gas Company (SCGC). 2022 (March 8, date accessed). Company Profile. http://www.socalgas.com/about-us/company-info.shtml. San Diego, CA: SCGC.

U.S. Environmental Protection Agency (USEPA). 2014 (December 9). Clean Data Determination for 1997 PM2.5 Standards; California—South Coast; Applicability of Clean Air Act Requirements. Federal Register 79(236): 72999–73007. Washington, D.C.: USEPA. http://www.gpo.gov/fdsys/pkg/FR-2014-12-09/pdf/2014-28709.pdf#page=1.

U.S. Geological Survey (USGS). 2021 (November 30, last accessed). Areas of Land Subsidence in California. Washington, DC: USGS. https://ca.water.usgs.gov/land_subsidence/california-subsidence-areas.html

*This page intentionally left blank*