



**CITY OF NEWPORT BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT**

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## Memorandum

**To:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL  
**From:** Seimone Jurjis, Community Development Director  
**Date:** September 26, 2022  
**Re:** Item 15 – Ordinance Nos. 2022-19 and 2022-20: Tennis Club at Newport Beach Project Amendment (PA2021-260)

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The purpose of this memorandum is to further clarify the existing conditions of the project site as described in the draft CEQA Addendum prepared for the proposed project amendment. Please see the attached memorandum from the Chambers Group, which concludes that the existing condition of pickleball courts do not change any of the impact conclusions or the finding that the project amendment qualifies for an Addendum.

Lastly, Staff is requesting the modification of Condition of Approval No. 6 of Council Resolution 2022-066, to read as follows:

- 6. Prior to the issuance of a Certificate of Occupancy for the Tennis Clubhouse and Spa and Fitness Center, if the tennis courts are to be used for a joint use with pickleball or other use, the property owner and/or facility operator shall first comply with any and all City of Newport Beach General Plan, Municipal Code, or other applicable requirements.*

Attachment: Chambers Group Memorandum

**Project:** Tennis Club at Newport Beach Project Addendum

**Date:** September 23, 2022

**RE:** Tennis Club at Newport Beach Existing Conditions

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## Introduction

The purpose of this memorandum is to further clarify the existing conditions at the Project site from what was included in the California Environmental Quality Act (CEQA) Addendum for the Tennis Club at Newport Beach Project Amendment (Project). These clarifications do not change any of the impact conclusions or the finding that the Project qualifies for an Addendum. Rather, this memorandum is intended to provide additional information to the City Council to provide clarification of existing uses and the Project impacts.

## Existing Conditions

The following paragraph provides an update to Section 2.2 Surrounding Land Uses and Project Setting of the Addendum to clarify the presence of pickleball courts at the existing Project site:

*The Project site is currently occupied by the Tennis Club at Newport Beach with ~~24~~ **14** tennis courts, ~~32~~ **pickleball courts**, a 3,725 square-foot tennis clubhouse and 125 surface parking spaces and is surrounded by existing development. The Granville residential community is located to the north of the Project site; Corporate Plaza West borders the site on both the south and east; and the Newport Beach Country Club golf course borders the site on the west.*

## Summary of Impact Areas

The following section provides a summary of the Proposed Project impacts based on the clarified existing uses, which includes pickleball courts that were not originally outlined in the analysis:

- **Aesthetics:** The clarification to the existing conditions, which includes the presence of pickleball courts in addition to tennis courts, does not change any impact conclusions for the Proposed Project related to scenic vistas, impacts within a State scenic highway, degradation of visual character, or light/glare impacts. The Addendum provides a thorough analysis of the aesthetics impacts related to the Proposed Project, and the current existence of pickleball courts does not change any conclusions related to the comparison of the Approved Project versus the Proposed Project.
- **Agricultural Resources:** The fact that pickleball courts are an existing condition at the Project site does not change any impact conclusions associated with agricultural or forestry resources since the Project site is already developed and would not impact farmland or agricultural uses.
- **Air Quality:** The existing presence of pickleball courts at the Project site does not change any impact conclusions for the Proposed Project related to compliance with the applicable air quality plan, cumulatively considerable net increases in criteria pollutants, exposing sensitive receptors to substantial pollutant concentrations, or other emissions such as odors.

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- **Biological Resources:** The clarification of the existing conditions noted above, including the presence of pickleball courts in addition to the noted tennis courts, does not change any impact conclusions associated with the Proposed Project for impacts to protected or sensitive species, riparian habitat, protected wetlands, wildlife corridors, tree preservation policies, or habitat conservation plans. As noted in the Addendum, the Project site is fully developed and alterations to the site would not impact biological resources.
  - **Cultural Resources:** The existing presence of pickleball courts at the Project site does not impact any Project impact conclusions associated with historical resources, archaeological resources, or human remains. A mitigation measure and standard conditions would be implemented to protect cultural resources, as noted in the Addendum document.
  - **Energy:** The fact that pickleball courts are currently located on the Project site, in addition to the tennis courts, does not impact any impact conclusions associated with energy usage or energy efficiency plans at the Project site.
  - **Geology and Soils:** The presence of pickleball courts at the Project site would not change any of the impact conclusions related to earthquake faults, seismic ground-shaking, ground failure, landslides, erosion, unstable geologic units, expansive soils, alternative wastewater disposal systems, or paleontological resources. A mitigation measure and standard conditions would be implemented to avoid impacts related to geologic resources, as noted in the Addendum document.
  - **Greenhouse Gas Emissions:** The clarification to the existing conditions, which includes the presence of pickleball courts in addition to the noted tennis courts, does not change any impact conclusions for the Proposed Project related to greenhouse gas emission generation or compliance with plans related to the reduction of greenhouse gas emissions.
  - **Hazards and Hazardous Materials:** The existing presence of pickleball courts on the Project site does not change any of the Project impact conclusions related to use of hazardous materials, accidental release of hazardous materials, handling waste within one-quarter mile of a school, being located on a list of hazardous materials, sites, interfere with emergency response plans, or result in impacts related to wildland fires. The Project site is already fully developed and the Proposed Project's changes to the project site would not result in significant impacts regarding hazards and hazardous materials.
  - **Hydrology and Water Quality:** The presence of pickleball courts on the Project site would not result in a change to the impact conclusions related to water quality standards, groundwater supplies, drainage patterns, runoff, flooding, inundation, or conflicts with water quality control plans or sustainable groundwater management plans. As noted in the Addendum, the Project site is already fully developed, and standard conditions would be implemented to avoid construction impacts.
  - **Land Use:** The clarification to the existing conditions, which includes the presence of pickleball courts in addition to the tennis courts, does not change any of the Project's impact conclusions related to division of an established community or conflicts with a land use plan, policy, or regulation.
  - **Mineral Resources:** The existing presence of pickleball courts at the Project site would not change any of the impact conclusions associated with mineral resources. As noted in the Addendum, the Project site is fully developed and alterations to the site would not impact mineral resources.
  - **Noise:** The fact that pickleball courts are an existing condition at the Project site was noted in the Addendum Noise section (Section 5.13). The Noise section acknowledges that the primary sources

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of noise within the study area consisted of noise emanating from the pickleball courts within the tennis club and vehicle noise from the parking lot. The noise impacts associated with the Proposed Project were based on the Project description which included the anticipated onsite noise levels from the new rooftop mechanical equipment, reconfigured pickle ball courts to tennis courts, and parking lots.

- **Population and Housing:** The presence of pickleball courts at the Project site would not change any of the impact conclusions associated with population and housing. As noted in the Addendum, Project implementation includes the same number of residential units as the Approved Project. The only change would be that three of the five units would be condominiums rather than single family homes. Consequently, development of these dwelling units would not result in either direct or indirect unanticipated growth in the City.
- **Public Services:** The clarification to the existing conditions, which includes the presence of pickleball courts in addition to the tennis courts, does not change any of the Project's impact conclusions related to substantial physical impacts associated with the provision of new or physically altered governmental facilities in order to maintain response times or service ratios. Compared to the 2010 MND, the addition of 14 additional hotel rooms associated with the Proposed Project would not create a significant impact on public services.
- **Recreation:** The existing presence of pickleball courts at the Project site would not change any of the impact conclusions associated with recreation. As noted in the Addendum, the Applicant would be subject to the payment of park in-lieu fees for the residential use, refer to Section 5.15.1 (b), in accordance with Title 19 of the Newport Beach Municipal Code.
- **Transportation:** The fact that pickleball courts currently exist on the Project site in addition to the tennis courts originally noted in the Addendum does not change the impact conclusions associated with alternative transportation policies, vehicle miles traveled, roadway design, or emergency access. The trip generation analysis prepared for the Project concentrated on the difference between the Approved Project and the Proposed Project, and the presence of pickleball courts would not change any of the impact conclusions. Mitigation measures would be implemented as noted in the Addendum to reduce Transportation-related impacts.
- **Tribal Cultural Resources:** The presence of pickleball courts at the Project site would not change any of the impact conclusions associated with tribal cultural resources. As noted in the Addendum, due to the responses received from the two tribes that requested consultation, and concurrence with the mitigation measure proposed, SB 18 consultation is considered complete.
- **Utilities and Service Systems:** The clarification to the existing conditions, which includes the presence of pickleball courts in addition to the tennis courts, does not change any of the Project's impact conclusions related to relocation or construction of utilities, water supplies, wastewater treatment capacity, and soil waste.
- **Wildfire:** The clarification to the existing conditions, which includes the presence of pickleball courts in addition to the tennis courts, does not change any of the Project's impact conclusions related to emergency response plans, wildland fire risk, infrastructure that would increase fire risk, or risk of downstream flooding or landslides.
- **Mandatory Findings of Significance:** The presence of pickleball courts at the Project site would not change any of the impact conclusions associated with degrading the quality of the environment, having impacts that are cumulatively considerable, or having impacts that would adversely impact human beings, either directly or indirectly.

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## Approved Project, Existing Conditions, and Proposed Project comparison

As noted in CEQA Guidelines §15125 Environmental Setting, the purpose of providing an environmental setting “is to give the public and decision makers to most accurate and understandable picture practically possible of the project’s likely near-term and long-term impacts.”

The purpose of CEQA per CEQA Guidelines §15002 is to inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities. Thus, the CEQA document for the Proposed Project intended to analyze impacts associated with Proposed Project implementation. In addition, since the CEQA document prepared for the Project is an Addendum, the Addendum document is intended to focus on the changes from the 2010 MND to the current Proposed Project. CEQA does not require the document to analyze the difference between the Approved Project and the existing conditions. CEQA court cases have found that CEQA generally does not require analysis and mitigation of the impact of existing environmental conditions on a project’s future users, except in limited circumstances. Therefore, the existing condition of the pickleball courts was not analyzed within the Addendum document.

## Summary of Project Impacts

As noted in the MND Addendum, in order to satisfy the conditions set forth in §15162 through §15164 of the *CEQA Guidelines*, the City has used Appendix G of the CEQA Guidelines for the Tennis Club at Newport Beach Project (Proposed Project or Addendum) to make the following determinations:

- ∅ No substantial changes are proposed in the Addendum that require major revisions to the original Final Mitigated Negative Declaration (MND) prepared by the City due to the involvement of significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- ∅ No substantial changes will occur with respect to the circumstances under which the Proposed Project is undertaken, and no major revisions to the Final MND will be required; and
- ∅ No substantial new information has been provided that would require a major revision to the Final MND.

Based on the information incorporated and the changes associated with the Proposed Project, there are no conditions that would require the preparation of a subsequent or supplemental MND pursuant to §15162 through §15164 of the CEQA Guidelines. The clarification to add pickleball courts as part of the existing conditions do not change any of the impact conclusions or the finding that the project qualifies for an Addendum.