



CITY OF
NEWPORT BEACH
City Council Staff Report

July 22, 2014
Agenda Item No. 10.

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: General Plan Land Use Element Amendment - Citywide (PA2013-098)

ABSTRACT:

The project is an amendment to the City of Newport Beach (City) General Plan Land Use Element, Glossary, and Implementation Program (Amendment). The Amendment is intended to shape future development within the City and involves the alteration, intensification, and redistribution of land uses in certain subareas of the City, including major areas such as Newport Center/Fashion Island, Newport Coast, and the area near John Wayne Airport. The Amendment also includes Land Use Element Policy revisions related to land use changes, in support of recent Neighborhood Revitalization efforts and other updates/refinements. Subsequent amendments to the Newport Beach Coastal Land Use Plan (LUP), Newport Coast Coastal LUP (as determined by the County of Orange), and Zoning Code and Map will be necessary to reflect the Amendment.

RECOMMENDATION:

- a) Conduct a public hearing;
- b) Adopt Resolution No. 2014-65 (Staff Report Attachment CC1), *A Resolution of the City Council of the City of Newport Beach Certifying Final Supplemental Environmental Impact Report No. ER2014-002 (SCH# 2013101064) and Mitigation Monitoring and Reporting Program in Accordance with the California Environmental Quality Act and State and Local Guidelines for the General Plan Land Use Element Amendment (PA2013-098);*
- c) Adopt Resolution No. 2014-66 (Staff Report Attachment CC2), *A Resolution of the City Council of the City of Newport Beach Overruling the Orange County Airport Land Use Commission's determination that the General Plan Land Use Element Amendment Project is Inconsistent with the Airport Environs Land Use Plan for the John Wayne Airport and Finding the General Plan Land Use Element Amendment Project is Consistent with the Purposes of Public Utilities Code Section 21670 (PA2011-134); and*
- d) Adopt Resolution No. 2014-67 (Staff Report Attachment CC3), *A Resolution approving General Plan Amendment No. GP2013-001 to Amend the Land Use Element and Glossary and Implementation Plan of the General Plan, and Adopting CEQA Findings and Facts in Support of Findings and Statement of Overriding Considerations.*

FUNDING REQUIREMENTS:

Consultant services in the amount of \$820,340 were needed to assist staff in the Amendment process. These expenses were detailed in the July 8, 2014 City Council report.

DISCUSSION:

On July 8, 2014, the City Council held a public hearing to consider the proposed Amendment. Following public testimony and deliberation, the Council directed staff to return to the July 22, 2014 meeting with revised resolutions to reflect modifications to the project which include:

Removal of the following sites:

- 1 813 East Balboa Boulevard (Map Reference 2)
- 1 150 Newport Center Drive (Map Reference 17)
- 1 Lyon Properties (Map Reference 4C)
- 1 The Hangars (Map Reference 4B)

Revision to the Saunders Properties (Map Reference 4A) as follows:

- Maintain the proposed land use designation change from Airport Office (AO) to Mixed-Use Horizontal (MU-H-2) and amend Figure LU22 to include the Saunders Properties as a MU-H2 site;
- Revise the Anomaly Table regarding Anomaly Number 83 to identify the Development limit as 306,923 square feet and remove the proposed 329 dwelling units;
- Add a notation that residential units shall be located outside of the 65 CNEL noise contour of the John Wayne Airport;
- Revise Policy LU 7.14.5 to include a reference to Anomaly 83; and
- Revise Policy LU7.14.14 to remove a reference of additional commercial development in Anomaly Number 83.

Please refer to Attachment CC4 to view the updated table of land use amendments and Attachment CC3, Exhibit B to view the map amendments. Please note, staff recommends Anomaly Number 83 include a development limit of 0.5 floor area ratio (FAR), instead of the 306,923 square feet. This FAR maximum is consistent with other MU-H2 land use designations.

At the July 8, 2014 public hearing, the City Council also modified several policies and added three new policies to address various issues and to accommodate suggestions presented by Stop Polluting Our Newport (SPON) in their letter dated May 16, 2014. Below is a list of the modified policies. Specific policy changes can be reviewed in the amended Land Use Element (Attachment CC3, Exhibit A).

Revised Text, Goals, and Policies:

Council's modifications as requested by SPON:

- Text Page 2 . text related to conservative growth strategy - Revised
- Goal LU 1 - Retain 2006 GP language
- LU 1.3 Natural Resources - Revised
- LU 1.4 Growth Management - Retain 2006 GP language
- LU 3.1 Neighborhoods Districts, Corridor and Open Space - Revised

- LU 7.5.3 Cohesive and Integrated Medical Campus Development - Retain 2006 GP language
- LU 7.5.4 Livable Residential Neighborhood - Retain 2006 GP language
- LU 7.7.6 Quality of Place/Streetscapes - Retain 2006 GP language
- LU 7.13.4 Development Scale (Newport Center) - Retain 2006 GP language

Other Modifications:

- LU 2.2 Sustainable and Complete Community - Retain 2006 GP language
- LU 4.6 Orange County Sustainable Communities Strategy - Revised
- LU 7.14.5 Residential and Supporting Uses - Revised
- LU 7.14.14 Development Agreements (2014) - Revised
- LU 7.19.6 Expanded Parking Opportunities - Revised
- Balboa Village Policy Overview text (page 3-91) - Retain 2006 GP language

New Policies:

- LU 7.13.11 Corona del Mar Traffic By-Pass Plan
- LU 7.13.12 Newport Transportation Center
- LU 7.14.14.1 Congregate Care Facility in Anomaly Number 6

Vehicle Trips – CEQA Traffic Impact Analysis

With the exception of the UAP Properties (Location 4D) and Saunders Properties (Location 4A), which are trip neutral, the proposed Amendment results in a change to the daily trips attributed to each map location when compared to the 2006 General Plan at build-out conditions. Land use changes which reduce development capacity would also reduce daily vehicle trips, while increased development capacity would increase daily vehicle trips. Council's proposed Amendment results in an estimated net reduction of 2,922 average daily trips (ADT) citywide and a decrease of 200 morning trips and 271 evening trips. For specific ADT information for each map location, see Attachment CC4.

Staff has evaluated Council's modifications to the Amendment and has determined that the citywide traffic impacts are expected to be the same as the "No Airport Alternative" evaluated in the Supplemental Environmental Impact Report and are not expected to trigger any modifications to the General Plan Circulation Element Roadway Network. Attachment CC5 includes a traffic analysis update on the recent Amendment modifications prepared by Urban Crossroads, the City's traffic consultant.

Charter Section 423 (Measure S) Analysis

City Council Policy A-18 requires that all proposed General Plan Amendments be reviewed to determine if the amendment generates 100 AM or 100 PM additional peak hour trips, results in an increase of 40,000 square feet of nonresidential uses, or 100 additional dwelling units. General Plan Amendments which exceed any one of these thresholds are required to be submitted to the electorate for approval.

Because this amendment is a citywide project affecting multiple Statistical Areas, the summary in Table 1 is cumulative and includes all the proposed development allocation changes. The analysis includes 80 percent of the cumulative total of all amendments approved after adoption of the 2006 General Plan, pursuant to Council Policy A-18. For the complete 423 analysis that includes calculations for each map

location, please refer to Attachment CC5.

Table 1 423 Analysis – Amendment with Proposed Modifications

	Residential Units	Non-Residential Floor Area (1)	A.M. Peak Hour Trips (2)	P.M. Peak Hour Trips (2)
Proposed Amendment	138	-375,782 sq ft.	1,076	1,561
Prior Amendments (80%)	-73	+178,980 sq ft.	426	551
(1) Square feet (SF) includes hotel rooms. One hotel room is equivalent to 1,000 SF, per Policy A-18. (2) AM and PM peak hour trips are derived from the rates provided in Policy A-18 for the purposes of determining the need for electorate approval. These rates differ from trip rates in the current traffic model which are the basis of the analysis detailed in the draft SEIR.				

As indicated above, the Amendment, as proposed to be modified by Council, exceeds three of the thresholds; therefore, Section 423 of the City Charter requires that this Amendment be submitted to the electorate for approval.

Fiscal Impact Analysis

An addendum to the Fiscal Impact Analysis was conducted to reflect the modified Amendment and to consider a reasonable range of assessed valuations for the office and residential uses in Newport Center. The original analysis utilized conservative valuations, while higher rates are currently evident in the City, in particular in the Newport Center/Fashion Island area. Attachment CC6 includes a memo prepared by Applied Development Economics (ADE), that concludes that the fiscal impacts of the modified project, could reduce the positive fiscal benefit of \$21.7 million at General Plan build-out by \$6.68 million per year.

However, with the incorporation of recent property values for office and residential uses in the Newport Center/Fashion Island area, the modified Amendment would result in a positive fiscal benefit of an additional \$247,300 per year at General Plan build-out.

ADE states the original estimates and revised estimates represent a reasonable range of the potential fiscal impact of the proposed project.

ENVIRONMENTAL REVIEW:

A Final Supplemental Environmental Impact Report (SEIR) has been prepared to evaluate the environmental impacts resulting from the Amendment, in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended (Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines for Implementation of CEQA (California Code of Regulations, Title 14, Section 15000 et seq.). The Final SEIR, consisting of the Draft SEIR, public comments, responses to comments, Mitigation Monitoring and Report Program, revisions to the Draft SEIR, and additional information provided by the environmental consultant is attached as Attachment CC 1, Exhibit A.

The City Council proposed modifications would not result in the addition of “significant new information” such that recirculation is required, including any new information resulting from the identification of a new significant adverse environmental impact or a substantial increase in the severity of previously identified significant impacts. (See CEQA Guidelines, § 15088.5). The City Council proposed modifications, moreover, are not considerably different from the No Airport Area Alternative considered in the Final SEIR because the modifications also would exclude the Hangers and Lyon Communities parcels from any land use changes. Please refer to Exhibit B of Attachment CC 1 for more information.

Thus, impacts associated with the proposed City Council modifications are within the scope of the SEIR and no new significant environmental impacts would result. Therefore, the proposed City Council modifications do not meet the conditions for EIR recirculation per Section 15088.5 of the CEQA

Guidelines and no changes to the analysis contained in the SEIR are required.

For a more complete discussion of project-related impacts, please refer to Chapter 6 of the Final SEIR. If the City Council chooses to support the project, with or without the proposed modifications, they will need to decide whether the benefits of the proposed project outweigh the identified significant environmental impacts. If the City Council believes the overriding considerations, including project benefits, outweigh these unavoidable impacts, Council should adopt the Statement of Overriding Considerations and Finding and Facts in Support of Findings which are included in the Draft Resolution – General Plan Land Use Element Amendment (Attachment CC 3 Exhibit C).

NOTICING:

The July 8, 2014, public hearing was noticed pursuant to Municipal Code and Government Code requirements. Since this hearing was continued by the City Council to a date certain, no additional notice was required. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

ATTACHMENTS:

Description

[Attachment CC 1 - SEIR Draft Resolution](#)

[Attachment CC 2 - ALUC Draft Resolution](#)

[Attachment CC 3 - General Plan Amendment Resolution](#)

[Attachment CC 4 - Land Use Data and ADTs](#)

[Attachment CC 5 - 423 Analysis](#)

[Attachment CC 6 - Fiscal Impact Analysis Memo](#)

Attachment No. CC 1

Draft Resolution Final SEIR, including:

- Exhibit A Draft Supplemental Environmental Impact Report (under separate cover)
Draft SEIR Appendices A through I (under separate cover)
Final SEIR (under separate cover)
 - a. Introduction to Final SEIR
 - b. Response to Comments
 - c. Corrections and Additions to the Draft SEIR
- Exhibit B Mitigation Monitoring and Reporting Program
PlaceWork Memo (July 14, 2014) , Environmental Summary Regarding Proposed City Council Modifications

RESOLUTION NO. XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH CERTIFYING FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT NO. ER2014-002 IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND STATE AND LOCAL GUIDELINES FOR THE GENERAL PLAN LAND USE ELEMENT AMENDMENT (PA2013-098)

THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. On May 28, 2013, the Newport Beach City Council initiated an amendment to the 2006 General Plan Land Use Element to review its effectiveness in achieving the community's vision, and to update it to reflect legislative changes, emerging best practices, and changing economic markets (Amendment).
2. On May 28, 2013, the Land Use Element Amendment Advisory Committee (Committee), comprised of two council members, two planning commissioners, and five at-large members, was appointed by the Newport Beach City Council to receive public input, consider options, and develop the amendment in order for the Amendment to be reviewed pursuant to the California Environmental Quality Act Public Resources Code Section 21000, et seq. (CEQA).
3. The Amendment (Project) considered by the Committee and evaluated in the draft Supplemental Environmental Impact Report (SEIR) includes land use changes, policy revisions and related changes to the glossary and Implementation Plan.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. Pursuant to CEQA, the CEQA Guidelines (14 Cal. Code of Regulations, Sections 15000 et seq.), and City Council Policy K-3, the Amendment could have a potentially significant adverse effect on the environment, and thus warranted the preparation of a SEIR to the 2006 General Plan EIR. (Pub. Resources Code, § 21166; CEQA Guidelines, §§ 15162-15163.)
2. On October 22, 2013, the City, as lead agency under CEQA, prepared a Notice of Preparation ("NOP") of the SEIR and mailed that NOP to public agencies, including responsible and trustee agencies, organizations and persons likely to be interested in the potential impacts of the proposed Project.
3. On November 5, 2013, the City held a public scoping meeting to present the proposed Project and to solicit input from interested individuals regarding environmental issues that should be addressed in the SEIR.
4. The City thereafter caused to be prepared a Draft Supplemental Environmental Impact Report (No. ER2014-002, SCH No. 2013101064) ("Draft SEIR") in compliance with CEQA, the State CEQA Guidelines and City Council Policy K-3, which, taking into

account the comments it received on the NOP, described the Project and discussed the environmental impacts resulting there from.

5. The Draft SEIR was prepared in accordance with CEQA Guidelines Section 15163 as supplemental information to the 2006 General Plan Environmental Impact Report (SCH No. 2006011119) on the basis that: 1) the Project does not propose substantial changes which require major revisions of the previous General Plan EIR; 2) no substantial changes have occurred with respect to the circumstances under which the Project would be undertaken and which would require major revisions of the previous General Plan EIR; and 3) and no new information of substantial importance has been identified which would require major revisions to the 2006 General Plan EIR.
6. The Draft SEIR was circulated for a 45-day comment period beginning on March 17, 2014, and ending April 30, 2014.
7. The Final SEIR identifies significant impacts to the environment which are unavoidable in the areas of Greenhouse Gas Emissions, Noise and Vibration, Population and Housing and Transportation/Traffic.
8. On May 8, 2014 and May 22, 2014, the Planning Commission held study sessions in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach to review the proposed Amendment and Draft SEIR.
9. The Planning Commission held a public hearing on June 5, 2014, in the City Hall Council Chambers, at 100 Civic Center Drive, Newport Beach, California. A notice of the time, place and purpose of the aforesaid meeting was provided in accordance with CEQA and the Newport Beach Municipal Code ("NBMC"). The Draft SEIR, draft Responses to Comments, draft Revisions to the Draft SEIR, draft Mitigation, Monitoring and Reporting Program, draft Findings of Fact and draft Statement of Overriding Considerations, staff report, and evidence, both written and oral, were presented to and considered by the Planning Commission at the scheduled hearing.
10. On June 5, 2014, the Planning Commission adopted Resolution No. 1946 by a vote of 4-0 (1 recusal, 2 absences) recommending certification of the General Plan Land Use Element Amendment FSEIR (SCH No 2013101064) and approval of the Land Use Element Amendment Project to the City Council, as amended to include only two of the four airport area amendments, specifically Saunders Properties and the UAP Companies (Map Location Numbers 4A and 4D).
11. The City Council held a public hearing July, 8, 2014, in the City Hall Council Chambers, at 100 Civic Center Drive, Newport Beach, California. A notice of the time, place and purpose of the aforesaid meeting was provided in accordance with CEQA and the NBMC. The environmental documents for the Project comprising the Final SEIR, including the Responses to Comments and Revisions to the Draft SEIR, and the Mitigation, Monitoring and Reporting Program, Findings and Facts in Support of Findings and Statement of Overriding Considerations, staff report, and evidence, both written and oral, were presented to and considered by the City Council at the scheduled hearing, as the decision-making body of the lead agency, for certification as

having been completed in compliance with the provisions of CEQA and State and local guidelines implementing CEQA.

12. The City Council, following public testimony and deliberation, directed staff to revise the resolutions adopting a modified project and return to the July 22, 2014 City Council meeting. The City Council held a public hearing on July 22, 2014.
13. The City Council has reviewed the revisions to the Draft SEIR Section of the Final Supplemental Environmental Impact Report No. ER2014-002 and determined that none of the new material contained in this section constitutes the type of significant new information that requires recirculation of the Draft SEIR for further public comment pursuant to CEQA, specifically CEQA Guidelines Section 15088.5. None of the new material indicates that the project will result in a significant new environmental impact not previously disclosed in the Draft SEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5.
14. The City Council has read and considered the SEIR and has found in its independent review and discretion, that the SEIR considers all potentially significant environmental effects of the Project and is complete and adequate, and fully complies with all requirements of CEQA and of the State and local CEQA Guidelines.

THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Certification. Based on its independent review and consideration of the SEIR attached as Exhibit A, supplemental environmental summary provided in Exhibit B, staff report, and evidence, both written and oral, regarding the Project that have been submitted to and received by the City Council, the City Council certifies that the Final SEIR consisting of the Draft SEIR and Appendices, the Responses to Comments, Revisions to Draft SEIR and Mitigation Monitoring and Reporting Program for the Project has been completed in compliance with CEQA and the State and local CEQA Guidelines. The City Council, having final approval authority over the Project, adopts and certifies as complete and adequate the Final SEIR, which reflects the City Council's independent judgment and analysis. The City Council further certifies that the Final SEIR was presented to the City Council and that the City Council reviewed and considered the information contained in it and the full administrative record prior to approving the Project.

SECTION 2. Location and Custodian of Record of Proceedings. The Community Development Department of the City of Newport Beach, located at 100 Civic Center Drive, Newport Beach, California 92663, is hereby designated as the custodian of the documents and other materials which constitute the record of proceedings upon which the City Council's decision is based, which documents and materials shall be available for public inspection and copying in accordance with the provisions of the California Public Records Act (California Government Code Section 6250 et seq.).

SECTION 3. Notice of Determination. The Community Development Director shall cause the filing of a notice of determination with the County Clerk of the County of Orange and with the State Office of Planning and Research within five working days of this approval.

SECTION 4. Certification, Posting and Filing. This resolution shall take effect immediately upon its adoption by the City Council of the City of Newport Beach, and the City Clerk shall certify to the vote adopting this resolution and shall cause a certified copy of this resolution to be filed.

This Resolution was approved, passed and adopted at a regular meeting of the City Council of the City of Newport Beach, held on the 22nd of July, 2014.

Rush N. Hill, II, Mayor

ATTEST:

Leilani I. Brown, City Clerk

EXHIBIT A

**FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT ER2014-002
(SCH No. 2013101064)**

Consists of:

1. Draft Supplemental Environmental Impact Report (SEIR) dated March 2014 (*under separate cover*)
2. Appendices A through I (*under separate cover*)
3. Final SEIR (*under separate cover*)
 - a. Introduction to Final SEIR
 - b. Response to Comments
 - c. Revisions to the Draft SEIR
4. Mitigation Monitoring and Reporting Program

The Final Supplemental Environmental Impact Report is available for review at the Planning Division of Community Development Department or at:

www.newportbeachca.gov/ceqadocuments

May 2014 | Mitigation Monitoring and Reporting Program

GENERAL PLAN LAND USE ELEMENT AMENDMENT

for City of Newport Beach

Prepared for:

City of Newport Beach

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1. Mitigation Monitoring and Reporting Program

1.1 PURPOSE OF MITIGATION MONITORING PROGRAM

This Mitigation Monitoring Program has been developed to provide a vehicle by which to monitor the mitigation measure outlined in the Final Supplemental Environmental Impact Report (Final SEIR), State Clearinghouse No. 2013101064. The Mitigation Monitoring Program has been prepared in conformance with Section 21081.6 of the Public Resources Code and the City of Newport Beach Monitoring Requirements. Section 21081.6 states:

- (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
 - (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
 - (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

The State CEQA Guidelines Section 15097 provides clarification of mitigation monitoring and reporting requirements and guidance to local lead agencies on implementing strategies. The reporting or monitoring program must be designed to ensure compliance during project implementation. The City of Newport Beach is the lead agency for the General Plan Land Use Element Amendment and is therefore responsible for implementing the MMRP. The MMRP has been drafted to meet the requirements of Public Resources Code Section 21081.6 as a fully enforceable monitoring program.

The MMRP consists of the mitigation program and the measures to implement and monitor the mitigation program. The MMRP defines the following for the mitigation measure outlined in Table 1, *Mitigation Monitoring Requirements*:

Mitigation Monitoring and Reporting Program

- **Definition of Mitigation.** The mitigation measure contains the criteria for mitigation, either in the form of adherence to certain adopted regulations or identification of the steps to be taken in mitigation.
- **Responsible Party or Designated Representative.** Unless otherwise indicated, the project applicant is the responsible party for implementing the mitigation, and the City of Newport Beach or a designated representative is responsible for monitoring the performance and implementation of the mitigation measures. To guarantee that the mitigation measure will not be inadvertently overlooked, a supervising public official acting as the Designated Representative is the official who grants the permit or authorization called for in the performance. Where more than one official is identified, permits or authorization from all officials shall be required.
- **Time Frame.** In each case, a time frame is provided for performance of the mitigation measure or review of evidence that mitigation has taken place. The performance points selected are designed to ensure that impact-related components of project implementation do not proceed without establishing that the mitigation is implemented or ensured. All activities are subject to the approval of all required permits from local, state, and federal agencies with permitting authority over the specific activity.

The numbering system in Table 3-1 corresponds with the numbering system used in the Final SEIR. The last column of the MMRP table will be used by the parties responsible for documenting when implementation of the mitigation measure has been completed. The ongoing documentation and monitoring of mitigation compliance will be completed by the City of Newport Beach. The completed MMRP and supplemental documents will be kept on file at the Planning Division of the City of Newport Beach Community Development Department.

1.2 PROJECT LOCATION

The City of Newport Beach is on the southwestern boundary of Orange County and bordered by Huntington Beach to the northwest, Costa Mesa to the north, Irvine to the northeast, and unincorporated areas of Orange County to the southeast. Regional access to the City is provided by Interstate 405 (I-405) running north to south across Southern California and State Route 55 (SR-55) which also runs north to south and intersects with I-405, terminating in the City of Costa Mesa. State Route 73 (SR-73) runs along the northwestern boundary of the City and connects with Interstate 5 (I-5) farther south of Newport Beach in Laguna Beach. In addition, Highway 1 runs along the entire California coast and through the City of Newport Beach.

1.3 PROJECT SUMMARY

The 2006 City of Newport Beach General Plan includes 10 elements: Land Use, Harbor and Bay, Housing, Historical Resources, Circulation, Recreation, Arts and Cultural, Natural Resources, Safety, and Noise. The proposed project is an amendment to the Land Use Element (LUE).

The amendment is intended to shape future development in the City and involves the alteration, intensification, and redistribution of land uses in certain subareas of the City, including major areas such as

Mitigation Monitoring and Reporting Program

Newport Center/Fashion Island, Newport Coast, and the Airport Area near John Wayne Airport. The proposed land use map designation changes include increases and/or reductions in development capacity in various subareas. Specific subareas that were amended as follows:

- Airport Area
 - Saunders Properties
 - UAP Companies

- Newport Coast Area
 - Newport Coast Hotel
 - Newport Ridge Residential
 - Newport Coast Center

- Newport Center/Fashion Island
 - Newport Center/Fashion Island
 - 100 Newport Center Drive

- Bayside Center
- The Bluffs
- Gateway Park
- Westcliff Plaza
- 1526 Placentia Avenue (Kings Liquor)

The General Plan Land Use Element Amendment includes new and modified Land Use Element policies related to land use changes, in support of recent Neighborhood Revitalization efforts, and, as appropriate, updates/refinements to policies. Some of the policies apply City-wide and others are community specific. Subsequent amendments to the Newport Beach Coastal Land Use Plan (LUP), the Newport Coast Local Coastal Program (LCP), and Zoning Code and Map will be necessary to reflect the amendment to the General Plan.

Mitigation Monitoring and Reporting Program

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Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
5.2 AIR QUALITY				
<p>AQ-1 The City of Newport Beach shall evaluate new development proposals for sensitive land uses (e.g., residential, schools, day care centers) within the City for potential incompatibilities with regard to the California Air Resources Board's Air Quality and Land Use Handbook: A Community Health Perspective (2005). Applicants for sensitive land uses that are within the recommended buffer distances shall submit a health risk assessment (HRA) to the City of Newport Beach prior to future discretionary project approval. The HRA shall be prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment (OEHHA) and the South Coast Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children age 0 to 6 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), the appropriate noncancer hazard index exceeds 1.0, or if the PM10 or PM2.5 ambient air quality standard exceeds 2.5 µg/m3, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer, noncancer, and ambient air quality risks to an acceptable level (i.e., below ten in one million, a hazard index of 1.0, or particulate matter concentrations exceed 2.5 µg/m3), including appropriate enforcement mechanisms. Measures to reduce risk may include but are not limited to:</p> <ul style="list-style-type: none"> ■ Air intakes away from high-volume roadways and/or truck loading zones. ■ Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters. 	Project Applicant and City of Newport Beach	Prior to the issuance of building permits	City of Newport Beach Community Development Department – Planning Division	

Mitigation Monitoring and Reporting Program

Table 1 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
Mitigation measures identified in the HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of the proposed project. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City and shall be verified by the City's Planning Division.				

EXHIBIT B

**PlaceWorks Memo (July 14, 2014) Environmental Summary Regarding
Proposed City Council Modifications**

DATE July 16, 2014

TO City of Newport Beach City Council and
City of Newport Beach Community Development Department

ADDRESS 100 Civic Center Drive
Newport Beach, CA 92660

CONTACT Newport Beach City Council
Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director
Gregg Ramirez, Sr. Planner

FROM JoAnn Hadfield, Principal, Environmental Services

SUBJECT Environmental Summary Regarding Proposed City Council Changes to the General
Plan Land Use Element Amendment (per City Council Public Hearing, July 8, 2014)

PROJECT NUMBER CNB-15

This memorandum has been prepared to evaluate whether the revisions proposed by the City Council to the General Plan Land Use Element Amendment project trigger the need for recirculation of the Final Supplemental Environmental Impact Report (Final SEIR) prepared for the project pursuant to the California Environmental Quality Act (CEQA). As explained below, the City Council proposed modifications would not result in the addition of “significant new information” such that recirculation is required, including any new information resulting from the identification of a new significant adverse environmental impact or a substantial increase in the severity of previously identified significant impacts (CEQA Guidelines, § 15088.5) The City Council proposed modifications, moreover, are not considerably different from the No Airport Area alternative considered in the Final SEIR because the modifications also would exclude the Hangers and Lyon Communities parcels from any land use changes. This memorandum therefore: 1) details the proposed land use and policy modifications identified by the City Council; and 2) reviews the modifications to each topical environmental impact as analyzed in the Final Supplemental EIR (comprised of the March 2014 Draft SEIR and May 2014 Final SEIR) and explains whether impacts would remain the same or be less than identified in the Final SEIR.

CITY COUNCIL PROPOSED LUE AMENDMENT CHANGES

The City Council proposed project description changes include both land use changes and policy changes as described below.

Land Use Changes

The City Council requested that the following land use changes included in the proposed project as analyzed in the General Plan LUE Amendment SEIR be modified as follows:

Removal of the following sites:

- » 813 East Balboa Boulevard (Map Reference 2)
- » 150 Newport Center Drive (Map Reference 17)
- » Lyon Properties (Map Reference 4C)
- » The Hangars (Map Reference 4B)

Revision to the Saunders Properties (Map Reference 4A) as follows:

- » Maintain the proposed land use designation from Airport Office (AO) to Mixed-Use Horizontal (MU-H-2) and amend Figure LU22 to include the Saunders Properties as a MU-H2 site
- » Revise the Anomaly Table regarding Anomaly Number 83 to identify the Development limit as 306,923 square feet and remove the proposed 329 dwelling units. Add a notation that residential units shall be located outside of the 65 CNEL noise contour of the John Wayne Airport. Please note, staff recommends Anomaly Number 83 include a development limit of 0.5 floor area ratio (FAR), instead of the 306,923 square feet. This FAR maximum is consistent with other MU-H2 land use designations.
- » Revise Policy LU 7.14.5 to include a reference to Anomaly 83; and
- » Revise Policy LU7.14.14 to remove a reference of additional commercial development in Anomaly Number 83.

Revised Policies

Proposed City Council revisions to the land use policies are listed below.

As requested by SPON:

- » Page 2 text related to conservative growth strategy - Revised
- » Goal LU 1 - Retain 2006 GP language
- » LU 1.3 Natural Resources - Revised
- » LU 1.4 Growth Management - Retain 2006 GP language
- » LU 3.1 Neighborhoods Districts, Corridor and Open Space - Revised
- » LU 7.5.3 Cohesive and Integrated Medical Campus Development - Retain 2006 GP language
- » LU 7.5.4 Livable Residential Neighborhood - Retain 2006 GP language
- » LU 7.7.6 Quality of Place/Streetscapes - Retain 2006 GP language
- » LU 7.13.4 Development Scale (Newport Center) - Retain 2006 GP language

Other Modifications:

- » LU 2.2 Sustainable and Complete Community - Retain 2006 GP language
- » LU 4.6 Orange County Sustainable Communities Strategy - Revised
- » LU 7.14.5 Residential and Supporting Uses - Revised
- » LU 7.14.14 Development Agreements (2014) - Revised
- » LU 7.19.6 Expanded Parking Opportunities - Revised
- » Balboa Village Policy Overview text (page 3-91) - Retain 2006 GP language

New Policies:

- » LU 7.13.11 Corona del Mar Traffic By-Pass Plan
- » LU 7.13.12 Newport Transportation Center
- » LU 7.14.14.1 Congregate Care Facility in Anomaly Number 6

ENVIRONMENTAL ANALYSIS**Aesthetics**

The proposed elimination of the majority of Airport Area changes and with the elimination of 150 Newport Center Drive land use changes allowing 125 hotel rooms would reduce aesthetic impacts compared to the proposed project by resulting in less development. Upon buildout, in comparison to the proposed project, the height and massing of development within the Airport Area would be reduced, and the character would be different. At 150 Newport Center Drive, the reduction in hotel rooms would minimize potential impacts to public views towards the Pacific Ocean that could be impacted if a new hotel building was to be developed. Overall, aesthetic impacts would be reduced and, as with the proposed project, would remain less than significant.

Air Quality

The proposed City Council modifications would substantially reduce the amount of development and the intensity of development as compared to the proposed General Plan LUE Amendment as analyzed in the SEIR. The elimination of 1,591 additional housing units and 275 additional hotel rooms, and decreasing development intensity of commercial use would result in reduced air pollutant emissions generated from construction, transportation, energy, and new stationary area sources in the City. The substantial reduction of the amount of residential, hotel and office uses in the Airport Area would reduce the sensitive land uses (i.e. residential) that would otherwise be introduced proximate to major sources of air pollution (State Route 73 and Airport Area industrial sources). The City Council modifications would further reduce the already less than significant air quality and health risk impacts identified in the Final SEIR. As with the proposed project, this impact would be mitigated to less than significant.

Cultural Resources

Cultural resource impacts would be reduced in this case because potential ground disturbance activities (e.g., new excavation and underground parking) from development of the proposed project would be reduced in the Airport Area and at 150 Newport Center Drive and 813 East Balboa Boulevard. This change, however, would be minimal in relation to City-wide development, and therefore, potential cultural resource impacts under this alternative would be similar (less than significant) to the proposed project.

Greenhouse Gas Emissions

Development intensity in the City would be reduced by eliminating a substantial amount of proposed residential, hotel, and retail development in the Airport Area and at 150 Newport Center Drive and 813 East Balboa Boulevard. Thus, greenhouse gas emissions would be reduced under the proposed City Council changes; however, the significant and unavoidable GHG impact related to reducing GHG emissions to 80 percent of 1990 levels by 2050 (Executive Order S-03-05) would remain significant and unavoidable as identified in the Final SEIR.

Hazards and Hazardous Materials

The Airport Area contains the greatest number of listed hazardous materials sites in and within 0.25 miles of the subarea compared to other subareas in the City. By eliminating a majority of the proposed land use changes in the Airport Area, potential hazards and hazardous impacts would be reduced. However, all new development proposed in the area (i.e., Saunders Properties) would still be required to comply with airport-hazard safety zone regulations and building height restrictions per the Airport Environ Land Use Plan for John Wayne Airport and the existing General Plan. As with the proposed LUE Amendment analyzed in the SEIR, impacts would remain less than significant.

Hydrology and Water Quality

Hydrology and water quality impacts (e.g., water pollution, soil erosion, and siltation) would be reduced under the proposed City Council changes because development intensity would be reduced. Impacts would remain less than significant.

Land Use and Planning

The proposed LUE Amendment as analyzed in the SEIR would require an amendment to the Koll Center Planned Community (PC) because of proposed land use changes to the Lyon Communities and UAP Companies properties in the Airport Area. The proposed City Council changes would eliminate changes to Lyon Communities; however, the proposed UAP land use change remains and would permit a congregate care facility as analyzed in the final SEIR. An amendment to the Koll Center PC would therefore, still be required. As with the proposed LUE Amendment, other proposed land use changes may also require amendments to existing land use plans, policies, or regulations with jurisdiction over Newport Beach. Thus, impacts would be similar (i.e., less than significant) to the proposed project.

Noise

Eliminating a majority of the proposed land use changes to the Airport Area would reduce the number of new sensitive uses to the subarea, and also reduce potential noise compatibility impacts. The redesignation of the Saunders Properties from AO to MU-H2, as analyzed in the SEIR, would make this property eligible for residential development (up to 2,200 residential units within the overall Airport Area MU-H2 designation). As identified in the SEIR, this site would be subject to compliance with the AELUP and residential development would be restricted to portions of the site outside of the airport's 65 dBA CNEL noise contour. The City Council also proposes to exclude 125 hotel rooms proposed at 150 Newport Center Drive from the project. This modification would reduce vehicular traffic noise in the Newport Center/Fashion Island area by resulting in less development and therefore less construction, fewer vehicle trips and commercial deliveries. Therefore, short- and long-term noise impacts (i.e., construction and operations) would be reduced and would remain less than significant as identified in the SEIR. Construction vibration impacts related to the LUE Amendment, although reduced, would remain significant and unavoidable.

Population and Housing

In comparison to the proposed project, the proposed elimination of the majority of Airport Area changes would reduce the number of housing units by 1,591 units. Based on the City-wide household size of 2.22, this would generate an estimated additional 306 persons in the City, compared to 3,838 persons under the proposed project analyzed in the SEIR. The proposed City Council changes would also reduce retail development capacity allowable hotel rooms. Compared to the proposed project, this would slightly increase the existing jobs-housing balance City-wide. Increasing the jobs-housing would be a negative impact in comparison to the project as analyzed in the SEIR, because the City is already jobs-rich.

Overall, the population growth impact would be reduced in comparison to the proposed project, but the jobs-housing balance impact would be greater. Impacts would therefore be considered similar to the analyzed project. Further, as with the analyzed project, population growth impacts would remain significant and unavoidable because the population increase would still exceed the 2035 SCAG population projection for the City.

Public Services

Eliminating a majority of the proposed land use changes in the Airport Area and the proposed hotel rooms at 150 Newport Center Drive would reduce the number of people living, working, and visiting the City, particularly the Airport Area, and demand for public services (i.e., fire, police, schools, and park services) would be reduced. Impacts would remain less than significant.

Transportation and Traffic

As shown in Table 1 and detailed in the Attachment 1 to this memo, in comparison to buildout of the 2006 General Plan, the LUE Amendment as proposed to be amended by City Council would result in a decrease of 2,922 average daily trips (ADT) within the City (see Table 1 of Attachment). This estimate of -2,922 ADT is a decrease in total trip generation from the proposed project (which would result in an increase of 8,537 ADT in comparison to the 2006 GP), and has similar ADT generation as the No Airport Area Alternative (-2,234 ADT).

Table 1. Average Daily Trips Comparison

	Proposed Project	No Airport Area Alternative	Proposed City Council Changes
Average Daily Trips (ADT)	+8,537	-2,234	-2,922

Source: Urban Crossroads 2014.

Thus, the same significant adverse impacts to the identified intersection and freeway segments under the No Airport Alternative—six freeway mainline segments and one freeway ramp location—are anticipated to remain under the proposed City Council modifications. Furthermore, the City Council modifications propose new policies related to transportation management in Corona del Mar and Newport Center. LU 7.13.11 would require implementation of a Corona del Mar (CdM) traffic by-pass plan to divert traffic and limit congestion in the CdM area. LU 7.13.12 requires the City to coordinate with the Orange County Transportation Authority and Newport Center stakeholders to increase use of the Newport Center Transportation Center, and to support the Newport Center Transportation Demand Management Program. Overall, the land use changes proposed by the City Council would reduce ADT from what was considered in the Final SEIR. Traffic impacts would be reduced in comparison the LUE Amendment as analyzed in the SEIR and also be reduced in comparison to buildout of the 2006 GP.

Utilities and Service Systems

The proposed City Council changes would reduce development intensity in the Airport Area, at 150 Newport Center Drive for housing units, hotel rooms, and commercial use, and at 813 East Balboa Boulevard. This substantial reduction would also reduce the amount of wastewater, stormwater runoff, and solid waste compared to the proposed project analyzed in the SEIR. In addition, water, natural gas, and electricity use would also be reduced because there would be fewer residents, workers, and buildings. Impacts would be reduced in this case and remain less than significant.

CONCLUSIONS

Section 15088.5 of the CEQA Guidelines states that an EIR would require recirculation if “significant new information” is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. “Significant new information” requiring recirculation includes:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

As described above, environmental impacts associated with the proposed City Council modifications would be further reduced below already less than significant levels, or would be the same as impacts identified in the General Plan Land Use Element Amendment Final SEIR. Thus, impacts associated with the proposed City Council modifications are within the scope of the SEIR and no new significant environmental impacts would result. Therefore, the proposed City Council modifications do not meet the conditions for EIR recirculation per Section 15088.5 of the CEQA Guidelines and no changes to the analysis contained in the SEIR are required.



July 10, 2014

Mr. Antony Brine
CITY OF NEWPORT BEACH
100 Civic Center Drive
Newport Beach, CA 92660

Subject: Newport Beach Land Use Element Amendment, City Council 7/8/14 Scenario

Dear Mr. Brine:

Urban Crossroads, Inc. is pleased to submit this letter summarizing our transportation review of the proposed Newport Beach City Council July 8, 2014 Land Use Element Amendment Revisions and any potential for changes in transportation impacts. Urban Crossroads, Inc. prepared the March 12, 2014 City of Newport Beach General Plan Land Use Element Amendment Traffic Impact Analysis (TIA) in support of the Environmental Impact Report. The traffic study includes the General Plan roadway network which supports the vision for the City of Newport Beach that is reflected in the Land Use Element. The City Master Plan of Streets and Highways is designed to provide the necessary roadway infrastructure and connectivity to accommodate the population and employment growth identified in the Land Use Element for the City of Newport Beach. The purpose of this letter is to examine the proposed City Council Land Use Revisions in the context of the 2014 Land Use Element Amendment EIR traffic analysis.

To ensure that the Master Plan of Streets and Highways will provide the necessary roadway infrastructure and connectivity to accommodate the population and employment growth planned for the City of Newport Beach, Urban Crossroads, Inc. updated the Newport Beach Transportation Model (NBTM). The updated Traffic Model was used to evaluate the trip-making characteristics and resulting travel patterns associated with the buildout of the proposed General Plan Land Use Element Amendment.

Newport Beach City Council Land Use Revisions

At their July 8, 2014 hearing, the Newport Beach City Council requested the following revisions to specific components of the proposed Land Use Element project for the City of Newport Beach:

- Area 2, 813 East Balboa Boulevard, eliminate project
- Area 17, 150 Newport Center Drive, eliminate project
- Area 4, eliminate Lyon Homes and The Hangers projects and include only trip-neutral projects for UAP Companies and Saunders Properties

Average Daily Traffic (ADT) Estimates and Potential Project Impacts

To evaluate the potential traffic impacts associated with the Newport Beach City Council July 8, 2014 Land Use Element Amendment Revisions, the changes in the overall citywide Average Daily Traffic (ADT) volumes were compared. The same trip rates used in the TIA were used to evaluate the City Council July 8, 2014 scenario. Table 1 summarizes the trip generation for the General Plan LUE Amendment, City Council July 8, 2014 scenario. Table 1 indicates that the proposed City Council scenario results in a decrease from the 2006 General Plan of 2,922 average daily trips (ADT).

This estimate of -2,922 ADT is a decrease in total trip generation from both the Proposed Project (+8,537 ADT) and the Project Alternative (-2,234 ADT) scenarios included in the TIA. While less than both the Proposed Project and the Project Alternative scenarios trip generation, the City Council July 8, 2014 Scenario is most similar to the Project Alternative in that the Airport Area does not experience an increase in trip generation. Proposed changes from the Project Alternative that additionally reduce trip generation are located at 813 East Balboa Boulevard and at 150 Newport Center Drive.

Traffic impacts for the Project Alternative were identified in the TIA. With existing lanes, three intersection impacts were identified, but with General Plan recommended roadway improvements, no intersection impacts remain. Freeway system impacts were identified for six (6) freeway mainline segments and one (1) freeway ramp location. With the Newport Beach City Council July 8, 2014 Land Use Scenario, the same intersection and freeway system impact results are anticipated.

Conclusions

Based on our review of the overall trip generation estimates, the proposed Newport Beach City Council July 8, 2014 Land Use Scenario is expected to result in an overall decrease in citywide average daily traffic volumes. With the July 8, 2014 City Council Land Use Element Revisions, the citywide traffic impacts are expected to be the same as the Project Alternative as identified in the TIA. The proposed Newport Beach City Council Land Use Changes are not expected to trigger any modifications to the General Plan Circulation Element Roadway Network. If you have any questions, please contact me at (949) 660-1994.

Respectfully submitted,

URBAN CROSSROADS, INC.



Marlie Whiteman, P.E.
Director of Modeling

Table 1

General Plan LUE Amendment, City Council 7/8/14 Scenario Trip Generation Summary

Area	Land Use Change ¹	AM		PM		ADT	
		In	Out	In	Out		
Reduced Development Capacity							
3	Westcliff Plaza	-15.514 tsf General Commercial	-28	-12	-24	-31	-593
6	Newport Coast Center	-37.875 tsf General Commercial	-67	-30	-58	-77	-1,448
7	Newport Coast Hotel	-1,001 room Hotel	-511	-170	-280	-430	-7,588
8	Bayside Center	-0.366 tsf General Commercial	-1	0	-1	-1	-14
9	Harbor View Center	-1.857 tsf General Commercial	-3	-1	-3	-4	-71
10	The Bluffs	-3.538 tsf General Commercial	-6	-3	-5	-7	-135
11	Gateway Park	-4.356 tsf General Commercial	-8	-3	-7	-9	-167
13	Newport Ridge	-356 Res-Medium (SFA)	-46	-196	-142	-75	-2,371
Increased Development Capacity							
5	Newport Center / Fashion Island	500 du Apt. (Mid-Rise Newport Center) 175 tsf General Office 325 tsf Office (>300k block Newport Center) 50 tsf Regional Commercial	496	336	369	449	8,768
12	Harbor Day School	72 stu Elementary/Private School	13	1	3	5	94
14	100 Newport Center Dr.	15 tsf Regional Commercial	17	7	14	19	352
Designation Change and Increased Development Capacity							
1	1526 Placentia	7.524 tsf General Commercial	12	3	10	14	251
Citywide Total			-132	-68	-124	-147	-2,922

¹ tsf = thousand square feet
du = dwelling units
stu = students

Attachment No. CC 2

Draft Resolution – ALUC Overrule

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH OVERRULING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION THAT THE GENERAL PLAN LAND USE ELEMENT AMENDMENT PROJECT IS INCONSISTENT WITH THE AIRPORT ENVIRONS LAND USE PLAN FOR THE JOHN WAYNE AIRPORT AND FINDING THE GENERAL PLAN LAND USE ELEMENT AMENDMENT PROJECT IS CONSISTENT WITH THE PURPOSES OF PUBLIC UTILITIES CODE SECTION 21670 (PA2011-134)

THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. On May 28, 2013, the Newport Beach City Council initiated an amendment to the 2006 General Plan Land Use Element to review its effectiveness in achieving the community's vision, and to update it to reflect legislative changes, emerging best practices, and changing economic markets.
2. The Land Use Element Amendment Advisory Committee (Committee), comprised of two council members, two planning commissioners, and five at-large members, was appointed by the Newport Beach City Council to receive public input, consider options, and develop the amendment to be evaluated in a Supplemental Environmental Impact Report (SEIR) prepared pursuant to the California Environmental Quality Act (CEQA).
3. The Land Use Element Amendment (Project) considered by the Committee and evaluated in the draft SEIR includes land use changes and policy revisions.
4. The State Aeronautics Act (SAA) and, specifically, Public Utilities Code Section 21676, subdivision b, requires the City of Newport Beach to refer the proposed amendment to the Orange County Airport Land Use Commission (ALUC) for consistency with the 2008 John Wayne Airport Environs Land Use Plan (AELUP). Public Utilities Code section 21674.7 also provides that an ALUC that formulates, adopts or amends a comprehensive airport land use plan shall be guided by information prepared and updated pursuant to Section 21674.5 and referred to as the California Airport Land Use Planning Handbook ("Handbook") published by the Division of Aeronautics of the Department of Transportation.
5. At a duly-noticed public hearing on April 17, 2014, the ALUC found the proposed Project, as evaluated in the draft SEIR, to be inconsistent with the AELUP. The ALUC determined that the residential uses proposed in the Airport Area (Area 4), and specifically the Saunders property (Area 4d) located at the southwest corner of

the intersection of Campus Drive and MacArthur Boulevard, were not appropriate in the Airport Area based on the following:

- a. Airport noise impacts;
 - b. Significant overflight of General Aviation aircraft – the area is under the General Aviation flight path; and
 - c. The location of one property (Saunders), a portion of which is within two safety zones, including Safety Zone 3 which, in the AELUP and California Airport Land Use Planning Handbook (Handbook) (2011), limits residential uses to very low density and, in the 2011 Handbook, to allow infill in urban areas at up to the average of the surrounding residential area. (See 2011 Handbook, p. 4-22, Note B)
6. Pursuant to Public Utilities Code Sections 21670 and 21676, the City of Newport Beach may, after a public hearing, propose to overrule the ALUC's incompatibility determination with a two-thirds vote of the City Council, if the Council makes specific findings that the proposed Project is consistent with the purposes of Public Utilities Code Section 21670, which are to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports, to the extent that these areas are not already devoted to incompatible uses..
 7. A public hearing was held on May 13, 2014 in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the City Council at this meeting.
 8. On May 13, 2014, following a duly-noticed public hearing, the City Council of the City of Newport Beach adopted Resolution No. 2014-40 and notified the ALUC and the State Division of Aeronautics of the City Council's intent to overrule the ALUC's determination of inconsistency for the General Plan Land Use Element Amendment.
 9. Pursuant to Public Utilities Code Section 21676(b), the City provided notice of a public hearing on the City Council's intent to overrule the ALUC determination to be held on July 8, 2014, in the City Hall Council Chambers, 100 Civic Center Drive, Newport Beach, California. A notice of time, place, and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the City Council at the public hearing.
 10. In correspondence dated June 11, 2014, ALUC Chairman Gerald Bresnahan submitted comments in response to receiving notice of the City Council's intent to overrule ALUC's inconsistency determination.

11. Correspondence from the Department of Transportation, Division of Aeronautics (Division), in response to the City Council's intent to overrule was not received.
12. The City Council conducted a public hearing on July 8, 2014 and received public testimony. Following deliberation the City Council voted to direct staff to return to the July 22, 2014 meeting with revised resolutions reflecting a modified Project which would not increase the maximum number of residential units presently allowed in the airport area, but does re-designate the Saunders property to "Mixed-Use" with the existing maximum General Plan development intensity for non-residential uses. Furthermore, future residential development on the Saunders property must be located outside the 65dbCNEL contour of John Wayne Airport.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The General Plan Land Use Element Amendment Final Supplemental Environmental Impact Report No. ER2014-002 (SCH No. 2013101064) was prepared for the Project in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3. By Resolution No. 2014-____, the City Council, having final approval authority over the Project, adopted and certified as complete and adequate the General Plan Land Use Element Amendment Final Supplemental Environmental Impact Report (SCH No. 2013101064), and adopted a Mitigation Monitoring Program. Resolution No. 2014-____ is hereby incorporated by reference.

SECTION 3. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

The City Council of the City of Newport Beach does hereby resolve as follows:

1. The City Council has considered the comments received from the Airport Land Use Commission in their entirety prior to rendering a final decision to overrule the ALUC determination.
2. The City Council does hereby overrule the ALUC determination that the proposed Project is inconsistent with the Airport Environs Land Use Plan for John Wayne Airport, finds the Project is consistent with the purposes of Public Utilities Code 21670, and adopts the required findings in support of the City's overrule of the ALUC determination, as shown in Exhibit "A", and incorporated herein by this reference.

3. This resolution was approved, passed and adopted at a regular meeting of the City Council of the City of Newport Beach, held on the 22nd day of July, 2014, by the following vote, to wit:

AYES, COUNCIL MEMBERS _____

NOES, COUNCIL MEMBERS _____

ABSENT, COUNCIL MEMBERS _____

MAYOR

ATTEST:

Leilani Brown, City Clerk

APPROVED AS TO FORM,
OFFICE OF CITY ATTORNEY:

Aaron Harp, City Attorney
for the City of Newport Beach

EXHIBIT "A"

FINDINGS OF THE CITY OF NEWPORT BEACH IN SUPPORT OF THE CITY'S DECISION TO OVERRULE THE AIRPORT LAND USE COMMISSION DETERMINATION THAT THE GENERAL PLAN LAND USE ELEMENT AMENDMENT IS INCONSISTENT WITH THE AIRPORT ENVIRONS LAND USE PLAN FOR THE JOHN WAYNE AIRPORT

Public Utilities Code Section 21676(b) provides that the City of Newport Beach may overrule the determination by the Airport Land Use Commission that the Project is inconsistent with the Airport Environs Land Use Plan for the John Wayne Airport, by a two-thirds vote of the City Council, if it makes specific findings that the Project is consistent with the purposes of in Public Utilities Code Section 21670.

The purposes of Public Utilities Code Section 21670 are included in subsection (a)(2), which reads as follows:

It is the purpose of this article to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

Finding A

The Project, and the modified Project adopted by the City Council, is consistent with the legislative purpose set forth in California Public Utilities Code Section 21670(a)(2) to protect public health, safety, and welfare by ensuring the orderly expansion of airports.

Facts in Support

1. To provide for the orderly development of John Wayne Airport (JWA) and the area surrounding the airport, the Airport Land Use Commission (ALUC) adopted the Airport Environs Land Use Plan (AELUP) for the John Wayne Airport, which was most recently amended on April 17, 2008. The AELUP guides development proposals to provide for orderly development of the airport and the area surrounding the airport through implementation of the standards for aircraft noise, safety compatibility zones, and building height restrictions in AELUP Section 2.1. The AELUP relies on a 2002 version of the Airport Land Use Planning Handbook which has since been updated (Oct. 2011). The purpose of the Handbook is to provide guidance for conducting airport land use compatibility planning as required by Public Utilities Code Sections 21670 - 21679.5.

2. The ALUC staff report dated October 18, 2012, reflects that ALUC's staff reviewed the Project with respect to compliance with the AELUP, including review of appropriate noise standards, height restrictions, imaginary surfaces, safety zones, and environmental compliance, and recommended that ALUC find the Project consistent with the AELUP.
3. The Project is consistent with the noise, height and safety standards set forth in the AELUP, and therefore provides for the orderly development of the airport and the area surrounding the airport, based on the following:
 - a. *The residential and commercial land uses for the Project are consistent with the noise standards of the AELUP. The Project modified by the City Council maintains the residential development intensity in the airport area, therefore, it is also consistent with the noise standards of the AELUP.*

AELUP Section 2.1.1 sets forth the Community Noise Equivalent Level (CNEL) standards. The Project includes land use changes, two of which are located in the 65 CNEL and/or 60 CNEL contours for JWA. AELUP Section 3.2.4 defines the noise exposure to be "Moderate Noise Impact" in the 60-65 dBA CNEL noise contour, which is Noise Impact Zone 2. The City's General Plan Land Use and Noise Elements require that residential development in the Airport Area be located outside of the 65 dBA CNEL noise contour (Policies LU 6.15.3 and N 3.2). A portion of the Saunders property is located within the 65 CNEL, therefore future specific development projects would be limited to office or other non-residential uses on the affected portion of the property.

The AELUP also identifies land uses that are "normally consistent" and "conditionally consistent" in each noise impact zone delineated by the CNEL noise contour. AELUP Section 3 Table 1 (Limitations on Land Use Due to Noise) identifies the 60 CNEL contour for residential and commercial uses as "normally consistent" requiring "no special noise reduction requirements."

The Newport Beach General Plan Noise Element additionally requires residential developers to notify purchasers or tenants of aircraft overflight and noise. The Project does not amend the City's Noise Element. Future developments will be subject to further review which will include consideration of compliance with the applicable Noise Element policies.

Compliance with these policies and regulations will ensure that future development within the JWA Airport Planning Area will follow the noise standards of the AELUP. The anticipated continuation of the JWA curfew pursuant to the proposed Settlement Agreement amendment would also

continue to prevent sleep disturbance and noise levels to any future residents that may reside within the Airport Area.

The ALUC comment letter dated June 10, 2014, indicates that ALUC "...has historically not looked favorably on residential uses so close to JWA and where properties are partially within the 65 CNEL...." The Saunders property is actually made of multiple properties. The portion of the area outside both Safety Zone 3 and the 65 CNEL contour is approximately 8.25 acres. As stated above, future projects will be reviewed for compliance with all applicable City, FAA and AELUP noise, height and safety standards. The ALUC comment letter dated June 11, 2014, does not change City Council's conclusion that the Project, and the modified Project, is consistent.

- b. *The residential and commercial land uses for the Project and the modified Project are consistent with the safety standards of the AELUP.*

AELUP Section 2.1.2 sets forth Safety Compatibility Zones to support the continued use and operation of an airport by establishing compatibility and safety standards to promote air safety and reduce potential safety hazards for persons living, working, or recreating near JWA. The land use changes proposed in the Airport Area (Area 4) fall within the Safety Zones for JWA. The Airport Area land use changes, with the exception of a portion of the Saunders property, are all within Safety Zone 6. Risk factors associated with Safety Zone 6 generally include a low likelihood of accident occurrence. Allowed uses in Safety Zone 6 include residential and most nonresidential uses, with the exception of outdoor stadiums and similar uses with very high intensities. (See also Handbook, p. 4-25.) Uses that should be limited include children's schools, large day-care centers, hospitals, and nursing homes.

A portion of the Saunders property is in Safety Zone 3. Safety Zone 3 limits residential uses to very low density (if not deemed unacceptable because of noise), and advises to avoid nonresidential uses having moderate or higher usage intensities. The 2011 Handbook Compatibility Policies also contemplate infill projects in urban areas at up to the average number dwelling units in surrounding residential areas. (Handbook, p. 4-22, Note B.)

General Plan Safety Element Policy S 8.6 demonstrates that the City acknowledges the importance of the JWA Safety Zones which reads as follows:

"S 8.6 John Wayne Airport Traffic Pattern Zone

Use the most currently available John Wayne Airport (JWA) Airport Environs Land Use Plan (AELUP) as a planning resource for evaluation of land use compatibility and land use intensity in areas affected by JWA operations. In particular, future land use decisions within the existing JWA Clear Zone/Runway Protection Zone (Figure S5) should be evaluated to minimize the risk to life and property associated with aircraft operations."

Compliance with these policies and regulations will ensure that future development within the JWA Airport Planning Area will follow the safety standards of the AELUP.

The ALUC comment letter dated June 10, 2014, suggests that the entire Saunders property is located within Safety Zone 3 or within the 65 CNEL contour. As stated above under Finding 3, the portion of the Saunders property located outside of Safety Zone 3 and the 65 CNEL Contour is approximately 8.25 acres. Additionally, all future specific development projects will be reviewed for compliance with all applicable City, FAA and AELUP, noise, safety and land use policies regulations and standards. The ALUC comment letter dated June 11, 2014, does not change City Council's conclusion that the Project, and the modified Project, is consistent with the AELUP.

- c. *The residential and commercial land uses for the Project, and the modified Project, are consistent with the height standards of the AELUP.*

Some of the proposed land use changes fall within the Federal Aviation Administration (FAA) Notification Area and the Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces for JWA. The Newport Beach General Plan does not specify height limits. Height limits would be established in zoning code and planned community amendments. However, General Plan Policy LU 6.15.3 states that all development shall be required to conform with the height restrictions set forth by the FAA and FAR. Therefore through the project review process, compliance with Policy LU 6.15.3 would be demonstrated.

The ALUC comment letter dated June 11, 2014 expresses concern that residential development on the Saunders property may result in residential structures where height is a concern. Since the General Plan land use designations do not guarantee development rights, all proposed projects are subject to future review during zoning code amendments and other discretionary reviews. As indicated, all proposed development will be reviewed for compliance with applicable City, FAA and AELUP height standards, regulations and restrictions. Moreover, a state permit would be required for construction of buildings or objects that would affect the navigable airspace. These objects include: (1) any structure taller than 500 feet above ground level, unless the height of the structure is required to be approved by the Federal Communications Commission or the Federal Aviation Administration (Pub. Util. Code section 21656); and (2) any structure or object of natural growth which would exceed the height limits specified in FAR Part 77, Subpart C, unless the FAA has determined that the object's construction, alteration, or growth would not constitute a hazard to air

navigation or otherwise create conditions unsafe for air navigation (Pub. Util Code sections 21658-21659). (Handbook, p. 5-12.) The ALUC comment letter dated June 11, 2014, does not change City Council's conclusion that the Project and the modified Project are consistent with the AELUP.

Finding B

The Project and the modified Project are consistent with the legislative purpose set forth in California Public Utilities Code Section 21670(a)(2) to ensure the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.

Facts in Support

1. To protect the public health, safety and welfare by ensuring orderly expansion of airports, the ALUC adopted the AELUP. The AELUP standards guide development proposals to provide for the orderly development of the airport and the area surrounding the airport through implementation of the standards and policies in AELUP Sections 2 and 3. As set forth above, the proposed land use changes are consistent with the AELUP noise, safety, and building height standards.
2. To protect the public health, safety and welfare the ALUC adopted the AELUP to outline land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent these are not already devoted to incompatible uses. The AELUP provides land use policies in Section 3 that govern noise, safety and height. As set forth above, the proposed land use changes are consistent with AELUP noise, safety, and building heights standards.
3. The modified Project maintains the residential development intensity in the airport area, as defined in the 2006 General Plan. The Newport Beach General Plan Noise Element additionally specifies that residential development in the Airport Area must be outside of the 65 dBA CNEL noise contour and requires residential developers to notify purchasers or tenants of aircraft overflight and noise. Prospective purchasers and tenants will also be notified. The Project, as well as the modified Project, are consistent with these policies, which are the same policies that ALUC deemed consistent with the AELUP on July 20, 2006.
4. The ALUC comment letter dated June 11, 2014 suggests that placing residential uses (Saunders property) in close proximity to JWA and in an area where general aviation traffic is operating in very close proximity as "poor land use planning." The General Plan allocates a potential development capacity and does not on its own, grant land use entitlements. Any future proposed development projects require submittal of detailed development plans and are reviewed for compliance with all

applicable City, FAA and AELUP standards, regulations and restrictions. Additionally, proposed projects will be individually evaluated in accordance with CEQA requirements. The ALUC comment letter dated June 11, 2014, does not change City Council's conclusion that the Project, and the modified Project, are consistent with the AELUP.

Finding C

The City Council finds the ALUC's determination that the Project is inconsistent with the AELUP is not based on substantial evidence that was introduced, commented on, or identified in support of the inconsistency finding.

Facts in Support

1. The 2006 General Plan includes the goal of establishing the Airport Area as a mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability. The proposed land use changes serve to further implement the goals of the 2006 General Plan. Furthermore, the General Plan includes policies requiring consistency with AELUP safety, height and noise standards.

The ALUC comment letter dated June 11, 2014 suggests that the proposed amendment to allow residential/mixed-use development on the Saunders property does not meet the goals and objectives of the General Plan. Since a portion of the Saunders property (approximately 8.25 acres) is outside both Safety Zone 3 and the 65 CNEL contour, the amendment would condition development of the site subject to future detailed review and approval by the City for compliance with all applicable development standards and with General Plan goals and policies, including the 65 CNEL limit.

Attachment No. CC 3

Draft Resolution – General Plan Land Use Element Amendment

- | | |
|-----------|---|
| Exhibit A | Amended Land Use Element (Text, Policies, Glossary and Implementation Plan |
| Exhibit B | Amended Anomaly Table (Table LU2) and Affected Maps |
| Exhibit C | Findings and Facts in Support of Findings and Statement of Overriding Consideration |

RESOLUTION NO. 2014-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH APPROVING GENERAL PLAN AMENDMENT NO. GP2013-001 TO AMEND THE LAND USE ELEMENT, GLOSSARY, AND IMPLEMENTATION PLAN OF THE GENERAL PLAN, AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, FACTS IN SUPPORT OF FINDINGS, AND STATEMENT OF OVERRIDING CONSIDERATIONS (PA2013-098)

THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. On May 28, 2013, the Newport Beach City Council initiated an amendment to the 2006 General Plan Land Use Element to review its effectiveness in achieving the community's vision, and to update it to reflect legislative changes, emerging best practices, and changing economic markets (Amendment).
2. On May 28, 2013, the Land Use Element Amendment Advisory Committee (Committee), comprised of two council members, two planning commissioners, and five at-large members, was appointed by the Newport Beach City Council to receive public input, consider options, and develop the amendment in order for the Amendment to be reviewed pursuant to the California Environmental Quality Act Public Resources Code Section 21000, et seq. (CEQA).
3. The Amendment (Project) considered by the Committee and evaluated in the draft Supplemental Environmental Impact Report (SEIR) includes land use changes, policy revisions and related changes to the glossary and Implementation Plan.
4. Pursuant to Section 65352.3 of the California Government Code, the appropriate tribe contacts identified by the Native American Heritage Commission were provided notice of the proposed General Plan Amendment on December 5, 2013. The California Government Code requires 90 days to allow tribe contacts to respond to the request to consult unless the tribe contacts mutually agree to a shorter time period. No requests were received within the 90 days. However, Mr. Andy Salas submitted comments in regards to the draft SEIR and identified his concerns and requests regarding monitoring during ground disturbing activities. No additional requests for consultation were received.
5. City Council Policy A-18 (Guidelines for Implementing Charter Section 423) requires that proposed Amendment be reviewed to determine if a vote of the electorate would be required. A vote of the electorate is required if a project (separately or cumulatively with other projects over a 10-year span) exceeds any one of the following thresholds: if the project generates more than 100 peak hour trips (AM or PM); adds 40,000 square feet of non-residential floor area; or adds more than 100 dwelling units in a statistical area. The analysis establishes that proposed Amendment requires a vote of the electorate prior to becoming effective.

6. A public hearing was held on June 5, 2014, in the City Hall Council Chambers, at 100 Civic Center Drive, Newport Beach, California. A notice of the time, place and purpose of the aforesaid meeting was provided in accordance with CEQA and the Newport Beach Municipal Code ("NBMC"). The draft SEIR, draft Responses to Comments, draft Mitigation, Monitoring and Reporting Program, staff report, and evidence, both written and oral, were presented to and considered by the Planning Commission at the scheduled hearing.
7. On June 5, 2014, the Planning Commission adopted Resolution No. 1946 by a vote of 4-0 (1 recusal, 2 absences) recommending certification of the General Plan Land Use Element Amendment Final SEIR (SCH No 2013101064) and approval of the Land Use Element Amendment Project, as amended, to the City Council.
8. The City Council held a public hearing July, 8, 2014, in the City Hall Council Chambers, at 100 Civic Center Drive, Newport Beach, California. A notice of the time, place and purpose of the aforesaid meeting was provided in accordance with CEQA and the NBMC. The environmental documents for the Project comprising the SEIR, Responses to Comments, Revisions to Draft SEIR, Mitigation, Monitoring and Reporting Program, Findings and Facts in Support of Findings and Statement of Overriding Considerations, staff report, and evidence, both written and oral, were presented to and considered by the City Council at the scheduled hearing, as the decision-making body of the lead agency, for certification as having been completed in compliance with the provisions of CEQA and State and local guidelines implementing CEQA.
9. At the July 8, 2014 public hearing, following public testimony and deliberation, the City Council directed staff to return to the July 22, 2014 meeting with revised resolutions based on a modified project identified by the City Council during their discussion of the Amendment.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. The General Plan Land Use Element Amendment Final Supplemental Environmental Impact Report No. ER2014-002 (SCH No. 2013101064) was prepared for the Project in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3. By Resolution No. 2014-65, the City Council, having final approval authority over the Project, adopted and certified as complete and adequate the General Plan Land Use Element Amendment Final Supplemental Environmental Impact Report (SCH No. 2013101064), and adopted "Mitigation Monitoring and Reporting Program". Resolution No. 2014-65 is hereby incorporated by reference.

SECTION 3. FINDINGS.

1. Amendments to the General Plan are legislative acts. Neither the City nor State Planning Law set forth any required findings for either approval or denial of such amendments.

2. In adopting the Amendments to the 2006 General Plan, the City Council hereby finds, determines and declares that every reasonable effort has been made to incorporate and consider the potential effects of the Land Use Element Amendments on climate change and sustainability into the amended General Plan. This includes the incorporation of specific provisions, goals, objectives and policies.
3. Pursuant to CEQA Guidelines Section 15091, the City Council has reviewed and hereby adopts the CEQA Findings and Facts in Support of Findings as shown on the in Attachment CC 3, Exhibit "C", entitled "Findings and Facts in Support of Findings for the General Plan Land Use Element Amendment, Final Supplemental Environmental Impact Report, State Clearinghouse No. 2013101064," which exhibit is incorporated herein by reference.
4. Pursuant to CEQA Guidelines Section 15093, the City Council has reviewed and hereby makes the Statement of Overriding Considerations to adverse environmental impacts, attached also as Exhibit "C" entitled "Statement of Overriding Considerations," which exhibit is incorporated herein by reference. The City Council finds and declares that through its efforts to promote walkability and embrace sustainable technologies, the Amendments are consistent with the Orange County Sustainable Communities Strategy (SCS) and Regional Transportation Plan (RTP).
5. The proposed land use changes, which are detailed in Exhibit B of CC3 (Anomaly table and maps) and Exhibit CC6 (Charter Section 423 Analysis), exceed the established thresholds in Charter Section 423, and therefore, a vote of the electorate is required pursuant to Charter Section 423.
6. The City Council affirms that it considered, to the best of its ability, all public testimony and all relevant information provided to it; and that the Land Use Element amendments adopted by this resolution represents its best effort to accommodate the diverse and competing needs of residents, property owners, and social and economic components of the City's population and workforce.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council of the City of Newport Beach hereby approves General Plan Amendment No. GP2013-001 which consists of:
 - a. Land Use Element amendments, attached hereto as Exhibit A and incorporated herein by reference.
 - b. Land use map revisions and Table LU2 Anomaly Locations revisions, attached hereto as Exhibit B and incorporated herein by reference.
2. The subject Amendment, in its entirety, shall go into effect only if the electorate approves the revisions to the Land Use Map and Table LU2 Anomaly Locations as required by City Charter Section 423.

- 3. Should the Land Use Element Amendment be approved by the electorate, the City Council hereby directs the Community Development Department to prepare applicable zoning code and map amendments, and amendments to the City's Coastal Land Use Plan (CLUP).
- 4. Staff is hereby directed to correct any typographical or scrivener's errors in compiling the final documentation.
- 5. This resolution was approved and adopted at a regular meeting of the City Council of the City of Newport Beach, held on the 22nd day of July, 2014, by the following vote, to wit:

AYES, COUNCILMEMBERS _____

NOES, COUNCILMEMBERS _____

ABSENT COUNCILMEMBERS _____

Rush N. Hill, II, Mayor

ATTEST:

Leilani I. Brown, MMC, City Clerk

AMENDED

EXHIBIT A

AMENDED LAND USE ELEMENT/GENERAL PLAN

The amendments to the Land Use Element (narratives, goals, policies, glossary and implementation plan) are shown as strike-outs (deletions) and underlined (inserts).

AMENDED



CHAPTER 3 Land Use Element



LAND USE

*Primarily a Residential Community That
Businesses, and Visitors, with a*

Introduction

Consistent with state law, the Land Use Element provides guidance regarding the ultimate pattern of development for Newport Beach at build-out. As such, it is based on and correlates the policies from all elements into a set of coherent development policies, which serve as the central organizing element



Newport Beach Pier in the 1920s



Pier in 1921

for the General Plan as a whole. Policies for the conservation of natural resources and protection of residents and businesses from the risks of hazards are reflected in the distribution and densities of uses. The quantity and location of uses are linked to the City’s objectives for economic development, jobs generation, and fiscal balance, as well as intentions for urban form and community character. Their capacities are, in turn, correlated with the provision of adequate housing and services to meet the needs of its resident population and transportation, parking, and utility infrastructure that support residents, employees, and visitors. Implicitly, the Land Use Element serves as the final arbiter on how the City of Newport Beach shall evolve and mature over the next 20 years. Its policies are directly correlated and supported by those in all other General Plan elements.

Cumulatively, the Land Use Element’s policies directly affect the establishment and maintenance of the neighborhoods, districts, corridors, and open spaces that distinguish and contribute to Newport Beach’s livability, vitality, and image. Policies for the development of individual parcels are inseparable from those that address how they will fit together to create places that are valued by the City’s

ELEMENT

Balances the Needs of Residents, Conservative Growth Strategy

residents—safe and attractive neighborhoods, walkable and active commercial districts, and hillsides, beaches, water, and open spaces that provide recreation and respite from an active lifestyle.

As Newport Beach is almost fully developed, the Land Use Element focuses on how population and employment growth can be accommodated and still preserve its distinguishing and valued qualities. It recognizes that most of the City will be conserved with its existing pattern of uses and establishes policies for their protection and long term maintenance. It recognizes that there are limited areas of the City that are not achieving their full potential and establishes strategies for their enhancement and revitalization. It also recognizes the evolving needs of the marketplace and considerable pressures for population growth in the region and proposes creative strategies for the re-use of land to provide



Newport Beach in the twenty-first century

opportunities for new housing that will complement and enhance Newport Beach's character and livability.

These strategies are carefully considered in context of community objectives for the provision of an efficient transportation system that minimizes congestion for residents, employees, and visitors. At the same time, it recognizes the needs to balance mobility objectives with priorities of Newport Beach's residents for the character of its neighborhoods and commercial districts and corridors.

Our Starting Point—Newport Beach's Existing Land Uses

Newport Beach has a unique physical setting with many visual, recreational, and environmental resources that has influenced the type and form of land uses within the community. The majority of the community is fully developed with a diverse mixture of residential, institutional, commercial, industrial, and recreational and open space uses.

Residential uses represent the largest portion of land uses within the City, characterized by many distinct neighborhoods. Older communities were first developed along the coast line including the Peninsula, West Newport, Balboa Island, and Lido Isle. This early housing is characterized by a diversity of multi-family, single-family and mixed-use housing located within proximity of commercial and visitors serving uses. As development spread further inland and proceeded north and east, the residential pattern changed, becoming more suburban in character and characterized by single-family ranch-style homes on larger lots. While single-family attached and detached homes comprise the majority of housing in the community, the City contains many multi-family homes including condominiums, apartments, duplex, triplex, and fourplex units. These are located in older neighborhoods ~~along near~~ the beaches including West Newport, Balboa Peninsula, Balboa Island, and Corona del Mar as well as in the northern portions of the community such as Bonita Canyon Village, and Newport Center. Mobile homes are found along Coast Highway in West Newport, west of Newport Dunes and near the Newport Pier.

A variety of retail uses are located throughout Newport Beach including neighborhood shopping centers, commercial strips and villages, and shopping centers. The largest retail center in the City is Fashion Island, a regional attraction that is framed by a mixture of office, entertainment, and residential uses. Newport Beach also has many neighborhood shopping centers that service nearby residential neighborhoods with convenience goods. Many of the older commercial villages located along the coast and harbor include specialty shops, entertainment, and marine uses that serve nearby residents and visitors. These retail villages are located within Balboa Island, Balboa Village, Cannery Village, McFadden Square, and Corona del Mar.

Much of the City's office space is located in Newport Center and the Airport Area. Newport Center is an area of both high- and low-rise offices surrounding the Fashion Island retail area. The Airport Area encompasses the properties abutting and east of John Wayne Airport (JWA) and is in close proximity to the Irvine Business Complex and University of California, Irvine. This area includes a mixture of low-, medium-, and high-rise office uses as well as research and development and high technology businesses.

Industrial uses are primarily located within the West Newport Mesa area east of Banning Ranch. A variety of industrial, manufacturing, and supporting retail uses are located within this area. Research and development uses are clustered in the Airport Area. Government, educational and institutional uses include the City Hall, schools, libraries, museums, and religious uses.

The City has approximately ~~278~~450 acres of developed parks. Newport Beach’s parklands range in size from mini-parks such as the Lower Bay Park to the 39-acre Bonita Canyon Sports Park. Additionally, bikeways, jogging trails, pedestrian trails, recreation trails, and regional equestrian trails are also available in Newport Beach. Numerous open space areas are located within the community, including water front areas such as beaches, Newport Bay, and Newport Harbor. There are also numerous undeveloped areas supporting natural habitats and sensitive biological resources including Banning Ranch, Irvine Coast Marine Life Refuge, Coyote Canyon, Bonita Canyon Creek Watershed, Upper Newport Bay State Marine Park (formally Ecological Reserve) and Upper Newport Bay Nature Preserve. Other resources include ~~the City’s~~ many undeveloped canyons and hillsides located primarily in the Newport Coast area.

Goals and Policies

Role and Character of Newport Beach (“Who We Are”)

Goal

LU 1

A unique residential community with diverse coastal and upland neighborhoods, which values its colorful past, high quality of life, and community bonds, and balances the needs of residents, businesses, and visitors through the recognition that Newport Beach is primarily a residential community.

Policy

LU 1.1 Unique Environment

Maintain and enhance the beneficial and unique character of the different neighborhoods, business districts, and harbor that together identify Newport Beach. Locate and design development to reflect Newport Beach’s topography, architectural diversity, and view sheds. (*Imp 1.1, 20.3*)

LU 1.2 Citywide Identity

While recognizing the qualities that uniquely define its neighborhoods and districts, promote the identity of the entire City that differentiates it as a special place within the Southern California region. (*Imp 1.1*)

LU 1.3 Natural Resources

Protect the natural setting that contributes to the character and ~~identify~~identity of Newport Beach and the sense of place it provides for its residents and visitors. Preserve open space resources, beaches, harbor, bays, channels, parks, bluffs, preserves, and estuaries as visual, recreational and habitat resources and promote preservation of coastal bluffs. (*Imp 1.1, 29.3*)

LU 1.4 Growth Management

Implement a conservative growth strategy that enhances the quality of life of residents and balances the needs of all constituencies with the preservation of open space and natural resources. (*Imp 1.1, 10.2*)

LU 1.5 Economic Health

Encourage a local economy that provides adequate commercial, office, industrial, and marine-oriented opportunities that provide employment and revenue to support high-quality community services. (*Imp 1.1, 24.1*)

LU 1.6 Environmental Health

Promote sustainable land use and development practices that minimize the use of non-renewable resources and reduce greenhouse gas emissions. (*Imp 2.1, 32.1, 33.1*)

LU 1.7 Healthy Population

Promote land use and development practices that contribute to the health and wellness of Newport Beach’s residents. (*Imp 2.1, 16.1*)

LU 1.8 Public Views

Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points. (*Imp 1.1*)

LU 1.9 Compatible Land Uses

Require that the scale and massing of new development provide appropriate transitions in building location, height, and bulk at their edges that are sensitive to the physical and visual character of adjoining neighborhoods and districts that have lower development intensities and building heights. (*Imp 2.1*)

Uses to Be Accommodated (“What Uses Contribute to Our Community?”)

Goal

LU 2

A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City’s diverse recreational amenities, promote public health, and protect its important environmental setting, resources, and quality of life.

Policies

LU 2.1 Resident-Serving Land Uses

Accommodate uses that support the needs of Newport Beach’s residents including housing, retail, services, employment, recreation, education, culture,

entertainment, medical and health facilities, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces. *(Imp 1.1, 2.1, 29.3)*

LU 2.2 Sustainable and Complete Community

Emphasize the development of uses that enable Newport Beach to continue as a self-sustaining community and minimize the need for residents to travel outside of the community for retail, goods and services, and employment. *(Imp 1.1, 24.1)*

LU 2.3 Range of Residential Choices

Provide opportunities for the development of residential units that respond to community and regional needs in terms of density, size, location, and cost. Implement goals, policies, programs, and objectives identified within the City’s Housing Element. *(Imp 1.1, 8.1, 25.1)*



Bonita Canyon, Balboa Island, Cannery Village, and Newport Center residential neighborhoods

LU 2.4 Recreational Centers

Maintain and enhance a network of recreational facilities and programs to serve all phases of life. *(Imp 23.2, 29.3)*

LU 2.42.5 Economic Development

Accommodate uses that maintain or enhance Newport Beach’s fiscal health and account for market demands, while maintaining and improving the quality of life for current and future residents. *(Imp 1.1, 24.1)*



Fashion Island



Neighborhood Commercial



Balboa Village



Koll Center

LU 2.52.6 Harbor and Waterfront Uses

Preserve the uses of the Harbor and the waterfront that contribute to the charm and character of Newport Beach and provide needed support for recreational and commercial boaters, visitors, and residents, with appropriate regulations necessary to protect the interests of all users as well as adjoining residents. (*Imp 1.1, 2.5, 5.1, 20.2, 21.4, 24.1*)

LU 2.62.7 Visitor Serving Uses

Provide uses that serve visitors to Newport Beach's ocean, harbor, open spaces, and other recreational assets, while integrating them to protecting the quality of life for neighborhoods and residents. (*Imp 1.1, 2.1, 5.1, 24.1*)

LU 2.8 Locally-Grown Food

Promote the production and distribution of locally grown food by allowing farmers markets, food cooperatives, and neighborhood or community gardens. (*Imp. 8.1*)

LU 2.72.9 Oil and Gas Facilities

Prohibit the construction of new onshore oil processing, refining, or transportation facilities, including facilities designed to transport oil from offshore tracts, with the exceptions of slant drilling from onshore oil fields or for the consolidation and more efficient production of wells should Banning Ranch be annexed to the City. (*Imp 2.1, 5.1*)

LU 2.82.10 Adequate Infrastructure

Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, technology cabling, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on). (*Imp 1.1, 10.2, 11.1, 19.1, 22.1*)

Organization and Form of Uses (“How Are Land Uses Distributed?”)**Goal****LU 3**

A development pattern that retains and complements the City’s residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.

Policies**LU 3.1 Neighborhoods, Districts, Corridors, and Open Spaces**

Maintain Newport Beach’s pattern of residential neighborhoods, business and employment districts, commercial centers, corridors, and harbor and ocean districts. (*Imp 1.1*)

LU 3.2 Community Connectivity

Promote improved connectivity between Newport Beach’s key districts through well-landscaped and safe pedestrian corridors, bicycle trails, wayfinding signage, and similar elements. (*Imp 16.11, 20.1*)

LU 3.23.3 Growth and Change

Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered ~~only in those areas that are economically underperforming, are necessary to~~ accommodate Newport Beach’s share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, reduce greenhouse gas emissions and energy consumption on an overall citywide basis, facilitate walking, bicycling, and transit use, provide places for people to congregate and interact socially, or enhance the values that distinguish Newport Beach as a special place to live and work for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service. (*Imp 1.1, 2.1, 5.1, 10.2, 16.2, 16.3, 17.1, 18.1, 19.1, 22.1, 23.1, 23.2*)

LU 3.33.4 Opportunities for Change

Provide opportunities for improved development and enhanced environments for residents in the following districts and corridors, as specified in Policies 6.3.1 through 6.22.7:

- **West Newport:** consolidation of retail and visitor-serving commercial uses, with remaining commercial areas developed for residential units.
- **West Newport Mesa:** re-use of underperforming or underutilized commercial and industrial properties for offices and other uses that support Hoag Hospital’s medical activities, improvement of remaining industrial properties adjoining the City of Costa Mesa, accommodation of non-water dependent marine-related industries, and development of residential in proximity to jobs and services.
- **Santa Ana Heights:** use of properties consistent with the adopted Specific Plan, ~~and Redevelopment Plan~~
- **John Wayne Airport Area:** re-use of underperforming or underutilized commercial, industrial and office properties and development of an urban mixed-use district with resident-serving uses enabling employees to live cohesive residential neighborhoods in proximity to jobs and services.
- **Fashion Island/Newport Center:** expanded retail and office uses and hotel rooms and development of residential in proximity to jobs and services, ~~while limiting increases in office development~~
- **Balboa Peninsula:** more efficient patterns of use that consolidate the Peninsula’s visitor-serving and mixed uses within the core commercial districts; encourage marine-related uses especially in commercial areas along the bay front; integrate residential with retail and visitor-serving uses in Lido Village, McFadden Square, Balboa Village, and along portions of the Harbor frontage; re-use interior parcels in Cannery Village for residential and limited mixed-use and live/work buildings; ~~and redevelop underperforming properties outside of the core commercial districts along the Balboa Boulevard corridor for residential.~~ Infill development shall be designed and sited to preserve the historical and architectural fabric character of these districts.
- **Mariners’ Mile:** re-use of underperforming or underutilized properties for retail, visitor-serving, and marine-related uses, integrated with residential and expand public and private parking.
- **Corona del Mar:** enhancement of public improvements and expand public and private parking. (*Imp 1.1, 2.1, 5.1, 16.10*)

LU 3.43.5 Banning Ranch

Prioritize the acquisition of Banning Ranch as an open space amenity for the community and region, consolidating oil operations, enhancing wetland and other habitats, and providing parkland amenities to serve nearby neighborhoods. If the property cannot be acquired within a time period and pursuant to terms agreed to by the City and property owner, allow for the development of a compact residential village that preserves the majority of the site as open space and restores critical habitat in accordance with Policies 6.3-47.2.1 through 6.5-57.4.6. (*Imp 1.1, 2.1, 5.1, 14.7, 14.11*)

LU 3.53.6 Coastal-Dependent and Related Businesses

Design and site new development to avoid impacts to existing coastal-dependent and coastal-related developments. When reviewing proposals for land use changes, give full consideration to the impact on coastal-dependent and coastal-

related land uses, including not only the proposed change on the subject property, but also the potential to limit existing coastal-dependent and coastal-related land uses on adjacent properties. *(Imp 2.1, 5.1, 7.1)*

LU 3.63.7 Waterfront Access

Use public beaches for public recreational uses and prohibit uses on beaches that interfere with public access and enjoyment of coastal resources. Encourage the expansion and improvement of access to the waterfront and water-related uses that provide important links to waterfront uses such as beaches, launching facilities, public docks, and other similar public water area uses. *(Imp 1.1, 5.1, 20.2)*

LU 3.73.8 Natural Resource or Hazardous Areas

Require that new development is located and designed to protect areas with high natural resource value and protect residents and visitors from hazards that pose a threats to life or property. *(Imp 2.1, 6.1)*

LU 3.83.9 Project Entitlement Review with Airport Land Use Commission

Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planned Community development plans for land within the John Wayne Airport planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the Airport Land Use Commission (ALUC) ~~for~~of Orange County for review, as required by Section 21676 of the California Public Utilities Code. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the ALUC for review. *(Imp 14.3)*

Sustainable Development

Goal

LU 4

Land use development practices that contribute to a sustained natural environment for use by future generations, economy, and well-being of Newport Beach’s residents, while reducing greenhouse gas emissions and impacts on climate change.

Policies

LU 4.1 Regulating Sustainable Development

Promote and, where appropriate, require new development and reconstruction to comply with sustainable building practices incorporating a “whole system” approach to designing and constructing buildings that consume comparatively less energy, water, and other resources, facilitate natural ventilation, use daylight effectively, and are healthy, safe, comfortable, and durable. *(Imp 1.1, 32.1, 33.1, 34.1)*

LU 4.2 Existing Structure Reuse

Encourage the retention, adaptive reuse, and renovation of existing buildings with “green” building technologies to retain the structure’s embodied energy, increase energy efficiency, and limit the generation of construction waste. *(Imp 7.1)*

LU 4.3 Sustainable Sites and Land Development

Promote land development practices that reduce energy and water consumption, pollution, greenhouse gas emissions, and waste generation incorporating such techniques as:

- Concentrating and designing development to promote walking, bicycling, and use of public transit as an alternative to automobile travel;
- Capturing and re-using stormwater runoff on-site for irrigation and/or groundwater percolation;
- Managing wastewater and using recycled water, including encouraging the use of grey water;
- Orienting buildings to maximize opportunities for solar energy use, daylighting, and ventilation;
- Using landscapes that conserve water and reduce green waste;
- Shading of surface parking, walkways, and plazas; and/or
- Recycling and/or salvaging for reuse of construction and demolition debris.
(Imp 2.1, 7.1, 8.2)

LU 4.4 Revitalization of Obsolete and Underused Properties

Encourage the consolidation of small commercial, industrial, and mixed-use parcels to facilitate revitalization and redevelopment. (Imp 2.1, 24.1)

LU 4.5 Heat Island Effect

Reduce the “heat island effect” by promoting such features as reflective roofing, green roofs, light-colored paving, and reducing the unshaded extent of parking lots with a tree canopy. (Imp 7.1, 32.1, 33.1, 34.1)

LU 4.6 Orange County Sustainable Communities Strategy

Implement practices for infill and mixed-use development, affordable housing, and density to achieve objectives for a reduction of vehicle trips and commute distances, air pollution, greenhouse gas emissions and energy consumption and improvement of public health consistent with applicable policies of the Orange County Sustainable Communities Strategy (SCS). (Imp 8.1, 32.1, 33.1, 34.1)

Land Use Diagram

Goal

LU 45

Management of growth and change to protect and enhance the livability of neighborhoods and achieve distinct and economically vital business and employment districts, which are correlated with supporting infrastructure and public services and sustain Newport Beach's natural setting.

Policies

LU 4.15.1 Land Use Diagram

Accommodate land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. The permitted densities/intensities or amount of development for land use categories for which this is not included in Table LU1, are specified on the Land Use Plan, Figure LU4 through Figure LU15. These are intended to convey maximum and, in some cases, minimums that may be permitted on any parcel within the designation or as otherwise specified by Table LU2 (Anomaly Locations).

The density/intensity ranges are calculated based on actual land area, actual number of dwelling units in fully developed residential areas, and development potential in areas where the General Plan allows additional development.

To determine the permissible development, the user should:

- a. Identify the parcel and the applicable land use designation on the Land Use Plan, Figure LU4 through Figure LU15
- b. Refer to Figure LU4 through Figure LU15 and Table LU1 to identify the permitted uses and permitted density or intensity or amount of development for the land use classification. Where densities/intensities are applicable, the maximum amount of development shall be determined by multiplying the area of the parcel by the density/intensity.
- c. For anomalies identified on the Land Use Map by a symbol, refer to Table LU2 to determine the precise development limits.
- d. For residential development in the Airport Area., refer to the policies prescribed by the Land Use Element that define how development may occur. (*Imp 2.1, 5.1, 10.2*)

Table LU1 Land Use Plan Categories		
<i>Land Use Category</i>	<i>Uses</i>	<i>Density/ Intensity</i>
RESIDENTIAL NEIGHBORHOODS		
SINGLE UNIT RESIDENTIAL		
Single Unit Residential Detached—RS-D	The RS-D category applies to a range of detached single-family residential dwelling units on a single legal lot and does not include condominiums or cooperative housing.	Not applicable
Single Unit Residential Attached—RS-A	The RS-A category applies to a range of attached single-family residential dwelling units on a single legal lot and does not include condominiums or cooperative housing.	Not applicable
TWO UNIT RESIDENTIAL—RT	The RT category applies to a range of two family residential dwelling units such as duplexes and townhomes.	Not applicable
MULTIPLE RESIDENTIAL		
Multiple Residential—RM	The RM designation is intended to provide primarily for multi-family residential development containing attached or detached dwelling units.	Units per acre or cumulative amount of development as specified on the Land Use Figures
Multiple Residential Detached—RM-D	The RM-D designation is intended to provide primarily for multi-family residential development exclusively containing detached dwelling units.	Units per acre or cumulative amount of development as specified on the Land Use Figures
COMMERCIAL DISTRICTS AND CORRIDORS		
NEIGHBORHOOD COMMERCIAL—CN	The CN designation is intended to provide for a limited range of retail and service uses developed in one or more distinct centers oriented to primarily serve the needs of and maintain compatibility with residential uses in the immediate area.	Floor area to land area ratio or cumulative development indicated on Land Use Plan.
CORRIDOR COMMERCIAL—CC	The CC designation is intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity.	Floor to land area ratio or cumulative development indicated on Land Use Plan.
GENERAL COMMERCIAL—CG	The CG designation is intended to provide for a wide variety of commercial activities oriented primarily to serve citywide or regional needs.	Floor area to land area ratio or cumulative development indicated on Land Use Plan.
RECREATIONAL AND MARINE COMMERCIAL—CM	The CM designation is intended to provide for commercial development on or near the bay in a manner that will encourage the continuation of coastal-dependent and coastal-related uses, maintain the marine theme and character, encourage mutually supportive businesses, encourage visitor-serving and recreational uses, and encourage physical and visual access to the bay on waterfront commercial and industrial building sites on or near the bay.	Floor area to land area ratio or cumulative development indicated on Land Use Plan.
VISITOR SERVING COMMERCIAL—CV	The CV designation is intended to provide for accommodations, goods, and services intended to primarily serve visitors to the City of Newport Beach.	Floor area to land area ratio or cumulative development indicated on Land Use Plan.

Table LU1 Land Use Plan Categories

<i>Land Use Category</i>	<i>Uses</i>	<i>Density/ Intensity</i>
REGIONAL COMMERCIAL—CR	The CR designation is intended to provide retail, entertainment, service, and supporting uses that serve local and regional residents. Typically, these are integrated into a multi-tenant development that contains one or more “anchor” uses to attract customers. Automobile sales, repair, and service facilities, professional offices, single-destination, and other highway-oriented uses are not permitted.	As specified by Table LU2
COMMERCIAL OFFICE DISTRICTS		
GENERAL COMMERCIAL OFFICE—CO-G	The CO-G designation is intended to provide for administrative, professional, and medical offices with limited accessory retail and service uses. Hotels, motels, and convalescent hospitals are not permitted.	Floor area to land area ratio or cumulative development indicated on Land Use Plan.
MEDICAL COMMERCIAL OFFICE—CO-M	The CO-M designation is intended to provide primarily for medical-related offices, other professional offices, retail, short-term convalescent and long-term care facilities, research labs, and similar uses.	Floor area to land area ratio of 0.75, except as specified on the Land Use Plan.
REGIONAL COMMERCIAL OFFICE—CO-R	The CO-R designation is intended to provide for administrative and professional offices that serve local and regional markets, with limited accessory retail, financial, service, and entertainment uses.	As specified by Table LU2
INDUSTRIAL DISTRICTS		
GENERAL INDUSTRIAL—IG	The IG designation is intended to provide for a wide range of moderate to low intensity industrial uses, such as light manufacturing and research and development, and limited ancillary commercial and office uses.	Floor area to land area ratio of 0.75, except as specified on the Land Use Plan.
AIRPORT SUPPORTING DISTRICTS		
AIRPORT OFFICE AND SUPPORTING USES—AO	The AO designation is intended to provide for the development of properties adjoining the John Wayne Airport for uses that support or benefit from airport operations. These may include professional offices, aviation retail, automobile rental, sales, and service, hotels, and ancillary retail, restaurant, and service uses.	Floor area to land area ratio of 0.5, except for warehousing which may be developed at a floor area to land ratio of 0.75.
MIXED-USE DISTRICTS		
MIXED USE VERTICAL—MU-V	The MU-V designation is intended to provide for the development of properties for mixed-use structures that vertically integrate housing with retail uses including retail, office, restaurant, and similar nonresidential uses. For mixed-use structures, commercial uses characterized by noise, vibration, odors, or other activities that would adversely impact on-site residential units are prohibited. Sites may also be developed exclusively for retail or office uses in accordance with the CN, CC, CG, or CO-G designations.	Mixed-Use buildings: floor area to land ratio of 1.5; where a minimum floor area to land ratio of 0.35 and maximum of 0.5 shall be used for nonresidential purposes and a maximum of 1.0 for residential. Nonresidential buildings: floor area to land area ratio of 0.75.

Table LU1 Land Use Plan Categories

<i>Land Use Category</i>	<i>Uses</i>	<i>Density/ Intensity</i>
MIXED-USE HORIZONTAL— MU-H	The MU-H designation is intended to provide for the development of areas for a horizontally distributed mix of uses, which may include general or neighborhood commercial, commercial offices, multi-family residential, visitor-serving and marine-related uses, and/or buildings that vertically integrate residential with commercial uses.	
Mixed-Use Horizontal 1— MU-H1	<p>The MU-H1 designation provides for a horizontal intermixing of uses.</p> <p>For properties located on the inland side of Coast Highway in the Mariners’ Mile Corridor, (a) the Coast Highway frontages shall be developed for marine-related and highway-oriented general commercial uses in accordance with CM and CG designations; and (b) portions of properties to the rear of the commercial frontage may be developed for free-standing neighborhood-serving retail, multi-family residential units, or mixed-use buildings that integrate residential with retail uses on the ground floor in accordance with the CN, RM , CV, or MU-V designations respectively.</p> <p>Properties located in the Dover Drive/Westcliff Drive area may also be developed for professional offices or mixed-use buildings that integrate residential with retail or office uses on the ground floor in accordance with the CO and MU-V designations respectively.</p>	<p>Commercial or Office only: floor area to land ratio of 0.5.</p> <p>Multi-Family Residential only: 20.1–26.7 units per acre.</p> <p>Mixed-Use Buildings: floor area to land ratio of 1.5; where a minimum floor area to land ratio of 0.25 and maximum of 0.5 shall be used for nonresidential purposes and a maximum of 1.0 for residential.</p>
Mixed-Use Horizontal 2— MU-H2	The MU-H2 designation applies to properties located in the Airport Area . It provides for a horizontal intermixing of uses that may include regional commercial office, multi-family residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses.	<p>Residential: maximum of 2,200 units as replacement of existing office, retail, and/or industrial uses at a maximum density of 50 units per adjusted gross acre, of which a maximum of 550 units may be developed as infill.</p> <p>Nonresidential Uses: as defined by Table LU2</p>
Mixed-Use Horizontal 3— MU-H3	The MU-H3 designation applies to properties located in Newport Center . It provides for the horizontal intermixing of regional commercial office, hotel, multi-family residential and ancillary commercial uses. Within the Tennis Club, residential uses may be developed as single-family units.	<p>Residential: maximum of 450 units</p> <p>Hotel: 65 rooms in addition to those specified in Table LU2</p> <p>Other: Nonresidential: As specified by Table LU2</p>

Table LU1 Land Use Plan Categories

Land Use Category	Uses	Density/ Intensity
Mixed-Use Horizontal 4— MU-H4	The MU-H4 designation applies to properties where it is the intent to establish the character of a distinct and cohesively developed district or neighborhood containing multi-family residential with clusters of mixed-use and/or commercial buildings in such locations as the interior parcels of Cannery Village and 15th Street on Balboa Peninsula . Permitted uses include (a) Multi-Family Residential, (b) General or Neighborhood Commercial, and/or (c) Mixed-Use structures, where the ground floor shall be restricted to nonresidential uses along the street frontage such as retail sales and restaurants and the rear and upper floors used for residential including seniors units and overnight accommodations (comparable to MU-V). Mixed-use or commercial buildings shall be required on parcels at street intersections and are permissible, but not required, on other parcels.	<p>Mixed-Use Buildings: floor area to land area ratio of 1.5, where a minimum floor area to land area ratio of 0.25 and maximum 0.5 shall be used for retail uses and maximum of 1.0 for residential.</p> <p>Commercial only: floor area to land area ratio of 0.5.</p> <p>Multi-Family Residential only: 20.1–26.7 units per net acre.</p>
MIXED-USE WATER RELATED—MU-W	The MU-W designation is intended to provide for commercial development on or near the bay in a manner that will encourage the continuation of coastal-dependent and coastal-related uses in accordance with the Recreational and Marine Commercial (CM) designation, as well as allow for the integrated development of residential.	
Mixed-Use Water 1— MU-W1	The MU-W1 designation is applied to waterfront locations along the Mariners’ Mile Corridor in which marine-related, visitor-serving, commercial and residential uses are intermixed with buildings that provide residential uses above the ground floor. Permitted uses include those permitted by the CM, CV, Multi-Family Residential (MFR), and Vertical Mixed-Use (MU-V) designations. A minimum of 50% of the permitted square footage shall be used for the CM or CV land uses. No more than 50% of the waterfront area between the Arches Bridge and the Boy Scout Sea Base may be developed with mixed-use structures. A master or specific plan shall be required to ensure that the uses are fully integrated and impacts from their differing functions and activities are fully mitigated.	<p>Mixed-Use Buildings: floor area to land ratio of 1.25; where a minimum floor area to land ratio of 0.35 and maximum of 0.5 shall be used for nonresidential purposes and the number of residential units shall not exceed the cumulative total for Multi-Family Residential specified below.</p> <p>Commercial only: floor area to land area ratio of 0.5.</p> <p>Multi-Family Residential only: 12 units per acre, with the number of units calculated based on a maximum of 50% of the property.</p>

Table LU1 Land Use Plan Categories

<i>Land Use Category</i>	<i>Uses</i>	<i>Density/ Intensity</i>
Mixed-Use Water 2— MU-W2	The MU-W2 designation is applied to waterfront locations in which marine-related uses may be intermixed with buildings that provide residential on the upper floors. Permitted uses include those permitted by the CM, CV, and MU-V designations. Free-standing residential shall not be permitted.	<p>Mixed-Use Buildings: floor area to land ratio of 1.25; where a minimum floor area to land ratio of 0.35 and maximum of 0.5 shall be used for nonresidential purposes and maximum of 0.75 for residential.</p> <p>In Lido Marina Village, the maximum floor area to land ratio shall be 1.5; where a minimum floor area to land ratio of 0.35 and maximum of 0.7 shall be used for nonresidential purposes and a maximum of 0.8 for residential.</p> <p>Nonresidential buildings: floor area to land area ratio of 0.5.</p>
PUBLIC, SEMI-PUBLIC, AND INSTITUTIONAL		
PUBLIC FACILITIES—PF	The PF designation is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities.	Not applicable.
PRIVATE INSTITUTIONS—PI	The PI designation is intended to provide for privately owned facilities that serve the public, including places for religious assembly, private schools, health care, cultural institutions, museums, yacht clubs, congregate homes, and comparable facilities.	Floor to land area ratio or cumulative development indicated on Land Use Plan.
OPEN SPACE—OS	The OS designation is intended to provide areas for a range of public and private uses to protect, maintain, and enhance the community's natural resources.	Open spaces may include incidental buildings, such as maintenance equipment and supply storage, which are not traditionally included in determining intensity limits.
OPEN SPACE/ RESIDENTIAL VILLAGE—OS(RV)	The OS(RV) designation is intended for the preservation of Banning Ranch as open space, restoration of wetlands and other habitats, development of a community park, and consolidation of oil extraction and processing facilities. Should the property not be acquired, the designation permits the development of a planned residential community that integrates a mix of single-family detached, single-family attached, two family, and/or multi-family residential, with supporting schools, parks, community services, local-serving convenience commercial uses and services, and open spaces. A master or specific plan is required to depict the uses, street and infrastructure improvements, open spaces, development standards, design guidelines, and financial plan.	<p>Priority: Open spaces, habitat restoration, and parks.</p> <p>Alternative: Maximum of 1,375 residential units, 75,000 sf of retail commercial, and 75 hotel rooms.</p>

Table LU1 Land Use Plan Categories

<i>Land Use Category</i>	<i>Uses</i>	<i>Density/ Intensity</i>
PARKS AND RECREATION—PR	The PR designation applies to land used or proposed for active public or private recreational use. Permitted uses include parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities.	Not applicable for public uses. Private uses in this category may include incidental buildings, such as maintenance equipment sheds, supply storage, and restrooms, not included in determining intensity limits. For golf courses, these uses may also include support facilities for grounds maintenance employees. Other types of buildings and developments are limited as specified in Table LU2.
TIDELANDS AND SUBMERGED LANDS—TS	The TS designation is intended to address the use, management, and protection of tidelands and submerged lands of Newport Bay and the Pacific Ocean immediately adjacent to the City of Newport Beach. The designation is generally not applied to historic tidelands and submerged lands that are presently filled or reclaimed.	Not applicable.

Calculation of floor area shall not include parking structures.

Land Use Element

Table LU2 Anomaly Locations					
Anomaly Number	Statistical Area	Land Use Designation	Development Limit (sf)	Development Limit (Other)	Additional Information
1	L4	MU-H2	460,095	471 Hotel Rooms (not included in total square footage)	
2	L4	MU-H2	1,052,880		
2.1	L4	MU-H2	18,810		11,544 sf restricted to general office use only (included in total square footage)
3	L4	CO-G	734,641		
4	L4	MU-H2	250,176		
5	L4	MU-H2	32,500		
6	L4	MU-H2	46,044		Congregate care use allowed with development limit of 148,000 sq. ft., if project is trip-neutral
7	L4	MU-H2	81,372		
8	L4	MU-H2	442,775		
9	L4	CG	120,000	164 Hotel Rooms (included in total square footage)	
10	L4	MU-H2	31,362	349 Hotel Rooms (not included in total square footage)	
11	L4	CG	11,950		
12	L4	MU-H2	457,880 463,409		
13	L4	CO-G	288,264		
14	L4	CO-G/MU-H2	860,884		
15	L4	MU-H2	228,214		
16	L4	CO-G	344,231		
17	L4	MU-H2	33,292	304-256 Hotel Rooms (not included in total square footage)	
18	L4	CG	225,280		
19	L4	CG	228,530 226,910		
21	J6	CO-G	687,000		Office: 660,000 sf; Retail: 27,000 sf
		CV		300 Hotel Rooms	
22	J6	CO-G	70,000		Restaurant: 8000 sf, or Office: 70,000 sf
23	K2	PR	15,000		
24	L3	IG	89,624		
25	L3	PI	84,585		
26	L3	IG	33,940		
27	L3	IG	86,000		
28	L3	IG	110,600		
29	L3	CG	47,500		
30	M6	CG	54,000 50,462		
31	L2	PR	75,000		
32	L2	PI	34,000		
33	M3	PI	163,680		Administrative Office and Support Facilities: 30,000 sf Community Mausoleum and Garden Crypts: 121,680 sf Family Mausoleums: 12,000 sf
34	L1	CO-R	484,348		
35	L1	CO-R	199,095 58,746		

Table LU2 Anomaly Locations

Anomaly Number	Statistical Area	Land Use Designation	Development Limit (sf)	Development Limit (Other)	Additional Information
35.1	L1	MU-H3	32,500		
36	L1	CO-R	227,797		
37	L1	CO-R	131,201	2,050 Theater Seats (not included in total square footage)	
38	L1	CO-M	443,627		
39	L1	MU-H3	408,084,697,059		
40	L1	MU-H3	1,426,634,159,109	425,295 Hotel Rooms (included in total Square Footage)	
41	L1	CO-R	327,671		
42	L1	CO-R	286,166		
43	L1	CV		611,532 Hotel Rooms	
44	L1	CR	1,619,525,163,025	1,700,680 Theater Seats (not included in total square footage)	
45	L1	CO-G	162,364		
46	L1	MU-H3/PR	3,725	24,7 Tennis Courts and 27 Hotel Rooms (not including total square footage)	Residential permitted in accordance with MU-H3.
47	L1	CG	105,000		
48	L1	MU-H3	337,264,95,550	524 Dwelling Units	
49	L1	PI	45,208		
50	L1	CG	25,000		
51	K1	PR	20,000		
52	K1	CV		479 Hotel Rooms	
53	K1	PR	567,500		See Settlement Agreement
54	J1	CM	2,000		
55	H3	PI	119,440		
56	A3	PI	1,343,238	990,349 sf Upper Campus 577,889 sf Lower Campus	In no event shall the total combined gross floor area of both campuses exceed the development limit of 1,343,238 sq. ft.
57	Intentionally Blank				
58	J5	PR	20,000		
59	H4	MU-W1	247,402	144 Dwelling Units (included in total square footage)	
60	N	CV	2,660,000 1,659,000	2,150,1,149 Hotel Rooms (included in total square footage)	
61	N	CV	125,000		
62	L2	CG	2,300		
63	G1	CN	66,000,65,634		
64	M3	CN	74,000,72,143		
65	M5	CN	80,000		
66	J2	CN	138,500,122,986		
67	D2	PI	20,000		
68	L3	PI	71,150		
69	K2	CN	75,000		
70	D2	RM-D			Parking Structure for Bay Island (No Residential Units)
71	L1	CO-G	11,630		

Table LU2 Anomaly Locations					
Anomaly Number	Statistical Area	Land Use Designation	Development Limit (sf)	Development Limit (Other)	Additional Information
72	L1	CO-G	8,000		
73	A3	CO-M	350,000		
74	L1	PR	56,000		
75	L1	PF			City Hall, and the administrative offices of the City of Newport Beach, and related parking, pursuant to Section 425 of the City Charter.
76	H1	CO-G		0.5 FAR	1.0 FAR permitted, provided all four legal lots are consolidated into one parcel to provide unified site design
77	H4	CV	240,000	157 Hotel Rooms (included in total square footage)	
78	B5	CM	139,840		
79	H4	CG		0.3/0.5	Development limit of 19,905 sq.ft. permitted, provided all six legal lots are consolidated into one parcel to provide unified site design
80					Reserved
81					Reserved
82	N	CN	103,912		
83	L4	MU-H2	0.5 FAR		Residential units must be located outside the 65 CNEL AELUP noise contour
84	L1	CO-R, CO-M, CR, MU-H3	550,000	500 Dwelling Units (not included in total square footage)	Regional Office: 500,000 sf Regional Commercial: 50,000 sf Allowed in Statistical Area L1 in addition to other development limits

LU 4.25.2 Prohibition of New Residential Subdivisions

Prohibit new residential subdivisions that would result in additional dwelling units exceeding those permitted by the General Plan unless authorized by an amendment of the General Plan (GPA). Lots that have been legally merged through the *Subdivision Map Act* and City Subdivision Code approvals are exempt from the GPA requirements and may be redeveloped or re-subdivided to the original underlying legal lots. This policy is applicable to all Single Unit, Two Unit, ~~and~~ Multiple Unit Residential and Mixed-Use land use categories. (Imp 6.1)

LU 4.35.3 Transfer of Development Rights Allocations

Permit the transfer of development ~~rights~~ allocations from a property to one or more other properties when:

- a. The donor and receiver sites are within the same Statistical Area.
- b. The reduced density/intensity on the donor site provides benefits to the City such as, but not limited to, the (1) provision of ~~extraordinary~~ open space exceeding standard requirements, public visual corridor(s), parking or other amenities; (2) preservation of a historic building or property or natural landscapes; (3) improvement of the area’s scale and development character; (4)

consolidation of lots to achieve a better architectural design than could be achieved without lot consolidation; and/or (5) reduction of local vehicle trips and traffic congestion;

- c. The increment of growth transferred to the receiver site complements and is in scale with surrounding development, complies with community character and design policies contained in this Plan, and does not materially degrade local traffic conditions and environmental quality.
- d. Transfer of Development ~~Rights~~ Allocations in Newport Center is governed by Policy ~~6.14.3~~ 7.13.3 and the Airport Area by Policy 7.14.6 (*Imp 2.1, 5.1, 10.2, 29.2*)

Figure LU1 General Plan Overview Map

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Figure LU2 Index Map

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Figure LU3 Statistical Area Map

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Figure LU4 Statistical Area D3, D4, E1-E3
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Figure LU5 Statistical Area C1, C2, D1, D2

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Figure LU6 Statistical Area B3, B4, B5

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Figure LU7 Statistical Area B1, B2

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Figure LU8 Statistical Area A1 - A3

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Figure LU9 Statistical Area H1 – H4

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Figure LU10 Statistical Area G1, J1 – J5, K1, K2

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Figure LU11 Statistical Area J6, L4

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Figure LU12 Statistical Area K3, L3, M6

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Figure LU13 Statistical Area F1, L1, L2, M1 – M5

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Figure LU14 Statistical Area F2 – F8

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Figure LU15 Statistical Area N

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Community Character (“Maintaining the Character of Our Neighborhoods and Districts”)

Goals and policies provide for the maintenance and enhancement of Newport Beach’s residential neighborhoods, commercial districts, employment centers, corridors, and open spaces, assuring that new development complements and reinforces these characteristics. In addition to those listed below, community design policies are defined in the section beginning with Policy LU 6.0-7.1 to reflect the specific community character objectives for a number of the City’s districts and corridors.

Residential Neighborhoods

Goal

LU 5.16.1

Residential neighborhoods that are well-planned and designed contribute to the livability and quality of life of residents, respect the natural environmental setting, and sustain the qualities of place that differentiate Newport Beach as a special place in the Southern California region.

Policies

ALL NEIGHBORHOODS

LU 5.1.16.1.1 Compatible but Diverse Development

Establish property development regulations for residential projects to create compatible and high-quality development that contributes to and sustains neighborhood character. *(Imp 2.1)*

~~LU 5.1.2 — Compatible Interfaces~~

~~Require that the height of development in nonresidential and higher density residential areas transition as it nears lower density residential areas to minimize conflicts at the interface between the different types of development. *(Imp 2.1)*~~
[Note: Moved to Policy LU 1.9]

LU 5.1.36.1.2 Neighborhood Identification

Encourage and support the identification of distinct residential neighborhoods.
(Imp 1.1, 1.3)

LU 5.1.46.1.3 Neighborhood Maintenance

Promote the maintenance of existing residential units through code enforcement and promotion of County and local rehabilitation programs and public education. This may include providing information, guidance, and assistance where feasible.
(Imp 23.3, 25.1, 26.1, 29.1)

SINGLE-FAMILY DETACHED AND TWO-UNIT NEIGHBORHOODS

LU 5.1.56.1.4 Character and Quality of Single-Family Residential Dwellings

Require that residential units be designed to sustain the high level of architectural design quality that characterizes Newport Beach’s neighborhoods in consideration of the following principles:

- Articulation and modulation of building masses and elevations to avoid the appearance of “box-like” buildings
- Compatibility with neighborhood development in density, scale, and street facing elevations
- Architectural treatment of all elevations visible from public places
- Entries and windows on street facing elevations to visually “open” the house to the neighborhood
- Orientation to desirable sunlight and views (*Imp 2.1*)



Illustrates articulation of single-family residential building volume, variation of rooflines, street orientation, well-defined entries, landscaping, parkways, and minimization of driveway paving.

LU 5.1.66.1.5 Character and Quality of Residential Properties

Require that residential front setbacks and other areas visible from the public street be attractively landscaped, trash containers enclosed, and driveway and parking paving minimized. (*Imp 2.1*)

LU 5.1.76.1.6 Renovation and Replacement of Existing Residential Units

Require that residential units that are renovated and rebuilt in existing single-family neighborhoods adhere to the principles for new developments, as specified by Policy 5.1.5–6.1.4 above, and avoid: ~~Consider the appropriateness of establishing single-family residential design guidelines and/or standards and review procedures for neighborhoods impacted by significant changes in building scale and character. (*Imp 2.1, 8.2*)~~

LU 5.1.86.1.7 Parking Adequacy

Require that new and renovated single-family residences incorporate adequate enclosed parking in consideration of its ~~number of bedrooms~~ floor area. (*Imp 2.1*)

Multi-Family Neighborhoods

LU 5.1-96.1.8 Character and Quality of Multi-Family Residential

Require that multi-family dwellings be designed to convey a high quality architectural character in accordance with the following principles (other than the Newport Center and Airport Area, which are guided by Goals 7.136.14 and 6.457.14, respectively, specific to those areas):

Building Elevations

- Treatment of the elevations of buildings facing public streets and pedestrian ways as the principal façades with respect to architectural treatment to achieve the highest level of urban design and neighborhood quality
- Architectural treatment of building elevations and modulation of mass to convey the character of separate living units or clusters of living units, avoiding the appearance of a singular building volume
- Provide street- and path-facing elevations with high-quality doors, windows, moldings, metalwork, and finishes



Illustrates multi-family residential infill townhomes, rowhouses, and apartments. Modulation of building volume and heights, articulated elevations, and orientation of residential units to the street.

Ground Floor Treatment

Where multi-family residential is developed on large parcels—such as the Airport Area and West Newport Mesa:

- Set ground-floor residential uses back from the sidewalk or from the right-of-way, whichever yields the greater setback to provide privacy and a sense of security and to leave room for stoops, porches and landscaping

- Raise ground-floor residential uses above the sidewalk for privacy and security but not so much that pedestrians face blank walls or look into utility or parking spaces
- Encourage stoops and porches for ground-floor residential units facing public streets and pedestrian ways
- Where multi-family residential is developed on small parcels, such as the Balboa Peninsula, the unit may be located directly along the sidewalk frontage and entries should be setback or elevated to ensure adequate security (as shown below).



Illustrates multi-family residential with lobbies and entry gates located on each street and pedestrian-way frontage.

Roof Design

- Modulate roof profiles to reduce the apparent scale of large structures and to provide visual interest and variety.

Parking

- Design covered and enclosed parking areas to be integral with the architecture of the residential units’ architecture.

Open Space and Amenity

- Incorporate usable and functional private open space for each unit.
- Incorporate common open space that creates a pleasant living environment with opportunities for recreation. (Imp 2.1, 29.3)

Commercial Districts

Goal

LU 5.26.2

Commercial centers and districts that are well-designed and planned, exhibit a high level of architectural and landscape quality, and are vital places for shopping and socialization.

Policies

LU 5.2.16.2.1 Architecture and Site Design

Require that new development within existing commercial districts centers and corridors complement existing uses and exhibit a high level of architectural and site design in consideration of the accordance with the following principles:

- Seamless connections and transitions with existing buildings, except where developed as a free-standing building
- Modulation of building masses, elevations, and rooflines to promote visual interest
- Architectural treatment of all building elevations, including ancillary facilities such as storage, truck loading and unloading, and trash enclosures
- Treatment of the ground floor of buildings to promote pedestrian activity by avoiding long, continuous blank walls, incorporating extensive glazing for transparency, and modulating and articulating elevations to promote visual interest
- Clear identification of storefront entries
- Incorporation of signage that is integrated with the buildings' architectural character
- Architectural treatment of parking structures consistent with commercial buildings, including the incorporation of retail in the ground floors where the parking structure faces a public street or pedestrian way
- Extensive on-site landscaping, including mature vegetation to provide a tree canopy to provide shade for customers
- Incorporation of plazas and expanded sidewalks to accommodate pedestrian, outdoor dining, and other activities
- Clearly delineated pedestrian connections between business areas, parking, and to adjoining neighborhoods and districts (paving treatment, landscaping, wayfinding signage, and so on)
- Integration of building design and site planning elements that comparatively reduce the consumption of water, energy, and other nonrenewable resources (*Imp 2.1*)



Illustrates pedestrian-activated commercial “village” character with buildings fronting onto wide sidewalks and plazas, outdoor dining, modulation and articulation of building elevations, integrated signage, orientation of storefronts to the pedestrian, and streetscape amenities.

LU 5.2.26.2.2 Buffering Residential Areas

Require that commercial uses adjoining residential neighborhoods be designed to be compatible and minimize impacts through such techniques as:

- Incorporation of landscaping, decorative walls, enclosed trash containers, downward focused lighting fixtures, and/or comparable buffering elements;
- Attractive architectural treatment of elevations facing the residential neighborhood;
- Location of automobile and truck access to prevent impacts on neighborhood traffic and privacy. *(Imp 2.1)*

LU 5.2.36.2.3 Alley Design

Improve and enhance the aesthetic quality of alleys without impacting service and resident access. *(Imp 6.1, 8.1)*

Mixed-Use Districts and Neighborhoods

Goal

LU 5.36.3

Districts where residents and businesses are intermixed that are designed and planned to ensure compatibility among the uses, that they are highly livable for residents, and are of high quality design reflecting the traditions of Newport Beach.

Policies

LU 5.3-16.3.1 Mixed-Use Buildings

Require that mixed-use buildings be designed to convey a high level of architectural and landscape quality and ensure compatibility among their uses in ~~consideration of~~ accordance with the following principles:

- Design and incorporation of building materials and features to avoid conflicts among uses, such as noise, vibration, lighting, odors, and similar impacts
- Visual and physical integration of residential and nonresidential uses
- Architectural treatment of building elevations and modulation of their massing
- Separate and well-defined entries for residential units and nonresidential businesses
- Design of parking areas and facilities for architectural consistency and integration among uses
- Incorporation of extensive landscape appropriate to its location; urbanized streetscapes, for example, would require less landscape along the street frontage but integrate landscape into interior courtyards and common open spaces (*Imp 2.1*)



Illustrates mixed-use buildings that integrate ground floor retail and upper floor residential. Modulated building volumes and articulated elevations, separate entries for retail and residential, and orientation of the building to pedestrian-oriented streets.

LU 5.3-26.3.2 Mixed-Use Building Location and Size of Nonresidential Uses

Require that 100 percent of the ground floor street frontage of mixed-use buildings be occupied by retail and other compatible nonresidential uses, unless

specified otherwise by policies ~~LU 6.1.1 through LU 6.20.6~~ for a specific district or corridor. (*Imp 2.1*)

LU ~~5.3.36~~ 3.3 Parcels Integrating Residential and Nonresidential Uses

Require that properties developed with a mix of residential and nonresidential uses be designed to achieve high levels of architectural quality in accordance with policies ~~LU 5.1.9~~ 6.1.8 and ~~LU 5.2.1–6.2.1~~ and planned to ensure compatibility among the uses and provide adequate circulation and parking. Residential uses should be seamlessly integrated with nonresidential uses through architecture, pedestrian walkways, and landscape. They should not be completely isolated by walls or other design elements. (*Imp 2.1*)

LU ~~5.3.46~~ 3.4 Districts Integrating Residential and Nonresidential Uses

Require that sufficient ~~acreage~~ area be developed for an individual use located in a district containing a mix of residential and nonresidential uses to prevent fragmentation and ensure each use’s viability, quality, and compatibility with adjoining uses. (*Imp 2.1, 6.1*)

All Commercial and Mixed-Use Districts

LU ~~5.3.56~~ 3.5 Pedestrian-Oriented Architecture and Streetscapes

Require that buildings located in pedestrian-oriented commercial and mixed-use districts (other than the Newport Center and Airport Area, which are guided by Goals ~~6.14~~ 7.13 and ~~6.45~~ 7.14, respectively, specific to those areas) be designed to define the public realm, activate sidewalks and pedestrian paths, and provide “eyes on the street” in accordance with the following principles:

- Location of buildings along the street frontage sidewalk, to visually form a continuous or semi-continuous wall with buildings on adjacent parcels
- Inclusion of retail uses characterized by a high level of customer activity on the ground floor; to insure successful retail-type operations, provide for transparency, elevation of the first floor at or transitioning to the sidewalk, floor-to-floor height, depth, deliveries, and trash storage and collection
- Articulation and modulation of street-facing elevations to promote interest and character
- Inclusion of outdoor seating or other amenities that extend interior uses to the sidewalk, where feasible; and
- Minimization of driveways that interrupt the continuity of street facing building elevations, prioritizing driveway ~~their~~ locations to side streets and alleys where feasible. (*Imp 2.1*)



Illustrates pedestrian-oriented characteristics of commercial and mixed-use projects, with transparent and articulated building elevations, wide sidewalks, and streetscape amenities.

LU 5.3-66.3.6 Parking Adequacy and Location

Require that adequate parking be provided and is conveniently located to serve tenants and customers. Set open parking lots back from public streets and pedestrian ways and screen with buildings, architectural walls, or dense landscaping. (*Imp 2.1*)

Office and Business Parks

Goal

LU 5.46.4

Office and business districts that exhibit a high quality image, are attractive, and provide quality working environments for employees.

Policies

LU 5.4-16.4.1 Site Planning

Require that new and, to the extent feasible, renovated office ~~and retail~~ development projects be planned to exhibit a high-quality and cohesive “campus environment,” characterized by the following:

- Location of buildings around common plazas, courtyards, walkways, and open spaces
- Incorporation of extensive on-site landscaping that emphasizes special features such as entryways
- Use of landscape and open spaces to break the visual continuity of surface parking lots

- Common signage program for tenant identification and wayfinding
- Common streetscapes and lighting to promote pedestrian activity
- Readily observable site access, entrance drives and building entries and minimized conflict between service vehicles, private automobiles, and pedestrians (*Imp 2.1*)



Illustrates massing of industrial and commercial buildings around pedestrian-oriented plazas and open spaces, inclusion of extensive landscape, common signage and streetscapes, and modulation of building volumes and articulation of elevations.

LU 5.4.26.4.2 Development Form and Architecture

Require that new development of business park, office, and supporting buildings be designed to convey a unified and high-quality character in ~~consideration of~~ accordance with the following principles:

- Modulation of building mass, heights, and elevations and articulation of building
- Avoidance of blank building walls that internalize uses with no outdoor orientation to public spaces
- Minimize the mass and bulk of building facades abutting streets
- Consistent architectural design vocabulary, articulation, materials, and color palette
- Clear identification of entries through design elements
- Integration of signage with the building's architectural style and character
- Architectural treatment of parking structures consistent with their primary commercial or office building (*Imp 2.1*)

Industrial Districts

Goal

LU 5.56.5

Districts that provide for the manufacturing of goods and research, and development that are attractive, compatible with adjoining nonindustrial uses, and well maintained.

Policies

LU 5.5-16.5.1 Site Planning and Building Design

Require that new and renovated industrial properties and structures be designed to exhibit a high quality of design and maintenance characterized by the following:

- Incorporation of extensive on-site landscaping
- Incorporation of landscape, decorative walls, and other elements that visually screen areas used for outdoor storage, processing, and other industrial operations from public places
- Architectural treatment of all visible building elevations
- Consistent and well-designed signage
- Control of on-site lighting, noise, odors, vibrations, toxic materials, truck access, and other elements that may impact adjoining nonindustrial land uses. *(Imp 2.1)*

LU 5.5-26.5.2 Property Maintenance

Encourage and, where subject to redevelopment, require owners of visually unattractive or poorly maintained industrial properties to upgrade existing structures, facades, and properties to improve their visual quality. *(Imp 26.1)*

Public and Institutional Uses and Districts¹

The City of Newport Beach contains a diversity of public and institutional uses including civic and government administrative facilities (City Hall), corporate yards, fire and police facilities, libraries, cultural institutions, art museum, marine science center, environmental interpretative center, senior and youth facilities, schools, and hospitals. Major public uses include the Civic Center, including City Hall, adjoining Lido Village, and Police Department in Newport Center, eight fire stations distributed throughout the community, Central Library in Newport Center and three branches, OASIS Senior Center in Corona del Mar, and community facilities available at various locations for residents for recreational and meeting use. Newport Beach is served by two public and one private high school, one public and one private middle school, and eight public and four private elementary schools. Hoag Hospital is a major medical center that serves the City and region and is supported by numerous medical offices and related facilities.

¹ NOTE: This section was incorrectly located in the General Plan (listed as Goal 6.1 and Policies 6.1.1 through 6.1.5) and has been moved. No text changes have been made, other than those indicated herein.

Goal

LU 6.16.6

A diversity of governmental service, institutional, educational, cultural, social, religious, and medical facilities that are available for and enhance the quality of life for residents and are located and designed to complement Newport Beach's neighborhoods.

Policies

LAND USES

LU 6.1.16.6.1 Adequate Community Supporting Uses

Accommodate schools, government administrative and operational facilities, fire stations and police facilities, religious facilities, schools, cultural facilities, museums, interpretative centers, and hospitals to serve the needs of Newport Beach's residents and businesses. (*Imp 1.1, 2.1*)

LU 6.1.26.6.2 Siting of New Development

Allow for the development of new public and institutional facilities within the City provided that the use and development facilities are compatible with adjoining land uses, environmentally suitable, and can be supported by transportation and utility infrastructure. (*Imp 1.1, 14.2, 22.1–23.2*)

DESIGN AND DEVELOPMENT

LU 6.1.36.6.3 Architecture and Planning that Complements Adjoining Uses

Ensure that the City's public buildings, sites, and infrastructure are designed to be compatible in scale, mass, character, and architecture with the district or neighborhood in which they are located, following the design and development policies for private uses specified by this Plan. Design impacts on adjoining uses shall be carefully considered in development, addressing such issues as lighting spillover, noise, hours of operation, parking, local traffic impacts, and privacy. (*Imp 22.1–23.2*)

LU 6.1.46.6.4 Compatibility of Non-City Public Uses

Encourage school and utility districts and other government agencies that may be exempt from City land use control and approval to plan their properties and design buildings at a high level of visual and architectural quality that maintains the character of the neighborhood or district in which they are located and in consideration of the design and development policies for private uses specified by this Plan. (*Imp 14.1, 14.15*)

STRATEGY

LU 6.1.56.6.5 Hoag Hospital Campus

Support Hoag Hospital and related medical uses in its their mission to provide ~~adequate~~ sufficient facilities to meet the needs of area residents. Work with the

Hospital and related medical uses to ensure that future development plans consider ~~its~~ their relationship to and ensure compatibility with adjoining residential neighborhoods and mitigate impacts on local and regional transportation systems. (*Imp 24.1*)

All Neighborhoods, Districts, and Corridors

All Neighborhoods, Districts, and Corridors

Goal

LU 5.6.7

Neighborhoods, districts, and corridors containing a diversity of uses and buildings that are mutually compatible and enhance the quality of the City’s environment.

Policies

LU 5.6.16.7.1 Compatible Development

Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors. (*Imp 2.1*)

LU 5.6.26.7.2 Form and Environment

Require that new and renovated buildings and structures be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns. (*Imp 2.1*)

LU 5.6.36.7.3 Ambient Lighting

Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location. (*Imp 2.1*)

LU 5.6.46.7.4 Conformance with the Natural Environmental Setting

Require that sites be planned and buildings designed in consideration of the property’s topography, landforms, drainage patterns, natural vegetation, and relationship to the Bay and coastline, maintaining the environmental character that distinguishes Newport Beach. (*Imp 2.1, 8.1*)

LU 5.6.56.7.5 Heliport/Helistop Compatibility

Require that all applicants for the construction or operation of a heliport or helistop comply with state permit procedures, file a Form 7480 (Notice of Landing Area Proposal) with the Federal Aviation Administration (FAA), and comply with all conditions of approval imposed by the FAA, Caltrans/Division

of Aeronautics and Airport Land Use Commission (ALUC) for Orange County.
(Imp 14.9)

Neighborhoods, Districts, and Corridors (“Places That Distinguish Newport Beach”)

Goals and policies provide for the maintenance of existing neighborhoods, districts, corridors, and public and civic uses, managing growth and change to ensure that their character, livability, and economic value are sustained.

Public and Institutional Uses and Districts²

The City of Newport Beach contains a diversity of public and institutional uses including civic and government administrative facilities (City Hall), corporate yards, fire and police facilities, libraries, cultural institutions, art museum, marine science center, environmental interpretative center, senior and youth facilities, schools, and hospitals. Major public uses include the City Hall adjoining Lido Village, and Police Department in Newport Center, eight fire stations distributed throughout the community, Central Library in Newport Center and three branches, OASIS Senior Center in Corona del Mar, and community facilities available at various locations for residents for recreational and meeting use. Newport Beach is served by two public and one private high school, one public and one private middle school, and eight public and four private elementary schools. Hoag Hospital is a major medical center that serves the City and region and is supported by numerous medical offices and related facilities.

Goal

LU 6.6

A diversity of governmental service, institutional, educational, cultural, social, religious, and medical facilities that are available for and enhance the quality of life for residents and are located and designed to complement Newport Beach’s neighborhoods.

Policies

LAND USES

LU 6.1.1 — Adequate Community Supporting Uses

Accommodate schools, government administrative and operational facilities, fire stations and police facilities, religious facilities, schools, cultural facilities, museums, interpretative centers, and hospitals to serve the needs of Newport Beach’s residents and businesses. (Imp 1.1, 2.1)

LU 6.1.2 — Siting of New Development

Allow for the development of new public and institutional facilities within the City provided that the use and development facilities are compatible with adjoining land uses, environmentally suitable, and can be supported by transportation and utility infrastructure. (Imp 1.1, 14.2, 22.1–23.2)

² NOTE: This section was incorrectly located in the General Plan (listed as Goal 6.1 and Policies 6.1.1 through 6.1.5) and has been moved (renumbered as Goal 6.6 and Policies 6.6.1 through 6.6.5). No text changes have been made, other than those indicated herein.

DESIGN AND DEVELOPMENT

LU 6.1.3 — Architecture and Planning that Complements Adjoining Uses

~~Ensure that the City's public buildings, sites, and infrastructure are designed to be compatible in scale, mass, character, and architecture with the district or neighborhood in which they are located, following the design and development policies for private uses specified by this Plan. Design impacts on adjoining uses shall be carefully considered in development, addressing such issues as lighting spillover, noise, hours of operation, parking, local traffic impacts, and privacy. (Imp 22.1–23.2)~~

LU 6.1.4 — Compatibility of Non-City Public Uses

~~Encourage school and utility districts and other government agencies that may be exempt from City land use control and approval to plan their properties and design buildings at a high level of visual and architectural quality that maintains the character of the neighborhood or district in which they are located and in consideration of the design and development policies for private uses specified by this Plan. (Imp 14.1, 14.15)~~

STRATEGY

LU 6.1.5 — Hoag Hospital

~~Support Hoag Hospital in its mission to provide adequate facilities to meet the needs of area residents. Work with the Hospital to ensure that future development plans consider its relationship to and ensure compatibility with adjoining residential neighborhoods and mitigate impacts on local and regional transportation systems. (Imp 24.1)~~

Residential Neighborhoods

Newport Beach is a community of distinct residential communities formed by the natural landscape and the built environment. Many of the City's older communities are located near the coast, and are characterized by small lots and the close grouping of structures. Newer residential communities, located east of the bay, have been built according to specific regulations to encourage their individual characters.

Residential neighborhoods first began to develop on the Peninsula, West Newport, Balboa Island, and Lido Isle. These early neighborhoods following a traditional subdivision pattern of homes on streets designed in a linear grid and are generally pedestrian-oriented and include alleyways. Some of these older residential areas are within close proximity of commercial and visitors serving uses and are impacted by limited parking, noise, and traffic generated by commercial and visitor activities.

When development spread further inland and proceeded north and east, the residential pattern changed, becoming less traditional, and more suburban in character with curvilinear streets and ranch style homes on larger lots. Examples of this type of development are the Westcliff community and Cliff Haven. As residential expanded across the bay and to the east, new styles such as attached town homes and gated communities were constructed. The Bluffs and Big Canyon communities illustrate this type of development.

More recent residential development patterns have resulted in numerous distinct neighborhoods with a single builder constructing most or all of the homes. Many of these communities were designed as master planned communities allowing for unique and specialized development standards, as opposed to the application of traditional, standardized zoning regulations. Examples include Bonita Canyon, Newport Ridge, and Newport Coast.

There are approximately 425–150 homeowners associations in Newport Beach. These associations govern the maintenance of common areas and the administration of Covenants, Conditions, and Restrictions (CC&Rs). Many of these associations are active in the City’s decision-making process and may have unique development standards that are not enforced by the City.



Newport Beach includes a variety of residential neighborhoods

As the community has approached build-out, little vacant land remains. New development has focused on nontraditional sites such as infill and mixed-use development on smaller vacant and underutilized sites in or near commercial areas.

Other residential development issues in the community include the replacement of original single-family homes, duplexes, and triplexes with larger homes. Many of these homes are built to the full limit of the City’s development regulations in neighborhoods where many houses are much smaller in scale.

The policy framework for neighborhoods is geared toward strengthening and expanding the framework of healthy, cohesive, and identifiable neighborhoods throughout the City.

Goal

LU 6.27.1

Residential neighborhoods that contain a diversity of housing types and supporting uses to meet the needs of Newport Beach's residents and are designed to sustain livability and a high quality of life.

Policies

LU 6.2.17.1.1 Residential Supply

Accommodate a diversity of residential units that meets the needs of Newport Beach's population and fair share of regional needs in accordance with the Land Use Plan's designations, applicable density standards, design and development policies, and the adopted Housing Element. (*Imp 1.1, 2.1, 25.1*)

LU 6.2.27.1.2 Allowing Rebuilding

Legal nonconforming residential structures shall be brought into conformity in an equitable, reasonable, and timely manner as rebuilding occurs. ~~Limited renovations~~ Renovations that improve the physical quality and character of the buildings but are limited in scope may be allowed. Rebuilding after catastrophic damage or destruction due to a natural event, an act of public enemy, or accident may be allowed in limited circumstances that do not conflict with the goals of the Land Use Element. (*Imp 2.1, 7.1*)

LU 6.2.37.1.3 Residential Affordability

Encourage the development of the types of residential units that are ~~affordable for those employed in the City~~ consistent with the Housing Element. (*Imp 25.1*)

LU 6.2.47.1.4 Accessory Units

Permit conditionally the construction of one granny unit (accessory age-restricted units for one or two adult persons who are ~~sixty-fifty-five~~ years of age or older) per single-family residence within single-family districts, provided that such units meet set back, height, occupancy, and other applicable regulations set forth in the Municipal Code. (*Imp 2.1*)

LU 6.2.57.1.5 Neighborhood Supporting Uses

Allow for the integration of uses within residential neighborhoods that support and are complementary to their primary function as a living environment such as schools, parks, community meeting facilities, religious facilities, and comparable uses. These uses shall be designed to ensure compatibility with adjoining residential addressing such issues as noise, lighting, and parking. (*Imp 2.1*)

LU 6.2.67.1.6 Home Occupations

Allow for small scale home occupations in Newport Beach's residential neighborhoods provided that they do not adversely impact traffic, parking, noise, lighting, and other neighborhood qualities. (*Imp 2.1*)

LU ~~6.2.77~~.1.7 Care Facilities

Regulate Day Care and Residential Care facilities to the maximum extent allowed by federal and state law to minimize impacts on residential neighborhoods, ~~and actively pursue federal and state legislation that would give cities the ability to prohibit an over-concentration of recovery homes or sober living homes in residential areas.~~ (Imp 2.1)

LU ~~6.2.87~~.1.8 Manufactured Housing

Permit by right manufactured housing on individual lots in residential zones as per state law. Ensure compatibility with surrounding conventional dwelling uses by ~~adhering to development standards within the Municipal Code~~ continuing to provide design standards for manufactured homes. (Imp 2.1)

LU ~~6.2.97~~.1.9 Private Open Spaces and Recreational Facilities

Require the open space and recreational facilities that are integrated into and owned by private residential development are permanently preserved as part of the development approval process and are prohibited from converting to residential or other types of land uses. (Imp 6.1, 13.1, 29.3)

LU ~~6.2.107~~.1.10 Gated Communities

Discourage the creation of new private entry gates in existing residential neighborhoods that currently do not have a gate located at the entrance of the community. (Imp 9.1, 29.1)

Districts

Districts are uniquely identifiable by their common functional role, mix of uses, density/intensity, physical form and character, and/or environmental setting. Generally, they encompass large areas that often extend equally in length and breadth. They represent common gathering places for commerce, employment, entertainment, culture, and for living.

While Newport Beach contains many districts, the General Plan policies in the following sections focus on those that are likely to change over the next 20 years as existing viable districts are enhanced, underperforming properties are revitalized, and opportunities are provided to accommodate the City's fair share of regional housing needs, as shown on Figure LU16. Policies are directed to the management of these changes to ensure that they complement the characteristics that are valued by Newport Beach's residents.

Development in each district will adhere to policies for land use type and density/intensity (Policy LU ~~4.45~~.1, Table LU1) and community character (LU ~~5.06~~.1), except as amended in this section of the Plan.

The goals and policies for each district are preceded by a description of its uses and characteristics in 2005 and public input from the General Plan Update Visioning Process and Public Workshops that was considered in their formulation.

Banning Ranch

Located within the City's Sphere of Influence (SOI), the Banning Ranch area encompasses approximately 518 acres, of which 465 acres (includes 47 acres of water features) are under the jurisdiction of Orange County, and 53 acres within the jurisdiction of the City of Newport Beach. Banning Ranch is located in the western-most portion of the Newport Beach Planning Area, north of Coast Highway and the Newport Shores residential community, immediately east of the Santa Ana River, and west and south of residential and industrial uses. The eastern portion of the site is higher in elevation and contains the western edge of Newport Mesa that slopes gently from east to west. Bluffs form the western edge of the mesa, and are located in the central portion of the Banning Ranch area. The western portion of the site, which is lower in elevation, historically contained a tidal marsh associated with the Semeniuk Slough and Santa Ana River.



Aerial view of the Banning Ranch area

Currently, the Banning Ranch area is primarily undeveloped with some historic oil extraction infrastructure located in the central and southern portions of the site that includes wells, pipelines, buildings, improved and unimproved roads, and open storage pipes and machinery. Oil extraction activities date back at least 75 years.

Although the Banning Ranch site contains an assemblage of diverse habitats that have been historically disturbed, when this area is considered with the contiguous Semeniuk Slough and restored wetlands, it provides wildlife with a significantly large, diverse area for foraging, shelter, and movement. Biological studies performed for Banning Ranch indicate that, while disturbance associated with oil activities diminishes the quality of existing habitat to some extent, overall, the area should be regarded as relatively high-quality wildlife habitat due to its size, habitat diversity, and continuity with the adjacent Semeniuk Slough and federally-restored wetlands.

A preliminary field evaluation of Banning Ranch was conducted by a consultant as a general indicator of the presence of habitat and species that may be subject to regulatory review. Based on this analysis, the property is estimated to contain approximately 69 acres with a habitat value rank of “1,” which are primarily concentrated in the northwestern portion of the site. These areas are considered to have a high biological resource value, and are likely to require a resource permit from federal and/or state agencies prior to development. Other areas scattered throughout the site may also be of biological value but to a lesser extent. Areas with a rank of “2” (approximately 96 acres) may need a resource permit for development, where additional studies would be required to make this determination. More than likely, areas with a rank of “3” (approximately 118 acres) contain habitat and species that are not likely to require resource permitting for development. Resource permitting would likely result in the need for mitigation measures associated with development such as payment of mitigation fees, habitat

restoration, or off-site habitat replacement. The actual acreage subject to environmental permitting will be determined in subsequent studies to be conducted in accordance with state and federal regulations.

Figure LU16 Planning Sub-Areas

Pg 1—8.5x11 color

Pg 2—8.5x11 color

Rank	Acres
1	69
2	96
3	118
Total	283

Additionally, Banning Ranch exhibits distinctive topography that is a physical and visual resource for the community. The property is divided into lowland and highland mesa areas. Bluff faces traverse the property generally in a north-south direction, separating these and forming an important visual backdrop from West Coast Highway. Drainage from upland areas in and adjoining the City of Costa Mesa formed a number of arroyos with riparian habitats. The bluff face geology is highly erodible and has experienced sliding over the years. Figure LU17 illustrates these constraints.

During the visioning process, residents were divided in opinion regarding the future of Banning Ranch. Many residents preferred preserving Banning Ranch as open space at the beginning of the public process. However, many participants in the process later indicated their willingness to support some development of the property if it would generate revenue to help fund preservation of the majority of the property as open space.

Policy Overview

The General Plan prioritizes the acquisition of Banning Ranch as an open space amenity for the community and region. Oil operations would be consolidated, wetlands restored, nature education and interpretative facilities provided, and an active park developed containing playfields and other facilities to serve residents of adjoining neighborhoods.

Should the property not be fully acquired as open space, the Plan provides for the development of a concentrated mixed-use residential village that retains the majority of the property as open space. This would contain a mix of housing types clustered around a “village center” of local resident-serving commercial uses, small boutique hotel, active park, and possibly a school. Buildings would be located and designed and an interconnected street system provided to enhance pedestrian activity and reduce vehicular trips. Development would be concentrated to preserve the majority of the property as open space, while oil operations would be clustered and wetlands restored. An internal trail system would be developed to link uses within its neighborhoods and districts and provide access to adjoining neighborhoods. While the Plan indicates the maximum intensity of development that would be allowed on the property, this will ultimately be determined through permitting processes that are required to satisfy state and federal environmental regulatory requirements.

Goal

LU 4.37.2

Preferably a protected open space amenity, with restored wetlands and habitat areas, as well as active community parklands to serve adjoining neighborhoods.

Policies

LAND USES (designated as "OS[RV]")

LU ~~6.3.17.2.1~~ Primary Use

Open space, including significant active community parklands that serve adjoining residential neighborhoods if the site is acquired through public funding. (*Imp 2.1, 23.1, 23.5, 30.2*)

STRATEGY

LU ~~6.3.27.2.2~~ Acquisition for Open Space

Support active pursuit of the acquisition of Banning Ranch as permanent open space, which may be accomplished through the issuance of state bonds, environmental mitigation fees, private fundraising, developer dedication, and similar techniques. (*Imp 9.1, 14.7, 14.11, 30.2*)

Goal

LU ~~6.47.3~~

If acquisition for open space is not successful, a high-quality residential community with supporting uses that provides revenue to restore and protect wetlands and important habitats.

Policies

LAND USES

LU ~~6.4.17.3.1~~ Alternative Use

If not acquired for open space within a time period and pursuant to terms agreed to by the City and property owner, the site may be developed as a residential village containing a mix of housing types, limited supporting retail, visitor accommodations, school, and active community parklands, with a majority of the property preserved as open space. The property owner may pursue entitlement and permits for a residential village during the time allowed for acquisition as open space. (*Imp 2.1*)

Figure LU17 Banning Ranch Development Constraints

Pg 1—8.5x11 color

Pg 2—8.5x11 color

DEVELOPMENT DENSITY/INTENSITY AND CAPACITY

Note: These represent general development capacity estimates, with the property's ultimate development footprint and capacity determined through required federal and state regulatory environmental permitting processes and a planned community development plan approved by the City of Newport Beach.

LU 6.4.27.3.2 Residential

Accommodate a maximum of 1,375 residential units, which shall consist of a mix of single-family detached, attached, and multi-family units to provide a range of choices and prices for residents. *(Imp 2.1)*

LU 6.4.37.3.3 Retail Commercial

Accommodate a maximum of 75,000 square feet of retail commercial uses that shall be oriented to serve the needs of local and nearby residents. *(Imp 2.1)*

LU 6.4.47.3.4 Overnight Accommodations

Accommodate a maximum of 75 rooms in a small boutique hotel, "bed and breakfast," or other overnight accommodations. *(Imp 2.1)*

DESIGN AND DEVELOPMENT

LU 6.4.57.3.5 Planned Residential Village

Require that Banning Ranch, if not retained as open space, be developed as a cohesive urban form that provides the sense of a complete and identifiable neighborhood. Establish a development pattern that ties together individual uses into a cohesive neighborhood addressing the location and massing of buildings, architecture, landscape, connective street grid and pedestrian walkways and trails, use of key landforms, and similar elements. *(Imp 3.1, 4.1)*

LU 6.4.67.3.6 Approaches for a Livable Neighborhood

Site and design development to enhance neighborhood quality of life by:

- Establishing a pattern of blocks that promotes access and neighborhood identity
- Designing streets to slow traffic, while maintaining acceptable fire protection and traffic flows
- Integrating a diversity of residential types within a neighborhood, while ensuring compatibility among different residential types
- Orienting and designing the residential units to relate to the street frontage
- Locating and designing garages to minimize their visual dominance from the street
- Incorporating sidewalks and parkways to foster pedestrian activity
- Promoting architectural diversity *(Imp 3.1, 4.1)*

LU 6.4.77.3.7 Neighborhood Structure and Form

Establish a "village center" containing local serving commercial, community parks, community meeting facilities, hotel, and/or other amenities as the focal

point. Buildings in the village center shall be designed to enhance pedestrian activity (e.g., visual transparency and façade modulation and articulation), integrating plazas and open spaces for public events. (*Imp 3.1, 4.1, 21.3*)

LU 6.4.87.3.8 Open Space Network and Parklands

Establish a framework of trails, community parklands, and natural habitats that provide the framework around which the residential village's uses are developed and interconnect residential districts, the village center, other uses, and open spaces. (*Imp 3.1, 4.1*)

LU 6.4.97.3.9 Circulation

Facilitate development of an arterial highway linking Coast Highway with Newport Boulevard to relieve congestion at Superior Avenue, if the property is developed. (*Imp 3.1, 4.1, 16.1*)

LU 6.4.107.3.10 Sustainable Development Practices

Require that any development of Banning Ranch achieve high levels of environmental sustainability that reduce pollution and consumption of energy, water, and natural resources to be accomplished through land use patterns and densities, site planning, building location and design, transportation and utility infrastructure design, and other techniques. Among the strategies that should be considered are the concentration of development, reduction of vehicle trips, use of alternative transportation modes, maximized walkability, use of recycled materials, capture and re-use of storm water on-site, water conserving fixtures and landscapes, architectural elements that reduce heat gain and loss, and preservation of wetlands and other habitats. (*Imp 3.1, 4.1, 7.1, 16.8, 17.1, 19.1*)

STRATEGY

LU 6.4.117.3.11 Comprehensive Site Planning and Design

Require the preparation of a master development or specific plan for any development on the Banning Ranch specifying lands to be developed, preserved, and restored, land uses to be permitted, parcelization, roadway and infrastructure improvements, landscape and streetscape improvements, development regulations, architectural design and landscape guidelines, exterior lighting guidelines, processes for oil operations consolidation, habitat preservation and restoration plan, sustainability practices plan, financial implementation, and other appropriate elements. (*Imp 3.1, 4.1*)

**Policies Pertaining to
Both Land Use Options
(Goals 6.37.2 and
6.47.3)**

PERMITTED USES

LU 6.5-17.4.1 Oil Operations

Relocate and cluster oil operations. (*Imp 3.1, 4.1*)

LU 6.5-27.4.2 Active Community Park

Accommodate a community park of 20 to 30 acres that contains active playfields that may be lighted and is of sufficient acreage to serve adjoining neighborhoods and residents of Banning Ranch, if developed. (*Imp 3.1, 4.1*)

LU 6.5-37.4.3 Habitat and Wetlands

Restore and enhance wetlands and wildlife habitats, in accordance with the requirements of state and federal agencies. (*Imp 3.1, 4.1, 14.7, 14.11*)

DESIGN AND DEVELOPMENT

LU 6.5-47.4.4 Relationship of Development to Environmental Resources

Development should be located and designed to preserve and/or mitigate for the loss of wetlands and drainage course habitat. It shall be located to be contiguous and compatible with existing and planned development along its eastern property line, preserving the connectivity of wildlife corridors, and set back from the bluff faces, along which shall be located a linear park to provide public views of the ocean, wetlands, and surrounding open spaces. Exterior lighting shall be located and designed to minimize light trespass from developed areas onto the bluffs, riparian habitat, arroyos, and lowland habitat areas. (*Imp 3.1, 4.1*)

LU 6.5-57.4.5 Public Views of the Property

Development shall be located and designed to prevent residences on the property from dominating public views of the bluff faces from Coast Highway, the ocean, wetlands, and surrounding open spaces. Landscape shall be incorporated to soften views of the site visible from publicly owned areas and public view points. (*Imp 3.1, 4.1*)

STRATEGY

LU 6.5-67.4.6 Coordination with State and Federal Agencies

Work with appropriate state and federal agencies to identify wetlands and habitats to be preserved and/or restored and those on which development will be permitted. (*Imp 14.7, 14.11*)

West Newport Mesa

The West Newport Mesa area contains a mix of residential, office, retail, industrial, and public uses. It is immediately abutted by Hoag Hospital, the City of Costa Mesa to the north, and Banning Ranch to the west. Development in the area dates back to the mid-twentieth century.

Hoag Hospital is a major activity center that continues to affect development in the area. It generates a strong market for the development of uses that support the hospital’s medical activities such as doctors’ offices, convalescent and care facilities, medical supply, pharmacy, and similar uses. Retail commercial uses serve medical purposes, as well as nearby residents.

Northern portions of the area are largely developed with light manufacturing, research and development, and business park uses. In many respects, these transition with comparable patterns of development in the Westside Costa Mesa area to the north. A number of Newport Beach’s marine-related businesses have relocated to the area over recent decades as coastal land values have escalated. Most of the properties are developed for single business tenants and have little landscape or architectural treatment, typical of older industrial districts of Southern California.



Office and commercial buildings in West Newport Mesa

The majority of properties between the industrial uses and medical center are developed with multi-family uses, including a few mobile home parks. The latter represents a resource of affordable housing in the City. These are interspersed with a school and other civic uses.

The area's considerable mix of uses is not always complementary, nor at its edges where it abuts residential neighborhoods and other uses.

The 2006 General Plan Visioning process participants indicated that the West Newport Mesa area would benefit from revitalization. The development of additional medical offices and other facilities supporting Hoag Hospital and additional residential units were widely endorsed. Participants were divided in their support for the retention of industrial uses.

Policy Overview

The General Plan provides for a mix of land uses for West Newport Mesa that include office, research, convalescent care, and retail facilities supporting Hoag Hospital, a consolidated light industrial district where non-water-dependent marine-related businesses would be encouraged to locate, enhanced housing opportunities, and supporting retail commercial services. While distinct sub-districts are defined by the Land Use Plan, the assembly and planning of multiple parcels across these districts to create a unified center that is linked by pedestrian walkways, parklands, and other amenities is encouraged.

Goal

LU 6.6.7.5

A medical district with peripheral medical services and research facilities that support the Hoag Hospital campus within a well-planned residential neighborhood, enabling residents to live close to their jobs and reducing commutes to outlying areas.

Policies

LAND USES (refer to Figure LU18)

LU 6.6.17.5.1 Hospital Supporting Uses Integrated with Residential Neighborhoods

Prioritize the accommodation of medical-related and supporting facilities on properties abutting the Hoag Hospital complex [areas designated as "CO-M (0.5)" (Figure LU18, Sub-Area A)] with opportunities for new residential units [areas designated as "RM(18/ac)"] and supporting general and neighborhood-serving retail services ["CG(0.75)" and "CN(0.3)"] respectively. (*Imp 2.1*)

LU 6.6.27.5.2 Residential Types

Promote the development of a mix of residential types and building scales within the densities permitted by the "RM" (Figure LU18, Sub-Area C) designation, which may include single-family attached, townhomes, apartments, flats, and comparable units. Residential densities may be increased on a property as a means of promoting a variety of housing types within West Newport Mesa, provided that the overall average density of 18 units per acre is not exceeded. (*Imp 2.1*)

STRATEGY**LU ~~6.6.37.5.3~~ Cohesive and Integrated Medical Campus Development**

Work with property owners and encourage the development of a master plan for streetscape, pedestrian, signage, and other improvements that contribute to a definable district. Land use boundaries delineated on the Land Use Diagram may be modified by a specific plan to achieve cohesive districts that integrate a variety of land uses. (*Imp 3.1, 4.1*)

LU ~~6.6.47.5.4~~ Livable Residential Neighborhood

Work with property owners and encourage the preparation of a master plan for the residential neighborhood defining park and streetscape improvements that provide ~~amenity~~ amenities for local residents and enhance the area's identity. (*Imp 3.1, 4.1*)

Goal**LU ~~6.77.6~~**

A general industrial district that transitions between the Hoag Hospital medical and residential community and industrial uses in the City of Costa Mesa, providing opportunities for needed uses that cannot be accommodated elsewhere in Newport Beach.

Policies**LAND USES [designated as "IG(0.75)," refer to Figure LU18, Sub-Area B]****LU ~~6.7.17.6.1~~ Primary Uses**

Encourage the development of small-scale incubator industries. (*Imp 2.1, 24.1*)

LU ~~6.7.27.6.2~~ Marine Based Businesses

Encourage and provide incentives for the relocation of marine-based Newport Beach businesses, including boat storage and recreational vehicles, to properties retained for industrial purposes. (*Imp 2.1, 24.1*)

Balboa Peninsula

The Balboa Peninsula comprises a series of districts linked by the Newport Boulevard/Balboa Boulevard commercial and residential corridor. These include Lido Village, Cannery Village, McFadden Square, Balboa Village, and surrounding residential neighborhoods.

Figure LU18 West Newport Mesa

Pg 1—8.5x11 color

Pg 2—8.5x11 color

Lido Village

Lido Village is primarily developed with commercial uses including grocery stores, restaurants, salons, home furnishings, apparel, and other specialty shops. It also includes Lido Marina Village, a pedestrian-oriented waterfront development that includes visitor-serving commercial uses, specialty stores, and marine uses. Lido Village’s southern edge contains specialty retail and restaurants, the ~~Civic Center~~ former City Hall complex planned for redevelopment as a boutique hotel, and churches.

Lido Marina Village has experienced a high number of building vacancies and many retail stores are underperforming. Parking is limited. Multiple property ownerships have traditionally inhibited cohesive and integrated development.

Lido Village has a unique location at the turning basin in Newport Harbor. The channel is wider than in other locations, providing an opportunity for waterfront commercial uses that will not negatively impact residential uses across the channel.

In 2011, the City Council appointed a Citizen Advisory Panel (CAP) to prepare architectural and landscape design guidelines for the Lido Village. After several CAP meetings, a public open house, and review by the Neighborhood Revitalization Committee, the Lido Village Design Guidelines were approved by the City Council in December 2011. The Design Guidelines establish the vision for the rebirth of Lido Village as the gateway to the Balboa Peninsula.



Movie theater in Lido Village



Pedestrian-oriented retail use in Lido Village

Cannery Village

Cannery Village is the historic center of the City’s commercial fishing and boating industry and contains a mix of small shops, art galleries, professional offices, and service establishments. Marine-related commercial (boat sales) and marine-related industrial uses (boat repair) are also found in the area. Redevelopment of properties for residential, loft, and mixed residential and commercial uses, including live/work facilities, appears to be an emerging trend. Older developments include some single-family residential units combined with commercial uses on single lots. Although the residential component of mixed-use projects has performed well, there has been less success in attracting the commercial uses envisioned for the area particularly on the waterfront.



Cannery Village

A Specific Plan has been developed, but multiple property ownerships have hindered cohesive and integrated development.

McFadden Square

McFadden Square surrounds the Newport Pier and extends between the ocean front and harbor. It was the center of the City’s early shipping industry. Located adjacent to Newport Pier is the Dory Fishing Fleet. The fleet and open-air fish market have operated at this location since the fleet’s founding in 1891 by Portuguese fishermen. The last remaining fleet of its type, it is a designated historical landmark.

Commercial land uses are largely concentrated in the strips along Balboa and Newport Boulevards, with residential along the ocean front and marine-related uses fronting the harbor. Numerous visitor-serving uses include restaurants, beach hotels, tourist-oriented shops (t-shirt shops, bike rentals, and surf shops), as well as service operations and facilities that serve the Peninsula. There are several bars in the area with some featuring live music, especially along the ocean and Bay front. Historically, the area has been known for its marine-related industries such as shipbuilding and repair facilities and boat storage on the harbor, some of which have been in continuous operation for over fifty years. Public parking is available in three lots, which primarily serve the beach users, tourists, and the restaurant patrons.



Retail use in McFadden Square



Residential in McFadden Square

Much of the McFadden Square area is pedestrian-oriented, with storefronts facing the street, the presence of signage at a pedestrian scale, and outdoor furniture, providing a pleasant environment for

visitors. However, certain areas present difficulty for pedestrian street crossing. Specifically the intersection of Newport and Balboa Boulevards, known as the “Mixmaster,” is one such crossing, as the roadway configuration at this location allows traffic flow from different directions and the street is wide.

Balboa Village

Balboa Village is the historic center for recreational and social activities on the Peninsula. It has had a strong marine heritage, and has attracted fishermen, recreational boaters, summer residents, and beachgoers. Many of the retail uses are visitor-oriented and seasonal in nature, including a “fun zone” along Edgewater Place that contains entertainment uses. Marine-related commercial uses, including ferries to Balboa and Catalina Islands and harbor tours, are present in the area. In general, Balboa Village is pedestrian-oriented with articulated building façades and signage that is pedestrian scale. The Balboa Village core is surrounded by residences, with isolated pockets of commercial uses scattered along Balboa Boulevard. Peninsula Park also serves the area.

Balboa Village and the greater Peninsula have experienced a transition to year-round residential occupancy while the visitor uses have continued. Cumulatively, there is more commercial space than can be supported by local residents, and marginal commercial space is used by businesses that are seasonal and do not thrive throughout the year.



Visitor-serving retail in Balboa Village



Housing in Balboa Village

A specific plan has guided development in Balboa Village (“Central Balboa”) since 1997. The Plan’s vision consisted of aesthetic improvements such as landscaping, pedestrian amenities, and design standards. It addressed property maintenance standards, parking district implementation, and circulation improvements. Additionally, it sought to establish a “family marine recreation theme,” upgrade the Fun Zone, and improve the quality and mix of commercial tenants. The City has implemented some of this vision with a number of public improvements within the last few years, which include the addition of street furniture, lighting, landscaping, widened sidewalks, and decorative paving.

Participants in the 2006 General Plan Visioning process indicated that Lido Village, Cannery Village, McFadden Square, and Balboa Village need continuing revitalization, and the City could be proactive in creating a vision for reinforcement of Lido Village and McFadden Square as primary activity nodes, with the interior of Cannery Village allocated for residential or mixed-use development. The integration of uses in these areas and the harbor and bay was emphasized. While overnight lodging was not

supported in the Visioning process survey and public meetings, in the opinion of the General Plan Advisory Committee smaller bed and breakfast and boutique hotels could be designed and scaled to complement the pedestrian-oriented village character of Lido Village, McFadden Square, and Balboa Village, as well as help the City’s fiscal balance through the revenue that would be contributed.

In 2006, the public also supported the concentration of commercial uses in the core of Balboa Village, with the re-use of outlying commercial properties for housing and priority for water-oriented and visitor-serving commercial uses. Additionally, Balboa Village was identified as a suitable location for mixed-use development.

The City Council appointed a five-member Citizen Advisory Panel (CAP) in June 2011 to set a new vision and implementation strategy for the revitalization of Balboa Village. Following a several month process which included input from the community, the CAP developed the Balboa Village Master Plan that includes strategies addressing parking, zoning, appearance and new commercial investment in Balboa Village. In September 2012, the City Council approved the Balboa Village Master Plan, followed by the formation in September 2012 of the Balboa Village Advisory Committee to oversee implementation of the Master Plan.

Policy Overview

The General Plan provides for the enhancement of Lido Village, Cannery Village, McFadden Square, and Balboa Village as distinct pedestrian-oriented centers of Balboa Peninsula that would be interconnected through improved streetscapes along Newport/Balboa Boulevard, a waterfront promenade on Newport Harbor, and cross-access between the Harbor and beachfront. Lido Village, McFadden Square, and Balboa Village would contain a mix of visitor-serving, retail, small overnight accommodation facilities, and housing. In Cannery Village, commercial or mixed-use buildings would be developed at street intersections with intervening parcels developed for mixed-use or free-standing housing. Throughout the Peninsula, priority is established for the retention of marine-related uses.

Balboa Peninsula Areawide

Goal

LU 6.87.7

A series of commercial, retail, restaurant, recreation and visitor serving, marine-related uses, civic, and residential neighborhoods that are vibrant throughout the year, differentiated by their historic and functional characteristics and architectural style, yet integrated by streetscape amenities.

Policies

LU 6.8.17.7.1 Urban Form

Establish development patterns that promote the reinforcement of Balboa Peninsula’s pedestrian scale and urban form as a series of distinct centers/ nodes and connecting corridors surrounded by and linked to residential neighborhoods whose scale and character are maintained. (Imp 1.1)

LU 6.8.27.7.2 Component Districts

Lido Village, Cannery Village, and McFadden Square should be emphasized as the primary activity centers of the northern portion of the Peninsula, linked by corridors of retail, resident and visitor-serving uses along Newport Boulevard and a mix of marine-related and residential uses on the Bay frontage. These surround a residential core in the inland section of Cannery Village. Balboa Village will continue to serve as the primary center of the lower Peninsula, surrounded by residential neighborhoods along and flanking Balboa Boulevard. (Imp 1.1)

LU 6.8.37.7.3 Marine-Related Businesses

Protect and encourage marine-related businesses to locate and expand on the Peninsula unless present and foreseeable future demand for such facilities is already adequately provided for in the area. (Imp 2.1, 24.1)

LU 6.8.47.7.4 Shared Parking Facilities

Encourage the development of shared parking facilities and management programs among private property owners that provides for adequate parking for residents, guests, and business patrons. (Imp 16.10)

LU 7.7.5 Access to Parking Facilities

Prohibit the use of code-required parking spaces for other purposes, except as permitted on a case-by-case basis to accommodate temporary events or emergency operations provided that adequate parking can be assured to support the primary use. (Imp 16.10)

LU 6.8.57.7.6 Quality of Place/Streetscapes

Develop a plan and work with property owners and businesses to fund and implement streetscape improvements that improve Balboa Peninsula’s visual quality, image, and pedestrian character. This should include well-defined linkages among individual districts, between the ocean and Bay, and along the Bay frontage, as well as streetscape and entry improvements that differentiate the character of individual districts. (Imp 20.1)



Illustrates streetscape amenities including wide sidewalks, trees providing shade for pedestrians, benches and outdoor seating, and pedestrian-scaled signage and lighting.

LU 6.8.67.7.7 Historic Character

Preserve the historic character of Balboa Peninsula’s districts by offering incentives for the preservation of historic buildings and requiring new development to be compatible with the scale, mass, and materials of existing historic structures, while allowing opportunities for architectural diversity. (*Imp 2.1*)

LU 6.8.77.7.8 Property Improvement

Provide incentives for and work with property owners to improve their properties and achieve the community’s vision for the Balboa Peninsula. (*Imp 24.1, 29.1*)

Lido Village [designated as “MU-W2,” “CM(0.3),” “RM(20/ac),” and “PI(0.75),” refer to Figure LU19]

Goal**LU 6.97.8**

A vibrant pedestrian-oriented village environment that reflects its waterfront location at the gateway to Newport Beach’s historic Balboa Peninsula that provides, providing a mix of uses serving that serves visitors and local residents.

Policies**LAND USES****LU 6.9.17.8.1 Priority Uses**

Encourage uses that take advantage of Lido Village’s location at the Harbor’s turning basin and its vitality and pedestrian character, including visitor-serving and retail commercial, small-lodging facilities (bed and breakfasts, inns, boutique hotels), and mixed-use buildings that integrate residential with retail uses [areas designated as “MU-W2”, Subarea “A”]. A portion of the Harbor frontage and interior parcels (Subarea “B”) may also contain multi-family residential [designated as “RM(20/ac)”], and the parcel adjoining the Lido Isle Bridge, a recreational and marine commercial use [designated as “CM(0.3)”. (*Imp 2.1, 24.1*)

LU 6.9.27.8.2 Discouraged Uses

Discourage the development of new office uses on the ground floor of buildings that do not attract customer activity to improve the area’s pedestrian character. (*Imp 2.1*)

LU 7.8.3 Vested Uses

Allow existing commercial buildings that exceed the maximum floor area and/or that do not provide the minimum number of parking spaces to be re-constructed to their pre-existing floor area provided that no less than the pre-existing number of parking spaces is provided. (*Imp 2.1, 5.1, 16.10*)

DESIGN AND DEVELOPMENT

LU 7.8.4 Lido Village Design Guidelines

Achieve a distinctive identity and quality for Lido Village through implementing guidelines for design and landscape specified by the Lido Village Design Guidelines. (Imp 2.1)

LU 7.8.5 Multi-Modal Village

Enhance Lido Village’s accessibility for residents and visitors by providing all common modes of transportation for residents and visitors including walking, bicycling, watercraft, and vehicles. (Imp 16.11, 16.12)

LU 7.8.6 Gateway

Create a vibrant gateway village in the heart of Newport Beach’s historic Balboa Peninsula, with landscaping and streetscape. (Imp 20.1)

LU 7.8.7 Character and Design

Maintain a high quality of development design in Lido Village in consideration of the following design objectives, as reflected in the Lido Village Design Guidelines:

- Unification: Creating a sense of place through a unifying theme for Lido Village with defined gathering spaces, increased connectivity, and improved wayfinding;
- Visual Appeal: Creating a distinct identity for Lido Village by encouraging Coastal and Mediterranean architecture, creating an attractive gateway, maximizing view corridors and scenic opportunities, and incorporating art and landscaping; and
- Sustainability: Promoting economic and environmental sustainability by encouraging energy and water efficient practices in consideration of economic realities and viability, and celebrating California-friendly landscapes. (Imp 2.1, 7.1, 20.1, 20.3)

Cannery Village

Interior Parcels [designated as “MU-H4,” Figure LU19, Sub-Area C]

Goal

LU 6.107.9

A pedestrian-oriented residential neighborhood that provides opportunities for live/work facilities and supporting retail uses.

Figure LU19 Balboa Peninsula Lido Village/Cannery Village/McFadden Square

Pg 1—8.5x11 color

Pg 2—8.5x11 color



Policies

LAND USES

LU ~~6.10.17.9.1~~ Priority Uses

Allow multi-family residential and mixed-use buildings that integrate residential above retail or live-work units throughout Cannery Village. Require mixed-use, live-work, or commercial buildings to be developed on corner parcels, except adjacent to Villa Way where these are encouraged. *(Imp 2.1)*

DESIGN AND DEVELOPMENT

LU ~~6.10.27.9.2~~ Residential Character and Architecture

Require that residential buildings be designed to contribute to an overall neighborhood character, locating buildings along the street frontage to form a continuous or semi-continuous building wall. *(Imp 2.1)*

~~LU 6.10.3 Specific Plan Guidelines~~

~~Utilize design and development guidelines for Cannery Village identified in the Cannery Village/McFadden Square Specific Plan. *(Imp 3.1)*~~

Bayfront Parcels [designated as “MU-W2,” Figure LU19, Sub-Area E]

Goal

LU ~~6.117.10~~

A water-oriented district that contains uses that support and benefit from its location fronting onto the bay, as well as provides new opportunities for residential.

Policies

LAND USES

LU ~~6.11.17.10.1~~ Priority Uses

Accommodate water-oriented commercial uses that support harbor recreation and fishing activities, and mixed-use structures with residential above ground-level water-oriented uses. *(Imp 2.1, 8.1, 21.2)*

McFadden Square, West and East of Newport Boulevard [designated as “MU-W2,” Figure LU19, Sub-Area E]

Goal

LU ~~6.12.11~~

A pedestrian-oriented village that reflects its location on the ocean, pier, and bay front, serving visitors and local residents.

Policies

LAND USES

LU ~~6.12.17.11.1~~ Priority Uses

Accommodate visitor- and local resident-serving uses that take advantage of McFadden Square’s waterfront setting including specialty retail, restaurants, and small scale overnight hotel accommodations, as well as mixed-use buildings that integrate residential with ground level retail. *(Imp 2.1)*

DESIGN AND DEVELOPMENT

LU ~~6.12.2~~ Specific Plan Guidelines

Utilize design and development guidelines for McFadden Square identified in the Cannery Village/McFadden Square Specific Plan. *(Imp 2.1)*

Balboa Village

Goal

LU ~~6.13.12~~

An economically viable pedestrian-oriented village that serves local residents and visitors and provides residential in proximity to retail uses, entertainment, and recreation.

Policies

PRIORITY USES (refer to Figure LU20)

LU ~~7.12.1~~ Balance and Mix of Uses-Areawide

Accommodate a mix of land uses including residential, restaurants, retail shops and services that cater to both residents and visitors. *(Imp 2.1, 5.1)*

LU ~~6.13.17.12.2~~ Village Core [designated as “MU-V” Sub-Area “B”]

Encourage local- and visitor-serving retail commercial and mixed-use buildings that integrate residential with ground-level retail or office uses on properties, especially adjacent to Balboa Boulevard, Main Street, and Palm Street. *(Imp 2.1)*

Figure LU20 Balboa Village

Pg 1—8.5x11 color

Pg 2—8.5x11 color

**LU ~~6.13.27.12.3~~ Bay Frontage/Bayfront Promenade [designated as “CV(0.75)”
Sub-Area A]**

Promote access to the Bay and beach and Pprioritize water-dependent, marine-related retail and services and visitor-serving retail such as sport fishing, boat rentals, tour boats, and excursion boats. (Imp 2.1, 24.1)

**LU ~~6.13.37.12.4~~ Commercial Properties out of Village Core [designated as “RT”
Sub-Area C]**

Promote re-use of isolated commercial properties on Balboa Boulevard for residential units. (Imp 2.1)

LU 7.12.5 Balboa Village Fun Zone

Accommodate a mix of land uses capitalizing on the area’s historic identity and character and bayfront setting including restaurants, retail shops and services catering to both residents and visitors. (Imp 2.1, 5.1, 21.3, 29.2)

DESIGN AND DEVELOPMENT

LU ~~6.13.47.12.6~~ Streetscapes and Visual Quality

Promote the completion of enhancements to Enhance the visual quality of Balboa Village’s streetscapes to enhance the area’s visual quality and character as by promoting a pedestrian-oriented environment and offering incentives for owners to improve their properties. (Imp 20.1)

LU 7.12.7 Balboa Village Design Guidelines.

Require that development exhibits a high quality of site and building design in conformance with the Balboa Village Design Guidelines. (Imp 2.1, 5.1)

STRATEGY

LU ~~6.13.57.12.8~~ Rebuilding of Nonconforming Structures

Permit existing commercial buildings that exceed the permitted development intensities to be renovated, upgraded, or reconstructed to their pre-existing intensity and, at a minimum, pre-existing number of parking spaces. (Imp 2.1)

LU ~~6.13.67.12.9~~ Enhancing Balboa Village’s Viability and Character

Provide incentives for owners to improve their properties, to develop retail uses that serve adjoining residential neighborhoods, and retain and develop marine-related uses along the harbor frontage. (Imp 24.1)

Newport Center/Fashion Island

Newport Center/Fashion Island is a regional center of business and commerce that includes major retail, professional office, entertainment, recreation, and residential 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. Newport Center Drive, a ring road that

Land Use Element

surrounds Fashion Island, connects to a number of interior roadways that provide access to the various sites within the Center and to the four major arterials that service this development. High-rise office and hotel buildings to the north of the Center form a visual background for lower rise buildings and uses to the south and west.

Interspersed in the Newport Center area are two hotels, public and semi-public uses including the Newport Beach Police and Fire Departments and Orange County Museum of Art, and entertainment uses (along the perimeter of Newport Center Drive). It is also the location of a transportation center, located at San Joaquin Hills Road and MacArthur Boulevard. Multi-family residential is located east of the Police Department. Lands adjacent to Coast Highway and Jamboree Road are developed for the Newport Beach Country Club and Balboa Bay Club The Tennis Club, with adjoining single-family attached residential uses. The Newport Beach Civic Center and Library expansion were completed in 2013, creating a major civic presence in Newport Center along MacArthur Boulevard. In addition, a new public park and dog park were added, which bring additional pedestrian-oriented opportunities to this area.



Newport Center commercial, office, hotel, and residential

While master planned, the principal districts of Newport Center/Fashion Island are separated from one another by the primary arterial corridors. Fashion Island is developed around an internal pedestrian network and surrounded by parking lots, providing little or no connectivity to adjoining office, entertainment, or residential areas. ~~The latter also contain internal pedestrian circulation networks surrounded by parking and are disconnected from adjoining districts.~~

Since the 2006 General Plan visioning process, the changing economy, legislative mandates to reduce greenhouse gas emissions, and initiatives to promote a healthier population support the creation of

more compact, denser, and mixed-use development which enable residents to walk and bicycle to local shopping and jobs. As the most intense center of economic activity in Newport Beach, Newport Center/Fashion Island offers opportunities to enhance its mix of uses with infill housing, offices, and retail uses meeting these objectives. Ongoing private investment in the area runs parallel to the civic development and infrastructure improvement being led by the City of Newport Beach, including the building of a new City Hall and Civic Center, parkland expansion, Central Library renovation and roadway circulation improvements.

Early in the Visioning process a majority of residents and businesses supported little or no change to Newport Center, except for new hotels. However, some supported growth for existing companies, expansion of existing stores, and moderate increases for new businesses. Some participants favored mixed-use development and stressed the need for more affordable housing in particular. During development of the General Plan, public input reflected moderate to strong support for the expansion of retail and entertainment uses in Fashion Island, including the development of another retail anchor.

Policy Overview

The General Plan provides for additional retail and office opportunities at Fashion Island and hotel rooms and housing units in Newport Center. ~~Office development would be limited to the expansion of existing rather than new buildings.~~ Emphasis is placed on the improvement of the area’s pedestrian character, by improving connectivity among the “superblocks,” installing streetscape amenities, and concentrating buildings along Newport Center Drive and pedestrian walkways and public spaces.

Goal

LU 6.147.13

A successful mixed-use district that integrates economic and commercial centers serving the needs of Newport Beach residents and the subregion, with expanded opportunities for residents to live close to jobs, commerce, entertainment, and recreation, and is supported by a pedestrian-friendly environment.

Policies

LAND USES [refer to Figure LU21]

LU 6.14.17.13.1 Fashion Island [“CR” designation]

Provide the opportunity for ~~an additional anchor tenant, other retail, and/or~~ entertainment, ~~and/or~~ supporting uses that complement, are integrated with, and enhance the economic vitality of existing development. ~~A maximum of 213,257 square feet of retail development capacity specified by Table LU2 (Anomaly Locations) may be reallocated for other permitted uses in Newport Center, provided that the peak hour vehicle trips generated do not exceed those attributable to the underlying retail entitlement. The Planning Director shall revise this number upon approval of the transfer or conversion of the retail development capacity with approval by the City Council. (Imp 2.1)~~

LU 6.14.27.13.2 Newport Center [*“MU-H3,” “CO-R,” “CO-M,” and “RM” designations*]

Provide the opportunity for ~~limited retail~~, residential, hotel, and office development in accordance with the limits specified by Tables LU1 and LU2. (*Imp 2.1*)

DESIGN AND DEVELOPMENT

LU 6.14.37.13.3 Transfers of Development ~~Rights~~Allocations

Development ~~rights~~allocations may be transferred within Newport Center, subject to the approval of the City with the finding that the transfer is consistent with the intent of the General Plan and that the transfer will not result in any adverse traffic impacts. (*Imp 2.1*)

LU 6.14.47.13.4 Development Scale

Reinforce the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest and progressively scaling down building mass and height to follow the lower elevations toward the southwesterly edge along East Coast Highway. (*Imp 2.1, 3.1, 4.1*)

LU 6.14.57.13.5 Urban Form

Encourage that some new development be located and designed to orient to the inner side of Newport Center Drive, establishing physical and visual continuity that diminishes the dominance of surface parking lots and encourages pedestrian activity. (*Imp 2.1, 3.1, 4.1*)

LU 6.14.67.13.6 Pedestrian Connectivity and Amenity

~~Require, where feasible, Encourage that~~ pedestrian access and connections among uses within the district be improved with additional walkways and streetscape amenities concurrent with the development of expanded and new uses. (*Imp 3.1, 4.1*)

LU 6.14.77.13.7 Fashion Island Architecture and Streetscapes

Encourage that new development in Fashion Island complement and be of equivalent or higher design quality than existing buildings. Reinforce the existing promenades by encouraging retail expansion that enhances the storefront visibility to the promenades and provides an enjoyable retail and pedestrian experience. Additionally, new buildings shall be located on axes connecting Newport Center Drive with existing buildings to provide visual and physical connectivity with adjoining uses, where practical. (*Imp 3.1, 4.1*)

STRATEGY

LU 6.14.87.13.8 Development Agreements (2006)

Require the execution of Development Agreements for residential and mixed-use development projects that use the residential 450 units identified in Table LU2

(Anomaly Locations). Development Agreements shall define the improvements and benefits to be contributed by the developer in exchange for the City's commitment for the number, density, and location of the housing units. *(Imp 13.1)*

LU 7.13.9 Development Agreements (2014)

Require the execution of Development Agreements for residential and mixed-use development projects that use the 500,000 SF of office, 50,000 SF of regional commercial, and 500 dwelling units identified in Table LU2 (Anomaly Location 84). Development Agreements shall define the improvements and benefits to be contributed by the developer in exchange for the City's commitment for the number, density, and location of the office, regional commercial, and housing units. The public improvements and public benefits shall at a minimum include a comprehensive Newport Center Transportation Demand Management Program that pursues the goal of a measurable reduction in vehicle trips, including single-occupancy, through a variety of sustainable components, which shall be verified through an annual report. The program shall promote and provide for alternative transportation and modes of travel to, from, and within Newport Center. Additionally the program shall include a comprehensive pedestrian walkway and bicycle path plan with additional and appropriate amenities and more robust physical linkages to existing and future buildings. New development and uses shall be required to participate in the Newport Center Transportation Demand Management Program *(Imp 7.3, 13.1)*

LU 6.14.97.13.10 Fashion Island Parking Structures

Require new parking structures in Fashion Island to be located and designed in a manner that is compatible with the existing pedestrian scale and open feeling of Newport Center Drive. The design of new parking structures in Fashion Island shall incorporate elements (including landscaping) to soften their visual impact. *(Imp 8.2)*

LU 7.13.11 Corona del Mar Traffic By-Pass Plan

Implement a Corona del Mar traffic by-pass plan to divert vehicular traffic and limit traffic congestion in the Corona del Mar area. The by-pass plan shall be approved by City Council and implemented prior to the issuance of the first certificate of occupancy for any project that uses any or all of the 500,000 SF of office, 50,000 SF of regional commercial, and/or 500 dwelling units identified in Table LU2 (Anomaly Location 84). *(Imp 16.2)*

LU 7.13.12 Newport Center Transportation Center

The City will work with the Orange County Transportation Authority and Newport Center stakeholders towards the goal of increasing transit use at the Newport Center Transportation Center, with an emphasis on "last mile" and other appropriate strategies to increase transit ridership. The strategies shall complement and support the Newport Center Transportation Demand Management Program. *(Imp 7.3, 14.4)*

Figure LU21 Newport Center/Fashion Island

Pg 1—8.5x11 color

Pg 2—8.5x11 color

Airport Area

The Airport Area encompasses the properties abutting and east of (JWA) and is in close proximity to the Irvine Business Complex and University of California, Irvine (UCI). This proximity has influenced the area’s development with uses that support JWA and UCI, such as research and development, high technology industrial and visitor-serving uses, such as hotel and car rental agencies. A mix of low-, medium-, and high-rise office buildings predominate, with lesser coverage of supporting multi-tenant commercial, financial, and service uses. A number of buildings are occupied by corporate offices for industry and financial uses. Koll Center, at MacArthur Boulevard and Jamboree Road, was developed as a master planned campus office park. Manufacturing uses occupy a small percentage of the Airport Area. Three large hotels have been developed to take advantage of their proximity to JWA, local businesses, and those in the nearby Irvine Business Complex.

The area immediately abutting JWA, referred to as the “Campus Tract,” contain a diverse mix of low intensity industrial, office, and airport-related uses, including a number of auto-related commercial uses including carwash, auto-detailing, rental, repair, and parts shops. In comparison to properties to the east, this area is underutilized and less attractive.



Office in Airport Area



Hotel in Airport Area

Development in the Airport Area is restricted due to the noise impacts of JWA. Much of the southwestern portion of the area is located in the 65 dBA CNEL, which is unsuitable for residential and other “noise-sensitive” uses. Additionally, building heights are restricted for aviation safety.

Recent development activity in the City of Irvine’s Business Complex to the north has included the transfer of development rights, bringing more intense development closer to the Airport Area and resulting in the conversion of office to residential entitlement. This activity is changing the area to a mixed-use center.

Through the 2006 Visioning process and preparation of the General Plan, the public preferred revitalization of the Airport Area with income-generating land uses. Generally, a range of development types were acceptable as long as traffic is not adversely affected. However, a majority believed that the Airport Area is urban in character, different than other City neighborhoods. Additional density and traffic congestion were considered more acceptable here than other parts of the City. There was strong support for new hotels and broad consensus on mixed-use development with residential and revenue-generating uses.

Policy Overview

The General Plan provides for the development of office, industrial, retail, and airport-related businesses in the Airport Area, as well as the opportunity for housing and supporting services. The latter would be developed as clusters of residential villages centering on neighborhood parks and interconnected by pedestrian walkways. These would contain a mix of housing types and buildings that integrate housing with ground-level convenience retail uses and would be developed at a sufficient scale to achieve a “complete” neighborhood. Housing and mixed-use buildings would be restricted from areas exposed to noise levels of 65 dBA CNEL and higher. Over time, commercial and industrial properties located in the Campus Tract would be revitalized including street frontage landscape and other improvements.

Goal

LU 6-157.14

A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.

Policies

URBAN FORM AND STRUCTURE [refer to Figure LU22]

LU 6-15-17.14.1 Land Use Districts and Neighborhoods

Provide for the development of distinct business park, commercial, and airport-serving districts and residential neighborhoods that are integrated to ensure a quality environment and compatible land uses. (*Imp 1.1, 2.1*)

LU 6-15-27.14.2 Underperforming Land Uses

Promote the redevelopment of sites with underperforming retail uses located on parcels at the interior of large blocks for other uses, with retail clustered along major arterials (e.g., Bristol, Campus, MacArthur, Birch, and Jamboree), except where intended to serve and be integrated with new residential development. (*Imp 2.1, 24.1*)

LU 6-15-37.14.3 Airport Compatibility

Require that all development be constructed in conformance with the height restrictions set forth by Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development be located outside of the 65 dBA CNEL noise contour specified by the 1985 JWA Master Plan. (*Imp 2.1, 3.1, 4.1, 14.3*)

Figure LU22 Airport Area

Pg 1—8.5x11 color

Pg 2—8.5x11 color

Mixed-Use Districts [Subarea C, “MU-H2” designation]

PRIMARY/UNDERLYING LAND USES

LU 6.15.47.14.4 Priority Uses

Accommodate office, research and development, and similar uses that support the primary office and business park functions such as retail and financial services, as prescribed for the “CO-G” designation, while allowing for the re-use of properties for the development of cohesive residential villages that are integrated with business park uses. *(Imp 2.1)*

RESIDENTIAL VILLAGES LAND USES

LU 6.15.57.14.5 Residential and Supporting Uses

Accommodate the development of a maximum of 2,200 multi-family residential units, including work force housing, and mixed-use buildings that integrate residential with ground level office or retail uses, along with supporting retail, grocery stores, and parklands. For properties designated as MU-H2 in the Airport Area (Figure LU22), the residential units may consist of (a) a maximum of 1,650 units that may be constructed as replacement of permitted non-residential uses provided that Residential units may be developed only as the replacement of underlying permitted nonresidential uses. When a development phase includes a mix of residential and nonresidential uses or replaces existing industrial uses, the number of peak hour trips generated by cumulative development of the site shall not exceed the number of trips that would result from development of the underlying permitted allocated nonresidential uses. ~~However, and (b) a maximum of 550 units may be developed as infill on surface parking lots or areas not used as for occupiable buildings on properties within the Conceptual Development Plan Area depicted on Figure LU22 provided that the parking is replaced on site. The residential units described in this policy include those specified for Anomaly Number 83 in Table LU2 (Anomaly Locations).~~ *(Imp 2.1)*

LU 7.14.6 Transfer of Development Allocations

Permit transfer of development allocations within the Airport Area Mixed-Use districts subject to the approval of the City with the finding that the transfer is consistent with the intent of the General Plan and the transfer will not result in any adverse traffic impacts. *(Imp 2.1)*

MINIMUM SIZE AND DENSITY

LU 6.15.67.14.7 Size of Residential Villages [refer to Figure LU23]

Allow development of mixed-use residential villages, each containing a minimum of 10 acres and centered on a neighborhood park and other amenities (as conceptually illustrated in Figure LU23). The first phase of residential development in each village shall encompass at least 5 gross acres of land, exclusive of existing rights-of-way. This acreage may include multiple parcels provided that they are contiguous or face one another across an existing street. At

the discretion of the City, this acreage may also include part of a contiguous property in a different land use category, if the City finds that a sufficient portion of the contiguous property is used to provide functionally proximate parking, open space, or other amenity. The area depicted in the “Airport Area Residential Villages Illustrative Concept Diagram” “Conceptual Development Plan” area shown on Figure LU22-LU23 shall be exempt from the 5-acre minimum, but a conceptual development plan described in Policy LU 6.15.11 shall be required. *(Imp 2.1, 3.1, 4.1)*

LU 7.14.8 Affordable Housing Projects

Permit housing projects that include a minimum of 30 percent of the total units for affordable to lower income households and are developed at a minimum density of 30 units per acre to be constructed on parcels of 5 acres or greater as an exception from Residential Village requirements for a minimum 10 acres in lot size and phasing described in Policy LU 7.14.7 to facilitate the development of affordable housing consistent with the Housing Element. (Imp 1.2, 1.3, 21.5)

LU 6.15.77.14.9 Overall Density and Housing Types

Require that residential units be developed at a minimum density of 30 units and maximum of 50 units per net acre averaged over the total area of each residential village. Net acreage shall be exclusive of existing and new rights-of-way, public pedestrian ways, and neighborhood parks. Within these densities, provide for the development of a mix of building types ranging from townhomes to high-rises to accommodate a variety of household types and incomes and to promote a diversity of building masses and scales. *(Imp 2.1, 3.1, 4.1)*

LU 6.15.87.14.10 First Phase Development Density

Require a residential density of 45 to 50 units per net acre, averaged over the first phase for each residential village. This shall be applied to 100 percent of properties in the first phase development area whether developed exclusively for residential or integrating service commercial horizontally on the site or vertically within a mixed-use building. On individual sites, housing development may exceed or be below this density to encourage a mix of housing types, provided that the average density for the area encompassed by the first phase is achieved. *(Imp 2.1, 3.1, 4.1)*

LU 6.15.97.14.11 Subsequent Phase Development Location and Density

Subsequent phases of residential development shall abut the first phase or shall face the first phase across a street. The minimum density of residential development (including residential mixed-use development) shall be 30 units per net acre and shall not exceed the maximum of 50 units per net acre averaged over the development phase. *(Imp 2.1, 3.1, 4.1)*

STRATEGY AND PROCESS

LU ~~6.15.107.14.12~~ 14.12 Regulatory Plans

Require ~~the development of~~ a regulatory plan for each residential village, ~~which shall contain~~ containing a minimum of 10 acres, developed consistent with the concepts of the Integrated Concept Development Plan (ICDP) establishing to ~~coordinate~~ a design theme and standards for buildings and site work (such as landscaping, lighting, walls/fencing, signage, common areas, and comparable elements); plan the location and phasing of buildings, of new parks, streets, ~~and~~ pedestrian ways, and infrastructure and other facilities; set forth a strategy to accommodate neighborhood-serving commercial uses and other amenities; establish pedestrian and vehicular connections with adjoining land uses; and ensure compatibility with office, industrial, and other nonresidential uses. (*Imp 2.1, 3.1, 4.1, 13.1, 31.1*)

Figure LU23 Airport Area Residential Villages Illustrative Concept Diagram

Pg 1—8.5x11 color

Pg 2—8.5x11 color

LU 6.15.11 Conceptual Development Plan Area

~~Require the development of one conceptual development plan for the area depicted on Figure LU22, should residential units be proposed on any property within this area. This plan shall demonstrate the compatible and cohesive integration of new housing, parking structures, open spaces, recreational amenities, pedestrian and vehicular linkages, and other improvements with existing nonresidential structures and uses. To the extent existing amenities are proposed to satisfy Neighborhood Park requirements, the plan shall identify how these amenities will meet the recreational needs of residents. Each residential village in the Conceptual Development Plan Area shall also comply with all elements required for regulatory plans defined by Policy 6.15.10. (Imp 2.1, 3.1, 4.1)~~

LU 6.15.127.14.13 Development Agreements (2006)

~~Require A a Development Agreement shall be required for any all projects that includes infill residential units. The Development Agreement shall define the improvements and public benefits to be provided by the developer in exchange for the City's commitment for the number, density, and location of the housing units. (Imp 2.1, 3.1, 4.1, 13.1)~~

LU 7.14.14 Development Agreements (2014)

Require a Development Agreement for any project that includes any residential units for properties designated MU-H2 located northwest of the MacArthur Boulevard and Birch Street intersection. (Anomaly Location 83). The Development Agreement shall define the improvements and public benefits to be provided by the developer in exchange for the City's commitment for the number, density, and location of the housing units. (Imp 2.1, 3.1, 4.1, 13.1)

LU 7.14.14.1³ Congregate Care Facility in Anomaly Number 6

The development of a congregate care facility in Anomaly Number 6 has an impact on the development of affordable senior housing, and the City and the property owner have agreed that the developer of congregate care in Anomaly Number 6 shall contribute the amount of \$4,000.00 per independent living unit up to a maximum of \$200,000.00 towards the development of affordable senior housing in the City. The timing of this contribution will be determined at such time the appropriate zoning amendments are considered by the City. An independent living unit will be defined as being designed to be occupied by a single housekeeping unit and it includes facilities for limited food preparation, but the facilities do not necessarily include an oven or stove

³ This and subsequent policies to be re-numbered on final adoption by the City Council.

DESIGN AND DEVELOPMENT

Neighborhood Parks

LU ~~6.15.137.14.15~~ Standards

~~To provide a focus and identity for the entire neighborhood and to serve the daily recreational and commercial needs of the community within easy walking distance of homes, r~~Require dedication and improvement of at least 8 percent of the gross land area (exclusive of existing rights-of-way) of the first phase development in each neighborhood, or ½ acre, whichever is greater, as a neighborhood park to provide a focus and identity for the entire neighborhood and to serve the daily recreational and commercial needs of the community within easy walking distance of homes. ~~This requirement may be waived by the City where it can be demonstrated that the development parcels are too small to feasibly accommodate the park or inappropriately located to serve the needs of local residents, and when an in-lieu fee is paid to the City for the acquisition and improvement of other properties as parklands to serve the Airport Area.~~

In every case, the neighborhood park shall be at least 8 percent of the total Residential Village Area or one acre in area, whichever is greater, and shall have a minimum dimension of 150 feet along any edge of the park site, except as may be approved by the Planning Commission. Park acreage shall be exclusive of existing or new rights-of-way, development sites, or setback areas. A neighborhood park shall satisfy some or all of the requirements of the Park Dedication Ordinance, as prescribed by the Recreation Element of the General Plan. This requirement may be waived by the City where it can be demonstrated that the development parcels are too small to feasibly accommodate the required park area or inappropriately located to serve the needs of local residents, and when an in-lieu fee is paid to the City for the acquisition and improvement of other properties as parklands to serve the Airport Area. (*Imp 2.1, 3.1, 4.1, 23.1, 30.2*)



Illustrates integration of public parks in high density residential developments. Parks are surrounded by streets and incorporate a diversity of active and passive recreational facilities

LU 6.15.147.14.16 Location

Require that each neighborhood park is clearly public in character and is accessible to all residents of the neighborhood. Each park shall be surrounded by public streets on at least two sides (preferably with on-street parking to serve the park), and shall be linked to residential uses in its respective neighborhood by streets or pedestrian ways. *(Imp 2.1, 3.1, 4.1)*

LU 6.15.157.14.17 Aircraft Notification

Require that all neighborhood parks be posted with a notification to users regarding proximity to John Wayne Airport and aircraft overflight and noise. *(Imp 23.2)*

On-Site Recreation and Open Space

LU 6.15.167.14.18 Standards

Require developers of multi-family residential developments on parcels 8 acres or larger to provide on-site recreational amenities. For these developments, 44 square feet of on-site recreational amenities shall be provided for each dwelling unit in addition to the requirements under the City’s Park Dedication Ordinance and in accordance with the Parks and Recreation Element of the General Plan. On-site recreational amenities can consist of public urban plazas or squares where there is the capability for recreation and outdoor activity. These recreational amenities may also include swimming pools, exercise facilities, tennis courts, and basketball courts. Where there is insufficient land to provide on-site recreational amenities, the developer shall be required to pay cash in-lieu that would be used

to develop or upgrade nearby recreation facilities to offset user demand as defined in the City’s Park Dedication Fee Ordinance.

The acreage of on-site open space developed with residential projects may be credited against the parkland dedication requirements where it is accessible to the public during daylight hours, visible from public rights-of-way, and is of sufficient size to accommodate recreational use by the public. However, the credit for the provision of on-site open space shall not exceed 30 percent of the parkland dedication requirements. (*Imp 2.1, 3.1, 4.1, 23.2, 23.5, 30.2*)

Streets and Pedestrian Ways

LU ~~6.15.177~~.14.19 Street and Pedestrian Grid

Create a pattern of streets and pedestrian ways that breaks up large blocks, improves connections between neighborhoods and community amenities, and is scaled to the predominantly residential character of the neighborhoods. (*Imp 3.1, 4.1, 16.1*)

LU ~~6.15.187~~.14.20 Walkable Streets

Retain the curb-to-curb dimension of existing streets, but widen sidewalks to provide park strips and generous sidewalks by means of dedications or easements. Except where traffic loads preclude fewer lanes, add parallel parking to calm traffic, buffer pedestrians, and provide short-term parking for visitors and shop customers. (*Imp 3.1, 4.1, 16.1, 20.1*)



Illustrates pedestrian oriented multi-family residential streets with wide sidewalks, on-street parking, parkways, and units fronting onto streets.

LU ~~6.15.197~~.14.21 Connected Streets

Require dedication and improvement of new streets as shown on Figure LU23. The illustrated alignments are tentative and may change as long as the routes provide ~~the intended~~ reasonable connectivity. If traffic conditions allow, connect new and existing streets across Macarthur Boulevard with signalized intersections, crosswalks, and pedestrian refuges in the median. (*Imp 16.1*)

LU ~~6.15.207~~.14.22 Pedestrian Improvements

Require the dedication and improvement of new pedestrian ways as conceptually shown on Figure LU23. The alignment is tentative and may change as long as the path provides the intended connectivity. For safety, the full length of pedestrian ways shall be visible from intersecting streets. ~~To maintain an intimate scale and~~

~~to shade the path with trees, pedestrian ways should not be sized as fire lanes. Pedestrian ways shall be open to the public at all hours. (Imp 16.11)~~

Parking and Loading

LU 6.15.217.14.23 Required Spaces for Primary Uses

Consider revised parking requirements that reflect the mix of uses in the neighborhoods and overall Airport Area, as well as the availability of on-street parking. (Imp 2.1)

Relationship of Buildings to Street

LU 6.15.22 ~~Building Massing~~

~~Require that high-rise structures be surrounded with low- and mid-rise structures fronting public streets and pedestrian ways or other means to promote a more pedestrian scale. (Imp 3.1, 4.1)~~

LU 6.15.237.14.24 Sustainable Development Practices

Require that development includes measures that comparatively ~~achieves a high level of environmental sustainability that~~ reduces pollution and consumption of energy, water, and natural resources. This may be accomplished through the mix and density of uses, building location and design, transportation modes, and other techniques. Among the strategies that should be considered are the integration of residential with jobs-generating uses, use of alternative transportation modes, maximized walkability, use of recycled materials, capture and re-use of storm water on-site, water conserving fixtures and landscapes, and/or architectural elements that reduce heat gain and loss. (Imp 3.1, 4.1, 16.11, 17.1, 19.1)

Campus Tract ["AO" designation Sub-Area B]

LAND USES

LU 6.15.247.14.25 Primary Uses

Accommodate professional office; aviation retail; automobile rental, sales, and service, ~~subject to discretionary review of the Planning Commission~~; hotels; and ancillary retail, restaurant, and service uses that are related to and support the functions of John Wayne Airport, as permitted by the "AO" designation. (Imp 2.1)

STRATEGY

LU 6.15.257.14.26 Economic Viability

Provide incentives for lot consolidation and the re-use and improvement of properties located in the "Campus Tract," west of Birch Street. (Imp 2.1, 24.1)

LU 6.15.267.14.27 Automobile Rental and Supporting Uses

~~Work with~~ Encourage automobile rental and supporting uses to ~~promote the consolidation-consolidate and visually improvement of~~ auto storage, service, and storage facilities. (Imp 24.1)

LU ~~6.15.277.14.28~~ 6.15.277.14.28 Site Planning and Architecture

Encourage and, when property improvements are subject to discretionary review, require property owners within the Campus Tract to upgrade the street frontages of their properties with ~~landscape~~ landscaping, well-designed signage, and other amenities that improve the area's visual quality. (*Imp 3.1, 7.1, 8.1*)

Commercial Nodes ["CG" designation Sub-Area C—part]

LU ~~6.15.287.14.29~~ 6.15.287.14.29 Priority Uses

Encourage the development of retail, financial services, dining, hotel, and ~~other~~ uses that support the John Wayne Airport, the Airport Area's office uses, and, as developed, its residential neighborhoods, as well as automobile sales and supporting uses at the MacArthur Boulevard and Bristol Street node. (*Imp 2.1, 24.1*)

Commercial Office District ["CO-G" designation Sub-Area C—part]

LU ~~6.15.297.14.30~~ 6.15.297.14.30 Priority Uses

Encourage the development of administrative, professional, and office uses with limited accessory retail and service uses that provide jobs for residents and benefit adjoining mixed-use districts. (*Imp 2.1, 24.1*)

Corridors

Corridors share common characteristics of Districts by their identifiable functional role, land use mix, density/intensity, physical form and character, and/or environmental setting. They differ in their linear configuration, generally with shallow-depth parcels located along arterial streets. They are significantly impacted by traffic, often inhibiting access during peak travel periods. Their shallow depths make them unsuitable for many contemporary forms of commercial development that require large building footprints and extensive parking.

While the City is crossed by a number of commercial corridors, the General Plan's policies focus on those in which change is anticipated to occur during the next 20 years. Additionally, they provide guidance for the maintenance of a number of corridors in which it is the objective to maintain existing types and levels of development.

Development in each corridor will adhere to policies for land use type and density/intensity (LU 4.1, Table LU1) and community character (LU 5.0), except as specified in this section of the General Plan.

Goal

LU ~~6.167.15~~ 6.167.15

Development along arterial corridors that is compatible with adjoining residential neighborhoods and open spaces, is well designed and attractive, minimizes traffic impacts, and provides adequate parking.

Policies

LU ~~6.16.17~~.15.1 Efficient Parcel Utilization

Promote the clustering of retail and hotel uses by the aggregation of individual parcels into larger development sites through incentives such as density bonuses or comparable techniques. (*Imp 2.1, 24.1*)

LU ~~6.16.27~~.15.2 Private Property Improvements

~~Work with property owners to e~~Encourage the upgrade of existing commercial development including repair and/or repainting of deteriorated building surfaces, well-designed signage that is incorporated into the architectural style of the building, and expanded landscaping. (*Imp 24.1*)

LU ~~6.16.37~~.15.3 Property Access

Minimize driveways and curb cuts that interrupt the continuity of street-facing building elevations in pedestrian-oriented districts and locations of high traffic volumes, prioritizing their location on side streets and alleys, where feasible. (*Imp 2.1*)

LU ~~6.16.47~~.15.4 Shared Parking Facilities

~~Work with property owners and developers to e~~Encourage the more efficient use of parcels for parking that can be shared by multiple businesses. (*Imp 16.10*)

LU ~~6.16.57~~.15.5 Compatibility of Business Operations with Adjoining Residential Neighborhoods

~~Work with local businesses to e~~Ensure that retail, office, and other uses do not adversely impact adjoining residential neighborhoods. This may include strategies addressing hours of operation, congregation of employees, loitering, trash pickup, truck delivery hours, customer arrivals and departures, and other activities. (*Imp 8.2*)

LU ~~6.16.67~~.15.6 Design Compatibility with Adjoining Residential Neighborhoods

Require that building elevations facing adjoining residential units be designed to convey a high-quality character and ensure privacy of the residents, and that properties be developed to mitigate to the maximum extent feasible impacts of lighting, noise, odor, trash storage, truck deliveries, and other business activities. Building elevations shall be architecturally treated and walls, if used as buffers, shall be well-designed and landscaped to reflect the area's residential village character. (*Imp 2.1*)

West Newport

The West Newport Coast Highway Corridor extends from Summit Street to just past 60th Street. It is a mixed commercial and residential area, with the former serving the adjoining Newport Shores residential neighborhood, the West Newport residential neighborhood south of Coast Highway, and beach visitors. Commercial uses are concentrated on the north side of Coast Highway at the Orange

Land Use Element

Street intersection and east of Cedar Street to the Semeniuk Slough. Intervening areas are developed with a mix of multi-family apartments and, west of Grant Avenue, mobile and manufactured homes.

Primary commercial uses include community-related retail such as dry cleaners, liquor store, deli, and convenience stores, as well as a few visitor-serving motels, dine-in, family-style restaurants, and fast-food establishments. Generally, they are developed on shallow parcels of substandard size and configuration due to past widening of West Coast Highway and contain insufficient parking. Many of the commercial buildings appear to have been constructed in the 1960s to 1980s, although some motels have been recently upgraded.

A portion of the mobile homes are situated along Semeniuk Slough and the Army Corps restored wetlands, while a number of the single-family homes outside the area are also located along the Slough. A mobile home park containing older units, many of which appear to be poorly maintained, is located on the westernmost parcels and a portion of the tidelands. This site serves as the “entry” to the City and as a portal to the proposed Orange Coast River Park.

~~This area is regulated by an adopted Specific Plan, which was intended to promote its orderly development and provide service commercial uses for nearby residences.~~



Residential in West Newport



Commercial in West Newport

The 2006 General Plan visioning process found that the West Newport Corridor is among those that require revitalization. Clustering of commercial uses to enhance their economic vitality and improve the appearance of the area was supported, as was the improvement of the quality of commercial development on the Highway. Redevelopment of the westernmost parcel occupied by a trailer park was a high priority for the neighborhood.

In 2011, the City Council appointed a Citizen Advisory Panel (CAP) to develop a preliminary design for a Capital Improvement Project for beautification of West Coast Highway from the Santa Ana River to the Arches Bridge and of Balboa Boulevard from West Coast Highway to McFadden Square. In December 2011, the City Council approved the landscape design concepts which are intended to enhance the corridor and give it a more welcoming feel for residents and visitors of this part of Newport Beach.

Policy Overview

The General Plan provides for the improvement of Coast Highway fronting properties in West Newport by concentrating local and visitor-serving retail in two centers at Prospect Street and Orange Street with expanded parking, enhancing existing and allowing additional housing on intervening parcels, and developing a clearly defined entry at its western edge with Huntington

Beach. The latter may include improvements that would support the proposed Orange Coast River Park.

Goal

LU ~~6.177.16~~

A corridor that includes a gateway to the City with amenities that support the Orange Coast River Park, as well as commercial clusters that serve local residents and coastal visitors at key intersections, interspersed with compatible residential development.

Policies

LAND USES [refer to Figure LU24]

LU ~~6.17.17.16.1~~ Western Entry Parcel [*designated as “RM(26/ac)” and “RM/OS(85du)”*]

~~Work with community groups and the County to~~ Facilitate the acquisition of a portion or all of the property as open space, which may be used as a staging area for Orange Coast River Park with parking, park-related uses, and an underpass to the ocean. As an alternative, accommodate multi-family residential on all or portions of the property not used for open space. (*Imp 14.3, 23.2, 29.1*)

STRATEGY

LU ~~6.17.27.16.2~~ Improved Visual Image and Quality

Implement streetscape improvements consistent with the design concepts developed by the 2011 Citizen Advisory Committee to enhance the area’s character and image as a gateway to Newport Beach and develop a stronger pedestrian environment at the commercial nodes. (*Imp 20.1*)

LU ~~6.17.37.16.3~~ Streetscape

Require that upgraded and redeveloped properties incorporate landscaped setbacks along arterial streets to improve their visual quality and reduce impacts of the corridor’s high traffic volumes. (*Imp 2.1*)

Old Newport Boulevard

Old Newport Boulevard was formerly the primary roadway leading into the city from the north, containing a diversity of highway-oriented retail and office uses. Shifting of vehicle trips to the parallel (new) Newport Boulevard reduced the corridor’s traffic volumes and economic vitality, resulting in significant changes in its land use mix.

Figure LU24 West Newport

Pg 1—8.5x11 color

Pg 2—8.5x11 color



Office and retail on Old Newport Boulevard

The corridor is abutted by residential neighborhoods to the east and Hoag Hospital west of Newport Boulevard. Today, the area is primarily developed with commercial and professional offices. Secondary uses include personal services, restaurants, and specialty shopping such as home furnishing stores and beauty salons. Most specialty retail appears to occupy converted residential buildings. A number of auto-related businesses and service facilities are located in the corridor. Many of these are incompatible with the predominant pattern of retail service and office uses. Medical office uses have expanded considerably during recent years, due to the corridor's proximity to Hoag Hospital, which is expanding its buildings and facilities.

This corridor does not exhibit a pedestrian-oriented character. While there are some walkable areas, Newport Boulevard is wide and there is a mix of uses and lot configurations that do not create a consistent walkway.

Development in the area is guided by the Old Newport Boulevard Specific Plan District that includes design guidelines and development standards providing for the orderly development of property.

In 2006 little public input was received pertaining to Old Newport Boulevard during the General Plan's preparation. In general, the preservation of the status quo was supported. Although, the public supported the development of mixed-use buildings that integrate residential with ground floor retail and townhomes on the east side of Old Newport Boulevard as a transition with adjoining residential neighborhoods.

Policy Overview

In the Old Newport Boulevard area, the General Plan provides for the development of professional offices, retail, and other uses that support Hoag Hospital, and retail uses serving adjoining residential neighborhoods. Pedestrian walkways within and connections west to Hoag Hospital would be improved and streetscapes installed.

Goal

LU 6.18.17

A corridor of uses and services that support Hoag Hospital and adjoining residential neighborhoods.

Policies

LAND USES [designated as "CO-G(0.5)," refer to Figure LU25]

LU 6.18.17.17.1 Priority Uses

Accommodate uses that serve adjoining residential neighborhoods, provide professional offices, and support Hoag Hospital. *(Imp 2.1)*

LU 6.18.27.17.2 Discouraged Uses

Highway-oriented retail uses should be discouraged and new "heavy" retail uses, such as automobile supply and repair uses, prohibited. *(Imp 2.1)*

DESIGN AND DEVELOPMENT

LU 6.18.37.17.3 Property Design

Require that buildings be located and designed to orient to the Old Newport Boulevard frontage, while the rear of parcels on its west side shall incorporate landscape and design elements that are attractive when viewed from Newport Boulevard. *(Imp 2.1)*

LU 6.18.47.17.4 Streetscape Design and Connectivity

Develop a plan for streetscape improvements and improve street crossings to facilitate pedestrian access to Hoag Hospital and discourage automobile trips. *(Imp 20.1)*

Figure LU25 Old Newport Boulevard

Pg 1—8.5x11 color

Pg 2—8.5x11 color

Mariners' Mile

Mariners' Mile is a heavily traveled segment of Coast Highway extending from the Arches Bridge on the west to Dover Drive on the east. It is developed with a mix of highway-oriented retail and marine-related commercial uses. The latter are primarily concentrated on bay-fronting properties and include boat sales and storage, sailing schools, marinas, visitor-serving restaurants, and comparable uses. A large site is developed with the Balboa Bay Club and Resort, a hotel, private club, and apartments located on City tidelands. A number of properties contain non-marine commercial uses, offices, and a multi-story residential building.



Harbor, retail, and visitor-serving uses in Mariners' Mile

Inland properties are developed predominantly for highway-oriented retail, neighborhood commercial services. A number of sites contain automobile dealerships and service facilities and neighborhood-serving commercial uses. The latter includes salons, restaurants, apparel, and other specialty shops ranging from wine stores to home furnishings stores. While single use free-standing buildings predominate, there are a significant number of multi-tenant buildings that combine a number of related or complementary uses in a single building or buildings that are connected physically or through design.

The Mariners' Mile Strategic Vision and Design Plan provides for the area's evolution as a series of districts serving visitors and local residents. Along the northern portion of Coast Highway in the vicinity of Tustin Avenue, Riverside Avenue, and Avon Street, it provides for a pedestrian-friendly retail district. In the western and easternmost segments, the Plan provides for the infill of the auto-

oriented retail and visitor-serving commercial uses. Along the Harbor frontage, the Vision and Design Plan emphasizes the development of Harbor-related uses and proposes a continuous pedestrian promenade to create a vibrant public waterfront. Throughout the corridor, the Plan proposes to upgrade its visual character with new landscaping and streetscape amenities, as well as improvements in private development through standards for architecture and lighting.

Plans provide for the widening of Coast Highway, reducing the depth of parcels along its length. Recent development projects have set back their buildings in anticipation of this change. Traffic along the corridor and the potential for widening also impact the ability to enhance pedestrian activity and streetscape improvements, unless overhead pedestrian crossings are considered.

The 2006 General Plan Visioning process participants identified Mariners' Mile as a location that needs revitalization and suggested that an overall vision be defined to meet this objective. It was also defined as a location appropriate for mixed-use development integrating residential and commercial or office space. A majority opposed hotel development in Mariners' Mile. Participants were divided on the questions of preserving opportunities for coastal-related uses in Mariners' Mile and whether the City should require or offer incentives to ensure such uses. Property owners noted that high land values and rents limit the number of marine-related uses that can be economically sustained in the area. Although the public supported the development of residential in Mariners' Mile, there was a difference of opinion regarding whether it should be located on the Harbor frontage or limited it to inland parcels.

In 2011, the City Council also recognized the need to revitalize Mariners' Mile by designating it as one of six "revitalization areas." A series of Citizen Advisory Panels were formed to focus on the other revitalization areas which included, Corona del Mar, Balboa Village, Lido Village, West Newport and Santa Ana Heights. The Council's direction indicated a multi-layered approach was required to consider the complex issues within Mariners' Mile.

Policy Overview

The General Plan provides for the enhanced vitality of the Mariners' Mile corridor by establishing a series of distinct retail, mixed-use, and visitor-serving centers. Harbor-fronting properties would accommodate a mix of visitor-serving retail and marine-related businesses, with portions of the properties available for housing and mixed-use structures. View and public access corridors from Coast Highway to the Harbor would be required, with a pedestrian promenade developed along the length of the Harbor frontage. Parcels on the inland side of Coast Highway, generally between Riverside Avenue and the southerly projection of Irvine Avenue, would evolve as a pedestrian-oriented mixed-use "village" containing retail businesses, offices, services, and housing. Sidewalks would be improved with landscape and other amenities to foster pedestrian activity. Inland properties directly fronting onto Coast Highway and those to the east and west of the village would provide for retail, marine-related, and office uses. Streetscape amenities are proposed for the length of Mariners' Mile to improve its appearance and identity.

Goal

LU 6-197.18

A corridor that reflects and takes advantage of its location on the Newport Bay waterfront, supports and respects adjacent residential neighborhoods and exhibits a quality visual image for travelers on Coast Highway.

Policies

STRUCTURE

LU ~~6.19.17.18.1~~ Differentiated Districts

Differentiate and create cohesive land use districts for key subareas of Mariners’ Mile by function, use, and urban form. These should include (a) harbor-oriented uses with limited residential along the waterfront, (b) highway-oriented commercial corridor (see Figure LU26), and (c) community/neighborhood-serving “village” generally between Riverside Avenue and the southerly extension of Irvine Avenue. (*Imp 1.1, 2.1, 20.1, 20.2*)

LAND USES (refer to Figure LU26)

LU ~~6.19.27.18.2~~ Bay Fronting Properties [*designated as “MU-W1” Sub-Area A*]

Encourage marine-related and visitor-serving retail, restaurant, hotel, institutional-~~recreational~~, and recreational uses, and allow residential uses above the ground floor on parcels with a minimum frontage of 200 lineal feet where a minimum of 50 percent of the permitted square footage shall be devoted to nonresidential uses. No more than 50 percent of the waterfront ~~land~~-area between the Arches Bridge and the Boy Scout Sea Base may be developed with mixed-use structures. (*Imp 2.1, 5.1, 24.1*)

LU ~~6.19.37.18.3~~ Marine-Related Businesses

Protect and encourage facilities that serve marine-related businesses and industries unless present and foreseeable future demand for such facilities is already adequately provided for in the area. Encourage coastal-dependent industrial uses to locate or expand within existing sites and allow reasonable long-term growth. (*Imp 2.1, 5.1, 24.1*)

LU ~~6.19.47.18.4~~ Inland side of Coast Highway [*designated as “MU-H1,” “CG(0.3),” and “CG(0.5)” Sub-Areas B and C*]

Accommodate a mix of visitor- and ~~local~~~~resident~~-serving retail commercial, residential, and public uses. The Coast Highway frontage shall be limited to nonresidential uses. On inland parcels, generally between Riverside Avenue and Tustin Avenue, priority should be placed on accommodating uses that serve upland residential neighborhoods such as ~~grocery stores~~, specialty retail, small service office, restaurants, coffee shops, and similar uses. (*Imp 2.1, 5.1*)

LU ~~6.19.57.18.5~~ Parking

Require adequate parking and other supporting facilities for charters, yacht sales, visitor-serving, and other waterfront uses. (*Imp 2.1, 5.1*)

DESIGN AND DEVELOPMENT

Corridor

LU 6.19.67.18.6 Corridor Identity and Quality

Implement landscape, signage, lighting, sidewalk, pedestrian crossing, and other amenities consistent with the ~~Mariners' Mile Specific Plan District and Mariners' Mile Strategic Vision and Design Plan.~~ *(Imp 20.1)*

Harbor-Fronting Properties

LU 6.19.77.18.7 Architecture and Site Planning

While a diversity of building styles is encouraged, the form, materials, and colors of buildings located along the harbor front should be designed to reflect the area's setting and nautical history. *(Imp 8.1, 8.2)*

LU 6.19.87.18.8 Integrating Residential-Site Planning Principles

Permit properties developed for residential to locate the units along the Harbor frontage provided that portions of this frontage are developed for (a) retail, restaurant, or other visitor-serving uses and (b) plazas and other open spaces that provide view corridors and access from Coast Highway to the Harbor. The amount of Harbor frontage allocated for each use shall be determined by the City during the Development Plan review process. *(Imp 2.1, 5.1)*

LU 6.19.97.18.9 Harbor and Bay Views and Access

Require that buildings be located and sites designed to provide clear views of and access to the Harbor and Bay from the Coast Highway and Newport Boulevard rights-of-way in accordance with the following principles, as appropriate:

- Clustering of buildings to provide open view and access corridors to the Harbor
- Modulation of building volume and masses
- Variation of building heights
- Inclusion of porticoes, arcades, windows, and other “see-through” elements in addition to the defined open corridor
- Minimization of landscape, fencing, parked cars, and other nonstructural elements that block views and access to the Harbor
- Prevention of the appearance of the public right-of-way being walled off from the Harbor
- Inclusion of setbacks that in combination with setbacks on adjoining parcels cumulatively form functional view corridors
- Encouragement of adjoining properties to combine their view corridors that achieve a larger cumulative corridor than would have been achieved independently

Figure LU26 Mariners' Mile

Pg 1—8.5x11 color

Pg 2—8.5x11 color

A site-specific analysis shall be conducted for new development to determine the appropriate size, configuration, and design of the view and access corridor that meets these objectives, which shall be subject to approval in the Development Plan review process. *(Imp 2.1)*

LU 6.19.107.18.10 Waterfront Promenade

Require that development on the bay frontage implement amenities that ensure access for coastal visitors. Pursue development of a pedestrian promenade along the Bayfront. *(Imp 2.1, 20.2)*

LU 7.18.11 Guiding Development of a District Corridor

Initiate a process to review and, as appropriate, revise existing development standards and the Mariners' Mile Strategic Vision and Design Framework to (a) encourage less intensity along the Bayfront in exchange for more intensity of inland parcels and (b) ensure they adequately implement the vision for the form and quality of Mariners' Mile's coastal and inland development for such elements as viewshed and resource protection; building location, scale, mass, and heights; architectural character and design; streetscape amenities; site access and parking; traffic and connectivity to the Bayfront. *(Imp 2.1, 5.1, 16.10, 20.2)*

Community/Neighborhood Village

LU 6.19.117.18.12 Pedestrian-Oriented Village

Require that inland properties that front onto internal streets within the Community/Neighborhood Village locate buildings along and forming a semi-continuous building wall along the sidewalk, with parking to the rear in structures or in shared facilities and be designed to promote pedestrian activity. *(Imp 2.1, 16.10)*

LU 6.19.127.18.13 Properties Abutting Bluff Faces

Require that development projects that include coastal bluffs locate and design buildings to maintain the visual quality and maintain the structural integrity of the bluff faces. *(Imp 2.1)*

STRATEGY

LU 6.19.137.18.14 Lot Consolidation on Inland Side of Coast Highway

Permit development intensities in areas designated as "CG(0.3)" to be increased to a floor area ratio of 0.5 where parcels are consolidated to accommodate larger commercial development projects that provide sufficient parking. *(Imp 2.1, 5.1, 16.10)*

LU 6.19.147.18.15 Parking Lot Relocation

Consider options for the relocation of the City parking lot on Avon Street to better support the corridor's retail uses. *(Imp 16.10)*

LU 6.19.15 ~~Postal Distribution Center Relocation~~

~~Consider options for the relocation of the postal distribution center to reduce parking impacts in the immediate area. (Imp 14.14)~~

LU ~~6.19.16~~ 18.16 Parking and Supporting Facilities for Waterfront Uses

Explore additional options for the development and location of parking and other supporting facilities for charters, yacht sales, and other waterfront uses. (Imp 16.10)

Corona del Mar

The Corona del Mar corridor extends along Coast Highway between Avocado Avenue and Hazel Drive. It is developed with commercial uses and specialty shops that primarily serve adjoining residential neighborhoods, with isolated uses that serve highway travelers and coastal visitors. Among the area's primary uses are restaurants, home furnishings, and miscellaneous apparel and professional offices including architectural design services. Almost half of the commercial uses are located in multi-tenant buildings with retail on the ground floor and professional services above. Other uses include the Sherman Library and Gardens, a research library and botanical garden open to the public, and an assisted-living residential complex.

Buildings in the Corona del Mar corridor mostly front directly on and visually open to the sidewalks, with few driveways or parking lots to break the continuity of the "building wall" along the street. These, coupled with improved streetscape amenities, landscaped medians, and a limited number of signalized crosswalks, promote a high level of pedestrian activity.



Views of Corona del Mar along Pacific Coast Highway

The Corona del Mar Vision Plan, developed by the Business Improvement District, is intended to enhance the shopping district through community improvements. These envision a linear park-like environment with extensive sidewalk landscaping, street furniture, pedestrian-oriented lighting fixtures, activated crosswalks, parking lanes, and comparable improvements.

The 2006 General Plan Visioning process participants expressed support for protecting Corona del Mar as an important historic commercial center that serves adjoining neighborhoods.

In 2011, the City Council appointed a Citizen Advisory Panel (CAP) to develop a preliminary design of a Capital Improvement Project for beautification of the south side of East Coast Highway from Avocado Avenue to Dahlia Avenue. This effort also included the preparation of an Entryway Enhancement Project in coordination with the Corona del Mar Business Improvement District.

Policy Overview

The General Plan sustains Corona del Mar as a pedestrian-oriented retail village that serves surrounding neighborhoods. New development largely would occur as replacement of existing uses and developed at comparable building heights and scale. Additional parking would be provided by the re-use of parcels at the rear of commercial properties and/or in shared parking lots or structures developed ~~on~~near Coast Highway.

Goal

LU ~~6.20.19~~

A pedestrian-oriented “village” serving as the center of community commerce, culture, and social activity and providing identity for Corona del Mar.

Policies

LAND USES [designated as “CC,” refer to Figure LU27]

LU ~~6.20.17.19.1~~ Primary Uses

Accommodate neighborhood-serving uses that complement existing development. (*Imp 2.1*)

LU ~~6.20.27.19.2~~ Shared Parking Structures

Accommodate the development of structures on public or private parcels and other public/private arrangement that provides additional off-street parking ~~on parcels~~ for multiple businesses along the corridor, provided that the ground floor of the street-corridor frontage is developed for pedestrian-oriented ~~retail~~ uses. (*Imp 2.1, 16.10*)

LU ~~6.20.37.19.3~~ Expanded Parking

Accommodate the redevelopment of residential parcels immediately adjoining commercial uses that front onto Coast Highway for surface parking, provided that adequate buffers are incorporated to prevent impacts on adjoining residential (see “Design and Development” below). (*Imp 2.1*)

DESIGN AND DEVELOPMENT

LU ~~6.20.47.19.4~~ Pedestrian-Oriented Streetscapes

Work with business associations, tenants, and property owners to implement Corona del Mar Vision Plan streetscape improvements that contribute to the corridor’s pedestrian character. (*Imp 20.1*)

STRATEGY**LU ~~6.20.57.19.5~~ Complement the Scale and Form of Existing Development**

Permit new commercial development at a maximum intensity of 0.75 FAR, but allow existing commercial buildings that exceed this intensity to be renovated, upgraded, or reconstructed to their pre-existing intensity and, at a minimum, pre-existing number of parking spaces. (*Imp 2.1*)

LU ~~6.20.67.19.6~~ Expanded Parking Opportunities

Work with local businesses, residents, and organizations to explore other methods to provide parking convenient to commercial uses, such as a parking district or relocation of the City parking lot at the old school site at 4th Avenue and Dahlia Avenue. (*Imp 16.10*)

Figure LU27 Corona Del Mar

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Pg 2—8.5x11 color

CHAPTER 14 **Glossary**

2014 Land Use Element Amendment

Retained and modified 2014 Land Use Element Amendment policies will continue to be informed by the definitions outlined in Chapter 14 of the General Plan. The Amendment also established new policies focusing on best planning practices addressing such topics as sustainability, climate change, and healthy communities which have emerged since adoption of the 2006 General Plan. Not all terms defined in the Glossary are used in the General Plan. The following updates to the glossary are intended to implement the new policies. Definitions apply regardless whether they are capitalized in the text of the General Plan.

Access—A way of approaching or entering a property, including ingress (the right to enter) and egress (the right to leave).

Accrete—To add new material gradually to pre-existing material; opposite of erode.

Accretion—Enlargement of a beach area caused by either natural or artificial means. Natural accretion on a beach is the build-up or deposition of sand or sediments by water or wind. Artificial accretion is a similar build-up due to human activity, such as the accretion due to the construction of a groin or breakwater, or beach fill deposited by mechanical means.

Acres, Net—The portion of a site that can actually be built upon. The following generally are not included in the net acreage of a site: public or private road right-of-way, public open space, and floodways.

ADT—See Average Daily Traffic

Air Basin—One of 14 self-contained regions in California minimally influenced by air quality in contiguous regions.

Air Pollutant Emissions—Discharges into the atmosphere, usually specified in terms of weight per unit of time for a given pollutant from a given source.

Air Pollution—The presence of contaminants in the air in concentrations that exceed naturally occurring quantities and are undesirable or harmful.

Airport-related Business—A use that supports airport operations including, but not limited to, aircraft repair and maintenance, flight instruction, and aircraft chartering.

Air Quality Standards—The prescribed level of pollutants in the outside air that cannot be exceeded legally during a specified time in a specified geographical area.

Alley—A narrow service way, either public or private, that provides a permanently reserved but secondary means of public access not intended for general traffic circulation. Alleys typically are located along rear property lines.

Alluvial—Soils deposited by stream action.

Alquist-Priolo Earthquake Fault Zoning Act—California state law that mitigates the hazard of surface faulting to structures for human occupancy.

Ambient—Surrounding on all sides; used to describe measurements of existing conditions with

respect to traffic, noise, air and other environments.

Ambient Noise Level—The combination of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

Anaerobic Soil—Soil that is devoid of interstitial oxygen. In wetlands this condition most normally occurs because of the sustained presence of water, which limits contact with the atmosphere.

Anchorage Area—A water area outside of navigation channels designated for the temporary anchorage of vessels, using their own anchoring tackle.

Annexation—The incorporation of a land area into an existing city with a resulting change in the boundaries of that city.

Apartment—(1) One or more rooms of a building used as a place to live, in a building containing at least one other unit used for the same purpose. (2) A separate suite, not owner occupied, that includes kitchen facilities and is designed for and rented as the home, residence, or sleeping place of one or more persons living as a single housekeeping unit.

Appealable Area—That portion of the coastal zone within an appealable area boundary adopted pursuant to Section 30603 of the *California Coastal Act* and approved by the Coastal Commission and depicted on the Permit and Appeal Jurisdiction Map.

Approach Zone—The air space at each end of a landing strip that defines the glide path or approach path of an aircraft and which should be free from obstruction.

Aquifer—An underground bed or layer of earth, gravel, or porous stone that contains water.

Area; Area Median Income—As used in California housing law with respect to income eligibility limits established by the U.S. Department of Housing and Urban Development (HUD), “area” means metropolitan area or nonmetropolitan county. In non-metropolitan areas, the “area median income” is the higher of the county median family income.

Armor—To fortify a topographical feature to protect it from erosion (e.g., constructing a wall to armor the base of a sea cliff).

Arterial—A major street carrying the traffic of local and collector streets to and from freeways and other major streets, with controlled intersections and generally providing direct access to nonresidential properties.

Artificial Hard Structure—Docks, floats, boat bottoms, bulkheads, seawalls, and other hard surfaces that provide attachment surfaces for marine organisms.

ASBS—Area of Special Biological Significance designation by the California Water Resources Control Board for a coastal habitat that is susceptible to the effects of waste discharge.

Assisted Housing—Generally multi-family rental housing, but sometimes single-family ownership units, whose construction, financing, sales prices, or rents have been subsidized by federal, state, or local housing programs, including, but not limited to, federal Section 8 (new construction, substantial rehabilitation, and loan management set-asides), federal Sections 213, 236, and 202, federal Section 221(d)(3) (below-market interest rate program), federal Section 101 (rent supplement assistance), CDBG, FmHA Section 515, multi-family mortgage revenue bond programs, local redevelopment and in lieu fee programs, and units developed pursuant to local inclusionary housing and density bonus programs.

Average Daily Traffic (ADT)—Number of vehicles (cars, trucks, etc.) on a road over a 24-hour period (measured in vehicles per day).

A-Weighted Decibel or dB(A)—A numerical method of rating human judgment of loudness. The A-weighted scale reduces the effects of low and high frequencies in order to simulate human hearing.

Backbeach (Dry Beach)—The sand area inundated only by storm tides or extreme high tides. These areas supply sands to the dune system.

Base Flood Elevation—The highest elevation, expressed in feet above sea level, of the level of flood waters expected to occur during a 100-year flood (i.e., a flood that has one percent likelihood of occurring in any given year).

Beach Nourishment Program—Plan for conducting a series of beach nourishment projects at a specific location, typically over a period of 50 years. The program would be based on establishing the technical and financial feasibility of beach nourishment for the site and would include plans for obtaining funding and sources of sand for its duration.

Beach Nourishment Project—Placement of sand on a beach to form a designed structure in which an appropriate level of protection from storms is provided and an additional amount of sand (advanced fill) is installed to provide for erosion of the shore prior to the anticipated initiation of a subsequent project. The project may include dunes and/or hard structures as part of the design.

Beach—The expanse of sand, gravel, cobble or other loose material that extends landward from the low water line to the place where there is distinguishable change in physiographic form, or to the line of permanent vegetation. The seaward limit of a beach (unless specified otherwise) is the mean low water line.

Bed and Breakfast—Usually a dwelling unit, but sometimes a small hotel, that provides lodging and breakfast for temporary overnight occupants, for compensation.

Bedrock—Solid rock underlying soil and younger rock layers; generally the oldest exposed geological unit.

Berm—A nearly horizontal portion of the beach or backshore formed by the deposit of material by wave action. Some beaches have no berms and others may have one or several.

Berth—A generic term defining any location, such as a floating dock, slip, mooring and the related water area (berthing area) adjacent to or around it, intended for the storage of a vessel in water.

Best Management Practices (BMPs)—Schedules of activities, prohibitions of practices, operation and maintenance procedures, and other management practices to prevent or reduce the conveyance of pollution in stormwater and urban runoff, as well as, treatment requirements and structural treatment devices designed to do the same.

Bicycle Lane (Class II facility)—A corridor expressly reserved for bicycles, existing on a street or roadway in addition to any lanes for use by motorized vehicles.

Bicycle Path (Class I facility)—A paved route not on a street or roadway and expressly reserved for bicycles traversing an otherwise unpaved area. Bicycle paths may parallel roads but typically are separated from them by landscaping.

Bicycle Route (Class III facility)—A facility shared with motorists and identified only by signs, a bicycle route has no pavement markings or lane stripes.

Bikeways—A term that encompasses bicycle lanes, bicycle paths, and bicycle routes.

Biodiversity—A term used to quantitatively or qualitatively describe the species richness and abundance of plants and animals within an ecosystem.

Biological Community—A naturally occurring group of different plant and animals species that live in a particular environment.

Bluff Edge—The upper termination of a bluff, cliff, or seacliff: In cases where the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the bluff line or edge shall be defined as that point nearest the bluff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a steplike feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to be the bluff edge. Bluff edges typically retreat landward due to coastal erosion, landslides, development of gullies, or by grading (cut). In areas where the bluff top or bluff face has been cut or notched by grading, the bluff edge shall be the landward most position of either the current or historic bluff edge. In areas where fill has been placed near or over the historic bluff edge, the original natural bluff edge, even if buried beneath fill, shall be taken to be the bluff edge.

Bluff Face—The portion of a bluff between the bluff edge and the toe of the bluff.

Bluff Top Retreat (or cliff top retreat)—The landward migration of the bluff or cliff edge, caused by marine erosion of the bluff or cliff toe and subaerial erosion of the bluff or cliff face.

Bluff, Coastal—A bluff overlooking a beach or shoreline or that is subject to marine erosion. Many coastal bluffs consist of a gently sloping upper bluff and a steeper lower bluff or sea cliff. The term “coastal bluff” refers to the entire slope between a marine terrace or upland area and the sea. The term “sea cliff” refers to the lower, near vertical portion of a coastal bluff. For purposes of establishing jurisdictional and permit boundaries coastal bluffs include, (1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and (2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified as an Appealable Area.

Bluff—A high bank or bold headland with a broad, precipitous, sometimes rounded cliff face overlooking a plain or body of water. A bluff may consist of a steep cliff face below and a more sloping upper bluff above.

Breach—A breakthrough of part, or all, of a protective wall, beach sand barrier, beach berm, or the like by ocean waves, river or stream flow, mechanical equipment, or a combination of these forces. Breaching is sometimes purposefully done to protect a region from river overflow.

Breakwater—A structure or barrier protecting a shore area, harbor, anchorage, or basin from waves, usually constructed as a concrete or riprap (rock wall) structure.

Buffer—A strip of land designated to protect one type of land use from another incompatible use. Where a commercial district abuts a residential district, for example, additional use, yard, or height restrictions may be imposed to protect residential properties. The term may also be used to describe any zone that separates two unlike zones, such as a multi-family housing zone between single-family housing and commercial uses.

Building—Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind or nature.

Building Height—The vertical distance from the average contact ground level of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for a gable, hip, or gambrel roof. The exact definition varies by community. For example, in some communities building height is measured to the highest point of the roof, not including elevator and cooling towers.

Buildout; Build-out—Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations. (see “Carrying Capacity (3).”)

Bulkhead Line—Harbor land/water perimeter lines established in Newport Harbor by the federal government, which define the permitted limit of filling or solid structures that may be constructed in the Harbor.

Bulkhead—Vertical walls built into and along the Harbor shoreline preventing the erosion of land into the water and to protect the land from wave, tide and current action by the water, similar to a “retaining wall” on land. Bulkheads may be directly bordered by water, or may have sloped stones (riprap) or sand beach between the bulkhead and the water and land areas.

Busway—A vehicular right-of-way or portion thereof—often an exclusive lane—reserved exclusively for buses.

California Environmental Quality Act (CEQA)—A state law (California Public Resources Code Section 21000 et seq.) requiring state and local agencies to regulate activities with consideration for environmental protection. If a proposed activity has the potential for a significant adverse environmental impact, an Environmental Impact Report (EIR) must be prepared and certified as to its adequacy before taking action on the proposed project. General Plans usually require the preparation of a “Program EIR.”

California Housing Finance Agency (CHFA)—A state agency, established by the *Housing and Home Finance Act of 1975*, authorized to sell revenue bonds and generate funds for the development, rehabilitation, and conservation of low- and moderate-income housing.

California Least Tern—An endangered bird species that nests on beaches and in salt marshes along California; smallest of the terns.

Caltrans—California Department of Transportation.

Canyon Edge—The upper termination of a canyon: In cases where the top edge of the canyon is rounded away from the face of the canyon as a result of erosional processes related to the presence of the canyon face, the canyon edge shall be defined as that point nearest the canyon beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the canyon. In a case where there is a steplike feature at the top of the canyon face, the landward edge of the topmost riser shall be taken to be the canyon edge.

Capital Improvement Program (CIP)—A proposed timetable or schedule of all future capital improvements (government acquisition of real property, major construction project, or acquisition of long lasting, expensive equipment) to be carried out during a specific period and listed in order of priority, together with cost estimates and the anticipated means of financing each project. Capital improvement programs are usually projected five or six years in advance and should be updated annually.

Carbon Dioxide—A colorless, odorless, non-poisonous gas that is a normal part of the atmosphere.

Carbon Monoxide—A colorless, odorless, highly poisonous gas produced by automobiles and other machines with internal combustion engines that imperfectly burn fossil fuels such as oil and gas.

Caulerpa Algae—An invasive Mediterranean seaweed introduced to southern California in 2000 that has a potential to cause severe ecological damage to coastal and nearshore waters.

CDFG—California Department of Fish and Game (also known as DFG).

Census—The official decennial enumeration of the population conducted by the federal government.

Channel—A water area in Newport Harbor designated for vessel navigation, with necessary width and depth requirements, and which may be marked or otherwise designated on federal navigation charts, as well as in other sources.

Charter Vessel—A vessel used principally for charter purposes, a “charter” being a rental agreement, generally for a period of one day or more.

City—City, with a capital "C," generally refers to the government or administration of a city. City, with a lower case "c" may mean any city.

City Council—The governing board of the City. The ~~five~~seven-member elected council is responsible to the electorate for keeping pace with changing community needs, for establishing the quality of municipal services through the open conduct of public affairs, and for encouraging constructive citizen participation.

Clast—An individual constituent, grain, or fragment of a sediment or rock, produced by the mechanical weathering (disintegration) of a larger rock mass.

Cliff—A high, very steep to perpendicular, or overhanging face of rock.

Climate Action Plan (CAP)—A policy document enabling Newport Beach to comply with State requirements for the reduction of greenhouse gas emissions including Executive Order S-3-05; Assembly Bill 32, The California Global Warming Solutions Act of 2006; and Senate Bill 375 and consistency with the Orange County Sustainable Communities Strategy. CAPs provide analyses of the GHG emissions attributable to the community; estimates of how those emissions are expected to increase to 2020 and the horizon year of the General Plan; and recommended policies and actions that can reduce GHG emissions to meet regional and state targets.

Climate Change—Changes in average winter and spring temperatures during the past 50 years, with reduction in snowpack coverage, water runoff and supply, and drier vegetative cover, and changes in sea level.

Cluster Development—Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area.

CNDDDB—California Natural Diversity Database.

Coastal Access—The ability of the public to reach, use or view the shoreline of coastal waters or inland coastal recreation areas and trails.

Coastal Commission—The California Coastal Commission, the state agency established by state law responsible for carrying out the provisions of the *California Coastal Act* and for review of coastal permits on appeal from local agencies.

Coastal Development Permit (CDP)—A permit for any development within the coastal zone that is required pursuant to subdivision (a) of Section 30600.

Coastal Plan—The California Coastal Zone Conservation Plan prepared and adopted by the California Coastal Zone Conservation Commission and submitted to the Governor and the Legislature on December 1, 1975, pursuant to the *California Coastal Zone Conservation Act of 1972* (commencing with Section 27000).

Coastal Zone—That land and water area of California from the Oregon border to the border of the Republic of Mexico, specified on the maps identified and set forth in Section 17 of that chapter of the Statutes of the 1975/76 Regular Session enacting this division, extending seaward to the state's outer limit of jurisdiction, including all offshore islands, and extending inland generally 1,000 yards from the mean high tide line of the sea. In significant coastal estuarine, habitat, and recreational areas it extends inland to the first major ridgeline paralleling the sea or five miles from the mean high tide line of the sea, whichever is less, and in developed urban areas the zone generally extends inland less than 1,000 yards. The coastal zone does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, nor any area contiguous thereto, including any river, stream, tributary, creek, or flood control or drainage channel flowing into such area.

Coastal-dependent Development or Use—Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.

Coastal-related Development—Any use that is dependent on a coastal-dependent development or use.

Collector—A street for traffic moving between arterial and local streets, generally providing direct access to properties.

Collector Roadway—A collector roadway is a two-to-four-lane, unrestricted access roadway with capacity ranging from 7,000 VPD to 20,000 VPD. It differs from a local street in its ability to handle through traffic movements between arterials.

Community Care Facility—Any facility, place, or building which is maintained and operated to provide non-medical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes residential facilities, adult day care facilities, day treatment facilities, foster family homes, small family homes, social rehabilitation facilities, community treatment facilities, and social day care facilities.

Community Development Block Grant (CDBG)—A grant program administered by the U.S. Department of Housing and Urban Development (HUD) on a formula basis for entitlement communities, and by the State Department of Housing and Community Development (HCD) for non-entitled jurisdictions. This grant allots money to cities and counties for housing rehabilitation and community development, including public facilities and economic development.

Community Noise Equivalent Level (CNEL)—The average equivalent sound level during a 24-hour day, obtained after addition of five decibels to sound levels in the evening from 7 p.m. to 10 p.m. and after addition of 10 decibels to sound levels in the night after 10 p.m. and before 7 a.m. See also "A-Weighted Decibel."

Community Redevelopment Agency (CRA)—A local agency created under California Redevelopment Law, or a local legislative body that has elected to exercise the powers granted to such

an agency, for the purpose of planning, developing, re-planning, redesigning, clearing, reconstructing, and/or rehabilitating all or part of a specified area with residential, commercial, industrial, and/or public (including recreational) structures and facilities. The redevelopment agency's plans must be compatible with adopted community general plans.

Compatibility—The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict. The designation of permitted and conditionally permitted uses in zoning districts are intended to achieve compatibility within the district. Some elements affecting compatibility include: intensity of occupancy as measured by dwelling units per acre; building heights and mass; architectural design; pedestrian or vehicular traffic generated; volume of goods handled; and such environmental effects as noise, vibration, glare, air pollution, or the presence of hazardous materials. On the other hand, many aspects of compatibility are based on personal preference and are much harder to measure quantitatively, at least for regulatory purposes.

Condominium—A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Congestion Management Plan (CMP)—A mechanism employing growth management techniques, including traffic level of service requirements, development mitigation programs, transportation systems management, and capital improvement programming, for the purpose of controlling and/or reducing the cumulative regional traffic impacts of development. AB 1791, effective August 1, 1990, requires all cities, and counties that include urbanized area, to adopt and annually update a Congestion Management Plan.

Congregate Care Housing—Generally defined as age-segregated housing built specifically for the elderly that provides services to its residents, the minimum of which is usually an on-site meal program, but which may also include housekeeping, social activities, counseling, and transportation. There is generally a minimum health requirement for acceptance into a congregate facility as most do not offer supportive health care services, thus differing from a nursing home. Residents usually have their own bedrooms and share common areas such as living rooms, dining rooms, and kitchens; bathrooms may or may not be shared.

Conservation—The management of natural resources to prevent waste, destruction, or neglect.

Contour—A line on a topographic map or bathymetric (depth) chart representing points of equal elevation with relation to a datum (point or set of points). Contour lines are usually spaced into intervals for easier comprehension and utilization.

Council of Governments (COG)—A regional planning and review authority whose membership includes representation from all communities in the designated region. The Southern California Association of Governments (SCAG) is an example of a COG in Southern California.

Coverage—The proportion of the area of the footprint of a building to the area of the lot on which it stands.

Cretaceous—A period of geologic time spanning 136-64 million years ago.

Critical Facility—Facilities housing or serving many people which are necessary in the event of an earthquake or flood, such as hospitals, fire, police, and emergency service facilities, utility "lifeline" facilities, such as water, electricity, and gas supply, sewage disposal, and communications and transportation facilities.

Cul-de-sac—A short street or alley with only a single means of ingress and egress at one end and with a turnaround at its other end.

Cumulative Effect (Cumulative Impacts)—The incremental effects of an individual project shall be reviewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Current—A flow of water in a particular direction. Such flows can be driven by wind, temperature or density differences, tidal forces, and wave energy. Currents are often classified by location, such as longshore current, surface current, or deep ocean currents. Different currents can occur in the same general area, resulting in different water flows, for example, a rip current can flow perpendicular to the shore through the surf zone, a long shore current may flow southerly, parallel to the coast and a seasonal deep water current may flow to the north.

Day-Night Average Level (L_{dn})—The average equivalent sound level during a 24-hour day, obtained after addition of 10 decibels to sound levels in the night after 10:00 P.M. and before 7:00 A.M. See also “Community Noise Equivalent Level.”

Decibel (dB)—A unit for describing the amplitude of sound, as it is heard by the human ear. See also “A-Weighted Decibel,” “Community Noise Equivalent Level,” and “Day-Night Average Level.”

Dedication—The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school sites, or other public uses often are made conditions for approval of a development by a city.

Dedication, In lieu of—Cash payments that may be required of an owner or developer as a substitute for a dedication of land, usually calculated in dollars per lot, and referred to as in lieu fees of in lieu contributions.

Demolition—The deliberate removal or destruction of the frame or foundation of any portion of a building or structure for the purpose of preparing the site for new construction or other use.

Density—The number of families, individuals, dwelling units or housing structures per unit of land; usually density is expressed "per acre." Thus, the density of a development of 100 units occupying 20 acres is 5 units per acre.

Density Bonus—The allocation of development rights that allow a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location.

Density Transfer—A way of retaining open space by concentrating densities, usually in compact areas adjacent to existing urbanization and utilities, while leaving unchanged historic, environmentally sensitive, or hazardous areas.

Developable Acres, Net—The portion of a site that can be used for density calculations. Some communities calculate density based on gross acreage. Public or private road rights-of-way are not included in the net developable acreage of a site.

Developable Land—Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.

Developer—An individual who or business which prepares raw land for the construction of buildings or causes to be built physical building space for use primarily by others, and in which the preparation of the land or the creation of the building space is in itself a business and is not incidental

to another business or activity.

Development—The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.

Development Impact Fees—A fee or charge imposed on developers to pay for the costs to the city of providing services to a new development.

Development Plan—A plan, to scale, showing uses and structures proposed for a parcel or multiple parcels of land. It includes lot lines, streets, building sites, public open space, buildings, major landscape features, and locations of proposed utility services.

Development Rights—The right to develop land by a landowner that maintains fee-simple ownership over the land or by a party other than the owner who has obtained the rights to develop. Such rights usually are expressed in terms of density allowed under existing zoning. For example, one development right may equal one unit of housing or may equal a specific number of square feet of gross floor area in one or more specified zone districts.

Disturbed—A term used to identify a biological habitat that has been altered by natural or man-made events.

Dock—A structure generally linked to the shoreline, to which a vessel may be secured. A dock may be fixed to the shore, on pilings, or floating in the water.

Dominant—The major plant or animal species in a community.

Downcoast—In the United States usage, it is the coastal direction generally trending toward the south; also the way in which current flows.

DPR—California Department of Parks and Recreation.

Dry Storage—Dry storage of vessels includes all on-land storage of vessels including vessels normally stored in open or enclosed rack structures, on trailers, on cradles, on boat stands, or by other means.

Dune—Ridges or mounds of loose, wind-blown material usually sand. A dune structure often has a back and foredune area. Stable dunes are often colonized by vegetation.

Duplex—A detached building under single ownership that is designed for occupation as the residence of two families living independently of each other.

Dwelling—A structure or portion of a structure used exclusively for human habitation.

Dwelling Unit—One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the unit for the exclusive use of a single family maintaining a household.

Dwelling, Multi-family—A building containing two or more dwelling units for the use of individual families maintaining households; an apartment or condominium building is an example of this dwelling unit type.

Dwelling, Single-family Attached—A one-family dwelling attached to one or more other one-family dwellings by a common vertical wall; duplexes and townhomes are examples of this dwelling unit type.

Dwelling, Single-family Detached—A dwelling which is designed for and occupied by not more

than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

DWR—California Department of Water Resources.

Easement—A limited right to make use of a land owned by another, for example, a right of way across the property.

Ebb Tide—The period of tide between high water and the succeeding low water; a falling tide (opposite = flood tide).

Economic Base—The production, distribution, and consumption of goods and services within a planning area.

Eelgrass—A marine flowering plant (*Zostera marina*) that is found primarily in coastal bays and estuaries on soft substrate.

Elderly Housing—Typically one- and two-bedroom apartments or condominiums designed to meet the needs of persons 62 years of age and older or, if more than 150 units, persons 55 years of age and older, and restricted to occupancy by them. (See “Congregate Care.”)

El Niño—A term used to describe a cyclic weather pattern caused by changes in tropical ocean current patterns that result in worldwide changes in weather patterns.

Element—A division of the General Plan referring to a topic area for which goals, policies, and programs are defined (e.g., land use, housing, circulation).

Embodied Energy—An accounting method which aims to find the sum total of the energy necessary for an entire product life-cycle.

Emergency Shelter—A facility that provides immediate and short-term housing and supplemental services for the homeless. Shelters come in many sizes, but an optimum size is considered to be 20 to 40 beds. Supplemental services may include food, counseling, and access to other social programs. (See “Homeless” and “Transitional Housing.”)

Eminent Domain—The authority of a government to take, or to authorize the taking of, with compensation, private property for public use.

Emission Standard—The maximum amount of pollutant legally permitted to be discharged from a single source, either mobile or stationary.

Endangered Species—A species of animal or plant is endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes.

Energy Facility—Any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

Entertainment/Excursion Vessels—Commercial vessels engaged in the carrying of passengers for hire for the purposes of fishing, whale watching, diving, educational activities, harbor and coastal tours, dining/drinking, business or social special events and entertainment.

Environment—The sum of all external conditions and influences affecting the life, development, and survival of an organism.

Environmental Impact Report (EIR)—A report required of general plans by the *California Environmental Quality Act* and which assesses all the environmental characteristics of an area and determines what effects or impacts will result if the area is altered or disturbed by a proposed action. (See “California Environmental Quality Act.”)

Environmental Study Area (ESA)—Relatively large, undeveloped areas containing natural habitats and may be capable of supporting sensitive biological resources.

Environmentally Sensitive Habitat Area (ESHA)—Any area in which plant or animal life or their habitat are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and development (PRC 30107.5).

Eocene—A period of geologic time spanning 54-38 million years ago.

Ephemeral—Short-lived (e.g., an ephemeral stream only flows immediately after rainfall).

Equilibrium Beach Width—The mean distance between the shoreline and backbeach line at which sand contributions and losses are balanced.

Equivalent Sound Level (LEQ)—The sound level corresponding to a steady noise level over a given sample period with the same amount of acoustic energy as the actual time varying noise level. The energy average noise level during the sample period.

Erode—The gradual wearing away and removal of land surface by various agents such as waves; opposite of accrete.

Erosion—The wearing away of land by natural forces. On a beach, the carrying away of beach material by wave action, currents or the wind.

Estuarine System—Deepwater tidal habitats and adjacent tidal wetlands that are usually semi-enclosed by land but have open, partly obstructed, or sporadic access to the ocean, with ocean water at least occasionally diluted by freshwater runoff from the land. The upstream and landward limit is where ocean-derived salts measure less than 0.5 parts per thousand during the period of average annual low flow.

Estuary—The region near a river mouth in which the fresh water of the river mixes with the salt water of the sea.

Evaluation—Process by which a project's performance is determined relative to criteria developed for this purpose.

Exaction—A contribution or payment required as an authorized precondition for receiving a development permit; usually refers to mandatory dedication (or fee in lieu of dedication) requirements found in many subdivision regulations.

Exclusion Area—That portion of the coastal zone within an exclusion area boundary adopted pursuant to the *California Coastal Act* and approved by the Coastal Commission after the effective date of the delegation of development review authority and depicted on the certified Permit and Appeal Jurisdiction Map. Development within this area is excluded from coastal development permit requirements if certain criteria identified in the adopted exclusion are met.

Exclusion Areas Map—A map depicting those areas where specified development types are excluded from the coastal development permit requirements.

Fast-food Restaurant—Any retail establishment intended primarily to provide short-order food

services for on-site dining and/or take-out, including self-serve restaurants (excluding cafeterias where food is consumed on the premises), drive-in restaurants, and formula restaurants required by contract or other arrangement to offer standardized menus, ingredients, and fast-food preparation.

Fault, Active—A fault that has moved within the last 11,000 years and that is likely to move again within the next 100 years.

Fault, Inactive—A fault which shows no evidence of movement in the last 11,000 years and no potential for movement in the relatively near future.

Fault, Potentially Active—A fault that last moved within the Quaternary Period (the last 2,000,000 to 11,000 years) before the Holocene Epoch (11,000 years to the present); or a fault that, because it is judged to be capable of ground rupture or shaking, poses an unacceptable risk for a proposed structure.

Fault—A rock fracture accompanied by displacement.

Feasible—Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

Federal Coastal Act—The federal *Coastal Zone Management Act of 1972* (16 U.S.C. 1451, et seq.), as amended.

FEMA—Federal Emergency Management Agency.

Fen—A unique type of wetland characterized by a saturated substrate dominated by organic material in which acidic conditions (pH < 7) prevail. Contrast with a bog, which has a saturated substrate dominated by organic material in which basic conditions (pH > 7) prevail.

FHWA—Federal Highway Administration.

Fill—Earth or any other substance or material, including pilings placed for the purposes of erecting structures thereon, placed in a submerged area.

Finding(s)—The result(s) of an investigation and the basis upon which decisions are made. Findings are used by government agents and bodies to justify action taken by the entity.

Fire Flow—A rate of water flow that should be maintained to halt and reverse the spread of a fire.

Fire Hazard Zone—An area where, due to slope, fuel, weather, or other five related conditions, the potential loss of life and property from a fire necessitates special fire protection measures and planning before development occurs.

Fire-resistive—Able to withstand specified temperatures for a certain period of time, such as a one-hour fire wall; not fire-proof.

First Public Road Paralleling the Sea—The road that is nearest the sea, as defined in this chapter, and that meets all of the following criteria:

1. The road is lawfully open and suitable for uninterrupted use by the public
2. The road is maintained by a public agency
3. The road contains an improved all-weather surface open to motor vehicle traffic in at least one direction
4. The road is not subject to any restrictions on use by the public except during an emergency or for military purposes
5. The road connects with other public roads providing a continuous access system and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries and wetlands cause the waters of the sea to extend landward of the generally continuous coastline

Fiscal Impact Analysis—A projection of the direct public costs and revenues resulting from population or employment change to the local jurisdiction(s) in which the change is taking place. Enables local governments to evaluate relative fiscal merits of general plans, specific plans, or projects.

Flood Insurance Rate Map (FIRM)—For each community, the official map on which the Federal Insurance Administration has delineated areas of special flood hazard and the risk premium zones applicable to that community.

Flood, Regulatory Base—Flood having a one percent chance of being equaled or exceeded in any given year (100-year flood).

Floodplain—A lowland or relatively flat area adjoining the banks of a river or stream which is subject to a one percent or greater chance of flooding in any given year (i.e., 100-year flood).

Floodway—The channel of a watercourse or river, and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the base flood of the channel.

Floor Area Ratio (FAR)—The gross floor area of all buildings on a lot divided by the lot area; usually expressed as a numerical value (e.g., a building having 5,000 square feet of gross floor area located on a lot of 10,000 square feet in area has a floor area ratio of 0.5:1).

Forebeach (Wet Beach)—The sand area affected regularly by tides and wave action.

Foreshore (or Beach Face)—Region of the coast extending from the berm crest (or the highest point of wave wash at high tide) to the low-water mark that is measured at low tide.

Formation—A unit of rock that is distinctive and persistent over a large area.

Fossiliferous—Rock units containing fossils.

Frequency—The number of times per second that a sound pressure signal oscillates about the prevailing atmosphere pressure. The unit of frequency is the hertz. The abbreviation is Hz.

General Plan—A legal document that takes the form of a map and accompanying text adopted by the local legislative body. The plan is a compendium of policies regarding the long-term development of a jurisdiction. The state requires the preparation of seven elements or divisions as part of the plan: land use, housing, circulation, conservation, open space, noise, and safety. Additional elements pertaining to the unique needs of an agency are permitted.

Geographic Information System (GIS)—A GIS is a computer system capable of assembling, storing, manipulating, and displaying geographically referenced information. A GIS allows analysis of spatial relationships between many different types of features based on their location in the landscape.

Geohazard—A risk associated with geologic processes or events.

Giant Kelp—A large brown seaweed (*Macrocystis pyrifera*) that grows primarily on rocky substrate and forms a underwater “forest” in which a diverse group of algae, invertebrates, and fishes are found.

Global Positioning System (GPS)—A satellite-based navigational system.

Goal—The ultimate purpose of an effort stated in a way that is general in nature and immeasurable; a broad statement of intended direction and purpose (e.g., "Achieve a balance of land use types within the city").

Grade—The degree of rise or descent of a sloping surface.

Gravity Walls—Massive, self-supporting walls which resist horizontal wave forces through their sheer mass.

Greenbelt—An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

Greenhouse Gas Emissions (GHG)—Heat-trapping gasses, including water vapor, carbon dioxide (CO₂), methane (CH₄), and ozone (O₃). The primary sources of GHG emissions contributing to climate change are the combustion of fossil fuels for energy and transportation.

Greenhouse Gas Emission (GHG) Reduction or Reducing Greenhouse Gas (GHG)

Emissions—GHG emissions shall be considered to have been reduced as mandated or encouraged by a General Plan policy if the level of GHG emissions expected to be generated by a proposed project with GHG reduction measures would be less than the level of GHG emissions that would have been generated had that proposed project been constructed without such measures under standards in effect in 1990, regardless of the existing use of the subject property or area.

Grid—City of Newport 2,000 x 3,000-foot aerial reference grid.

Groin—A shoreline protection structure built, usually perpendicular to the shoreline, to trap nearshore sediment or retard erosion of the shore. A series of groins acting together to protect a section of beach is known as a groin system or groin field.

Ground Failure—Mudslide, landslide, liquefaction (see this Glossary), or the compaction of soils due to ground shaking from an earthquake.

Ground Shaking—Ground movement resulting from the transmission of seismic waves during an earthquake.

Groundwater—Subsurface water occupying the zone of saturation usually found in porous rock strata and soils.

Group Quarters—A dwelling that houses unrelated individuals.

Growth Management—Techniques used by government to control the rate, amount, and type of development.

Habitat—The physical location or type of environment in which an organism or biological population lives or occurs.

Harbor Lines—All established Bulkhead, Pierhead, and Project Lines as defined within Newport Harbor by the federal, state, county and city governments.

Harbor Maintenance Uses, Equipment, and Facilities—All uses, and their related equipment, vessels, docking and land storage facilities and access which provide: dredging and beach replenishment; demolition, repair and new construction of docks, piers, bulkheads and other in-and-over-water structures; mooring maintenance and repair; waterborne debris and pollution control, collection and removal. This category also includes environmental, survey or scientific vessels and related equipment based, or on assignment, in Newport Harbor: All vessels under this definition may also be referred to as “work boats.”

Harbor Permit Policies—City of Newport Beach City Council Policy Manual Section H-1, governing permits for structures bayward of the bulkhead line, and related parking, sanitary, utility and related support requirements

Harbor Regulations—Title 17 of the Newport Beach Municipal Code governing structures, uses and activities within the Harbor.

Hardscape Habitat—Hard surfaces of pilings, docks, floats, wharves, seawalls, bulkheads, jetties, and rock groins, and natural intertidal and subtidal reefs that are colonized by marine organisms

Hazardous Materials—An injurious substance, including pesticides, herbicides, toxic metals and chemicals, liquefied natural gas, explosives, volatile chemicals and nuclear fuels.

HCD—California Department of Housing and Community Development.

HDC—Nonprofit Housing Development Corporation.

Headland (Head)—A high, steep-faced projection extending into the sea, usually marking an area of fairly stable and rigid landform.

Heat Island Effect—An urban area having higher average temperature than its rural surroundings due to the greater absorption, retention, and generation of heat by its buildings, pavements, and human activities.

High Occupancy Vehicle—Vehicle transporting more than one person (at least one passenger, in addition to the driver).

Historic Building or Structure—See Historic Resource.

Historic District—A geographic area which contains a concentration of historic buildings, structures, or sites united historically, culturally, or architecturally.

Historic Preservation—The preservation of historically significant structures and neighborhoods until such time as, and in order to facilitate, restoration and rehabilitation of the building(s) to a former condition.

Historic Resource—Any object, building, structure, site, area, place, record, or manuscript which is historically or archeologically significant, or which is significant in the architectural, engineering, scientific, economic, agriculture, educational, social, political, military, or cultural history of the City of Newport Beach and/or California and/or the United States.

Holocene—n geologic time, less than 11,000 years ago; also called Recent.

HOME—Home Investment Partnership Act.

Homeless—Persons and families who lack a fixed, regular, and adequate nighttime residence. Includes those staying in temporary or emergency shelters or who are accommodated with friends or others with the understanding that shelter is being provided as a last resort. California Housing Element law, §65583(c)(1) requires all cities and counties to address the housing needs of the homeless. (See “Emergency Shelter” and “Transitional Housing.”)

Hotel—A facility in which guest rooms or suites are offered to the general public for lodging with or without meals and for compensation, and where no provisions is made for cooking in any individual guest room or suite. (See “Motel.”)

Household—According to the U.S. Census, a household is all persons living in a dwelling unit whether or not they are related. Both a single person living in an apartment and a family living in a house are considered households.

Household Income—The total income of all the people living in a household. Households are usually described as very low income, low income, moderate income, and upper income for that household size, based on their position relative to the regional median income.

Housing Affordability—Based on state and federal standards, housing is affordable when the housing costs are no more than 30 percent of household income.

Housing Unit—A room or group of rooms used by one or more individuals living separately from others in the structure, with direct access to the outside or to a public hall and containing separate

toilet and kitchen facilities.

HUD—U.S. Department of Housing and Urban Development.

Hydric Soil—A type of soil with characteristics resulting from prolonged saturation and chemically reducing conditions such as occurs under anaerobic conditions.

Hydrology—The dynamic processes of the water within an environment including the sources, timing, amount, and direction of water movement.

Hydrophytic Vegetation—Plants that have adapted to living in aquatic environments. These plants are also called hydrophytes. In wetlands, hydrophytic species occur where at least the root zone of the plant is seasonally or continually found in saturated or submerged soil.

Impact—The effect of any direct man-made actions or indirect repercussions of man-made actions on existing physical, social, or economic conditions.

Implementation Measure—An action, procedure, program, or technique that carries out general plan policy.

In Situ—A Latin phrase meaning "in place." Archaeologically it refers to an artifact or object being found in its original, undisturbed position.

Income Categories—Four categories for classifying households according to income based on the median income for each County. The categories are as follows: Very Low (0-50% of County median); Low (50-80% of County median); Moderate (80-120% of County median); and Upper (over 120% of County median).

Industrial—The manufacture, production, and processing of consumer goods. Industrial is often divided into "heavy industrial" uses, such as construction yards, quarrying, and factories; and "light industrial" uses, such as research and development and less intensive warehousing and manufacturing.

Infill Development — Building on vacant and underutilized properties within existing development patterns, typically but not exclusively in urban areas.

Infrastructure—The physical systems and services which support development and population, such as roadways, railroads, water, sewer, natural gas, electrical generation and transmission, telephone, cable television, storm drainage, and others.

Intensity—A measure of the amount or level of development often expressed as the ratio of building floor area to lot area (floor area ratio) for commercial, business, and industrial development, or units per acre of land for residential development (also called "density").

Intersection—A location where two or more roads meet or cross at grade.

Intertidal—Located between the low and high tide tidal extremes.

Invertebrates—Animals without backbones.

Issue—A problem, constraint, or opportunity requiring community action.

Jetty—On open seacoasts, a structure extending away from the shore, which is designed to prevent shoaling of a channel and to direct and confine the stream or tidal flow. Jetties are built at the mouths of rivers, harbors, or tidal inlets to help deepen and stabilize the access channel.

Jobs/Housing Balance; Jobs/Housing Ratio—The jobs/housing ratio divides the number of jobs in an area by the number of employed residents. A ratio of 1.0 indicates a balance. A ratio greater than 1.0 indicates a net in-commute of employed persons; less than 1.0 indicates a net out-commute of employed persons.

Lacustrine System—Wetlands and deepwater habitats (1) situated in a topographic depression or dammed river channel; (2) lacking trees, shrubs, persistent emergents, emergent mosses, or lichens with greater than 30% area coverage; and (3) whose total area exceeds 8 hectares (20 acres); or area less than 8 hectares if the boundary is active wave-formed or bedrock or if water depth in the deepest part of the basin exceeds 2 meters (6.6 ft) at low water. Ocean-derived salinities are always less than 0.5 parts per thousand.

Lagoon—A shallow body of water, such as a pond or lake, usually located near or connected to the sea.

Land Use—A description of how land is occupied or used.

Land Use Plan—The relevant portions of a local government's general plan, or local coastal element which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies and, where necessary, a listing of implementing actions.

Landslide—A general term for a falling or sliding mass of soil or rocks.

Launching Facility—A generic term referring to any location, structures (ramps, docks) and equipment (cranes, lifts, hoists, etc.) where vessels may be placed into, and retrieved from the Harbor waters.

LCP—See Local Coastal Program.

LEED Certified— A certification program, in full Leadership in Energy and Environmental Design, devised in 1994 by the U.S. Green Building Council (USGBC) to encourage sustainable practices design and development by means of tools and criteria for performance measurement.

Leeward—The direction toward which the wind is blowing.

Liquefaction—A process by which water-saturated granular soils transform from a solid to a liquid state due to groundshaking. This phenomenon usually results from shaking from energy waves released in an earthquake.

Littoral Cell—A region that encompasses most features affecting sediment transport. The boundaries of the cell are usually delineated by river drainage areas, promontory headlands, or submarine canyons on the periphery, the continental shelf-continental slope boundary on the seaward side and by inland ridges and river inlets on the landward side. Sediment within these cells generally travel seaward by river drainage, southward (downcoast) by longshore currents, and are eventually lost to the continental slope area or submarine canyon.

Littoral Drift—The sedimentary material moved in the littoral zone under the influence of waves and currents; consisting of silt, sand, gravel, cobbles, and other beach material.

Littoral Transport—The movement of sediment in the littoral zone by waves, currents, and tides. This includes movement parallel (longshore transport) and perpendicular (on-offshore transport) to the shore.

Littoral Zone—The region where waves, currents, and winds interact with the land and its sediments. This region comprises a backshore, foreshore, inshore, and offshore and is broken down into littoral cells.

Littoral—Of or pertaining to a shore, especially of the sea.

Liveaboard—Any person who uses a vessel as a domicile as that term is defined in Section 200 of the Elections Code of California, including permanently or on a temporary basis for a period exceeding 3 days.

Local Agency Formation Commission (LAFCO)—A five or seven-member commission within each county that reviews and evaluates all proposals for formation of special districts, incorporation of cities, annexation to special districts or cities, consolidation of districts, and merger of districts with cities. Each county's LAFCO is empowered to approve, disapprove, or conditionally approve such proposals.

Local Coastal Program—A local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions and policies of, the *California Coastal Act* at the local level.

Local Government—Any chartered or general law city, chartered or general law county, or any city and county.

Local Street—A street providing direct access to properties and designed to discourage through-traffic.

Longshore Current—A flow of water in the breaker zone, moving essentially parallel to the shore, usually generated by waves breaking at an angle to the shoreline.

Longshore—Parallel to and near the shoreline.

LOS—Level of Service, a descriptor of traffic operating conditions based on an intersection's volume-to-capacity ratio.

Lot—The basic unit of land development. A designated parcel or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

Major Arterial—A Major arterial highway is typically a six-lane divided roadway. A Major arterial is designed to accommodate 45,000 to 65,000 vehicles per day. Major arterials carry a large volume of regional through traffic not handled by the freeway system.

Marina—A berthing facility (other than moorings or anchorage) in which five or more vessels are wet-stored (in water) and/ or dry-stored (on land/racks or on floating docks).

Marine Conservation Area—A "state marine conservation area," is a non-terrestrial marine or estuarine area that is designated so the managing agency may achieve one or more of the following:

1. Protect or restore rare, threatened, or endangered native plants, animals, or habitats in marine areas
2. Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems
3. Protect or restore diverse marine gene pools
4. Contribute to the understanding and management of marine resources and ecosystems by

providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems

5. Preserve outstanding or unique geological features
6. Provide for sustainable living marine resource harvest

Marine Park—A “state marine park,” is a nonterrestrial marine or estuarine area that is designated so the managing agency may provide opportunities for spiritual, scientific, educational, and recreational opportunities, as well as one or more of the following:

1. Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems
2. Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems
3. Preserve cultural objects of historical, archaeological, and scientific interest in marine areas
4. Preserve outstanding or unique geological features

Marine Protected Area (MPA)—A named discrete geographic area that has been designated by law, administrative action, or voter initiative to protect or conserve marine life and habitat.

Marine Reserve—A “state marine reserve,” is a nonterrestrial marine or estuarine area that is designated so the managing agency may achieve one or more of the following:

1. Protect or restore rare, threatened, or endangered native plants, animals, or habitats in marine areas
2. Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems
3. Protect or restore diverse marine gene pools
4. Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems

Marine Sales and Service Uses & Vessels—Uses and vessels, as well as related equipment, which provide repair, maintenance, new construction, parts and supplies, fueling, waste removal, cleaning, and related services to vessels berthed in, or visiting, Newport Harbor. Typical service uses include, but are not limited to, all uses and vessels described under Section 20.05.050 of the City of Newport Beach Municipal Code.

Marine System—Open ocean overlying the continental shelf and coastline exposed to waves and currents of the open ocean shoreward to (1) extreme high water of spring tides; (2) seaward limit of wetland emergents, trees, or shrubs; or (3) the seaward limit of the Estuarine System, other than vegetation. Salinities exceed 30 parts per thousand.

Marine Terrace—A flat or gentle seaward sloping wave-cut bench, which is a remnant of an old coastline. Marine terraces are conspicuous along most of the California coast where uplift has occurred.

Market Value—For purposes of determining “substantial improvement,” the replacement cost as determined by its replacement value according to the valuation figures established by the City of Newport Beach.

Maximum Credible Earthquake (MCE)—The largest possible earthquake that could reasonably occur along recognized faults or within a particular seismic source.

Mean High Water—The 19-year average of all high water heights (if the tide is either semidiurnal or mixed) or the higher high water heights if the tide is diurnal. For diurnal tides high water and higher high water are the same.

Mean Higher High Water—The 19-year average of only the higher high water heights.

Mean Low Water—The 19-year average of all low water heights (if the tide is either semidiurnal or mixed) or the lower low water heights if the tide is diurnal. For diurnal tides low water and lower low water are the same.

Mean Lower Low Water—The 19-year average of only the lower low water heights.

Mean Sea Level—The 19-year average height of the surface of the sea for all stages of the tide, usually determined from hourly height readings (see NGVD of 1929).

Median Income—The annual income for each household size which is defined annually by the federal Department of Housing and Urban Development. Half of the households in the region have incomes above the median and half are below.

Mesa—An isolated, relatively flat geographical feature, often demarcated by canyons (from Spanish mesa, table).

MGD—Million gallons per day.

Miocene—A period of geologic time spanning 27-26 million years ago.

Mitigate—To ameliorate, alleviate, or avoid to the extent reasonably feasible.

Mitigation Measures—Measures imposed on a project consistent with Section 15370 of the State Guidelines for Implementation of the *California Environmental Quality Act* to avoid, minimize, eliminate, or compensate for adverse impacts to the environment.

Mitigation—As defined in Section 15370 of the State Guidelines for Implementation of the *California Environmental Quality Act*, mitigation includes the following:

1. Avoiding the impact altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
3. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing or providing substitute resources or environments."

Monitoring—The systematic collection of physical, biological, or economic data or a combination of these data in order to make decisions regarding project operation or to evaluate project performance. Monitoring is typically required for beach nourishment projects and habitat restoration projects.

Mooring Area—An area designated for a group of moorings.

Mooring—A device consisting of a floating ball, can, or other object that is secured permanently to the Harbor bottom by an anchor system for purposes of securing a vessel.

MS4—Municipal Separate Storm Sewer Systems. **MWD**—

Metropolitan Water District of Southern California.

MWDOC—Municipal Water District of Orange County.

National Flood Insurance Program (NFIP)—The National Flood Insurance Program, managed by FEMA, makes Federally-backed flood insurance available in communities that agree to adopt and enforce floodplain management ordinances to reduce future flood damage.

National Geodetic Vertical Datum of 1929 (NGVD)—A fixed reference for elevations, equivalent to the 1929 Mean Sea Level Datum. The geodetic datum is fixed and does not take into account the changing stands of sea level. NGVD should not be confused with mean sea level (see Mean Sea Level).

National Historic Preservation Act—A 1966 federal law that establishes a National Register of Historic Places and the Advisory Council on Historic Preservation, and that authorized grants-in-aid for preserving historic properties.

National Register of Historic Places—The official list, established by the National Historic Preservation Act, of sites, districts, buildings, structures, and objects significant in the nation’s history or whose artistic or architectural value is unique.

Nearshore Zone—An indefinite zone extending seaward from the shoreline well beyond the breaker zone; it defines the area of nearshore currents.

Newport Bay—The terms “Newport Bay” and “Newport Harbor” are often used interchangeably. However, Newport Bay is an estuary consisting of the Lower Newport Bay (south of Pacific Coast Highway) and the Upper Newport Bay (north of Pacific Coast Highway). Newport Harbor generally refers to all the water area within Lower Newport Bay and within the Upper Newport Bay, exclusive of the Upper Newport Bay Ecological Reserve.

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NMFS—National Marine Fisheries Service.

Noise—Any undesired audible sound.

Noise Attenuation—The ability of a material, substance, or medium to reduce the noise level from one place to another or between one room and another. Noise attenuation is specified in decibels

Noise Exposure Contours—Lines drawn about a noise source indicating constant energy levels of noise exposure. CNEL and L_{dn} are the metrics utilized to describe community noise exposure.

Noise Referral Zones—Such zones are defined as the area within the contour defining a CNEL level of 60 decibels. It is the level at which either state or federal laws and standards related to land use become important and , in some cases, preempt local laws and regulations. Any proposed noise sensitive development which may be impacted by a total noise environment of 60 dB CNEL or more should be evaluated on a project specific basis.

Noise Sensitive Land Use—Those specific land uses which have associated indoor and/or outdoor human activities that may be subject to stress and/or significant interference from noise produced by community sound sources. Such human activity typically occurs daily for continuous periods of 24 hours or is of such a nature that noise is significantly disruptive to activities that occur for short

periods. Specifically, noise sensitive land uses include: residences of all types, hospitals, rest homes, convalescent hospitals places of worship and schools.

Non-Attainment—The condition of not achieving a desired or required level of performance. Frequently used in reference to air quality.

Non-conforming Structure—A structure that was lawfully erected, but which does not conform with the property development regulations prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this code or by reason of annexation of territory to the City.

Non-conforming Use—A use of a structure or land that was lawfully established and maintained, but which does not conform with the use regulations or required conditions for the district in which it is located by reason of adoption or amendment of this code or by reason of annexation of territory to the City.

Nourishment—The process of replenishing or enlarging a beach. It may be brought about naturally by longshore transport or artificially by the deposition of dredged materials.

NPDES—National Pollutant Discharge Elimination System.

NPS—National Park Service.

NPS—Nonpoint source pollution or polluted runoff.

OC—Orange County.

OCFCD—Orange County Flood Control District.

Offer to Dedicate (OTD)—An OTD is a document, recorded against the title to a property, which is an offer of dedication to the people of California of an easement over the property or a portion of the property. Generally, an OTD allows for specific uses in of the area of the property involved (for example, allowing the public to walk across the area). The offer conveys an easement in perpetuity only upon its acceptance on behalf of the people by a public agency or by a nonprofit private entity approved by the executive director of the Coastal Commission.

Offshore—Off or away from the shore. This area extends from beyond the breaker zone to the outer limit of the littoral zone and beyond.

Oil Seep—Natural springs where liquid hydrocarbons (mixtures of crude oil, tar, natural gas, and water) leak out of the ground.

Onshore (Inshore)—The region between the seaward edge of the foreshore and the seaward edge of the breakers or waves.

Open Coastal Waters—The area composed of submerged lands at extreme low-water of spring tide extending seaward to the boundaries of the Exclusive Economic Zone (12-200 miles). This includes navigation channels, turning basins, vessel berthing, anchorage, and mooring areas of Newport Bay.

Open Space—Any parcel or area of land or water essentially unimproved and set aside, designated, dedicated, or reserved for public or private use or enjoyment.

Ordinance—A law or regulation set forth and adopted by a governmental authority, usually a city or county.

Overcrowding—As defined by the California Department of Housing and Community

Development, a household with greater than one person per room, excluding bathrooms, kitchens, hallways, and porches.

Overlay—A land use designation on the Land Use Map, or a zoning designation on a zoning map, that modifies the basic underlying designation in some specific manner.

Palustrine System—All non-tidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses, or lichens, and all such tidal wetlands where ocean-derived salinities are below 0.5 parts per thousand. This category also includes wetlands lacking such vegetation but with all of the following characteristics: (1) area less than 8 hectares (20 acres); (2) lacking an active wave-formed or bedrock boundary; (3) water depth in the deepest part of the basin less than 2 meters (6.6 ft) at low water; and (4) ocean-derived salinities less than 0.5 parts per thousand.

Para-transit—Refers to transportation services that operate vehicles, such as buses, jitneys, taxis, and vans for senior citizens, and/or mobility-impaired.

Parcel—A lot or tract of land.

Parking, Shared—A public or private parking area used jointly by two or more uses.

Parking Area, Public—An open area, excluding a street or other public way, used for the parking of automobiles and available to the public, whether for free or for compensation.

Parking Management—An evolving TDM technique designed to obtain maximum utilization from a limited number of parking spaces. Can involve pricing and preferential treatment for HOVs, non-peak period users, and short-term users. (see “High Occupancy Vehicle” and “Transportation Demand Management.”)

Parking Ratio—The number of parking spaces provided per 1,000 square of floor area, e.g., 2:1 or “two per thousand.”

Permit and Appeal Jurisdiction Map—A map depicting those areas where the Coastal Commission retains permit and appeal jurisdiction.

Permit—Any license, certificate, approval, or other entitlement for use granted or denied by any public agency.

Person—Any individual, organization, partnership, limited liability company, or other business association or corporation, including any utility, and any federal, state, local government, or special district or an agency thereof.

Pier, Private—A pier used for private recreational purposes by the owner(s) or occupant(s) of the abutting upland property without payment of a separate rental or lease fee, except for permit fees to City.

Pier, Public—A pier used for public recreational purposes provided by a public agency.

Pier—A fixed structure extending from the shore into a body of water.

Pierhead Line—Harbor water area perimeter lines established in Newport Harbor by the federal government that define the permitted limit of fixed pier, floating dock and other in-water structures which may be constructed in the Harbor.

Pile—A long, heavy timber or section of concrete or metal driven or drilled into the earth or seabed to serve as a support or protection.

Planned Community—A large-scale development whose essential features are a definable boundary; a consistent, but not necessarily uniform, character; overall control during the development process by a single development entity; private ownership of recreation amenities; and enforcement of covenants, conditions, and restrictions by a master community association.

Planning Area—The Planning Area is the land area addressed by the General Plan. Typically, the Planning Area boundary coincides with the Sphere of Influence which encompasses land both within the City limits and potentially annexable land.

Planning Commission—A group of people appointed by the city council that administer planning and land use regulations for the city and provide recommendations on a wide array of land use and land use policy issues.

Pleistocene—A period of geologic time spanning 2 million - 11,000 years ago.

Pliocene—A period of geologic time spanning 7-2 million years ago.

Pocket Beach—A small beach formed between two points or headlands, often at the mouth of a coastal stream. Pocket beaches are common throughout the California coastline.

Policy—Statements guiding action and implying clear commitment found within each element of the general plan (e.g., "Provide incentives to assist in the development of affordable housing"). The words "shall," "must," "will," "is to," "ensure" and "are to" are always mandatory. "Should," "promote," "provide," and "encourage," are not mandatory, but is recommended, and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the common meaning of the word indicates otherwise. The words "includes" and "including" shall mean "including, but not limited to."

Pollution—The presence of matter or energy whose nature, location, or quantity produces undesired environmental effects.

Pollution, Non-Point—Sources for pollution that are less definable and usually cover broad areas of land, such as agricultural land with fertilizers that are carried from the land by runoff, or automobiles.

Pollution, Point—In reference to water quality, a discrete source from which pollution is generated before it enters receiving waters, such as a sewer outfall, a smokestack, or an industrial waste pipe.

Predominant Line of Development—The most common or representative distance from a specified group of structures to a specified point or line (e.g. topographic line or geographic feature). For example, the predominant line of development for a block of homes on a coastal bluff (a specified group of structures) could be determined by calculating the median distance (a representative distance) these structures are from the bluff edge (a specified line).

Primary Arterial—Typically a four-lane divided roadway. A Primary arterial is designed to accommodate 30,000 to 40,000 VPD. A Primary arterial's function is similar to that of a Principal or Major arterial; the chief difference is capacity.

Principal Arterial—Typically an eight-lane divided roadway. A Principal arterial is designed to accommodate 60,000 to 75,000 vehicles per day (VPD). Principal arterials carry a large volume of regional through traffic not handled by the freeway system.

Program—A coordinated set of specific measures and actions (e.g., zoning, subdivision procedures, and capital expenditures) the local government intends to use in carrying out the policies of the

general plan.

Project Lines—Harbor water area channel lines of the improvements constructed by the federal government in 1935-1936, and as shown on navigation charts of Newport Harbor. Also referred to as the “Federal Channel.” (see Newport Beach City Design Criteria and Standard Drawings for Harbor Construction).

Public Trust Lands—Public Trust lands shall be defined as all lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation, and other public purposes. Public Trust Lands include tidelands, submerged lands, the beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed and which were subject to the Public Trust at any time (from California Code of Regulations, Section 13577; see tidelands and submerged lands).

Public View Corridors—The line of sight—as identified as to height, width, and distance—of an observer looking toward an object of significance (e.g., ocean or bay); the route that attracts the viewer’s attention.

Public Works—

1. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities
2. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities. For purposes of this division, neither the Ports of Hueneme, Long Beach, Los Angeles, nor San Diego Unified Port District nor any of the developments within these ports shall be considered public works.
3. All publicly financed recreational facilities, all projects of the California Coastal Conservancy, and any development by a special district
4. All community college facilities

Qualified Biologist—A person who has earned a minimum of a Bachelor of Science degree in biology or a related field from an accredited college or university and has demonstrated field experience evaluating land use impacts on marine or wildlife species and their habitats. Biologists who conduct wetland delineations shall have completed the U.S. Army Corps of Engineers’ ”Reg. IV” wetland delineation training, or the equivalent, and shall have the demonstrated ability to independently conduct wetland delineations.

Quaternary—A period of geologic time comprising the past 2 million years; includes the Pleistocene and Holocene ages.

Recreation, Active—A type of recreation or activity which requires the use of organized play areas, including, but not limited to: softball, baseball, football and soccer fields, tennis and basketball courts, and various forms of children’s play equipment.

Recreation, Passive—Type of recreation or activity which does not require the use of organized play areas.

Redevelop—To demolish existing buildings; or to increase the overall floor area existing on a property; or both; irrespective of whether a change occurs in land use.

Redevelopment—Redevelopment, under the California Community Redevelopment Law, is a

process with the authority, scope, and financing mechanisms necessary to provide stimulus to reverse current negative business trends, remedy blight, provide job development incentives, and create a new image for a community. It provides for the planning, development, redesign, clearance, reconstruction, or rehabilitation, or any combination of these, and the provision of public and private improvements as may be appropriate or necessary in the interest of the general welfare. In a more general sense, redevelopment is a process in which existing development and use of land is replaced with new development and/or use.

Reflection—Redirection of a wave when it impinges on a steep beach, cliff or other barrier;

Regional—Pertaining to activities or economies at a scale greater than that of a single jurisdiction, and affecting a broad homogeneous area.

Regional Housing Needs Assessment (RHNA)—The Regional Housing Needs Assessment (RHNA) is based on California projections of population growth and housing unit demand and assigns a share of the region’s future housing need to each jurisdiction within the SCAG (Southern California Association of Governments) region. These housing need numbers serve as the basis for the update of the Housing Element in each California city and county.

Regional Housing Needs Plan—A quantification by a COG or by HCD of existing and projected housing need, by household income group, for all localities within a region.

Regional Park—A park typically 150-500 acres in size focusing on activities and natural features not included in most other types of parks and often based on a specific scenic or recreational opportunity.

Rehabilitation—The upgrading of a building previously in a dilapidated or substandard condition, for human habitation or use.

Research and Development Use—A use engaged in study, testing, design, analysis, and experimental development of products, processes, or services.

Residential—Land designated in the City or County General Plan and zoning ordinance for buildings consisting only of dwelling units. May be improved, vacant, or unimproved. (See “Dwelling Unit.”)

Restoration—The replication or reconstruction of a building's original architectural features, usually describing the technique of preserving historic buildings.

Retaining Wall—A wall used to support or retain an earth embankment or area of fill.

Retement—A sloped retaining wall; a facing of stone, concrete, blocks, rip-rap, etc. built to protect an embankment, bluff, or development against erosion by wave action and currents.

Rezoning—An amendment to the map and/or text of a zoning ordinance to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.

Right-of-Way—A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, or other similar uses.

Rill—The channel of a small stream or gully.

Rip Current—A strong surface current flowing seaward from the shore. It usually appears as a visible band of agitated water and is the return movement of water piled up on the shore by incoming waves

and wind. With the seaward movement concentrated in a limited band its velocity is accentuated. Rip currents can pull inexperienced swimmers and waders into deeper water away from the shore. Since a rip current is usually quite narrow, the most effective way to get out of it is to swim perpendicular to the direction of the flow (in most cases, parallel to the beach). Rip currents can often develop adjacent to a jetty or groin.

Riparian—Consists of trees, shrubs, or herbs that occur along watercourses or water bodies. The vegetation is adapted to flooding and soil saturation during at least a portion of its growing season.

Riprap—A protective layer or facing of rock, concrete blocks, or quarystone, placed to prevent erosion, scour, or sloughing of an embankment or bluff.

Risk—The danger or degree of hazard or potential loss.

Riverine System—All wetlands and deepwater habitats contained within a channel except those wetlands (1) dominated by trees, shrubs, persistent emergents, emergent mosses, or lichens, and (2) which have habitats with ocean-derived salinities in excess of 0.5 parts per thousand.

RWQCB—California Regional Water Quality Control Board.

Sand Source—Resource of sand that can be economically used for beach nourishment. The sand must meet the requirements for size distribution and cleanliness and its removal and transfer must not create unacceptable environmental effects. The source may be on land, offshore, in a nearby inlet, or in a navigational channel, a shoal, or other area in which sand accumulates.

Sandstone—A rock composed predominantly of sand grains that have undergone cementation.

Santa Ana Regional Water Quality Control Board—California Regional Water Quality Control Board, Santa Ana Region.

Scarp (Beach Scarp)—An almost vertical slope along the beach caused by wave erosion. It may vary in height from a few inches to several feet or more, depending on wave action and the nature and composition of the beach.

SCWC—Southern California Water Company.

Sea Cliff—A vertical or very steep cliff or slope produced by wave erosion, situated at the seaward edge of the coast or the landward side of the wave-cut platform, and marking the inner limit of beach erosion.

Sea Level—The height of the ocean relative to land; tides, wind, atmospheric pressure changes, heating, cooling, and other factors cause sea-level changes.

Sea—The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage channels. Sea does not include the area of jurisdiction of the San Francisco Bay Conservation and Development Commission, established pursuant to Title 7.2 (commencing with Section 66600) of the Government Code, including any river, stream, tributary, creek, or flood control or drainage channel flowing directly or indirectly into such area.

Seas (Waves)—Waves caused by wind at the place and time of observation. (see swell).

Seawall—A structure separating land and water areas, primarily designed to prevent erosion and other damage due to wave action. It is usually a vertical wood or concrete wall as opposed to a sloped

revetment.

Second Units—Auxiliary residential units on a lot with an existing primary residential unit. Second units may lack full facilities, such as kitchens.

Secondary Arterial—A four-lane roadway (often undivided). A Secondary arterial distributes traffic between local streets and Major or Primary arterials. Although some Secondary arterials serve as through routes, most provide more direct access to surrounding land uses than Principal, Major, or Primary arterials. Secondary arterials carry from 20,000 to 30,000 VPD.

Section 8 Rental Assistance Program—A federal (HUD) rent-subsidy program that is one of the main sources of federal housing assistance for low-income households. The program operates by providing “housing assistance payments” to owners, developers, and public housing agencies to make up the difference between the “Fair Market Rent” of a unit (set by HUD) and the household’s contribution toward the rent, which is calculated at 30 percent of the household’s adjusted gross monthly income (GMI). “Section 8” includes programs for new construction, existing housing, and substantial or moderate housing rehabilitation.

Sediment Budget—An account of the sand and sediment along a particular stretch of coast; the sources, sinks, rates of movement, or the supply and loss of sediment.

Sediment—Grains of soil, sand, or rock that have been transported from one location and deposited at another.

Seiche—A standing wave oscillation in an enclosed waterbody that continues (in a pendulum fashion) after the cessation of the originating force. Seiches can be caused by tidal action or an offshore seismic event.

Seismic—Caused by or subject to earthquakes or earth vibrations.

Sensitive Coastal Resource Areas—Those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. Sensitive coastal resource areas include the following:

1. Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan.
2. Areas possessing significant recreational value.
3. Highly scenic areas.
4. Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.
5. Special communities or neighborhoods that are significant visitor destination areas.
6. Areas that provide existing coastal housing or recreational opportunities for low- and moderate-income persons.
7. Areas where divisions of land could substantially impair or restrict coastal access.

Sensitive Species—Includes those plant and animal species considered threatened or endangered by the U.S. Fish and Wildlife Service and/or the California Department of Fish and Game according to Section 3 of the federal *Endangered Species Act*.

Endangered—any species in danger of extinction throughout all, or a significant portion of, its range.

Threatened—a species likely to become an endangered species within the foreseeable future throughout all, or a portion of, its range. These species are periodically listed in the Federal Register

and are, therefore, referred to as "federally listed" species.

Sewer—Any pipe or conduit used to collect and carry away sewage from the generating source to a treatment plant.

Shore Mooring—A mooring for small boats that is located in the nearshore perimeter of the Harbor and its islands, perpendicular to the shoreline. One end of the mooring line is attached to a point on or adjacent to the perimeter bulkhead, and the other end is attached to a mooring buoy located in the water, inside the pierhead line.

Shore Protection—Structures or sand placed at or on the shore to reduce or eliminate upland damage from wave action or flooding during storms.

Shore—Narrow strip of land in immediate contact with the sea, including the zone between high and low water. A shore of unconsolidated material is usually called a beach.

Shoreline Armoring—Protective structures such as vertical seawalls, revetments, riprap, revetments, and bulkheads built parallel to the shoreline for the purposes of protecting a structure or other upland property.

Shoreline—Intersection of the ocean or sea with land; the line delineating the shoreline on National Ocean Service nautical charts and surveys approximates the mean low water line from the time the chart was prepared.

Significant Effect—A beneficial or detrimental impact on the environment. May include, but is not limited to, significant changes in an area's air, water, and land resources.

Single-family Dwelling, Attached—A building containing two dwelling units with each unit having its own foundation on grade.

Single-family Dwelling, Detached—A building containing one dwelling unit on one lot.

Site—A parcel of land used or intended for one use or a group of uses and having frontage on a public or an approved private street. A lot.

Site Plan—The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

SLC—State Lands Commission

Slope—Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent.

Slough—To erode the uppermost layer of soil, or to crumble and fall away from the face of a cliff.

Solid Waste—Unwanted or discarded material, including garbage with insufficient liquid content to be free flowing, generally disposed of in landfills or incinerated.

Southern California Association of Governments (SCAG)—The Southern California Association of Governments is a regional planning agency which encompasses six counties: Imperial, Riverside, San Bernardino, Orange, Los Angeles, and Ventura. SCAG is responsible for preparation of the Regional Housing Needs Assessment (RHNA).

Special District—Any public agency, other than a local government, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. Special district includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area.

Special Needs Groups—Those segments of the population which have a more difficult time finding decent affordable housing due to special circumstances. Under state planning law, these special needs groups consist of the elderly, handicapped, large families, female-headed households, farmworkers and the homeless.

Specific Plan—Under Article 8 of the Government Code (Section 65450 et seq.), a legal tool for detailed design and implementation of a defined portion of the area covered by a General Plan. A specific plan may include all detailed regulations, conditions, programs, and/or proposed legislation which may be necessary or convenient for the systematic implementation of any General Plan element(s).

Speed, Critical—The speed that is not exceeded by 85 percent of the cars observed.

Sphere of Influence (SOI)—The probable ultimate physical boundaries and service area of a local agency (city or district) as determined by the Local Agency Formation Commission (LAFCO) of the County.

Spit—A small, naturally formed point of land or a narrow shoal projecting into a body of water from the shore.

Standards—(1) A rule or measure establishing a level of quality or quantity that must be complied with or satisfied. The California Government Code (Section 65302) requires that General Plans describe the objectives, principles, “standards,” and proposals of the General Plan. Examples of standards might include the number of acres of park land per 1,000 population that the community will attempt to acquire and improve. (2) Requirements in a zoning ordinance that govern building and development as distinguished from use restrictions; for example, site-design regulations such as lot area, height limit, frontage, landscaping, and floor area ratio.

Stationary Source—A non-mobile emitter of pollution.

Storm Surge—A rise above normal water level on the open coast due to the action of wind stress on the water surface. Storm surge resulting from a hurricane also includes the rise in level due to atmospheric pressure reduction as well as that due to wind stress.

Stream—A topographic feature that at least periodically conveys water through a bed or channel having banks. This includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation.

Structure—Includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Subdivision—The division of a lot, tract or parcel of land that is the subject of an application for subdivision.

Subdivision Map Act—Division 2 (Sections 66410 et seq.) of the California Government Code, this act vests in local legislative bodies the regulation and control of the design and improvement of subdivisions, including the requirement for tentative and final maps. (See "Subdivision.")

Submarine Canyon—A steep-sided underwater valley commonly crossing the continental shelf and slope.

Submerged Lands—Submerged lands shall be defined as lands which lie below the line of mean low tide (from California Code of Regulations, Section 13577; see Public Trust Lands).

Subsidence—The sudden sinking or gradual downward settling and compaction of soil and other surface material with little or no horizontal motion. Subsidence may be caused by a variety of human and natural activities, including earthquakes.

Subsidize—To assist by payment of a sum of money or by the granting of terms or favors that reduce the need for monetary expenditures. Housing subsidies may take the forms of mortgage interest deductions or tax credits from federal and/or state income taxes, sale, or lease at less than market value of land to be used for the construction of housing, payments to supplement a minimum affordable rent, and the like.

Substantial Damage—Damage of any origin sustained by a structure whereby the cost of restoring the structure to the condition existing before damage would equal or exceed 50 percent of the market value before the damage occurred.

Substantial Repair—Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before such repair, reconstruction, or improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. For purposes of coastal development permitting, a substantial improvement to a structure qualifies the proposed development as new development.

Subtidal—Marine habitat that is permanently below the extreme low tide line.

Summer Season—Begins the day before the Memorial Day weekend and ends the day after the Labor Day weekend; alternatively, June 15th to September 15th.

Surf Zone—Area between the outermost breaking waves and the limit of wave uprush.

Surfgrass—A type of marine flowering plant that forms meadows on rocky shorelines and shallow rocky subtidal reefs.

Sustainability—Development that meets the needs of the present without unduly affecting the ability of future generations to meet their own needs. Consisting of three pillars, sustainable development seeks to achieve, in a balanced manner, economic development, social development and environmental protection

SWRCB—State Water Resources Control Board.

Talus—A pile of rock debris at the base of a cliff.

Tectonic—Related to the earth's surface.

Temporary Event—An activity or use that constitutes development as defined in this LCP but which is an activity or function which is or will be of limited duration and involves the placement of non-permanent structures; and/or involves the use of sandy beach, parkland, filled tidelands, water, streets, or parking areas which are otherwise open and available for general public use.

Terrace—A gently sloping platform cut by wave action.

Terrestrial—Land-related.

Tidal Epoch (National Tidal Datum Epoch)—The specific 19-year period adopted by the National Ocean Service as the official time segment over which tide observations are taken and averaged to form tidal data, such as Mean Lower Low Water. The 19-year period includes an 18.6 year astronomical cycle that accounts for all significant variations in the moon and sun that cause slowly varying changes in the range of tides. A calendar day is 24 hours and a “tidal day” is approximately 24.84 hours. Due to the variation between calendar day and tidal day, it takes 19 years for these two time cycles to establish a repeatable pattern. Thus, if the moon is full today, then the moon will be full again on this day of the year 19 years from today. The present tidal epoch used is 1983—2001.

Tidal Prism—The total amount of water that flows into a harbor or estuary or out again with movement of the tide, excluding any freshwater flow.

Tidal Range—Difference between consecutive high and low (of higher high and lower low) waters. (see Tides).

Tidal Wave—Wave movement of the tides. Often improperly used for tsunamis (see Tsunami).

Tide—The periodic rising and falling of the water that results from gravitational attraction of the moon and sun, and other astronomical bodies, acting upon the rotating earth. The California coast has a mixed tidal occurrence, with two daily high tides of different elevations and two daily low tides, also of different elevations. Other tidal regimes are diurnal tides, with only one high and one low tide daily, and semidiurnal, with two high and two low tides daily, with comparatively little daily inequality between each high or each low tide level

Tidelands—Tidelands shall be defined as lands that are located between the lines of mean high tide and mean low tide (from California Code of Regulations, Section 13577; see Public Trust Lands).

Topography—Configuration of a surface, including its relief and the position of natural and man-made features.

Total Maximum Daily Load (TMDL)—The maximum amount of a pollutant that can be discharged into a water body from all sources (point and non-point) and still maintain water quality standards. Under *Clean Water Act* section 303(d), TMDLs must be developed for all water bodies that do not meet water quality standards after application of technology-based controls. TMDL also refers to the written, quantitative analysis and plan for attaining and maintaining water quality standards in all seasons for a specific waterbody and pollutant.

Traffic Model—A mathematical representation of traffic movement within an area or region based on observed relationships between the kind and intensity of development in specific areas. Many traffic models operate on the theory that trips are produced by persons living in residential areas and are attracted by various non-residential land uses.

Transit—The conveyance of persons or goods from one place to another by means of a local, public transportation system.

Transportation Demand Management (TDM)—A strategy for reducing demand on the road system by reducing the number of vehicles using the roadways and/or increasing the number of persons per vehicle. TDM attempts to reduce the number of persons who drive alone on the roadway during the commute period and to increase the number in carpools, vanpools, buses and trains, walking, and biking. TDM can be an element of TSM (see below).

Transportation Systems Management (TSM)—Individual actions or comprehensive plans to reduce traffic congestion by increasing the efficiency of the transportation system itself. Examples would include improved traffic signal timing, coordination of multiple traffic signals, or spot improvements that increase capacity of the roadway system.

Treatment Works—Has the same meaning as set forth in the federal *Water Pollution Control Act* (33 U.S.C. 1251, et seq.) and any other federal act that amends or supplements the federal *Water Pollution Control Act*.

Trip—A one-way journey that proceeds from an origin to a destination via a single mode of transportation; the smallest unit of movement considered in transportation studies. Each trip has one origin (often the “production end,” sometimes from home, but not always), and one destination (“attraction end”).

Tsunami—A long period wave, or seismic sea wave, caused by an underwater disturbance such as a volcanic eruption or earthquake. Commonly misnamed a Tidal Wave.

Turbidity—A measure of the extent to which water is stirred up or disturbed, as by sediment; opaqueness due to suspended sediment.

Turning Basin—An area, often designated on nautical charts, connected to a channel that is large enough to allow vessels to maneuver or turn around.

Undertow—A seaward current near the bottom on a sloping inshore zone, caused by the return, under the action of gravity, of the water carried up on the shore by waves. Commonly misnamed a Rip Current.

Uniform Building Code (UBC)—A standard building code which sets forth minimum standards for construction.

Upcoast—In the United States usage, the coastal direction, generally trending toward the north, from which a current comes. Sediment will often deposit on the upcoast side of a jetty, groin, or headland, reducing the amount of sediment that is available for transport further downcoast.

Updrift—The direction opposite that of the predominant movement of littoral materials.

Urban Design—The attempt to give form, in terms of both beauty and function, to selected urban areas or to whole cities. Urban design is concerned with the location, mass, and design of various urban components and combines elements of urban planning, architecture, and landscape architecture.

Urban Open Space—The absence of buildings or development, usually in well-defined volumes, within an urban environment.

USACE—U.S. Army Corps of Engineers.

USC—United States Code.

USFWS—United States Fish and Wildlife Service (also known as FWS).

Vernal Pools—Vernal pools are low depressions that typically are flooded and saturated above a hardpan or claypan for several weeks to a few months in the winter and spring.

Vessel—Watercraft, such as boats, ships, small craft, barges, etc. whether motorized, sail-powered or hand-powered, which are used or capable of being used as a means of transportation, recreation, safety/rescue, service or commerce on water. This includes all vessels of any size (other than models) homeported, launched/retrieved, or visiting in Newport Harbor, arriving by water or land, and registered or unregistered under state or federal requirements.

Warehousing Use—A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive of that present hazards or conditions commonly recognized as offensive.

Water Course—Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite channel, bed and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or flood water.

Water Dependent Use—Those uses that are tied to and require water, including fishing and other vessel rental and charter, water transportation, water public safety and enforcement, marinas, boatyards, yacht/sailing/boating/fishing clubs, watersports instructional and educational facilities, public and guest docking facilities, and landside support uses, dredging, marine construction, and harbor service and maintenance uses and related equipment.

Water Related Use—Those uses that relate to but do not require water, including nautical museums, bait and tackle shops, boat charter, rental, sales, storage, construction and/or repair, marine-related retail sales, and marine-related industry.

Water Transportation Use—This group of uses includes in-harbor and coastal/offshore ferry services, in-harbor water taxi services, docking, parking, offices, and other water and land support facilities.

Water-Enhanced Use—Those waterfront or waterfront-adjacent land uses and activities, including restaurants and residential uses that derive economic, aesthetic and other amenity benefits from proximity to and views of water and water-based activities, but which do not need direct access and proximity to the water in order to accomplish their basic functional and economic operation.

Watershed—The geographical area drained by a river and its connecting tributaries into a common source. A watershed may, and often does, cover a very large geographical region.

Wave Climate—The range of wave parameters (Height, period and direction) characteristic of a coastal location.

Wave Height—The vertical distance from a wave trough to crest.

Wave Length (Wavelength)—The horizontal distance between successive crests or between successive troughs of waves.

Wave Period—The time for a wave crest to traverse a distance equal to one wavelength, which is the time for two successive wave crests to pass a fixed point.

Wave Run-up—The distance or extent that water from a breaking wave will extend up a beach or structure.

Wave—A ridge, deformation, or undulation of the surface of a liquid. On the ocean, most waves are generated by wind and are often referred to as wind waves.

Wave-cut Platform—The near-horizontal plane cut by wave action into a bedrock formation at the shoreline.

Wetland—Land which may be covered periodically or permanently with shallow water and includes saltwater marshes, freshwater marshes, open or closed brackish water marshes, mudflats, and fens. Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following attributes:

1. At least periodically, the land supports predominantly hydrophytes
2. The substrate is predominantly undrained hydric soil
3. The substrate is non-soil and is saturated with water or covered by shallow water at some time during the growing season of each year

Whole System—Also known as a “Whole System Design” or “WSD” is an integrated approach to sustainable engineering which aims to increase the economic and environmental performance of a designed system throughout its life.

Wildlife Corridor—The concept of habitat corridors addresses the linkage between large blocks of habitat that allow the safe movement of medium to large mammals from one habitat area to another. The definition of a corridor is varied but corridors may include such areas as greenbelts, refuge systems, underpasses, and biogeographic landbridges, for example.

Windward—The direction from which the wind is blowing.

Zoning—A police power measure, enacted primarily by units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards. Requirements vary from district to district, but they must be uniform within the same district. The zoning ordinance consists of a map and text.

Zoning Code—Title 20 of the City of Newport Beach Municipal Code, as amended.

Zoning District—A geographical area of a city zoned with uniform regulations and requirements.

Zoning Map—The officially adopted zoning map of the city specifying the uses permitted within certain geographic areas of the city.

Zostera Marina—See eelgrass.

CHAPTER 13 **Implementation Program Addendum** 2014 Land Use Element Amendment

Retained and modified 2014 Land Use Element Amendment policies will continue to be implemented by the programs in Chapter 13 of the General Plan. The Amendment also established new policies focusing on best planning practices addressing such topics as sustainability, climate change, and healthy communities which have emerged since adoption of the 2006 General Plan. The following implementation policies are intended to implement the new policies.

32. CLIMATE ACTION PLAN

Overview

A Climate Action Plan (CAP) is a commonly used tool enabling local municipalities to comply with State requirements for the reduction of greenhouse gas emissions (GHG) including Executive Order S-3-05; Assembly Bill 32, The California Global Warming Solutions Act of 2006; and Senate Bill 375. For Orange County communities, a CAP also enables local consistency with the Orange County Sustainable Communities Strategy (OCSCS).

The California Air Resources Board (CARB) established regional targets for the reduction of GHG emissions in compliance with Senate Bill 375, which are addressed in the Southern California Association of Governments' (SCAG's) SCS. As a SCAG sub-region, Orange County was permitted to prepare its own SCS, which was integrated into the broader SCAG plan. The OCSCS strategies are collectively referred to as "sustainability" strategies and include both land use and transportation improvements. Those related to land use support transit-oriented development, infill housing and mixed-use development, improved jobs-housing ratios, land use patterns that encourage the use of alternatives to single-occupant vehicles, and retention and/or development of affordable housing.

While SB 375 and the OCSCS do not regulate land in Newport Beach, many of their objectives and strategies are achieved in this General Plan. Examples include the Plan's designation of properties in Newport Center, the Airport Area, Mariners' Mile, and Lido Peninsula for mixed-use development and policies for enhanced pedestrian-oriented amenities and walkability. Additionally, the adoption of the Green Building Code, revision of Title 24, Energy Action Plan (EAP), and water conservation and waste diversion requirements are significant elements of a GHG reduction strategy. Cumulatively, these contribute to Newport Beach's compliance with mandates of the California Environmental Quality Act (CEQA), which require analysis of the General Plan's GHG emissions, making a conclusion regarding their significance, and specification of appropriate mitigation measures to reduce these impacts.

A CAP, as a supplement to a general plan, provides analyses of the GHG emissions attributable to the community; estimates of how those emissions are expected to increase to 2020 and the horizon year of the General Plan; and recommended policies and actions that can reduce GHG emissions to meet regional and state targets

Programs

Imp 32.1 Prepare a Climate Action Plan

The General Plan's updated Land Use Element goals and policies were written in consideration of the State's climate change legislation and OCSCS. As described above, many of its goals and policies, coupled with recent regulatory changes, constitute local measures contributing to reduction of GHG emissions and can be incorporated in a CAP for Newport Beach. Additionally, analyses conducted for the Supplemental Environmental Impact Report (SEIR) can be used in describing the existing and future GHG emission inventories. A final CAP will supplement these with a description and analysis of the impacts of contributing State regulations and actions and indirect, external initiatives such as requirements for Southern California Edison for the use of alternative energy-generating systems.

33. ENERGY ACTION PLAN (EAP)

Overview

As discussed for the previous implementation program, the reduction of energy consumption is a major contributor to the objective of reducing GHG emissions. The Energy Action Plan (EAP) was prepared to facilitate Newport Beach's reduction of energy used in facility buildings and operations and raising the energy conservation awareness of the local community. This includes energy measures that have previously and are currently being implemented.

Programs

Imp 33.1 Administer the Energy Action Plan (EAP)

Continue to implement the actions described in the EAP for conserving energy and reducing the carbon footprint. On development and approval of a CAP, integrate these actions and/or continue to administer independently.

34. Energy

Overview

Electricity in the City is provided by Southern California Edison. Gas is provided by Southern California Gas Company. In 2011, the City entered into a joint partnership with Southern California Edison (SCE) via the Orange County Cities Energy Leadership Partnership Program. The Partnership allows the City to be incentivized for electricity and natural gas saved for municipal retrofit projects and community outreach efforts and provides a performance-based opportunity for the City to demonstrate energy efficiency leadership in its community through energy saving actions, including retrofitting its municipal facilities as well as providing opportunities for constituents to take action in their homes and businesses.

Programs

Imp 34.1 Maintain and Implement Energy Management Plans and Encourage Conservation

Information regarding the General Plan's development capacities shall be forwarded by the City to the Southern California Edison and the Southern California Gas Company as the basis for their consideration of the adequacy of existing and planned improvements to meet the needs of existing and future populations. Required facility improvements shall be budgeted by each agency, including, where appropriate, the City's five year and annual Capital Improvement Programs.

In addition, the City should encourage cooperative strategies to promote the conservation of energy. These strategies should be reviewed periodically for their effectiveness and updated in the plans to reflect best management practices.

EXHIBIT B

ANOMALY LOCATIONS TABLE (LU2) AND AFFECTED LAND USE MAPS

The anomaly table includes updated information that reflects land use transfers approved since adoption of the 2006 General Plan. The proposed amendments that increase or decrease land use intensity and/or density, do require approval and are highlighted in yellow.

AMENDED

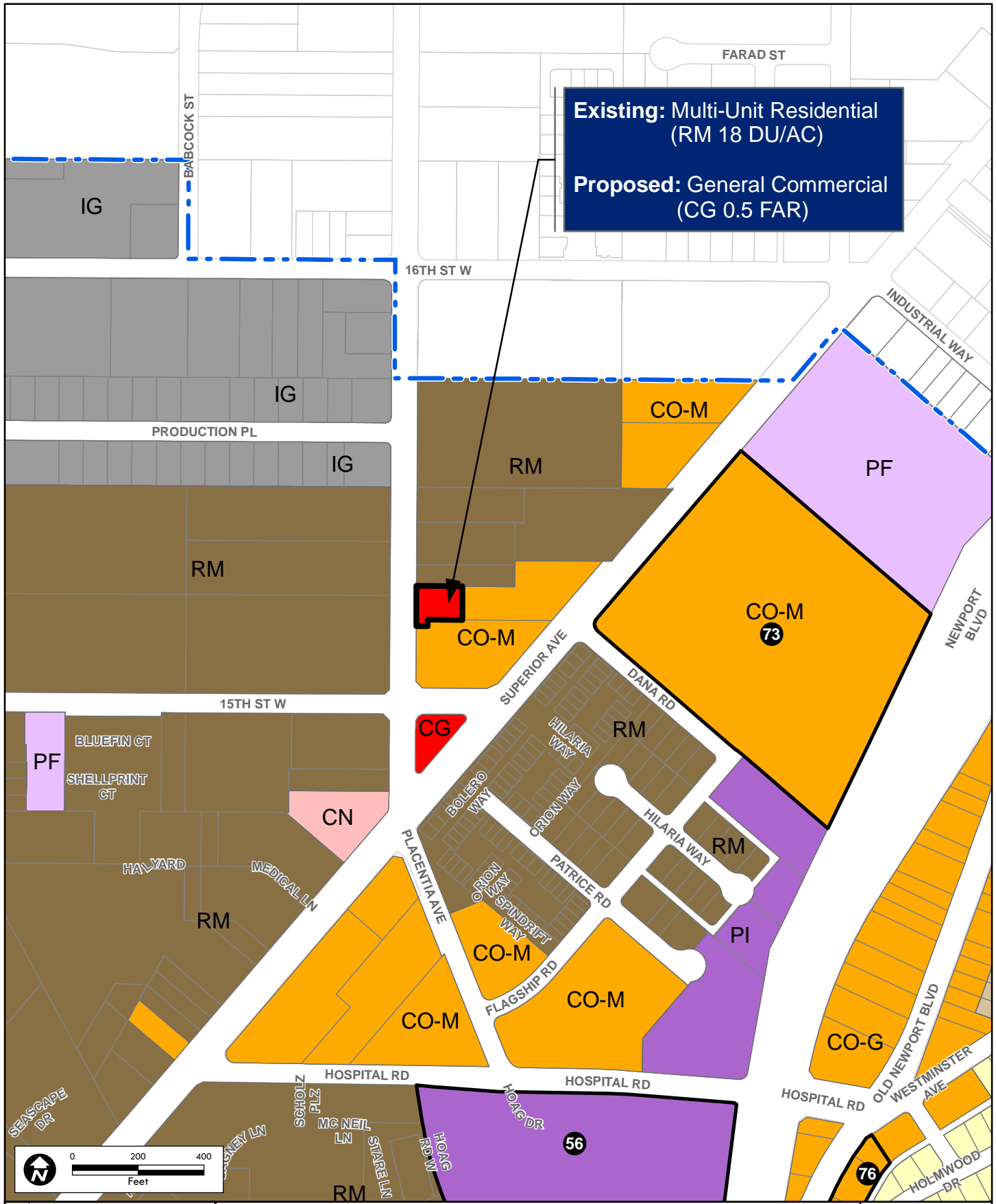
Table LU2 Anomaly Locations

Anomaly Number	Statistical Area	Land Use Designation	Development Limit (sf)	Development Limit (Other)	Additional Information
1	L4	MU-H2	460,095	471 Hotel Rooms (not included in total square footage)	
2	L4	MU-H2	1,052,880		
2.1	L4	MU-H2	18,810		11,544 sf restricted to general office use only (included in total square footage)
3	L4	CO-G	734,641		
4	L4	MU-H2	250,176		
5	L4	MU-H2	32,500		
6	L4	MU-H2	46,044		Congregate care use allowed with development limit of 148,000 sf if project is trip-neutral
7	L4	MU-H2	81,372		
8	L4	MU-H2	442,775		
9	L4	CG	120,000	164 Hotel Rooms (included in total square footage)	
10	L4	MU-H2	31,362	349 Hotel Rooms (not included in total square footage)	
11	L4	CG	11,950		
12	L4	MU-H2	457,880 463,409		
13	L4	CO-G	288,264		
14	L4	CO-G/MU-H2	860,884		
15	L4	MU-H2	228,214		
16	L4	CO-G	344,231		
17	L4	MU-H2	33,292	304 256 Hotel Rooms (not included in total square footage)	
18	L4	CG	225,280		
19	L4	CG	228,530 226,910		
21	J6	CO-G	687,000		Office: 660,000 sf; Retail: 27,000 sf
		CV		300 Hotel Rooms	
22	J6	CO-G	70,000		Restaurant: 8000 sf, or Office: 70,000 sf
23	K2	PR	15,000		
24	L3	IG	89,624		
25	L3	PI	84,585		
26	L3	IG	33,940		
27	L3	IG	86,000		
28	L3	IG	110,600		
29	L3	CG	47,500		
30	M6	CG	54,000 50,462		
31	L2	PR	75,000		
32	L2	PI	34,000		
33	M3	PI	163,680		Administrative Office and Support Facilitates: 30,000 sf Community Mausoleum and Garden Crypts: 121,680 sf Family Mausoleums: 12,000 sf
34	L1	CO-R	484,348		
35	L1	CO-R	199,095 58,746		
<u>35.1</u>	<u>L1</u>	<u>MU-H3</u>	<u>32,500</u>		

Table LU2 Anomaly Locations

Anomaly Number	Statistical Area	Land Use Designation	Development Limit (sf)	Development Limit (Other)	Additional Information
36	L1	CO-R	227,797		
37	L1	CO-R	131,201	2,050 Theater Seats (not included in total square footage)	
38	L1	CO-M	443,627		
39	L1	MU-H3	408,084 <u>697,059</u>		
40	L1	MU-H3	1,426,634 <u>1,593,109</u>	425-295 Hotel Rooms (included in total Square Footage)	
41	L1	CO-R	327,671		
42	L1	CO-R	286,166		
43	L1	CV		611-532 Hotel Rooms	
44	L1	CR	1,619,525 <u>1,636,025</u>	1,700-680 Theater Seats (not included in total square footage)	
45	L1	CO-G	162,364		
46	L1	MU-H3/PR	3,725	24-7 Tennis Courts and 27 Hotel Rooms (not included in total square footage)	Residential permitted in accordance with MU-H3.
47	L1	CG	105,000		
48	L1	MU-H3	337,261 <u>95,550</u>	<u>524 Dwelling Units</u>	Residential permitted in accordance with MU-H3.
49	L1	PI	45,208		
50	L1	CG	25,000		
51	K1	PR	20,000		
52	K1	CV		479 Hotel Rooms	
53	K1	PR	567,500		See Settlement Agreement
54	J1	CM	2,000		
55	H3	PI	119,440		
56	A3	PI	1,343,238	990,349 sf Upper Campus 577,889 sf Lower Campus	In no event shall the total combined gross floor area of both campuses exceed the development limit of 1,343,238 sq. ft.
57	Intentionally Blank				
58	J5	PR	20,000		
59	H4	MU-W1	247,402	144 Dwelling Units (included in total square footage)	
60	N	CV	2,660,000 <u>1,659,000</u>	2,150 <u>1,149</u> Hotel Rooms (included in total square footage)	
61	N	CV	125,000		
62	L2	CG	2,300		
63	G1	CN	66,000 <u>65,634</u>		
64	M3	CN	74,000 <u>72,143</u>		
65	M5	CN	80,000		
66	J2	CN	138,500 <u>122,986</u>		
67	D2	PI	20,000		
68	L3	PI	71,150		
69	K2	CN	75,000		
70	D2	RM-D			Parking Structure for Bay Island (No Residential Units)
71	L1	CO-G	11,630		

Table LU2 Anomaly Locations					
Anomaly Number	Statistical Area	Land Use Designation	Development Limit (sf)	Development Limit (Other)	Additional Information
72	L1	CO-G	8,000		
73	A3	CO-M	350,000		
74	L1	PR	56,000		
75	L1	PF			City Hall, and the administrative offices of the City of Newport Beach, and related parking, pursuant to Section 425 of the City Charter.
76	H1	CO-G		0.5 FAR	1.0 FAR permitted, provided all four legal lots are consolidated into one parcel to provide unified site design
77	H4	CV	240,000	157 Hotel Rooms (included in total square footage)	
78	B5	CM	139,840		
79	H4	CG		0.3/0.5	Development limit of 19,905 sq.ft. permitted, provided all six legal lots are consolidated into one parcel to provide unified site design
80					Reserved
81					Reserved
82	N	CN	103,912		
83	L4	MU-H2	0.5 FAR		Residential must be located outside the 65 CNEL AELUP noise contour
84	L1	CO-R, CO-M, CR, MU-H3	550,000	500 Dwelling Units (not included in total square footage)	Regional Office: 500,000 sf Regional Commercial: 50,000 sf Allowed in Statistical Area L1 in addition to other development limits



**Existing: Multi-Unit Residential
(RM 18 DU/AC)**

**Proposed: General Commercial
(CG 0.5 FAR)**

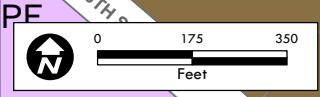
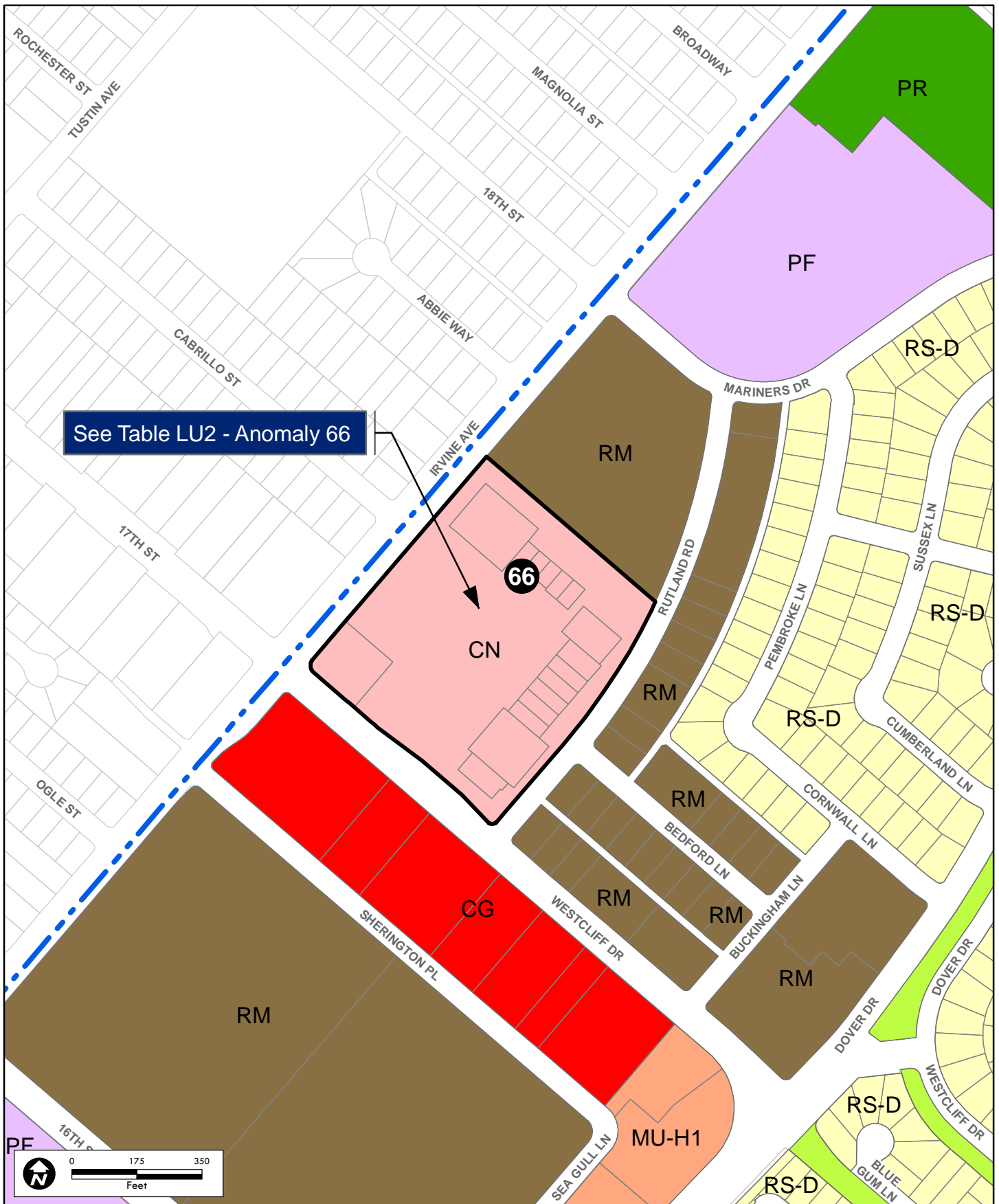


Map Reference 1

1526 Placentia Ave
(King's Liquor)



City of Newport Beach
GIS Division
July 10, 2014



Map Reference 3

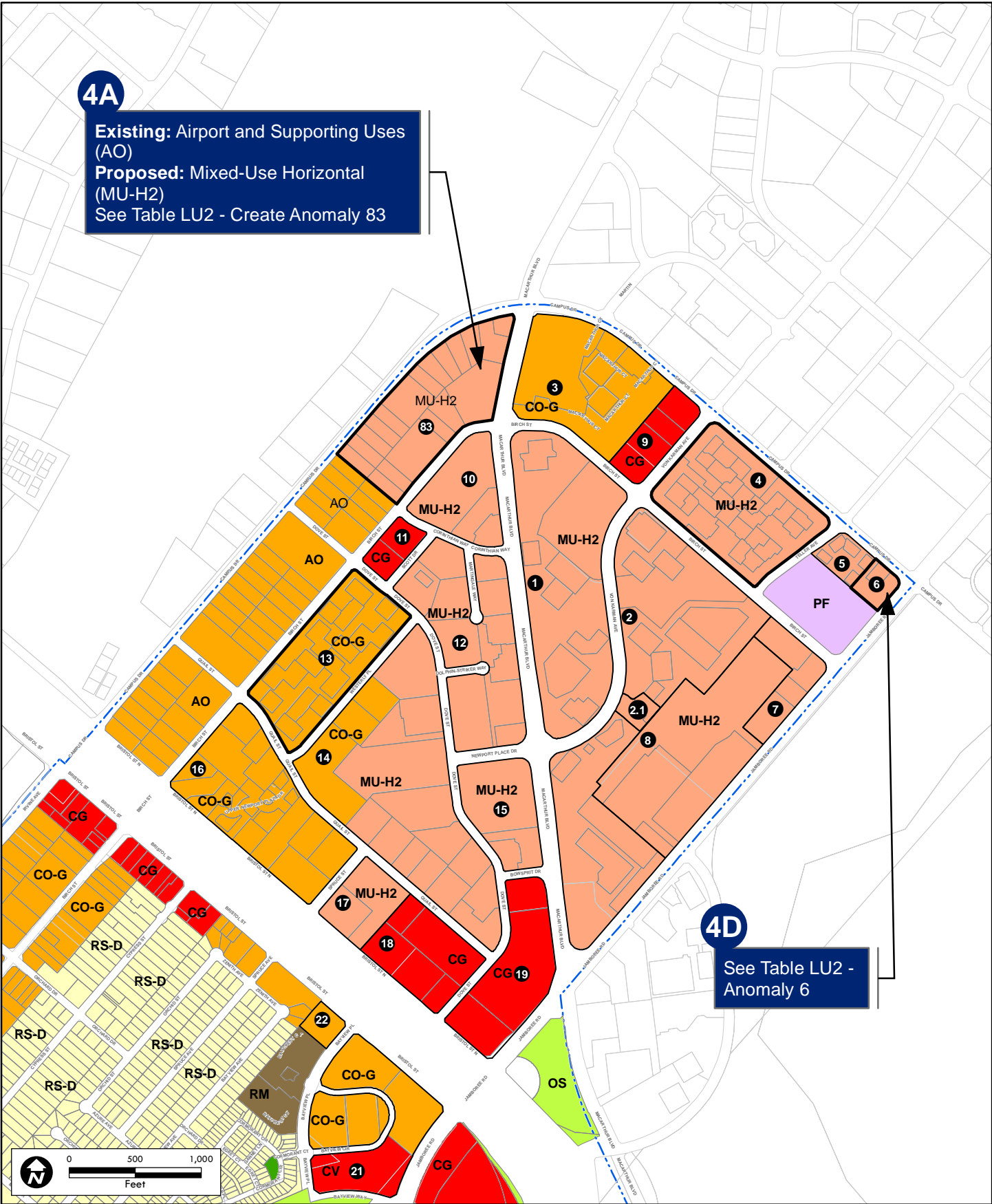
Westcliff Plaza



City of Newport Beach
GIS Division
July 10, 2014

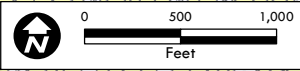
4A

Existing: Airport and Supporting Uses (AO)
Proposed: Mixed-Use Horizontal (MU-H2)
See Table LU2 - Create Anomaly 83



4D

See Table LU2 - Anomaly 6

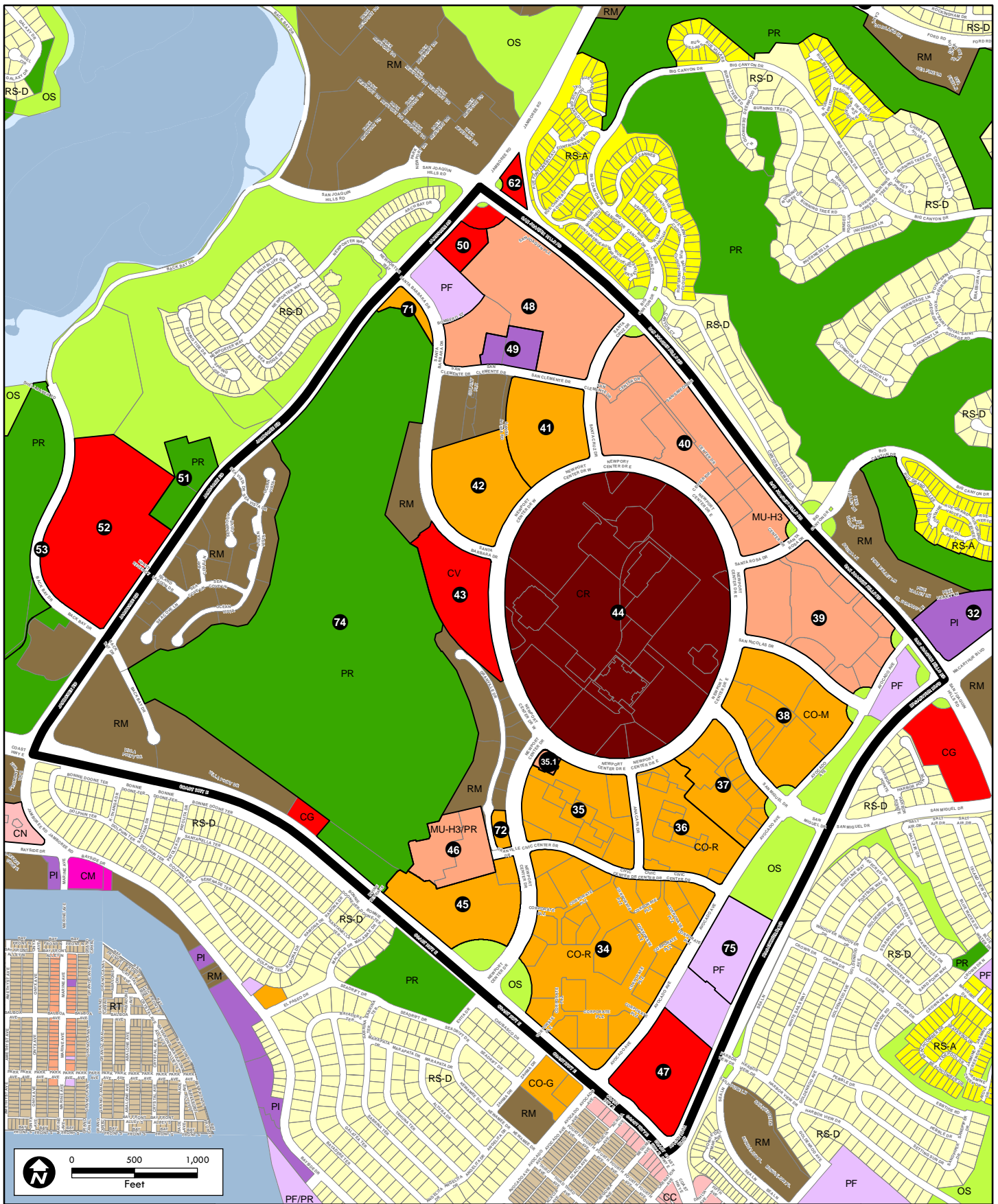


Map Reference 4

Airport Area



City of Newport Beach
GIS Division
July 10, 2014

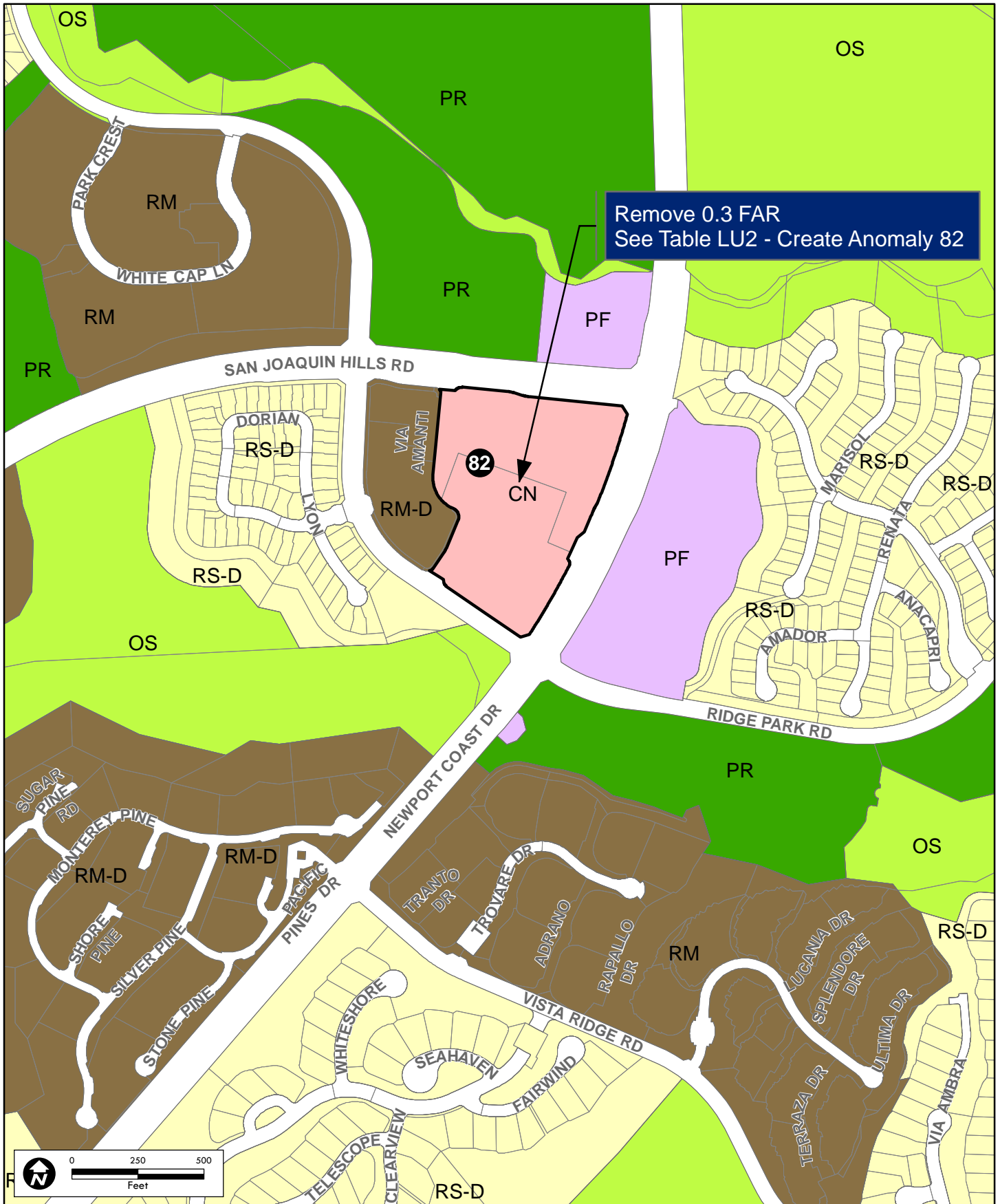


Map Reference 5

Statistical Area L1
See Table LU2 - Create Anomaly 84



City of Newport Beach
GIS Division
July 11, 2014

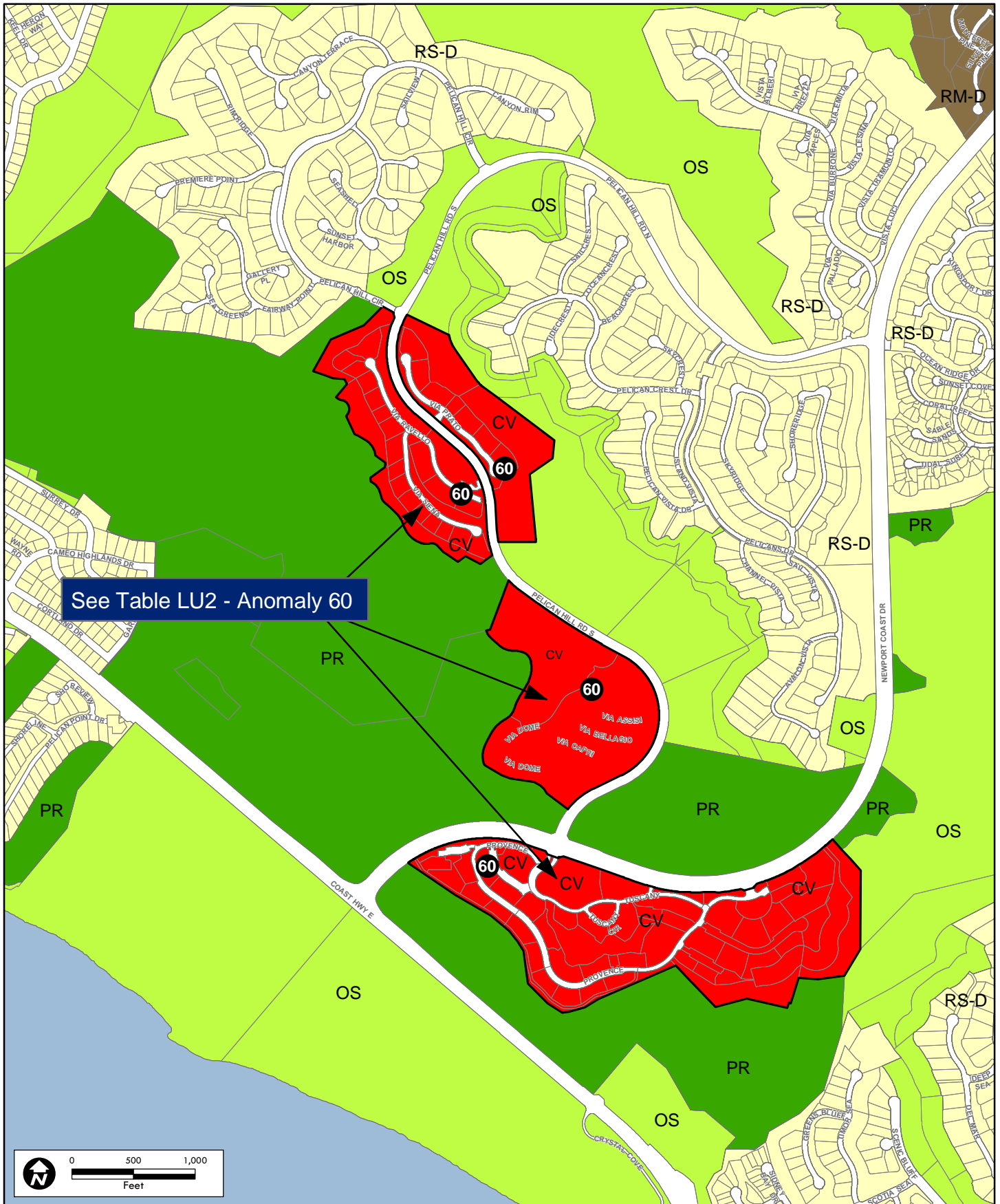


Map Reference 6

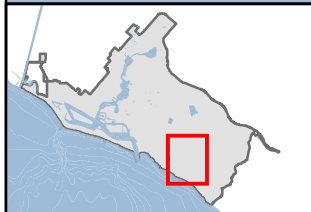
Newport Coast Center



City of Newport Beach
GIS Division
July 10, 2014



See Table LU2 - Anomaly 60

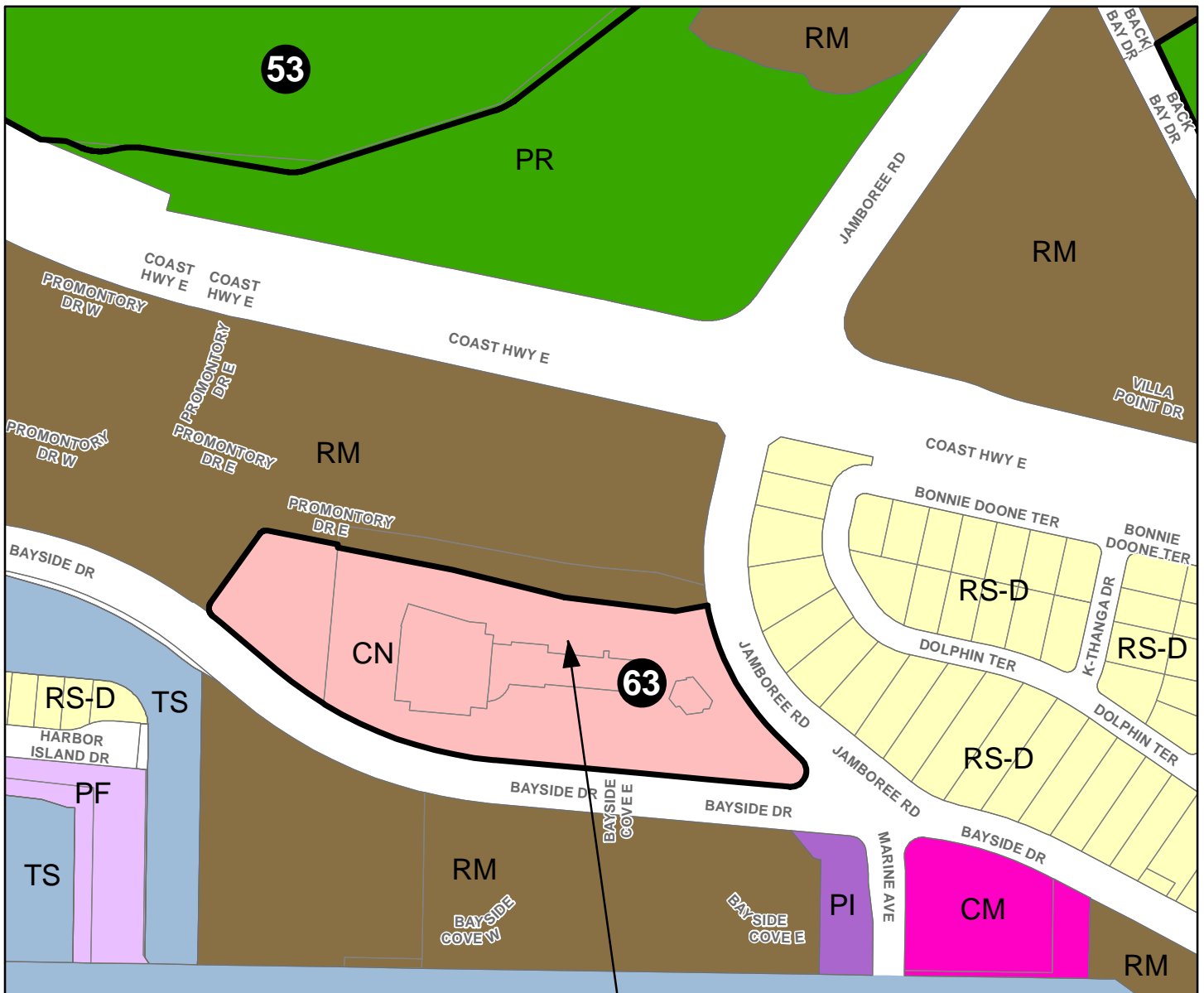


Map Reference 7

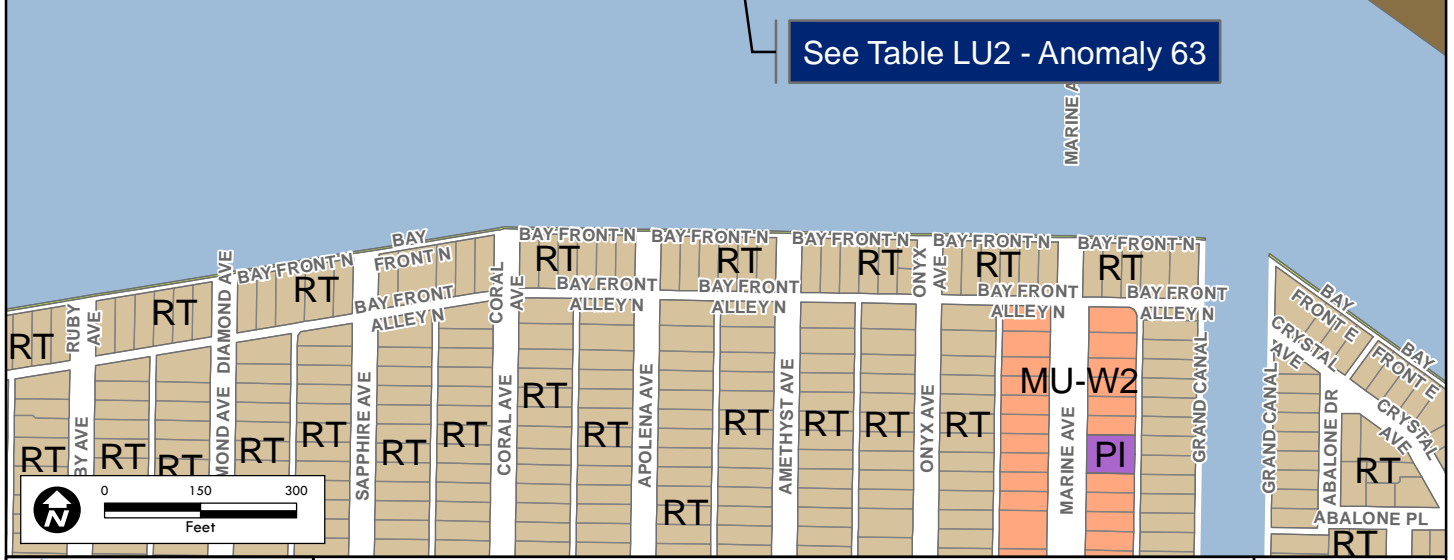
Newport Coast Hotel



City of Newport Beach
GIS Division
July 10, 2014



See Table LU2 - Anomaly 63

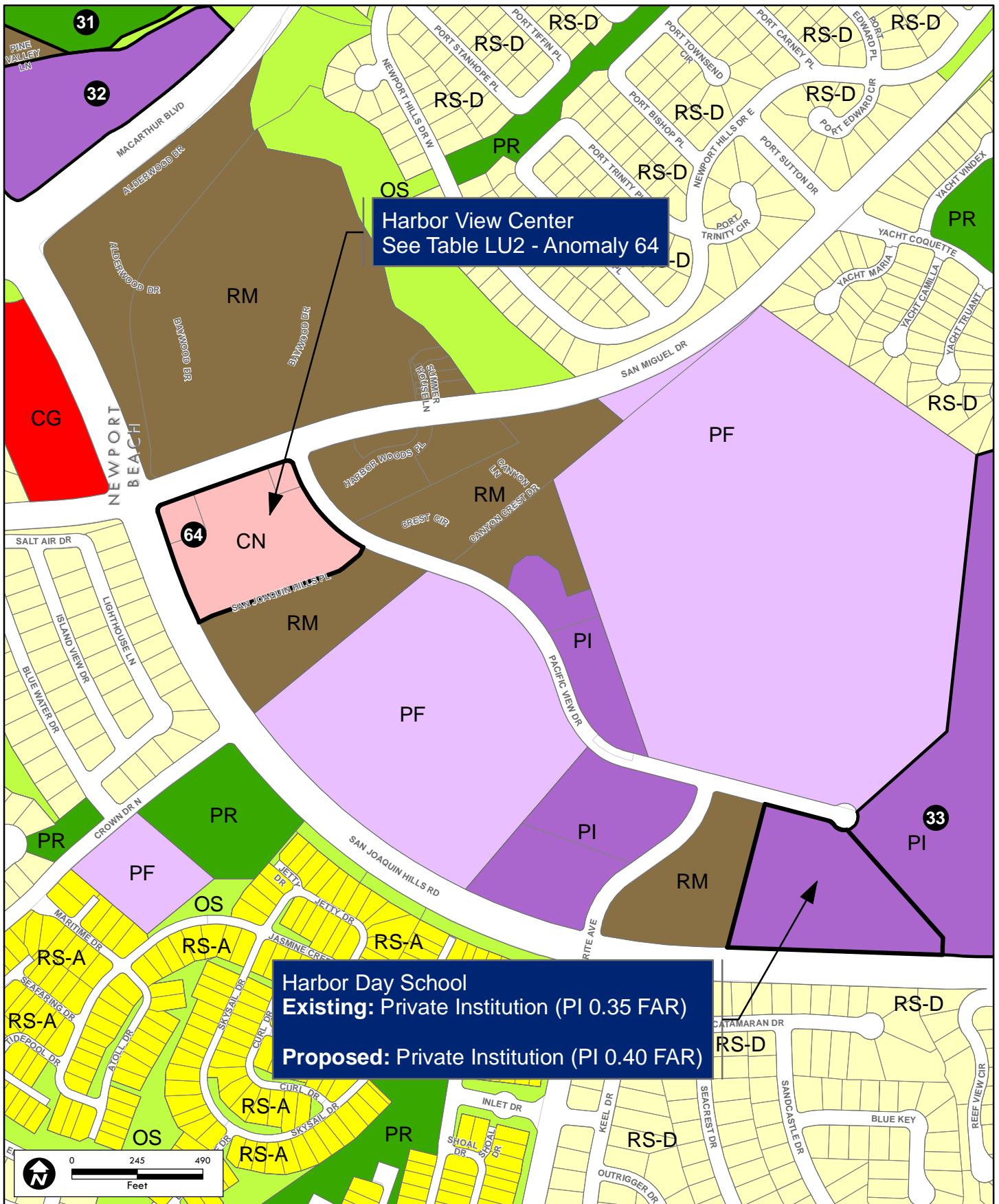


Map Reference 8

Bayside Center



City of Newport Beach
GIS Division
July 10, 2014



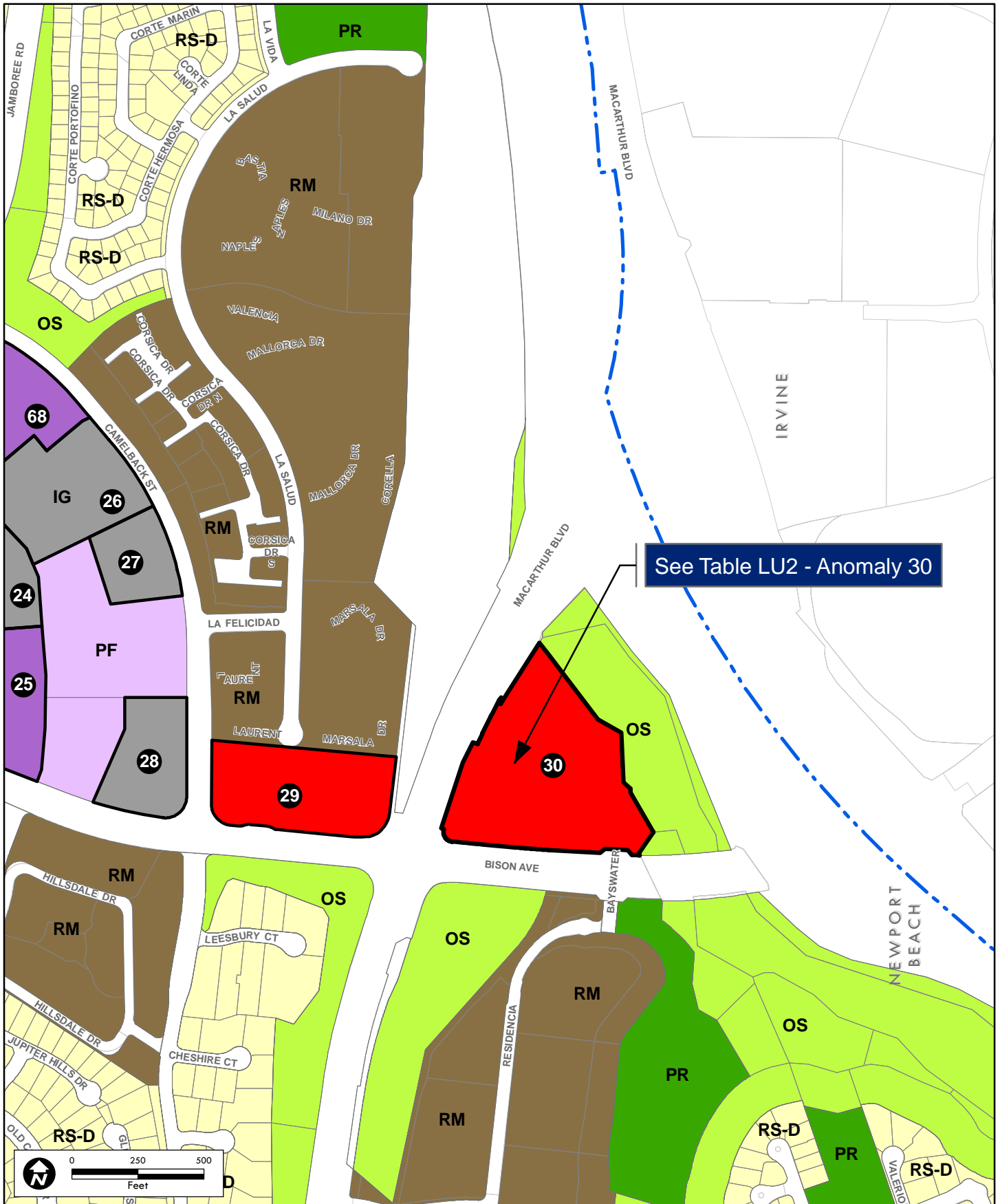
Map Reference 9 & 12

Harbor View Center (9)

Harbor Day School (12)



City of Newport Beach
GIS Division
July 10, 2014



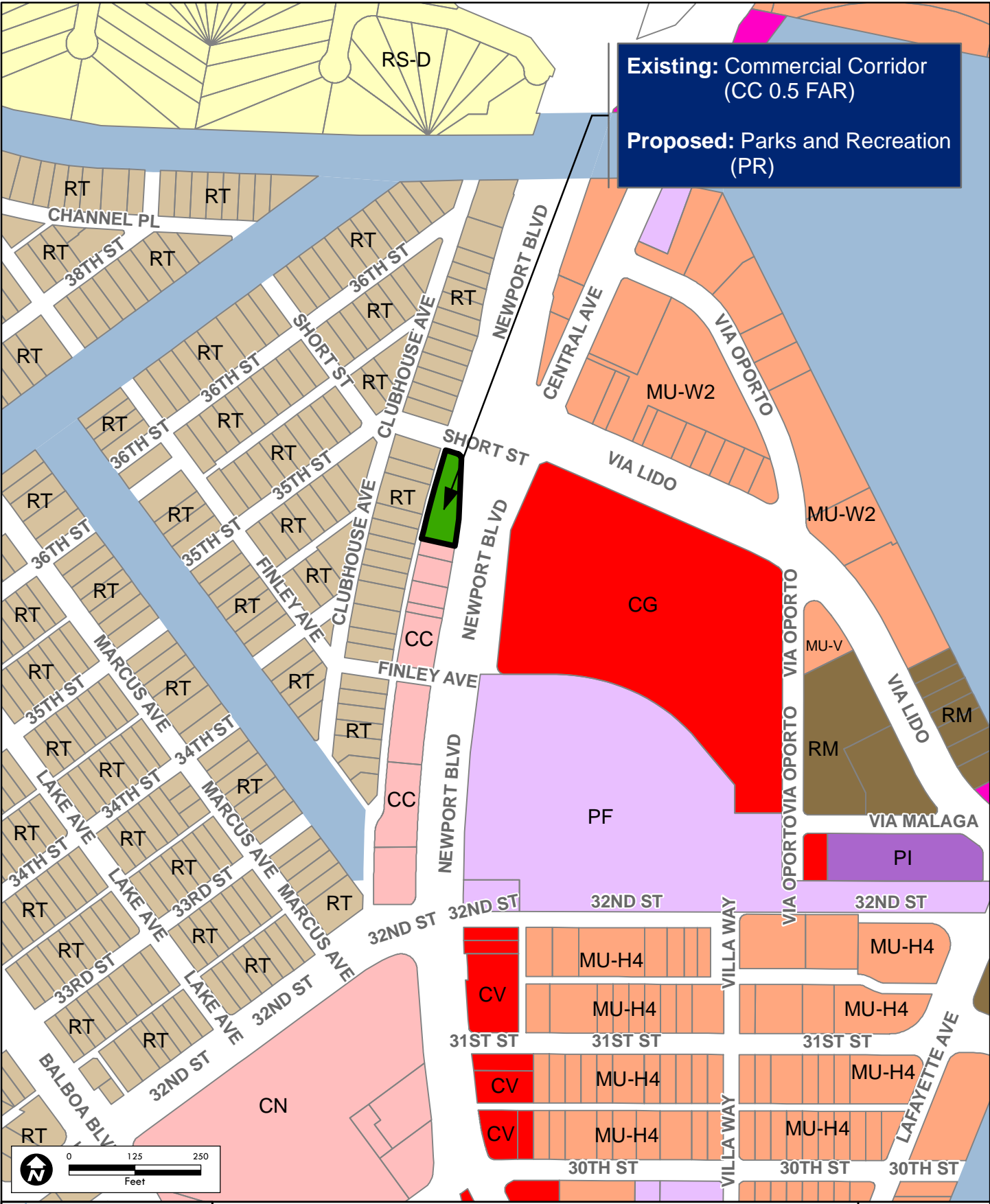
See Table LU2 - Anomaly 30

Map Reference 10

The Bluffs

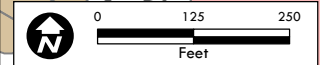


City of Newport Beach
GIS Division
July 10, 2014



Existing: Commercial Corridor (CC 0.5 FAR)

Proposed: Parks and Recreation (PR)

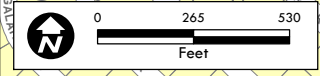
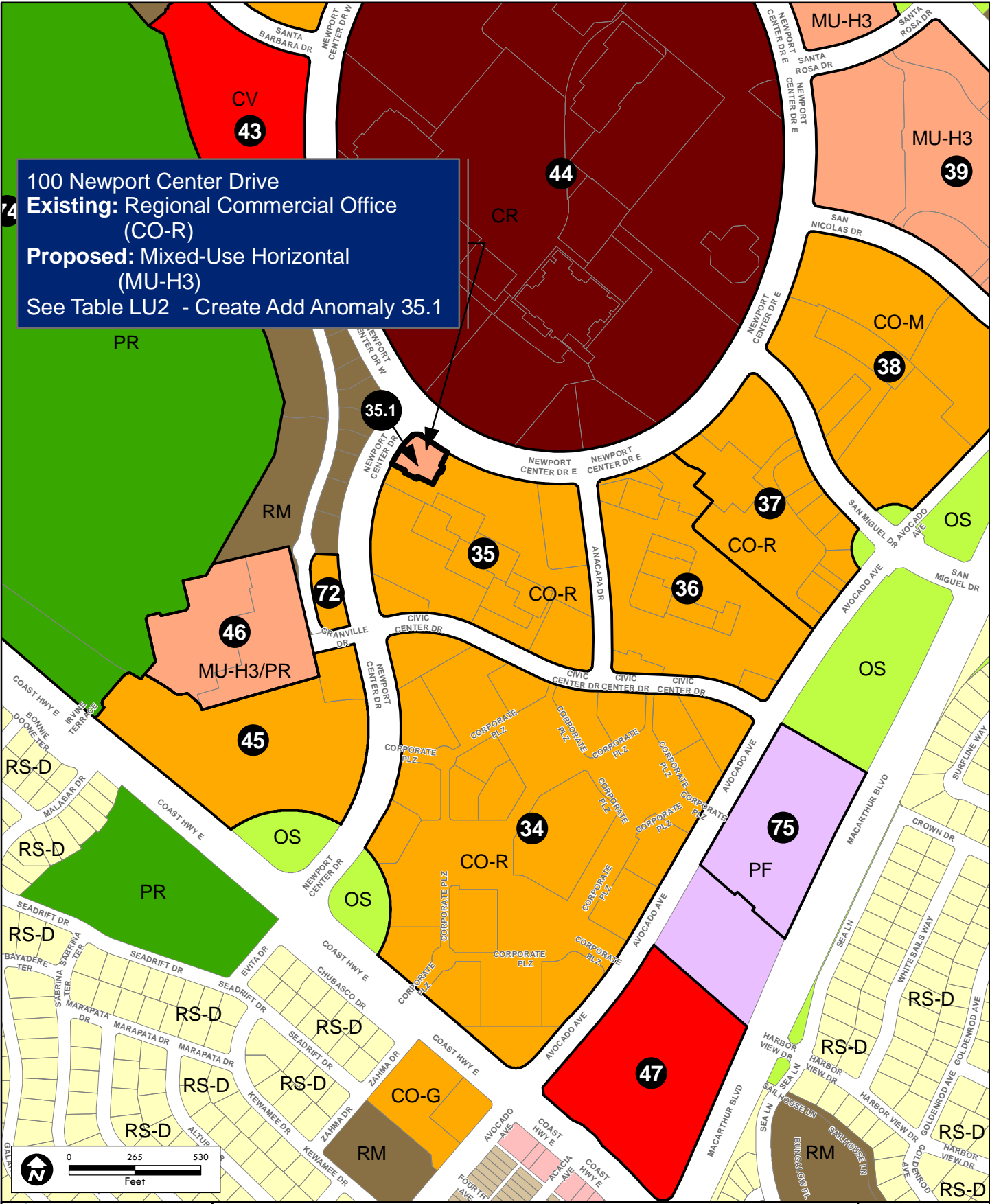


Map Reference 11

Gateway Park



City of Newport Beach
GIS Division
July 10, 2014



Map Reference 18

100 Newport Center Dr



City of Newport Beach
 GIS Division
 July 11, 2014

EXHIBIT C

**FINDINGS AND FACTS IN SUPPORT OF FINDINGS AND
STATEMENT OF OVERRIDING CONSIDERATION
FOR THE GENERAL PLAN LAND USE ELEMENT AMENDMENT
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
(SCH No. 2013101064)**

AMENDED

**CEQA FINDINGS OF FACT
REGARDING THE
FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
FOR THE
GENERAL PLAN LAND USE ELEMENT AMENDMENT
City of Newport Beach**

STATE CLEARINGHOUSE NO. 2013101064

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of the project pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. The State CEQA Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can or should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*)).

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001 [“an alternative ‘may be found infeasible on the ground it is inconsistent with the project objectives as long as the finding is supported by substantial evidence in the record’”].) An alternative may also be rejected because it “would not ‘entirely fulfill’ [a] project objective.” *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314-315.) “[F]easibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

When adopting Statements of Overriding Considerations, State CEQA Guidelines Section 15093 further provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) Where the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Having received, independently reviewed, and considered the Draft Supplemental Environmental Impact Report (Draft SEIR) and the Final Supplemental Environmental Impact Report (Final SEIR) for the General Plan Land Use Element Amendment project, SCH No. 2013101064 (collectively, the SEIR), as well as all other information in the record of proceedings on this matter, the following Findings and Facts

in Support of Findings (Findings) and Statement of Overriding Considerations (SOC) are hereby adopted by the City of Newport Beach (City) in its capacity as the CEQA Lead Agency.

These Findings set forth the environmental basis for the discretionary actions to be undertaken by the City for adoption and implementation of the Land Use Element Amendments. This action includes the approval of the following for the General Plan Land Use Element Amendment:

- Supplemental Environmental Impact Report SCH No. 2013101064

A. Document Format

These Findings have been organized into the following sections:

- 1) Section 1 provides an introduction.
- 2) Section 2 provides a summary of the project, overview of the discretionary actions required for approval of the project, and a statement of the project's objectives.
- 3) Section 3 provides a summary of previous environmental reviews related to the project area that took place prior to the environmental review done specifically for the project, and a summary of public participation in the environmental review for the project.
- 4) Section 4 sets forth findings regarding the environmental impacts that were determined to be—as a result of the Initial Study, Notice of Preparation (NOP), and consideration of comments received during the NOP comment period—either not relevant to the project or clearly not at levels that were deemed significant for consideration given the nature and location of the proposed General Plan Land Use Element Amendments.
- 5) Section 5 sets forth findings regarding significant or potentially significant environmental impacts identified in the Draft SEIR that the City has determined are either not significant or can feasibly be mitigated to a less than significant level through the imposition of Project Design Features, standard conditions, and/or mitigation measures. In order to ensure compliance and implementation, all of these measures will be included in the Mitigation Monitoring and Reporting Program (MMRP) for the project and adopted as conditions of the project by the Lead Agency. Where potentially significant impacts can be reduced to less than significant levels through adherence to Project Design Features and standard conditions, these findings specify how those impacts were reduced to an acceptable level. Section 5 also includes findings regarding those significant or potentially significant environmental impacts identified in the Draft SEIR that will or may result from the project and which the City has determined cannot feasibly be mitigated to a less than significant level.
- 6) Section 6 sets forth findings regarding alternatives to the proposed project.

B. Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The NOP and all other public notices issued by the City in conjunction with the proposed project
- The Draft SEIR for the proposed project
- The Final SEIR for the proposed project
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR

- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft SEIR
- All written and verbal public testimony presented during a noticed public hearing for the proposed project
- The Mitigation Monitoring and Reporting Program
- The reports and technical memoranda included or referenced in the Response to Comments
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft SEIR and Final SEIR
- The Resolutions adopted by the City of Newport Beach in connection with the proposed project, and all documents incorporated by reference therein, including comments received after the close of the comment period and responses thereto
- Matters of common knowledge to the City of Newport Beach, including but not limited to federal, state, and local laws and regulations
- Any documents expressly cited in these Findings
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e)

The documents and other material that constitute the record of proceedings on which these findings are based are located at the City of Newport Beach Community Development Department. The custodian for these documents is the City of Newport Beach. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and 14 California Code Regulations Section 15091(e).

C. Custodian and Location Of Records

The documents and other materials that constitute the administrative record for the City's actions related to the project are at the City of Newport Beach Community Development Department, 100 Civic Center Drive, Newport Beach, California 92660. The City's Community Development Department is the custodian of the administrative record for the project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request at the offices of the Community Development Department. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

II. PROJECT SUMMARY

A. Project Location

Located on the southwestern boundary of Orange County, the City of Newport Beach is approximately 40 miles southeast of downtown Los Angeles and 10 miles southwest of Irvine. The surrounding cities include Costa Mesa to the north, Huntington Beach to the northwest, Irvine to the northeast, and unincorporated areas of Orange County to the southeast. The Pacific Ocean abuts the City's entire southwestern boundary. Regional access to the City is provided by Interstate 405 (I-405) and State Route 55 (SR-55), which both run north to south through Orange County. SR-55 ends in the City of Costa Mesa, just north of Newport Beach. In addition, State Route 73 (SR-73) runs along the northwestern boundary of the City and connects with Interstate 5 (I-5) just south of Newport Beach in Laguna Beach. Highway 1 also provides access to the City since it runs along the entire California coast.

B. City Council Proposed Project

The 2006 City of Newport Beach General Plan includes ten elements: Land Use, Harbor and Bay, Housing, Historical Resources, Circulation, Recreation, Arts and Cultural, Natural Resources, Safety, and Noise. The proposed project is an amendment to the Land Use Element (LUE) (also referred to as the Amendment or Project).

The amendment is intended to shape future development in the City and involves the alteration, intensification, and redistribution of land uses in certain subareas of the City, including major areas such as Newport Center/Fashion Island, Newport Coast, and the Airport Area near John Wayne Airport. The City Council considered the project on July 8, 2014 and modified the project that was analyzed in the draft SEIR. The proposed land use map designation changes include increases and/or reductions in development capacity in various subareas. The proposed land use changes are summarized below and analyzed in further detail in a memorandum prepared by the project's environmental consultant, PlaceWorks (see Attachment CC1, Exhibit C, *Environmental Summary Regarding Proposed City Council Changes to the General Plan Land Use Element Amendment (per City Council Public Hearing, July 8, 2014)*). The memorandum was prepared to determine whether potential environmental impacts of the Land Use Element Amendment as revised by the City Council would be within the scope of the Final EIR as publicly reviewed and presented to the Council. Specific subareas proposed for change are:

- Airport Area
 - Saunders Properties
 - UAP Companies
- Newport Coast Area
 - Newport Coast Hotel
 - Newport Ridge
 - Newport Coast Center
- Newport Center/Fashion Island
 - Newport Center/Fashion Island
 - 100 Newport Center Drive
- Bayside Center
- The Bluffs
- Gateway Park
- Westcliff Plaza
- 1526 Placentia Avenue (Kings Liquor)

The City Council modified the project as follows:

- Area 2, 813 East Balboa Boulevard (**eliminate** this land use change as proposed from Two-Unit Residential (RT) to Mixed Use Vertical [MU-V], allowing 0.75 FAR)
- Area 4, Airport Area: 4A (Saunders Properties) – **eliminate** the increase in commercial square footage (+238,077 SF) and provision for residential units (+329 units). Change the land use designation from Airport Office and Supporting Uses (AO) to Mixed Use Horizontal (MU-H2). This site would not be granted additional entitlement for commercial or residential uses, but would become eligible to apply for residential units (capped at 2,200 for the Airport Area) under the MU-H2 designation.
- 4B (The Hangars)– **eliminate** this land use change proposing increased development capacity of 11,800 SF Retail

- 4C (Lyon Companies) – **eliminate** this land use change proposing increased development capacity of 85,000 SF Retail, 850 Replacement Units, and 150 hotel rooms
- Area 17, 150 Newport Center Drive (**eliminate** land use change allowing development of 125 hotel rooms)

The General Plan Land Use Element Amendment also includes new and modified Land Use Element policies related to land use changes, in support of recent Neighborhood Revitalization efforts, and, as appropriate, updates/refinements to policies. Some of the policies apply City-wide and others are community specific. Subsequent amendments to the Newport Beach Coastal Land Use Plan (LUP), the Newport Coast Local Coastal Program (LCP), and Zoning Code and Map will be necessary to reflect the amendment to the General Plan LUE.

The memorandum concluded that in comparison to the project description as analyzed in the Final SEIR, City Council changes would result in reduced or similar impacts for all environmental topics. Further, the changes would be within the scope of the analyzed project, no new significant impacts would occur, and the revisions would not trigger recirculation of the Draft SEIR in accordance with the criteria in CEQA Guidelines Section 15088.5

C. Discretionary Actions

Implementation of the project within the City of Newport Beach will require several actions by the City, including

- **Supplemental Environmental Impact Report SCH#2013101064.** Certification of the Supplemental Environmental Impact Report (SEIR) evaluating the environmental impacts resulting from the proposed project, in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended (Public Resources Code Sections 21000 et seq.), and the State CEQA Guidelines for Implementation of CEQA (California Code of Regulations, Title 14, Sections 15000 et seq.).
- **Adoption of the LUE Amendments and updated zoning code and Coastal Plan amendments to ensure consistency.**

The Final SEIR provided environmental information to responsible agencies, trustee agencies, and other public agencies that may be required to grant approvals and permits or coordinate with the City of Newport Beach as a part of project implementation. These agencies include, but are not limited to:

- **Airport Land Use Commission of Orange County (ALUC).** The project is within the boundaries of the Airport Environs Land Use Plan (AELUP). The overseeing agency, ALUC, must review the proposed project and determine its consistency with the AELUP. The ALUC considered the project at its April 17, 2014, public meeting and voted to find the project inconsistent with the Commission's AELUP. Approval of the project would require the Newport Beach City Council to override this determination with a two-thirds vote.
- **California Coastal Commission (CCC).** The project would change land use designations in areas of the City that are within the Newport Beach Coastal Land Use Plan. Designations under the Coastal Land Use Plan take precedent over any provisions in the City's General Plan, zoning, or other ordinances. Thus, the CCC must review the proposed project and certify an amendment to the Coastal Land Use Plan in order to maintain land use designation consistency.

D. Statement of Project Objectives

The statement of objectives sought by the project and set forth in the Final SEIR is provided as follows:

1. Preserve and enhance Newport Beach's character as a beautiful, unique residential community.
2. Reflect a conservative growth strategy that
 - a. Balances needs for housing, jobs and services.
 - b. Limits land use changes to a very small amount of the City's land area.
 - c. Directs land use changes to areas where residents have expressed a willingness to consider change and where sustainable development can occur.
 - d. Protects natural resources, open space, and recreational opportunities.
3. Protect and enhance water quality.
4. Protect and enhance recreational opportunities and public access to open space and natural resources.
5. Modify land uses, densities, and intensities so that traffic generation is controlled.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

In conformance with CEQA, the State CEQA Guidelines, and the City of Newport Beach CEQA Guidelines, the City conducted an extensive environmental review of the proposed project.

- The City of Newport Beach determined that an SEIR would be required for the proposed project and issued a Notice of Preparation (NOP) and Initial Study on October 22, 2013. The NOP was sent to all responsible agencies, trustee agencies, and the Office of Planning Research and posted at the Orange County Clerk-Recorder's office and on the City's website on October 22, 2013. The 30-day public review period extended from October 22, 2013, to November 21, 2013.
- Based upon the Initial Study and Environmental Checklist Form, the City of Newport Beach staff determined that a Draft Supplemental EIR (Draft SEIR) to the 2006 General Plan EIR should be prepared for the proposed project. (Pub. Resources Code, § 21166; CEQA Guidelines, §§ 15162-15163.) A scoping meeting was held during the NOP review period to solicit additional suggestions on the scope of the Draft SEIR. Attendees were provided an opportunity to identify verbally or in writing the issues they felt should be addressed in the Draft SEIR. The scoping meeting was held on Tuesday, November 5, 2013, at the Newport Beach Central Library at 1000 Avocado Avenue, Newport Beach, CA 92660. The notice of the public scoping meeting was included in the NOP.
 - The scope of the Draft SEIR was determined based on the City's Initial Study, comments received in response to the NOP, and comments received at the scoping meeting conducted by the City on November 5, 2013. Section 2.3 of the Draft SEIR describes the issues identified for analysis in the Draft SEIR.
 - The City of Newport Beach prepared a Draft SEIR, which was made available for a 45-day public review period beginning March 17, 2014, and ending April 30, 2014.
 - The Draft SEIR consists of three volumes: Volume I contains the text of the Draft SEIR and analysis of the General Plan Land Use Element Amendment project and Appendix A, Initial Study and Notice of Preparation. Volume II contains Appendices B through I. In addition, a continuation of the full appendices was provided in two separate binders, Full Appendices – Part 1 and Part 2. The Notice of Availability (NOA) for the Draft SEIR was sent to all interested persons, agencies and organizations. The Notice of Completion (NOC) was sent to the State Clearinghouse in Sacramento for distribution to public agencies. The NOA was posted at the Orange County Clerk-Recorder's office on March 17, 2014. Copies of the Draft SEIR were made available for public review at the City of Newport Beach Community Development Department, Newport Beach Central Library, Newport Beach Balboa Branch

Library, Newport Beach Mariners Branch Library, and Newport Beach Corona del Mar Branch Library. The Draft SEIR was made available for download via the City's website: <http://www.newportbeachca.gov>.

- Two study sessions were held by the Planning Commission on May 8, 2014 and May 22, 2014 in the City Hall Council Chambers, at 100 Civic Center Drive, Newport Beach, California 92660. Notices of time, place, and purpose of the aforesaid meetings were provided in accordance with CEQA and the City's Municipal Code. The draft General Plan Land Use Element Amendment, findings of the Draft SEIR, project alternatives, general topics of public review comments received, staff report, and evidence, both written and oral, were presented to the Planning Commission at these study sessions. Additionally, the items appeared on the agenda for these study sessions, which was posted at City Hall and on the City's website.
- Preparation of the Final SEIR includes comments on the Draft SEIR, responses to those comments, clarifications/revisions to the Draft SEIR, and appended documents. The Final SEIR was released on May 30, 2014 and posted on the City's website. A Planning Commission Public Hearing was held on June 5, 2014 in the City Hall Council Chambers, at 100 Civic Center Drive, Newport Beach, California 92660. A notice of time, place, and purpose of the aforesaid meeting was provided in accordance with CEQA and the City's Municipal Code. The Draft and Final SEIR, staff report, and evidence, both written and oral, were presented to and considered by the Planning Commission at this hearing.
 - Government Code Section 65091 provides that, when the number of property owners to who notice would be required to be mailed is greater than 1,000 (which is the case with the proposed Land Use Element Amendment), notice may be provided by placing a one-eighth page advertisement in the local newspaper. Notice of the Planning Commission Public Hearing was a one-eighth page display ad in the May 24, 2014, Daily Pilot.
 - Additionally, notices were mailed to over 1,500 affected property owners which included property owners, and property owners within 300 feet of properties designated for amendment; HOAs and interested parties; and subscribers to the City's Select Alert/Newsplash System. The mailing and notifications occurred at a minimum 10 days in advance of the meeting, consistent with the provisions of the City of Newport Beach Municipal Code. The environmental review process has also been consistent with the California Environmental Quality Act. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.
- In compliance with Section 15088(b) of Title 14 of the California Code of Regulations (State CEQA Guidelines), the City has met its obligation to provide written Responses to Comments to public agencies at least 10 days prior to certifying the Final SEIR.
- The City Council public hearing was held on July 8, 2014, in the City Hall Council Chambers, at 100 Civic Center Drive, Newport Beach, California 92660. A notice of the time, place and purpose of the aforesaid meeting was provided in accordance with CEQA and the City's Municipal Code. The Final SEIR, staff report, and evidence, both written and oral, were presented to and considered by the City Council at this hearing.
 - Government Code Section 65091 provides that, when the number of property owners to who notice would be required to be mailed is greater than 1,000 (which is the case with the proposed Land Use Element Amendment), notice may be provided by placing a one-eighth page advertisement in the local newspaper. Notice of the Planning Commission Public Hearing was a one-eighth page display ad in the Daily Pilot.
 - Additionally, notices were mailed to over 1,500 affected property owners which included property owners, and property owners within 300 feet of properties designated for amendment; HOAs and interested parties; and subscribers to the City's Select Alert/Newsplash System. The mailing and notifications occurred at a minimum 10 days in

advance of the meeting, consistent with the provisions of the City of Newport Beach Municipal Code. The environmental review process has also been consistent with the California Environmental Quality Act. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

- Section 15088.5 of the CEQA Guidelines states that an EIR would require recirculation if “significant new information” is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. “Significant new information” requiring EIR recirculation includes:
 - (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
 - (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
 - (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
 - (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

As described above, environmental impacts associated with the proposed City Council changes would be reduced or similar to impacts under the proposed General Plan Land Use Element Amendment SEIR. Thus, impacts associated with the proposed City Council changes are within the scope of the SEIR and no new significant environmental impacts would result. Therefore, the proposed City Council changes do not meet the conditions for EIR recirculation per Section 15088.5 of the CEQA Guidelines and no changes to the analysis contained in the SEIR are required.

IV. ENVIRONMENTAL ISSUES THAT WERE DETERMINED NOT TO BE POTENTIALLY AFFECTED BY THE PROPOSED PROJECT

A. Impacts Determined To Be Less Than Significant in the Initial Study

As a result of the project scoping process including the NOP circulated by the City on October 22, 2013, in connection with preparation of the Draft SEIR, the preparation of the Initial Study, and the Public Scoping meeting, the City determined, based upon the threshold criteria for significance, that the project would have no impact or a less than significant impact on the following potential environmental issues, and therefore, determined that these potential environmental issues would not be addressed in the Draft SEIR. Based upon the environmental analysis presented in the Draft SEIR, and the comments received by the public on the Draft SEIR, no substantial evidence was submitted to or identified by the City which indicated that the project would have an impact on the following environmental areas:

- (a) **Aesthetics:** The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, or create a new source of substantial light or glare.
- (b) **Agriculture and Forestry Resources:** The project area does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No portion of the project area is covered by a Williamson Act Contract. Additionally, the project site does not include forest resources, including timberlands, and is not zoned for agriculture.
- (c) **Air Quality:** The project would not create objectionable odors affecting a substantial number of people.

- (d) **Biological Resources:** The project would not have a substantial adverse effect on any sensitive species, riparian habitats or other sensitive natural communities, or federally protected wetlands. It would not interfere with the movement of native resident or migratory wildlife species, impede wildlife nursery sites, conflict with local policies protecting biological resources (e.g., tree preservation policy), or conflict with provisions of an adopted local, regional, or state habitat conservation plan.
- (e) **Cultural Resources:** The project would not impact historic resources or disturb any known human remains.
- (f) **Geology and Soils:** The project would not expose people or structure to potential substantial adverse effects involving rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Zoning Map or based on other substantial evidence of a known fault, or expose people or structures to landslides. It would not have any significant impacts related to rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure (e.g., liquefaction), landslides, soil erosion, or soil subsidence. The proposed project would not use septic systems or alternative waste water disposal systems.
- (g) **Hazards and Hazardous Materials:** The project would not create a significant hazard to the public or environment through transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions. The project also would not handle or operate hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. It would not be located near the vicinity of a private airstrip, impair implementation of an adopted emergency response/evacuation plan, or expose people to wildland fire hazards.
- (h) **Hydrology and Water Quality:** The project would not violate water quality standards or waste discharge requirements, substantially deplete groundwater supplies or interfere with recharge, alter existing drainage patterns causing erosion or flooding, add substantial sources of polluted runoff, or otherwise degrade water quality. The project would not place housing or structures within a 100-year flood hazard area, or expose people or structures to flood hazards or inundation by seiche, tsunami, or mudflow.
- (i) **Land Use and Planning:** The project would not divide an established business community or conflict with any applicable habitat conservation plan or natural community conservation plan.
- (j) **Mineral Resources:** The project would not result in the loss of availability of a known mineral resource or locally important mineral resource recovery site.
- (k) **Noise and Vibration:** The project traffic would not be located within the vicinity of a private airstrip.
- (l) **Population and Housing:** The project would not displace any housing or people.
- (m) **Public Services:** The project would not create significant impacts related to other public facilities aside from fire, police, schools, and parks.
- (n) **Recreation:** The project would meet the City's parkland dedication requirements, and physical impacts to recreational and park spaces would not be significant.
- (o) **Transportation and Traffic:** The project would not result in a change in air traffic patterns, substantially increase hazards due to design features or incompatible uses, or result in inadequate emergency access.
- (p) **Utilities and Service Systems:** The project would not exceed waste water treatment requirements of Santa Ana Regional Water Quality Control Board.

All other topical areas of evaluation included in the Environmental Checklist were determined to require further assessment in the Draft SEIR.

B. Impacts Determined To Be Less Than Significant in the Draft SEIR

This section identifies impacts of the proposed project determined to be less than significant without implementation of project-specific mitigation measures. This determination, however, does assume compliance with Existing Regulations and relevant General Plan policies as detailed in each respective topical section of Chapter 5 in the Draft SEIR.

- (a) **Aesthetics:** The project would not have a substantial adverse effect on scenic vistas or degrade the existing visual character or quality of the area.
- (b) **Air Quality:** Similar to the 2006 General Plan, the project would not be consistent with the applicable air quality management plan, and would generate short-term emissions and criteria air pollutant emissions in exceedance of SCAQMD's threshold criteria. However, the incremental change associated with the project would be less than significant.
- (c) **Cultural Resources:** The project would not adversely affect archaeological or paleontological resources.
- (d) **Greenhouse Gas Emissions:** The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.
- (e) **Hazards and Hazardous Materials:** The project would not be located on a site included on a list of hazardous materials, result in a safety hazard for people residing or working in the project area per the Airport Environs Land Use Plan for John Wayne Airport, or expose people or structures to significant hazards from wildland fires.
- (f) **Hydrology and Water Quality:** The project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.
- (g) **Land Use and Planning:** The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- (h) **Noise and Vibration:** The project traffic would not expose persons to or generate noise levels in excess of standards established by the City, increase permanent or temporary ambient noise levels, or cause a substantial increase in noise levels due to proximity to the John Wayne Airport.
- (i) **Public Services:** The project would not create significant impacts related to fire protection, police protection, school, or park services.
- (j) **Transportation and Traffic:** The project would not conflict with an applicable congestion management program or conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.
- (k) **Utilities and Service Systems:** Project-generated wastewater would not exceed the capacity of existing sewer pipelines and treatment plants; the project would be adequately served by existing water supply and delivery systems; stormwater flow would be adequately served by existing drainage systems; the Frank R. Bowerman, Olinda Alpha, and Prima Deshecha landfills would have sufficient capacity to accommodate project-generated solid waste; and the project demand for electricity and natural gas would be nominal.

V. FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS

The following potentially significant environmental impacts were analyzed in the Draft SEIR, and the effects of the project were considered. Because of environmental analysis of the project and the identification of relevant General Plan policies; compliance with existing laws, codes, and statutes; and the identification of feasible mitigation measures (together referred herein as the Mitigation Program),

some potentially significant impacts have been determined by the City to be reduced to a level of less than significant, and the City has found—in accordance with CEQA Section 21081(a)(1) and State CEQA Guidelines Section 15091(a) (1)—that “Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.” This is referred to herein as “Finding 1.” Where the City has determined—pursuant to CEQA Section 21081(a)(2) and State CEQA Guidelines Section 15091(a)(2)—that “Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency,” the City’s finding is referred to herein as “Finding 2.”

Where, as a result of the environmental analysis of the project, the City has determined that either (1) even with the identification of project design features, compliance with existing laws, codes and statutes, and/or the identification of feasible mitigation measures, potentially significant impacts cannot be reduced to a level of less than significant, or (2) no feasible mitigation measures or alternatives are available to mitigate the potentially significant impact, the City has found in accordance with CEQA Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3) that “Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.” This is referred to herein as “Finding 3.”

A. Impacts Mitigated To Less Than Significant

The following summary describes impacts of the proposed project and the project proposed by the City Council that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the Draft SEIR, the impacts would be considered less than significant.

1. Air Quality

Environmental Impact: Placement of new residents and other sensitive land uses proximate to State Route 73 and major stationary source emitters in the Airport Area would expose sensitive receptors to substantial pollutant concentrations.

Finding 1 – Mitigation Measure AQ-1 would reduce pollutant concentration impacts to sensitive receptors. Thereby, the City makes Finding 1, and impacts are mitigated to less than significant levels.

Facts in Support of Finding

Mitigation measure AQ-1 would require project applicants for sensitive land uses to prepare a health risk assessment (HRA) to the City prior to future discretionary project approval. The HRA would indicate any potential health risks (e.g., cancer risks, air quality) on the project site and provide mitigation measures, which would be incorporated into the development plan as a component of the proposed project. Thus, future sensitive land use developments near State Route 73 and major stationary source emitters in the Airport Area would be protected from potential health risks. Impacts would be less than significant.

City Council Proposed Project

The proposed City Council changes would substantially reduce development intensity changes in comparison to the proposed General Plan LUE Amendment as analyzed in the SEIR. The elimination of additional housing units, hotel rooms, and square feet of commercial use would reduce criteria air pollutants generated by transportation, energy, and area sources in the City. The substantial reduction of land use changes in the Airport Area would reduce the sensitive land uses (residential) that would be introduced proximate to major sources of air pollution (State Route 73 and Airport Area industrial sources). As with the proposed project, this impact would be mitigated to less than significant.

Mitigation Measures

The following mitigation measure was included in the Draft and Final SEIR, and is applicable to the proposed project and the project proposed by City Council.

AQ-1

The City of Newport Beach shall evaluate new development proposals for sensitive land uses (e.g., residential, schools, day care centers) within the City for potential incompatibilities with regard to the California Air Resources Board's Air Quality and Land Use Handbook: A Community Health Perspective (2005). Applicants for sensitive land uses that are within the recommended buffer distances shall submit a health risk assessment (HRA) to the City of Newport Beach prior to future discretionary project approval. The HRA shall be prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment (OEHHA) and the South Coast Air Quality Management District. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children age 0 to 6 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), the appropriate noncancer hazard index exceeds 1.0, or if the PM₁₀ or PM_{2.5} ambient air quality standard exceeds 2.5 µg/m³, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer, noncancer, and ambient air quality risks to an acceptable level (i.e., below ten in one million, a hazard index of 1.0, or particulate matter concentrations exceed 2.5 µg/m³), including appropriate enforcement mechanisms. Measures to reduce risk may include but are not limited to:

- Air intakes away from high-volume roadways and/or truck loading zones.
- Heating, ventilation, and air conditioning systems of the buildings provided with appropriately sized maximum efficiency rating value (MERV) filters.

Mitigation measures identified in the HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of the proposed project. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City and shall be verified by the City's Planning Department.

City of Newport Beach Standard Conditions

There are no specific City-adopted standard operating conditions of approval related to air quality that are applicable to the proposed project at this time. However, project-specific conditions of approval may be applied to future development proposed under the amended LUE during the discretionary approval process for those projects (site development review, tentative tract map, etc.), subsequent design, and/or construction process.

B. Significant Unavoidable Adverse Impacts

The following summary describes the significant, unavoidable adverse impacts of the proposed project and the project proposed by City Council:

1. Greenhouse Gas Emissions

Environmental Impact: Although compared to the 2006 General Plan, the proposed project would achieve South Coast Air Quality Management District's efficiency metric by decreasing GHG emissions on a per capita basis, similar to impacts under the 2006 General Plan EIR, the City would not achieve the long-term GHG reductions goals under Executive Order S-03-05 if the proposed project were implemented.

Finding 3 –The City hereby makes Finding 3 and determines that there are no mitigation measures to reduce this impact to less than significant levels. This impact is significant and unavoidable and would require the adoption of a Statement of Overriding Considerations.

Facts in Support of Finding

The draft SEIR concluded that the project would result in a substantial increase in the total magnitude of GHG emissions emitted Citywide from those originally identified as part of the 2006 General Plan EIR, but would decrease GHG emissions on a per capita basis due to increased plan efficiency, including locating housing to employment centers.

City Council Proposed Project

Development intensity in the City would be reduced by eliminating a substantial amount of proposed residential, hotel, and retail development in the Airport Area and at 150 Newport Center Drive. Thus, greenhouse gas emissions would be reduced under the proposed City Council changes; however, the significant and unavoidable GHG impact related to reducing GHG emissions to 80 percent of 1990 levels by 2050 (Executive Order S-03-05) would remain.

Although the General Plan LUE Amendment incorporates planning measures and policies to minimize GHG emissions, additional statewide measures would be necessary to reduce GHG emissions under the proposed project to meet the long-term GHG reduction goals under Executive Order S-03-05, which identified a goal to reduce GHG emissions to 80 percent of 1990 levels by 2050. At this time, there is no plan past 2020 that achieves the long-term GHG reduction goal established under Executive Order S-03-05. As identified by the California Council on Science and Technology, the State cannot meet the 2050 goal without major advancements in technology. Since no additional statewide measures are currently available, the impact is significant and unavoidable and would require a Statement of Overriding Considerations.

City of Newport Beach Standard Conditions

There are no specific City-adopted standard operating conditions of approval related to greenhouse gas emissions that are applicable to the proposed project at this time. However, project-specific conditions of approval may be applied to future development proposed under the amended LUE during the discretionary approval process for those projects (site development review, tentative tract map, etc.), subsequent design, and/or construction process.

2. Noise and Vibration

Environmental Impact: Construction activities as a result of higher development intensity would have the potential to result in substantial vibration impacts to uses adjacent to the sites identified for changes in land uses and intensities.

Finding 3 – The City hereby makes Finding 3 and determines that there are no mitigation measures to reduce this impact to less than significant levels. This impact is significant and unavoidable and would require the adoption of a Statement of Overriding Considerations.

Facts in Support of Finding

New development in accordance with the proposed project would increase groundborne vibration related to construction activities. Grading and demolition activities typically generate the highest vibration levels during construction activities. In particular, pile driving and rock blasting can generate high levels in excess of 100 PPV at 25 feet away. Typical construction projects do not require these methods, or if necessary, can usually be mitigated with alternative methods such as non-explosive rock breaking (instead of rock blasting) and drilled piles (instead of impact pile driving), which do not exceed the thresholds for architectural damage, and do not reach levels that are considered annoying at distances greater than 200 feet. However, since construction equipment for subsequent projects are unknown as of now, there would be no feasible mitigation available to eliminate potential vibration impacts if receptors are located in close proximity and pile driving/rock blasting equipment or other activities that generate high levels are necessary for future developments. Furthermore, intensification of land uses at some of the proposed project's subareas could result in vibration impacts greater than the 2006 General Plan. Therefore, this impact is significant and unavoidable.

City Council Proposed Project

Eliminating a majority of the proposed land use changes to the Airport Area would reduce the number of new sensitive uses to the subarea, and also reduce potential noise compatibility impacts. The redesignation of the Saunders Properties from AO to MU-H2 would make this property eligible for residential development (up to 1,650 replacement units within the overall MU-H2 designation). As with the analysis in the SEIR, therefore, this site would be subject to compliance with the AELUP and residential development would be restricted to portions of the site outside of the airport's 65 dBA CNEL noise contour. The City Council also proposes to exclude 125 hotel rooms proposed at 150 Newport Center Drive from the project, which would reduce vehicular traffic noise in the Newport Center/Fashion Island area. Therefore, short- and long-term noise impacts (i.e., construction and operations) would be reduced and would remain less than significant. Construction vibration impacts related to the LUE Amendment, although reduced, would remain significant and unavoidable and would require a Statement of Overriding Considerations.

City of Newport Beach Standard Conditions

There are no specific City-adopted standard operating conditions of approval related to noise and vibration that are applicable to the proposed project at this time. However, project-specific conditions of approval may be applied to future development proposed under the amended LUE during the discretionary approval process for those projects (site development review, tentative tract map, etc.), subsequent design, and/or construction process.

3. Population and Housing

Environmental Impact: Buildout of the General Plan LUE Amendment would directly result in an estimated population increase of up to 3,532 persons in comparison to buildout of the 2006 General Plan (approximately 3.4 percent increase). This increase would exceed the 2035 SCAG population projections for the City by almost 18 percent, but slightly improve the jobs-housing balance.

Finding 3 – The City hereby makes Finding 3 for both the General Plan LUE Amendment and proposed City Council changes, and determines that there are no mitigation measures to reduce this impact to less than significant levels. This impact is significant and unavoidable and would require the adoption of a Statement of Overriding Considerations.

Facts in Support of Finding

The incremental change between buildout of the 2006 General Plan and the proposed General Plan LUE Amendment is an additional 3,532 persons, which totals to a population of 105,891 by 2035. This exceeds the 2035 Southern California Association of Governments population projection for Newport Beach of 90,030 by 15,861 persons (approximately 18 percent). There are no feasible mitigation measures to reduce population growth. Thus, the impact would be significant and unavoidable and would require a Statement of Overriding Considerations.

City Council Proposed Project

In comparison to the proposed project, the proposed elimination of the majority of Airport Area changes would reduce the number of housing units. Based on the City-wide household size of 2.22, this would generate an estimated additional 306 persons in the City, compared to 3,838 persons under the proposed project analyzed in the SEIR. The proposed City Council changes would also reduce retail development capacity and hotel rooms. Compared to the proposed project, this would slightly increase the existing jobs-housing balance City-wide. Increasing the jobs-housing would be a negative impact in comparison to the project as analyzed in the SEIR, because the City is already jobs-rich.

Overall, the population growth impact would be slightly reduced in comparison to the proposed project, but the jobs-housing balance impact would be greater. Impacts would therefore be considered similar to

the analyzed project. Further, as with the analyzed project, population growth impacts would remain significant because the population increase would still exceed the 2035 SCAG population projection for the City.

4. Traffic and Transportation

Environmental Impact: Vehicular traffic from the proposed project in conjunction with the amendment of the Airport Settlement Agreement could result in significant impacts at study-area intersections.

Findings 2 & 3 – This impact has been determined to be potentially significant and unavoidable pending the results of the JWA Airport Settlement Agreement extension. It is not possible at the time of the Final SEIR to know the probable cumulative impacts of the proposed project in combination of possible impacts of the Airport Settlement Agreement because the terms of any potential extension of the Agreement are not yet known. The County has only released a Draft EIR of the proposed extension and alternatives to the extension for review and comment.

The City therefore hereby makes Finding 2 to address potential traffic impacts that could be the responsibility of another jurisdiction (e.g., cumulative impacts on intersections/roadways within Cities of Irvine, Costa Mesa, or on Caltrans facilities). The City hereby also makes Finding 3 and determines that there are no mitigation measures to reduce this impact to less than significant levels. This impact is significant and unavoidable and would require the adoption of a Statement of Overriding Considerations.

Facts in Support of Finding

The Airport Settlement Agreement NOP was released to the public in October 2013 and the Draft EIR was released May 23, 2014 after preparation of the Draft SEIR for the General Plan LUE Amendment. The EIR analysis for the amendment of the Airport Settlement Agreement had therefore not been released for public review at the time of the Draft SEIR. Therefore, it was not possible to identify with precision all potential cumulative environmental impacts of the proposed project and Airport Settlement Agreement as they relate to traffic. At the time of the writing of these Findings, no feasible mitigation measures can be identified to reduce significant impacts at potentially affected intersections.

Vehicular traffic from the proposed General Plan LUE Amendment in conjunction with cumulative traffic would result in significant impacts to the following freeway main line segments:

- SB I-405, North of SR-55 Freeway
- NB SR-73, North of Jamboree Road
- NB SR-55, Dyer Road to MacArthur Boulevard
- NB SR-55, MacArthur Boulevard to I-405 Freeway
- NB SR-55, I-405 Freeway to SR-73
- NB SR-55, SR-73 Freeway to Mesa Drive

And the following freeway ramps:

- I-405, SB Loop Off-Ramp at MacArthur Boulevard
- I 405, NB Off Ramp at MacArthur Boulevard

Finding 2 – The City hereby makes Finding 2. Changes or alterations that could mitigate this impact are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency. Therefore, this impact is significant and unavoidable and would require the adoption of a Statement of Overriding Considerations.

Facts in Support of Finding

Caltrans has not adopted a fee program that can ensure that locally contributed impact fees will be tied to improvements to freeway main lines and ramps, and only Caltrans has jurisdiction over freeway main line and ramp improvements. No feasible mitigation measures that can be implemented by the City of Newport Beach have been identified.

City Council Proposed Project

In comparison to buildout of the 2006 General Plan, the LUE Amendment as proposed to be amended by City Council would result in a decrease of 2,922 average daily trips (ADT). This estimate of -2,922 ADT is a decrease in total trip generation from the proposed project (which would result in an increase of 8,537 ADT in comparison to the 2006 GP), and has similar ADT generation as the No Airport Area Alternative (-2,234 ADT). See Table 1.

Table 1 Average Daily Trips Comparison

	Proposed Project	No Airport Area Alternative	Proposed City Council Changes
Average Daily Trips (ADT)	+8,537	-2,234	-2,922

Source: Urban Crossroads 2014.

As described in the Urban Crossroads memorandum comparing traffic impacts of the City Council proposed project to the SEIR analyzed project (see attachment to PlaceWorks memorandum, July 16, 2014), the same intersection and freeway system impacts analyzed for the No Airport Alternative—six freeway mainline segments and one freeway ramp location—would be anticipated under the proposed City Council scenario. The significant impact to the I-405 NB off-ramp at MacArthur Boulevard would be eliminated under the City Council proposed project. Furthermore, although not required to mitigate CEQA identified traffic impacts, the City Council proposes new policies related to transportation management in Corona del Mar and Newport Center. LU 7.13.11 would require implementation of a Corona del Mar (CDM) traffic by-pass plan to divert traffic and limit congestion in the CDM area. LU 7.13.12 requires the City to coordinate with the Orange County Transportation Authority and Newport Center stakeholders to increase use of the Newport Center Transportation Center, and to support the Newport Center Transportation Demand Management Program. Overall, the land use changes proposed by the City Council would reduce ADT, and the new policies related to CDM traffic and the Newport Center Transportation Center would further supplement a reduction in traffic impacts. Traffic impacts would be reduced in comparison the LUE Amendment as analyzed in the SEIR and also be reduced in comparison to buildout of the 2006 GP.

City of Newport Beach Standard Conditions

There are no specific City-adopted standard operating conditions of approval related to traffic and transportation that are applicable to the proposed project at this time. However, project-specific conditions of approval may be applied to future development proposed under the amended LUE during the discretionary approval process for those projects (site development review, tentative tract map, etc.), subsequent design, and/or construction process.

VI. FINDINGS REGARDING ALTERNATIVES

The City Council modifications to the project represent a hybrid of the SEIR proposed project and the No Airport Alternative as analyzed in the SEIR and concluded to be the environmentally superior alternative. Section B provides a comparison of the City Council modified project to the No Airport Alternative as evaluated in the SEIR.

A. Alternatives Considered and Rejected During the Scoping/Project Planning Process

The following is a discussion of the alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in the Draft SEIR.

Alternative Project Location

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR (CEQA Guidelines Section 15126.6[f][2][A]).

An evaluation of an alternative to the project location is appropriate for a site-specific development project. This Draft Supplemental EIR is prepared for a General Plan LUE Amendment that applies to the entire City of Newport Beach. An “alternative location” to the City is not a feasible alternative. However, the land use alternative evaluated in this chapter (No Airport Area Alternative) does evaluate an alternative that eliminates development within one of the subareas of the City.

B. Alternatives Selected for Further Analysis

In accordance with CEQA Guidelines Section 15163, a Supplemental EIR “need only contain the information necessary to make the previous EIR adequate for the project as revised.” The following alternative has been determined to represent a reasonable range of alternatives to supplement the alternatives previously considered in the 2006 General Plan EIR that could potentially attain most of the basic objectives of the project and has the potential to avoid or substantially lessen one or more of the significant effects of the project. The alternative analyzed in detail in addition to the No Project Alternative included the:

- **No Airport Area Alternative**

An EIR must identify an “environmentally superior” alternative, and where the No Project Alternative is identified as environmentally superior, the EIR is required to identify as environmentally superior an alternative from among the others evaluated. Each alternative's environmental impacts are compared to the proposed project and determined to be environmentally superior, neutral, or inferior. However, only significant and unavoidable impacts are used in making the final determination of whether an alternative is environmentally superior or inferior to the proposed project. Only the impacts involving greenhouse gas emissions, construction noise, population growth, and traffic were found to be significant and unavoidable. Section 7.4 of the Draft SEIR identifies the environmentally superior alternative.

No Project Alternative

The City Council rejects the No Project Alternative on the basis of policy and economic factors as explained herein. (See Pub. Resources Code, § 21061.1; CEQA Guidelines, § 15364; see also *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

Description: The No Project alternative is implementation of the existing 2006 General Plan. The Draft SEIR evaluates the incremental environmental impact of buildout of the 2006 General Plan in comparison to buildout of the proposed General Plan LUE Amendment. As such, the analysis throughout the Draft SEIR represents the impacts of the proposed project relative to the No Project Alternative.

Environmental Effects: The No Project alternative would eliminate the significant impacts of the proposed project, including significant, unavoidable impacts related to greenhouse gas emissions, noise and vibration (construction-related vibration), population and housing (population growth), and transportation and traffic (freeway main line and ramp impacts and potentially significant cumulative impact related to Airport Settlement Agreement trip generation). The No Project alternative would also

eliminate a significant air quality impact related to placing sensitive receptors (housing and congregate care) proximate to high pollutant concentrations in the Airport Area. This impact, however, would be mitigated to less than significant under the proposed project. Note that although the No Project alternative would eliminate the significant unavoidable impact of the incremental increase in GHG emissions, construction vibration, population and air quality related to health risks to proximity to sensitive resources, these impacts would also be significant for the existing 2006 General Plan (No Project).

The No Project alternative would not have the benefit of the new and/or modified Land Use Element policies. The updated policies reflect State of California legislation subsequent to adoption of the 2006 General Plan and new best planning practices since 2006 addressing sustainability, climate change, and healthy communities.

Ability to Achieve Project Objectives: The No Project Alternative would continue to attain the project objectives detailed in Section II(D), in particular objectives Nos. 1, 3, 4, and 5. Compliance with 2006 General Plan policies would preserve and enhance the City's character; protect and enhance water quality; protect and enhance recreational opportunities and public access to open space and natural resources; and control traffic generation. In comparison to the General Plan LUE Amendment, however, the No Project alternative would not be as effective in achieving balancing needs for housing, jobs, and services. The proposed project is in response to changing demand for housing and commercial uses; therefore, the project would add housing and slightly improve the City's jobs-housing balance (from 1.83 to 1.76). Since the City is considered to be "jobs rich," this is a benefit of the proposed project that would not be realized under the No Project alternative. The No Project alternative may also not be as responsive to Project Objective 2.c, regarding "directing land use changes to areas where residents have expressed a willingness to consider change...." The proposed project's land use changes are in response to property owners' request for change. This may or may not, however, reflect "resident" willingness.

The No Project alternative would not change land uses in comparison to the proposed project and so would not generate additional vehicle trips in comparison to the proposed General Plan LUE Amendment. Therefore, it may be considered more effective in achieving Project Objective No. 5.

Feasibility: The No Project Alternative would be physically feasible but would not be as economically, legally or technologically as feasible or as desirable as the proposed LUE Amendment. The proposed LUE Amendment is needed to reflect to recent legislation (compliance with AB 32 and furtherance of the Orange County Sustainable Communities Strategy, for example), the economy and market, and emerging best practices. The reasoning behind decreasing and increasing development capacity in certain subareas of Newport Beach under the proposed project is to reflect current changing demands for housing and commercial uses, particularly near public transit.

Finding: In comparison to the proposed project, the No Project Alternative would reduce impacts to aesthetics, air quality, hazards and hazardous materials, public services, transportation and traffic, and utilities and service systems. In addition, significant unavoidable impacts to construction vibration, air quality (sensitive receptors), population growth, and transportation and traffic (cumulative impacts to freeway main line and ramps and trip contribution to a potential, cumulative traffic impact associated with the Airport Settlement Agreement) would be avoided under this alternative. Further, the No Project Alternative would not require an amendment to the Coastal Land Use Plan because no changes would occur to coastal zone land use designations. Cultural resources, greenhouse gas emissions, hydrology and water quality, and land use and planning impacts would be similar to the proposed project. Overall, the No Project Alternative would have fewer environmental impacts than the proposed project and would eliminate significant, unavoidable impacts, making it the environmentally superior alternative. However, from a policy perspective, this alternative would maintain its existing 2006 Land Use Element policies and designations, which would not reflect updated state legislation (AB 32 and SB 375), best practices related to sustainability, climate change, and healthy communities, or support recent Neighborhood Revitalization efforts.

Further, the No Project Alternative fails to meet the following project objectives: No. 2(a) achieving balancing needs for housing, jobs, and services, and No. 2(c) directing land use changes to areas where residents have expressed a willingness to consider change and where sustainable development can occur. Therefore, it has been rejected by the City in favor of the proposed project, as amended.

No Airport Area Alternative

The City Council rejects the No Airport Area Alternative on the basis of policy and economic factors. (See Pub. Resources Code, § 21061.1; CEQA Guidelines, § 15364; see also *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001; *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

Description: This alternative would eliminate the proposed land uses changes in the Airport Area subareas, including changes to the Saunders Properties, The Hangars, Lyon Communities, and UAP Companies. The proposed changes for these properties under the General Plan LUE Amendment are summarized in Table 3-1, *Proposed Land Use Changes*, and shown on Figure 3-4, *Airport Area Proposed Changes* in the Draft SEIR. It was selected for evaluation based on its potential to reduce or eliminate each of the impacts identified as significant for the General Plan LUE Amendment as proposed. This alternative would substantially reduce the overall intensity of land uses proposed. Therefore, it would reduce both construction-related vibration impacts, and greenhouse gas impacts. It was selected in particular for its potential to reduce impacts related to the proximity to the John Wayne Airport. Avoiding intensification of land uses within this subarea has the potential to reduce or eliminate the significant traffic impacts related to freeways and intersections proximate to this subarea as well as potential cumulative impacts associated with the Airport Settlement Agreement. And finally, although the significant air quality impact associated with placing sensitive receptors (housing and congregate care) proximate to major air pollutant sources would be mitigated to less than significant under the proposed project, this alternative would be reduced for this alternative.

The No Airport Area Alternative would include the same changes to the General Plan LUE policies as the proposed project, with the exception of any policies specifically altered to accommodate the proposed Airport Area land uses changes under the proposed project. Such policies would not be included in this alternative (e.g., LU 6.15.5 Residential and Supporting Uses, regarding the maximum number of replacement units).

Environmental Effects: A full discussion of the No Airport Area Alternative's environmental impacts compared to the proposed projects is set forth in Section 7.3 of the Draft SEIR, which is hereby incorporated by reference. In comparison to the proposed project, the No Airport Area Alternative would reduce impacts to aesthetics, air quality, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise and vibration, population and housing, public services, transportation and traffic, and utilities and service systems. Cultural impacts under this alternative would be similar to the proposed project. This alternative would eliminate a significant impact at one I-405 freeway ramp but would not eliminate any other unavoidable impacts of the LUE Amendment as proposed. It would, however, reduce all of the significant, unavoidable impacts of the proposed project. It would reduce population growth, greenhouse gas emissions, and construction-vibration impacts. These impacts, however, would remain significant and unavoidable for this alternative.

The alternative would substantially reduce trip generation relative to the proposed General Plan LUE Amendment by 10,771 average daily trips (ADTs). The alternative would not eliminate the number of main line freeway segments impacted, but would eliminate an impact to one of two freeway ramps (I-405, NB off-ramp at MacArthur Boulevard would no longer be impacted).

Ability to Achieve Project Objectives: The No Airport Area alternative would be consistent with most of the proposed project's objectives, detailed in Section 7.1.2 of the Draft SEIR. The alternative would not jeopardize the potential to preserve and enhance the city's character (No. 1); protect and enhance water quality (No. 3); and protect and enhance recreational opportunities and public access to open space. This alternative would be more successful in achieving project objective No. 5, "modify land uses, densities and intensities so that traffic generation is controlled." It would not eliminate significant traffic impacts, but would reduce them relative to the proposed project. The extent to which this alternative would achieve Project Objective No. 2 is less apparent. Compared to the proposed project, it would more successfully "limit land use changes to a very small amount of the City's land area" but would be considered less successful in balancing need for housing, jobs and services. It would provide fewer housing opportunities

and new jobs and slightly increase the jobs-housing balance in the City, which is already jobs-rich. Moreover, only some of the property owners have requested the Airport Area changes.

Feasibility: The No Airport Area Alternative would be physically feasible but may not be as responsive to the project objectives with respect to economic, considerations as the proposed project. Some of the Airport Area property owners requested the proposed changes in the subarea to respond to current changes in demand for residential and commercial uses. Table 2 outlines the substantial reduction in allowable residential, hotel, commercial, and office use under the No Airport Area Alternative. This would result in fewer residents, visitors, and employment opportunities and associated economic benefits to the City of Newport Beach in comparison to the proposed project.

Finding: The No Airport Area Alternative would reduce impacts to aesthetics, air quality, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, and utilities and service systems. Cultural resource and housing impacts would be similar. Significant unavoidable impacts related to greenhouse gas emissions, population growth, transportation and traffic, construction vibration would also be reduced, but not eliminated under this alternative. More specifically, the alternative would substantially reduce trip generation relative to the proposed General Plan LUE Amendment by 10,771 ADTs and would eliminate significant impacts to one of two freeway ramps significantly impacted by the project. It would not, however, eliminate significant impacts to main line freeway segments or one freeway ramp. Further, it would not eliminate the potentially significant impact associated with the Airport Settlement Agreement. The No Airport Area Alternative would have fewer environmental impacts than the proposed project. The alternative would achieve most of the project objectives with the exception of Objective No. 2(a) since the alternative would provide fewer housing opportunities compared to jobs, increasing the jobs-housing balance in an already “jobs-rich” City.

In summary, the No Airport Area Alternative would eliminate the significant impact to one of two freeway ramps significantly impacted by the project, and would reduce but not eliminate any of the other significant traffic impacts or other significant impacts (air quality, construction vibration, and population) of the project as proposed. In addition, the No Airport Area Alternative would reduce or eliminate impacts that are directly related to the proposed land use changes within the Airport Area, including:

- Cumulative impacts associated with the Airport Settlement Agreement (including the uncertainty related to changes in hazards and noise zones)
- Land use compatibility with industrial uses in Airport Area (including health risk)
- Cumulative traffic impacts (although detailed, cumulative analysis of Airport Settlement Agreement traffic and LUE Amendment traffic has not been conducted, it is anticipated that cumulative impacts could be expected proximate to the John Wayne Airport and Airport Area land use changes)
- ALUC determination of the proposed project inconsistency with AELUP (ALUC concluded in its Draft SEIR comment letter that ALUC’s preferred project is the No Airport Area Alternative)

Further, similar to the proposed project, it would be consistent with most of the 2006 General Plan’s objectives. For these reasons, the City finds that the No Airport Area Alternative is preferred over the proposed project.

Comparison of No Airport Alternative and City Council Modified Project

Similar to the No Airport Alternative, the City Council proposed project eliminates the land use changes to the Lyon Communities and Hangars properties completely. As with the No Airport Alternative, the City Council proposal also eliminates the entitlement for additional dwelling units and office square footage for the Saunders properties. The City Council proposal, however, would redesignate the Saunders Properties to MU-H2 which would make it eligible for housing development in the future. However any residential units would be within the existing cap of 2,200 units of residential units allocated for the MU-H2 designated properties in the Airport Area, so this change would not increase the total number of housing

units in the airport area. Unlike the No Airport Alternative, the City Council proposal would retain the land use changes to the UAP Companies properties and permit congregate care (trip neutral). The City Council modification would also eliminate land use changes to 150 Newport Center Drive, a change not included in the No Airport Alternative, and thus reduce hotel uses by 125 rooms.

As with the No Airport Alternative, the City Council project would substantially reduce land use intensity in comparison to the proposed project as analyzed in the SEIR. In addition to the Airport Area changes, the City Council proposal would reduce 125 hotel rooms in Newport Center and additional development potential at 813 East Balboa Boulevard. As described in the environmental review memorandum (as referenced above), elimination of the changes to the 150 Newport Center and 813 East Balboa Boulevard land use changes would further reduce environmental impacts. The proposed project changes as recommended by the City Council, therefore, would reduce project impacts relative to the No Airport Alternative (and thereby represent an environmentally superior alternative).

STATEMENT OF OVERRIDING CONSIDERATIONS

Introduction

The City is the Lead Agency under CEQA responsible for preparation, review, and certification of the Final Supplemental EIR for the General Plan Land Use Element Amendment (the "Project"). As the Lead Agency, the City is also responsible for determining the potential environmental impacts of the proposed Project and which of those impacts are significant, and can be mitigated through imposition of feasible mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether or not to approve the proposed project. In making this determination, the City is guided by State CEQA Guidelines Section 15093 which provides as follows:

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, Public Resources Code Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Pursuant to Public Resources Code Section 21081(b) and the State CEQA Guidelines Section 15093, the City has balanced the benefits of the Project against the following unavoidable adverse impacts associated with the Project and has adopted all feasible mitigation measures with respect to these impacts. The City also has examined alternatives to the Project, none of which both meet most of the Project objectives and is environmentally preferable to the proposed Project for the reasons discussed in the Findings and Facts in Support of Findings.

The City of Newport Beach City Council, the Lead Agency for this project, having reviewed the Final Supplemental EIR prepared for the General Plan Land Use Element Amendment, and reviewed all written materials within the City's public record and heard all oral testimony

presented at public hearings, adopts this Statement of Overriding Considerations, which has balanced the benefits of the proposed project against its significant unavoidable adverse environmental impacts in reaching its decision to approve the Project, as modified by the City Council.

Significant Unavoidable Adverse Environmental Impacts

Although most potential Project impacts have been substantially avoided or mitigated, as described in the Findings and Facts in Support of Findings, there remain some Project impacts for which complete mitigation is not feasible. For some impacts, mitigation measures were identified and adopted by the Lead Agency, however, even with implementation of the measures, the City finds that the impact cannot be reduced to a level of less than significant. The impacts and alternatives are described below and were also addressed in the Findings.

The SEIR identified the following unavoidable adverse impacts of the proposed Project. The City Council modified the Project, as evaluated in the draft SEIR. The Findings and Facts in Support of Findings evaluate the environmental changes that would result from these modifications. Environmental impacts associated with the proposed City Council changes would be reduced or similar to impacts under the proposed General Plan Land Use Element Amendment SEIR. Thus, impacts associated with the proposed City Council changes are within the scope of the SEIR and no new significant environmental impacts would result:

Greenhouse Gas Emissions

EIR Impact 5.4-1: The proposed Project would achieve SCAQMD's efficiency metric and would not conflict with plans adopted for the purpose of reducing GHG emissions. Compared to the 2006 General Plan, the Project would result in a substantial increase in the total magnitude of GHG emissions but would decrease GHG emissions on a per capita basis (i.e., increase plan efficiency by allowing increased density in certain areas located near public transit stops). The policies and implementation actions in the City's General Plan would ensure that GHG emissions from buildout of the proposed General Plan LUE Amendment would be minimized to the extent practicable. However, additional statewide measures would be necessary to reduce GHG emissions under the proposed project to meet the long-term GHG reduction goals under Executive Order S-03-05, which identified a goal to reduce GHG emissions to 1990 levels by 2020 and 80 percent of 1990 levels by 2050. At this time, there is no plan past 2020 that achieves the long-term GHG reduction goal established under S-03-05. As identified by the California Council on Science and Technology, the state cannot meet the 2050 goal without major advancements in technology. Since no additional statewide measures are currently available, Impact 5.4-1 would remain significant and unavoidable.

Noise and Vibration

EIR Impact 5.8-6: Similar to the 2006 General Plan, development in accordance with the proposed project would increase groundborne vibration related to construction activities. Grading and demolition activities typically generate the highest vibration levels during construction activities. In particular, pile driving and rock blasting can generate high levels in excess of 100 peak particle velocity at 25 feet away. Typical construction projects do not require these methods, or if necessary, can usually be mitigated with alternative methods such as nonexplosive rock breaking (instead of rock blasting) and drilled piles (instead of impact pile driving), which do not exceed the thresholds for architectural damage and do not reach levels that are considered annoying at distances greater than 200 feet. However, as discussed in the 2006 General Plan EIR, since construction equipment for subsequent projects is unknown, there would be no feasible mitigation available to eliminate potential vibration impacts to nearby

receptors if pile driving/rock blasting equipment or other activities that generate high levels are necessary for future developments. Furthermore, intensification of land uses at some of the proposed project's subareas could result in greater vibration impacts than the 2006 General Plan. Therefore, impacts would be significant and unavoidable.

Population and Housing

EIR Impact 5.9-1: Buildout of the General Plan LUE Amendment would directly result in an estimated population increase of up to 306 persons in comparison to buildout of the 2006 General Plan. This population increase would exceed the 2035 SCAG population growth projections for the City and is a significant and unavoidable impact.

Traffic and Transportation

EIR Impact 5.11-3: The County of Orange prepared a Draft EIR to analyze the potential impacts associated with the proposed amendment of the John Wayne Airport Settlement Agreement. The proposed amendment for the Airport Settlement Agreement would expand the number of annual passengers and average daily departures from January 1, 2021, to December 31, 2035 which would result in a greater number of automobiles and buses providing access to JWA. The increased number of vehicles may result in traffic congestion and deterioration of level of service on the roadways and intersections surrounding JWA. The Settlement Agreement Draft EIR was not available at the time of preparation of the LUE Amendment Draft SEIR (it was released for public review on May 23, 2014). The Draft SEIR, therefore does not include a detailed analysis of the future plus project traffic impacts of the proposed project with the JWA Settlement Agreement, in part because it is not clear what project the County will approve related to the Settlement Agreement amendment. Because it could not be determined if significant impacts would occur and, if so, if mitigation measures would be feasible, impacts were concluded to be potentially significant and unavoidable.

EIR Impact 5.11-5: Project-related trip generation would contribute trips to six existing and forecast deficient main line segments of the I-405, SR-73, and SR-55 freeways and contribute to deficient ramp operations at two I-405 off-ramps. Caltrans does not have an adopted fee program that can ensure that locally contributed impact fees will be tied to improvements, and such improvements would be out of the control of the City of Newport Beach. These freeway main line and ramp impacts would be a cumulatively considerable and are significant and unavoidable.

Alternatives

In addition, the EIR evaluated the No Project alternative and one modified General Plan Amendment alternative (No Airport Area Alternative). The Supplemental EIR analyzed whether these alternatives could avoid or substantially lessen the unavoidable, significant environmental impacts of the proposed Project. While the No Project Alternative would lessen and avoid some of the unavoidable impacts of the proposed Project, it would not achieve most of the project objectives. The No Airport Area Alternative would reduce environmental impacts and would eliminate the significant impact at one 405 freeway ramp but would not eliminate any of the remaining significant, unavoidable impacts of the proposed Project. As stated in Section 6 of the Facts and Findings, the No Airport Alternative was determined to be feasible and preferable to the LUE Amendment as proposed. The No Airport Alternative was determined to be preferable to the proposed project for the following reasons:

- This alternative would clearly be consistent with most of the 2006 General Plan's objectives.

- It would reduce environmental impacts to every topical area including each of the significant, unavoidable impacts of the proposed project.
- It would eliminate the significant impact at one 405 off ramp (at MacArthur Boulevard)
- It would substantially reduce or eliminate impacts that are directly related to the proposed land use changes within the Airport Area, including:
 - Cumulative impacts associated with the Airport Settlement Agreement (including the uncertainty related to changes in hazards and noise zones)
 - Land use compatibility with industrial uses in Airport Area (including health risk)
 - Cumulative traffic impacts (particularly those that are within the airport area)

ALUC determination of project inconsistency with AELUP (ALUC concluded in their Draft SEIR comment letter that they preferred No Airport Area project alternative).

As described in the CEQA Findings of Fact, the City Council rejected the No Project and No Airport Area Alternatives on the basis of policy and economic factors.

Overriding Considerations

The City, after balancing the specific economic, legal, social, technological, and other benefits including region-wide or statewide environmental benefits, of the proposed Project, has determined that the unavoidable adverse environmental impacts identified above may be considered acceptable due to the following specific considerations which outweigh the unavoidable, adverse environmental impacts of the proposed Project, in accordance with CEQA Section 21081(b) and State CEQA Guideline Section 15093. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the Record of Proceedings.

1. Reduction in vehicle miles travelled and associated greenhouse gas emissions by designating compact, concentrated mixed-use development in Newport Center/Fashion Island. Increase in use of non-motorized transportation such as walking and biking by locating land uses such as housing, essential neighborhood-serving retail, and employment together to reduce distances between destinations and to facilitate use of public transportation.
2. Consistency with the following strategies outlined in the Orange County Council of Government's 2011 Sustainability Communities Strategy:
 - Support mixed-use development and thereby improve walkability of communities
 - Promote land use patterns that encourage the use of alternatives to single-occupant automobile use
3. Proposed General Plan Land Use Element Amendment goals and associated policies that address citywide and neighborhood-specific sustainability and healthy communities' strategies.
4. Reflect changes in the economy and the market to benefit the overall financial health of the City.
5. Proposed General Plan Land Use Element Amendment policies that address development agreements and corresponding public improvements and public benefits to be contributed by the developer.
6. Proposed General Plan Land Use Element Amendment policies that address development agreements and corresponding public improvements and public benefits to be contributed by the developer.
7. Proposed General Plan Land Use Element land use changes that reduces citywide average daily vehicle trips at build-out conditions by 2,922 when compared to build-out conditions without this Project.

Attachment No. CC 4

Land Use Amendment and ADT Tables

Proposed Land Use Amendments and Average Daily Trip Changes

**Table 1
Land Use Changes**

Location	Existing Designation	Proposed Designation	Existing Use/ Development	Average Daily Trips (ADT)
1526 Placentia Ave (King's Liquor)	Multi-Unit Residential (RM)	General Commercial (CG)	Convenience Market	+251
813 East Balboa Blvd. (Legere Property)	Two-Unit Residential (RT)	Mixed-Use Vertical (MU-V)	Day Spa	+65
Gateway Park (Newport Blvd. and Short Street)	Corridor Commercial (CC)	Park and Recreation (PR)	Small City Park	-167

**Table 2
Reduced Future Development Capacity**

Location	Current General Plan Capacity	Existing Development	Proposed Reduction	Remaining Capacity	Average Daily Trips (ADT)
Westcliff Plaza	138,500 sq. ft.	112,986 sq. ft.	-15,514 sq. ft.	10,000 sq. ft.	-593
Newport Coast Center	141,787 sq. ft.	103,712 sq. ft.	-37,875 sq. ft.	200 sq. ft.	-1,448
Newport Coast Hotel	2,150 Rooms	1,104 Rooms	-1,011 Rooms	45 Rooms	-7,588
Bayside Center	66,000 sq. ft.	65,284 sq. ft.	-366 sq. ft.	350 sq. ft.	-14
Harbor View Center	74,000 sq. ft.	71,993 sq. ft.	-1,857 sq. ft.	150 sq. ft.	-71
The Bluffs	54,000 sq. ft.	50,312 sq. ft.	-3,538 sq. ft.	150 sq. ft.	-135
Newport Ridge	2,550 dwelling units	2,187 dwelling units	-356 dwelling units	7 du	-2,371

**Table 3
Increased Future Development Capacity**

Location	Designation	Current General Plan Capacity	Proposed Increase or Change	Proposed Capacity	Average Daily Trips (ADT)
Newport Center/Fashion Island	Commercial, Mixed Use, Residential	6.3 Million sq.ft. Retail/Office; 2,730 Theater Seats; 854 Hotel Rooms; 1,280 Units	Regional Office+500,000 sq ft.; Regional Commercial +50,000 sq. ft. Multi-Family +500 Units	6.85 million sq.ft. Retail/Office; 2,730 Theater Seats; 854 Hotels Rooms; 1,780 Units	+8,768
150 Newport Center Drive	Regional Commercial Office (CO-R) to Mixed Use Horizontal (MU-H3)	8,500 sq. ft.	+125 Hotel Rooms -8,500 sq.ft. Commercial	125 Hotel Rooms	+623
100 Newport Center Drive	100 Newport Center Drive Mixed Use Horizontal (MU-H3)	17,500 sq. ft.	+15,000 sq. ft. Mixed Use Commercial	32,500 sq. ft.	+352
Harbor Day School	Private Institution (PI)	.35 FAR (99,708 sq. ft.)	+14,244 sq. ft.	.40 FAR (113,952 sq. ft.)	+94
Airport Area					
Saunders Properties	Airport Office and Supporting Uses (AO) to Mixed Use Horizontal (MU-H2)	0.5 FAR 306,923 sq. ft.	Office +238,077 sq. ft. and Residential +329 units	No Change Office 545,000 sq. ft. and Residential 329 dwelling units	No Change +4,651
The Hangars	General Commercial Office (CO-G)	Office 288,264 sq. ft.	Retail: +11,800 sq. ft. Office: 10,000 sq. ft.	278,264 sq. ft. Office and 11,800 sq. ft. Retail	+340
Lyon Communities	Mixed Use Horizontal (MU-H2)	250,176 sq. ft. Office	Retail: +85,000 sq. ft. Residential: +850 replacement units Hotel: +150 Rooms Office: -250,176 sq. ft.	Retail: +85,000 sq. ft. Residential: +850 units Hotel: +150 Rooms	+5,780
UAP Companies 4699 Jamboree and 5190 Campus	Mixed Use Horizontal (MU-H2)	46,044 sq. ft. Office	Mixed Use: 46,044 sq. ft. or Congregate Care: 148,000 sq. ft.	Mixed Use: 46,044 sq. ft. or Congregate Care: 148,000 sq. ft. (trip neutral)	0
Citywide Total Average Daily Trips					-2,922

Attachment No. CC 5

Charter Section 423 Analysis – City Council
Proposal

Proposed 2014 General Plan Amendments

Land Use Element

Charter Section 423 Analysis

Council Policy A-18

Combined Change Summary

Summary				
	Net Square Feet	Net Dwelling Units	AM Trips	PM Trips
100% TOTALS	-375,782.00	138.00	1,075.94	1,560.95

Proposed 2014 General Plan Amendments
Land Use Element
Charter Section 423 Analysis
Council Policy A-18
Designation Change

Summary				
	Net Square Feet	Net Dwelling Units	AM Trips	PM Trips
100% TOTALS	3,168.00	-6.00	6.86	9.43

Location	Map Reference	Property Area/Acreage	Designation Change	Floor Area Change (Square Feet)	AM Trip Rate	PM Trip Rate	AM Trips	PM Trips	Dwelling Unit Change (Number)	Dwelling Unit Change	AM Trip Rate	PM Trip Rate	AM Trips	PM Trips	Hotel Room Change	Maximum Floor Area Allowed	Maximum DU's Allowed	Maximum Hotel Rooms	Statistical Area	TAZ
1526 Placentia	1	.35 acres	Multi-Unit Residential (RM) to General Commercial (CG)	7,524	0.003	0.004	22.572	30.096	-6	RM	0.44	0.54	-2.64	-3.24	0	7,524	None	N/A	A2	1439
Gateway Park	11	8,712 sq. ft.	Commercial Corridor (CC) to Parks and Recreation (PR)	-4,356	0.003	0.004	-13.068	-17.424	0	RM	0.51	0.62	0	0	0	N/A	None	N/A	B4	1448

Proposed 2014 General Plan Amendments
 Land Use Element
 Charter Section 423 Analysis
 Council Policy A-18
 Reduced Capacity
 No Designation Change

Summary				
	Net Square Feet	Net Dwelling Units	AM Trips	PM Trips
100% TOTALS	-1,060,150.00	-356.00	-902.29	-1,039.85

Location	Map Reference	Property Area/Acreage	Designation	Floor Area Change (Square Feet)	AM Trip Rate	PM Trip Rate	AM Trips	PM Trips	Dwelling Unit Change (Number)	Dwelling Unit Change	AM Trip Rate	PM Trip Rate	AM Trips	PM Trips	Hotel Room Change	Maximum Floor Area Allowed	Maximum DU's Allowed	Maximum Hotel Rooms	Statistical Area	TAZ
Westcliff Plaza	3	10.88 acres	Neighborhood Commercial (CN)	-15,514	0.003	0.004	-46.542	-62.056	0	0	0.00	0.00	0	0	0	122,986	N/A		J2	1421
Newport Coast Center	6	10.84 acres	Neighborhood Commercial (CN)	-37,875	0.003	0.004	-113.625	-151.5	0	0	0.00	0.00	0	0	0	103,712	N/A		N	1536
Newport Coast Hotel	7	Multiple Properties	Visitor Serving Commercial (CV)	-1,001,000	0.000	0.000	0	0	0	0	0.56	0.61	-560.56	-610.61	-1001	N/A	N/A		N	1540/1555
Bayside Center	8	7.10 acres	Neighborhood Commercial (CN)	-366	0.003	0.004	-1.098	-1.464	0	0	0.00	0.00	0	0	0	65,634	N/A		G1	1463
Harbor View Center	9	6.10 acres	Neighborhood Commercial (CN)	-1,857	0.003	0.004	-5.571	-7.428	0	0	0.00	0.00	0	0	0	72,143	N/A		M3	1517
The Bluffs	10	8.65 acres	General Commercial (CG)	-3,538	0.003	0.004	-10.614	-14.152	0	0	0.00	0.00	0	0	0	50462	N/A		M6	1523
Newport Ridge Residential	15	Newport Ridge-Area wide	Multi-Unit Residential (RM) and Single-Unit Residential Detached (RS-D)	0	0.000	0.000	0	0	72	RS-D	0.75	1.01	54	72.72	0	N/A	N/A		N	Multiple
									-428	MU	0.51	0.62	-218.28	-265.36						

Proposed 2014 General Plan Amendments
 Land Use Element
 Charter Section 423 Analysis
 Council Policy A-18
 Increased Capacity

Summary				
	Net Square Feet	Net Dwelling Units	AM Trips	PM Trips
100% TOTALS	681,200.00	500.00	1,971.37	2,591.37

Location	Map Reference	Property Area/Acreage	Designation	Floor Area Change (Square Feet)	AM Trip Rate	PM Trip Rate	AM Trips	PM Trips	Dwelling Unit Change (Number)	Dwelling Unit Change (Type)	AM Trip Rate	PM Trip Rate	AM Trips	PM Trips	Hotel Room Change	Maximum Floor Area Allowed	Maximum DU's Allowed	Maximum Hotel Rooms Allowed	Statistical Area	TAZ
Newport Center/Fashion	5	Multiple Properties	Multiple Designations No Change	500,000 50,000	0.003 0.003	0.004 0.004	1500 150	2000 200	500	RM	0.51	0.62	255	310	0	Various	Various	N/A	L1	1491
100 Newport Center Drive	18	.61 acres	Regional Commercial Office (CO-R) to Mixed-Use Horizontal (MU-H3)	15,000	0.003	0.004	45	60	0	0	0.00	0.00	0	0	0	32,500	N/A	N/A	L1	1492
Harbor Day School	12	6.54 acres	Private Institution (PI) No Change	14,244	0.0015	0.0015	21.366	21.366	0	0	0.00	0.00	0	0	0	113,952	N/A	N/A	M3	1517
Saunders Properties	4	19.45 acres	Airport Office and Supporting Uses (AO) to Mixed-Use Horizontal (MU-H2)	0	0.000	0.000	0	0	0	0	0.00	0.00	0	0	0	0	0	N/A	L4	1377/1378
UAP Companies	4	4.13 acres	Mixed-Use Horizontal (MU-H2) No Change	101,956	0.000	0.000	0	0	0	0	0.00	0.00	0	0	0	148,000	N/A	N/A	L4	1402

Post 2006 General Plan Amendments

Land Use Element

Section 423 Analysis

Summary				
	Net Square Feet	Net Dwelling Units	AM Trips	PM Trips
100% TOTALS	223,724.50	-91.00	531.668	687.753
80% TOTALS	178,979.60	-72.80	425.3344	550.2024

Address	Date Approved	Project/ Amendment No.	Project Title	Property Area/Acreage	Designation Change	Floor Area Change (Square Feet)	AM Trip Rate	PM Trip Rate	AM Trips	PM Trips	Dwelling Unit Change	Dwelling Unit Change	AM Trip Rate	PM Trip Rate	AM Trips	PM Trips	Maximum Floor Area Allowed	Maximum DU's Allowed	Statistica l Area
Multiple	11/27/2012	PA2012-034 GP2012-001	Emerson Island Annexation	2 acres (approx.)	County Designations to RSD and RM	0	0.000	0.000	0	0	0 0	0 0	0.00 0.00	0.00 0.00	0 0	0 0	N/A	3 SFD 10 RM	J5
200 30th Street	03/27/2012	PA2011-209 GP2011-010	Beach Coin Laundry	2,371 sq ft.	Two-Unit residential (RT) to Visitor Serving	1,188	0.003	0.004	3.564	4.752	-2	RT	0.44	0.54	-0.88	-1.08	1,188 sq ft.	N/A	B5
2888 Bay Shore Drive	02/14/2012	PA2011-179 GP2011-008	Presta Property Amendments	1.55 acres	RM 20 du/acre to RM, 39 du	0	0.000	0.000	0	0	8	RM	0.51	0.62	4.08	4.96	N/A	39 RM	H4
2890 Bay Shore Drive	02/14/2012	PA2011-179 GP2011-179	Presta Property Amendment	.46 acres	RM 20 du/acre to MU- W2, 1 du	10,019	0.003	0.004	30.1	40.1	-8 1	RM MU	0.51 0.51	0.62 0.62	-4.08 0.51	-4.96 0.62	10,019 sq ft.	1 MU	H4
514 East Ocean Front	02/14/2012	PA2011-196 GP2011-009	SCAP III, LLC Property Amendment	5,630 sq ft.	RT to MU-V	4,061	0.003	0.004	12.18	16.25	-4 3	RT MU	0.44 0.51	0.54 0.62	-1.76 1.53	-2.16 1.86	4,061 sq ft.	3 MU	D3
1600 East Coast Hwy.	01/24/2012	PA2008-152 GP2008-005	Newport Beach Country Club (Clubhouse)	133 acres (approx.)	PR – No change	21,000	0.003	0.004	63	84	0	N/A	0.00	0.00	0	0	56,000 sq ft.	N/A	L1
1419 Superior Ave.	12/13/2011	PA2011-138 GP2011-007	Dr. Morgan property Amendments	.31 acres (approx.)	RM (18 DU/Acre) to CO- M (0.49)	6,689	0.003	0.004	20	27	-5	RM	0.44	0.54	-2	-3	6,689 sq ft.	N/A	A2
1539 Monrovia Ave.	09/13/2011	PA2011-105 GP2011-006	Monrovia Ave 1539 Amendments	1.14 acres	RM (18 DU/Acre) to IG (0.50)	24,821	0.001	0.001	25	25	-20	RM	0.44	0.54	-9	-11	24,821 sq ft.	N/A	A2
1537 Monrovia Ave	09/13/2011	PA2011-082 GP2011-005	Monrovia Ave 1537 Amendments	.76 acres	RM (18 DU/Acre) to IG (0.50)	16,790	0.001	0.001	17	17	-13	RM	0.44	0.54	-6	-7	16,790 sq ft.	N/A	A2
100-300 West Coast Highway	08/09/2011	PA2010-114 GP2010-009	Mariner's Pointe	.76 acres	CG (No change) Anomaly No. 79	3,387	0.003	0.004	10.16	13.55	0	N/A	0.00	0.00	0	0	19,905 sq ft.	N/A	H4
105 15 th Street	08/09/2011	PA2011-061 GP2011-004	Nero property Amendments	2,500 sq ft. (approx)	RT to MU-H4	1,250	0.003	0.004	3.75	5	-2 1	RT MU	0.44 0.51	0.54 0.62	-0.88 0.51	-1.08 0.62	1,250 sq ft.	1 MU	D1
3363, 3369, 3377 Via Lido	06/28/2011	PA2011-024 GP2011-003	Via Lido Amendments	8,106 sq ft.	RM to MU-V	4,053	0.003	0.004	12.159	16.212	-3 4	RM MU	0.51 0.51	0.62 0.62	-1.53 2.04	-1.86 2.48	4,053 sq ft.	4 MU	B5
6480 West Coast Hwy.	05/24/2011	PA2010-190 GP2010-013	Let it Roll	4,136 sq ft.	RT to CG	2,068	0.003	0.004	6.204	8.272	-2	RT	0.44	0.54	-0.88	-1.08	2,068 sq. ft.	N/A	B1
6904 West Coast Hwy	05/24/2011	PA2011-014 GP2011-002	Cat Protection Society	8,948 sq ft.	RT to MU-V	6,711	0.003	0.004	20.133	26.844	-2 5	RT MU	0.44 0.51	0.54 0.62	-0.88 2.55	-1.08 3.1	4,474 sq ft.	5 MU	B1
6908-6936 West Coast Hwy.	05/24/2011	PA2010-182 GP2011-002	Frog House	6,278 sq. ft.	RT to MU-V	4,708	0.003	0.004	14.124	18.832	-2 3	RT MU	0.44 0.51	0.54 0.62	-0.88 1.53	-1.08 1.86	4,708 sq. ft.	3 MU	B1

Post 2006 General Plan Amendments

Land Use Element

Section 423 Analysis

Address	Date Approved	Project/ Amendment No.	Project Title	Property Area/Acreage	Designation Change	Floor Area Change (Square Feet)	AM Trip Rate	PM Trip Rate	AM Trips	PM Trips	Dwelling Unit Change	Dwelling Unit Change	AM Trip Rate	PM Trip Rate	AM Trips	PM Trips	Maximum Floor Area Allowed	Maximum DU's Allowed	Statistica l Area
4300 Von Karman Ave.	02/22/2011	PA2007-213 GP2007-009	PRES Office Building	1.28 acres	MU-H2 (No Change)	11,544	0.003	0.004	34.63	46.17	0	N/A	0.00	0.00	0	0	18,810 sq ft. (Anomaly No. 2.1)	N/A	L4
4699 Jamboree Road and 5190 Campus Drive	01/11/2001	PA2008-164 GP2008-007	WPI	1.34 acres	MU-H2 (No Change)	11,544	0.003	0.004	34.63	46.17	0	N/A	0.00	0.00	0	0	46,044 sq ft. (Anomaly No. 6)	N/A	L4
6306 West Coast Hwy.	09/14/2010	PA2010-052 GP2010-001	CLUP Consistency	1,875 sq ft.	RT to CV (0.5)	938	0.003	0.004	2.814	3.752	-2	RT	0.44	0.54	-0.88	-1.08	938 sq ft.	N/A	B1
6308 West Coast Hwy.	09/14/2010	PA2010-052 GP2010-001	CLUP Consistency	2,250 sq ft.	RT to CV (0.5)	1,125	0.003	0.004	3.375	4.5	-2	RT	0.44	0.54	-0.88	-1.08	1,125 sq ft.	N/A	B1
6310 West Coast Hwy.	09/14/2010	PA2010-052 GP2010-001	CLUP Consistency	2,250 sq ft.	RT to CV (0.5)	1,125	0.003	0.004	3.375	4.5	-2	RT	0.44	0.54	-0.88	-1.08	1,125 sq ft.	N/A	B1
1221 West Coast Hwy	09/14/2010	PA2010-052 GP2010-004	CLUP Consistency – Balboa Bay Club	12.65 acres (approx.)	MU-W1 (Anomaly No.59) to MU-W1 (Anomaly No. 59 and CV (Anomaly No 77)	0	0.000	0.000	0	0	0	N/A	0.00	0.00	0	0	See Table LU 1	See Table LU 1	H4
2300 West Coast Hwy	09/14/2010	PA2010-052 GP2010-004	CLUP Consistency – Holiday Inn	1.29 acres (approx.)	MU-H1 to CV (0.5)	0	0.000	0.000	0	0	-34	MU	0.51	0.62	-17.3	-21.1	28,314 sq ft.	N/A	H4
2102 West Ocean Front	09/14/2010	PA2010-052 GP2010-005	CLUP Consistency – Doryman's Inn	6,713 sq ft.	MU-W2 to CV (0.5)	0	0.000	0.000	0	0	-4	MU	0.51	0.62	-2.04	-2.48	3,357 sq ft.	N/A	B5
2306 West Ocean Front	09/14/2010	PA2010-052 GP2010-005	CLUP Consistency – Newport Beachwalk Hotel	3,750 sq ft.	MU-W2 to CV (0.5)	0	0.000	0.000	0	0	-1	MU	0.51	0.62	-0.51	-0.62	1,875 sq ft.	N/A	B5
3366 Via Lido	09/14/2010	PA2010-052 GP2010-005	CLUP Consistency	21,576 sq ft.	RM to MU-W2	15,103	0.003	0.004	45.309	60.412	-9 13	RM MU	0.44 0.51	0.54 0.62	-3.96 6.63	-4.86 8.06	15,103 sq ft.	13 MU	B5
Lido Peninsula –Multiple	09/14/2010	PA2010-052 GP2010-005	CLUP Consistency – Designation Changes Only	24.6 acres	MU-W3 to RM and CM	0	0.000	0.000	0	0	0	N/A	0.00	0.00	0	0	156,365 Sq ft.	251 RM	B5
500 West Balboa Blvd.	09/14/2010	PA2010-052 GP2010-006	CLUP Consistency	2,113 sq ft.	RT to MU-V	1,584	0.003	0.004	4.752	6.336	-2 1	RT MU	0.44 0.51	0.54 0.62	-0.88 0.51	-1.08 0.62	1,584 sq ft.	1 MU	D2
504 West Balboa Blvd.	09/14/2010	PA2010-052 GP2010-006	CLUP Consistency	4,202 sq ft.	RT to MU-V	3,151	0.003	0.004	9.453	12.604	-4 2	RT MU	0.44 0.51	0.54 0.62	-1.76 1.02	-2.16 1.24	3,151 sq ft.	2 MU	D2

Post 2006 General Plan Amendments

Land Use Element

Section 423 Analysis

Address	Date Approved	Project/ Amendment No.	Project Title	Property Area/Acreage	Designation Change	Floor Area Change (Square Feet)	AM Trip Rate	PM Trip Rate	AM Trips	PM Trips	Dwelling Unit Change	Dwelling Unit Change	AM Trip Rate	PM Trip Rate	AM Trips	PM Trips	Maximum Floor Area Allowed	Maximum DU's Allowed	Statistica l Area
506 West Balboa Blvd.	09/14/2010	PA2010-052 GP2010-006	CLUP Consistency	2,101 sq ft.	RT to MU-V	1,575	0.003	0.004	4.725	6.3	-2 1	RT MU	0.44 0.51	0.54 0.62	-0.88 0.51	-1.08 0.62	1,575 sq ft.	1 MU	D2
508 West Balboa Blvd.	09/14/2010	PA2010-052 GP2010-006	CLUP Consistency	2,101 sq ft.	RT to MU-V	1,575	0.003	0.004	4.725	6.3	-2 1	RT MU	0.44 0.51	0.54 0.62	-0.88 0.51	-1.08 0.62	1,575 sq ft.	1 MU	D2
510 West Balboa Blvd.	09/14/2010	PA2010-052 GP2010-006	CLUP Consistency	2,101 sq ft.	RT to MU-V	1,575	0.003	0.004	4.725	6.3	-2 1	RT MU	0.44 0.51	0.54 0.62	-0.88 0.51	-1.08 0.62	1,575 sq ft.	1 MU	D2
512 West Balboa Blvd.	09/14/2010	PA2010-052 GP2010-006	CLUP Consistency	2,101 sq ft.	RT to MU-V	1,575	0.003	0.004	4.725	6.3	-2 1	RT MU	0.44 0.51	0.54 0.62	-0.88 0.51	-1.08 0.62	1,575 sq ft.	1 MU	D2
514 West Balboa Blvd.	09/14/2010	PA2010-052 GP2010-006	CLUP Consistency	2,098 sq ft.	RT to MU-V	1,573	0.003	0.004	4.719	6.292	-2 1	RT MU	0.44 0.51	0.54 0.62	-0.88 0.51	-1.08 0.62	1,573 sq ft.	1 MU	D2
Balboa Fun Zone (600East Bay/600 Edgewater)	09/14/2010	PA2010-052 GP2010-007	CLUP Consistency – Fun Zone Designation Change Only	33,858 sq ft.	PI (1.0) to CV (1.0)	0	-0.0015 0.003	-0.0015 0.004	-50.787 101.574	-50.787 135.432	0	N/A	0.00	0.00	0	0	33,858 sq ft.	N/A	D3
105 Main Street	09/14/2010	PA2010-052 GP2010-007	CLUP Consistency – Balboa Inn	12,825 sq ft.	MU-V to CV (0.75)	0	0.000	0.000	0	0	-7	MU	0.51	0.62	-3.57	-4.34	9,618 sq ft.	N/A	D3
707 East Ocean Front	09/14/2010	PA2010-052 GP2010-007	CLUP Consistency – Balboa Inn	7,532 sq ft.	MU-V to CV (0.75)	0	0.000	0.000	0	0	-4	MU	0.51	0.62	-2.04	-2.48	5,649 sq ft.	N/A	D3
1901-1911 Bayside Drive	09/14/2010	PA2010-052 GP2010-007	CLUP Consistency – Harbor Patrol, Coast Guard Beach	4.55 acres	PF to PR (Beach only)	0	0.000	0.000	0	0	0	N/A	0.00	0.00	0	0	N/A	N/A	F1
2000-2016 East Balboa Blvd.	05/25/2010	PA2009-067 GP2009-001	Beauchamp GPA	0.61 acres	PR to RS-D	0	0.000	0.000	0	0	5	RS-D	0.75	1.01	3.75	5.05	N/A	5 RS-D	D4
328,332,340 Old Newport Blvd.	03/09/2010	PA2008-047 GP2008-001	Shaoulian Ong GPA	0.59 acres	CO-G No Change	12,862.50	0.003	0.004	38.59	51.45	0	N/A	0.00	0.00	0	0	25,725 sq ft.	N/A	H1
201-207 Carnation, 101	07/14/2009	PA2005-196 GP2005-006	Aerie	1.4 acres	RT to RM (20 du/acre) – 101 Bayside only	0	0.000	0.000	0	0	1	RM	1.00	1.00	1	1	N/A	28 RM	F3
10 Big Canyon Drive	01/27/2009	PA2007-210 GP2007-008	Big Canyon GPA	1.84 acres	PR to RS-D	0	0.000	0.000	0	0	1	RS-D	0.75	1.01	0.75	1.01	N/A	1 RS-D	L2
Civic Center Drive	11/25/2008	PA2008-182 GP2008-009	Civic Center and Park Site	6.5 acres (approx)	OS to PF	0	0.000	0.000	0	0	0	N/A	0.00	0.00	0	0	See Table LU2 Anomaly No.	N/A	L1
1 Hoag Drive	04/16/2008	PA2007-073 GP2007-005	Hoag Master Plan Update	17.57 acres (approx)	PI (No Change)	0	0.000	0.000	0	0	0	N/A	0.00	0.00	0	0	See Table LU2 Anomaly No.	N/A	A3
1000 Bison Avenue	02/12/2008	PA2006-079 GP2006-004	Liberty Baptist Church	9.09 acres (approx.)	PI (No Change) Anomaly No. 25	26,114	0.0015	0.0015	39.17	39.17	0	N/A	0.00	0.00	0	0	84,585 sq ft.	N/A	L3
4450 MacArthur Blvd.	01/09/2007	PA2006-095 GP2006-003	Koll Center	1.49 acres	MU-H2 (No Change) Anomaly No. 1	24,016	0.00178	0.00172	42.7	41.3	0	N/A	0.00	0.00	0	0	See Table LU2 Anomaly No.	See MU- H2 land use	L4

Attachment No. CC 6

Applied Development Economics Memo



MEMO

TO: Brenda Wisneski, AICP
FROM: Doug Svensson, AICP
DATE: July 16, 2014
SUBJECT: Revised Fiscal Analysis of General Plan Amendments

We have prepared a revised fiscal analysis of the proposed General Plan Amendments (GPAs) based on City Council direction to remove several of the individual GPAs and secondly to evaluate whether property valuations in the Newport Center/Fashion Island area might be higher than the averages projected for the GPAs citywide. The projects removed from the analysis include the following:

Project No.	Project Name
2.	813 E. Balboa Blvd.
4a.	Saunders Property
4b.	The Hangars
4c.	Lyon Communities
17.	150 Newport Center Dr.

Except for the Saunders property, all of these GPAs were projected to have a net positive fiscal impact. Removing them from the existing analysis has the effect of increasing the surplus cost over revenue for the group of remaining GPAs as a whole. The total net effect of the remaining GPAs would be a negative \$6.68 million per year, compared to the previous estimate of negative \$5.31 million. However, as discussed in the Fiscal Impact Report, the fiscal effect of implementing the General Plan in its entirety would be a positive annual benefit of \$21.7 million per year. Therefore, implementing the remaining proposed GPAs would reduce this benefit to \$15.04 million, but the effect of building out the land uses in the General Plan would remain positive for the City overall.

To address the second question related to property values for office and residential uses in the Newport Center/Fashion Island area, ADE downloaded current data from both Zillow and Dataquick for residential and non-residential property values in the area around Newport Center. Office/commercial building valuations are about \$345 per sq.ft., up from the \$200 we had previously found for the citywide average. For the residential portion of the Newport Center/Fashion Island GPA, we treated

these units as rental apartments, which we had valued at \$400,000 per unit. The current analysis suggests that apartments in this part of town may in fact be valued as high as \$675,000 per unit. If the units are eventually developed as condominiums or townhouses, their sales prices may be as high as \$1,175,000 per unit.

Using the higher office valuations and apartment prices, this project would reduce its negative fiscal impact from (\$889,679) in the previously analysis to (\$467,817). The residential portion of the GPA would essentially break even for the City and the Office space would have reduced negative impact of (\$560,567). If the residential units are valued as townhouses at \$1,175,000 per unit, the project as a whole would have a positive fiscal benefit for the City of \$247,289 per year. With the current level of information available about the proposed GPA, it is difficult to evaluate whether the higher or the lower property values would apply to the development when it is completed. We would view our original figures and the revised figures above as a reasonable range of potential fiscal impact of the proposed GPA.

I hope this helps to answer questions raised by the City Council. Please do not hesitate to contact me if I can provide any further information.