

4.8 LAND USE AND PLANNING

4.8.1 Introduction

This section evaluates the impacts of the proposed General Plan Update associated with land use and planning within the City of Newport Beach.

The Initial Study prepared for the proposed project identified the potential for impacts related to physically dividing an established community; conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project; and conflicts with any applicable habitat conservation plan or natural community conservation plan. In addition, this EIR analyzes whether development of the land uses under the proposed General Plan Update would create incompatibilities with adjacent land uses. Full bibliographic entries for all reference materials are provided in Section 4.8.6 (References) of this section.

Six comment letters associated with land use and planning were received in response to the IS/NOP circulated for the proposed General Plan Update. The Southern California Association of Governments (SCAG) requested that the DEIR include a discussion of how the proposed project will or will not support applicable regional plans in which the City is included. The City of Costa Mesa requested that the DEIR include an analysis of impacts on adjacent municipalities resulting from land use changes in the Planning Area. The City of Irvine requested that the DEIR include information on the location of proposed land use intensity changes that increase development potential in the John Wayne Airport (JWA) area, as well as citywide. Two residents of Newport Beach requested that the DEIR properly address all existing and proposed land uses under the General Plan Update. The Airport Land Use Commission for Orange County requests that the DEIR specifically address all potential impacts of development of new residential neighborhoods in the Airport Area as replacement of existing and allowed future uses. The JWA also requested that the DEIR address the impacts of any new residential development policies as they pertain to the Airport Area, and address the issues of an aviation easement, height limitations, signage, density and intensity limitations, and all corresponding proposed General Plan Update policies and mitigation measures for this area.

The Environmental Quality Affairs Citizens Advisory Committee for the City of Newport Beach (EQAC) requests that the DEIR provide a discussion of the purpose for increasing development in select areas of the City. EQAC also requests that the DEIR identify the location and potential impacts of proposed visitor-serving land uses, and discuss the impacts of land use transitions under the proposed General Plan Update. EQAC calls for the DEIR to include an analysis of the proposed General Plan Update's compatibility with adjacent municipalities, and a discussion of the intention of the proposed General Plan Update to maintain the existing character of the Corona del Mar subarea. Section 4.8.5 (Project Impacts, Mitigation Measures, and Proposed Policies) provides such analyses.

4.8.2 Existing Conditions

As discussed in Chapter 3 (Project Description), the City of Newport Beach is almost fully developed. The City of Newport Beach Planning Area contains approximately 26,676 acres or 41.7 square miles. These are net acres and do not include streets and roadways, which account for approximately 20 percent of the total gross land acreage. Approximately 42 percent (11,119 acres) of the Planning Area is water, which includes the Upper and Lower Newport Bay and its channels, and the Pacific Ocean. The following discussion pertains to the 13,062 acres of developed and undeveloped land in the Planning Area. The Planning Area is illustrated in Figure 3-2 and the subareas therein are illustrated in Figure 3-3 (Project Description).

Existing land uses in the Planning Area have been classified into seven primary categories:

- *Residential*—Residential uses include a mix of housing developed at varying densities and types. Residential uses in the Planning Area include single-family, multi-family, condominium, and mobile homes.
- *Commercial/Office*—This category includes commercial uses that offer goods for sale to the public (retail) and service and professional businesses housed in offices (accountants, architects, etc). Retail and commercial businesses include those that serve local needs, such as restaurants, neighborhood markets and dry cleaners, and those that serve community or regional needs, such as auto dealers and furniture stores. Visitor-serving retail uses such as regional shopping centers and hotels are also included in this category.
- *Industrial*—The industrial category includes a mix of manufacturing and light industrial uses, some of which are found in business, research, and development parks. Light industrial activities include warehousing and some types of assembly work. This category also includes wholesaling and warehousing.
- *Governmental, Educational, and Institutional Facilities (GEIF)*—Government buildings, libraries, schools, churches, and other public institutions are found in this category. Uses in this category support civic, cultural, and educational needs of residents.
- *Open Space*—This category encompasses public and private recreational spaces, local and regional parks, and beaches. Recreational areas, such as golf courses, also contribute to open space uses in the Planning Area.
- *Vacant*—Vacant lands are undeveloped lands (as of June 2003) that are not preserved in perpetuity as open space or for other public purposes.
- *Water*—The bay, harbor, channels and reservoirs are included in this category.

Existing land uses are listed below in Table 4.8-1.

■ Residential Neighborhoods

Residential uses represent the largest percentage of total land area in Newport Beach. Within this category, single-family detached homes account for the greatest amount of residential land uses and are distributed throughout the City. Much of the single-family attached housing in the City is located in Newport Crest, the Bluffs and Jasmine Creek. Generally, single-family homes, duplexes and some multi-family residential development is located in the southernmost portion of the City along the beaches and

Table 4.8-1 Existing Land Use		
<i>Land Use</i>	<i>Acres</i>	<i>Percent of City's Total</i>
Residential	5,436.0	41.6%
Single-Family Detached	3,932.8	
Single-Family Attached	625.3	
Two-Family Residential	360.9	
Multi-Family Residential	480.0	
Mixed Residential	37.0	
Commercial	1,154.6	8.8%
Retail	382.0	
Administrative, Professional, and Financial	473.0	
Marine and Auto Related	73.7	
Visitor-serving	225.9	
Industrial	114.4	0.9%
Industrial	68.9	
Multi-Tenant Industrial	20.5	
Industrial Business Park	25.0	
Other	6,356.7	—
Government, Educational, Institutional Facilities	446.6	3.4%
<i>Quasi-Public</i>	53.5	0.4%
<i>Right of Way/Undesignated</i>	4.8	<1%
Recreation & Environmental Open Space	4,516.4	34.6%
Vacant Land	1,260.2	9.6%
Water	75.2	0.6%
Total	13,061.7	100%
SOURCE: EIP Associates GIS 2003		

in Balboa Peninsula areas, and on Balboa Island. In addition, multi-family residential development is located in the northern portion of the City in Bonita Canyon Village and along San Joaquin Hills Road.

The Lido Peninsula has single-family attached homes located next to recreational marine commercial uses. In the northern portion of the City, the area west of Bonita Canyon Village contains a mix of single-family detached and single-family attached uses. Manufactured and/or mobile homes are found along Coast Highway in West Newport, west of Newport Dunes, West Newport Mesa, and near the Newport Pier on the Balboa Peninsula.

■ Commercial

Administrative, professional, and financial related uses are located throughout the City. A major regional retail center, Fashion Island Shopping Center, is located in the center of the City. Newport Center, one of the prime office and hotel areas in the City, surrounds Fashion Island. The other primary office and hotel uses are found within the vicinity of John Wayne Airport (JWA).

Retail and service commercial uses are found along major thoroughfares such as: Coast Highway on Mariners' Mile, Newport and Balboa Blvds. on the Balboa Peninsula, near the Airport along Bristol North, and along MacArthur Blvd. Neighborhood-serving centers containing uses such as grocery stores, dry cleaners, video stores and restaurants are located throughout the City. Pedestrian-oriented commercial districts include Corona del Mar and Cannery Village.

Some commercial uses in the City attract visitors as well as residents. Visitor-serving uses include but are not limited to hotels, specialty stores, and arcades. Many visitor-serving uses are located in proximity to harbor and coastal areas in the City, such as those found in Central Balboa, Cannery Village, and Newport Coast. Marine recreation areas serving both residents and visitors are found near harbor and bay areas, such as Newport Dunes.

■ Industrial

The majority of industrial uses in the City are located in the West Newport industrial area east of Banning Ranch, and adjacent to the Airport Area. Light manufacturing uses are located in the West Newport Industrial (Mesa) area. Research and development uses are clustered in the Airport Area and in a small area off of Jamboree Road.

■ Governmental, Educational, and Institutional Facilities

Governmental, Educational, and Institutional uses include the City Hall, schools, libraries and religious uses, and hospitals.

■ Quasi-Public

Private recreational uses such as yacht clubs, lodges and marinas are located in various portions of the City.

■ Recreation and Environmental Open Space

Recreational and environmental open space areas can be found along the City's periphery from the Santa Ana River Jetty at the far west, to the beaches along the Pacific Ocean, to the Newport Coast area. Open space rims Upper Newport Bay. Much of Newport Coast is open space interspersed with planned development areas. Parks of varying sizes are located throughout the City. These areas also include private recreational uses such as golf and tennis clubs.

■ Water

Newport Beach is adjacent to the Pacific Ocean to the South and contains Newport Harbor and Upper Newport Bay. Two reservoirs (Big Canyon and San Joaquin) are located in the eastern portion of the City. The Santa Ana River lies at the northwest boundary of the City.

■ Sphere of Influence

The SOI surrounding the City is demarcated by the Local Agency Formation Commission (LAFCO) and represents the “probable ultimate physical boundaries and service area” of the City. The LAFCO is a State-mandated agency formed to discourage urban sprawl and to encourage orderly and efficient provision of services, such as water, sewer, fire protection, etc. A major function of a sphere of influence is to facilitate coordination and sequencing of annexations to a city. In addition, a SOI helps guide the LAFCO consideration of specific annexation requests.

The area known as Banning Ranch, located in the western portion of the Planning Area, is in the Newport Beach SOI.

4.8.3 Regulatory Framework

■ Federal

There are no Federal regulations related to land use that apply to the proposed project.

■ State

Local Coastal Program

The California Coastal Act (California State Public Resources Code, Division 20, Sections 30000 et seq.) directs each local government lying wholly or partly within the Coastal Zone, as defined by the Coastal Act, to prepare a Local Coastal Program for its portion of the Coastal Zone. More than 63% of the City is in the coastal zone. Local Coastal Programs are used to carry out the policies and requirements of the Coastal Act by local governments. Local Coastal Programs must be reviewed and certified by the California Coastal Commission before being implemented by a local government.

The Local Coastal Program is divided into two components: (1) a coastal land use plan [CLUP] and (2) an implementation program. The CLUP provides a technical synopsis of the resources located within the Coastal Zone. The document discusses resources in the context of a coastal zone overview; subarea description and land use plan; shoreline and coastal resource access; public recreational and visitor-serving commercial facilities; visual resources; historic and cultural resources; water and marine resources; environmentally sensitive habitats; energy facilities; water, sewer, and drainage facilities; and hazards. Issues, goals, objectives, and policies related to each of these areas are also provided. The Implementation Program provides the mechanism to implement each of the identified policies. On February 8, 2006, the Coastal Commission certified the CLUP. The next step in the certification process is the adoption of the Implementation Plan. Once certified, the City will be able to issue most Coastal Development Permits, a process currently under the jurisdiction of the Coastal Commission.

■ Regional

Southern California Association of Governments Regional Comprehensive Plan and Guide

SCAG, which is the designated Metropolitan Planning Organization for six Southern California counties (Ventura, Orange, San Bernardino, Riverside, Imperial, and Los Angeles), is federally-mandated to develop plans for transportation, growth management, hazardous waste management, and air quality. SCAG has prepared the Regional Comprehensive Plan and Guide (RCPG) in conjunction with its constituent members and other regional planning agencies. The RCPG is intended to serve as a framework to guide decision-making with respect to the growth and changes that can be anticipated through the year 2015. The Plan consists of five core chapters that contain goals, policies, implementation strategies, and technical data that support three overarching objectives for the region, including (1) improving the standard of living for all, (2) improving the quality of life for all, and (3) enhancing equity and access to government. Local governments are required to use the RCPG as the basis for their own plans and are required to discuss the consistency of projects of “regional significance” with the RCPG. Specific growth management, regional mobility, and air quality policies of the RCPG are discussed in the Impacts section, below.

■ Local

Zoning

Zoning is the instrument that implements the land use designations of the General Plan. In addition to establishing permitted uses, zoning may also establish development standards relating to issues such as intensity, setbacks, height, and parking. Projects submitted for review and approval are evaluated for consistency with the zoning designations.

Zoning Districts

The City of Newport Beach’s General Plan and Zoning Ordinance control land use and development in the City. Zoning districts are designed to protect citizens and their homes and businesses from conflicting activities in scope or purpose within the vicinity. For example, commercial business cannot be conducted in a residential area except under certain conditions. Newport Beach has more than 20 zoning designations within its boundaries. District types are as follows:

- Residential districts are designed for dwellings.
- Business districts contain commercial retail and office businesses.
- Industrial districts allow the operation of assembly and research and development businesses.
- Open Space districts contain undeveloped land and allow recreation facilities.
- Planned Community and Specific Plan districts are established with supplemental zoning requirements that encourage cohesive development within a specific area.

Airport Land Use Law

This law requires counties containing airports to prepare an Airport Environs Land Use Plan (AELUP) to provide for the orderly growth of public use airports for a 20-year span and minimize land use conflicts over height and noise within the surrounding area. The AELUP may include building height restrictions, specify allowable land uses, and determine building standards (including soundproofing) within the planning area of each airport. Once an AELUP has been adopted, pertinent city and county general plans and other local land use and building regulations must be made consistent with the AELUP unless findings can be made to justify not making amendments. While John Wayne Airport is not within Newport Beach incorporated City limits, it is immediately adjacent to the northernmost portion of the city referred to as the “Airport Area”. This area is therefore subject to compliance with the AELUP for John Wayne Airport. The relevant policies contained in the AELUP are listed at the end of this section.

Charter Section 423

City Charter Section 423 requires voter approval of certain amendments to the Newport Beach General Plan. In its text, Charter Section 423 suggests that the City Council adopt implementing guidelines consistent with its purpose and intent, and the City Council did so. The guidelines outline the information to be provided to the applicant, the Planning Commission, and the City Council during the amendment process. They also describe the informational and procedural requirements after amendment approval to determine if voter approval is required by Charter Section 423. As required, the City Council shall submit the amendment to voters if:

- The amendment relates to a non-residential use and authorizes an increase in floor area for the property or statistical area that is the subject of the amendment that exceeds 40,000 square feet when compared to the General Plan before approval of the amendment; or
- The amendment relates to a residential use and authorizes an increase in the number of dwelling units for the property or statistical area that is the subject of the amendment that exceeds 100 dwelling units when compared to the General Plan before approval of the amendment; or
- The amendment modifies the type or amount of residential use or non-residential use specified for the property or statistical area that is the subject of the amendment such that the proposed use(s) as approved by the amendment generate(s) at least 101 more morning or evening peak hour trips than allowed use(s) before the amendment; or
- The increase in morning or evening peak hour trips, dwelling units, or floor area resulting from the amendment, when added to 80 percent of the increases in morning or evening peak hour trips, dwelling units, or floor area resulting from amendments in the same statistical area over the previous ten years not required to be approved by the voters, exceeds one or more of the voter approval thresholds in Charter Section 423 as specified above.

4.8.4 Thresholds of Significance

The following thresholds of significance are based on Appendix G of the 2005 CEQA Guidelines. For purposes of this EIR, implementation of the proposed General Plan Update may have a significant adverse impact on land use and planning if it would result in any of the following:

- Intensify development within the Planning Area that creates incompatibilities with adjacent land uses
- Physically divide an established community
- 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
- Conflict with any applicable habitat conservation plan or natural community conservation plan

4.8.5 Project Impacts, Mitigation Measures, Proposed Policies

■ Effects Not Found to Be Significant

The IS/NOP prepared for the proposed project did not identify any effects not found to be significant associated with Land Use. Therefore, all thresholds are addressed in this section.

■ Impacts and Mitigation Measures

Threshold	Intensify development within the Planning Area that creates incompatibilities with adjacent land uses
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Impact 4.8-1 Implementation of the proposed General Plan Update could involve new uses and structures that may result in intensification of development within the Planning Area that creates incompatibilities with adjacent land uses.

Land use incompatibility can occur where differences exist among uses that are near each other. These incompatibilities may result from differences in the physical scale of development, noise levels, traffic levels, hours of operation, and other factors. Proposed General Plan Update policies include concepts aimed at achieving land use compatibility. Policy LU 5.1.1 calls for establishment of development regulations for residential projects to create compatible and high quality development. Policy LU 5.1.2 requires transition in building height between non-residential and residential development to minimize conflicts. Policies LU 6.2.5 and 6.16.6 call for design of the non-residential uses of neighborhood-serving commercial and office to be compatible with residential uses when adjoining residential areas, and address issues such as noise, lighting, and parking. All significant new development would be subject to the City’s environmental review process which includes project-specific environmental review under CEQA, including mitigation of significant impacts to the extent feasible.

The potential for conflicts exists in particular where mixed use development occurs. The proposed General Plan Update adds new mixed use designations. Areas where mixed use development is currently located (e.g. Balboa Peninsula, Mariners' Mile and Newport Center/Fashion Island), would be allowed to develop with more mixed use, and mixed use development would be introduced to the Airport Area. The General Plan includes three general types of Mixed Use Development. MU-A provides vertical mixed use, with retail and other pedestrian-active uses on the ground floor, and the upper floors used for residential units. MU-B provides a horizontally distributed mix of uses, which may include commercial, offices, visitor-serving and marine-related uses along with multi-family residential uses. This designation also permits a vertical mix of uses. The MU-C designation is intended to provide commercial development on or near the bay to encourage coastal-related uses and allow for integrated development of residential uses.

Policy LU 5.3.1 provides guidance that would minimize conflicts among uses in mixed use facilities. Principles to minimize conflicts include:

- 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 non-residential 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.

Policy LU 5.2.2 requires buffering of residential uses where they are adjacent to non-residential uses. The policy requires that residential areas be buffered from adjoining non-residential uses to the extent feasible, such as retail commercial and industrial, through the establishment of performance-based regulations, the removal of non-conforming uses, and other tools such as landscape screening.

Project-specific features would depend on the types of uses proposed and the specific design of individual projects. Examples of design elements to reduce conflicts include screening of mechanical equipment, and locating these uses away from residential components; specific locations and hours of operation for service deliveries; and separate vehicular entrances for residential and commercial uses. Implementation of Policy LU 5.3.1 would therefore ensure that design of mixed use development does not result in significant land use incompatibilities.

In many locations, the addition of uses similar to existing uses would occur. For instance, additional retail facilities would be permitted in the Fashion Island/Newport Center Area, and additional residential uses would be permitted on Balboa Peninsula. Where additional development that is the same as or similar to existing development could occur, these uses would be compatible.

Compatibility, including the expansion of mixed use development, is further discussed below for each subarea. Table 3-3 (Project Description) details the land use changes for each of the subareas.

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. Adjoining Hoag Hospital and on the Newport Technology Center site, properties would be designated for medical-related uses, with up to approximately one million square feet of this type of use, replacing development of existing uses. Properties along the northern edge abutting the City of Costa Mesa would be encouraged to retain light manufacturing and research and development uses. It is possible that adjacent to these uses, in the City of Costa Mesa, additional residential units may be developed. Multi-family residential uses could also increase within this subarea, by approximately 1,070 units, replacing existing commercial and industrial development. The land use pattern would change from interspersed residential, commercial and industrial uses to development that clusters similar uses together. Nonetheless, where residential uses abut industrial uses, the potential for conflict could occur, similar to existing conditions.

Existing industrial uses involve the use of light manufacturing equipment, use of hazardous materials, and require the loading/unloading of materials. The types of manufacturing that currently exist within the sub area are generally considered light manufacturing uses that are low intensity. Nevertheless, the operation of manufacturing equipment may result in higher ambient noise levels and/or degraded air quality on a temporary or permanent basis, depending on the specific use and type of equipment. Industrial uses could also involve the transport, use, and disposal of hazardous materials, which could result in accidental spills in the area, as discussed in Section 4.6 (Hazards and Hazardous Materials). Additionally, loading and unloading activities could create noise incompatibilities with adjacent sensitive receptors. Service vehicles associated with industrial uses contribute to local traffic, as well as conflicts associated with truck traffic through or next to residential uses. Other land use incompatibilities include the potential for odors from industrial activities. These effects currently exist due to the presence of light manufacturing and research and development uses adjacent to residential uses. Where new residential uses are developed in the City or in adjacent Costa Mesa, requirements would need to be placed on the new residential uses to minimize land use conflicts with existing industrial designations and uses.

The proposed General Plan Update would establish distinct and cohesive districts, which would allow for the further separation of uses in order to minimize conflicts. Residential and industrial uses would abut in a small area adjacent to Production Place and the Costa Mesa boundary, should residential development occur in Costa Mesa. Residential uses currently exist in this area and abut existing industrial uses. At this location and throughout the subarea, policies designed to achieve Goal 6.6 would help increase compatibility with existing and future adjacent residential land uses by encouraging integrated residential and hospital uses within the subarea. Policy LU 6.6.5 encourages the preparation of a master plan for the residential neighborhood, defining park and streetscape improvements that provide amenity for local residents and enhance the area's identity, thereby allowing more separation of uses than currently exists. Because no new conflicts of use would be introduced to the area, upon implementation of the proposed General Plan Update, no compatibility issues would likely result in this subarea.

Newport Center/Fashion Island

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

Airport Area

The Airport Area encompasses the properties abutting and east of John Wayne Airport and is in close proximity to the Irvine Business Complex and University of California, Irvine. This proximity has influenced the area's development with uses that support the airport and University, such as research and development, high technology industrial and visitor-serving uses, such as hotel and car rental agencies. This subarea could be reconfigured to include new residential neighborhoods that could result in the extension of present residential development of the Irvine Business Complex to the north. These uses would occur in addition to the maintenance and/or limited expansion of the currently developed mix of office, airport-supporting commercial, hotel, and public uses. Industrial uses would decrease upon implementation of residential uses allowed in the proposed General Plan Update. The proposed project contains policies for the various types of proposed land uses and specifies the parameters by which these land uses should be developed to ensure compatibility with both existing development in the area or future land uses. Policy LU 6.15.8 encourages commercial development that supports the John Wayne Airport, the existing office uses, and the future residential development under the proposed General Plan Update. Policy LU 6.15.9 allows new multi-family uses to be developed in mixed use buildings that support local commercial land uses. General Plan Update Policy LU 6.15.1 calls for the provision of distinct business park, commercial, and airport-serving districts and residential neighborhoods that are integrated to assure a quality environment and compatible land uses.

Development in the Airport Area has been historically restricted due to the noise impacts of John Wayne Airport. 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 currently restricted for aviation safety. Uses outside of the 65 dBA CNEL noise contour are generally considered to be a sufficient distance from airport land uses and associated activities to minimize land use conflicts,

with incorporation of appropriate design techniques. Policy LU 6.15.24 requires that all development be constructed within the height limits and residential uses be located outside of areas exposed to the 65 dBA CNEL noise contour specified by the Airport Environs Land Use Plan (AELUP), unless the City Council makes appropriate findings for an override in accordance with applicable law. As such, the possibility exists for residential development to occur within the 65 dBA CNEL noise contour, exposing residents to exterior noise levels of 65 dBA or greater and daily aircraft overflight. Airport uses are considered by design to be incompatible with adjacent residential uses. As such, if residential development is constructed within the 65 dBA CNEL noise contour, land use conflicts could occur. Impacts would be *significant*.

The introduction of residential uses to the Airport Area represents a departure from the current commercial/industrial character of the area and a change in the land use pattern of the area. Residential units would be implemented in tracts of land generally a minimum of 10 acres in size, although projects could be as small as 5 acres if certain conditions are met, as specified in Policy LU 6.15.10. The requirements for development on this scale would ensure master planning accompanies the introduction of residential units, and clustering of residential units in a manner to minimize conflicts with existing adjacent uses to the extent feasible. Further, the first phase of residential development in the area would be 50 units per net acre, with subsequent developments at 30 units per net acre. Development of high-density units would result in retention of the existing urban character of the area.

The proposed General Plan Update policies described above, which set forth requirements for mixed use developments, would ensure that development is designed to be compatible with adjacent non-residential units. Where development occurs outside of the 65 dBA CNEL noise contour, the introduction of residential uses consistent with the land use pattern set forth in the General Plan update would be *less than significant*.

Banning Ranch

Banning Ranch could either be restored and preserved as open space (the priority use), or be developed as a mixed-density residential village. Banning Ranch would need to be acquired for the open space option. Under this scenario, changes on Banning Ranch would be limited to consolidating oil operations, enhancing wetland and other habitats, and providing parkland amenities to serve nearby neighborhoods. No significant land use compatibility impacts would result; however, the potential impact associated with nighttime park lighting on adjacent residential uses is addressed in Section 4.1 (Aesthetics and Visual Quality). Policies LU 6.5.1 through 6.5.6 pertain to both land use options for Banning Ranch. These policies, specifically LU 6.5.3 and 6.5.4, would help maintain Banning Ranch as an area with diverse biological resources under both land use alternatives. These policies promote the restoration and enhancement of existing resources and encourage the future preservation of wetlands and other natural features.

If Banning Ranch is not acquired for open space, a residential village with a small component of resident- and visitor-serving commercial uses could be developed. If development occurs, policies in the proposed General Plan Update would ensure compatibility between proposed uses, on-site open space areas, and the adjacent existing residential uses.

Policy LU 6.4.5 requires that Banning Ranch, if not restored and preserved as open space, be developed as a cohesive urban form that provides the sense of a complete and identifiable neighborhood. The policy goes on to state that a development pattern should be established 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. As a majority of the site would be preserved as open space, and a framework of trails, community parklands, and natural habitats would interconnect residential districts, the village center, other uses, and open spaces (LU Policy 6.4.8), no compatibility issues would likely result in this subarea.

Furthermore, changes contemplated in the West Newport Mesa subarea, which abuts Banning Ranch to the east, include strengthening the residential uses in that area, currently characterized by a number of light industrial uses. These changes would improve compatibility between the two subareas by placing similar residential uses in proximity to each other. As discussed above, Policies LU 6.5.1 through 6.5.6 pertain to both land use options for Banning Ranch. These policies help ensure that either development option would result in compatibility with adjacent uses.

Policies contained in the Land Use Element discuss consolidation and/or relocation of the oil and gas operations on Banning Ranch, where a significant portion of the Planning Area's production areas are currently located. Policy 6.5.1 specifies that oil operations on Banning Ranch should be relocated or clustered. This would minimize the areas where oil operations would interface with differing uses, under either development scenario for the site. Confinement of oil production to a small portion of the site geographically limits areas where new development or parkland areas would abut these facilities. With regard to the two land use options for Banning Ranch, Policies 3.4 and 6.4.11 ensure that under either option, availability of oil resources would not be altered by encouraging consolidation of oil operations.

Balboa Peninsula

The Balboa Peninsula is comprised of 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. The Plan differentiates Balboa Peninsula into a series of commercial, residential, mixed-use and water-oriented districts. These uses all currently exist in the area. Policy LU 6.8.1 would 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. To this end, Policies LU 6.9.1, 6.9.2, 6.10.1, 6.11.1, 6.12.1, 6.13.1, 6.13.2, and 6.13.3 indicate the priority uses and discouraged uses within each of the districts within in the subarea. The organization of the subarea into distinct centers and these policies would encourage grouping of compatible uses adjacent to each other, thereby minimizing conflicts of use.

Residential use would also be allowed on the waterfront of Balboa Peninsula. These uses could be impacted by noises from the marine-related and visitor-serving uses. As discussed above, General Plan policies would guide development to ensure compatibility among mixed uses. This includes Policies L.U. 5.3.1, which provides the guidelines for mixed use development and LU 5.2.2, which includes provisions for buffering of uses.

West Newport Highway

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. The proposed General Plan Update encourages enhancement of this area as a gateway for amenities supporting the Orange County River Park. However, the predominant existing mix of uses would remain, such that no conflicts would occur.

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 uses and professional offices. Other uses include personal services, restaurants, and specialty shopping such as home furnishing stores and beauty salons. Several auto-related businesses and service facilities are also located in the corridor. There has been an ongoing transition of uses to medical offices in this subarea, improving compatibility with the adjacent Hoag Hospital.

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. Many of the existing auto-related businesses and service facilities located in the corridor are incompatible with the predominant pattern of retail service and office uses. The proposed General Plan Update would result in mixed use development, increase office uses by approximately 88,000 sf, residential uses by approximately 430 units, and commercial uses by approximately 44,000 sf. Policy 6.18.1 encourages the development of mixed-use buildings that integrate residential with ground floor retail and townhomes on the east side of Old Newport Boulevard. Implementation of this policy would provide a transition with adjoining residential neighborhoods. In addition, Policy LU 6.18.2 discourages highway-oriented retail uses and new "heavy" retail uses, such as automobile supply and repair uses. Consequently, the existing incompatible uses that currently exist in the subarea would no longer be permitted, and eventually would be phased out over time to provide more compatible uses.

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 marine related commercial uses on the south side of Coast Highway, fronting the harbor, and highway-oriented retail on the north side of Coast Highway, inland. Implementation of the proposed General Plan Update, specifically Policy LU 6.19.1 would allow development that would differentiate this subarea into distinct commercial, water-related, and mixed use districts. Goal 6.19 includes the overall objective of encouraging development within this subarea that respects adjacent residential neighborhoods. Policies LU 6.19.1 through 6.19.4 specify locations and land use types that should be encouraged in the different districts within Mariners' Mile.

Commercial uses would be primarily concentrated on bay-fronting properties and include boat sales and storage, sailing schools, marinas, visitor-serving restaurants, and comparable uses. Beyond the properties south of Coast Highway lie boat slips in Newport Harbor, a recreational boating resource. Activities in the area include boat transport, storage, sales and repairs. Marine-related and visitor serving uses in the proposed General Plan Update would be compatible with adjacent harbor activities. Policy 6.19.3 encourages uses that serve marine-related businesses and industries. However, residential use would also be allowed on the waterfront. These uses could be impacted by noise from the marine-related and visitor-serving uses. As discussed above, General Plan policies would guide development to ensure compatibility among mixed uses. This includes Policies L.U. 5.3.1, which provides the guidelines for mixed use development and LU 5.2.2, which includes provisions for buffering of uses.

Corona del Mar

The Corona del Mar corridor extends along Pacific Coast Highway between Avocado Avenue and Hazel Drive. This subarea is developed with commercial uses and specialty shops that primarily serve adjoining residential neighborhoods, with isolated uses that serve highway travelers and coastal visitors. The proposed General Plan Update encourages development along this corridor to include a pedestrian-oriented “village” serving as the center of community commerce, culture, and social activity and providing identity for Corona del Mar. Policy LU 6.20.1 would accommodate neighborhood-serving uses that complement existing development. Policy LU 6.20.5 permits new development that compliments the scale and form of existing development. The visual character of the area would be enhanced through Policy 5.2.3, which calls for improved aesthetic quality of alleys without impacting service access. Consequently, because new development would generally serve to complement existing uses, no conflicts of use would occur.

Other Land Use Changes

While land use changes are proposed for other areas of the City by the updated General Plan, these areas would retain the basic land use character of existing uses. Land use intensification would also result throughout the City in areas where no changes in use are proposed, but additional development is permitted. Because no new land use patterns would be established, no conflicts of use would result.

The area bounded by Irvine Avenue, 15th Street, St. Andrews Road, and Coral Place is currently designated for multi-family and is developed with a mix of housing units, including older apartments, small lot units, and single-family detached units. The proposed General Plan Update would re-designate this area as single-family residential to allow for consistency with the current development trend in the area replacing higher-density apartments with small-lot residential and detached units. Another area where changes would take place is along the southern frontage of Westcliff Drive, east of Irvine Avenue, and the western frontage of Dover Drive, south of Westcliff Drive. Changes in this area include re-designating the area from Administrative, Professional, and Financial Commercial uses to mixed use, allowing a mix of office and multi-family residential uses. Any new residential development in this area would be compatible with the existing residential uses behind these properties. The Caltrans Remnant property, bounded by the SR 73, MacArthur Boulevard, and University Drive is currently a vacant property with no land use designation and would be designated for commercial use under the proposed

General Plan Update. The north side of San Miguel Drive, east of San Joaquin Hills Road, and west of Newport Hills Drive, which is currently a single parcel formerly used as a child care facility, abutting multi-family residential uses, would be re-designated as multiple-family residential. This would allow for consistency with adjacent land uses. The property west of Big Canyon Reservoir, north of Pacific View Drive is currently developed with institutional (church) and senior affordable housing. Under the proposed General Plan Update, this area would be re-designated as multi-family residential also to promote consistency with adjacent land uses.

Summary

In summary, the majority of land use changes proposed under the proposed General Plan Update would not result in incompatibilities or nuisances that rise to the level of significance. Therefore, impacts would be *less than significant*. However, if residential development is constructed within the 65 dBA CNEL noise contour in the Airport Area, land use conflicts would be *significant*.

Threshold	Physically divide an established community
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Impact 4.8-2 Implementation of the proposed General Plan Update could physically divide an established community.

The General Plan does not include any extensions of roadways or other development features through currently developed areas that could physically divide an established community. Roadway extensions would occur in Banning Ranch if new development occurs in that area. These roadways would be part of a comprehensive development plan and establish linkages among new land uses and to existing land uses, and would not, therefore result in physical division of an established community.

The implementation of the proposed General Plan Update could reduce the extent of office and industrial activities within the Airport Area. The placement of a mixed use district in this subarea with retention of two commercial nodes—one on the northern boundary and one on the southern boundary—would not result in the physical division of an established community. The area would include horizontal mixed uses, which would result in the presence of commercial uses throughout the area. Existing roadways would continue to provide an interconnected link between various parcels throughout the subarea. Further, throughout the City and larger region, commercial and light industrial areas have viably existed adjacent to residential uses. The change in land use patterns would not have an effect on the office and industrial properties that could result in a subsequent physical change to the environment.

The proposed General Plan Update allows limited infill development in select subareas within the City, and sets forth future land use options for Banning Ranch. These types of proposed development would not divide established communities. Impacts would be *less than significant*.

Threshold	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
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Impact 4.8-3 Implementation of the proposed General Plan Update could conflict with applicable land use plans, policy, or regulations.

Several regionally and locally adopted land use plans, policies, and regulations would be applicable to development under the proposed General Plan Update. These include the 2003 Air Quality Management Plan, 1999 Amendment for Ozone, SCAG’s Regional Comprehensive Plan and Guide, Santa Ana River Basin Plan, City of Newport Beach Zoning Code, Newport Beach CLUP, specific plans adopted by the City, and the AELUP for John Wayne Airport. As discussed under Impact 4.2-1 of Section 4.2 (Air Quality), the proposed project would not be consistent with the 2003 Air Quality Management Plan.

The SCAG regional plans cover Orange County, which includes the City, and five other counties within Southern California. SCAG’s regional plans that require a consistency discussion are the RCPG and the Regional Transportation Plan administered by SCAG. A consistency analysis for the proposed General Plan Update with policies of the SCAG regional plans are provided in Table 4.8-2.

The analysis contained in Table 4.8-2 concludes that the proposed project would generally be consistent with SCAG’s policies, with the exception of SCAG Policy 4.02.

Table 4.8-2 SCAG Regional Comprehensive Plan and Guide Policies	
<i>SCAG RCPG Policies</i>	<i>Project Consistency</i>
Growth Management Chapter	
Policy 3.01. The population, housing, and jobs forecasts, which are adopted by SCAG’s Regional Council and that reflect local plans and policies, shall be used by SCAG in all phases of implementation and review.	The proposed increase in dwelling units and associated population exceeds SCAG projections for Newport Beach, but represents less than one percent of total population growth in the region.
Policy 3.05. Encourage patterns of urban development and land use, which reduce costs on infrastructure construction and make better use of existing facilities.	Growth and development under the proposed General Plan Update would involve infill development and redevelopment, which would minimize costs on infrastructure and make use of existing facilities.
Policy 3.09. Support local jurisdictions’ efforts to minimize the cost of infrastructure and public service delivery, and efforts to seek new sources of funding for development and the provision of services.	Growth and development under the proposed General Plan Update would involve infill development and redevelopment, which would minimize costs on infrastructure and make use of existing facilities.
Policy 3.12. Encourage existing or proposed local jurisdictions’ programs aimed at designing land uses that encourage the use of transit and thus reduce the need for roadway expansion, reduce the number of auto trips and vehicle miles traveled, and create opportunity for residents to walk and bike.	The proposed General Plan Update policies support public transportation that provides mobility for residents and encourages use of public transportation as an alternative to automobile travel. In addition, maximizing the efficiency of the circulation system through the use of transportation system management strategies is also encouraged to reduce total vehicular miles traveled in the City. Further, a majority of the proposed land use changes would encourage more pedestrian-oriented uses and design, which would serve to further reduce automobile trips. This includes expansion of mixed-use development throughout the subareas within the City, which places housing in close proximity to jobs.

Table 4.8-2 SCAG Regional Comprehensive Plan and Guide Policies

<i>SCAG RCPG Policies</i>	<i>Project Consistency</i>
Policy 3.13. Encourage local jurisdictions' plans that maximize the use of existing urbanized areas accessible to transit through infill and redevelopment.	Growth and development under the proposed General Plan Update would involve infill development and redevelopment, which would maximize the use of existing urbanized areas accessible to transit.
Policy 3.16. Encourage developments in and around activity centers, transportation corridors, underutilized infrastructure systems, and areas needing recycling and redevelopment.	The proposed General Plan Update would involve redevelopment in discrete subareas that are existing activity centers, which would minimize costs on infrastructure and make use of existing transportation corridors and areas needing recycling.
Policy 3.18. Encourage planned development in locations least likely to cause environmental impact.	Due to the development that would be permitted, the project would result in environmental impacts as identified in this EIR. The priority use identified for Banning Ranch is retention as open space. If it cannot be acquired for this use, development would be located in the area least likely to cause adverse impacts. Potential environmental impacts from development are minimized to the extent feasible. Other infill development and redevelopment under this proposed project would occur in already urbanized areas and minimize environmental impacts.
Policy 3.20. Support the protection of vital resources such as wetlands, groundwater recharge areas, woodlands, production lands, and land containing unique and endangered plants and animals.	Wetland, groundwater recharge areas, and site drainage issues have been or will be addressed by compliance with existing regulations administered by the appropriate regulatory agencies (i.e., CDFG, RWQCB, and Corps). The Natural Resource Element of the proposed General Plan Update contains policies to protect natural and biological resources of the Banning Ranch subarea as well as water quality for the entire Planning Area.
Policy 3.21. Encourage the implementation of measures aimed at the preservation and protection of recorded and unrecorded cultural resources and archaeological sites.	The proposed General Plan Update includes a Historic Resources Element, with policies that promote the retention, restoration, adaptive reuse, and maintenance of historic structures and properties in a manner that will conserve the integrity of the resource in the best possible condition. In addition, policies of the proposed General Plan Update also serve to recognize the importance of archeological and paleontological resources and ensure the identification and protection of those resources within the City of Newport Beach.
Policy 3.22. Discourage development, or encourage the use of special design requirements, in areas with steep slopes, high fire, flood, and seismic hazards.	Policies have been included in the proposed General Plan Update to minimize all potential environmental hazards.
Policy 3.23. Encourage mitigation measures that reduce noise in certain locations, measures aimed at preservation of biological and ecological resources, measures that would reduce exposure to seismic hazards, minimize earthquake damage, and to develop emergency response and recovery plans.	Policies are contained in the proposed General Plan Update that reduce noise, preserve biological and ecological resources, reduce exposure to seismic hazards, minimize earthquake damage, and develop emergency response and recovery plans.
Policy 3.24. Encourage efforts of local jurisdictions in the implementation of programs that increase the supply and quality of housing and provide affordable housing as evaluated in the Regional Housing Needs Assessment.	Policies included in the proposed General Plan Update would promote and maintain a balance of housing types and corresponding affordability levels to provide for the community's demands for housing within all economic segments of the City. Up to 15,336 new residential units (primarily multifamily units) could be provided in the City.

Table 4.8-2 SCAG Regional Comprehensive Plan and Guide Policies

<i>SCAG RCPG Policies</i>	<i>Project Consistency</i>
Policy 3.27. Support local jurisdictions and other service providers in their efforts to develop sustainable communities and provide, equally to all members of society, accessible and effective services such as: public education, housing, health care, social services, recreational facilities, law enforcement, and fire protection.	In the Public Services section of this EIR (4.11), fire protection, police protection, and schools are analyzed. Parks and Recreation is discussed in Section 4.12, and Housing is discussed in Population and Demographics (Section 4.10). The intent of the proposed General Plan Update is to provide these services.
Core Air Quality Chapter	
Policy 5.11. Through the environmental document review process, ensure that plans at all levels of government (regional, air basin, county, subregional, and local) consider air quality, land use, transportation and economic relationships to ensure consistency and minimize conflicts.	This EIR has been prepared in accordance with this policy.
Water Quality Chapter	
Policy 11.02. Encourage “watershed management” programs and strategies, recognizing the primary role of local governments in such efforts.	The Natural Resources Element of the proposed General Plan Update includes goals and policies related to Water Quality that encourage watershed management programs and strategies.
Policy 11.05. Support regional efforts to identify and cooperatively plan for wetlands to facilitate both sustaining the amount and quality of wetlands in the region and expediting the process for obtaining wetlands permits.	Policies in the proposed General Plan Update would ensure that wetland resources are managed and maintained.
Policy 11.07. Encourage water reclamation throughout the region where it is cost-effective, feasible, and appropriate to reduce reliance on imported water and wastewater discharges. Current administrative impediments to increased use of wastewater should be addressed.	The proposed General Plan Update has identified the minimization of water consumption and expanded use of alternative water sources as goals in the Natural Resources Element. Policies to achieve this goal include the promotion of water reuse facilities and increased use of recycled water.
Open Space Chapter Ancillary Goals	
Policy 9.01. Provide adequate land resources to meet the outdoor recreation needs of the present and future residents in the region and to promote tourism in the region.	The proposed General Plan Update would increase parkland due to potential acquisition of Banning Ranch for open space. Even if Banning Ranch is developed, a substantial portion of the site would remain open space. Provisions for parkland also exist in the Sunset Ridge and Airport Area facilities. The General Plan Update would also preserve existing recreational resources to provide an appropriate range of active and passive parkland facilities to meet park acreage standards and to meet the recreational needs of the City’s population and promote tourism.
Policy 9.02. Increase the accessibility to open space lands for outdoor recreation.	Policies in the proposed General Plan Update would create and maintain a parkland system that is identifiable, safe, and accessible to all users.
Policy 9.04. Maintain open space for adequate protection of lives and properties against natural and man-made hazards.	Policies in the proposed General Plan Update would provide open spaces to protect development from natural environmental hazards.

Table 4.8-2 SCAG Regional Comprehensive Plan and Guide Policies

<i>SCAG RCPG Policies</i>	<i>Project Consistency</i>
<p>Policy 9.05. Minimize potential hazardous development in hillsides, canyons, areas susceptible to flooding, earthquakes, wildfire and other known hazards, and areas with limited access for emergency equipment.</p>	<p>In the Geology and Soils section (4.5) of this EIR, potential hazards associated with development in hillsides and earthquakes are analyzed. Potential hazards associated with wildfires are analyzed in Section 4.11 (Public Services—Fire Protection) of this EIR. Development in areas susceptible to flooding is analyzed in the Hydrology and Water Quality section (4.7) of this EIR. Developmental hazards associated with emergency access are analyzed in the Hazards and Hazardous Materials section (4.6) of this EIR. Potential hazards discussed in this EIR would be minimized through the implementation of proposed policies and mitigation measures.</p>
<p>Policy 9.06. Minimize public expenditure for infrastructure and facilities to support urban type uses in areas where public health and safety could not be guaranteed.</p>	<p>Policies in the proposed General Plan Update would serve to ensure that the health, safety and general welfare of residents and visitors of the City of Newport Beach would be provided through good land use planning and strict adherence and enforcement of the Uniform Fire Code, Certified Unified Program Agency, and other pertinent sources and documents.</p>
<p>Policy 9.08. Develop well-managed viable ecosystems or known habitats of rare, threatened, and endangered species, including wetlands.</p>	<p>Policies in the proposed General Plan Update would protect, enhance, and sustain significant plant and wildlife species and habitat along with protecting natural and biological resources within riparian corridors and wetlands. Policies are also provided to ensure that wetland resources are managed and maintained.</p>
<p>Regional Transportation Plan</p>	
<p>Policy 4.01. Transportation investments shall be based on SCAG’s adopted Regional Performance Indicators.</p>	<p>The Circulation and Land Use Elements of the proposed General Plan Update also contain goals and policies to reduce traffic congestion and provide adequate transportation facilities. During preparation of this element, SCAG’s plans and policies were considered in formulation of the policies in the General Plan Update.</p>
<p>Policy 4.02. Transportation investments shall mitigate environmental impacts to an acceptable level.</p>	<p>The Circulation Element includes transportation improvements that reduce impacts associated with the local transportation system as a result of implementation of the General Plan Update. However, as discussed in Section 4.13 (Transportation/Traffic), a significant cumulative unavoidable impact related to freeway ramps would remain. These roadways are outside the City’s jurisdiction and control and impacted by regional growth. The proposed General Plan Update includes policies regarding regional traffic mitigation (CE 3.1.4) that encourage participation in programs to mitigate regional traffic congestion.</p>
<p>Policy 4.03. Transportation Control Measures shall be a priority.</p>	<p>The proposed General Plan Update contains policies to participate in regional air quality management plans, programs, and enforcement measures, including Transportation Systems Management (TSM) or Travel Demand Management (TDM).</p>
<p>Policy 4.16. Maintaining and operating the existing transportation system will be a priority over expanding capacity.</p>	<p>The proposed General Plan Update incorporates policies aimed at relieving congestion through implementation of alternative transportation system management strategies, supporting the development of a public transportation system, and development of a convenient bikeway and hiking trail systems. All improvements would occur within existing rights of way.</p>

Santa Ana Basin Plan

The Santa Ana Basin Plan is designed to preserve and enhance water quality and protect the beneficial uses of all regional waters. Specifically, the Basin Plan (1) designates beneficial uses for surface and ground waters, (2) sets narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the State’s anti-degradation policy, and (3) describes implementation programs to protect all waters in the region. In cases where a Basin Plan does not contain a standard for a particular pollutant, other criteria are used to establish a standard. Other criteria may be applied from State Water Resources Control Board (SWRCB) documents (e.g., the Inland Surface Waters Plan and the Pollutant Policy Document) or from water quality criteria developed under Section 304(a) of the *Clean Water Act*. Development within the City is required to comply with all applicable water quality requirements established by the Santa Ana and San Diego RWQCBs and SWRCB. Therefore, implementation of the proposed project would be consistent with the relevant Basin Plans, which implement the *Porter-Cologne Water Quality Control Act*.

Local Plans

Locally-adopted land use plans, policies, or regulations that would be applicable to the proposed project include the City’s Zoning Code, Coastal Land Use Plan, specific plans, and the AELUP for John Wayne Airport.

The City of Newport Beach Zoning Code, Title 20 of the City’s Municipal Code, is one of the primary means of implementing the General Plan. Adoption of the proposed General Plan Update would require a review of the Zoning Ordinance regarding policies pertaining to land use, density/intensity, design and development, resource conservation, public safety, and other pertinent topics to assure consistency. In particular, the Zoning Map would need to be revised to be consistent with the proposed General Plan Update Land Use Plan, incorporating new land use categories and density limits for each parcel. Further, the General Plan Update proposes new designations that would need to be reflected in the Zoning Code. These include a greater range of categories for residential, commercial, and industrial uses; a new “Residential Village” category that provides for a mix of housing types with local services; new mixed use categories, and the separation of “park” and “open space” categories. Further, land use designations for Banning Ranch would need to be established if this area is annexed to the City. However, State law requires that the Zoning Code be revised to reflect the adopted General Plan Update within a reasonable period of time, which is typically one year. During this time, there would be temporary conflicts between the Zoning Code and the proposed General Plan Update; however, development within the City would be required to adhere to the more restrictive regulation.

The City has Specific Plans for several areas of Newport Beach. Specific Plans are generally more limited in their scope than those authorized by the State Government Code. They are more specific than the underlying zoning requirements in their definition of permitted land uses and development standards to reflect the unique characteristics of their planning area. Specific Plan areas include the following:

- Newport Shores
- Mariners’ Mile
- Cannery Village/McFadden Square

- Santa Ana Heights
- Central Balboa
- Old Newport Boulevard
- Corona del Mar

A “place holder” is included in the Code for the anticipated future preparation of a specific plan for Corona del Mar.

Upon adoption of the General Plan Update, the City will review its currently adopted Specific Plans and revise these where necessary to reflect changes made in the proposed General Plan Update, such as land use, density/intensity, design and development. Comparable to the Zoning Ordinance, the statutes allow a “reasonable” time for these modifications, which the courts have generally interpreted to be one year from the date of proposed General Plan Update adoption. As the Specific Plans in the City are typically designed to refine the uses set forth in the General Plan and provide further guidance for development in the area, conflicts are anticipated to be limited, although there could be temporary conflicts between the Specific Plans and the proposed General Plan Update. However, development within the City would be required to adhere to the more restrictive regulation.

The Coastal Land Use Plan (CLUP) was prepared as required by the California Coastal Act of 1976 and as part of the Local Coastal Program (LCP). The CLUP sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City of Newport Beach and its SOI, with the exception of Newport Coast and Banning Ranch.⁶³ The City Council adopted the CLUP on December 13, 2005, and the Coastal Commission subsequently certified the CLUP on February 8, 2006. The Local Implementation Plan (LIP) is in the final stages of preparation. The proposed General Plan Update was prepared in consideration of the approved CLUP, and many of its policies were directly incorporated in the Land Use, Natural Resources, Recreation and Public Safety Elements. However, there are a number of policies in the proposed General Plan Update that may deviate from those in the approved CLUP and LIP. Among these are policies for inclusion of housing and mixed-use developments in portions of the coastal zone and the revised land use classification and density/intensity system. It will be necessary to review and amend the CLUP and LIP for consistency and submit these to the Coastal Commission for certification. During this time, there would be temporary conflicts between the CLUP and the proposed General Plan Update; however, development within the City would be required to adhere to the more restrictive regulation.

The AELUP for John Wayne Airport contains policies governing the land uses surrounding the airport. Specifically, these policies establish development criteria that protect sensitive receptors from airport noise, persons from risk of operations, and height guidelines to ensure aircraft safety. The preparation of the proposed General Plan Update considered the guidelines in the AELUP. The Airport Area in the proposed General Plan Update includes development of new residential uses. This subarea is entirely within the Airport Environs Land Use Plan area and subject to the AELUP. Provided that residential

⁶³ Newport Coast is governed by the previously certified and currently effective Newport Coast segment of the Orange County Local Coastal Program. Banning Ranch is a Deferred Certification Area due to unresolved planning issues for the area.

uses remain outside the 65 dBA CNEL contour, the General Plan Update would be consistent with the AELUP. AELUP Policy 3.2.1 identifies the criteria by which development within the boundaries of the AELUP may be found to be inconsistent with the Plan. These are (1) places people so that they are affected adversely by aircraft noise; (2) concentrates people in areas susceptible to aircraft accidents; (3) permits structures of excessive height in areas which would affect adversely the continued operation of the airport; or (4) permits activities or facilities that would affect adversely aeronautical operations. Residential development in the Airport area outside of the 65 dBA CNEL noise contour would ensure that none of these criteria are met, and the project would be consistent with the AELUP.

The proposed General Plan Update would also adhere to AELUP Policy 3.2.8 regarding height restriction zones surrounding the JWA (discussed previously in Section 4.8.3, Regulatory Framework), and AELUP Policy 3.2.9, which discusses the criteria used by the Airport Land Use Commission for Orange County to categorize a structure as inconsistent with the AELUP, for any development either within or outside the AELUP planning area. Structures that would be inconsistent with the AELUP include those that: (1) are determined to be a “Hazard” by the FAA; (2) would raise the ceiling or visibility minimums at an airport for an existing or planned instrument procedure; (3) would result in a loss in airport utility; or (4) would conflict with the VFR air space used for the airport traffic pattern or enroute navigation to and from the airport. None of the development permitted under the General Plan Update would be expected to meet these criteria.

As previously discussed, the proposed General Plan Update includes Policy LU 6.15.24, which states that development must be constructed within the height limits and residential uses must be located outside of areas exposed to the 65 dBA CNEL noise contour identified in the AELUP, unless the City Council makes appropriate findings for an override in accordance with applicable law. This policy allows the possibility for residential development to occur within the 65 dBA CNEL noise contour or height limits to be exceeded. The Campus Tract area and a large property to its east are currently developed with 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. This area is partially within the 65 dBA CNEL noise contour and could include residential uses, consistent with Land Use Policy 6.15.4. Residential development within any area inside the 65 dBA CNEL would result in conflicts with AELUP Policy 3.2.1, which results in a finding of inconsistent land uses if development places people so that they are affected adversely by aircraft noise or concentrates people in areas susceptible to aircraft accidents. Residential development within the 65 dBA CNEL would place residential units in an area adversely affected by aircraft noise and susceptible to aircraft accidents, since development would be beneath air traffic flight patterns. As such, if the AELUP is overridden by City Council, then development under the General Plan Update would be inconsistent with the AELUP. This impact would be *significant*.

As discussed within this impact, implementation of the proposed General Plan Update would not be inconsistent with applicable adopted plans, regulations, or policies, other than the AELUP if the City Council overrides that document. Therefore, impacts associated with potential inconsistencies with all other applicable land use plans for the City would be *less than significant*.

Threshold	Conflict with any applicable habitat conservation plan or natural community conservation plan
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The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

Implementation of the proposed General Plan Update within the City would be subject to the Orange County Central and Coastal Natural Community Conservation Plan (NCCCP). As discussed under Impact 4.3-2 in Section 4.3 (Biological Resources), the project would be in conformance with this conservation plan. Policy NR 10.2 explicitly states that future development must comply with the policies contained within the Orange County Natural Communities Conservation Plan, which would ensure compatibility with the Plan. Therefore, *no impacts* associated with potential inconsistencies with the applicable NCCP for the City and SOI would occur.

■ Cumulative Impacts

The geographic context for the cumulative impacts associated with land use issues is Orange County, which assumes full buildout of the proposed General Plan Update, in combination with buildout of the county as currently planned.

It is anticipated that future growth within parts of the County would result in infill development. Changes to the existing land use environment in the area could also occur through the conversion of vacant land and low density uses to higher density uses, or through conversions of existing land use (e.g., from commercial to residential). However, it is assumed that this future development would be consistent with the adopted general plans of incorporated cities within the County, as well as zoning requirements. This development is also anticipated to be consistent with CEQA review, mitigation requirements, and design review. Therefore, it can be assumed that through these requirements, future development would be substantially compatible with existing land uses. For this reason, cumulative impacts on land use as a result of incompatibilities between existing and future development would be *less than significant*. The contribution of the proposed General Plan Update to such cumulative land use impacts is *less than significant* and is thus not cumulatively considerable because development under the project would be compatible with the land uses that surround it. This cumulative impact would also be *less than significant*.

It is also anticipated that regional growth will be reviewed for consistency with adopted land use plans and policies by the County, City of Newport Beach, and other incorporated cities, in accordance with the requirements of CEQA, the State Zoning and Planning Law, and the State Subdivision Map Act, all of which require findings of plan and policy consistency prior to approval of entitlements for development. For this reason, cumulative impacts associated with inconsistency of future development with adopted plans and policies would be *less than significant*. In addition, the contribution of the proposed General Plan Update to such cumulative impacts would be *less than significant* as new development would be compatible with surrounding land uses and consistent with applicable plans, policies, and regulations. As a result, development under the proposed General Plan Update would not contribute to any cumulative

impacts associated with plan or policy inconsistency. This is considered to be a *less-than-significant* cumulative impact

■ Proposed General Plan Update Policies

Nearly all of the proposed General Plan Update Elements and associated policies therein would directly or indirectly affect the land use and planning effects of prospective growth within the City. The following is a partial list of policies that most directly affect implementation of the proposed project, and would further guarantee that project impacts to land use and planning would remain *less than significant*.

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.

Policy 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.

Policy LU 1.3 **Natural Resources**

Protect the natural setting that contributes to the character and identify of Newport Beach and the sense of place it provides for its residents and visitors. Preserve open space resources, beaches, harbor, parks, bluffs, preserves, and estuaries as visual, recreational and habitat resources.

Policy 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.

Policy 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.

Policy LU 1.6 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.

Goal LU 3 A development pattern that retains and complements the City’s residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.

Policy LU 3.4 Banning Ranch

Prioritize the retention of Banning Ranch as an open space amenity for the City and region, consolidating oil operations, enhancing wetland and other habitats, and providing parkland amenities to serve nearby neighborhoods. If the property cannot be acquired in a timely manner, 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 6.3.1 through 6.5.5.

Goal LU 5.1 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.

Policy LU 5.1.1 Compatible but Diverse Development

Establish property development regulations for residential projects to create compatible and high quality development that contributes to neighborhood character.

Policy 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.

Goal LU 5.2 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.

Policy LU 5.2.2 Buffering Residential Areas

Require that residential areas be buffered from adjoining nonresidential uses to the extent feasible, such as retail commercial and industrial, through the establishment of performance-based regulations, the removal of nonconforming uses, and other tools such as landscape screening.

Policy LU 5.2.3 Alley Design

Improve and enhance the aesthetic quality of alleys without impacting service access.

Goal LU 5.3 Districts where residents and businesses are intermixed that are designed and planned to assure compatibility among the uses, that they are highly livable for residents, and are of high quality design reflecting the traditions of Newport Beach.

Policy LU 5.3.1 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 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

Policy LU 5.3.2 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 LU 6.0 for a district or corridor.

Policy LU 5.3.3 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 5.1.8 and 5.2.2 and planned to assure 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.

Goal LU 6.2 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.

Policy LU 6.2.5 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 assure compatibility with adjoining residential addressing such issues as noise, lighting, and parking.

Goal LU 6.4 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.

Policy LU 6.4.5 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.

Policy LU 6.4.8 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.

Policy LU 6.4.11 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, streetscape improvements, development regulations, architectural design and landscape guidelines, processes for oil operations consolidation, habitat preservation and restoration plan, sustainability practices plan, financial implementation, and other appropriate elements.

Policy LU 6.5.1 Oil Operations

Relocate and cluster oil operations.

Policy LU 6.5.2 Active Community Park

Accommodate a community park of a minimum of 30 acres that contains active playfields that may be lighted and is of sufficient acreage to serve adjoining neighborhoods and, if developed, residents of Banning Ranch.

Policy LU 6.5.3 Habitat and Wetlands

Restore and enhance wetlands and wildlife habitats, in accordance with the requirements of state and federal agencies.

Policy LU 6.5.4 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.

Policy LU 6.5.5 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.

Policy LU 6.5.6 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.

6.5.11

Goal LU 6.6 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.

Policy LU 6.6.1 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”) with opportunities for new residential units (areas designated as “RH-C”).

Policy LU 6.6.2 Residential Types

Promote the development of a mix of residential types and building scales within the densities permitted by the “RH-A” 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 Newport Mesa, provided that the overall average density of 30 units per adjusted gross acre is not exceeded.

Policy LU 6.6.5 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 for local residents and enhance the area's identity.

Goal LU 6.8 A series of commercial, visitor-serving, marine related, 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.

Policy LU 6.8.1 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.

Goal LU 6.9 A pedestrian-oriented village environment that reflects its waterfront location, providing a mix of uses that serves visitors and local residents.

Policy LU 6.9.1 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), and mixed-use buildings that integrate residential with retail uses (areas designated as "MU-C2", Subarea "A"). Interior parcels (Subarea "B") may also contain mixed use buildings that integrate residential with office uses (designated as "MU-A1").

Policy LU 6.9.2 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 and restrict the development of residential along the waterfront to the upper floors of buildings above water-related, visitor-serving commercial, and similar uses.

Goal LU 6.10 A pedestrian-oriented residential neighborhood that provides opportunities for live/work facilities and supporting retail uses.

Policy LU 6.10.1 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 or live-work buildings to be developed on corner parcels.

Goal LU 6.11 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.

Policy LU 6.11.1 Priority Uses

Accommodate water-oriented commercial and supporting uses that support harbor recreation and fishing activities, and mixed-use structures with residential above ground level water-oriented uses.

Goal LU 6.12 A pedestrian-oriented village that reflects its location on the ocean, pier, and bay front, serving visitors and local residents.

Policy LU 6.12.1 Priority Uses

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

Goal LU 6.13 An economically viable pedestrian oriented village that serves local residents, visitors, and provides residential in proximity to retail uses, entertainment, and recreation.

Policy LU 6.13.1 Village Core (designated as "MU-A2")

Encourage local- and visitor-serving retail commercial and mixed use buildings that integrate residential with ground level retail or office uses on properties.

Policy LU 6.13.2 Bay Frontage (designated as CV-A')

Prioritize water-dependent, marine-related retail and services and visitor-serving retail.

Policy LU 6.13.3 Commercial Properties out of Village Core (designated as "RM-B")

Promote re-use for residential units.

Goal LU 6.14 A successful mixed-use district that integrates an 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..

Policy LU 6.14.5 Pedestrian Connectivity and Amenity

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.

Goal LU 6.15 A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitates walking and enhance livability.

Policy LU 6.15.1 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 assure a quality environment and compatible land uses.

Policy LU 6.15.3 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, and Jamboree), except where intended to serve and be integrated with new residential development.

Policy LU 6.15.4 Primary Uses

Accommodate office, industrial, retail, automobile service, hotels, and comparable uses that are related to and support the functions of John Wayne Airport, as permitted by the “CG-C” designation, while allowing for the redevelopment of properties for residential villages that are integrated with business park uses in accordance with policies 6.15.9 through 6.15.25.

Policy LU 6.15.8 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.

Policy LU 6.15.9 Residential and Supporting Uses

Accommodate the development of multi-family residential units, including work force housing, and mixed-use buildings that integrate residential with ground level office or retail uses in areas and supporting retail, grocery stores, and parklands. This may occur as replacement of existing buildings or as infill on parking lots, provided that the parking is replaced in a structure located on-site.

Policy LU 6.15.10 Number and Size of Residential Villages

Allow development of a maximum of four (4) mixed use residential villages, each centered on a neighborhood park and other amenities (as conceptually illustrated in Figure LU23). The first phase of residential development in each neighborhood shall encompass at least 10 gross acres of land, exclusive of existing rights-of-way. The 10 acres may include multiple parcels provided that they are contiguous or face one another across an existing street. The 10 acre requirement may be waived for projects of at least 5 acres if a concept plan is

prepared that integrates existing and new uses into a cohesive mixed-use neighborhood and achieves the objectives for the Airport Area.

Policy LU 6.15.24 Airport Compatibility

Require that all development be constructed within the height limits and residential be located outside of areas exposed to the 65 dBA CNEL noise contour specified by the Airport Environs Land Use Plan (AELUP) residential, unless the City Council makes appropriate findings for an override in accordance with applicable law.

Policy LU 6.15.25 Sustainable Development Practices

Require that development 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 architectural elements that reduce heat gain and loss.

Goal LU 6.16 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.

Policy LU 6.16.5 Compatibility of Business Operations with Adjoining Residential Neighborhoods

Work with local businesses to assure that retail, office, and other uses do not adversely impact adjoining residential neighborhoods. This may include strategies addressing hours of operation, employee loitering, trash pickup, truck delivery hours, customer arrivals and departures, and other activities.

Policy LU 6.16.6 Design Compatibility with Adjoining Residential Neighborhoods

Require that building elevations facing adjoining residential units be designed to convey a high quality character and assure 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.

Goal LU 6.18 A corridor of uses and services that support Hoag Hospital and adjoining residential neighborhoods.

Policy LU 6.18.1 Priority Uses

Accommodate uses that serve adjoining residential neighborhoods and support Hoag Hospital, including, on the east side of the Boulevard, mixed use buildings that integrate residential above ground level retail or office uses and live/work facilities.

Policy LU 6.18.2 Discouraged Uses

Highway-oriented retail uses should be discouraged and new “heavy” retail uses, such as automobile supply and repair uses, prohibited.

Goal LU 6.19 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.

Policy LU 6.19.1 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) community/neighborhood serving “village” generally between Riverside Avenue and the southerly extension of Irvine Avenue, and (c) highway-oriented commercial.

Policy LU 6.19.2 Bay Fronting Properties (*designated as “MU-C1”*)

Encourage marine-related and visitor-serving retail, restaurant, hotel, institutional, and recreational uses, and allow residential uses on parcels with a minimum frontage of 200 lineal feet where a minimum of 50% of the permitted square footage shall be devoted to nonresidential uses.

Policy LU 6.19.4 Inland side of Coast Highway (*designated as “MU-B1” and “CG-B”*)

Accommodate a mix of visitor and local-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.

Goal LU 6.20 A pedestrian-oriented “village” serving as the center of community commerce, culture, and social activity and providing identity for Corona del Mar.

Policy LU 6.20.1 Primary Uses

Accommodate neighborhood-serving uses that complement existing development.

Policy LU 6.20.5 Complement the Scale and Form of Existing Development

Permit new development at a maximum intensity of 0.5 FAR, but allow existing buildings that exceed this intensity to be renovated, upgraded, or reconstructed to their pre-existing intensity.

Goal NR 10 Protection of sensitive and rare terrestrial and marine resources from urban development.

Policy NR 10.2 Orange County Natural Communities Conservation Plan

Comply with the policies contained within the Orange County Natural Communities Conservation Plan.

Airport Environs Land Use Plan for John Wayne Airport—Land Use Policies

The policies listed below are from the AELUP for John Wayne Airport, prepared by the Airport Land Use Commission. These policies are not part of the General Plan Update and are included here for reference only.

AELUP 3.2.1 General Policy

The General Land Use policy of the Airport Land Use Commission for Orange County shall be:

Within the boundaries of the AELUP, any land use may be found to be inconsistent with the AELUP which

- Places people so that they are affected adversely by aircraft noise,
- Concentrates people in areas susceptible to aircraft accidents,
- Permits structures of excessive height in areas which would affect adversely the continued operation of the airport, or
- Permits activities or facilities that would affect adversely aeronautical operations.

AELUP 3.2.8 Height Restriction Zone

Any object, which by reason of its height or location would interfere with the established, or planned, airport flight procedures, patterns, or navigational systems, is unacceptable to the Commission. Similarly, any proposal which would cause a diminution in the utility of an airport is unacceptable to the Commission. The standards, criteria, and procedures promulgated by the FAA for the thorough

evaluation of development projects are designed to ensure the safe and efficient use of the navigable airspace. The application of these principles by the Commission will ensure the stability of local air transportation, as well as promote land uses that are compatible with the airport environs. However, any object which rises above the height of surrounding development, or which is located in close proximity to any of the various flight paths, must be clearly visible during hours of twilight or darkness and must not threaten, endanger, or interfere with aeronautical operations. Such objects, even if within the above height restrictions, are not acceptable to the Commission unless they are clearly marked or lighted according to FAA standards.

AELUP 3.2.9 Airspace/Airport Inconsistency

In reviewing projects, the Commission will find any structure, either within or outside of the planning areas, inconsistent with this AELUP if it:

- Is determined to be a “Hazard” by the FAA;
- Would raise the ceiling or visibility minimums at an airport for an existing or planned instrument procedure (i.e., a procedure consistent with the FAA-approved airport layout plan or a proposed procedure formally on file with the FAA);
- Would result in a loss in airport utility, e.g. in a diminution of the established operational efficiency and capacity of the airport, such as by causing the usable length of the runway(s) to be reduced; or
- Would conflict with the VFR air space used for the airport traffic pattern or enroute navigation to and from the airport.

AELUP 3.2.10 Avigation Easements

The dedication of an avigation easement in favor of an airport proprietor is designated as a method which may be employed by the airport proprietors for controlling and reducing noise problems surrounding airports, pursuant to Title 21, California Code of Regulations, Section 5037.

Therefore, in recognition of Section 5037 and in order to codify long-standing Commission policy and practice as exemplified by Airport Land Use Commission Resolution 79-2, the continuing policy of the Commission is that an avigation easement may be considered by the Commission if so requested by a local agency or project proponent as a factor which may render a land use, within the AELUP planning area set forth in Section 3.2.2 (Noise Impact Zone “1”), consistent with the AELUP. However, nothing in this section shall be deemed to confer upon the Commission the legal jurisdiction or authority to require, compel or mandate the dedication of an avigation easement as a condition of consistency; and the lack of an avigation easement shall not constitute the basis for a determination by the Commission that a project is inconsistent with the AELUP. This section is applicable only to projects submitted to the Commission by local agencies after the adoption of the revisions set forth herein and only to projects within the subject matter jurisdiction of the Commission.

AELUP 3.3 Specific Policies for Consistency Determinations

AELUP 3.3.1 As set forth in Public Utilities Code Sections 21676 and 21676.5 and as discussed in the California Airport Land Use Planning Handbook, a key responsibility of an airport land use commission is to review particular types of local actions for compliance with the criteria and policies set forth in a commission's adopted compatibility plan.

AELUP 3.3.2 Section 3.0 of the Airport Environs Land Use Plan sets forth the policies and criteria by which a local action can be reviewed, and a determination made of its consistency/inconsistency with the AELUP.

AELUP 3.3.3 The ALUC may find a local action consistent with the AELUP; or

AELUP 3.3.4 The ALUC may find a local action consistent with the AELUP with condition(s) attached if the local agency/project proponent offer such conditions. These conditions serve to mitigate a project which would otherwise be found inconsistent with the AELUP; or

AELUP 3.3.5 The ALUC may find an action inconsistent with the AELUP.

AELUP 3.3.6 Examples of conditions which may serve to mitigate a project/action and thus may permit the ALUC to make a finding of consistency include the following:

- Requirement for the lighting of structures per FAA Standards as set forth in FAA Advisory Circular 70/7460-1J "Obstruction Marking and Lighting".
- Specification of maximum density of residential development
- Specification of maximum intensity of non-residential development
- Appropriate written notification, (as set forth in the "Noise Disclosure" and "Notice of Airport in Vicinity" definitions), for residential and other noise sensitive land uses (as described in Table 1), of aircraft noise impact, to all initial and subsequent buyers, lessees, and renters within the AELUP Noise Impact Zones set forth in Sections 3.2.2 and 3.2.4, may on a case-by-case basis be a condition/mitigation for a land use to be found consistent with this AELUP.
- Inclusion of a statement on the Final Tract or Parcel Map and the Deed Disclosure Notice, for property in Noise Impact Zone "1" or Zone "2", that the residential or other noise-sensitive land use property is subject to aircraft noise impact in substantially this form:
 - › This property is in an area in the vicinity of John Wayne Airport and as a result residents and occupants of buildings may experience inconvenience, annoyance or discomfort arising from the noise resulting from aircraft operating at the airport.
 - › State law (Public Utilities Code Section 21670 et seq) establishes the importance of public use airports for the protection of public interest of the people of the State of California. Residents and building occupants near a public airport should therefore be prepared to accept such inconvenience, annoyance, or discomfort from normal aircraft operations.

- › Any subsequent deed conveying parcels or lots shall contain a statement in substantially this form.
- Presentation of evidence that commercial and industrial structures are sufficiently sound attenuated to allow normal work activities to be conducted. The structures should be attenuated to at least meet the level specified in Section 3.2.3 (Noise Impact Zone “1”).
- If offered by a local agency or project proponent, dedication of an avigation easement in favor of an airport proprietor for residential and other noise-sensitive uses as described in Table 1 under “Community Facilities” of this AELUP.

The dedication of an avigation easement in favor of an airport proprietor is designated as a method which may be employed by airport proprietors for controlling and reducing noise problems surrounding airports, pursuant to Title 21, California Code of Regulations, Section 5037.

- Application of a “Notice of Airport in Vicinity” prior to January 1, 2004. The Commission may elect to mitigate a residential action/project under the “airport influence area” as defined by Subdivision (b) of Section 11010 of the Business and Professions Code, by including a condition based on the language added to Section 11010 of the Business and Professions Code prior to the operative date (January 1, 2004) of this section by the inclusion of the following language on the Final Tract or Parcel Map and the Deed Disclosure Notice for residential property.

NOTICE OF AIRPORT IN VICINITY

This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitivities to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.

- Other condition(s) as determined by the Commission which would mitigate an action/project.

■ **Impacts and Mitigation Measures**

No mitigation measures are feasible to reduce impacts associated with land use conflicts and AELUP conflicts.

Level of Significance After Policies/Mitigation Measures

Impacts associated with land use compatibility would be *less than significant*, with the exception of land use conflicts from residential development within the 65 dBA CNEL Contour in the Airport Area. Land Use conflicts in the airport area due to residential development, if it occurs, would be *significant and unavoidable*.

Impacts associated with the physical division of an established community would be *less than significant*.

Impacts associated with potential conflicts with adopted plans and policies would be *less than significant*, with the exception of AELUP conflicts. If residential development occurs within the 65 dBA CNEL contour, then conflicts with the AELUP would be *significant and unavoidable*.

No impacts associated with potential inconsistencies with the applicable NCCP would occur.

4.8.6 References

Airport Land Use Commission. 2002. Orange County Airport Environs Land Use Plan for John Wayne Airport, December 19.

Newport Beach, City of. 2004. Technical Background Report, June.

Airport Land Use Commission, 2002. Orange County Airport Environs Land Use Plan for John Wayne Airport. December 19.

