

4.1 LAND USE AND PLANNING

4.1.1 Existing Conditions

Existing Land Use

Existing site conditions and a description of the surrounding property are discussed in Chapter 3.0 (Project Description).

Land Use Planning

Newport Beach General Plan

The City of Newport Beach completed the first comprehensive revision of the City's General Plan in over 30 years in 2006. The General Plan presents a vision for the city's future and a strategy to make that vision a reality. The General Plan recognizes that the City is primarily a residential community with diverse coastal and upland neighborhoods and is nearly fully developed. As a result, the Plan focuses on conserving the existing pattern of land uses and establishes policies for their protection and long-term maintenance. The discussion presented below provides a summary of each of the elements of the Comprehensive General Plan.

Land Use Element

The Land Use Element provides policy guidance regarding the ultimate pattern of development anticipated for full buildout of the City. It provides the basis for zoning regulations and other municipal code standards. Because the City is nearly fully developed, this element focuses on how population and employment growth can be accommodated yet still preserve its distinguishing and valued qualities. The subject property is located within the residential area of Corona del Mar south of Bayside Drive. Specifically, the site is located within Statistical Area F3, which encompasses the east side of the Newport Harbor entrance and Corona del Mar State Beach. The land use designations within this statistical area include a range of residential densities, including Single-Unit Residential Detached (RS-D), Two Unit Residential (RT), and Multiple-Unit Residential (RM). Other land use designations include Private Institutions (PI) and Parks and Recreation (PR). The subject property is designated RM and RT. Exhibit 4.1-1 illustrates the land use designations adopted for the subject property and the surrounding area.

Harbor and Bay Element

This element of the General Plan addresses natural resources, community identity, and economic characteristics of the City given the location of Newport Beach on the coast. Some aspects of the Harbor and Bay Element address public access, water quality, and natural environment as well as land use policies relating to the waterfront uses along Newport Harbor.

Circulation Element

The Circulation Element governs the long-term mobility systems of the City. The goals and policies in this element are closely correlated with the Land Use Element and are intended to provide the best possible balance between the City's future growth and land use development, roadway size, traffic service levels, and community character. Figure CE1 in the Circulation Element reflects the City's Master Plan of Streets and Highways. With the exception of Coast Highway, no Master Plan roadways are located in the immediate vicinity of the subject property. The Circulation Element also includes the Bikeways Master Plan (refer to Figure CE4 in the Circulation Element). As indicated in that figure, a Class I Bikeway (i.e., off-road paved facility) is identified north of the site on Bayside Drive approximately 700 feet northeast of the project site. The City has also adopted an Equestrian and Hiking Trails Master Plan (refer to Figure CE5 in the Circulation

Element). None of these existing and proposed trails, which are confined to the area north of the Upper Newport Bay and south of San Joaquin Hills Road, exist within the vicinity of the project.

Safety Element

The primary goal of the Safety Element is to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from natural and human-induced hazards. The Newport Beach Safety Element provides policy guidance related to coastal hazards (e.g., tsunamis, coastal erosion, etc.), geologic hazards (e.g., slope failures, adverse soils conditions, etc.), seismic hazards (e.g., liquefaction, ground shaking, etc.), flood hazards, wildland and urban fire hazards, hazardous materials (e.g., hazardous waste, leaking underground storage tanks, etc.) aviation hazards, and disaster planning.

- *Coastal Hazards*

Newport Beach is susceptible to low-probability/high risk events such as tsunamis as well as isolated hazard that include storm surges and coastal erosion. The Safety Element addresses these potential hazards, which are generally limited to the portions of the City located immediately adjacent to the coast, within and adjacent to Newport Harbor and the Upper Newport Bay areas. A portion of the subject property is located within the limits of the 100-year zone established for tsunami inundation at extreme high tide identified in Figure S1 (Coastal Hazards) in the Safety Element.

- *Geologic Hazards*

The geologic diversity of Newport Beach is strongly related to tectonic movement along the San Andreas Fault and its broad zone of subsidiary faults. This along with sea level fluctuations related to changes in climate, has resulted in a landscape that is also diverse in geologic hazards that have the potential to cause loss or harm to the community and/or the environment. The major geologic constraints identified in the Safety Element include slope failure, compressible soils, and expansive soils. Based on that Figure S2 (Seismic Hazards), the site is not underlain by adverse conditions, and is subject to the potential for slope failure as indicated on that exhibit in the Safety Element.

- *Seismic Hazards*

The greatest potential for seismic activity to affect the City of Newport Beach is activity occurring along the Newport-Inglewood Fault zone, the Whittier Fault zone, the San Joaquin Hills Fault zone, and the Elysian Park Fault zone, which with the potential to cause moderate to large earthquakes that would result in ground shaking in the City and in nearby communities. Other secondary seismic effects include liquefaction and seismically-induced slope failure. However, no portion of the site is identified in the Safety Element as subject to potential liquefaction associated with seismic activity.

- *Flood Hazards*

The Safety Element also addresses potential flooding associated with significant storm events. The 100- and 500-year flood zones within the City of Newport Beach have been mapped by the Federal Emergency Management Agency (FEMA). Based on the FEMA studies, no portion of the subject property is subject to inundation resulting from either a 100- or 500-year storm event.

- *Fire Hazard*

The City's Safety Element also addresses wildland fire hazards (refer to Figure S4). The City is distinguished by three classifications of fire susceptibility, including: High, Moderate, and Low/None; the City does not contain "Very High Fire Hazard Severity Zones as defined by Government Code Section 51179. The majority of the City, including the subject site is identified to have a Low/None

classification for fire susceptibility potential. The City of Newport Beach has adopted the 2001 California Fire Code with City amendments and some exceptions. These provisions include construction standards in new structures and remodels, road widths and configurations designed to accommodate the passage of fire trucks and engines, and requirements for minimum fire flow rates for water mains.

- *Hazardous Materials*

The Hazardous Materials component of the Safety Element addresses several areas related to hazardous materials, including toxic release inventory, hazardous waste, leaking underground storage tanks, oil fields, methane gas mitigation districts, and hazards overlay. The Safety Element includes programs for ensuring that the potential for the release of hazardous materials into the environment is minimized.

- *Aviation Hazards*

The City of Newport Beach borders the southeastern portion of John Wayne Airport (JWA); however, the subject property is located approximately five miles southwest of JWA, which generates nearly all of the aviation traffic affecting the City of Newport Beach. Although the accident potential zones delineated for JWA are located in the areas adjacent to and surrounding the airport, three areas within the City were found to be subject to increased vulnerability to aviation hazards due to the location and orientation of runways and flight patterns: portions of the Balboa Peninsula, Balboa Island, and Upper Newport Bay. However, no portion of the subject property has been identified as subject potential aviation hazards.

- *Disaster Planning*

Any potential hazard occurring in the City of Newport Beach resulting from either man-made or natural disasters may require the evacuation of residents of the City. In order to facilitate such evacuation, the City employs the Standardized Emergency Management System for emergency response. This system provides for assistance by one or more emergency response agencies as well as the potential implementation of other policies and plans from the County of Orange, State of California and/or federal government. In addition, the City has adopted an Emergency Management Plan that is implemented in the event of any emergency. This plan is prepared and updated by the Newport Beach Fire Department.

Housing Element

The Housing Element is designed to facilitate attainment of the City's Regional Housing Needs Allocation (RHNA) and to foster the availability of housing to all income levels to the extent possible given the constraints within the City. The Housing Element is a comprehensive statement of the City's housing policies and services as a specific guide for implementation of these policies and is closely correlated with the Land Use Element. The Element examines current housing needs, estimates future housing needs, and establishes goals, policies, and programs pertaining to those needs. According to the updated data presented in the Housing Element, the City had a total of 42,143 housing units in 2005, including approximately 62 percent of the homes that were single-family detached and attached, 17 percent duplex to fourplex units, 23 percent multiple-family homes, and two percent mobile homes. The site is designated as RM and RT and, therefore, is intended to contribute to the supply of housing within the City of Newport Beach.

Noise Element

The Noise Element serves as a tool for including noise control in the planning process, which is intended to ensure land use compatibility. This element identifies noise sensitive land uses as well as the sources of noise, defines areas of noise impacts for the purpose of developing policies intended to protect residents and sensitive receptors from the effects of excessive noise. The most common noise sources in the City of Newport Beach include the existing freeway/highway system and the major arterial roadways extending throughout the City. In addition, aircraft operations associated with John Wayne Airport (JWA) also result in noise excessive noise levels in parts of the City. Other aircraft operations related to helicopter operations at Hoag Hospital are also a source of noise that affects residential uses in the vicinity of the hospital. Newport Beach has the largest small boat harbor in Southern California. The operations of the small motorized boats generate undesirable noise in proximity to residences. Non-transportation related noise sources include restaurant/bar/entertainment establishments, mixed-use structures, mechanical equipment, and recreational facilities. Figures N1 and N5 in the Noise Element indicate that no portion of the property is subject to either existing or future vehicular noise associated with traffic on the surface roadways in the project environs. In addition, the site is located outside of the 60 dBA CNEL noise contour established for aircraft operations at JWA. The Noise Element articulates policies that are intended to ensure that construction noise is minimized to avoid impacts to sensitive land uses through limitations on hours of truck deliveries and enforcement of the Noise Ordinance noise limits and limits on the hours of maintenance and/or construction activity in or adjacent to residential areas.

Natural Resources Element

The primary objective of the Natural Resources Element is to provide policy direction regarding the conservation, development, and utilization of natural resources. It identifies the City's natural resources and policies for their preservation, development and use. The element addresses water supply and water quality, air quality, biological resources, open space, cultural and scientific resources, mineral resources, visual resources, and energy. Although no portion of the site is identified as a potential resource, Figure NR1 in the Natural Resources Element identified an eelgrass bed in proximity to the subject property; however, this area is not identified as an environmental study area (ESA) on Figure NR2. Important biological resources are limited to the coastal areas, Newport Harbor, and Upper Newport Bay and the areas adjacent to it (refer to Figure NR1 in the Natural Resources Element. This element of the General Plan also addresses aesthetic resources, with emphasis on coastal views. Figure NR3 in the Natural Resources Element identifies Ocean Boulevard as a Coastal View Road and the corner of Ocean Boulevard and Carnation Avenue is designated as a Public View Point. Begonia Park is also located approximately one quarter mile northwest of the site.

Historical Resources Element

This Element addresses the protection and sustainability of Newport Beach's cultural, historic and paleontological resources. Goals and policies presented within the element are intended to recognize, maintain, and protect the community's unique historical, cultural, and archaeological sites and structures. Figure HR1 (Historic Resources) in the Historical Resources Element identifies the historic resources includes on the National Register of Historic Places, California Historical Landmarks, other historic sites or potentially historic sites in the California Historic Resources Information System (CHRIS) database, and other historic sites in the City's Register. None of the sites identified in Figure HR1 are located on the project site.

Recreation Element

The primary purpose of the Recreation Element is to ensure that the balance between the provision of sufficient parks and recreation facilities are appropriate for the residential and business population of Newport Beach. Specific recreational issues and policies contained in the Recreation Element address parks and recreation facilities (278 acres of developed parks), recreation programs, shared facilities, coastal recreation and support facilities, marine recreation, and public access. The existing recreational facilities are identified

on Figure R1 in the Recreation Element. Begonia Park is located north of the subject property. The site is within the viewshed of portions of the recreational facility.

Newport Beach is divided into recreation service areas for the purposes of park planning and to equitably administer parkland dedications and fees provided by residential development. The subject property is located within Service Area 10 (i.e., Corona del Mar). The land dedicated to recreational facilities in this service area is mostly within Corona del Mar State Beach. There is a deficit of 9.1 acres of combined park/beach acreage within this service area. The Service Area 10 Recreation and Open Space Plan (refer to Figure R3 in the Recreation Element) reflects the distribution of beaches and public park facilities.

Arts and Cultural Element

The goals and policies of the Arts and Cultural Element are intended to serve as a guide for meeting the future cultural needs of the community. The City's Arts Commission acts in an advisory capacity to the City Council on matters including artistic aspects of the City. This commission also participates in the designation of historical landmarks and reviews design elements for public sculpture, fountains, murals, benches, and other fixtures.

Newport Beach Local Coastal Program

The subject property is located within the Coastal Zone and is subject to the land use regulations prescribed in the Coastal Land Use Plan (CLUP) certified by the Coastal Commission in 2005. The City does not have a certified implementation plan and, therefore, the City does not have coastal development permit jurisdiction. The CLUP was derived from the Land Use Element of the General Plan. The land use intensity or residential density limit is prescribed in the CLUP. Although the Land Use Element may contain more precise development limits for specific properties, the land use intensity or residential density limit that is the most protective of coastal resources takes precedence should a conflict exist with the CLUP. However, in no case shall the policies of the CLUP be interpreted to allow a development to exceed a development limit established by the General Plan or its implementing ordinances. As previously identified, the subject property is designated RM-A, with a small parcel (i.e., 584 square feet) designated RM-D.

In addition to identifying goals and policies for future development within the City's coastal zone, the CLUP identified several planning study areas that encompass certain areas of the City that are characterized by unique land use and/or development characteristics that cannot be properly addressed through standard land use designations; however, the subject property is not located within one of the planning study areas. The CLUP prescribes the development review process, which requires a coastal development permit prior to commencement of any development in the coastal zone, with the exceptions of development in areas where the Coastal Commission retains permit jurisdiction, developments where an amendment to a Coastal Commission-issued permit is required, developments determined to be categorically excluded according to the categories and standards established by the Coastal Commission, and developments determined to be excluded from the coastal development permit requirements pursuant to Public Resources Code Section 30610 and its implementing regulations. The proposed project is subject to the City's coastal development review process.

Zoning

The subject property is zoned R-2 (Two-Family Residential) and MFR (2178) (Multiple Family Residential – 2,178 square feet of land area /dwelling unit). These zoning classifications are consistent with the adopted General Plan land use designations, which would allow both single-family and higher density multiple-family residential development on the site. The R-2 zoning would permit up to ___ dwelling units/acre; the MFR zoning would permit up to 20 du/ac.

SCAG Policies and Programs

The Southern California Association of Governments (SCAG) is a Joint Powers Agency that was established under the California Government Code. Under federal and state law, SCAG is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO) having the mandated roles and responsibilities described below.

As the region's MPO, SCAG is required to maintain a continuing cooperative and comprehensive transportation planning process resulting in a Regional Transportation Plan and a Regional Transportation Improvement Program. Further, as the RTPA, SCAG is also responsible for both preparation of the Regional Transportation Plan (RTP) and Regional Transportation Improvement Plan (RTIP).

SCAG is also responsible for developing the demographic projections and the integrated land use, housing, employment, and transportation programs, measures, and strategies portions of the South Coast Air quality Management Plan and is responsible for determining conformity of projects, plans and programs to the Air Quality Management Plan prepared by the South Coast Air Quality Management District.

The Growth Management chapter of the Regional Comprehensive Plan and Guide (RCPG) contains several policies that are particularly applicable to the proposed project, including those related to population, housing and employment and the provision of adequate public facilities and infrastructure. The Growth Management chapter contains goals to improve the regional standard of living, quality of life, and to provide social, political, and cultural diversity. The Air Quality chapter of the RCPG contains core actions related to development to ensure that regional air quality goals and objectives are met. In addition, the Water Quality chapter also contains core recommendations and policy options to restore and maintain the chemical, physical and biological integrity of the nation's water and to achieve and maintain water quality objectives that are necessary to protect the beneficial uses of all waters.

4.1.2 Significance Criteria

Land use impacts are considered significant if the proposed project will conflict with the adopted plans and goals of the community as expressed in the Newport Beach General Plan. In addition, the following would be considered significant adverse impacts of the proposed project related to land use as identified in Appendix G of the State CEQA Guidelines:

- Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.
- Conflict with an adopted habitat conservation plan or natural community conservation plan.
- Physically dividing an established community.
- Substantial or extreme use incompatibility.
- Incompatible land uses in an aircraft accident potential area as defined in an airport land use plan.
- Inconsistency or conflict with established recreational, educational, religious or scientific uses of the area.

4.1.3 Standard Conditions

- SC 4.1-1 All development proposed for the Aerie project shall be reviewed for consistency with applicable provisions of the California Building Code, Noise Ordinance, Uniform Fire Code, and other applicable codes and ordinances prior to issuance of building permits.
- SC 4-1-2 The property owner(s) shall execute and record a waiver of future shoreline protection for the project prior to the issuance of a building permit. Said waiver shall be subject to the review and approval of the City Attorney.

4.1.4 Potential Impacts

4.1.4.1 Short-Term Construction Impacts

No short-term land use impacts are anticipated as a result of project implementation.

4.1.4.2 Long-Term Operational Impacts

Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

The proposed project is subject to the applicable General Plan and Coastal Land Use Plan and relevant policies. As indicated previously, the subject property is designated RT (Two Unit Residential) and RM (Multiple Unit Residential – 20 du/ac). The applicant is proposing to amend the Newport Beach General Plan to elimination the RT land use designation on a small portion of the site and replace it with the RM land use to be consistent with the RM land use designation in the project area. The relationship of the proposed project with the Land Use Element and Coastal Land Use Plan adopted by the City of Newport Beach is presented below.

Newport Beach General Plan

Although a small portion of the project site is currently designated RT (Two-Unit Residential), the majority of the site is zoned RM (Multiple-Unit Residential), which allows for a density of up to 20 dwelling units per acre. The applicant has requested a General Plan Amendment to redesignate the RT component of the site as RM on the Land Use Element Map. Implementation of the proposed project is consistent with the proposed RM designation with the approval of the proposed amendment.

The Newport Beach General Plan includes several policies that guide development in the City. The consistency analysis presented in Table 4.1-1 reflects the relationship of the proposed project with the applicable policies contained within the various elements of the Newport Beach General Plan.

**Table 4.1-1
 General Plan Policy Analysis**

Policy No.	General Plan Policy	Consistency Analysis
Land Use Element		
LU 1.1	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.	The proposed project respects the site's topographic features by adhering to the PLOED defined by the City Council, which protects the majority of the bluff, the rock outcroppings and natural cove. The architectural style of the project reflects an organic, modern/contemporary style that promotes architectural diversity in the City. The location and design protects and enhances existing public views and the existing visual quality of the site to the benefit of the neighborhood and City.
LU 1.2	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.	The area in which the site is located is characterized by a variety of single- and multiple-family residential homes that reflect a range of densities and a variety of architectural styles, which contribute to the unique character of Corona del Mar. Both the density of the proposed project and the proposed reuse of the site are consistent with the variety of densities and styles within the area, which is consistent with the "identity" of the City. The distinctive architectural character of the proposed structure is consistent with the City's desire to differentiate Newport Beach from other coastal cities.
LU 1.3	Protect the natural setting that contributes to the character and identity 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.	<p>As indicated above, the proposed project has been designed to complement the natural features of the area, including the bluff, cove and harbor area. The "curvilinear" features reflected in the design of the proposed residential structure will allow the building to conform to the bluff when compared to the existing rectilinear features of the existing residential structure. In addition, the proposed colors are consistent with the natural environment, and the project' mass has been broken by the physical separation between the two main structural elements. Finally, the bluff face below the proposed structure would be landscaped and enhanced with native plant materials.</p> <p>The project's design also preserves the area's visual, recreational, and habitat resources. First, as discussed in Section 4.5 of the EIR, the project will contribute to the diversity of form and scale of the development that currently exists in the City and will not adversely affect views from important vantages within the area identified by the City. Several visual simulations presented in Section 4.5 reveal that the project will not have a significant adverse aesthetic impact on visual resources. In addition, unlike the existing multi-family apartment structure, the site design does not extend below the PLOED established by the City Council, except for the dock access/emergency exit; however, that feature is recessed into the bluff to be nearly imperceptible when viewed from the harbor.</p> <p>Second, the project will not adversely affect public access to the small beach area locate don the project site. Although direct public access to the beach area is not available either from the project site or another nearby public coastal access point, this area will remain accessible to the public via the harbor.</p> <p>Finally, habitat resources on the project site (e.g., eelgrass) would be preserved. As discussed in Section 4.7 of the EIR, the incorporate of mitigation measures will</p>

Policy No.	General Plan Policy	Consistency Analysis
		ensure that the impacts to terrestrial and marine biological resources are reduced to a less than significant level. In addition, the SQMP prepared for the project would also result in the implementation of BMPs that currently do not exist, resulting in an improvement to surface water discharges into the harbor emanating from the site.
LU 1.4	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.	The project proposes only eight residential dwelling units in a single structure. This density of the project is below the density permitted by both the General Plan (i.e., 20 du/ac) and the Newport Beach Municipal Code (9 units allowed on the project site). This is consistent with the conservative growth strategy discussed in Policy LU 1.4. In addition, project implementation would not result in impacts to open space and where potentially significant impacts to nature resources are identified (e.g., eelgrass), mitigation measures have been prescribed, which are consistent with adopted policies for such mitigation.
LU 1.6	Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.	As indicated in Section 4.5 (Aesthetics), although project implementation will result in the introduction of a different structure on the site, views from important public vantages (e.g., Begonia Park) would not be significantly affected. In addition, views through the site from the “public view point” at Ocean Boulevard and Carnation Avenue adjacent to the project would be enhanced. The view angle through the site from that location to the harbor and ocean would be increased by approximately 76 percent as a result of project implementation. The proposed project also includes a view “window” at the northerly property limits, which currently does not exist. Finally, the project will result in an enhanced view of the project site’s bluff when viewed from the bay. While the lowest extent of existing development down the site’s bluff face is 42.3 feet NAVD88, the project’s main structure will be constructed at elevation 52.83 feet NAVD88. As a result, project implementation will result in an increase of approximately 10 additional vertical feet of bluff face when compared to the existing conditions.
LU 2.5	Preserve the uses of the Harbor and the waterfront that contribute to the charm and character of Newport Beach and provided needed support for recreational and commercial boaters, visitors, and residents, with appropriate regulations necessary to protect the interests of all users as well as adjoining residents.	Project implementation will not adversely affect the use of either the harbor or waterfront and will not conflict with either recreational or commercial boaters. The boat dock below the site will be replaced to accommodate the 8 residents of the project and one guest boat, which is consistent with the City’s marine-oriented character. The replacement dock has been designed to comply with existing marine navigation requirements and will not encroach into the harbor in a way that would adversely affect boating lanes.
LU 3.2	Enhance existing neighborhoods, districts, and corridors, allowing for reuse and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically under performing, are necessary to accommodate Newport Beach’s share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.	The project applicant is proposing to redevelop an existing site that was developed in 1949 and 1955. The existing dwelling units are older than many in the Corona del Mar neighborhood. The age and architectural character of the existing residential structure contrast with the character and quality of nearby homes, which have been remodeled and/or rebuilt and exhibit a variety of architectural themes that provide visual interest and variety, especially compared to the older and more mundane features of the existing buildings on the subject property. The proposed infill project will introduce a new multiple-family structure that complements the existing neighborhood and is in keeping with the intent of Policy LU 3.2. When compared to the existing apartment building, the proposed project introduces a modern architectural style. The overhead utility pole on Carnation Avenue will be eliminated in

Policy No.	General Plan Policy	Consistency Analysis
		<p>connection with the project. In addition, the building setback at the south end of the subject property has been increased to expand the existing view corridor between the site and that the south. As a result, the project will both enhance the neighborhood itself, as well as the public views through the project site.</p> <p>With upsizing of the existing deficient catch basin, adequate infrastructure and public services are available to serve the project. Therefore, project implementation would result in an improvement in infrastructure service to the area. All of the remaining infrastructure facilities (e.g., sewer, water, police and fire protection, etc.) have adequate capacity to accommodate the proposed project.</p>
LU 3.7	<p>Require that new development is located and designed to protect areas with high natural resource value and protect residents and visitors from threats to life or property.</p>	<p>The site has been designed to protect the existing natural resource values. With only one minor exception (i.e., dock access/emergency exit), the development will not extend below the predominant line of existing development established by the City Council for the site. In fact, project implementation will result in an increase of approximately 10 additional vertical feet of bluff face as compared to existing conditions. In addition, views from the Ocean Boulevard “public view point” adjacent to site will be enhanced by increasing the view angle by approximately 76 percent from that location. Important views from other public vantages (e.g., Begonia Park) have also been preserved. Furthermore, the site has been designed to avoid potentially significant water quality impacts by containing and treating water on-site before discharging it into the harbor. Impacts to other important natural resources in the cove and harbor (e.g., eelgrass, etc.) have also been avoided or, where adverse biological resource impacts had the potential to occur, they have been mitigated to a less than significant level.</p> <p>The project has been designed to protect residents and visitors from threats to life or property. Project security measures including both interior and exterior cameras, motion sensors, regular security patrols, safe rooms, etc.</p>
LU 4.1	<p>Accommodate land use development consistent with the Land Use Plan.</p>	<p>The requested amendment to the Land Use Element of the Newport Beach General Plan would affect only a very small parcel (584 square feet, or less than one percent of the 61,282 square foot project site). As a result, the proposed amendment would not directly affect land use consistency or compatibility. Furthermore, the project’s density is below the density permitted by both the General Plan (20 du/ac) and the Newport Beach Municipal Code (9 units) on the project site.</p>
LU 5.1.2	<p>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.</p>	<p>The site is located in a mixed residential area that is characterized by a variety of residential densities, including both single- and multiple-family residential development. The proposed structure has a maximum building height of approximately 32 feet, consistent with other homes in the project area. The project’s height is, on average, approximately four feet below the Municipal Code’s maximum height limit.</p>
LU 5.1.9	<p>Require that multi-family dwellings be designed to convey a high quality architectural character in accordance with the following principles (other than Newport Center and Airport Area) , which are guided by Goals 6.14 and 6.15: Building Elevations, Ground Floor Treatment, Roof Design, Parking, and Open Space and Amenity.</p>	<p>The existing single- and multiple-family residential structures were built prior to 1960 and are dated in their architectural style and character. The proposed project has been designed to reflect a modern character, which complements the variety of architectural styles that exist within the Corona del Mar neighborhood. The condominium structure complies with the Newport Beach Municipal Code’s building height requirements and is</p>

Policy No.	General Plan Policy	Consistency Analysis
		<p>characterized by high quality building and landscape materials. Adequate on-site parking is provided and the project also includes the on-site recreational amenities and a replacement boat dock to serve future residents.</p> <p>The proposed project reflects a distinctive architectural character that continues the tradition of architectural variety and diversity within the City and neighborhood. The project design complies with the principles for building elevations (e.g., street and ocean-facing elevations designed with high quality finishes, windows, doors, etc.). In addition, the project has been designed to avoid blank walls and unsightly utility spaces. The roof profiles provide modulation through undulation, which provides visual interest and variety when compared to other roof profiles in the area. Parking is provided in several below-grade spaces. Finally, the PLOED has been respected to maintain that element as an open space feature and common open space has also been provided to ensure recreation opportunities (e.g., swimming pool) are provided for future residents.</p>
Harbor and Bay Element		
HB 9.2	Permit and design bulkheads and groins to protect the character of the existing beach profiles and to restore eroded beach profiles found around the harbor and island perimeters, and the safe navigation and berthing of vessels.	Although no bulkheads are proposed, the applicant is proposing to replace the existing four-slip boat dock with one that would accommodate eight boats and a guest slip. Implementation of the proposed boat dock will neither adversely affect beach profiles in the harbor nor adversely affect safe navigation within the harbor because the dock has been designed to avoid such impacts (e.g., extend beyond the pierhead line, etc.).
HB 9.3	Limit structures bayward of the bulkhead line to piers, floats, groins, appurtenances related to marine activities, and public walkways.	The applicant is proposing to replace the existing four-slip boat dock with one that would accommodate eight boats and a guest slip. The portions of the proposed dock built bayward of the bulkhead line are limited to pre-stressed concrete piles set in pre-drilled holes and timber docks supported by rotationally molded plastic pontoons. No aspect of the dock would either impede navigation in the harbor or create a safety hazard because the facilities does not extend into the navigable channel.
Housing Element		
H 1.1	Support all reasonable efforts to preserve, maintain, and improve availability and quality of existing housing and residential neighborhoods, and ensure full utilization of existing City housing resources for as long into the future as physically and economically possible.	The proposed project includes the demolition of 15 existing dwelling units, including a single-family residence and a 14-unit apartment building. Project implementation will result in the development of an 8-unit condominium building in place of the 15 existing dwelling units. Although project implementation would result in fewer residential dwelling units than currently exist on the site (or is permitted by the existing land use and zoning designations), the new dwelling units represent an improvement in quality over the existing units, which were constructed 50 to 60 years ago. The age of the existing residential structures contrasts with the character and quality of nearby homes, which have been remodeled and/or rebuilt over the years.
Historical Resources Element		
HR 2.1	Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction, and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archaeological and	As indicated in Section 4.10, project implementation will not result in potential impacts to paleontological and archaeological resources. Nonetheless, the project must comply with State law in the event human remains are encountered. In addition, because the Monterey Formation is known to contain fossils, mitigation has been

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	paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.	identified to address potential impacts to such fossils. Specifically, a qualified paleontologist must be retained by the project applicant to develop a Paleontological Resource Impact Mitigation Program consistent with the guidance of the Society of Vertebrate Paleontology. In the event that fossils are encountered during construction activities, ground-disturbing excavations in the vicinity of the discovery shall be redirected or halted by the monitor until the find has been salvaged. Any fossils discovered during project construction shall be prepared to a point of identification and stabilized for long-term storage. Any discover, along with supporting documentation and an itemized catalogue, shall be accessioned into the collections of a suitable repository. Curation costs to accession any collection swill be the responsibility of the project applicant.
Circulation Element		
CE 7.1.1	Require that new development provide adequate, convenient parking for residents, guest, business patrons, and visitors.	On-site parking will exceed the Newport Beach Parking Code requirements. At least two parking spaces are provided and designated for each unit, with an additional eight (8) guest, one (1) service, and two (2) golf cart parking spaces spread throughout the sub-basement, the basement, and the First and Second Floors. The Second Floor is approximately four (4) feet below the grade of Carnation Avenue and will house residential units, one (1) two-car garage, and five (5) guest parking spaces, as well as bicycle, golf cart, and motorcycle parking accommodations. The Second Floor parking is directly accessible via a ramp from Carnation Avenue. Resident parking is accessible via Carnation Avenue utilizing two automobile elevators. All project parking is hidden from public view.
CE 7.1.8	Site and design new development to avoid use of parking configurations or management programs that are difficult to maintain and enforce.	The proposed project has been designed to accommodate all resident and guest parking on-site. The Aerie Corona del Mar Condominium Project Traffic Access Assessment prepared by Austin-Foust Associates, Inc., determined that the proposed automobile elevator system can adequately accommodate resident and guest parking in the lower levels of the proposed structure without substantial back-up onto Carnation Avenue. In addition, guest, bicycle, golf cart, and motorcycle parking are all provided below grade on the Second Floor, and will not utilize the proposed automobile elevator system for ingress/egress.
CE 7.1.11	Require new development to minimize curb cuts or protect on-street parking spaces. Close curb cuts to create on street parking spaces wherever feasible.	No new curb cuts are proposed. As indicated above, adequate on-site parking for residents and guests is provided. Project implementation will not result in any loss of existing on-street parking. In fact, because the length of the curb cut on the project site has been substantially reduced, the project will create three additional on-street parking spaces. The addition of these on-street parking spaces is considered a beneficial impact, particularly during the peak summer/tourist season.
Recreation Element		
R 1.1	Require developers of new residential subdivisions to provide parklands at five acres per 1,000 persons, as stated in the City's Park Dedication Fee Ordinance, or contribute in-lieu fees for the development of public recreation facilities meeting demands generated by the development's resident population, as required in the City's park Dedication Fees Ordinance.	The project includes private recreational amenities, including a swimming pool, recreation room, and private boat dock. In addition, in compliance with Policy R 1.1, the project applicant will comply with the existing City's Park Dedication Fee Ordinance through the contribution of in-lieu fees for the development of public recreation facilities.
R 8.5	Protect and, where feasible, expand and enhance: guest docks at public facilities, yacht clubs and at	The proposed project include the replacement of the existing 4-boat dock with a facility that will accommodate 9

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	privately owned marinas, restaurants and other appropriate locations	boats, including one for each of the project's 8 dwelling units and one guest slip.
Natural Resources Element		
NR 3.4	Require all development to comply with the regulations under the City's municipal separate storm drain system permit under the National Pollutant Discharge Elimination System (NPDES).	The project applicant will be required to comply with the NPDES requirements established by the City, including the preparation of a SWPPP to address construction activities and a WQMP for long-term operations of the project. A draft SWPPP and WQMP have been prepared and submitted to the City of Newport Beach.
NR 3.5	Require that development does not degrade natural water bodies.	As indicated above, the proposed project will implement BMPs to improve the quality of both construction-related and long-term runoff emanating from the site prior to their discharge into Newport Harbor.
NR 3.9	Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.	Refer to Response to Policy No. NR 3.4.
NR 3.11	Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the NPDES, structural treatment BMPs will be implemented along with site design and source control measures.	The proposed project complies with the requirement to prepare a SWPPP and WQMP to address both construction and post-development water quality impacts. Both site design and structural BMPs have been incorporate into the project to ensure that surface flows emanating from the subject property are treated prior to their discharge into Newport Harbor. The SWPPP and WQMP are sufficient to protect water quality as required by the NPDES.
NR 4.4	Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed area.	As required by the NPDES permit, a Storm Water Pollution and Prevention Plan (SWPPP) has been prepared and establishes both structural and non-structural BMPs in order to reduce sedimentation and erosion during the construction phase. These measures will be incorporated in the grading/erosion control plans submitted to the City of Newport Beach. In addition, the applicant has prepared a WQMP to address post-development water quality impacts.
NR 8.1	Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.	The proposed project will comply with all South Coast AQMD rules and requisite local, state and federal requirements to reduce air pollutant emissions during construction. Section 4.3 of the EIR identifies potential construction-related impacts, compliance with standard conditions, and mitigation measures that will employed to ensure that construction air pollutant emissions are minimized. Based on the emissions estimated for each phase of the project's construction (as detailed in the project Construction Management Plan), the EIR concludes that none of the significance thresholds for any of the pollutants would be exceeded on a daily basis.
NR 10.4	Require that the siting and design of new development, including landscaping and public access, protect sensitive or rare resources against any significant disruption of habitat values.	Redevelopment of the subject property as proposed with an 8-unit condominium structure will not result in potentially significant impacts to any sensitive terrestrial plan or animal species or habitat. Although it is possible that some direct and indirect impacts to the existing eelgrass bed located in the harbor area adjacent to the site could be impacted during construction of the proposed replacement dock facility, pre- and post-construction surveys have been prescribed to document any loss of eelgrass, which would be offset by replacement at a 1.2 to 1 ratio as prescribed in Section 4.7.5. As a result, the EIR concludes that impacts to terrestrial and marine biological resources will be reduced to a less than significant level.
NR 11.3	Avoid impacts to eelgrass (<i>Zostera marina</i>) to the extent feasible. Mitigate losses of eelgrass in accordance with the Southern California Eelgrass	As indicated in Section 4.7 (Biological Resources), potential direct and indirect impacts to eelgrass may occur as a result of construction activities associated with the

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	Mitigation Policy. Encourage the restoration of eelgrass in Newport Harbor at appropriate sites, where feasible.	proposed replacement dock facility. However, MM 4.7-1a and MM 4.7-1b require pre- and post-construction surveys and prescribe the implementation of eelgrass mitigation in accordance with the Southern California Eelgrass Mitigation Policy as indicated in this policy. As a result, the EIR concludes that impacts to terrestrial and marine biological resources will be reduced to a less than significant level.
NR 14.5	Require that all structures permitted to encroach into open coastal waters, wetlands, and estuaries be sited and designed to be consistent with the natural appearance of the surrounding area.	The proposed replacement dock has been designed to ensure that it is consistent with the surrounding area within the harbor. For instance, the new docks will consist of timber docks supported by rotationally molded plastic pontoons, which require less draft (bottom clearance) than concrete floats, allowing the dock system to be located as close to an existing rock outcropping as possible and minimize the dock's visual impact. In addition, the dock extends only to the pierhead line, consistent with City requirements and neighboring development. It does not encroach into the navigable waters of Newport Harbor. The dock facility will be subject to review and approval by the City to ensure that it complies with all applicant requirements.
NR 18.1	Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archaeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.	Section 4.10 of the Draft EIR evaluates potential impacts to cultural and scientific resources. As indicated in that section, no impacts to cultural (i.e., archaeological) resources are anticipated; however, the proposed project may impact paleontological resources that may exist within the Monterey formation. As a result, a qualified paleontologist must be retained by the project applicant to develop a Paleontological Resource Impact Mitigation Program consistent with the guidance of the Society of Vertebrate Paleontology. In the event that fossils are encountered during construction activities, ground-disturbing excavations in the vicinity of the discovery shall be redirected or halted by the monitor until the find has been salvaged. Any fossils discovered during project construction shall be prepared to a point of identification and stabilized for long-term storage. Any discover, along with supporting documentation and an itemized catalogue, shall be accessioned into the collections of a suitable repository. Curation costs to accession any collection will be the responsibility of the project applicant.
NR 18.3	Notify cultural organizations, including Native American organizations, of proposed development that have the potential to adversely impact cultural resources. Allow qualified representative of such groups to monitor grading and/or excavation of development sites.	As indicated in Section 4.10, because implementation of the proposed project requires the approval of an amendment to the Land Use Element of the Newport General Plan, it is subject to the provisions of SB 18, which requires consultation with Native American representatives before adopting or amending a general plan. The City has complied with the requirements of SB 18 by submitting a request to the Native American Heritage Commission (NAHC). In addition, the City also sent letters to the Native American representatives, informing each of the proposed project. However, no response was received by the City from any of the Native American representations requesting consultation within the 90-day statutory period.
NR 18.4	Require new development, where on site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange county, whenever possible.	MM 4.10-1 requires that any discovery of fossils or related paleontological materials, shall be accessioned into the collections of a suitable repository, along with supporting documentation and an itemized catalogue. Curation costs to accession any collections are the responsibility of the project applicant.
NR 20.1	Protect and, where feasible, enhance significant scenic	As indicated in Section 4.5 (Aesthetics), although project

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	and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points, as shown in Figure NR3.	implementation will result in the introduction of a different structure on the site, views from important public vantages (e.g., Begonia Park) would not be significantly affected. In addition, views through the site from the "public view point" at Ocean Boulevard and Carnation Avenue adjacent to the project would be enhanced. The view angle through the site from that location to the harbor and ocean would be increased by approximately 76 percent as a result of project implementation. In addition, views of the turning basin would also be created along the northern property boundary as a result of the proposed project. Finally, the project will result in an enhanced view of the project site's bluff when viewed from the bay. While the lowest extent of existing development down the site's bluff face is 42.3 feet NAVD88, the project's main structure will be constructed at elevation 52.83 feet NAVD88, resulting in an increase of approximately 10 additional vertical feet of bluff face when compared to the existing conditions.
NR 20.3	Protect and enhance public view corridors from the following roadway segments (shown in Figure NR3), and other locations may be identified in the future (Ocean Boulevard).	A Public View Point is located on Ocean Boulevard south of Carnation Avenue. Project implementation will enhance the view from the designated view location. The view window at this location will be expanded by approximately 76 percent (i.e., from 25 degrees to about 44 degrees).
NR 20.4	Design and site new development, including landscaping, on the edges of public view corridors, including those down public streets, to frame, accent, and minimize impacts to public views.	Landscaping will be incorporated into the project design to complement the proposed structure and enhance the visual character of the residential building and complement the aesthetic character in the neighborhood.
NR 20.5	Provide public trails, recreation areas, and viewing areas adjacent to public view corridors, where feasible.	The proposed project is located in an area of Corona del Mar that is developed. Sidewalks exist along the streets to accommodate pedestrians walking in the neighborhood. As previously indicated, a Public View Point is located on Ocean Boulevard south of Carnation Avenue. Project implementation will enhance the view from the designated view location. The view window at this location will be expanded by approximately 76 percent (i.e., from 25 degrees to about 44 degrees). In addition, the project design includes a bench and fountain, which will accommodate pedestrians.
NR 21.3	Support programs to remove and underground overhead utilities, in new development as well as existing neighborhoods.	Project implementation will result in the undergrounding of overhead utility poles and facilities along Carnation Avenue near Ocean Boulevard, which will enhance the visual and aesthetic character of the neighborhood.
NR 22.1	Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.	The Corona del Mar community is represented by a variety of architectural styles and designs and is characterized by a range of smaller single-family detached residences to large, multiple-family structures when viewed from the harbor. Introduction of the proposed multiple-family structure will be similar in both physical mass and character, which is varied and diverse architecturally, as the existing development in the immediate neighborhood. Although the proposed multiple family structure would be larger than the existing structure(s) occupying the site, it would be small than the Channel Reef development located to the south as illustrated in several of the visual simulations (refer to Section 4.5). In addition, the project's structural elements will appear to be "broken," giving the impression of two structures, when viewed from the bay in order to reduce the overall scale of the structure. The massing is further reduce with the incorporation of landscape features, including trees and shrubs, which also serve to soften the structure.
NR 23.1	Preserve cliffs, canyons, bluffs, significant rock	The project site encompasses a south-facing bluff. A

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	<p>outcroppings, and site buildings to minimize alteration of the site's natural topography and preserve the features as a visual resource.</p>	<p>small cove exists below the bluff, which is characterized by rock outcroppings. Although development will extend down to 52.83 feet NAVD88 (approximately two feet above the 50.7 NAVD88 PLOED identified by the City Council, the integrity of the bluff will be maintained below that elevation with the exception of the dock access/emergency exit, which is proposed at the 40.5 feet NAVD88. However, the access would be recessed and designed to minimize the alteration of the natural appearance of the bluff.</p> <p>The proposed project has been designed to complement the site's natural bluff features. The "curvilinear" features reflected in the design of the proposed residential structure will allow the building to conform to the bluff when compared to the existing rectilinear features of the existing residential structure. In addition, the proposed colors are consistent with the natural environment, and the project's mass has been broken by the physical separation between the two main structural elements. Finally, the man-made features (e.g., concrete remnants, pipes, etc., would be removed from the site and the bluff face below the proposed structure would be landscaped and enhanced with native plant materials.</p> <p>Development of the proposed dock facility will occur in the water beyond the cove; none of the rock outcroppings would be affected by the construction of the proposed dock facility (or the residential structure above). Although some views of the cove and rock features below the bluff from some vantages in the harbor would be partially or totally obscured by the proposed dock facility, the obstruction would be brief and intermittent only as one travels in and out of the harbor. As a result, visual impacts are not permanent and are not significant.</p>
NR 23.4	<p>Require all new blufftop development located on a bluff subject to marine erosion to be setback based on the predominant line of development. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and pools. The setback shall be increased where necessary to ensure safety and stability of the development.</p>	<p>The project's principle structure and major accessory structures will extend down to 52.83 feet NAVD88 (i.e., approximately two feet above the 50.7 NAVD88 PLOED established by the City Council). The exception is the location of an emergency access at elevation 40.5 feet NAVD88. However, this feature has been recessed to minimize its impact on the visual character of the bluff when viewed from the harbor. Furthermore, the project complies with the development standards prescribed in the MFR zoning. Project implementation will not result in potential safety impacts or adversely affect the stability of the development. As indicated in the geotechnical analysis prepared for the project, the site is suitable for development with the incorporation of the measures identified by the geotechnical consultant.</p>
NR 23.5	<p>Require new accessory structures, such as decks, patios and walkways that do not require structural foundations to be sited at least 10 feet from the edge of bluffs subject to marine erosion. Require accessory structures to be removed or relocated landward when threatened by erosion, instability or other hazards.</p>	<p>Refer to Response to CLUP Policy 4.4.3.8-9 (Table 4.1-2).</p>
NR 23.7	<p>Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources.</p>	<p>The project has been designed to avoid impacts to native vegetation. Current project design features avoid the coastal bluff face and rocky outcrop located along the north side of the project site that extends into Newport Harbor. However, within the current development footprint, there is a potentially suitable habitat for the nine special status plants. Therefore, the applicant will undertake focuses surveys during the appropriate</p>

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		<p>blooming season of each of those species to confirm that they do not exist on the site. If one or more of the species exist on the subject property and it is determined that project implementation would result in impacts an incident take permit under Section 2081 of the Fish and Game Code will be obtained.</p> <p>No rock outcroppings would be damaged or destroyed as a result of project implementation.</p> <p>Although not identified as an on Figure NR2 ESA (Environmental Study Areas) of the City's General Plan, eelgrass beds are located adjacent to the cove below the bluff site. Nonetheless, an eelgrass survey was conducted and determined that measures would be required during the construction phase to protect the beds from damage as a result of construction of the propose replacement dock. Pre- and post-construction surveys are also proposed to document any potential adverse effects and identify the need to provide mitigation for impacted eelgrass.</p>
Safety Element		
S 3.9	<p>Require property owners to record a waiver of future shoreline protection for new development during the economic life of the structure (75 years) as a condition of approval of a coastal development permit for new development on a beach or shoreline that is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff. Shoreline protection may be permitted to protect existing structures that were legally constructed prior to the certification of the LCP, unless a waiver of future shoreline protection was required by a previous coastal development permit.</p>	<p>Mitigation 4.5-1 requires the recordation of a waiver of future shoreline protection for the project prior to the issuance of a building permit includes such a waiver.</p>
S 3.10	<p>Site and design new structures to avoid the need for shoreline and bluff protective devices during the economic life of the structure (75 years), unless an environmentally acceptable design to stabilize the bluff and prevent bluff retreat is devised.</p>	<p>The project has been designed to avoid the need for shoreline and bluff protective devices during its economic life. A Coastal Hazard Study for the proposed project was conducted by GeoSoils, Inc., which revealed that the no shoreline retreat was evident based on a review of aerial photographs (1970s to 2004) and, further, the site has not been subject flooding, erosion damage or wave runup attack in the past. The study concluded that flooding, erosion and wave runup will not adversely impact the proposed improvements over their lifetime (i.e., 75 years) and the proposed project will not create or contribute significantly to erosion, geologic instability or destruction of the site or adjacent area.</p>
S 3.11	<p>Require that applications for new development with the potential to be impacted or impact coastal erosion include slope stability analyses and erosion rate estimates provided by a licensed Certified Engineering Geologist or Geotechnical Engineer.</p>	<p>Refer to Response to Policy No. S 3.10.</p>
S 3.12	<p>Require new development adjacent to the edge of coastal bluffs to incorporate drainage improvements, irrigation systems, and/or native or drought-tolerant vegetation into the design to minimize coastal bluff recession.</p>	<p>The proposed project has been designed to include erosion control features to minimize the potential for erosion. For example, all common areas will be landscaped with similar plant material having similar water requirements to reduce excess irrigation runoff and promote surface filtration and the City's "Water-Efficient Landscaping" ordinance (Municipal Code Chapter 14.17) will be implemented with common areas maintained by the residents' HOA.</p>

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S 4.7	Conduct further seismic studies for new development in areas where potential active faults may occur.	A site-specific fault investigation was conducted for the proposed project, which identified two faults on the subject property, consisting of sheared bedrock zones. Based on the findings of the 2003 fault investigation, both faults were classified as “inactive.” According to CDMG Special Publications 42, “active” faults are defined as those faults that have displaced during the last 11,000 years (i.e., Holocene age). Therefore, the faults identified on the site are not considered “active” because there has been no displacement in at least 11,000 years.
Noise Element		
N 1.1	Require that all proposed projects are compatible with the noise environment through use of Table N2, and enforce the interior and exterior noise standards shown in Table N3.	The proposed project site is not located within the 60 CNEL noise contour (refer to Figure N4 in the Noise Element). The ambient noise levels in the project environs are less than 60 dBA CNEL. According to Table N2, the proposed multi-family residential project is “clearly compatible” with the ambient noise environment of the multi-family residential neighborhood. Therefore, the proposed project will comply with the interior and exterior noise levels prescribed for residential uses in the Noise Element (i.e., Table N3).
N 1.8	Require the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified. A significant noise impact occurs when there is an increase in the ambient CNEL produced by new development impacting noise sensitive uses.	The CMP prepared for the project prescribes several measures that reduce construction-related noise levels during each phase. In addition, several mitigation measures are also proposed to further reduce noise levels to the maximum extent feasible during construction of the proposed project. Although no significant long-term noise impacts will occur as a result of project implementation, short-term, construction impacts will remain potentially significant.
N 2.5	Enforce compliance of all boating activities with the noise standards defined in the Municipal Code.	The dock facility includes eight slips for future residents as well as one guest slip. Boating activities will comply with the noise standards prescribed in the Newport Beach Municipal Code.
N 4.1	Enforce interior and exterior noise standards outlined in Table N3, and in the City’s Municipal Code to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources, such as heating, ventilation, and air conditioning equipment.	Refer to Response to Policy No. N 1.1.
N 4.6	Enforce the Noise Ordinance noise limits and limits on hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work-related activities.	As indicated in Section 4.4.3 (refer to SC 4.4-1), construction hours are limited to those prescribed in the City’s Noise Ordinance (i.e., 7:00 a.m. to 6:30 p.m. Monday through Friday and 8:00 a.m. to 6:00 p.m. on Saturday). Compliance with the Noise Control Ordinance would be monitored by the City’s Code Enforcement Department.
N 5.1	Enforce the limits on hours of construction activity.	Refer to Response to Policy No. 4.6. Compliance with the Noise Control Ordinance would be monitored by the City’s Code Enforcement Department.

Newport Beach Coastal Land Use Plan

Because the proposed project is located within the City’s Coastal Zone, it is also subject to the policies articulate din the Coastal Land Use Plan. Table 4.1-2 provides a summary of the relevant CLUP policies and the relationship of the project with each relevant policy.

**Table 4.1-2
CLUP Policy Analysis**

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Land Use		
2.1.2-1	Land uses and new development in the coastal zone shall be consistent with the Coastal Land Use Plan Map and all applicable LCP policies and regulations.	The proposed condominium development on the site is consistent with the land use designation and density allocated on the adopted Coastal Land Use Plan. In addition, the project addresses the relevant policies related to residential development and the protection of coastal resources identified in the CLUP as discussed in this table (Table 4.1-2).
General Development Policies		
2.2.1-1	Continue to allow redevelopment and infill development within and adjacent to the existing developed areas in the coastal zone subject to the density and intensity limits and resource protection policies of the Coastal Land Use Plan.	The proposed project is consistent with the residential density prescribed in the CLUP and Land Use Element for the site. Redevelopment of the site with 8 dwelling units on the approximately 1.4-acre site equates to approximately 7 du/ac, which is within the density allocation prescribed in the General Plan and zoning (20 du/ac). As described below in this table, the proposed project also addresses the policies related to resource protection and is consistent with those policies.
2.2.1-2	Require new development be located in areas with adequate public services or in areas that are capable of having public services extended or expanded without significant adverse effects on coastal resources.	The area within which the project is located is served by the existing infrastructure, including circulation, sewer, water, storm drainage, public services, and utilities. With the exception of storm drainage facilities, all of the infrastructure has adequate capacity to provide the necessary service to the project. As indicated in Section 4.6, a catch basin located in Carnation Avenue is currently deficient to accommodate existing storm flows (i.e., without the proposed project). The project applicant will be responsible for upgrading this existing deficient facility to accommodate existing and future storm flow.
Visitor-serving and Recreational Development		
2.3.2-1	Continue to use public beaches for public recreational uses and prohibit uses on beaches that interfere with public access and enjoyment of coastal resources.	A small beach area is located in the small cove below the bluff. Although direct public access to the beach area is not available either from Ocean Boulevard and Carnation Avenue or other nearby public coastal access routes, this area will remain accessible to the public via the harbor and will not be adversely affected by project implementation.
Residential Development		
2.7-1	Continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources.	<p>The proposed residential structure complies with the building and development standards prescribed in the City's zoning ordinance. As previously indicated, the density and character of the proposed project are consistent with the intensity and character of development in the project area, which reflects a variety of styles that contributes to the uniqueness of Corona del Mar.</p> <p>Although the proposed multiple-family structure would be larger than the existing structure(s) occupying the site, it would be smaller than the Channel Reef development located to the south, as illustrated in several of the visual simulations (refer to Section 4.5). In addition, the proposed structure has a maximum building height of approximately 32 feet, which is consistent with other homes in the project area and is, on average, approximately four feet under the maximum building height permitted by the Municipal Code. However, the project will require a Modification Permit (MD2005-087) to allow minor encroachments into the front and side</p>

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		setbacks. The majority of the encroachments are subterranean.
2.7-2	Continue the administration of provisions of State law relative to the demolition, conversion and construction of low and moderate-income dwelling units within the coastal zone.	Policy 2.7-2 prescribes the continued administration of provisions of State law relative to the demolition, conversion and construction of low- and moderate-income dwelling units within the coastal zone. Government Code Section 65590 (Mello Act) regulates the demolition or conversion of low- and moderate-income units within the Coastal Zone. With the exception of the three existing occupied units, the existing dwelling units have been vacant for several years. There are no low- or moderate-income households residing on this property. Therefore, Government Code Section 65590 is not applicable to this project.
Hazards and Protective Devices		
2.8.1-1	Review all applications for new development to determine potential threats from coastal and other hazards.	<p>Several technical studies have been prepared to evaluate the potential project-related impacts, including bluff erosion, wave runup, etc. Given the location, topography and development proposed, seismic ground shaking, coastal bluff retreat due to erosional forces, and tsunamis comprise the most significant potential hazards to development. As indicated in Section 4.9 of the EIR, potential seismic constraints are addressed through the implementation of MM 4.9-1a, which ensures that project implementation will adhere to the engineering recommendations for site grading and foundation design recommended in the preliminary geologic/geotechnical report prepared for the proposed project. In addition, SC 4.9-2 ensures that the project will comply with all applicable City and 2007 California Building Code requirements.</p> <p>With respect to potential threats from coastal hazards, a Coastal Hazard Study for the proposed project was conducted by GeoSoils, Inc., which revealed that no shoreline retreat was evident based on a view of aerial photographs and, further, that the site has not been subject to flooding, erosion damage or wave runup attack in the past. The study concluded that flooding, erosion and wave runup will not adversely impact the proposed improvements over their life time (i.e., 75 years) and the proposed project will not create or contribute significantly to erosion, geologic instability or destruction of the site or adjacent area.</p>
2.8.1-2	Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.	Refer to Response to CLUP Policy No. 2.8.1-1
2.8.1-3	Design land divisions, including lot line adjustments, to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.	Refer to Response to CLUP Policy No. 2.8.1-1.
2.8.1-4	Require new development to assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.	The proposed project will replace residential development similar to that currently existing on the site and would not contribute further to the instability of the area or further alter the existing landform. As previously indicated, although excavation proposed to accommodate the lower levels of the structure will extend below elevation 50.7 feet NAVD88 PLOED, grading will occur behind the predominant line of development and not on the exposed bluff and, therefore, will be consistent with the established bluff development policy prescribed by the City Council because it would not alter the existing landform that characterizes the site. The location of the Predominant Line prescribed by the City Council for this project was

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		<p>influenced by several factors, including the following land and development characteristics: (1) a north-facing bluff face segment which is not subject to marine erosion, (2) a west-facing portion bluff segment which is subject to marine erosion, (3) a point at the apparent juncture of the north-facing and west-facing portions of the bluff which extends into the sandy cove at the base of the project site and is subject to marine erosion, and (4) existing development on these various bluff face segments, with development as low as elevation 10 feet NAVD88.</p> <p>In addition, the project will not require the construction of protective devices that would substantially alter natural landforms along the bluffs. In fact, the project has been designed to avoid the need for shoreline and bluff protective devices during its economic life. A Coastal Hazard Study for the proposed project was conducted by GeoSoils, Inc., which revealed that no shoreline retreat was evident based on a view of aerial photographs and, further, that the site has not been subject to flooding, erosion damage or wave runup attack in the past. The study concluded that flooding, erosion and wave runup will not adversely impact the proposed improvements over their lifetime (i.e., 75 years) and the proposed project will not create or contribute significantly to erosion, geologic instability or destruction of the site or adjacent area.</p>
2.8.3-1	<p>Require all coastal development permit applications for new development on a beach or on a coastal bluff property subject to wave action to assess the potential for flooding or damage from waves, storm surge, or seiches, through wave uprush and impact reported prepared by a licensed civil engineer with expertise in coastal processes. The conditions that shall be considered in a wave uprush study are: a seasonally eroded beach combined with long-term (75 years) erosion. High tide conditions, combined with long-term (75 years) projections for sea level rise; storm waves from a 100-year event or a storm that compares to the 1982/83 El Niño event.</p>	<p>The residential component of the proposed project is located above areas subject to wave and storm surge and the potential for seiches and/or tsunamis is considered remote. The tsunami, like the design extreme wave/wake, will not reach the proposed improvements. Due to the infrequent nature and the relatively low 500-year recurrence interval tsunami wave height, combined with the elevation of the proposed improvements, the site is reasonably safe from tsunami hazards.</p> <p>A study was also completed for the dock replacement component of the proposed project. That study concluded that neither the construction nor the long-term use of the facility would expose the dock to adverse impacts associated with those phenomena. The study concluded that the proposed docking facility is feasible in a wide range of conditions. However, extreme wind waves from the SSE-SSW are expected to exceed the recommended maximum wave heights and, therefore, damage to the moored vessels and/or docking facilities may occur. In these less frequent conditions, vessels should be moved and sheltered in a less exposed location. The City maintains mooring cans within the Harbor that are available for use during these infrequent occurrences.</p>
2.8.6-8	<p>Limit the use of protective devices to the minimum required to protect existing development and prohibit their use to enlarge or expand areas for new development or for new development. "Existing development" for purposes of this policy shall consist only of a principle structure (e.g., residential dwelling, required garage, or second residential unit) and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping, etc.</p>	<p>The project will not require the construction of protective devices that would substantially alter natural landforms along the bluffs. In fact, the project has been designed to avoid the need for shoreline and bluff protective devices during its economic life. A Coastal Hazard Study for the proposed project was conducted by GeoSoils, Inc., which revealed that no shoreline retreat was evident based on a view of aerial photographs and, further, that the site has not been subject to flooding, erosion damage or wave runup attack in the past. The study concluded that flooding, erosion and wave runup will not adversely impact the proposed improvements over their life time (i.e., 75 years) and the proposed project will not create or contribute significantly to erosion, geologic instability or</p>

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2.8.6-10	Site and design new structures to avoid the need for shoreline and bluff protective devices during the economic life of the structure (75 years).	destruction of the site or adjacent area. Several technical studies have been prepared to assess the potential project to ensure that development of the site is consistent with this policy. These studies include: (1) Grading Plan Review Report prepared by Neblett & Associates, August 2005; (2) Coastal Hazard Study prepared by GeoSoils Inc., dated October 2006; (3) Stormwater Pollution Prevention Plan prepared by Hunsaker and Associates dated June 2005 (revised January 17, 2008); and (4) Hydrology analysis prepared by Hunsaker & Associates Irvine dated March 2007 (Revised December 20, 2007). Collectively, the findings of these studies and technical review documents indicate that the project will neither be subject to nor contribute to erosion, geologic instability, geologic hazard nor require shoreline protective devices during the economic life of the structure (75 years). In addition, the proposed replacement landing and dock facility will be similar in nature to those existing in the area and, therefore, will not adversely affect or be affected by the coastal process that characterize the area. As indicated previously, the proposed project will be designed to comply with current CBC structural design parameters and other measures prescribed in the geologic/geotechnical report prepared for the project.
2.8.7-2	Require new development to provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.	The project site is not located in the vicinity of a stream. However, as required by the NPDES permit, a Storm Water Pollution and Prevention Plan (SWPPP) has been prepared, which establishes both structural and non-structural BMPs in order to reduce sedimentation and erosion during the construction phase. These measures will be incorporated in the grading/erosion control plans submitted to the City of Newport Beach. In addition, a hydrological analysis was prepared by Hunsaker & Associates Irvine that evaluated the post-development hydrologic conditions. Based on that analysis, the proposed project will result in minor increase in surface water; however, the project has been designed to accommodate 100-year storm flows. Although a catch basin located in Carnation Avenue is currently deficient, the facility will be upgraded to ensure that it has adequate capacity to accommodate both existing and future storm flows.
2.8.7-3	Require applications for new development, where applicable (i.e., in areas of known or potential geologic or seismic hazards), to include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. Require such reports to be signed by a licensed Certified Engineering Geologist or Geotechnical Engineer and subject to review and approval by the City.	As indicated above, a grading report (Grading Plan Review Report prepared by Neblett & Associates, August 2005) and a coastal hazard study (Coastal Hazard Study prepared by GeoSoils, Inc., dated October 2006) were prepared for the proposed project. These studies thoroughly evaluates the proposed project and prescribes appropriate measures to address soils and geotechnical constraints on the site. As indicated in that study, the site is suitable for the development proposed.
Transportation		
2.9.3-1	Site and design new development to avoid use of parking configurations or parking management programs that are difficult to maintain and enforce.	The proposed project has been designed to accommodate all resident and guest parking on-site. The Aerie Corona Del Mar Condominium Project Traffic Access Assessment prepared by Austin-Foust Associates, Inc., determined that the proposed automobile elevator system can adequately accommodate resident parking in the lower levels of the proposed structure without substantial back-up onto Carnation Avenue. In

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		addition, guest, bicycle, golf cart, and motorcycle parking are all provided below the grade of the Second Floor, and will not utilize the proposed automobile elevator system for ingress/egress.
2.9.3-2	Continue to require new development to provide off-street parking sufficient to serve the approved use in order to minimize impacts to public on-street and off-street parking available for coastal access.	<p>On-site parking will exceed the Newport Beach Parking code requirements and is sufficient to serve the proposed use. At least two parking spaces are provided and designated for each unit, with an additional eight (8) guest spaces, one (1) service space, and two (2) golf cart parking spaces spread throughout the sub-basement, basement, and First and Second Floors. The Second Floor is approximately four (4) feet below the grade of Carnation Avenue and will house residential units, one (1) two-car garage, and five (5) guest parking spaces, as well as bicycle, golf cart, and motorcycle parking accommodations. The Second Floor parking is directly accessible via a ramp from Carnation Avenue. Resident parking is accessible via Carnation Avenue utilizing two automobile elevators. All of the parking is hidden from public view.</p> <p>In addition, the project will create three additional on-street public parking spaces because the length of the curb cut on the project site has been substantially reduced. The addition of these on-street parking spaces is considered a beneficial impact because it will accommodate visitors to the area, particularly during the peak summer/tourist season.</p>
2.9.3-3	Require that all proposed development maintain and enhance public access to the coast by providing adequate parking pursuant to the off-street parking regulations of the Zoning Code in effect as of October 13, 2005.	Refer to Response to CLUP Policy No. 2.9.3-3.
2.9.3-5	Continue to require off-street parking in new development to have adequate dimensions, clearances, and access to insure their use.	The off-street parking allocated to the project within the proposed structure has been designed to comply with the City's size, clearance, and access requirements. In addition, the addition, the traffic study prepared by Austin-Foust Associates, Inc., evaluated site access and concluded that the number of parking spaces and the use of the elevators to provide access would not adversely affect circulation on the adjacent circulation network.
2.9.3-6	Prohibit new development that would result in restrictions on public parking that would impede or restrict public access to beaches, trails, or parklands, (including, but not limited to, the posting of "no parking" signs, red curbing, and physical barriers), except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety.	On-site parking will exceed the Newport Beach Parking Code requirements and is sufficient to serve the proposed use. In addition, the project will also create three new on-street public parking spaces because the length of the curb cut on the project site has been substantially reduced. The addition of these on-street parking spaces is considered a beneficial impact because it will accommodate visitors to the area, particularly during the peak summer/tourist season.
2.9.3-10	Require new development to minimize curb cuts to protect on-street parking spaces. Close curb cuts to create new parking wherever feasible.	No new curb cuts are proposed. As indicated above, adequate on-site parking for residents and guests is provided. Project implementation will not result in any loss of existing on-street parking. In fact, because the length of the curb cut on the project site has been substantially reduced, the project will create three additional on-street public parking spaces. The addition of these on-street parking spaces is considered to be a beneficial impact because it will accommodate visitors to the area, particularly during the peak summer/tourist season.
Shoreline and Bluff Top Access		

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3.1.1-1	Protect, and where feasible, expand and enhance public access to and along the shoreline and to beaches, coastal waters, tidelands, coastal parks, and trails.	<p>Coastal access from the bluff to the beach below is not currently provided through the subject property. Although an existing stairway will continue to provide access for the occupants of the proposed dwelling units, this access is not suitable to accommodate the public due to physical constraints. The site is constrained in terms of lateral and vertical access by the steeply sloping topography of the <u>site and</u> submerged lands. Specifically, the steeply sloping coastal bluff presents safety and maintenance and liability concerns for any potential public access structure. Therefore, the project site has neither dedicated public access easements nor physical public access to bay. However, public access to the beach areas exists in proximity to the site, including China Cove, Lookout Point and at a street end located in the 2300 block of Bayside Place. These access points are located approximately 450 feet to the east, 1,125 feet to the east and approximately 480 feet to the northwest respectively. With the availability of adequate public access in the immediate vicinity of the site, additional access through the subject property is not necessary, particularly given the physical constraints, safety, and maintenance concerns cited above.</p> <p>Public access to the cove below from the harbor would still remain and would not be adversely affected by the proposed project, including the proposed dock facility. The location of the dock would not preclude the existing access that is currently available to swimmers, kayakers, or others.</p>
3.1.1-5	Allow public access improvements in environmentally sensitive habitat areas (ESHA) when sited, designed, and maintained in a manner to avoid or minimize impacts to the ESHA.	Project implementation does not include any public access improvements in ESHAs. Although not identified as an environmentally sensitive habitat area by the City's General Plan, eelgrass beds are located adjacent to the dove below the bluff site. Nonetheless, an eelgrass survey was conducted and determined that measures would be required during the construction phase to protect the beds from damage as a result of construction of the proposed replacement dock. Pre- and post-construction surveys are also proposed to document any potential adverse effects and identify the need to provide mitigation for impacted eelgrass.
3.1.1-9	Protect, expand, and enhance a system to public coastal access that achieves the following: maximizes public access to and along the shoreline; includes pedestrian, hiking, bicycle, and equestrian trails; provides connections to beaches, parks, and recreational facilities; provides connections with trail systems of adjacent jurisdictions; provides access to coastal view corridors; facilitates alternative modes of transportation; minimizes alterations to natural landforms; protects environmentally sensitive habitat areas; and does not violate private property rights.	<p>Refer to Response to CLUP Policy No. 3.1.1-1 for a discussion regarding public access. As discussed in that section, the existing public access system will not be adversely affected by the proposed project. Further, public access is available at several locations to the north and south. Also, consistent with Policy No. 3.1.1-9, existing coastal views from the project site would be enhanced as a result of eliminating existing overhead utility facilities on Carnation Avenue and expanding the view through the site from Ocean Boulevard. The view angle through the site from that location to the harbor and ocean would be increased by approximately 76 percent as a result of project implementation. In addition, a view of the harbor and turning basin would also be created at the northern property boundary where no view currently exists.</p> <p>Although project implementation would not facilitate alternative modes of transportation, it would result in fewer dwelling units than currently exist on the site (8 units proposed versus 15 that currently exist).</p>

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		<p>In order to ensure compatibility with the natural landform and, therefore, avoid both damaging the scenic resource represented by the bluff and degrading the existing visual character and quality of the site, the proposed project has been designed with "curvilinear" features, which allow the building to conform to the bluff when compared to the existing rectilinear features of the existing residential structure. In addition, the dock access/emergency exit proposed at the 40.5 feet NAVD88 incorporates design features that blend the exit into the existing natural character of the bluff through the use of landscape and hardscape materials, including rocks.</p> <p>Finally, potentially adverse impacts to both terrestrial and aquatic habitats have been minimized through site design. Where potential impacts have been identified, they have been mitigated to a less than significant level.</p>
3.1.1-11	Require new development to minimize impacts to public access to and along the shoreline.	Refer to response to Policy 3.1.1-1. Direct beach access is not currently available through the site; however, several public access routes exist in the vicinity of the project site that would continue to serve residents and beachgoers. Public access to the cove below from the harbor would still remain and would not be adversely affected by the proposed project, including the proposed dock facility. The location of the dock would not preclude the existing access that is currently available to swimmers, kayakers, or others.
3.1.1-24	Encourage the creation of new public vertical accessways where feasible, including Corona del Mar and other areas of limited public accessibility.	Refer to response to Policy 3.1.1-1. As indicated above, the steeply sloping coastal bluff presents a potentially significant safety hazard as well as potential liability and maintenance problems. Adequate public access currently exists to the north and south of the subject property.
3.1.1-26	Consistent with the policies above provide maximum public access from the nearest public roadway to the shoreline and along the shoreline with new development except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources or (2) adequate access exists nearby.	<p>Coastal access from the bluff to the beach below is not currently provided through the subject property and is not proposed as part of the project. Although an existing stairway will continue to provide access for the occupants of the proposed dwelling units, this access is not suitable to accommodate the public due to physical constraints. Specifically, the site is constrained in terms of lateral and vertical access by the steeply sloping topography of the site, and submerged lands. The steeply sloping coastal bluff presents safety, maintenance, and liability concerns for any potential public access structure. Therefore, the project site has neither dedicated public access easements nor physical public access to the bay.</p> <p>Ocean Boulevard and Carnation Avenue are the nearest public roadways to the shoreline; however, as previously described, the site is characterized by topographic constraints that pose safety concerns related to the steepness of the terrain, making the feasibility of providing public access through the site difficult. Furthermore, as suggested in this policy, adequate, convenient public access to the bay is currently available at several locations in the vicinity of the subject property, including China Cove, Lookout Point and at a street end located in the 2300 block of Bayside Drive. These access points are located approximately 450 feet to the east, 1,125 feet to the east and approximately 480 feet to the northwest respectively. Given the proximity of these nearby public access locations, the provision of additional public access through the subject property is neither required nor appropriate based on the parameters prescribed in the CLUP policies noted above, including but not limited to</p>

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		the topographic constraints (i.e., steep slopes and narrow passage), proximity of residential uses and potential loss of privacy, managements and maintenance requirements associated with the access, public safety, and the balance of property rights.
3.1.1-27	Implement public access policies in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: topographic and geologic site characteristics; capacity of the site to sustain use and at what level of intensity; fragility of natural resource areas; proximity to residential uses; public safety services, including lifeguards, fire, and police access; support facilities, including parking and restrooms; management and maintenance of the access; the need to balance constitutional rights of individual property owners and the public's constitutional rights of access.	Refer to Response to CLUP Policy 3.1.1-26.
3.1.2-1	Protect, and where feasible, expand and enhance public access to and along coastal bluffs.	The project site contains a coastal bluff. Although public access to the bluff and the base of the bluff will not be provided as part of the project (refer to Response to CLUP Policy 3.1.1-1), the project will enhance the public view from the top of the bluff at Ocean Boulevard and Carnation Avenue. The view angle through the project site from that location to the harbor and ocean would be increased by approximately 76 percent as a result of project implementation. In addition, a view "window" would also be created at the northern property limits where one does not currently exist.
3.1.2-2	Site, design, and maintain public access improvements in a manner to avoid or minimize impacts to coastal bluffs.	Public access is not proposed through the subject property. As such, CLUP Policy No. 3.1.2-2 does not apply to the proposed project.
3.1.4-1	Continue to regulate the construction of bay and harbor structures within established Bulkhead Lines, Pierhead Lines, and Project Lines.	The applicant is proposing to replace the existing four-slip boat dock with one that would accommodate eight boats and a guest slip. The proposed boat dock will not extend beyond the pierhead line. Consistent with City policies, construction of the proposed dock facility will not result in potentially significant impacts to the existing pierhead line within the harbor. Boats docked along the outboard slip would be restricted to a maximum beam of 24 feet to ensure that no encroachment into the harbor would occur as a result of project implementation.
3.1.4-2	When applicable, continue to require evidence of approval from the County of Orange, Coastal Commission, U.S. Army Corps of Engineers, and other resource management agencies, prior to issuing permits.	Implementation of the proposed project is dependent on securing approval of all applicable permits from the City of Newport Beach and responsible agencies having jurisdiction over the project, including the California Coastal Commission (Coastal Development Permit) and the U.S. Army Corps of Engineers. The applicant will provide evidence of all applicable approvals as requested by the City..
3.1.4-3	Design and site piers, including remodels of and additions to existing piers so as not to obstruct public lateral access and to minimize impacts to coastal views and coastal resources.	<p>The existing pile-supported pier walkway between the existing gangway platform and the existing concrete pad, will be repaired/replaced as part of the project with a structure in-like-kind. Neither the existing pier walkway nor the proposed replacement structure will obstruct public lateral access since neither of the adjacent waterfront properties are open to the public.</p> <p>The proposed dock has been designed to minimize impacts to coastal views. Although the dock would obscure some of the existing rock outcroppings and related features, Section 4.5 of the EIR concludes that the docks would not result in a significant impact to the project site's visual resources.</p>

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		<p>Finally, impacts to natural resources in the cove and harbor (e.g., eelgrass, etc.) as a result of the proposed dock have also been avoided or, where adverse biological resources impacts had the potential to occur, they have been mitigated to a less than significant level.</p>
3.1.4-4	<p>In residential areas, limit structures bayward of the bulkhead line to piers and floats. Limit appurtenances and storage areas to those related to vessel launching and berthing.</p>	<p>The applicant is proposing to replace the existing four-slip boat dock with one that would accommodate eight boats and a guest slip. Although the proposed boat dock will extend to the pierhead line, the structures built bayward of the bulkhead line will be limited to piers and floats.</p>
3.2.1-3	<p>Provide adequate park and recreational facilities to accommodate the needs of new residents when allowing new development.</p>	<p>The proposed project includes the redevelopment of a site that currently supports 15 dwelling units in an area of the city that is developed. The proposed project includes private recreation, including a lounge, swimming pool, etc. It also includes 8 docks and one guest slide tie dock to serve the project's residents. Although the project does not propose to provide additional public recreation and/or park facilities, it will be subject to the City's park fee ordinance.</p>
Recreational Support Facilities		
3.3.2-6	<p>Protect, and where feasible, enhance and expand guest docks at public facilities, yacht clubs and at privately owned marinas, restaurants and other appropriate locations.</p>	<p>The proposed project includes the replacement of an existing 4-slip boat dock. In addition the dock will be enlarged to accommodate up to 9 boats of various sizes, including one guest boat. The boat dock will be maintained by the homeowners' association and the slips will be for the exclusive use of the homeowners and their guests.</p>
Biological Resources		
4.1.1-2	<p>Require a site-specific survey and analysis prepared by a qualified biologist as a filing requirement for coastal development permit applications where development would occur within or adjacent to areas identified as a potential ESHA. Identify ESHA as habitats or natural communities listed in Section 4.1.1 that possess any of the attributes listed in Policy 4.1.1-1. The ESAs depicted on Map 4-1 shall represent a preliminary mapping of areas containing potential ESHA.</p>	<p>None of the ESHAs illustrated on Map 4-1 in the Coastal Land Use Plan are located within the vicinity of the proposed project and, therefore, would not be adversely affected as a result of project implementation. Nonetheless, the bluff contains native vegetation and eelgrass beds are located in the cove below the bluff. As required by CLUP Policy No. 4.1.1-2, surveys have been conducted for both terrestrial and aquatic resources. The findings and recommendation of those studies are presented in Section 4.4 (Biological Resources). Although some potential impacts to the eelgrass beds may occur as a result of the project, mitigation measures have been incorporated into the project to ensure that such impacts would be reduced to a less than significant level (refer to Section 4.7.5).</p>
4.1.2-2	<p>Provide special protection to marine resource areas and species of special biological or economic significance.</p>	<p>The aquatic biology survey conducted for the proposed project indicated that several sensitive species inhabit the harbor waters in the vicinity of the subject property. However, with the exception of the eelgrass, no significant impacts are anticipated any of the sensitive biological species. As previously indicated, while potential construction impacts to the eelgrass may occur; they will be avoided or reduced to an insignificant level through the implementation of several mitigation measures identified in Section 4.6 and Section 4.7.</p> <p>The intertidal area below the bluff supports a colony of sand dollars. Although not a protected species, it has been described as a unique resource because it does not exist in large numbers anywhere else in the bay. In order to protect the sand dollar, construction activities associated with the project, including the proposed dock facility will avoid the intertidal area as required by MM 4.7-</p>

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4.1.2-3	Require that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.	<p>2a.</p> <p>Because the existing landing and docks are in a deteriorated state and pose a potential hazard to safety, the proposed project includes the replacement of the existing facilities as required by the City of Newport Beach. An eelgrass impact assessment was undertaken to evaluate the potential impacts associated with the construction of the dock facility. Based on that survey, it was determined that a small portion of the existing eelgrass bed (approximately 30 square feet) will potentially be affected by shading effects from vessels docked within the concrete dock structure. The area of eelgrass habitat that is actually affected by long-term shading will be determined during post-construction monitoring surveys conducted pursuant to National Marine Fisheries Service (NMFS) Southern California Eelgrass mitigation Policy (NMFS 1991, as amended). The location and amount of eelgrass to be transplanted shall be determined following the results of the two annual monitoring efforts. Additional mitigation measures that address biological and water quality impacts have also been prescribed.</p> <p>Also, as indicated in Section 4.7, low to moderate densities of sand dollars were found on the project site. However, as prescribed in SC 4.7-1, the restriction prescribed by the CDFG that prohibits the taking of any marine organisms within 1,000 feet of the high tide line is intended to protect marine life, including the sand dollar. In addition, in order to further avoid potential impacts to these species, MM 4.7-2a requires avoidance of the sand flats within the cove by construction personnel and equipment. As a result, no unavoidable significant impacts are anticipated with respect to biological resources.</p>
4.1.2-5	Continue to require <i>Caulerpa</i> protocol surveys as a condition of City approval of projects in the Newport Bay and immediately notify the SCCAT when found.	In addition to the eelgrass survey conducted for the proposed project, <i>Caulerpa taxifolia</i> surveys were also undertaken as required by this policy. No invasive species of algae, including <i>Caulerpa taxifolia</i> , were noted in the general vicinity of the project site during either the 2005 or 2007 surveys. As a result, SCCAT was not notified.
4.1.3-1	Utilize the following mitigation measures to reduce the potential for adverse impacts to ESA natural habitats from sources including, but not limited to those identified in Table 4.1.1.	<p>This policy identifies 17 mitigation measures to reduce the potential for adverse impacts to natural habitats. Applicable measures require the control or limitation of encroachments into natural habitats and wetlands, regulate landscaping or revegetation of blufftop areas to control erosion and invasive plant species and provide a transition area between developed areas and natural habitats, require irrigation practices on blufftops to minimize erosion of bluffs and to prohibit invasive species and require their removal in new development. The residential component of the project does not encroach within sensitive habitat areas or wetlands and the landscaping plan indicates that the bluff will be hydroseeded with a drought-tolerant mix native to coastal California natives with temporary irrigation to be used only to establish the vegetation; all non-native plants will be removed.</p> <p>Because the existing landing and docks are in a deteriorated state and pose a potential hazard to safety, the proposed project includes the replacement of the existing facilities as required by the City of Newport Beach. An eelgrass impact assessment was undertaken</p>

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		<p>to evaluate the potential impacts associated with the construction of the dock facility. Based on that survey, it was determined that a small portion of the existing eelgrass bed (approximately 30 square feet) will potentially be affected by shading effects from vessels docked within the slips and the concrete dock structure. The area of eelgrass habitat that is actually affected by long-term shading will be determined during post-construction monitoring surveys conducted pursuant to National Marine Fisheries Service (NMFS) Southern California Eelgrass Mitigation Policy (NMFS 1991 as amended). The location and amount of eelgrass to be transplanted shall be determined following the results of the two annual monitoring efforts. Additional mitigation measures that address biological and water quality impacts have also been prescribed.</p>
4.1.4-1	<p>Continue to protect eelgrass meadows for their important ecological function as a nursery and foraging habitat within the Newport Bay ecosystem.</p>	<p>An eelgrass impact assessment was undertaken to evaluate the potential impacts associated with the construction of the dock facility. Based on that survey, it was determined that a small portion of the existing eelgrass bed (approximately 30 square feet) will potentially be affected by shading effects from vessels docked within the slips and the concrete dock structure. The area of eelgrass habitat that is actually affected by long-term shading will be determined during post-construction monitoring surveys conducted pursuant to National Marine Fisheries Services (NMFS) Southern California Eelgrass mitigation Policy (NMFS 1991, as amended). Several mitigation measures have been prescribed, including pre- and post-development monitoring, to ensure that should potential impacts occur, they would not be permanent. If losses are identified, a final eelgrass mitigation plan shall be submitted to the City of Newport Beach and resources agencies for review and acceptance. Specifically, the developer would be required to mitigate potential impacts pursuant to the requirements of the Southern California Eelgrass Mitigation Policy (NMFS 1991 as amended, Revision 11). If any eelgrass has been impacted in excess of that determined in the pre-construction survey, any additional impacted eelgrass will be mitigated at a ratio of 1.2:1 (mitigation to impact).</p>
4.1.4-3	<p>Site and design boardwalks, docks, piers, and other structures that extend over the water to avoid impacts to eelgrass meadows. Encourage the use of materials that allow sunlight penetration and the growth of eelgrass.</p>	<p>The proposed dock facility has been designed to minimize potential impacts to the existing eelgrass beds in the vicinity of the project. For instance, project implementation will result in the placement of 19 piles into the bay floor. Although the piles will have a cumulative surface area of approximately 39.1 square feet, none will be directly embedded within the eelgrass habitat. Implementation of the turbidity and sediment control measures (e.g., silt curtains and sleeves around pilings) will mitigate potential eelgrass habitat losses due to pile emplacement activities.</p> <p>However, it is possible that some potential temporary impacts may occur as a result of construction activities. Dock construction would result in potential water quality and vessel-related impacts on eelgrass habitat, which may include both direct and indirect long-term effects. During the pile removal and subsequent drilling required for the emplacement process, water turbidity will increase. Turbidity may also increase if vessel propellers impact the bay floor or prop wash stirs up bottom sediments. In order to prevent the spread of any turbidity plume out of the area, BMPs, which eliminate any disposal of trash and</p>

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		<p>debris at the project site as well as the removal of construction debris, will be implemented during construction. Vessel-related impacts include those associated with barges and work vessels working over existing eelgrass beds by deploying anchors and anchor chains within eelgrass habitat, grounding over eelgrass habitat, and propeller scarring and prop wash of either the barge or support vessels for the barge. These vessels could create furrows and scars within the eelgrass vegetation and would result in adverse losses of eelgrass habitat that would require the implementation of an eelgrass mitigation program (refer to MM 4.7-3), which would minimize disturbances related to vessel operations and vessel anchor positioning. It is anticipated that barge operations will have only minimal shading effects on eelgrass since the position of the barge will shift each day, preventing continuous shading of any one part of the eelgrass bed.</p> <p>Implementation of prescribed mitigation measures will reduce the potential impacts to a less than significant level. In addition, pre- and post-development surveys will be conducted to monitor the potential permanent impacts associated with the facility. If such potential impacts occur, they would be replaced at a ratio of 1.2:1 as prescribed by current policy.</p>
4.1.4-4	Provide for the protection of eelgrass meadows and mitigation of impacts to eelgrass meadows in a comprehensive harbor area management plan for Newport Bay.	Refer to Responses to CLUP Policy Nos. 4.1.4-1 and 4.1.4-3. Mitigation pursuant to the mitigation plan would be subject to review and approval by the City of Newport Beach.
4.1.4-5	Where applicable, require eelgrass and <i>Caulerpa taxifolia</i> surveys to be conducted as a condition of City approval for projects in Newport Bay in accordance with operative protocols of the <i>Southern California Eelgrass Mitigation Policy</i> and <i>Caulerpa taxifolia</i> Survey protocols.	Refer to Responses to CLUP Policy Nos. 4.1.4-1 and 4.1.4-3. As noted in those responses, the analysis presented in Section 4.7 (Biological Resources) summarizes the results of the eelgrass and <i>Caulerpa taxifolia</i> surveys conducted for the proposed project. These studies were conducted in accordance with the <i>Southern California Eelgrass Mitigation Policy</i> and <i>Caulerpa taxifolia</i> Survey protocols.
Wetlands and Deepwater Areas		
4.2.5-1	Avoid impacts to eelgrass (<i>Zostera marina</i>) to the greatest extent possible. Mitigate losses of eelgrass at a 1.2 to 1 mitigation ratio and in accordance with the Southern California Eelgrass Mitigation Policy. Encourage the restoration of eelgrass throughout Newport Harbor where feasible.	The eelgrass survey and impact assessment conducted for the proposed project indicated that some potential temporary impacts would occur; however, those impacts would be mitigated through the implementation of measures intended to reduce siltation (e.g., silt curtains, etc.) and other effects of construction activities (e.g., anchor dragging) that could impact the existing eelgrass bed. As indicated in this policy, eelgrass losses would be replaced at a ratio of 1.2:1.
Water Quality		
4.3.1-5	Require development on steep slopes or steep slopes with erosive soils to implement structural best management practices (BMPs) to prevent or minimize erosion consistent with any load allocation of the TMDLs adopted for Newport Bay.	A Water Quality Management Plan (WQMP), a Stormwater Pollution Prevention Plan (SWPPP) and a hydrological analysis were prepared by qualified professionals in connection with the project. These include best management practices (BMPs) and structural methods to ensure that erosion and stormwater discharge will not impact Newport Bay. These BMPs address both short-term (i.e., construction) and long-term (i.e., operational) effects and incorporate a variety of features to address erosion and sedimentation as well as non-sediment BMPs to address the use of fertilizers/pesticides, vehicle/equipment parking, solid waste management, etc., which incrementally contribute

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		to the water quality impacts associated with urban development.
4.3.1-6	Require grading/erosion control plans to include soil stabilization on graded or disturbed areas.	The project applicant is required to prepare and implement BMPs pursuant to the Stormwater Pollution Prevention Plan (SWPPP) that will be required prior to the issuance of the grading permit for the proposed project. Implementation of these construction BMPs will ensure that grading/erosion control measures are implemented. These measures are intended to minimize erosion and stabilize the site during grading. As indicated above, the applicant will also be required to implement BMPs to ensure that point source and non-point source pollutants are minimized (see Response to Policy 4.3.1-5).
4.3.1-7	Require measures to be taken during construction to limit land use disturbance activities such as clearing and grading, limiting cut-and-fill to reduce erosion and sediment loss, and avoiding steep slopes, unstable areas, and erosive soils. Require construction to minimize disturbance of natural vegetation, including significant trees, native vegetation, root structures, and other physical or biological features important for preventing erosion or sedimentation.	See Responses to CLUP Policies 4.3.1-5 and 4.3.1-6 for a discussion of the project's efforts to minimize land use disturbance activities. Also, the project has been designed to avoid impacts to native vegetation. Current project design features avoid the coastal bluff face and rocky outcrop located along the north side of the project site that extends into Newport Harbor. However, within the current development footprint, there is a potentially suitable habitat for the nine special status plants. Therefore, the applicant will undertake focused surveys during the appropriate blooming season of each of those species to confirm that they do not exist on the site. If one or more of the species exist on the subject property and it is determined that project implementation would result in impacts, an incident take permit under Section 2081 of the Fish and Game Code will be obtained..
4.3.2-3	Require that development not result in the degradation of coastal waters (including the ocean, estuaries and lakes) caused by changes to the hydrologic landscape.	See Responses to CLUP Policies 4.3.1-5 and 4.3.1-6.
4.3.2-8	To the maximum extent practicable, runoff should be retained on private property to prevent the transport of bacteria, pesticides, fertilizers, pet waste, oil, engine coolant, gasoline, hydrocarbons, brake dust, tire residue, and other pollutants into recreational waters.	The hydrology study prepared for the proposed project includes a detention facility that will be constructed on-site to treat and detain storm flows. Specifically, the 1.95 cfs emanating from the site will be detained in a vault, treated by a proprietary StormFilter unit, and discharged into the existing storm drain at a rate of 0.50 cfs, which is slightly less than the 0.51 cfs currently being discharged. Following treatment by the project StormFilter unit, site runoff will pass through an Abtech Smart Sponge Plus drain insert for additional treatment for bacteria as a pollutant of concern.
4.3.2-11	Require new development to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to be maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.	Impervious surfaces comprising the existing development encompass approximately 22 percent of the total area of the project site. When redeveloped, impermeable surfaces will cover approximately 28 percent of the project site. The remaining 72 percent will remain permeable. Although the impervious areas will increase by approximately 6 percent, the total discharge from the site in the developed condition is estimated to be only 1.95 cfs, or a 15 percent decrease in surface runoff when compared to the existing 2.31 cfs. The decrease in storm flow is largely attributed to the addition of a swimming pool, which would capture runoff during the storm event, thereby reducing the total storm flows on the site under existing conditions because a swimming pool does not currently exist. The proposed storm drain system will capture more of the site runoff and reduce sheet flows that currently directly impact Newport Bay. The improved efficiency of the new storm drain system, together with the

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		filtration element within the outlet structure, will ensure that the redeveloped site does not result in erosion or siltation on- or off-site.
4.3.2-12	Require development to protect the absorption, purification, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Where feasible, design drainage and project plans to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems should be restored, where feasible.	As suggested above, the proposed project will result in a minimal impact on the absorption, purification, and retention functions of natural drainage systems that exist on the site. Although the project will result in an approximately 6 percent increase in the total impermeable surface area of the site, the developed project is estimated to generate only 1.95 cfs, or a 15 percent decrease in surface runoff when compared to the existing 2.31 cfs. The decrease in storm flow is largely attributed to the addition of a swimming pool, which would capture runoff during the storm event, thereby reducing the total storm flows on the site under existing condition because a swimming pool does not currently exist. The proposed storm drain system will capture more of the site runoff and reduce sheet flows that currently directly impact Newport Bay. The improved efficiency of the new storm drain system, together with the filtration element within the outlet structure, will ensure that the redeveloped site does not result in erosion or siltation on-or off-site.
4.3.2-13	Site development on the most suitable portion of the site and design to ensure the protection and preservation of natural and sensitive site resources.	<p>The preliminary geotechnical analysis conducted for the proposed project concluded that the site is suitable for development with the incorporation of measures outlined in the report. The proposed project has been designed to incorporate the recommendations of the report and will not expose the structure and/or the future residents to potential hazards.</p> <p>In addition, the site has also been designed to minimize impacts to natural and sensitive resources. For instance, the project has been design with “curvilinear” features that will allow the building to conform to the bluff when compared to the existing rectilinear features of the existing residential structure. In addition, the dock access/emergency exit proposed at the 40.5 feet NAVD88 also incorporates design features that conform to the existing natural character of the bluff through the use of landscape and hardscape materials, including rocks.</p> <p>Finally, the proposed dock facility is located in an area that avoids to the maximum extent possible, the eelgrass beds located in the harbor. Although potential construction impacts may occur, measures will be required to ensure that such impacts are minimized and reduced to an insignificant level (e.g., employ silt curtains, etc.). In the event that direct impacts occur to eelgrass, the applicant will be required to replace/restore it at a ratio of 1.2:1 consistent with adopted policies.</p>
4.3.2-16	Require structural BMPs to be inspected, cleaned, and repaired as necessary to ensure proper functioning for the life of the development. Condition coastal development permits to require ongoing application and maintenance as is necessary for effective operation of all BMPs (including site design, source control, and treatment control).	As indicated in Section V (Inspection/Maintenance Responsibility for BMPs) of the WQMP prepared for the project, all of the structural BMPs will be inspected, cleaned and maintained in accordance with the BMP Maintenance Responsibility/Frequency Matrix, which is consistent with this policy to ensure that their effectiveness and efficiency in water quality treatment is maximized.
4.3.2-22	Require beachfront and waterfront development to incorporate BMPs designed to prevent or minimize polluted runoff to beach and coastal waters.	See Responses to CLUP Policies 4.3.1-5 and 4.3.1-6.
4.3.2-23	Require new development applications to include a Water Quality Management Plan (WQMP). The WQMP's	See Responses to CLUP Policies 4.3.1-5 and 4.3.1-6.

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	purpose is to minimize to the maximum extent practicable dry weather runoff, runoff from small storms (less the ¾" of rain falling over a 24-hour period) and the concentration of pollutants in such runoff during construction and post-construction from the property.	
4.3.2-24	To further reduce runoff, direct and encourage water conservation via the use of weather- and moisture-based irrigation controls, tiered water consumption rates, and native or drought-tolerant plantings in residential, commercial, and municipal properties to the maximum extent practicable.	Bluff landscaping shall consist of native, drought tolerant plant species determined to be consistent with the California coastal bluff environment. Invasive and non-invasive species shall be removed. Irrigation of bluff faces to establish revegetated areas shall be temporary and used only to establish the plants. Upon establishment of the plantings, the temporary irrigation system shall be removed. As a result, the need for irrigation will be reduced/minimized.
Scenic and Visual Resources		
4.4.1-1	Protect and, where feasible, enhance the scenic and visual qualities of the coastal zone, including public views to and along the ocean, bay, and harbor and to coastal bluffs and other scenic coastal areas.	As indicated in Section 4.5 of the EIR (Aesthetics), although project implementation will result in the introduction of a different structure on the site, views from important public vantages (e.g., Begonia Park) would not be significantly affected. In addition, views through the site from the "Public View Point" at Ocean Boulevard and Carnation Avenue adjacent to the project would be enhanced. The view angle through the site from that location to the harbor and ocean would be increased by approximately 76 percent as a result of project implementation. In addition, a view "window" will also be created at the northerly property limits where one does not currently exist. Finally, the project will result in an enhanced view of the project site's bluff when viewed from the bay. While the lowest extent of existing development down the site's bluff face is 42.3 feet NAVD88, the project's main structure will be constructed at elevation 52.83 feet NAVD88, resulting in approximately 10 additional vertical feet of bluff face as compared with existing conditions.
4.4.1-2	Design and site new development, including landscaping, so as to minimize impacts to public coastal views.	The proposed project has been designed to minimize impacts to public coastal views. As illustrated in the visual simulations prepared for the proposed project (refer to Section 4.5), the proposed residential structure has been designed to blend into the bluff through its "curvilinear" design, character, colors and building materials when compared to the existing structure and nearby homes located along the bluff. The aesthetic character of the residential neighborhood will be enhanced through the elimination of existing overhead utilities (i.e., undergrounding) on Carnation Avenue. Further, no significant encroachment into the ocean vista would occur when viewed from Begonia. Finally, views to the ocean from Ocean Boulevard would be enhanced as a result of the design of the project, which expands the existing vista by approximately 76 percent.
4.4.1-3	Design and site new development to minimize alterations to significant natural landforms, including bluffs, cliffs and canyons.	With the exception of the emergency egress, the proposed project has been designed to limit the proposed development to the Predominant Line of Existing Development (PLOED), which was established by the Newport Beach City Council at elevation 50.7 feet NAVD 88. Although excavation below the 50.7 NAVD 88 elevation is required to accommodate the lower levels of the proposed structure, this excavation will occur behind the bluff face and would not be visible from the harbor or elsewhere within the viewshed. In order to ensure compatibility with the natural landform

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		<p>and, therefore, avoid both damaging the scenic resource represented by the bluff and degrading the existing visual character and quality of the site, the emergency exit incorporates design features that blend the exit into the existing natural character of the bluff through the use of landscape and hardscape materials, including rocks. As a result, the emergency exit is consistent with the City's established policies regarding protection of the scenic and visual qualities of the bluff.</p> <p>Finally, the proposed condominium structure is situated on the flattest portion of the lot and the building design conforms to the natural contours of the site; therefore, grading of the bluff is the minimal amount needed to build the project to the Predominant Line and the project is consistent with this policy.</p>
4.4.1-4	Where appropriate, require new development to provide view easements or corridors designed to protect public coastal views or to restore public coastal views in developed areas.	Views through the site from the "Public View Point" at Ocean Boulevard and Carnation Avenue adjacent to the project would be enhanced as a result of the project. The view angle through the site from that location to the harbor and ocean would be increased by approximately 76 percent. Implementation of MM 4.5-2 (refer to Section 4.5.4) requires a view easement (applicable only to the project site) to ensure that this view enhancement is achieved and preserved in the future.
4.4.1-5	Where feasible, require new development to restore and enhance the visual quality in visually degraded areas.	<p>The existing apartment building was constructed in 1949 and the adjacent home on the site was built in 1955. These structures lack aesthetic character, especially with open carports and parked vehicles dominating the ground level of the structure facing Carnation Avenue. A portion of the existing structures extend down to the bluff face, to elevation 42.3 feet NAVD88.</p> <p>Project implementation will result in the replacement of the existing buildings with a high quality structure of modern design. In addition, overhead utilities that exist within the parkway on the south side of Carnation Avenue would be undergrounded, resulting in the elimination of the utility features that extent vertically and horizontally within the viewshed. The elimination of these features would enhance views and the aesthetic character within the neighborhood. Finally, the project would be slightly higher on the bluff than the existing structure. As a result, the bluff face below the proposed structure would be landscaped and enhanced with native plant materials.</p>
4.4.1-6	Protect public coastal views from the following roadway segments: Ocean Boulevard	Refer to Response to CLUP Policy 4.4.1-4.
4.4.1-7	Design and site new development, including landscaping, on the edges of public coastal view corridors, including those down public streets, to frame and accent public coastal views.	At the present time, a 25 degree view currently exists between the existing apartment building on the site and the neighbor's garage and fence to the south. Project implementation will result in an expansion/enhancement of that existing view, which would increase to 44 degrees with the proposed project. Implementation of MM 4.5-2 requires a view easement (applicable only to the project site) to ensure that the enhancement of the view is achieved and preserved in the future.
4.4.2-2	Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.	With only minor exception (e.g., excavation required to accommodate the subterranean levels, side yard setback) the project complies with all of the development standards prescribed by the existing zoning and is, therefore, consistent with building height limits and other City building envelope restrictions. The below grade encroachments will not impact public views and the above grade encroachment is located within a side yard setback

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		between the proposed project and the home abutting the site to the north (215 Carnation Ave.) where no public view currently exists. Furthermore, although the proposed multiple-family structure would be larger than the existing structure(s) occupying the site, it would be smaller than the Channel Reef development located to the south, as illustrated in several of the visual simulations (refer to Section 4.5).
4.4.2-3	Implement the regulation of the building envelope to preserve public views through the height, setback, floor area, lot coverage, and building bulk regulation of the Zoning Code in effect as of October 13, 2005 that limit the building profile and maximize public view opportunities.	Refer to Response to CLUP Policy 4.4.2-2 for a discussion of Zoning Code compliance. Also, note that views through the site from the "Public View Point" at Ocean Boulevard and Carnation Avenue adjacent to the project would be enhanced as a result of the project. The view angle through the site from that location to the harbor and ocean would be increased by approximately 76 percent. In addition, views to the harbor and turning basin would also be created at the northern property boundary where no view currently exists.
4.4.3.4	On bluffs subject to marine erosion, require new accessory structures as decks, patios, and walkways that do not require structural foundations to be sited in accordance with the predominant line of existing development in the subject area, but not less than 10 feet from the bluff edge. Require accessory structures to be removed or relocated landward when threatened by erosion, instability or other hazards.	No new accessory structures are proposed. All project structures will be supported by structural foundations. The policy requires that accessory structures be removed or relocated landward when threatened by erosion, instability or other hazards. SC 4.9-4 mandates that the existing accessory structures (concrete pad, staircase and walkway) be removed if such circumstances arise in the future.
4.4.3-5	Require all new bluff top development located on a bluff not subject to marine erosion to be sited in accordance with the predominant line of existing development in the subject area. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and pools. The setback shall be increased where necessary to ensure safety and stability of the development.	The City Council has established a predominant line of existing bluff face development for the Site (PLOED) at elevation 50.7 feet NAVD88. New development on the bluff face is proposed to be more than two feet higher than the PLOED at elevation 52.83 feet NAVD88, except for an emergency exit at elevation 40.5 feet NAVD88. As a point of reference, the lowest reach down the bluff face of the existing apartment building is 42.3 feet NAVD88, or approximately eight feet lower than the proposed residential structures (other than the proposed emergency exit). The basement and sub-basement levels are subterranean and will not be visible from either the street or the bay. As such, those subterranean spaces are not subject to the PLOED. Outdoor patios, decks, spas, and firepots are proposed at each above grade level.
4.4.3-6	On bluffs not subject to marine erosion, require new accessory structures such as decks, patios and walkways that do not require structural foundations, to be set back from the bluff edge in accordance with the predominant line of existing accessory development. Require accessory structures to be removed or relocated landward when threatened by erosion, instability or other hazards.	Refer to Responses to CLUP Policy Nos. 4.4.3-4 and 4.4.3-5.
4.4.3-7	Require all new development located on a bluff top to be setback from the bluff edge a sufficient distance to ensure stability, ensure that it will not be endangered by erosion, and to avoid the need for protective devices during the economic life of the structure (75 years). Such setbacks must take into consideration expected long-term bluff retreat over the next 75 years, as well as slope stability. To assure stability, the development must maintain a minimum factor of safety of 1.5 against landsliding for the economic life of the structure.	Protective devices are not required for the proposed project. As indicated in the Coastal Hazard Study prepared by GeoSoils, Inc., flooding, erosion and wave runup will not adversely impact the proposed improvements over their lifetime (i.e., 75 years) and the proposed project will not create or contribute significantly to erosion, geologic instability, or destruction of the site or adjacent area. The project will be set back a sufficient distance from the bluff edge to ensure stability. As discussed above, the City Council has established a predominant life of existing development for the site at elevation 50.7 feet NAVD88. This is the extent to which new structures may be built toward the bay, and down the bluff. At elevation 52.83 feet

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		<p>NAVD88, the project will be more than two feet higher than the PLOED, except for the dock access/emergency exit at elevation 40.5 feet NAVD88. As a point of reference, the lowest reach down the bluff face of the existing apartment building is 42.3 feet NAVD88, or approximately eight feet lower than the proposed residential structures (other than the proposed dock access/emergency exit). Further, the site is not subject to potential landsliding.</p>
4.4.3-8	<p>Prohibit development on bluff faces, except private development on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar determined to be consistent with the predominant line of existing development or public improvements providing public access, protecting coastal resources, or providing for public safety. Permit such improvements only when no feasible alternative exists and when designed and constructed to minimize alteration of the bluff face, to not contribute to further erosion of the bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.</p>	<p>The City Council has established a predominant line of existing bluff face development for the site at elevation 50.7 feet NAVD88. New development on the bluff face is proposed to be more than two feet higher than the PLOED at elevation 52.83 feet NAVD88, except for a dock access/emergency exit at elevation 40.5 feet NAVD88. As a point of reference, the lowest reach down the bluff face of the existing apartment building is 42.3 feet NAVD88, or approximately eight feet lower than the proposed residential structures (other than the proposed dock access/emergency exit). The basement and sub-basement levels are subterranean and will not be visible from either the street or the bay. Outdoor patios, decks, spas, and firepots are proposed at each above-grade level.</p>
4.4.3-9	<p>Where principal structures exist on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar, require all new development to be sited in accordance with the predominant line of existing development in order to protect public coastal views. Establish a predominant line of development for both principle structures and accessory improvements. The setback shall be increased where necessary to ensure safety and stability of the development.</p>	<p>As previously indicated, with only minor exception (i.e., emergency access at 40.5 feet NAVD88, the proposed project complies with the PLOED setback prescribed by the Newport Beach City Council. A series of visual simulations was create to evaluate the potential visual impacts of the proposed project. Although the simulations (refer to Section 4.5 (Aesthetics) illustrate that the new development would result in some changes in the visual character of the site, no significant visual impacts are anticipated, either from the harbor or other public vantages within the vicinity of the project. The simulations revealed that some views from Carnation Avenue and Ocean Boulevard will be enhanced (i.e., elimination of overhead utilities on Carnation Avenue) or expanded (i.e., a wider view angle from the sidewalk along Ocean Boulevard). From other more distant vantages (e.g., Begonia Park), the proposed structure will not significantly change the existing view. As a result, no significant visual impacts are anticipated.</p>
4.4.3-11	<p>Require applications for new development to include slope stability analyses and erosion rate estimates provided by a licensed Certified Engineering Geologist or Geotechnical Engineer.</p>	<p>As indicated in the GeoSoils, Inc., Coastal Hazard Study, flooding, erosion and wave runoff will not adversely impact the proposed improvements over their lifetime (i.e., 75 years) and the proposed project will not create or contribute significantly to erosion, geologic instability or destruction of the site or adjacent area</p>
4.4.3-12	<p>Employ site design and construction techniques to minimize alteration of coastal bluffs to the maximum extent feasible.</p>	<p>The project site encompasses a south-facing bluff. A small cove exists below the bluff, which is characterized by rock outcroppings. Although development will extend down to 52.83 feet NAVD88 (approximately two feet above the 50.7 feet NAVD88 PLOED identified by the City Council), the integrity of the bluff will be maintained below that elevation with the exception of the dock access/emergency exit, which is proposed at the 40.5 feet NAVD88 elevation. However, the access would be recessed and designed to minimize the alteration of the natural appearance of the bluff.</p> <p>The proposed project has been designed to complement the site's natural bluff features. The "curvilinear" features reflected in the design of the proposed residential</p>

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		<p>structure will allow the building to conform to the character of the bluff when compared to the existing rectilinear features of the existing residential structure. In addition, the proposed colors are consistent with the natural environment, and the project's mass has been broken by the physical separation between the two main structural elements. Finally, the bluff face below the proposed structure would be landscaped and enhanced with native plant materials.</p>
4.4.3-13	<p>Require new development adjacent to the edge of coastal bluffs to incorporate drainage improvements, irrigation systems, and/or native or drought-tolerant vegetation into the design to minimize coastal bluff recession.</p>	<p>The project implements Policy 4.4.3-13 through hydroseeding the bluff with a drought- tolerant mix of plants that are native to coastal California. Temporary irrigation will be used only to establish the vegetation. Implementation of MM 4.7-4 will ensure that the planting and irrigation be accomplished within this limitation. In addition, all common areas will be landscaped with similar plant material having similar water requirements to reduce excess irrigation runoff and promote surface filtration.</p> <p>The proposed storm drainage system will more efficiently capture site runoff, reduce the amount of sheet flow across the bluff face, and discharge to Newport Bay with less intensity than under current conditions. Specifically, the 1.95 cfs emanating from the site will be detained in a vault, treated by a proprietary StormFilter unit, and discharged into the existing storm drain at a rate of 0.50 cfs, which is slightly less than the 0.51 cfs currently being discharged.</p> <p>Implementation of these measures will help reduce the potential for coastal bluff recession due to effects of site runoff.</p>
4.4.3-15	<p>Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources.</p>	<p>The project has been designed to avoid impacts to native vegetation. Current project design features avoid the coastal bluff face and rocky outcrop located along the north side of the project site that extends into Newport Harbor. However, within the current development footprint, there is a potentially suitable habitat for nine special status plants. Therefore, the applicant will undertake focused surveys during the appropriate blooming season of each of those species to confirm that they do not exist on the site. If one or more of the species exist on the subject property and it is determined that project implementation would result in impacts, an incident take permit under Section 2081 of the Fish and Game Code will be obtained.</p> <p>No rock outcroppings would be damaged or destroyed as a result of project implementation.</p> <p>Although not identified as an ESA on Figure NR2 (Environmental Study Areas) of the City's General Plan, eelgrass beds are located adjacent to the cove below the bluff site. Nonetheless, an eelgrass survey was conducted and determined that measures would be required during the construction phase to protect the beds from damage as a result of construction of the proposed replacement dock. Pre- and post-construction surveys are also proposed to document any potential adverse effects and identify the need to provide mitigation for impacted eelgrass.</p>
Paleontological and Cultural Resources		
4.5.1-1	Require new development to protect and preserve	As indicated in Section 4.10, project implementation will

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	paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources. If avoidance of the resources is not feasible, require an in situ or site-capping preservation plan or a recovery plan for mitigating the effect of the development.	not result in potential impacts to paleontological and archaeological resources. Nonetheless, the project must comply with State law in the event human remains are encountered. In addition, because the Monterey Formation is known to contain fossils, mitigation has been identified to address potential impacts to such fossils. Specifically, a qualified paleontologist must be retained by the project applicant to develop a Paleontological Resource Impact Mitigation Program consistent with the guidance of the Society of Vertebrate Paleontology. In the event that fossils are encountered during construction activities, ground-disturbing excavations in the vicinity of the discovery shall be redirected or halted by the monitor until the find has been salvaged. Any fossils discovered during project construction shall be prepared to a point of identification and stabilized for long-term storage. Any discovery, along with supporting documentation and an itemized catalogue, shall be accessioned into the collections of a suitable repository. Curation costs to accession any collections shall be the responsibility of the project applicant.
4.5.1-2	Require a qualified paleontologist/archaeologist to monitor all grading and/or excavation where there is a potential to affect cultural or paleontological resources. If grading operations or excavations uncover paleontological/archaeological resources, require the paleontologist/archaeologist monitor to suspend all development activity to avoid destruction of resources until a determination can be made as to the significance of the paleontological/archaeological resources. If resources are determined to be significant, require submittal of a mitigation plan. Mitigation measures considered may range from in-situ preservation to recover and/or relocation. Mitigation plans shall include a good faith effort to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, in situ preservation/capping, and placing cultural resources areas in open space.	Refer to Response to CLUP Policy 4.5.1-1.
4.5.1-3	Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.	As indicated in Section 4.10, because implementation of the proposed project requires the approval of an amendment to the Land Use Element of the Newport Beach General Plan, it is subject to the provisions of SB 18, which requires consultation with Native American representatives before adopting or amending a general plan. The City has complied with the requirement of SB 18 by submitting a request to the Native American Heritage Commission (NAHC). In addition, the City also sent letters to the Native American representatives, informing each of the proposed project. However, no response was received by the City from any of the native American representatives requesting consultation within the 90-day statutory period.
4.5.1-4	Where in situ preservation and avoidance are not feasible, require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Orange County, whenever possible.	Refer to Response to CLUP Policy No 4.5.1-1.
4.5.1-5	Where there is a potential to affect cultural or paleontological resources, require the submittal of an archaeological/cultural resources monitoring plan that identifies monitoring methods and describes the procedures for selecting archaeological and Native American monitors and procedures that will be followed if	Refer to Response to CLUP Policy No. 4.5.1-1.

Policy No.	CLUP Policy	Consistency Analysis
	<p>additional or unexpected archaeological/cultural resources are encountered during development of the site. Procedures may include, but are not limited to, provisions for cessation of all grading and construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options to allow for significance testing, additional investigation and mitigation.</p>	
Environmental Review		
4.6-6	<p>Where development is proposed within or adjacent to ESHA, wetlands or other sensitive resources, require City staff member(s) and/or contracted employee(s) to consider the individual and cumulative impacts of the development, define the least environmentally damaging alternative, and recommend modifications or mitigation measures to avoid or minimize impacts. The City may impose a fee on applicants to recover the cost of review of a proposed project when required by this policy.</p>	<p>The potential individual and cumulative impacts of the proposed project has been thoroughly evaluated in the initial study and Draft EIR. Several technical analyses have been prepared to determine the nature and extent of both individual and cumulative impacts anticipated as a result of project implementation. As concluded in the analysis presented in the Draft EIR, while potentially significant project-related impacts have been identified, no significant cumulative impacts will occur as a result of project implementation. As required by CEQA, mitigation measures have been prescribed for each potentially significant impact, which will be implemented to ensure that most of the impacts are reduced to a less than significant level. However, temporary construction noise will remain a significant an unavoidable adverse impact.</p>
4.6-6	<p>Where development is proposed within or adjacent to ESHA, wetlands or other sensitive resources, require the city staff member(s) and/or contracted employee(s) to include the following in any recommendations of approval: an identification of the preferred project alternative, required modifications, or mitigation measures necessary to ensure conformance with the Coastal Land Use Plan. The decision making body (Planning Director, Planning Commission, or City Council) shall make findings relative to the project's conformance to the recommendations of the City staff member(s) and/or contracted employee(s).</p>	<p>Although not located within an established ESHA, the site is located within the Coastal Zone of the City and supports native vegetation and important coastal resources. As such, the site has been designed to minimize potential impacts to sensitive habitat, including coastal resources. Specifically, potential impacts to eelgrass may occur during construction of the proposed dock facility and subsequent to the construction of that feature; however, several mitigation measures have been prescribed to ensure that such impacts are reduced to an acceptable level (i.e., less than significant). If permanent impacts occur based on monitoring, replace of that habitat would be required at a ratio of 1.2:1, consistent with adopted plans and programs.</p> <p>The recommendation report issued by City staff will include an identification of the preferred project alternative, required modifications, or mitigation measures necessary to ensure conformance with the Coastal Land Use Plan. In addition, the decision-making body shall make findings relative to the project's conformance to City staff's recommendations.</p>
4.6-8	<p>Coordinate with the California Department of Fish and Game, U.S. Fish and Wildlife Service, national Marine Fisheries Service, and other resource management agencies, as applicable, in the review of development applications in order to ensure that impacts to ESHA and marine resources, including rare, threatened, or endangered species, are avoided or minimized such that ESHA is not significantly degraded, habitat values are not significantly disrupted, and the biological productivity and quality of coastal waters is preserved.</p>	<p>The proposed project will be subject to review and comment by the resources agencies listed in CLUP Policy No. 4.6-8 through the environmental review (i.e., CEQA) process, including the California Department of Fish and Game, U.S. Fish and Wildlife Service, National Marine Fisheries, and California Coastal Commission.</p>
4.6-9	<p>Require applications for new development, where applicable, to include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the project site, any necessary mitigation measures, and contains statements that the project site is suitable for the proposed development and that the development will be</p>	<p>Both a grading report (Grading Plan Review Report prepared by Neblett & Associates, August 2005) and a coastal hazard study (Coastal Hazard Study prepared by GeoSoils, Inc, dated October 2006) were prepared for the proposed project. These studies thoroughly evaluated the proposed project and prescribed appropriate measures to</p>

Policy No.	CLUP Policy	Consistency Analysis
	safe from geologic hazard for its economic life. For development on coastal bluffs, including bluffs facing Upper Newport Bay, such reports shall include slope stability analyses and estimates of the long-term average bluff retreat rate over the expected life of the development. Reports are to be signed by an appropriately licensed professional and subject to review and approval by qualified city staff member(s) and/or contracted employee(s).	address soils and geotechnical constraints on the site. As indicated in that study, the site is suitable for the development proposed and will be safe from geologic hazard. Excavation proposed for the project will result in the removal of existing fill soils as well as a majority of the terrace deposits capping the bedrock and daylighting on the bluff face. With the removal of these materials, the bluff face will be less vulnerable to bluff erosion. In addition, the incorporation of site drainage measures will also redirect existing site surface drainage away from the bluff, thereby further reducing potential bluff erosion. The GeoSoils, Inc., Coastal Hazard Study concluded that the proposed improvements will neither create nor contribute significantly to erosion, geologic instability, or the destruction of the site or adjacent area.

Newport Beach Zoning

As indicated in Section 4.1.1, the majority of the subject property is zoned MFR (Multiple-Family Residential, 2,178), which would accommodate up to 20 du/ac based on one dwelling unit for every 2,178 square feet of land. The maximum density that could be achieved on the subject property is based on the MFR zoning parameters identified below.

Total Site Area	61,282 square feet
Existing Building Pad	13,481 square feet
Slope area less than 50%	7,462 square feet
Slope area greater than 50%	11,926 square feet
Area under mean higher high water elevation	28,413 square feet

The maximum density that would be permitted on the subject property is determined by subtracting the area of the site that exceeds 50 percent slope (11,926 square feet) and the area of the site located below mean higher high water (28,413 square feet) from the total project site area (61,284 square feet). This calculation results in a total of 20,945 square feet. Based on the minimum of 2,178 square feet of land area per dwelling unit, a maximum of 9 dwelling units would be permitted on the subject property. The project applicant is proposing a total of eight dwelling units, which is consistent with the density provision of the MFR zoning classification.

A small portion of the site (584 square feet) is zoned R-2 (Two-Family Residential). The applicant has proposed a zone change to reclassify that small portion of the site to MFR, which would be consistent with the accompanying request to amend the Newport Beach Land Use Element to redesignate it as RM. Approval of the zone change (and General Plan Amendment) would eliminate the R-2 zoning and the existing conflict with the MFR zoning that applies to the majority of the property, which permits higher density development. Development of the site as proposed complies with the zoning district regulations and development standards prescribed for the MFR zoning district. Therefore, no significant conflicts with the zoning would occur and no mitigation measures are required.

SCAG Policies and Programs

Table 4.1-3 provides a discussion of the project's consistency with the applicable goals, objectives, policies and programs reflected in the Regional Comprehensive Plan and Guide. As indicated in that

analysis, the proposed project is consistent with the SCAG projections, plans and policies and no significant impacts will occur as a result of project implementation.

**Table 4.1-3
Regional Comprehensive Plan and Guide (RCPG) Consistency Analysis**

Policy No.	RCPG Policy	Consistency Analysis
Regional Transportation Plan		
4.01	Transportation investments shall be based on SCAG's adopted Regional Performance indicators (i.e., mobility, accessibility, environment, reliability, safety, livable communities, equity, and cost-effectiveness).	Project implementation will not result in the generation of significant new traffic that would adversely affect regional transportation facilities.
4.02	Transportation investments shall mitigate environmental impacts to an acceptable level.	As indicated above, no significant long-term traffic impacts will result from project implementation
4.04	Transportation control measures shall be a priority.	A Construction Management Plan has been prepared for the proposed project, which addresses all aspects of the construction phase (e.g., phasing schedule, construction equipment, and the construction process). In addition, the CMP also addresses parking management (e.g., off-site and short-term parking, staging, etc.), traffic control (e.g., haul routes and delivery requirements), safety and security (e.g., pedestrian protection, fencing, etc.), air quality control and noise suppression measures (e.g., dust control, noise control, vibration monitoring); and environmental compliance/protection (e.g., erosion and sediment control and beach protection, water quality control and environmental protection measures).
Improvement of Regional Standard of Living		
3.05	Encourage patterns of urban development and land use, which reduce costs on infrastructure construction and make better use of existing facilities.	The proposed project is located in an area of the City that is served by a full complement of public services and utilities. With the upsizing of the existing deficient catch basin, adequate infrastructure and public services are available to serve the project. Therefore, project implementation would result in an improvement in infrastructure service to the area. All of the remaining infrastructure facilities (e.g., sewer, water, police and fire protection, etc.) have adequate capacity to accommodate the proposed project.
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.	As indicated in Response to Policy 3.05 above, adequate infrastructure and public services exist in the project area to serve the proposed project. The applicant will be responsible for upgrading an existing deficient catch basin.
Improvement of Regional Quality of Life		
3.12	Encourage existing or proposed local jurisdictions' programs aimed at designing land uses which 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 opportunities for residents to walk and bike.	The applicant is proposing to redevelop the subject property, which will result in a reduction in the number of dwelling units that exist on the site and, as a result, will reduce the total number of vehicle trips (and miles traveled) associated with site development. Project implementation will not result in the construction of new or expanded roadways. Public transit opportunities currently exist within the Corona del Mar community and in the City of Newport Beach that would serve the proposed residential project.
3.13	Encourage local jurisdictions' plans that maximize the use of existing urbanized areas accessible to transit through infill and redevelopment.	As previously indicated in Response to Policy 3.12, project implementation includes the reuse of an existing developed site, which will not require the expansion of existing transit services, which currently exist in the community. Existing transit facilities are adequate to serve the proposed residential use.

3.18	Encourage planned development in locations least likely to cause adverse environmental impacts.	The project has been carefully designed to avoid and/or mitigate potentially significant environmental impacts. The project's significant and unavoidable temporary construction noise impact is a function of its location on a coastal bluff in a developed residential neighborhood. As discussed in Chapter 10.0 (Alternatives) of the EIR, projects of varying designs and densities generate similar construction noise impacts.
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.	<p>The proposed project will not result in potentially significant impacts to wetlands, groundwater recharge areas, woodlands, production lands, and land containing unique and/or endangered plants and animals.</p> <p>Although not identified as an ESA on Figure NR2 (Environmental Study Areas) of the City's General Plan, eelgrass beds are located adjacent to the cove below the bluff site. Nonetheless, an eelgrass survey as conducted and determined that measures would be required during the construction phase to protect the beds from damage as a result of construction of the proposed replacement dock. Pre- and post-construction surveys are also proposed to document any potential adverse effects and identify the need to provide mitigation for impacted eelgrass.</p> <p>In addition, the intertidal area below the bluff supports a colony of sand dollars. Although not a protected species, it has been described as a unique resource because it does not exist in large numbers anywhere else in the bay. Construction activities associated with the project, including the proposed dock facility must avoid the intertidal area to ensure that no significant impacts occur to the sand dollar colony.</p>
3.21	Encourage the implementation of measures aimed at the preservation and protection of recorded and unrecorded cultural resources and archaeological sites.	As indicated in Section 4.10, project implementation will not result in potential impacts to paleontological and archaeological resources. Nonetheless, the project must comply with State law in the event human remains are encountered. In addition, because the Monterey Formation is known to contain fossils, mitigation has been identified to address potential impacts to such fossils. Specifically, a qualified paleontologist must be retained by the project applicant to develop a Paleontological Resource Impact Mitigation Program consistent with the guidance of the Society of Vertebrate Paleontology. In the event that fossils are encountered during construction activities, ground-disturbing excavations in the vicinity of the discovery shall be redirected or halted by the monitor until the find has been salvaged. Any fossils discovered during project construction shall be prepared to a point of identification and stabilized for long-term storage. Any discovery, along with supporting documentation and an itemized catalogue, shall be accessioned into the collections of a suitable repository. Curation costs to accession any collections shall be the responsibility of the project applicant.
3.22	Discourage development, or encourage the use of special design requirements, in areas with steep slopes, high fire, flood, and seismic hazards.	The project site encompasses a south-facing bluff. A small cove exists below the bluff, which is characterized by rock outcroppings. Although development will extend down to 52.83 feet NAVD88 (approximately two feet above the 50.7 feet NAVD 88 PLOED identified by the City Council), the integrity of the bluff will be maintained below that elevation with the exception of the dock access/emergency exit, which is proposed at the 40.5 feet NAVD88 elevation. However, the access would be recessed and designed to minimize the alteration of the

		<p>natural appearance of the bluff.</p> <p>The proposed project has been designed to complement the site's natural bluff features. The "curvilinear" features reflected in the design of the proposed residential structure will allow the building to conform to the character of the bluff when compared to the existing rectilinear features of the existing residential structure. In addition, the proposed colors are consistent with the natural environment, and the project's mass has been broken by the physical separation between the two main structural elements. Finally, the bluff face below the proposed structure would be landscaped and enhanced with native plant materials.</p> <p>In addition, development of the site has been designed to minimize potential seismic impacts. The geotechnical report prepared for the project concluded that the project will not adversely affect the integrity of the bluff.</p>
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.	Although not a mitigation measure, the project includes a detailed Construction Management Plan, which addresses project phasing and construction traffic in order to minimize adverse noise and air quality impacts. Where potential impacts are identified (e.g., biological resources, drainage and hydrology, etc.) mitigation measures have been prescribed that are intended to reduce or eliminate the impact.
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.	The proposed project will provide housing in the Corona del Mar area of the City of Newport Beach. The project is not subject to the provision of affordable housing based on the City's RHNA requirements.
Provision of Social, Political, and Cultural Equity		
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.	Adequate public services exist within the City to accommodate the proposed residential redevelopment project. The site will be subject to school development fees to address public education and the City's Park Dedication Fee Ordinance to address public recreation facilities. In addition, adequate law enforcement and fire protection services can be provided to the development.
Air Quality Chapter Core Actions		
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.	The Draft EIR includes a thorough analysis of project-related air quality, noise, traffic, and land use impacts. The results of these environmental analysis concludes that although some potential impacts may occur, mitigation measures have been prescribed and will be implemented in order to reduce most of the impacts to a less than significant level as required by CEQA. The proposed project is consistent with the long-range land use plans and programs as well as adopted policies in the General Plan and Coastal Land Use Plan (refer to Section 4.1 (Land Use)).
Open Space Ancillary Goals		
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 project applicant has allocated areas within the structure and on the property that are dedicated to recreational use by the residents of the proposed project. In addition, the project will be subject to the City's Park Dedication Fee Ordinance, which is utilized by the City to provide public recreation, including that within the coastal zone that is utilized by visitors to the City.
9.02	Increase the accessibility to open space lands for outdoor recreation.	The project will be subject to the City's Park Dedication Fee Ordinance, which is utilized by the City to provide public recreation, including that within the coastal zone

		that is utilized by visitors to the City.
9.03	Promote self-sustaining regional recreation resources and facilities.	The project applicant will be required to pay the park fee imposed by the City of Newport Beach, which will be used to provide recreational facilities to residents and visitors within the City, including within the coastal zone.
9.08	Develop well-managed viable ecosystems or known habitats of rare, threatened and endangered species, including wetlands.	Both terrestrial and marine biological surveys were conducted to evaluate the potential adverse effects of the proposed project on important habitat and/or resources. The eelgrass survey identifies several measures, including pre- and post-development monitoring to document the project-related impacts and, if determined necessary, require appropriate measures to mitigate potential impacts to that resource. Other measures are also proposed to ensure that potential impacts to sensitive biological resources are reduced to a less than significant level (refer to Section 4.7.4).

Existing Land Use

Conflict with an adopted habitat conservation plan or natural community conservation plan

The subject property is located within the limits of the Central/Coastal NCCP adopted by the County of Orange. The NCCP is intended to ensure the long-term survival of the coastal California gnatcatcher and other special status coastal sage scrub (CSS) dependent plant and wildlife species in accordance with state-sanctioned NCCP program guidelines. The biological surveys conducted on the subject property revealed that although some native species exist on the bluff property, neither CSS habitat nor the coastal California gnatcatcher exists on the site. Therefore, no impacts either to CSS habitat or the coastal California gnatcatcher is anticipated as a result of project implementation. As a result, project implementation is consistent with the adopted NCCP for the Central/Coastal Subregion. No mitigation measures are required.

Physically divide an established community.

The project proposes to replace an existing 14-unit apartment building and single family residence with a 8-unit condominium structure. The site is bounded by Carnation Avenue and Ocean Boulevard. As indicated previously, the area surrounding the subject property is entirely developed with single- and multiple-family residential development. Although development of the site as proposed would change the character of the site by introducing a modern multiple-family structure within the neighborhood, development of the subject property would not adversely affect adjacent properties. In particular, no design component or feature of the project would physically divide or otherwise adversely affect or significant change an established community. No significant impacts will occur and no mitigation measures are required.

Substantial or extreme land use incompatibility.

Redevelopment of the site, which currently supports 14 multiple-family dwelling units and a single-family residence, would not result in a significant land use conflict. As previously indicated, the proposed 8-unit condominium project is consistent with the density of development permitted by the land use designation and zoning adopted for the site. The density of the proposed project is 5.7 du/ac, compared to the 11.4 du/ac that currently exists based on the 15 existing dwelling units and the 20 du/ac permitted by the General Plan Land Use Element and zoning. Further, the proposed structure complies with the development standards (e.g., setbacks, building height, lot coverage, etc.) prescribed for the MFR zoning district. The proposed structure is also consistent with the policies articulated in the General Plan.

Incompatible land uses in an aircraft accident potential area as defined in an airport land use plan.

The project area is not located within two miles of any existing public airport. John Wayne Airport, which is located approximately five miles northwest of the subject property, is the nearest aviation facility. No portion of the project site is located within the accident potential area of such a plan. Further, the subject property is not located within two miles of a public airport, public use airport, or private airstrip. Development of the subject property as proposed would neither affect nor be affected by aircraft operations at such a facility that would generate noise in excess of regulatory standards. Therefore, no significant land use impacts would occur as a result of project implementation and no mitigation measures are required.

Conflict with an adopted Habitat Conservation Plan, Natural Community Conservation Plan

The Newport Beach General Plan identifies the City's open space and conservation areas. However, because the area of the City in which the subject property is located is nearly completely developed, natural open space and habitat are limited in the project environs. The subject property encompasses approximately 1.4 acres that are currently developed with single- and multiple-family residential dwelling units. The site has been altered in order to accommodate the existing development. Neither the site nor the surrounding areas is located within a Natural Community Conservation Plan or Habitat Conservation Plan. Therefore, project implementation will not adversely affect such a plan, sensitive habitat and/or resources. No significant impacts are anticipated as a result of project implementation.

4.1.5 Mitigation Measures

As indicated in the preceding analysis, the proposed project, which includes the construction of an eight-unit condominium development and the replacement of the existing private marina with an eight-slip dock (and one guest side tie) that is consistent with the Land Use Element and Coastal Land Use Plan of the Newport Beach General Plan and with the long-range goals, policies and objectives adopted by the City in the General Plan Update. The proposed project is also compatible with the existing land uses in the area. As a result, no significant long-term land use impacts are anticipated and no mitigation measures are required. Short-term land use compatibility impacts associated with construction air quality will be reduced to a less than significant level through the incorporation of mitigation measures identified in Section 4.3 (Air Quality).

4.1.6 Level of Significance after Mitigation

As indicated above, the project is consistent with the long-range plans and programs adopted by the City. Further, implementation of the standard condition identified for the project (i.e., comply with the zoning district regulations, California Building Code and other regulatory requirements) will ensure that no significant impacts will occur. No significant long-term unavoidable adverse land use impacts will occur as a result of project implementation.