

Technical Appendix M1

General Plan Consistency Analysis for the Balboa Marina West Project

July 30, 2014

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1.0 Document Purpose

In support of the Balboa Marina West Project, T&B Planning Inc. prepared this focused analysis of the policies contained in the City of Newport Beach’s General Plan Update, which was approved in 2006. It is our understanding that the Project proposes to add a new public boat dock in Lower Newport Bay, expand the existing Balboa Marina by adding additional private boat slips, and to demolish portions of the existing Balboa Marina parking lot and a 1,200 square-foot building in order to construct a reconfigured parking lot and a new 19,400 square-foot marine commercial building with an outdoor patio and tuck-under parking.

The table below contains the results of the analysis performed for the proposed Project’s consistency with all applicable General Plan policies contained within its ten elements: Land Use Element, Harbor and Bay Element, Housing Element, Historical Resources Element, Circulation Element, Recreation Element, Arts and Cultural Element, Natural Resources Element, Safety Element, and Noise Element.

1.1 Findings:

General Plan Policy	Project Consistency Analysis
Land Use Element	
<p><i>Policy LU 1.1 Unique Environment. Maintain and enhance the beneficial and unique character of the different neighborhoods, business districts, and harbor that together identify Newport Beach. Locate and design development to reflect Newport Beach’s topography, architectural diversity, and view sheds.</i></p>	<p>The Project would continue the site’s existing marine commercial character and would enhance and expand the existing private and public boat docks that serve Newport Harbor and Lower Newport Bay. The proposed Project would not result in a significant adverse effect on scenic viewsheds. The Project involves minimal changes to the site’s topography. As part of its review of future Site Development Review (SDR) and Conditional Use Permit (CUP) applications, the City will be required to ensure that the proposed marine commercial building adheres to applicable General Plan policies, including Policy LU 1.1, including assurance that its architectural character would be compatible with the architectural character of surrounding areas. City review of the future SDR/CUP applications would be assured by Mitigation Measure MM LU-1. Accordingly, the proposed Project would be consistent with or would not conflict with Policy LU 1.1.</p>
<p><i>Policy LU 1.3 Natural Resources. Protect the natural setting that contributes to the character and identify of Newport Beach and the sense of place it provides for its residents and visitors. Preserve open space resources, beaches, harbor, parks, bluffs, preserves, and estuaries as visual, recreational and habitat resources.</i></p>	<p>The Project site does not contain any beaches, parks, bluffs, or preserves. The water-side portion of the Project site is located in Lower Newport Bay, contains estuary habitat, and is a visual resource.</p> <p>The proposed Project would add a new public boat dock and additional private boat slips adjacent to the existing Balboa Marina. Proposed docks and floats would be placed on about 9,045 SF of the water surface; however, the proposed Project also includes replacement of the existing riprap embankment that would be reconstructed 15 feet landward of the existing embankment. This</p>



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	<p>replacement would result in removal of existing fill material and an increase of 6,772 SF of waters that are subject to the ebb and flow of the tide. The increase in water surface is a Project benefit. In addition, the Project would create 600 SF of new mudflats, which is a benefit to habitat resources. There would be no adverse effect on the natural setting and character of Newport Harbor as a result of the Project.</p> <p>Although the Project would involve the construction of a new public dock and changes to the Balboa Marina's harbor frontage, the Project would enhance, not detract from, the available harbor resources. Accordingly, the proposed Project would be consistent with Policy LU 1.3.</p>
<p><i>Policy LU 1.5 Economic Health. Encourage a local economy that provides adequate commercial, office, industrial, and marine-oriented opportunities that provide employment and revenue to support high-quality community services.</i></p>	<p>The proposed Project would expand the marine commercial space available on-site (from a 1,200 SF building to a 19,400 SF building), and the new public boat dock would provide additional marine-oriented opportunities. These improvements to the site would provide enhanced marine-oriented visitation, employment, and revenue for the City. Accordingly, the proposed Project would be consistent with Policy LU 1.5.</p>
<p><i>Policy LU 1.6 Public Views. Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.</i></p>	<p>The proposed Project would not adversely affect any scenic or visual open spaces. As part of its review of future SDR/CUP applications, the City will be required to ensure that the proposed marine commercial building adheres to applicable General Plan policies, including Policy LU 1.6, including assurance that the Project is a visual enhancement. City review of the future SDR/CUP applications would be assured by Mitigation Measure MM LU-1. Accordingly, the proposed Project would be consistent with or would not conflict with Policy LU 1.6.</p>
<p><i>Policy LU 2.1 Resident-Serving Land Uses. Accommodate uses that support the needs of Newport Beach's residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.</i></p>	<p>The Project would provide for a new 19,400 SF marine commercial building, additional private boat slips, and a new public boat dock, all of which would support the needs of the City's residents. Thus, the proposed Project would be consistent with Policy LU 2.1.</p>
<p><i>Policy LU 2.2 Sustainable and Complete Community. Emphasize the development of uses that enable Newport Beach to continue as a self-sustaining community and minimize the need for residents to travel outside of the community for retail, goods and services, and employment.</i></p>	<p>The Project would provide for a new 19,400 SF marine commercial building that is anticipated to accommodate a yacht brokerage office, public restrooms, and restaurant. In addition, the Project would add private boat slips and a new public boat dock in Newport Harbor, all of which would add to the City's ability to be self-sustaining and minimize the need for residents to travel outside of the City for goods, services, and employment. Thus, the proposed Project would be consistent with Policy LU 2.2.</p>
<p><i>Policy LU 2.4 Economic Development. Accommodate uses that maintain or enhance Newport Beach's fiscal</i></p>	<p>The Project's marine commercial uses would expand the City's tax revenue, and the new public dock and</p>



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<i>health and account for market demands, while maintaining and improving the quality of life for current and future residents.</i>	additional private boat slips would enhance the quality of life for existing and future City residents. Accordingly, the proposed Project would be consistent with Policy LU 2.4.
<i>Policy LU 2.56 Visitor Serving Uses. Provide uses that serve visitors to Newport Beach's ocean, harbor, open spaces, and other recreational assets, while integrating them to protect neighborhoods and residents.</i>	The Project proposes to reconfigure the arrangement of uses on the Project site to establish a new public boat dock in an area of Newport Harbor that currently lacks a public dock, and to improve the private Balboa Marina including its water-side and land-side areas. The new public dock would include a gangway and approximately twelve (12) public boat slips including eight (8) new boat slips and four (4) transient boat slips that would be relocated to the public dock from the existing private Balboa Marina. In the private Balboa Marina, twenty-four (24) private boat slips accommodating a range of vessel sizes and a new gangway are proposed to be added. In the land-side area of the marina, the Project proposes to demolish the existing Balboa Marina parking lot and a 1,200 SF building located at 201 East Coast Highway. In their place, a reconfigured parking lot and a new 19,400 SF marine commercial building with an outdoor patio and tuck-under parking would be constructed. These uses are visitor-serving. Because the Balboa Marina is an existing use that is already integrated with surrounding uses, the Project represents an enhancement to the site with little to no adverse effects on surrounding neighborhoods and residents. Accordingly, the proposed Project would be consistent with Policy LU 2.4.
<i>Policy LU 2.8 Adequate Infrastructure. Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).</i>	The proposed Project would be adequately served by police and fire services. Although some improvements are proposed, the area's existing infrastructure is adequate to serve the Project. As such, the proposed Project would be consistent with Policy LU 2.8.
<i>Policy LU 3.1 Neighborhoods, Districts, Corridors, and Open Space. Maintain Newport Beach's pattern of residential neighborhoods, business and employment districts, commercial centers, corridors, and harbor and ocean districts.</i>	The Project would generally maintain the site's existing character, which consists of marine commercial uses, parking areas, and boat docks. Accordingly, the proposed Project would be consistent with Policy LU 3.1.
<i>Policy LU 3.2 Growth and Change. Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, 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</i>	The construction of a new 19,400 SF marine commercial building would represent the re-use or infill of an existing property, which currently contains only a 1,200 SF commercial building and surface parking lot and is underutilized. Part of the water-side portion of the site was occupied for approximately 40 years by a floating vessel that housed the Ruben E. Lee Riverboat restaurant and later by the Newport Harbor Nautical Museum, but the vessel was dismantled and removed from the site in 2008. Only the cement bulkhead that served the vessel remains under existing conditions. The parking lot is under used. The proposed marine commercial building would be complementary in type, form, scale, and



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<i>standards for acceptable traffic level of service.</i>	character as other existing developments in the immediate vicinity. No changes in permitted use or density/intensity are proposed as part of the Project. The proposed Project would be adequately served by police and fire services. Although some improvements are proposed, the area's existing infrastructure is adequate to serve the Project. As such, the proposed Project would be consistent with Policy LU 3.2.
<i>Policy LU 3.5 Coastal-Dependent and Related Businesses. Design and site new development to avoid impacts to existing coastal-dependent and coastal-related developments. When reviewing proposals for land use changes, give full consideration to the impact on coastal-dependent and coastal-related land uses, including not only the proposed change on the subject property, but also the potential to limit existing coastal-dependent and coastal-related land uses on adjacent properties.</i>	The proposed Project would have no adverse impacts to existing coastal-dependent or coastal-related developments; in fact, the Project would provide a new public boat dock, additional private boat slips, public restrooms, and office space for a yacht brokerage that would expand the site's existing coastal-dependent development. No existing coastal-dependent or coastal-related land uses on adjacent properties would be adversely impacted. As such, the proposed Project would be consistent with Policy LU 3.5.
<i>Policy LU 3.6 Waterfront Access. Use public beaches for public recreational uses and prohibit uses on beaches that interfere with public access and enjoyment of coastal resources. Encourage the expansion and improvement of access to the waterfront and water-related uses that provide important links to waterfront uses such as beaches, launching facilities, public docks, and other similar public water area uses.</i>	The Project site does not abut any public beaches. The Project would, however, establish a new public boat dock in an area of Newport Harbor that currently lacks a public dock, and improve the private Balboa Marina including its water-side and land-side areas. The new public dock would include a gangway and approximately twelve (12) public boat slips including eight (8) new boat slips and four (4) transient boat slips that would be relocated to the public dock from the existing private Balboa Marina. In the private Balboa Marina, twenty-four (24) private boat slips accommodating a range of vessel sizes is proposed to be added. In the land-side area of the marina, a new 19,400 SF marine commercial building with an outdoor patio would be constructed that is accessible from the new public dock. All of these improvements would expand public access to the waterfront. Thus, the Project would improve waterfront access and be consistent with Policy LU 3.6.
<i>Policy LU 3.7 Natural Resource or Hazardous Areas. Require that new development is located and designed to protect areas with high natural resource value and protect residents and visitors from threats to life or property.</i>	The land-side portion of the Project site is fully developed under existing conditions and does not exhibit high natural resource value. Although the water-side improvements have the potential to affect biological resources, with mitigation, the Project would not result in any significant unavoidable impacts to biological resources. In fact, waters of the U.S. and mudflats would be expanded by the Project, which are Project-related benefits. Potential natural resource or hazard impacts would not occur or would be less than significant following the incorporation of mitigation and/or adherence mandatory regulatory requirements. Accordingly, the Project would be consistent with Policy LU 3.7.



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<p><i>Policy LU 4.1 Land Use Diagram. Accommodate land use development consistent with the Land Use Plan.</i></p>	<p>The proposed Project would be fully consistent with the site's "CM 0.5 FAR" General Plan land use designation. Thus, the Project would be consistent with Policy LU 4.1.</p>
<p><i>Policy LU 5.2.1 Architecture and Site Design. Require that new development within existing commercial districts centers and corridors complement existing uses and exhibit a high level of architectural and site design in consideration of the following principles:</i></p> <ul style="list-style-type: none"> • <i>Seamless connections and transitions with existing buildings, except where developed as a free-standing building</i> • <i>Modulation of building masses, elevations, and rooflines to promote visual interest</i> • <i>Architectural treatment of all building elevations, including ancillary facilities such as storage, truck loading and unloading, and trash enclosures</i> • <i>Treatment of the ground floor of buildings to promote pedestrian activity by avoiding long, continuous blank walls, incorporating extensive glazing for transparency, and modulating and articulating elevations to promote visual interest</i> • <i>Clear identification of storefront entries</i> • <i>Incorporation of signage that is integrated with the buildings' architectural character</i> • <i>Architectural treatment of parking structures consistent with commercial buildings, including the incorporation of retail in the ground floors where the parking structure faces a public street or pedestrian way</i> • <i>Extensive on-site landscaping, including mature vegetation to provide a tree canopy to provide shade for customers</i> • <i>Incorporation of plazas and expanded sidewalks to accommodate pedestrian, outdoor dining, and other activities</i> • <i>Clearly delineated pedestrian connections between business areas, parking, and to adjoining neighborhoods and districts (paving treatment, landscape, wayfinding signage, and so on)</i> • <i>Integration of building design and site planning elements that reduce the consumption of water, energy, and other nonrenewable resources</i> 	<p>The proposed Project would complement existing uses in the area. Specific aspects of the future marine commercial building's design would be reviewed by the City in conjunction with future applications for a SDR. As part of its review of such future SDR, the City is required to ensure that the proposed building adheres to applicable General Plan policies, including Policy LU 5.2.1. City review of the future SDP/CUP applications for compliance with applicable General Plan policies would be assured by Mitigation Measure MM LU-1. The marine commercial building is anticipated to incorporate an outdoor patio; thus, the Project is designed in concept to facilitate efficient pedestrian connections between the docks, on- and off-site commercial business, and parking areas. Accordingly, the Project would be consistent with or otherwise would not conflict with Policy LU 5.2.1.</p>
<p><i>Policy LU 5.2.2 Buffering Residential Areas. Require that commercial uses adjoining residential neighborhoods be designed to be compatible and minimize impacts through such techniques as:</i></p> <ul style="list-style-type: none"> • <i>Incorporation of landscape, decorative walls, enclosed trash containers, downward</i> 	<p>The proposed marine commercial building would be located approximately 265 feet from the nearest residential homes on Linda Isle, and the site is separated from these homes by existing and proposed boat slips and a channel of Newport Harbor. Specific aspects of the future building's design, including lighting elements and</p>



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<p><i>focused lighting fixtures, and/or comparable buffering elements;</i></p> <ul style="list-style-type: none"> • <i>Attractive architectural treatment of elevations facing the residential neighborhood;</i> • <i>Location of automobile and truck access to prevent impacts on neighborhood traffic and privacy.</i> 	<p>building elevations, would be reviewed by the City in conjunction with future applications for a SDR and CUP, as required by Mitigation Measure MM LU-1. Project-related traffic and driveway access points would have no measurable effect on residential neighborhood traffic or privacy. Accordingly, the proposed Project would be consistent with or would not conflict with Policy LU 5.2.2.</p>
<p><i>Policy LU 5.3.5 Pedestrian-Oriented Architecture and Streetscapes. Require that buildings located in pedestrian-oriented commercial and mixed-use districts (other than the Newport Center and Airport Area, which are guided by Goals 6.14 and 6.15, respectively, specific to those areas) be designed to define the public realm, activate sidewalks and pedestrian paths, and provide “eyes on the street” in accordance with the following principles:</i></p> <ul style="list-style-type: none"> • <i>Location of buildings along the street frontage sidewalk, to visually form a continuous or semi-continuous wall with buildings on adjacent parcels</i> • <i>Inclusion of retail uses characterized by a high level of customer activity on the ground floor; to insure successful retail-type operations, provide for transparency, elevation of the first floor at or transitioning to the sidewalk, floor-to-floor height, depth, deliveries, and trash storage and collection</i> • <i>Articulation and modulation of street-facing elevations to promote interest and character</i> • <i>Inclusion of outdoor seating or other amenities that extend interior uses to the sidewalk, where feasible</i> • <i>Minimization of driveways that interrupt the continuity of street facing building elevations, prioritizing their location to side streets and alleys where feasible</i> 	<p>The proposed marine commercial building would not be located immediately on any street frontage because the building is designed to be oriented to Newport Harbor. Proposed marine commercial uses, such as the restaurant and yacht brokerage, are anticipated to attract a high level of customer activity. Specific aspects of the future building’s design, including building elevation design, would be reviewed by the City in conjunction with future applications for a SDR and CUP, and the City would review such future applications for conformance with General Plan policies pursuant to Mitigation Measure MM LU-1. The marine commercial building is anticipated to include an outdoor patio oriented toward the harbor. No new driveways along East Coast Highway are proposed as part of the Project. Accordingly, the proposed Project would be consistent with or would not conflict with Policy LU 5.3.5.</p>
<p><i>Policy LU 5.3.6 Parking Adequacy and Location. Require that adequate parking be provided and is conveniently located to serve tenants and customers. Set open parking lots back from public streets and pedestrian ways and screen with buildings, architectural walls, or dense landscaping.</i></p>	<p>An adequate number of parking spaces is proposed on the Project’s AIC application. The City would review future implementing SDR and CUP applications for compliance with Municipal Code Section 20.40.040 (Off-Street Parking Spaces Required). This review would ensure there would be adequate parking to serve the Project. All parking areas are provided as close to the marine commercial building and gangways as possible. The proposed parking area would be set back from East Coast Highway by a landscaped slope. Therefore, the Project would be consistent with Policy LU 5.3.6.</p>
<p><i>Policy LU 5.6.1 Compatible Development. Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.</i></p>	<p>There are no components of the Project that would be incompatible with surrounding neighborhoods, districts, or corridors. Specific aspects of the future building’s design, including compatibility of architectural features with surrounding land uses, would be reviewed by the</p>



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	City in conjunction with future applications for a SDR and CUP. As part of its review of these implementing actions, the City would review the SDR for conformance with this policy. Accordingly, the proposed Project would be consistent with or would not conflict with Policy LU 5.6.1.
<p><i>Policy LU 5.6.2 Form and Environment. Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.</i></p>	<p>Because the AIC application currently on file with the City of Newport Beach includes a conceptual building design, specifics regarding the building’s architectural characteristics are not definitive at this time. Specifics regarding the building’s architecture would be identified as part of a future SDR, which is a subsequent application that would be submitted to the City should the AIC be approved. Although the proposed building’s massing, height, color scheme, and general architectural style would be compatible with similar uses in the Project vicinity, including the existing restaurants located east of the Project site, it is not possible by review of the AIC to definitely determine if the architectural components of the proposed marine commercial building comply with Policy LU 5.6-2. As required by Mitigation Measure MM LU-1, the City would review the SDR and CUP applications for consistency with applicable General Plan policies, including Policy LU 5.6.2. Thus, the proposed Project would not conflict with Policy LU 5.6.2.</p>
<p><i>Policy LU 5.6.3 Ambient Lighting. Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.</i></p>	<p>With mandatory adherence to the City of Newport Beach Zoning Code Section 20.30.070 (Outdoor Lighting), the Project would include lighting that is designed to prevent spillover onto adjoining properties.</p> <p>Section 20.30.070 (Outdoor Lighting) of the City’s Zoning Code regulates outdoor lighting, and includes standards that are intended “...to reduce the impacts of glare, light trespass, overlighting, sky glow, and poorly shielded or inappropriately directed lighting fixtures...” (Newport Beach, 2012a, § 20.30.070). Boat dock and gangway lighting would be provided as currently exists at the Balboa Marina and would be located under the handrails. Parking lot lighting is proposed to be upgraded to energy-efficient fixtures. Fixtures would be placed to reduce “spill over” lighting to surrounding properties. The proposed fixtures are a combination of decorative and utilitarian poles and are required to be spaced comply with City of Newport Beach minimum light level requirements and to meet standard safety requirements. Because the parking lot is illuminated by light fixtures under existing conditions, there would be no increase in the amount of ambient light generated by the parking lot with implementation of the proposed Project.</p> <p>The City would review the SDR application for conformance with Zoning Code Section 20.30.070 (Outdoor Lighting). Accordingly, the proposed Project</p>



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<p><i>Policy LU 5.6.4 Conformance with the Natural Environmental Setting. Require that sites be planned and buildings designed in consideration of the property's topography, landforms, drainage patterns, natural vegetation, and relationship to the Bay and coastline, maintaining the environmental character that distinguishes Newport Beach.</i></p>	<p>would not conflict with Policy LU 5.6.3.</p> <p>The Project proposes minimal grading of the Project site, and generally would retain the site's existing topographic character. Although new area drains are proposed to improve the quality of runoff from the site, the Project would continue to discharge from the existing bulkhead outlets into Newport Harbor. There is no sensitive natural vegetation on the land-side of the proposed development, and mitigation measures are identified to reduce impacts to marine biological resources to below a level of significant. The Project has been designed to orient the proposed commercial use to Newport Bay. Thus, the Project would be consistent with Policy LU 5.6.4.</p>
<p>Harbor and Bay Element</p>	
<p><i>Policy HB 1.1 Preservation and Enhancement of Water-Dependent and Related Uses. Preserve and enhance the following uses that contribute to the diversity and charm of Newport Bay, and the balance among them:</i></p> <ul style="list-style-type: none"> • <i>Water-dependent and water-related recreational activities such as boating, sailing, wind surfing, fishing, kayaking, rowing, paddle boarding, and swimming.</i> • <i>Water dependent and water-related commercial activities such as passenger/sightseeing boats, passenger-fishing boats, boat rentals and sales, entertainment boats, boat/ship repair and maintenance, and harbor maintenance facilities.</i> • <i>Water-enhanced commercial uses such as restaurants and retail stores.</i> • <i>Water-related public recreation and education areas and facilities such as beaches, piers, view parks and nautical museums and related public areas providing access to, and views of, Newport Harbor.</i> • <i>Coastal residential communities.</i> 	<p>The Project would provide for a new public boat dock and the addition of 24 new private boat slips. These new boat slips would directly support boating activities. The proposed marine commercial building would accommodate a yacht brokerage (boat sales). The marine commercial building also would accommodate a restaurant with outdoor patio. The Project would continue to afford access to and views of Newport Harbor. As demonstrated in the analysis throughout this document, the Project would not result in any adverse impacts to coastal residential communities. Accordingly, the Project would be consistent with Policy HB 1.1.</p>
<p><i>Policy HB 1.2 Waterfront Public Spaces. Encourage the creation of waterfront public spaces and beaches, with adjacent water access and docking facilities that serves as the identity and activity "centers" of Newport Harbor for special events of community/regional interest.</i></p>	<p>The Project would establish a new public boat dock in an area of Newport Harbor that currently lacks a public dock, and improve the private Balboa Marina. The new public dock would include a gangway and approximately twelve (12) public boat slips including eight (8) new boat slips and four (4) transient boat slips that would be relocated to the public dock from the existing private Balboa Marina. In the land-side area of the marina, a new 19,400 SF marine commercial building with an outdoor patio would be constructed that is accessible from the new public dock. All of these improvements would expand public access to the waterfront. Thus, the Project would improve waterfront access and be consistent with Policy HB 1.2.</p>



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<i>Policy HB 2.1 Design of New Development. Site and design new development to avoid impacts to existing and potential water-dependent and water-related uses.</i>	There are no components of the proposed Project that would adversely impact existing or potential water-dependent and water-related uses. The planned addition of a new public transient boat dock, additional private boat slips, and relocation and improvement of an existing yacht brokerage office and public restrooms to a new marine commercial building complemented by a restaurant use with outdoor patio and walkway to the new public boat dock would enhance public access to Newport Harbor. Thus, the Project would be consistent with Policy HB 2.1.
<i>Policy HB 2.2 Land Use Changes. Consider the impact on water-dependent and water-related land uses when reviewing proposals for land use changes, considering both the subject property and adjacent properties.</i>	The Project does not involve any changes to the site's existing General Plan land use designation. Therefore, the Project would not conflict with Policy HB 2.2.
<i>Policy HB 2.3 Marine Support Uses. Encourage the preservation and enhancement of existing marine support uses serving the needs of existing waterfront uses and the boating community.</i>	The proposed marine commercial building (which is anticipated to accommodate a marina restrooms, office space for a yacht brokerage, and a restaurant), as well as the new public dock and additional private boat slips, represent an enhancement of existing marine-dependent and marine-related support uses. The new public boat dock would provide 12 slips and establish a new public transient boat dock in Lower Newport Bay to provide a new point of vertical public access. In addition, the new public dock would allow the relocation of the four (4) existing transient public boat slips currently located in the private Balboa Marina to an area of Lower Newport Bay that is more easily accessible to transient public boaters. The Project would enhance resident and visitor boater's abilities to access the land from the water and allow transient public boaters to easily navigate from a new public dock in Lower Newport Bay to marine-dependent and marine-related uses in and around the Balboa Marina. The Project also would assist the City of Newport Beach in meeting the need for a variety of boat slip sizes in Newport Harbor by adding a new public dock and additional boats slips at the Balboa Marina that accommodate a range of vessel sizes, including slips for vessels 20-feet in length and under. For these reasons, the Project is in conformance with Policy HB 2.3.
<i>Policy HB 2.4 Harbor Related Private Uses. Accommodate private sector uses, such as vessel assistance, that provide emergency, environmental enhancement and other services that are not provided by the public sector and that are essential to the operation of a working harbor.</i>	The Balboa Marina is a private marina that provides the services noted by this Policy. The Project would add 24 private boat slips to the Balboa Marina that include vessel pump out accommodations. The Project would not preclude the City from encouraging private sector uses that provide emergency, environmental enhancement, or other harbor-related services. The Project would not conflict with Policy HB 2.4.
<i>Policy HB 2.5 Waterfront Facilities. Encourage development of waterfront facilities that accommodate displaced water-dependent uses.</i>	The Project would provide a total of 32 new boat slips, which would enhance the use of the site for water-dependent uses. In addition, the construction of a new 19,400 SF waterfront marine commercial building would



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	<p>represent the re-use of an existing waterfront property. Part of the water-side portion of the site was occupied for approximately 40 years by a floating vessel that housed the Ruben E. Lee Riverboat restaurant and later by the Newport Harbor Nautical Museum, but the vessel was dismantled and removed from the site in 2008. The new restaurant would be a replacement of the former use. Thus, the Project would be consistent with Policy HB 2.5.</p>
<p><i>Policy HB 2.6 Public Access Facilities. Ensure that new or improved public access facilities are compatible with existing, permitted land uses and consistent with the availability of supporting infrastructure, such as parking and restrooms.</i></p>	<p>The Project's proposed new boat slips would be compatible with the existing boat docks in the immediate area. The City would review future implementing SDR and CUP applications for compliance with Municipal Code Section 20.40.040 (Off-Street Parking Spaces Required). This review would ensure there would be adequate parking to serve the Project. The proposed marine commercial building would accommodate public restrooms. Accordingly, the Project would be consistent with Policy HB 2.6.</p>
<p><i>Policy HB 3.1 Building Improvements and Programs. Preserve and/or enhance existing water-enhanced, water-related and water-dependent commercial uses and marine oriented commercial areas through building improvements and programs that preserve the design and character of the Harbor.</i></p>	<p>The Project would demolish an existing 1,200 SF commercial building and replace it with a new 19,400 SF building. Because the AIC application currently on file with the City of Newport Beach includes a conceptual building design, specifics regarding the building's architectural characteristics are not definitive at this time. Specifics regarding the building's architecture would be identified as part of a future SDR, which is a subsequent application that would be submitted to the City should the AIC be approved. Although the proposed building's massing, height, color scheme, and general architectural style would be compatible with the character of the Harbor, it is not possible by review of the AIC to definitely determine if the architectural components of the proposed marine commercial building comply with Policy HB 3-1. As required by Mitigation Measure MM LU-1, the City would review the SDR and CUP applications for consistency with applicable General Plan policies, including Policy HB 3-1. Thus, the proposed Project would not conflict with Policy HB 3.1.</p>
<p><i>Policy HB 3.2 Re-Use of Properties. Discourage re-use of properties that result in the reduction of water-dependent commercial uses. Allow the re-use of properties that assure water-dependent uses remain, especially in those areas with adequate infrastructure and parcels suitable for redevelopment as an integrated project.</i></p>	<p>The Project would result in a net increase in the amount of water-dependent uses on-site. The Project would provide a new public boat dock and additional private boat slips and relocate existing public restrooms and a yacht brokerage office from an older building to be demolished to a new marine commercial building complemented by a water-related restaurant use with outdoor patio facing the harbor. The construction of a new 19,400 SF marine commercial building would represent the re-use or infill of an existing property, which currently contains only a 1,200 SF commercial building and surface parking lot and is underutilized. All existing water-dependent uses would remain, be</p>



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	relocated on-site, or be expanded and improved. The Project site is suitable for redevelopment and would be compatible with Policy HB 3.2.
<p><i>Policy HB 5.1 Marinas and Dry Boat Storage Facilities. Protect and, where feasible through the use of new designs and technology, enhance and expand marinas and dry boat storage facilities</i></p>	<p>The Project involves an expansion of existing marina-related uses on-site, including the establishment of a new public dock, and would therefore be consistent with Policy HB 5.1.</p>
<p><i>Policy HB 5.2 Berthing and Moorings. Provide a variety of berthing and mooring opportunities throughout Newport Harbor, reflecting state and regional demand for slip size and affordability.</i></p>	<p>The Project would establish a new public transient boat dock in Lower Newport Bay. The new public dock would allow the relocation of the four (4) existing transient public boat slips currently located in the private Balboa Marina to an area of Lower Newport Bay that is more easily accessible to transient public boaters. In addition, the Project also would assist the City of Newport Beach in meeting the need for a variety of boat slip sizes in Newport Harbor by adding boats slips at the Balboa Marina that accommodate a range of vessel sizes, including slips for vessels 20-feet in length and under. The new boat slips would accommodate vessels of varying size, in conformance with Policy HB 5.2.</p>
<p><i>Policy HB 6.1 Provision of Public Coastal Access. Provide adequate public access to the shoreline, beach, coastal parks, trails, and bay, and acquire additional public access points to these areas and provide parking, where possible.</i></p>	<p>The Project would expand public access to Newport Harbor with the provision of a new public boat dock, and the reconfiguration and expansion of parking available on-site, in conformance with Policy HB 6.1.</p>
<p><i>Policy HB 6.3 Provision of Visitor Facilities in Newport Harbor. Encourage the provision of guest slips, moorings, waste pump-out stations, and anchorages in Newport Harbor. Coordinate work with the Orange County Harbor, Beaches, and Parks Department to provide such facilities where appropriate and feasible.</i></p>	<p>The Project would provide a new public boat dock and accommodate 12 public transient boat slips at the site, and would therefore be consistent with Policy HB 6.3.</p>
<p><i>Policy HB 6.4 Enhancement of Guest and Public Facilities. Protect and, where feasible, expand, and enhance:</i></p> <ul style="list-style-type: none"> ■ <i>Waste pump-out stations</i> ■ <i>Vessel launching facilities</i> ■ <i>Low-cost public launching facilities</i> ■ <i>Marinas and dry boat storage facilities</i> ■ <i>Guest docks at public facilities, yacht clubs and at privately owned marinas, restaurants and other appropriate locations</i> ■ <i>Facilities and services for visiting vessels</i> ■ <i>Facilities necessary to support vessels berthed or moored in the harbor, such as boat haul out facilities</i> ■ <i>Existing harbor support uses serving the needs of existing waterfront uses, recreational boaters, the boating community, and visiting vessels.</i> 	<p>The Project would provide a new public boat dock and accommodate 12 public transient boat slips at the site, and would therefore be consistent with Policy HB 6.3. Due to the transient nature of the slips, vessel pump out accommodations are not proposed. The proposed marine commercial building would accommodate a restaurant use and public restroom that would serve boaters, tourists, and City residents. The Project would be consistent with Policy HB 6.4.</p>
<p><i>Policy HB 8.2 Water Pollution Prevention. Promote pollution prevention and elimination methods that minimize the introduction of pollutants into natural water bodies.</i></p>	<p>The proposed Project has the potential to temporarily impact the water quality of Newport Bay through sedimentation and turbidity during water-side construction and dredging activity (approximately 4</p>



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	weeks). Mitigation measures presented in the Biological Resources and Hydrology/ Water Quality sections of the Project's MND would reduce impacts to a level of less than significant. During long-term Project operation and according to the Project-specific WQMP included as <i>Appendix I</i> to this document, due to the limited amount of landscaping on the Project site, Low Impact Development (LID) BMPs are required in addition to site design measures and source controls to reduce pollutants in storm water discharges. Accordingly, biotreatment BMPs in the form of Modular Wetland Systems and StormFilter Units are proposed to be utilized on-site for water quality treatment. The proposed water quality features would minimize the amount of pollutants discharged from the site into Newport Harbor, in conformance with Policy HB 8.2.
<i>Policy HB 8.4 Storm Drain Sewer System Permit. Require all development to comply with the regulations under the City's municipal separate storm sewer system permit under the National Pollutant Discharge Elimination System.</i>	In conformance with Policy HB 8.4, the Project would be required to obtain a Section 401 Water Quality Certification and Section 402 NPDES Construction Stormwater General Permit prior to Project construction or operation.
<i>Policy HB 8.5 Natural Water Bodies. Require that development not result in the degradation of natural water bodies.</i>	The proposed Project has the potential to temporarily impact the water quality of Newport Bay through sedimentation and turbidity during water-side construction and dredging activity (approximately 4 weeks). Mitigation measures presented in the Hydrology/ Water Quality section of the Project's MND would reduce impacts to a level of less than significant. During long-term Project operation and according to the Project-specific WQMP included as <i>Appendix I</i> to this document, biotreatment BMPs in the form of Modular Wetland Systems and StormFilter Units are proposed to be utilized on-site for water quality treatment. The proposed water quality features would minimize the amount of pollutants discharged from the site into Newport Harbor, in conformance with Policy HB 8.5.
<i>Policy HB 8.10 Water Quality Management Plan. Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.</i>	In conformance with Policy HB 8.10, a Project-specific WQMP has been prepared for the Project and is included as <i>Appendix I</i> . As documented in the WQMP, the proposed Project would reduce impervious surface areas on the Project site from 85% (2.92 acres) (as occurs under existing conditions) to approximately 75% (2.57 acres). As a result, the Project would reduce the runoff rate of volume as compared to the existing condition, thereby reducing the volume of stormwater runoff (and pollutants) discharged. The WQMP also identifies water quality measures to be implemented during construction.
<i>Policy HB 8.11 Site Design and Source Control. 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 National Pollutant Elimination System, structural</i>	As documented in the site-specific WQMP (<i>Appendix I</i>), under proposed conditions, runoff from the site would continue to flow in a southerly direction (as it does under existing conditions) and discharge at the two existing bulkhead outlet locations. New on-site drains would be



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<p><i>treatment BMPs will be implemented along with site design and source control measures.</i></p>	<p>constructed to direct low-flow and first-flush runoff to the proposed BMPs prior to discharging off-site through the existing bulkhead outlets. Biotreatment BMPs in the form of Modular Wetland Systems and StormFilter Units will be utilized on-site for water quality treatment. The Project's proposed water quality features would be fully compliant with NPDES requirements. Thus, the Project would be consistent with Policy HB 8.11.</p>
<p><i>Policy HB 8.14 Runoff Reduction on Private Property. Retain runoff on private property to prevent the transport of pollutants into recreational waters, to the maximum extent practicable.</i></p>	<p>As documented in the WQMP (<i>Appendix I</i>), the proposed Project would reduce impervious surface areas on the Project site from 85% (2.92 acres) (as occurs under existing conditions) to approximately 75% (2.57 acres). As a result, and in compliance with Policy HB 8.14, the Project would reduce the runoff rate of volume as compared to the existing condition, thereby reducing the volume of stormwater runoff (and pollutants) discharged.</p>
<p><i>Policy HB 8.20 Impervious Surfaces. Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.</i></p>	<p>As documented in the WQMP (<i>Appendix I</i>), the proposed Project would reduce impervious surface areas on the Project site from 85% (2.92 acres) (as occurs under existing conditions) to approximately 75% (2.57 acres). Thus, the Project would be consistent with Policy HB 8.20.</p>
<p><i>Policy HB 9.3 Structures Impacting Visual Resources. Limit structures bayward of the bulkhead line to piers, floats, groins, appurtenances related to marine activities, and public walkways.</i></p>	<p>The Project proposes only new boat slips and gangways bayward of the bulkhead line. Accordingly, the Project would be consistent with Policy HB 9.3.</p>
<p>Historical Resources Element</p>	
<p><i>Policy HR 2.1: New Development Activities. 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 archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.</i></p>	<p>Mitigation has been imposed on the Project to preclude potential impacts to archaeological resources (refer to MM CR-1). The Project site is not located in an area known to contain fossils, and there is no potential for paleontological resources to be discovered during the Project's construction process because no fossil-bearing soils or rock formations are proposed to be disturbed or excavated. Accordingly, the Project would be consistent with Policy HR 2.1.</p>
<p><i>Policy HR 2.2 Grading and Excavation Activities. Maintain sources of information regarding paleontological and archeological sites and the names and addresses of responsible organizations and qualified individuals, who can analyze, classify, record, and preserve paleontological or archeological findings.</i></p> <p><i>Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.</i></p>	<p>The Project site is not located in an area known to contain fossils, and there is no potential for paleontological resources to be discovered during the Project's construction process because no fossil-bearing soils or rock formations are proposed to be disturbed or excavated. Accordingly, the Project would be consistent with Policy HR 2.2.</p>
<p><i>Policy HR 2.4 Paleontological or Archaeological Materials. Require new development to donate scientifically valuable paleontological or archaeological materials to a</i></p>	<p>As noted above, the Project site has no potential to contain fossils. Mitigation Measure MM CR-1 has been imposed on the Project to ensure that any cultural</p>



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<p><i>responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.</i></p>	<p>resources that are uncovered are conveyed to a designated repository. As such, the Project would be consistent with Policy HR 2.4.</p>
<p>Circulation Element</p>	
<p><i>Policy CE 2.1.1 Level of Service Standards. Plan the arterial roadway system to accommodate projected traffic at the following level of service standards:</i></p> <ul style="list-style-type: none"> <i>A. Level of Service (LOS) "D" throughout the City, unless otherwise noted</i> <i>B. LOS "E" at any intersection in the Airport Area shared with Irvine</i> <i>C. LOS "E" at Coast Highway (EW) and Dover Drive (NS) due to right-of-way limitations</i> <i>D. LOS "E" at Marguerite Avenue (NS) and Coast Highway (EW) in the pedestrian oriented area of Corona del Mar</i> <i>E. LOS "E" at Goldenrod Avenue (NS) and Coast Highway (EW) in the pedestrian oriented area of in Corona del Mar</i> 	<p>As indicated in the Project's traffic impact analysis (Appendix K), vehicle trips anticipated with the Project would not result in a significant impact at any study area intersections (increase of one-percent or more at a study area intersection operating at worse than Level of Service D during the morning/evening peak hours). Accordingly, the Project would be consistent with Policy CE 2.1.1.</p>
<p><i>Policy CE 2.2.6 Emergency Access. Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles.</i></p>	<p>Although adjacent roadway segments are not identified as part of an emergency evacuation route, no full or partial temporary lane closures would occur along East Coast Highway or Bayside Drive during Project construction thereby leaving existing roadway segments fully operational in the occurrence of the enactment of the City of Newport Beach emergency evacuation procedures. The Project's AIC application was reviewed by the City of Newport Beach, which determined that reconfiguration of the Balboa Marina parking lot as proposed accommodates appropriate emergency access. The Project's future SDR application also would be subject to City review for the provision of adequate emergency access, thereby ensuring that no conflict with Policy CE 2.2.6 would occur.</p>
<p><i>Policy CE 5.1.2 Pedestrian Connectivity. Link residential areas, schools, parks, and commercial centers so that residents can travel within the community without driving.</i></p>	<p>The Project accommodates pedestrian access between the new public dock, marine commercial building, and East Coast Highway via concrete walkways. Additionally, and as required by Mitigation Measure MM LU-1, the City would review the Project's SDR and/or CUP applications for compliance with applicable City policies, including Policy CE 5.1.2. Accordingly, the Project would be consistent with Policy CE 5.1.2.</p>
<p><i>Policy CE 5.1.3 Pedestrian Improvements in New Development Projects. Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails.</i></p>	<p>The Project accommodates pedestrian access between the new public dock, marine commercial building, and East Coast Highway via concrete walkways. Bike lanes already are accommodated along East Coast Highway. Accordingly, the Project would be consistent with Policy CE 5.1.3.</p>
<p><i>Policy CE 7.1.1 Required Parking. Require that new development provide adequate, convenient parking for residents, guests, business patrons, and visitors.</i></p>	<p>An adequate number of parking spaces is proposed on the Project's AIC application. The City would review future implementing SDR and CUP applications for compliance with Municipal Code Section 20.40.040 (Off-</p>



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	Street Parking Spaces Required). This review would ensure there would be adequate parking to serve the Project. As such, the Project would be consistent with Policy CE 7.1.1.
<p><i>Policy CE 7.1.8 Parking Configuration. Site and design new development to avoid use of parking configurations or management programs that are difficult to maintain and enforce.</i></p>	<p>An appropriately designed parking lot is proposed on the Project's AIC application. The marine commercial building proposes tuck-under parking. The City would review future implementing SDR and CUP applications for compliance with Municipal Code Section 20.40.040 (Off-Street Parking Spaces Required). This review would ensure there would be a proper configuration of parking to serve the Project. As required by Mitigation Measure MM LU-1, the City would review the Project's SDR and/or CUP applications for compliance with applicable City policies, including Policy CE 7.1.8.</p>
<p><i>Policy CE 7.1.10 Parking for Marine Recreational Users. Provide adequate parking as necessary in the vicinity of visitor serving marine uses, including marinas, water transportation terminals, boat ramps, as well as parking suitable for service vehicles in commercial marinas and berthing areas.</i></p>	<p>An adequate number of parking spaces is proposed on the Project's AIC application. The City would review future implementing SDR and CUP applications for compliance with Municipal Code Section 20.40.040 (Off-Street Parking Spaces Required). This review would ensure there would be adequate parking to serve the Project. As such, the Project would be consistent with Policy CE 7.1.10.</p>
<p><i>Policy CE 7.1.11 Curb Cuts. Require new development to minimize curb cuts to protect on-street parking spaces. Close curb cuts to create on street parking spaces wherever feasible.</i></p>	<p>In compliance with Policy CE 7.1.11, no new curb cuts are proposed as part of the Project.</p>
Recreation Element	
<p><i>Policy R 8.3 Interagency Coordination to Provide New Facilities. Encourage the provision of guest slips, moorings, waste pump-out stations, and anchorages in Newport Harbor. Coordinate work with the Orange County Harbor, Beaches, and Parks Department to provide such facilities where appropriate and feasible.</i></p>	<p>The proposed Project would provide a new public transient boat dock in Lower Newport Bay to provide a new point of vertical public access. In addition, the new public dock would allow the relocation of the four (4) existing transient public boat slips currently located in the private Balboa Marina to an area of Lower Newport Bay that is more easily accessible to transient public boaters. The Project would enhance resident and visitor boater's abilities to access the land from the water and allow transient public boaters to easily navigate from a new public dock in Lower Newport Bay to restaurants and commercial uses in and around the Balboa Marina. As such, the Project is in conformance with Policy R 8.3.</p>
<p><i>Policy R 8.5 Support Facilities. Protect and, where feasible, expand, and enhance:</i></p> <ul style="list-style-type: none"> • <i>Waste pump-out stations</i> • <i>Vessel launching facilities, including nonmotorized sail boat launch facilities in Lower Newport Bay</i> • <i>Low-cost public launching facilities</i> • <i>Marinas and dry boat storage facilities</i> • <i>Guest docks at public facilities, yacht clubs and at privately owned-marinas, restaurants and other appropriate locations</i> 	<p>The Project would provide a new public boat dock and accommodate 12 public transient boat slips at the site. Due to the transient nature of the slips, vessel pump out accommodations are not proposed. The proposed marine commercial building would accommodate a restaurant use and public restroom that would serve boaters, tourists, and City residents. As such, the Project would be consistent with Policy R 8.5.</p>



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<ul style="list-style-type: none"> Facilities and services for visiting vessels Facilities necessary to support vessels berthed or moored in the harbor, such as boat haul out facilities Existing harbor support uses serving the needs of existing waterfront uses, recreational boaters, the boating community, and visiting vessels. 	
<p><i>Policy R 9.2 Waterfront Public Walkways. Expand waterfront public walkways per policies in the Circulation Element.</i></p>	<p>The Project accommodates a new concrete pedestrian walkway in front of the new public boat slips, in compliance with Policy R 9.2.</p>
Natural Resources Element	
<p><i>Policy NR 1.1 Water Conservation in New Development. Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water-efficient landscaping and irrigation in conjunction with new construction projects.</i></p>	<p>There are no components of the Project that would waste water or cause increased runoff as compared to existing conditions. The Project's landscape concept plan incorporates plant species with low to moderate watering requirements. Accordingly, the Project would be consistent with Policy NR 1.1.</p>
<p><i>Policy NR 1.2 Use of Water Conserving Devices. Establish and actively promote use of water conserving devices and practices in both new construction and major alterations and additions to existing buildings. This can include the use of rainwater capture, storage, and reuse facilities.</i></p>	<p>Project irrigation devices would be installed in a manner consistent with California Code of Regulations, Title 24, Part 11, which requires the use of moisture-sensitive controllers to minimize waste of irrigation water. Accordingly, the Project would be consistent with Policy NR 1.2.</p>
<p><i>Policy NR 3.2 Water Pollution Prevention. Promote pollution prevention and elimination methods that minimize the introduction of pollutants into natural water bodies.</i></p>	<p>New area drains are proposed to direct low-flow and first-flush runoff to mechanical water quality bio-treatment systems prior to discharging runoff water through the existing bulkhead outlets and into Newport Harbor. The proposed water quality features would minimize the amount of pollutants discharged from the site into Newport Harbor, in conformance with Policy NR 3.2.</p>
<p><i>Policy NR 3.4 Storm Drain Sewer System Permit. 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.</i></p>	<p>In conformance with Policy NR 3.4, the Project would be required to obtain a Section 401 Water Quality Certification and Section 402 NPDES Construction Stormwater General Permit prior to Project construction or operation.</p>
<p><i>Policy NR 3.5 Natural Water Bodies. Require that development does not degrade natural water bodies.</i></p>	<p>The proposed Project has the potential to temporarily impact the water quality of Newport Bay through sedimentation and turbidity during water-side construction and dredging activity (approximately 4 weeks). Mitigation measures presented in the Hydrology/ Water Quality Section of the Project's MND would reduce impacts to a level of less than significant. During long-term Project operation and according to the Project-specific WQMP included as <i>Appendix I</i> to this document, biotreatment BMPs in the form of Modular Wetland Systems and StormFilter Units are proposed to be utilized on-site for water quality treatment. The proposed water quality features would minimize the amount of pollutants discharged from the site into Newport Harbor, in conformance with Policy NR 3.5.</p>



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<p><i>Policy NR 3.9 Water Quality Management Plan. Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.</i></p>	<p>In conformance with Policy NR 3.9, a Project-specific WQMP has been prepared for the Project and is included as <i>Appendix I</i>. As documented in the WQMP, the proposed Project would reduce impervious surface areas on the Project site from 85% (2.92 acres) (as occurs under existing conditions) to approximately 75% (2.57 acres). As a result, the Project would reduce the runoff rate of volume as compared to the existing condition, thereby reducing the volume of stormwater runoff (and pollutants) discharged. The WQMP also identifies water quality measures to be implemented during construction.</p>
<p><i>Policy NR 3.10 Best Management Practices. Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.</i></p> <p><i>Policy NR 3.11 Site Design and Source Control. 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 National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.</i></p>	<p>As documented in the site-specific WQMP (<i>Appendix I</i>), under proposed conditions, runoff from the site would continue to flow in a southerly direction (as it does under existing conditions) and discharge at the two existing bulkhead outlet locations. New on-site drains would be constructed to direct low-flow and first-flush runoff to the proposed BMPs prior to discharging off-site through the existing bulkhead outlets. Biotreatment BMPs in the form of Modular Wetland Systems and StormFilter Units would be utilized on-site for water quality treatment. The Project's proposed water quality features would be fully compliant with NPDES requirements. Thus, the Project would comply with Policies NR 3.10 and NR 3.11.</p>
<p><i>Policy NR 3.12 Reduction of Infiltration. Include equivalent BMPs that do not require infiltration, where infiltration of runoff would exacerbate geologic hazards</i></p>	<p>As documented in the WQMP (<i>Appendix I</i>), the proposed Project would reduce impervious surface areas on the Project site from 85% (2.92 acres) (as occurs under existing conditions) to approximately 75% (2.57 acres). As a result, the site would allow for increased infiltration as compared to the existing condition. There are no known geological hazards at the subject property that could be exacerbated by such infiltration. Runoff from the site would continue to flow in a southerly direction (as it does under existing conditions) and discharge at the two existing bulkhead outlet locations. New on-site drains would be constructed to direct low-flow and first-flush runoff to the proposed BMPs prior to discharging off-site through the existing bulkhead outlets. Biotreatment BMPs in the form of Modular Wetland Systems and StormFilter Units would be utilized on-site for water quality treatment. Thus, the Project would not conflict with Policy NR 3.12.</p>
<p><i>Policy NR 3.14 Runoff Reduction on Private Property. Retain runoff on private property to prevent the transport of pollutants into natural water bodies, to the maximum extent practicable.</i></p>	<p>As documented in the WQMP (<i>Appendix I</i>), the proposed Project would reduce impervious surface areas on the Project site from 85% (2.92 acres) (as occurs under existing conditions) to approximately 75% (2.57 acres). As a result, and in compliance with Policy NR 3.14, the Project would reduce the runoff rate of volume as compared to the existing condition, thereby reducing the volume of stormwater runoff (and pollutants) discharged.</p>
<p><i>Policy NR 3.20 Impervious Surfaces. Require new development and public improvements to minimize the</i></p>	<p>As documented in the WQMP (<i>Appendix I</i>), the proposed Project would reduce impervious surface areas on the</p>



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<p><i>creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.</i></p>	<p>Project site from 85% (2.92 acres) (as occurs under existing conditions) to approximately 75% (2.57 acres). Thus, the Project would be consistent with Policy NR 3.20.</p>
<p><i>Policy NR 4.4 Erosion Minimization. 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 areas.</i></p>	<p>The Project would be required to obtain a NPDES Municipal Stormwater Permit for construction activities. In addition, the Project would be required to comply with the Santa Ana RWQCB's Santa Ana River Basin Water Quality Control Program. Compliance with the NPDES permit and the Santa Ana River Basin Water Quality Control Program involves the preparation and implementation of a SWPPP for construction-related activities. The SWPPP would specify the Best Management Practices (BMPs) that the Project would be required to implement during construction activities to ensure that all potential pollutants of concern (including sediment) are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property. Mandatory compliance with the SWPPP would ensure Project consistency with Policy NR 4.4.</p>
<p><i>Policy NR 8.1 Management of Construction Activities to Reduce Air Pollution. Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.</i></p>	<p>The Project would be required to comply with applicable SCAQMD rules and regulations during construction, which would minimize construction-related air quality emissions, in conformance with Policy NR 8.1.</p>
<p><i>Policy NR 10.2 Orange County Natural Communities Conservation Plan. Comply with the policies contained within the Orange County Natural Communities Conservation Plan.</i></p>	<p>There are no components of the proposed Project that would conflict with the policies contained within the Orange County Natural Communities Conservation Plan. Accordingly, the Project would be consistent with Policy NR 10.2.</p>
<p><i>Policy NR 10.4 New Development Siting and Design. 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.</i></p>	<p>The land-side portions of the Project site do not contain any sensitive resources under existing conditions. With implementation of the mitigation measures impacts to marine biological resources would be reduced to a level below significant. The Project would therefore comply with Policy NR 10.4.</p>
<p><i>Policy NR 11.3 Eelgrass Protection. Avoid impacts to eelgrass (Zostera marina) to the extent feasible. Mitigate losses of eelgrass in accordance with the Southern California Eelgrass Mitigation Policy. Encourage the restoration of eelgrass in Newport Harbor at appropriate sites, where feasible.</i></p>	<p>Mitigation measures have been imposed to reduce Project-related impacts to eelgrass to a level below significant. As such, the Project would comply with Policy NR 11.3.</p>
<p><i>Policy NR 13.1 Wetland Protection. Recognize and protect wetlands for their commercial, recreational, water quality, and habitat value.</i></p> <p><i>Policy NR 13.2 Wetland Delineation. Require a survey and analysis with the delineation of all wetland areas when the initial site survey indicates the presence or potential for wetland species or indicators. Wetland delineations will be conducted in accordance with the definitions of wetland boundaries established by California</i></p>	<p>As determined by a site-specific jurisdictional delineation (Appendix C), the only wetland resources that occur on-site occur along the edge of the harbor. As part of the Project, improvements proposed within the marina would increase the area of waters of the United States by 6,772 SF. Thus, the Project would be consistent with Policies NR 13.1 and NR 13.2.</p>



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<p><i>Department of Fish and Game, and/or United States Fish and Wildlife Service.</i></p>	
<p><i>Policy NR 14.5 New Structure Design. 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.</i></p>	<p>Although portions of the Project would encroach into Newport Harbor (i.e., with the construction of new boat slips and gangways), the Project has been designed to be consistent with the natural appearance of the surrounding area. Accordingly, the Project would be consistent with Policy NR 14.5.</p>
<p><i>Policy NR 18.1 New Development. 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 archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA</i></p>	<p>Mitigation has been imposed on the Project to preclude impacts to archaeological resources (refer to MM CR-1). The Project site is not located in an area known to contain fossils, and there is no potential for paleontological resources to be discovered during the Project's construction process because no fossil-bearing soils or rock formations are proposed to be disturbed or excavated. Accordingly, the Project would be consistent with Policy NR 18.1.</p>
<p><i>Policy NR 18.4 Donation of Materials. 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.</i></p>	<p>As noted above, the Project site has no potential to contain fossils. Mitigation Measure MM CR-1 has been imposed on the Project to ensure that any resources that are uncovered are conveyed to a designated repository. As such, the Project would be consistent with Policy NR 18.4.</p>
<p><i>Policy NR 20.1 Enhancement of Significant Resources. 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 shown in Figure NR3.</i></p>	<p>The Project would not significantly impact any public view points or coastal view roads in the City. Accordingly, the Project would be consistent with Policy NR 20.1.</p>
<p><i>Policy NR 20.2 New Development Requirements. Require new development to restore and enhance the visual quality in visually degraded areas, where feasible, and provide view easements or corridors designed to protect public views or to restore public views in developed areas, where appropriate.</i></p>	<p>The Project is not located in an area that is visually degraded under existing conditions. The Project's conceptual design accommodates a view corridor from the parking areas into Newport Bay. Thus, the Project would be consistent with Policy NR 20.2.</p>
<p><i>Policy NR 20.3 Public Views. Protect and enhance public view corridors from the following roadway segments (shown in Figure NR3), and other locations may be identified in the future: ... Bayside Drive from Coast Highway to Linda Island Drive; Coast Highway/Newport Bay Bridge; Coast Highway from Jamboree Road to Bayside Drive...</i></p>	<p>The Project site would be visible from the portions of Bayside Drive and Coast Highway. The Project would not significantly impact public views either of these coastal view roads. Accordingly, the Project would not conflict with Policy NR 20.3.</p>
<p><i>Policy NR 20.4 Public View Corridor Landscaping. 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.</i></p>	<p>The Project's landscape concept plan has been designed to minimize impacts to public views of Newport Harbor by proposing trees only in locations needed to provide shade over planned parking areas. The landscape concept also would serve to enhance views of the harbor through the use of semi-tropical tree species (e.g., palms and figs). As such, the Project would be consistent with Policy NR 20.4.</p>
<p><i>Policy NR 20.5 Public View Corridor Amenities. Provide public trails, recreation areas, and viewing areas adjacent</i></p>	<p>The planned public pedestrian pathways would facilitate public views of Newport Bay. Accordingly, the Project</p>



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<i>to public view corridors, where feasible.</i>	would be consistent with Policy NR 20.5.
Safety Element	
<i>Policy S 4.7 New Development. Conduct further seismic studies for new development in areas where potentially active faults may occur.</i>	According to a site-specific geotechnical investigation (<i>Appendix G</i>), the site is not located within an Alquist-Priolo earthquake fault zone, and the potential for ground rupture due to faulting is “low.” Thus, the Project would be consistent with Policy S 4.7.
<i>Policy S 5.1 New Development Design within 100-year Floodplains. Require that all new development within 100-year floodplains incorporate sufficient measures to mitigate flood hazards including the design of onsite drainage systems that are connected with the City’s storm drainage system, gradation of the site such that runoff does not impact adjacent properties, and buildings are elevated.</i>	As shown on General Plan Figure 4.7-3 Flood Zones, the land-side portion of the proposed Project is not located within an area identified as a Special Flood Hazard Area inundated by 100-year flood. (City of Newport Beach, 2006b, Figure 4.7-3) Accordingly, the Project would not conflict with Policy S 5.1.
Noise Element	
<i>Policy N 1.1 Noise Compatibility of New Development. 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.</i>	According to Table N2, the proposed marine commercial building would be “Clearly Compatible” with noise levels less than 70 dBA CNEL. According to the Project’s noise study (<i>Appendix J</i>), the estimated CNEL at the proposed building is less than 70 dB. Thus, the Project would be consistent with Policy N 1.1.
<i>Policy N 1.2 Noise Exposure Verification for New Development. Applicants for proposed projects that require environmental review and are, located in areas projected to be exposed to a CNEL of 60 dBA and higher, as shown on Figure N4, Figure N5, and Figure N6 may conduct a field survey, noise measurements or other modeling in a manner acceptable to the City to provide evidence that the depicted noise contours do not adequately account for local noise exposure circumstances due to such factors as, topography, variation in traffic speeds, and other applicable conditions. These findings shall be used to determine the level of exterior or interior, noise attenuation needed to attain an acceptable noise exposure level and the feasibility of such mitigation when other planning considerations are taken into account.</i>	In conformance with Policy N 1.2, a Project-specific noise impact analysis has been prepared and is included in <i>Appendix J</i> to the Project’s IS/MND. The noise impact analysis findings conclude that vibration impacts would be less than significant. In conformance with Policy N 1.2, the City will require the preparation of a noise study in association with the future SDR application to verify the level of interior noise attenuation required based on the definitive building design.
<i>Policy N 1.7 Commercial/Entertainment Uses. Limit hours and/or require attenuation of commercial/entertainment operations adjacent to residential and other noise sensitive uses in order to minimize excessive noise to these receptors.</i>	A Project-specific noise impact analysis has been prepared and is included in <i>Appendix J</i> . A CUP is required to allow the operation of a restaurant in the proposed marina commercial building. The CUP will impose conditions of approval on restaurant operation in compliance with Policies N 1.7 and N 1.8. In addition, operation of the building would be required to comply with the City of Newport Beach Municipal Code. Chapter 20.48.090(E) requires that the building structure in which bars, nightclubs, and lounges are located be adequately soundproofed so that interior noise is not audible beyond the lot lines with doors and windows closed.
<i>Policy N 1.8 Significant Noise Impacts. 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 existing sensitive uses.</i>	
<i>Policy N 2.3 Limiting Hours of Truck Deliveries. Limit the hours of truck deliveries to commercial uses abutting residential uses and other noise sensitive land uses to</i>	The Project would be required to comply with the City of Newport Beach Municipal Code. Chapter 20.48.080, which prohibits truck deliveries between 10:00 PM and



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<i>minimize excessive noise unless there is no feasible alternative. Any exemption shall require compliance with nighttime (10:00 P.M. to 7:00 A.M.) noise standards.</i>	7:00 AM on weekdays and Saturdays and between 10:00 PM and 9:00 AM on Sundays and federal holidays.
<i>Policy N 4.1 Stationary Noise Sources. 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.</i>	The Project would be required to comply with the City of Newport Beach Municipal Code. Chapter 10.26.045 states that new HVAC equipment cannot exceed a noise level of 50 dBA when measured at a residential property line. Accordingly, the Project would be consistent with Policy N 4.1.
<i>Policy N 4.2 New Uses. Require that new uses such as restaurants, bars, entertainment, parking facilities, and other commercial uses where large numbers of people may be present adjacent to sensitive noise receptors obtain a use permit that is based on compliance with the noise standards in Table N3 and the City's Municipal Code.</i>	The Project would be required to comply with the City of Newport Beach Municipal Code, including all Noise Ordinance standards. Thus, the Project would be consistent with Policy N 4.2.
<i>Policy N 5.1 Limiting Hours of Activity. Enforce the limits on hours of construction activity.</i>	The Project would be required to comply with the City of Newport Beach Municipal Code, including Chapter 10.20.040 that limits permitted hours of construction activity. In accordance with the City's noise standards, construction activities associated with the Project would be limited to between the hours of 7:00 a.m. and 6:30 p.m. Monday through Friday, and between 8:00 a.m. and 6:00 p.m. on Saturday. No construction activities would occur on Sundays or federal holidays. Accordingly, the Project would be consistent with Policy N 5.1.