

4.1 LAND USE

This section describes the existing land uses on the proposed City Hall and Park Development Plan project site (proposed project site) and in its vicinity, and evaluates the compatibility of the proposed project with surrounding land uses and relevant policy and planning documents. The consistency analysis in this section was prepared in compliance with State California Environmental Quality Act (CEQA) Guidelines Section 15125(d). Information presented in this section is based on information provided in the City of Newport Beach (City) General Plan, Zoning Code (Title 20), and Newport Village Planned Community Development Plan (PC-27).

Scoping Process

The Initial Study/Notice of Preparation (IS/NOP) prepared for the proposed project identified potential impacts related to conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project. In addition, this Environmental Impact Report (EIR) analyzes whether development of the land uses under the proposed project would create incompatibilities with adjacent land uses.

The proposed project site is located between two existing roadways (MacArthur Boulevard and Avocado Avenue) and is surrounded on all sides by existing development. The IS/NOP found that the proposed project would not disrupt or realign the existing roadway network or affect or disrupt residential neighborhoods in the project vicinity. Therefore, it was determined that no potential impacts to physically dividing an established community would result from project implementation. The IS/NOP identified that the proposed project site is located within the boundaries of the Central/Coastal Orange County Subregion Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP). The project is in an area identified as urbanized by the NCCP/HCP and is not located in the Reserve or other planned open space area. Therefore, the IS/NOP found that the project is consistent with the provisions of the plan, as it allows development of non-Reserve areas; this issue will not be discussed further in this section. Refer to Section 4.5, Biological Resources, for additional discussion of the NCCP/HCP. Refer to Appendix A, IS/NOP, for additional discussion of the scoping process for land use and planning.

4.1.1 Methodology

The impact analysis of this Land Use section considers the physical effects of the proposed project related to land use compatibility (e.g., air quality, aesthetics, noise, and circulation) and considers whether or not there are any potential inconsistencies of the proposed development with planning documents from the City and other agencies with applicable plans or policies. Regulations and policies from the City's General Plan are also discussed in applicable topical sections of the EIR, where policies related to physical effects are addressed. Table 4.1.A lists relevant local programs, plans, and policies addressed in this EIR and references where further discussion of each plan can be found in Chapter 4.0 of this EIR.

Table 4.1.A: Relevant Local and Regional Plans and Programs

Plan or Program	EIR Section(s)
California Environmental Protection Agency Hazardous Waste and Substances Sites (Cortese) List	4.9 Hazards and Hazardous Materials
California Department of Housing and Community Development (HCD) Regional Housing Needs Assessment (RHNA)	4.12 Population, Housing, and Employment
California Division of Mines and Geology (CDMG) Seismic Hazard Maps	4.7 Geology and Soils
California State Water Resources Control Board (SWRCB) General Construction Activity Storm Water Permit program	4.10 Hydrology and Water Quality
California State Geologic Survey Alquist-Priolo Earthquake Fault Zones	4.1 Land Use 4.7 Geology and Soils
California Health and Safety Code	4.9 Hazards and Hazardous Materials
City of Newport Beach General Plan	4.1 Land Use 4.2 Traffic and Circulation 4.3 Aesthetics 4.4 Air Quality 4.5 Biological Resources 4.6 Cultural Resources 4.7 Geology and Soils 4.8 Global Climate Change 4.9 Hazards and Hazardous Materials 4.10 Hydrology and Water Quality 4.11 Noise 4.12 Population, Housing, and Employment 4.13 Public Services, Utilities, and Service Systems 4.14 Recreation
City of Newport Beach Municipal Code	4.1 Land Use 4.2 Traffic and Circulation 4.3 Aesthetics 4.4 Air Quality 4.7 Geology and Soils 4.8 Global Climate Change 4.9 Hazards and Hazardous Materials 4.10 Hydrology and Water Quality 4.11 Noise 4.13 Public Services, Utilities, and Service Systems 4.14 Recreation

Table 4.1.A: Relevant Local and Regional Plans and Programs

Plan or Program	EIR Section(s)
Federal Emergency Management Agency (FEMA) National Flood Insurance Program, Flood Insurance Rate Maps (FIRM)	4.10 Hydrology and Water Quality
John Wayne Airport (JWA) Airport Environs Land Use Plan (AELUP)	4.1 Land Use 4.9 Hazards and Hazardous Materials 4.11 Noise
National Pollutant Discharge Elimination System (NPDES) permit program	4.8 Geology and Soils 4.10 Hydrology and Water Quality
Orange County Drainage Area Master Plan (DAMP), Model Water Quality Management Plan	4.10 Hydrology and Water Quality
Orange County Central-Coast Natural Community Conservation Planning/Habitat Conservation Plan (NCCP/HCP)	4.1 Land Use 4.5 Biological Resources
Santa Ana Regional Water Quality Control Board (RWQCB) Water Quality Control Plan (Basin Plan)	4.10 Hydrology and Water Quality
South Coast Air Quality Management District's (SCAQMD) Air Quality Management Plan (AQMP)	4.4 Air Quality
Southern California Association of Governments (SCAG) Regional Comprehensive Plan and Guide (RCPG)	4.1 Land Use 4.12 Population, Housing, and Employment
Southern California Association of Governments (SCAG) Compass Growth Vision Program	4.1 Land Use 4.12 Population, Housing, and Employment
State of California/United States Environmental Protection Agency (EPA) Ambient Air Quality Standards (AAQS)	4.4 Air Quality
Uniform Building Code/California Building Code (UBC/CBC)	4.11 Noise 4.7 Geology and Soils
United States Environmental Protection Agency (EPA) Resource Conservation and Recovery Act (RCRA) database	4.9 Hazards and Hazardous Materials

The Land Use and Planning section of the EIR specifically addresses potential environmental impacts related to land use compatibility and/or consistency with adopted plans or programs with regard to the following:

- On-site land uses
- Adjacent land uses
- Adopted Plans and Regulations
 - City of Newport Beach General Plan Land Use Element
 - City of Newport Beach Zoning Code, Title 20
 - Newport Village Planned Community Development Plan
 - Southern California Association of Government (SCAG) Regional Comprehensive Plan and Guide (RCPG)
 - Orange County Airport Land Use Commission/Airport Environs Land Use Plan (ALUC/AELUP)
- Proposed Plans (Cumulative Analysis)
 - Pending Development Applications

The consistency analysis presented in this section was prepared in compliance with State CEQA Guidelines Section 15125(d). The purpose of the required analysis is to identify potential inconsistencies between the proposed project and applicable general plans and regional plans. Neither CEQA nor the State CEQA Guidelines set forth standards for determining when a project is inconsistent with an applicable plan, but the final determination that a project is consistent or inconsistent with an applicable plan should be made by the Lead Agency when it acts on the project. Using the methodology described below, the analysis in this EIR presents the findings of policy review and is intended to provide a guide to the decision-makers for policy interpretation.

A project's inconsistency with a policy is only considered significant if such inconsistency would cause significant physical environmental impacts (per State CEQA Guidelines Section 15382). This EIR section determines whether any project inconsistencies with public land use policies and documents would be significant and whether mitigation is feasible. Under this approach, a policy conflict is not in and of itself considered to be a significant environmental impact. An inconsistency between a proposed project and an applicable plan is a legal determination that may or may not indicate the likelihood of environmental impact. In some cases, an inconsistency may be evidence that an underlying physical impact is significant and adverse. For example, if the proposed project affected agricultural land, one standard for determining whether the impacts were significant would be to determine whether the project violated a plan or policy protecting agricultural land; the environmental impact, however, would be the physical conversion of agricultural land to nonagricultural uses. Conversely, plan consistency may indicate that a potential environmental impact is less than significant.¹

¹ The methodology presented in this section is based on the methodology recommended in Kostka and Zischke's *Practice Under the California Environmental Quality Act*. Continuing Education of the Bar: Oakland, California, 2008.

4.1.2 Existing Environmental Setting

Proposed Project Site. The proposed project site is located between Avocado Avenue and MacArthur Boulevard. The project site currently consists of four parcels. The Library Parcels, are collectively referred to as the “southern parcel,” while the other two parcels are referred to as the northern and central parcels. Altogether, the proposed project site is approximately 20 acres. The northern parcel and the central parcel, both of which are currently vacant, are separated by San Miguel Drive. The southern parcel is occupied by the existing Newport Beach Central Library (Library) located at 1000 Avocado Avenue; the Library would remain in operation during and after project implementation.

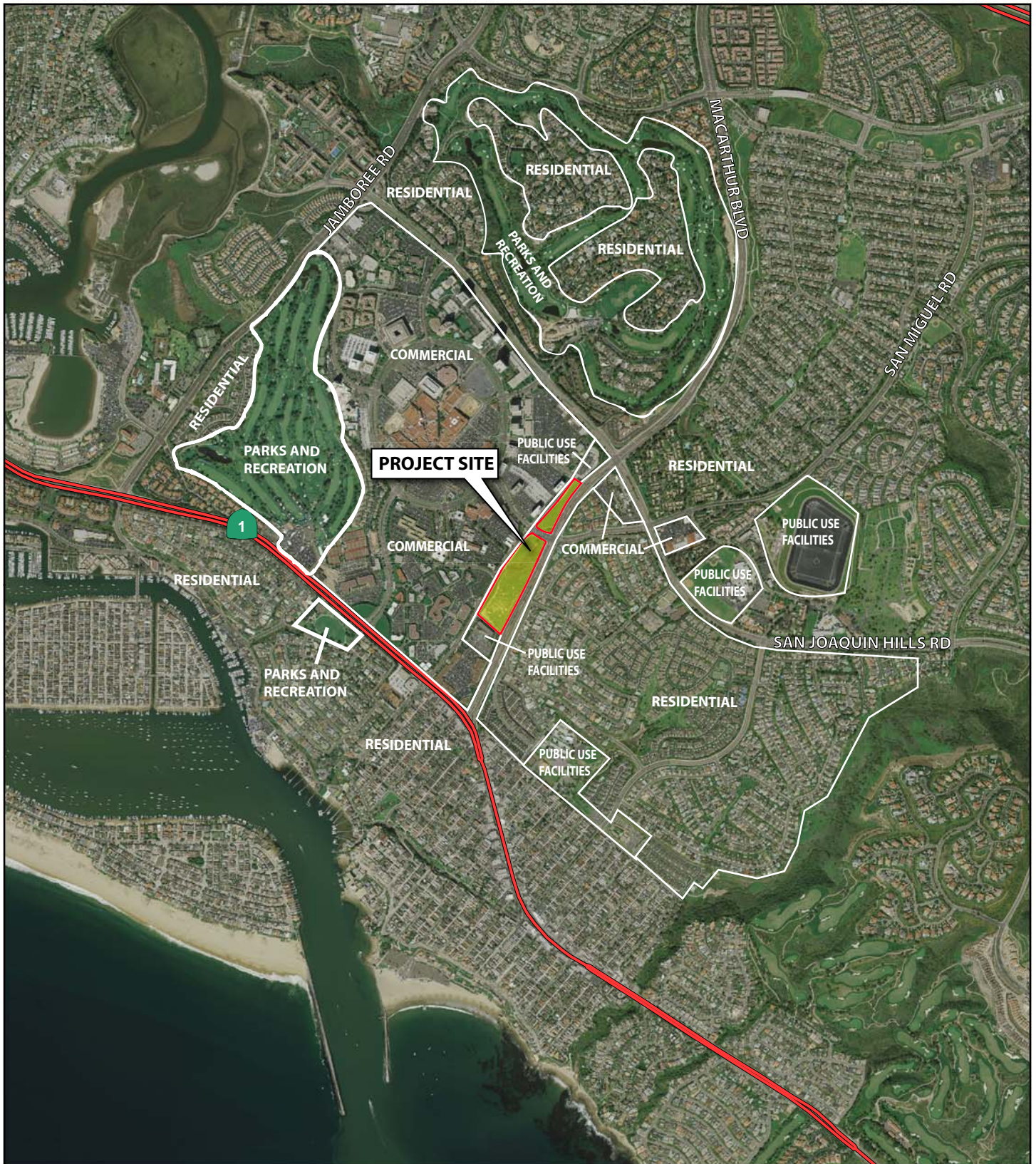
As illustrated in Figure 4.1.1, the proposed project site is surrounded by a variety of commercial office, commercial retail, residential, and public facilities. The Orange County Transportation Authority (OCTA) owns and operates the Newport Transportation Center, a bus transfer station, located immediately north of the project site. The Transportation Center features surface parking, public restrooms, and terminals for buses that serve Routes 1, 55, 57, 75, 76, and 79. South of the project site (south of the existing Central Library) is a commercial retail center. Avocado Avenue forms the western boundary of the site with a variety of commercial and medical office buildings beyond. Newport Center and Fashion Island are located farther to the west. MacArthur Boulevard forms the eastern boundary of the site with residential uses beyond the roadway.

Existing City Hall Site. The existing City Hall site is located at 3300 Newport Boulevard, on the corner of Newport Boulevard and 32nd Street. The existing City Hall site is occupied by over 47,809 gross square feet (sf) of floor area in five buildings and five temporary buildings (trailers); approximately 3,417 sf are occupied by the Newport Beach Fire Station No. 2, which would remain after project implementation. There are approximately 160 parking spaces on site, excluding metered parking on 32nd Street and parking spaces allocated to Fire Station No. 2. The buildings on site were constructed at various times between 1945 (City Hall Building B) and 2008 (Human Resources recruitment trailer).

The existing City Hall site is surrounded by a variety of office, retail, and residential uses. Commercial retail uses are located north of the existing City Hall site. Commercial retail and residential uses are located west of the existing City Hall site. A church structure and commercial office uses are located east of the existing City Hall site, and commercial retail and mixed-use development is located to the south.

The proposed project includes the reuse of the existing five buildings and five trailers on the City Hall site with other public facilities uses. No changes in use or architectural or physical improvements to the existing City Hall site are proposed as part of this project.

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FIGURE 4.1.1



SOURCE: TBM (2009)

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4.1.3 Regulatory Setting

Federal Policies and Regulations. There are no federal land use policies or regulations that are applicable to the proposed project with respect to land use regulation. As noted in Table 4.1.A, other relevant federal policies and regulations are evaluated in other sections of this document.

State Policies and Regulations. The California Coastal Act (Coastal Act) is applicable to the existing City Hall site. The Coastal Act includes specific policies that address issues such as shoreline public access and recreation, lower-cost visitor accommodations, terrestrial and marine habitat protection, visual resources, landform alteration, agricultural lands, commercial fisheries, industrial uses, water quality, offshore oil and gas development, transportation, development design, power plants, ports, and public works. The policies of the Coastal Act constitute the statutory standards applied to planning and regulatory decisions made by the Commission and by local governments, pursuant to the Coastal Act. The Coastal Act is not applicable to the proposed project site.

There are no State land use policies or regulations that are applicable to the proposed project site with respect to land use regulation. As noted in Table 4.1.A, other relevant State policies and regulations are evaluated in other sections of this document.

Local and Regional Policies and Regulations. The project site is covered by several planning documents and programs that have varying degrees of regulation over use of the site. The City has preeminent authority over deciding land use of the site. The adopted planning documents regulating land use within and around the project site are the City of Newport Beach General Plan, Zoning Code, and the Newport Village Planned Community Development Plan. The City's Local Coastal Land Use Plan (CLUP) applies to the existing City Hall site, but does not apply to the proposed project site.

The SCAG RCPG is a relevant regional policy document. The Orange County Central-Coast NCCP/HCP is the relevant conservation policy plan for the City. Applicable regional, local, and conservation land use policies and guidelines from each of the documents listed above are described below. In addition, pursuant to CEQA Guidelines Section 15125 (d), the project's consistency with other applicable regional plans and programs such as the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP) is addressed in the appropriate topical sections of this EIR. Table 4.1.A lists the applicable regional and local programs, plans, and policies addressed in this EIR and references where further discussion of each plan can be found in Chapter 4.0 of this EIR. The following paragraphs explain the regulations, plans, and policies applicable to the site.

City of Newport Beach General Plan. The General Plan for the City of Newport Beach presents a vision for the City's future and a strategy to make that vision a reality. The Newport Beach General Plan is a document adopted by the City Council that serves several purposes:

- Provides a vision and framework for the City's long-range physical and economic development and resource conservation that reflects the aspirations of the community
- Provides strategies and specific implementing actions that will allow this vision to be accomplished

- Establishes a basis for judging whether specific development proposals and public projects are in harmony with Plan policies and standards
- Allows City departments, other public agencies, and private developers to design projects that will enhance the character of the community, preserve and enhance critical environmental and historical resources, and minimize hazards
- Provides the basis for establishing and setting priorities for detailed plans and implementing programs such as the Zoning Code, Capital Improvement Plans, facilities plans, and specific plans

The City's General Plan Update was approved by the City Council on July 25, 2006, and approved by voters in accordance with City Charter Section 423 on November 7, 2006. City Charter Section 423 requires voter approval for amendments that exceed specific development thresholds. The City's General Plan consists of a series of state-mandated and optional elements to direct the City's physical, social, and economic growth. The Newport Beach General Plan is organized into 10 elements: Land Use, Harbor and Bay, Housing, Historical Resources, Circulation, Recreation, Arts and Cultural, Natural Resources, Safety, and Noise. Each of the 10 General Plan Elements are briefly described below.

Land Use Element. The Land Use Element presents goals and policies pertaining to how existing development is going to be maintained and enhanced and new development occur. As the City is almost fully developed, the Land Use Element focuses on how population and employment growth can be strategically inserted to preserve its distinguishing and valued qualities. However, there are limited areas of the City that are not achieving their full potential, and the element establishes strategies for their enhancement and revitalization. Land Use Element goals and policies directly affect the establishment and maintenance of the neighborhoods, districts, corridors, and open spaces that distinguish and contribute to the City's livability, vitality, and image. A key ingredient to successful implementation of this vision is through the management of land uses and the appropriate mix of land uses. To this end, a Land Use Map was adopted and included in the Land Use Element to guide future development decisions.

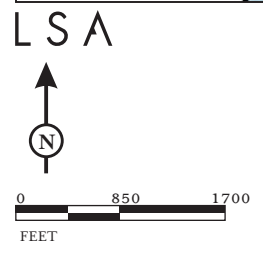
As shown on Figure 4.1.2, the proposed project site is designated Public Facilities (PF) and Open Space (OS) in the Land Use Element of the City's General Plan. The Public Facilities designation is established to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities at appropriate sites in the City. The Open Space designation is intended to provide areas for a range of public and private uses to protect, maintain, and enhance the community's natural resources.

The existing City Hall site is designated Public Facilities in the Land Use Element of the City's General Plan.

Circulation Element. The Circulation Element addresses the movement of people and goods via automobiles, transit, bicycles, and other modes. It addresses key issues such as trip reduction; parking, bicycle, pedestrian, and equestrian access; traffic flow; transportation improvements and funding; traffic safety; and enhancement of public water transportation services.



FIGURE 4.1.2



SOURCE: City of Newport Beach, EIP Associates

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The proposed project site is located between MacArthur Boulevard and Avocado Avenue; San Miguel Drive separates the northern and central/southern portions of the proposed project site. MacArthur Boulevard is designated a Major Road in the City's Master Plan of Streets and Highway. MacArthur Boulevard in the vicinity of the proposed project site is a north-south divided major arterial with three lanes in each direction. Avocado Avenue is a Secondary Road. South of San Miguel Drive, Avocado Avenue is a four-lane undivided roadway. North of San Miguel Drive, Avocado Avenue is a two-lane undivided roadway. San Miguel Drive is an east-west divided Primary Roadway with two lanes in each direction.

The existing City Hall site is located on the corner of Newport Boulevard and 32nd Street. Newport Boulevard in the vicinity of the existing City Hall site is a north-south divided Major Road with three lanes in each direction. 32nd Street is an east-west undivided two-lane commuter roadway in the City's Master Plan of Streets and Highways.

Historical Resources Element. The Historical Resources Element addresses the protection and sustainability of the City's historic and paleontological resources. Goals and policies presented within this element are intended to recognize, maintain, and protect the community's unique historical, cultural, and archeological sites and structures.

Based on the results of a records search through the South Central Coastal Information Center (SCCIC) of the California Historical Resources information System (CHRIS) located at the California State University, Fullerton (February 10, 2009), there are two known prehistoric archaeological sites within the proposed project site. The project site is considered to be sensitive for subsurface archaeological and paleontological resources.

The existing City Hall site is developed with five existing permanent structures and five temporary buildings (trailers). No grading is proposed that could disturb unknown cultural or paleontological resources. No known cultural resources are located at the existing City Hall site.

Recreation Element. The Recreation Element addresses the provision of parklands and recreation programs for the City's residents. Specific recreational issues and policies contained in the Recreation Element includes parks and recreation facilities, recreation programs, shared facilities, coastal recreation and support facilities, marine recreation, and public access.

As stated above, the proposed project site is partially designated for open space uses. The site is currently vacant, with the exception of the existing Library, and no existing recreation uses are found on site.

The existing City Hall site is developed with 10 existing structures. No park uses are found on the existing City Hall site, and none are proposed.

Arts and Cultural Element. The goals and policies of the Arts and Cultural Element are intended to be a guide for meeting the future cultural needs of the community. The City's Arts and Cultural Element encourages the incorporation of public art into major public projects. This element is intended to serve as a mechanism for integrating these resources in order to provide improved and expanded arts and cultural facilities and programs to the community.

Safety Element. The Safety Element provides goals and policies to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from natural and human-induced hazards. This element specifically addresses coastal hazards, geologic hazards, seismic hazards, flood hazards, wildland and urban fire hazards, hazardous materials, aviation hazards, and disaster planning.

Neither the proposed project site nor the existing City Hall site are located within an Alquist-Priolo Special Study Zone (geological hazard), and no known faults traverse either site (Leighton 2009). However, both sites are located within seismically active Southern California. The Newport-Inglewood Fault is considered to be the most significant active fault with respect to the project site.

A portion of the northern parcel (proposed project site north of San Miguel Drive) is located within the AELUP for John Wayne Airport (JWA) and as such is located within the Federal Aviation Regulation (FAR) Part 77 Notification Area for the airport. Otherwise, the proposed project site is located outside the FAR Part 77 Obstruction Imaginary Surfaces for JWA. No other hazards (coastal, geologic, seismic, flood, wildland fire, urban fire, or hazardous materials) are indicated for the proposed site.

The existing City Hall site is located in a potential tsunami run-up area and in an area with liquefaction potential, according to the City's General Plan Safety Element.

Noise Element. The Noise Element identifies noise-sensitive land uses and noise sources, and defines areas of noise impact. Goals and policies within this Element provide a framework to ensure that City residents will be protected from excessive noise intrusion.

The main noise sources for the proposed project site include traffic on MacArthur Boulevard and takeoffs and landings at JWA. The proposed project site is located outside the 60 and 65 Community Noise Equivalent Level (CNEL) noise contours for JWA.

The main noise source at the existing City Hall site is traffic on Newport Boulevard.

Harbor and Bay Element. The goals and policies of the Harbor and Bay Element are intended to guide the content of regulations related to the development of, and the activities conducted on, the water, as well as land use decisions related to waterfront property around Newport Harbor. Goals and policies within the Harbor and Bay Element have been organized to address both water- and land-related issues, provision of public access, water quality and environmental issues, visual

characteristics, and the administration of the Harbor and Bay. None of the Harbor and Bay Element policies apply to the proposed site or the existing City Hall site.

Housing Element. The Housing Element addresses issues, goals, and policies related to ensuring an adequate supply of housing opportunities for all residents. Unlike the other elements, state law sets forth very specific regulations regarding the content and breadth of the Housing Element. Typically, Housing Elements must be updated every 5 years in response to Regional Housing Needs Assessment (RHNA) cycles established by the State Department of Housing and Community Development.

There are no residential units on either the proposed project site or the existing City Hall site. No residential units are proposed as part of the project.

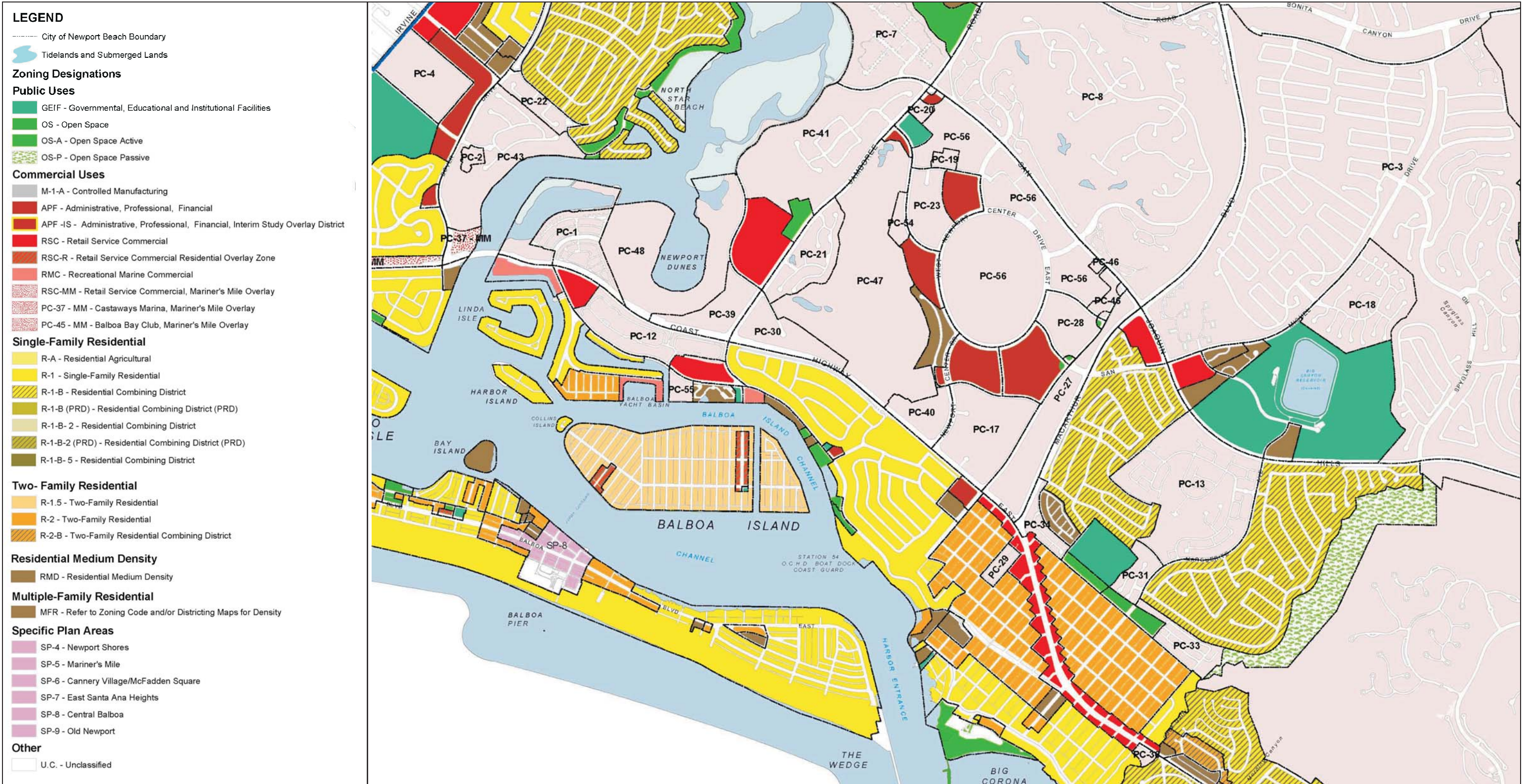
Natural Resources Element. The primary objective of the Natural Resources Element is to provide direction regarding the conservation, development, and utilization of natural resources. It identifies the City's natural resources and provides goals and policies for their preservation, development, and wise use. This element addresses water supply (as a resource) and water quality (includes bay and ocean quality, and potable drinking water), air quality, terrestrial and marine biological resources, open space, mineral resources, visual resources, and energy. Goals and policies from the Natural Resources Element are addressed throughout this EIR.

City of Newport Beach Zoning Code. The City of Newport Beach Zoning Code, Title 20 of the Municipal Code, ensures consistency between the City's General Plan and proposed development. The Zoning Code identifies land use categories, boundaries, and development standards.

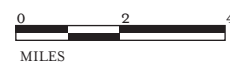
As shown in Figure 4.1.3A, the proposed project site is located within the Newport Village Planned Community (PC-27) Zoning District. Within PC-27, land uses are assigned to specific areas of land called planning areas (PA). The northern and central parcels of the proposed project are in PAs assigned for Open Space uses (PAs 2 and 3) and the southern parcel, which is occupied by the existing Library, is in a PA (PA 4) assigned for Government and Institutional uses. Figure 4.1.3B, illustrates the locations of the PAs within PC-27.

Section II.13 of the Newport Village Planned Community (PC-27) Development Plan establishes a maximum height limitation for all buildings within PC-27 to 45 feet, measured in accordance with the Newport Beach Municipal Code, except that no building shall extend higher than the extension of the plane ("Sight Plane") established by Ordinance No. 1596 for the Corporate Plaza PC. The Corporate Plaza PC was adopted in 1975 and limits heights of buildings to an extension of a Sight Plane that was originally established under Ordinance No. 1371. When PC-27 was amended in 1995, heights of buildings were limited to a further extension of the Sight Plane over the PC, up to the southerly right-of-way of Farallon Drive. Refer to Figure 4.3.13 for an illustration of the Sight Plane height restrictions (in feet above mean sea level) applicable to the proposed project site and adjacent areas of PC-27.

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SOURCE: City of Newport Beach

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FIGURE 4.1.3a

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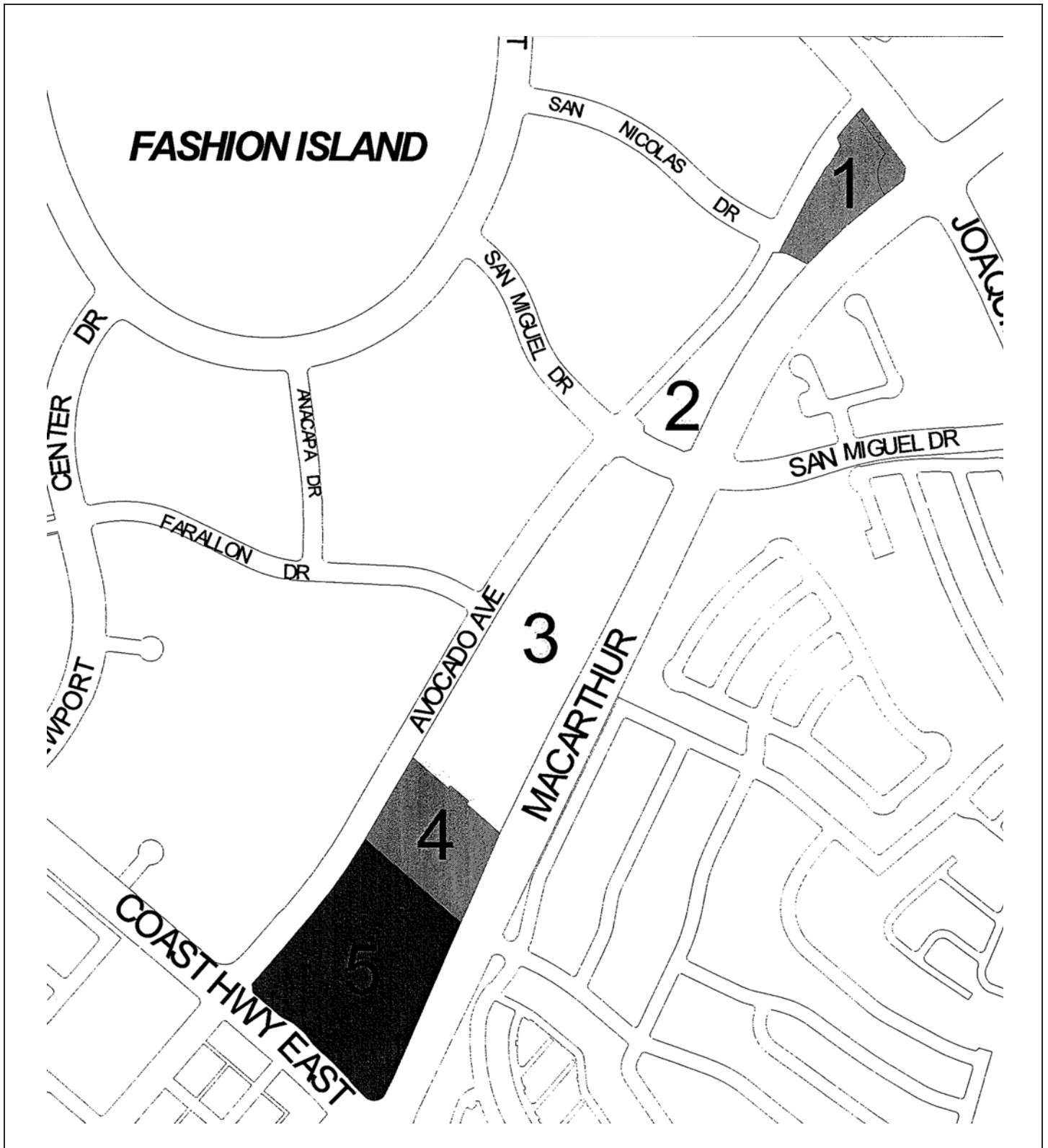


FIGURE 4.1.3b

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-  OPEN SPACE
-  GOVERNMENTAL/INSTITUTIONAL
-  RETAIL

Newport Beach City Hall and Park Development Plan
Newport Village Planned Community Planning Areas

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The existing City Hall site is zoned Retail Service Commercial (RSC) in the City's Zoning Code. This zoning designation provides areas that are predominately retail in character but which allow some service office uses.

SCAG Regional Comprehensive Plan and Guide. Regional planning is conducted for a six-county metropolitan region composed of Orange, Los Angeles, Ventura, Riverside, San Bernardino, and Imperial Counties. SCAG is as the federally recognized Metropolitan Planning Organization (MPO) for these six counties. As the designated MPO, SCAG is mandated by the federal government to research and prepare plans for transportation, growth management, hazardous waste management, and air quality. Orange County and its jurisdiction constitute the Orange County subregion within the SCAG region. The Orange County subregion is governed by the Orange County Council of Governments (OCCOG).

The Regional Comprehensive Plan (RCP) assembles all of the planning and policy work produced by SCAG into a usable reference document for local planners, business people, and other individuals whose work affects the future built environment in Southern California. The current RCP is built around the SCAG Compass Growth Vision and the 2% Strategy adopted by the Regional Council in April 2004. The recommendations made in the RCP call for infrastructure and resource activities consistent with the envisioned growth pattern. The policies in the RCP call for a reduction of emissions and increased mobility through strategic land use changes.

SCAG is in the process of updating the existing RCP. The preliminary draft Land Use Chapter of the RCP, which has not yet been adopted, recommends actions for cities and counties to implement, given the specific growth opportunities that have been identified in the community. The City has been identified as an opportunity area for priority residential infill areas.

The SCAG RCPG includes a package of policies related to growth and development that seeks to coordinate infrastructure with projected population and housing growth. In general, SCAG policies encourage job and housing opportunities to be balanced at the county or subregional level (Regional Statistical Area). SCAG policies also encourage job growth to be concentrated near transit services, transit nodes, existing freeways, high-occupancy vehicle (HOV) lanes, and toll roads. Because the scope of the RCPG is an expansive planning effort covering six counties, not all of the RCPG policies apply to every project.

John Wayne Airport–Airport Environs Land Use Plan (AELUP). The Orange County ALUC is responsible for assisting local agencies to ensure compatible land uses in the vicinity of all airports in the County. The ALUC reviews land use proposals near the county airports and other land uses issues that have a potential impact on airport operations. The project site is located within the John Wayne Airport Planning Area, and is subject to the restrictions contained in the applicable AELUP. The AELUP is intended to protect the general welfare of residents within the vicinity of the airport and to ensure that navigable airspace will not be adversely impacted by the proposed development. Land use guidelines identified in the AELUP are based on noise impact zones and crash hazard areas, as well as proposed building height and development activities that could affect airport operations (height of ancillary structures, improvements or landscaping, such as trees).

Orange County Central-Coastal Natural Communities Conservation Plan/Habitat

Conservation Plan (NCCP/HCP). The proposed project site is located within the boundaries of the Orange County Central-Coastal NCCP/HCP; however, the project site is identified in the conservation plan as urbanized and is located outside the NCCP/HCP Reserve boundaries in an area designated for development. Therefore, because the project site is not in a habitat or conservation area of the NCCP, the Orange County Central-Coastal NCCP/HCP does not impose any restrictions on development of the proposed project site.

4.1.4 Impact Significance Criteria

The thresholds for land use impacts used in this analysis are consistent with Appendix G of the State CEQA Guidelines. The project may be deemed to have a significant impact with respect to land use and planning if it would:

- Threshold 4.1.1** Physically divide an established community
- Threshold 4.1.2** Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect
- Threshold 4.1.3** Conflict with any applicable habitat conservation plan or natural community conservation plan

The Initial Study, included as Appendix A, substantiates that impacts associated with the following thresholds would be less than significant: Thresholds 4.1.1 and 4.1.3. These thresholds will not be addressed in the following analysis. Section 4.5, Biological Resources, provides additional information and analysis regarding project consistency with the NCCP/HCP.

4.1.5 Project Impacts

- Threshold 4.1.2** **Would the project Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

General Plan Consistency. The City's General Plan currently designates the project site as Public Facilities and Open Space. As stated above, the Public Facilities designation is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities. The Open Space designation is intended to provide areas for a range of public and private uses to protect, maintain, and enhance the community's natural resources. The proposed project includes a Civic Center and a 14.3-acre park, which are consistent with the existing General Plan land use designations on the proposed project site.

Table 4.1.B: General Plan Land Use Policy Consistency Analysis

Policies	Consistency Analysis
<p>Land Use Element</p> <p>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>Imp 1.1</i>)</p>	<p>Potentially Consistent. The proposed project was designed to be architecturally interesting while also being compatible with the mass and scale of surrounding buildings. The proposed project was also designed in such a manner that existing view corridors are protected. As detailed in Section 4.3, the proposed project would not significantly impact designated Coastal View Roads or result in adverse impacts to scenic vistas or the visual character of the area.</p>
<p>LU 1.2 Citywide Identity While recognizing the qualities that uniquely define its neighborhoods and districts, promote the identity of the entire City that differentiates it as a special place within the Southern California region. (<i>Imp 1.1</i>)</p>	<p>Potentially Consistent. The proposed park would enhance the quality of life available to residents by offering additional recreational amenities. The proposed City Hall facility, through its high-quality design and construction as a United States Green Building Council's Leadership in Energy and Environmental Design (LEED) Silver project, would also promote the identity of the City within Southern California. The integration of the proposed structures with the existing Library and the on-site wetlands would also provide a unique opportunity within the community to showcase an urban infill project that is sensitive to existing natural resources. The proposed park and the unique architecture of the Civic Center would promote and preserve the City's identity as a unique and attractive place.</p>
<p>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>Imp 1.1</i>)</p>	<p>Potentially Consistent. A small ravine having steep slopes and wetland/riparian habitat would serve as the focal point for the portion of the proposed park located south of San Miguel Drive but north of the proposed Civic Center structures. Invasive exotic plant species (e.g., myoporum, castor bean, pampas grass) associated with the wetland/riparian habitat would be removed, and mulefat, willow cuttings, and other appropriate species would be installed. The landscaping palette to be used on site would include the use of native plants, drought tolerant, ornamental, and turf species, and would also prohibit the use of invasive exotic plants. In this way the natural setting that contributes to the character and identity of the City would be protected.</p>

Table 4.1.B: General Plan Land Use Policy Consistency Analysis

Policies	Consistency Analysis
<p>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>Imp 1.1</i>)</p>	<p>Potentially Consistent. Refer to LU 1.2. In particular, the creation of two formal view points in the park area, linked by public trails, would improve public access to significant scenic and visual resources. In addition, protected public views from San Miguel Drive, MacArthur Boulevard, and Avocado Avenue are preserved after project implementation. The proposed project is also designed to comply with the Sight Plane height limitations with the exception of a minor projection by one of the parking structure elevator shafts. The overall scale of this exceedance relative to the view corridor is minimal and would not preclude or inhibit existing ocean views.</p>
<p>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>Imp 1.1, 2.1</i>)</p>	<p>Potentially Consistent. The proposed project site was selected because of its central geographic location as well as its proximity to the Central Library. The proposed Civic Center would be more central to the City’s diverse residential neighborhoods. In addition, the proposed park would enhance the already high quality of life available to residents by offering additional recreational amenities.</p>
<p>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>Imp 1.1, 10.2, 11.1</i>)</p>	<p>Potentially Consistent. The proposed project is within the service capacities of the existing utility and public service infrastructure near the proposed project site. In addition, through the implementation of existing programs that promote the use of public transit, carpooling, and bike use, the City would encourage employees to capitalize on the project site location near the Orange County Transportation Authority (OCTA) Newport Transportation Center. Employees and visitors would be able to access the site via a variety of bikeways near the project site.</p>
<p>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</p>	<p>Potentially Consistent. The proposed project includes infill development and the expansion of the existing Library. The proposed project site was selected because of its central geographic location as well as its proximity to the Central Library. The proposed City Hall would be more central to the City’s diverse residential neighborhoods and would offer additional recreational amenities to City residents in a new location. There is adequate infrastructure and public services in place to serve the proposed project. The proposed project would not result in a significant impact related to traffic after mitigation. Refer to Section 4.2 for additional information.</p>

Table 4.1.B: General Plan Land Use Policy Consistency Analysis

Policies	Consistency Analysis
<p>development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service. (Imp 1.1, 2.1, 5.1, 10.2, 16.2, 16.3, 17.1, 18.1, 19.1, 22.1, 23.1, 23.2)</p>	
<p>LU 3.8 Project Entitlement Review with Airport Land Use Commission Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planned Community development plans for land within the John Wayne Airport (JWA) planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the Airport Land Use Commission (ALUC) for Orange County for review, as required by Section 21676 of the California Public Utilities Code. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the ALUC for review. (Imp 14.3)</p>	<p>Potentially Consistent. The proposed project does not include adoption or amendment of the General Plan, Zoning Code, or Specific Plan; however, a portion of the northern parcel (proposed project site north of San Miguel Drive) is located within the Airport Environs and Land Use Plan (AELUP) for John Wayne Airport (JWA). Although the proposed project does not include the construction of any structure greater than 200 feet (ft) in height, and review by the Airport Land Use Commission (ALUC) is not required, based on a letter received from the ALUC dated April 27, 2009, a small portion of the northern parcel is located within the 20,000 ft Federal Aviation Regulations (FAR) Part 77 Notification Area for JWA. Therefore, the City is required to file a Notice of Proposed Construction or Alteration to the Federal Aviation Administration (FAA) prior to the issuance of building permits (Mitigation Measure 4.9.2). Refer to Section 4.9 for additional information.</p>
<p>LU 4.1 Land Use Diagram Accommodate land use development consistent with the Land Use Plan.</p> <ul style="list-style-type: none"> • Public Facilities—PF: The Public Facilities designation is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities. • Open Space—OS: The OS designation is intended to provide areas for a range of public and private uses to protect, maintain, and enhance the community’s natural resources. Open spaces may include incidental buildings, such as maintenance equipment and supply storage, which are not traditionally included in determining intensity limits. 	<p>Potentially Consistent. The proposed project is designated Public Facility (PF) and Open Space (OS). The proposed project would construct a civic center with a City Hall, Community Room, Council Chambers, Parking Structure, Civic Green and Emergency Operations Center (EOC), a Library expansion, and a park on the project site. The proposed project is consistent with these designations and is, therefore, consistent with the City’s General Plan Land Use Plan.</p>

Table 4.1.B: General Plan Land Use Policy Consistency Analysis

Policies	Consistency Analysis
<p>LU 5.2.1 Architecture and Site Design Require that new development within existing commercial districts and corridors complement existing uses and exhibit a high level of architectural and site design in consideration of the following principles:</p> <ul style="list-style-type: none"> • Seamless connections and transitions with existing buildings, except where developed as a free-standing building • Modulation of building masses, elevations, and rooflines to promote visual interest • Architectural treatment of all building elevations, including ancillary facilities such as storage, truck loading and unloading, and trash enclosures • Treatment of the ground floor of buildings to promote pedestrian activity by avoiding long, continuous blank walls, incorporating extensive glazing for transparency, and modulating and articulating elevations to promote visual interest • Clear identification of storefront entries • Incorporation of signage that is integrated with the buildings' architectural character • Architectural treatment of parking structures consistent with commercial buildings, including the incorporation of retail in the ground floors where the parking structure faces a public street or pedestrian way • Extensive on-site landscaping, including mature vegetation to provide a tree canopy to provide shade for customers • Incorporation of plazas and expanded sidewalks to accommodate pedestrian, outdoor dining, and other activities 	<p>Potentially Consistent.. In addition, the integration of the proposed structures with the existing Library and the on-site wetlands provides a unique opportunity within the community for an urban infill project that is sensitive to existing natural resources. Use of the site for passive recreation and access to natural habitat areas adds to the walkability of the development area. The open park area and forest area planned for the park space provide for a unique destination in the City. Two view points on site are enhanced by providing public access and improvements unique to the community. The landscaping to be provided and the marked trail system, park amenities, and view points on site would provide a pleasing visual context for people seeking open space, passive recreation areas, walking paths, and view points that take advantage of the site's ocean horizon views. As an integrated design, the proposed project would be able to provide these amenities in a manner that conserves water and energy, consistent with LEED-New Construction (NC) Silver level certification.</p>

Table 4.1.B: General Plan Land Use Policy Consistency Analysis

Policies	Consistency Analysis
<ul style="list-style-type: none"> • Clearly delineated pedestrian connections between business areas, parking, and to adjoining neighborhoods and districts (paving treatment, landscape, wayfinding signage, and so on) • Integration of building design and site planning elements that reduce the consumption of water, energy, and other nonrenewable resources (Imp 2.1) 	
<p>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. (Imp 2.1)</p>	<p>Potentially Consistent. The proposed project would provide 495 parking spaces (450 in the proposed structure, 25 surface parking spaces at City Hall, and 20 surface spaces for the dog park). The parking analysis for the proposed project concluded that proposed parking would be sufficient to meet project parking demand. Parking would be conveniently located near the City Hall and Library area and near the dog park.</p>
<p>LU 5.4.1 Site Planning Require that new and renovated office and retail development projects be planned to exhibit a high-quality and cohesive “campus environment,” characterized by the following:</p> <ul style="list-style-type: none"> • Location of buildings around common plazas, courtyards, walkways, and open spaces • Incorporation of extensive on-site landscaping that emphasizes special features such as entryways • Use of landscape and open spaces to break the visual continuity of surface parking lots • Common signage program for tenant identification and wayfinding • Common streetscapes and lighting to promote pedestrian activity • Readily observable site access, entrance drives and building entries and minimized conflict between service vehicles, private automobiles, and pedestrians (Imp 2.1) 	<p>Potentially Consistent. The project proposes to develop a cohesive Civic Center with a City Hall, Community Room, Council Chambers, Parking Structure, Civic Green and Emergency Operations Center (EOC). These uses would be integrated with the existing (and proposed expansion of) the Central Library and the proposed park to be located north of the Civic Center. Buildings would be located around a Civic Green, and there would be extensive on-site landscaping both in the proposed park and Civic Center.</p>

Table 4.1.B: General Plan Land Use Policy Consistency Analysis

Policies	Consistency Analysis
<p>LU 5.4.2 Development Form and Architecture Require that new development of business park, office, and supporting buildings be designed to convey a unified and high-quality character in consideration of the following principles:</p> <ul style="list-style-type: none"> • Modulation of building mass, heights, and elevations and articulation of building • Avoidance of blank building walls that internalize uses with no outdoor orientation to public spaces • Minimize the mass and bulk of building facades abutting streets • Consistent architectural design vocabulary, articulation, materials, and color palette • Clear identification of entries through design elements • Integration of signage with the building’s architectural style and character • Architectural treatment of parking structures consistent with their primary commercial or office building (Imp 2.1) 	<p>Potentially Consistent. Refer to LU 5.2.1.</p>
<p>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. (Imp 2.1)</p>	<p>Potentially Consistent. Refer to LU 5.6.</p>
<p>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. (Imp 2.1)</p>	<p>Potentially Consistent. The proposed project is designed to be below the Sight Plane (with the exception of a minor projection associated with a parking structure elevator shaft), which is made possible by substantial removal of soil, thus lowering the finished height of the structures. The overall design of the project, including landscaping, preservation of the wetlands area, and integrated pedestrian access via trails and a bridge, provides a project design that is compatible with the existing scale and mass of surrounding buildings and neighborhoods. The proposed structures exhibit high-quality design (i.e., architectural and landscape quality) compatible with</p>

Table 4.1.B: General Plan Land Use Policy Consistency Analysis

Policies	Consistency Analysis
	the existing Central Library. The proposed project was also designed in such a manner that existing view corridors are protected. Night lighting would be kept to a minimum, and the proposed park will be closed at sunset (i.e., park paths will not be lit). As detailed in Section 4.3, the proposed project would not significantly impact designated Coastal View Roads or result in adverse impacts to scenic vistas or the visual character of the area.
<p>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. (Imp 2.1)</p>	<p>Potentially Consistent. Night lighting would be kept to a minimum, and the proposed park will be closed at sunset (i.e., park paths will not be lit). As required by Mitigation Measures 4.5.1 through 4.5.3, a comprehensive lighting plan for the proposed project would be prepared by a qualified engineer. The intent of the mitigation measures is to ensure that project lighting does not spillover into residential areas or significantly increase overall ambient lighting in the project area.</p>
<p>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. (Imp 2.1, 8.1)</p>	<p>Potentially Consistent. While the wetland/riparian habitat would be preserved and enhanced and would serve as the focal point for a portion of the proposed park, the proposed project also involves substantial topographic alteration. The purpose of the changes to the on-site topography is to allow the building to be constructed without impacting the existing Sight Plane. In this particular case, alteration of the site’s topography preserves the relationship between the coast and adjacent coastal view roads (Avocado Avenue and MacArthur Boulevard) and helps to maintain the visual character of the area. In addition, views from on-site view locations would be enhanced through the creation of two on-site vantage points that would allow views of the ocean and surrounding areas of the City.</p>
<p>LU 6.1.1 Adequate Community Supporting Uses Accommodate schools, government administrative and operational facilities, fire stations and police facilities, religious facilities, schools, cultural facilities, museums, interpretative centers, and hospitals to serve the needs of Newport Beach’s residents and businesses. (Imp 1.1, 2.1)</p>	<p>Potentially Consistent. Refer to LU 6.1. The project is intended to satisfy community needs for government and community facilities, as indicated in most of the responses above.</p>

Table 4.1.B: General Plan Land Use Policy Consistency Analysis

Policies	Consistency Analysis
<p>LU 6.1.2 Siting of New Development Allow for the development of new public and institutional facilities within the City provided that the use and development facilities are compatible with adjoining land uses, environmentally suitable, and can be supported by transportation and utility infrastructure. (Imp 1.1, 14.2, 22.1–23.2)</p>	<p>Potentially Consistent. The proposed project site was selected because of its central geographic location as well as its proximity to the Central Library. The proposed project site presents a unique opportunity to integrate the Civic Center with the existing Central Library. The proposed project was designed to be consistent with the mass and scale of surrounding buildings. The proposed project was also designed in such a manner that the existing view corridors are protected. The proposed project is within the service capacities of the existing utility and public service infrastructure near the proposed project site. No infrastructure extensions are required for project implementation. San Miguel Drive would be widened as part of the proposed project to expand capacity of the street and address an existing operational issue on that segment of roadway. Through existing programs that promote the use of public transportation, carpooling, and bikes, the City would encourage employees to capitalize on the project site location near the Orange County Transportation Authority (OCTA) Newport Transportation Center. Employees and visitors would be able to access the site via a variety of bikeways near the project site. In addition, preservation of the existing on-site wetlands would provide a unique opportunity within the community to showcase an urban infill project that is sensitive to existing natural resources.</p>
<p>LU 6.1.3 Architecture and Planning that Complements Adjoining Uses Ensure that the City’s public buildings, sites, and infrastructure are designed to be compatible in scale, mass, character, and architecture with the district or neighborhood in which they are located, following the design and development policies for private uses specified by this Plan. Design impacts on adjoining uses shall be carefully considered in development, addressing such issues as lighting spillover, noise, hours of operation, parking, local traffic impacts, and privacy. (Imp 22.1–23.2)</p>	<p>Potentially Consistent. The proposed project site was selected because of its central geographic location as well as its proximity to the Central Library. The proposed project was designed to be consistent with the mass and scale of surrounding buildings. The proposed project requires mitigation that would ensure that potential lighting impacts are less than significant. The proposed project would not result in any long-term noise impacts. On-site parking would be sufficient to meet project parking demand. Traffic impacts would be less than significant. The location of the proposed project would not conflict with surrounding land uses due to the hours of operation, which would be consistent with the hours of operations of many surrounding office building. In addition, it is unlikely that the proposed project would result in privacy issues, as the nearest residential use is located approximately 166 ft from the project site.</p>

Table 4.1.B: General Plan Land Use Policy Consistency Analysis

Policies	Consistency Analysis
LU 6.14.6 Pedestrian Connectivity and Amenity Encourage that pedestrian access and connections among uses within the district be improved with additional walkways and streetscape amenities concurrent with the development of expanded and new uses. (Imp 3.1, 4.1)	Potentially Consistent. The proposed project would feature on-site walking paths as well as landscaped parkways for the use of visitors walking along Avocado Avenue.

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The Civic Center would be developed on the area of the site designated for Public Facilities, and the park would be developed on the areas of the site designated for Open Space uses. The proposed project also includes reuse of the existing City Hall site with other public facilities uses. Reuse of the site in such a manner would be consistent with the Public Facilities General Plan land use designations on the existing City Hall site.

The City of Newport Beach General Plan also contains goals and policies that are considered applicable to the proposed project. These objectives and policies are discussed in Table 4.1.B, and a consistency analysis is provided for each applicable General Plan Land Use Goal and Policy. This discussion is intended to provide a guide to the decision-makers for policy interpretation and should be considered preliminary; a final determination of consistency with plans and policies would be made by City decision-makers. As identified through this consistency analysis, the proposed project would not conflict with any applicable General Plan land use plan, policy, or regulation adopted by the City for the purpose of avoiding or mitigating an environmental impact. The existing City Hall site is not discussed in Table 4.1.B because the proposed project does not include changes to the architecture, infrastructure, or types of uses (i.e., public facilities) occurring on site that would result in a potential conflict with General Plan policies.

City Zoning Code. As shown in Figure 4.1.3A, the project site is located within the Newport Village Planned Community (PC-27) Zoning District. As explained above, within PC-27, land uses are assigned to specific areas of land called PAs. The northern and central parcels of the proposed project are PAs assigned Open Space uses and the southern parcel, which is occupied by the existing Library, is a PA assigned Government and Institutional uses. Refer to Figure 4.1.3B. The proposed Library expansion would cross the boundary line of PA 4 (Government and Institutional uses) onto PA 3 (Open Space). The proposed park and Library uses would be consistent with the existing zoning (PC-27) and assigned uses (Open Space and Government and Institutional) for the proposed project site. The proposed Civic Center would not be consistent with the Open Space land uses assigned to that area (PA3) of the project site under PC-27.

The proposed project is a unique, one-of-a-kind capital improvement project, for which there are few or no specific development regulations or standards in the Newport Village Planned Community text or in the Zoning Code that apply to this type of facility. A city or county may exempt itself from the provisions of its own zoning regulations, or it may amend its Zoning Code to include a provision that the regulations shall not apply to capital improvement projects. In this particular case, because of the unique nature of the proposed project, the City proposes to take action to either exempt itself from the provisions of its own Zoning Code and the Newport Village Planned Community Development Plan (PC-27) or amend PC-27 to assign Government and Institutional uses to the area of the Central Parcel proposed for development as the Civic Center and establish applicable development regulations to allow the project as proposed. If the City does not exempt itself from the provisions of PC-27, it will also process a lot line adjustment to allow expansion of the Library on a single parcel (i.e., so the expansion does not cross a parcel line). The boundaries of the PAs would also be adjusted to be consistent with the adjust lot line. Measure B, approved by the City's voters, authorizes and directs the City to amend its Zoning Code to render the project consistent with the applicable zoning. Regardless of which action the City ultimately pursues, the potential physical effects of exempting the project from the Zoning Code or amending PC-27 are being evaluated as part of this EIR. Refer to the individual topic sections in Chapter 4.0 for additional information.

As stated above, the proposed project site is also subject to various height limitations. The City has identified a Sight Plane that provides a maximum building height for structures built within the Sight Plane (refer to Figure 4.3.13). The proposed Civic Center would be located within the area regulated by the Sight Plane. While the all of the buildings in the Civic Center would be below the Sight Plane, the elevator at the southern end of the parking structure would extend into the Sight Plane. This height extension would be approximately 4 ft 9 inches and 5 ft 2 inches on the north and south sides of the elevator, respectively. The overall scale of this exceedance relative to the Sight Plane is minimal and would not significantly impact public views. In addition, as described above, the City may either exempt itself from the Sight Plane in PC-27 or establish development regulations that allow the project as proposed. Therefore, the proposed project would not result in adverse land use impacts related to the exceedance of the Sight Plane. For additional discussion of height limitations and the Sight Plane, refer to Section 4.3, Aesthetics.

As stated above, the existing City Hall site is zoned Retail Service Commercial (RSC) in the City's zoning code. The proposed project does not include changes to the architecture, infrastructure, or types of uses (i.e., public facilities) occurring on site that would result in a potential conflict with the existing zoning designation for that site.

Southern California Association of Governments Regional Comprehensive Plan. As stated above, SCAG policies encourage job and housing opportunities to be balanced at the County or subregional level (Regional Statistical Area). SCAG policies also encourage job growth to be concentrated near transit services, transit nodes, existing freeways, high-occupancy vehicle (HOV) lanes, and toll roads. The proposed Civic Center and park would be located immediately south of the OCTA Newport Transportation Center. Through existing programs, the City encourages the use of alternative transportation, including public transportation and use of bicycles. In addition to maintaining current programs, the City would continue to seek new opportunities to promote commuter carpooling and transit use, as well as alternative transportation for City employees and Civic Center visitors (PDF GHG-2). Therefore, the proposed project would be consistent with SCAG policies encouraging job growth near transportation modes and promoting the use of alternative transportation.

Local Coastal Land Use Plan (CLUP). The City's CLUP applies to the existing City Hall site. No changes in use or architectural or physical improvements to the existing City Hall site that would conflict with the City's existing CLUP are proposed as part of this project.

Compatibility with Surrounding Land Uses. As illustrated in Figure 4.1.1, surrounding land uses include office, medical office, transportation facilities (i.e., Newport Transportation Center), and residential uses beyond MacArthur Boulevard. South of the project site (south of the existing Central Library) is a commercial retail center. Avocado Avenue forms the western boundary of the site with a variety of commercial and medical office buildings beyond. Newport Center and Fashion Island are located farther to the west. MacArthur Boulevard forms the eastern boundary of the site, with residential uses beyond the roadway.

The project's proposed scale (including activity level, height of buildings, and dominance of site) and use would be similar to the other existing office and public facilities (i.e., the Library) in the vicinity of the proposed project site. The activity level of the proposed project site would be similar to that of the existing Library and surrounding office uses. In addition, the design of the existing Library and proposed City Hall would be integrated by the Library expansion and the plaza/Civic Green area, making the two uses appear and function as an integrated Civic Center complex. Adjacent medical office buildings are taller than the existing Library and would also be taller than the proposed Civic Center structures. This, coupled with the open space and park uses proposed on site, would ensure that proposed project would not dominate the surrounding landscape.

Development of the proposed project has the potential to create adverse land use impacts related to aesthetics, air quality, noise, and traffic. Each of these topics is addressed in detail in the appropriate sections of this EIR, and a summary of the potential impacts is provided below.

Aesthetics. The proposed project would permanently alter the existing visual character of the proposed project site, including views to and from the site; however, because implementation of the proposed project would include development of a public park with extensive landscaping and would minimize impacts, where feasible, to enhance City-designated coastal view roads, the project would not substantially degrade the existing visual quality of the project study area.

Temporary impacts would occur during the construction period and would be limited to the presence of construction vehicles and activity in on-site construction staging areas. Construction activities are temporary, and related visual impacts would cease after completion of construction.

The range in elevations on site would allow for the construction of proposed buildings and development of the public park without significantly impacting ocean views accessible from adjacent roadways and other nearby uses (see complete visual impact analysis in Section 4.3, Aesthetics, for more detail). Motorists along Avocado Avenue and MacArthur Boulevard (the City-designated Coastal View Roads) and San Miguel Drive (public view corridor) would maintain scenic views of the Pacific Ocean, the harbor, and Santa Catalina Island with implementation of the proposed project. In addition, after project implementation, the proposed project would provide two enhanced scenic vantage points on site that would provide views of the ocean, harbor, and other City coastal areas.

It should also be noted that the scale and mass of the proposed buildings would be compatible with existing office and commercial buildings located adjacent to the project site due to the low-profile of the project after grading. The proposed civic center buildings (including the City Hall administration building, Community Room, Council Chambers, and Library expansion) would blend with the existing character of the surrounding area by creating a low-scale and nonintrusive set of structures along with improved park amenities, public access, and preserved wetlands area.

As discussed above, although all of the buildings in the Civic Center would be below the height limitation of the Sight Plane, the elevator shaft at the southern end of the parking structure would extend into the Sight Plane. This height extension would be approximately 5 ft on the north and south sides of the elevator; therefore, the overall scale of this exceedance relative to the view corridor is minimal and would not significantly impact views.

Although the proposed park would not be lit after sundown, the proposed Civic Center would involve some limited nighttime operations (i.e., meetings) and all facilities would be lighted to accommodate planned nighttime activities and to provide security after facilities are closed. Several lighting features are proposed with implementation of the project, including the following: (1) automated internal blinds in the City Hall administration building to form part of the glare control strategy, as well as to assist in the reduction of nighttime light pollution to neighboring sites; (2) exterior lighting that would be controlled by a Lighting Control Panel with an exterior photocontrol and timeclock; (3) internal lighting systems that would automatically dim after standard work hours, leaving small task lighting for janitorial activities and to light areas where staff may be working late; and (4) exterior light fixtures that would be the cutoff type and dark sky compliant. Even with incorporation of these design features, the City would be required to prepare a comprehensive lighting plan and to demonstrate that on-site lighting is reduced to one foot-candle or less at all project site boundaries (refer to Mitigation Measures in Section 4.5). Preparation of the lighting plan and field verification of its implementation prior to issuance of certificates of occupancy would reduce potential impacts related to lighting to a less than significant level.

Therefore, significant land use compatibility impacts related to aesthetics are not expected to occur. Coastal views would be maintained; impacts to the existing Sight Plane would be minimized; and the proposed architecture, scale, and mass of the building would make the project compatible with the surrounding land uses and land use character. Implementation of mitigation measures in Section 4.3 would reduce potential impacts related to nighttime lighting. No additional mitigation is required. For additional discussion of potential aesthetics impacts, refer to Section 4.3, Aesthetics.

Air Quality. Air pollutant emissions associated with the project would occur over the short term from construction activities such as fugitive dust from site preparation and grading and emissions from equipment exhaust. Long-term regional emissions would be associated with project-related vehicular trips and stationary source emissions due to energy consumption such as natural gas and electricity usage by the proposed project.

Construction activities produce combustion emissions from various sources such as utility engines, on-site heavy-duty construction vehicles, equipment hauling materials to and from the site, asphalt paving, motor vehicles transporting the construction crew, clearing activities, excavation and grading operations, construction vehicle traffic on unpaved ground, and wind blowing over exposed earth surfaces. Construction equipment/vehicle emissions would not exceed SCAQMD thresholds for carbon monoxide (CO) or sulfur oxide (SO_x). With implementation of feasible measures during construction of the proposed project, emissions from construction equipment exhaust and soil disturbance would be minimized; however, construction emissions from the project would still exceed the SCAQMD daily emissions thresholds for nitrogen oxide (NO_x) and reactive organic compounds (ROC) and resulting concentrations of particulate matter less than 10 microns in diameter (PM₁₀) would exceed the localized significance threshold (LST) threshold. As analyzed in Section 4.4, Air Quality, project air quality impacts related to construction emissions would remain significant and unavoidable. From a land use compatibility standpoint, it should be noted that dust from construction work may be

an irritant to some neighbors. This impact would cease upon project completion. Mitigation Measure 4.1.1 requires the City to appoint a construction relations officer to act as a community liaison concerning on-site construction activity and all emissions-related matters. The mitigation further requires that the City post the name of the contact person and contact information for dust complaints in a publicly visible location for the duration of construction activities. Ongoing coordination between local residents, the City, and construction crews would reduce potential short-term land use compatibility impacts related to air quality to a less than significant level.

Long-term project impacts related to air quality would be less than significant, and no significant long-term land use compatibility impacts related to air quality would result from project implementation. No additional mitigation is required.

Noise. Like air quality, potential impacts related to noise can be caused by construction activities or long term operation of the proposed project. Short-term noise impacts would be associated with excavation, grading, and erecting of buildings on site during construction of the proposed project. Construction-related short-term noise levels would be higher than existing ambient noise levels in the project area today, but would no longer occur once construction of the project is completed. Construction activity on site will be limited to the hours permitted by the City as specified in the City's Municipal Code Noise Ordinance. Although construction noise occurring during hours designated in the City's Municipal Code is exempt, some residents and users of the Library may find construction noise irritating. For this reason, Mitigation Measure 4.11.1 would be implemented to reduce construction noise impacts. Mitigation Measure 4.11.1 requires that all construction equipment be equipped with properly operating and maintained mufflers and be placed on site so that emitted noise is directed away from sensitive receptors. In addition to Mitigation Measure 4.11.1, Mitigation Measure 4.1.1 requires the City to appoint a construction relations officer to act as a community liaison concerning project related construction activity and all noise-related matters. The mitigation further requires that the City post the name of the contact person and contact information for dust complaints in a publicly visible location for the duration of construction activities. Ongoing coordination between local residents, the City, and construction crews would reduce potential short term land use compatibility impacts related to noise to a less than significant level. The proposed project would not result in significant long-term noise impacts related to project operation, and no additional mitigation is required.

Traffic. Construction of the project is anticipated to occur from 2010 to 2012. During the construction period, two types of construction traffic would be generated: construction employee trips and construction vehicle trips. Mitigation Measure 4.2.1 requires the preparation and implementation of a Construction Area Traffic Management Plan (TMP) that would address traffic control for any temporary street closures, detours, or other disruptions to traffic circulation and public transit routes. The TMP would identify the routes that construction vehicles would use to access the site, the hours of construction traffic, traffic controls and detours, vehicle staging areas, and parking areas for the project. This, coupled with Mitigation Measure 4.1.1, would reduce any potential short-term land use compatibility impacts related to construction traffic to a less than significant level.

The proposed project is forecast to generate approximately 3,070 daily trips, which include approximately 223 a.m. peak-hour trips and approximately 352 p.m. peak-hour trips. In the 2013 with committed and cumulative projects with project scenario, one intersection (i.e., Newport Boulevard southbound ramps/West Coast Highway) is projected to operate at an unacceptable level of service (LOS). The project's contribution to traffic at this intersection is less than 1 percent of the capacity of the intersection, which is deemed less than significant. In the General Plan build out with project condition, one intersection (i.e., Bayside Drive/East Coast Highway) is projected to operate at an unacceptable LOS. The project's contribution to traffic at this intersection is 1 percent, which is considered significant. Mitigation Measure 4.2.3 would reduce project impacts to this intersection to a less than significant level. No additional mitigation is required.

In summary, there are existing office uses and public facility uses located in the project vicinity. The project's proposed use and scale are similar to other existing uses in the area. The types of businesses likely to occupy the existing office building directly west of the project site are unlikely to disturb or be disturbed by operation of the Civic Center and park uses. Residential uses east of MacArthur Boulevard may be disturbed by construction activities occurring on the project site. These potential irritants would cease upon completion of project construction. Mitigation Measure 4.1.1 requires the City to appoint a construction relations officer to address potential land use compatibility issues related to construction activities (for air quality and noise). Mitigation Measure 4.1.1 provides a designated community relations officer that could explain project construction activities, provide additional information to area residents, and work with the construction contractor on a case-by-case basis to reduce irritations, as feasible, related to construction. Mitigation Measure 4.1.1 would provide an efficient means of responding to and reducing, as feasible, land use compatibility issues related to project construction. With implementation of Mitigation Measure 4.1.1, potential impacts related to land use compatibility would be reduced to a less than significant level.

4.1.6 Cumulative Impacts

Construction of the proposed project, when considered in conjunction with several other existing and planned developments in proximity to the project, would contribute to continued infill development of vacant and underutilized parcels within the City. The cumulative study area for consideration of potential land use impacts is the City of Newport Beach. Table 4.1.C provides a list of adopted and planned projects within the City as of May 2009. Figure 4.1.4 illustrates the locations of these projects.

It should be noted that the proposed project site is currently designated for use as a park and public facility. Development of the proposed project would be consistent with the existing General Plan land use designation. The conversion of the proposed project site from vacant land to a passive park and civic center complex would not result in a potential inconsistency with the City General Plan or other land planning documents, nor would the proposed project result in significant land use compatibility issues. Land use compatibility is a combination of other impacts, including potential aesthetic, air quality, noise, traffic, and aesthetic impacts. In addition, the City proposes to either exempt itself from the provisions of its own Zoning Code, or amend PC-27. Upon implementation, the proposed project would not result in an inconsistency with the City's Zoning Code or other land planning documents. Potential cumulative impacts associated with traffic generation and related air quality and noise impacts are addressed in those topical sections of this EIR and include the cumulative projects

listed in Table 4.1.C. Potential project-related aesthetic impacts would not combine with any of the identified cumulative projects to restrict public views or otherwise result in significant cumulative aesthetic impacts because the other cumulative projects are not in the

Table 4.1.C: Cumulative Project List

Name of Project	Project Location	Description
Newport Beach Country Club	1600 East Coast Highway	<ul style="list-style-type: none"> • 5 residential DUs • 27 hotel units with a 2,048 gsf spa • 3,623 gsf tennis club with 6,718 gsf spa • 41,086 gsf golf club with accessory facilities
Mariner's Medical Arts	1901 Westcliff Drive	12,245 gsf medical office addition
WPI-Newport, LLC	4699 Jamboree Road/ 5190 Campus Drive	<p>New office building and remodel of existing office and bank buildings to accommodate office space, bank, retail, and restaurant uses:</p> <p>Existing 21,023 gsf</p> <ul style="list-style-type: none"> • Office: 10,800 gsf • Bank: 10,221 gsf <p>New: 33,151 gsf</p> <ul style="list-style-type: none"> • Office: 41,181 nsf/43,951 gsf • Bank: 5,423 nsf/5,744 gsf • Retail: 2,140 nsf/2,214 gsf • Restaurant: 2,130 nsf/2,263 gsf/990 npa
Banning Ranch	4520 West Coast Highway	1,375 DU, 75,000 gsf commercial retail, 75-room accommodations, parks, and open space
Sunset Ridge Park	4850 West Coast Highway	13.67-acre active park
Old Newport GPA	328–340 Old Newport Boulevard	<p>New: 25,575 total gsf medical office</p> <p>Existing uses:</p> <ul style="list-style-type: none"> • 328–5,000 sf office • 332–3,012 sf all medical • 340–5,000 sf general office, 1 residential DU
Marina Park	1700 Balboa Boulevard	<p>10.45-acre public marina, beach, park with recreational facilities as follows:</p> <ul style="list-style-type: none"> • Balboa Center Complex: 26,990 gsf • Visiting Vessel Marina: 23 Slips • Marina Services Building (laundry, offices, etc.): 1,328 gsf • Girl Scout House: 5,500 gsf • Parking: 153 spaces
Pres Office Building B	4300 Von Karman	16,742 gsf office (14,995 nsf)

Table 4.1.C: Cumulative Project List

Name of Project	Project Location	Description
Conexant/ Koll Conceptual Plan	4311 Jamboree Road 4343 Von Karman Avenue	New: 974 residential DU, total (714 DU– Conexant site and 260 DU–Koll Site) Existing: <ul style="list-style-type: none"> • 167,0000 gsf office • 200,000 gsf industrial
AERIE	201 Carnation Avenue	New: 6-unit Condominium with subterranean parking (25,500 cy grading) Existing: 14 apartment DU
Coast Community College District	1505–1533 Monrovia Avenue	New: 67,000 gsf higher-education learning center Existing: <ul style="list-style-type: none"> • 1505–1519: 3 sheds and 3,600 gsf warehouse • 1527–1533: 10,000 gsf industrial and 19,574 gsf office
Newport Coast		Buildout of the Newport Coast PC <ul style="list-style-type: none"> • 2,600 DU • 2,150 rooms • 125,000 sf commercial space

Source: City of Newport Beach, 2009.

cy = cubic yards

DU = dwelling unit

GPA = General Plan Amendment

gsf = gross square feet

npa = net public area

nsf = net square feet

Pres = presidential

sf = square feet



LSA

LEGEND

- Project Boundary
- Cumulative Projects



0 1500 3000
FEET

SOURCE: Use Upper and Lower Case Fonts (MM/YY)
I:\CNB0901\GIS\CumulativeProjects.mxd (8/24/2009)

FIGURE 4.1.4

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immediate vicinity of the proposed project site and would not affect the same viewshed. As with the proposed project, cumulative projects would be subject to compliance with the local and regional plans reviewed in this section. Therefore, implementation of the proposed project would not result in, or contribute to, a cumulatively significant land use impact, and no mitigation is required.

4.1.7 Level of Significance Prior to Mitigation

The proposed project would not conflict with the City's General Plan or SCAG's RCPG. The City will either exempt itself from the Zoning Code or amend PC-27 to assign Government and Institutional uses to the area of the Central Parcel proposed for development of the Civic Center. Prior to mitigation, the proposed project would result in a potentially significant short-term land use compatibility impact related to air quality and noise during construction.

4.1.8 Mitigation Measures

Mitigation Measure 4.1.1

Construction Relations Officer. Prior to commencement of grading activities, the City of Newport Beach (City) Director of Public Works, or designee, shall designate a construction relations officer to act as a community liaison concerning on-site construction activity and air quality emissions- and noise-related matters. The City shall post the name of the contact person and contact information for complaints in a publicly visible location for the duration of construction activities.

4.1.9 Level of Significance after Mitigation

Project-related and cumulative land use impacts would be less than significant with implementation of Mitigation Measure 4.1.1.

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