

4.9 Land Use and Planning

This section describes the land use conditions for the project site and discusses potential land use impacts that could result from implementation of the Proposed Project. Pursuant to State CEQA Guidelines Section 15125(a), the discussion of the project site is based on the conditions of the site when the Notice of Preparation (NOP) was published in January 2017.

4.9.1 REGULATORY SETTING

Regional and Local

Southern California Association of Governments

The Southern California Association of Governments (SCAG) is a council of governments representing Orange, Los Angeles, Riverside, San Bernardino, and Imperial counties. SCAG is the federally recognized Metropolitan Planning Organization (MPO) for this region. SCAG is a regional planning agency and a forum for addressing regional issues concerning transportation, the economy, community development, and the environment. SCAG is also the regional clearinghouse for projects requiring environmental documentation under federal and State law. In this role, SCAG reviews proposed development and infrastructure projects to analyze their impacts on regional planning programs. As the Southern California region's MPO, SCAG cooperates with the SCAQMD, Caltrans, and other agencies in preparing regional planning documents.

Regional Transportation Plan/Sustainable Communities Strategy

The *2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)* was adopted in April 2016 (SCAG 2016). Major themes in the 2016 RTP/SCS include integrating strategies for land use and transportation; striving for sustainability; protecting and preserving existing transportation infrastructure; increasing capacity through improved systems managements; providing more transportation choices; leveraging technology; responding to demographic and housing market changes; supporting commerce, economic growth, and opportunity; promoting the links between public health, environmental protection, and economic opportunity; and incorporating the principles of social equity and environmental justice.

The SCS outlines a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement). Land use strategies to achieve the region's targets include planning for new growth around high quality transit areas, and livable corridors, and creating neighborhood mobility areas to integrate land use and transportation and plan for more active lifestyles (SCAG 2016).

Airport Environs Land Use Plan for John Wayne Airport

In 1975, the Airport Land Use Commission (ALUC) of Orange County adopted an Airport Environs Land Use Plan (AELUP, amended April 17, 2008) that included John Wayne Airport, Fullerton Municipal Airport, and the Joint Forces Training Base Los Alamitos. The AELUP is a land use compatibility plan that is intended to protect the public from adverse effects of aircraft noise; to ensure the people and facilities are not concentrated in areas susceptible to aircraft accidents; and to ensure that no structures or activities

adversely affect navigable space. The AELUP identifies standards for development in the airport's planning area based on noise contours, accident potential zone, and building heights and identifies safety and compatibility zones that depict which land uses are acceptable and unacceptable in various portions of AELUP Safety Zones 1 through 6. ALUC is an agency authorized under State law to assist local agencies in ensuring compatible land uses near airports. Primary areas of concern for ALUC are noise, safety hazards, and airport operational integrity.

ALUCs are not implementing agencies in the manner of local governments, nor do they issue permits for a project such as those required by local governments. However, pursuant to California Public Utilities Code Section 21676, local governments are required to submit all general plan amendments and zone changes that occur in the ALUC planning areas for consistency review by the ALUC. If such an amendment or change is deemed inconsistent with the ALUC plan, a local government may override the ALUC decision by a two-thirds vote of its governing body, if it makes specific findings that the proposed action is consistent with the purposes stated in Section 21670(a)(2) of the Public Utilities Code: "to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards in areas around public airports to the extent that these areas are not already devoted to incompatible uses."

City of Newport Beach General Plan

The *City of Newport Beach General Plan* is the long-range guide for growth and development in the City. On July 25, 2006, the General Plan was adopted and the Final EIR was certified by the Newport Beach City Council. At the General Municipal Election held on November 7, 2006, the City electorate approved increased density and intensity of development and associated increased peak hour traffic trips provided in the Land Use Element of the General Plan, pursuant to City Charter Section 423.

A general plan functions as a guide for the type of community that is desired for the future and provides the means to achieve it. The *City of Newport Beach General Plan* contains the following elements: Land Use; Harbor and Bay; Housing; Historical Resources; Circulation; Recreation; Arts and Cultural; Natural Resources; Safety; and Noise. A discussion of the Project's consistency with applicable goals and policies in the Newport Beach General Plan is provided later in this section.

Land Use Element. The General Plan Land Use Element provides guidance regarding the ultimate pattern of development and provides development allocations for land uses throughout the City. It presents goals and policies pertaining to how existing development is to be maintained and enhanced and how new development is to be implemented. It is based on and correlates the policies from all the elements in the General Plan into a set of coherent development policies. The Land Use Element policies serve as the central organizing element for the City's General Plan. Cumulatively, the Land Uses Element's policies directly affect the establishment and maintenance of the neighborhoods, districts, corridors, and open spaces that distinguish and contribute to Newport Beach's livability, vitality and image.

Harbor and Bay Element. The project site is not adjacent to Newport Harbor or Upper Newport Bay. The goals and policies pertaining to harbor issues are intended to guide the content of regulations related to development of, and the activities conducted on, the water. Additional goals and policies recognize the important component of land use decisions related to waterfront property around Newport Harbor. The aim of the Harbor and Bay Element goals and policies are to preserve the diversity and charm of existing

uses without unduly restricting the rights of the waterfront property owner. 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 the bay. There are no policies in the Harbors and Bay General Plan Element that are applicable to the Proposed Project.

Housing Element. Development of housing in the City of Newport Beach is guided by the goals, objectives and policies contained in the Housing Element. The 2014-2021 Housing Element is an update and revision of the 2008-2014 Housing Element and consists of new technical data, revised goals, updated policies, and a series of programs and implementing measures. It examines current housing needs, estimates future housing needs, and establishes goals, policies, and programs pertaining to those needs. Housing programs are responsive to current and future needs. They are also established within the context of available community, State, and federal economic and social resources and realistic quantified housing objectives. The element is designed to facilitate attainment of the City's Regional Housing Needs Allocation (RHNA), and to foster the availability of housing affordable to all income levels to the extent possible given Newport Beach's constraints. To achieve its housing goals, Newport Beach encourages the development of additional housing units in locations identified in the Land Use Element and the Housing Element.

Historical Resources Element. The Historic Resources Element addresses the protection and sustainability of Newport Beach's historical and paleontological resources. Goals and policies presented within this element are intended to recognize, maintain, and protect the community's unique historical, cultural, and archaeological sites and structures. Preserving and maintaining these resources helps to create an awareness and appreciation of the City's history.

Arts and Cultural Element. Arts and cultural activities play an important role in community life and have been a valued component of Newport Beach for over 125 years. The City has a wide range of art and cultural organizations, resources, attractions, and activities that are a source of community pride and enrichment. The goals and policies of the Arts and Culture Element are intended to be a guide for meeting the future cultural needs of the community. The element is intended to serve as a mechanism for integrating multiple resources in order to provide improved and expanded arts and cultural facilities and programs to the community. There are no policies in the Arts and Cultural General Plan Element that are applicable to the Proposed Project.

Circulation Element. The Circulation Element governs the long-term mobility system of the City. The goals and policies in this element are closely correlated with the Land Use Element and are intended to provide the best possible balance between the City's future growth and land use development, roadway size, traffic service levels, and community character.

Recreation Element. The primary purpose of the Recreation Element is to ensure that the provision of parks and recreation facilities are appropriate for the residential and business population of the City. Specific recreational issues and policies in the Recreation Element include: parks and recreation facilities, recreation programs, shared facilities, coastal recreation and support facilities, marine recreation, and public access.

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 Newport Beach's natural resources and policies for their preservation, development and wise use. This element addresses water supply and water quality, air quality, terrestrial and marine biological resources, open space, archaeological and paleontological resources, mineral resources, visual resources, and energy.

Safety Element. The primary goal of the Safety Element is to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from natural and human-induced hazards. The Safety Element recognizes and responds to public health and safety risks. The element specifically addresses coastal hazards, geologic hazards, seismic hazards, flood hazards, wildland and urban fire hazards, hazardous materials, aviation hazards, and disaster planning. The element also includes policies and programs that minimize potential impacts from hazards.

Noise Element. The Noise Element is a tool for including noise control in the planning process to maintain compatible land use with environmental noise levels. The element identifies noise sensitive land uses and noise sources, and defines areas of noise impacts for the purpose of developing policies to ensure the residents will be protected from excessive noise intrusion. The Noise Element includes goals and policies aimed at ensuring that adequate measures for regulating noise-generating activities and land uses are provided.

Airport Business Area Integrated Concept Development Plan

The Airport Business Area Integrated Conceptual Development Plan (ICDP), which was adopted by the City of Newport Beach City Council in September 2010, is intended to implement City of Newport Beach General Plan Land Use Policy LU 6.15.11 (Conceptual Development Plan Area). Policy LU 6.15.11 requires the development of one conceptual development plan for the portion of the Airport Area that is generally bound by MacArthur Boulevard, Birch Street and Jamboree Road should residential units be proposed within this area.

The Airport Business Area ICDP meets the intent of the General Plan policies for a mixed-use village on the Koll Center Newport with the establishment of the following principles:

- Spatially organize new residential uses with existing office development in a way that creates an engaging neighborhood fabric of useable and defined open spaces, and pedestrian-friendly streets and promenades.
- Balance the amount of surface parking with publicly accessible open spaces and streets, so that an appropriate residential environment is created, and the feeling of living in a parking lot is avoided. Provide replacement office parking for displaced surface parking in new structures that are encapsulated or screened.
- Create a network of pedestrian-friendly streets and walkways that connect to existing and future activities within the area, and that give structure and organization to the village.
- Create ground level retail and residential uses that promote active and engaging street fronts.

- Create a neighborhood park as a focal point of the village with pedestrian connectivity to existing amenities that contribute to the residential quality of the village.

4.9.2 ENVIRONMENTAL SETTING

Existing and Surrounding Uses

The project site is within Koll Center Newport and is currently developed with surface parking and common landscape areas. As discussed in Section 3.0, *Project Description*, Koll Center Newport is an approximately 154-acre mixed-use office park that includes low-rise, mid-rise, and high-rise office buildings, hotels, and a private club.

There are three office buildings located within the boundaries of the project site, of which two of the office buildings are not a part of the Proposed Project (see Figure 3-2 in Section 3.0, *Project Description*).

- 4490 Von Karman Avenue is a two-story (33 feet) office building located southeast of the intersection of Birch Street at Von Karman Avenue.
- 4910 Birch Street is a four-story (60 feet) office building located adjacent to and east of the 4490 Von Karman building.

In addition to the two aforementioned office buildings, the 4440 Von Karman Avenue office building is a three-story (62 feet) structure located south of the 4490 Von Karman Avenue office building. The 4440 Von Karman Avenue office building is a part of the Project to allow for the inclusion of the property into the landscape plan including the provision of non-potable irrigation, as well as sidewalk improvements and the reconfiguration of accessible parking. No change in the square footage of the building is proposed as a part of the Project.

Adjacent and surrounding land uses include the following:

Northwest	Extended Stay America Hotel (4 stories, 50 feet) is northwest of the intersection of Birch Street at Von Karman Avenue. The Duke Hotel (10 stories, 112 feet) is southwest of the intersection of Birch Street at Von Karman Avenue.
Northeast	Birch Street Low-rise, office buildings (one story) and surface parking north of Birch Street.
South	4340 Von Karman Avenue office building (4 stories, 63 feet). 4350 Von Karman Avenue office building (4 stories).
Southeast	5000 Birch Street office building (10 stories, 154 feet) with an associated free-standing parking structure adjacent to and south of the building. The office building is immediately adjacent to the project site. The California Superior Court Harbor Justice Center – Newport Beach (two stories) is on the northwest corner of Birch Street at Jamboree Road.

Low-rise, office buildings (two stories) with surface parking are on the south side of Birch Street. The surface parking for the office buildings is adjacent to the Uptown Newport project site.

Fast-food restaurants along Jamboree Road in Koll Center Newport abutting Uptown Newport.

The Uptown Newport project site. The site currently includes TowerJazz Semiconductor manufacturing facility (two to three stories, 88 feet) on the southwestern part of the site and a Southern California Edison substation along the southwestern boundary of the site. The first phase of the Uptown Newport Project is under construction including residential uses and a one-acre public park. The approved Uptown Newport project will include up to 1,244 residential units, 11,500 sf of neighborhood-serving retail space, and 2 acres of parks. Allowed building heights for Uptown Newport are up to 150 feet.

Southwest/West Von Karman Avenue

West of Von Karman Avenue, land uses include but are not limited to a private club, and the Bank of the West (9 story, 140 feet) office building.

General Plan and Zoning Designations

The City of Newport Beach General Plan land use category for the project site is “Mixed Use Horizontal 2 (MU-H2)”. The MU-H2 designation specifically applies to some properties located in the Airport Area. It is intended to provide for the development of areas in a horizontally distributed mix of uses which may regional commercial office, multi-family residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses. Non-residential uses are permitted according to the limits included in General Plan Table LU2: Anomaly Locations. The project site is within Anomaly Location 2 of Statistical Area L4; Anomaly Location 2 has a development limit of 1,052,880 sf.

The project site is zoned “Koll Center Newport Planned Community (PC-15 Koll Center)” and zoning regulations are provided in the Koll Center Planned Community Development Standards (PC Text) adopted by Ordinance No. 1449 and subsequently amended several times. Specifically, the site is within Professional and Business Offices Site B of PC-15 Koll Center. PC-15 Koll Center includes all parcels bordered by Campus Drive to the northeast, Jamboree Road to the southeast, and MacArthur Boulevard to the southwest. PC-15 permits professional and business offices, hotels and motels, retail, restaurants and entertainment, a courthouse, private clubs, and auto detailing and service stations. Site B allows professional and business offices, restaurants, and support commercial uses.

As a part of the Proposed Project, PC-15 Koll Center Site B would include two new overlay zones: Park and Residential, allowing for residential development consistent with the *City of Newport Beach General Plan* and the Airport Business Area ICDP (see Figure 3-6 in Section 3.0). The amendment to PC-15 Koll Center would include development standards and the identification of permitted uses. The Project also requires the approval of a transfer of development rights to transfer of up to 3,019 sf of unbuilt office/retail from Koll Center Site A to Site B.

John Wayne Airport

The project site is approximately 0.44 mile southeast of John Wayne Airport and is in the AELUP for the John Wayne Airport. As previously noted, the AELUP identifies safety and compatibility zones that depict which land uses are acceptable and unacceptable in various portions of AELUP Safety Zones 1 through 6. The project site is in Safety Zone 6, which allows residential uses and most nonresidential uses other than outdoor stadiums, children's schools, day care centers, hospitals, and nursing homes. Figure S5 of the City's General Plan Safety Element, John Wayne Airport Clear Zone/Runway Protection Zone and Accident Potential Zones also shows that the project site is within Safety Zone 6: Traffic Pattern Zone of John Wayne Airport. A Clear Zone/Runway Protection Zone is defined as "a trapezoidal area off each end of a runway used to enhance the protection of people and property on the ground. The innermost of the safety zones." Safety Zone 6 has a "generally low likelihood of accident occurrence at most airports; risk concern primarily is with uses for which potential consequences are severe." The "Zone includes all other portions of regular traffic patterns and pattern entry routes."

The project site is in the Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surface Zone and the FAR Part 77 Notification Area of John Wayne Airport, as identified in the AELUP for John Wayne Airport. Per FAR Part 77, Section 77.13(a), notice to the Federal Aviation Administration (FAA) is required for any proposed structure more than 200 feet above the ground level of its site. Notices to the FAA provide a basis for evaluating a project's potential effects on operational procedures and air navigation. Coinciding with the FAA regulation, the ALUC also requires notification of all such proposals.

According to the provisions set forth in FAR Part 77, an object is an "Obstruction to Air Navigation" if it is of greater height than any imaginary surface established under the regulation. Imaginary surfaces exist primarily to prevent existing or proposed manmade objects, objects of natural growth or terrain from extending upward into navigable airspace. There are five imaginary surfaces which the FAA applies to public use airports for the purpose of determining obstructions to air navigation. These imaginary surfaces either slope out and up from all sides and ends of runways or are a horizontal plane or a sloping plain above public use airports. The imaginary surfaces are defined as:

- **Primary Surface:** Aligned (longitudinally) with each runway and extends 200 feet from each runway end
- **Horizontal Surface:** Horizontal plane 150 feet above the established airport elevation. Constructed by swinging arcs around the end of the primary surface
- **Conical Surface:** 20:1 slope surface extending beyond the horizontal surface
- **Transitional Surface:** Constructed to join approach and horizontal or approach and transitional surfaces
- **Approach Surface:** Longitudinally centered with the runway and extends beyond the primary surface

4.9.3 THRESHOLDS OF SIGNIFICANCE

The following significance criteria are from the City of Newport Beach Environmental Checklist. The Proposed Project would result in a significant impact related to land use and planning if it would:

Threshold 4.9-1 Physically divide an established community.

Threshold 4.9-2 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.

As addressed in Section 1.4, *Summary of Effects with No Impact*, the City has determined that the Proposed Project would not have a significant impact on the following threshold for the reasons stated below, and that no further analysis was required:

- Conflict with any applicable habitat conservation plan or natural community conservation plan.

The project site is within the plan area of the Central-Coastal Orange County Natural Communities Conservation Plan (NCCP). However, the project site is not in a reserve designated under the NCCP, and there are no survey requirements for the site pursuant to the NCCP (County of Orange, 1996). For this reason, no impact would occur.

This section of the EIR also addresses the following Section 4.7, *Hazards and Hazardous Materials*, threshold:

- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area.

4.9.4 ENVIRONMENTAL IMPACTS

Threshold 4.9-1:	Would the Project physically divide an established community?
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The project site is an existing surface parking lot associated with Koll Center Newport. The site is contiguous to existing offices and under construction land uses including residential, retail, and park uses (Uptown Newport Project). As proposed, the Project would allow for the development of a mixed-use infill residential and retail development with 260 residential condominiums, 3,000 sf of ground-floor retail uses, a 1.17-acre public park, a free-standing parking structure, and the reconfiguration of some of the existing surface parking areas. Given the predominately existing office uses in the surrounding area, the transition of the project site to include residential land uses would alter the character of the existing business community by introduction residential population and providing recreational open space amenities. Uptown Newport will include up to 1,244 residential units, 11,500 sf of neighborhood-serving retail space, and 2 acres of parks.

The Proposed Project would not introduce any roadways or infrastructure that would bisect or transect the existing Koll Center Newport business park uses. The Project's proposed circulation would include

pedestrian connections between the existing buildings in Koll Center Newport (see Figure 3-12 in Section 3.0). Additionally, vehicular access for the project site, as well as the existing office buildings, would be provided from three full access locations on Birch Street (Driveways 1, 2, and 3) and two locations (one for ingress and egress, and one for egress only) on Von Karman Avenue (Driveways 4 and 5). The spine street that crosses the property from Birch Street to Von Karman Avenue would become an open-access (ungated) center spine street through the site.

The massing and heights of the proposed buildings would not create a significant visual barrier or separation within Koll Center Newport, as the massing and heights would be similar to those of the uses found throughout the project area. As discussed in Section 4.1, *Aesthetics*, the contemporary architectural style of the Project would be compatible with the surrounding office buildings within the Koll Center Newport and the surrounding area and the siting of the three residential buildings allows for views through the site to the surrounding office buildings.

Impact Summary: *No Impact.* The implementation of the Project would not physically divide an established community.

Threshold 4.9-2: **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?**

Would the Project be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the project area?

General Plan Consistency

The project site has a General Plan land use category of Mixed-Use Horizontal-2 (MU-H2), which provides for a horizontal intermixing of uses that may include regional commercial office, multifamily residential, vertical mixed-use buildings, industrial, hotel rooms, and ancillary neighborhood commercial uses. The MU-H2 designation applies to a majority of properties in the Airport Area, inclusive of the project site and adjacent uses and permits:

- A maximum of 2,200 residential units are permitted as replacement of existing office, retail, and/or industrial uses at a maximum density of 50 units per adjusted gross acre, of which a maximum of 550 units may be developed as infill units.
- Non-residential uses are permitted according to the limits included in General Plan Table LU2: Anomaly Locations. The project site is located within Anomaly Location 2 of Statistical Area L4. Anomaly Location 2 has a development limit of 1,052,880 sf.

The General Plan's policies for the Airport Area call for the orderly evolution of this area from a single-purpose business park to a mixed-use district with cohesive residential villages integrated within the existing fabric of the office, industrial, retail, and airport-related businesses. The Proposed Project is consistent with the MU-H2 land use designation for the project site and would implement the City's

General Plan goals and policies for this portion of the Airport Area because it would integrate a mix of residential and neighborhood-serving retail uses, as well as a public park into the existing Koll Center Newport business park.

As discussed earlier, the Airport Business Area ICDP is a prerequisite for the preparation of the regulatory plans called for in the City's General Plan, and it provides a framework for residential development on the project site. The Proposed Project would carry out the intent of the Airport Business Area ICDP and the City's General Plan because the project site would be developed with the mix of uses envisioned in and approved under the Airport Business Area ICDP. Implementation of the Proposed Project is consistent with the goals and objectives of the Airport Business Area ICDP and the City's General Plan for the project area (Table 4.9-1).

An analysis of the Proposed Project's consistency with the applicable goals and policies of the General Plan is provided in *Table 4.9-1*. The analysis concludes that the Project would be consistent with the applicable goals and policies of the City's General Plan. The Project would not require a General Plan land use amendment. Therefore, implementation of the Proposed Project would not result in significant land use impacts related to relevant Newport Beach General Plan goals and policies.

Zoning Consistency

The project site is zoned "Koll Center Newport Planned Community (PC-15 Koll Center)". Specifically, the site is within Professional and Business Offices Site B of PC-15 Koll Center. PC-15 Koll Center permits professional and business offices, hotels and motels, retail, restaurants and entertainment, a courthouse, private clubs, and auto detailing and service stations. Currently, Site B allows professional and business offices, restaurants, and support commercial uses. The Proposed Project includes an amendment to PC-15 to include provisions allowing for residential development consistent with the *City of Newport Beach General Plan* and the Airport Business Area ICDP. PC-15 would be amended to include the following permitted land use: Residential Mixed Use on Site B. Site B is 43.703 acres with 966,720 sf of office uses and 260 dwelling units. The Project also requires the approval of a transfer of development rights to transfer of up to 3,019 sf of unbuilt office/retail from Koll Center Site A to Site B. Because the amendment would be consistent with the General Plan and Airport Business Area ICDP, the amendment to PC-15 Koll Center would not result in a change in policy that would result in significant impacts.

Table 4.9-1. General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
Land Use Element	
Goal LU 2 – A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City’s diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.	
LU 2.1 Residential-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.	Consistent: The Proposed Project would support the needs of Newport Beach since it would develop a mixed-use project of to 260 residential units, 3,000 sf of retail uses, and a 1.17-acre public park, consistent with the General Plan Land Use Plan. The Project is an infill, development and would not adversely impact the community’s natural resources and open spaces, particularly because the Airport Area is an urbanized area of the City. The project site is an existing surface parking area.
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.	Consistent: The Proposed Project would develop residences, retail uses, and park and open space in the existing Koll Center Newport business park. By integrating residential uses within and adjacent to other commercial and office uses, the Project would provide Project residents with opportunities for employment in the many businesses in and around Koll Center Newport and other nearby business and employment centers in Newport Beach and surrounding communities. Additionally, the inclusion of 3,000 sf of retail space would not only serve the Project residents but also the many businesses adjacent to and near the project site.
LU 2.3 Range of Residential Choices. Provide opportunities for the development of residential units that respond to community and regional needs in terms of density, size, location, and cost. Implement goals, policies, programs, and objectives identified within the City’s Housing Element.	Consistent: The Proposed Project would develop 260 residential unit offering a range of floor plans and amenities at a density of approximately 31 units per net acre.
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).	Consistent: As concluded in Section 4.12, <i>Public Services</i> , and Section 4.15, <i>Utilities and Service Systems</i> , of this EIR, the Proposed Project would be adequately served by the necessary public services and utilities and service systems. Refer to Sections 4.12, <i>Public Services</i> , and 5.15, <i>Utilities and Service Systems</i> , for further information and analysis regarding public services and utility infrastructure, respectively.

Table 4.9-1. General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
Goal LU 3 – A development pattern that retains and complements the City’s residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.	
<p>LU Policy 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 standards for acceptable traffic level of service.</p>	<p>Consistent: The Proposed Project is an infill, mixed use development on an existing surface parking area. The Airport Area, inclusive of Koll Center Newport, includes a mix of existing and planned office, commercial, hotel, and residential uses. Therefore, the Project would be compatible with existing and future uses. The Project is consistent with the General Plan Land Use Plan. As concluded in Section 4.1, <i>Aesthetics</i>, Buildings 1, 2, and 3 would be of similar height, scale, and character to many of the other buildings in the Airport Area, inclusive of Koll Center Newport. Proximity to one of Newport Beach’s job centers can reduce commute distances between home and jobs.</p> <p>Additionally, as concluded in Sections 4.11, <i>Public Services</i>; 4.13, <i>Transportation and Traffic</i>; and 4.14, <i>Utilities and Service Systems</i>, the Project would not adversely impact public services, traffic, or utilities. Specifically, the Project would have no significant traffic impacts that would require mitigation to achieve acceptable levels of service in the cities of Newport Beach and Irvine.</p>
<p>LU 3.3 Opportunities for Change. Provide opportunities for improved development and enhanced environments for residents in the following districts and corridors:</p> <ul style="list-style-type: none"> John Wayne Airport Area: re-use of underperforming industrial and office properties and development of cohesive residential neighborhoods in proximity to jobs and services. 	<p>Consistent: In accordance with this policy and the Airport Business Area ICDP, the Proposed Project would introduce 260 residential units, retail uses, and a public park into Koll Center Newport. As shown in Figure 3-12, the Project would provide sidewalks throughout the site, with multiple pedestrian connections to the public street system and adjacent properties including Uptown Newport (under construction). The proposed pattern of development would provide connectivity and livability proximate to employment, transportation, and recreation and open space, and retail centers.</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 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</p>	<p>Consistent: The Federal Aviation Administration (FAA) has conducted an aeronautical study (pursuant to FAA Part 77 regulations) and has ruled that Buildings 1, 2, and 3, and the free-standing parking structure would not exceed obstruction standards and would not be a hazard to air navigation. Buildings 1, 2, and 3 would not exceed 160 feet above ground level. The parking structure would not exceed 56 feet above ground level.</p> <p>The Proposed Project requires a determination of consistency by the Airport Land Use Commission (ALUC) with the Airport Environs Land Use Plan (AELUP) for John Wayne</p>

Table 4.9-1. General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
<p>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.</p>	<p>Airport in accordance with General Plan Policy LU 3.8 and the requirements outlined in the AELUP because the Project requires an amendment to Koll Center Newport Planned Community (PC-15 Koll Center) to allow for residential mixed uses in Professional and Business Offices Site B consistent with the General Plan and the Airport Business Area ICDP.</p> <p>The ALUC’s consistency determination for the Project must occur prior to the Newport Beach City Council taking action on this Project. The possibility of an ALUC determination of inconsistency with the AELUP is considered potentially significant. No mitigation measures are available that would reduce this impact to less than significant. A significant unavoidable adverse impact would result and a Statement of Overriding Considerations would be required to be made by the City Council at the time action on the Project is taken.</p>
<p>Goal LU 4 – Management of growth and change to protect and enhance the livability of neighborhoods and achieve distinct and economically vital business and employment districts, which are correlated with supporting infrastructure and public services and sustain Newport Beach’s natural setting.</p>	
<p>LU 4.1 Land Use Diagram. Accommodate land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. See page 3-11 of the City’s General Plan for the full policy.</p>	<p>Consistent: The Project is consistent with the land use designations for the project site. The Airport Business Area ICDP requires a minimum density of 30 dwelling units per net acre and a maximum density of 50 dwelling units per net acre. The Project would have a density of approximately 31 dwelling units per net acre based on 8.51 net acres (inclusive of Buildings 1, 2, and 3; access, parking; utilities; landscaping).</p>
<p>Goal LU 5.3 – Districts where residents and businesses are intermixed that are designed and planned to ensure compatibility among the uses, that they are highly livable for residents, and are of high quality design reflecting the traditions of Newport Beach.</p>	
<p>LU Policy 5.3.3 Parcels Integrating Residential and Nonresidential Uses. Require that properties developed with a mix of residential and nonresidential uses be designed to achieve high levels of architectural quality in accordance with policies LU 5.1.9 and LU 5.2.1 and planned to ensure compatibility among</p>	<p>Consistent: The Project is consistent with this policy. As discussed in Section 3.0, <i>Project Description</i>, the Proposed Project includes a mix of residential and ground-floor retail uses within an existing business park. As a part of Project, a neighborhood park, several garden areas, and a pedestrian linkage system consisting of sidewalks would be created</p>

Table 4.9-1. General Plan Consistency Analysis	
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<p>the uses and provide adequate circulation and parking. Residential uses should be seamlessly integrated with nonresidential uses through architecture, pedestrian walkways, and landscape. They should not be completely isolated by walls or other design elements.</p>	<p>that would provide an important and convenient connections throughout the project site and to adjacent and surrounding uses.</p> <p>The contemporary architecture design for Buildings 1, 2, and 3 is intended to convey an urban character and relate directly to surrounding office buildings. The two-story podium base of Building 1 and the two-story podium of Buildings 2 and 3 would constructed with Glass Fiber Reinforced Concrete (GFRC), is intended to ground the buildings. Ground level building would incorporate glass and metals. The “middle” portion of each building would be use a glass window wall system which would create a sleek, lighter feel than the base level of each building. Vertical extensions of GFRC at select locations would continue from the base level to the mid-levels. Exposed concrete slab edges and cantilevered balconies would provide horizontal building articulation. The “top” two levels would have step-backed terraces and prominent canopy extensions. The step-backed terraces provide massing breaks at the roofline; the canopies would open to the sky.</p> <p>Proposed building materials would have a warm, neutral color palette. The GFRC base material would be a sand color with a sandblast finish to add texture. The accented metals used for building trim, window frames, and canopies would be a warm medium grey. Glass throughout the buildings, including at window walls, curtain walls, and railings would be transparent with a subtle blue/green tint.</p> <p>The contemporary architectural style of the Project would be compatible with the surrounding office buildings within the Koll Center Newport and the surrounding area. In particular, the architecture of the Project would be compatible with the Uptown Newport Project. Uptown Newport is intended to be an urban village with diverse architecture including contemporary styles and the use of a neutral color palette.</p>
<p>Goal LU 5.6 – Neighborhoods, districts, and corridors containing a diversity of uses and buildings that are mutually compatible and enhance the quality of the City’s environment</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.</p>	<p>Consistent: Please refer to LU Policy 5.3.3. Phase A of construction of the Proposed Project includes the construction of a free-standing parking structure to replace parking that will be demolished during Phases 1 and 2 of construction.</p>

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<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.</p>	<p>Consistent: The Project would pursue LEED Silver certification and would include architectural details compatible with office buildings and hotel uses within Koll Center Newport. The three residential buildings would provide visibility through the project site. This also provides massing breaks that add visual interest and reduce long obstructive building facades. The three buildings would be staggered and angled along the spine street with ground-level retail uses, several garden areas, and a pedestrian linkage system consisting of sidewalks and paseos would be created. The contemporary architectural style of the Project would be compatible with existing and planned development in Koll Center Newport and surrounding area. The Project would not be built with reflective or shiny materials that could cause glare. As discussed in Section 4.1, <i>Aesthetics</i>, the Proposed Project would use building glass and glazing with minimal reflectance. The building material, style, and colors would not raise local temperatures through glare or excessive illumination.</p>
<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.</p>	<p>Consistent: Project lighting would be directed toward the interior of the site so as not to create off-site impacts. All exterior lighting would be designed, arranged, directed downward, or shielded to contain direct illumination on site to prevent excess illumination and light spillover onto adjoining land uses and/or roadways. Development of the Project would also be required to adhere to all applicable City lighting as set forth in Section 20.30.070, Outdoor Lighting, of the City’s Municipal Code. Furthermore, development of the Project would be required to comply with California’s Building Energy Efficiency Standards for Residential and Nonresidential Buildings, Title 24, Part 6, of the California Code of Regulations, which outlines mandatory provisions for lighting control devices and luminaries. The City’s standard operating conditions of approval would apply to the Proposed Project and include the preparation of a photometric study and an evening inspection to confirm control of light and glare specified in the conditions of approval. Refer to Section 4.1, <i>Aesthetics</i>, for an analysis of the Project related to lighting.</p>
<p>Goal LU 6.2 – Residential neighborhoods that contain a diversity of housing types and supporting uses to meet the needs of Newport Beach’s residents and are designed to sustain livability and a high quality of life.</p>	
<p>LU Policy 6.2.1 Residential Supply. Accommodate a diversity of residential units that meets the needs of Newport Beach’s</p>	<p>Consistent: The Project is consistent with this policy. The General Plan Housing Element identifies five locations—Newport Banning Ranch, Airport Area, Newport Center,</p>

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population and fair share of regional needs in accordance with the Land Use Plan’s designations, applicable density standards, design and development policies, and the adopted Housing Element.	Mariners’ Mile, and the Balboa Peninsula—as key sites for future housing opportunities. The General Plan designates these areas as appropriate for development of up to 5,025 new dwelling units. The project site is in the Airport Area and 260 units are identified as additive units for the site.
LU Policy 6.2.9 Private Open Spaces and Recreational Facilities. Require the open space and recreational facilities that are integrated into and owned by private residential development are permanently preserved as part of the development approval process and are prohibited from converting to residential or other types of land uses.	Consistent: The Project is consistent with this policy. All on-site open space and recreational amenities including but not limited to swimming pools, bocce ball courts, fitness centers, club rooms, and lawn areas for project residents would be privately developed as part of the Project. The 1.17-acre public park is proposed to be privately developed and maintained, and offered for dedication to the City. Proposed recreational amenities, inclusive of amenities within Buildings 1, 2, and 3 would not be converted to residential or other types of land uses on the site.
Goal LU 6.15 – A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.	
LU 6.15.1 Land Use Districts and Neighborhoods. Provide for the development of distinct business park, commercial, and airport-serving districts and residential neighborhoods that are integrated to ensure a quality environment and compatible land uses.	Consistent: See responses to Policy LU 3.3 of Goal LU 3 and Policies LU 5.6.1 and 5.6.2 of Goal LU 5.6.
LU 6.15.3 Airport Compatibility. Require that all development be constructed in conformance with the height restrictions set forth by Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development be located outside of the 65 dBA CNEL noise contour specified by the 1985 JWA Master Plan.	Consistent: The Project would allow for 260 residential units in Buildings 1, 2, and 3. The proposed 13-story buildings are consistent with FAA regulations; Buildings 1, 2, and 3 would not exceed 160 feet above ground level. Based on FAA’s aeronautical study for the Project (pursuant to FAA Part 77 regulations), Buildings 1, 2, and 3, and the free-standing parking structure would not exceed obstruction standards and would not be a hazard to air navigation. The project site is outside of the 65 dBA CNEL noise contour specified by the 1985 JWA Master Plan.
LU 6.15.5 Residential and Support Uses. Accommodate the development of a maximum of 2,200 multi-family residential units, including work force housing, and mixed-use buildings that integrate residential with ground level office or retail uses, along with supporting retail, grocery stores, and parklands. Residential	Consistent: Consistent with this policy and the Airport Business Area ICDP, the Proposed Project would allow for the reuse of the project site as a mixed-use residential project adjacent and proximate to existing office and commercial land uses that provide jobs and supporting services within the Airport Area. More specifically, the Project would consist of mixed uses with 260 residential units, 3,000 sf of neighborhood-serving retail space,

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<p>units may be developed only as the replacement of underlying permitted nonresidential uses. When a development phase includes a mix of residential and nonresidential uses or replaces existing industrial uses, the number of peak hour trips generated by cumulative development of the site shall not exceed the number of trips that would result from development of the underlying permitted nonresidential uses. However, a maximum of 550 units may be developed as infill on surface parking lots or areas not used as occupiable buildings on properties within the Conceptual Development Plan Area depicted on Figure LU22 provided that the parking is replaced on site.</p>	<p>and a 1.17-acre public park. All of the 260 residential units were identified as “additive” units in the Airport Business Area ICDP because no existing development uses would be removed. Because these units would be “additive”, they would be exempt from the requirement of not exceeding the number of existing peak hour trips generated by existing uses. These units would be allocated to the Proposed Project in accordance with the City’s General Plan and the Airport Business Area ICDP. The Project would therefore develop a portion of the residential units envisioned and approved for the Airport Business Area.</p> <p>The Project includes the development of Building 1, Building 2, and Building 3 (13 stories in height) with ground-floor retail, a 1.17-acre public park, and a free-standing parking structure. Existing development at the site includes surface parking areas and common landscape areas. Phase A of the Proposed Project’s construction would allow for the demolition of approximately 137 surface parking spaces and the construction of a 492-stall parking structure. Phase 1 of construction would include the demolition of approximately 331 surface parking spaces. The completion of the new parking structure in Phase A would include a net increase of 371 parking spaces. At the completion of Phase 1, there would be 2,165 parking spaces. Phase 2 of construction includes the demolition of approximately 242 office parking spaces. The demolished parking spaces are accounted for with structured parking for Phase A and Building 1. Phase 3 includes the demolition of approximately 109 parking spaces. The demolished parking is accounted for with structured parking provided in Phase A and Phase 1. During the construction of the new parking structure (Phase A) and the construction of the public park and completion of landscaping and reconfiguration of surface parking (Phase 3), valet parking would be provided for the use of office employees of and guests to the office buildings. At completion of the Proposed Project, the net change of parking would be an increase of parking spaces for the office uses.</p>
<p>LU 6.15.6 Size of Residential Villages. Allow development of mixed-use residential villages, each containing a minimum of 10 acres and centered on a neighborhood park and other amenities (as conceptually illustrated in Figure LU23).</p>	<p>Consistent: The Project would allow for the development of the approximately 13.16-acre project site (which exceeds the 10-acre requirement) into a mixed-use residential project that would include 260 residential units, 3,000 sf of retail, and a 1.17-acre public park. As shown in Figure 3-14 of the Project Description, the public park could include</p>

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	<p>amenities such as a pickleball court; lawn; park plaza with picnic areas; recreation areas with seating; and gardens.</p> <p>In addition to the neighborhood park, the Proposed Project would incorporate several garden areas, and a pedestrian linkage system consisting of sidewalks and paseos would be created that would provide an important and convenient linkage system throughout the project site and to adjacent and surrounding uses. The Project would include pedestrian connections to Uptown Newport, creating a larger mixed-use urban village established by Uptown Newport.</p>
<p>LU 6.15.8 First Phase Development Density. Require a residential density of 45 to 50 units per net acre, averaged over the first phase for each residential village. This shall be applied to 100 percent of properties in the first phase development area whether developed exclusively for residential or integrating service commercial horizontally on the site or vertically within a mixed-use building. On individual sites, housing development may exceed or be below this density to encourage a mix of housing types, provided that the average density for the area encompassed by the first phase is achieved.</p>	<p>Consistent: The Airport Business Area ICDP area is exempt from this specific numerical requirement but is subject to a requirement for a minimum density of 30 dwelling units per net acre and a maximum density of 50 dwelling units per net acre. The Project would have a density of approximately 31 dwelling units per net acre based on 8.51 net acres (inclusive of Buildings 1, 2, and 3; access, parking; utilities; landscaping).</p>
<p>LU 6.15.9 Subsequent Phase Development and Location. Subsequent phases of residential development shall abut the first phase or shall face the first phase across a street. The minimum density of residential development (including residential mixed-use development) shall be 30 units per net acre and shall not exceed the maximum of 50 units per net acre averaged over the development phase.</p>	<p>Consistent: As noted in LU 6.15.8, the residential development would have a density of approximately 31 dwelling units per net acre.</p>
<p>LU 6.15.10 Regulatory Plans. Require the development of a regulatory plan for each residential village, which shall contain a minimum of 10 acres, to coordinate the location of new parks, streets, and pedestrian ways; set forth a strategy to accommodate neighborhood-serving commercial uses and other</p>	<p>Consistent: The project site is zoned “Koll Center Newport Planned Community (PC-15 Koll Center)” and zoning regulations are provided in the Koll Center Planned Community Development Standards (PC Text) adopted by Ordinance No. 1449 and subsequently amended several times. The Proposed Project includes an amendment to PC-15 Koll Center to include provisions allowing for residential development consistent with the</p>

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amenities; establish pedestrian and vehicular connections with adjoining land uses; and ensure compatibility with office, industrial, and other nonresidential uses.	<p><i>City of Newport Beach General Plan</i> and the Airport Business Area ICDP. PC-15 would be amended to include the following permitted land use: Residential Mixed Use on Site B. Site B is 43.703 acres with 966,720 sf of office uses and 260 dwelling units. The Project also requires the approval of a transfer of development rights to transfer of up to 3,019 sf of unbuilt office/retail from Koll Center Site A to Site B.</p> <p>Development of the approximately 13.16-acre project site (which exceeds the 10-acre requirement) would be implemented in accordance with the Airport Business Area ICDP, the City’s General Plan, and the amended PC Text. More specifically, under the Proposed Project, the site would be developed with the mix of uses envisioned in and approved under the Airport Business Area ICDP and in accordance with the amended Planning Community Development Plan, Development Agreement, and phasing plan.</p>
LU 6.15.12 Development Agreements. A Development Agreement shall be required for all projects that include infill residential units. The Development Agreement shall define the improvements and public benefits to be provided by the developer in exchange for the City’s commitment for the number, density, and location of the housing units.	Consistent: The Proposed Project includes a Development Agreement that will be considered by the City Council as a part of its action on the Project.
LU 6.15.13 Standards. To provide a focus and identity for the entire neighborhood and to serve the daily recreational and commercial needs of the community within easy walking distance of homes, require dedication and improvement of at least 8 percent of the gross land area (exclusive of existing rights-of-way) of the first phase development in each neighborhood, or ½ acre, whichever is greater, as a neighborhood park. This requirement may be waived by the City where it can be demonstrated that the development parcels are too small to feasibly accommodate the park or inappropriately located to serve the needs of local residents, and when an in-lieu fee is paid to the City for the acquisition and improvement of other properties as parklands to serve the Airport Area. In every case,	Consistent: The Proposed Project would include the construction of a 1.17-acre public park with dedicated parking, which would meet the 150 feet minimum dimension. Both passive and active recreational areas would be provided.

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<p>the neighborhood park shall be at least 8 percent of the total Residential Village Area or one acre in area, whichever is greater, and shall have a minimum dimension of 150 feet. Park acreage shall be exclusive of existing or new rights-of-way, development sites, or setback areas. A neighborhood park shall satisfy some or all of the requirements of the Park Dedication Ordinance, as prescribed by the Recreation Element of the General Plan.</p>	
<p>LU 6.15.14 Location. Require that each neighborhood park is clearly public in character and is accessible to all residents of the neighborhood. Each park shall be surrounded by public streets on at least two sides (preferably with on-street parking to serve the park), and shall be linked to residential uses in its respective neighborhood by streets or pedestrian ways.</p>	<p>Consistent: The Proposed Project would provide a 1.17-acre public park, which would serve as a principal focal point for the proposed residential community. The park would be publicly accessible. The park would be located adjacent to Birch Street and the existing driveways/entrances to the project site from Birch Street. The park would be part of the pedestrian linkage system connecting residential areas with sidewalks that would provide an important and convenient walkway system throughout the project site and to adjacent and surrounding uses, including Uptown Newport. The entry driveways to the east and south of the park would have public access easements for the purpose of facilitating public access to the park.</p>
<p>LU 6.15.15 Aircraft Notification. Require that all neighborhood parks be posted with a notification to users regarding proximity to John Wayne Airport and aircraft overflight and noise.</p>	<p>Consistent: In accordance with this policy, the park would be posted with a notification to users regarding proximity to John Wayne Airport and aircraft overflight and noise.</p>
<p>LU 6.15.16 Standards. Require developers of multi-family residential developments on parcels 8 acres or larger to provide on-site recreational amenities. For these developments, 44 square feet of on-site recreational amenities shall be provided for each dwelling unit in addition to the requirements under the City’s Park Dedication Ordinance and in accordance with the Parks and Recreation Element of the General Plan. On-site recreational amenities can consist of public urban plazas or squares where there is the capability for recreation and outdoor activity. These recreational amenities may also include swimming pools, exercise facilities, tennis courts, and basketball courts.</p>	<p>Consistent: See responses to LU 6.15.13 and 6.15.14 of Goal 6.15 and Policies R1-1 and R1.2 of Goal R 1. The Proposed Project would provide a minimum of 44 sf of on-site recreational amenities for each dwelling unit. Private recreational amenities developed as part of the Project located on the podium level of each building and are proposed to include a clubroom, pool, spa, pool deck with shower and restroom, lawn, amenity courtyard, fitness area, and bocce ball courts. In accordance with the City’s parkland dedication requirements of 5 acres per 1,000 residents, the Proposed Project would require 2.92 acres of parkland, based on an estimated 580 new residents for the Project (please refer to Section 4.11, <i>Population and Housing</i> and Section 4.13, <i>Recreation</i>). As permitted by Section 19.52.050 (Determination of Land or Fee) of the City’s Municipal Code, the parkland requirement can be met through the dedication of parkland,</p>

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<p>Where there is insufficient land to provide on-site recreational amenities, the developer shall be required to pay cash in-lieu that would be used to develop or upgrade nearby recreation facilities to offset user demand as defined in the City’s Park Dedication Fee Ordinance. The acreage of on-site open space developed with residential projects may be credited against the parkland dedication requirements where it is accessible to the public during daylight hours, visible from public rights-of-way, and is of sufficient size to accommodate recreational use by the public. However, the credit for the provision of on-site open space shall not exceed 30 percent of the parkland dedication requirements.</p>	<p>payment of in lieu fees, or a combination of both. The Project would include a 1.17-acre neighborhood park. Both passive and active recreational areas would be provided. Uses within the park may include pickleball courts; gardens and lawn areas; plaza areas with seating; and shade structures. The remainder of the Project’s parkland requirements would be met through the payment of in-lieu fees and the provision of additional common open space and private recreational facilities for parkland credits. Additionally, see response to Policy LU 6.15.16 of Goal LU 6.15. Refer to Section 4.13, <i>Recreation</i>, for further information and analysis on parks and open space.</p>
<p>LU 6.15.18 Walkable Streets. Retain the curb-to-curb dimension of existing streets, but widen sidewalks to provide park strips and generous sidewalks by means of dedications or easements. Except where traffic loads preclude fewer lanes, add parallel parking to calm traffic, buffer pedestrians, and provide short-term parking for visitors and shop customers.</p>	<p>Consistent: Sidewalks would be provided on all internal streets and have a minimum width of five to eight feet. The Project would create streetscapes that promote both safe and convenient driving practices, as well as encourage street-level pedestrian activity. Streets would be designed with sidewalks to engage pedestrians in a meaningful urban environment that establishes the visual and social identity of the overall place and its various neighborhoods. The streets would be landscaped and framed by architecturally-enhanced buildings, and would be activated with such elements as small plazas, building lobbies, street-level common amenities, and a water feature. Additionally, there are existing 12-foot wide sidewalks, and 19-foot wide pedestrian and bicycle City easement along both Von Karman Avenue and Birch Street that could serve to accommodate pedestrians and bicycles.</p> <p>Building 1 would include a gated parking structure for existing office tenants, residents, and guests. A shared gated parking structure would be provided for the residents and guests of Building 2 and Building 3.</p>
<p>LU 6.15.19 Connected Streets. Require dedication and improvement of new streets as shown on Figure LU23. The illustrated alignments are tentative and may change as long as the routes provide the intended connectivity. If traffic conditions</p>	<p>Consistent: Project roadways would be designed to establish clear way-finding and to provide convenient access to on-street parking and parking structure entrances within the project site. Clear connections would be provided to directly link the interior of the Project roadways to Von Karman Avenue and Birch Street, in accordance with those</p>

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allow, connect new and existing streets across Macarthur Boulevard with signalized intersections, crosswalks, and pedestrian refuges in the median.	shown in Figure LU23, Airport Area Residential Villages Illustrative Concept Plan, of the City’s General Plan. The on-site roadway system would be privately owned and maintained and provide 24-hour public access through the project site from Von Karman Avenue and Birch Street.
LU 6.15.21 Required Spaces for Primary Use. Consider revised parking requirements that reflect the mix of uses in the neighborhoods and overall Airport Area, as well as the availability of on-street parking.	Consistent: Parking requirements are based on gross floor area for office/commercial uses and unit counts for residential units. Adequate, convenient parking for residents, guests, business patrons, and visitors would be provided on-site in accordance with the standards outlined in the City’s Zoning Code. “Required” parking ratios for the Proposed Project are in accordance with the standards adopted for Uptown Newport and as proposed for the Project as part of the PC-15 Koll Center amendment.
LU 6.15.22 Building Massing. Require that high-rise structures be surrounded with low- and mid-rise structures fronting public streets and pedestrian ways or other means to promote a more pedestrian scale.	Consistent: There are three office buildings within the boundaries of the project site, of which two of the office buildings are not a part of the Project (see Figure 3-2 in Section 3, <i>Project Description</i>). They are 1-to 4-story office building located along Birch Street and Von Karman Avenue. Buildings 1, 2, and 3 would be generally located between these three office buildings and the existing 5000 Birch Street office building (10 stories, 154 feet). The spine street would separate the proposed residential buildings from the 5000 Birch Street office building. Walkways would be provided within the site and connect to existing sidewalks along the streets. Walkways would be provided along the Project frontage to the spine street and into Buildings 1, 2, and 3; along a portion of the west side of Driveway 2; between Buildings 1 and 2 and the 4910 Birch Street office building; between Buildings 2 and 3 and the 4440 Von Karman Avenue office building; and on the west side of the free-standing parking structure. Other features would include a landscaped plaza area adjacent to the spine street. Uses would include seating areas, a water feature, and enhanced paving.
LU 6.15.23 Sustainability Development Practices. Require that development achieves a high level of environmental sustainability that reduces pollution and consumption of energy, water, and natural resources. This may be accomplished through the mix and density of uses, building location and design,	Consistent: Section 4.2, <i>Air Quality</i> , Section 4.6, <i>Greenhouse Gas Emissions</i> , and Section 4.15, <i>Utilities and Service Systems</i> , address the effects of the Project on air quality, energy, global climate, and water supply, and apply measures and regulatory requirements to reduce any impacts, as applicable and feasible. For example, as addressed in Section 4.6, the Proposed Project is required to comply with the provisions

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<p>transportation modes, and other techniques. Among the strategies that should be considered are the integration of residential with jobs-generating uses, use of alternative transportation modes, maximized walkability, use of recycled materials, capture and re-use of storm water on-site, water conserving fixtures and landscapes, and architectural elements that reduce heat gain and loss.</p>	<p>of the Building and Energy Efficiency Standards and the Green Building Standards Code (CALGreen). Additionally, as discussed in Section 3, <i>Project Description</i>, the Project would implement environmental sustainable practices including but not limited to water-efficient landscaping; electric vehicle charging stations in the parking structures; water quality best management practices to treat surface runoff from the project site; and low impact development practices. The Applicant would pursue a Leadership in Energy and Environmental Design (LEED) Silver Certification for the Project.</p> <p>The project site is also close to employment uses in the Airport Area and would provide housing near these businesses and promote the use of alternative transportation modes. Furthermore, the Proposed Project includes a mix of residential and ground-floor retail uses within an existing business park, thereby encouraging walking and biking. As a part of Project, a neighborhood park and pedestrian linkage system consisting of sidewalks and paseos would be created that would not only provide connections throughout the site, but also to adjacent and surrounding uses, thereby providing an alternative mode of transportation for residents and visitors. The Project's location close to existing OCTA bus routes provided along Von Karman Avenue, Birch Street, Campus Drive, Jamboree Road, and MacArthur Boulevard would also provide alternative forms of transportation for Project residents.</p>
Housing Element	
Goal H 2 – A balanced residential community comprised of a variety of housing types, designs, and opportunities for all social and economic segments.	
<p>H 2.3. Approve, wherever feasible and appropriate, mixed residential and commercial use developments that improve the balance between housing and jobs.</p>	<p>Consistent: The Proposed Project would consist of mixed uses with 260 residential units, 3,000 sf of neighborhood-serving retail uses, and a 1.17-acre public park. The introduction of new residences and commercial uses into a primarily office business area of the City would not only help locate new residents close to a wide array of jobs, but would also help improve the local and regional jobs-housing balance. As substantiated in Section 4.11, <i>Population and Housing</i>, the Project would add residential units to the existing jobs-rich City and improve the jobs/housing ratio.</p>

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Historical Resources Element	
Goal HR 2 – Identification and protection of important archeological and paleontological resources within the City.	
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.	Consistent: As discussed in Section 4.4, <i>Cultural Resources</i> , given the potential to unearth archeological or paleontological resources in the Airport Area during ground-disturbing activities, MM 4.4-1 and MM 4.4-2 require the Applicant to retain a qualified archaeologist and paleontologist who would monitor ground-disturbing activities, assess any finds, and develop a course of action to preserve significant cultural resources, including donation of artifacts to an appropriate repository. As stated in MM 4.4-1, the assessment of cultural resource finds also includes consultation with the City and a representative of the affected Native American tribe (Gabrielino), if necessary. Refer to Section 4.4, <i>Cultural Resources</i> , for an analysis of the Proposed Project’s potential impacts to archeological and paleontological resources and applicable mitigation.
HR 2.2 Grading and Excavation Activities. 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.	Consistent: See response to Policy HR 2.1 of Goal HR 2.
HR 2.3 Cultural Organizations. Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow representatives of such groups to monitor grading and/or excavation of development sites.	Consistent: See response to Policy HR 2.1 of Goal HR 2.
HR 2.4 Paleontological or Archaeological Materials. Require new development 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.	Consistent: See response to Policy HR 2.1 of Goal HR 2.

Table 4.9-1. General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
Circulation Element	
Goal CE 2.2 – A safe and efficient roadway system.	
CE 2.2.3 Traffic Control. Design traffic control measures to ensure City streets and roads function with safety and efficiency.	Consistent: As part of the Proposed Project, any necessary traffic control measures would be installed to ensure that the City’s roadways function as intended while allowing site access from Von Karman Avenue and Birch Street. Additionally, the Project’s traffic study (see Appendix J) was prepared in accordance with the City’s traffic study guidelines and identifies no significant impact to study intersections. Refer to Section 4.14, <i>Transportation and Traffic</i> , for a more complete discussion of the traffic study’s conclusions.
CE 2.2.4 Driveway and Access Limitations. Limit driveway and local street access on arterial streets to maintain a desired quality of traffic flow. Wherever possible, consolidate driveways and implement access controls during redevelopment of adjacent parcels.	Consistent: The Proposed Project would maintain the existing unsignalized access drives that provided access into the project site (three driveways on Birch Street and two driveways on Von Karman Avenue). All driveway improvements would be designed and constructed in accordance with the City’s engineering standards to ensure safety and a desired quality of traffic flow.
CE 2.2.6 Emergency Access. Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles.	Consistent: To address emergency access needs, the Project’s internal traffic and circulation components would be designed in accordance with all City of Newport Beach Fire Department (NBFD) design standards for emergency access. Additionally, the Project would be required to incorporate all applicable design and safety requirements in the most current adopted fire codes, building codes, and nationally recognized fire and life safety standards of the City and NBFD. Furthermore, during the building plan check and development review process, the City would coordinate with the Newport Beach Public Works Department, NBFD, and Newport Beach Police Department to ensure that adequate circulation and access are provided within the traffic and circulation components of the Project.
Goal CE 4.1 – A public transportation system that provides mobility for residents and encourages use of public transportation as an alternative to automobile travel.	
CE 4.1.4 Land Use Densities Supporting Public Transit. Accommodate residential densities sufficient to support transit patronage, especially in mixed use areas such as the Airport Area.	Consistent: The Proposed Project’s introduction of 260 residential units at approximately 30 du/net-acre and its location close to existing OCTA bus routes along Von Karman Avenue, Birch Street, Campus Drive, Jamboree Road, and MacArthur Boulevard could help support transit patronage.

Table 4.9-1. General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
Goal CE 5.1 – Convenient trail systems that satisfy recreational desires and transportation needs.	
CE 5.1.1 Trail System. Promote construction of a comprehensive trail system as shown on Figure CE4.	Consistent: The Proposed Project would not conflict with the planned Class I bicycle facilities on Von Karman Avenue and Birch Street near the project site, as called for in the City’s Bicycle Master Plan.
CE 5.1.17 Pedestrian Connectivity. Link residential areas, schools, parks, and commercial centers so that residents can travel within the community without driving.	Consistent: As seen in Figure 3-12, <i>Circulation Plan</i> , the Proposed Project would provide sidewalks throughout the project site, with multiple connections to the public street system and adjacent properties including Uptown Newport. The Project’s pedestrian circulation components would be designed and installed in compliance with all safety and accessibility requirements, including Title 24 of the California Code of Regulations, and to minimize potential conflicts with vehicles.
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.	Consistent: See response Policy CE 5.1.2 of Goal CE 5.1.
CE 5.1.7 Bicycle Safety. Provide for safety of bicyclists, equestrians, and pedestrians by adhering to current national standards and uniform practices.	Consistent: See response Policy CE 5.1.2 of Goal CE 5.1.
CE 5.1.8 Bicycle Conflicts with Vehicles and Pedestrians. Minimize conflict points among motorized traffic, pedestrians, and bicycle traffic.	Consistent: See response Policy CE 5.1.2 of Goal CE 5.1.
CE 5.1.16 Bicycle and Pedestrian Safety. Provide for the safety of bicyclists and pedestrians through provision of adequate facilities, including maintenance of extra sidewalk width where feasible.	Consistent: See response Policy CE 5.1.2 of Goal CE 5.1.

Table 4.9-1. General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
Goal CE 6.2 – Reduced automobile travel through the use of travel demand management strategies.	
CE 6.2.2 Support Facilities for Alternative Modes. Require new development projects to provide facilities commensurate with development type and intensity to support alternative modes, such as referential parking for carpools, bicycle lockers, showers, commuter information areas, rideshare vehicle loadings areas, water transportation docks, and bus stop improvements.	Consistent: As part of the Proposed Project, a comprehensive pedestrian linkage system would be created that would provide convenient access within the project site and with adjacent and surrounding uses, including Uptown Newport, thereby providing an alternative mode of transportation for residents and visitors. The site’s proximity to existing OCTA bus routes along Von Karman Avenue, Birch Street, Campus Drive, Jamboree Road, and MacArthur Boulevard would also provide alternative forms of transportation for Project residents. Project. Additionally, bicycle racks and storage would be provided within the project site.
Goal CE 7.1 – An adequate supply of convenient parking throughout the City.	
CE 7.1.1 Required Parking. Require that new development provide adequate, convenient parking for residents, guests, business patrons, and visitors.	Consistent: See response to Policy LU 6.15.5 of Goal LU 6.15. All Project parking would be provided on site.
Recreation Element	
Goal R 1: Provision of Facilities – Provision of adequate park and recreation facilities that meet the recreational needs of existing and new residents of the community.	
R1.1 New Residential Subdivisions. Require developers of new residential subdivisions to provide parklands at five acres per 1,000 persons, as stated in the City’s Park Dedication Fee Ordinance, or to contribute in-lieu fees for the development of public recreation facilities meeting demands generated by the development’s resident population, as required in the City’s Park Dedications Fees Ordinance.	Consistent: In accordance with the City’s parkland dedication requirements of 5 acres per 1,000 residents, the Proposed Project would require 2.92 acres of parkland. As permitted by Section 19.52.050 (Determination of Land or Fee) of the City’s Municipal Code, the parkland requirement can be met through the dedication of parkland, payment of in lieu fees, or a combination of both. The Project would include a 1.17-acre public park. Both passive and active recreational areas would be provided. Uses within the park may include pickleball courts; gardens and lawn areas; plaza areas with seating; and shade structures. The remainder of the Project’s parkland requirements would be met through the payment of in-lieu fees and the provision of additional common open space and private recreational facilities for parkland credits. See response to Policy LU 6.15.16 of Goal LU 6.15. Refer to Section 4.13, <i>Recreation</i> , for further information and analysis on parks and open space.

Table 4.9-1. General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
<p>R1.2 High-Density Residential Developments. Require developers of new high-density residential developments on parcels eight acres or larger, to provide on-site recreational amenities. For these developments, 44 square feet of on-site recreational amenities shall be provided for each dwelling unit in addition to the requirements under the City’s Park Dedications and Fees Ordinance. On-site recreational amenities can consist of public urban plazas or squares where there is the capability for recreation and outdoor activity. These recreational amenities can also include swimming pools, exercise facilities, tennis courts, and basketball courts. Where there is insufficient land to provide on-site recreational amenities, the developer shall be required to pay the City of Newport Beach cash in-lieu that would be used to develop or upgrade nearby recreation facilities to offset user demand as defined in the City’s Park Dedications and Fees Ordinance. The acreage of on-site open space developed with residential projects may be credited against the parkland dedication requirements where it is, for example, accessible to the public during daylight hours, visible from public rights-of-way, and of sufficient size to accommodate recreational use by the public.</p>	<p>Consistent: See response to Policy LU 6.15.16.</p>
<p>Goal R 1: Accessibility of Facilities – Accessible parks and recreation facilities to persons with disabilities.</p>	
<p>R3.1 Adequate Access. Ensure that parks and recreation facilities include provisions for adequate access for persons with disabilities and that existing facilities are appropriately retrofitted to include such access as required by the Americans with Disabilities Act.</p>	<p>Consistent: All new parks and recreation facilities would be designed and constructed to include provisions for adequate access for persons with disabilities in accordance with Title 24 of the California Code of Regulations.</p>

Table 4.9-1. General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
Natural Resources Element	
Goal NR 1 – Minimized water consumption through conservation methods and other techniques.	
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.	Consistent: Section 4.15, <i>Utilities and Service Systems</i> , addresses water supply effects that would occur with the implementation of the Proposed Project, and applies regulatory requirements to reduce any impacts, as applicable and feasible. Additionally, the Project would be required to comply with the water-efficient landscape requirements outlined in Chapter 14.17 (Water Efficient Landscape Requirements) of the City’s Municipal Code. Furthermore, the Proposed Project would be required to comply with the provisions of the 2016 Green Building Standards Code, which contains requirements for indoor water use reduction and site irrigation conservation. Finally, as discussed in Section 3, <i>Project Description</i> , the Project would implement a number of environmental sustainable practices, including but not limited to water-efficient landscaping; water quality best management practices to treat surface runoff from the project site; and low impact development practices.
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.	Consistent: See response to Policy NR 1.1 of Goal NR1.
Goal NR 3 – Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands.	
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.	Consistent: As discussed in Section 4.8, <i>Hydrology and Water Quality</i> , the Proposed Project would be required to comply with the City’s NPDES permit requirements, including the submittal and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and best management practices (BMPs). The project site currently drains in two directions. From the southerly side of the existing ridge line, the flows collected by the on-site storm drain system connect to the existing storm drain line in Von Karman Avenue. The drainage area northerly of the existing ridge line is tributary to an existing 60-inch storm drain line located on the east side of the

Table 4.9-1. General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
	<p>5000 Birch Street office building which ultimately drains to the collection ponds within Koll Center Newport.</p> <p>The Proposed Project would use best management practices throughout the site to capture and treat storm water. The Project would result in the conveyance of less water to the storm drain system since the new development would reduce the impervious area at the project site. The reduction of water to the storm drain system and use of best management practices would incrementally improve water quality on the project site.</p>
<p>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.</p>	<p>Consistent: As discussed in Section 4.8, <i>Hydrology and Water Quality</i>, a preliminary Water Quality Management Plan (WQMP) has been prepared which identifies site-design, and source- and treatment-control BMPs. The low-impact development, source-control, and treatment-control BMP features would include but not be limited to an infiltration basin; Modular Wetlands System (proprietary biotreatment devices) or approved equivalents; vegetated swales; bioretention with underdrains; and a proprietary Drywell System. Implementation of these hydraulic and drainage design features would assist in the retention of storm water and the recharge of groundwater. Refer to Section 4.8 for a list of the proposed BMPs. Collectively, the BMPs outlined in the WQMP and the required preparation of a SWPPP would address the anticipated and expected pollutants of concern from the operational and construction phases of the Proposed Project. Additionally, through the development-review process, the City of Newport Beach complies with various statutory requirements necessary to achieve regional water quality objectives and protect groundwater and surface waters from pollution by contaminated storm water runoff. Storm water runoff generated from within the project site would be managed in accordance with all applicable federal, State, and local water quality rules and regulations to effectively minimize the Project’s impact on water quality.</p>
<p>NR 3.10 Best Management Practices. Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.</p>	<p>Consistent: See response to Policies NR 3.4 and NR 3.9 of Goal NR 3.</p>
<p>NR 3.11 Site Design and Source Control. Include site design and source control BMPs in all developments. When the combination</p>	<p>Consistent: See response to Policies NR 3.4 and NR 3.9 of Goal NR 3.</p>

Table 4.9-1. General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
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.	
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.	Consistent: See response to Policies NR 3.4 and NR 3.9 of Goal NR 3.
NR 3.15 Street Drainage Systems. Require all street drainage systems and other physical improvements created by the City, or developers of new subdivisions, to be designed, constructed, and maintained to minimize adverse impacts on water quality. Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies.	Consistent: See response to Policies NR 3.4 and NR 3.9 of Goal NR 3.
NR 3.17 Parking Lots and Rights-of-Way. Require that parking lots and public and private rights-of-way be maintained and cleaned frequently to remove debris and contaminated residue.	Consistent: The Project would be required to comply with all applicable City codes and regulations regarding the maintenance and keeping of public and private rights-of-way, including Sections 6.04.220, Persons Required to Clean Sidewalks, and 10.50.020, Nuisance, of the City’s Municipal Code. Section 6.04.220 states that the occupant or tenant, or in the absence of an occupant or tenant, the owner, lessee, or proprietor of any real estate in the City in front of which there is a paved sidewalk shall cause said sidewalk to be swept or otherwise cleaned as frequently as necessary to maintain said sidewalks reasonably free of leaves, dirt, paper, litter, or rubbish of any kind. Sweepings from said sidewalk shall not be swept, or otherwise made or allowed to go into the street or gutter, but shall be disposed of by being placed in a refuse container by the person responsible for the cleanliness of said sidewalk. Additionally, Section 4.8, <i>Hydrology and Water Quality</i> , outlines several nonstructural source control BMPs that are included in the Project’s Preliminary WQMP and would be required to be implemented as a part of the Project, including street sweeping of private streets and parking lots.
NR 3.19 Natural Drainage Systems. Require incorporation of natural drainage systems and stormwater detention facilities into	Consistent: See response to Policies NR 3.4 and 3.9 of Goal NR 3. Additionally, the proposed storm drain system would largely maintain the same existing drainage

Table 4.9-1. General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge.	patterns, and connectivity. The intent is to remodel the storm drain system which currently exists on site and modify the system to pick up drainage from the Project. The connections to the existing public storm drain systems would remain intact.
NR 3.20 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.	Consistent: See response to Policy NR 3.19 of Goal NR 3. Collectively, implementation of these hydraulic and drainage design features would assist in the retention of storm water and the recharge of groundwater. The pre-project condition is 27 percent pervious and post-project conditions would be 34 percent.
Goal NR 4 – Maintenance of water quality standards through compliance with the total maximum daily loads (TMDLs) standards.	
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.	Consistent: See response to Policies NR 3.4 and 3.9 of Goal NR 3. Collectively, implementation of the BMPs outlined in the SWPPP and the Project’s proposed water quality design features would address the anticipated and expected erosion impacts during the construction and operational phases of the Project.
Goal NR 6 – Reduced mobile source emissions.	
NR 6.1 Walkable Communities. Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.	Consistent: See response to Policy CE 6.2.1 of Goal CE 6.2.
NR 6.2 Mixed-Use Development. Support mixed-use development consisting of commercial or office with residential uses in accordance with the Land Use Element that increases the opportunity for residents to live in proximity to jobs, services, and entertainment.	Consistent: See response to Policy LU 2.2 of Goal LU 2 and Policy LU 6.15.5 of Goal 6.15.
Goal NR 8 – Reduced air pollutant emissions from construction activities.	
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.	Consistent: As addressed in Section 4.2, <i>Air Quality</i> , the Project would be required to adhere to all applicable SCAQMD regulations that help reduce air pollutants from construction-related activities. Additionally, the Project would be required to comply

Table 4.9-1. General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
	with the construction-related mitigation measures. Refer to Section 4.2 for additional information.
Goal NR 18 – Protection and preservation of important paleontological and archaeological resources.	
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.	Consistent: See response to Policy HR 2.1 of Goal HR 2.
NR 18.3 Potential for New Development to Impact Resources. Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.	Consistent: See response to Policy HR 2.1 Goal HR 2.
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.	Consistent: See response to Policy HR 2.1 of Goal HR 2.
Safety Element	
Goal S 4 – Adverse effects caused by seismic and geologic hazards are minimized by reducing the known level of risk to loss of life, personal injury, public and private property damage, economic and social dislocation, and disruption of essential services.	
S 4.7 Conduct further seismic studies for new development in areas where potentially active faults may occur.	Consistent: A geotechnical evaluation was prepared for the Proposed Project to identify geotechnical hazards associated with the project site, including active faults, liquefaction, subsidence, landslide, lateral spreading, collapse, expansive soils, and other

Table 4.9-1. General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
	ground failure hazards (see Appendix E of this EIR). According to the study, the site is in a seismically active area; however, no active faults are known to cross the site. Additionally, the Project would not exacerbate ground shaking on site. The design and construction of all structures would comply with seismic design parameters in the geotechnical evaluation, including the seismic design requirements under the California Building Code and Chapter 15.10 of the City’s Municipal Code, Excavation and Grading in effect at the time grading and building permits are issued for construction.
Goal S 7 – Exposure of people and the environment to hazardous materials associated with methane gas extraction, oil operations, leaking underground storage tanks, and hazardous waste generators is minimized.	
S 7.1 Known Areas of Contamination. Require proponents of projects in known areas of contamination from oil operations or other uses to perform comprehensive soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards, and if contamination exceeds regulatory action levels, require the proponent to undertake remediation procedures prior to grading and development under the supervision of the County Environmental Health Division, County Department of Toxic Substances Control, or Regional Water Quality Control Board (depending upon the nature of any identified contamination).	Consistent: An Updated Phase I Environmental Site Assessment was prepared as a part of the Proposed Project to determine soil and groundwater contamination and is included as Appendix G of this EIR. The analysis, conclusions and recommendations of this assessment is discussed in Section 4.7, <i>Hazards and Hazardous Materials</i> , and Section 4.8, <i>Hydrology and Water Quality</i> . As stated in Section 4.7, based the updated ESA, no known or suspected recognized environmental conditions (RECs), or controlled RECs, were revealed at the project site. Further, no evidence of contamination, distressed vegetation, petroleum hydrocarbon surface staining, waste drums, USTs, ASTs, illegal dumping, or improper waste storage/handling was noted during site reconnaissance. While RVECs are not likely to exist at the project site, future site improvements would include excavation and construction of subterranean parking structures. It is possible that suspected contaminated soil or groundwater could be encountered during excavation and construction. To mitigate the risks associated with contaminated soil or groundwater, the Project includes mitigation (MM 4.7-1) which would require the preparation of a Soils Management Plan prior to grading should any contaminated soil or groundwater be exposed.
S 7.5 Siting of Sensitive Uses. Develop and implement strict land use controls, performance standards, and structure design standards including development setbacks from sensitive uses such as schools, hospitals, day care facilities, elder care facilities,	Consistent: Development of the Proposed Project would involve demolition of the existing parking areas and the common landscape areas to accommodate the 260 residential units and commercial development. The Phase I indicates that no known or suspected RECs or controlled RECs were identified at the project site. Further, no evidence of contamination, distressed vegetation, petroleum hydrocarbon surface

Table 4.9-1. General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
residential uses, and other sensitive uses that generate or use hazardous materials.	staining, waste drums, USTs, ASTs, illegal dumping, or improper waste storage/handling was noted during site reconnaissance. However, the Project would be required to comply with State and local health and safety requirements, including the City’s Fire Code and Fire Department Guidelines dictating requirements related to emergency access, fire protection, building construction, and storage and handling of hazardous materials. Potential safety hazards related to hazardous materials are addressed in Section 4.7, <i>Hazards and Hazardous Materials</i> .
Noise Element	
Goal N 1 Noise Compatibility – Minimized land use conflicts between various noise sources and other human activities.	
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.	Consistent: The project site is not located in an area projected to be exposed to a CNEL of 60 dBA or higher, as shown on General Plan Noise Element Figure N4 and Figure N5. General Plan Noise Element Table N2 characterizes multi-family residential development as “clearly compatible.” As discussed in Section 4.10, <i>Noise</i> , the noise analysis demonstrates that the Project would comply with the requirements as outlined in the City’s Noise Ordinance. Refer to Section 4.10 for an analysis on regarding the Project’s compatibility and compliance with noise standards.
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.	Consistent: The project site is not located in an area projected to be exposed to a CNEL of 60 dBA or higher, as shown on General Plan Noise Element Figure N4 and Figure N5. However, a site-specific noise analysis was completed for the Proposed Project (see Appendix I), which includes a comprehensive assessment of the existing noise environment (including evaluating ambient noise at sites within or adjacent to the project site, and existing roadway noise). Section 4.10, <i>Noise</i> , includes the findings and recommended mitigation.

Table 4.9-1. General Plan Consistency Analysis													
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency												
<p>N 1.4 New Development in Urban Areas. Require that applicants of residential portions of mixed-use projects and high- density residential developments in urban areas (such as the Airport Area and Newport Center) demonstrate that the design of the structure will adequately isolate noise between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code.</p>	<p>Consistent: See response to Policy N 1.2 of Goal N1.1.</p>												
<p>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. The CNEL increase is shown in the table below.</p> <table border="1" data-bbox="254 802 852 1036"> <thead> <tr> <th>CNEL dBA</th> <th>dBa increase</th> </tr> </thead> <tbody> <tr> <td>55</td> <td>3</td> </tr> <tr> <td>60</td> <td>2</td> </tr> <tr> <td>65</td> <td>1</td> </tr> <tr> <td>75</td> <td>1</td> </tr> <tr> <td>Over 75</td> <td>Any increase is considered significant</td> </tr> </tbody> </table>	CNEL dBA	dBa increase	55	3	60	2	65	1	75	1	Over 75	Any increase is considered significant	<p>Consistent: Section 4.10, <i>Noise</i>, discusses these potential long-term noise impacts of the Proposed Project. As concluded in Section 4.10, the Project would not generate transportation, or stationary long- term noise sources that would exceed the stated requirements under this policy. With respect to construction noise, refer to Policy N 4.6, Maintenance or Construction Activities.</p>
CNEL dBA	dBa increase												
55	3												
60	2												
65	1												
75	1												
Over 75	Any increase is considered significant												
<p>Goal N 2 – Minimized motor vehicle traffic and boat noise impacts on sensitive noise receptors.</p>													
<p>N 2.1 New Development. Require that proposed noise- sensitive uses in areas of 60 dBA and greater, as determined the analyses stipulated by Policy N1.1, demonstrate that they meet interior and exterior noise levels.</p>	<p>Consistent: See response above to Policy N1.1 and Policy N1.2.</p>												
<p>N 2.2 Design of Sensitive Land uses. Require the use of walls, berms, interior noise insulation, double paned windows, or other noise mitigation measures, as appropriate, in the design of new residential or other new noise sensitive land uses that are</p>	<p>Consistent: See response above to Policy N2.1 of Goal N2.</p>												

Table 4.9-1. General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
adjacent to major roads. Application of the Noise Standards in Table N3 shall govern this requirement.	
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 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.	Consistent: The Project is consistent with this policy. The Project would comply with the requirements set forth in Policy N 2.3.
Goal N 3 – Protection of Newport Beach residents from the adverse noise impacts of commercial air carrier operations at John Wayne Airport as provided in the City Council Airport Policy.	
N 3.2 Residential Development. Require that residential development in the Airport Area be located outside of the 65 dBA CNEL noise contour no larger than shown in the 1985 JWA Master Plan and require residential developers to notify prospective purchasers or tenants of aircraft overflight and noise.	Consistent: The project site is not located within the 65 dBA CNEL noise contour shown in the 1985 JWA Master Plan.
Goal N 4: Minimization of Non-Transportation-Related Noise – Minimized non-transportation-related noise impacts on sensitive noise receptors.	
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.	Consistent: As discussed in Section 4.10, <i>Noise</i> , potential stationary-related noise impacts associated with residential uses include the operation of air conditioning units and outdoor activities. Mechanical equipment (e.g., HVAC equipment) typically generates noise levels of approximately 50 to 60 dBA at 50 feet. SC 4.10-2 requires that HVAC units be designed and installed in accordance with the Newport Beach Noise Ordinance. Outdoor activities may occur intermittently, and if future residents and their guests engage in activities that exceed the limits set forth in Chapters 10.26 and 10.28 of the City’s Municipal Code, the City can take actions to abate that activity. With application of SC 4.12-2, proposed residential uses would not significantly impact existing and planned noise sensitive uses including the multi-family residences at Uptown Newport currently under construction to the east of the project site, office uses in the area, or proposed on-site noise-sensitive uses. Operation of mechanical equipment would

Table 4.9-1. General Plan Consistency Analysis	
Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
	<p>not be anticipated to increase ambient noise levels beyond the acceptable compatible land use noise levels.</p> <p>The Proposed Project includes 3,000 sf of retail development. Potential stationary noise impacts with the Project’s retail uses would be associated primarily with including truck deliveries and the operation of mechanical equipment, including HVAC units. Truck deliveries are expected to be limited based on the amount of retail uses associated with the Project. As noted above, HVAC equipment use is regulated by the City’s Noise Ordinance (see SC 4.10-2). This section of the Noise Ordinance specifies noise levels for new HVAC installations in or adjacent to residential areas. Compliance may be achieved by several methods, including selecting quiet models, constructing barriers or parapet walls, enclosing the equipment, and placing the equipment in locations that would result in compliance with the Noise Ordinance.</p>
<p>N 4.6 Maintenance or Construction Activities. Enforce the Noise Ordinance noise limits and limits on hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work related activities.</p>	<p>Consistent: As discussed in Section 4.10, <i>Noise</i>, the City understands that control of construction noise is difficult and therefore provides exemption for this type of noise as identified in Municipal Code Section 10.28.040, Construction Activity – Noise Regulations. Section 10.28.040 identifies that construction is permitted on weekdays between the hours of 7:00 AM and 6:30 PM and Saturdays between the hours of 8:00 AM and 6:00 PM. Construction is not permitted on Sundays or any federal holiday. All construction activities proposed within the project site would be required to adhere to these standards. Additionally, any project-related maintenance would be required to adhere to the standard or permitted exemptions and exceptions as stated in Municipal Code Section 10.28.045. However, because of the proximity of construction to existing office buildings, residential development in Uptown Newport, and occupied residences within the Project during construction, and the duration of construction activities, the City finds that construction noise would be a significant unavoidable impact.</p>
<p>Goal N 5 – Minimized excessive construction-related noise.</p>	
<p>N 5.1 Limiting Hours of Activity. Enforce the limits on hours of construction activity.</p>	<p>Consistent: See response above to Policy N 4.6 of Goal N 4.</p>

Airport Business Area ICDP Consistency

As discussed in Section 3.0, *Project Description*, General Plan Policy LU 6.15.11 requires one conceptual development plan when residential units are proposed in the defined area of the Airport Area to “demonstrate the compatible and cohesive integration of new housing, parking structures, open spaces, recreational amenities, pedestrian and vehicular linkages, and other improvements with existing non-residential structures and uses.” The approval of a conceptual development plan is a prerequisite to the consideration of development projects with residential uses within the Airport Area. In September 2010, the Newport Beach City Council approved the Airport Business Area ICDP for that portion of the Airport Area generally bordered by MacArthur Boulevard, Jamboree Road, and Birch Street (see Figure 3-4 in the *Project Description*). The Airport Business Area ICDP is approximately 37.7 acres: approximately 25 acres currently referred to as the Uptown Newport site, and approximately 12.7 additional acres of Koll Center Newport. The project site is within the 12.7-acre area.

The Airport Business Area ICDP contemplates up to 1,504 new residential units and 11,500 (sf) of ground-level retail and commercial uses, as well as neighborhood park areas. Of the 1,504 dwelling units, 1,244 units are on the Uptown Newport site and 260 units on the surface parking area of Koll Center Newport where the Koll Center Residences Project is proposed. All of the 260 residential units at the project site were identified as “additive” units in the Airport Business Area ICDP because no existing development uses would be removed. These units would be allocated to the Proposed Project in accordance with the City’s General Plan and the Airport Business Area ICDP. According to the City’s General Plan, “additive” units “may be developed as infill on existing surface parking lots or areas not used as occupiable buildings on properties within the Conceptual Development Plan Area as depicted on Figure LU22 provided that parking is replaced on site”.¹

The Proposed Project is consistent with the Airport Business Area ICDP. The mixed-use development with residential and retail uses, park and recreation amenities, and structure parking site would be implemented on an existing surface parking area, and configured to provide a pedestrian-friendly environment with strong connectivity to adjacent and surrounding non-residential uses, as well as connectivity to Uptown Newport. The Project would create a better balance of buildings and open space, link open space amenities and create a network of pedestrian-friendly streets.

John Wayne Airport Land Use Consistency

The project site is within Safety Zone 6: Traffic Pattern Zone of John Wayne Airport. Risk factors associated with Safety Zone 6 generally include a low likelihood of accident occurrence. The Project’s proposed land uses are consistent with those outlined in Safety Zone 6 and its applicable land use restrictions. Therefore, residential, retail, and park uses are not considered inconsistent with or impact to the standards and operations of Safety Zone 6.

As previously addressed, the project site is in the FAR Part 77 Obstruction Imaginary Surfaces and the FAR Part 77 Notification Area of John Wayne Airport, as identified in the AELUP for John Wayne Airport. Building height limits in these restricted zones are determined in accordance with the standards outlined in FAR Part 77 (Objects Affecting Navigable Airspace) of the FAA regulations. ALUC has incorporated these

¹ Figure LU22 from the General Plan Land Use Element is depicted as Figure 3-4 in this EIR.

standards and FAR Part 77 definitions into the AELUP as guidelines for determining building height limits. As outlined in the AELUP, projects that fall within the FAR Part 77 Notification Area are required to file Form 7460-1 (Notice of Proposed Construction or Alteration) with FAA, which directs FAA to conduct an aeronautical study. The FAA uses the Orange County Board of Supervisors established building height limit of 203.68 feet above mean sea level to assess impacts to aviation activities of John Wayne Airport.

The FAA has conducted an aeronautical study for the Project, pursuant to FAA Part 77 regulations and has ruled that Buildings 1, 2, and 3, and the free-standing parking structure would not exceed obstruction standards and would not be a hazard to air navigation. Buildings 1, 2, and 3 would not exceed 160 feet above ground level. The parking structure would not exceed 56 feet above ground level. A Notice of Actual Construction must be filed within five day after the construction reaches its greatest height. This requirement is identified as SC 4.9-2.

The Proposed Project is consistent with the building height limitations set forth under the current civilian airport standards in the AELUP and would not adversely affect John Wayne Airport's aeronautical operations or navigational-aid siting criteria, including interference with navigational aids or published flight paths and procedures. However, since the Proposed Project requires an amendment to the PC-15 Koll Center, a consistency determination by ALUC is required prior to the Newport Beach City Council taking action on this Project. The possibility of an ALUC determination of inconsistency with the AELUP is considered potentially significant. No mitigation measures are available that would reduce this impact to a less than significant level. A significant unavoidable adverse impact would result and a Statement of Overriding Considerations would be required to be made by the City Council at the time action on the Project is taken.

Impact Summary: ***Significant Unavoidable Impact.*** The implementation of the Project would potentially require an override if the ALUC determines that the Project is not consistent with the AELUP.

4.9.5 CUMULATIVE IMPACTS

The Project is consistent with applicable land use goals and policies. Although other changes in land use plans and regulations may have occurred with past and present projects in the area and may be necessary for individual future projects, such changes have been, and would be, required to demonstrate consistency with General Plan and other City policies such that no significant adverse cumulative impact has occurred or would occur from such changes. Given that the Proposed Project would be consistent with the land use policies of the applicable plans, the Project would not combine with any past, present, or reasonably foreseeable future projects to cause a significant adverse cumulative land use impact based on a conflict with a plan or policy. Any associated physical impacts are covered in the individual topic sections. It is also anticipated that regional growth would be subject to review for consistency with adopted land use plans and policies by the County of Orange, City of Newport Beach, and other cities in Orange County, in accordance with the requirements of CEQA, the State Zoning and Planning Law, and the State Subdivision Map Act, all of which require findings of plan and policy consistency prior to approval of entitlements for development. Therefore, no significant cumulative impacts associated plans and policies are anticipated. In addition, the contribution of the Proposed Project to any such cumulative impacts would be less than significant because present and probable future projects are consistent with

applicable plans, policies, and regulations. The Project would not contribute to any cumulative impacts associated with plan or policy inconsistency.

4.9.6 MITIGATION PROGRAM

Project Design Features

No project design features have been identified by the Applicant.

Standard Conditions

SC 4.9-1 Approval of the Project would require project implementation and all future approvals to be subject to all applicable provisions of the Newport Beach General Plan; Koll Center Newport Planned Community; all requirements and enactments of federal, State, and local agency authorities; as well as the requirements of any other governmental entities. All such requirements and enactments will, by reference, become conditions of project approval.

SC 4.9-2 Pursuant to the Federal Aviation Administration determination of No Hazard to Air Navigation for a project, the Applicant is required to file FAA Form 7460-2, Notice of Actual Construction or Alteration within five days after the construction reaches its greatest height.

Mitigation Measures

No mitigation measures are available.

4.9.7 LEVEL OF SIGNIFICANCE AFTER MITIGATION

The Proposed Project has been review by the City and it cannot make a determination of consistency at this time with the AELUP for John Wayne Airport. Additionally, because the Proposed Project requires a zone code amendment, a consistency determination by ALUC is required prior to the Newport Beach City Council taking action on the Project. The Project has not yet been before ALUC for a determination of consistency. If ALUC determines that the Project is not consistent with the AELUP, the City Council may override this finding by a two-thirds vote. If an override is made, a significant unavoidable adverse impact would result and a Statement of Overriding Considerations would be required to be made by the City Council at the time action on the Project is taken.

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