



## 5.1 LAND USE AND RELEVANT PLANNING

This section identifies the existing land use conditions, evaluates the project's consistency with relevant planning policies, and recommends mitigation measures that would avoid or lessen the significance of potential impacts. This section identifies on-site and surrounding land use conditions and relevant land use policies and regulations, as set forth by the City of Newport Beach. Information in this section is based in part upon the *City of Newport General Plan* (General Plan), the *Newport Beach Municipal Code* (Municipal Code), *California Coastal Act* (Coastal Act), and the *City of Newport Beach Local Coastal Program Coastal Land Use Plan* (CLUP).

### 5.1.1 EXISTING SETTING

#### ON-SITE LAND USES

The project site is currently occupied by the former Newport Beach City Hall Complex, which supports approximately 60,600 square feet of administration/office floor area (previously used to support the former City of Newport Beach City Hall), and the existing Newport Beach Fire Department Fire Station No. 2 (Fire Station No. 2) that is approximately 7,100 square feet; refer to [Table 5.1-1, Existing On-Site Uses](#). The City relocated City Hall staff from the site to the new Civic Center located at Newport Center in April of 2013, although the City continues limited use of various buildings and grounds. Fire Station No. 2 remains staffed and in operation at the project site.

**Table 5.1-1  
Existing On-Site Uses**

Use	Square Feet
Former City Hall	60,600
Fire Station No. 2	7,100
Total	67,700

#### SURROUNDING LAND USES

The land uses that surround the project site are further described below.

- *North:* Retail and restaurant uses within Via Lido Plaza are situated to the north. A gas station is located to northwest at the corner of Newport Boulevard and Finley Avenue. The General Plan land use designations to the north and northwest are General Commercial (CG) and Corridor Commercial (CC), respectively. The zoning districts to the north and northwest are Commercial General 0.5 (CG 0.5) and Commercial Corridor 0.5 (CC 0.5), respectively.
- *East:* Surface parking is situated directly to the east. East of Via Oporto are office and institutional uses; however, the City has approved an application for a multiple-family residential development (23 condominium units) at 3303 and 3355 Via Lido (currently occupied by office and institutional uses). The General Plan land use designations to the



east are General Commercial (CG), Multiple Unit Residential (RM 20 dwelling units/acre), and Private Institutions (PI). The zoning districts to the east are Commercial General 0.75 (CG 0.75), Planned Community (PC), and Private Institutions 0.75 (PI 0.75).

- *South:* 32nd Street and a mix of commercial uses and a mixed-use (commercial/residential) building are located to the south. The General Plan land use designations to the south are Mixed Use Horizontal 4 (MU-H4) and Visitor Serving Commercial (CV). The zoning districts to the south are Mixed Use Cannery Village and 15th Street (MU- CV/15th St.) and Commercial Visitor-Serving 0.5 (CV 0.5).
- *West:* Newport Boulevard is situated directly to the west of the project site. West of Newport Boulevard are retail, office, and restaurant uses. The General Plan land use designation to the west is Corridor Commercial (CC). The zoning district to the east is Commercial Corridor 0.5 (CC 0.5).

## 5.1.2 REGULATORY SETTING

### CALIFORNIA COASTAL ACT

The California Coastal Act of 1976 (Coastal Act) (see Public Resources Code Division 20) was adopted to protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources. The Coastal Act is also intended to assure orderly, balanced utilization and conservation of coastal zone resources, and priority for coastal-dependent and coastal-related development over other development on the coast. The Coastal Act policies constitute the statutory standards applied to planning and regulatory decisions made by the California Coastal Commission (CCC) and by local governments, pursuant to the Coastal Act. The Coastal Act includes specific policies that address issues such as shoreline public access and recreation, terrestrial and marine habitat protection, visual resources, industrial uses, water quality, development design, and power plants, among others.

The CCC was made permanent by the Coastal Act to provide for continued state coastal planning and management. In partnership with coastal cities and counties, the CCC plans and regulates the use of land and water in the coastal zone. The coastal zone varies in width from several hundred feet in highly urbanized areas up to five miles in certain rural areas, and offshore the coastal zone includes a three-mile-wide band of ocean.

Implementation of Coastal Act policies is accomplished primarily through the preparation of local coastal programs (LCPs) that are required to be completed by each of the coastal zone counties and cities. The proposed project is located within the coastal zone; however, because the City of Newport Beach does not have a certified and adopted LCP, it does not have the jurisdiction to issue a Coastal Development Permit (CDP); refer to the *City of Newport Beach Local Coastal Program Coastal Land Use Plan* Section below. Development within the coastal zone may not commence until a CDP has been issued by either the CCC or the local government that has a CCC-certified LCP.

Coastal Act Chapter 3, *Coastal Resources Planning and Management Policies*, includes policies that constitute the standards by which the permissibility of proposed developments subject to the provisions of the Coastal Act are determined. Public agencies carrying out or supporting activities that could have a direct impact on resources within the coastal zone shall consider the effect of such



actions on coastal zone resources to assure that these policies are achieved. The Coastal Act Policies that are relevant to the project are outlined in Table 5.1-2, *Coastal Act and Coastal Land Use Plan Consistency*, provided in Section 5.1.4, *Impacts and Mitigation Measures*, below.

## **REGIONAL PLANS AND POLICIES**

### **Southern California Association of Governments**

Regional planning agencies such as the Southern California Association of Governments (SCAG) recognize that planning issues extend beyond the boundaries of individual cities. Efforts to address regional planning issues such as affordable housing, transportation, and air pollution have resulted in the adoption of regional plans that affect the City of Newport Beach.

SCAG has evolved as the largest council of governments in the United States, functioning as the Metropolitan Planning Organization for six counties (Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial) and including 184 cities. The region encompasses a population exceeding 15 million persons in an area of more than 38,000 square miles. As the designated Metropolitan Planning Organization, the Federal government mandates SCAG to research and develop plans for transportation, growth management, hazardous waste management, and air quality. These mandates led SCAG to prepare comprehensive regional plans to address these concerns.

#### ***Orange County Council of Governments***

The Orange County Council of Governments (OCCOG) is one of 14 Subregional Organizations that make up SCAG. The OCCOG consists of 34 cities, including Newport Beach, and has a combined population of approximately 3.6 million people. The OCCOG was formed for the following broad purposes, among others:

- To facilitate area-wide planning and coordination in order to provide advice to public entities on a range of issues that affect multiple interests in Orange County;
- To create a unified subregional organization, which will improve Orange County's abilities to be represented in the Southern California region, the State of California, and the nation on issues and matters that affect collective Orange County interests; and
- To accomplish the preparation of subregional plan components mandated by state and federal law.

#### ***Regional Comprehensive Plan***

SCAG's 2008 Regional Comprehensive Plan (RCP) addresses regional issues such as housing, traffic/transportation, water, and air quality. The RCP serves as an advisory document to local agencies in the Southern California region for their information and voluntary use for preparing local plans and handling local issues of regional significance. The RCP presents a vision of how Southern California can balance resource conservation, economic vitality, and quality of life. The RCP identifies voluntary best practices to approach growth and infrastructure challenges in an



integrated and comprehensive way. It also includes goals and outcomes to measure progress toward a more sustainable region.

### ***2012-2035 Regional Transportation Plan/ Sustainable Communities Strategy***

The Regional Transportation Plan (RTP) is a long-range transportation plan that is developed and updated by SCAG. The RTP provides a vision for transportation investments throughout the region. Using growth forecasts and economic trends that project out over a 20-year period, the RTP considers the role of transportation in the broader context of economic, environmental, and quality-of-life goals for the future, identifying regional transportation strategies to address the region's mobility needs. The RTP is updated every four years to reflect changes in economic trends, State and Federal requirements, progress made on projects, and adjustments for population and jobs. Transportation projects must be included in the RTP in order to qualify for Federal and State funding.

On April 4, 2012, SCAG's Regional Council adopted the *2012-2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS): Towards a Sustainable Future*. The RTP/SCS is the culmination of a multi-year effort involving stakeholders from across the SCAG Region. The RTP/SCS includes a financially constrained plan and a strategic plan. The constrained plan includes transportation projects that have committed, available or reasonably available revenue sources, and thus are probable for implementation. The strategic plan lists additional transportation investments that the region would pursue if additional funding and regional commitment were secured.

The SCS is a new element of the RTP that demonstrates the integration of land use, transportation strategies, and transportation investments within the RTP. This new requirement was put in place by the passage of SB 375, with the goal of ensuring that the SCAG region is able to meet its regional greenhouse gas reduction targets set by the California Air Resources Board (CARB) (8.0 percent reduction by 2020 and 13 percent reduction by 2035). The SCS exceeds the targets issued by CARB, resulting in a 9.0 percent reduction by 2020 and 16 percent by 2035.

### ***Intergovernmental Review***

SCAG's Intergovernmental Review (IGR) Section is responsible for performing consistency review of regionally significant local plans, projects, and programs with SCAG's adopted regional plans. The criteria for projects of regional significance are outlined in CEQA Guidelines Sections 15125 and 15206, and include projects that directly relate to the policies and strategies contained in the RCP and the RTP/SCS. There are two sets of minimum criteria for classification of projects as regionally significant:<sup>1</sup> Criteria 1 through 12 are recommended for use by CEQA Guidelines Section 15206; Criteria 13 through 22 reflect SCAG's mandates and regionally significant projects that directly relate to policies and strategies contained in the RCP.

The proposed plan, project, or program is directed to demonstrate how it is consistent with the RTP/SCS, which is established through consistency with RTP/SCS Goals and Adopted Growth Forecasts. SCAG encourages the use of the SCAG List of Mitigation Measures extracted from the

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<sup>1</sup> Southern California Association of Governments Website, Intergovernmental Review Section, <http://scag.ca.gov/igr/clist.htm>, accessed December 6, 2013.



2012–2035 RTP/SCS Program Environmental Impact Report to aid with demonstrating consistency with regional plans and policies.

### ***SCAG Compass Growth Visioning Program***

In an effort to maintain the region's prosperity, continue to expand its economy, house its residents affordably, and protect its environmental setting as a whole, SCAG has brought together the goals and ideas of interdependent subregions, counties, cities, communities, and neighborhoods. This process is called Southern California Compass, and the result is a shared "Growth Vision" for Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura Counties. SCAG began Compass in 2002, spearheaded by the Growth Visioning Subcommittee, which consists of civic leaders from throughout the region. Creating a shared regional vision is an effective way to begin addressing issues such as congestion and housing availability that may threaten the region's livability.

In the short-term, SCAG's growth visioning process has found common ground in a preferred vision for growth and has incorporated it into immediate housing allocation and transportation planning decisions. In the long-term, the Growth Vision is a framework that will help local jurisdictions address growth management cooperatively and will help coordinate regional land use and transportation planning. The result of this growth visioning effort is SCAG's Growth Vision Report (GVR).

The GVR presents the comprehensive Growth Vision for the six-county SCAG region as well as the achievements of the Compass process. It details the evolution of the draft vision, from the study of emerging growth trends to the effects of different growth patterns on transportation systems, land consumption, and other factors. The GVR concludes with a series of implementation steps – including tools for each guiding principle and overarching implementation strategies – that will guide Southern California toward its envisioned future.

### **South Coast Air Basin Air Quality Management Plan**

The South Coast Air Quality Management District (SCAQMD) and SCAG are designated by the State of California to develop regional air quality plans for the South Coast Air Basin to ensure attainment of national and state ambient air quality standards. Every three years, the SCAQMD prepares an overall plan, or Air Quality Management Plan (AQMP), for the air quality improvement to be submitted for inclusion in the State Implementation Plan (SIP). Each iteration of the plan is an update of the previous plan. The most current SCAQMD AQMP (2012 AQMP) was adopted by the AQMD Governing Board on December 7, 2012.

The overall control strategy in the 2012 AQMP provides a path to achieving emission reductions and air quality goals. Implementation of the 2012 AQMP will be based on a series of control measures and strategies that vary by source type (i.e., stationary or mobile) as well as by the pollutant that is being targeted. The control measures were chosen based on technical and economic feasibility, as well as other factors such as promoting fair share responsibility and maximizing private/public partnerships.



The transportation strategy and transportation control measures (TCMs), included as part of the 2012 PM<sub>2.5</sub> AQMP and SIP for the South Coast Air Basin, are based on SCAG's adopted 2012-2035 RTP/SCS and 2011 Federal Transportation Improvement Program (FTIP). The strategy was developed in consultation with federal, state and local transportation and air quality planning agencies and other stakeholders.

In order to achieve the goals and objectives of the AQMP at the local level, all cities and counties must adopt Air Quality elements, ordinances, or plans that fully address air quality and help to implement AQMP measures for achieving compliance with state and federal standards; refer to Section 5.6, *Air Quality*.

### **Airport Environs Land Use Plan for John Wayne Airport**

John Wayne Airport (JWA) is located approximately 4.4 miles northeast of the project site. JWA is within the oversight of the Orange County Airport Land Use Commission (ALUC). The ALUC is required to prepare and adopt an airport land use plan for each of the airports within its jurisdiction. The ALUC prepared the *Airport Environs Land Use Plan for John Wayne Airport* (Amended April 17, 2008). The Airport Environs Land Use Plan (AELUP) intends "to safeguard the general welfare of the inhabitants within the vicinity of the airport and to ensure the continued operation of the airport. Specifically, the plan seeks to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace."<sup>2</sup>

Land uses within the AELUP planning area boundaries are required to conform to safety, noise, and height restrictions. Public Utilities Code Section 21675(c) requires that area surrounding any airport which affects, or is affected by, aircraft operations be embraced by the boundaries of its compatibility plan (i.e., AELUP). The planning area sets limits of the area within which proposed land use projects are to be referred to the ALUC for review. Planning area boundaries are determined by the location and configuration of the airport included in the plan, and the extent of the noise and safety impacts associated with that airport, with certain exceptions. The overall planning area is the furthest extent of the 60 CNEL Contour, the FAR Part 77 Notification Surface, and the runway safety zones associated with the airport. In most instances, the airport influence area is designated by the ALUC as its planning area boundary for the airport and the two terms can be considered synonymous.

The Orange County Airport Planning Areas map<sup>3</sup> and Airport Influence Area for John Wayne Airport map<sup>4</sup> indicate the AELUP Airport Planning Area in which current or future airport-related noise, overflight, safety, and/or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses. As indicated on the map, the project site is not located with the JWA planning area (i.e., the 60 CNEL Contour, the FAR Part 77 Notification Surface, or the runway safety zones). Therefore, no further analysis regarding compatibility with the AELUP for JWA is warranted.

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<sup>2</sup> County of Orange Airport Land Use Commission, *Airport Environs Land Use Plan for John Wayne Airport*, Amended April 17, 2008.

<sup>3</sup> County of Orange Airport Land Use Commission website, *Orange County Airport Planning Areas*, <http://www.ocair.com/commissions/aluc/docs/airportlu.pdf>, accessed January 7, 2014.

<sup>4</sup> County of Orange Airport Land Use Commission website, *Airport Influence Area for John Wayne Airport*, <http://www.ocair.com/commissions/aluc/docs/jwanotf.pdf>, accessed January 7, 2014.



## LOCAL PLANS AND POLICIES

### City of Newport Beach General Plan

The General Plan, adopted July 25, 2006, provides a vision and framework for Newport Beach's long-range physical and economic development and resource conservation that reflects the aspirations of the community; provides strategies and specific implementing actions that will allow this vision to be accomplished; establishes a basis for judging whether specific development proposals and public projects are in harmony with Plan policies and standards; allows City departments, other public agencies, and private developers to design projects that will enhance the character of the community, preserve and enhance critical environmental and historical resources, and minimize hazards; and provides the basis for establishing and setting priorities for detailed plans and implementing programs, such as the Zoning Code, Capital Improvement Plans, facilities plans, and specific plans. The General Plan is founded upon the community's vision for Newport Beach and expresses the community's long-term goals.

The General Plan consists of the Land Use Map and the following 10 Elements, which together fulfill the State requirements for a general plan: Land Use; Harbor and Bay; Housing; Historical Resources; Circulation; Recreation; Arts and Cultural; Natural Resources; Safety; and Noise. The General Plan Elements relevant to the proposed project are further discussed below. The General Plan Goals and Policies relevant to the proposed project are outlined in [Table 5.1-4, \*General Plan Policy Consistency Analysis\*](#), provided [Section 5.1.4, \*Impacts and Mitigation Measures\*](#), below.

#### ***Land Use Element***

The Land Use Element provides guidance regarding the ultimate pattern of development for Newport Beach at buildout. It is intended to designate the proposed general distribution, location, and extent of land uses within Newport Beach and establish population density and building intensity standards. The Land Use Element serves as the long-range planning guide for development in the City by identifying and analyzing the location and extent of the development to be permitted, and establishing the City's character and identity through 2025.

A general plan land use designation recognizes the type and nature of development permitted in a given location within a city. The City of Newport Beach Land Use Element contains land use designations under the following land use categories: Residential Neighborhoods; Commercial Districts and Corridors; Commercial Office Districts; Industrial Districts, Airport Supporting Districts, Mixed-Use Districts; and Public, Semi-Public and Institutional. General Plan Land Use Element Figure LU1, *General Plan Overlaid Map*, depicts the general distribution of uses throughout the City. Land Use Element Figures LU4 through LU15 illustrate the specific categories for each parcel within defined Statistical Areas. The project site is located within Statistical Area B5, as depicted on Land Use Element Figure LU3, *Statistical Area Map*. The project site's existing land use designation is Public Facilities (PF).

Land Use Element Table LU1, *Land Use Plan Categories*, describes the Public Facilities designation, as follows:

*The PF designation is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities.*



There are no density/intensity standards specified in Land Use Element Table LU1 applicable to the Public Facilities designation.

### Districts

The Land Use Element identifies Districts that are likely to change over the lifetime of the General Plan and establishes specific policies for each of the districts. The General Plan states the following regarding Districts:

*Districts are uniquely identifiable by their common functional role, mix of uses, density/intensity, physical form and character, and/or environmental setting. Generally, they encompass large areas that often extend equally in length and breadth. They represent common gathering places for commerce, employment, entertainment, culture, and for living.*

The project site is located within the Lido Village area of the Balboa Peninsula. The Balboa Peninsula comprises a series of districts, including Lido Village, that are linked by the Newport Boulevard/Balboa Boulevard commercial and residential corridor.

The Land Use Element identifies the following Policy Overview for the Balboa Peninsula:

*The General Plan provides for the enhancement of Lido Village, Cannery Village, McFadden Square, and Balboa Village as distinct pedestrian-oriented centers of Balboa Peninsula that would be interconnected through improved streetscapes along Newport/Balboa Boulevard, a waterfront promenade on Newport Harbor, and cross-access between the Harbor and beachfront. Lido Village, McFadden Square, and Balboa Village would contain a mix of visitor-serving, retail, small overnight accommodation facilities, and housing. In Cannery Village, commercial or mixed-use buildings would be developed at street intersections with intervening parcels developed for mixed-use or freestanding housing. Throughout the Peninsula, priority is established for the retention of marine related uses.*

### **Circulation Element**

The Circulation Element serves as the City's primary guide for transportation planning. The goals and policies in the 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. Its objective is to articulate the City's vision and plans for the ongoing development and maintenance of a comprehensive circulation network that will efficiently move people and goods throughout the City and the surrounding region. Although regional and local roadways are the most important element for mobility in Newport Beach, the Circulation Element acknowledges that bus transit, shuttles, the trail system, and the harbor provide opportunities for alternative modes of travel. This Element also includes an assessment of the City's current roadway system and recommendations for the improvements necessary to maintain acceptable Levels of Service (LOS) on this system through 2025.

### Circulation Plan

Circulation Element Figure CE1, *Master Plan of Streets and Highways*, illustrates the City's existing and proposed circulation system. The project site is bounded by Newport Boulevard on the west and





32nd Street on the south. According to Figure CE1, Newport Boulevard is designated as a Major Road (six lane divided) and 32nd Street is designated as a Commuter Roadway (two lane undivided).

### Bikeways Master Plan

The City of Newport Beach has established the following classifications of bikeways that generally correspond with the Orange County Transportation Authority (OCTA) bikeway classifications:

- Class I Bikeway (Bicycle Path). Provides for bicycle travel on a paved right-of-way separated from any street or highway. Includes sidewalk bikeways adjacent to the street.
- Class II Bikeway (Bicycle Lane). Provides a striped and stenciled lane for bicycle travel on a street or highway.
- Class III Bikeway (Bicycle Route). Provides for a shared use with motor vehicle traffic and may be identified by signing.
- Class IV Bikeway (Bicycle Trail). Provides a dirt pathway designated for the use of bicycles and pedestrians completely separated from motor vehicle traffic.

As depicted on Circulation Element Figure CE4, *Bikeways Master Plan*, there are no bikeways immediately adjacent to the project site. Class I Bikeways are located on Newport Boulevard, north of Via Oporto and on Via Lido, across Lido Channel.

### Equestrian and Hiking Trails Master Plan

Circulation Element Figure CE5, *Equestrian and Hiking Trails Master Plan*, identifies existing and proposed equestrian trails, existing hiking trails, and existing staging areas within the City. None of these facilities are located adjacent to the project site or within proximity of the project area.

### ***Recreation Element***

The primary purpose of the Recreation Element is to ensure that the balance between the provision of sufficient parks and recreation facilities are appropriate for the residential and business population of Newport Beach. Specific recreational issues and policies contained in this Element include: parks and recreation facilities; recreation programs; shared facilities; coastal recreation and support facilities; marine recreation; and public access.

The City has been divided into service areas for the purposes of park planning and to equitably administer parkland dedications and fees provided by residential development. The project site is located within Service Area 1 – West Newport.

Recreation Element Figure R1, *Existing Recreational Facilities*, identifies parks, public beaches, and marine protected areas within the City. The project site is not designated Parks and Recreation and there are no parks or recreational facilities located immediately adjacent to the project site. Lido Park, located at Via Lido and Lafayette Avenue and Gateway Park, located at Via Lido and Newport Boulevard, are the closest parks to the project site. Recreation Element Figure R2, *Proposed Park and Recreational Facilities*, identifies proposed park and recreational facilities within the City. There are no



parks or recreational facilities planned in proximity to the project area, which is located within the West Newport Service Area. Sunset Ridge Park is under construction within the West Newport Service Area and is located approximately 0.7 miles northwest of the project site. Marina Park is under construction within the Balboa Peninsula Service Area and is located approximately 0.67 miles southeast of the project site.

The Recreation Element identifies the public's right to access recreational features such as the Pacific Ocean beaches, Lower Newport Bay/Harbor, and Upper Newport Bay Shoreline as important. Newport Beach has developed an extensive system of access to ocean beaches and the bay. Virtually all of the Pacific Ocean shoreline beaches are public and the bay is accessible via public beaches, parks, street ends, shoreline trails, walkways, and boardwalks.

The Recreation Element identifies parkland acreage needs by service area. A deficit of 21.6 acres has been identified for the West Newport service area. In addition, the Recreation Element has identified a need for sports fields within a new community or neighborhood-level park. However, since adoption of the General Plan, three new parks have been added (Mesa Birch, Civic Center and Coastal Peak) totaling 40.73 acres, resulting in a citywide surplus of approximately 1.5 acres. There are also three parks currently under development: Marina Park, Sunset Ridge, and Corona del Mar Pocket Park. The City has received Coastal Commission approval for the 13.67-acre Sunset Ridge Park and the 10.5 acre Marina Park, which is currently under construction. Marina Park and Sunset Ridge Park would serve the project area. According to the City, there continues to be a deficiency of active sports fields, specifically lit fields, within the City. However, Sunset Ridge Park includes sports fields and would partially meet the needs of the community.<sup>5</sup>

### ***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. The project site is not located within an Environmental Study Area or an area identified as containing biological resources. However, the project site is located within an area identified as having coastal views; refer to Natural Resources Element Figure NR3, *Coastal Views*. Public view points are located east of the project site. In addition, public scenic views/vistas of the project site from neighborhood parks include Ensign Park, Cliff Drive Park, and Sunset View Park. These parks are located on an elevated mesa above Lido Village and they include specific public viewing areas that encompass Newport Bay, Newport Peninsula, and the Pacific Ocean and associated beach areas. Views along Lido Island Bridge (also referenced as Via Lido Bridge) and from the Newport Boulevard Bridge (also references as the Arches Bridge) look away from the project site toward Newport Bay. In both of these cases, the project site is not visible from these public vantage points.

## **City of Newport Beach Municipal Code**

The Municipal Code contains all ordinances for the City of Newport Beach. The Municipal Code is organized by Title and is updated as new ordinances are adopted.

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<sup>5</sup> Written correspondence with Sean Levin, Recreation Superintendent, Recreation and Senior Services, January 13, 2014.



## MUNICIPAL CODE TITLE 20, PLANNING AND ZONING

In contrast to a general plan, zoning identifies particular land uses that are legally permitted or prohibited on any given parcel of land consistent with the General Plan. Zoning is the method the City uses to implement land uses in accordance with the General Plan's Goals, Objectives, and Policies. Newport Beach's Zoning law is found in Municipal Code Title 20, *Planning and Zoning*. Municipal Code Title 20 is known as the *City of Newport Beach Zoning Code* (Zoning Code). The purpose of the Zoning Code (in part) is to "promote the orderly development of the City; promote and protect the public health, safety, peace, comfort, and general welfare; protect the character, social, and economic vitality of neighborhoods; and to ensure the beneficial development of the City." The relevant Zoning Code sections and chapters are summarized, as follows:

Chapter 20.14, Zoning Map. The City is divided into zoning districts, as outlined in Zoning Code Table 1-1, *Zoning Districts Implementing the General Plan*. The boundaries, designations, and locations of the zoning districts are illustrated on an official map entitled "Zoning Map for the City of Newport Beach, California." The project site is zoned PF (Public Facilities).

Chapter 20.26, Special Purpose Zoning Districts. According to Zoning Code Section 20.26.010, Purpose of Special Purpose Zoning Districts, the PF (Public Facilities) Zoning District is intended to provide for areas appropriate for public facilities, including community centers, cultural institutions, government facilities, libraries, public hospitals, public utilities, and public schools.

Chapter 20.66, Amendments. Chapter 20.66 discusses the procedures for amending the Zoning Code (e.g., text or map). The Planning Commission is responsible for recommending approval, approval with modifications, or denial of the amendment to the City Council. Upon receipt of the Planning Commission's recommendation, the City Council will conduct a public hearing and consider the recommendation of the Planning Commission and act on the proposed amendment.

## City of Newport Beach Local Coastal Program Coastal Land Use Plan

Local Coastal Programs (LCPs) are basic planning tools used by local governments, in partnership with the Commission, to guide development in the Coastal Zone. LCPs contain the ground rules for future development and protection of coastal resources. The LCPs specify the appropriate location, type, and scale of new or changed uses of land and water. Each LCP includes a land use plan and measures to implement the plan (such as a Zoning Ordinance). These LCPs, which are prepared by local governments, govern decisions that determine the short- and long-term conservation and use of coastal resources. Along with the unique characteristics of individual local coastal communities, the LCPs must also address regional and statewide interests and concerns, in conformity with Coastal Act goals and policies. Following adoption by a city council or county board of supervisors, an LCP is submitted to the Commission for review for consistency with Coastal Act requirements.

After certification of an LCP, coastal development permit authority is delegated to the appropriate local government. The Coastal Commission retains original permit jurisdiction over certain specified lands, such as submerged lands, tidelands, and public trust lands, and has appellate authority over development approved by local government in specified geographic areas and for major public works projects and major energy facilities. In authorizing coastal development permits, the local government must make the finding that the development conforms to the certified LCP.



Furthermore, after certification of the LCP, City actions on applications for Coastal Act authority to conduct certain types of development and development within certain geographic areas are appealable, to the Coastal Commission.

The City of Newport Beach does not have a certified LCP; however, it does have an certified Coastal Land Use Plan. The *City of Newport Beach Local Coastal Program Coastal Land Use Plan (CLUP)* was originally approved by the CCC in October 2005 and adopted in December 2005.<sup>6</sup> The CLUP was prepared in accordance with the Coastal Act and sets forth goals, objectives, and policies that govern the use of land and water in the coastal zone within the City of Newport Beach and its sphere of influence consistent with the General Plan. The certified CLUP does not apply to Newport Coast and Banning Ranch and these areas are identified as “deferred certification” areas.

The City’s CLUP identifies the Coastal Act coastal resources planning and management policies that are relevant to Newport Beach. The CLUP addresses Coastal Act policies within three chapters: Land Use and Development; Public Access and Recreation; and Coastal Resource Protection. Each chapter is divided into sections and subsections. Each section or subsection begins with the identification of the Coastal Act sections that are relevant to Newport Beach, followed by a narrative of the local setting and policy direction adopted by the City to address the requirements of the Coastal Act and a listing of specific policies.

Since the City does not have a certified LCP, the City reviews pending development projects located within the Coastal Zone for consistency with the CLUP before an applicant can file for a CDP with the Coastal Commission; refer to Table 5.1-3, *Coastal Land Use Plan Consistency Analysis*, provided in Section 5.1.4, *Impacts and Mitigation Measures*, below.

## **Lido Village Design Guidelines**

The *Lido Village Design Guidelines* (December 2011) (Design Guidelines) are to be used as a guide by owners who intend to renovate or rehabilitate existing structures, are planning for new construction, or have decided to make significant exterior or site improvements to property, or by the City while reviewing plans for approval or planned public improvements. Lido Village is comprised of just less than 17 acres characterized by five distinctive Design Areas: Lido Marina Village, Via Lido Plaza, City Hall (project site), Lido Triangle, and Newport Boulevard Shops. According to the Design Guidelines, the vision is to “revive Lido Village as a vibrant destination, and mixed-use entertainment hub for surrounding neighborhoods such as Lido Island, West Newport, Balboa Peninsula, and Greater Newport Beach.”

The Design Guidelines state that improvements for the City Hall Design Area should feature enhanced public spaces with a pedestrian focus. Major roadways should be improved, reinforcing pedestrian connectivity to the rest of the Village. New buildings should also relate to the mix of uses of the surrounding parcels. The following goals have been identified for the City Hall Design Area:

- Provide quality outdoor spaces that are publicly accessible.
- Improve the Newport Boulevard and 32nd Street interfaces to create a secondary gateway.

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<sup>6</sup> First approved by the California Coastal Commission on October 13, 2005 and adopted December 13, 2005, Resolution No. 2005-64. Amended by the California Coastal Commission on February 5, 2009 and adopted July 14, 2009, Resolution No. 2009-53.



- Provide for increased building heights on the City Hall Site with emphasis on mixed use zoning.
- Incorporate a dynamic tenant mix that maximizes value without compromising existing owners and their tenant mixes.
- Balance residential needs with visitor services.
- Use appropriate architectural styles with historic references in the design elements of new buildings.
- Provide emphasis for pedestrian connections and public space.

The Design Guidelines address the village edges and boundaries for each Design Area and pedestrian connections and open space. In addition, Architectural Design Guidelines, including building orientation and site planning, materials, signage, and lighting are also identified. These guidelines provide design and implementation goals and standards based upon existing conditions and local context. The Landscape Design Guidelines describe the design intent for the Village gateways, intersections, streetscapes, plazas, gardens, and common areas, both public and private.

The Design Guidelines provide a basis for the evaluation and review of the applications by property owners or tenants to the City of Newport Beach. These Guidelines are not regulatory and are intended to be a component of the City's development review process where projects must be found consistent.

### 5.1.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Physically divide an established community (refer to Section 8.0, *Effects Found Not To Be Significant*);
- 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 (refer to Impact Statements LU-1 through LU-5); and/or
- Conflict with any applicable habitat conservation plan or natural community conservation plans (refer to Section 8.0, *Effects Found Not To Be Significant*).

For the purposes of this impact analysis, a significant impact would occur if project implementation would result in inconsistencies or conflicts with the adopted goals and policies of the General Plan and/or applicable rules and regulations of the Zoning Code, as well as other specified regional and local plans. Based on these standards, the project's effects have been categorized as either a "less than significant impact" or "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.



## 5.1.4 IMPACTS AND MITIGATION MEASURES

### CALIFORNIA COASTAL ACT AND COASTAL LAND USE PLAN

#### LU-1 THE PROPOSED PROJECT WOULD NOT CONFLICT WITH THE COASTAL ACT'S PLANNING AND MANAGEMENT POLICIES OR THE COASTAL LAND USE PLAN POLICIES, AS AMENDED.

**Impact Analysis:** The Coastal Act (Public Resources Code Section 30200, *Coastal Resources Planning and Management Policies*) contains specific policies pertaining to Public Access, Recreation, Marine Environment, Land Resources, Development, and Industrial Development. The City's CLUP addresses these topics under three chapters: Land Use and Development; Public Access and Recreation; and Coastal Resource Protection. Table 5.1-2, *Coastal Act and Coastal Land Use Plan Policy Consistency*, identifies the Coastal Act coastal resources planning and management policies relevant to the proposed project and the associated CLUP policies that have been adopted by the City to comply with the Coastal Act policies.

**Table 5.1-2  
Coastal Act and Coastal Land Use Plan Policy Consistency**

Coastal Act Policy	Coastal Land Use Plan Policy
<b>Public Access</b>	
<p><b>Section 30212 New development projects:</b> (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:</p> <ol style="list-style-type: none"> <li>1. It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources;</li> <li>2. Adequate access exists nearby, or</li> <li>3. Agriculture would be adversely affected.</li> </ol> <p>Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.</p>	<p><b>3.1.1-1.</b> Protect, and where feasible, expand and enhance public access to and along the shoreline and to beaches, coastal waters, tidelands, coastal parks, and trails.</p> <p><b>3.1.1-11.</b> Require new development to minimize impacts to public access to and along the shoreline.</p> <p><b>3.1.1-12.</b> Implement building design and siting regulations to protect public access through setback and other property development regulations of the Zoning Code that control building placement.</p> <p><b>3.1.1-26.</b> Consistent with the policies above, provide maximum public access from the nearest public roadway to the shoreline and along the shoreline with new development except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources or (2) adequate access exists nearby.</p>



**Table 5.1-2 [continued]  
Coastal Act and Coastal Land Use Plan Policy Consistency**

Coastal Act Policy	Coastal Land Use Plan Policy
<p><b>Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals:</b> Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.</p>	<p><b>2.3.3-1.</b> Lower-cost visitor and recreational facilities, including campgrounds, recreational vehicle parks, hostels, and lower-cost hotels and motels, shall be protected, encouraged and, where feasible, provided. Developments providing public recreational opportunities are preferred. New development that eliminates existing lower-cost accommodations or provides high-cost overnight visitor accommodations or limited use overnight visitor accommodations such as timeshares, fractional ownership and condominium-hotels shall provide lower-cost overnight visitor accommodations commensurate with the impact of the development on lower-cost overnight visitor accommodations in Newport Beach or pay an "in-lieu" fee to the City in an amount to be determined in accordance with law that shall be used by the City to provide lower-cost overnight visitor accommodations.</p> <p><b>2.3.3-2.</b> Encourage new overnight visitor accommodation developments to provide a range of rooms and room prices in order to serve all income ranges. Consistent with Section 30213 of the Coastal Act, the City shall in no event (1) require that overnight room rental be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private land; nor (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.</p> <p><b>2.3.3-4.</b> Encourage visitor-serving and recreational developments that provide public recreational opportunities.</p> <p><b>3.2.1-1.</b> Protect, and where feasible, expand and enhance recreational opportunities in the coastal zone.</p>
<p><b>Marine Environment</b></p>	
<p><b>Section 30231 Biological productivity; water quality:</b> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.</p>	<p><b>4.3.1-6.</b> Require grading/erosion control plans to include soil stabilization on graded or disturbed areas.</p> <p><b>4.3.1-7.</b> Require measures be taken during construction to limit land disturbance activities such as clearing and grading, limiting cut-and fill to reduce erosion and sediment loss, and avoiding steep slopes, unstable areas, and erosive soils. Require construction to minimize disturbance of natural vegetation, including significant trees, native vegetation, root structures, and other physical or biological features important for preventing erosion or sedimentation.</p> <p><b>4.3.2-1.</b> Promote pollution prevention and elimination methods that minimize the introduction of pollutants into coastal waters, as well as the generation and impacts of dry weather and polluted runoff.</p>



**Table 5.1-2 [continued]  
Coastal Act and Coastal Land Use Plan Policy Consistency**

Coastal Act Policy	Coastal Land Use Plan Policy
	<p><b>4.3.2-2.</b> Require that development not result in the degradation of coastal waters (including the ocean, estuaries and lakes) caused by changes to the hydrologic landscape.</p> <p><b>4.3.2-4.</b> Continue to update and enforce the Newport Beach Water Quality Ordinance consistent with the MS4 Permit.</p> <p><b>4.3.2-6.</b> Implement and improve upon best management practices (BMPs) for residences, businesses, new development and significant redevelopment, and City operations.</p> <p><b>4.3.2-7.</b> Incorporate BMPs into the project design in the following progression:</p> <ul style="list-style-type: none"> <li>• Site Design BMPs.</li> <li>• Source Control BMPs.</li> <li>• Treatment Control BMPs.</li> </ul> <p>Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the LCP or Coastal Act, structural treatment BMPs will be implemented along with site design and source control measures.</p> <p><b>4.3.2-8.</b> To the maximum extent practicable, runoff should be retained on private property to prevent the transport of bacteria, pesticides, fertilizers, pet waste, oil, engine coolant, gasoline, hydrocarbons, brake dust, tire residue, and other pollutants into recreational waters.</p> <p><b>4.3.2-9.</b> To the maximum extent practicable, limit the use of curb drains to avoid conveying runoff directly to the City's street drainage system without the benefit of absorption by permeable surfaces and natural treatments such as landscaped areas and planters.</p> <p><b>4.3.2-11.</b> Require new development 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.</p>





**Table 5.1-2 [continued]  
Coastal Act and Coastal Land Use Plan Policy Consistency**

Coastal Act Policy	Coastal Land Use Plan Policy
	<p><b>4.3.2-12.</b> Require development to protect the absorption, purification, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Where feasible, design drainage and project plans to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems should be restored, where feasible.</p> <p><b>4.3.2-14.</b> Whenever possible, divert runoff through planted areas or sumps that recharge the groundwater dry wells and use the natural filtration properties of the earth to prevent the transport of harmful materials directly into receiving waters.</p> <p><b>4.3.2-15.</b> Where infiltration of runoff would exacerbate geologic hazards, include equivalent BMPs that do not require infiltration.</p> <p><b>4.3.2-18.</b> Condition coastal development permits to require the City, property owners, or homeowners associations, as applicable, to sweep permitted parking lots and public and private streets frequently to remove debris and contaminated residue.</p> <p><b>4.3.2-19.</b> Require parking lots and vehicle traffic areas to incorporate BMPs designed to prevent or minimize runoff of oils and grease, car battery acid, coolant, gasoline, sediments, trash, and other pollutants to receiving waters.</p> <p><b>4.3.2-20.</b> Require commercial development to incorporate BMPs designed to prevent or minimize the runoff of pollutants from structures, landscaping, parking areas, loading and unloading dock areas, repair and maintenance bays, and vehicle/equipment wash areas.</p> <p><b>4.3.2-23.</b> Require new development applications to include a Water Quality Management Plan (WQMP). The WQMP's purpose is to minimize to the maximum extent practicable dry weather runoff, runoff from small storms (less than 3/4" of rain falling over a 24-hour period) and the concentration of pollutants in such runoff during construction and post-construction from the property.</p>
<p><b>Land Resources</b></p> <p><b>Section 30244 Archaeological or paleontological resources:</b> Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.</p>	<p><b>4.5.1-1.</b> Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources. If avoidance of the resource is not feasible, require an in situ or site-capping preservation plan or a recovery plan for mitigating the effect of the development.</p>



**Table 5.1-2 [continued]  
Coastal Act and Coastal Land Use Plan Policy Consistency**

Coastal Act Policy	Coastal Land Use Plan Policy
	<p><b>4.5.1-2.</b> Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural or paleontological resources. If grading operations or excavations uncover paleontological/archaeological resources, require the paleontologist/archeologist monitor to suspend all development activity to avoid destruction of resources until a determination can be made as to the significance of the paleontological/archaeological resources. If resources are determined to be significant, require submittal of a mitigation plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. Mitigation plans shall include a good faith effort to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, in situ preservation/capping, and placing cultural resource areas in open space.</p> <p><b>4.5.1-3.</b> 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.</p> <p><b>4.5.1-5.</b> Where there is a potential to affect cultural or paleontological resources, require the submittal of an archeological/cultural resources monitoring plan that identifies monitoring methods and describes the procedures for selecting archeological and Native American monitors and procedures that will be followed if additional or unexpected archeological/cultural resources are encountered during development of the site. Procedures may include, but are not limited to, provisions for cessation of all grading and construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options to allow for significance testing, additional investigation and mitigation.</p> <p><b>4.6-1.</b> Review all new development subject to California Environmental Quality Act (CEQA) and coastal development permit requirements in accordance with the principles, objectives, and criteria contained in CEQA, the State CEQA Guidelines, the Local Coastal Program, and any environmental review guidelines adopted by the City.</p> <p><b>4.6-2.</b> Integrate CEQA procedures into the review procedures for new development within the coastal zone.</p>



**Table 5.1-2 [continued]  
Coastal Act and Coastal Land Use Plan Policy Consistency**

Coastal Act Policy	Coastal Land Use Plan Policy
	<p><b>4.6-3.</b> Require a qualified City staff member, advisory committee designated by the City, or consultant approved by and under the supervision of the City, to review all environmental review documents submitted as part of an application for new development and provide recommendations to the appropriate decision-making official or body.</p>
<p><b>Development</b></p>	
<p><b>Section 30250 Location; existing developed area:</b> (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.</p>	<p><b>2.2.1-1.</b> Continue to allow redevelopment and infill development within and adjacent to the existing developed areas in the coastal zone subject to the density and intensity limits and resource protection policies of the Coastal Land Use Plan.</p> <p><b>2.2.1-2.</b> Require new development be located in areas with adequate public services or in areas that are capable of having public services extended or expanded without significant adverse effects on coastal resources.</p> <p><b>2.2.1-3.</b> Provide commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.</p>
<p><b>Section 30251 Scenic and visual qualities:</b> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.</p>	<p><b>4.4.1-1.</b> Protect and, where feasible, enhance the scenic and visual qualities of the coastal zone, including public views to and along the ocean, bay, and harbor and to coastal bluffs and other scenic coastal areas.</p> <p><b>4.4.1-2.</b> Design and site new development, including landscaping, so as to minimize impacts to public coastal views.</p> <p><b>4.4.1-4.</b> Where appropriate, require new development to provide view easements or corridors designed to protect public coastal views or to restore public coastal views in developed areas.</p> <p><b>4.4.2-1.</b> Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3.</p> <p><b>4.4.2-2.</b> Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.</p> <p><b>4.4.2-3.</b> Implement the regulation of the building envelope to preserve public views through the height, setback, floor area, lot coverage, and building bulk regulation of the Zoning Code in effect as of October 13, 2005 that limit the building profile and maximize public view opportunities.</p>



**Table 5.1-2 [continued]  
Coastal Act and Coastal Land Use Plan Policy Consistency**

Coastal Act Policy	Coastal Land Use Plan Policy
<p><b>Section 30252 Maintenance and enhancement of public access:</b> The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.</p>	<p><b>2.9.1-3.</b> Locate and design larger commercial and residential developments to be served by transit and provide non-automobile circulation to serve new development to the greatest extent possible.</p> <p><b>2.9.1-8.</b> Employment, retail, and entertainment districts and coastal recreational areas should be well served by public transit and easily accessible to pedestrians and bicyclists. Streets, sidewalks, bicycle paths, and recreational trails (including the Coastal Trail) should be designed and regulated to encourage walking, bicycling, and transit ridership.</p> <p><b>2.9.1-9.</b> The City shall encourage employers to provide incentives for transit ridership (e.g., subsidies for transit use, shuttles to transit stations), ridesharing, vanpools, and other transportation demand measures designed to reduce vehicle miles traveled.</p> <p><b>2.9.2-6.</b> Require new non-residential developments with floor areas of 10,000 square feet or more to provide bicycle racks for use by customers. Encourage smaller non-residential developments to provide such facilities, when feasible.</p> <p><b>2.9.3-2.</b> Continue to require new development to provide off-street parking sufficient to serve the approved use in order to minimize impacts to public on-street and off-street parking available for coastal access.</p> <p><b>2.9.3-3.</b> Require that all proposed development maintain and enhance public access to the coast by providing adequate parking pursuant to the off street parking regulations of the Zoning Code in effect as of October 13, 2005.</p> <p><b>2.9.3-5.</b> Continue to require off-street parking in new development to have adequate dimensions, clearances, and access to insure their use.</p>
<p><b>Section 30253 Minimization of adverse impacts:</b> New development shall do all of the following:</p> <p>(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.</p> <p>(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.</p> <p>(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.</p> <p>(d) Minimize energy consumption and vehicle miles traveled.</p> <p>(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.</p>	<p><b>2.8.1-1.</b> Review all applications for new development to determine potential threats from coastal and other hazards.</p> <p><b>2.8.1-2.</b> Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.</p> <p><b>2.8.7-2.</b> Require new development to provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.</p>



**Table 5.1-2 [continued]  
Coastal Act and Coastal Land Use Plan Policy Consistency**

Coastal Act Policy	Coastal Land Use Plan Policy
	<p><b>2.8.7-3.</b> Require applications for new development, where applicable [i.e., in areas of known or potential geologic or seismic hazards], to include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. Require such reports to be signed by a licensed Certified Engineering Geologist or Geotechnical Engineer and subject to review and approval by the City.</p> <p><b>4.6-9.</b> Require applications for new development, where applicable, to include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains statements that the project site is suitable for the proposed development and that the development will be safe from geologic hazard for its economic life. For development on coastal bluffs, including bluffs facing Upper Newport Bay, such reports shall include slope stability analyses and estimates of the long-term average bluff retreat rate over the expected life of the development. Reports are to be signed by an appropriately licensed professional and subject to review and approval by qualified city staff member(s) and/or contracted employee(s).</p>
<p>Sources: Public Resources Code, <i>California Coastal Act of 1976</i>.  <i>City of Newport Beach Local Coastal Program Coastal Land Use Plan</i>, First Approved October 13, 2005 and Adopted December 13, 2005; Amended February 5, 2009 and Adopted July 14, 2009.</p>	

Table 5.1-3, *Coastal Land Use Plan Consistency Analysis*, provides an analysis of the proposed project’s consistency with the relevant CLUP policies identified in Table 5.1-2. As demonstrated in Table 5.1-3, the proposed project is consistent with most of the relevant CLUP policies. To the extent that the proposed project is inconsistent with the current CLUP policies, the project proposes to amend those policies to eliminate any inconsistency. There would therefore be a less than significant impact in this regard. Because the proposed project would be consistent with the CLUP policies, as amended, which have been adopted to address the Coastal Act coastal resources planning and management policies (refer to Table 5.1-3), the proposed project would inherently comply with the Coastal Act.



**Table 5.1-3  
Coastal Land Use Plan Consistency Analysis**

Coastal Land Use Plan Policy	Consistency of Proposed Project with Current Policy	Coastal Land Use Plan Amendment Required?
<p><b>2.1.1-1</b> The land use categories in Table 2.1.1-1 establish the type, density and intensity of land uses within the coastal zone.</p>	<p><u>Inconsistent</u>. The project site is currently designated as PF, which is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities. The project proposes development of a 130-room boutique hotel, which would not be consistent with the PF designation for the site.</p>	<p>Amendment proposed. The project includes an amendment of the CLUP, which would include a text and map change to replace the existing PF designation for the project site with a new Mixed-Use (MU) land use category and establish density and intensity limits within Table 2.1.1-1.</p>
<p><b>2.1.2-1.</b> Development in each district and corridor shall adhere to policies for land use type and density/intensity contained in Table 2.1.1-1, except as modified in Sections 2.1.3 to 2.1.8.</p>	<p><u>Inconsistent</u>. Refer to Response 2.1.1-1.</p>	<p>Refer to Response 2.1.1-1.</p>
<p><b>2.1.5-2.</b> Encourage uses that take advantage of Lido Village's location at the Harbor's turning basin and its vitality and pedestrian character, including visitor-serving and retail commercial, small lodging facilities (bed and breakfasts, inns), and mixed-use buildings that integrate residential above the ground floor with retail uses.</p>	<p><u>Consistent</u>. The project proposes a 130-room boutique hotel, providing visitor accommodations, recreational, personal services, shopping, dining, and assembly opportunities within Lido Village. Pedestrian plazas, landscape areas, and other amenities would be located along Newport Boulevard and 32nd Street, further enhancing the pedestrian character of the area.</p>	<p>No amendment needed.</p>
<p><b>2.1.9-1.</b> Land uses and new development in the coastal zone shall be consistent with the Coastal Land Use Plan Map and all applicable LCP policies and regulations.</p>	<p><u>Inconsistent</u>. Refer to Response 2.1.1-1.</p>	<p>Refer to Response 2.1.1-1.</p>
<p><b>2.2.1-1.</b> Continue to allow redevelopment and infill development within and adjacent to the existing developed areas in the coastal zone subject to the density and intensity limits and resource protection policies of the Coastal Land Use Plan.</p>	<p><u>Consistent</u>. The project proposes redevelopment of the former Newport Beach City Hall complex. Existing buildings that previously supported the former City of Newport Beach City Hall would be removed allowing for development of a hotel and associated amenities. The project site is located within a currently developed area of the City. The proposed project would be reviewed for consistency with density limits identified within the CLUP, as amended.</p>	<p>No amendment needed.</p>
<p><b>2.2.1-2.</b> Require new development be located in areas with adequate public services or in areas that are capable of having public services extended or expanded without significant adverse effects on coastal resources.</p>	<p><u>Consistent</u>. As concluded in <u>Section 5.12, Public Services and Utilities</u>, the project site is located within an area with adequate public services and would not require expansion of services resulting in a significant adverse effect on coastal resources.</p>	<p>No amendment needed.</p>



**Table 5.1-3 [continued]  
Coastal Land Use Plan Consistency Analysis**

Coastal Land Use Plan Policy	Consistency of Proposed Project with Current Policy	Coastal Land Use Plan Amendment Required?
<p><b>2.2.1-3.</b> Provide commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.</p>	<p><u>Consistent.</u> The project proposes a 130-room boutique hotel, providing visitor accommodations, recreational, personal services, shopping, dining, and assembly opportunities within Lido Village. Residential uses are located within the surrounding area and would be able to readily access the project site and proposed uses.</p>	<p>No amendment needed.</p>
<p><b>2.3.3-1.</b> Lower-cost visitor and recreational facilities, including campgrounds, recreational vehicle parks, hostels, and lower-cost hotels and motels, shall be protected, encouraged and, where feasible, provided. Developments providing public recreational opportunities are preferred. New development that eliminates existing lower-cost accommodations or provides high-cost overnight visitor accommodations or limited use overnight visitor accommodations such as timeshares, fractional ownership and condominium-hotels shall provide lower-cost overnight visitor accommodations commensurate with the impact of the development on lower-cost overnight visitor accommodations in Newport Beach or pay an “in-lieu” fee to the City in an amount to be determined in accordance with law that shall be used by the City to provide lower-cost overnight visitor accommodations.</p>	<p><u>Consistent.</u> The project would not eliminate or interfere with lower-cost visitor or recreational facilities within the area. The project involves development of a 130-room hotel on the site and average room rates are expected to exceed \$200 per night, which is not considered lower-cost by the California Coastal Commission. The project does not include limited use overnight accommodations. To the extent that there is an impact to lower-cost accommodations, the City will create a lower-cost accommodation improvement grant program where existing or proposed developments could provide expanded opportunities for lower-cost overnight visitor accommodations or recreational uses. In addition, the project would provide public recreational opportunities within public open space areas, pedestrian plazas, landscape areas, and other amenities along Newport Boulevard and 32nd Street. The public plaza space along Newport Boulevard would include architectural features such as sea glass, sand, and shell paving “planks”, reclaimed wood benches for seating, interactive water feature, interpretive pylons, park gateway monuments, wood decks with seating, a lawn terrace, and a park gateway.</p>	<p>No amendment needed.</p>
<p><b>2.3.3-2.</b> Encourage new overnight visitor accommodation developments to provide a range of rooms and room prices in order to serve all income ranges. Consistent with Section 30213 of the Coastal Act, the City shall in no event (1) require that overnight room rental be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private land; nor (2) establish or approve any method for the</p>		



**Table 5.1-3 [continued]  
Coastal Land Use Plan Consistency Analysis**

Coastal Land Use Plan Policy	Consistency of Proposed Project with Current Policy	Coastal Land Use Plan Amendment Required?
identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.		
2.3.3-4. Encourage visitor-serving and recreational developments that provide public recreational opportunities.	<u>Consistent.</u> The project proposes a 130-room hotel as well as public open space areas, including pedestrian plazas, landscape areas, and other amenities along Newport Boulevard and 32nd Street that would provide passive public recreational opportunities. The hotel directly supports increased recreational access to the area by providing overnight visitor accommodations. The public plaza space along Newport Boulevard would include architectural features such as sea glass, sand, and shell paving “planks”, reclaimed wood benches for seating, interactive water feature, interpretive pylons, park gateway monuments, wood decks with seating, a lawn terrace, and a park gateway. Public access to hotel restaurants and other accessory retail uses will be also be allowed by hotel operations.	No amendment needed.
2.8.1-1. Review all applications for new development to determine potential threats from coastal and other hazards.	<u>Consistent.</u> The proposed project would be reviewed, subject to the City’s development review process. As indicated in Section 5.11, <i>Hydrology and Water Quality</i> , the project site is subject to the potential threat of tsunamis. Impacts would be reduced to a less than significant level upon implementation of the City’s Emergency Operations Plan. As indicated in Section 5.9, <i>Geology and Soils</i> , the project site is subject to the potential threat of seismic ground shaking, seismically induced liquefaction, settlement, and lateral spreading, expansive soils, and corrosive soils. Implementation of mitigation measures would reduce the potential impacts to a less than significant level. As indicated in Section 5.10, <i>Hazards and Hazardous Materials</i> , the potential for hazardous conditions associated with the accidental release of hazardous materials would also be reduced to a less than significant level with the implementation of mitigation.	No amendment needed.
2.8.1-2. Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.	<u>Consistent.</u> Refer to Response 2.8.1-1.	No amendment needed.





**Table 5.1-3 [continued]  
Coastal Land Use Plan Consistency Analysis**

Coastal Land Use Plan Policy	Consistency of Proposed Project with Current Policy	Coastal Land Use Plan Amendment Required?
<p><b>2.8.7-2.</b> Require new development to provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.</p>	<p><u>Consistent.</u> As indicated in <u>Section 5.11, Hydrology and Water Quality</u>, the proposed project would provide adequate drainage to convey flows from the project site. In order to reduce the amount of on-site exposed soil during construction activities, graded areas would be protected against erosion once they are brought to final grade through the implementation of Best Management Practices (BMPs). The proposed project would be required to comply with the Water Quality Management Plan (WQMP), which would identify and require implementation of BMPs (site design, source control, and low impact development) to reduce potential impacts to water quality, including erosion during project operation.</p>	<p>No amendment needed.</p>
<p><b>2.8.7-3.</b> Require applications for new development, where applicable [i.e., in areas of known or potential geologic or seismic hazards], to include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. Require such reports to be signed by a licensed Certified Engineering Geologist or Geotechnical Engineer and subject to review and approval by the City.</p>	<p><u>Consistent.</u> As indicated in <u>Section 5.9, Geology and Soils, a Report of Geotechnical Investigation, Lido House Hotel – City Hall Site Reuse Project</u>, has been prepared by GMU Geotechnical, Inc. (December 4, 2013) for the proposed project. The Geotechnical Investigation identifies existing geologic and soil conditions and assesses potential impacts associated with development of the proposed project. According to the Geotechnical Investigation, the construction of the proposed project is feasible from a geotechnical standpoint. However, mitigation would be required to provide long-term site stability and proper support of proposed structures.</p>	<p>No amendment needed.</p>
<p><b>2.9.1-3.</b> Locate and design larger commercial and residential developments to be served by transit and provide non-automobile circulation to serve new development to the greatest extent possible.</p>	<p><u>Consistent.</u> The Orange County Transportation Authority (OCTA) provides local bus service within the project area. Route 71 provides transit service from Yorba Linda to Balboa, via Newport Boulevard, adjacent to the project site. In addition, the project would encourage and enhance pedestrian access along Newport Boulevard and 32nd Street through public open space areas, pedestrian plazas, and landscaped areas, providing a transition from Newport Bay to the Pacific Ocean. The pathway along Newport Boulevard would lead from the beach and the intersection of Newport Boulevard and 32nd Street to Finley Avenue, connecting with Lido Village.</p>	<p>No amendment needed.</p>



**Table 5.1-3 [continued]  
Coastal Land Use Plan Consistency Analysis**

Coastal Land Use Plan Policy	Consistency of Proposed Project with Current Policy	Coastal Land Use Plan Amendment Required?
<p><b>2.9.1-8.</b> Employment, retail, and entertainment districts and coastal recreational areas should be well served by public transit and easily accessible to pedestrians and bicyclists. Streets, sidewalks, bicycle paths, and recreational trails (including the Coastal Trail) should be designed and regulated to encourage walking, bicycling, and transit ridership.</p>	<p>Refer to Response 2.9.1-3.</p>	<p>No amendment needed.</p>
<p><b>2.9.1-9.</b> The City shall encourage employers to provide incentives for transit ridership (e.g., subsidies for transit use, shuttles to transit stations), ridesharing, vanpools, and other transportation demand measures designed to reduce vehicle miles traveled.</p>	<p><u>Consistent.</u> Municipal Code Section 20.44.040 implements this policy and the project is not anticipated to generate 250 or more employees, and therefore, transportation demand management provisions identified in Municipal Code Section 20.44.040 would not be applicable; however, the City encourages voluntary implementation of ridesharing and other trip reducing strategies..</p>	<p>No amendment needed.</p>
<p><b>2.9.2-6.</b> Require new non-residential developments with floor areas of 10,000 square feet or more to provide bicycle racks for use by customers. Encourage smaller non-residential developments to provide such facilities, when feasible.</p>	<p><u>Consistent.</u> The project would include a bike rack for customers of the hotel or potentially access to a bike rental service and the public plaza would be designed to include bike racks for public use.</p>	<p>No amendment needed.</p>
<p><b>2.9.3-2.</b> Continue to require new development to provide off-street parking sufficient to serve the approved use in order to minimize impacts to public on-street and off-street parking available for coastal access.</p>	<p><u>Consistent.</u> The project would provide 148 off-street surface parking spaces for patrons and visitors of the project site. As indicated in <u>Section 5.5, Traffic/Circulation</u>, the Parking Study concluded the total parking spaces needed to adequately serve the project are 152 spaces, likely to be at night when the function space is in use and hotel room parking is near its peak. Additional parking spaces on the north side of 32nd Street would remain available to the general public and provide temporary parking for special event drop-off. Although these on-street stalls would not typically be in high demand for public beach parking during the evening hours, there is no guarantee that they would be available for use by hotel patrons. Additional parking would be accommodated on-site through active parking management, including valet services in order to ensure adequate parking would be provided on-site to meet demand.</p>	<p>No amendment needed.</p>



**Table 5.1-3 [continued]  
Coastal Land Use Plan Consistency Analysis**

Coastal Land Use Plan Policy	Consistency of Proposed Project with Current Policy	Coastal Land Use Plan Amendment Required?
<p><b>2.9.3-3.</b> Require that all proposed development maintain and enhance public access to the coast by providing adequate parking pursuant to the off street parking regulations of the Zoning Code in effect as of October 13, 2005.</p>	<p><u>Consistent.</u> Refer to Response 2.9.3-2.</p>	<p>No amendment needed.</p>
<p><b>2.9.3-5.</b> Continue to require off-street parking in new development to have adequate dimensions, clearances, and access to insure their use.</p>	<p><u>Consistent.</u> The project would be required to comply with Municipal Code Section 20.40.070, Development Standards for Parking Areas, which would ensure that adequate dimensions, clearances, and access are available for use of the parking spaces.</p>	<p>No amendment needed.</p>
<p><b>3.1.1-1.</b> Protect, and where feasible, expand and enhance public access to and along the shoreline and to beaches, coastal waters, tidelands, coastal parks, and trails.</p>	<p><u>Consistent.</u> The project would not limit existing access to shoreline areas within the project vicinity. The project would enhance pedestrian access along Newport Boulevard and 32nd Street through public open space areas, pedestrian plazas, and landscaped areas, providing a transition from Newport Bay to the Pacific Ocean. The pathway along Newport Boulevard would lead from the beach and the intersection of Newport Boulevard and 32nd Street to Finley Avenue, connecting with Lido Village. Thus, public access to the shoreline within the vicinity of the project site would be improved.</p>	<p>No amendment needed.</p>
<p><b>3.1.1-11.</b> Require new development to minimize impacts to public access to and along the shoreline.</p>	<p><u>Consistent.</u> Refer to Response 3.1.1-1.</p>	<p>No amendment needed.</p>
<p><b>3.1.1-12.</b> Implement building design and siting regulations to protect public access through setback and other property development regulations of the Zoning Code that control building placement.</p>	<p><u>Consistent.</u> The proposed structure would be setback from Newport Boulevard and 32nd Street providing public open space areas, pedestrian plazas, and landscaped areas adjacent to Newport Boulevard.</p>	<p>No amendment needed.</p>
<p><b>3.1.1-26.</b> Consistent with the policies above, provide maximum public access from the nearest public roadway to the shoreline and along the shoreline with new development except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources or (2) adequate access exists nearby.</p>	<p><u>Consistent.</u> Refer to Response 3.1.1-1.</p>	<p>No amendment needed.</p>



**Table 5.1-3 [continued]  
Coastal Land Use Plan Consistency Analysis**

Coastal Land Use Plan Policy	Consistency of Proposed Project with Current Policy	Coastal Land Use Plan Amendment Required?
3.2.1-1. Protect, and where feasible, expand and enhance recreational opportunities in the coastal zone.	<u>Consistent</u> . Refer to Response 2.3.3-4.	No amendment needed.
4.3.1-6. Require grading/erosion control plans to include soil stabilization on graded or disturbed areas.	<u>Consistent</u> . The proposed project would be required to comply with Municipal Code Chapter 15.10, Excavation and Grading Code, which identifies grading permit requirements, including stabilization measures and erosion control.	No amendment needed.
4.3.1-7. Require measures be taken during construction to limit land disturbance activities such as clearing and grading, limiting cut-and fill to reduce erosion and sediment loss, and avoiding steep slopes, unstable areas, and erosive soils. Require construction to minimize disturbance of natural vegetation, including significant trees, native vegetation, root structures, and other physical or biological features important for preventing erosion or sedimentation.	<u>Consistent</u> . Refer to Response 4.3.1-6. As indicated in <u>Section 5.3, Biological Resources</u> , six “special trees” are located on-site. Two trees are proposed to be retained and four trees would be removed. These trees have determined not to be good candidates for relocation. Mitigation measures have been identified to reduce potential impacts regarding the removal of these trees to a less than significant level.	No amendment needed.
4.3.2-1. Promote pollution prevention and elimination methods that minimize the introduction of pollutants into coastal waters, as well as the generation and impacts of dry weather and polluted runoff.	<u>Consistent</u> . Refer to Response 2.8.7-2.	No amendment needed.
4.3.2-2. Require that development not result in the degradation of coastal waters (including the ocean, estuaries and lakes) caused by changes to the hydrologic landscape.	<u>Consistent</u> . As indicated in the Preliminary Water Quality Management Plan prepared for the proposed project, the project site is not in a location subject to hydromodification impacts or hydrologic conditions of concern. Overall the project would reduce runoff to the off-site storm drain facilities by slightly less than two percent. The proposed development would maintain the historic drainage patterns with the exception that flows are no longer routed north through the Via Lido Shopping area. Due to the shallow depths of the adjacent public storm drain catch basins and the need to treat low flows to conform to the requirements of Low Impact Development, the project proposes using primarily surface flow with localized area drains to drain the site. This method maximizes the potential for runoff infiltration which is the primary Best Management Practice for water quality purposes.	No amendment needed.



**Table 5.1-3 [continued]  
Coastal Land Use Plan Consistency Analysis**

Coastal Land Use Plan Policy	Consistency of Proposed Project with Current Policy	Coastal Land Use Plan Amendment Required?
<p><b>4.3.2-4.</b> Continue to update and enforce the Newport Beach Water Quality Ordinance consistent with the MS4 Permit.</p>	<p><u>Consistent.</u> The project would be required to comply with Municipal Code Chapter 14.36, Water Quality, which requires all new development and significant redevelopment projects within the City comply with the Drainage Area Management Plan and any conditions and requirements established by the Community Development Department and/or Public Works Department, which are reasonably related to the reduction or elimination of pollutants in storm water runoff from the project site.</p>	<p>No amendment needed.</p>
<p><b>4.3.2-6.</b> Implement and improve upon best management practices (BMPs) for residences, businesses, new development and significant redevelopment, and City operations.</p>	<p><u>Consistent.</u> Refer to Response 2.8.7-2.</p>	<p>No amendment needed.</p>
<p><b>4.3.2-7.</b> Incorporate BMPs into the project design in the following progression:</p> <ul style="list-style-type: none"> <li>• Site Design BMPs.</li> <li>• Source Control BMPs.</li> <li>• Treatment Control BMPs.</li> </ul> <p>Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the LCP or Coastal Act, structural treatment BMPs will be implemented along with site design and source control measures.</p>	<p><u>Consistent.</u> Refer to Response 2.8.7-2.</p>	<p>No amendment needed.</p>
<p><b>4.3.2-8.</b> To the maximum extent practicable, runoff should be retained on private property to prevent the transport of bacteria, pesticides, fertilizers, pet waste, oil, engine coolant, gasoline, hydrocarbons, brake dust, tire residue, and other pollutants into recreational waters.</p>	<p><u>Consistent.</u> Refer to Response 4.3.2-2.</p>	<p>No amendment needed.</p>
<p><b>4.3.2-9.</b> To the maximum extent practicable, limit the use of curb drains to avoid conveying runoff directly to the City's street drainage system without the benefit of absorption by permeable surfaces and natural treatments such as landscaped areas and planters.</p>	<p><u>Consistent.</u> Refer to Response 4.3.2-2.</p>	<p>No amendment needed.</p>



**Table 5.1-3 [continued]  
Coastal Land Use Plan Consistency Analysis**

Coastal Land Use Plan Policy	Consistency of Proposed Project with Current Policy	Coastal Land Use Plan Amendment Required?
<p><b>4.3.2-11.</b> Require new development 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.</p>	<p><u>Consistent.</u> Refer to Response 4.3.2-2. Although impervious surfaces would be slightly increased with the project, overall the project would reduce runoff to the off-site storm drain facilities by slightly less than two percent. The project proposes Low Impact Development features including pervious pavement, infiltration trenches, and an infiltration gallery. Infiltration would be used as a BMP for water quality purposes.</p>	<p>No amendment needed.</p>
<p><b>4.3.2-12.</b> Require development to protect the absorption, purification, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Where feasible, design drainage and project plans to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems should be restored, where feasible.</p>	<p><u>Consistent.</u> Refer to Response 4.3.2-2 and 4.3.2-11.</p>	<p>No amendment needed.</p>
<p><b>4.3.2-14.</b> Whenever possible, divert runoff through planted areas or sumps that recharge the groundwater dry wells and use the natural filtration properties of the earth to prevent the transport of harmful materials directly into receiving waters.</p>	<p><u>Consistent.</u> Refer to Response 4.3.2-2 and 4.3.2-11.</p>	<p>No amendment needed.</p>
<p><b>4.3.2-15.</b> Where infiltration of runoff would exacerbate geologic hazards, include equivalent BMPs that do not require infiltration.</p>	<p><u>Consistent.</u> Refer to Response 4.3.2-11.</p>	<p>No amendment needed.</p>
<p><b>4.3.2-18.</b> Condition coastal development permits to require the City, property owners, or homeowners associations, as applicable, to sweep permitted parking lots and public and private streets frequently to remove debris and contaminated residue.</p>	<p><u>Consistent.</u> The Preliminary Water Quality Management Plan incorporates Street Sweeping Private Streets and Parking Lots as a BMP. The BMP states the Owner/Operator shall be responsible for sweeping all on-site drive aisles and uncovered parking areas within the project on a quarterly basis.</p>	<p>No amendment needed.</p>



**Table 5.1-3 [continued]  
Coastal Land Use Plan Consistency Analysis**

Coastal Land Use Plan Policy	Consistency of Proposed Project with Current Policy	Coastal Land Use Plan Amendment Required?
<p><b>4.3.2-19.</b> Require parking lots and vehicle traffic areas to incorporate BMPs designed to prevent or minimize runoff of oils and grease, car battery acid, coolant, gasoline, sediments, trash, and other pollutants to receiving waters.</p>	<p><u>Consistent.</u> The Preliminary Water Quality Management Plan identifies BMPs to prevent storm water pollution, including incorporating pervious pavement within the proposed parking lot to reduce impervious areas and detain runoff for infiltration into the subsoils and requiring drive aisles and parking areas to be swept at least quarterly, including prior to the start of the rainy season. Permeable pavement would provide a surface suitable for parking areas in which water can drain through pore spaces to an underlying rock reservoir underneath. The subsurface base allows for physical and microbial filtering processes to take place thereby removing pollutants such as particulates, organics, hydrocarbons and total suspended sediments, including attached heavy metals.</p>	<p>No amendment needed.</p>
<p><b>4.3.2-20.</b> Require commercial development to incorporate BMPs designed to prevent or minimize the runoff of pollutants from structures, landscaping, parking areas, loading and unloading dock areas, repair and maintenance bays, and vehicle/equipment wash areas.</p>	<p><u>Consistent.</u> As indicated in <u>Section 5.11, Hydrology and Water Quality</u>, the Preliminary Water Quality Management Plan identifies a variety of BMPs designed to prevent or minimize runoff of pollutants. The project would not involve any repair and maintenance bays or vehicle/equipment wash areas.</p>	<p>No amendment needed.</p>
<p><b>4.3.2-23.</b> Require new development applications to include a Water Quality Management Plan (WQMP). The WQMP's purpose is to minimize to the maximum extent practicable dry weather runoff, runoff from small storms (less than 3/4" of rain falling over a 24-hour period) and the concentration of pollutants in such runoff during construction and post-construction from the property.</p>	<p><u>Consistent.</u> As indicated in <u>Section 5.11, Hydrology and Water Quality</u>, a Preliminary Water Quality Management Plan has been prepared for the proposed project consistent with the current Orange County DAMP and the intent of the non-point source NPDES Permit for Waste Discharge Requirements for the County of Orange, Orange County Flood Control District and the incorporated Cities of Orange County within the Santa Ana Region. The project applicant would be required to submit a Final Water Quality Management Plan for approval by the City Engineer that complies with the requirements of the latest Orange County Public Works Drainage Area Management Plan in accordance with Mitigation Measure HWQ-4.</p>	<p>No amendment needed.</p>



**Table 5.1-3 [continued]  
Coastal Land Use Plan Consistency Analysis**

Coastal Land Use Plan Policy	Consistency of Proposed Project with Current Policy	Coastal Land Use Plan Amendment Required?
<p><b>4.4.1-1.</b> Protect and, where feasible, enhance the scenic and visual qualities of the coastal zone, including public views to and along the ocean, bay, and harbor and to coastal bluffs and other scenic coastal areas.</p>	<p><u>Consistent.</u> As indicated in Section 5.2, <i>Aesthetics/Light and Glare</i>, the project is within three City-designated, protected views and represent views toward Newport Bay and the Pacific Ocean (identified visual resources). As analyzed in the Key View analysis, implementation of the proposed project would not impair the existing views to the Pacific Ocean and Newport Bay from these public coastal areas.</p> <p>Implementation of the proposed project would not significantly alter the natural land form. The proposed project would result in the development of passive recreation/open space uses within the southern portion of the project site, which would buffer the transition from the public beach areas to the surrounding existing and proposed residential uses. The proposed project would not result in the degradation of the recreational character of the project area, but would rather enhance these uses.</p>	<p>No amendment needed.</p>
<p><b>4.4.1-2.</b> Design and site new development, including landscaping, so as to minimize impacts to public coastal views.</p>	<p><u>Consistent.</u> Refer to Response 4.4.1-1.</p>	<p>No amendment needed.</p>
<p><b>4.4.1-4.</b> Where appropriate, require new development to provide view easements or corridors designed to protect public coastal views or to restore public coastal views in developed areas.</p>	<p><u>Consistent.</u> Refer to Response 4.4.1-1.</p>	<p>No amendment needed.</p>
<p><b>4.4.2-1.</b> Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3.</p>	<p><u>Inconsistent.</u> The project proposes a four-story hotel with architectural features up to 58.5-feet in height, which would exceed the height limitation identified in the Shoreline Height Limitation Zone.</p>	<p>Amendment proposed. The project would amend CLUP Policy 4.4.2-1 to add the Former City Hall Complex site as an exception to the 35-foot height limitation. The proposed amendment would allow buildings and structures up to 55 feet in height at the Former City Hall Complex site provided it is demonstrated that development does not negatively impact public views. Architectural features would be allowed to exceed 55 feet by 10 feet.</p>





**Table 5.1-3 [continued]  
Coastal Land Use Plan Consistency Analysis**

Coastal Land Use Plan Policy	Consistency of Proposed Project with Current Policy	Coastal Land Use Plan Amendment Required?
<p><b>4.4.2-2.</b> Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.</p>	<p><u>Consistent.</u> As indicated in Section 5.2, <i>Aesthetics/Light and Glare</i>, the proposed project, with the proposed setbacks to Newport Boulevard and 32nd Street, is considered compatible in massing and scale to the surrounding uses. In addition, the proposed project would be required to comply with the Lido Village Design Guidelines.</p>	<p>No amendment needed.</p>
<p><b>4.4.2-3.</b> Implement the regulation of the building envelope to preserve public views through the height, setback, floor area, lot coverage, and building bulk regulation of the Zoning Code in effect as of October 13, 2005 that limit the building profile and maximize public view opportunities.</p>	<p><u>Consistent.</u> The project site is currently zoned Public Facilities (PF). The project proposes development of a 130-room hotel, which would not be consistent with the PF designation and the associated development standards established by the Zoning Code. As indicated in Section 5.2, <i>Aesthetics/Light and Glare</i>, the project is within three City-designated, protected views and represent views toward Newport Bay and the Pacific Ocean (identified visual resources). As analyzed in the Key View analysis, implementation of the proposed project would not impair the existing views to the Pacific Ocean and Newport Bay from these public coastal areas.</p>	<p>No amendment needed. The project proposes a Zoning Code Amendment that would include a text and map change to replace the existing zoning designation for the site to a new zone: MU-LV (Mixed-Use-Lido Village) and establish density and intensity limits consistent with the proposed General Plan Amendment. The proposed amendment would allow buildings and structures up to 55 feet in height at the Former City Hall Complex site provided it is demonstrated that development does not negatively impact public views. Architectural features would be allowed to exceed 55 feet by 10 feet. Building setbacks and open space requirements would also be established.</p>
<p><b>4.5.1-1.</b> Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources. If avoidance of the resource is not feasible, require an in situ or site-capping preservation plan or a recovery plan for mitigating the effect of the development.</p>	<p><u>Consistent.</u> As indicated in Section 5.4, <i>Cultural Resources</i>, the project site does not contain any known archaeological or paleontological resources. Mitigation would require a Native American Monitor and Paleontological Resource Monitor be present during earth removal or ground disturbance activities at the site. If resources are discovered, all earth removal or disturbance activities would be suspended and a mitigation program would be implemented. The City selected archaeologist would evaluate all potential cultural findings in accordance with standard practice, the requirements of the City of Newport Beach Historic Resources Element, and other applicable regulations. The City selected paleontologist would evaluate all potential paleontological findings in accordance with the Paleontological Resource Monitoring and Mitigation Program Monitoring, standard practice, the requirements of the City of Newport Beach Historic Resources Element, and other applicable regulations.</p>	<p>No amendment needed.</p>



**Table 5.1-3 [continued]  
Coastal Land Use Plan Consistency Analysis**

Coastal Land Use Plan Policy	Consistency of Proposed Project with Current Policy	Coastal Land Use Plan Amendment Required?
<p><b>4.5.1-2.</b> Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural or paleontological resources. If grading operations or excavations uncover paleontological/archaeological resources, require the paleontologist/archeologist monitor to suspend all development activity to avoid destruction of resources until a determination can be made as to the significance of the paleontological/archaeological resources. If resources are determined to be significant, require submittal of a mitigation plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. Mitigation plans shall include a good faith effort to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, in situ preservation/capping, and placing cultural resource areas in open space.</p>	<p><u>Consistent.</u> Refer to Response 4.5.1-1.</p>	<p>No amendment needed.</p>
<p><b>4.5.1-3.</b> 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.</p>	<p><u>Consistent.</u> As indicated in <u>Section 5.4, Cultural Resources</u>, the City previously conducted SB 18 consultation for the project site as part of the environmental documentation for the City Hall Reuse Project. During the previous SB 18 consultation, the City received an inquiry from one tribal representative. The Native American representative indicated that he could coordinate monitoring services during grading/construction if it is determined that such monitoring is required. The tribal representative did not indicate any knowledge of the presence of any significant cultural or archaeological resources on the project site. Refer also to Response 4.5.1-1.</p>	<p>No amendment needed.</p>



**Table 5.1-3 [continued]  
Coastal Land Use Plan Consistency Analysis**

Coastal Land Use Plan Policy	Consistency of Proposed Project with Current Policy	Coastal Land Use Plan Amendment Required?
<p><b>4.5.1-5.</b> Where there is a potential to affect cultural or paleontological resources, require the submittal of an archeological/cultural resources monitoring plan that identifies monitoring methods and describes the procedures for selecting archeological and Native American monitors and procedures that will be followed if additional or unexpected archeological/cultural resources are encountered during development of the site. Procedures may include, but are not limited to, provisions for cessation of all grading and construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options to allow for significance testing, additional investigation and mitigation.</p>	<p><u>Consistent.</u> Refer to Response 4.5.1-1.</p>	<p>No amendment needed.</p>
<p><b>4.6-1.</b> Review all new development subject to California Environmental Quality Act (CEQA) and coastal development permit requirements in accordance with the principles, objectives, and criteria contained in CEQA, the State CEQA Guidelines, the Local Coastal Program, and any environmental review guidelines adopted by the City.</p>	<p><u>Consistent.</u> The City of Newport Beach is the Lead Agency under CEQA, and has determined that an Environmental Impact Report (EIR) is required for the proposed project. This Draft EIR has been prepared in conformance with CEQA (California Public Resources Code [PRC] Section 21000 et seq.); <i>CEQA Guidelines</i> (California Code of Regulations [CCR], Title 14, Section 15000 et seq.); and the rules, regulations, and procedures for implementation of CEQA, as adopted by the City of Newport Beach. In addition, the City reviews development within the Coastal Zone for consistency with the CLUP. This analysis is included within the Draft EIR.</p>	<p>No amendment needed.</p>
<p><b>4.6-2.</b> Integrate CEQA procedures into the review procedures for new development within the coastal zone.</p>	<p><u>Consistent.</u> Refer to Response 4.6-1.</p>	<p>No amendment needed.</p>



**Table 5.1-3 [continued]  
Coastal Land Use Plan Consistency Analysis**

Coastal Land Use Plan Policy	Consistency of Proposed Project with Current Policy	Coastal Land Use Plan Amendment Required?
<p><b>4.6-3.</b> Require a qualified City staff member, advisory committee designated by the City, or consultant approved by and under the supervision of the City, to review all environmental review documents submitted as part of an application for new development and provide recommendations to the appropriate decision-making official or body.</p>	<p><u>Consistent.</u> City staff has retained an environmental consultant to peer review applicant-prepared technical studies and prepare additional technical studies and the Draft EIR for the proposed project, in accordance with CEQA requirements. As the Lead Agency under CEQA, City staff reviews all environmental documents and provides recommendations to the decision-making body.</p>	<p>No amendment needed.</p>
<p><b>4.6-9.</b> Require applications for new development, where applicable, to include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains statements that the project site is suitable for the proposed development and that the development will be safe from geologic hazard for its economic life. For development on coastal bluffs, including bluffs facing Upper Newport Bay, such reports shall include slope stability analyses and estimates of the long-term average bluff retreat rate over the expected life of the development. Reports are to be signed by an appropriately licensed professional and subject to review and approval by qualified city staff member(s) and/or contracted employee(s).</p>	<p><u>Consistent.</u> Refer to Response 2.8.7-3.</p>	<p>No amendment needed.</p>
<p>Source: <i>City of Newport Beach Local Coastal Program Coastal Land Use Plan</i>, First Approved October 13, 2005, Adopted December 13, 2005; Amended February 5, 2009, Adopted July 14, 2009.</p>		



## Land Use Categories

The CLUP was derived from the Land Use Element of the General Plan and is intended to identify the distribution of land uses in the coastal zone. CLUP Table 2.1.1-1 *Land Use Plan Categories*, establishes the type, density and intensity of land uses within the coastal zone. The CLUP designates the project site as Public Facilities (PF). According to the CLUP, the PF category is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities.

The project proposes an amendment to the CLUP, which would include a text and map change to replace the existing PF designation for the site with a new Mixed-Use (MU) land use category and establish density and intensity limits within Table 2.1.1-1.

The MU category is intended to provide for the development of a mix of uses, which may include general, neighborhood or visitor-serving commercial, commercial offices, visitor accommodations, multi-family residential, mixed use development, and/or civic uses. The MU category would allow for the following density/intensity:

- 99 dwelling units and 15,000 square feet of commercial; or
- 99,625 square feet of hotel; or
- Any combination of dwelling units and hotel rooms provided it does not exceed 99 dwelling units or 99,625 square feet of hotel use. Municipal facilities are not restricted or included in any development limit.

## Bulk and Height Limitation

The project site is located within the Shoreline Height Limitation Zone, as depicted on Map 4-3, which limits new development to a height of 35 feet. Specifically, non-residential development is limited to a height of 26 to 35 feet. The project proposes amending CLUP Policy 4.4.2-1 in order to establish a higher height limit for the project site, as follows:

*Former City Hall Complex located at 3300 Newport Boulevard: Buildings and structures up to 55 feet in height provided it is demonstrated that development does not negative impact public views. Peaks of sloping roofs and elevator towers may exceed 55 feet by up to 5 feet and architectural features such as domes, towers, cupolas, spires, and similar structures may exceed 55 feet by 10 feet. The purpose of allowing buildings, structures, and architectural elements to exceed 35 feet is to promote vertical clustering resulting in increased open space and architectural diversity while protecting existing coastal views and providing new coastal view opportunities.*

Approval of the Coastal Land Use Plan Amendment would result in the project's compliance with the Coastal Land Use Plan. Refer to Section 5.2, *Aesthetics/Light and Glare*, for additional discussion regarding potential visual and character/quality impacts associated with the proposed project.

As concluded in the discussions above, the proposed project would not conflict with the Coastal Act or the CLUP, as amended.



**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

### LU-2 THE PROPOSED PROJECT WOULD NOT CONFLICT WITH SCAG'S REGIONAL PLANNING EFFORTS.

**Impact Analysis:** SCAG's Intergovernmental Review (IGR) Section is responsible for performing a consistency review of local plans, projects, and programs with regional plans. According to SCAG's criteria for classification of projects as regionally significant, the following criteria are relevant to the proposed project:

- A proposed local general plan, element, or amendment thereof for which an EIR was prepared.
- A proposed hotel/motel development of more than 500 rooms.
- A project for which an EIR was prepared and which is located in and substantially impacting an area of critical environmental sensitivity. This includes the California Coastal Zone.

The proposed project is not regionally significant because the project proposes to develop a 130-room hotel, which is fewer than the 500 room threshold. Additionally, the project would not "substantially impact" the California Coastal Zone. The Coastal Zone was identified and considered as part of the project's existing environmental setting/baseline condition. The proposed project has been analyzed for consistency with the Coastal Act's Planning and Management Policies and was found to be consistent; refer to the LU-1 Impact Analysis above.

The project proposes an amendment to the General Plan Land Use Element text in order to create a new mixed-use land use category, Mixed-Use Horizontal 5 (MU-H5) and create a new Anomaly Location within the General Plan Land Use Element Table LU2. The General Plan Land Use Map would also be amended to replace the existing PF designation for the project site with the new MU-H5 land use designation. The new designation would allow for a mix of uses at the project site, which would be considered compatible with the intent and character of Lido Village with respect to land use. General Plan Land Use Element Table LU2 would identify the development limits specific to the MU-H5 designation. Development would be limited to 99 dwelling units and 15,000 square feet of commercial or 99,625 square feet of hotel or any combination of dwelling units and hotel rooms provided it does not exceed 99 dwelling units or 99,625 square feet of hotel use. Further, the Zoning Code would be amended to create a new mixed-use zoning district, MU-LV (Mixed Use – Lido Village) in order to implement the MU-H5 land use designation. Development standards and allowed uses would also be established, consistent with the Lido Village Design Guidelines. The proposed height (up to 55 feet) for the project site would be compatible with the area, as surrounding buildings to the north and east of the project site include structures that can range from 12 to 110 feet and buildings to the west and south generally range in height from 11 to 35 feet; refer also to Section 5.2, *Aesthetics/Light and Glare*.

The proposed project would be in compliance with the proposed Zoning Code Amendment's development standards regarding intensity, structure height, building setbacks, and open space. It is further noted, the City distributed the NOP of this Draft EIR to responsible and trustee agencies,



including SCAG, on November 6, 2013. The City requested the agencies' views and specific concerns related to the proposed project's potential environmental effects. SCAG did not respond to the NOP. It is concluded that the proposed project is not regionally significant. Therefore, no further analysis is warranted and a less than significant impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## CITY OF NEWPORT BEACH GENERAL PLAN

### LU-3 THE PROPOSED PROJECT WOULD NOT CONFLICT WITH THE NEWPORT BEACH GENERAL PLAN POLICIES AND REGULATIONS.

**Impact Analysis:** Table 5.1-4, *General Plan Policy Consistency Analysis*, analyzes the project's consistency with the relevant General Plan policies. As demonstrated in Table 5.1-4, the proposed project is consistent with most of the relevant General Plan Goals and Policies. To the extent that the proposed project is inconsistent with current General Plan policies, the project proposes to amend those policies to eliminate any inconsistency. There will therefore be a less than significant impact in this regard.

**Table 5.1-4  
General Plan Policy Consistency Analysis**

General Plan Policy	Consistency of Proposed Project with Current Policy	General Plan Amendment Required?
<b>Land Use Element</b>		
Goal LU 1: A unique residential community with diverse coastal and upland neighborhoods, which values its colorful past, high quality of life, and community bonds, and balances the needs of residents, businesses, and visitors through the recognition that Newport Beach is primarily a residential community.		
LU 1.1 Unique Environment: Maintain and enhance the beneficial and unique character of the different neighborhoods, business districts, and harbor that together identify Newport Beach. Locate and design development to reflect Newport Beach's topography, architectural diversity, and view sheds.	Consistent. As indicated in Section 5.2, <i>Aesthetics/Light and Glare</i> , the project site is located within the Lido Village area of the City. The proposed site layout, building architecture, and landscaping is planned to be consistent with the Lido Village Design Guidelines and City-adopted goals to revitalize this resident and visitor-serving commercial area. The project is within three City-designated, protected views and represent views toward Newport Bay and the Pacific Ocean (identified visual resources). As analyzed in the Key View analysis, implementation of the proposed project would not impair the existing views to the Pacific Ocean and Newport Bay from these public coastal areas. Implementation of the proposed project would not significantly alter the natural land form.	No amendment needed.



**Table 5.1-4 [continued]  
General Plan Policy Consistency Analysis**

General Plan Policy	Consistency of Proposed Project with Current Policy	General Plan Amendment Required?
<p>LU 1.6 Public Views: Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.</p>	<p><u>Consistent</u>. Refer to Response LU 1.1.</p>	<p>No amendment needed.</p>
<p>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.</p>		
<p>LU 2.6 Visitor Serving Uses: Provide uses that serve visitors to Newport Beach's ocean, harbor, open spaces, and other recreational assets, while integrating them to protect neighborhoods and residents.</p>	<p><u>Consistent</u>. The project involves the development of a 130-room hotel within the Lido Village area of the City, providing visitors with accommodations located in proximity to recreational assets, such as the ocean. In addition, the project would provide public open space areas, including pedestrian plazas, landscape areas, and other amenities along Newport Boulevard and 32nd Street, providing passive recreation opportunities. The public plaza space along Newport Boulevard would include architectural features such as sea glass, sand, and shell paving "planks", reclaimed wood benches for seating, interactive water feature, interpretive pylons, park gateway monuments, wood decks with seating, a lawn terrace, and a park gateway. The passive recreation/open space uses within the southern portion of the project site would buffer the transition from the public beach areas to the surrounding existing and proposed residential uses. The four-story massing of the new building would create a sense of arrival at the entry, while stepping down in scale and providing architectural articulation along Newport Boulevard and 32nd Street. The architecture would include the residential vernacular of local coastal homes, and the hotel's residential scale would increase the pedestrian scale of the project site in context of the surrounding commercial uses. The upper levels would be set back away from the street edges, increasing the pedestrian scale from 32nd Street and Newport Boulevard. Additionally, as indicated in Section 5.5, <i>Traffic and Circulation</i>, the proposed project would not result in significant impacts to any of the study intersections based on the agency-established thresholds of significance.</p>	<p>No amendment needed.</p>





**Table 5.1-4 [continued]  
General Plan Policy Consistency Analysis**

General Plan Policy	Consistency of Proposed Project with Current Policy	General Plan Amendment Required?
<p>LU 2.8 Adequate Infrastructure: Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).</p>	<p><u>Consistent.</u> As indicated in <u>Section 5.12, Public Services and Utilities</u>, adequate infrastructure and services would be available to serve the proposed project. In addition, as indicated in <u>Section 5.5, Traffic and Circulation</u>, the proposed project would be adequately supported by existing transportation infrastructure within the area.</p>	<p>No amendment needed.</p>
<p>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>		
<p>LU 3.2 Growth and Change: Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.</p>	<p><u>Consistent.</u> The project proposes redevelopment of the former Newport Beach City Hall complex. Existing buildings that previously supported the former City of Newport Beach City Hall would be removed allowing for development of a hotel and associated amenities. The project proposes a 130-room boutique hotel, providing visitor accommodations, recreational, personal services, shopping, dining, and assembly opportunities within Lido Village. The proposed site layout, building architecture, and landscaping is planned to be consistent with the Lido Village Design Guidelines and the City's goals to revitalize Lido Village Master Plan. The four-story massing of the new building would create a sense of arrival at the entry, while stepping down in scale and providing architectural articulation along Newport Boulevard and 32nd Street. The architecture would include the residential vernacular of local coastal homes, and the hotel's residential scale would increase the pedestrian scale of the project site in context of the surrounding commercial uses. The upper levels would be set back away from the street edges, increasing the pedestrian scale from 32nd Street and Newport Boulevard. Residential uses are located within the surrounding area and would be able to readily access the project site and proposed uses. Also, refer to Response LU 2.8.</p>	<p>No amendment needed.</p>



**Table 5.1-4 [continued]  
General Plan Policy Consistency Analysis**

General Plan Policy	Consistency of Proposed Project with Current Policy	General Plan Amendment Required?
<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. The permitted densities/intensities or amount of development for land use categories for which this is not included in Table LU1, are specified on the Land Use Plan, Figure LU4 through Figure LU15. These are intended to convey maximum and, in some cases, minimums that may be permitted on any parcel within the designation or as otherwise specified by Table LU2 (Anomaly Locations). The density/intensity ranges are calculated based on actual land area, actual number of dwelling units in fully developed residential areas, and development potential in areas where the General Plan allows additional development.</p>	<p><u>Consistent</u>. The project site is currently designated as PF, which is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities. The project proposes development of a 130-room hotel, which would not be consistent with the PF designation for the site. Upon approval of the proposed amendment, the proposed hotel will be consistent with this policy.</p>	<p>Amendment proposed. The project proposes to amend the General Plan, which would include a text and map change to replace the existing PF designation for the site with a new mixed-use land use category (MU-H5) and establish density and intensity limits within Land Use Element Table LU2, Anomaly Locations, by establishing a new anomaly location.</p>
<p>To determine the permissible development, the user should:</p> <ol style="list-style-type: none"> <li>a. Identify the parcel and the applicable land use designation on the Land Use Plan, Figure LU4 through Figure LU15.</li> <li>b. Refer to Figure LU4 through Figure LU15 and Table LU1 to identify the permitted uses and permitted density or intensity or amount of development for the land use classification. Where densities/intensities are applicable, the maximum amount of development shall be determined by multiplying the area of the parcel by the density/intensity.</li> </ol>		



**Table 5.1-4 [continued]  
General Plan Policy Consistency Analysis**

General Plan Policy	Consistency of Proposed Project with Current Policy	General Plan Amendment Required?
<p>c. For anomalies identified on the Land Use Map by a symbol, refer to Table LU2 to determine the precise development limits.</p> <p>d. For residential development in the Airport Area., refer to the policies prescribed by the Land Use Element that define how development may occur.</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 5.3.5 Pedestrian-Oriented Architecture and Streetscapes: Require that buildings located in pedestrian-oriented commercial and mixed-use districts (other than the Newport Center and Airport Area, which are guided by Goals 6.14 and 6.15, respectively, specific to those areas) be designed to define the public realm, activate sidewalks and pedestrian paths, and provide “eyes on the street” in accordance with the following principles:</p> <p>Location of buildings along the street frontage sidewalk, to visually form a continuous or semi-continuous wall with buildings on adjacent parcels.</p> <p>Inclusion of retail uses characterized by a high level of customer activity on the ground floor; to insure successful retail-type operations, provide for transparency, elevation of the first floor at or transitioning to the sidewalk, floor-to-floor height, depth, deliveries, and trash storage and collection.</p> <p>Articulation and modulation of street-facing elevations to promote interest and character.</p> <p>Inclusion of outdoor seating or other amenities that extend interior uses to the sidewalk, where feasible.</p> <p>Minimization of driveways that interrupt the continuity of street facing building elevations, prioritizing their location to side streets and alleys where feasible.</p>	<p><u>Consistent.</u> The proposed site layout, building architecture, and landscaping is planned to be consistent with the Lido Village Design Guidelines and the Lido Village Master Plan. The hotel would be four stories with architectural features up to 58.5-feet in height. Main access to the hotel would be accomplished from Finley Street, along the western portion of the project site. The four-story massing of the new building would create a sense of arrival at the entry, while stepping down in scale and providing architectural articulation along Newport Boulevard and 32nd Street. The architecture would include the residential vernacular of local coastal homes, and the hotel’s residential scale would increase the pedestrian scale of the project site in context of the surrounding commercial uses. The upper levels would be set back away from the street edges, increasing the pedestrian scale from 32nd Street and Newport Boulevard. The project would provide public open space areas, pedestrian plazas, landscape areas, and other amenities along Newport Boulevard and 32nd Street. The public plaza space along Newport Boulevard would include architectural features such as sea glass, sand, and shell paving “planks”, reclaimed wood benches for seating, interactive water feature, interpretive pylons, park gateway monuments, wood decks with seating, a lawn terrace, and a park gateway. The passive recreation/open space uses within the southern portion of the project site would buffer the transition from the public beach areas to the surrounding existing and proposed residential uses.</p>	<p>No amendment needed.</p>



**Table 5.1-4 [continued]  
General Plan Policy Consistency Analysis**

General Plan Policy	Consistency of Proposed Project with Current Policy	General Plan Amendment Required?
<p>LU 5.3.6 Parking Adequacy and Location: Require that adequate parking be provided and is conveniently located to serve tenants and customers. Set open parking lots back from public streets and pedestrian ways and screen with buildings, architectural walls, or dense landscaping.</p>	<p><u>Consistent</u>. Refer to Response 2.9.3-2. Surface parking would be primarily located east of the proposed hotel building, away from Newport Boulevard. The parking lot would be gated with the exception of parking within the entry at Newport Boulevard and Finley Avenue and the on-street parking spaces located along 32nd Street. The surface parking would be screened from the open space/paseo and pedestrian areas by the hotel structure and by landscaping located around the perimeter of the project site.</p>	<p>No amendment needed.</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><u>Consistent</u>. Refer to Response LU 5.3.5. In addition, the project would enhance pedestrian access along Newport Boulevard and 32nd Street through public open space areas, pedestrian plazas, and landscaped areas, providing a transition from Newport Bay to the Pacific Ocean. The pathway along Newport Boulevard would lead from the beach and the intersection of Newport Boulevard and 32nd Street to Finley Avenue, connecting with Lido Village. Thus, the proposed project would provide for a compatible interface between neighborhoods, districts, and corridors within the area.</p>	<p>No amendment needed.</p>
<p>LU 5.6.2 Form and Environment: Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.</p>	<p><u>Consistent</u>. Refer to Response LU 5.3.5. As indicated in <u>Section 5.2, Aesthetics/Light and Glare</u>, the proposed project, with the proposed setbacks to Newport Boulevard and 32nd Street, is considered compatible in massing and scale to the surrounding uses. In addition, the project would be required to comply with the Lido Village Design Guidelines and the City's Municipal Code, ensuring operational light and glare associated with street lighting, security lights, and interior lights would not be significant. The proposed materials would not raise local temperatures or result in glare or excessive illumination. In addition, the size and scale of the project would not adversely modify wind patterns.</p>	<p>No amendment needed.</p>



**Table 5.1-4 [continued]  
General Plan Policy Consistency Analysis**

General Plan Policy	Consistency of Proposed Project with Current Policy	General Plan Amendment Required?
<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><u>Consistent.</u> Refer to Response LU 5.6.2. In addition, as indicated in <u>Section 5.2, Aesthetics/Light and Glare</u>, the proposed project would be required to comply with Mitigation Measure AES-3 in order to ensure all construction-related lighting is located and aimed away from adjacent residential areas and consist of the minimal wattage necessary to provide safety and security at the project site.</p>	<p>No amendment needed.</p>
<p>Goal LU 6.1: A diversity of governmental service, institutional, educational, cultural, social, religious, and medical facilities that are available for and enhance the quality of life for residents and are located and designed to complement Newport Beach's neighborhoods.</p>		
<p>LU 6.1.1 Adequate Community Supporting Uses: Accommodate schools, government administrative and operational facilities, fire stations and police facilities, religious facilities, schools, cultural facilities, museums, interpretative centers, and hospitals to serve the needs of Newport Beach's residents and businesses.</p>	<p><u>Consistent.</u> Fire Station No. 2 is located within the project site and would remain in its existing location. As indicated in <u>Section 5.12, Public Services and Utilities</u>, adequate infrastructure and services would be available to serve the proposed project.</p>	<p>No amendment needed.</p>
<p>Goal LU 6.8: A series of commercial, visitor-serving, marine-related, civic, and residential neighborhoods that are vibrant throughout the year, differentiated by their historic and functional characteristics and architectural style, yet integrated by streetscape amenities.</p>		
<p>LU 6.8.1 Urban Form: Establish development patterns that promote the reinforcement of Balboa Peninsula's pedestrian scale and urban form as a series of distinct centers/nodes and connecting corridors.</p>	<p><u>Consistent.</u> Refer to Response LU 5.3.5.</p>	<p>No amendment needed.</p>
<p>LU 6.8.2 Component Districts: Lido Village and McFadden Square should be emphasized as the primary activity centers of the northern portion of the Peninsula, linked by corridors of retail and visitor-serving uses along Newport Boulevard and a mix of marine-related and residential uses on the Bay frontage. These surround a residential core in the inland section of Cannery Village. Balboa Village will continue to serve as the primary center of the lower Peninsula, surrounded by residential neighborhoods along and flanking Balboa Boulevard.</p>	<p><u>Consistent.</u> Refer to Response LU 5.3.5. The project proposes a 130-room boutique hotel along Newport Boulevard, providing visitor accommodations within the Lido Village area of the City.</p>	<p>No amendment needed.</p>



**Table 5.1-4 [continued]  
General Plan Policy Consistency Analysis**

General Plan Policy	Consistency of Proposed Project with Current Policy	General Plan Amendment Required?
<p>Goal LU 6.9: A pedestrian-oriented village environment that reflects its waterfront location, providing a mix of uses that serves visitors and local residents.</p>		
<p>LU 6.9.1 Priority Uses: Encourage uses that take advantage of Lido Village's location at the Harbor's turning basin and its vitality and pedestrian character, including visitor-serving and retail commercial, small lodging facilities (bed and breakfasts, inns), and mixed-use buildings that integrate residential with retail uses [areas designated as "MU-W2", Subarea "A"]. A portion of the Harbor frontage and interior parcels (Subarea "B") may also contain multi-family residential [designated as "RM(20/ac)"], and the parcel adjoining the Lido Isle Bridge, a recreational and marine commercial use [designated as "CM(0.3)"].</p>	<p><u>Consistent.</u> The project proposes a 130-room boutique hotel, providing visitor accommodations, recreational, personal services, shopping, dining, and assembly opportunities within Lido Village in proximity to the Newport Harbor and the Ocean allowing the setting and location to enhance the proposed use. Pedestrian plazas, landscape areas, and other amenities would be located along Newport Boulevard and 32nd Street, further enhancing the pedestrian character of the area.</p>	<p>No amendment needed.</p>
<p><b>Circulation Element</b></p>		
<p>Goal CE 2.1: A roadway system that provides for the efficient movement of goods and people in the City of Newport Beach, while maintaining the community's character and its residents' quality of life.</p>		
<p>CE 2.1.1 Level of Service Standards Plan the arterial roadway system to accommodate projected traffic at the following level of service standards:</p> <ul style="list-style-type: none"> <li>A. Level of Service (LOS) "D" throughout the City, unless otherwise noted.</li> <li>B. LOS "E" at any intersection in the Airport Area shared with Irvine.</li> <li>C. LOS "E" at Coast Highway (EW) and Dover Drive (NS) due to right-of-way limitations.</li> <li>D. LOS "E" at Marguerite Avenue (NS) and Coast Highway (EW) in the pedestrian oriented area of Corona del Mar.</li> <li>E. LOS "E" at Goldenrod Avenue (NS) and Coast Highway (EW) in the pedestrian oriented area of in Corona del Mar.</li> </ul>	<p><u>Consistent.</u> As indicated in Section 5.5, <i>Traffic/Circulation</i>, implementation of the project would not result in significant impacts to any of the study intersections based on the agency-established thresholds of significance.</p>	<p>No amendment needed.</p>



**Table 5.1-4 [continued]  
General Plan Policy Consistency Analysis**

General Plan Policy	Consistency of Proposed Project with Current Policy	General Plan Amendment Required?
<b>Goal CE 2.2: A safe and efficient roadway system.</b>		
CE 2.2.6 Emergency Access: Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles.	<u>Consistent.</u> As indicated in Section 5.5, <i>Traffic/Circulation</i> , egress/ingress for the new hotel would be designed to accommodate emergency vehicles to meet applicable Fire Code access requirements. According to the Newport Beach Fire Department, all of the fire apparatus access road requirements, would be met with the proposed project, which includes eliminating vehicular access from 32nd Street through the project site to Via Lido Plaza. Access to all portions of Via Lido Plaza would continue to be met by public roadways (Newport Boulevard and Via Lido) and private roadways (Finley Avenue and Via Lido next to the West Marine commercial building).	No amendment needed.
<b>Goal CE 5.1: Convenient trail systems that satisfy recreational desires and transportation needs.</b>		
CE 5.1.2 Pedestrian Connectivity: Link residential areas, schools, parks, and commercial centers so that residents can travel within the community without driving.	<u>Consistent.</u> Refer to Response LU 6.9.1.	No amendment needed.
<b>Goal CE 7.1: An adequate supply of convenient parking throughout the City.</b>		
CE 7.1.1 Required Parking: Require that new development provide adequate, convenient parking for residents, guests, business patrons, and visitors.	<u>Consistent.</u> Refer to Response LU 5.3.6.	No amendment needed.
<b>Natural Resources Element</b>		
<b>Goal NR 1: Minimized water consumption through conservation methods and other techniques.</b>		
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.	<u>Consistent.</u> The project would be required to comply with Municipal Code Section 14.16.040, Permanent Mandatory Water Conservation Requirements, which identifies specific restrictions in order to conserve water at all times. In addition, the project would be required to comply with Municipal Code Chapter 14.17, Water-Efficient Landscaping, which establishes a structure for water-efficient landscapes in new construction projects,	No amendment needed.



**Table 5.1-4 [continued]  
General Plan Policy Consistency Analysis**

General Plan Policy	Consistency of Proposed Project with Current Policy	General Plan Amendment Required?
<p>Goal NR 3: Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands.</p>		
<p>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.</p>	<p><u>Consistent.</u> As indicated in <u>Section 5.11, Hydrology and Water Quality</u>, the proposed project would be required to comply with the regulations under the National Pollutant Discharge Elimination System.</p>	<p>No amendment needed.</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><u>Consistent.</u> As indicated in <u>Section 5.11, Hydrology and Water Quality</u>, a Preliminary Water Quality Management Plan has been prepared for the proposed project consistent with the current Orange County DAMP and the intent of the non-point source NPDES Permit for Waste Discharge Requirements for the County of Orange, Orange County Flood Control District and the incorporated Cities of Orange County within the Santa Ana Region. The project applicant would be required to submit a Final Water Quality Management Plan for approval by the City Engineer that complies with the requirements of the latest Orange County Public Works Drainage Area Management Plan in accordance with Mitigation Measure HWQ-4.</p>	<p>No amendment needed.</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><u>Consistent.</u> As indicated in <u>Section 5.11, Hydrology and Water Quality</u>, a Preliminary Water Quality Management Plan has been prepared for the proposed project consistent with the current Orange County DAMP and the intent of the non-point source NPDES Permit for Waste Discharge Requirements. The Preliminary WQMP describes the development and its operations, identifies potential sources of storm water pollution, and recommends appropriate BMPs or pollution control measures to reduce the discharge of pollutants in storm water runoff. Recommended BMPs include site design, source control, and low impact development; refer to Section 4.0 of the Preliminary WQMP (included in <u>Appendix 11.8</u>) for a complete list of BMPs. The Final WQMP, to be approved by the City, would provide the final BMPs applicable to the proposed project (Mitigation Measure HWQ-4).</p>	<p>No amendment needed.</p>





**Table 5.1-4 [continued]  
General Plan Policy Consistency Analysis**

General Plan Policy	Consistency of Proposed Project with Current Policy	General Plan Amendment Required?
<p>NR 3.11 Site Design and Source Control: Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.</p>	<p><u>Consistent.</u> Refer to Response NR 3.10.</p>	<p>No amendment needed.</p>
<p>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.</p>	<p><u>Consistent.</u> As indicated in <u>Section 5.11, Hydrology and Water Quality</u>, the project would incorporate Low Impact Development (LID) features and BMPs, which would include pervious pavement, infiltration trenches, and an infiltration gallery. Although impervious surfaces would be slightly increased with the project, overall the project would reduce runoff to the off-site storm drain facilities by slightly less than two percent.</p>	<p>No amendment needed.</p>
<p>Goal NR 8: Reduced air pollutant emissions from construction activities.</p>		
<p>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.</p>	<p><u>Consistent.</u> As indicated in <u>Section 5.6, Air Quality</u>, the project would be required to comply with Mitigation Measures AQ-1 and AQ-2, reducing air pollutant emissions from construction activities. These measures call for the maintenance of construction equipment, the use of non-polluting and non-toxic building equipment, and minimizing fugitive dust.</p>	<p>No amendment needed.</p>
<p>Goal NR 18: Protection and preservation of important paleontological and archaeological resources.</p>		
<p>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.</p>	<p><u>Consistent.</u> As indicated in <u>Section 5.4, Cultural Resources</u>, the project site does not contain any known archaeological or paleontological resources. Mitigation would require a Native American Monitor and Paleontological Resource Monitor be present during earth removal or ground disturbance activities at the site. If resources are discovered, all earth removal or disturbance activities would be suspended and a mitigation program would be implemented. The City selected archaeologist would evaluate all potential cultural findings in accordance with standard practice, the requirements of the City of Newport Beach Historic Resources Element, and other applicable regulations.</p>	<p>No amendment needed.</p>



**Table 5.1-4 [continued]  
General Plan Policy Consistency Analysis**

General Plan Policy	Consistency of Proposed Project with Current Policy	General Plan Amendment Required?
	The City selected paleontologist would evaluate all potential paleontological findings in accordance with the Paleontological Resource Monitoring and Mitigation Program Monitoring, standard practice, the requirements of the City of Newport Beach Historic Resources Element, and other applicable regulations.	
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.	<u>Consistent.</u> Refer to Response NR 18.1. As indicated in <u>Section 5.4, Cultural Resources</u> , the City has previously conducted SB 18 consultation for the project site as part of the environmental documentation for the City Hall Reuse Project. During the previous SB 18 consultation, the City received an inquiry from one tribal representative. The Native American representative indicated that he could coordinate monitoring services during grading/construction if it is determined that such monitoring is required. The tribal representative did not indicate any knowledge of the presence of any significant cultural or archaeological resources on the project site.	No amendment needed.
Goal NR 20: Preservation of significant visual resources.		
NR 20.1 Enhancement of Significant Resources: Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points, as shown in Figure NR3.	<u>Consistent.</u> Refer to Response LU 1.1.	No amendment needed.
NR 20.2 New Development Requirements: Require new development to restore and enhance the visual quality in visually degraded areas, where feasible, and provide view easements or corridors designed to protect public views or to restore public views in developed areas, where appropriate.	<u>Consistent.</u> As indicated in <u>Section 5.2, Aesthetics/Light and Glare</u> , the project site is within three City-designated protected views that represent views toward Newport Bay and the Pacific Ocean (identified visual resources). As analyzed in the Key View analysis, implementation of the proposed project would not impair the existing views to the Pacific Ocean and Newport Bay from these public coastal areas.	No amendment needed.
Source: City of Newport Beach, <i>City of Newport Beach General Plan</i> , Adopted July 25, 2006, as amended and currently in effect.		



## Land Use Element

The General Plan Land Use Map designates the project site as Public Facilities (PF). According to the General Plan Land Use Element Table LU1, *Land Use Plan Categories*, the PF designation is intended to provide public facilities, including public schools, cultural institutions, government facilities, libraries, community centers, public hospitals, and public utilities.

The project proposes an amendment to the General Plan Land Use Element text in order to create the following new mixed-use land use category:

### *Mixed-Use Horizontal 5 (MU-H5)*

*The MU-H5 designation applies to the former City Hall Complex located at the northeast corner of the intersection of Newport Boulevard and 32nd Street. The MU-H5 designation provides for the horizontal or vertical intermixing of commercial, visitor accommodations, residential, and/or civic uses. Civic uses may include, but are not limited to, a community center, public plazas, a fire station, and/or public parking.*

A new Anomaly Location within General Plan Land Use Element Table LU2, *Anomaly Locations*, would be created, which would identify the development limits specific to the MU-H5 designation. The proposed project would amend the General Plan Land Use Map to replace the existing PF designation for the project site with the new MU-H5 land use designation. Approval of a Land Use Element Amendment by the City would result in the project's compliance with the intended use and development limits for the MU-H5 designation. As concluded in the discussions and [Table 5.1-4](#) above, the proposed project would not conflict with any applicable General Plan policy or regulation, as amended. A less than significant impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **CITY OF NEWPORT BEACH MUNICIPAL CODE TITLE 20, PLANNING AND ZONING**

### **LU-4 THE PROPOSED PROJECT WOULD NOT CONFLICT WITH THE NEWPORT BEACH MUNICIPAL CODE TITLE 20 STANDARDS OR REGULATIONS.**

**Impact Analysis:** The project proposes to amend the Zoning Code and official Zoning Map to replace the existing PF zoning designation for the site with a new zone MU-LV designation (Mixed-Use-Lido Village) and to establish density and intensity limits consistent with the proposed General Plan Amendment. Development standards and allowed uses would also be established.

The following is an analysis of the project's consistency with relevant Planning and Zoning Code Title 20 chapters and sections.

Chapter 20.66, Amendments. Chapter 20.66 discusses the procedures for amending the Zoning Code (e.g., text or map). The Planning Commission is responsible for recommending approval, approval with modifications, or denial of the amendment to the City Council. If approved or approved with changes, the Planning Commission is required to make and file a report of its



findings and recommendations with the Council. Upon receipt of the Planning Commission’s recommendation, the City Council shall conduct a public hearing and either approve, approve in modified form, or deny the proposed amendment.

Chapter 20.14, Zoning Map. The City is divided into zoning districts that implement the General Plan Land Use Plan districts. The zoning districts are identified in Table 1-1 and on the zoning map, entitled “Zoning Map for the City of Newport Beach, California” (Zoning Map). The project site’s proposed zoning district is MU-LV (Mixed Use – Lido Village). Table 1-1 and the Zoning Map would be revised to reflect the new zoning district. Approval of an amendment to the Zoning Map and Table 1-1 would result in the project’s compliance with Chapter 20.14.

Chapter 20.22, Mixed-Use Zoning Districts (MU-V, MU-MM, MU-DW, MU-CV/15th St., MU-W1, MU-W2). Chapter 20.22 describes the purpose, land uses and permit requirements, and general development standards for mixed-use zoning districts within the City. Chapter 20.22 would be revised to reflect the new MU-LV Zoning District, including the purpose, allowed uses, and general development standards for the district. Table 5.1-5, Development Standards Consistency Analysis, analyzes the project’s consistency with the proposed MU-LV development standards.

**Table 5.1-5  
Development Standards Consistency Analysis**

Description	Standard		Proposed	Complies	
Maximum Density/Intensity	99 dwelling units and 15,000 sf commercial or 99,625 sf of hotel or any combination of dwelling units and hotel rooms provided it does not exceed 99 dwelling units or 99,675 sf of hotel use		99,625 sf of hotel	Yes	
Structure Height	55 feet – peaks of sloping roofs and elevator towers may exceed 55 feet by up to 5 feet and architectural features such as domes, towers, cupolas, spires, and similar structures may exceed 55 feet by 10 feet.		Maximum roof height 46.5 feet to flat roofs with peaks of sloping roofs and architectural features up to 58.5 feet	Yes	
Building Setbacks	Newport Boulevard	Subterranean <sup>1</sup>	1 foot	N/A	N/A
		1 <sup>st</sup> and 2 <sup>nd</sup> floor <sup>2</sup>	20 feet	>20 feet	Yes
		Above 2 <sup>nd</sup> floor <sup>3</sup>	35 feet	>35 feet	Yes
	32nd Street	Subterranean <sup>1</sup>	1 foot	N/A	N/A
		1 <sup>st</sup> and 2 <sup>nd</sup> floor <sup>2</sup>	1 foot	>1 foot	Yes
		Above 2 <sup>nd</sup> floor <sup>3</sup>	10 feet	>10 feet	Yes
Interior	Subterranean <sup>1</sup>	1 foot	N/A	N/A	
	Above grade	5 feet	>5 feet	Yes	
Open Space	20% of project site maintained to be maintained as public open space (e.g., public plazas, pedestrian promenades, outdoor recreational spaces, patios, landscaping, etc.).		22%	Yes	

N/A = not applicable.

Notes:

1. Not more than 1 foot above abutting public sidewalk.
2. 1-26 feet above abutting public sidewalk.
3. More than 26 feet above abutting public sidewalk.



The project, as proposed, would be consistent with the purpose, allowed uses, maximum density/intensity, structure height, building setbacks, and open space standards established for the MU-LV Zoning District. Approval of an amendment to the Zoning Code would result in the project's compliance with Chapter 20.22. Refer to Section 5.5, *Traffic/Circulation*, for a discussion of the project's consistency with Municipal Code Chapter 20.40, Off-Street Parking.

Chapter 20.52, Permit Review Procedures. Chapter 20.52 describes the procedures for review and approval or denial of permit(s) and other applications established by the Zoning Code, including Conditional Use Permits, Planned Development Permits, and Site Development Reviews.

The project requests a Conditional Use Permit and either a Planned Development Permit or Site Development Review, as either application process is authorized by the Zoning Code for redevelopment of the site with the proposed project. In order to approve or conditionally approve a Conditional Use Permit, Planned Development Permit, or Site Development Review, the review authority must make findings. The following findings would be required for approval or conditional approval of a Conditional Use Permit:

- The use is consistent with the General Plan and any applicable specific plan;
- The use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and the Municipal Code;
- The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;
- The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and
- Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

The following findings would be required for approval or conditional approval of a Planned Development Permit:

- The proposed development would:
  - Include only uses allowed within the base zoning district;
  - Be substantially consistent with the purpose, intent, goals, policies, actions, and land use designations of the General Plan, and any applicable specific plan;
  - Be substantially consistent with the purpose and intent of the base zoning district;
  - Include sustainable improvement standards and protection of environmental resources; and
  - Be compatible with other development within the zoning district and general neighborhood of the proposed project.



- The project would produce a development of higher quality and greater excellence of design than that might otherwise result from using the standard development regulations;
- The subject site is adequate in terms of size, shape, topography, and circumstances to accommodate the proposed development;
- The project, as conditioned, will not have a substantial adverse effect on surrounding properties or allowed uses;
- The project includes improved quality of life provisions and enhanced amenities, including an additional and appropriate variety of structure placement and orientation opportunities, appropriate mix of structure sizes, high quality architectural design, common open space, landscaping, parking areas, private open space, public art, recreational amenities for adults and/or children, private or separated entrances, sustainable improvement standards (e.g., energy efficient building design, construction, and operation; convenient pedestrian and bicycle circulation; water and resource conservation), etc.; and
- The design, location, operating characteristics, and size of the project would be compatible with the existing and future uses in the vicinity, in terms of aesthetic values, character, scale, and view protection.

The following findings would be required for approval or conditional approval of Site Development Review application if the proposed development is:

- Allowed within the subject zoning district;
- In compliance with all of the applicable criteria identified in subsection (C)(2)(c) of Section 20.52.080; and
- Not detrimental to the harmonious and orderly growth of the City, nor endangers, jeopardizes, or otherwise constitutes a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed development.

The development review process is intended to ensure that the performance standards identified in the City's Zoning Code are maintained and implemented. Thus, with approval of the Conditional Use Permit and Planned Development Permit or Site Development Review, the proposed project would not conflict with the City's Zoning Code. Impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.



## LIDO VILLAGE DESIGN GUIDELINES

### LU-5 THE PROPOSED PROJECT WOULD NOT CONFLICT WITH THE LIDO VILLAGE DESIGN GUIDELINES.

**Impact Analysis:** The Design Guidelines provide a basis for the evaluation and review of applications by property owners or tenants to the City of Newport Beach. These Guidelines are intended to be a component of the City's development review process and are to be used by the City in future public improvements within the area. The Design Guidelines apply to the modification of existing structures or new structures within the Lido Village boundaries.

Within Zoning Code Section 20.16.020, there are requirements for development and new land uses to adhere to Design Guidelines:

*C. Development Standards. Use and/or structures shall comply with all applicable development standards of this Part, the provisions of Part 3 (Site Planning and General Development Standards), Part 4 (Standards for Specific Land Uses), and other adopted criteria, guidelines, and policies adopted by the City related to the use and development of land.*

*D. Conditions of Approval. Uses and/or structure shall comply with all conditions imposed by a previous permit and other regulatory approvals (Design Guidelines). Failure to comply with imposed conditions shall be grounds for revocation of the permit in compliance with Chapter 20.68 (Enforcement).*

*E. Other Development Criteria, Guidelines and Policies. The City may adopt criteria, guidelines, and policies separate from the Zoning Code that may affect the use and development of land. All applicable standards, criteria, guidelines, policies, and procedures related to development there on file with the Department shall apply when appropriate as determined by the applicable review authority.*

As indicated in Section 5.2, *Aesthetics/Light and Glare*, the proposed site layout, building architecture, and landscaping is planned to be consistent with the Design Guidelines. In addition, mitigation has been included to ensure the Landscape Concept Plan and Plant Palette are consistent with the Design Guidelines (Mitigation Measure AES-2). As part of the development review process, the project would be reviewed for consistency with the Design Guidelines. A less than significant impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

### 5.1.5 CUMULATIVE IMPACTS

The following discussions are included per topic area to determine whether a significant cumulative effect would occur.

- **THE PROPOSED PROJECT WOULD NOT CONFLICT WITH THE COASTAL ACT'S PLANNING AND MANAGEMENT POLICIES OR THE COASTAL LAND USE PLAN POLICIES.**



**Impact Analysis:** As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, related projects and other possible development would occur within the City. Cumulative Projects 1, 3-4, 9-11, 13, 17, 19, and 24-25 are located within the coastal zone and are therefore, subject to the California Coastal Act and Coastal Land Use Plan. Development of the project site would not conflict with the California Coastal Act or Coastal Land Use Plan, as amended. Thus, the proposed project, combined with other development, would not result in any cumulative land use impacts as other projects are implemented within the City. Individual development projects would be evaluated on a project-by-project basis to determine consistency with the California Coastal Act and Coastal Land Use Plan. Impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

● **THE PROPOSED PROJECT WOULD NOT CONFLICT WITH SCAG'S REGIONAL PLANNING EFFORTS.**

**Impact Analysis:** SCAG's IGR Section is responsible for performing a consistency review of local plans, projects, and programs with regional plans. Regionally significant projects are reviewed for consistency with the RTP/SCS. The criteria for projects of regional significance are outlined in the CEQA Guidelines, Sections 15125 and 15206. Each cumulative project would be evaluated on a project-by-project basis, in order to determine its regional significance, if any. Following the determination of regional significance, project documentation is reviewed and an assessment is made as to whether the project is consistent with or supportive of the RTP/SCS Goals and Adopted Growth Forecasts. As all development would be subject to the SCAG IGR Section review, and would be required to comply with the relevant goals, cumulative impacts with respect to regional plans would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

● **THE PROPOSED PROJECT WOULD NOT CONFLICT WITH THE NEWPORT BEACH GENERAL PLAN POLICIES AND REGULATIONS.**

● **THE PROPOSED PROJECT WOULD NOT CONFLICT WITH THE NEWPORT BEACH MUNICIPAL CODE TITLE 20 STANDARDS OR REGULATIONS.**

**Impact Analysis:** Development projects within the City undergo a similar plan review process, in order to determine potential land use planning policy and regulation conflicts. Each cumulative project would be analyzed independent of other projects, within the context of their respective land use and regulatory setting. As part of the review process, each project would be required to demonstrate compliance with the provisions of the applicable land use designation(s) and zoning district(s). Each project would be analyzed in order to ensure that the goals, objectives, and policies of the General Plan, and regulations and guidelines of the Municipal Code are consistently upheld. The project would be consistent with the General Plan and Zoning Code, as amended. Thus, cumulative impacts would be less than significant in this regard.





**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

● **THE PROPOSED PROJECT WOULD NOT CONFLICT WITH THE LIDO VILLAGE DESIGN GUIDELINES.**

**Impact Analysis:** The cumulative projects illustrated on Exhibit 4-1 are not located within Lido Village. Therefore, the Lido Village Design Guidelines would not be applicable to future development or redevelopment activities associated with these sites. Thus, the proposed project combined with other development would not result in cumulatively considerable impacts in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** No Impact.

## 5.1.6 SIGNIFICANT UNAVOIDABLE IMPACTS

With the amendments discussed in this Section, the proposed project complies with the goals and objectives of the Coastal Act, Newport Beach General Plan, and Newport Beach Municipal Code. In addition, the project would be consistent with the Lido Village Design Guidelines. Thus, there are no significant unavoidable impacts with regard to land use and relevant policies.



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