

4.2 AESTHETICS AND VISUAL RESOURCES

4.2.1 INTRODUCTION

This section describes the existing landform and aesthetic character of the Project area and describes views of the Project site from surrounding vantage points. Viewsheds have been identified and the potential visibility of the Project site has been determined. The potential impacts on aesthetic and visual resources resulting from implementation of the Project are addressed. The information presented in this section is based on field reconnaissance, review of Project site and aerial photographs, and computer generated visual simulations prepared for the Project. Potential cumulative impacts are addressed in Section 5.0 of this EIR.

4.2.2 REGULATORY SETTING

State

California Coastal Act

The California Coastal Act of 1976 (*California Public Resources Code* §30000 et seq.) establishes policies guiding development and conservation along the California coast. Section 30001 of the Coastal Act finds:

- (a) That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.
- (b) That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.
- (c) That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction.
- (d) That existing developed uses, and future developments that are carefully planned and developed consistent with the policies of this division, are essential to the economic and social well-being of the people of this state and especially to working persons employed within the coastal zone.

According to the California Coastal Act Policy 30251, the scenic and visual qualities of coastal areas shall be considered and protected as resources 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. According to the California Coastal Act (Article 6, §30251), 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.

The Project's consistency with both the California Coastal Act and the City's General Plan, is evaluated later in this EIR section in Tables 4.2-1 and 4.2-2.

California Department of Transportation

The California Department of Transportation (Caltrans) defines a scenic highway as any freeway, highway, road, or other public right-of-way, that traverses an area of exceptional scenic quality. Suitability for designation as a State Scenic Highway is based on vividness, intactness, and unity. There are no officially designated scenic highways within the City of Newport Beach (City). However, an Encroachment Permit would be required for constructing a pedestrian and bicycle bridge over West Coast Highway.

City of Newport Beach

General Plan Natural Resources Element

The Natural Resources Element of the *City of Newport Beach General Plan* includes goals and policies related to aesthetics and visual resources that are applicable to the proposed Project. The primary objective of the Natural Resources Element is to provide direction regarding the conservation, development, and utilization of natural resources. It identifies Newport Beach's natural resources and policies for their preservation, development, and wise use. This Element addresses water supply (as a resource) and water quality (includes bay and ocean quality, and potable drinking water), air quality, terrestrial and marine biological resources, open space, archaeological and paleontological resources, mineral resources, visual resources, and energy. Figure NR3, Coastal Views, of the *City of Newport Beach General Plan's* Natural Resources Element identifies locations of coastal views in the City including public view points and coastal view roads; please refer to Exhibit 4.2-1, Coastal Views. The Project's consistency with applicable visual resources goals and policies of the General Plan are addressed later in this EIR section.

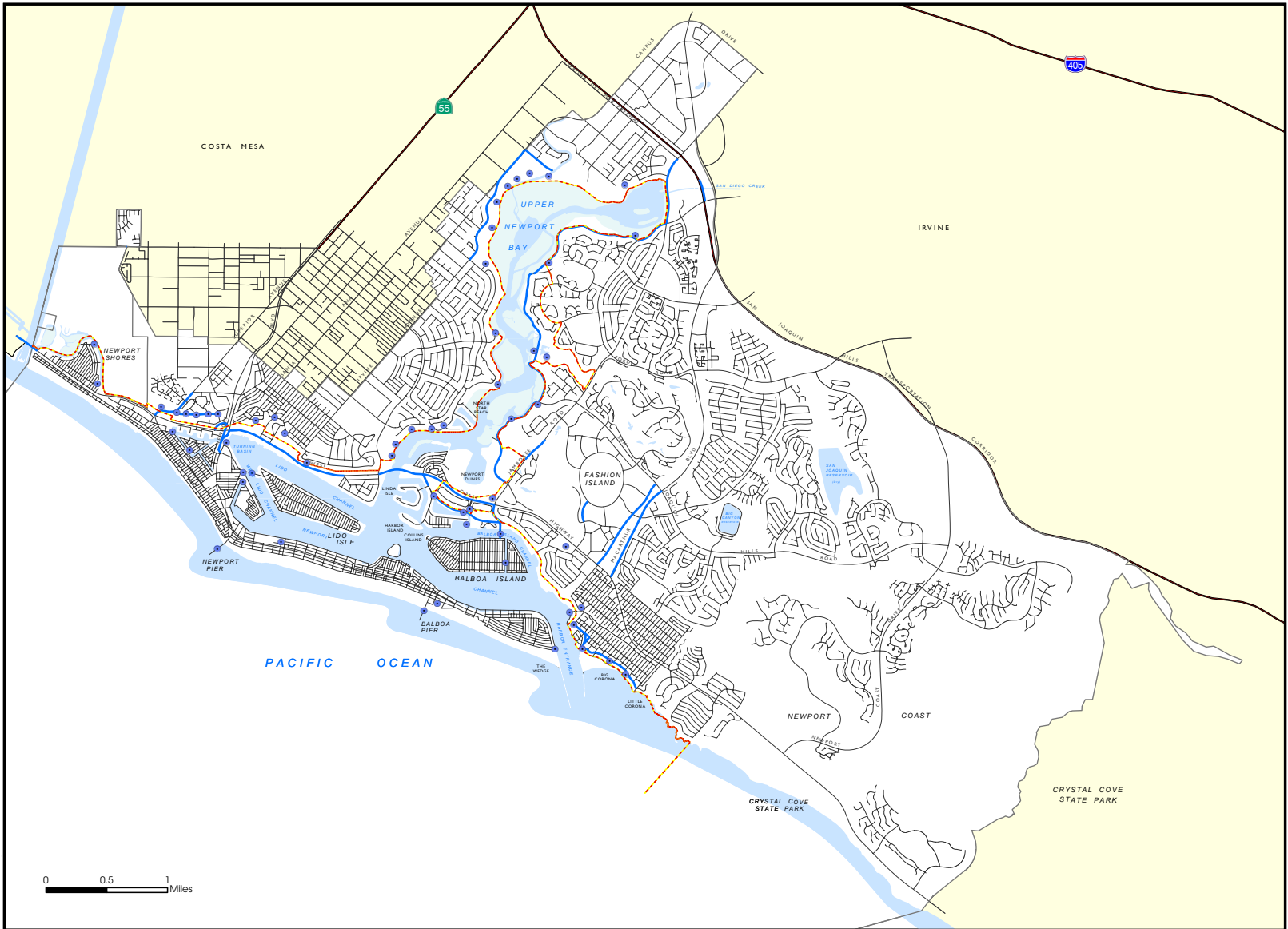
4.2.3 METHODOLOGY

Visual Analysis

The analysis of visual quality of the proposed Project is based on the land use concepts and conceptual architectural guidelines outlined in the Master Development Plan and the general visual character of the proposed land uses, as described in Section 3.0, Project Description, and Section 4.1, Land Use and Related Planning Programs. The assessment of aesthetic/visual changes is based on field reconnaissance; review of visual simulations prepared for the Project; the Newport Banning Ranch Master Development Plan (Master Development Plan) and the Newport Banning Ranch Planned Community Development Plan (NBR-PC); and the evaluation of the proposed site development in comparison to existing conditions.¹ Aesthetics may be defined as visual qualities within a given field of view, and may include such considerations as size, shape, color, contextual and general composition and the relationships between these elements; the potential aesthetic impacts of a project can be evaluated by considering such factors as scale and mass, landscaping, and setbacks. It is recognized in performing this analysis that visual resources are subjective and based on the interpretation of individual viewers.

¹ The Master Development Plan and the NBR-PC are on the City of Newport Beach website; they are on file at the City of Newport Beach Community Development Department; and they are available for review during regular business hours.

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Legend

- Public View Point
- ~ Coastal View Road
- ~ Shoreline Height Limitation Zone
- City Boundary
- County

Source: Newport Beach 2006

Coastal Views

Newport Banning Ranch EIR

Exhibit 4.2-1



The Newport Beach Municipal Code Section 20.30.100:

...provides regulations to preserve significant visual resources (public views) from public view points and corridors. It is not the intent of this Zoning Code to protect views from private property, to deny property owners a substantial property right or to deny the right to develop property in accordance with the other provisions of this Zoning Code....The provisions of this section shall apply only to discretionary applications where a project has the potential to obstruct public views from public view points and corridors, as identified on General Plan Figure NR 3 (Coastal Views), to the Pacific Ocean, Newport Bay and Harbor, offshore islands, the Old Channel of the Santa River (the Oxbow Loop), Newport Pier, Balboa Pier, designated landmark and historic structures, parks, coastal and inland bluffs, canyons, mountains, wetlands, and permanent passive open space....Where a proposed development has the potential to obstruct a public view(s) from a identified public view point or corridor, as identified on General Plan Figure NR 3 (Coastal Views), a view impact analysis may be required by the Department. The view impact analysis shall be prepared at the project proponent's expense. The analysis shall include recommendations to minimize impacts to public views from the identified public view points and corridors while allowing the project to proceed while maintaining development rights.

The City's General Plan goals and policies provide directives in its consideration of aesthetic compatibility. Land Use Element Policy 1.6, Public Views, states "Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points". Consistent with this policy, this EIR section describes the aesthetic character and landform features of the Project site and immediate vicinity and discusses potential visual impacts that could result from implementation of the proposed Project by identifying viewsheds where the development area would be visible from public vantage points. A viewshed is considered as a broad perspective of a geographic area and incorporates both close-range and long-range elements.

To capture the existing visual characteristics of the Project site currently available to the public, photographs were taken from representative public locations surrounding the Project site. Nine locations were selected by the City as most representative of these public views. To assess the visual impact of the proposed Project, these viewpoints were selected to compare the current visual characteristics of the Project site and its surrounding area with those that would occur in the developed condition via visual simulations.

Computer-modeling techniques were employed to simulate post-development conditions on the Project site and to illustrate the proposed location of land uses on the site. To simulate post-buildout and operation views of the Project site, a three-step process was involved: (1) viewsheds were chosen on the basis of field surveys; (2) photographs were then taken of the chosen viewsheds; and (3) building heights, massing, setbacks, and open space areas were plotted based on the standards set forth in the Master Development Plan and the NBR-PC.

4.2.4 EXISTING CONDITIONS

Topography and Aesthetic Characteristics

The 401.1-acre Project site's topography is characterized by two primary topographic areas: the lowland area (Lowland) in the northwestern portion of the Project site, and an uplifted Newport Mesa (Upland) in the remainder of the Project site. From south to north, the Project site's

topography becomes more gradual and transitions to flat mesas and sloping hillsides (see Exhibit 3.3, Existing Topographic Site Conditions, in Section 3.0, Project Description).

The Lowland encompasses approximately 147 acres of the Project site and comprises the northwestern portion of the property. Elevations range from approximately one foot to ten feet above mean sea level (msl). South- and west-facing slopes are located east of the Lowland. This area consists of remnants of the Santa Ana River floodplain and contains channels conveying drainage from surrounding areas at higher elevations to the Santa Ana River through the Semeniuk Slough (also known as Oxbow Loop).

The Upland area, a broad flat-topped mesa, comprises approximately 254 acres of the Project site in its southern and eastern portions. Average elevations are 50 to 75 feet above msl; approximately 50 feet above msl in the southwestern area to approximately 105 feet above msl in the eastern-central area. Bluffs² and slopes extend along the southwestern and southern edges of the Upland and serve to visually separate the majority of the Project site from West Coast Highway. Bluffs rise approximately 50 to 90 feet above the adjacent Santa Ana River floodplain. Open space in the Upland area has been incised to form three arroyos, with the largest being the Southern Arroyo and the second largest being the Northern Arroyo. A very small arroyo (Minor Arroyo) feature is located in the northeastern portion of the Project site.

The majority of the Project site contains non-native vegetation and invasive species. However, there are areas of intact native vegetation on the Project site. Slopes along the southern and southwestern site boundaries support maritime succulent scrub and disturbed coastal bluff scrub. The Project site also supports several special status plants and protected wildlife species, as well as riparian and wetland habitats. Existing biological resources on the Project site are identified in detail in Section 4.6, Biological Resources.

The Project site has been a producing oilfield since the early 1940s. Existing oil operations include approximately 489 existing and former oil well sites and related oil facility infrastructure, including but not limited to pipelines, storage tanks, power poles, machinery, improved and unimproved roadways, buildings, and oil processing facilities. The City operates 16 wells and an oil processing facility near the southwestern boundary of the Project site, as accessed from West Coast Highway near the southwestern corner of the Project site. The remaining oil wells are operated by West Newport Oil Company LLC (see Exhibit 3-4, Oil Operations, in Section 3.0, Project Description).

Project Site Views

No public access is currently provided to the Project site because it is private property and an active oilfield. Therefore; the Project site cannot be observed by the public from on-site locations. The Project site is located in West Newport Beach in an urban environment consisting of single-family and multi-family residential, commercial, light industrial, institutional, and open space and recreational uses. The Project site is generally bound on the north by the County of Orange Talbert Nature Preserve/Regional Park in the City of Costa Mesa and residential development in the City of Newport Beach; on the south by West Coast Highway, residential development in the City of Newport Beach, and the Pacific Ocean further to the south; on the east by residential, light industrial, institutional, and office development in the Cities of Costa Mesa and Newport Beach; and on the west by the U.S. Army Corps of Engineers (USACE)

² The Newport Beach Municipal Code Section 20.70.02, "Bluff" means a high bank or bold headland that slopes down to a body of water or a plain. A bluff may consist of a gently sloping upper area and a steeper lower area".

92—acre wetlands restoration area and the Santa Ana River (see Exhibit 3-5, Surrounding Land Uses, in Section 3.0, Project Description).

The Newport Beach General Plan Natural Resources Element Goal NR 20 applies to the “Preservation of significant visual resources”. Applicable policies state:

NR Policy 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.

NR Policy 20.3: Public Views: Protect and enhance public view corridors from the following roadway segments (shown in Figure NR3), and other locations may be identified in the future: (Note: only geographical areas applicable to the Project are identified below.)

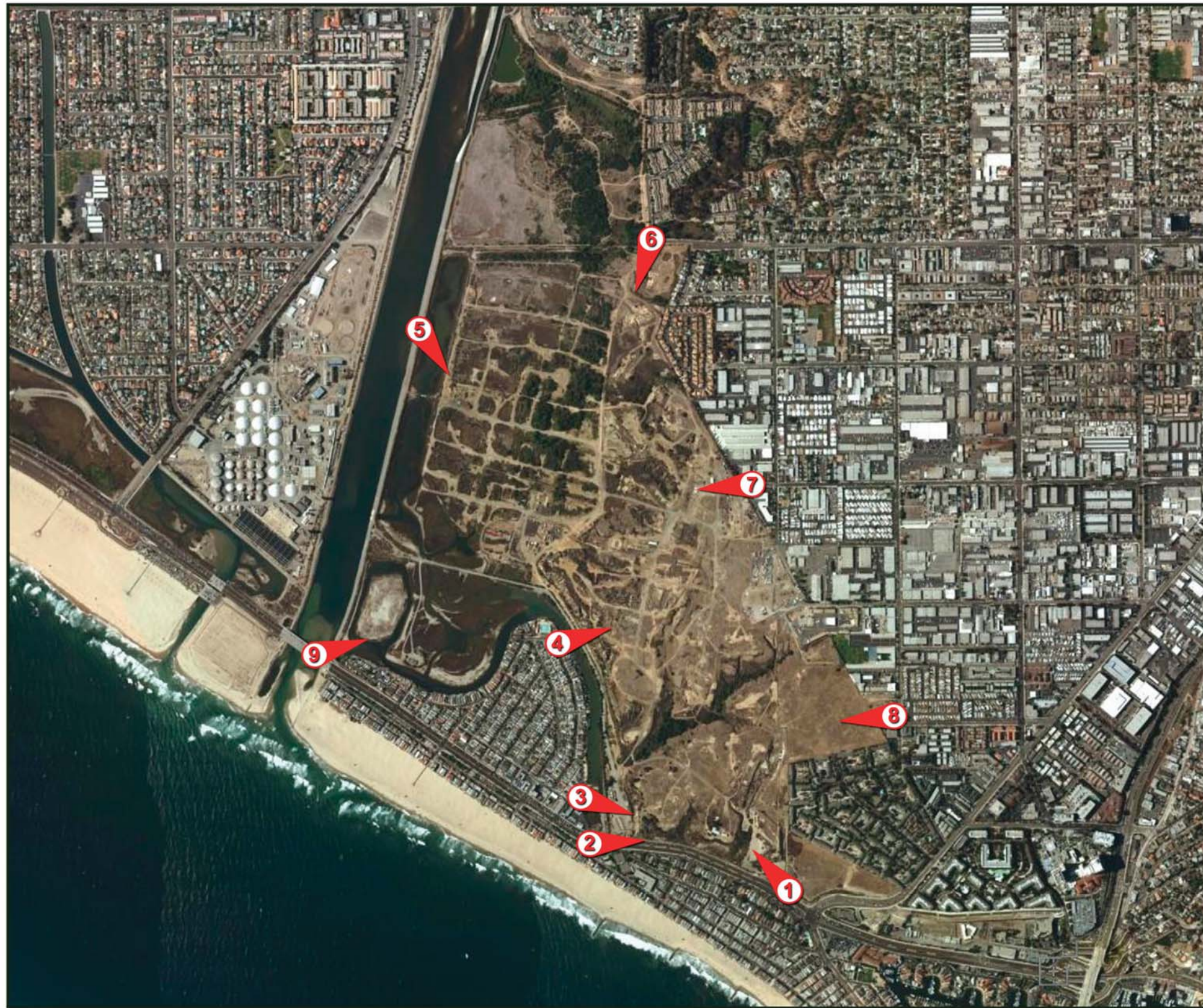
- Coast Highway/Santa Ana River Bridge
- 61st Street adjacent to the Semeniuk Slough

NR Policy 20.4: Public View Corridor Landscaping: Design and site new development, including landscaping, on the edges of public view corridors, including those down public streets, to frame, accent, and minimize impacts to public views.

NR Policy 20.5: Public View Corridor Amenities: Provide public trails, recreation areas, and viewing areas adjacent to public view corridors.

The Project site is visible from surrounding off-site land uses. Exhibit 4.2-2, Visual Simulations Key Map, identifies the viewpoints chosen by the City as the most representative locations where the Project site is visible from public locations. Exhibits 4.2-3a through 4.2-11b provide an existing view of the Project site from these various viewpoints as well as visual simulations to depict the anticipated change from these viewpoints that would occur with Project implementation. The visual simulations are discussed in Section 4.2.7.

- **View 1 – View from West Coast Highway looking northwest toward the Project site (Exhibits 4.2-3a and 4.2-3b):** This view is from the landscaped center median on West Coast Highway (north of the intersection of Superior Avenue and West Coast Highway). View 1 is representative of views of the Project site from West Coast Highway as seen by persons traveling westbound on West Coast Highway. The approved but not constructed Sunset Ridge Park site is in the foreground on the right side of the photograph. The slopes of the Project site along West Coast Highway are visible and contain low-lying shrubs and grass (Section 4.6, Biological Resources). The Project site slopes upward from West Coast Highway at varying heights. There is a vertical grade separation of approximately 50 feet from West Coast Highway to the top of the Project bluffs along West Coast Highway. As shown in this view, some areas are more sparsely vegetated than others. A single-story structure located at the top of hill in the middleground of the view is visible. A chain-link fence is visible at the bottom of the hill in the middleground of this view. Also visible in this view are utility poles located throughout the Project site, light standards along West Coast Highway, and palm trees further in the background (looking west). In addition, the existing landscaped center median on West Coast Highway is shown in this view.



Source: VisionScape Imagery 2010

Visual Simulations Key Map

Newport Banning Ranch EIR



Exhibit 4.2-2





Existing View.



Proposed View. (Note: Landscaping on Sunset Ridge Park subject to change based on final agency approvals.)

Source: VisionScape Imagery 2010

View 1 Resort Colony: Resort Inn

Newport Banning Ranch EIR

Exhibit 4.2-3a

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Existing View.



Proposed View. (Note: Landscaping on Sunset Ridge Park subject to change based on final agency approvals.)

Source: VisionScape Imagery 2010

View 1 Resort Colony: Resort Flats

Exhibit 4.2-3b

Newport Banning Ranch EIR

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Existing View.



Proposed View.

Source: VisionScape Imagery 2010

View 2 Pedestrian and Bicycle Bridge

Exhibit 4.2-4

Newport Banning Ranch EIR

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Existing View.



Proposed View.

Source: VisionScape Imagery 2010

View 3 Resort Colony: Resort Flats

Exhibit 4.2-5a

Newport Banning Ranch EIR





Existing View.



Proposed View.

Source: VisionScape Imagery 2010

View 3 Resort Colony: Resort Inn

Exhibit 4.2-5b

Newport Banning Ranch EIR

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Existing View.



Proposed View.

Source: VisionScape Imagery 2010

View 4 Open Space Preserve and Consolidated Oil Sites Access Road

Exhibit 4.2-6

Newport Banning Ranch EIR

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Existing View.



Proposed View.

Source: VisionScape Imagery 2010

View 5 Open Space Preserve and North Family Village

Exhibit 4.2-7

Newport Banning Ranch EIR

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Existing View.



Proposed View.

Source: VisionScape Imagery 2010

View 6 North Bluff Road at 19th Street

Exhibit 4.2-8

Newport Banning Ranch EIR

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Existing View.



Proposed View.

Source: VisionScape Imagery 2010

View 7 Urban Colony

Newport Banning Ranch EIR

Exhibit 4.2-9

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Existing View.



Proposed View. (Note: The Coastline Community College Learning Center is under construction on the parcel on the right side of the visual simulation.)

Source: VisionScape Imagery 2010

View 8 Community Park and South Family Village

Exhibit 4.2-10

Newport Banning Ranch EIR





Existing View.



Proposed View.

Source: VisionScape Imagery 2010

View 9 From Eastbound West Coast Highway: Resort Flats

Exhibit 4.2-11a

Newport Banning Ranch EIR





Existing View.



Proposed View.

Source: VisionScape Imagery 2010

View 9 From Eastbound West Coast Highway: Resort Inn

Exhibit 4.2-11b

Newport Banning Ranch EIR



- **View 2 – View from West Coast Highway looking east (Exhibit 4.2-4):** This photograph is of the southwest corner of the Project site from the landscaped center median on West Coast Highway looking east. The Project site is shown to the north (left side of photograph) and the Lido Sands residential community and West Newport Park are located to the south of West Coast Highway (right side of photograph). In the foreground of this view, on-site oil operations surrounded by chain-link fencing are visible to the north. Utility poles and light standards are also visible in the foreground of this view. To the south, in the foreground, a concrete block and glass sound wall are visible. Behind this wall, a two-story multi-family residential building is visible as well as the handball courts in West Newport Park. Larger ornamental street trees are located on the south side of West Coast Highway. In the middleground of this view, the slopes of the Project site along West Coast Highway are visible and contain low-lying shrubs and grass. Larger vegetation can be seen along the top of the slope. The Newport Crest Condominium development is visible in the background of this view.
- **View 3 – View from 61st Street in the Newport Shores residential community looking southeast toward the Project site (Exhibits 4.2-5a and 4.2-5b):** This view represents views to the east from 61st Street at the southeast corner of the existing Newport Shores residential community. The foreground view is of the Semeniuk Slough tidal inundation area and channel located immediately west of the Project site and north of West Coast Highway. Riprap is also visible along the eastern bank of the channelized portion of slough, including an existing outlet headwall structure and associated chain-link fencing at the storm drain outlet. In addition, a concrete block wall is located at the Project site boundary immediately to the east of the slough that runs north-south and parallel to the slough. Facilities associated with oil operations are located in the middleground (left side of the photograph). The oil pump and utility poles located on West Coast Highway are also visible from this location (right side of the photograph). The hilltop and slope on the Project site are visible in the background and are prominently featured from this vantage point. The slopes are sparsely vegetated and bare soil is exposed along much of the west facing slope. Utility poles can also be seen on the Project site.
- **View 4 – View from 61st Street in the Newport Shores residential community looking northeast toward the Project site (Exhibit 4.2-6):** This photograph was taken from the northern end of 61st Street in Newport Shores. The Semeniuk Slough is prominently featured in the foreground of this view. A dirt access road associated with the existing oilfield operations can be seen in the middleground of this view (at the foot of the slope). The western portion of a slope on the Project site is also prominent in the background from this vantage point. There is an approximate 50- to 65-foot vertical separation between the Newport Shores residences and the top of the bluff along the Project site. The slope and top of the slope are sparsely vegetated and have been subject to erosion. Utility poles can be seen on the Project site.
- **View 5 – View from along the Santa Ana River looking southeast across the Project site (Exhibit 4.2-7):** This view offers expansive views across the Project site. The 92-acre salt marsh basin (full tidal) wetlands restored by the U.S. Army Corps of Engineers (USACE) are a prominent feature in the foreground from this vantage point. Just beyond the wetlands, a chain-link fence is visible; on the right side of the photograph a single-story building associated with the oilfield operations is visible. As shown in this view, the rooftops of the California Seabreeze residential community are shown in the background (left side of the photograph). Oil operating facilities and equipment and power poles on site are visible in the distant background.

- **View 6 – View from 19th Street looking southwest toward the Project site (Exhibit 4.2-8):** This view shows the Project site from 19th Street at Balboa Street (public streets). An aboveground utility pole and lines can be seen along 19th Street; these transmission lines extend west onto the Project site. A guardrail is visible along the south side of 19th Street. The Project site is visible south of 19th Street; Talbert Regional Park is located west of the terminus of 19th Street (right side of the photograph). In this view, the varying topography of the Project site is visible as is on-site vegetation.
- **View 7 – View from the eastern portion of the Project site at 17th Street looking west towards the Project site (Exhibit 4.2-9):** This photograph was taken from the western terminus of 17th Street (a public street). Foreground views consist of office and light industrial uses on the north (right) and south (left) sides of 17th Street. From this viewpoint, the gated entrance to the Project site is visible. Visible on the Project site is a dirt area with oil production and oil production facilities and equipment. Utility poles are also visible in the background.
- **View 8 – View from the eastern portion of the Project site at 15th Street looking west toward the Project site (Exhibit 4.2-10):** This photograph was taken from the western terminus of 15th Street at Monrovia Avenue. Monrovia Avenue and an office building on the west side of Monrovia Avenue are visible in the foreground of this view. A two-story office building and associated parking lot are located to the south (left side of photograph) and two single-story buildings are located to the north (right side of photograph).³ The northwest corner of 15th Street at Monrovia Avenue (right side of photograph) is the site for Coast Community College District's Newport Beach Learning Center, which is currently under construction. Also visible in this photograph are parking lot lighting and landscaping associated with the offices. A chain-link fence is visible around the buildings located to the north as well as a partially screened fence located along the eastern boundary of the Project site. Due to the partial privacy screening of the fence and the vantage point of this photograph, views of the Project site are limited.
- **View 9 – View from West Coast Highway/Santa Ana River Bridge looking northeast toward the Project site (Exhibits 4.2-11a and 4.2-11b):** West Coast Highway/Santa Ana River Bridge, is designated as a Coastal View Road in the *City of Newport Beach General Plan's* Natural Resources Element. This scenic corridor is not contiguous adjacent to the Project site. Traveling eastbound on West Coast Highway, the bridge is visible in the foreground; the Project site in the middleground; and existing off-site development east of the Project site and Saddleback Mountain is visible in the background. Views of the Project site from this location are limited due to the distance from the site, intervening Santa Ana River and USACE wetlands, and traveling speeds of the motorist. The Project site is not visible to westbound motorists from the Santa Ana Bridge.

Because the Project site slopes upward from West Coast Highway, public views of the Project site are limited. There is an approximate 50-foot, vertical grade separation from West Coast Highway to the top of the Project site. From West Coast Highway, views of the site are generally restricted to the perimeter slopes of the site. The Project site is visible to off-site land uses to the north, south, east, and west. Residents of the Newport Shores, California Seabreeze, and Newport Crest condominium residential communities have views of the Project site. Condominium units facing the Project site to the north, south, and west in the Newport Crest

³ It should be noted that the buildings in the right side of the photograph have been demolished for the construction of the Coastline Community College's Newport Beach Learning Center.

development have expansive views of the Project site; units facing west also have views of the Pacific Ocean across the Project site.

Light and Glare

With the exception of limited nighttime lighting for security related to the oilfield operations, the Project site is dark. There is also no night lighting within Talbert Regional Park to the north, along the Santa Ana River to the west, or within the USACE-restored salt marsh basin or Semeniuk Slough. However, the Project site is located in an urban and developed area. Street lighting is provided along all streets to the north, south, and east of the Project site. In addition, the residential, light industrial, office, and institutional uses in the Project vicinity have lighting typical of urban uses, including interior lighting, nighttime parking lot lighting, illuminated signage, and security lighting. Transient lighting from vehicular lights also contributes to nighttime illumination in the Project area. The surrounding off-site structures are constructed of materials that are not highly subject to glare effects (e.g., no mirrored buildings); however, off-site uses can produce minimal glare effects typical of urban development.

4.2.5 PROJECT DESIGN FEATURES AND STANDARD CONDITIONS

- PDF 4.1-4** The Master Development Plan provides for a minimum of 20 gross (17 net) acres for a public Bluff Park as a visual and passive recreational amenity, trail corridor, and a transition between open space and development.
- PDF 4.2-1** As identified in the Master Development Plan, contour grading will be used to minimize impacts to existing public view points from West Coast Highway.
- PDF 4.2-2** Habitable structures will be set back at least 60 feet from the tops of bluff edges, as required in the Newport Banning Ranch Planned Community Development Plan.
- PDF 4.2-3** Implemented through the Master Development Plan, landscaping will be provided around the perimeter of buildings that are proposed adjacent to Open Space Preserve areas to provide a transition.
- PDF 4.2-4** Architectural guidelines included in the Master Development Plan provide for a range of housing types and architectural styles to avoid visual monotony and minimize impacts to existing public views of bluffs. Building architecture will be regulated through provisions contained in the Master Development Plan to ensure high quality designs that are sensitive to the natural resources and compatible with the character of Newport Beach communities within the Coastal Zone. Architectural guidelines require use of a palette of earth tone colors compatible with the open space setting.
- PDF 4.6-4** The Master Development Plan requires that street lights be utilized only in key intersections and safety areas. The Planned Community Development Plan requires that a “dark sky” lighting concept be implemented within areas of the Project that adjoin habitat areas. Light fixtures within these areas will be designed for “dark sky” applications and adjusted to direct/reflect light downward and away from adjacent habitat areas. The Newport Banning Ranch Planned Community Development Plan will restrict exterior house lighting to minimize light spillage into adjacent habitat areas.

Standard Conditions and Requirements

No standard conditions are applicable to the Project with respect to aesthetic or visual resources.

4.2.6 THRESHOLDS OF SIGNIFICANCE

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

- Threshold 4.2-1** Have a substantial adverse effect on a scenic vista.
- Threshold 4.2-2** Substantially degrade the existing visual character or quality of the site and its surroundings.
- Threshold 4.2-3** Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.
- Threshold 4.2-4** Conflict with any applicable plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

As previously discussed in Section 1.6.1, Effects Found Not to be Significant, in addition to the thresholds listed above, the City has determined that the proposed Project would not have a significant impact on the following threshold for the reasons stated below, and that no further analysis was required:

- Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?

The Project area is not adjacent to nor can it be viewed from a designated State scenic highway. Therefore, the proposed Project would not have an adverse effect on a scenic vista, nor would it damage scenic resources within a State Scenic Highway. Additionally, the Project site is devoid of rock outcroppings, and there are no historic buildings on site. Therefore, no impact would occur.

4.2.7 ENVIRONMENTAL IMPACTS

Threshold 4.2-1 *Would the project have a substantial adverse effect on a scenic vista?*

Threshold 4.2-2 *Would the Project substantially degrade the existing visual character or quality of the site and its surroundings?*

The City of Newport Beach General Plan does not identify any scenic vistas or view points on the Project site. Additionally, West Coast Highway is not a State- or locally-designated scenic highway. However, Newport Beach Municipal Code Section 20.30.100 provides regulations to preserve significant visual resources (public views) from public view points and corridors. Where a proposed development has the potential to obstruct a public view(s) from an identified public view point or corridor, the City may require a view impact analysis. The purpose of the analysis is to minimize impacts to public views from the identified public view points and corridors while

allowing the project to proceed while maintaining development rights. It is not the intent of this Zoning Code to protect views from private property. Further, the City's General Plan goals and policies provide directives in its consideration of aesthetic compatibility. Land Use Element Policy 1.6, Public Views, states "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 such, Threshold 4.2-1 and 4.2-2 are addressed together in the following analysis.

The visual impacts of a project include both the objective visual resource changes created by the project and the subjective viewer response to that change. Distance from a project, frequency of view, duration of view, viewer activity, viewer perception, and viewing conditions contribute to the assessment of a visual impact. The physical limits and changes of the views and the quantity of the viewers are objective, and viewer perception is subjective.

Because the Project site is an active oilfield, remediation is required in order to implement the proposed development project. The proposed Project would allow for the development of the 401.1-acre site with 1,375 residential dwelling units (du), 75,000 square feet (sf) of commercial uses, and a 75-room resort inn. Approximately 51.4 gross acres are proposed for active and passive park uses. Approximately 252.3 gross acres (approximately 63 percent) of the Project site are proposed for natural resources protection in the form of open space and habitat restoration. Of the 252 acres, approximately 16.5 acres would be used for the consolidation of oil facility operations in two locations. Once oil operations are completed, this area would be remediated and retained in open space.

Newport Banning Ranch Planned Community Development Plan (NBR-PC)

The NBR-PC provides site development regulations for the proposed land uses on the Project site. The following summarizes major components of the site development standards for the Open Space, Park, and Visitor-Serving Resort uses.

Open Space District Regulations

Site development allowed within the Lowland Open Space/Public Trails and Facilities District (LOS/PTF), the Upland Open Space/Public Trails and Facilities District (UOS/PTF), and the Interim Oil Facilities District (OF) are as follows:

LOS/PTF District and UOS/PTF District:

- Maximum Structure Height – 18 feet
- Maximum Structure Coverage – 1 percent of total gross site area
- Planting buffers and fencing may be provided to visually buffer oil operations facilities

OF District Regulations

- All oil and gas production facilities, operations, structures and services are permitted within the Interim Oil Facilities District and are subject to California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR), California Laws for Conservation of Petroleum and Gas, and all other relevant State and local laws and regulations.

Public Parks/Recreation District Regulations

The following site development regulations apply to the Bluff Park District (BP) and Interpretive Parks District (IP).

BP District and IP District Regulations

- Maximum Building Height – 36 feet⁴
- Maximum Building Coverage – 10 percent of total site area

Visitor-Serving Resort/Residential Regulations

The following regulations apply to the Visitor-Serving Resort/Residential District (VSR/R).

- Residential uses in buildings separate from the resort inn building are subject to the development regulations established for the specific housing type identified for residential development.
- Visitor-Serving Resort and Commercial uses in buildings separate from residential uses are subject to the development regulations established for the Visitor-Serving Resort.
- The following regulations shall apply to Visitor-Serving Resort and Residential uses when combined in the same building:
 - The development is subject to the regulations established for the Visitor-Serving Resort;
 - Minimum floor area per residential unit – 550 sf; and
 - The maximum height for any building in the VSR/R District is 50 feet.⁵

Public Infrastructure and Utilities

Chapter 3 of the NBR-PC notes that the construction of public infrastructure and utilities would be principally located in road rights-of-way, alleyways, or, where necessary and feasible, in recreation and open space areas not primarily required for habitat restoration and/or preservation. Any new utilities located within open space areas, except within the Interim Oil Facilities District, would be placed below grade wherever economically and environmentally feasible.

Newport Banning Ranch Architectural Guidelines Overview

The following summarizes the proposed architectural style of the components of the Project, as set forth in the Master Development Plan.

Master Color Palette

The proposed color palette is intended to compliment existing neighborhoods and the Project site's natural open space, habitat areas, and parks, while providing colors appropriate to the architectural scale and character of the proposed land uses. The objective is to blend rather than contrast with the natural environment. As such, facades and other primary surfaces for

⁴ Elevators, mechanical space, chimneys, towers and architectural treatments, intended to add interest and variation to roof design, and that do not exceed 10 percent of the roof area, or exceed the height restriction by more than 12 feet, are permitted.

buildings on the Project site would be neutral and classic colors that are found in nature such as wheat, khaki, taupe, grays, seashell, light olives, wood tones of tan and light sienna, and similar natural colors and tones. These colors are intended to represent a range of earth colors that would blend with coastal sage scrub, native grasses, and other natural vegetation. Accent and trim colors for buildings would be darker than primary surface colors to draw attention to design features such as front doors, shutters, and trim. Color would include dark greens, dark blues, black, white, medium and dark grays, and browns.

Residential Architecture

Various types of residential products are proposed as a part of the Project. The products are characterized as Traditional Homes, Coastal Homes, Beach Cottages, Motor Court Homes, Garden Court Homes, Village Flats, and Resort Flats and would be located in the Project's Villages and Colonies (see Exhibit 4.1-3 in Section 4.1, Land Use and Related Planning Programs). Please also refer to Section 4.1, Land Use and Related Planning Programs, which provides a description of these product types with respect to density and siting. The following focuses on the architectural characteristics of the proposed residences.

Traditional Homes

Traditional Homes are proposed as single-family, two-story detached residences sited on minimum 40-foot-wide by 90-foot-deep lots with a maximum building height of 32 feet. To be located in the South Family Village and the North Family Village, Traditional Homes would be the largest homes in Newport Banning Ranch. They are designed with two front elevations so the design can be flexibly used in different site planning conditions; the rear elevation would be comparable to a fully-articulated front elevation. The architectural character is proposed as "Beach House" with porches, courtyards, second-floor decks, balconies, and covered passages. Architectural features would also include steep roof pitches, staggered roof massing, dormers, and wood feature details.

In the North Family Village, Traditional Homes are proposed at a higher elevation than Scenic Drive to provide views of North Bluff Park and the Open Space Preserve (see Exhibit 4.1-4). Residences would be rear-load to eliminate driveways on Scenic Drive and to minimize public views of garages. Access to the garage is from an alleyway at the rear; however, as noted, the rear elevation would be comparable to a fully articulated front elevation. In the South Family Village, the Traditional Homes would be sited along an internal roadway or cul-de-sac with garage access provided from the street (see Exhibit 4.1-7). The front elevations would directly overlook the South Bluff Park and Open Space Preserve, with no intervening road. In the South Family Village, Traditional Homes are proposed overlooking the Bluff Park and the Open Space Preserve to the north. Vehicular access would be provided from internal streets within the South Family Village; no vehicular access would be provided between Bluff Park and the residences.

Coastal Homes

Coastal Homes are proposed as single-family detached residences on minimum 36-foot-wide by 100-foot-deep lots in the North Family Village (see Exhibit 4.1-4). The residences would be 2 and 3 stories with a maximum building height of 36 feet. They are proposed one street back from the Traditional Homes. Residences would have a "zero lot line" side yard on one side of the lot (one side of residence abuts the property line of the adjacent residence) and a minimum 10-foot-wide side yard with a courtyard on the other side of the residence; the courtyard would serve to separate one residence from another residence. From the street, the residences would be characteristic of a row of "Beach Craftsman" cottages. Features would include the use of

wood siding or brick, varied roof forms, covered porches, decks, and balconies. Attached garage access would be provided from the alley.

Beach Cottages

The Beach Cottages are proposed as single-family, 2-story (maximum height of 32 feet) detached residences on lots varying in width from 39 to 45 feet with a minimum depth of 100 feet. They are proposed east of the Coastal Homes internal to the North Family Village (see Exhibit 4.1-4). They are intended to be sited as a type of “Z-lot” residence to create more usable yards through the use of reciprocal side yard easements. The Beach Cottages would have varying orientation such that some residences would have garages fronting the streets, some located at the midway point on the lot, and some with garages to the side with a minimum ten-foot setback from the street.

Motor Court Homes

The Motor Court Homes are proposed as single-family, 2-story (maximum height of 32 feet) detached residences clustered with 2, 4, or 6 homes that share a common driveway access to the individual attached garages. The clustering of homes is intended to reduce curb cuts and makes more efficient use of the interior private courtyards that are accessed from the homes. In the North Family Village, Motor Court Homes are proposed south of Scenic Drive and adjacent to the Vernal Pool Preservation Area (see Exhibit 4.1-4). In the South Family Village, Motor Court Homes are proposed adjacent to South Bluff Park and the Open Space Preserve with local access road internal to South Family Village (see Exhibit 4.1-7).

Garden Court Homes

The Garden Court Homes are proposed as single-family, 2-story (maximum height of 32 feet) detached homes grouped in modules of 6 homes. With a shared common driveway access to the individual attached garages, the number of curb cuts and driveways fronting the street is limited. In the North Family Village, residences are proposed east of the Beach Cottages (see Exhibit 4.1-4). In the South Family Village, residences would be located adjacent to the Resort Colony, Bluff Road, and North Bluff Road (see Exhibit 4.1-7). Unlike the Motor Court Homes, the front entries to the Garden Court Homes would be from a common garden courtyard. The location of the private courtyard would vary by floor plan and could be located at the front, rear, or side of the home. From the street, Garden Court Homes would have useable garden courts rather than garages.

Village Flats

Proposed for the North Family Village, these condominiums or apartment residences would be generally 4 stories with a maximum height of 45 feet (see Exhibit 4.1-4). Individual resident parking garages would be provided on the ground floor, with three levels of single-level homes (flats) above the garages and organized around a central interior courtyard. The housing units would be accessed from the interior courtyard and parking garage. Garages would be accessed from a rear alley to maintain a continuous street frontage. The buildings would have patios or balconies and two primary architectural elevations.

Resort Flats

The Resort Flats are proposed as attached residences up to 4 stories (maximum building height of 50 feet) in the Resort Colony (see Exhibit 4.1-9). The conceptual architecture for these

residential buildings would be Shingle style with steep roofs and balconies. Individual buildings would have one level of subterranean parking with four flats on each level oriented around a central interior courtyard.

Urban Colony Architecture

Both residential and neighborhood commercial uses would be provided east of North Bluff Road and north and south of 17th Street in the Urban Colony. The intent is to visually integrate Urban Flats and commercial uses in this area, which is designed to be compatible with the design criteria set forth in the City of Costa Mesa's Mesa West Bluff Urban Plan and using the same architectural styles that occur in this area and the entire Newport Banning Ranch Project site. The Mesa West Bluffs Urban Plan is not overly restrictive and therefore does not have architectural design guidelines or mandated exterior building colors. Following are some of the objectives of this Urban Plan:

- Identify development regulations to realize the vision of the Urban Plan. These regulations address mixed-use development standards as well as public streetscapes and urban design improvements and amenities.
- Encourage adaptive reuse of existing industrial or commercial structures, which would result in rehabilitated buildings with unique architecture and a wider array of complementary uses.
- Encourage the design and development of urban residential structures reflecting the urban character of the surrounding industrial context both in the interior and exterior areas.

As addressed in Section 3.0, Project Description, and Section 4.1, Land Use and Related Planning Programs, the Master Coastal Development Permit is not intended to provide construction-level discretionary approval for construction of the northern portion of the Urban Colony (Site Planning Area 12b) or the Visitor-Serving Resort/Residential District's resort inn (Resort District; Site Planning Area 13a). With respect to these two areas, the Applicant is requesting Coastal Commission approval of land use designations as a part of the Master Coastal Development Permit. Proposed development would require subsequent review and approval of site plans by the City and a Coastal Development Permit.

As previously described in this EIR section, residences in the Urban Colony may be developed as freestanding residential projects or as part of a vertical mixed-use project, which includes commercial areas on the ground floor and residential units above. Subterranean parking and/or surface parking would be provided. The primary pedestrian entry to the buildings would be provided through ground floor lobbies providing a front door appearance from the street. Residential units could also be located above ground-level retail uses or combined with retail uses for live/work spaces. The Urban Flats are intended to be incorporated into an urban streetscape with a pedestrian orientation. Building facades could be terraced to provide changes in elevation and scale. The 4- to 5-story buildings would have a maximum height of 60 feet.

Resort Inn Architecture

As addressed in Section 3.0, Project Description, and Section 4.1, Land Use and Related Planning Programs, the Master Coastal Development Permit is not intended to provide construction-level discretionary approval for construction of the resort inn (Site Planning Area 13b). The Applicant is requesting Coastal Commission approval of land use designations

and densities. Proposed development would require subsequent review and approval of site plans by the City and a Coastal Development Permit.

The resort inn is proposed on the southern bluff overlooking West Coast Highway with views of the coastline and the Pacific Ocean. As conceptually proposed, the resort inn would be constructed in the same Shingle Style as the Resort Flats, with hotel rooms oriented towards the ocean. Architectural features may include dormers, arches, towers, balconies, and chimneys. Building height for the resort hotel would be 50 feet; architectural elements may exceed this height limit. Screening (e.g., landscaping, fencing) would be required around service areas and surface parking.

Street Lighting Standards and Requirements

Street lighting would be provided to a pedestrian scale and in conformance with the “dark-sky” lighting concepts identified in Section 4.1, Land Use and Related Planning Programs. The dark sky lighting regulations in the NBR-PC would apply to businesses (e.g., resort inn and neighborhood commercial uses) and HOA-owned and operated land uses within 100 feet of the Open Space Preserve.

Restricted land uses within 100 feet of the Open Space Preserve and within the Bluff Parks would be required to have:

- Full cutoff luminaires and/or City-approved “dark sky” light fixtures/bulbs similar in design and function as defined by the Illuminating Engineering Society of North America (IESNA) to minimize the amount of lighting emitted upward directly from the luminaire.
- Shielded and direct exterior lighting confined to the respective area upon which the exterior lights are to be installed so that adjacent Open Space land use districts are protected from any significant light spillage, intrusion, and glare.
- No skyward casting lighting allowed.
- Pathways and trails within the Bluff Parks would be lit with low-profile (e.g., bollard or other similar dark sky lighting) which cannot exceed three feet in height and which confines lighting to the trail area.

No permanent night lighting would be permitted within the Open Space Preserve with the exception of safety lighting in the two Oil Consolidation sites. Temporary lighting would be required associated with drilling operations on the Project site, which requires some periods of 24-hour activity. Outdoor lighting within the Interpretive Parks would be limited to low-profile bollard lighting for walkways and trails.

Street lighting would be permitted only at roadway intersections for public safety and provided in accordance with the requirements of the Newport Beach Design Criteria, Standard Special Provisions and Standard Drawings for Public Works Construction Standards Manual. All alleys would have lighting fixtures with sensors for automatic nighttime lighting.

Light for athletic playing fields in the Community Park would be required to have light control visors to control spill and glare and to direct light downward onto the playing field. Light standards used for lighting playing fields shall be either Musco Lighting™, “Light Structure Green” standards or another comparable light standard of similar design that reduces light spillage.

Where not within 100 feet of the Open Space Preserve or the Bluff Parks or for land uses not restricted to “dark sky” lighting standards within 100 feet of the Open Space Preserve (e.g., private residences), community landscape/common areas, public facilities, streetscapes, parks, and other similar areas may contain accent or other night lighting fixtures. Commercial use lighting would include lighting of parking lots and drive aisles and building facades subject to the lighting requirements set forth in the NBR-PC. Outdoor lighting for multi-family uses could include building and parking lot lighting.

Streetscape/Landscape Design

A Master Landscape Plan is proposed as part of the Project Master Development Plan that incorporates the landscape requirements identified in the Habitat Restoration Plan (in particular permitted native plants and invasive or otherwise prohibited plants); the Fire and Life Safety Program (in particular fuel management prohibitions on high fire-fuel plants in the community); and the NBR-PC development regulations. The Master Landscape Plan generally divides the Project site based on areas of the site proposed as natural habitat areas (Open Space Preserve) as set forth in the Habitat Restoration Plan and interior areas proposed for community development. The plant palette for the Project site is contained in the Master Development Plan, and defines permitted trees, shrubs, vines, and groundcovers. The Habitat Restoration Plan defines the plant palette for most areas within the Open Space Preserve.

The major backbone road for the community is Bluff Road (North and South), which provides the major entries to the Project site. Exhibit 4.2-12, Streetscape Cross Sections Key Map, is a location map for Exhibits 4.2-13a through 4.2-13j, which depict the conceptual streetscape design through the Project. Planting materials for the Bluff Road entries are based on appropriate scale to the street space, low maintenance, and water usage. Landscape design for the collector and local streets is intended to create an aesthetically cohesive streetscape at a pedestrian scale throughout the Project. All plant materials that are planted in the Open Space Preserve would be California natives. Community fences and walls would generally not exceed six feet in height except as required for sound-attenuation purposes. Walls would be constructed of either masonry or other permanent, durable, low maintenance material subject to approval by the City.

Fencing and Monumentation

Community walls and fences⁵ would be provided only where necessary to provide a safety buffer and privacy along major roadways; between adjacent off-site light industrial and school uses; and along the edges of the Bluff Park, along walkways, or along streets where residential privacy is an issue. Materials for these block walls may include but are not limited to split-face, slumped, or architectural block, or brick. Materials and finishes for all walls and fences would be shown on future construction-level Site Development Plans for City review and approval. Community walls are proposed along:

- Bluff Road and North Bluff Road, adjacent to the Garden Court and Motor Court Homes in the South Family Village;
- A small portion of the pedestrian walkway and adjacent to some of the Garden Court Homes in the North Family Village; and

⁵ In addition to community walls and fences, interior walls and fences would be used to define interior property lines, patios, and courtyards. These walls and fences would be internal to individual residential projects, and would be shown on future construction-level Site Development Plans submitted for City review and approval.

- The Urban Colony where the proposed residential uses would be adjacent to the Newport-Mesa Unified School District property and existing light industrial uses.

View fences/walls are proposed in the South Family Village where residential yards would directly adjoin South Bluff Park. They are also proposed along the perimeter of the North Family Village where front yards would be slightly elevated above Scenic Drive and public recreation areas in North Bluff Park. View fences/walls may vary in height, materials, and transparency and may include the use of masonry block and brick, tempered glass walls, and metal. Steel cable fencing is proposed along the outside boundary of North Bluff Park and South Bluff Park to identify the limits of the public park and beginning of the Open Space Preserve.

Community monumentation is proposed at Bluff Road and West Coast Highway, and at the easterly entrances to the Project site from 15th Street and 17th Street. Materials may include natural rock and tile.

Grading and Construction

The Project is proposed to be implemented over a period of approximately 13 years. Roadways and utilities (such as water, wastewater, gas, electric, and cable) would be constructed prior to the development of the structures. The transition from graded lots to framed structures to finished buildings with landscaping would occur over each area. As the structures are constructed and finished, the scale of the Project and changes to the visual character of the Project site would become more evident.

Site disturbance would first occur associated with required site remediation efforts. Land use development is anticipated begin with the construction of Bluff Road from West Coast Highway to 15th Street, and would follow a logical sequence, generally from south to north. Project implementation is intended to ensure efficient use of soil movement to balance landform grading and bluff/slope restoration, and to capitalize on existing infrastructure locations and connection points within and adjacent to the Project site. The habitat mitigation and restoration program would be implemented concurrent with the construction of the Project's land uses. Site preparation would occur during grading of the development areas, and planting would be implemented during the appropriate planting periods.

Total excavation on the site is estimated to total approximately 2,600,000 cubic yards (cy), including approximately 900,000 cy of cut and fill and 1,455,000 cy of cut and fill corrective grading (see Exhibit 3-16, Soil Disturbance Map, and Exhibit 3-17, Cut and Fill Map, in Section 3.0, Project Description). To the extent feasible, all grading would be balanced on site. However, an estimated 25,000 cy of export is assumed for removing remediated materials that are not suitable for retention on site. Grading for one area may extend into the development area associated with subsequent adjacent development areas to achieve an overall earthwork balance. Cuts are anticipated to vary from 1 foot to 10 feet with localized cuts up to approximately 25 feet. Fills are anticipated to vary between 1 foot and 30 feet, but may be up to 60 feet associated with bluff repairs with gradients between 2:1 and 3:1. The larger fills would be used for bluffs repair and restoration due to erosion damage, but would allow for the retention of the major topographical features of the Project site including the arroyos.

During construction, there would be views of construction equipment, ongoing construction activities, and stockpiles of building materials on the Project site. Views of construction activities are typical for projects located in an urban environment with surrounding development.

View Analysis

Project implementation would change the overall visual character and use the Project site from an oilfield to a developed urban infill community. Consistent with the General Plan, the majority of the property would be retained in open space (General Plan Land Use Element Goal 3.4 and Policy 6.4.1). The property would be remediated, and oilfield wells and equipment would be removed and consolidated into two locations of the site where such operations currently exist (General Plan Land Use Element Goal 3.4 and Policy 6.4.11). Non-native vegetation would be removed and habitat restoration and preservation would occur. As a part of the Project, utilities would be located in road rights-of-way, alleyways or, where necessary and feasible, in recreation and open space areas not primarily required for habitat restoration and/or preservation. Any new utilities located within open space areas, except within the Interim Oil Facilities District, would be placed below grade wherever feasible.

As previously noted, there is no public access to the Project site because it is private property and an active oilfield. Therefore, the Project site cannot be observed by the public from on-site locations nor can off-site views be observed from the property. There is a vertical grade separation of approximately 50 feet from West Coast Highway to the top of the Project bluffs along West Coast Highway and an approximate 50- to 65-foot vertical separation between the Newport Shores residences and the top of the bluff on the western edge of Project site. Because of the difference in elevation, there are uninterrupted views of off-site land uses to the south and west. These views include but are not limited to existing off-site development, the USACE 92-acre wetlands restoration area, the Santa Ana River, and the Pacific Ocean.

As a part of the proposed Project, approximately 7.3 gross acres of public trails would be provided through the Project site and would connect to existing off-site regional trails and create public views overlooking the open space areas of the Project. As described in Section 3.0, Project Description, the Bluff Park Trail is proposed as an off-street pedestrian trail extending around the perimeter of the Resort Colony, South Family Village, and North Family Village adjacent to the open space. The Bluff Park Trail is proposed to include footpaths and interpretive trails extending along the length of the bluff to allow visitor and residential access to scenic viewpoints within the Project site and to provide connections to the Open Space Interpretive Trails. Within Bluff Park, the multi-use trail would be located around a portion of the Resort Colony and would connect with the proposed pedestrian and bicycle bridge over West Coast Highway (see Exhibit 4.8-10, Master Trails and Coastal Access Plan, in Section 4.8, Recreation and Trails).

Approximately 20.9 gross (17.5 net) acres are proposed for development of a public Bluff Park as part of the Project. The public Bluff Park is proposed as a linear park located adjacent to the designated Open Space and would provide a buffer between Open Space areas and areas proposed for residential, commercial, and resort development. Facilities proposed for the public Bluff Park would include pedestrian trails, viewing areas, tot lots, picnic areas, and a small amphitheater to serve Project residents and the surrounding community.

In summary, the proposed Project would provide public access to views of scenic resources both on the Project site through the restoration and preservation of native habitat and wetlands and to views of off-site scenic resources including the Pacific Ocean. This is considered a beneficial impact of the proposed Project.

Visual simulations are provided to illustrate how the Newport Banning Ranch site is expected to look upon Project completion to identify whether the Project would “substantially degrade the visual character or quality of the site and its surroundings”. The analysis focuses largely on what

is, and would be, visible from the location of publicly accessible viewpoints (Views 1 through 9), rather than a subjective determination of what is or is not an impact based on the inherent character and quality of the land uses proposed on the Project site. The photograph simulations are provided from the same locations as existing conditions.

- **View 1 – View from West Coast Highway looking northwest toward the Project site (Exhibits 4.2-3a and 4.2-3b):** View 1 provides existing and proposed views of the Project site from the center median in West Coast Highway. The visual simulation illustrates how the Project’s proposed Resort Colony (resort inn and resort flats) would appear as viewed by persons traveling westbound on West Coast Highway. In the foreground of the visual simulations, the Project’s proposed infrastructure improvements on West Coast Highway are shown including the new intersection (including median changes) and signalization of Bluff Road at West Coast Highway as well as Bluff Road entering the Project site. The City’s approved but not constructed Sunset Ridge Park is shown on the right side of the simulation. Further west on West Coast Highway (left side of photograph), a portion of the proposed pedestrian and bicycle bridge over West Coast Highway is visible in the background.

In Exhibit 4.2-3a, the resort inn would be the prominent on-site land use with the resort flats in the background; the locations of the resort inn and residential uses are reversed in Exhibit 4.2-3b.⁶ From this perspective, either the resort inn or residences would be sited on the mesa overlooking West Coast Highway with views of the Pacific Ocean. This development area is vertically separated from West Coast Highway by approximately 50 feet. Buildings within the Resort Colony would not exceed 50 feet in height and would be set back a minimum of 60 feet from the top of the bluff (PDF 4.2-3).

In the foreground of the visual simulations, proposed infrastructure improvements on West Coast Highway are visible, including the new intersection and signalization of Bluff Road at West Coast Highway as well as Bluff Road entering the Project site. PDF 4.2-1 requires contour grading be used to minimize impacts to existing public view points from West Coast Highway. The City’s approved but not constructed Sunset Ridge Park is shown on the right side of the simulation. Further west on West Coast Highway (left side of photograph), a portion of the proposed pedestrian and bicycle bridge over West Coast Highway is visible in the background.

General Plan Land Use Element Policy 6.5.5 states that “public views of the property development shall be located and designed to prevent residences on the property from dominating public views of the bluff faces from Coast Highway, the ocean, wetlands, and surrounding open spaces. Landscape shall be incorporated to soften views of the site visible from publicly owned areas and public view points”.

The conceptual design and siting of the resort inn and resort flats are considered visually compatible from this viewpoint. The proposed Project is not expected to substantially degrade the visual character or quality of the site and its surroundings the following reasons:

- Views of the Project site from West Coast Highway are limited due to site topography as the site slopes upward from West Coast Highway. The proposed Resort Colony development area is vertically separated from West Coast Highway by approximately

⁶ As addressed in the Project Description, the location of the resort inn and the residential condominiums may be transposed with one another within the Resort Colony.

- 50 feet. Buildings would not exceed 50 feet in height and would be set back a minimum of 60 feet from the top of the bluff (PDF 4.2-3). Development uses would not dominate public views of the bluffs.
- Contour grading would be used to minimize impacts to existing public view points and views from West Coast Highway (PDF 4.2-1).
 - As shown in the simulations, the slope leading up to the top of the bluff and graded areas associated with implementation of Bluff Road would be revegetated and would be a part of the Open Space Preserve. All plant materials that are planted in the Open Space Preserve would be California natives as set forth in with the Project's Habitat Restoration Plan. Ornamental landscaping would be permitted at the entrance to the Project site from Bluff Road. The predominate use of native plant materials visible from View 1 would be visually consistent with existing conditions from this location. Landscaping would also be provided around the perimeter of buildings that are proposed adjacent to open space to provide a transition between open space and development.
 - As previously described, the resort inn and resort flats are conceptually proposed to be constructed in the Shingle Style with muted colors that are intended to blend with the Open Space Preserve rather than contrasting with the natural environment of the Project site and surrounding area.
 - Because the Resort Colony land use district is adjacent to the Open Space Preserve, all development within 100 feet of the Open Space Preserve would be subject to the dark sky lighting provisions, thereby limiting the amount of night lighting that would be visible from West Coast Highway. Street lighting is currently provided along West Coast Highway and currently occurs immediately east and west of the proposed intersection of Bluff Road at West Coast Highway.

View 2 – View from West Coast Highway looking east (Exhibit 4.2-4): View 2 provides existing and proposed views from the center median in West Coast Highway. The view from this vantage point illustrates how the Project site would appear as viewed by persons traveling eastbound on West Coast Highway after Project completion of the pedestrian and bicycle bridge over West Coast Highway. The bridge was not assumed in the General Plan as a part of the development of the Newport Banning Ranch property or as a part of the City's non-vehicular trail system. As previously noted, the *City of Newport Beach General Plan* does not identify any scenic vistas or view points on the Project site. West Coast Highway is not a State- or locally designated scenic highway.

As illustrated in this view, the proposed bridge over West Coast Highway is the prominent focal point and would be visible to both eastbound and westbound travelers on West Coast Highway. As proposed, the bridge would be constructed with a steel truss structure that would clear-span the six travel lanes of West Coast Highway on a diagonal angle. The bridge would not have intermediate supports in the median or piers in the State right-of-way. The landing on the Project side would be in a structural pier located within South Bluff Park; the landing on the south side of West Coast Highway would be a structural pier located in a turf area of West Newport Park, northwest of the existing tennis courts and northeast of the handball/basketball courts. The bridge abutments are proposed to be constructed with a combination of masonry block and concrete with decorative stone accents. The length of this span would be approximately 260 feet, with a minimum vertical clearance from the highway of approximately 20 feet with a maximum vertical height of 50 feet for the landings. Lighting of the bridge would be limited to that required for public safety.

The City of Newport Beach Land Use Element Policy 1.6, Public Views, states “Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points”. Users of the pedestrian and bicycle bridge would have a panoramic view of the ocean. The pedestrian and bicycle bridge would be visually prominent to motorists, bicyclists, and pedestrians on West Coast Highway in the immediate vicinity, including residents in the Lido Sands residential community located south of West Coast Highway. Because the bridge landing would be within West Newport Park, the bridge would be most prominent to park users. Park users would experience a change in the existing viewshed; existing views are of the park, West Coast Highway and the Project site to the north, and residences to the south. The addition of the pedestrian and bicycle bridge would add an additional element into the viewshed, but the park is not located in a scenic corridor and is not a protected view point, nor would it preclude the use of the existing active City park.

The proposed bridge would be approximately 200 feet west of the nearest residence in the Lido Sands community; tennis courts and green areas within West Newport Park and a local road would separate the bridge pier from this residence. Residences are located to the east and south of the proposed pedestrian and bicycle bridge. While the Project site and bridge would be visible from some of the residences, most residences are oriented toward the south (the Pacific Ocean) rather than toward the north (West Coast Highway and the Project site). The bridge would not block any long-range or panoramic views of the ocean.

By nature, the duration of motorists’ exposure to a viewshed is short. Since this group is transient, the sensitivity to change in the viewshed is usually low to moderate. The motorist currently sees an existing block wall and residences on the southern side of West Coast Highway and an existing oilfield operation on the northern side of West Coast Highway. Motorists travelling westbound on West Coast Highway would have passed urban land uses, including residences, commercial/retail uses, and a bridge over West Coast Highway. From the east, motorists have views of the ocean, wetlands, and urban land uses in Huntington Beach that transition to urban uses when traveling over the Santa Ana River into Newport Beach. The motorist street level views and long-range views would not be blocked.

No major landform alteration would be required to implement the bridge. Additionally, because the height of the bridge would have a minimum vertical clearance over West Coast Highway, it would not substantially change the viewshed or block ocean views. As a result, the project would not constitute a substantial change to the visual character of the area. Therefore, it would not be considered to substantially degrade the existing visual character or quality of the site and its surroundings.

As proposed, the pedestrian and bicycle bridge would be proximate to the proposed Resort Flats in the Resort Colony. Alternatively, the resort inn could be constructed in this portion of the Resort Colony. The view from this vantage point illustrates how development on the bluff overlooking West Coast Highway would appear as viewed by persons traveling eastbound on West Coast Highway. The Resort Colony setback requirements described under View 1 apply to View 2. Whether residential or resort inn uses are constructed in this location of the Resort Colony, they would be set back a minimum of 60 feet from the bluff top. Additionally, as set forth in PDF 4.2-2, the Bluff Park will be provided at the top of the bluff edge around most of the western and southern perimeters of the development areas. Building colors would be muted natural

colors, outdoor light would be restricted to “dark sky” requirements, and the Open Space preserve would contain native vegetation.

- **View 3 – View from Newport Shores residential community looking east toward the Project site (Exhibits 4.2-5a and 4.2-5b):** This view represents views to the east from 61st Street in the Newport Shores residential community. Exhibit 4.2-5a depicts this viewpoint with resort flats in the Resort Colony; Exhibit 4.2-5b depicts the viewpoint with the resort inn. In both exhibits, the foreground view would be the same. The existing oil facilities in the proposed southern Oil Consolidation site are visible from and would remain visible from Newport Shores; the Semeniuk Slough is in the foreground. The perimeters of both the southern and northern oil sites would be planted with native plant materials, including native trees and shrubs. Although Project improvements would not completely screen views of the oil facilities, the native plantings would provide some visual buffering. Additionally, there would be no lighting in the Open Space Preserve except for safety lighting at the Oil Consolidation site.

The eroded bluff and slope would be restored. Grading would be required on currently impacted bluffs to restore and revegetate the bluff/slope edge and to limit further degradation. Bluff restoration would vary depending on the degree of existing degradation. These areas would be revegetated with native plant materials consistent with the requirements of the Habitat Restoration Plan. The top of the slope would provide a minimum 50-foot native grassland buffer as well the provision of the linear bluff park.

As shown in Exhibit 4.2-5a, the Resort Flats are the prominent feature and focal point of this simulation. The residences would be approximately 800 feet away from the Newport Shores community with a vertical separation of approximately 50 feet. Development within the Resort Colony would be set back more than 100 feet from the bluff edge with a maximum building height of 50 feet, excluding mechanical equipment and architectural features (see PDFs 4.2-1 through 4.4-4). The combined width of the open space habitat area, Bluff Park, and the existing oil operations as well as the open space area within the Semeniuk Slough itself provide a generous setback from the bluff edge of the resort homes within the Project. The use of neutral muted building colors, landscaping, and restricted outdoor lighting are intended to ensure the compatibility of the Resort Flats with surrounding areas.

The resort inn is the prominent feature in Exhibit 4.2-5b. As previously discussed, the resort inn and the Resort Flats are conceptually proposed in the Shingle architectural style with the use of neutral colors, articulated building facades, and tower elements among others. As it applies to the Resort Colony, SC 4.1-1 requires compliance with the provisions of *Newport Banning Ranch Planned Community Development Plan*. The Resort Colony land uses would also be subject to subsequent review and approval by the California Coastal Commission and the City. Design measures such as increased setbacks and buffering are suggested to reduce the prominence of the resort inn from this viewpoint.

- **View 4 – View from 61st Street in the Newport Shores residential community looking east toward the Project site (Exhibit 4.2-6):** The view from this vantage point illustrates how the Project site would appear as viewed from a northern vantage point on 61st Street after Project completion of the North Family Village. As shown in this simulation, views in this area remain basically unchanged. Due to site topography, only the roof tops of a few the North Family Village residential uses would be visible. The

Traditional Homes in the North Family Village would be approximately 450 feet from 61st Street with a vertical separation of roughly 65 feet. The combined width of the open space habitat area and North Bluff Park create a generous setback from the bluff edge of over 150 feet for homes within the Project site.

- **View 5 – View from along the Santa Ana River looking southeast across the Project site (Exhibit 4.2-7):** This view offers expansive views across the Project site. Wetlands associated with the USACE restoration area remain the prominent feature in the foreground from this vantage point. From this vantage point, proposed development in the Urban Colony (center of visual simulation) and the North Family Village (right side of visual simulation) are visible. The building associated with oil production has been removed. The California Seabreeze residential community is still visible in the distance (left side of the visual simulation). From this vantage point, the expansive views across the Project site are retained and, while the Urban Colony's 4- to 5-story buildings and the 1- to 4-story residences in the North Family Village can be seen, they are not the prominent focal point. The prominent view would be of the USACE's wetlands and the Project's retained and restored native habitat in the Lowland area.
- **View 6 – View from 19th Street looking south toward the Project site (Exhibit 4.2-8):** The view from this vantage point illustrates how the Project site would appear as viewed by persons traveling on 19th Street and Balboa Street after Project completion and construction of North Bluff Road. North Bluff Road is proposed to connect with the existing 19th Street at the Project's northern property line. The aboveground utility pole/lines would be relocated and are not visible in this view and the existing guardrail would be removed. The existing utility poles currently on the Project site would also be relocated and/or placed underground. Upland habitat in the northern portion of the Project site is located in the Open Space Preserve area and is visible in this view; as shown in the view simulation, this area would be restored and enhanced.

As depicted in Exhibit 4.2-8, there would not be any grading or development immediately adjacent to the California Seabreeze community associated with the proposed Project. As shown in this exhibit, North Bluff Road would be located over 300 feet from the existing California Seabreeze community. The only street lighting along North Bluff Road would be at intersections. Due to the intervening topography and distance views of the road would be limited. No other development is proposed in this portion of the Project site.

- **View 7 – View from the eastern portion of the Project site and 17th Street looking west towards the Project site (Exhibit 4.2-9):** The view from this vantage point illustrates how the Project site would appear as viewed to persons traveling on 17th Street after Project completion and continuation of 17th Street into the Project site. 17th Street between North Bluff Road and the Newport Banning Ranch property line is proposed as a Primary Road with two travel lanes and one on-street bike lane in each direction and a raised landscaped median. Pedestrian walkways would be provided on each side of the road. The existing trees on the off-site properties are shown in this simulation and similar ornamental street trees would be located along both sides of 17th Street and in the center median into the Project site. The 4- to 5-story Urban Colony buildings located on both the north and south side of 17th Street can be seen in the middle ground of this simulation. Building heights would be a maximum of 60 feet, which is consistent with the height restrictions in the City of Costa Mesa's adopted Mesa West Bluffs Urban Plan area which is contiguous to the Urban Colony.

As illustrated in the exhibit, the existing adjacent land uses in Costa Mesa are light industrial and low-rise offices. A parking lot directly adjoins the Project Site's easterly property line. The Project's Urban Colony would provide an approximate setback 28 to 40 feet or more from the adjacent industrial uses. Landscape planting, including trees and a wall or fence along this edge, would be provided. The City of Costa Mesa Urban Plan Area is currently developed with industrial uses. Properties located within the boundaries of the Mesa West Bluffs Urban Plan Area are located contiguous to the eastern boundary of the Project site. These properties have a Costa Mesa General Plan land use designation of Light Industrial and a zoning designation of General Industrial. The Costa Mesa City Council identifies the Mesa West Bluffs Urban Plan area as a live/work or residential overlay area. Costa Mesa's Zoning Map was amended to reflect this overlay zone. The overlay zone applies zoning provisions such that the underlying zoning is superseded by the zoning regulations of the Mesa West Bluffs Urban Plan. As such, these off-site adjacent parcels could be redeveloped with residential or mixed uses. Where the Urban Colony is within 100 feet of the Open Space Preserve or North Bluff Park, the Urban Colony would be subject to "dark sky" lighting regulations.

- **View 8 – View from the eastern portion of the Project site and 15th Street looking west toward the Project site (Exhibit 4.2-10):** The view from this vantage point illustrates how the Project site would appear, as viewed by persons traveling on 15th Street after Project completion and the continuation of 15th Street into the Project site. Between Bluff Road and the Newport Banning Ranch eastern property line, 15th Street is proposed as a Primary Road with two travel lanes, one on-street bike lane in each direction, and a raised landscaped median. Pedestrian walkways would be provided on each side of the road. The two-story office building located to the south (left side of photograph) and two single-story building are located to the north (right side of photograph) are visible in this view. Buildings to the north are planned to be demolished. The northwest corner of 15th Street at Monrovia Avenue is the future site for Coast Community College District's Newport Beach Learning Center. The Learning Center will be a 3-story, 67,000 sf learning facility to include classrooms, an art gallery, college-art classrooms, performance rooms, computer labs, science rooms, and faculty and administrative offices. The approved project is expected to be completed in 2012. The displaced parking (25 parking spaces) associated with the existing office building would be provided within the Central Community Park area.

From this view, the two-story Garden Court Homes are visible adjacent to North Bluff Road visible in the background. The Garden Court Homes are proposed as single-family detached homes grouped in modules of six homes with a shared common driveway access to the individual attached garages.

- **View 9 – View from the eastbound West Coast Highway (Exhibits 4.2-11a and 4.2-11b):** The General Plan does recognize that the Project site's mesa area, coastal bluffs, and Lowland (part of the Santa Ana River floodplain) contribute to the City's scenic resources. Additionally, there are two designated public viewpoints shown on Figure NR3/Coastal Views in the City's General Plan that are along 61st Street adjacent to the Semeniuk Slough.

As previously noted, while West Coast Highway is not a State- or locally designated scenic highway, a portion of West Coast Highway where it crosses Santa Ana River is designated as a Coastal View Road in the City's General Plan. Policy NR 20.3, Public Views, of the General Plan's Natural Resources Element requires the protection and enhancement of public view corridors. This Coastal View Road is not immediately

adjacent to the Project site, but the Project site is visible from the Coastal View Road portion of West Coast Highway.

As depicted in Exhibits 4.2-11a and 4.2-11b, View from Eastbound West Coast Highway, the Project site is visible to viewers traveling east on West Coast Highway over the Santa Ana River Bridge. Motorists and bicyclists would see the southwest portion of the Project site. However, the distance between the Santa Ana River Bridge and proposed on-site development would be approximately 3,100 feet (approximately 0.6 mile). The Santa Ana River, USACE wetlands, Semeniuk Slough, and the Newport Shores residential community are located between the bridge and the Project site. In the foreground, the Project site, when developed, would look similar but would be devoid of any oilfield equipment and would be in permanent open space. In the background, proposed development would be visible.

The most prominent development would be the proposed four- to five-story buildings in the Urban Colony proposed east of North Bluff Road and north and south of 17th Street, almost one mile northeast of this view location. Development in the North Family Village and South Family Village would be visible from View 9. Primarily, the rooftops of the proposed Traditional Homes residences would be visible.⁷ Exhibit 4.2-11b assumes that the proposed resort inn would be located in the western portion of the Resort Colony rather than the eastern portion of the Resort Colony. The resort inn is visible behind existing off-site palm trees along West Coast Highway in the right side of the visual simulation.

Residential development on the Project site in the North Family Village and South Family Village would be set back a minimum of 60 feet from the top of the bluff (see PDF 4.2-3) and would include Bluff Park (PDF 4.2-2) and landscape planting consistent with the Project's Habitat Restoration Plan (HRP).

The northern and western portions of the Project site would be designated "Open Space Preserve". Landscaping would be designed to maintain the views of the Project site from the Coastal View Road consistent with the General Plan Natural Resources Element Policy 20.5 which states that a project should "Provide public trails, recreation areas, and viewing areas adjacent to public view corridors, where feasible" (see PDF 4.2-1).

As addressed in Section 3.0, Project Description, a Coastal Development Permit is not being requested for approval as a part of the proposed Project for construction of the northern portion of the Mixed-Use/Residential District (Urban Colony; Site Planning Area 12b) or the Visitor-Serving Resort/Residential District's resort inn (Resort District; Site Planning Area 13a). With respect to these areas, the Applicant is requesting Coastal Commission approval of land use designations as a part of the Master Coastal Development Permit. Proposed development in these areas of the Project site would require subsequent review and approval of site plans by the City and Coastal Development Permits (CDP) by the Coastal Commission, consistent with the conditions set forth in the Master Coastal Development Permit. As such, the locations of structures within this area, as shown in the EIR's visual simulations, are conceptual and depict the anticipated massing of proposed development in these areas of the Project site.

⁷ Traditional Homes are proposed as low-density, single-family detached residences sited on minimum 40-foot-wide by 90-foot-deep lots. The residences would be 2 stories with a maximum building height of 32 feet.

As previously noted, there are no designated scenic vistas in the City. From View 9, the proposed Project would not substantially change existing views or degrade the visual character or quality of the Project site and its views from a designated Coastal View Road (West Coast Highway on the Santa Ana River Bridge). Existing views of the Project site from eastbound motorists would not be obstructed. As previously discussed, by nature, the duration of motorists' exposure to a viewshed is short. Since this group is transient, the sensitivity to change in the viewshed is usually low to moderate.

Development of the proposed Project would alter existing views along West Coast Highway/Santa Ana River Bridge, which is designated as a Coastal View Road. However, the view would be intermittent and the change would be minimal. The proposed Project would not have a substantial adverse effect on a scenic vista, and therefore, the Project's impact would be less than significant. PDFs 4.2-2 and 4.2-3 are applicable.

The resulting change in topography/landform and land use would be permanent. The General Plan EIR determines, "If development occurs, policies in the proposed General Plan Update would ensure compatibility between proposed uses, on-site open space areas, and the adjacent existing residential uses".

All these conclusions are consistent with the analysis and conclusions that were set forth in the certified EIR for the Newport Beach General Plan. The Newport Beach General Plan EIR states:

The Banning Ranch property is currently developed with oil production uses and associated structures, including large storage tanks. However, much of Banning Ranch consists of open space. As such, the existing conditions in Banning Ranch contribute to overall natural aesthetics within the City...If the property cannot be acquired in a timely manner, the development of a compact residential village that preserves the majority of the site as open space and restores critical habitat is allowed in accordance with Policies LU 6.3.1 through 6.5.5. Under both land use options proposed for Banning Ranch, Policies LU 6.5.1 and 6.5.3 would both apply to the area, and would relocate and cluster oil operations, as well as restore and enhance wetlands and wildlife habitats. Both of these policies would improve the overall aesthetic quality of the area. While both options (open space and high quality residential development) would protect visually important open space components of the existing area, the visual impacts of retaining the site as open space would be less than if development were to be allowed in the area...if the site is ultimately developed, new land uses would include residential, limited commercial, overnight accommodations, and community parks designed in such a way as to provide a cohesive urban form that provides the sense of a complete and identifiable neighborhood (Policy LU 6.4.5). Most importantly, Policy LU 6.5.5 requires that development be located and designed to prevent residences on the property from dominating public views of the bluff faces from Coast Highway, the ocean, wetlands, and surrounding open spaces. In addition, as discussed above, the consolidation of oil operations as well as the restoration of wetlands and habitat areas would improve the visual quality of the area. While new development would represent a change from the existing land uses, with implementation of the proposed General Plan Update policies, the potential visual impacts of new development in the Banning Ranch area would be minimized. Consequently, development in Banning Ranch under the proposed General Plan Update would have less-than-significant impacts on the visual quality of the area.

Because the Project site is an active oilfield, remediation is required in order to implement the proposed development project. This remediation would result in a visual benefit on the Project site. Native planting buffers would be provided around the perimeter of the two Consolidated Oil sites in accordance with the HRP (see Section 4.2-6, Biological Resources). The proposed Project includes approximately 51.4 gross acres of parks, as well as open space and trails to provide a variety of active and passive recreational facilities and to provide scenic setbacks.

While the aesthetics of a project are highly subjective, the proposed Project has been designed to be compatible with surrounding urban uses and includes significant enhancements to the site such as habitat restoration. The proposed Project is consistent with the General Plan policies designed to mitigate aesthetic and visual impacts of the development of the Project site. An analysis of the Project's consistency with the cited policies is set out below. The findings of this EIR analysis are consistent with the General Plan EIR's findings that the Project's proposed development can be implemented without significant aesthetic or visual impacts.

Impact Summary: Threshold 4.2-1: No Impact. The City does not have any designated scenic vistas as designated on the General Plan.

Impact Summary: Threshold 4.2-2: Less than Significant Impact. Development of the proposed Project would alter existing views of the Project site; however, the proposed Project would be consistent with the General Plan policies governing the development of the Project site and includes design guidelines and project design features that ensure that the development of the proposed Project would not result in a significant aesthetic or visual resource impacts. PDF 4.1-4, PDF 4.6-4, and PDFs 4.2-1 through 4.2-4 are applicable. The Project would also provide the public views from the Project site of on-site and off-site scenic resources including the Pacific Ocean that are not currently available because of the site is private property and existing oilfield operations. This is considered a beneficial impact.

Given that the General Plan provides for the option of the uses proposed by the Project and development on the site would reflect a continuation of development similar in nature to the urban development in the communities surrounding the Project site, this change in the character of the site would not be considered a significant impact.

Threshold 4.2-3 Would the project create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

Light pollution, also known as "sky glow", is an adverse effect of man-made light. It is often used to denote urban sky glow (brightening of the night sky due to man-made lighting), but also includes glare (intense and blinding light) and light trespass (light falling where it is not wanted or needed; spill light). In many cases, sky glow is visible from great distances, particularly in evenings when there is moisture in the air. Minute water droplets in the evening air reflect and scatter light into the atmosphere.

Implementation of the Project would create new sources of light and glare that are presently not found on the Project site. Nighttime sources of light would include streetlights, vehicle headlights, and lights used within and around buildings including residences, retail areas, and the resort inn. However, it should be noted that the Project site is located in an urban

environment. Existing development is adjacent to the Project site to the north, south, and east with development west of the Santa Ana River.

As identified in PDF 4.6.4, the Newport Banning Ranch Master Development Plan incorporates “dark sky” lighting standards for HOA land uses and businesses within 100 feet of the Open Space Preserve and Bluff Parks. Therefore, uses within the South and North Bluff Park and Nature Center contiguous to the Open Space Preserve, and non-residential uses in the Villages and Colonies would be required to have: (a) flood lamp shielding and/or City-approved “dark sky” light fixtures/bulbs to reduce the amount of stray lighting into natural resource areas; (b) direct lighting rays confined to the respective residential, resort inn, and commercial lots or park areas upon which the exterior lights are to be installed so that adjacent and nearby areas of the Open Space Preserve are protected from any significant light spillage, intrusion, and glare; and (c) no skyward-casting light fixtures/bulbs.

Street lighting would be limited to the lighting of intersections. Residential alleys would have lighting fixtures with sensors for automatic nighttime lighting. Where not within 100 feet of the Open Space Preserve or the Bluff Parks or for land uses not restricted to dark sky lighting standards within 100 feet of the Open Space Preserve (e.g., private residences), community landscape/common areas, public facilities, streetscapes, parks, and other similar areas may contain accent or other night lighting fixtures. Commercial use lighting would include lighting of parking lots, drive aisles, and building facades subject to the lighting requirements set forth in the NBR-PC. Outdoor lighting for multi-family uses could include building and parking lot lighting.

The Project includes an approximate 26.8-gross-acre (21.7-net-acre) Community Park site proposed along the eastern boundary of the Project site generally between 16th Street to the north, just north of West Coast Highway to the south, and east of Bluff Road and North Bluff Road. The Master Development Plan divides the Community Park into three Site Planning Areas: 7a, South Community Park; 7b, Central Community Park; and 7c, North Community Park. The North Community Park area would be a predominately active park area and the Central and South Community areas would not include improved ball fields or courts. City parks are open between the hours of 6:00 AM and 11:00 PM. Ball field lights are turned off by 10:00 PM.

The 15.9-gross-acre (13.5-net-acre) North Community Park area (Site Planning Area 7c) is proposed to include lighted tennis courts, lighted soccer fields, a lighted basketball court, youth baseball and softball fields overlaid on the soccer fields, a picnic area or skateboard park, tot lots, fitness/par course, and parking areas. Approximately 219 off-street public parking spaces would be provided in 2 locations within the North Community Park area. A small parking area (approximately 19 spaces) is proposed with ingress/egress from 16th Street. The remainder of the parking (approximately 200 spaces) would be provided along the eastern boundary of the park with ingress/egress from 15th Street and from North Bluff Road.

Lighting for athletic playing fields in the Community Park would be required to have light control visors to control spill and glare and to direct light downward onto the playing field. Light standards used for lighting playing fields shall be either Musco Lighting™, “Light Structure Green” standards, or another comparable light standard of similar design that reduces light spillage.

The Central and South Community Park areas would not include improved ball fields or courts. The extension of 15th Street between Monrovia Avenue and the Project site would displace approximately 25 private parking spaces associated with the existing off-site office building. The

displaced parking for the office building would be provided at the eastern boundary of the Central Community Park area (approximately 25 parking spaces). Lighting would be limited to the parking area and for public safety lighting associated with walkways.

General Plan Land Use Policy 5.6.3 on ambient lighting requires “that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location”. MM 4.2-2 requires all final lighting orientation and design for the Community Park to be in accordance with the “dark sky” lighting standards to the maximum practicable extent to reduce the impacts of new light sources to the extent feasible, as determined by the Community Development Director.

Residences near the active areas of the proposed Community Park may also be adversely impacted by night lighting. As a result, the proposed Project would result in a land use incompatibility with respect to long-term noise and air quality impacts and night illumination on those Newport Crest residences immediately contiguous to the Project site. The City of Newport Beach General Plan Final EIR found that the introduction of new sources of lighting associated with development of the site would be considered significant and unavoidable. In certifying the General Plan Final EIR and approving the General Plan project, the City Council approved a Statement of Overriding Considerations, which note that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the General Plan project.

There are no new significant sources of light from the Open Space Preserve or the other park areas. The only lighting permitted in the Open Space Preserve would be safety lighting in the Consolidated Oil sites. These uses would not contribute to significant increases in night lighting.

New sources of lighting from the Villages and Colonies, South and North Bluff Park, and Nature Center would contribute to increased night illumination in the area. MM 4.2-1 requires the lighting system to be approved by the City with photometric field inspections of the approved lighting system for the Project prior to the issuance of a building permit for the applicable Village/Colony, North Bluff Park, and Nature Center on the Project site.

Because of the new light sources associated with the active sports fields and hard courts associated with the Community Park, the Community Park would result in a significant and unavoidable impact with respect to night lighting. Lighting would be restricted in compliance with the “dark sky” regulations (PDF 4.6-3) and with implementation of Mitigation Measures 4.2-1 and 4.2-2; however, the impact would remain significant and unavoidable. This finding is consistent with the City of Newport Beach General Plan EIR, which notes that the introduction of new development would result in significant and unavoidable lighting impacts. Although the Project proposes to restrict lighting in areas of the site, night lighting associated with the Community Park is proposed to have night lighting, and the Project as a whole would introduce new light sources. The findings of this EIR analysis are consistent with the General Plan EIR’s determination that the Project’s proposed development would result in significant and unavoidable nighttime lighting impacts.

Impact Summary: **Significant and Unavoidable.** Because the Project site is primarily unlit, implementation of the Project would create new sources of light that are presently not found on the Project site. Nighttime sources of light would include streetlights, vehicle headlights, and lights used within and around buildings including residences, retail areas, and the resort inn as well as the Community Park. The proposed Project would include a “dark sky” lighting concept. Street lights would be limited to intersections. However,

the Project would introduce nighttime lighting into a currently unlit area. PDF 4.6-3 and MMs 4.2-1 and 4.2-2 are applicable; this is a significant, unavoidable impact.

Threshold 4.2-4 *Would the project conflict with any applicable 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?*

Tables 4.2-1 and 4.2-2⁸ evaluate the consistency of the proposed Project with the applicable goals of the City's General Plan, and the Coastal Act, respectively.

Impact Summary: *No Impact.* As identified in Tables 4.2-1 and 4.2-2, the proposed Project would be consistent with the applicable goals and policies of the *City of Newport Beach General Plan* and the California Coastal Act designed to protect aesthetic and visual resources.

4.2.8 MITIGATION PROGRAM

Project Design Features

The following PDFs are applicable: PDF 4.1-4; PDFs 4.2-1 through PDF 4.2-4; and PDF 4.6-4.

Standard Conditions and Requirements

No standard conditions are applicable to the Project with respect to visual resources.

Mitigation Measures

MM 4.2-1 All public roadways and private development within the Village and Colonies, South and North Bluff Park, Interpretive Parks, and Oil Consolidation sites shall have their "dark sky" lighting system and its components incorporated into the Project and approved by the City of Newport Beach Community Development Director or his/her designated representative prior to the issuance of a building permit for the applicable Village, Colony, Bluff Park, and Nature Center on the Project site. Each lighting plan shall incorporate electrical plans and structural plans that detail the provision of lighting systems for exteriors of all buildings, parking lots, loading areas, walkways, public use areas, any public art displays, fountains, or landscape areas. Lighting within the development shall be directed and shielded so that light is directed away from the Open Space Preserve, including habitat areas. Floodlamp shielding and/or sodium bulbs shall be used in developed areas to reduce the amount of stray lighting into native restoration and preservation areas. No skyward-casting lighting shall be used. Final lighting orientation and design shall be in accordance with the "dark sky" lighting standards as defined by the Illuminating Engineering Society of North America (IESNA) and shall reduce the impacts of new light sources to the extent feasible as determined by the Community Development Director or his/her designated representative. Prior to final inspection or issuance of a certificate of occupancy, where applicable, the City shall cause to be performed a photometric field

⁸ For ease of reading, the policy tables are located at the end of this section.

inspection of the approved lighting system for the Project. The inspection shall verify the proper construction and installation of materials within the approved plan; determine the actual light patterns and values through light meter testing and observation; and determine the extent of any errant lighting. Deviations and/or violations shall be corrected prior to the final clearance for the Project.

MM 4.2-2 The lighting plan for the Community Park shall incorporate electrical plans and structural plans that detail the provision of lighting systems for sports field and hard courts; exteriors of buildings; parking lots, walkways, and/or landscape areas. All lighting within the development shall be directed and shielded so that light is directed away from the Open Space Preserve, including habitat areas. Floodlamp shielding and/or sodium bulbs shall be used in developed areas to reduce the amount of stray lighting into native restoration and preservation areas. Furthermore, no skyward-casting lighting shall be used. The lowest intensity lighting shall be used that is appropriate to the intended use of the lighting. Light standards used for lighting playing fields shall be either Musco Lighting™, “Light Structure Green” standards, or another comparable light standard of similar design that reduces light spillage. Final lighting orientation and design shall be in accordance with the “dark sky” lighting standards as defined by the Illuminating Engineering Society of North America (IESNA) and shall reduce the impacts of new light sources to the extent feasible, as determined by the Community Development Director. Prior to final inspection, the City shall cause to be performed a photometric field inspection of the approved lighting system for the Community Park. The inspection shall verify the proper construction and installation of materials within the approved plan; shall determine the actual light patterns and values through light meter testing and observation; and shall determine the extent of any errant lighting. Deviations and/or violations shall be corrected prior to the final clearance for the Community Park.

4.2.9 LEVEL OF SIGNIFICANCE AFTER MITIGATION

With implementation of the mitigation program identified above, the proposed Project would not result in significant topographic or aesthetic impacts. However, the Project would result in night lighting impacts that are considered significant and unavoidable. The City of Newport Beach General Plan Final EIR found that the introduction of new sources of lighting associated with development of the site would be considered significant and unavoidable. In certifying the General Plan Final EIR and approving the General Plan project, the City Council approved a Statement of Overriding Considerations, which notes that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the General Plan project. The conclusions of this EIR with respect to night lighting are consistent with the General Plan Findings of Fact and Statement of Overriding Considerations.

**TABLE 4.2-1
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS**

City of Newport Beach General Plan Relevant Goals, Policies, and Programs	Consistency Analysis
Land Use Element	
Policies	
<p>LU Policy 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.</p>	<p>The Project is consistent with this policy. One of the Project objectives (Number 6) is for "Development of a land use plan that (1) provides a comprehensive design for the community that creates cohesive neighborhoods promoting a sense of identity with a simple and understandable pattern of streets, a system of pedestrian walkways and bikeways that connect residential neighborhoods, commercial uses, parks, open space and resort uses; (2) reduces overall vehicle miles travelled; (3) integrates landscaping that is compatible with the surrounding open space/habitat areas and that enhances the pedestrian experience within residential areas; and (4) applies architectural design criteria to orient residential buildings to the streets and walkways in a manner that enhances the streetscape scene". As proposed, the Project would be implemented as distinct Villages and Colonies: North Family Village, South Family Village, Urban Colony, and Resort Colony. The Project incorporates a variety of single-family and multi-family residences, resort inn, and mixed-use land uses.</p> <p>Although varied architectural styles are proposed, the intent is that the overall colors used within the Project be coherent and complement the surrounding natural open space on the site and in the surrounding area.</p> <p>Grading would be required associated with bluff restoration, remediation activities, and site development. Minor grading would occur in the open space areas associated with trails, water quality infrastructure, and habitat restoration. Mass grading would be associated with the creation of building pads, roads, and parks. Most of the grading would occur in the Upland and would not be visible off site from public areas.</p> <p>The viewshed analysis provided in this EIR section finds that the Project would not significantly impact public views.</p>
<p>LU Policy 1.3: Natural Resources Protect the natural setting that contributes to the character and identity of Newport Beach and the sense of place it provides for its residents and visitors. Preserve open space resources, beaches, harbor, parks, bluffs, preserves, and estuaries as visual, recreational and habitat resources.</p>	<p>The Project is consistent with this policy. Approximately 252.3 gross acres of the 401-acre Project site would be in an Open Space Preserve with an additional 51.4 gross (42.1 net) acres in parklands. The Project includes the restoration of eroded bluffs and the preservation of arroyos on the Project site, and proposed development would be setback a minimum of 60 feet from the tops of the bluff. Exhibits 4.2-3a through 4.2-11b provide an existing view of the Project site from these various viewpoints as well as visual simulations to depict the anticipated change from these viewpoints that would occur with the Project. As noted, no significant public view impacts are anticipated.</p>

TABLE 4.2-1 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Relevant Goals, Policies, and Programs	Consistency Analysis
<p>LU Policy 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>The Project is consistent with this policy. <i>The City of Newport Beach General Plan</i> does not identify any scenic vistas or view point on the Project site; however, it does recognize that the mesa area, coastal bluffs, and lowland, part of the Santa Ana River floodplain on the Project site contribute to the City's scenic resources. Please refer to the response to Policy 1.3.</p>
<p>Policies</p>	
<p>LU Policy 5.1.1: Compatible but Diverse Development Establish property development regulations for residential projects to create compatible and high-quality development that contributes to neighborhood character.</p>	<p>The Project is consistent with this policy. The Master Development Plan and NBR-PC set forth both regulations and guidelines for site development, including architectural and landscape guidelines.</p>
<p>LU Policy 5.1.3: Neighborhood Identification Encourage and support the identification of distinct residential neighborhoods.</p>	<p>The Project is consistent with this policy. As addressed in the response to Policy 1.1, the Project is intended to cluster development in four Villages and Colonies with the retention of the majority of the property in open space. The Architectural Design Guidelines in the Master Development Plan identify the various architectural styles proposed for the Project.</p>
<p>LU Policy 5.1.5: Character and Quality of Single-Family Residential Dwellings Require that residential units be designed to sustain the high level of architectural design quality that characterizes Newport Beach's neighborhoods in consideration of the following principles:</p> <ul style="list-style-type: none"> • Articulation and modulation of building masses and elevations to avoid the appearance of "box-like" buildings • Compatibility with neighborhood development in density, scale, and street facing elevations • Architectural treatment of all elevations visible from public places • Entries and windows on street facing elevations to visually "open" the house to the neighborhood • Orientation to desirable sunlight and views. 	<p>The Project is consistent with this policy. The Master Development Plan and NBR-PC set forth both regulations and guidelines for site development, including architectural and landscape guidelines. With respect to single-family residences, several architectural styles of homes are proposed: Traditional Homes, Coastal Homes, Beach Cottages, Motor Court Homes, and Garden Court Homes. Each would incorporate varied architectural features, colors/textures, and elevations. For example, Traditional Homes would have designed with two front elevations so the design can be flexibly used in a variety of site planning conditions; the rear elevation would be comparable to a fully articulated front elevation. The architectural character is proposed as "Beach House" with porches, courtyards, second-floor decks, balconies, and covered passages.</p>
<p>LU Policy 5.1.6: Character and Quality of Residential Properties Require that residential front setbacks and other areas visible from the public street be attractively landscaped, trash containers enclosed, and driveway and parking paving minimized.</p>	<p>The Project is consistent with this policy. Limited landscaping can be provided in the minimum three-foot front yard setback area. Plant material within the Project site would be installed in accordance with the Plant Palette included in the Master Landscape Plan, which is a part of the Newport Banning Ranch Master Development Plan.</p>
<p>LU Policy 5.1.9: Character and Quality of Multi-Family Residential Require that multi-family dwellings be designed to convey a high quality architectural character in accordance with the following principles (other than the Newport Center and Airport Area, which are guided by Goals 6.14 and 6.15, respectively, specific to those areas):</p>	<p>The Project is consistent with this policy. Multi-family housing is proposed in the North Family Village, Resort Colony, and the Urban Colony. Village Flats in the North Family Village would have three levels of stacked flats over ground-level parking organized around a central interior courtyard. Residences would be accessed from the interior courtyard; parking would be accessed from a rear alley.</p> <p>The proposed Resort Flats in the Resort Colony would have one level of subterranean parking and four flats on each of the two- to four-story buildings. The buildings</p>

TABLE 4.2-1 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Relevant Goals, Policies, and Programs	Consistency Analysis
<p><u>Building Elevations</u></p> <ul style="list-style-type: none"> • Treatment of the elevations of buildings facing public streets and pedestrian ways as the principal façades with respect to architectural treatment to achieve the highest level of urban design and neighborhood quality • Architectural treatment of building elevations and modulation of mass to convey the character of separate living units or clusters of living units, avoiding the appearance of a singular building volume • Provide street- and path-facing elevations with high-quality doors, windows, moldings, metalwork, and finishes <p><u>Ground Floor Treatment</u></p> <p>Where multi-family residential is developed on large parcels such as the Airport Area and West Newport Mesa:</p> <ul style="list-style-type: none"> • Set ground-floor residential uses back from the sidewalk or from the right-of-way, whichever yields the greater setback to provide privacy and a sense of security and to leave room for stoops, porches and landscaping • Raise ground-floor residential uses above the sidewalk for privacy and security but not so much that pedestrians face blank walls or look into utility or parking spaces • Encourage stoops and porches for ground-floor residential units facing public streets and pedestrian ways • Where multi-family residential is developed on small parcels, such as the Balboa Peninsula, the unit may be located directly along the sidewalk frontage and entries should be setback or elevated to ensure adequate security (as shown below). <p><u>Roof Design</u></p> <ul style="list-style-type: none"> • Modulate roof profiles to reduce the apparent scale of large structures and to provide visual interest and variety. <p><u>Parking</u></p> <ul style="list-style-type: none"> • Design covered and enclosed parking areas to be integral with the architecture of the residential units' architecture. <p><u>Open Space and Amenity</u></p> <ul style="list-style-type: none"> • Incorporate usable and functional private open space for each unit. • Incorporate common open space that creates a pleasant living environment with opportunities for recreation. 	<p>would be oriented around an interior lobby and atrium. The conceptually proposed Shingle architecture would be used for both the residences and the resort inn in the Resort Colony.</p> <p>Urban Flats are proposed in the Urban Colony as freestanding residential projects or as part of a vertical mixed-use project, which includes commercial areas on the ground floor and residential units above. Subterranean parking would be provided. The primary pedestrian entry to the buildings would be provided through ground floor lobbies providing a front door appearance from the street. Building facades could be terraced to provide changes in elevation and scale. Where residential in the Urban Colony is a part of a vertically mixed structure, residential areas would include but not be limited to the following site features: separate entrance(s) from the commercial portion(s) of the Project; building facades that extend along a sidewalk would include doors, windows, or articulation for up to 50 feet; the requirement for recessed windows and doors; varying building heights, building setbacks, roof shapes, wall lengths, and trim elements; plazas and/or courtyards visible from a public street.</p> <p>All multi-family development would have private open space. Public area landscape areas would be installed in accordance with the Plant Palette included in the Master Landscape Plan, which is a part of the Newport Banning Ranch Master Development Plan.</p>

TABLE 4.2-1 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Relevant Goals, Policies, and Programs	Consistency Analysis
Land Use Element Goal LU 5.2	
Commercial centers and districts that are well-designed and planned, exhibit a high level of architectural and landscape quality, and are vital places for shopping and socialization	The Project is consistent with this goal. The Project would require Site Development Review by the City, including architectural and landscape plan review. This would include architectural plans and elevations of major buildings and structures including exterior materials, colors, building heights, and elevations. Landscape plans for all public and private areas would include Project entries, streetscapes, fuel management zones, planting zones, and plant materials.
Policies	
LU Policy 5.2.2: Buffering Residential Areas Require that commercial uses adjoining residential neighborhoods be designed to be compatible and minimize impacts through such techniques as: a) Incorporation of landscape, decorative walls, enclosed trash containers, downward focused lighting fixtures, and/or comparable buffering elements; b) Attractive architectural treatment of elevations facing the residential neighborhood; and c) Location of automobile and truck access to prevent impacts on neighborhood traffic and privacy.	With the exception of the Urban Colony, proposed residences would not adjoin commercial uses. Urban Flats are proposed in the Urban Colony as freestanding residential projects or as part of a vertical mixed-use project which includes commercial areas on the ground floor and residential units above. Subterranean parking would be provided. The primary pedestrian entry to the buildings would be provided through ground floor lobbies providing a front door appearance from the street. Building facades could be terraced to provide changes in elevation and scale. Where the Urban Colony is a part of a vertically mixed structure, residential areas would include but not be limited to the following site features: separate entrance(s) from the commercial portion(s) of the Project; building facades that extend along a sidewalk would include doors, windows, or articulation for up to 50 feet; recessed windows and doors; varying building heights, building setbacks, roof shapes, wall lengths, and trim elements; plazas and/or courtyards visible from a public street.
Land Use Element 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.	The Project is consistent with this goal. Please refer to the response to LU Policy 5.2.2.
LU Policy 5.3.1: Mixed-Use Buildings Require that mixed-use buildings be designed to convey a high level of architectural and landscape quality and ensure compatibility among their uses in consideration of the following principles: <ul style="list-style-type: none"> • Design and incorporation of building materials and features to avoid conflicts among uses, such as noise, vibration, lighting, odors, and similar impacts • Visual and physical integration of residential and nonresidential uses • Architectural treatment of building elevations and modulation of their massing • Separate and well-defined entries for residential units and nonresidential businesses • Design of parking areas and facilities for architectural consistency and integration among uses 	The Project is consistent with this policy. Please refer to the response to Land Use Goal 5.2 and LU Policy 5.2.2. The Project would require Site Development Review by the City, including architectural and landscape plan review. As previously addressed in this EIR section, the intent of the Urban Colony is to visually integrate residential and commercial uses by using the same architectural styles. Urban Flats are proposed in the Urban Colony as freestanding residential projects or as part of a vertical mixed-use project which includes commercial areas on the ground floor and residential units above.

TABLE 4.2-1 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Relevant Goals, Policies, and Programs	Consistency Analysis
<ul style="list-style-type: none"> Incorporation of extensive landscape appropriate to its location; urbanized streetscapes, for example, would require less landscape along the street frontage but integrate landscape into interior courtyards and common open spaces 	
<p>LU Policy 5.3.3: Parcels Integrating Residential and Non-residential Uses</p> <p>Require that properties developed with a mix of residential and nonresidential uses be designed to achieve high levels of architectural quality in accordance with policies LU 5.1.9 and LU 5.2.1 and planned to ensure compatibility among the uses and provide adequate circulation and parking. Residential uses should be seamlessly integrated with nonresidential uses through architecture, pedestrian walkways, and landscape. They should not be completely isolated by walls or other design elements.</p>	<p>The Project is consistent with this policy. Please refer to the response to Policy 5.3.1.</p>
<p>LU Policy 5.3.5: Pedestrian-Oriented Architecture and Streetscapes</p> <p>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> <ul style="list-style-type: none"> Location of buildings along the street frontage sidewalk, to visually form a continuous or semi-continuous wall with buildings on adjacent parcels 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 Articulation and modulation of street-facing elevations to promote interest and character Inclusion of outdoor seating or other amenities that extend interior uses to the sidewalk, where feasible Minimization of driveways that interrupt the continuity of street facing building elevations, prioritizing their location to side streets and alleys where feasible. 	<p>The Project is consistent with this policy. Section 4.8, Recreation and Trails, describes the Project’s proposed trail system in detail. The Project would provide several miles of off-street multi-use public trails, on-street public bike trails, and pedestrian paths for pedestrians and bicyclists.</p> <p>Allowable land uses in the Urban Colony are addressed in Section 4.1, Land Use and Related Planning Programs. Permitted retail uses could include eating establishments, retail shops, and offices, among others that would bring activity into the area.</p> <p>Please also refer to the responses to Policies 5.1.9 and 5.3.1.</p>
<p>Policies</p>	
<p>LU Policy 5.6.2: Form and Environment</p> <p>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>The Project is consistent with this policy. As addressed in this EIR section, the proposed color palette is intended to complement the Project site’s natural open space and habitat areas, as well as existing neighborhoods, while providing colors appropriate to the architectural scale and character of the proposed land uses. As such, facades and other primary surfaces for buildings on the Project site would be neutral and classic colors that are found in nature (earth tones). Accent and trim colors for buildings would be</p>

TABLE 4.2-1 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Relevant Goals, Policies, and Programs	Consistency Analysis
	<p>darker than primary surface colors to draw attention to design features such as front doors, shutters, and trim.</p> <p>The Project is proposed to emphasize architectural styles found along the coast, including beach cottages, shingle siding, porches, courtyards, and patios.</p> <p>The lighting program for the Project is addressed in this EIR section and provided in greater detail in the Master Development Plan.</p>
<p>LU Policy 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>The Project is consistent with this policy. PDF 4.6-4 states “The Master Development Plan requires that street lights be utilized only in key intersections and safety areas. The Newport Banning Ranch Planned Community Development Plan (NBR-PC) requires a ‘dark sky’ lighting concept be implemented within areas of the Project that adjoin habitat areas. Light fixtures within these areas will be designed for ‘dark sky’ applications and adjusted to direct/reflect light downward and away from adjacent habitat areas. The NBR-PC will restrict exterior house lighting to minimize light spillage into adjacent habitat areas”. Street lighting would be limited to the lighting of intersections. Residential alleys would have lighting fixtures with sensors for automatic nighttime lighting. Where not contiguous to an Open Space district, community landscape/common areas, public facilities, streetscapes, parks, and other similar areas may contain accent or other night lighting fixtures. Trails within the development areas contiguous to open space would be limited to bollard lights or similar low-height “dark sky” lights with fixtures that are shielded to confine light rays to the trail area. No lighting within the Open Space Preserve would be permitted. The City of Newport Beach General Plan EIR notes that the introduction of development uses, particularly the night lighted Community Park, would result in significant and unavoidable lighting impacts. Although the Project proposes to restrict lighting in areas of the site, the Community Park is proposed to have night lighting and the Project as a whole would introduce new light sources. The EIR supports the findings of the General Plan EIR.</p>
<p>LU Policy 5.6.4: Conformance with the Natural Environmental Setting Require that sites be planned and buildings designed in consideration of the property’s topography, landforms, drainage patterns, natural vegetation, and relationship to the Bay and coastline, maintaining the environmental character that distinguishes Newport Beach.</p>	<p>As addressed in the analysis provided in this EIR section, the Project is consistent with this policy. Please also refer to Section 4.3, Geology and Soils; Section 4.4, Hydrology and Water Quality; and Section 4.6, Biological Resources.</p>
Policies	
<p>LU Policy 6.2.5: Neighborhood Supporting Uses Allow for the integration of uses within residential neighborhoods that support and are complementary to their primary function as a living environment such as schools, parks, community meeting facilities, religious facilities, and comparable uses. These uses shall be designed to ensure compatibility with adjoining residential addressing such issues as noise, lighting, and parking.</p>	<p>The Project is consistent with this policy. With respect to lighting, please refer to the response to Policy 5.6.3. The proposed Project provides a mix of residential types arranged in livable neighborhoods along with non-residential and recreational uses. The Project proposes the highest density residences proximate to existing residential and employment opportunities and the proposed on-site retail uses. The Project components have been planned with consideration to environmental</p>

TABLE 4.2-1 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Relevant Goals, Policies, and Programs	Consistency Analysis
	compatibility. Refer to Section 4.1, Land Use and Related Planning Programs; Section 4.9, Transportation and Circulation; and Section 4.12, Noise.
Policies	
<p>LU Policy 6.4.5: Planned Residential Village Require that Banning Ranch, if not retained as open space, be developed as a cohesive urban form that provides the sense of a complete and identifiable neighborhood. Establish a development pattern that ties together individual uses into a cohesive neighborhood addressing the location and massing of buildings, architecture, landscape, connective street grid and pedestrian walkways and trails, use of key landforms, and similar elements.</p>	The Project is consistent with this policy. As addressed in the response to Policy 1.1, the Project is intended to cluster development in four Villages and Colonies with the retention of the majority of the property in open space. The Master Development Plan identifies the various Villages and Colonies, architectural styles, landscaping, color palette, and trail and roadway system proposed for the Project.
<p>LU Policy 6.4.6: Approaches for a Livable Neighborhood</p> <ul style="list-style-type: none"> • Site and design development to enhance neighborhood quality of life by: • Establishing a pattern of blocks that promotes access and neighborhood identity • Designing streets to slow traffic, while maintaining acceptable fire protection and traffic flows • Integrating a diversity of residential types within a neighborhood, while ensuring compatibility among different residential types • Orienting and designing the residential units to relate to the street frontage • Locating and designing garages to minimize their visual dominance from the street • Incorporating sidewalks and parkways to foster pedestrian activity • Promoting architectural diversity 	As addressed in this EIR section and in Section 4.1, Land Use and Related Planning Programs, the Project is consistent with this policy. The Project incorporates a mix of detached and attached single-family, multi-family, and vertically integrated mixed-use residences in distinct Villages and Colonies. Please also refer to the response to Land Use Goal 5.2 and Land Use Policies 1.1, 5.1.5, and 5.1.9.
Policies	
<p>LU Policy 6.5.5: Public Views of the Property Development shall be located and designed to prevent residences on the property from dominating public views of the bluff faces from Coast Highway, the ocean, wetlands, and surrounding open spaces. Landscape shall be incorporated to soften views of the site visible from publicly owned areas and public view points.</p>	<p>The Project is consistent with this policy. Contour grading would be used to minimize impacts to existing public view points, views from West Coast Highway (i.e., a coastal view road), and views of the Project site from surrounding neighborhoods.</p> <p>Structures will be set back at least 60 feet from identified bluff edges. Landscaping will be provided around the perimeter of buildings that are proposed adjacent to open space areas to provide a transition between open space and development.</p>
Policies	
<p>NR Policy 10.7: Exterior Lighting Shield and direct exterior lighting away from significant or rare biological resources to minimize impacts to wildlife.</p>	The Project is consistent with this policy. PDF 4.6-4 states "The Master Development Plan requires that street lights be utilized only in key intersections and safety areas. The NBR-PC Plan requires a 'dark sky' lighting concept be implemented within areas of the Project that adjoin habitat areas. Light fixtures within these areas will be designed for 'dark sky' applications and adjusted to direct/reflect light

TABLE 4.2-1 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Relevant Goals, Policies, and Programs	Consistency Analysis
	<p>downward and away from adjacent habitat areas. The Newport Banning Ranch Planned Community Development will restrict exterior house lighting to minimize light spillage into adjacent habitat areas". Street lighting would be limited to the lighting of intersections. Residential alleys would have lighting fixtures with sensors for automatic nighttime lighting. Where not contiguous to an Open Space district, community landscape/common areas, public facilities, streetscapes, parks, and other similar areas may contain accent or other night lighting fixtures. Trails within the development areas contiguous to open space would be limited to bollard lights or similar low-height "dark sky" lights with fixtures that are shielded to confine light rays to the trail area. No lighting within the Open Space Preserve would be permitted. The City of Newport Beach General Plan EIR notes that the introduction of development uses, particularly the night lighted Community Park, would result in significant and unavoidable lighting impacts. Although the Project proposes to restrict lighting in areas of the site, the Community Park is proposed to have night lighting and the Project as a whole would introduce new light sources. The EIR supports the findings of the General Plan EIR.</p>
Natural Resources Element Goal NR 20	
<p>Preservation of significant visual resources.</p>	<p>The Project is consistent with this goal. The City of Newport Beach General Plan does not identify any scenic vistas or view point on the Project site; it does recognize that the mesa area, coastal bluffs, and Lowland (part of the Santa Ana River floodplain) on the Project site contribute to the City's scenic resources. Approximately 252.3 gross acres of the 401-acre Project site would be in an Open Space Preserve with an additional 51.4 gross acres in parklands. The Project includes the restoration of eroded bluffs on the Project site and proposed development would be setback a minimum of 60 feet from the tops of the bluff. Exhibits 4.2-3a through 4.2-11b provide an existing view of the Project site from these various viewpoints and visual simulations to depict the anticipated change from these viewpoints that would occur with Project. As noted, no significant public view impacts are anticipated.</p>
Policies	
<p>NR Policy 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.</p>	<p>The Project is consistent with this policy. Please refer to the responses to Goal NR 20.</p>

TABLE 4.2-1 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Relevant Goals, Policies, and Programs	Consistency Analysis
<p>NR Policy 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.</p>	<p>The Project is consistent with this policy. The Project site is an active oilfield which has been in operation since the early 1940s. The site includes 489 oil well sites and related oil facility infrastructure, including but not limited to pipelines, storage tanks, power poles, machinery, improved and unimproved roadways, buildings, and oil processing facilities. The Project would allow public access to the 401-acre property including multi-use trails through the Project site with connections to off-site regional trails. Both habitat creation and restoration and bluff restoration would restore and enhance areas of the Project site that have been degraded by erosion and oil production operations.</p>
<p>NR Policy 20.4: Public View Corridor Landscaping Design and site new development, including landscaping, on the edges of public view corridors, including those down public streets, to frame, accent, and minimize impacts to public views.</p>	<p>The Project is consistent with this policy. Although West Coast Highway is not designated as a scenic highway, the portion of West Coast Highway that crosses the Santa Ana River is designated as a Coastal View Road in the City's General Plan. Policy NR 20.3, Public Views, of the General Plan's Natural Resources Element requires the protection and enhancement of public view corridors. This Coastal View Road is not immediately adjacent to the Project site.</p> <p>As depicted in Exhibits 4.2-11a and 4.2-11b, the Project site is visible to viewers traveling east on West Coast Highway over the Santa Ana River Bridge. Motorists and bicyclists would see the southwest portion of the Project site. However, the distance between the Santa Ana River Bridge and proposed on-site development would be approximately 3,100 feet or approximately 0.6 of a mile. No significant impact would occur related to West Coast Highway/Santa Ana River Bridge.</p>
<p>NR Policy 20.5: Public View Corridor Amenities Provide public trails, recreation areas, and viewing areas adjacent to public view corridors, where feasible.</p>	<p>The Project is consistent with this policy. The Project includes trails and parks that would provide views across the Project site as well as views of off-site open space areas such as Talbert Regional Park and of the Pacific Ocean.</p>
<p>Natural Resources Element Goal NR 21</p>	
<p>Minimized visual impacts of signs and utilities.</p>	<p>Utilities infrastructure would connect to existing facilities (e.g., water and sewer lines) within or adjacent to the Project site which would minimize the visual impacts. Any signage would be at a pedestrian scale and would not impede views of the site or from the site. The Project is consistent with this goal.</p>
<p>Policies</p>	
<p>Policy NR 21.1: Signs and Utility Siting and Design Design and site signs, utilities, and antennas to minimize visual impacts.</p>	<p>The Project is consistent with this policy. As set forth in the NBR-PC, the Project requires a Master Sign Program to be submitted to the City for review and approval to address community entries, residential project entries, residential neighborhood identification signs, public facility identification signs, way-finding signs, and any other signs identified as necessary by the City for the successful signage of the development phase and the Project site. No private project signs shall be permitted in the public rights-of-way.</p> <p>With respect to public infrastructure and utilities, utilities would be principally located in road rights-of-way,</p>

TABLE 4.2-1 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Relevant Goals, Policies, and Programs	Consistency Analysis
	alleyways, or, where necessary and feasible, in recreation and open space areas not primarily required for habitat restoration and/or preservation. Any new utilities located within the Open Space Preserve, except within the Interim Oil Facilities District, would be placed below grade wherever economically and environmentally feasible. As identified in the NBR-PC, all mechanical equipment on building rooftops, utility vaults, and emergency power generators must be screened from view "in a manner compatible with the building materials and building setting".
<p>NR Policy 21.3: Overhead Utilities Support programs to remove and underground overhead utilities, in new development as well as existing neighborhoods.</p>	The Project is consistent with this policy. Please refer to the response to Policy NR 21.1.
Policies	
<p>NR 22.1 Regulation of Structure Mass Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.</p>	The Project is consistent with this policy. As analyzed in this EIR section, the Project would not result in any significant aesthetic impacts with the exception of night lighting associated with the Community Park.
Natural Resources Element Goal NR 23	
Development respects natural landforms such as coastal bluffs.	The Project is consistent with this policy. As addressed in this EIR section and as stated in PDF 4.2-2, "Habitable structures will be set back at least 60 feet from the tops of bluff edges, as required in the Newport Banning Ranch Planned Community Development Plan".
Policies	
<p>NR Policy 23.1: Maintenance of Natural Topography Preserve cliffs, canyons, bluffs, significant rock outcroppings, and site buildings to minimize alteration of the site's natural topography and preserve the features as a visual resource.</p>	The Project is consistent with this policy. As noted in the response to Goal NR 20, the General Plan does not identify any scenic vistas or view points on the Project site; however, it does recognize that the mesa area, coastal bluffs, and Lowland (part of the Santa Ana River floodplain) on the Project site contribute to the City's scenic resources. Approximately 252.3 gross acres of the 401-acre Project site would be in an Open Space Preserve with an additional 51.4 gross acres in parklands. The Project includes the restoration of eroded bluffs on the Project site and proposed development would be setback a minimum of 60 feet from the tops of the bluff. Exhibits 4.2-3a through 4.2-11b provide an existing view of the Project site from these various viewpoints as well as visual simulations to depict the anticipated change from these viewpoints that would occur with Project. As noted, no significant public view impacts are anticipated.
<p>NR Policy 23.3: Open Space Dedication or Preservation for New Planned Communities Require new planned communities to dedicate or preserve as open space the coastal bluff face and an area inland from the edge of the coastal bluff adequate to provide safe public access and to avoid or minimize visual impacts.</p>	The Project is consistent with this policy. As addressed in this EIR section and as stated in PDF 4.2-2, "Habitable structures will be set back at least 60 feet from the tops of bluff edges, as required in the Newport Banning Ranch Planned Community Development Plan".

TABLE 4.2-1 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Relevant Goals, Policies, and Programs	Consistency Analysis
<p>NR Policy 23.4 New Development on Blufftops Require all new blufftop development located on a bluff subject to marine erosion to be set back based on the predominant line of development. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and pools. The setback shall be increased where necessary to ensure safety and stability of the development.</p>	<p>The Project is consistent with this policy. As addressed in this EIR section and as stated in PDF 4.2-2, "Habitable structures will be set back at least 60 feet from the tops of bluff edges, as required in the Newport Banning Ranch Planned Community Development Plan".</p>
<p>NR Policy 23.5 New Accessory Structures on Blufftops Require new accessory structures, such as decks, patios and walkways, that do not require structural foundations to be sited at least 10 feet from the edge of bluffs subject to marine erosion. Require accessory structures to be removed or relocated landward when threatened by erosion, instability or other hazards.</p>	<p>The Project is consistent with this policy. Please refer to the response to NR Policy 23.4.</p>
<p>NR Policy 23.7 New Development Design and Siting Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources.</p>	<p>The Project is consistent with this policy. The Project has been designed to avoid or minimize impacts to biological resources; habitat removal would primarily occur associated with oilfield remediation and Project development (much of the development would overlay areas where remediation would occur). The Project includes approximately 252.3 gross (244.0 net) acres of Open Space Preserve. The Project includes a Habitat Restoration Plan (HRP) which would be the primary implementation program for the conservation, creation, and restoration of habitats within the Open Space Preserve.</p>

**TABLE 4.2-2
CALIFORNIA COASTAL ACT CONSISTENCY ANALYSIS**

Relevant California Coastal Act Policies	Consistency Analysis
Public Access	
<p>Section 30251 Scenic and visual qualities</p> <p>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>The Project is consistent with this section. As noted in the response to Goal NR 20, the General Plan does not identify any scenic vistas or view points on the Project site; however, it does recognize that the mesa area, coastal bluffs, and Lowland (part of the Santa Ana River floodplain) on the Project site contribute to the City's scenic resources. Approximately 252.3 gross acres of the 401-acre Project site would be in an Open Space Preserve with an additional 51.4 gross acres in parklands. The Project includes the restoration of eroded bluffs on the Project site and proposed development would be setback a minimum of 60 feet from the tops of the bluff. Exhibits 4.2-3a through 4.2-11b provide an existing view of the Project site from these various viewpoints and visual simulations to depict the anticipated change from these viewpoints that would occur with Project. As noted, no significant public view impacts are anticipated. The Project is not identified by the California Department of Parks and Recreation as highly scenic area.</p>

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