

5. Environmental Analysis

5.7 LAND USE AND PLANNING

This section of the Draft Supplemental Environmental Impact Report (SEIR) evaluates the potential impacts to land use in areas proposed for land use changes under the Newport Beach General Plan Land Use Element Amendment. Land use impacts can be either direct or indirect. Direct impacts are those that result in land use incompatibilities, division of neighborhoods or communities, or interference with other land use plans, including habitat or wildlife conservation plans. This section focuses on direct land use impacts. Indirect impacts are secondary effects resulting from land use policy implementation, such as an increase in demand for public utilities or services, or increased traffic on roadways. Indirect impacts are addressed in sections of this Draft SEIR that are specific to these impacts.

5.7.1 Environmental Setting

Regulatory Background

State

Local Coastal Program

The California Coastal Act (California State Public Resources Code, Division 20, Sections 30000 et seq.) directs each local government lying wholly or partly within the Coastal Zone, as defined by the Coastal Act, to prepare a Local Coastal Program (LCP) for its portion of the Coastal Zone. Local Coastal Programs are used by local governments to carry out the policies and requirements of the Coastal Act. Local Coastal Programs must be reviewed and certified by the California Coastal Commission before being implemented by a local government.

The Local Coastal Program is divided into two components: a coastal land use plan (CLUP) and an Implementation Program. The CLUP provides a technical synopsis of the resources located within the Coastal Zone and discusses resources in the context of a coastal zone overview; subarea description and land use plan; shoreline and coastal resource access; public recreational and visitor serving commercial facilities; visual resources; historic and cultural resources; water and marine resources; environmentally sensitive habitat; energy facilities; water, sewer and drainage facilities; and hazards. Issues, goals, objectives, and policies related to each of these areas are also provided. The Implementation Program provides the mechanism to implement each of the identified policies.

More than 63 percent of the City of Newport Beach is in the Coastal Zone, which is regulated by the County of Orange's Newport Coast LCP and the City of Newport Beach CLUP.

Orange County Newport Coast Local Coastal Program

The Newport Coast LCP shares the same boundaries as the Newport Coast Planned Community, which is in the southern portion of the City adjacent to Laguna Beach's northern boundary. The program consists of a land use plan, zoning ordinances, and zoning regulations that help guide development in the area while preserving its coastal resources. The General Plan LUE Amendment proposes to decrease development capacity in two areas within the Newport Coast LCP plan area:

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- Newport Coast Commercial Center (Map Reference No. 6 on Figure 3-10, *Newport Coast Area Proposed Changes*)
- Newport Coast Hotel (Map Reference No. 7 on Figure 3-10)

The Newport Coast LCP designates Newport Coast Commercial Center and Newport Coast Hotel as Medium High Density Residential (MH) and Tourist Commercial (TC), respectively. Under the proposed project, land uses would remain the same, but development capacities would decrease for both areas. Existing regulations and development standards would continue to govern these Newport Beach areas.

City of Newport Beach Coastal Land Use Plan

The City of Newport Beach has a CLUP that has been certified by the California Coastal Commission (CCC) and is in the process of preparing an Implementation Plan for the CLUP. Since the City does not have a certified LCP—pending approval of the Implementation Plan—it does not have the jurisdiction to issue coastal development permits. The City reviews pending development projects within the City’s CLUP area for consistency with the City’s General Plan, Coastal Land Use Plan, and zoning regulations before an applicant can file for a coastal development permit from the CCC. The General Plan LUE Amendment proposes changes in land use designation and/or capacity in three areas within the City’s CLUP area:

- 813 East Balboa Boulevard (Map Reference No. 2 on Figure 3-7, *Central Newport Area Proposed Changes*)
- Bayside Commercial Center (Map Reference No. 8 on Figure 3-7)
- Gateway Park (Map Reference No. 11 on Figure 3-6, *West Newport Area Proposed Changes*).

Since the 2006 General Plan was prepared in consideration of the approved CLUP, many of its policies were directly incorporated into the Land Use, Natural Resources, Recreation, and Public Safety Elements. The CLUP organizes the coastal resources planning and management policies under the following chapters: Land Use and Development, Public Access and Recreation, and Coastal Resource Protection. A brief summary of these CLUP components and their relationship to the General Plan LUE Amendment follows.

Chapter 2, Land Use and Development

Chapter 2 of the CLUP was derived from the Land Use Element of the City’s General Plan and is intended to identify the distribution of land uses in the coastal zone. It provides the Land Use Map, coastal development review process, and specific policies by development category.

The Coastal Land Use Plan Map designates 813 East Balboa Boulevard as Two Unit Residential (RT-E); Bayside Commercial Center as Neighborhood Commercial (CN); and Gateway Park as Corridor Commercial (CC-A).

Chapter 3, Public Access and Recreation

Chapter 3 of the CLUP addresses policies for shoreline and coastal access, and information and policies related to recreation programs and events. In particular, 813 East Balboa Boulevard, Bayside Commercial Center, and Gateway Park are in West Newport/Balboa Peninsula and Bayside, which offer sandy beaches, bulkheads, and a variety of waterfront commercial areas. Provisions regarding public access to these areas are detailed in Chapter 3 policies. The City regulates temporary events by requiring special-event permits.

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Chapter 4, Coastal Resource Protection

Chapter 4 of the CLUP addresses biological resources, wetlands and deepwater areas, water quality, scenic and visual resources, and paleontological and cultural resources. The Coastal Act requires that Environmentally Sensitive Habitat Areas (ESHA) be protected against any significant disruption of habitat values. The Coastal Act criteria for determining whether an area qualifies as an ESHA are based on ecological importance, including the rarity or function of the habitat and the habitat's sensitivity. Terrestrial natural communities known to occur in the coastal zone of Newport Beach include dune, scrub, chaparral, riparian, and marsh habitats; southern coastal needlegrass grassland; vernal pools; freshwater seeps; and alkali meadows.

Regional

Southern California Association of Governments

The Southern California Association of Governments (SCAG) is a council of governments representing Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties. SCAG is the federally recognized metropolitan planning organization (MPO) for this region, which encompasses over 38,000 square miles. SCAG is a regional planning agency and a forum for addressing regional issues concerning transportation, the economy, community development, and the environment. SCAG is also the regional clearinghouse for projects requiring environmental documentation under federal and state law. In this role, SCAG reviews proposed development and infrastructure projects to analyze their impacts on regional planning programs. As the southern California region's MPO, SCAG cooperates with the Southern California Air Quality Management District (SCAQMD), the California Department of Transportation (Caltrans), and other agencies in preparing regional planning documents. SCAG has developed regional plans to achieve specific regional objectives. The plans most applicable to the proposed project are discussed below.

The proposed project is considered a project of regionwide significance pursuant to the criteria outlined in SCAG's Intergovernmental Review Procedures Handbook (November 1995) and Section 15206 of the California Environmental Quality Act (CEQA) Guidelines, because it is an amendment to the 2006 Newport Beach General Plan Land Use Element, for which an EIR was prepared. Therefore, this section addresses the project's consistency with the applicable regional planning guidelines and policies.

Regional Transportation Plan/Sustainable Communities Strategy

On April 4, 2012, SCAG adopted the 2012–2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS): Towards a Sustainable Future. SCAG has placed a greater emphasis than ever before on sustainability and integrated planning in the 2012–2035 RTP/SCS. The RTP/SCS vision encompasses three principles that collectively work as the key to the region's future: mobility, economy, and sustainability. The 2012–2035 RTP/SCS includes a strong commitment to reduce emissions from transportation sources to comply with Senate Bill 375, improve public health, and meet the National Ambient Air Quality Standards as set forth by the federal Clean Air Act. The 2012–2035 RTP/SCS provides a blueprint for improving quality of life for residents by providing more choices for where they will live, work, and play, and how they will move around. The proposed project's consistency with the applicable RTP/SCS goals is analyzed in detail in Table 5.7-4, *2012–2035 RTP/SCS Consistency Analysis*.

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High Quality Transit Areas

With the adoption of the 2012–2035 RTP/SCS, the areas previously known as 2% Strategy Opportunity Areas were updated by SCAG and replaced with what are now called high quality transit areas (HQTAs), which are a part of and integrated into the SCS portion (Chapter 4) of the 2012–2035 RTP/SCS. An HQTA is generally a walkable transit village or corridor that is within a half mile of a well-served transit stop or a transit corridor with 15-minute or less service frequency during peak commute hours. The overall land use pattern of the 2012–2035 RTP/SCS focuses jobs and housing in the region’s designated HQTA (SCAG 2012). As shown on Figure 4-1, *High Quality Transit Areas*, in Chapter 4 of this Draft SEIR, areas along the Bristol Street/Jamboree Road corridor connecting from the northeast City boundary into the Fashion Island/Newport Center area are identified as an HQTA. Furthermore, Balboa Island, parts of the Balboa Peninsula, and a small section of the western end of the City at Placentia Avenue are also identified as HQTAs. Separate goals, policies, or guidelines have not been adopted by SCAG for HQTAs.

Airport Environs Land Use Plan for John Wayne Airport

In 1975, the Airport Land Use Commission (ALUC) of Orange County adopted an Airport Environs Land Use Plan (AELUP, amended April 17, 2008) that included John Way Airport (JWA), Fullerton Municipal Airport, and the Joint Forces Training Base Los Alamitos. The AELUP is a land use compatibility plan that is intended to protect the public from adverse effects of aircraft noise, to ensure the people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable air space. The AELUP identifies standards for development in the airport’s planning area based on noise contours, accident potential zones, and building heights. An ALUC is an agency authorized under state law to assist local agencies in ensuring compatible land uses in the vicinity of airports. Primary areas of concern for ALUCs are noise, safety hazards, and airport operational integrity. ALUCs are not implementing agencies in the manner of local governments, nor do they issue permits for a project such as those required by local governments. However, pursuant to California Public Utilities Code Section 21676, local governments are required to submit all general plan amendments and zone changes that occur in the ALUC planning areas for consistency review by ALUC. If such an amendment or change is deemed inconsistent with the ALUC plan, a local government may override the ALUC decision by a two-thirds vote of its governing body, if it makes specific findings that the proposed action is consistent with the purposes stated in Section 21670(a)(2) of the Public Utilities Code: “to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public’s exposure to excessive noise and safety hazards in areas around public airports to the extent that these areas are not already devoted to incompatible uses.”

The northeastern portion of the City of Newport Beach is within the JWA Airport Impact Zone (ALUC 2008). As shown in Figure 5.5-1, *Safety Zones, Airport Area*, the Airport Area and areas north of Upper Newport Bay fall within Safety Zone 2 (Inner Approach/Departure Zone), 3 (Inner Turning Zone), 4 (Outer Approach/Departure Zone), and 6 (Traffic Pattern Zone) of JWA. Additionally, the northeastern portion of the City falls within the 60 dBA CNEL aircraft operation noise contours for JWA (see Noise Figure 5.8-2, *John Wayne Airport Noise Impact Zones & Sites of Proposed Land Use Changes*). Furthermore, a large majority of the northern portion of the City is in the Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces Zone and the FAR Part 77 Notification Area of JWA, as identified in the AELUP for JWA (ALUC

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2008). Therefore, the proposed project requires review by ALUC for consistency with the AELUP prior to the City of Newport Beach City Council's action on the project.

Local

City of Newport Beach

General Plan

Future development of all land in the City of Newport Beach is guided by the City's General Plan. The City's 2006 General Plan update was approved by the City Council on July 25, 2006, and its increasing housing, nonresidential building intensity, and traffic were approved by voters in accordance with City Charter Section 423 on November 7, 2006. City Charter Section 423 requires voter approval for amendments that exceed specific development thresholds.

The 2006 General Plan consists of a series of state-mandated and optional elements to direct the City's physical, social, and economic growth. Elements within the City of Newport Beach General Plan include Land Use, Harbor and Bay, Housing, Historical Resources, Circulation, Recreation, Arts and Cultural, Natural Resources, Safety, and Noise. Following is a discussion of the various elements.

The policies in each of the elements that are relevant to the proposed project are listed in Table 5.7-2, *General Plan Consistency Analysis*. The proposed project's consistency with the applicable policies of these elements is also analyzed in this table.

Land Use Element. The land use element provides guidance regarding the ultimate pattern of development and it provides development allocations for land uses throughout the City. It is based on and correlates the policies from all elements into a set of coherent development policies, which serve as the central organizing element for the City's General Plan as a whole. Cumulatively, the Land Use Element's policies directly affect the establishment and maintenance of the neighborhoods, districts, corridors, and open spaces that distinguish and contribute to Newport Beach's livability, vitality, and image. Policies related to urban form are also in the Land Use Element.

Harbor and Bay Element. The goals and policies pertaining to harbor issues are intended to guide the content of regulations related to development and activities on the water. Additional goals and policies recognize the important component of land use decisions related to waterfront property around Newport Harbor. The aim of the Harbor and Bay Element goals and policies is to preserve the diversity and charm of existing uses without unduly restricting the rights of the waterfront property owner. Goals and policies in the Harbor and Bay Element have been organized to address both water- and land-related issues, provision of public access, water quality and environmental issues, visual characteristics, and the administration of the harbor and bay. Section 5.6, *Hydrology and Water Quality*, contains further information about the water quality and beneficiary biological and recreational uses of the City's surface water bodies.

Housing Element. Development of housing in the City of Newport Beach is guided by the goals, objectives, and policies of the Housing Element. The 2013–2021 Housing Element is an update and revision of the 2008 element and consists of new technical data, revised goals, updated policies, and a series of programs and implementing

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measures. The Housing Element is designed to facilitate attainment of the City's Regional Housing Needs Allocation and to foster the availability of housing affordable to all income levels to the extent possible, given Newport Beach's constraints. The Housing Element includes policies aimed at ensuring that adequate housing is provided in the City of Newport Beach. In October 2013, the California Department of Housing and Community Development found the 2013–2021 Housing Element consistent with State Housing Element law. Section 5.9, *Population and Housing*, contains further information about population and housing.

Historical Resources Element. This element addresses the protection and sustainability of Newport Beach's historical and paleontological resources. Goals and policies in this element are intended to recognize, maintain, and protect the community's unique historical, cultural, and archeological sites and structures. Section 5.3, *Cultural Resources*, contains further information about historic and cultural resources.

Circulation Element. The Circulation Element governs the long-term mobility system of the City of Newport Beach. The goals and policies in this element are closely correlated with the Land Use Element and are intended to provide the best possible balance between the City's future growth and land use development, roadway size, traffic service levels, and community character. The Circulation Element also contains policies related to water transportation services, bicyclists, and pedestrians. Section 5.11, *Transportation and Traffic*, contains further information about the existing circulation system and transportation facilities.

Recreation Element. The primary purpose of the Recreation Element is to ensure that the provision of parks and recreation facilities are appropriate for the residential and business population of Newport Beach. Specific recreational issues and policies in the Recreation Element include: parks and recreation facilities, recreation programs, shared facilities, coastal recreation and support facilities, marine recreation, and public access. The Recreation Element also contains policies that encourage the provision and maintenance of marine-recreation-related facilities that enhance the enjoyment of the City's natural resources and the provision and maintenance of public access for recreational purposes to the City's coastal resources. Section 5.10, *Public Services*, contains further information about parks and recreation facilities.

Arts and Cultural Element. The goals and policies of the Arts and Cultural Element are intended to be a guide for meeting the future cultural needs of the community. Future challenges in Newport Beach require maximizing the community's cultural arts potential by coordinating with various community groups, businesses, agencies, citizens, and the City to create active and cohesive cultural and arts programs. The goals and policies in this element are intended to serve as a mechanism for integrating these resources to provide improved and expanded arts and cultural facilities and programs to the community.

None of the policies outlined in the Arts and Cultural Element are applicable to the proposed project and are therefore not listed or analyzed in Table 5.7-2, *General Plan Consistency Analysis*.

Natural Resources Element. The primary objective of the Natural Resources Element is to provide direction regarding the conservation, development, and utilization of natural resources. It identifies Newport Beach's natural resources and policies for their preservation, development, and wise use. This element addresses: water supply (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.

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The various resource management issues listed in this element are analyzed in detail in their respective sections of this Draft SEIR: Section 5.1, *Aesthetics*; Section 5.2, *Air Quality*; Section 5.3, *Cultural Resources*; Section 5.4, *Greenhouse Gas Emissions*; Section 5.6, *Hydrology and Water Quality*; Section 5.10, *Public Services*; and Section 5.12, *Utilities and Service Systems*.

Safety Element. The primary goal of the Safety Element is to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from natural and human-induced hazards. The element specifically addresses coastal hazards, geologic hazards, seismic hazards, flood hazards, wildland and urban fire hazards, hazardous materials, aviation hazards, and disaster planning. The element also includes policies and programs that minimize potential impacts from hazards. Sections 5.5, *Hazards and Hazardous Materials*, and 5.6, *Hydrology and Water Quality*, contain further information about the various hazards noted above.

Noise Element. The Noise Element is a tool for including noise control in the planning process to maintain compatible land use with environmental noise levels. This Noise Element identifies noise-sensitive land uses and noise sources, defines areas of noise impact, and develops policies to ensure that Newport Beach residents will be protected from excessive noise intrusion. The major noise sources in the project area include traffic from Jamboree Road and MacArthur Boulevard, and takeoffs and landings at John Wayne Airport. Section 5.8, *Noise*, contains further information about the existing and future noise environment in the project area.

Zoning Code

Title 20 (Planning and Zoning) in the City's municipal code is the zoning code, which is intended to carry out the policies of the General Plan through orderly development of the City. Newport Beach is divided into zoning districts that implement the General Plan Land Use Plan and are listed as follows:

- **Residential Zoning Districts:** Single-, two-, and multi-unit residential districts
- **Commercial Zoning Districts:** Office (Airport, General Commercial, Medical, Regional) and Commercial (Corridor, General, Recreational and Marine, Neighborhood, and Visitor-Serving) districts
- **Mixed-Use Zoning Districts:** General, vertical, water-related districts
- **Industrial Zoning Districts**
- **Special Purpose Zoning Districts:** Open Space, Planned Community, Public Facilities, Private Institutions, and Park and Recreation districts
- **Overlay Zoning Districts:** Mobile Home Park, Parking Management, and Bluff districts

University of California, Irvine 2007 Long Range Development Plan

The UCI 2007 Long Range Development Plan (2007 LRDP) is a comprehensive policy and land use plan that guides the growth of the campus. It identifies the physical development needed to achieve the academic needs and goals of the campus while demonstrating responsible conservation of limited resources. UCI's LRDP was last updated in 2007. It is the fourth LRDP for UCI; previous plans were adopted in 1963, 1970, and 1989. The 2007 LRDP provides a framework of policies and guidelines to shape land use and physical

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development at UCI through a horizon year of 2025–26. The plan supports key academic and student life goals, identifies development objectives, delineates campus land uses, and estimates the new building space needed to support projected program expansion through the planning horizon year (UCI 2007).

The 2007 LRDP is a framework of policies and guidelines to influence future decisions on land use, enrollment, housing, parking, academic facilities, and urban and landscape design. Individual capital projects would be subject to future approval by UCI. The 2007 LRDP is also accompanied by an EIR, prepared in accordance with CEQA and University of California guidelines for implementation of CEQA. The 2007 LRDP encompasses the main campus and its environs. It does not include remote campus sites such as the UCI Medical Center in Orange or the Shellmaker Island boathouse in Newport Beach.

UCI's North Campus planning area is bounded by Campus Drive and Jamboree Road, which is adjacent to the City's boundary line in the Airport Area along Jamboree Road. North Campus is covered under the 2007 LRDP and is currently occupied by a few academic and support facilities, an arboretum, and a child development center. As shown in Figure 4-3, *UCI Land Use Plan for 2007 Long Range Development Plan*, in Chapter 4 of this Draft SEIR, the North Campus area is designated Mixed Use-Commercial. The Mixed Use-Commercial area contains a combination of uses to fashion a vibrant live-work environment supportive of UCI goals. Permitted uses in this land use designation include facilities for office, research and development, and academic activities; commercial and retail space; conference facilities; university- and non-university-related residential facilities; support uses such as child care and recreation facilities; parking; and other related uses. The approved development program for North Campus under the 2007 LRDP includes 950,000 square feet of office and/or research and development space and 435 multifamily dwelling units. The proposed project is not within the boundaries of the 2007 LRDP.

Existing Conditions

The City of Newport Beach Planning Area contains approximately 32,148 acres or 51.5 square miles. Approximately 49 percent (16,494 acres) of the planning area is water, including the Upper and Lower Newport Bay, its water channels, and the Pacific Ocean. Excluded from the net acreage are streets and roadways, which account for approximately 20 percent of the total gross land acreage. The 2006 General Plan categorizes existing land uses into the following types:

City Land Uses

- **Residential Neighborhoods.** A mix of housing developed at varying densities and types, including single-family detached, single-family attached, two-family residential, multifamily residential, and mixed residential.
- **Commercial Districts and Corridors.** Commercial uses offering retail and service and professional businesses housed in offices (e.g., accountants, architects). Retail and commercial businesses consist of those that serve local needs, such as restaurants, neighborhood markets and dry cleaners, and those that serve community or regional needs, such as automobile dealers and furniture stores. Visitor-serving retail, regional shopping centers, and hotels are also included.

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- **Commercial Office Districts.** Primarily consists of local and regional administrative, professional, and medical offices with limited accessory retail, financial, entertainment, and service uses. Short-term convalescent and long-term care facilities, and research labs are permitted as well.
- **Industrial Districts.** A mix of manufacturing and light industrial uses, some of which are found in business, research, and development parks. Light industrial uses include warehousing and some types of assembly work. Wholesaling and warehousing are also included.
- **Airport Supporting Districts.** Guides development of properties adjacent to the John Wayne Airport for uses that support or benefit airport operations. Includes professional offices, aviation retail, automobile rental, hotels, and ancillary retail, restaurant, and service uses.
- **Mixed Use Districts.** Mixed-use structures integrating housing with retail, office, restaurant, and similar nonresidential uses. Includes various mixed-use categories specific to horizontal distribution (MU-H), the Airport Area (MU-H2), Newport Center area (MU-H3), Cannery Village and 15th Street on Balboa Peninsula (MU-H4), and water-related development (MU-W, MU-W1, and MU-W2).
- **Public, Semi-Public, and Institutional.** Government buildings, libraries, schools, churches, and other public institutions. These uses support civic, cultural, and educational needs of residents. Open space, beaches, parks, and recreational spaces, and tidelands and submerged lands are also included in this designation.

Planning Subareas

The City of Newport Beach is divided into many unique districts that are individually identifiable based on their common functional role, mix of uses, density and intensity, physical form and character, and environmental setting. Aside from general land use goals and policies, the General Plan Land Use Element also focuses on unique districts that are likely to change over the next 20 years as existing viable districts are enhanced and underperforming properties are revitalized. Policies are directed to the management of these changes to ensure that they complement the characteristics that are valued by Newport Beach's residents (Newport Beach 2006). Figure 3-3, *Proposed Areas of Change*, in Chapter 3, *Project Description*, shows the boundaries of each planning subarea, which consist of:

- | | |
|--------------------|---------------------------------|
| ■ Airport Area | ■ Mariners' Mile |
| ■ Balboa Peninsula | ■ Newport Center/Fashion Island |
| ■ Balboa Village | ■ Old Newport Boulevard |
| ■ Banning Ranch | ■ West Newport Highway |
| ■ Corona del Mar | ■ West Newport Mesa |

Table 5.7-1 lists the proposed changes under the General Plan LUE Amendment that fall within a designated district planning subarea. These districts are briefly described below.

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Table 5.7-1 Proposed Changes in Specific Planning Subareas

Planning Subarea	Proposed Changes
Airport Area	Map Reference No. 4A: Saunders Properties Map Reference No. 4B: The Hangars Map Reference No. 4C: Lyon Communities Map Reference No. 4D: UAP Companies
Balboa Peninsula	Map Reference No. 11: Gateway Park
Balboa Village	Map Reference No. 2: 813 East Balboa Boulevard
Newport Center/Fashion Island	Map Reference No. 5: Newport Center/Fashion Island Map Reference No. 17: 150 Newport Center Drive Map Reference No. 18: 100 Newport Center Drive
West Newport Mesa	Map Reference No. 1: King's Liquor (1526 Placentia Avenue)

Notes: The map reference numbers refer to those indexed on Figure 3-3; more detailed figures for each reference number can also be found in Figures 3-4 through 3-10 in Chapter 3, *Project Description*.

Airport Area

The Airport Area is in the northeastern portion of Newport Beach and directly east of the JWA. The Irvine Business Complex and UCI are also in close proximity. This subarea has a heavy concentration of research and development, high technology industrial, office building, and visitor-serving uses due to JWA and UCI influences. Development in the Airport Area is restricted due to noise and safety impacts from JWA (e.g., noise-sensitive land uses, building height restrictions). However, the district is anticipating future mixed-use developments to introduce a larger range of development types.

Balboa Peninsula

The Balboa Peninsula subarea consists of multiple districts linked together by commercial and residential corridors along Newport Boulevard and Balboa Boulevard. These districts include Lido Village, Cannery Village, McFadden Square, and surrounding residential neighborhoods.

Lido Village is at the turning basin in Newport Harbor; therefore, it is a prime location for waterfront commercial uses, which currently consist of retail stores, restaurants, salons, home furnishings, apparel, and other specialty shops. Lido Marina Village is a pedestrian-oriented waterfront development with a variety of specialty stores, marine uses, and visitor-serving commercial uses. The southern end of Lido Village contains additional specialty shops, restaurants, and churches.

Cannery Village is a historic center for the City's commercial fishing and boating industry. Marine-related commercial and industrial uses, small shops, art galleries, service establishments, and professional offices are also in the village. The district also has some single-family residential units combined with commercial uses on single lots.

McFadden Square is near the Newport Pier and extends between the ocean front and harbor. This district is primarily developed with commercial and residential land uses intermixed. Visitor-serving hotels, restaurants, bars, shops, and service operations and facilities are also concentrated in the district. The majority of

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McFadden Square is pedestrian oriented, with storefronts along sidewalks, pedestrian signage, outdoor furniture, and a consistent crowd of beach visitors.

Balboa Village

Balboa Village is the historic center for recreational and social activities on the Lido peninsula and has a strong marine heritage, attracting fishermen, boaters, summer residents, and beach visitors. The majority of land uses are seasonal in nature and revolve around visitor-serving attractions, such as beach hotels, harbor tours, restaurants and bars, souvenir shops, marine-related rental stores, etc.

Newport Center/Fashion Island

This district is a regional center for commerce and business, consisting of major retail, professional office, entertainment, recreation, and residential uses. Fashion Island is a large shopping center in the center of the district and is surrounded by office, retail, and residential uses in a circular formation. The Newport Beach Police and Fire Departments, City Hall, and Civic Center are in the district as well.

West Newport Mesa

West Newport Mesa is bounded by the City of Costa Mesa to the north, Newport Boulevard to the east, Hoag Hospital to the south, and Banning Ranch to the west. The subarea consists of a mix of residential, office, retail, industrial, and public uses. Given that Hoag Hospital is a strong activity center for medical activities and related businesses, the subarea is a strong market for medical-related office and commercial uses. Northern areas of West Newport Mesa transition into more industrial, research and development, and business park uses. Scattered within this area are also some multifamily homes and mobile home parks.

Planned Communities

Per Chapter 20.56 (Planned Community District Procedures) of the City's municipal code, planned communities (PC) provide classification and development of land as comprehensive large-scale community plans. These development plans allow for a diversification of uses as they relate to each other in each respective physical and environmental arrangement. Consistent with the 2006 General Plan, these PCs each have unique development standards and allowable land use types. There are a total of 58 PCs in Newport Beach. Table 5.7-2 lists the proposed changes under the General Plan LUE Amendment that fall within these planned communities. The majority of the PCs in Table 5.7-2 are for development plans in the Newport Center/Fashion Island and Airport Area planning subareas (see Figures 5.1-1 and 5.1-2).

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Table 5.7-2 Proposed Changes in Planned Communities

Planned Communities	Proposed Changes
Newport Place (PC-11)	Map Reference No. 4B: The Hangars
Koll Center (PC-15)	Map Reference No. 4C: Lyon Communities Map Reference No. 4D: UAP Companies (4699 Jamboree Road; 5190 Campus Drive)
San Joaquin Plaza (PC-19)	Map Reference No. 5: Newport Center/Fashion Island
Block 400 Newport Center (PC-28)	Map Reference No. 5: Newport Center/Fashion Island
Block 500 Newport Center (PC-46)	Map Reference No. 5: Newport Center/Fashion Island
Corporate Plaza (PC-17)	Map Reference No. 5: Newport Center/Fashion Island
Corporate Plaza West (PC-40)	Map Reference No. 5: Newport Center/Fashion Island
Newport Coast (PC-52)	Map Reference No. 7: Newport Coast Hotel
Newport Ridge (PC-53)	Map Reference No. 6: Newport Coast Commercial Center Map Reference No. 15: Newport Ridge (various locations)
Santa Barbara Residential (PC-54)	Map Reference No. 5: Newport Center/Fashion Island
North Newport Center (PC-56)	Map Reference No. 5: Newport Center/Fashion Island

Notes: The map reference numbers refer to those indexed on Figure 3-3; more detailed figures for each reference number can also be found in Figures 3-4 through 3-10 in Chapter 3, Project Description.

5.7.2 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- LU-1 Physically divide an established community.
- LU-2 Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- LU-3 Conflict with any applicable habitat conservation plan or natural community conservation plan.

The Initial Study, included as Appendix A, substantiates that impacts associated with the following thresholds would be less than significant:

- Threshold LU-1
- Threshold LU-3

These impacts will not be addressed in the following analysis.

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5.7.3 Environmental Impacts

2006 General Plan EIR

The 2006 General Plan EIR concluded that the 2006 General Plan would not include any roadway extensions or other development features through currently developed areas; instead, it would allow limited infill development in select subareas in the City. Therefore, the 2006 General Plan would not physically divide an established community and impacts would be less than significant.

The 2006 General Plan EIR also analyzed land use incompatibility with regard to introducing new land uses and structures that may result in intensification of development within the City. Policies within the 2006 General Plan addressing these issues include Policy LU 5.1.1, which calls for establishment of development regulations for residential projects to create compatible and high quality development. Policy LU 5.1.2 requires building height transitions between residential and nonresidential developments to minimize visual impacts. And Policies LU 6.2.5 and 6.16.6 require nonresidential use designs to take into account compatibility with adjoining residential areas related to noise, lighting, and parking. Land use compatibility issues arise primarily in the areas proposed for mixed-use development, which would allow various land uses to be close to one another. Policy LU 5.3.1 outlines principles to minimize conflicts among uses in mixed use areas. Analyzing subareas of the City, the 2006 General Plan EIR concluded that the majority of land use changes proposed under the 2006 General Plan would not result in incompatibilities or nuisances that rise to a level of significance. Impacts were less than significant.

Analysis related to potential conflicts with applicable land use plans, policies, or regulations also concluded that implementation of the 2006 General Plan would result in less than significant impacts. These plans included the 2003 Air Quality Management Plan, 1999 Amendment for Ozone, SCAG's Regional Comprehensive Plan and Guide, Santa Ana River Basin Plan, City of Newport Beach Zoning Code, Newport Beach Coastal Land Use Plan, specific plans adopted by the City, and the John Wayne Airport AELUP. The 2006 General Plan was found to be consistent with all applicable land use plans for the City, and impacts were considered to be less than significant. The City of Newport Beach is also subject to policies within the Orange County Central and Coastal Natural Community Conservation Plan (NCCP). Future development would be required to comply with policies within the plan, and therefore no impact would occur.

General Plan LUE Amendment (Proposed Project)

The following impact analysis addresses thresholds of significance for which the Initial Study disclosed potentially significant impacts. The applicable thresholds are identified in brackets after the impact statement.

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Impact 5.7-1: The General Plan LUE Amendment would not conflict with the Orange County Newport Coast Local Coastal Program; however, it would conflict with the City of Newport Beach's Coastal Land Use Plan due to land use designation inconsistencies. [Threshold LU-2]

Impact Analysis:

Orange County Newport Coast Local Coastal Program

The Newport Coast Commercial Center and Newport Coast Hotel are within the Newport Coast LCP plan area and are designated as Medium High Density Residential (MH) and Tourist Commercial (TC), respectively. Although the Newport Coast Commercial Center is designated for residential use, the existing commercial use is permitted under Chapter 4.C.2.b.5 of the Newport Coast LCP development regulations (Newport Beach 1996).

Under the 2006 General Plan, Newport Coast Commercial Center is designated as Neighborhood Commercial (CN) and Newport Coast Hotel is designated as Visitor-Serving Commercial (CV). The 2006 General Plan's CN and CV designations are both comparable in allowable uses and densities to the Newport Coast LCP's MH and TC designations.

Land use designations would remain the same for these two areas under the General Plan LUE Amendment. Instead, the amendment proposes to decrease development capacity in the Newport Coast Commercial Center by 37,875 square feet and the Newport Coast Hotel by 1,001 hotel rooms. Given that designations would remain unchanged, the proposed project would be consistent with provisions in the Newport Coast LCP.

City of Newport Beach Coastal Land Use Plan

Bayside Center, Gateway Park, and 813 East Balboa Boulevard are within the Newport Beach CLUP area and are therefore, required to comply with CLUP standards.. Table 5.7-3 outlines the existing CLUP designation, existing 2006 General Plan designation, and proposed General Plan designation for each of these properties.

Table 5.7-3 Proposed Land Use Changes for Properties within the Newport Beach CLUP

Proposed Project Areas	CLUP Land Use Designation	2006 General Plan Land Use Designation	Proposed Land Use Designation
813 East Balboa Boulevard	Two Unit Residential (RT-E)	Two Unit Residential (RT)	Mixed-Use Vertical (MU-V)
Bayside Commercial Center	Neighborhood Commercial (CN)	Neighborhood Commercial (CN)	Neighborhood Commercial (CN)
Gateway Park	Corridor Commercial (CC-A)	Commercial Corridor (CC)	Parks and Recreation (PR)

Source: City of Newport Beach Coastal Land Use Plan 2005; 2006 City of Newport Beach General Plan.

As shown in Table 5.7-3, the General Plan LUE Amendment would maintain Bayside Commercial Center's existing CLUP and General Plan land use designations as Neighborhood Commercial (CN). The amendment

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would only decrease its development capacity by 366 square feet. Thus, changes to Bayside Center would remain consistent with the CLUP.

The property at 813 East Balboa Boulevard is designated as Two-Unit Residential under the CLUP and the City's General Plan. The proposed project would change its General Plan land use designation to Mixed-Use Vertical (MU-V) to allow expansion of the adjoining mixed-use parcel for visitor-serving accommodations.

Gateway Park is designated as Corridor Commercial (CC-A) in the CLUP and as Commercial Corridor (CC) in the 2006 General Plan, which have equivalent allowable uses and densities. The General Plan LUE Amendment would change its land use designation to Parks and Recreation (PR) and decrease its development capacity by 4,356 square feet.

These General Plan land use designation changes to 813 East Balboa Boulevard and Gateway Park would be inconsistent with the existing CLUP land use designations for these properties, which—per the CLUP general policies to achieve the Coastal Act's goals and objectives—take precedence over any provisions in the General Plan, zoning, or other ordinances. Therefore, a CLUP amendment would be required. Following the CLUP amendment, the subject properties would be consistent with the CLUP.

Impact 5.7-2: The General Plan LUE Amendment would not conflict with the goals of the Southern California Association of Governments' 2012–2035 Regional Transportation Plan/Sustainable Communities Strategy. [Threshold LU-2]

Impact Analysis: In order to determine consistency, Table 5.7-4 provides an assessment of the proposed project's relationship to pertinent 2012–2035 SCAG RTP/SCS goals.

Table 5.7-4 SCAG 2012–2035 RTP/SCS Goals Consistency Analysis

RTP/SCS Goal	Project Compliance with Goal
RTP/SCS G1: Align the plan investments and policies with improving regional economic development and competitiveness.	<p>Consistent: A primary reason why the City's General Plan Land Use Element was proposed to be amended is the changing market and emerging opportunities for economic growth in Newport Beach. Certain subareas in the City are proposed for decreased development capacity because they are not expected to be developed to full buildout potential as anticipated in the 2006 General Plan. Other subareas are proposed for increased development capacity to accommodate existing and future economic growth demands both locally and regionally.</p> <p>More specifically, consistent with the 2006 General Plan, Newport Center/Fashion Island and the Airport Area are identified as areas appropriate for growth. Additional development in these areas would facilitate restricting growth in other areas and provide a growing tax base to support the City's services and other community priorities. Thus, the proposed project remains consistent with RTP/SCS G1. In addition, the following proposed LUE policies are applicable to RTP/SCS G1: LU 1.5, 2.2, 2.4, 3.2, and 6.14.1. For a complete list of relevant goals and policies, refer to Section 5.7.4 below.</p>
RTP/SCS G2: Maximize mobility and accessibility for all people and goods in the region.	<p>Consistent: The proposed land use designation and development capacity changes under the General Plan LUE Amendment reflect local and regional economic growth. Certain areas like Newport Center/Fashion Island and the Airport Area would have the potential to develop substantial amounts of office, commercial, residential, visitor-serving, and mixed use developments in accordance with the proposed project, which</p>

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Table 5.7-4 SCAG 2012–2035 RTP/SCS Goals Consistency Analysis

RTP/SCS Goal	Project Compliance with Goal
	<p>would offer more opportunities for accessible employment, retail, and services in the City.</p> <p>The additional retail, office, services, and residential developments in Newport Beach would increase the movement of people and goods in the City and its adjacent communities. The transportation network in Newport Beach would develop as needed and be required to maintain consistency with a number of local and regional plans and programs to ensure the City's circulation network develops cumulatively with its neighboring cities to reflect a comprehensive regional network, including the Orange County Congestion Management Program and Master Plan of Arterial Highways. The proposed project would, therefore, be consistent with RTP/SCS G2.</p> <p>The 2006 General Plan Circulation Element also contains policies that guide mobility and accessibility in the City and adjoining communities. These policies include CE 1.1.1, 2.1.1 through 2.1.6, and 3.1.1 through 3.1.4. In addition, the following proposed LUE policies address accessibility and mobility issues in regards to land use development: LU 6.1.5, 6.4.10, 6.9.X3, 6.15.14, and 6.15.23. For a complete list of relevant goals and policies, refer to Section 5.7.4 below.</p>
<p>RTP/SCS G3: Ensure travel safety and reliability for all people and goods in the region.</p>	<p>Consistent: While the existing circulation network would not be changed by the proposed project, new infill or redevelopment projects in accordance with the General Plan LUE Amendment would be required to adhere to 2006 General Plan policies as they relate to transportation safety and reliability. For example, the 2006 General Plan's Circulation Element includes a number of policies related to transportation safety, such as providing safe roadway conditions through proper maintenance, review and updating streets to current standards, implementing neighborhood traffic calming improvements, providing emergency access for all residential, commercial, and industrial areas, and designing traffic control measures. These issues are addressed in Circulation Element policies CE 2.2.1 through 2.2.7, and 2.3.2 through 2.3.4. For a complete list of relevant goals and policies, refer to Section 5.7.4 below.</p>
<p>RTP/SCS G4: Preserve and ensure a sustainable regional transportation system.</p>	<p>Consistent: The General Plan LUE Amendment does not propose any changes to the existing circulation network of Newport Beach. However, various subareas within the City are proposed for a mixed-use land use designation to enable residential, commercial, and office uses to develop within the vicinity of one another. By encouraging future mixed-use development, the City is encouraging reduced commuting distances between homes and jobs, thereby, preserving a more sustainable transportation system by reducing vehicle miles travelled (VMTs). A reduction in VMTs in and out of the City would indirectly benefit the regional transportation network of surrounding roadways and highways that provide local and regional access to Newport Beach and all of Orange County. The proposed project is therefore consistent with RTP/SCS G4.</p> <p>In addition, the following proposed LUE policies are also applicable to RTP/SCS G2: LU 2.2, 3.2, and 6.1.5. For a complete list of relevant goals and policies, refer to Section 5.7.4 below.</p>
<p>RTP/SCS G5: Maximize the productivity of our transportation system.</p>	<p>Consistent: See response to RTP/SCS G4 above.</p>
<p>RTP/SCS G6: Protect the environment and health of our residents by improving air quality and encouraging active transportation (non-motorized transportation, such as bicycling and walking).</p>	<p>Consistent: The CEQA process ensures that plans at all levels of government consider all environmental impacts. Various sections of this Draft SEIR appropriately address the potential environmental impacts related to development of the proposed project and outline mitigation measures and regulatory requirements to reduce any impacts, as applicable and feasible. For example, Sections 5.2, <i>Air Quality</i>, and 5.4, <i>Greenhouse Gas Emissions</i>, address air quality, energy, and global climate impacts</p>

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Table 5.7-4 SCAG 2012–2035 RTP/SCS Goals Consistency Analysis

RTP/SCS Goal	Project Compliance with Goal
	<p>that would occur as a result of implementation of the proposed project, and apply mitigation measures and regulatory requirements to reduce any impacts, as applicable and feasible.</p> <p>The reduction of energy use, improvement of air quality, and promotion of more environmentally sustainable development would be encouraged through the development of green design techniques for buildings, and other energy-reducing techniques. For example, future development projects consistent with the General Plan LUE Amendment would be required to comply with the provisions of the California Building and Energy Efficiency Standards and the Green Building Standards Code per Chapters 15.11 and 15.17 of the City's municipal code. Compliance with these provisions would be ensured through the City's development review and building plan check process.</p> <p>In addition, as stated in the response to RTP/SCS G4, the General Plan LUE Amendment proposes for mixed-use land use designations and increased development capacity primarily through infill and intensification. By doing so, the proposed project encourages the close proximity of housing, employment, and commercial uses; reduced commute distances; and overall vehicle miles travelled in and out of the City. Thus, the proposed project remains consistent with RTP/SCS G6.</p> <p>The following policies are applicable to RTP/SCS G6: LU 1.5, 1.X, 1.X2, 3.X1, 6.4.10, 6.9.X3, and 6.15.23. Newly proposed sustainable development policies in the General Plan LUE Amendment also address the health and environment of Newport Beach residents under Goal LUX, including LU X.X, X.X2, X.X3, and X.X6. For complete policies and associated goals, refer to Section 5.7.4 below.</p>
<p>RTP/SCS G7: Actively encourage and create incentives for energy efficiency, where possible.</p>	<p>Consistent: The City of Newport Beach enforces CCR Title 24 and 20 provisions, which require energy conservation in new developments. These conservation methods include energy efficient appliances and devices, water fixtures, water-efficient landscaping, and construction methods. Thus, all new residential and non-residential developments in accordance with the General Plan LUE Amendment would be required to meet the requirements outlined under CCR Title 24 (2013 Building and Energy Efficiency Standards) and Title 20 (2012 Appliance Efficiency Regulations) prior to issuance of building permits.</p> <p>Furthermore, the 2006 General Plan Natural Resources Element outlines incentive opportunities for developments that implement energy-efficient design features, Leadership in Environmental and Energy Design (LEED) certified buildings, and other energy saving strategies. The following 2006 General Plan policies are applicable to RTP/SCS G7: NR 24.1 through 24.5, and H 4.2. In addition, the proposed General Plan LUE Amendment also contains policies that promote energy-efficient building practices, such as LU 3.2, X.X through X.X6, 6.4.10, 6.9.X5, and 6.15.23. For a complete list of relevant goals and policies, refer to Section 5.7.4 below.</p>
<p>RTP/SCS G8: Encourage land use and growth patterns that facilitate transit and non-motorized transportation.</p>	<p>Consistent: See response to RTP/SCS G6.</p>
<p>RTP/SCS G9: Maximize the security of our transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies.</p>	<p>Not Applicable: The General Plan LUE Amendment would not affect transportation security systems.</p>

Source: 2012–2035 SCAG Regional Transportation Plan/Sustainable Communities Strategy.

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The analysis concludes that the proposed project would be consistent with the applicable RTP/SCS goals. Therefore, implementation of the proposed project would not result in significant land use impacts related to relevant RTP/SCS goals.

Impact 5.7-3: The General Plan LUE Amendment would not conflict with the Airport Environ Land Use Plan for John Wayne Airport. [Threshold LU-2]

Impact Analysis: A large portion of the City of Newport Beach falls within the JWA Airport Planning Area and Impact Zone (ALUC 2008). More specifically, the northeastern portion of the City is within the following JWA zones:

- Clear Zone/Runway Protection Zones and Accident Potential Zones
- Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces and Notification Area
- 60 dBA CNEL aircraft operation noise contours of JWA

Potential project impacts associated with airport-related hazard impacts (Safety Zones and FAR Part 77) are addressed in Section 5.5, *Hazards and Hazardous Materials*. Airport-related noise impacts are addressed in Section 5.8, *Noise*. Following are conclusions from the analyses included in those sections:

Potential Hazards to People and Structures on the Ground (Safety Zones)

According to Figure 5.5-2, *Safety Zones, Airport Area*, most of the Airport Area, including the Saunders Properties, The Hangars, and Lyon Communities subareas, fall within Safety Zones 6 for the long runway at JWA. The central portion of Saunders Properties is also in Safety Zone 3 for the short runway.

Safety Zone 3: Land use restrictions in Safety Zone 3 include limited low density residential use (due to noise impacts), nonresidential uses having moderate to high usage intensities (e.g., major shopping centers, meeting halls), children's schools, day care centers, hospitals, nursing homes, and hazardous storage uses. The amendment would allow for an additional 238,077 square feet of office and 329 dwelling units on Saunders Properties. Pursuant to ALUC land use compatibility standards, the increase in office space would be allowable in Safety Zone 3. The 329 residential units allocated to this site under the General Plan LUE Amendment would be higher density and therefore inconsistent with the ALUC land use compatibility standards for Zone 3. To assure ALUC consistency, these units would need to be developed within either the northern portion of Saunders Properties in Safety Zone 6 (which is compatible with all residential uses). The proposed General Plan LUE Amendment designations, therefore, would be consistent with the AELUP Safety Zone 3 land use restrictions.

Safety Zone 6: Similar to Safety Zone 3, land use restrictions in Safety Zone 6 include high intensity uses (e.g., outdoor stadiums), children's schools, day care centers, hospitals, and nursing homes. The General Plan LUE Amendment would allow for 11,800 square feet of additional retail space on The Hangars property and introduce up to 85,000 square feet of retail use, 850 replacement dwelling units (replacing existing office buildings), and up to 150 hotel rooms on the Lyon Communities property. These changes would all be compatible uses within Safety Zone 6. Refer to Section 5.5, *Hazards and Hazardous Materials*, for a more detailed analysis on airport-related hazard impacts.

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Potential Hazards to Aircraft in Flight (FAR Part 77)

As concluded in Section 5.5, *Hazards and Hazardous Materials*, multiple areas proposed for change under the General Plan LUE Amendment fall within the FAR Part 77 Obstruction Imaginary Surfaces and the FAR Part 77 Notification Area of JWA, as identified in the AELUP for JWA (ALUC 2008). The areas within the Obstruction Imaginary Surfaces include Saunders Properties, The Hangars, Fashion Island/Newport Center, Bayside Commercial Center, 813 East Balboa Boulevard, The Bluffs and Gateway Park. The areas in the Notification Area include the Airport Area properties (Saunders Properties, The Hangars, Lyon Communities, and UAP Companies), Fashion Island/Newport Center, 100 Newport Center Drive, 150 Newport Center Drive, Westcliff Plaza, and The Bluffs Shopping Center.

However, future development in these areas would not cause potential hazards to aircrafts in flight. All projects that are higher than 200 feet and fall within the FAR Part 77 Notification Area are required to file Form 7460-1 (Notice of Proposed Construction or Alteration) with the FAA, which requires an aeronautical study to determine whether a structure is considered an “obstruction.” If so, the FAA would examine possible revisions to eliminate the problem, require the structure to be appropriately marked and lighted as an airspace obstruction, and/or initiate changes to the aircraft flight procedures for the airport so as to account for the object (ALUC 2008). ALUC then makes its determination of a project’s consistency with JWA’s AELUP. Thus, project-specific development in accordance with the General Plan LUE Amendment would be required to comply with these FAA regulations to remain consistent with the building height limitations under the current airport standards in the AELUP, and the proposed project is not expected to generate any hazards to aircrafts in flight. Refer to Section 5.5, *Hazards and Hazardous Materials*, for a detailed analysis of airport-related hazard impacts.

Potential Aircraft Noise Impacts

According to Figure 5.8-2, *John Wayne Airport Noise Impact Zones & Sites of Proposed Land Use Changes*, The Hangars, Saunders Properties, Lyon Communities, and UAP Companies have potential to be impacted by JWA aircraft noise in the Airport Area. However, future developments would be required to comply with Policy N 3.2 of the City of Newport Beach General Plan Noise Element and Title 21 of the California Code of Regulations (CCR). Policy N 3.2 requires that all residential development in the Airport Area be outside of the 65 dBA CNEL noise contour shown in the 1985 JWA Master Plan and requires residential developers to notify prospective purchasers or tenants of aircraft overflight and noise. CCR Title 21 requires an interior noise standard of 45 dBA CNEL as outlined in the AELUP for JWA. By complying with these regulations, the impacts would be less than significant and no mitigation would be required. Refer to Section 5.8, *Noise*, for a detailed analysis on airport-related noise impacts.

AELUP Consistency Conclusion

By complying with the AELUP safety zone land use compatibility requirements, FAR Part 77 regulations, Policy N 3.2 of the General Plan, and CCR Title 21, the proposed project would be consistent with the AELUP. Thus, impacts to airport-related hazards and noise are less than significant.

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Impact 5.7-4: The General Plan LUE Amendment would not conflict with existing 2006 General Plan policies. [Threshold LU-2]

Impact Analysis: A detailed analysis of the proposed project's consistency with the applicable goals and policies of the various elements of the 2006 General Plan is provided in Table 5.7-5, *General Plan Consistency Analysis*. The 2006 General Plan Land Use Element policies are excluded from the table because the proposed project is an amendment to these policies. The amendment consists of minor refinements and additions that would replace, supplement, or elaborate on the existing LUE goals and policies and contribute to the overall vision and intent of the 2006 General Plan. A complete list of the LUE goals and policies are provided in Appendix C of this Draft SEIR.

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Table 5.7-5 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
Housing Element	
Goal H 2: A balanced residential community comprised of a variety of housing types, designs, and opportunities for all social and economic segments.	
<p><i>HR 2.3 (page 5-134).</i> Approve, wherever feasible and appropriate, mixed residential and commercial use developments that improve the balance between housing and jobs.</p>	<p>Consistent: The General Plan LUE Amendment would introduce mixed use development at the Saunders Properties and the Lyons Communities properties in the Airport Area. The Saunders Properties is anticipated to support a mixed use office and high density residential development, and the Lyons Communities property would support retail, residential, and a hotel. By allowing mixed-use development in these subareas, residential, commercial, and office uses would be developed in closer vicinity to one another, helping to locate new residents closer to a wide array of jobs. In addition, it would help improve the local and regional jobs-housing balance. As substantiated in Section 5.9, <i>Population and Housing</i>, the proposed project would add 1,729 residential units to the existing jobs-rich City and improve the jobs/housing ratio.</p>
Goal H 4: Preservation and increased affordability of the City's housing stock for extremely low-, very low-, low-, and moderate-income households.	
<p><i>HR 4.2 (page 5-140).</i> Improve energy efficiency of all housing unit types (including mobile homes).</p>	<p>Consistent: New residential development consistent with the proposed project would be required to comply with energy efficiency standards stated in the California Code of Regulations and California Building Code. Specifically, Title 24 building energy efficiency standards and Title 20 appliance efficiency regulations are required of both residential and nonresidential developments and would help to decrease overall energy use in the City.</p>
Goal H 5: Housing opportunities for special needs populations.	
<p><i>HR 5.1 (page 5-142).</i> Encourage approval of housing opportunities for senior citizens and other special needs populations.</p>	<p>Consistent: The proposed project includes increasing development capacity on the UAP Companies property in the Airport Area by 148,000 square feet for Congregate Care use. Congregate Care, as defined in Chapter 20.70 (Definitions) of the City of Newport Beach Municipal Code, means age-segregated housing built specifically for the elderly that provides services to its residents, the minimum of which is usually an onsite meal program, but which may also include housekeeping, laundry, social activities, counseling, and transportation (sometimes referred to as "assisted living facilities"). Thus, the proposed project encourages increased housing opportunities for the City's senior population.</p>
Historical Resources Element	
Goal HR 2: Identification and protection of important archeological and paleontological resources within the City.	
<p><i>HR 2.1 New Development Activities (page 6-12).</i> Require that, in accordance with CEQA, new development protect and preserve paleontological and archaeological resources from destruction, and avoid and mitigate impacts to such resources. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.</p>	<p>Consistent: As detailed in Section 5.3, <i>Cultural Resources</i>, the proposed project would have no new impact on archaeological or paleontological resources when compared to the 2006 General Plan EIR. Any potential to unearth archeological or paleontological resources in the proposed subareas during ground-disturbing activities would be required to comply with Policies HR 2.1 through HR 2.4 and NR 18.1 through NR 18.3 of the 2006 General Plan. Furthermore, the City's "Archaeological Guidelines (K-5)" and "Paleontological Guidelines (K-4)" would ensure that if cultural resources are found, the developer would be required to preserve the significant resources and mitigate any impacts through CEQA. Refer to Section 5.3, <i>Cultural Resources</i>, for further analysis on cultural resources.</p>

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Table 5.7-5 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
<p>HR 2.2 Grading and Excavation Activities (page 6-13). Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural, archeological or paleontological resources. If these resources are found, the applicant shall implement the recommendations of the paleontologist/archeologist, subject to the approval of the City Planning Department.</p>	<p>Consistent: See response to Policy HR 2.1 of Goal HR 2.</p>
<p>HR 2.3 Cultural Organizations (page 6-13). Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow representatives of such groups to monitor grading and/or excavation of development sites.</p>	<p>Consistent: See response to Policy HR 2.1 of Goal HR 2.</p>
<p>HR 2.4 Paleontological or Archaeological Materials (page 6-13). Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.</p>	<p>Consistent: See response to Policy HR 2.1 of Goal HR 2.</p>
<p>Circulation Element</p>	
<p>Goal CE 4.1: A public transportation system that provides mobility for residents and encourages use of public transportation as an alternative to automobile travel.</p>	
<p>CE 4.1.4 Land Use Densities Supporting Public Transit (page 7-20). Accommodate residential densities sufficient to support transit patronage, especially in mixed use areas such as the Airport Area.</p>	<p>Consistent: The proposed project would change the land use designation of Saunders Properties from Airport Office and Supporting Uses (AO) to Mixed-Use Horizontal (MU-H2). In addition, up to 329 additional dwelling units would be allowed on Saunders Properties under the General Plan LUE Amendment. The amendment is also proposed up to 850 replacement dwelling units on the Lyon Communities property, also located in the Airport Area. Therefore, the proposed project would accommodate residential uses that support transit patronage in the mixed use Airport Area.</p>
<p>Recreation Element</p>	
<p>Goal R 1: Provision of Facilities – Provision of adequate park and recreation facilities that meet the recreational needs of existing and new residents of the community.</p>	
<p>R1.1 New Residential Subdivisions (page 8-39). Require developers of new residential subdivisions to provide parklands at five acres per 1,000 persons, as stated in the City's Park Dedication Fee Ordinance, or to contribute in-lieu fees for the development of public recreation facilities meeting demands generated by the development's resident population, as required in the City's Park Dedications Fees Ordinance.</p>	<p>Consistent: In accordance with the City's parkland dedication requirements of 5 acres per 1,000 residents, the proposed project would require 14 acres of park space. As permitted by Section 19.52.050 (Determination of Land or Fee) of the City's municipal code, the parkland requirement can be met through the dedication of parkland, payment of in-lieu fees, or a combination of both. While the General Plan LUE Amendment does not include any changes to increasing parkland in Newport Beach, the City is currently substantially over the parkland standard of five acres per 1,000 residents. Currently, the park-to-residents ratio is 8.67 acres per 1,000 residents. Development and population increase in accordance with the proposed project would decrease the ratio to 8.40 acres per 1,000 residents, which is still high above the standard. In addition, future</p>

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Table 5.7-5 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
<p><i>R1.12 Aircraft Overflight and Noise (page 8-41).</i> Require that all public parks located within the noise impact zones as defined in the 1985 JWA Master Plan for John Wayne Airport be posted with a notification to users regarding aircraft overflight and noise.</p>	<p>developments consistent with the General Plan LUE Amendment would be required to individually dedicate parkland and/or pay in-lieu fees for parkland credits. Refer to Section 5.10, <i>Public Services</i>, for further information and analysis on parks and recreational facilities.</p> <p>Consistent: The proposed project includes land use designation and development capacity changes to the Airport Area that fall within the JWA 60 dBA CNEL noise contour boundary. AELUP defines 60 dBA CNEL noise contour noise exposure to be “moderate noise impact” and requires sound attenuation per California Noise Insulation Standards, Title 25, California Code of Regulations. In addition to required sound attenuation, Policy LU 6.15.15 of the Land Use Element requires all neighborhood parks be posted with a notification to users regarding proximity to JWA and aircraft overflight noise.</p>
<p>Natural Resources Element</p>	
<p>Goal NR 1: Minimized water consumption through conservation methods and other techniques.</p>	
<p><i>NR 1.1 Water Conservation in New Development (page 10-17).</i> Enforce water conservation measures that limit water usage, prohibit activities that waste water or cause runoff, and require the use of water-efficient landscaping and irrigation in conjunction with new construction projects.</p>	<p>Consistent: Section 5.12, <i>Utilities and Service Systems</i>, addresses water supply impacts that would occur as a result of implementation of the proposed project, and applies regulatory requirements to reduce any impacts, as applicable and feasible. Additionally, the proposed project would be required to comply with water conservation and supply level regulation and water-efficient landscape requirements outlined in Chapters 14.16 (Water Conservation and Supply Level Regulations) and 14.17 (Water Efficient Landscape Requirements) of the City’s Municipal Code. Furthermore, the proposed project would be required to comply with the provisions of the Green Building Standards Code (Part 11, Title 24, known as CALGreen) that was adopted as part of the California Building Standards Code (Title 24, California Code of Regulations) and contains requirements for indoor water use reduction and site irrigation conservation.</p>
<p><i>NR 1.2 Use of Water Conserving Devices (page 10-18).</i> Establish and actively promote use of water conserving devices and practices in both new construction and major alterations and additions to existing buildings. This can include the use of rainwater capture, storage, and reuse facilities.</p>	<p>Consistent: See response to Policy NR 1.1 of Goal NR 1.</p>
<p>Goal NR 3: Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands.</p>	
<p><i>NR 3.1 Chemical Uses Impacting Water Quality (page 10-19).</i> Support regulations limiting or banning the use of insecticides, fertilizers, and other chemicals which are shown to be detrimental to water quality.</p>	<p>Consistent: As discussed in Section 5.6, <i>Hydrology and Water Quality</i>, future development in accordance with the proposed project would be required to comply with the City’s NPDES permit requirements, including the submittal and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and best management practices (BMPs) that would ensure minimal impacts to the City’s existing water quality and stormwater system.</p>
<p><i>NR 3.4 Storm Drain Sewer System Permit (page 10-19).</i> Require all development to comply with the regulations under the City’s municipal separate storm drain system permit under the National Pollutant Discharge Elimination System.</p>	<p>Consistent: See response to Policy NR 3.1 of Goal NR 3.</p>

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Table 5.7-5 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
<p>NR 3.9 Water Quality Management Plan (page 10-20). Require new development applications to include a Water Quality Management Plan (WQMP) to minimize runoff from rainfall events during construction and post-construction.</p>	<p>Consistent: As discussed in Section 5.6, <i>Hydrology and Water Quality</i>, the New Development/Significant Redevelopment Section of the City's Local Implementation Plan requires a project-specific WQMP for specific categories of development aimed at reducing pollutants in postdevelopment runoff. The WQMPs would include Santa Ana RWQCB-approved BMPs that address stormwater runoff quality. Because the proposed project is policy based, it does not include actual construction; however, future development projects in accordance with the proposed project would be required to prepare a project-specific WQMP outlining a number of site-design, and source- and treatment-control BMPs prior to issuance of any building or grading permits. Additionally, through the development-review process, the City of Newport Beach complies with various statutory requirements necessary to achieve regional water quality objectives and protect groundwater and surface waters from pollution by contaminated stormwater runoff. Therefore, stormwater runoff generated from future development projects would be managed in accordance with all applicable federal, state, and local water quality rules and regulations in order to effectively minimize the project's impact on water quality.</p>
<p>NR 3.10 Best Management Practices (page 10-20). Implement and improve upon Best Management Practices (BMPs) for residences, businesses, development projects, and City operations.</p>	<p>Consistent: See response to Policies NR 3.1 and NR 3.9 of Goal NR 3.</p>
<p>NR 3.11 Site Design and Source Control (page 10-20). Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the National Pollutant Discharge Elimination System (NPDES), structural treatment BMPs will be implemented along with site design and source control measures.</p>	<p>Consistent: See response to Policies NR 3.1 and NR 3.9 of Goal NR 3.</p>
<p>NR 3.14 Runoff Reduction on Private Property (page 10-20). Retain runoff on private property to prevent the transport of pollutants into natural water bodies, to the maximum extent practicable.</p>	<p>Consistent: See responses to Policies NR 3.1 and NR 3.19 of Goal NR 3.</p>
<p>NR 3.15 Street Drainage Systems (page 10-20). Require all street drainage systems and other physical improvements created by the City, or developers of new subdivisions, to be designed, constructed, and maintained to minimize adverse impacts on water quality. Investigate the possibility of treating or diverting street drainage to minimize impacts to water bodies.</p>	<p>Consistent: See responses to Policies NR 3.1 and NR 3.19 of Goal NR 3.</p>
<p>NR 3.19 Natural Drainage Systems (page 10-21). Require incorporation of natural drainage systems and stormwater detention facilities into new developments, where appropriate and feasible, to retain stormwater in order to increase groundwater recharge.</p>	<p>Consistent: See response to Policies NR 3.1 and 3.9 of Goal NR 3.</p>

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Table 5.7-5 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
<p>NR 3.20 Impervious Surfaces (page 10-21). Require new development and public improvements to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.</p>	<p>Consistent: See response to Policies NR 3.1 and 3.9 of Goal NR 3.</p>
<p>Goal NR 4: Maintenance of water quality standards through compliance with the total maximum daily loads (TMDLs) standards.</p>	
<p>NR 4.4 Erosion Minimization (page 10-22). Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas.</p>	<p>Consistent: See response to Policies NR 3.1 and 3.9 of Goal NR 3. Collectively, implementation of the BMPs outlined in future project-specific SWPPPs and WQMPs would address anticipated erosion impacts during the construction and operational phases of these projects.</p>
<p>Goal NR 5: Sanitary Sewer Outflows: Minimal adverse effects to water quality from sanitary sewer outflows.</p>	
<p>NR 5.4 Waste Discharge Permits (page 10-23). Comply with the RWQCB's Waste Discharge Requirements (WDRs) associated with the operation and maintenance of the City's sewage collection system.</p>	<p>Consistent: See response to Policies NR 3.1 and NR 3.9 of Goal NR 3.</p>
<p>Goal NR 6: Reduced mobile source emissions.</p>	
<p>NR 6.2 Mixed-Use Development (page 10-23). Support mixed-use development consisting of commercial or office with residential uses in accordance with the Land Use Element that increases the opportunity for residents to live in proximity to jobs, services, and entertainment.</p>	<p>Consistent: The General Plan LUE Amendment would introduce mixed use development at the Saunders Properties and the Lyons Communities properties in the Airport Area. The Saunders Properties is anticipated to support a mixed use office and high density residential development, and the Lyons Communities property would support retail, residential and a hotel. These areas would be able to take advantage of mixed-use development benefits, which include close development of commercial, office, and residential uses to one another and efficient access to jobs, homes, services, and entertainment.</p>
<p>Goal NR 7: Reduced air pollutant emissions from stationary sources.</p>	
<p>NR 7.2 Source Emission Reduction Best Management Practices (page 10-24). Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.</p>	<p>Consistent: As detailed in Section 5.2, <i>Air Quality</i>, development of the proposed project would be required to adhere to a number of existing SCAQMD regulations that help reduce air pollutants emissions. Future developments consistent with the General Plan LUE Amendment would generate short-term emissions and criteria air pollutant emissions that would exceed SCAQMD's threshold criteria. However, the incremental change associated with the project in comparison to the 2006 General Plan EIR would be less than significant and would not require additional BMPs to minimize pollution and source emissions. Refer to Section 5.2, <i>Air Quality</i>, for further information and analysis on the project's source emissions compared to SCAQMD's regional and localized significance thresholds.</p>

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Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
Goal NR 8: Reduced air pollutant emissions from construction activities.	
NR 8.1 Management of Construction Activities to Reduce Air Pollution (page 10-25). Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.	Consistent: As outlined in Section 5.2, <i>Air Quality</i> , development of the proposed project would be required to adhere to a number of existing SCAQMD regulations that help reduce air pollutants from construction-related activities to less than significant levels. Refer to Section 5.2, <i>Air Quality</i> , for additional information and analysis.
Goal NR 18: Protection and preservation of important paleontological and archaeological resources.	
NR 18.1 New Development (page 10-34). Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources in accordance with the requirements of CEQA. Through planning policies and permit conditions, ensure the preservation of significant archeological and paleontological resources and require that the impact caused by any development be mitigated in accordance with CEQA.	Consistent: See response to Policy HR 2.1 of Goal HR 2.
NR 18.3 Potential for New Development to Impact Resources (page 10-34). Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.	Consistent: See response to Policy HR 2.1 of Goal HR 2.
NR 18.4 Donation of Materials (page 10-34). Require new development, where on site preservation and avoidance are not feasible, to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach or Orange County, whenever possible.	Consistent: See response to Policy HR 2.1 of Goal HR 2.
Goal NR 20: Preservation of significant visual resources.	
NR 20.1 Enhancement of Significant Resources (page 10-36). 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.	Consistent: As outlined in Section 5.1, <i>Aesthetics</i> , any future development and/or redevelopment that would occur within the areas proposed for change would be required to adhere to the provisions of the City's zoning code (Title 20 of the City's municipal code), including the permitted height limit requirements outlined in Section 20.30.060 (Height Limits and Exceptions) and the setback standards outlined in Section 20.20.030 (Commercial Zoning Districts General Development Standards). Furthermore, Section 20.30.100 (Public View Protection) provides regulations to preserve significant visual resources from public view points and corridors, as identified on Figure NR3 in the 2006 General Plan (reproduced as Figure 5.1-1, <i>Coastal Views</i> in this Draft SEIR). According to Section 20.30.100, a view impact analysis may be required if a proposed development has the potential to obstruct a public view; landscape standards and other development features are also required to ensure minimal visual impacts.

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Table 5.7-5 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
	<p>In addition, any proposed changes that fall within planned community (PC) boundaries would be required to comply with specific development standards (e.g., height restrictions, building materials, landscaping, setbacks, etc.). Thus, the City's development review process would ensure that future projects consistent with the General Plan LUE Amendment comply with the City's zoning code and established PC development standards, and significant scenic and visual resources are preserved. Refer to Impact 5.7-6 for more detailed analysis on the project's consistency with relevant PCs in the City, and refer to Section 5.1, <i>Aesthetics</i> for additional information on aesthetic impacts of the proposed project.</p>
<p>NR 20.2 New Development Requirements (page 10-36). 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>Consistent: See response to Policy NR 20.1 of Goal NR 20.</p>
<p>NR 20.3 Public Views (page 10-36). Protect and enhance public view corridors from the following roadway segments (shown in Figure NR3), and other locations may be identified in the future:</p> <ul style="list-style-type: none"> • Avocado Avenue from San Joaquin Hills Road to Coast Highway • Back Bay Drive • Balboa Island Bridge • Bayside Drive from Coast Highway to Linda Island Drive • Bayside Drive at Promontory Bay • Coast Highway/Santa Ana River Bridge • Coast Highway/Newport Boulevard Bridge and Interchange • Coast Highway from Newport Boulevard to Marino Drive (Bayshores) • Coast Highway/Newport Bay Bridge • Coast Highway from Jamboree Road to Bayside Drive • Coast Highway from Pelican Point Drive to city limits • Eastbluff Drive from Jamboree Road to Backbay Drive • Irvine Avenue from Santiago Drive to University Drive • Jamboree Road from Eastbluff Drive/University Drive to Bayview Way • Jamboree Road in the vicinity of the Big Canyon Park • Jamboree Road from Coast Highway to Bayside Drive • Lido Isle Bridge 	<p>Consistent: See response to Policy NR 20.1 of Goal NR 20.</p> <p>The proposed changes in the General Plan LUE Amendment would not impact coastal views from public viewpoints and coastal view roads shown in Figure NR3 of the 2006 General Plan (reproduced as Figure 5.1-1, <i>Coastal Views</i> in this Draft SEIR). The only potential impacts would be from the Gateway Park subarea (Map Reference No. 11 on Figure 3-3), which could impact the view from Coast Highway/Newport Boulevard Bridge and Interchange. However, Gateway Park is proposed for a decrease in development capacity, and therefore would lessen the potential impact on the Pacific Ocean and Newport Bay vistas compared to its existing development capacity. Therefore, public views would be protected along all of Newport Beach's public view corridors and viewpoints.</p>

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Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
<ul style="list-style-type: none"> • MacArthur Boulevard from San Joaquin Hills Road to Coast Highway • Marguerite Avenue from San Joaquin Hills Road to Fifth Avenue • Newport Boulevard from Hospital Road/Westminster Avenue to Via Lido • Newport Center Drive from Newport Center Drive E/W to Farallon Drive/Granville Drive • Newport Coast from Pelican Hill Road North to Coast Highway • Ocean Boulevard • Pelican Hills Road South • San Joaquin Hills Road from Newport Ridge Drive to Spyglass Hill Road • San Miguel Drive from San Joaquin Hills Road to MacArthur Boulevard • State Route 73 from Bayview Way to the easterly City limit • Superior Avenue from Hospital Road to Coast Highway • University Drive from Irvine Avenue to the Santa Ana—Delhi Channel • Vista Ridge Road from Ocean Heights to Altezza Drive 	
<p>Goal NR 22: Maintain the intensity of development around Newport Bay to be consistent with the unique character and visual scale of Newport Beach.</p>	
<p>NR 22.1 Regulation of Structure Mass (page 10-40). Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.</p>	<p>Consistent: See response to Policy NR 20.1 of Goal NR 20.</p>
<p>Safety Element</p>	
<p>Goal S 7: Exposure of people and the environment to hazardous materials associated with methane gas extraction, oil operations, leaking underground storage tanks, and hazardous waste generators is minimized.</p>	
<p>S 7.1 Known Areas of Contamination (page 11-28). Require proponents of projects in known areas of contamination from oil operations or other uses to perform comprehensive soil and groundwater contamination assessments in accordance with American Society for Testing and Materials standards, and if contamination exceeds regulatory action levels, require the proponent to undertake remediation procedures prior to grading and development under the supervision of the County Environmental Health Division, County Department of Toxic Substances Control, or Regional Water Quality Control Board (depending upon the nature of any identified contamination).</p>	<p>Consistent: As detailed in Section 5.5, <i>Hazards and Hazardous Materials</i>, developments in accordance with the General Plan LUE Amendment would involve redevelopment and reuse of some sites listed as hazardous materials sites on environmental databases. However, use of these sites for future developments would require the preparation of a Phase I Environmental Site Assessment (ESA). If the presence or likely presence of hazardous materials or petroleum products is identified in the Phase I ESA, a Phase II ESA would be required and consists of sampling and testing of soil, soil vapor, and/or groundwater from the site, as well as a site risk assessment. Appropriate site cleanup and remedial measures in accordance with the Orange County Environmental Health Division, Newport Beach Fire Department, and Regional Water Quality Control Board would be required. Mitigation Measure 5-1 in Section 5.5 outlines the details to site remediation. Refer to Section 5.5, <i>Hazards and Hazardous Materials</i>, for a more detailed analysis.</p>

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Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
Goal S 8: Residents, property and the environment are protected from aviation-related hazards.	
<p>S 8.6 John Wayne Airport Traffic Pattern Zone (page 11-30). Use the most currently available John Wayne Airport (JWA) Airport Environs Land Use Plan (AELUP) as a planning resource for evaluation of land use compatibility and land use intensity in areas affected by JWA operations. In particular, future land use decisions within the existing JWA Clear Zone/Runway Protection Zone (Figure S5) should be evaluated to minimize the risk to life and property associated with aircraft operations.</p>	<p>Consistent: A consistency analysis of the proposed project and the John Wayne Airport AELUP is provided in Section 5.7.3. Land use changes are proposed for four properties within the Airport Area. With the exception of the Saunders Properties, the parcels are located within Safety Zone 6 as illustrated in Figure S5, <i>JWA Clear Zone/Runway Protection Zones and Accident Potential Zones</i>, of the AELUP (see Figure 5.5-1). A portion of the Saunders Properties lies within Safety Zone 3. Land use compatibility with each zone is summarized in Table 5.5-5. Land uses consistent with the General Plan LUE Amendment are consistent with the land use compatibility zones assuming that the higher density residential development within the Saunders Properties is located within the designated Safety Zone 6 area of the parcel.</p>
Noise Element	
Goal N 1: Noise Compatibility – Minimized land use conflicts between various noise sources and other human activities.	
<p>N 1.1 Noise Compatibility of New Development (page 12-25). Require that all proposed projects are compatible with the noise environment through use of Table N2, and enforce the interior and exterior noise standards shown in Table N3.</p>	<p>Consistent: As discussed in detail in Section 5.8, <i>Noise</i>, the noise analysis demonstrates that the proposed project would comply with the requirements as outlined in the City of Newport Beach’s noise standards, which are adopted from the state’s Community Noise and Land Use Compatibility Standards and Section 10.26.025 (Exterior Noise Standards) of the City’s municipal code. Refer to Section 5.8 for a detailed analysis on compatibility and compliance with noise standards.</p>
<p>N 1.2 Noise Exposure Verification for New Development (page 12-25). Applicants for proposed projects that require environmental review and are, located in areas projected to be exposed to a CNEL of 60 dBA and higher, as shown on Figure N4, Figure N5, and Figure N6 may conduct a field survey, noise measurements or other modeling in a manner acceptable to the City to provide evidence that the depicted noise contours do not adequately account for local noise exposure circumstances due to such factors as, topography, variation in traffic speeds, and other applicable conditions. These findings shall be used to determine the level of exterior or interior, noise attenuation needed to attain an acceptable noise exposure level and the feasibility of such mitigation when other planning considerations are taken into account.</p>	<p>Consistent: As outlined in Section 5.10, <i>Noise</i>, development in accordance with the General Plan LUE Amendment would not be in areas projected to be exposed to a CNEL of 60 dBA or higher, with the exception of developments proposed in the Airport Area. These developments would be required to implement sound attenuation measures in order to adhere to the 45 dBA CNEL interior noise standard per Title 21 of the California Code of Regulations and the AELUP for JWA. Refer to Section 5.10, <i>Noise</i>, for detailed findings on acceptable noise exposure levels. In addition, see response to Policy N 1.1 of Goal N1.</p>
<p>N 1.4 New Development in Urban Areas (page 12-25). Require that applicants of residential portions of mixed-use projects and high-density residential developments in urban areas (such as the Airport Area and Newport Center) demonstrate that the design of the structure will adequately isolate noise between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code.</p>	<p>Consistent: See response to Policy N 1.1 and 1.2 of Goal N1.</p>

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Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency												
<p>N 1.8 Significant Noise Impacts (page 12-26). Require the employment of noise mitigation measures for existing sensitive uses when a significant noise impact is identified. A significant noise impact occurs when there is an increase in the ambient CNEL produced by new development impacting existing sensitive uses. The CNEL increase is shown in the table below.</p> <table border="1" data-bbox="228 607 856 886"> <thead> <tr> <th>CNEL dBA</th> <th>dBA increase</th> </tr> </thead> <tbody> <tr> <td>55</td> <td>3</td> </tr> <tr> <td>60</td> <td>2</td> </tr> <tr> <td>65</td> <td>1</td> </tr> <tr> <td>75</td> <td>1</td> </tr> <tr> <td>Over 75</td> <td>Any increase considered significant</td> </tr> </tbody> </table>	CNEL dBA	dBA increase	55	3	60	2	65	1	75	1	Over 75	Any increase considered significant	<p>Consistent: Section 5.10, <i>Noise</i>, discusses potentially significant noise impacts from the proposed project. As concluded in Section 5.10, the General Plan LUE Amendment would not generate significant noise sources that would exceed the stated requirements under this policy.</p>
CNEL dBA	dBA increase												
55	3												
60	2												
65	1												
75	1												
Over 75	Any increase considered significant												
<p>Goal N 2: Minimized motor vehicle traffic and boat noise impacts on sensitive noise receptors.</p>													
<p>N 2.1 New Development (page 12-26). Require that proposed noise-sensitive uses in areas of 60 dBA and greater, as determined in the analyses stipulated by Policy N1.1, demonstrate that they meet interior and exterior noise levels.</p>	<p>Consistent: See response to Policy N 1.1, 1.2, and 1.8 of Goal N1.</p>												
<p>N 2.2 Design of Sensitive Land uses (page 12-26). Require the use of walls, berms, interior noise insulation, double paned windows, or other noise mitigation measures, as appropriate, in the design of new residential or other new noise sensitive land uses that are adjacent to major roads. Application of the Noise Standards in Table N3 shall govern this requirement.</p>	<p>Consistent: See response to Policy N 1.1, 1.2, and 1.8 of Goal N1.</p>												
<p>Goal N 3: Protection of Newport Beach residents from the adverse noise impacts of commercial air carrier operations at John Wayne Airport as provided in the City Council Airport Policy.</p>													
<p>N 3.1 New Development (page 12-27). Ensure new development is compatible with the noise environment by using airport noise contours no larger than those contained in the 1985 JWA Master Plan, as guides to future planning and development decisions.</p>	<p>Consistent: As concluded in Section 5.8, <i>Noise</i>, the land use development in accordance with the General Plan LUE Amendment would comply with the AELUP. The General Plan LUE Amendment would introduce mixed-use development at the Saunders Properties and the Lyon Communities properties in the Airport Area. The Saunders Properties is anticipated to support a mixed use office and high density residential development, and the Lyon</p>												

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Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
	Communities property would support retail, residential, and a hotel. Development would comply with the AELUP's requirement prohibiting residential development within the 65 dBA CNEL noise contours boundary.
<p>N 3.2 Residential Development (page 12-28). Require that residential development in the Airport Area be located outside of the 65 dBA CNEL noise contour no larger than shown in the 1985 JWA Master Plan and require residential developers to notify prospective purchasers or tenants of aircraft overflight and noise.</p>	<p>Consistent: Of the subareas proposed for change, The Hangars and portions of Saunders Properties, located in the Airport Area, are within the JWA AELUP 65 dBA CNEL noise contour boundary. Saunders Properties is proposed for mixed-use development and would allow for up to 329 residential dwelling units in the northern portion of the property, which is outside of the 65 dBA CNEL noise contour. Residential development would not be developed on The Hangar property.</p> <p>In addition, Policy N 3.2 of the Noise Element requires that project-specific residential development in the Airport Area be located either outside of the 65 dBA CNEL noise contour or, if within Noise Impact Zone 2, be conditioned to achieve compliance with the 45 dBA CNEL interior noise standard outlined in the AELUP for JWA. Policy N 3.2 also requires residential developers to notify prospective purchasers or tenants of aircraft overflight and noise.</p>
<p>Goal N 4: Minimization of Nontransportation-Related Noise – Minimized nontransportation-related noise impacts on sensitive noise receptors.</p>	
<p>N 4.1 Stationary Noise Sources (page 12-29). Enforce interior and exterior noise standards outlined in Table N3, and in the City's Municipal Code to ensure that sensitive noise receptors are not exposed to excessive noise levels from stationary noise sources, such as heating, ventilation, and air conditioning equipment.</p>	<p>Consistent: As outlined in Section 5.8, <i>Noise</i>, equipment sound ratings of new heating, ventilation, and air conditioning (HVAC) equipment installed in the City of Newport Beach are reviewed during plan check and tested in the field after installation. According to Section 10.26.045 of the City's municipal code, new permits for HVAC equipment in or adjacent to residential areas shall be issued only where the sound rating of the proposed equipment does not exceed 55 dBA and is installed with a timing device that would deactivate the equipment during the hours of 10 PM to 7 AM. In addition, see responses to Policy N 1.1, 1.2, and 1.8 of Goal N1.</p>
<p>N 4.2 New Uses (page 12-29). Require that new uses such as restaurants, bars, entertainment, parking facilities, and other commercial uses where large numbers of people may be present adjacent to sensitive noise receptors obtain a use permit that is based on compliance with the noise standards in Table N3 and the City's Municipal Code.</p>	<p>Consistent: See response to Policy N 1.1, 1.2, and 1.8 of Goal N1.</p>
<p>N 4.3 New Commercial Developments (page 12-29). Require that new commercial developments abutting residentially designated properties be designed to minimize noise impacts generated by loading areas, parking lots, trash enclosures, mechanical equipment, and any other noise generating features specific to the development to the extent feasible.</p>	<p>Consistent: See response to Policy N 1.1, 1.2, and 1.8 of Goal N1.</p>
<p>N 4.6 Maintenance or Construction Activities (page 12-30). Enforce the Noise Ordinance noise limits and limits on hours of maintenance or construction activity in or adjacent to residential areas, including noise that results from in-home hobby or work related activities.</p>	<p>Consistent: As noted in Section 5.8, <i>Noise</i>, the City realizes that the control of construction noise is difficult and therefore provides exemption for this type of noise. According to the City of Newport Beach Municipal Code Section 10.26.035 (Exemptions), noise sources associated with HVAC systems, construction, repair, remodeling, demolition, or grading of any real property are exempt from the noise level limits shown in the Table 5.8-4 of Section 5.8, <i>Noise</i>. Such activities shall instead be subject to the provisions of the City of Newport Beach</p>

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Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
	<p>Municipal Code Section 10.28.040, Construction Activity – Noise Regulations. According to this chapter, construction is permitted on weekdays between the hours of 7:00 AM and 6:30 PM and Saturdays between the hours of 8:00 AM and 6:00 PM. Construction is not permitted on Sundays or any federal holiday. Exceptions to these construction hours can be made when the maintenance, repair, or improvement is of a nature that cannot feasibly be conducted during normal business hours, as outlined in Section 10.28.040 of the City's Municipal Code. All construction activities proposed within the project site would be required to adhere to these standards. Additionally, any project-related maintenance activities would be required to adhere to the standard outlined in Section 10.28.045, Real Property Maintenance-Noise Regulations, of the municipal code. Also see response to Policy N 4.1 of Goal N4.</p>
<p>Goal N 5: Minimized excessive construction-related noise.</p>	
<p><i>N 5.1 Limiting Hours of Activity (page 12-30).</i> Enforce the limits on hours of construction activity.</p>	<p>Consistent: See response to Policy N 4.6 of Goal N 4.</p>

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Therefore, analysis in Table 5.7-5 concludes that the General Plan LUE Amendment would be consistent with the applicable goals and policies of the 2006 General Plan, and the proposed project would not result in significant land use impacts related to the 2006 General Plan's goals and policies.

Impact 5.7-5: The General Plan LUE Amendment would not conflict with the UCI Long Range Development Plan. [Threshold LU-2]

Impact Analysis: The UCI North Campus borders the southeast boundary of the Newport Beach Airport Area along Jamboree Road. The North Campus planning area is covered under UCI's 2007 LRDP and is currently occupied by academic and support facilities, an arboretum, and a child development center. As shown in Figure 4-3, *UCI Land Use Plan for 2007 Long Range Development Plan*, the North Campus area in pink is designated Mixed Use-Commercial. Permitted uses in this land use designation include facilities for office, research and development, and academic activities; commercial and retail space; conference facilities; university- and non-university-related residential facilities; support uses such as child care and recreation facilities; parking; and other related uses. The approved development program for North Campus under the 2007 LRDP includes 950,000 square feet of office and/or research and development space and 435 multifamily dwelling units.

Of the areas proposed for change within the Airport Area bordering the North Campus planning area, UAP Companies (4699 Jamboree Road and 5190 Campus Drive) are the closest to the 2007 LRDP planning area. The General Plan LUE Amendment proposes to either maintain the existing 46,044 square feet of mixed use designated office space on the property or allow 148,000 square feet of congregate care use if demonstrated to be trip neutral. According to the 2006 General Plan, the "Congregate Care" land use type is defined as age-segregated housing built specifically for the elderly, providing services to its residents, the minimum of which is usually an onsite meal program, but which may also include housekeeping, social activities, counseling, and transportation. There is generally a minimum health requirement for acceptance into a congregate facility, because most do not offer supportive health care services, thus differing from a nursing home. The proposed congregate care facility on the UAP Companies property is therefore considered non-university-related residential facilities and would be compatible and complementary to the uses envisioned in the 2007 LRDP for UCI's North Campus.

Impact 5.7-6: The General Plan LUE Amendment would not conflict with any Newport Beach Planned Community Development Plans, with the exception of the Koll Center PCDP. An amendment to this PCDP would be required. [Threshold LU-2]

Impact Analysis: The areas proposed for change under the General Plan LUE Amendment fall within several planned community development plans (PCDPs) (see Table 5.7-3). Any proposed changes would be required to comply with land use policies and development standards as stated in each PCDP.

Newport Center/Fashion Island (Map Reference No. 5 on Figure 3-3): The Newport Center/Fashion Island subarea would be required to comply with the following PCDPs: San Joaquin Plaza, Block 400 Newport Center, Block 500 Newport Center, Corporate Plaza, Corporate Plaza West, Santa Barbara Residential, and North Newport Center. However, the amendment does not specify parcel-specific land use

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changes as of now. Therefore, it is speculative to determine whether future developments would be on parcels within any of the listed PCs. If so, any subsequent development consistent with the General Plan LUE Amendment would be required to comply with the policies and development standards in that particular PC. Furthermore, if future developments do not comply with the provisions, an amendment to the PC would be required. Therefore, future parcel-specific developments would be subject to individual environmental review and thus, the proposed project would remain consistent with the PCs within the Newport Center/Fashion Island planning subarea.

The Hangars (Map Reference No. 4B on Figure 3-4): The Hangars property falls within the Newport Place PC. According to the PC, The Hangars is designated Professional & Business office, and permitted land uses under this designation include Professional Offices (accountants, attorneys, medical practitioners, engineers, etc.), Business Offices (banks, consultants, laboratories, stock brokers, etc.), and Support Commercial (i.e., ancillary to principal office uses). The amendment would allow for up to 11,800 square feet of retail development on The Hangars property, which falls within the Support Commercial use. Thus, the proposed project would remain consistent with the Newport Place PC.

Lyon Communities and UAP Companies (Map Reference No. 4C and 4D on Figure 3-4): These properties fall within the Koll Center PC boundary. The project would allow for 85,000 square feet of retail use, 850 dwelling units, and 150 hotel rooms on the Lyon Communities property, and 148,000 square feet of Congregate Care use on the UAP Companies property. According to the Koll Center PC, Lyon Communities and UAP Companies are both designated Office use (i.e., professional and business offices) with additional permitted uses for restaurants, bars, theaters/nightclubs, and service stations. Development in accordance with the General Plan LUE Amendment would therefore not be consistent with the Koll Center PCDP. To achieve consistency, an amendment to the Koll Center PC would be required at the time of individual project approvals. Since development could not be approved without the amendment, this impact is considered less than significant.

Newport Coast Hotel (Map Reference No. 7 on Figure 3-3): The Newport Coast Hotel falls within the Newport Coast PC. The General Plan LUE Amendment proposes a decrease in development of 1,001 hotel rooms. Therefore, the project would remain consistent with the Newport Coast PC.

Newport Coast Center and Newport Ridge (Map Reference No. 6 and 15 on Figure 3-3): The Newport Coast Center and Newport Ridge subareas fall within the Newport Ridge PC boundary. However, similar to the Newport Coast Hotel, the project proposes a decrease in development capacity at both properties. Therefore, the project would remain consistent with the Newport Ridge PC.

In conclusion, any future parcel-specific projects consistent with the General Plan LUE Amendment that fall within any City PCDP would be required to comply with the PCDP or it. Thus, the proposed project would not conflict with any existing PCDP.

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5.7.4 Relevant General Plan Policies

Existing Policies

Circulation Element (CE)

Goal CE 1.1: An overall transportation system that facilitates the movement of people and goods within and through the City of Newport Beach and accommodates conservative growth within the City of Newport Beach, but is not expanded primarily to accommodate growth in the surrounding region.

- **CE 1.1.1 – Comprehensive Transportation System:** Provide a diverse transportation system that provides mobility options for the community.

Goal CE 2.1: A roadway system that provides for the efficient movement of goods and people in the City of Newport Beach, while maintaining the community’s character and its residents’ quality of life.

- **CE 2.1.1 – Level of Service Standards:** Plan the arterial roadway system to accommodate projected traffic at the following level of service standards:
 - A. Level of Service (LOS) “D” throughout the City, unless otherwise noted
 - B. LOS “E” at any intersection in the Airport Area shared with Irvine
 - C. LOS “E” at Coast Highway (EW) and Dover Drive (NS) due to right-of-way limitations
 - D. LOS “E” at Marguerite Avenue (NS) and Coast Highway (EW) in the pedestrian oriented area of Corona del Mar
 - E. LOS “E” at Goldenrod Avenue (NS) and Coast Highway (EW) in the pedestrian oriented area of in Corona del Mar
- **CE 2.1.2 – Street and Highway Network:** Construct the circulation system described on the map entitled Newport Beach Circulation Element-Master Plan of Streets and Highways shown in Figure CE1 and Figure CE2 (cross-section).
- **CE 2.1.3 – Current Traffic Data:** Monitor traffic conditions on an ongoing basis and update Master Plan as necessary.
- **CE 2.1.4 – Roadway Improvements:** Pursue construction of intersection improvements shown on Figure CE3 or alternate improvements that achieve an acceptable level of service.
- **CE 2.1.5 – MacArthur Boulevard Widening:** Plan the addition of lanes to MacArthur Boulevard between Harbor View Drive and the prolongation of Crown Drive so that more than four lanes are constructed only when the daily volume to capacity ratio equals 1.0 in that section of MacArthur Boulevard, not counting trips generated by the MacArthur Boulevard access drive to Corona del mar Plaza, and after public hearings before the Planning Commission and City Council, and only by narrowing the median.
- **CE 2.1.6 – Protection of Right-of-Way:** Protect right-of-way for designated future streets and highways through all practicable means.

Goal CE 2.2: A safe and efficient roadway system.

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- **CE 2.2.1 – Safe Roadways:** Provide for safe roadway conditions by adhering to nationally recognized improvement standards and uniform construction and maintenance practices.
- **CE 2.2.2 – Up-to-Date Standards:** Periodically review and update street standards to current capacity and safety practices.
- **CE 2.2.3 – Traffic Control:** Design traffic control measures to ensure City streets and roads function with safety and efficiency.
- **CE 2.2.4 – Driveway and Access Limitations:** Limit driveway and local street access on arterial streets to maintain a desired quality of traffic flow. Wherever possible, consolidate driveways and implement access controls during redevelopment of adjacent parcels.
- **CE 2.2.5 – Neighborhood Traffic Calming:** Balance safety, quality of life, and efficiency when considering traffic calming improvements to local neighborhood streets.
- **CE 2.2.6 – Emergency Access:** Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles.
- **CE 2.2.7 – Alleys:** Alleys in new developments shall be 20' wide to facilitate circulation.

Goal CE 2.3: Optimal roadway system operation.

- **CE 2.3.2 – Roadway Maintenance:** Support roadway maintenance programs that inspect, repair, and rehabilitate pavement surfaces in order to preserve the high quality of City streets and thoroughfares.
- **CE 2.3.3 – Traffic Conditions Data Base:** Monitor traffic conditions and optimize traffic signal operations and on an ongoing basis.**(mp 16.2)**
- **CE 2.3.4 – Improvements to Reflect Changing Traffic Conditions:** Based on the monitoring of traffic conditions, consider additional improvements in areas with operations issues, such as intersections with heavy turn volumes (e.g. additional turn lanes, traffic signal progression, etc.).

Goal CE 3.1: A network of regional facilities which ensures the safe and efficient movement of people and goods from within the City to areas outside its boundaries, and minimizes the use of City streets by regional through traffic.

- **CE 3.1.1 – Freeway System:** Encourage ongoing regional investment in the freeway system.
- **CE 3.1.2 – Integration of Transportation Systems with Adjoining Communities and the Region:** Interface with regional and surrounding local agencies, such as Caltrans, OCTA, the County of Orange, John Wayne Airport, the Cities of Irvine, Costa Mesa, and Huntington Beach, and the University of California, Irvine to implement systems that serve the needs of regional travelers in a way that minimizes impacts on Newport Beach residents.
- **CE 3.1.3 – Regional Consistency:** The City of Newport Beach Master Plan of Streets and Highways (shown on Figure CE1) shall be consistent with the Orange County Master Plan of Arterial Highways.
- **CE 3.1.4 – Regional Traffic Mitigation:** Participate in programs (Congestion Management Program, Growth Management Program, etc.) to mitigate regional traffic congestion.

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Housing Element (H)

Goal H 2: A balanced residential community, comprised of a variety of housing types, designs, and opportunities for all social and economic segments

- **H 2.2:** Encourage the housing development industry to respond to existing and future housing needs of the community and to the demand for housing as perceived by the industry.
- **H 2.3:** Approve, wherever feasible and appropriate, mixed residential and commercial use developments that improve the balance between housing and jobs.

Goal H 4: Preservation and increased affordability of the City's housing stock for extremely low-, very low-, low-, and moderate-income households.

- **H 4.2:** Improve energy efficiency of all housing unit types (including mobile homes).

Goal H 5: Housing opportunities for special needs populations.

- **H 5.1:** Encourage approval of housing opportunities for senior citizens and other special needs populations.

Natural Resources Element (NR)

Goal NR 6: Reduced mobile source emissions.

- **NR 6.2 – Mixed-Use Development:** Support mixed-use development consisting of commercial or office with residential uses in accordance with the Land Use Element that increases the opportunity for residents to live in proximity to jobs, services, and entertainment.

Goal NR 7: Reduced air pollutant emissions from stationary sources.

- **NR 7.2 – Source Emission Reduction:** Best Management Practices Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.

Goal NR 8: Reduced air pollutant emissions from construction activities.

- **NR 8.1 – Management of Construction Activities to Reduce Air Pollution:** Require developers to use and operate construction equipment, use building materials and paints, and control dust created by construction activities to minimize air pollutants.

Goal NR 24: Increased energy efficiency in City facilities and operations and in private developments.

- **NR 24.1 – Incentives for Energy Conservation:** Develop incentives that encourage the use of energy conservation strategies by private and public developments.
- **NR 24.2 – Energy-Efficient Design Features:** Promote energy-efficient design features.

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- **NR 24.3 – Incentives for Green Building Program Implementation:** Promote or provide incentives for “Green Building” programs that go beyond the requirements of Title 24 of the California Administrative Code and encourage energy efficient design elements as appropriate to achieve “green building” status.
- **NR 24.4 – Incentives for Provision of LEED Certified Buildings:** Provide incentives for implementing Leadership in Environmental and Energy Design (LEED) certified building such as fee waivers, bonus densities, and/or awards recognition programs.
- **NR 24.5 – New Methane Extraction Activities:** Allow new methane extraction activities to reduce reliance on fossil fuels.

Safety Element (S)

Goal S 8: Residents, property, and the environment are protected from aviation-related hazards.

- **S 8.6 John Wayne Airport Traffic Pattern Zone –** Use the most currently available John Wayne Airport (JWA) Airport Environs Land Use Plan (AELUP) as a planning resource for evaluation of land use compatibility and land use intensity in areas affected by JWA operations. In particular, future land use decisions within the existing JWA Clear Zone/Runway Protection Zone (Figure S5) should be evaluated to minimize the risk to life and property associated with aircraft operations.

Noise Element (N)

Goal N 1 – Noise Compatibility: Minimized land use conflicts between various noise sources and other human activities.

- **N 1.4 – New Developments in Urban Areas:** Require that applicants of residential portions of mixed-use projects and high density residential developments in urban areas (such as the Airport Area and Newport Center) demonstrate that the design of the structure will adequately isolate noise between adjacent uses and units (common floor/ceilings) in accordance with the California Building Code.
- **N 1.5 – Infill Projects:** Allow a higher exterior noise level standard for infill projects in existing residential areas adjacent to major arterials if it can be shown that there are no feasible mechanisms to meet the exterior noise levels. The interior standard of 45 dBA CNEL shall be enforced for any new residential project.

Goal N 3: Protection of Newport Beach residents from the adverse noise impacts of commercial air carrier operations at John Wayne Airport as provided in the City Council Airport Policy.

- **N 3.1 – New Development:** Ensure new development is compatible with the noise environment by using airport noise contours no larger than those contained in the 1985 JWA Master Plan, as guides to future planning and development decisions.

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- **N 3.2 – Residential Development:** Require that residential development in the Airport Area be located outside of the 65 dBA CNEL noise contour no larger than shown in the 1985 JWA Master Plan and require residential developers to notify prospective purchasers or tenants of aircraft overflight and noise.

New and/or Modified Policies

All new and/or modified LUE policies are relevant to this section and can be found in Appendix C of this Draft SEIR.

5.7.5 Existing Regulations

- City of Newport Beach Municipal Code

5.7.6 Level of Significance Before Mitigation

Upon implementation of existing regulatory requirements, the following impacts would be less than significant: 5.7-1, 5.7-2, 5.7-3, 5.7-4, and 5.7-5.

5.7.7 Mitigation Measures

Impacts are less than significant and mitigation measures are not required.

5.7.8 Level of Significance After Mitigation

No mitigation measures are required and impacts would remain less than significant.

5.7.9 References

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