

## 4.1 AESTHETICS

### 4.1.1 Introduction

This section of the Program EIR assesses the Project’s potential impacts on aesthetic quality and visual resources. The analysis is based on existing aesthetic conditions present in the City and its Sphere of Influence (collectively the “City”) as well as applicable regulations. Potential aesthetic impacts from future development on housing sites facilitated by the Project are evaluated at a programmatic level where reasonably foreseeable, direct, and indirect physical changes in the environment could be considered.

### 4.1.2 Regulatory Setting

#### State

##### *California Scenic Highway Program*

The California Scenic Highway Program created in 1963 is managed by the California Department of Transportation (Caltrans) for the purpose of protecting the aesthetic significance of the State’s scenic highways. The California Scenic Highways Program was created through the adoption of the Streets and Highways Code (§§2260 through 2263). A highway may be designated as scenic based on certain criteria, including how much of the natural landscape can be seen by travelers, the landscape’s scenic quality, and the extent to which development intrudes on the traveler’s enjoyment of the view. The California Scenic Highway Program’s Scenic Highway System List identifies scenic highways that are either eligible for designation or have already been designated as such. The California Scenic Highway Program also includes provisions for the Corridor Protection Program, which includes ordinances and planning policies required by jurisdictions in order to maintain lands visible from the designated scenic highways. According to Caltrans’ California State Scenic Highway System Map<sup>1</sup>, the City does not have any roads or highways that are designated within the California Scenic Highway Program. A portion of Pacific Coast Highway (Coast Highway) from over the Santa Ana River to near Crystal Cove State Park that runs through the City is eligible for “scenic” status. A State scenic highway changes from eligible to officially designated when the local jurisdiction adopts a scenic corridor protection program, applies to Caltrans for scenic highway approval, and receives notification from Caltrans that the highway has been designated as a Scenic Highway. A city must also adopt ordinances to preserve the scenic quality of the corridor or document such regulations that already exist in local codes.

##### *California Coastal Act Policy 30251*

The 1976 California Coastal Act (Coastal Act) established policies for resource preservations applicable to lands within the Coastal Zone, which encompasses approximately 3 square miles of bay and harbor and over 30 miles of bay and ocean waterfront, or about 63 percent of the total area of the City.<sup>2</sup> Coastal Act policies addressing aesthetics and public scenic views are applicable to the proposed Project. According to the California Coastal Act Policy 30251, “scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance” (Public Resources Code [PRC] Division 20, Chapter 3, Article 6, §30251). In addition, it is noted that development “shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be

<sup>1</sup> California Department of Transportation. (2018). *California State Scenic Highway System Map*. [California State Scenic Highway System Map \(arcgis.com\)](https://arcgis.com). Accessed December 2023.

<sup>2</sup> City of Newport Beach (2019). *Local Coastal Program, Coastal Land Use Plan*. Pages 1-1 – 1-9. [https://www.newportbeachca.gov/PLN/LCP/Internet%20PDFs/CLUP\\_Part%201\\_Introduction.pdf](https://www.newportbeachca.gov/PLN/LCP/Internet%20PDFs/CLUP_Part%201_Introduction.pdf). Accessed December 2023.

visually compatible with the character of surrounding areas and where feasible, to restore and enhance visual quality in visually degraded areas.”<sup>3</sup> The City’s certified Local Coastal Program (LCP; divided into two components: a Coastal Land Use Plan and an Implementation Program) includes policies or regulations for the preservation, enhancement, and restoration of visual resources. Goals, objectives, and policies related to the certified LCP are described further in the local regulatory setting below.

### *Objective Design Standards*

California Government Code Sections 65913.4 and 66300(a)(7) define “objective design standards” as “standards that: involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal.” Certain qualifying residential projects may only be denied by local governments if they do not comply with these objective standards, which must be verifiable and measurable. Several State housing laws rely upon objective standards include Senate Bill (SB) 35, SB 330, SB 6, and Assembly Bill (AB) 2011. Under new state housing laws, the City is prevented from enforcing subjective development standards and is required to permit certain housing development projects meeting minimum affordability criteria by right.

## Local

### *City of Newport Beach General Plan*

The *City of Newport Beach General Plan 2006 Update* (General Plan) contains the following elements: Land Use; Harbor and Bay; Housing; Historical Resources; Circulation; Recreation; Arts and Cultural; Natural Resources; Safety; and Noise. The General Plan includes goals and policies to preserve the City’s significant visual resources. The Natural Resources Element of the General Plan identifies policies related to visual resources such that (1) significant scenic and visual resources from public vantage points are protected and enhanced; (2) new development restores and enhances the visual quality in visually degraded areas, where feasible; and (3) public view corridors are enhanced and protected from roadway impacts.

The following list includes General Plan goals and policies that have been adopted by the City for the purpose of avoiding or mitigating an environmental effect are applicable to future development projects associated with the proposed Project.

## Land Use Element

**Goal LU 5.1**      **Residential neighborhoods that are well-planned and designed contribute to the livability and quality of life of residents, respect the natural environmental setting, and sustain the qualities of place that differentiate Newport Beach as a special place in the Southern California region.**

**Policy LU 5.1.2**      **Compatible Interfaces.** Require that the height of development in nonresidential and higher density residential areas transition as it nears lower density residential areas to minimize conflicts at the interface between the different types of development.

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<sup>3</sup> State of California (1976). *PRC Division 20, Chapter 3, Article 6 30251 – California Coastal Act*. [https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=PRC&division=20.&title=&part=&chapter=3.&article=6](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=20.&title=&part=&chapter=3.&article=6). Accessed December 2023.

**Policy LU 5.1.6 Character and Quality of Residential Properties.** Require that residential front setbacks and other areas visible from the public street be attractively landscaped, trash containers enclosed, and driveway and parking paving minimized.

**Policy LU 5.1.9 Character and Quality of Multi-Family Residential.** Require that multi-family dwellings be designed to convey a high quality architectural character in accordance with the following principles (other than the Newport Center and Airport Area, which are guided by Goals 6.14 and 6.15, respectively, specific to those areas):

Building Elevations

- Treatment of the elevations of buildings facing public streets and pedestrian ways as the principal façades with respect to architectural treatment to achieve the highest level of urban design and neighborhood quality
- Architectural treatment of building elevations and modulation of mass to convey the character of separate living units or clusters of living units, avoiding the appearance of a singular building volume
- Provide street- and path-facing elevations with high-quality doors, windows, moldings, metalwork, and finishes

Ground Floor Treatment

- Where multi-family residential is developed on large parcels such as the Airport Area and West Newport Mesa:
  - Set ground-floor residential uses back from the sidewalk or from the right-of-way, whichever yields the greater setback to provide privacy and a sense of security and to leave room for stoops, porches and landscaping
  - Raise ground-floor residential uses above the sidewalk for privacy and security but not so much that pedestrians face blank walls or look into utility or parking spaces
  - Encourage stoops and porches for ground-floor residential units facing public streets and pedestrian ways
  - Where multi-family residential is developed on small parcels, such as the Balboa Peninsula, the unit may be located directly along the sidewalk frontage and entries should be setback or elevated to ensure adequate security.

Roof Design

- Modulate roof profiles to reduce the apparent scale of large structures and to provide visual interest and variety.

Parking

- Design covered and enclosed parking areas to be integral with the architecture of the residential units' architecture.

Open Space and Amenity

- Incorporate usable and functional private open space for each unit.
- Incorporate common open space that creates a pleasant living environment with opportunities for recreation.

**Goal LU 5.3**      **Districts where residents and businesses are intermixed that are designed and planned to ensure compatibility among the uses, that they are highly livable for residents, and are of high quality design reflecting the traditions of Newport Beach.**

**Policy LU 5.3.1**      **Mixed-Use Buildings.** Require that mixed-use buildings be designed to convey a high level of architectural and landscape quality and ensure compatibility among their uses in consideration of the following principles:

- Design and incorporation of building materials and features to avoid conflicts among uses, such as noise, vibration, lighting, odors, and similar impacts
- Visual and physical integration of residential and nonresidential uses
- Architectural treatment of building elevations and modulation of their massing
- Separate and well-defined entries for residential units and nonresidential businesses
- Design of parking areas and facilities for architectural consistency and integration among uses
- Incorporation of extensive landscape appropriate to its location; urbanized streetscapes, for example, would require less landscape along the street frontage but integrate landscape into interior courtyards and common open spaces

**Policy LU 5.3.3**      **Parcels Integrating Residential and Nonresidential Uses.** Require that properties developed with a mix of residential and nonresidential uses be designed to achieve high levels of architectural quality in accordance with policies LU 5.1.9 and LU 5.2.1<sup>4</sup> and planned to ensure compatibility among the uses and provide adequate circulation and parking. Residential uses should be seamlessly integrated with nonresidential uses through architecture, pedestrian walkways, and landscape. They should not be completely isolated by walls or other design elements.

**Policy LU 5.3.5**      **Pedestrian-Oriented Architecture and Streetscapes.** Require that buildings located in pedestrian-oriented commercial and mixed-use districts (other than the Newport Center and Airport Area, which are guided by Goals 6.14 and 6.15, respectively, specific to those areas) be designed to define the public realm, activate sidewalks and pedestrian paths, and provide “eyes on the street” in accordance with the following principles:

- Location of buildings along the street frontage sidewalk, to visually form a continuous or semi-continuous wall with buildings on adjacent parcels
- Inclusion of retail uses characterized by a high level of customer activity on the ground floor; to insure successful retail-type operations, provide for transparency, elevation of the first floor at or transitioning to the sidewalk, floor-to-floor height, depth, deliveries, and trash storage and collection
- Articulation and modulation of street-facing elevations to promote interest and character

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<sup>4</sup> Policy LU 5.2.1 applies to commercial development.

- Inclusion of outdoor seating or other amenities that extend interior uses to the sidewalk, where feasible
- Minimization of driveways that interrupt the continuity of street facing building elevations, prioritizing their location to side streets and alleys where feasible

**Policy LU 5.3.6 Parking Adequacy and Location.** Require that adequate parking be provided and is conveniently located to serve tenants and customers. Set open parking lots back from public streets and pedestrian ways and screen with buildings, architectural walls, or dense landscaping.

**Goal LU 5.6 Neighborhoods, districts, and corridors containing a diversity of uses and buildings that are mutually compatible and enhance the quality of the City’s environment.**

**Policy LU 5.6.1 Compatible Development.** Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.

**Policy LU 5.6.2 Form and Environment.** Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.

**Policy LU 5.6.3 Ambient Lighting.** Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.

**Policy LU 6.10.2 Cannery Village Residential Character and Architecture.** Require that residential buildings be designed to contribute to an overall neighborhood character, locating buildings along the street frontage to form a continuous or semi-continuous building wall.

**Goal LU 6.14 Newport Center/Fashion Island. A successful mixed-use district that integrates economic and commercial centers serving the needs of Newport Beach residents and the subregion, with expanded opportunities for residents to live close to jobs, commerce, entertainment, and recreation, and is supported by a pedestrian-friendly environment.**

**Policy LU 6.14.4 Newport Center/Fashion Island Development Scale.** Reinforce the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest and progressively scaling down building mass and height to follow the lower elevations toward the southwesterly edge along East Coast Highway.

**Goal LU 6.15 Airport Area. A mixed-use community that provides jobs, residential, and supporting services in close proximity, with pedestrian-oriented amenities that facilitate walking and enhance livability.**

**Policy LU 6.15.3 Airport Compatibility.** Require that all development be constructed in conformance with the height restrictions set forth by the Federal Aviation Administration (FAA),

Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and that residential development shall be allowed only on parcels with noise levels of less than John Wayne Airport 65 dBA CNEL noise contour area as shown in Figure N5 of the Noise Element of the General Plan unless and until the City determines, based on substantial evidence, that the sites wholly within the 65 dBA CNEL noise contour shown in Figure N5 are needed for the City to satisfy its Sixth Cycle RHNA mandate. Nonresidential uses are, however, encouraged on parcels located wholly within the 65 dBA CNEL contour area.

- Policy LU 6.15.6 Airport Area – Size of Residential Villages.** Allow development of mixed-use residential villages, each containing a minimum of 10 acres and centered on a neighborhood park and other amenities (as conceptually illustrated in Figure LU23). The first phase of residential development in each village shall encompass at least 5 gross acres of land, exclusive of existing rights-of-way. This acreage may include multiple parcels provided that they are contiguous or face one another across an existing street. At the discretion of the City, this acreage may also include part of a contiguous property in a different land use category, if the City finds that a sufficient portion of the contiguous property is used to provide functionally proximate parking, open space, or other amenity. The “Conceptual Development Plan” area shown on Figure LU22 shall be exempt from the 5-acre minimum, but a conceptual development plan described in Policy LU 6.15.11 shall be required.
- Policy LU 6.15.27 Airport Area Site Planning and Architecture.** Encourage and, when property improvements are subject to discretionary review, require property owners within the Campus Tract to upgrade the street frontages of their properties with landscape, well-designed signage, and other amenities that improve the area’s visual quality.
- Policy LU 6.15.22 Airport Area Building Massing.** Require that high-rise structures be surrounded with low- and mid-rise structures fronting public streets and pedestrian ways or other means to promote a more pedestrian scale.
- Policy LU 6.15.27 Airport Area Site Planning and Architecture.** Encourage and, when property improvements are subject to discretionary review, require property owners within the Campus Tract to upgrade the street frontages of their properties with landscape, well-designed signage, and other amenities that improve the area’s visual quality.
- Policy LU 6.16.6 Airport Area Design Compatibility with Adjoining Residential Neighborhoods.** Require that building elevations facing adjoining residential units be designed to convey a high-quality character and ensure privacy of the residents, and that properties be developed to mitigate to the maximum extent feasible impacts of lighting, noise, odor, trash storage, truck deliveries, and other business activities. Building elevations shall be architecturally treated and walls, if used as buffers, shall be well-designed and landscaped to reflect the area’s residential village character.
- Goal LU 6.17 West Newport Corridor. A corridor that includes a gateway to the City with amenities that support the Orange Coast River Park, as well as commercial clusters that serve local residents and coastal visitors at key intersections, interspersed with compatible residential development.**

- Policy LU 6.17.3 West Newport Corridor Streetscape.** Require that upgraded and redeveloped properties incorporate landscaped setbacks along arterial streets to improve their visual quality and reduce impacts of the corridor’s high traffic volumes.
- Goal LU 6.18 Old Newport Boulevard – A corridor of uses and services that support Hoag Hospital and adjoining residential neighborhoods.**
- Policy LU 6.18.3 Old Newport Boulevard – Property Design.** Require that buildings be located and designed to orient to the Old Newport Boulevard frontage, while the rear of parcels on its west side shall incorporate landscape and design elements that are attractive when viewed from Newport Boulevard.
- Goal LU 6.19 Mariners Mile. A corridor that reflects and takes advantage of its location on the Newport Bay waterfront, supports and respects adjacent residential neighborhoods and exhibits a quality visual image for travelers on Coast Highway.**
- Policy LU 6.19.7 Mariners Mile Architecture and Site Planning.** While a diversity of building styles is encouraged, the form, materials, and colors of buildings located along the harbor front should be designed to reflect the area’s setting and nautical history.
- Policy LU 6.19.8 Mariners Mile Integrating Residential-Site Planning Principles.** Permit properties developed for residential to locate the units along the Harbor frontage provided that portions of this frontage are developed for (a) retail, restaurant, or other visitor-serving uses and (b) plazas and other open spaces that provide view corridors and access from Coast Highway to the Harbor. The amount of Harbor frontage allocated for each use shall be determined by the City during the Development Plan review process.
- Policy LU 6.19.9 Mariners Mile Harbor and Bay Views and Access.** Require that buildings be located and sites designed to provide clear views of and access to the Harbor and Bay from the Coast Highway and Newport Boulevard rights-of-way in accordance with the following principles, as appropriate:
- Clustering of buildings to provide open view and access corridors to the Harbor
  - Modulation of building volume and masses
  - Variation of building heights Inclusion of porticoes, arcades, windows, and other “see-through” elements in addition to the defined open corridor
  - Minimization of landscape, fencing, parked cars, and other nonstructural elements that block views and access to the Harbor
  - Prevention of the appearance of the public right-of-way being walled off from the Harbor
  - Inclusion of setbacks that in combination with setbacks on adjoining parcels cumulatively form functional view corridors
  - Encouragement of adjoining properties to combine their view corridors that achieve a larger cumulative corridor than would have been achieved independently

**Policy LU 6.19.12 Mariners Mile Properties Abutting Bluff Faces.** Require that development projects locate and design buildings to maintain the visual quality and maintain the structural integrity of the bluff faces.

#### Natural Resources Element

**Goal NR 20 Preservation of significant visual resources.**

**Policy NR 20.1 Enhancement of Significant Resources.** Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points, as shown in Figure NR3.

**Policy NR 20.2 New Development Requirements.** Require new development to restore and enhance the visual quality in visually degraded areas, where feasible, and provide view easements or corridors designed to protect public views or to restore public views in developed areas, where appropriate.

**Policy NR 20.3 Public Views.** Protect and enhance public view corridors from the following roadway segments (shown in Figure NR3), and other locations may be identified in the future:

- 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
- 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

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

**Goal NR 21**        **Minimized visual impacts of signs and utilities.**

**Policy NR 21.1**    **Signs and Utility Siting and Design.** Design and site signs, utilities, and antennas to minimize visual impacts.

**Goal NR 23**        **Development respects natural landforms such as coastal bluffs.**

**Policy NR 23.1**    **Maintenance of Natural Topography.** Preserve cliffs, canyons, bluffs, significant rock outcroppings, and site buildings to minimize alteration of the site’s natural topography and preserve the features as a visual resource.

**Policy NR 23.2**    **Bluff Edge Setbacks.** Maintain approved bluff edge setbacks for the coastal bluffs within the communities of Castaways, Eastbluff, Park Newport, Newporter North (Harbor Cove), and Bayview Landing and neighborhoods from Jamboree Road to Corona del Mar, north of Bayside Drive, to ensure the preservation of scenic resources and geologic stability.

**Policy NR 23.3**    **Open Space Dedication or Preservation for New Planned Communities.** Require new planned communities to dedicate or preserve as open space the coastal bluff face and an area inland from the edge of the coastal bluff adequate to provide safe public access and to avoid or minimize visual impacts.

**Policy NR 23.6**    **Canyon Development Standards.** Establish canyon development setbacks based on the predominant line of existing development for Buck Gully and Morning Canyon. Do not permit development to extend beyond the predominant line of existing development by establishing a development stringline where a line is drawn between nearest adjacent corners of existing structures on either side of the subject property. Establish development stringlines for principle structures and accessory improvements.

**Policy NR 23.7**    **New Development Design and Siting.** Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources.

### *City of Newport Beach Local Coastal Program*

The California Coastal Act requires each local jurisdiction wholly or partly within the coastal zone to prepare a Local Coastal Program (LCP), which is used to carry out the policies and requirements of the Coastal Act. Approximately 47 percent of the City's land area is in the coastal zone. An LCP includes a Coastal Land Use Plan (CLUP) and Implementation Plan. The City received certification of its LCP with an effective date of January 30, 2017.<sup>5</sup> Certification of the LCP allows the City to issue Coastal Development Permits (CDPs) in most circumstances. The Coastal Commission retains CDP authority in "Original Jurisdiction Areas," which includes submerged lands and tidelands (areas below the mean high tide line), and on certain public trust lands. The Coastal Commission also serves as an appellate authority in certain areas.

#### Coastal Land Use Plan (CLUP)

The CLUP includes the following policies applicable to aesthetic resources, which can avoid or mitigate an environmental effect of future development projects associated with the proposed Project.

#### Scenic and Visual Resources

- Policy 4.4.1-2** Design and site new development, including landscaping, so as to minimize impacts to public coastal views.
- Policy 4.4.1-3** Design and site new development to minimize alterations to significant natural landforms, including bluffs, cliffs and canyons.
- Policy 4.4.1-4** Where appropriate, require new development to provide view easements or corridors designed to protect public coastal views or to restore public coastal views in developed areas.
- Policy 4.4.1-5** Where feasible, require new development to restore and enhance the visual quality in visually degraded areas.
- Policy 4.4.1-7** Design and site new development, including landscaping, on the edges of public coastal view corridors, including those down public streets, to frame and accent public coastal views.
- Policy 4.4.1-8** Require that buildings be located and sites designed to provide clear views of and access to the Harbor and Bay from the Coast Highway and Newport Boulevard rights-of-way in accordance with the following principles, as appropriate:
- Clustering of buildings to provide open view and access corridors to the Harbor.
  - Modulation of building volume and masses.
  - Variation of building heights.
  - Inclusion of porticoes, arcades, windows, and other "see-through" elements in addition to the defined open corridor.
  - Minimization of landscape, fencing, parked cars, and other nonstructural elements that block views and access to the Harbor.

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<sup>5</sup> City of Newport Beach. *Local Coastal Program Frequently Asked Questions (FAQ)*. <https://www.newportbeachca.gov/government/departments/community-development/-/planning-division/local-coastal-program-launch-page/faq#Q3>. Accessed December 2023.

- Prevention of the appearance of the public right-of-way being walled off from the Harbor.
- Inclusion of setbacks that in combination with setbacks on adjoining parcels cumulatively form functional view corridors.
- Encouragement of adjoining properties to combine their view corridors that achieve a larger cumulative corridor than would have been achieved independently.
- A site-specific analysis shall be conducted for new development to determine the appropriate size, configuration, and design of the view and access corridor that meets these objectives, which shall be subject to approval in the coastal development plan review process.

**Policy 4.4.2-4** Prohibit projections associated with new development to exceed the top of curb on the bluff side of Ocean Boulevard. Exceptions for minor projections may be granted for chimneys and vents provided the height of such projections is limited to the minimum height necessary to comply with the Uniform Building Code.

**Policy 4.4.3-1** Require new planned communities to dedicate or preserve as open space the coastal bluff face and an area inland from the edge of the coastal bluff adequate to provide safe public access and to avoid or minimize visual impacts.

**Policy 4.4.4-1** Design and site signs, utilities, and antennas to minimize visual impacts to coastal resources.

**Policy 4.4.4-6** Continue to require new development to underground utilities.

### Implementation Plan

The second part of the City's LCP, the Implementation Program, is the primary tool used by the City to carry out the goals, objectives, and policies of the CLUP and applies to most development of land and water in the coastal zone within the City and its Sphere of Influence, with the exception of Newport Coast and Banning Ranch. Newport Coast is governed by the previously certified and currently effective Newport Coast segment of the Orange County LCP. Banning Ranch is a Deferred Certification Area (DCA).

**Shoreline Height Limitation Zone.** Concern over the intensity of development around Lower Newport Bay led to the adoption of a series of ordinances in the early 1970s that established more restrictive height and bulk development standards around the bay. The intent was to regulate the visual and physical mass of structures consistent with the character and visual scale of Newport Beach. As a result, new development within the Shoreline Height Limitation Zone is limited to a height of 35 feet. Residential development is limited to a base height of 24 to 28 feet and non-residential development is limited to a base height of 26 to 35 feet. Outside of the Shoreline Height Limitation Zone, heights up to 32 feet are permitted in the planned community districts. One property, the Newport Beach Marriott Hotel in Newport Center, which is in the coastal zone and also within the High Rise Height Limitation Zone, which permits heights up to 375 feet.

**Floor Area Ratios.** In the coastal zone, residential development is limited to floor areas ranging from 1.5 to 2.0 times the buildable area of the parcel (the land minus required setback yards), which typically translates to actual floor area ratios of 0.95 to 1.35. Non-residential development floor area ratios range from 0.30 to 1.25.

**Signs and Utilities.** The City’s sign regulations include limitations on freestanding signs and prohibit roof signs, which have the greatest potential to impact coastal and scenic visual resources. In some of the older neighborhoods, electrical, telephone, and other utility lines are still located above ground. The City requires utilities to be placed underground in all new developments and has ongoing programs to remove and underground overhead utilities through the establishment of underground utility assessment districts.

### *City of Newport Beach Municipal Code*

**Chapter 20.30: Property Development Standards.**<sup>6</sup> The Newport Beach Municipal Code (Municipal Code) notes that the “purpose of this chapter is to ensure that development is consistent with the General Plan, complies with the standards of this chapter, produces an environment that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties.” The standards apply to all zoning districts and are considered in combination with the standards for each zoning district. Development standards applicable to aesthetics are provided for:

- 20.30.020: Buffering and Screening
- 20.30.040: Fences, Hedges, Walls, and Retaining Walls
- 20.30.050: Grade Establishment
- 20.30.060: Height Limits and Exceptions
- 20.30.070: Outdoor Lighting
- 20.30.100: Public View Protection
- 20.30.110: Setback Regulations and Exceptions
- 20.30.120: Solid Waste and Recyclable Materials Storage

**Chapter 20.52 (Permit Review Procedures), Section 20.52.080.**<sup>7</sup> Municipal Code Section 52.080 provides a process for the review of specific development projects in order to: ensure a project’s consistency with General Plan policies related to the preservation of established community character and expectations for high quality development; respect the physical and environmental characteristics of the site; ensure safe and convenient access and circulation for pedestrians and vehicles; allow for and encourage individual identity for specific uses and structures; encourage the maintenance of a distinct neighborhood and/or community identity; minimize or eliminate negative or undesirable visual impacts, and ensure protection of significant views from public right(s)-of-way. As applicable to future housing development, a site development review is required before the issuance of a building or grading permit for residential construction with five or more dwelling units; residential construction on a bluff (an increase in the boundaries of a development area); mixed-use projects with residential development; height limit increases; and all new development in the Mixed-Use Water (MU-W1) Zoning District, which applies to waterfront properties along Mariners Mile.

With respect to public views, Municipal Code Section 20.30.100 (Public View Protection) includes regulations to preserve significant visual resources (public viewpoints) from public viewpoints and

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<sup>6</sup> City of Newport Beach (2021). *Newport Beach Municipal Code – Chapter 21.30 Property Development Standards*. [Chapter 20.30 PROPERTY DEVELOPMENT STANDARDS \(codepublishing.com\)](#). Accessed October 2023.

<sup>7</sup> City of Newport Beach (2021). *Newport Beach Municipal Code – Chapter 20.52 Permit Review Procedures*. <https://www.codepublishing.com/CA/NewportBeach#1/html/NewportBeach20/NewportBeach2052.html>. Accessed October 2023.

corridors, but it not the intent of the Zoning Code to protect views from private property. View impact analysis is required where a proposed development has a potential to obstruct a public view from an identified public view point or corridor on General Plan Figure NR 3 (Coastal Views). The analysis shall include recommendations to minimize impacts to public views while allowing the project to proceed and maintain development rights. Landscaping, signage, rooftop equipment, and antennas shall be designed and sited to ensure they minimize impacts to public views.

**Chapter 21.30 Scenic and Visual Quality Protection.**<sup>8</sup> Municipal Code Section 21.30.100 aims to ensure that development shall be sited and designed to protect and, where feasible, enhance the scenic and visual qualities of the coastal zone, including public views to and along the ocean, bay, and harbor and to coastal bluffs and other scenic coastal areas. Any coastal development permit application for development involving the construction of a new building or the expansion of an existing building shall be reviewed and may be required to conduct a Visual Impact Analysis to evaluate the development's impact to the scenic and visual qualities of the coastal zone. All new development will adhere to relevant development standards pursuant to Municipal Code Section 30.015 – General Site Planning and Development Standards.

### 4.1.3 Existing Conditions

#### Visual Resources

The City of Newport Beach is sited on a coastal plain and is bordered by the Pacific Ocean and on three sides by predominately developed land uses in the cities of Huntington Beach, Costa Mesa, and Irvine. As noted in the General Plan EIR, scenic features in the City include water bodies – the Pacific Ocean, bays, and the harbor – as well as open space, the canyons, hillsides, and bluff areas.

#### *Topographic Features*<sup>9</sup>

As described in the General Plan EIR, Newport Beach, particularly the coastal zone, contains distinctive topographic features such as bluffs, cliffs, hillsides, canyons, and other significant natural landforms, which play an important part of the scenic and visual qualities of the City. The central and northwestern portions of the City are situated on a broad mesa that extends southeastward to join the San Joaquin Hills, commonly known as Newport Mesa. This upland area has moderate to steep bluffs along the Upper Newport Bay estuary, which has biologically diverse and natural topographical features. The nearly flat-topped mesa rises from about 50 to 75 feet above mean sea level at the northern end of the estuary in the Santa Ana Heights area to about 100 feet above mean sea level in the Newport Heights, Westcliff, and Eastbluff areas.

In the southwestern area of the City, sediments flowing from the Santa Ana River and San Diego Creek, the two major drainage courses that transect the Newport Mesa, have formed the beaches, sandbars, and mudflats of Newport Bay and West Newport. The coastal platform occupied by Corona del Mar ranges from about 95 to 100 feet above mean sea level.

**Mountains and Canyons.** The Santa Ana Mountains are located northeast of the City within the Cleveland National Forest and provide long-range views, forming the northern backdrop to the City. Within Newport

<sup>8</sup> City of Newport Beach (2021). *Newport Beach Municipal Code – 21.30.100 Scenic and Visual Quality Protection*. <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach21/NewportBeach2130.html#21.30.100>. Accessed December 2023.

<sup>9</sup> City of Newport Beach. (2006) *City of Newport Beach General Plan Update Draft EIR - Aesthetics*. Page 4.1-10. [https://newportbeachca.gov/PLN/General\\_Plan/GP\\_EIR/Volume\\_1/06\\_Sec4.1\\_Aesthetics.pdf](https://newportbeachca.gov/PLN/General_Plan/GP_EIR/Volume_1/06_Sec4.1_Aesthetics.pdf). Accessed October 2023.

Beach, the main ridge of the San Joaquin Hills runs southeast from the Upper Newport Bay area, attaining elevations of over 1,000 feet in the inland Newport Coast area. Canyons and gullies have been formed by water courses from the mountains to the ocean. The majority of the undeveloped headlands is located in the eastern portion of the City in Newport Coast. Within the coastal zone, Big Canyon, Buck Gully, and Morning Canyon comprise the three significant canyons with steep slopes and vegetation which provide distinctive features on the shoreline. Big Canyon is protected as a nature park. Buck Gully and Morning Canyon are under private ownership with residential development on the slopes of both canyons. Other topographic landforms of note include Ridge Park, Los Trancos, Muddy Canyon, and Pelican Hill.

**Coastal Bluffs.**<sup>10</sup> Coastal bluffs are a prominent landform in Newport Beach and are considered significant scenic and environmental resources. There are ocean facing coastal bluffs along the shoreline of Corona del Mar, Shorecliffs, and Cameo Shores. There are also coastal bluffs facing the wetlands of Upper Newport Bay, Semeniuk Slough, and Banning Ranch.

In the lower Newport Bay area, coastal bluffs can be seen along Coast Highway from the Semeniuk Slough to Dover Drive, along Bayside Drive in Irvine Terrace, and in Corona del Mar above the entrance to Newport Harbor. These bluffs are generally separated from the shoreline.

In the Upper Newport Bay area, much of the coastal blufftop has been developed over the years. However, many areas have been preserved as parkland and other open space. Also, most of the coastal bluff surrounding the Upper Newport Bay has been protected by dedication to the Upper Newport Bay Nature Preserve or dedicated as open space as part of planned residential developments. The Eastbluff Remnant, mouth of Big Canyon, Castaways, Newporter North, and Newport Beach Marine Life Refuge are undeveloped open spaces. In other areas, including Newport Heights, Cliff Haven, Irvine Terrace, Corona del Mar, Shorecliffs, and Cameo Shores, the coastal bluffs are adjacent to residential subdivisions. While some development has maintained the natural character of the coastal bluffs, other developments have been larger and more visually prominent, potentially impacting views of those bluffs.

### *Undeveloped Land*<sup>11</sup>

The Irvine Ranch Land Reserve contains more than 50,000 acres of permanently protected open space in Orange County. The reserve includes portions of the Upper Newport Bay and large portions of Newport Coast and Newport Ridge. In addition, Crystal Cove State Park is also located within the reserve area but is publicly-owned as a State park. The protected canyons, hills, and bluffs of the eastern portion of the City are also recognized for their scenic quality. Topographic landforms of the Newport Coast and Newport Ridge region contribute to the area's aesthetic quality. The canyons and hillsides associated with Buck Gully, Morning Canyon, Ridge Park, Los Trancos, Muddy Canyon, and Pelican Hill provide views for visitors and residents. The undeveloped Banning Ranch property is described later in this section.

### *Scenic Resources*

Scenic resources are natural or manmade features that are visual appealing and contribute to the aesthetic characteristics of a community or region. Resources in the City include the following:<sup>12</sup>

- Pacific Ocean

<sup>10</sup> Ibid Pages 4.1-10 – 4.1-11. Accessed October 2023.

<sup>11</sup> Ibid Pages 4.1-12. Accessed October 2023.

<sup>12</sup> *ibid.*

- Habitat areas and open space areas
- View corridors to the ocean and bay from many north-south trending streets. **Figure 4.1-1: City of Newport Beach Public View Points** depicts prominent coastal viewing locations from public view points. Locations are identified in General Plan Policy NR 20.3.
- Coastal canyons and gullies
- Coastal bluffs along the shoreline, facing the wetlands, and surrounding Upper Newport Bay
- Parkland and passive open space

*Parks and View Parks*<sup>13</sup>

The City has 58 parks, in addition to ecological preserves and beaches. Recreation and open space are discussed in greater detail in **Section 4.14: Recreation** of this Program EIR. A portion of the Crystal Cove State Park is also in the City and provides open space views for Newport Beach residents. **Table 4.1-1: Public Parks With Bay or Ocean View** identifies public parks that the City has noted as having bay and/or ocean views.

<b>Table 4.1-1: Public Parks with Bay or Ocean Views</b>	
<b>Name</b>	<b>Location</b>
<b>Bay View Parks</b>	
Back Bay View Park	1900 Back Bay Drive
Bayview Park	Mesa Drive and Bay View Avenue
Begonia Park	Begonia Avenue and First Avenue
Big Canyon Park	Back Bay Drive, north of San Joaquin Hills Road
Buck Gully Reserve	Poppy Avenue or San Joaquin Hills Road
Castaways Park	700 Dover Drive
Channel Place Park	4400 Channel Place
Civic Center Park	100 Civic Center Drive
Cliff Drive Park & Community Center	301 Riverside Avenue
Galaxy View Park	1398 Galaxy Drive
Harbor Watch Park	San Joaquin Hills Road, east of Spyglass Hill Road
Irvine Terrace Park	721 Evita Drive
John Wayne Park & Theater Arts Center	2501 Cliff Drive
Kings Road Park	1801 Kings Road
Lido Park	Via Lido and Lafayette Avenue
Lookout Point	Ocean Boulevard and Heliotrope Avenue
Lower Castaways Park	100 Dover Drive
Marina Park	1600 Balboa Boulevard West
Newport Aquatic Center	1 White Cliffs Drive
Newport Island Park	3809 Marcus Avenue
Rhine Wharf Park	Lido Park Drive
Sunset View Park	Superior Avenue, north of Coast Highway West

<sup>13</sup> ibid. Pages 4.1-11 – 4.1-12. Accessed October 2023.

<b>Table 4.1-1: Public Parks with Bay or Ocean Views</b>	
<b>Name</b>	<b>Location</b>
Upper Newport Bay Regional Park	Irvine Avenue and University Drive
Veteran's Memorial Park	215 15th Street
West Jetty View Park	2300 Channel Road
Westcliff Park	Polaris Drive and Morning Star Lane
<b>Ocean View Parks</b>	
Begonia Park	Begonia Avenue and First Avenue
Buck Gully Reserve	Poppy Avenue or San Joaquin Hills Road
Canyon Watch Park	San Joaquin Hills Road, east of Spyglass Hill Road
Castaways Park	700 Dover Drive
Civic Center Park	100 Civic Center Drive
Corona Del Mar State Beach	3001 Ocean Blvd
Dog Park	Avocado Avenue and San Miguel Drive
Harbor Watch Park	San Joaquin Hills Road, east of Spyglass Hill Road
Inspiration Point	Ocean Blvd and Orchid Avenue
Irvine Terrace Park	721 Evita Drive
Jasmine Creek Park	Harbor View Drive and Marguerite Avenue
John Wayne Park & Theater Arts Center	2501 Cliff Drive
Kings Road Park	1801 Kings Road
Lookout Point	Ocean Blvd and Heliotrope Avenue
Los Trancos Canyon View Park (Lower)	Newport Coast Drive
Peninsula Park	A St and Ocean Front E
Sunset Ridge Park	4850 Coast Hwy W
Sunset View Park	Superior Avenue, north of Coast Hwy W
West Jetty View Park	2300 Channel Road
Source: City of Newport Beach. <i>Newport Beach Parks and Facilities</i> . Retrieved from: <a href="https://www.newportbeachca.gov/parks-facilities">Parks and Facilities - Newport Beach (newportbeachca.gov)</a> . Accessed December 2023.	

## Visual Characteristics of Focus Areas

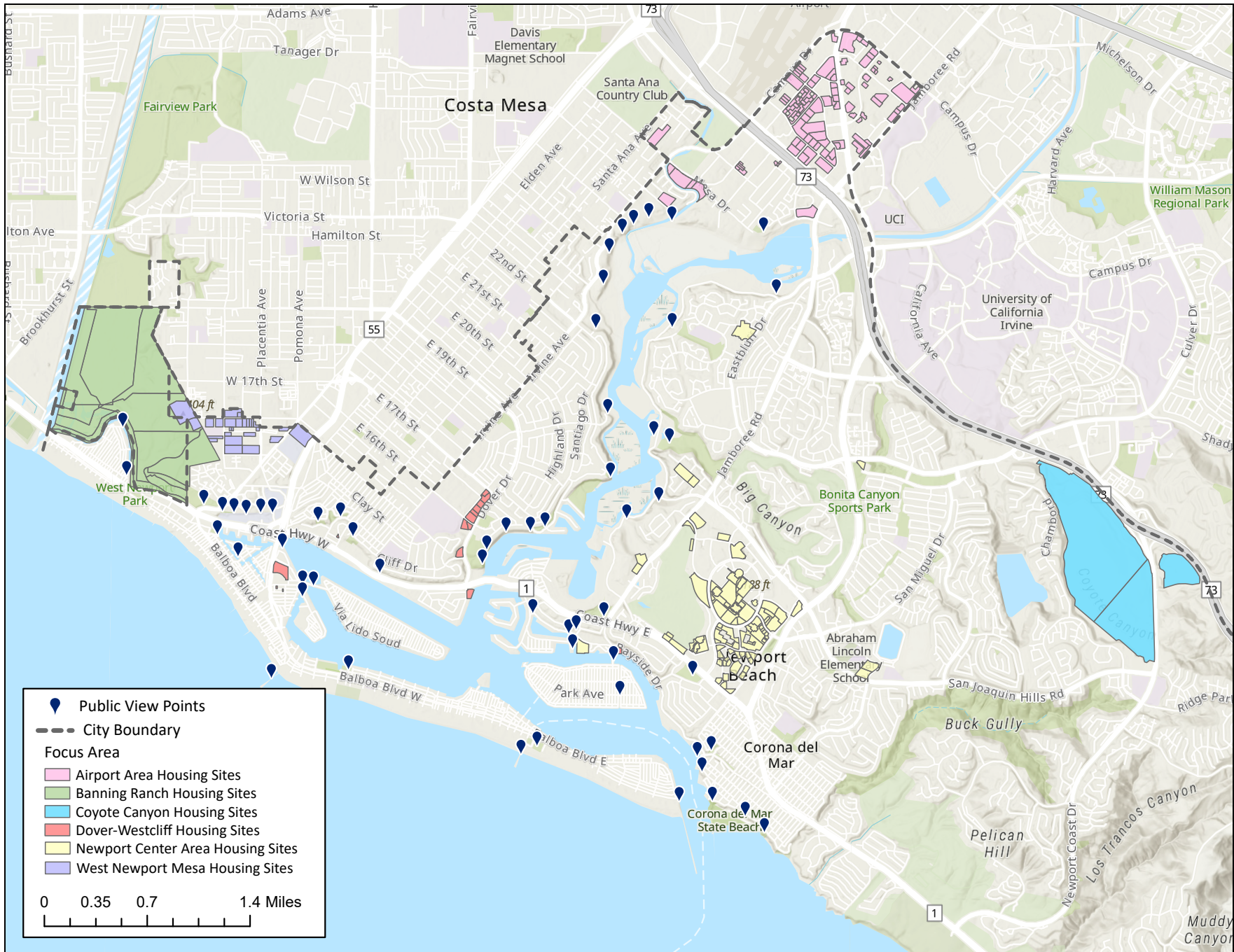
### *Airport Area Focus Area*

The Airport Area is in the northern part of Newport Beach and north of the Upper Newport Bay Nature Reserve. It is primarily around the John Wayne Airport and borders the City of Irvine and the City of Costa Mesa (see **Figure 3-3: Airport Area Focus Area Sites**). This area is primarily characterized as an urban environment, which includes a mix of office and retail uses as well as high-density residential development. This Focus Area includes 100 housing sites on 176 acres.

### *West Newport Mesa Focus Area*

The West Newport Mesa Focus Area is in the southwest part of the City. Coast Highway generally runs in an east-west orientation through this area (see **Figure 3-4: West Newport Mesa and Banning Ranch Focus Areas Sites**). This area is characterized by single-unit and multi-unit residential uses with older industrial uses along 16<sup>th</sup> Street, Production Place, and 15<sup>th</sup> Street, as well as Hoag Hospital and supportive medical-related uses. This Focus Area includes 26 housing sites on 47 acres.





**Figure 4.1-1: City of Newport Beach Public View Points**  
 City of Newport Beach General Plan Housing Implementation  
 Program Environmental Impact Report

### *Dover-Westcliff Focus Area*

The Dover-Westcliff Focus Area is in the southern part of the City on both sides of West Coast Highway and west of Dover Drive, proximate to Newport Bay (see **Figure 3-5: Dover-Westcliff Focus Area Sites**). Properties in the Lido Village area are included in the Focus Area. This area contains a mix of single-unit and multi-unit residential and commercial/retail uses. This Focus Area includes 15 sites on 20 acres.

### *Newport Center Focus Area*

The Newport Center Focus Area is in the central portion of the City, north of Coast Highway (**Figure 3-6: Newport Center Focus Area Sites**). This Focus Area is generally bordered by San Joaquin Hills Road, MacArthur Boulevard, Coast Highway, and Jamboree Road and is characterized primarily by commercial/retail uses in Fashion Island and also includes office and high-density residential development. This Focus Area includes 85 housing sites on 230 acres.

### *Coyote Canyon Focus Area*

The Coyote Canyon Focus Area is in the northeastern part of the City, on the south side of SR-73, at the junction of Newport Coast Drive (see **Figure 3-7: Coyote Canyon Focus Area Sites**). The surrounding area is characterized by residential uses, including predominantly single-unit residences and limited medium-density residential development. The Coyote Canyon Focus Area includes the County of Orange Coyote Canyon Landfill, which closed in 1990. However, a portion of the landfill is not subject to development restrictions and provides an opportunity for future residential development. The Coyote Canyon Focus Area also includes Sage Hill School, an independent college preparatory school for students in grades 9 through 12. This Focus Area includes 2 housing sites on 44 acres.

### *Banning Ranch Focus Area*

The Banning Ranch property is located primarily on unincorporated County of Orange land that is bordered by the City of Newport Beach (see **Figure 3-4**). For at least 50 years, the site has been used as an oil production field. The site's topography is characterized by two primary topographic areas: the lowland area in the northwestern portion of the property, and an uplifted mesa on the remainder of the property. The General Plan recognizes the site's mesa area, coastal bluffs, and lowland area (part of the Santa Ana River floodplain) as contributing to the City's scenic resources. The Banning Ranch Focus Area is included in the 2021–2029 Housing Element's sites inventory but is not assumed in order to accommodate the City's 2021–2029 RHNA growth need. Banning Ranch is considered as an additional residential development opportunity beyond those that accommodate the RHNA.

## Light and Glare

Light and glare in the City are typical of what can be found in urban environments. Sources of light in the City can be generated from building interiors and exterior sources (i.e., building illumination, security lighting, parking lot lighting, street lighting, and landscape lighting) associated with the City's land uses. Other sources of light and glare include vehicle headlights or streetlights. The City adopted illumination standards described in Municipal Code Section 21.30.070 (Outdoor Lighting). The purpose of Municipal Code Section 21.30.070 is to design parking to be energy-efficient and designed so as not to produce glare on adjacent residential properties.<sup>14</sup>

<sup>14</sup> City of Newport Beach. (2021) *City of Newport Beach Municipal Code – 21.30.070 Outdoor Lighting*. <https://www.codepublishing.com/CA/NewportBeach/#!/NewportBeach21/NewportBeach2130.html#21.30.070>. Accessed August 2023.

#### 4.1.4 Thresholds of Significance

The City uses the thresholds of significance specified in the *State CEQA Guidelines Appendix G* which states that the Project could potentially have a significant impact if it would:

- Have a substantial adverse effect on a scenic vista.
- Conflict with applicable zoning and other regulations governing scenic quality.
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

As addressed in **Section 1.5: Summary of Effects with No Impact**, the City has determined that the proposed Project would not have a significant impact on the following threshold for the reasons stated below, and that no further analysis was required:

- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

There are no State scenic highways in the City. Therefore, no impact would occur.

#### 4.1.5 Methodology

This analysis considers the *State CEQA Guidelines, Appendix G* thresholds, as described above, in determining whether Project implementation would result in impacts concerning aesthetics. The evaluation was based on reviewing the regulations and determining their applicability for the Project. Aesthetics information was acquired through consultation with City staff and review of relevant documents. The determination that the Project would result in "substantial" adverse effects concerning aesthetics considers the relevant policies and regulations established by local and regional agencies and the Project's compliance with such policies.

#### 4.1.6 Project Impacts and Mitigation

<b>Threshold 4.1-1: Would the Project have a substantial effect on a scenic vista?</b>
--

Scenic vistas can be defined as views or vistas generally panoramic in nature and identified as viewpoints or vistas (e.g., formal turn-outs along roadways) or as identified in planning documents. A substantial adverse effect on a scenic vista or view would occur where the majority of an existing public view would be blocked or substantially interrupted. Although there are no officially designated scenic vistas in the City, the City has identified the Pacific Ocean, the San Joaquin Corridor, Crystal Cove State Park, and Upper Newport Bay as locally significant scenic vistas. While future development within the City would generally consist of infill and intensification of uses within a primarily built-out area, development under the proposed Project could affect views to the identified vistas. Specifically, if new developments blocked or obscured views from any of the significant public viewpoints, then impacts would be potentially significant. **Figure 4.1-1** depicts prominent coastal viewing locations from public view points and coastal view roads and their relationship to the housing sites. While housing sites are within the vicinity of public view points around the City, none of the housing sites are located immediately in front of or adjacent to view points. Therefore, future development on housing sites would not have the potential to obstruct views or degrade visual quality of scenic vistas within the City.

Further, the proposed Project would not result in direct construction of residential uses. Future development on identified housing sites would be subject to project-specific review, including design review, and would be required to comply with the goals and policies in the City's General Plan and Municipal Code.

The proposed Project includes a number of Land Use Element policy amendments, including updates to policies that would minimize potential impacts to scenic vistas from future housing development. These policies include Policy LU 1.1 which would require future housing developments to be designed in a manner that maintains and enhances neighborhood character and public views.

**Impact Summary:** **Less Than Significant Impact.** Consistent with the findings of the Newport Beach General Plan EIR, the Project would have a less than significant impact on a scenic vista.

<b>Threshold 4.1-2:</b> <b>Would the Project conflict with applicable zoning and other regulations governing scenic quality?</b>
--

The proposed Project would not directly construct new housing but would facilitate the development of residential units by adopting implementing actions associated with the 2021-2029 Housing Element. Buildings associated with future housing development on the housing sites facilitated by the Project would have the potential to disrupt existing views, including coastal and open space views. A substantial degradation would occur where the majority of an existing public view would be modified or where a distinct landscape (or landform) is evident, and implementation of a project would result in strong visual contrast in existing public views. However, the proposed Project would not result in direct construction of residential or non-residential uses and would instead facilitate and provide a policy framework for future development within the Project Area. Housing development on the housing sites would be spread out across the city, reducing the chance for impacts to scenic resources to be concentrated at specific locations.

The Project would involve rezoning properties within these areas to residential or adding residential overlays, which would not conflict with applicable zoning and other regulations governing scenic quality. A majority of identified housing sites are located within areas of the City with existing development, which consist primarily of residential, commercial, and mixed-use land uses.

Future housing development would be required to adhere to General Plan policies that govern scenic quality including, but not limited to, Policy LU 5.6.1 through LU 5.6.3, Policy NR 20.1 through NR 20.4, and Policy NR 23.1 through 23.7. Further, the proposed Project includes Land Use Element policy amendments, including updates to policies that would support the City's goal to maintain scenic quality and minimize potential impacts from future housing development. Future housing development would also be subject to compliance with adopted citywide Design Guidelines, which would ensure that future individual development projects provide well-designed corridors, community subareas, buildings, streets, and public spaces that contribute to a strong sense of place.

As described in **Section 3.0: Project Description**, the proposed Project would include the adoption of *The City of Newport Beach Multi-Unit Objective Design Standards* (Objective Design Standards) to ensure the highest possible design quality and to provide a baseline standard while streamlining the approval process for all new multi-unit development in Newport Beach, including by-right and discretionary actions.

Residential and mixed-use development projects that include a density of 20 du/acre must demonstrate compliance with all the standards contained in the Multi-Unit Objective Design Standards, or they must seek approval through a discretionary site development review process, as discussed in Municipal Code Chapter 20.52.080 (Site Development Reviews); see **Appendix B**.

Compliance with these applicable City policies, the Municipal Code, including the proposed Objective Design Standards, and LCP requirements would minimize impacts to scenic quality.

**Impact Summary:**      **Less Than Significant Impact.** Following compliance with established City policies and guidelines concerning visual character and quality, a less than significant impact would occur, and no mitigation is required.

<b>Threshold 4.1-3</b>	<b>Would the Project create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?</b>
------------------------	--

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

The City is primarily built out, and a significant amount of ambient light from urban uses already exists. Future housing development facilitated by the Project could add new light and glare sources, including exterior nighttime lighting fixtures, parking area lighting, light glow from windows, doors and skylights, and accent lighting. Impacts could occur if future housing development would introduce new sources of light and glare on a housing site or proximate to a housing site. A majority of the housing sites are currently developed and/or located adjacent to developed parcels with existing sources of lighting and/or glare. However, housing sites 23 through 26 within the Airport Area Focus Area, housing site 215 within the West Newport Mesa Focus Area, housing site 131 within the Coyote Canyon Focus Area, and the housing sites within the Banning Ranch Focus Area (Sites 110-118, 120-124, and 126-131) do not contain existing sources of lighting or glare.

All future housing development projects, including development on the aforementioned sites, would be subject to the City’s development review process and would be required to demonstrate consistency with Newport Beach General Plan policies and Municipal Code requirements, including those related to lighting and glare. General Plan Land Use Policy 5.6.3 on ambient lighting requires “that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location” and Municipal Code Section 20.30.070 which requires that “all outdoor lighting fixtures shall be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways.” These measures would reduce potential lighting impacts from future housing development to a less than significant level, with the exception of Banning Ranch.

The General Plan EIR found that the introduction of new sources of lighting associated with development of Banning Ranch would be considered significant and unavoidable. With respect to the Banning Ranch Focus Area, this Focus Area includes 19 housing sites on 30 acres with 1,475 dwelling units. As noted in Section 3.0: Project Description, the Banning Ranch Focus area is not assumed in order to accommodate



the City’s 2021–2029 RHNA. Banning Ranch is considered as additional dwelling unit opportunity in addition to those that accommodate the RHNA. Residential and non-residential development, including roadways and a park, would introduce new sources of nighttime lighting, which would affect the existing adjacent uses. In addition, the new sources of nighttime lighting could also affect the sensitive habitat areas associated with Banning Ranch. Retention of the site in open space would not have significant lighting impacts.

**Impact Summary:**      **Significant and Unavoidable Impact.** Consistent with the Newport Beach General Plan EIR, if housing development occurs within the Banning Ranch Focus Area, impacts would be significant and unavoidable.

#### 4.1.7 Cumulative Impacts

As previously stated, the Project does propose development but would increase the City’s housing capacity consistent with State Housing law. The anticipated site-specific impacts of future development facilitated by the Project, in conjunction with cumulative development allowed in the City by existing development regulations, would increase the potential for housing development in an already urbanized area and could result in impacts to aesthetics. Potential impacts are site-specific and would require site-specific evaluation on a case-by-case basis prior to approval of permits at the project level when future development is proposed in accordance with the Project. Each cumulative project would require separate review by the City, which would address potential aesthetics impacts and identify necessary mitigation measures, where appropriate. Consequently, the Project would not result in significant environmental impacts to aesthetics; and the Project would not conflict with or obstruct a state or local plan, ordinance, or standards aimed at avoiding or minimizing impacts to aesthetics. Therefore, with the implementation of mitigation and compliance with applicable regulations, the Project’s contribution to a cumulatively considerable impact on aesthetics would be less than significant.

#### 4.1.8 Mitigation Program

As noted, all future housing development facilitated by the Project would be subject to the City’s development review process, which may include review pursuant to CEQA, and would be assessed on a project-specific basis for potential effects concerning aesthetics. Future housing development would be subject to compliance with relevant federal, State, and local requirements including requirements set forth in the Newport Beach General Plan and Newport Beach Municipal Code.

#### General Plan Policies

See **Section 4.1.2: Regulatory Setting** for complete policy text.

- Policy LU 3.2
- Policy LU 5.1
- Policy LU 5.1.2
- Policy LU 5.1.6
- Policy LU 5.1.7
- Policy LU 5.1.9
- Policy LU 5.3
- Policy LU 5.3.1
- Policy LU 5.3.3
- Policy LU 5.3.5
- Policy LU 5.3.6
- Policy LU 5.6.1
- Policy LU 5.6.2
- Policy LU 5.6.3
- Policy LU 6.3.1
- Policy LU 6.5.4
- Policy LU 6.5.5
- Policy LU 6.10.2
- Policy LU 6.14.4
- Policy LU 6.14.5
- Policy LU 6.14.6
- Policy LU 6.14.7
- Policy LU 6.15.3
- Policy LU 6.15.6
- Policy LU 6.15.22
- Policy LU 6.15.27
- Policy LU 6.16.6

- Policy LU 6.17.3
- Policy LU 6.18.3
- Policy LU 6.19.7
- Policy LU 6.19.8
- Policy LU 6.19.9
- Policy LU 6.19.12
- Policy NR 20.1
- Policy NR 20.2
- Policy NR 20.3
- Policy NR 20.4
- Policy NR 21.1
- Policy NR 23.1
- Policy NR 23.2
- Policy NR 23.3
- Policy NR 23.6
- Policy NR 23.7

## Coastal Land Use Plan Policies

See **Section 4.1.2: Regulatory Setting** for complete policy text.

- Policy 4.4.1-2
- Policy 4.4.1-3
- Policy 4.4.1-4
- Policy 4.4.1-5
- Policy 4.4.1-7
- Policy 4.4.1-8
- Policy 4.4.2-4
- Policy 4.4.3-1
- Policy 4.4.4-1
- Policy 4.4.4-6

## Mitigation Measures

No additional mitigation is required.

### 4.1.9 Level of Significance After Mitigation

Significant and unavoidable. In certifying the General Plan EIR and adopting the General Plan, the City Council approved a Statement of Overriding Considerations, which note that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with potential development of Banning Ranch. However, potential impacts associated with aesthetics and visual resources for the remainder of the housing sites would be less than significant.

### 4.1.10 References

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