

5. Environmental Analysis LAND USE AND PLANNING

5.8 LAND USE AND PLANNING

This section of the Draft Environmental Impact Report (DEIR) evaluates the potential impacts to land use in the City of Newport Beach from implementation of the proposed Museum House project.

A scoping meeting commenter suggested that land use and planning impacts be analyzed based on historic conditions dating back at least 50 years. Per Section 15126.2 of the CEQA Guidelines, in assessing the impact of a proposed project on the environment, a lead agency (the City of Newport Beach) should focus its examination to changes in the existing physical conditions in the affected area as they exist at the time the Notice of Preparation is published (February 2016). Therefore, an analysis of the project's land use impacts compared to conditions 50 years ago would not be an appropriate comparative analysis.

Additional NOP and scoping meeting commenters voiced concerns about the project not providing enough guest and resident parking spaces. At the time the NOP was released for public review, the project proposed 238 parking spaces (38 guest spaces and 200 resident spaces). The proposed parking plan has been revised since then to provide 250 spaces—50 guest spaces and 200 resident spaces. Based on Section 20.40.040 (Off-Street Parking Spaces Required) of the City's zoning code, multiunit dwellings (4 units or more) are required to provide 2 parking spaces per unit covered, plus 0.5 space per unit for guest parking. Thus, the proposed 250 spaces would meet the City's parking requirements, and the project would be consistent with the City's zoning code.

5.8.1 Environmental Setting

5.8.1.1 REGULATORY BACKGROUND

Regional and local laws, regulations, plans, or guidelines potentially applicable to the proposed project are summarized below.

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 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.

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 requires an amendment to the 2006

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Newport Beach General Plan, 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

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

The SCS outlines a development pattern for the region, which, when integrated with the transportation network and other transportation measures and policies, would reduce GHG emissions from transportation (excluding goods movement). The SCS is meant to provide growth strategies that will achieve the regional GHG emissions reduction targets. However, the SCS does not require that local general plans, specific plans, or zoning be consistent with the SCS; instead, it provides incentives to governments and developers for consistency.

The 2016-2040 RTP/SCS projects that the SCAG region will meet or exceed the GHG reduction targets set in 2010 by the California Air Resources Board. Pursuant to the 2016-2040 RTP/SCS, SCAG anticipates lowering GHG emissions below 2005 levels by 8 percent by 2020, 18 percent by 2035, and 21 percent by 2040. Land use strategies to achieve the region's targets include planning for new growth around high quality transit areas (HQTA) and livable corridors, and creating neighborhood mobility areas to integrate land use and transportation and plan for more active lifestyles (SCAG 2016). The entire Fashion Island/Newport Center area, including the project site, is identified as an HQTA.

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) for John Wayne Airport (JWA). 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 the ALUC. If such an amendment or change is deemed inconsistent with the AELUP, a local government may override the ALUC decision by a

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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 majority of the City’s northern portion, including the project site, is in the Federal Aviation Regulation (FAR) Part 77 Obstruction Imaginary Surfaces Zone and the FAR Part 77 Notification Area of JWA, which is regulated by the Federal Aviation Administration (FAA) (ALUC 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 was approved by the City Council on July 25, 2006, and its increased housing opportunities and citywide reduction in allowed 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.

The policies in each of the elements that are relevant to the proposed project are listed in Table 5.8-1, *General Plan Consistency Analysis*. The proposed project’s consistency with the applicable policies of these elements is also analyzed in Table 5.8-1.

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 that 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 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

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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 5.7, *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 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 5.10, *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 5.13, *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 5.12, *Recreation*, contains further information about parks and recreation facilities.

Arts and Cultural Element. The goals and policies of the arts and cultural element are a guide for meeting the future cultural needs of the community. Maximizing the community's cultural arts potential requires coordinating 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.

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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 5.8-1, *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.

The various resource management issues in this element are analyzed in detail in their respective sections of this DEIR—Section 5.1, *Aesthetics*; Section 5.2, *Air Quality*; Section 5.3, *Cultural Resources*; Section 5.5, *Greenhouse Gas Emissions*; Section 5.7, *Hydrology and Water Quality*; Section 5.12, *Recreation*; and Section 5.14, *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 includes policies and programs that minimize potential impacts from hazards. Sections 5.6, *Hazards and Hazardous Materials*, and 5.7, *Hydrology and Water Quality*, contain further information about these various hazards.

Noise Element. The noise element is a tool for including noise control in the planning process to ensure land uses that generate various noise levels are sited near compatible uses. 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 vehicular traffic along San Clemente Drive, Jamboree Road, and San Joaquin Hills Road. Section 5.9, *Noise*, contains further information about the existing and future noise environment in the project area.

San Joaquin Plaza Planned Community Development Plan

The San Joaquin Plaza Planned Community District (PC-19) and planned community development plan (PCDP) were adopted by the City of Newport Beach in December 1975. Since then, it has been amended multiple times; the most recent amendment in December 2007 moved a large portion of the PC and created the existing boundaries. PC-19 encompasses approximately 2.9 acres and is bounded by Santa Cruz Drive on the east, San Clemente Drive on the south, and Santa Barbara Drive on the west.

The intent of PC-19 is to provide a combination of civic, cultural, business and professional office uses, and support commercial activities. Permitted uses include retail sales and service of a convenience nature; administrative and professional offices; restaurants, bars, and theater/nightclubs; institutional, financial, and governmental facilities; civic, cultural, commercial recreational, and recreational facilities; and parking lots, structures, and facilities. Building heights are limited to a maximum of 65 feet. The PCDP details additional development regulations addressing parking, landscaping, signs, and utilities requirements.

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Charter Section 423/City Council Policy A-18

Newport Beach City Charter Section 423 was added through a ballot measure adopted in 2000; this section requires voter approval of certain amendments to the City’s General Plan (those deemed “major amendments”). When a General Plan Amendment (GPA) is considered, an analysis is required pursuant to City Council Policy A-18 to establish whether the proposed GPA (if approved) requires a vote by the electorate at large. The GPA would be combined with 80 percent of the increases in traffic, dwelling units, and nonresidential floor area allowed by previous, non-voter-approved GPAs (approved within the preceding 10 years) in the same statistical area of the City of Newport Beach. The following thresholds are applied in conducting this analysis:

- An increase that is more than 100 dwelling units
- An increase that is more than 100 AM peak hour trips
- An increase that is more than 100 PM peak hour trips
- An increase that is more than 40,000 square feet of non-residential floor area

If any of these thresholds are exceeded and the City Council approves the requested GPA, it would be classified a major amendment and be subject to voter consideration. Approved GPAs, other than those approved by the electorate, are tracked for 10 years, and factored into the analysis of future GPAs in the same statistical area.

5.8.1.2 EXISTING CONDITIONS

Existing Onsite Land Uses

The project site is currently improved with the Orange County Museum of Art (OCMA) building, a single-story museum and exhibition space (see Figure 3-3, *Aerial Photograph*). Existing improvements encompass approximately 23,632 square feet and include a main building constructed in 1977 and a 2,000-square-foot addition to the building that was completed in 1996. Hardscape and landscape improvements include a parking lot, lawn areas, shrubs, and a number of ornamental trees.

Existing Surrounding Land Uses

Shown on Figure 3-3, *Aerial Photograph*, surrounding land uses include a multistory parking structure to the east, a multistory office building to the west, the San Joaquin Plaza (new apartment community currently under construction) to the north, and The Colony (apartment complex) and additional multistory office buildings across San Clemente Drive to the south. The Newport Beach Police Department and Newport Beach Fire Station No. 3 (Fashion Island) are less than 1,000 feet northwest of the project site. Fashion Island, a regional retail and restaurant shopping mall, is about one-quarter mile south of the site.

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Existing General Plan Land Use Designation and Zoning

General Plan

The City of Newport Beach General Plan (2006) land use designation for the site is Private Institutions (PI), which is intended for privately owned facilities that serve the public, including places for religious assembly, private schools, health care, cultural institutions, museums, yacht clubs, congregate homes, and comparable facilities.

The proposed project is not an allowable use under the PI land use designation; therefore, a general plan amendment is required to change the land use to Multiple Residential (RM).

Zoning

According to the City's zoning map, the project site is zoned Planned Community District 19 – San Joaquin Plaza Planned Community Development Plan. The San Joaquin Plaza PCDP encompasses 2.92 acres and is intended for a combination of civic, cultural, business, and professional office uses. The PCDP also details permitted uses, which include retail sales and services; administrative/professional offices; restaurants, bars, and theater/nightclubs; institutional, financial, and governmental facilities; and civic, cultural, commercial recreational and recreational facilities.

The proposed residential tower is not an allowable use under PC-19; therefore, an amendment to the PCDP is required as part of the project.

5.8.2 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 either be less than significant or have no impact:

- Threshold LU-1
- Threshold LU-3

These thresholds will not be addressed in the following analysis.

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5.8.3 Environmental Impacts

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.

Impact 5.8-1: The Museum House project would not conflict with the goals of the Southern California Association of Governments' 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy. [Threshold LU-2]

Impact Analysis: The 2016-2040 RTP/SCS integrates land use and transportation in certain areas of the region to promote smart and sustainable growth. Some of the major themes associated with the 2016-2040 RTP/SCS are (1) integrating strategies for land use and transportation, (2) striving for sustainability, (3) responding to demographic and housing changes that trend toward infill development, and (4) supporting commerce, economic growth, and opportunity. The proposed project would help facilitate achievement of these themes by constructing a higher density, infill development that provides housing within close proximity to a major economic center of the region. The project is also near existing Orange County Transportation Authority (OCTA) bus routes and the Newport Center Transportation Center. Additionally, future residents of the Museum House project would be within a quarter-mile walking distance of banks, cleaners, community center, department stores, fire stations, fitness center, supermarkets, restaurants, offices, and other retails and services available in Newport Center and the Fashion Island shopping center. Also, the project site is connected directly to the City's extensive network of bike and walking trails, lanes, and sidewalks via a sidewalk on San Clemente Drive. Thus, the project would also provide for residences near transit locations, which would further the goals of the 2016-2040 RTP/SCS.

As concluded in Section 5.5, *Greenhouse Gas Emissions*, the proposed project would not conflict with goals of the SCAG 2016-2040 Regional Transportation Plan/Sustainable Communities Strategies (see Table 5.5-6). Therefore, implementation of the proposed project would not result in significant land use impacts related to relevant RTP/SCS goals.

Impact 5.8-2: Implementation of the proposed project would not conflict with the Airport Environ Land Use Plan for John Wayne Airport. [Threshold LU-2]

Impact Analysis: The project site is required to comply with regulations detailed in the AELUP for JWA and with regulations governed by the FAA, which regulates airspace surrounding public-use airports to prevent obstructions to air navigation. The site is within the notification area for JWA, where proponents of projects that would develop structures exceeding certain height limits must notify the FAA and ALUC.

The AELUP includes numerous standards and criteria and general planning guidance for the orderly growth of JWA and the area surrounding the airport. For example, the AELUP identifies a 60 dBA Community Noise Equivalent Level (CNEL) contour line to be used to determine if projects are incompatible with airport noise. The proposed project lies outside of the 60 dBA CNEL contour line and would not conflict with any land use compatibility issues related to noise. The AELUP also identifies safety and compatibility zones that depict which land uses are acceptable and unacceptable in various portions of the airport environs,

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identified as Safety Zones 1 through 6. The project site would not fall within any of these specifically identified zones and thus would not conflict with any of the limitations or restrictions for any safety zones.

FAR Part 77 describes the group of imaginary surfaces surrounding an airport. Per FAR Part 77, Section 77.13(a), notice to the FAA is required for any proposed structure more than 200 feet above the ground level (AGL) of its site. Notices to the FAA provide a basis for evaluating project impacts on operational procedures and air navigation. Coinciding with the FAA regulation, the ALUC also requires notification of all such proposals. Upon notification, the FAA would conduct an aeronautical study to determine whether the proposed structure would pose a hazard to air navigation. The proposed residential building would be 295 feet AGL; therefore, the project is required to notify both the FAA and ALUC.

The proposed tower is within the FAR Part 77 obstruction imaginary surfaces area. According to the ALUC, the transitional imaginary surface elevations at the project site are in the range of 970 to 1,020 feet above mean sea level (amsl) (Rigoni 2014). Projects that exceed 970 amsl would not be permitted at the site. The ground elevation of the project site is 187 feet amsl; therefore the 295-foot proposed tower would reach a height of 482 feet amsl and would not exceed the maximum permitted height and would comply with the AELUP. Impacts would be less than significant.

Impact 5.8-3: The proposed project could conflict with the City of Newport Beach General Plan and/or San Joaquin Plaza Planned Community Development Plan. [Threshold LU-2]

Impact Analysis:

General Plan Consistency

The project site has a General Plan land use designation of Private Institutions (PI), which is intended for privately owned facilities that serve the public, including places for religious assembly, private schools, health care, cultural institutions, museums, yacht clubs, congregate homes, and comparable facilities. The proposed residential use would not be compatible with the current PI designation. However, the proposed project includes a General Plan amendment to redesignate the site Multiple Residential (RM) and amend Anomaly 49 to allow for 100 units. Upon approval of the General Plan amendment, the proposed project would be compatible with the City's General Plan designation, and impacts would be less than significant.

Additionally, a detailed analysis of the proposed project's consistency with the applicable goals and policies of the various elements of the City's General Plan is provided in Table 5.8-1 *General Plan Consistency Analysis*. The analysis in Table 5.8-1 concludes that the proposed project would be consistent with all applicable goals and policies of the City's General Plan. Therefore, implementation of the proposed project would not result in significant land use impacts related to relevant Newport Beach General Plan goals and policies.

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Table 5.8-1 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
Land Use Element	
Goal LU 1: A unique residential community with diverse coastal and upland neighborhoods, which values its colorful past, high quality of life, and community bonds, and balances the needs of residents, businesses, and visitors through the recognition that Newport Beach is primarily a residential community.	
<p><i>LU 1.1.</i> Maintain and enhance the beneficial and unique character of the different neighborhoods, business districts, and harbor that together identify Newport Beach. Locate and design development to reflect Newport Beach's topography, architectural diversity, and view sheds.</p>	<p>Consistent: The proposed tower would be in Newport Center and would integrate with other high-rise buildings in the project area. The project site is in the northwesterly portion of Newport Center where the elevation is higher so views looking toward the ocean at lower elevations would not be impacted. As shown in the visual simulations prepared for the project (Figures 5.1-1 through 5.1-6), the proposed tower would be near existing high rise office buildings in Newport Center and would maintain the character of Newport Center as a regional hub for commercial, office, and residential uses. Additionally, the tower itself would be designed as a Leadership in Energy and Environmental Design (LEED) Silver-certified building and would include architectural details consistent with the residential architecture traditions of Newport Beach. It would be built with a textured stone base, masonry frames and pilasters, delicate metalwork details, and a predominantly stone and masonry exterior with large window openings. Larger scale elements such as multistory bay windows with French balconies and inset terraces help further define the massing in a residential manner, and multistory window groupings and large terraces at the uppermost floors create a finished cap to the building. Overall, development of the Museum House tower would be consistent with the development and architectural character of Newport Center.</p>
<p><i>LU 1.6.</i> Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.</p>	<p>Consistent: As detailed in Section 5.1, <i>Aesthetics</i>, the proposed tower would not adversely impact scenic viewsheds in the City. Visual simulations prepared to illustrate the tower's potential impact on views along City-designated coastal view roads showed that the tower would not cause a significant obstruction from various public vantage points (see Figures 5.1-1 through 5.1-6). Most of the existing skyline near northern Newport Center is already partially obstructed by high rise office buildings, the Fashion Island commercial building rooflines, and palm tree canopies lining Newport Center roadways. Additionally, given the location of the tower in north Newport Center, views looking south toward the Pacific Ocean and Newport Bay would not be significantly impacted.</p>
Goal LU 2: A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City's diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.	
<p><i>LU 2.1.</i> Accommodate uses that support the needs of Newport Beach's residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.</p>	<p>Consistent: The project would provide 100 condominium units in a mixed-use area of Newport Beach. Nearby retail, employment, recreation, and civic areas would provide future residents with a vibrant and social community. The project is an infill, redevelopment project and would not adversely impact the community's natural resources and open spaces, particularly because Newport Center is a very urbanized area of the City.</p>

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Table 5.8-1 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
<p>LU 2.8. Accommodate the types, densities, and mix of land uses that can be adequately supported by transportation and utility infrastructure (water, sewer, storm drainage, energy, and so on) and public services (schools, parks, libraries, seniors, youth, police, fire, and so on).</p>	<p>Consistent: As detailed in Sections 5.11, <i>Public Services</i>; 5.13, <i>Transportation and Traffic</i>; and 5.14, <i>Utilities and Service Systems</i>, the residential tower would be adequately supported by transportation and utility infrastructure and public services.</p>
<p>Goal LU 3: A development pattern that retains and complements the City's residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.</p>	
<p>LU 3.2. Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.</p>	<p>Consistent: The proposed project is an infill residential development replacing the Orange County Museum of Art facility. The 100 condominiums would be in Fashion Island/Newport Center, which already includes a mix of commercial, office, and residential uses. Therefore, the project would be compatible with existing uses. As concluded in Section 5.1, <i>Aesthetics</i>, the proposed tower would be similar in height, scale, and character to other existing towers in Newport Center. Locating the condominiums close to Newport Beach's job center also reduces commute distances between home and jobs.</p> <p>Additionally, as concluded in Sections 5.11, <i>Public Services</i>; 5.13, <i>Transportation and Traffic</i>; and 5.14, <i>Utilities and Service Systems</i>, the project would not adversely impact public services, traffic, or utilities. Specifically, the project would have no impacts and no required mitigation to ensure acceptable traffic levels of service along surrounding roadways.</p>
<p>LU 3.3. Provide opportunities for improved development and enhanced environments for residents in the following districts and corridors, as specified in Polices 6.3.1 through 6.22.7: Fashion Island/Newport Center: expanded retail uses and hotel rooms and development of residential in proximity to jobs and services, while limiting increases in office development</p>	<p>Consistent: See response to Policy LU 2.1 of Goal LU 2.</p>
<p>LU 3.8. Refer the adoption or amendment of the General Plan, Zoning Code, specific plans, and Planned Community development plans for land within the John Wayne Airport planning area, as established in the JWA Airport Environs Land Use Plan (AELUP), to the Airport Land Use Commission (ALUC) for Orange County for review, as required by Section 21676 of the California Public Utilities Code. In addition, refer all development projects that include buildings with a height greater than 200 feet above ground level to the ALUC for review.</p>	<p>Consistent: The City will bring the project to ALUC for review of consistency with the AELUP for JWA, as required by Section 21676 of the California Public Utilities Code.</p>
<p>Goal LU 4: Management of growth and change to protect and enhance the livability of neighborhoods and achieve distinct and economically vital business and employment districts, which are correlated with supporting infrastructure and public services and sustain Newport Beach's natural setting.</p>	
<p>LU 4.1. Accommodate land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each</p>	<p>Consistent: The project would require a general plan amendment (GPA) to redesignate the site from Private Institution to Multiple Residential (RM) and amend Anomaly 49. Upon approval of the GPA, the project would be consistent with the permitted densities detailed in Table LU1 of the City's General Plan.</p>

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Table 5.8-1 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
<p>parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. See page 3-11 of the City's General Plan for the full policy.</p>	
<p>LU 4.2. Prohibit new residential subdivisions that would result in additional dwelling units unless authorized by an amendment of the General Plan (GPA). Lots that have been legally merged through the Subdivision Map Act and City Subdivision Code approvals are exempt from the GPA requirements and may be re-subdivided to the original underlying legal lots. This policy is applicable to all Single Unit, Two Unit, and Multiple Unit Residential land use categories.</p>	<p>Consistent: The project would require a GPA to redesignate the site from Private Institution to Multiple Residential.</p>
<p>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.</p>	
<p>LU 5.1.1. Establish property development regulations for residential projects to create compatible and high-quality development that contributes to neighborhood character.</p>	<p>Consistent: In addition to a GPA, the project would amend the San Joaquin Plaza Planned Community Development Plan, which would set development standards for the proposed residential tower, including maximum building height, building setbacks, parking requirements, landscaping, lighting, loading areas, and infrastructure standards. The project would be developed in compliance with the proposed development standards, which would ensure that the project integrates well with existing adjacent uses and the overall character of Newport Center.</p> <p>As detailed in Section 5.1, <i>Aesthetics</i>, the proposed tower would be designed as a LEED Silver-certified building and would include architectural details consistent with the residential architecture traditions of Newport Beach. It would have a predominantly stone and masonry exterior with large window openings, and multistory bay windows with French balconies and inset terraces to help define the massing in a residential manner. Overall, the tower would be a high-quality development compatible with the luxury character of Newport Center/Fashion Island.</p>
<p>LU 5.1.2. 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.</p>	<p>Consistent: Lower density residential areas near the project site include the Harbor Cove and Big Canyon single-family residential communities to the northwest and northeast, respectively. However, these low density residences are across Jamboree Road and San Joaquin Hills Road, respectively, and are physically divided from the project site. Closer residential areas to the Museum House project include The Colony and Villas at Fashion Island, which are or are planned to be approximately 65 feet in height. The Colony is approximately 38 dwelling units per acre (du/ac), and the Villas at Fashion Island is designed at approximately 32.6 du/ac. The proposed project would have a density of 50 du/ac; therefore, the transition between the adjacent residential communities would be gradual and would not create a conflict between the developments.</p> <p>Figure H-1, High Rise and Shoreline Height Limit Areas, of the City's municipal code, also designates the project</p>

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	<p>site and additional blocks in northwest Newport Center to be in the high-rise height area with an allowed height of 300 feet. For example, the Pacific Life Insurance building (700 Newport Center) and multiple office buildings in the 800 Newport Center block south of the project site (across San Clemente Drive) are also within the 300-foot high-rise height area per Figure H-1. Thus, the proposed tower height would be compatible with the City's municipal code. Overall, the height transition between higher-density residential to lower-density residential areas would not cause a conflict at the interface between the developments.</p>
<p>Goal LU 5.6: Neighborhoods, districts, and corridors containing a diversity of uses and buildings that are mutually compatible and enhance the quality of the City's environment.</p>	
<p>LU 5.6.1. Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.</p>	<p>Consistent: The proposed project would be appropriately located in northern Newport Center where there are existing clusters of high-rise buildings. Nearby multistory office buildings are located along Newport Center Drive and include the Island Hotel (690 Newport Center Drive), PIMCO office building (650 Newport Center Drive), and another multistory office building at 660 Newport Center Drive. Therefore, the proposed tower would be compatible with uses in the project area. Additionally, the tower is oriented diagonally on the site to open southerly towards the rest of Newport Center and the Fashion Island shopping center, and further towards the Pacific Ocean. This creates a more welcoming and inclusive entrance into the site from San Clemente Drive. Overall, the tower's architectural details and building materials would also be consistent with the residential architecture traditions of Newport Beach.</p>
<p>LU 5.6.2. Require that new and renovated buildings be designed to avoid the use of styles, colors, and materials that unusually impact the design character and quality of their location such as abrupt changes in scale, building form, architectural style, and the use of surface materials that raise local temperatures, result in glare and excessive illumination of adjoining properties and open spaces, or adversely modify wind patterns.</p>	<p>Consistent: The tower would be designed as a LEED Silver-certified building and would include architectural details consistent with the residential architecture traditions of Newport Beach. It would be built with a textured stone base, masonry frames and pilasters, delicate metalwork details, and a predominantly stone and masonry exterior with large window openings. The building material, style, and colors would not raise local temperatures through glare or excessive illumination. Larger scale elements such as multistory bay windows with French balconies and inset terraces help further define the massing in a residential manner, and multistory window groupings and large terraces at the uppermost floors create a finished cap to the building. Overall, development of the Museum House tower would maintain and enhance the character of Newport Center.</p>
<p>LU 5.6.3. Require that outdoor lighting be located and designed to prevent spillover onto adjoining properties or significantly increase the overall ambient illumination of their location.</p>	<p>Consistent: All outdoor lighting associated with the project would be required to comply with Section 20.30.070 of the City's municipal code, which requires all outdoor lighting fixtures to be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways. Light fixtures on the tower and in the motor court area must also be full cut-off fixtures. Lighting associated with the proposed guest parking spaces at the ground level would be the minimum height required to effectively illuminate the parking area and eliminate spillover of light and glare onto adjoining properties and roadways. Additionally, spotlighting or floodlighting used to illuminate the building, architectural features, entryway, or any other objects mounted on a pole, pedestal, or platform or used to accentuate landscaping would consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light would be substantially confined to the object intended to be illuminated to minimize glare, sky glow, and light trespass.</p>

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Goal LU 6.2: Residential neighborhoods that contain a diversity of housing types and supporting uses to meet the needs of Newport Beach’s residents and are designed to sustain livability and a high quality of life.	
LU 6.2.1. Accommodate a diversity of residential units that meets the needs of Newport Beach’s population and fair share of regional needs in accordance with the Land Use Plan’s designations, applicable density standards, design and development policies, and the adopted Housing Element.	Consistent: Based on SCAG’s regional housing needs assessment (RHNA), the City is required to provide 5 homes at varying income levels—1 very low, 1 low, 1 moderate, and 2 above moderate. Table H32, <i>Sites Analysis and Inventory Summary</i> , of the City’s housing element provides a list of areas within the City that could provide homes to satisfy the RHNA requirements. In total, the City has capacity to realistically provide about 4,612 additional dwelling units. Therefore, the proposed project would help the City achieve its regional housing needs as established by SCAG’s RHNA.
LU 6.2.3. Encourage the development of residential units that are affordable for those employed in the City.	Consistent: The project would provide 100 for-sale condominium units in Newport Center. The costs of these condominiums are not set at this time. However, project objectives stated in Chapter 3, <i>Project Description</i> , include developing a residential community within walking distance of employment opportunities and improving the job-housing balance in Newport Beach by providing new housing within a major employment center. Thus, a main purpose of the proposed project is to provide housing for people employed within the City.
LU 6.2.9. Require the open space and recreational facilities that are integrated into and owned by private residential development are permanently preserved as part of the development approval process and are prohibited from converting to residential or other types of land uses.	Consistent: The proposed common areas and recreational amenities include a podium garden, lawn, garden trellis, fountain plaza, and sculpture garden on the ground level. A dog run area is also provided on the ground level along the eastern site boundary. Additional amenities on the second floor include a pool, cabana and dining area trellis, and outdoor living spaces. These would not be converted to residential or other types of land uses onsite.
Goal LU 6.14: 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.	
LU 6.14.2. Provide the opportunity for limited residential, hotel, and office development in accordance with the limits specified by Tables LU1 and LU2.	Consistent: The project would require a GPA to re-designate the project site from Private Institutions (PI) to Multiple Residential (RM) and to update Anomaly 49 to allow for 100 residential units. The project would redevelop the site with limited residential to accommodate the additional development intensity. Upon approval of the GPA, the project would be consistent with development limits specified in Tables LU1 and LU2 of the City’s General Plan.
LU 6.14.4. 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.	Consistent: Per the original design concept for Newport Center, most multistory office towers in the area are concentrated in the northeasterly section along San Joaquin Hills Road (see Figure 5.1-2, <i>High-Rise Buildings in the Project Area</i>). However, this policy encourages the concentration of buildings with the greatest mass and height in the northeast, but does not restrict or limit development of these types of buildings to the northeast areas. As shown in Figure H-1, <i>High Rise and Shoreline Height Limit Areas</i> , of the City’s municipal code, northwestern areas of Newport Center in addition to the northwesterly portions are also included in the high-rise height area with an allowed height of 300 feet. The project site itself and adjacent parcel currently occupied by the OCMA administrative building are both within the 300-foot high-rise height area. Additionally, the 700, 800 and 900 Newport Center blocks, currently occupied by the Pacific Life Insurance building (700 Newport Center), multistory office buildings (800 Newport Center), and the Newport Beach Marriot Hotel & Spa (900 Newport Center) are also all located in the northwestern and western portions of Newport Center and are still within the 300-foot high-rise height area per Figure H-1 of the City’s municipal code. Therefore, while the proposed project

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	would not add to the concentration of high-rise buildings in the northeast portion of Newport Center, it would not be inconsistent with the City's municipal code that allows 300-foot buildings in the west and northwest portions of Newport Center as well. Additionally, similar to northeast Newport Center, northwest Newport Center is also higher in natural topography and would contribute towards the original design concept of scaling building mass and height downwards to follow the lower elevations in southwest Newport Center.
<p>LU 6.14.5. Encourage that some new development be located and designed to orient to the inner side of Newport Center Drive, establishing physical and visual continuity that diminishes the dominance of surface parking lots and encourages pedestrian activity.</p>	<p>Consistent: The site plan shows the proposed tower would be oriented diagonally toward Newport Center Drive and San Clemente Drive. The applicant strategically considered the orientation of the building to create a more cohesive and visually connected appearance with existing development to the south in Newport Center.</p> <p>The ground level would be developed with hardscape and landscape. Only several guest parking spaces would be available on the ground level; the remaining parking spaces would be provided in a two-level subterranean parking garage. Therefore, the site would not be dominated by surface parking lots.</p>
Historical Resources Element	
Goal HR 2: Identification and protection of important archeological and paleontological resources within the City.	
<p>HR 2.1. 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 not have any significant impact on archaeological or paleontological resources. Any potential to unearth archeological or paleontological resources onsite 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. Mitigation measures are also provided to ensure impacts are less than significant.</p>
<p>HR 2.2. 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. 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: In accordance with SB 18 and AB 52, the City sent letters to 15 Native American tribes notifying them of the project and opportunity for tribal consultation. Two of the 15 tribes responded—the Gabrieleno Band of Mission Indians Kizh Nation and United Coalition to Protect Panhe. The City consulted with Andrew Salas, Chairman of the Gabrieleno Band of Mission Indians, who requested Native American tribal monitoring onsite during all construction activities. Consultation between the City and the Gabrieleno Band of Mission Indians ended with the conclusion that mitigation measures would be provided to ensure appropriate tribes would be notified if any resources are discovered during ground disturbing activities and that tribal cultural monitoring by the Gabrieleno Band of Mission Indians would be allowed onsite during construction activities on a voluntary</p>

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	basis, consistent with the City's General Plan Policy HR 2.3. The United Coalition to Protect Panhe noted receipt of City's letter and did not request further consultation.
<i>HR 2.4.</i> Require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Newport Beach, or Orange County, whenever possible.	Consistent: See response to Policy HR 2.1 of Goal HR 2. Additionally, Mitigation Measures 3-1 through 3-3 in Section 5.3, <i>Cultural Resources</i> , requires documentation and curation of any discovered archaeological or paleontological resources during ground-disturbing activities.
Circulation Element	
Goal CE 2.2: A safe and efficient roadway system.	
<i>CE 2.2.6.</i> Provide all residential, commercial, and industrial areas with efficient and safe access for emergency vehicles.	Consistent: Section 5.13, <i>Transportation and Traffic</i> , concludes that the proposed project would not adversely impact emergency vehicle access. As part of the proposed project, the site would provide emergency access along the eastern boundary from San Clemente Drive with fire lanes on each side of the roadway. The Newport Beach Fire Department requires truck ladder access to be provided on at least two sides of the proposed tower, and the access roadway must be no closer than 20 feet to the structure and no farther than 40 feet. Vegetation in the area would not impede emergency operations, and all roadway surfaces would be capable of supporting 68,000 pounds and a minimum of 20 feet in unobstructed width for adequate turn radius.
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.	
<i>CE 4.1.4.</i> Accommodate residential densities sufficient to support transit patronage, especially in mixed use areas such as the Airport Area.	Consistent: The proposed project would introduce a tower with 100 units on an approximate two-acre site in Newport Center. Newport Center includes a mix of land uses, including office, commercial, retail, and residential uses. Therefore, the proposed residential density would sufficiently support transit patronage in Newport Center. Orange County Transportation Authority (OCTA) bus stops near the project site are located along San Joaquin Hills Road, Santa Cruz Drive, and Newport Center Drive less than a half-mile from the project site. OCTA bus routes that serve these stops include Routes 55, 57, and 79. Additionally, the Newport Transportation Center is 0.8 mile southwest of the site and is served by OCTA bus routes 1, 55, 57, 76, and 79. Thus, the project would accommodate and support transit patronage by developing a high density residential development in a mixed use area.
Goal CE 5.1: Convenient trail systems that satisfy recreational desires and transportation needs.	
<i>CE 5.1.2.</i> Link residential areas, schools, parks, and commercial centers so that residents can travel within the community without driving.	Consistent: The proposed project would introduce a residential tower within Newport Center, which includes other residential developments, schools, parks, and commercial centers. The existing pedestrian sidewalk and bicycle lanes along the frontage of the project site on San Clemente Drive would be maintained and connect future residents to the Fashion Island shopping centers, restaurants, and office, giving residents the opportunity to live, shop and work without reliance on a car. In addition, residents of the Museum House project are approximately 0.5 mile from the Upper Newport Bay Nature Preserve and Ecological Reserve, which provides over 1,000 acres of open space and a large network of trails.

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	<p>The proposed project would also include storage space for two bicycles per unit to take advantage of the cycling infrastructure already existing within the City and County. Bike parking would also be provided for employees of the project to encourage them to commute via bike or in conjunction with public transportation. The Newport Transportation Center is about 0.8 mile away from the project site, making public transportation very accessible.</p> <p>Overall, pedestrians would have access from the project site to sidewalks, commercial centers, and nearby park uses in the Project vicinity.</p>
<p>CE 5.1.3. Require new development projects to include safe and attractive sidewalks, walkways, and bike lanes in accordance with the Master Plan, and, if feasible, trails.</p>	<p>Consistent: As shown in Figure 3-4, <i>Proposed Site Plan</i>, the entryway and motor court would be designed with attractive landscape and hardscape improvements, including gardens along the site perimeter designed with mature trees, drought-tolerant planting, and landscaped areas; a glass canopy forming a porte-cochere that leads to the tower lobby; and integrally colored decorative concrete for the motor court and informal outdoor space. The existing sidewalk along San Clemente Drive would be maintained and provide pedestrian connectivity across the site to the Fashion Island shopping center and other uses in the Newport Center area. Therefore, the project would be consistent with Policy CE 5.1.3.</p>
<p>Goal CE 7.1: An adequate supply of convenient parking throughout the City.</p>	
<p>CE 7.1.1. Require that new development provide adequate, convenient parking for residents, guests, business patrons, and visitors.</p>	<p>Consistent: The project would provide 250 parking spaces on two small surface lot and two levels of underground parking for residents and guests.</p>
<p>Goal CE 8.1: Adequate funding for needed transportation infrastructure and operations.</p>	
<p>CE 8.1.10. Require development to provide the needed roadway improvements adjacent to a site, commensurate with project impact and in accordance with the Master Plan of Streets and Highways.</p>	<p>Consistent: The project's traffic study concluded that the project would not negatively impact any surrounding roadways within the project area. No mitigation in the form of roadway improvements would be required.</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. 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: Based on the City's parkland standard of 5 acres per 1,000 residents, the proposed project would require 1.1 acres of parkland. The project would provide a number of small park and open space amenities within the two-acre site, including a podium garden, lawn, garden trellis, olive allee, fountain plaza, and sculpture garden on the ground level. A dog run is also provided on the ground level along the western site boundary. Additional amenities on the upper floors include a pool, cabana and dining area trellis, and outdoor living spaces. In total, the project would provide 52,523 square feet (1.2 acres) of common open space and would meet the required 1.1 acres of parkland. Additionally, it should be noted that the Newport Center Park Service Area, where the project site is located, currently has 1.4 acres of surplus parkland (Newport Beach 2014). Therefore, impacts to parks and recreational facilities would be less than significant.</p>

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Natural Resources Element	
Goal NR 1: Minimized water consumption through conservation methods and other techniques.	
<p>NR 1.1. 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 5.14, <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. The project would also 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), which contains requirements for indoor water use reduction and site irrigation conservation.</p> <p>The project would also use a high-efficiency drip irrigation system with a "smart" weather-based controller that meets the latest State of California Model Water Efficient Landscape Ordinance requirements.</p>
<p>NR 1.2. 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 NR1.</p>
Goal NR 3: Enhancement and protection of water quality of all natural water bodies, including coastal waters, creeks, bays, harbors, and wetlands.	
<p>NR 3.1. 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 5.7, <i>Hydrology and Water Quality</i>, the proposed project would be required to comply with the City's National Pollutant Discharge Elimination System (NPDES) permit requirements, including the submittal and implementation of a Storm Water Pollution Prevention Plan (SWPPP) and associated best management practices (BMPs) that would ensure minimal impacts to the City's existing water quality and stormwater system.</p>
<p>NR 3.2. Promote pollution prevention and elimination methods that minimize the introduction of pollutants into natural water bodies.</p>	<p>Consistent: Expected pollutants associated with attached residential developments include suspended solids/sediments, nutrients, pathogens/bacteria, pesticides, oil and grease, and trash and debris. The water quality management plan (WQMP) prepared for the project identifies site design BMPs that would minimize the introduction of these pollutants into natural water bodies. The project applicant is also required to prepare a SWPPP, which helps identify potential sources of pollutions and BMPs to reduce such pollutants, and ensures compliance with the NPDES program. Implementation of the BMPs under the WQMP and SWPPP would minimize pollution potential.</p>
<p>NR 3.4. 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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<p>NR 3.9. 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: A preliminary WQMP was prepared for the project and includes a number of site design BMPs that would reduce surface water runoff. Pervious surfaces would be increased by landscaped areas around the perimeter of the building and within common areas. Low-flows and first-flush flows would drain to biotreatment systems for water quality treatment via bio-filtration, and runoff amounts would be similar to existing conditions. Non-structural source control BMPs include education for employees, tenants, and occupants; activity restrictions; and common area landscape management. Implementation of the BMPs outlined in the WQMP would minimize runoff from rainfall events.</p>
<p>NR 3.10. 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. 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. 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 3.9 of Goal NR 3.</p> <p>Runoff from the site after implementation of the proposed project would continue to flow similar to existing conditions. Low-flows and first-flush runoff would drain to proprietary biotreatment systems for water quality treatment via bio-filtration.</p>
<p>NR 3.15. 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 3.9 of Goal NR 3.</p>
<p>NR 3.19. 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>
<p>NR 3.20. 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>According to the WQMP, the proposed project would reduce impervious areas onsite by 0.22 acres from 1.70 acres to 1.48 acres; that is, 26 percent of the site would be pervious compared to 15 percent under existing conditions.</p>

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Goal NR 4: Maintenance of water quality standards through compliance with the total maximum daily loads (TMDLs) standards.	
<i>NR 4.4.</i> Require grading/erosion control plans with structural BMPs that prevent or minimize erosion during and after construction for development on steep slopes, graded, or disturbed areas.	Consistent: See response to Policies NR 3.1 and 3.9 of Goal NR 3. Implementation of the BMPs in the SWPPP and WQMP would address anticipated erosion impacts during the construction and operational phases of the project.
Goal NR 6: Reduced mobile source emissions.	
<i>NR 6.1.</i> Provide for walkable neighborhoods to reduce vehicle trips by siting amenities such as services, parks, and schools in close proximity to residential areas.	Consistent: The proposed project would site a higher density residential use within Newport Center/Fashion Island, which includes a number of commercial, office, and service uses. The following parks are also within a one-mile radius of the project site: Civic Center Park, Harbor View Nature Park, Irvine Terrace Park, Big Canyon Park, and Back Bay View Park. Nearby schools that would serve future residents of the site include Lincoln Elementary School and Corona Del Mar High School, which are 1.3 and 0.8 miles from the project site, respectively. Thus, the project would contribute towards creating walkable neighborhoods in Newport Beach.
Goal NR 7: Reduced air pollutant emissions from stationary sources.	
<i>NR 7.2.</i> Require the use of Best Management Practices (BMP) to minimize pollution and to reduce source emissions.	Consistent: Emission sources include landscape fuel use, aerosols, and architectural coatings; energy use (natural gas) associated with the proposed condominium tower; and project-related vehicle trips. The air quality analysis in Section 5.2, <i>Air Quality</i> , concluded that upon compliance with regulatory requirements, long-term emissions associated with area sources (operations) would not exceed the South Coast Air Quality Management District (SCAQMD)'s regional operational significance threshold.
Goal NR 8: Reduced air pollutant emissions from construction activities.	
<i>NR 8.1.</i> 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: The air quality analysis in Section 5.2, <i>Air Quality</i> , concluded that sensitive receptors could be adversely impacted by construction emissions. Therefore, mitigation measures are required to ensure construction activities do not introduce short-term emissions in exceedance of the established SCAQMD thresholds. Specifically, Mitigation Measure 2-1 requires the use of interior paint with 0 grams per liter of volatile organic compounds, and Mitigation Measure 2-2 limits the number of daily truck hauls of debris to and from the site to ensure construction emissions remain below the significance thresholds.
Goal NR 18: Protection and preservation of important paleontological and archaeological resources.	
<i>NR 18.1.</i> 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 HR2.

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<p>NR 18.3. Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.</p>	<p>Consistent: See response to Policies HR 2.1 and 2.3 of Goal HR2.</p>
<p>NR 18.4. 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.</p>	<p>Consistent: See response to Policy HR 2.1 of Goal HR2.</p>
<p>Goal NR 20: Preservation of significant visual resources.</p>	
<p>NR 20.1. Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points, as shown in Figure NR3.</p>	<p>Consistent: See response to Policy LU 1.6 of Goal LU 1.</p>
<p>NR 20.3. 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: As detailed under Impact 5.1-1 of Section 5.1, <i>Aesthetics</i>, views of the project site can be seen from the following four coastal view roads:</p> <ul style="list-style-type: none"> – Avocado Avenue from San Joaquin Hills Road to Coast Highway; – Jamboree Road in the vicinity of the Big Canyon Park; – MacArthur Boulevard from San Joaquin Hills Road to Coast Highway; – Newport Center Drive from Newport Center Drive E/W to Civic Center Drive/Granville Drive. <p>These coastal view roads are designated based on their ability to provide views of the ocean and bay; however, people driving in the opposite direction (away from the ocean and bay) could have views of the proposed tower's highest portion along the Newport Center skyline.</p> <p>Visual simulations were prepared for each coastal view road looking towards the project site to determine whether the proposed tower would significantly impact the existing viewsheds. Figures 5.1-1 through 5.1-4 show that the tower would not introduce a new significant obstruction in the existing skyline and would instead integrate well with the existing cluster of high rise buildings in northern Newport Center. Overall, impacts to City-designated public view corridors would be less than significant.</p>

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Table 5.8-1 General Plan Consistency Analysis

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 Civic Center 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 	
Safety Element	
<p>Goal S 4: Adverse effects caused by seismic and geologic hazards are minimized by reducing the known level of risk to loss of life, personal injury, public and private property damage, economic and social dislocation, and disruption of essential services.</p>	
<p>S 4.7. Conduct further seismic studies for new development in areas where potentially active faults may occur.</p>	<p>Consistent: A geotechnical report was prepared for the proposed project to identify geotechnical hazards associated with the project site, including active faults, liquefaction, subsidence, landslide, lateral spreading, collapse, expansive soils, and other ground failure hazards (see Appendix G of this DEIR). According to the study, the site is in a seismically active area; however, no active faults are known to cross the project site. Additionally, the project itself would not exacerbate ground shaking onsite. The proposed foundation for the tower core would extend several feet into bedrock, and the design and construction of the building would comply with seismic design parameters in the geotechnical report, including the seismic design requirements under the 2013 California Building Code.</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. 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</p>	<p>Consistent: Based on Section 5.6, <i>Hazards and Hazardous Materials</i>, the project site is listed on a database of hazardous materials due to the shipment of about 8.8 tons of asbestos-containing waste offsite in 1996 during renovation of the museum building. Additionally, unspecified organic liquid mixtures and waste laboratory chemicals were transferred offsite in 2000. These listings are related to one-time cleanup operations and are not</p>

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Table 5.8-1 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency												
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).	considered to represent an environmental concern. Therefore, the site is not located on contaminated soils and does not require remediation efforts.												
Noise Element													
Goal N 1: Noise Compatibility – Minimized land use conflicts between various noise sources and other human activities.													
<p>N 1.1. 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 5.9, <i>Noise</i>, the noise analysis demonstrates that the proposed project would comply with the interior and exterior noise 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 Sections 10.26.025 (Exterior Noise Standards) and 10.26.030 (Interior Noise Standards) of the City's municipal code.</p>												
<p>N 1.4. 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 of Goal N1.</p>												
<p>N 1.8. 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="270 1078 814 1289"> <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: See response to Policy N 1.1 of Goal N1. As concluded in Section 5.9, <i>Noise</i>, the proposed project would not generate significant noise sources that would exceed the stated requirements under this policy for existing sensitive uses.</p>
CNEL dBA	dBa increase												
55	3												
60	2												
65	1												
75	1												
Over 75	Any increase considered significant												

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LAND USE AND PLANNING

Table 5.8-1 General Plan Consistency Analysis

Applicable City of Newport Beach General Plan Goals and Policies	Project Consistency
Goal N 4: Minimize nontransportation-related noise impacts on sensitive noise receptors.	
<p>N 4.1. 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: See response to Policy N 1.1 of Goal N1.</p> <p>Section 5.9, <i>Noise</i>, also concludes that sensitive noise receptors near the project site would not be exposed to excessive noise levels from stationary noise sources associated with the project.</p>
<p>N 4.6. 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: Section 10.28.040 (Construction Activity – Noise Regulations) of the City's municipal code details limits on hours of construction activity to reduce construction noise impacts on neighboring uses. The project would be required to comply with the following regulations:</p> <ul style="list-style-type: none"> – Weekdays and Saturdays. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any weekday except between the hours of 7:00 A.M. and 6:30 P.M., nor on any Saturday except between the hours of 8:00 A.M. and 6:00 P.M. – Sundays and Holidays. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any Sunday or any federal holiday.
Goal N 5: Minimized excessive construction-related noise.	
<p>N 5.1 Limiting Hours of Activity (page 12-30). Enforce the limits on hours of construction activity.</p>	<p>Consistent: See response to Policy N 4.6 of Goal N4.</p>

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Zoning Code Consistency

The current zoning of the project site is San Joaquin Plaza Planned Community District (PC-19), which allows retail sales and services; administrative/professional offices; restaurants, bars, and theater/nightclubs; institutional, financial, and governmental facilities; and civic, cultural, commercial recreational, and recreational facilities.

The proposed project includes an amendment to PC-19 to allow residential use and an increased building height for the project site. Note that the proposed amendments would not change the standards applicable to the western portion of PC-19. Amendments are only proposed for the project site (eastern portion) and would not have indirect impacts associated with future development of the remainder of PC-19. The regulations outlined in the PCDP are intended to provide a range of permitted development options and maintain flexibility to accommodate changes in the economy, land value, and demand.

Upon approval of the amendments to the General Plan and San Joaquin Plaza PCDP, impacts would be less than significant.

5.8.4 Cumulative Impacts

The proposed project would change the project site's land use and zoning designation to allow development of the residential tower within Newport Center. Cumulative projects listed in Table 4-1 are not in or near Newport Center, with the exception of 150 Newport Center, Villas at Fashion Island (formerly known as the San Joaquin Plaza Apartments), and Meridian (Santa Barbara) Condominiums.

The 150 Newport Center project is approximately 0.7 mile south of the Museum House site (across the Fashion Island shopping center) and would develop a 45-unit condominium building, if approved. This project would require the following discretionary approvals: General Plan Amendment, zoning code amendment, planned community development plan, development agreement, site development review, and tentative tract map.

The Villas at Fashion Island project is adjacent to the project's northern boundary and will consist of 524 apartments. This project is currently under construction and required an amendment to the North Newport Center Planned Community, transfer of development, development agreement, and traffic study.

The Meridian Condominiums project is approximately 0.34 mile southwest of the Museum House site and includes 79 condominiums with open space and recreational areas. The project was approved in January 2006 and required a General Plan amendment, coastal land use plan amendment, zoning code amendment, parcel map, tentative tract map, modification permit, and coastal development permit from the California Coastal Commission.

Similar to the proposed project, cumulative projects are subject to compliance with the regional and local plans reviewed in this section. Therefore, implementation of cumulative development projects would not combine with the proposed project to result in cumulatively considerable land use impacts.

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5.8.5 Existing Regulations and Standard Conditions

The City of Newport Beach Municipal Code governs all aspects of Newport Beach's land use development, including zoning, permitted uses and standards, and various development requirements.

There are no specific City-adopted standard operating conditions of approval related to land use and planning that are applicable to the proposed project at this time; however, project-specific conditions of approval may be applied to the project by the City during the discretionary approval (site development review, tentative tract map, etc.) subsequent design, and/or construction process.

5.8.6 Level of Significance Before Mitigation

Upon implementation of regulatory requirements and standard conditions of approval, the following impacts would be less than significant: 5.8-1, 5.8-2, 5.8-3, and 5.8-4.

5.8.7 Mitigation Measures

No mitigation measures are required.

5.8.8 Level of Significance After Mitigation

Impacts would be less than significant.

5.8.9 References

Airport Land Use Commission (ALUC). 2008, April 17. Airport Environs Land Use Plan for John Wayne Airport. http://www.ocair.com/commissions/aluc/docs/JWA_AELUP-April-17-2008.pdf.

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