

Newport Banning Ranch

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I. COASTAL DEVELOPMENT PERMIT APPLICATION

A. Permit Application

Please see *Attachment 1* for the Permit Application.

B. Proof of Applicant's Legal Interest in Property

Please see *Attachment 2* for the 2012-2013 Secured Property Tax Bill for Cherokee Newport Beach LLC.

C. Representative Authorization

Please see *Attachment 3* for letter from Cherokee Newport Beach LLC and Aera Energy LLC authorizing Newport Banning Ranch (NBR) LLC, George Basye and Michael Mohler, as the Applicant Representative.

D. Section 30319 Notice

Section 30319 Notice is provided in *Attachment 4*.

E. Noticing Requirements

1. Assessor's Parcel Numbers/Maps

Please see enclosed map (2 full size copies and 1 reduced 8 ½ x 11 copy) prepared by Susan W. Case, Inc., illustrating the Project site and all properties within 100 feet of the Project site's property lines. Maps with assessor's parcel numbers are included in *Attachment 5*.

2. Noticing List & Stamped Envelopes

Please see *Attachment 6* for a list of names, addresses, and assessor's parcel numbers, prepared by Susan W. Case, Inc., for all property owners and occupants of property situated within 100 feet of the property lines of the Project site.

Also attached is a list of names and addresses, provided by the City of Newport Beach, of all other parties known to the applicant to be interested in the proposed development (e.g., persons expressing interest at a local government hearing, etc.). The interested parties list is provided in *Attachment 7*.

Enclosed are stamped envelopes addressed to each property owner and occupant of property situated within 100 feet of the property lines of the Project site and all other parties known to the

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applicant to be interested in the proposed development. Stamped envelopes are enclosed in this application.

F. Local Government Approval/Approval In-Concept

1. City of Newport Beach Approval In-Concept/Local Agency Review Form

The Local Agency Review Form is provided as Appendix B of the application.

2. City of Newport Beach Council Resolutions for Local Amendments, Development Agreement, Use Permits

- a. **Ordinance No. 2012-16** – Approving Code Amendment No. CA2008-004 to rezone the portion of the Project site currently within the incorporated boundary of the City from Planned Community (PC-25) to Planned Community (PC-57) and pre-zone those portions of the Project site located within the City’s Sphere of Influence from County zoning to PC-57 and approving and Planned Community Development Plan (NBR-PCDP) Amendment No. PC2008-002 to establish the allowable land uses, general development regulations, and implementation and administrative procedures for the Project site. Ordinance No. 2012-16 is provided in **Attachment 8** of this application.

Exhibit A of Ordinance No. 2012-16 includes the NBR-PCDP Revisions and Errata as adopted by the City Council; see page 7 of Attachment A. The NBR-PCDP is included in **Attachment 14**.

- b. **Ordinance No. 2012-17** – Approving Development Agreement No.2008-003 between the City of Newport Beach and NBR L.L.C. Ordinance No. 2012-17 is provided in Attachment 9.

The Development Agreement is included Ordinance No. 2012-17 beginning on page 7 of **Attachment 9**.

- c. **Council Resolution 2012-58** – Certifying the Final Environmental Impact Report (EIR) (SCH NO.2009031061) for the NBR Project. Council Resolution 2012-58 is provided in **Attachment 10**.

Exhibit B presents Findings and Facts in Support of Findings and Statement of Overriding Considerations for the NBR Project Final EIR, which starts on Page 7 of **Attachment 10**.

- d. **Council Resolution 2012-59** – Approving General Plan Amendment No. GP2008-008 to Amend the Circulation Element to Delete the Planned Segment of 15th Street West of

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Bluff Road and Adopting a Statement of Overriding Considerations. Council Resolution 2012-59 is provided in **Attachment 11**.

Exhibit A presents the Statement of Overriding Considerations for the NBR Project Final EIR, which starts on Page 6 of **Attachment 11**.

- e. **Council Resolution 2012-60** – Approving Master Development Plan (NBR-MDP) No. MP2008-001, Tentative Tract Map (TTM) No. NT2008-003, Affordable Housing Implementation Plan (AHIP) No. AH2008-001, Findings and Statement of Overriding Considerations, and Traffic Study No. TS2008-002. Council Resolution 2012-59 is provided in **Attachment 12**. Exhibits included in **Attachment 12** include the following:
 - Exhibit A – Required Findings for TTM No. NT2008-003 Approval (Page 6)
 - Exhibit B – Findings for Traffic Study No. TS2008-002 (Page 12)
 - Exhibit C – Required Findings for AHIP No. AH2008-001 (Page 17)
 - Exhibit D – NBR-MDP Revisions and Errata as adopted by the City Council (Page 18). The NBR-MDP is included in this application in **Attachment 15**.
 - Exhibit F – Conditions of Approval for TTM No. 17308 (TTM presented on pages 25-31; Conditions of Approval starts on page 32)
 - Exhibit G – NBR AHIP (Page 64)
- f. **Council Resolution 2010-118** – A resolution of the City Council of the City of Newport Beach Approving the NBR Water Supply Assessment. Please see **Attachment 13** for Council Resolution 2010-118.

The following supporting documentation for the City of Newport Beach review and approval of the Project is attached or included in attachments listed above with the submittal as noted:

- a. **Development Agreement No. 2008-003** between the City of Newport Beach and NBR L.L.C., included in Ordinance No. 2012-17, beginning on page 7 of **Attachment 9**.
- b. **Tentative Tract Map Conditions of Approval** is included in Council Resolution 2012-60 (**Attachment 12**) as Exhibit F, which starts on page 32.
- c. **Newport Banning Ranch Planned Community Development Plan** is provided in **Attachment 14**. See also the NBR-PCDP Revisions and Errata, Exhibit A of Ordinance No. 2012-16 (**Attachment 8**, page 7).

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- d. *Newport Banning Ranch Master Development Plan* is provided in *Attachment 15*. See also the NBR-MDP Revisions and Errata as adopted by the City Council, Exhibit D of Council Resolution 2012-60 (*Attachment 12*, page 18).
- e. *Affordable Housing Implementation Plan*, which is included in exhibits to Council Resolution 2012-60 (*Attachment 12*). The Required Findings for AHIP is included as Exhibit C (page 17) and the AHIP is included as Exhibit G (page 64).

3. City of Costa Mesa

- a. *Traffic Mitigation Agreement* between City of Costa Mesa and NBR LLC is provided in *Attachment 16*. Please note mitigation agreement is for improvements not located in the Coastal Zone.

G. Other Agency Permits, Permissions, or Approvals

The following agency permits are required for the proposed Project:

- U.S. Army Corps of Engineers (USACE)
- State of California Department of Conservation, Department of Oil, Gas and Geothermal Resources (DOGGR)
- Orange County Health Care Agency
- Local Agency Formation Commission (LAFCO)
- California Department of Transportation (Caltrans)
- U.S. Fish and Wildlife Service (USFWS)
- California Department of Fish and Game
- Regional Water Quality Control Board (RWQCB)

II. PROJECT SITE SETTING AND LAND USE

A. Project Location and Surrounding Land Use

1. Project Vicinity

The Project site (Project site or site) encompasses approximately 401 acres. Approximately 40 acres of the east portion of the Project site are located within the incorporated boundary of the City of Newport Beach (City); the remainder of the Project site is located within unincorporated Orange County (County), in the City's adopted Sphere of Influence, as approved by the Local Agency Formation Commission of Orange County (LAFCO). The entire Project site is within the boundary of the Coastal Zone as established by the California Coastal Act. **Attachment 17**, Regional Location and Local Vicinity Map, depicts the Project site in a regional and local context and its location in relation to the coastline.

2. Surrounding Land Uses

The Project site is generally bound on the north by Talbert Nature Preserve/Regional Park in the City of Costa Mesa and residential development in the City of Newport Beach; on the south by West Coast Highway and residential development in the City of Newport Beach; on the east by residential, light industrial, institutional, and office development in the Cities of Costa Mesa and Newport Beach; and on the west by the U.S. Army Corps of Engineers (USACE) wetlands restoration area and the Santa Ana River. The City of Huntington Beach is west of the Santa Ana River. At its nearest point, the Project site is less than 0.25 mile inland from the Pacific Ocean. More specifically, the Project site is bound by the land uses listed below and depicted on **Attachment 18**, Surrounding Land Uses.

North

Talbert Nature Preserve. Talbert Nature Preserve is an approximate 180-acre County of Orange nature preserve and wilderness park facility located in the City of Costa Mesa north of 19th Street.

Newport Terrace. This 281-unit condominium development, comprised of one- and two-story units, is located in the City of Newport Beach north of 19th Street and east of Balboa Boulevard.

Canyon Community Park. This 35-acre community park is located in the City of Costa Mesa north of 19th Street.

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South

West Coast Highway. West Coast Highway is a State highway which bounds the site to the south.

Lido Sands. This single-family residential community is located in the City of Newport Beach, south of West Coast Highway.

Residential Land Use in Newport Beach South of Lido Sands. Other residential uses to the south include single-family and multi-family residential units located south of Lido Sands within the City of Newport Beach.

East

Residential Land Use in Costa Mesa between 19th and 18th Streets. Residential developments, including the California Seabreeze community and homes on Parkview Circle, are located generally between 19th Street and 18th Street contiguous to the Project site in the City of Costa Mesa.

Transition Uses between 18th Street and Newhall Street. These land uses transition from residential (mobile homes and single family) to light industrial and office located between 18th Street and Newhall Street in the City of Costa Mesa.

Newport-Mesa Unified School District-Owned Parcel. A Newport-Mesa Unified School District-owned parcel is located north of 16th Street and adjacent to the Project site in the City of Newport Beach. The parcel is currently undeveloped. This parcel, used for storage by Newport-Mesa Unified School District (School District), is located predominantly in the City of Newport Beach.

City of Newport Beach Utilities Yard. This City Yard is located to the southeast of the School District's parcel and adjacent to the Project site. The City Utilities Yard is accessed from West 16th Street.

Land Uses between 16th Street and 15th Street. The land uses adjacent to the Project site between 16th and 15th Streets include (1) Carden Hall, a private school for kindergarten through 8th grade and (2) the site of the Coast Community College District's Newport Beach Learning Center, an educational facility for high school-aged students, college students, and adult education. Other uses include mobile homes, office uses, and light industrial uses, some of which are located in the City of Costa Mesa.

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Residential Land Uses south of 15th Street. Additional residential uses south of 15th Street, including the condominium developments of Newport Crest, Newport Knolls, and Seawind Newport, are located in the City of Newport Beach.

Sunset Ridge Park. Approved by the City of Newport Beach but not constructed, the 18.9-acre Sunset Ridge Park will be a public park with active and passive recreational uses located contiguous to the Project site's southeastern boundary. The existing condition of the Sunset Ridge Park site is vacant, undeveloped land. The California Coastal Commission (Coastal Commission) approved the project in August 2012.

West

Santa Ana River and River Trail. The Santa Ana River is located to the west of the wetlands restored by the USACE. The Santa Ana River Trail extends from the Pacific Ocean to the Inland Empire. West of the Santa Ana River is the City of Huntington Beach.

USACE-restored Wetlands. Approximately 92 acres of USACE-restored wetlands (full tidal wetlands) border the westernmost and southwestern portions of the Project site and are adjacent to the Santa Ana River. This area is a part of the Santa Ana River Flood Control Project.

Semeniuk Slough (Oxbow Loop). The Semeniuk Slough is a remnant channel of the Santa Ana River that branches off the Santa Ana River and receives runoff from the adjacent oilfields, wetlands, and upper mesa areas including the Cities of Newport Beach and Costa Mesa.

Newport Shores. This development is a 440-home residential community in the City of Newport Beach to the southwest of the Project site, separated by the Semeniuk Slough.

3. Land Use and Zoning Designations

a. City Of Newport Beach

General Plan/Coastal Land Use Plan

The City of Newport Beach General Plan was adopted by the City Council on July 25, 2006, and its land use plan was approved by the voters on November 6, 2006. The General Plan establishes criteria for land use development and provides policy and land use guidance for properties in the City and its Sphere of Influence. In July, 2012, General Plan Amendment No. GP2008-008 was approved by the City to amend the Circulation Element to delete the planned segment of 15th

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Street west of Bluff Road, which was intended to provide a second arterial through the Project site connecting to West Coast Highway.

The City's Coastal Land Use Plan (CLUP) was approved by the Coastal Commission on October 13, 2005. A Major CLUP amendment was later approved by the Coastal Commission on February 5, 2009, and was adopted by the City on July 14, 2009 (Resolution No. 2009-53). However, because the City does not currently have a certified Local Implementation Plan for its Local Coastal Program (LCP), the Coastal Commission retains coastal development permit authority for all development requiring a coastal permit within the City's Coastal Zone area. In addition, the Project site is located in an area of deferred certification, within which the City's certified CLUP does not serve as the standard of review for new development. Therefore, new development on the Project site requiring a coastal development permit is subject to a consistency review with applicable Chapter 3 policies of the Coastal Act, with the City's CLUP providing guidance for the Chapter 3 consistency analysis.

As depicted on **Attachment 19**, Newport Beach General Plan Land Use Designation, the Project site has a General Plan land use designation of OS(RV), Open Space/Residential Village which establishes Open Space as the Primary Use and Residential Village as the Alternative Use for the Project site as described below:

Primary Use:

Open Space, including significant active community parklands that serve adjoining residential neighborhoods if the site is acquired through public funding.

Alternative Use:

If not acquired for open space within a time period and pursuant to terms agreed to by the City and property owner, the site may be developed as a residential village containing a mix of housing types, limited supporting retail, visitor accommodations, school, and active community parklands, with a majority of the property preserved as open space. The property owner may pursue entitlement and permits for a residential village during the time allowed for acquisition as open space.

Additionally, General Plan Land Use Policy 6.5.2 of the City's General Plan states that the Project site must, under the OS(RV) designation:

Accommodate a community park of 20 to 30 acres that contains active playfields that may be lighted and is of sufficient acreage to serve adjoining neighborhoods and residents of Banning Ranch, if developed.

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The General Plan Land Use Element specifies that the Primary Open Space land use alternative could include consolidation of oil operations; restoration of wetlands; the provision of nature education and interpretative facilities and an active park containing playfields and other facilities to serve residents of adjoining neighborhoods.

The General Plan also specifies that if the property is not acquired for open space within a time period and pursuant to terms agreed to by both the City and property owner, the Project site could be developed as a residential village containing a mix of housing types, limited supporting retail, visitor accommodations, a school, and active community parklands with a majority of the property preserved as open space. The General Plan identifies the maximum intensity of development allowed on the property to include up to 1,375 du, 75,000 sf of retail commercial uses oriented to serve the needs of local and nearby residents, and 75 hotel rooms in a small boutique hotel or other type of overnight visitor accommodation.

The General Plan Land Use Element requires the “preparation of a master development plan or a specific plan for any development on the Banning Ranch specifying lands to be developed, preserved, and restored, land uses to be permitted, parcelization, roadway and infrastructure improvements, landscape and streetscape improvements, development regulations, architectural design and landscape guidelines, exterior lighting guidelines, processes for oil operations consolidation, habitat preservation and restoration plan, sustainability practices, financial implementation, and other appropriate elements”.

With respect to the circulation improvements under the OS(RV) land use designation, the General Plan Circulation Element Master Plan of Streets and Highways identifies a north-south four-lane divided road (Primary) extending from West Coast Highway through the property to 19th Street. Additionally, 17th Street would be extended from its existing terminus west of Whittier Avenue onto the property and connect with the West Coast Highway to 19th Street Primary road. As approved by the City in July, 2012, the Master Plan of Streets and Highways has been revised pursuant to General Plan Amendment No. GP2008-008 to accommodate the proposed modifications to the Circulation Element roadway system through the Project site, including deletion of the previously planned segment of 15th Street extended west and connecting to West Coast Highway.

Zoning

On July 23, 2012, Code Amendment No. CA2008-004 was approved by the City to rezone the 40-acre portion of the Project site currently within the incorporated boundary of the City from Planned Community (PC-25) to Planned Community (PC-57), and to pre-zone those portions of the Project site located within the City’s Sphere of Influence from County zoning (discussed below) to PC-57. The City also approved the NBR-PCDP Amendment No. PC2008-002 to

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establish the allowable land uses, general development regulations, and implementation and administrative procedures for the Project site.

Attachment 20 illustrates the current zoning for the Project site. The NBR-PCDP establishes allowable land uses within five land use districts, development regulations for each land use district, general development regulations applicable to all development within the Project site, a plan for circulation and infrastructure facilities to serve development, and procedures for implementing and administering the NBR-PCDP.

The five major land use districts with, subcategories in several of these districts, included in the NBR-PCDP include:

1. Open Space Land Use Districts: Lowland Open Space/Public Trail Facilities (LOS/PTF), Upland Open Space/Public Trail Facilities (UOS/PTF), and Oil Facilities (OF).
2. Public Parks and Recreation Land Use Districts: Community Park (CP), Bluff Park (BP), and Interpretive Parks (IP).
3. Visitor-Serving Resort/Residential Land Use District.
4. Residential Land Use Districts: Residential (Low Density [RL], Low-Medium Density [RL/M], and Medium Density [RM]).
5. Mixed-Use/Residential Land Use District.

The NBR-PCDP serves as the zoning and development regulations for both the portion of the Project site located within the City of Newport Beach and the portion of the Project site located within the County of Orange but within the City's Sphere of Influence. Following annexation of the areas located within the Sphere of Influence, the NBR PC would become effective.

b. County of Orange

General Plan

Approximately 361 acres of the 401-acre Project site are located within the City's Sphere of Influence in unincorporated Orange County. As a part of the Project, these unincorporated areas are proposed for annexation to the City.

As depicted on **Attachment 21**, County of Orange Land Use Designations, the entire Project site has a *County of Orange General Plan Land Use Element* designation of Open Space (5). The Land Use Element states, "The Open Space (5) category indicates the current and near-term use of the land, most of which is zoned agricultural. It is not necessarily an indication of long-term commitment to open space use".

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The Land Use Element Table III-1, Building Intensity/Population Density Standards, notes that the Open Space (5) category "...provides for limited land uses that do not require a commitment of significant urban infrastructure. Examples of compatible uses include: land containing non-renewable and renewable resource areas; prime agricultural soils and water resource areas; materials recovery/recycling facilities if the design of the facility does not adversely impact its open space surroundings, or if the facility is operated in conjunction with other refuse-oriented facilities (i.e., landfills); employment uses in conjunction with large open space areas if they are consistent with the open space character of the area; opportunities for low-intensity, high technology, industrial, research and development, office and educational uses and childcare facilities which do not require a commitment of significant urban infrastructure". The Land Use Element notes that building sites within this category should be large; the maximum building height would be 35 feet; the maximum site coverage for structures and parking should not exceed 20 percent; and the number of employees per acre would be 9 employees.

Zoning

Approximately 361 acres of the Project site are located in unincorporated Orange County, but within the City's Sphere of Influence and retain County zoning designations. As depicted on **Attachment 20**, Existing Zoning, County zoning for the Project site includes several designations that permit residential, commercial, and light industrial/employment uses. Approximately 319 acres are zoned for R-4 Suburban Multi-family residential uses, which permits 1 dwelling unit for each 3,000 sf of net land area (i.e., approximately 14.5 dwelling units/acre [du/ac]); approximately 23 acres area zoned for C-1 Local Business commercial uses; and approximately 19 acres for M1 Light Industrial employment uses. Overlay zones, including Oil Production, Sign Restriction, and Floodplain Zone 2 apply to portions of the property.

B. Past and Present Land Uses

1. Banning Lease Oil Field - California Coastal Zone Conservation Commission Resolution of Exemption E-144, November 5, 1973

Prior to the 1940s, the Project site was used for agriculture. In the 1940s, portions of the site closer to West Coast Highway were used as a World War II military coast watch stations, for equipment storage and maintenance, and for miscellaneous peripheral operations (including areas leased to welders, pipe storage, and equipment operators). Since the early 1940s, oil operations, including exploration, development, production, and maintenance, have been conducted continuously on the Project site, currently identified as the Banning Lease, the Banning Ranch Oil Field, or West Newport Oil Field.

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Oil production, operation and maintenance activities of the 480 acre Banning Lease Oil Field are the subject of a 1973 determination by the California Coastal Zone Conservation Commission that the rights to conduct the oil operations on the oil field had vested and are, therefore, exempt from regulation under the California Coastal Zone Conservation Act (*Attachment 22*).

The Resolution of Exemption issued for the Banning Lease did not include a sunset clause for the exempt oil production activities, but provided for the continued and indefinite production, operation and maintenance of the 480 acre Banning Lease. The exempt activities cited in the Resolution of Exemption include:

1. Surface and subsurface oil drilling and production of 480 acres of the Banning Lease, consisting a total of 340 oil producing and injection wells and associated surface facilities, all of which may be subject to redrilling, repair and replacement, such that no more than 340 wells are in production at any one time.
2. Continued operation, repair and maintenance of oil producing and injection wells and associated surface facilities, including workover or remedial operations on wells necessary to maintain or improve their performance.
3. Abandonment of wells in accordance with requirements and approval of the State Division of Oil and Gas (California Department of Conservation, Division of Oil, Gas, and Geothermal Resources), and removal of surface equipment and pipelines per state and local agency requirements.

The effect of the Resolution of Exemption is that oil production facilities currently existing on the Banning Lease Oil Field, including wells and associated surface and subsurface infrastructure, have been constructed, operated, repaired, replaced, maintained and/or abandoned within the scope of the exempt activities articulated by Resolution of Exemption for the Banning Lease, and therefore have not been subject to coastal development permit requirements. In addition, all pending and future operation, repair, replacement, maintenance and abandonment of the oil production facilities described in the Resolution of Exemption continue to be exempt from coastal development permit requirements.

Since the commencement of oil operations in the early 1940's approximately 489 wells have been drilled on the Banning Lease Oil Field; the total number of existing wells on the site exceeds the 340 wells identified in the Resolution of Exemption as it includes oil producing and injection wells that have been redrilled consistent with the terms of the Resolution of Exemption. Existing oil operations include the oil well sites and related surface and subsurface oil facility infrastructure, including but not limited to pipelines, storage tanks, power poles, machinery, improved and unimproved roadways, buildings, and oil processing facilities. Of the approximately 489 oil well sites, the City of Newport Beach currently operates 16 wells and an

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oil processing facility near the southwestern boundary of the site, as accessed from West Coast Highway. Access to the private oil operations (West Newport Oil Company is the operator of the privately owned oilfield) is at the terminus of 17th Street at the easterly boundary of the site and at West Coast Highway. There are approximately 85 active, idle, or available for production oil wells with approximately 50 to 60 of these oil wells operational at any time. 388 wells have been plugged and abandoned; however, final site remediation has yet to be conducted on most well pads. There currently remain over 40 miles of active and inactive pipelines throughout the site used to convey oil, water, and gas produced from the oil wells to separation and treatment facilities within the oil field.

Operation of the oilfield involves drilling/redrilling and production operations, as well as staging of activities, the movement of equipment and personnel to, from, and across the site, and the storage of equipment and materials. In addition, the oil field operation includes maintenance and security activities that are essential to efficient operations and the protection of the property, oil field employees, and persons and properties in the vicinity of the oilfield. These activities include, among others, road repairs, vegetation management, fire abatement, and weed control.

Vegetation management is an integral component of the oil field maintenance program, and has been performed by oil operators since the early 1940s. The extent of vegetation clearance is limited to the amount necessary to ensure public safety, fire prevention, site security, and proper oil field functioning. Vegetation management is performed by mowing and manual removal (e.g., saws, weed whackers, and pruners) of flammable vegetation, including most open grass and weedy areas. Historically, the oil operators have performed vegetation management at least two times per year (depending upon the seasonal rainfall), and have periodically (typically annually) cleared vegetative growth along oil pipelines, gas pipelines, utilities, and well pad areas throughout the field. Pipeline clearing cannot be done by mechanical mowing; therefore, it is more difficult and labor-intensive resulting in a less frequent, but nonetheless important, component of the maintenance schedule. The same pattern of vegetation maintenance related to the oil field activities that was occurring at the time the Resolution of Exemption was issued has continued on the site to-date.

2. Existing Site Conditions

A review of historic aerial imagery dating from the 1940s to 2011 documents the Banning Lease surface facilities and activities cited in the Resolution of Exemption, and described herein, which have resulted in the disturbed conditions of the Project site (**Attachment 23**, Historic Aerial Imagery 1927-2011). Aerial photography from 1972 and 1973 confirms that the Project site was extensively disturbed by the oil field facilities, operations and maintenance conducted before and at the time the Resolution of Exemption was issued. The aerial imagery further confirms the continued and consistent scope of oil field facilities, operations and maintenance that have been

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conducted on the Project site consistent with the Resolution of Exemption. As such, the Project site's existing, disturbed condition as documented in the certified NBR EIR (Bonterra 2012), Jurisdictional Determination of Seasonal Features (Dudek 2012), and Grassland Assessment and Vegetation Mapping Survey Report (Dudek 2012) is the result of legal development and use of the property, and therefore is appropriately considered when analyzing the proposed Project's potential impacts to coastal resources.

Attachment 24, Banning Ranch Oil Field Facilities, Infrastructure, Operations and Maintenance Map, illustrates those portions of the property disturbed as a result of the historic and continued use of the Banning Lease Oil Field. Existing oil operations include oil wells, tanks, pipelines and associated surface facilities, which include utilities, graded roads and equipment areas, some surfaced with gravel, asphalt and asphalt-like material (degraded crude oil, or crude oil tank sediments blended with sand and/or dirt). Surface facilities also include various storage facilities, staging and stockpile areas, personnel support facilities, historic sumps which have held produced oil and fluids within in-ground surface impoundments, and areas subject to vegetation management.

a. Natural Resources

Although the site has been disturbed by historic and ongoing oil operations and is dominated by non-native vegetation, it contains a diverse population of flora and fauna species. Native vegetation that remains intact on the Project site consists of several large patches of maritime succulent scrub and southern coastal bluff scrub. The Project site also supports several special status plants and protected wildlife species. The federally listed threatened coastal California gnatcatcher and the coastal cactus wren (a California Department of Fish and Wildlife [CDFW] Species of Special Concern) are present on the Project site and typically occur in areas of the Project site with intact maritime succulent scrub and southern coastal bluff scrub contained within the site's drainages and bluff edges.

The Lowlands supports wetland habitats, including areas of tidal coastal salt marsh that supports the State-listed Endangered Belding's savannah sparrow; it also supports southern willow scrub and southern willow forest that support the State and federally listed endangered least Bell's vireo, and a variety of special status nesting raptors including the white-tailed kite. Additionally, the Lowland supports special-status plants including substantial populations of southern tarplant.

The Project site contains riparian and wetland habitats that are under the jurisdiction of the USACE, the CDFW, and the California Coastal Commission. Riparian and wetland habitat on the Project site includes southern black willow forest, southern willow scrub, alkali meadow, mud flats, southern coastal brackish marsh, and southern coastal salt marsh. The Project contains

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or is within Critical Habitat units defined by the U.S. Fish and Wildlife Service (USFWS) for the coastal California gnatcatcher and the San Diego fairy shrimp.

b. Topography

As depicted on *Attachment 25*, Existing Topographic Site Conditions, the Project site's topography is characterized by two primary topographic areas: the lowland area (Lowland) in the northwestern portion of the Project site, and an uplifted Newport Mesa (Upland) in the remainder of the Project site. From south to north, the Project site's topography becomes more gradual and transitions to sloping hillsides.

The Lowland encompasses approximately 147 acres of the Project site and comprises the northwestern portion of the property. Elevations range from approximately one foot to ten feet above mean sea level (msl). South- and west-facing slopes are located east of the Lowland.

The Upland area comprises approximately 254 acres of the Project site in its southern and eastern portions. Elevations range from approximately 50 feet above msl in the southwestern area to approximately 105 feet above msl in the eastern-central area. Bluffs and slopes extend along the southwestern and southern edges of the Upland and serve to visually separate the majority of the Project site from West Coast Highway.

The Upland has been incised to form three primary arroyos which convey runoff from on-site and adjacent off-site areas across the Project site to the Santa Ana River and Semeniuk Slough. The southernmost arroyo is the largest of the site's drainages (Large Arroyo); followed by the middle arroyo (Medium Arroyo); and the northern arroyo being the smallest.

3. Oilfield Abandonment, Site Remediation and Consolidation of Oil Production Facilities

In addition to exempting development and activities associated with continued production, operation and maintenance of the Banning Lease Oil Field from coastal development permit requirements, the 1973 Resolution of Exemption also exempts abandonment of wells, conducted in accordance with requirements and approval of the State Division of Oil and Gas, and removal of surface equipment and pipelines per state and local agency requirements.

Banning Lease Oil Field operations are regulated by the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR). In order to implement Section 3208.1 of the *California Public Resources Code* (PRC), the DOGGR has developed the Construction Site Plan Review Program for abandonment or reabandonment, if necessary, of oil wells. Oil fields that are abandoned for purposes of future development are subject to local permitting agency review and implementation of DOGGR's preconstruction well requirements

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prior to issuance of grading or building permits. In addition, the oil operations have environmental regulatory oversight by both the California Regional Water Quality Control Board – Santa Ana Region (Santa Ana RWQCB) and the Orange County Health Care Agency (OCHCA). Since 1992, both agencies have been involved in overseeing certain aspects of cleanup activities and Banning Lease Oil Field operations. Currently, the lead regulatory agency (Santa Ana RWQCB) has approved a Remedial Action Plan (RAP) and is overseeing remediation efforts to recover an isolated pocket of crude oil located on top of the shallow brackish groundwater in the Main Drill Site Tank Farm (the Northerly Oil Consolidation site) area.

Because abandonment of the oil field facilities, as described in the certified NBR EIR, is not subject to coastal development permit requirements, the Project impact analysis for the subject coastal development permit application is appropriately based on anticipated site conditions that reflect the scope and footprint of disturbance resulting from the oil field abandonment and associated remediation and consolidation processes. It is important to note that because the California Environmental Quality Act (CEQA) requires consideration of the environmental impacts of the “whole of an action,” the City’s EIR included oil field abandonment, remediation and consolidation as an integral part of the CEQA project. However, as discussed below, the baseline analysis under the Coastal Act would reflect site conditions resulting from oil field abandonment, remediation and consolidation.

Accordingly, the below description of current and impending oil field abandonment, remediation and consolidation activities at the Project site is intended to facilitate an overall understanding of the oil field abandonment process and resulting site conditions, which establishes the baseline condition for reviewing the proposed Project for consistency with applicable Coastal Act policies. **Attachment 26**, Recognized Environmental Conditions (RECs) and Oil Field Abandonment and Remediation Maps, illustrates the scope of the oil field abandonment, remediation and consolidation activities for the Project site. A more detailed description of the oil field abandonment, remediation and consolidation activities is included in Section 4.5, Hazards, of the EIR. Please see EIR Appendix D for the *Phase I Environmental Site Assessment Update* (GeoSyntec Consultants 2008), *Draft Remedial Action Plan* (GeoSyntec Consultants 2009), and *Oil Facility Consolidation, Abandonment, and Remediation Program* (NBR LLC 2008).

a. Oil Field Abandonment and Remediation

Section 4.5, Hazards, of the NBR EIR summarizes previous studies conducted at the Project site to document site conditions relative to potential hazardous materials. The results of investigations performed at the Project site indicate the site is primarily impacted by petroleum hydrocarbons, specifically degraded and weathered crude oil, and that these impacts are

generally confined to specific operating areas, including oil well locations, pipelines, tank farms, sumps, and roadways. The Project site also includes road materials made up of varying amounts of gravel, asphalt, asphalt-like material, and large amounts of concrete used in oilfield operations and facilities. The data also indicate that some areas of the Project site contain soils impacted by generally low concentrations of chemicals associated with crude oil operations, such as volatile organic compounds (VOCs) and metals. Pursuant to state and local agency requirements, a draft Remedial Action Plan, prepared by GeoSyntec has been prepared which specifies that oil field abandonment and remediation efforts would include oilfield facility and infrastructure removal and oilfield remediation, as well as the consolidation of oilfield activities. Please reference EIR Appendix D, Site Remediation and Hazardous Materials, for the Draft Remedial Action Plan.

Active and potentially active wells in the Upland and Lowland areas outside of the proposed consolidation areas would be plugged and abandoned. Additionally, previously abandoned wells would be investigated and, if necessary, would be re-abandoned, as needed to meet current DOGGR and Orange County Fire Authority requirements. The oilfield abandonment process would also include demolishing and removing the pipelines, utility poles, and other related production equipment, structures, and road surface materials. These abandonment activities would clear the site for the subsequent remediation phase, which would be implemented after the demolition and abandonment of oil production facilities are completed.

Previous studies have identified multiple areas of RECs on the Project site. The site is impacted primarily by petroleum hydrocarbons. Seven of the RECs investigated show significant hydrocarbon impacts beyond surface areas. It is estimated that approximately 246,000 cubic yards (cy) of materials will need to be remediated as part of the abandonment process. Of the 246,000 cy, approximately 138,000 cy are hydrocarbon-impacted soils and 108,000 cy are surface road materials and concrete. In addition to the REC areas, it is expected that additional small volumes of impacted soils may be identified during the oilfield facility demolition phase. An estimate of these small volumes is included in the total volume numbers. Based on the groundwater assessments performed at the site, there were no historical groundwater impacts detected under or in the immediate vicinity of the development area proposed for new land uses.

b. Remediation Methods

Oil field remediation efforts will be conducted pursuant to the following strategies to ensure compliance with applicable state and local agency requirements:

- Recycle or reuse all salvageable materials.
- Remediate soils on the site, whenever feasible, using natural bio-remediation processes, discussed further below (see “Soil Remediation Methods” below).

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- Remove heavy hydrocarbons from the site and recycle into off-site roadway materials at an off-site crude oil facility.
- Reuse remediated soils, concrete debris, and restored materials in onsite fills and replacement areas, whenever feasible.
- Minimize off-site traffic, hauling, and disposal.

During previously approved remediation programs on the Project site, hydrocarbon-impacted soils have been successfully remediated in a pilot-scale bioremediation cell (i.e., biocell). A continuation of the soil bioremediation method to treat and clean hydrocarbon-impacted soils would be included in the final RAP. The bioremediation of hydrocarbon-containing materials generally consist of: (1) siting and layout of treatment areas; (2) construction of containment and handling areas; and (3) operation of the treatment area. The actual bioremediation process involves the control of moisture in the soils as they are periodically mixed and turned. This process aerates the soils and encourages the growth of the indigenous hydrocarbon-reducing bacteria. Periodic sampling of the treated soil monitors the process until the agency-approved clean-up levels are achieved. Upon approval by the oversight agencies, expected to be Santa Ana RWQCB and the OCHCA, the treated soils are re-used onsite or removed.

In general, the remediation process for the RECs identified on the site would consist of the five processes listed below.

1. Sampling within known areas of impact to evaluate the extent of removal needed in each area. Note that this may be conducted simultaneously with the remedial excavation operations described above.
2. Removing impacted materials and stockpiling them in specified areas of the site. Materials would be stockpiled with respect to their potential for reuse as fill on site, or potential for haul off site (dependent on concentration and nature of impacts, i.e., ability to be bioremediated on site). Areas would be contained to limit erosion and runoff issues from stockpiling operations and to ensure there is no impact to future resource conservation sites.
3. Segregating materials that are not likely to be effectively treated by on-site bioremediation (e.g., heavy hydrocarbons). These materials would be segregated near transportation access points for recycling at a State of California-approved facility.¹ Materials identified that have constituents exceeding hazardous criteria as defined by federal and State regulations would be stockpiled and handled separately. Note that no

¹ Facilities include but are not limited to Thermal Remediation Solutions in the City of Azusa, Belridge Producing Complex in Kern County, and Clean Harbors in Kern County.

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petroleum hydrocarbons or any other contaminants identified in soil and groundwater having concentrations exceeding hazardous criteria have yet been identified.

4. Placing stockpiles adjacent to treatment locations (i.e., biocells). Materials would be spread and handled to enhance natural biodegradation of petroleum hydrocarbons.
5. Confirmation sampling within the biocell areas. Samples of soil would be collected at a specified frequency and with an agency-approved treatment batch volume. These samples would be subjected to laboratory analysis. Based on the results, materials would either continue to be treated or would be moved to reuse areas if sample results indicate that agency-approved criteria have been achieved.

The remediation methods for the oil field recognize the overall goal of state and local authorities to remediate and/or recycle impacted materials on site to the greatest extent possible in order to reduce impacts associated with traffic on local streets, air emissions that would be experienced with mass soil export, or the use of landfill capacity for otherwise recyclable resources. In addition, though the remediation process described herein is exempt from coastal development permit requirements, agency-approved materials may be re-used as fill for Project development, which would serve to minimize overall grading for the proposed Project. The fill materials must meet the clean-up criteria established for development of the proposed Project based on depth of placement below grade and is subject to appropriate geotechnical criteria. It is anticipated that some percentage of the soil/material from the oil field abandonment and remediation process would not be recyclable or suitable for use on site. It is estimated that approximately 25,000 cy of this material may need to be exported off site.

c. Consolidation of Oil Production Facilities

Consolidation of oil field facilities will occur within two sites totaling approximately 20 acres. The consolidation sites are active oil producing and handling areas consisting of oil wells and main oil treating facilities for the current Banning Lease Oil Field operations. Oil field consolidation facilities will consist of: 1) continued Banning Lease Oil Field exploration, development and production operations, including drilling, production and maintenance operations on approximately 4.8 acres located adjacent to West Coast Highway that contains the City's main oil facility; 2) continued Banning Lease Oil Field exploration, development and production operations, including drilling, production and maintenance operations consolidated within a northern site of approximately 8.6 acres 3) a non-exclusive easement on approximately 3.1 acres to include an oil access roadway connecting the two surface oil production sites described above.

Banning Lease Oil Field operations are currently conducted in the consolidation sites and this will continue in the same manner should the proposed Project be approved, and could occur even

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if the Project were not approved. As such, oil field consolidation will be conducted in a manner that provides for continued Banning Lease Oil Field production and maintenance operations consistent with the Resolution of Exemption.

Banning Lease Oil Field operations in the consolidation sites are and will continue to be regulated and inspected by the DOGGR and other State and local regulatory agencies. Upon the future cessation of oil operations on the two oil consolidation sites, the sites would be abandoned and remediated, pursuant to the appropriate regulatory review at that time, with future use restricted to open space.

III. PROJECT OVERVIEW

The proposed Project involves development of a Conservation, Recreation and Mixed-Use Village Reuse Plan on a 401-acre site currently and historically used for oilfield development and production. Beginning in the 1940's, the property has been the focus of intense oilfield development resulting in the drilling of more than 480 oil wells, installation of more than 40 miles of pipelines, and numerous roads, outbuildings, and machinery, most of which currently exist on the site. Oil field production operations over the last 70 years have resulted in a significant degradation of native habitats over the majority of the property. Heavy equipment has scarred and compacted the earth and hydrocarbons contamination exists in numerous areas. As a result of the ongoing oil operations, there has been no public access.

The proposed Project implements the City of Newport Beach General Plan, adopted by the City Council on July 25, 2006, and approved by City's voters in the November 7, 2006. The General Plan specifies that the primary Open Space land use alternative for the property would include consolidation of oil operations onto approximately 5% of the property; restoration of wetlands; the provision of nature education and interpretative facilities and an active park containing playfields and other facilities to serve residents of adjoining neighborhoods. The General Plan also specifies that, if the property is not acquired for open space within a time period and pursuant to terms agreed to by both the City of Newport Beach and property owner, the Project site could be developed as a residential village containing a mix of housing types, limited supporting retail, visitor accommodations, a school, and active community parklands with a majority of the property preserved as open space. No offers to acquire the property have come forward.

The Project includes a comprehensive and innovative vision for the NBR that would transform the degraded oilfield through an extensive habitat restoration and conservation plan focusing on the re-establishment and enhancement of increasingly rare southern California habitats, and provision of public access and public recreational amenities throughout the site, while limiting development to less than 25 percent of the property. As a precursor to implementing the Project, NBR LLC, (representing the surface rights owners, Cherokee Newport Beach, LLC and Aera Energy LLC) have agreed to assume from the mineral rights owners the responsibility to complete a \$30 million dollar oilfield abandonment and environmental remediation effort, thereby making approximately 95% of the property available for conservation, recreation and limited residential, commercial and visitor-serving uses.

The Project designates approximately 304 acres of the site (76 percent of the 401 acre NBR property) for permanently conserved and restored natural open space lands, public parklands, and significant coastal public access trails and recreational amenities.

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The Project's natural open space, passive and active public parklands and trail system are a significant contributing element to the envisioned 1,000-acre Orange Coast River Park, which is planned as a contiguous nature park connecting inland areas to the shoreline at the mouth of the Santa Ana River via trails and a variety of restored coastal habitats. Over the past 15 years, there has been an ongoing effort to unify the fragmented lands along the mouth of the Santa Ana River with the goals of improving habitat and connectivity, providing more public access, and offering new recreational opportunities. One of the most important parts of the Project is the 252 acres of land (63 percent) proposed to be set aside and anticipated to be managed by the Newport Banning Land Trust (NBLT).

Approximately 235 acres of the property (59 percent) would be designated as an Open Space Preserve and is anticipated to be managed by the NBLT. Approximately 144 acres of the designated open space would be subject to restoration and conservation of wetland, bluff, riparian and upland mesa habitat, 3 acres would be revegetated and enhanced as native planting buffers around oil consolidation sites, and 76 acres would be made available for third-party wetland mitigation and habitat restoration purposes. Designated open space also includes approximately 2.5 acres of wetland creation/enhancement areas, which would function to control and treat stormwater runoff from on- and off-site sources, thereby enhancing water quality and marine resources on and adjacent to the site. Approximately 9.5 acres of public interpretative trails are included in the Open Space Preserve, introducing a variety of public access, interpretation and recreational opportunities on the site and completing a trail system that connects the Santa Ana River Regional Trail System and Talbert Nature Preserve. Additionally, the Project provides that, upon cessation of oil operations, the remaining 17 acres of consolidated oil operation areas would be abandoned, remediated, restored and converted to permanent open space.

The Habitat Restoration Plan (HRP) prepared for NBR would serve as the primary implementation program for the conservation, creation, and restoration of a variety of native habitats on 144 acres within the Open Space Preserve. The HRP provides a comprehensive approach to habitat restoration on the property, focusing both on habitat function and value for the special-status and common species that utilize the site, and ecosystem restoration opportunities for the site and adjacent open space areas.

Funding for ongoing stewardship, monitoring, trails maintenance, interpretation and other public benefits of the proposed Open Space Preserve by the NBLT would be supported by the proposed in-fill development plan that meets the highest standards for a green community and is sensitive to the delicate interface between development and habitat, helping to ensure the health of the surrounding open space. As a first step, oil operations would be consolidated into two sites and the impacts from more than 70 years of oil operations would be remediated.

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In addition to the proposed 235-acre Open Space Preserve, the Project includes development of approximately 52 acres of active and passive public parks (13 percent of the property). Proposed parklands include dedication to the City of Newport Beach approximately 28 acres for development of three Public Community Parks, and development of a 20.6-acre Bluff Park (North and South), including of trails that connect to the Open Space Preserve trail system, picnic areas, and scenic view overlooks. The Project also includes construction of a pedestrian and bicycle bridge from Bluff Park over West Coast Highway that would facilitate public coastal access from nearby inland areas to the shoreline and would provide public access from the beach to the Project's open space. Additionally, 3.7 acres of the property are proposed to be developed for a Talbert Trailhead, a Nature Center, and a Vernal Pool Interpretative area, which would be managed by the NBLT.

The balance of the property, approximately 97 gross acres (24 percent) of the 401-acre site, would provide for development of up to 1,375 residential dwelling units (du), 75,000 square feet (sf) of commercial uses, and a 75-room visitor-serving resort inn. All residential, commercial and resort-inn development would be situated within clustered development envelopes contained entirely within the upland portion of the property, identified as the South Family Village (19.1 acres), North Family Village (46 acres), the Urban Colony (20.9 acres) and Resort Colony (11.1 acres). Development would meet high environmental design standards (i.e., LEED-ND™) and fire design standards.

Earth moving activity on the property would include mass grading, bluff restoration, and open space grading. Mass grading consists of over-excavation and cut and fill associated with the development plan and includes grading for parks, roads, underground utilities, and development lots. Mass grading would also occur along portions of the south- and west-facing bluffs to restore areas impacted by oil operations, uncontrolled drainage and erosion, and soil degradation. Grading is proposed in the Open Space Preserve to establish trail grades, prepare habitat mitigation areas, implement bluff restoration, and to allow for public access, maintenance access, and water quality basin creation areas. Estimated total grading for the Project is approximately 900,000 cy of cut and fill for mass grading, and 1,455,000 cy of corrective grading for development proposed in the Upland area, which would involve removal and recompaction of the upper three to five feet of the soil horizon as well as locally compressible and/or porous zones within the terrace deposits.

The Project incorporates a variety of water quality and drainage features, including natural treatment systems, improved hydrology and incorporation and utilization of pervious surfaces, designed to minimize and treat onsite stormwater runoff, as well as approximately 46 acres of off-site runoff from adjacent commercial and light industrial areas. Water quality improvements consist of Low Impact Design (LID) features such as bioswales, landscaping biocells, and permeable pavement, where feasible, as well as source-control and treatment-control Best

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Management Practices (BMPs). Drainage improvements are designed to stabilize arroyos, minimize erosion and redirect runoff away from bluffs, thus reducing future erosion and the resulting sediment load to the Semeniuk Slough. In addition, the proposed 2.6 acres of wetland creation/enhancement areas would serve to retain and treat stormwater runoff from onsite and adjacent offsite areas, reducing the amount of nutrients and metals currently discharged into the lowlands and coastal waters and thereby enhancing water quality over existing conditions.

The Project includes construction of a circulation system for vehicles, bicycles, and pedestrians. New vehicular roadways would connect to existing, adjacent roadways to provide access to the property and help complete portions of the City's Circulation Element and Coastal Land Use Plan circulation improvements. Roadways are proposed to provide access to and circulation within residential areas, commercial areas, visitor-serving areas, and parks. Scenic Drive and all internal local roadways would be public roads providing on street parking available to the public. Five-foot-wide minimum on-street bicycle trails are proposed for both sides of arterial roadways and all streets would have sidewalks separated from the street.

Onsite public parking resources would be provided to support access to and use of the proposed parklands and trail system. Approximately 242 on-street public parking spaces would be provided on Scenic Drive, and approximately 188 off-street public parking spaces would be provided within the Community Park areas and the Nature Center. Off-street parking would also be provided for each residential, commercial and resort-inn development area.

New infrastructure and utilities, including water, sewer, and storm drain facilities to serve the proposed development, would be constructed. New water, sewer, and storm drain facilities would connect to existing City and County facilities located adjacent to the property.

Implementation of the Project involves a request for approval of a TTM. **Attachment 27**, TTM No. 17308, depicts the proposed subdivision of the property. TTM No. 17308 establishes lots for public dedication or conveyance, easements for trails and public utilities, lots for residential development and conveyance to homebuyers, and lots for financing and conveyance that may be either developed on a residential condominium basis or which can be further subdivided for purposes of development and conveyance to homebuyers. Sheet 1 of the TTM lists all lots created by the proposed Project with each lot's associated land use, maintenance responsibility and lot size.

Approval of TTM No. 17308 would permit mass grading, habitat restoration, construction of drainage and water quality improvements, backbone infrastructure, and dry utilities including domestic water and sewer facilities throughout the property. Development of park and trail, residential, commercial, and visitor-serving improvements would require recordation of a final tract map.

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A Pre-Annexation and Development Agreement has been approved between the Applicant and the City (**Attachment 9**) to address affordable housing requirements, parkland dedication/in lieu fee requirements, infrastructure phasing including a Traffic Phasing Ordinance (TPO), and other issues. The Pre-Annexation and Development Agreement serve to describe the development rights of and public benefits to be provided by the Applicant, and to outline the terms for annexation of the unincorporated portion of the property to the City.

The NBR-MDP (**Attachment 15**) describes the various elements of the Project and includes the overall site development plan (**Development Plan 1**) as well as development plans and design criteria for each Project element. Land use areas of the NBR-MDP are identified and described as geographic Site Planning Areas (SPAs), and each component of the NBR-MDP is further described in Section IV, Project Land Uses and Development Plans. The NBR-MDP components are summarized in Table 1.

Similar to previously-approved master planned communities within the area (i.e., UGS Development Bayside Planned Community, Coastal Development Permit 5-06-145; The Irvine Company Newport Coast Planned Community, A5-IRC-99-301), the City of Newport Beach approved the proposed Project and associated NBR-MDP and TTM as integral components of the NBR-PCDP). The NBR-PCDP (**Attachment 14**) includes land use and development regulations that govern initial development and future changes to the Project, as well procedural requirements for the City's Site Development Review, a local review process required for specific development projects prior to issuance of construction level permits.

Table 1, Development Plan Summary, lists the proposed use and development areas, associated acreage, units and square footage, where applicable.

Table 1
Development Plan Summary

Site Planning Area	Gross Acres ^a	Net Acres ^a	Density (du/ gross ac)	Units	Retail (sf) ^d	Resort Inn
Open Space Preserve						
Habitat Conservation, Restoration, And Mitigation Areas						
West Coast Highway Bluff Area	14.4	13.2	--	0	0	0
Large Arroyo CSS/Grassland Area	28.3	28.0	--	0	0	0
Scenic Bluff CSS/Grassland Area	12.9	12.9	--	0	0	0
Vernal Pool Preservation Area	3.2	3.2	--	0	0	0
South Upland CSS/Grassland Area	19.4	18.1	--	0	0	0
Medium Arroyo Grassland Area	5.9	5.5	--	0	0	0

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Table 1
Development Plan Summary

Site Planning Area	Gross Acres ^a	Net Acres ^a	Density (du/ gross ac)	Units	Retail (sf) ^d	Resort Inn
North Upland CSS/Grassland Area ^c	16.3	13.5	--	0	0	0
Small Arroyo Grassland Area	1.2	1.1	--	0	0	0
Wet Meadow Area ^c	42.5	40.3	--	0	0	0
<i>Subtotal</i>	<i>144.1</i>	<i>135.8</i>	<i>--</i>	<i>0</i>	<i>0</i>	<i>0</i>
Third-Party Reserve Area						
Wetland Area	75.8	75.8	--	0	0	0
<i>Subtotal</i>	<i>75.8</i>	<i>75.8</i>	<i>--</i>	<i>0</i>	<i>0</i>	<i>0</i>
Public Interpretive Trails						
Bluff Toe Trail ^b	--	--	--	0	0	0
Lowland Interpretive Trail	7.3	7.1	--	0	0	0
Large Arroyo Trail	0.7	0.7	--	0	0	0
Upland Interpretive Trail	1.5	1.5	--	0	0	0
<i>Subtotal</i>	<i>9.5</i>	<i>9.3</i>	<i>--</i>	<i>0</i>	<i>0</i>	<i>0</i>
Drainage Cleansing And Water Polishing Areas						
Wetlands Restoration/Drainage Cleansing/Polishing Area	2.2	2.2	--	0	0	0
Wetlands Restoration/Drainage Cleansing/Polishing Area	0.4	0.4	--	0	0	0
<i>Subtotal</i>	<i>2.6</i>	<i>2.6</i>	<i>--</i>	<i>0</i>	<i>0</i>	<i>0</i>
Consolidated Oil Sites (Interim Use-Not Subject to Coastal Development Permit)						
Oil Operations Site (South Area)	4.8	4.8	--	0	0	0
Oil Access Road (Non-exclusive Access Easement)	3.1	3.1	--	0	0	0
Oil Consolidation Site (North Area)	8.6	8.6	--	0	0	0
<i>Subtotal</i>	<i>16.5</i>	<i>16.5</i>	<i>--</i>	<i>0</i>	<i>0</i>	<i>0</i>
Oil Site Native Planting Buffers (Not Subject to Coastal Development Permit)						
Oil Operations Site Native Planting Buffer	0.4	0.4	--	0	0	0
Oil Consolidation Site Native Planting Buffer	2.7	2.7	--	0	0	0
<i>Subtotal</i>	<i>3.1</i>	<i>3.1</i>	<i>--</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>Subtotal Open Space Preserve</i>	<i>251.6</i>	<i>243.1</i>	<i>--</i>	<i>0</i>	<i>0</i>	<i>0</i>
Parklands						

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Table 1
Development Plan Summary

Site Planning Area	Gross Acres ^a	Net Acres ^a	Density (du/ gross ac)	Units	Retail (sf) ^d	Resort Inn
Public Community Parks						
South Community Park	6.3	5.1	--	0	0	0
Central Community Park	5.8	4.4	--	0	0	0
North Community Park	15.9	13.4	--	0	0	0
<i>Subtotal</i>	<i>28.0</i>	<i>22.9</i>	<i>--</i>	<i>0</i>	<i>0</i>	<i>0</i>
Public Bluff Park						
South Bluff Park	7.0	6.7	--	0	0	0
North Bluff Park	13.6	10.6	--	0	0	0
<i>Subtotal</i>	<i>20.6</i>	<i>17.3</i>	<i>--</i>	<i>0</i>	<i>0</i>	<i>0</i>
Public Interpretive Parks						
Nature Center	2.2	2.2	--	0	0	0
Vernal Pool Interpretive Area	1.4	0.5	--	0	0	0
Talbert Trailhead Area	0.1	0.1	--	0	0	0
<i>Subtotal</i>	<i>3.7</i>	<i>2.8</i>	<i>--</i>	<i>0</i>	<i>0</i>	<i>0</i>
Subtotal Parklands	52.3	43.0	--	0	0	0
Villages And Colonies						
North Family Village						
Single-Family Detached Residential	17.1	13.4	6.3	107	0	0
Single-Family Detached Residential	11.8	8.1	7.2	85	0	0
Single-Family Detached Residential	8.3	6.0	10.8	90	0	0
Multi-Family Attached Residential	8.8	5.9	15.3	135	0	0
<i>Subtotal</i>	<i>46.0</i>	<i>33.4</i>	<i>--</i>	<i>417</i>	<i>0</i>	<i>0</i>
South Family Village						
Single-Family Detached Residential	9.1	7.7	6.6	60	0	0
Single-Family Detached Residential	10.0	6.6	8.1	81	0	0
<i>Subtotal</i>	<i>19.1</i>	<i>14.3</i>	<i>--</i>	<i>141</i>	<i>0</i>	<i>0</i>
Urban Colony						
Multi-Family Attached Residential/Mixed-Use Commercial	9.8	8.4	37.2	365	37,500	0
Multi-Family Attached Residential/Mixed-Use Commercial	11.1	9.8	32.9	365	37,500	0
<i>Subtotal</i>	<i>20.9</i>	<i>18.2</i>	<i>--</i>	<i>730</i>	<i>75,000</i>	<i>0</i>

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Table 1
Development Plan Summary

Site Planning Area	Gross Acres ^a	Net Acres ^a	Density (du/ gross ac)	Units	Retail (sf) ^d	Resort Inn
Resort Colony						
Resort Hotel (75 Guest Rooms/ Spa/ Fitness Center/ Restaurants/ Shops)	5.5	5.0	--	0	0	75
Multi-Family Attached Residential	5.6	5.4	15.5	87	0	0
<i>Subtotal</i>	<i>11.1</i>	<i>10.4</i>	<i>--</i>	<i>87</i>	<i>0</i>	<i>75</i>
Subtotal Villages And Colonies	97.1	76.3	--	1,375	75,000	75
Combined Total						
Total Project	401.1	362.4	--	1,375	75,000	75

- ^a Gross Acres of Site Planning Areas are measured to the centerlines of all public roads where such roads are shown on the NBR-MDP. Net Acres of Site Planning Areas are measured to edges of the right-of-ways of all public roads where such roads are shown on the NBR-MDP (i.e., Net Acres exclude public road rights-of-way). All acres are computed to 10 decimal places, and then rounded to the nearest tenth of an acre.)
- ^b The Bluff Toe Trail is located within the non-exclusive access easement identified as Site Plan Area (SPA) 5b, Oil Access Road.
- ^c The Right-of-Way Reservation for the 19th Street Extension, from the Property's easterly boundary to the Santa Ana River, encompasses approximately 3.1 total acres, including approximately 0.6 acres of SPA 1g, 2.3 acres of SPA 1i, and 0.2 acres of SPA 3b.
- ^d Up to 2,500 square feet of commercial may be transferred to a Residential Land Use District in accordance with the provisions of Section 4.0, "Implementation and Administration," of the NBR-PCDP provided the total area of commercial uses for the NBR-MDP does not exceed 75,000 square feet.

IV. PROJECT DESCRIPTION

A. Project Conservation, Recreation, and Development

1. Open Space, Parks and Trails

a. Open Space Preserve

Following completion of the \$30 million oil field clean up, approximately 235 acres of the 401-acre site would be conserved and enhanced as a permanent Open Space Preserve. The proposed Open Space Preserve includes habitat conservation, restoration and mitigation, public interpretive trails, water quality management areas, and planting buffers and fences around the consolidated oil sites. A HRP for the Open Space Preserve, included as **Attachment 15**, NBR-MDP, Appendix A, details the proposed habitat restoration, landscape treatment, infrastructure improvements, and fire management activities that would occur within the Open Space Preserve. In addition, the HRP describes the implementation procedures, responsible entities, habitat establishment criteria, and monitoring requirements that will be implemented for long-term protection of the Open Space Preserve.

The 235-acre Open Space Preserve will remain protected as permanent natural lands and open space, and is anticipated to be managed by the NBLT. NBLT was established in 2012 as an independent, non-profit organization with a mission to provide long-term stewardship of the NBR Open Space Preserve by working to preserve and enhance the natural values of the land and to ensure that the open space is enjoyed by future generations and provides public access and outdoor recreation connectivity. NBLT is negotiating a Memorandum of Understanding (MOU) with NBR LLC that would provide the framework for a transaction to allow the NBLT to assume management responsibility for the Open Space Preserve.

The proposed Open Space Preserve is illustrated on **Development Plan 2-1**, Open Space Preserve Project Development Plan, and is comprised of three subareas, described in more detail in the following sections. The Open Space Preserve Project Development Plan also illustrates two areas which will remain as oil consolidation sites, described previously in Section II, Site History and Background. Upon future cessation of oil operations located within the 17 acre oil consolidation areas, the oil consolidation sites would be abandoned and remediated such that the consolidation areas can be restored and deed restricted to open space, expanding the Open Space Reserve to approximately 252 acres.

Lowland Open Space/Public Trails and Facilities

Over 51 percent of the proposed Open Space Preserve, approximately 128 acres, is designated for Lowland habitat conservation, restoration, and mitigation. Proposed uses in the Lowland

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Open Space area include restored native habitat; a third-party mitigation area; public interpretive trails; and an area for drainage cleansing and water polishing. Each of these uses is described in greater detail below.

Restored Native Habitat

As a part of the Project, approximately 42.5 acres of the Lowland Open Space area are proposed for restoration as native habitat by the Applicant. The HRP for the Lowland Open Space area, included as ***Attachment 15***, NBR-MDP, Appendix A, details the proposed habitat restoration, landscape treatment, infrastructure improvements, and fire prevention management activities that would occur within the Open Space Preserve.

Third-party Mitigation Area

Approximately 75.8 acres of the Lowland Open Space area are proposed for use as a third-party mitigation area to allow opportunities for habitat restoration by parties other than the Applicant requiring environmental mitigation, offsets, or other habitat sites within the region. The third-party mitigation area is a wetland area located within the Lowland area contiguous with the USACE-restored salt marsh basin along the Santa Ana River, which has also served as a third-party mitigation site. The Applicant would complete oil facility abandonment, and oilfield remediation activities within the third-party mitigation area to allow for future restoration activities.

Public Interpretive Trails

Approximately 7.3 acres of the Lowland Open Space area are proposed for use as public interpretive trails. These trails would connect to the existing trail along the east side of the Santa Ana River located west of the Project site and would provide public view areas overlooking open space areas.

Drainage Cleansing and Water Polishing

Approximately 2.3 acres of the Lowland Open Space area are proposed for use as a drainage cleansing and water quality polishing area to clean and treat existing storm water and runoff flowing across the Project site from off-site areas to the east as well as storm water and runoff from the Project site. This area is proposed as a wetland and would be planted with native marsh and riparian vegetation.

Upland Open Space/Public Trails and Facilities

Over 41 percent of the proposed Open Space Preserve, approximately 104 acres, is designated for Upland habitat conservation, restoration, and mitigation, including almost all of the Southern Arroyo, Northern Arroyo, and Minor Arroyo. Proposed uses in the Upland Open Space area include restored native habitat, public interpretive trails, and an area for drainage cleansing and water polishing. In addition, the bluffs along the edge of the Upland have been significantly degraded by historic oil operations and by uncontrolled storm water sheet-flowing from off-site urban areas through the Project site and spilling over the bluff landforms and eroding into the arroyos. The Project includes restoration of the bluffs in a manner designed to restore geotechnical integrity to degraded bluffs.

Restored Native Habitat

Approximately 101 acres of the Upland Open Space area is proposed to be restored as native habitat by the Applicant.

Public Interpretive Trails

Approximately 2.2 acres of the Upland Open Space area are proposed for use as public interpretive trails. These trails would connect to the public interpretive trails proposed in the Upland Open Space area which would connect to the existing trail along the east side of the Santa Ana River and would also provide public view areas overlooking open space areas.

Drainage Cleansing and Water Polishing

Approximately 0.4 acre of the Upland Open Space area is proposed for use as a drainage cleansing and water quality polishing area to clean and treat existing storm water and runoff flowing across the Project site from off-site areas to the east as well as storm water and runoff from the Project site. This area is proposed as a wetland and would be planted with native marsh and riparian vegetation and provide habitat value.

b. Parklands

The Project includes approximately 51.4 acres of public parklands as illustrated in ***Development Plan 2-2***, Parklands Project Development Plan. The proposed parklands would serve Project residents, the community-at-large, and visitors to the Project site, and include a pedestrian trail system providing contiguous public access through the Project site development areas and parklands, the Open Space Preserve, and to parks adjacent to the Project Site including the Santa Ana River and trails located in the Talbert Nature Preserve, Fairview Regional Park located to the north, and existing walks and trails extending along West Coast Highway and the beach

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located to the south. The pedestrian trail system would also connect to the pedestrian and bicycle bridge across West Coast Highway providing public access between the Project Site and existing recreational amenities south of West Coast Highway including public bicycle paths sidewalks providing access to the beach. The Project includes approximately a 26.8 acre Community Park, a 20.9 acre Bluff Park, and 3.7 acres of Interpretive Parks. The proposed specific park areas are described further below.

Community Park

The 26.8-acre Community Park is proposed to be constructed by the Project and offered for dedication to the City of Newport Beach. The Public Community Park site is comprised of three subareas referred to as North Community Park, Central Community Park, and South Community Park.

The North Community Park Project Development Plan, illustrated in *Development Plan 2-3*, contains 15.9 acres and is proposed as an active park to include lighted turf sports fields, hard courts, picnic facilities, age-specific playground, restrooms, and off-street public parking for approximately 164 spaces.

The Central Community Park Project Development Plan, illustrated in *Development Plan 2-4*, contains 5.9 acres and is proposed as a passive recreational area, including picnic areas, informal open play turf areas, and off-street public parking for approximately 20 spaces.

The South Community Park Project Development Plan, illustrated in *Development Plan 2-5*, contains 5.0 acres and is proposed as a passive natural recreation area to complement the City's Sunset Ridge Park site to the east, and would include park access, open picnic and play areas, native habitat, and interpretive opportunities.

Bluff Park

The 20.9-acre Bluff Park is proposed as a linear park system intended to provide active and passive recreation facilities, including approximately two miles of public pedestrian trails. Bluff Park is comprised of two subareas referred to as South Bluff Park and North Bluff Park.

South Bluff Park consists of approximately 7.3 acres, and extends along the perimeter of the Resort Colony and South Family Village adjacent to the Open Space Preserve. *Development Plan 2-6*, South Bluff Park Project Development Plan, illustrates the public facilities that are proposed as part of the Project. South Bluff Park is proposed as a passive park providing view opportunities from the Resort Colony edge toward the Pacific Ocean and views of open space from the South Family Village edge. Public recreational facilities would include scenic view overlooks with public seating, a pedestrian trail with connections to the open space interpretive

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trail system, and a multi-use trail that links to the pedestrian and bicycle bridge across West Coast Highway. Interpretive signage would be provided along the length of the multi-use trail.

North Bluff Park consists of approximately 13.6 acres, and extends along the perimeter of the North Family Village adjacent to the Open Space Preserve and east of North Bluff Road along the northern edge of the Urban Colony *Development Plan 2-7*, North Bluff Park Project Development Plan, illustrates the public facilities that would be constructed as part of the Project. North Bluff Park is proposed to provide active recreational facilities including informal play areas for children, tot lots, and a public amphitheater. Passive recreational facilities would include a pedestrian trail with connections to the Open Space Preserve Interpretive Trail system, picnic areas, and scenic view overlooks to be provided along the length of the pedestrian trail. Approximately 240 on-street parking spaces would be provided along Scenic Drive adjacent to North Bluff Park.

Public Interpretive Park

Approximately 3.7 acres of the Project site would be developed as Public Interpretive Parks which would incorporate active and passive recreation facilities, including a nature center, vernal pool interpretive area, and trailhead for the Interpretive Trail System in the Open Space Preserve.

The 2.2-acre Nature Center is located adjacent to the Open Space Preserve north of Scenic Drive and west of North Bluff Road (*Development Plan 2-8*, Nature Center / Vernal Pool Interpretive Area Project Development Plan). The Nature Center would contain viewing decks and trail connections to the Open Space Preserve Interpretive Trail system and North Bluff Park pedestrian trail. Interpretive exhibits and signage would be provided with information on the history of the Project Site and on the native plants and wildlife of the area. The Nature Park would contain off-street public parking (4 spaces) and a visitor drop-off area, and a building with public space for interpretive exhibits, and management/ranger offices for an Open Space Preserve land steward (anticipated to be NBLT), and offices for NBR-HOA management and/or HOA recreation facilities.

The Vernal Pool Interpretive Area is located at the corner of Scenic Drive and North Bluff Road across from the Nature Center (*Development Plan 2-8*). The 1.4-acre Vernal Pool Interpretive Area Park would provide a public access via a walkway around the edge of the vernal pool so that visitors can experience and learn about the ecology of the vernal pool. Signage kiosks and displays explaining the seasonal ecology of the adjacent Vernal Pool Preservation Area would be provided. The Vernal Pool Interpretive Area Park would be planted with native and California-friendly plant material providing a vegetated buffer between the Vernal Pool Preservation Area Park and North Bluff Road and 17th Street.

Talbert Trailhead Area

Located along the Upland Interpretive Trail west of North Bluff Road, the 0.1-acre Talbert Trailhead Area would serve as an informational stop for pedestrians and bicyclists using the Open Space Preserve Interpretive Trail system. The trailhead would provide a viewing platform to the Open Space Preserve and interpretive signage providing directional information on the Upland and Lowland Interpretive Trails and the points of connection from the Interpretive Trail system to existing regional trails located adjacent to the Project Site. ***Development Plan 2-9***, Talbert Trailhead Project Development Plan, illustrates the facilities that would be provided in this park.

c. Public Interpretative Trails

As a component of the overall Project trails, a diverse system of public interpretive trails would be developed within the Open Space Preserve. This trail system would provide connections to the Bluff Park system, Santa Ana River Regional Trail System, and Talbert Nature Reserve. The interpretive trails would be designated as permanent public trail easements on the Project's subdivision map to ensure these areas are reserved for public trail use in perpetuity. The Master Trail and Coastal Access Plan is illustrated in ***Development Plan 2-10***, and trails cross section details for the proposed multi-use trails are provided in ***Development Plan 2-11***.

The major components of the Interpretive Trail System are summarized below:

- 2.0-mile-long Lowland Interpretive Trail (***Development Plan 2-12***, Lowland Interpretive Multi-Use Trail Cross-Section/Character) - which would connect the existing Santa Ana River Regional Trail System and Talbert Nature Preserve located adjacent to the Project Site;
- 0.3-mile-long Southern Arroyo Trail (***Development Plan 2-13***, Southern Arroyo Multi-Use Trail Cross-Section/Character) - which would connect open space with trails and footpaths planned for development in the North and South Bluff Park (***Development Plan 2-14***, Bluff Park Pedestrian Trail Cross-Section/Character);
- 0.4-mile-long Bluff-toe Trail (***Development Plan 2-15***, Bluff Toe Multi-Use Trail Cross-Section/Character) - which would be located almost entirely within the non-exclusive access easement and which is also used as the Oil Access Road (SPA 5b) connecting the two oil facility consolidation sites. This trail parallels the Semeniuk Slough and connects to the Bluff Park Trail System adjacent to the Resort Colony and Family Villages (***Development Plan 2-16***, Public Bluff Park Multi-Use Trail Cross Section-Character); and

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- 0.8-mile-long Upland Interpretive Trail (*Development Plan 2-17*, Upland Interpretive Multi-Use Trail Cross-Section/Character) - which would connect the Talbert Trailhead/Staging Area with the corner of Talbert Nature Preserve and the Project's Lowland Interpretive Trail.

To avoid habitat impacts, interpretive trails have been designed to follow existing oil roads within the Project site to the extent feasible. The 9.5 acres of Public Interpretive Trails would be located within 10 foot wide public easements as designated on the Project subdivision map. Within the 10-foot-wide trail easements, generally six feet would be trail surface area and a maximum two-foot transition to native ground would be provided adjacent to each side of the trail surface for a maximum total improved area of 10 feet.

The trail surface would consist of native soil or decomposed granite and would meander and/or become narrower or incorporate sections of elevated walkways as necessary to avoid identified special-status habitats. Cross-sections and other details of the public Interpretive Trail System are provided in *Attachment 15*, NBR-MDP, Chapter 4, Master Trails and Coastal Access Plan.

2. Habitat Restoration Plan

Recognizing that the proposed Project would result in biological impacts, the Project provides for the restoration and permanent preservation of habitat areas through implementation of the proposed Habitat Restoration Plan (HRP). The Project would provide approximately 252 gross acres in an Open Space Preserve. Of the 252 acres, 144.1 acres of the Open Space Preserve would allow for habitat conservation, restoration, and mitigation in the Upland and Lowland and 75.8 acres is proposed as a third-party restoration area (mitigation bank). Mitigation for impacts to significant biological resources is proposed through on-site restoration and enhancement in conjunction with preservation/dedication of open space. The HRP is provided in *Attachment 15*, NBR-MDP Appendix A.

3. Residential, Mixed Use/Commercial, and Visitor Serving Development

As noted in the Project Overview approximately 97 acres (24 percent) of the 401-acre property, would provide for development of up to 1,375 residential dwelling units (du), 75,000 square feet (sf) of commercial uses, and a 75-room visitor-serving resort inn. All residential, commercial and resort-inn development would be situated within clustered development envelopes contained entirely within the upland portion of the property, identified as the South Family Village (19.1 acres), North Family Village (46 acres), the Urban Colony (20.9 acres) and Resort Colony (11.1 acres). Development would meet high environmental design standards (i.e., LEED-ND™) and fire design standards.

Affordable Housing Implementation Plan

The Project's residential development includes an AHIP (Exhibit G of *Attachment 12*), which specifies how the proposed development meets the City's affordable housing goals. As a part of the City's Inclusionary Housing Program, it is the City's goal that an average of 15 percent of all new housing units developed over the five-year Housing Element planning period be affordable to very low, low, or moderate income households. The NBR AHIP provides terms for development of onsite and offsite moderate income housing, defined as households with incomes equal to or less than 120 percent of the County median income adjusted for family size. Accordingly, residential unit development would include 206 moderate income units (15 percent of the total 1,375 units proposed).

a. Single-Family Residential Development

Approximately 65 acres of the Project site are proposed for development of 558 residential units. Residential development would include three density ranges to provide a variety of home types and prices. Approximately 26 acres is proposed for low density residential development with a maximum density of 8.0 dwelling units per acre (du/ac). Approximately 12 acres are proposed for low/medium residential development with a maximum density of 16.0 du/ac, and approximately 27 acres are proposed for medium residential development with a maximum density of 24 du/ac.

In addition, development of 87 resort-oriented residential units (Resort Flats) would occur on approximately 5.6 acres of the site. Resort Flats would be conventionally owned as residential properties, and would be developed at a density of 15.5 du/ac.

b. Mixed-Use Development

The Project includes approximately 21 acres for mixed-use/residential development with up to 40 du/ac and development of 75,000 sf of commercial uses. Mixed-use development consists of 730 multi-family attached residential dwelling units combined with commercial uses. Commercial uses would potentially include a neighborhood-scale market, local serving restaurants, coffee shops, personal convenience services such as a dry cleaners or hair salons, and professional offices.

Mixed-use development would be either as "horizontal mixed-use" with residential uses and commercial uses as separate, free standing structures located adjacent to one another, or as "vertical mixed-use" with commercial uses located on the ground floor of a building and residential uses located on floors above. The Mixed-use development area would be a pedestrian-oriented urban center providing commercial goods and services within walking and biking distance of residences.

c. Visitor-Serving Development

Approximately 11 acres are proposed for visitor-serving resort/residential land use and development. The visitor-serving resort/residential development area would consist of development of 5.5 acres for a visitor-serving resort inn with up to 75 guest rooms, a lobby and related areas, and support commercial uses ancillary to the resort inn such as restaurant(s) and bar, gift and sundry shops, a business center, fitness center, spa/salon/treatment rooms, banquet and meeting/conference rooms, areas for food and beverage preparation, administrative offices, housekeeping areas, maintenance areas, and employee facilities.

4. Clustered Villages and Colonies

The residential, mixed-use and visitor-serving development areas described above are proposed in clustered development envelopes within the 97.4 acre upland area of the 401-acre site. The proposed residential, mixed-use and visitor-serving development would be distributed throughout the 97.4-acre upland development area within Villages and Colonies, as illustrated on ***Development Plan 3-1***, Villages and Colonies Development Plan, and described in detail below.

a. South Family Village

The South Family Village, located between West Coast Highway and the Large Arroyo, is comprised of approximately 19.2 acres (SPAs 11a and 11b). The South Family Village consists of Residential Low and Low/Medium density development and would include a total of 141 residential dwelling units.

Development Plan 3-2, South Family Village Project Development Plan, illustrates the residential development, internal pedestrian and vehicular circulation, and park areas proposed within and adjacent to the South Family Village. The transition from the South Family Village to South Bluff Park and onto the Open Space Preserve is illustrated in ***Development Plan 3-3***, South Family Village Development Edge Section. Primary access to the South Family Village would be provided from Bluff Road via Resort Colony Drive and from North Bluff Road via “D” Street. The majority of residential dwelling units would be accessed directly from “D” Street via private alleyways and common driveways. Residential dwelling units to be developed in the South Family Village include Traditional Homes, Motor Court Homes, and Garden Court Homes.

Landscaped paseos proposed within the South Family Village would provide pedestrian access from the residential area to South Bluff Park, providing pedestrian connectivity to the Southern Arroyo Open Space Interpretive Trail system and the pedestrian and bicycle bridge extending over West Coast Highway.

Traditional Homes

Sixteen (16) Traditional Homes situated on 40-foot-wide by 90-foot-deep lots would be sited along the northwest end of “D” Street (*Attachment 27*, TTM Sheet 7, Lots 204-219). As illustrated in *Development Plan 3-4*, Traditional Homes Adjacent South Bluff Park – Typical Plans and Elevations, Traditional Homes in the South Family Village are proposed as single-family detached dwellings units with a two-story, 32-ft. height limit, ranging in size from 3,750 to 4,150 square feet of living space with attached 2- or 3-car garages.

Motor Court Homes

Forty-four (44) Motor Court Homes are proposed as a condominium or individually-owned fee lot development area on the north side of “D” Street (*Attachment 27*, TTM Sheet 7, Lots 198, 200-202). If developed on a fee lot basis, the individual lot sizes would be a minimum of approximately 48 feet wide by 56 feet deep. As illustrated in *Development Plan 3-5*, Motor Court Homes Typical Plans and Elevations, Motor Court Homes are proposed as single-family detached dwellings with a two-story, 32-ft. height limit, ranging in size from 2,200 to 3,000 square feet of living space with attached 2-car garages.

Garden Court Homes

Eighty-one (81) Garden Court Homes are proposed as a condominium or individually-owned fee lot development area on the south side of “D” Street (*Attachment 27*, TTM Sheet 7, Lots 197, 220-222). If developed on a fee lot basis, the individual lot sizes would be a minimum of approximately 48 feet wide by 40-43 feet deep. As illustrated in *Development Plan 3-6*, Garden Court Homes, Typical Plans and Elevations, Garden Court Homes are proposed as single-family detached dwellings with a two-story, 32-ft. height limit, ranging in size from 1,400 to 1,850 square feet of living space with attached 2-car garages.

b. North Family Village

The North Family Village, located just north of the Large Arroyo, is comprised of approximately 46.0 acres. The North Family Village consists of a mix of Residential Low, Low/Medium and Medium density development and would include 417 residential dwelling units.

Development Plan 3-7, North Family Village Project Development Plan, illustrates the residential development, internal pedestrian and vehicular circulation, and park areas proposed within and adjacent to the North Family Village. The interfaces of North Family Village, Scenic Drive, North Bluff Park, and the Open Space Preserve are illustrated in *Development Plan 3-8*, North Family Village Development Edge Section. Primary access to the North Family Village (SPAs 10a and 10d) would be provided from North Bluff Road via Scenic Drive, which forms

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the perimeter of the North Family Village. Local public roadways and private alleyways intersecting with Scenic Drive provide access to residential dwelling units within the North Family Village. Residential dwelling units to be developed in the North Family Village include Traditional Homes, Coastal Homes, Beach Cottages, Motor Court Homes, Garden Court Homes and the Village Flats.

Landscaped paseos would be constructed to provide pedestrian access through the residential area to North Bluff Park, and the pedestrian trail within North Bluff Park providing pedestrian connectivity to the Open Space Interpretive Trail system.

Traditional Homes

Thirty-six (36) Traditional Homes situated on 40-foot-wide by 90-foot-deep lots would be developed along the perimeter of the North Family Village adjacent to Scenic Drive (*Attachment 27*, TTM Sheet 6, Lots 10-23, 50-57 and 114-127). As illustrated in *Development Plan 3-9*, Traditional Homes Adjacent Scenic Drive – Typical Plans and Elevations, Traditional Homes in the North Family Village are proposed as single-family detached dwellings with a two-story, 32-ft. height limit, ranging in size from 3,750 to 4,150 square feet of living space with attached 2- or 3-car garages.

Coastal Homes

Seventy-one (71) Coastal Homes situated on 40-foot-wide by 90-foot-deep lots would be developed just interior to the Traditional Homes area (*Attachment 27*, TTM Sheet 6, Lots 24-28, 30-32, 34-42, 44-48, 59-64, 66-72, 74-80, 82-95, 97-103, and 106-113). As illustrated in *Development Plan 3-10*, Coastal Homes Typical Plans and Elevations, Coastal Homes are proposed as single-family detached dwellings with a three-story, 36-ft. height limit, ranging in size from 2,550 to 3,750 square feet of living space with attached 2- or 3-car garages.

Beach Cottages

Fifty-three (53) Beach Cottages situated on lots a minimum of 100 feet in depth and a varying width of between 39 to 45 feet would be developed on the interior of the North Family Village (*Attachment 27*, TTM Sheet 6, Lots 130-161 and 163-183). As illustrated in *Development Plan 3-11*, Beach Cottages Typical Plans and Elevations, Beach Cottages are proposed as single-family detached dwelling units with a two-story, 32-ft. height limit, ranging in size from 2,250 to 2,500 square feet of living space with attached 2-car garages.

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Motor Court Homes

Forty-two (42) Motor Court Homes are proposed as a condominium or individually-owned fee lot development area on the interior and north edge of the North Family Village (*Attachment 27*, TTM Sheet 6, Lots 128, 129, and 184). If developed on a fee lot basis, the individual lot sizes would be a minimum of approximately 48 feet wide by 56 feet deep. As illustrated in *Development Plan 3-5*, Motor Court Homes Typical Plans and Elevations, Motor Court Homes are proposed as single-family detached dwellings with a two-story, 32-ft. height limit, ranging in size from 2,200 to 3,000 square feet of living space with attached 2-car garages.

Garden Court Homes

Eighty (80) Garden Court Homes are proposed as a condominium or individually-owned fee lot development area on the interior of the North Family Village (*Attachment 27*, TTM Sheet 6, Lots 184 and 186). If developed on a fee lot basis, the individual lot sizes would be a minimum of approximately 48 feet wide by 40-43 feet deep. As illustrated in *Development Plan 3-6*, Garden Court Homes, Typical Plans and Elevations, Garden Court Homes are proposed as single-family detached dwellings homes with a two-story, 32-ft. height limit, ranging in size from 1,400 to 1,850 square feet of living space with attached 2-car garages.

Village Flats

A total of 135 Village Flats are proposed in the North Family Village as either condominiums or apartment residences (*Attachment 27*, TTM Sheet 6, Lots 187 and 188). As illustrated in *Development Plan 3-12*, Village Flats Typical Plans and Elevations, Village Flats would be limited to four-story buildings with a maximum height of 45 feet, and individual flats ranging in size from 1,900 to 2,100 square feet. Individual resident parking garages would be provided on the ground floor with three levels of dwelling units above the garages. Dwelling units will be organized around an accessed from a central interior courtyard.

c. Urban Colony

The Urban Colony consists of approximately 20.9 acres located south of the Medium Arroyo and along the east property boundary where 17th Street currently terminates at the property boundary. Primary access to the Urban Colony would be via North Bluff Road and 17th Street, which bisects the colony development area. South of 17th Street the Urban Colony would be located as indicated in *Attachment 27*, TTM Sheet 6, Lots 3 and 4 (SPA 12a). North of 17th Street, the Urban Colony would be located as indicated in *Attachment 27*, TTM Sheet 5, Lots 1 and 2 (SPA 12b). The Urban Colony would be developed as mixed residential and commercial uses to include 730 residential dwelling units, divided equally in each Urban Colony south and north of 17th Street, and up to 75,000 square feet of neighborhood commercial uses.

Development Plan 3-13, Urban Colony SPA 12a Project Development Plan, illustrates the mixed-use development, pedestrian and vehicular circulation proposed within the Urban Colony south of 17th Street. **Development Plan 3-14**, Urban Colony SPA 12b Conceptual Development Plan, illustrates the mixed-use development, pedestrian and vehicular circulation proposed within the Urban Colony north of 17th Street. The edge of the Urban Colony adjacent to Bluff Park and the eventual transition to the Open Space Preserve is illustrated in **Development Plan 3-15**, Urban Colony Conceptual Edge Section.

Commercial development would provide local-serving commercial goods and services and may include a grocery markets, restaurants, and personal and/or professional services to surrounding residents. Opportunities for development of live-work units would be available within the vertical mixed-use buildings.

Urban Flats

The Urban Colony residential units would be developed with Urban Flats consisting of either freestanding residential projects or as part of a vertical mixed-use project that includes commercial areas on the ground floor and residential units above. Buildings would be served by one or more levels of subterranean parking and may be comprised of up to five levels of stacked flats above parking. Primary pedestrian entry to the buildings would be provided through ground floor lobbies with a front door appearance from the street.

As illustrated in **Development Plan 3-16**, Urban Flats Concept Plans and Elevations, Urban Flats would be limited to five-story buildings with a maximum height of 60 feet, and individual flats ranging in size from 1,150 to 2,100 square feet.

d. Resort Colony

The Resort Colony, located between West Coast Highway and the South Family Village, is comprised of approximately 11.3 acres (SPAs 13a and 13b). The Resort Colony would be developed with visitor-serving uses to include a 75-room resort inn with ancillary visitor-/guest-serving uses and recreation facilities, and would include development of 87 resort-oriented residential dwelling units (Resort Flats). The Resort Colony is illustrated in **Development Plan 3-17**, Resort Colony SPA 13a Conceptual Development Plan and **Development Plan 3-18**, Resort Colony SPA 13b Project Development Plan. The interface between the Resort Colony and South Bluff Park, and the edge of South Bluff Park and the Open Space Preserve adjacent to West Coast Highway is illustrated in **Development Plan 3-19**, Resort Colony Development Edge Section.

Visitor-Serving Resort Inn

The Visitor-Serving Resort Inn is proposed as a maximum 75-room Resort Inn with ancillary commercial uses (*Attachment 27*, TTM Sheet 7, Lot 228). The design for the Resort Inn includes a defined entry courtyard and swimming pool area, and would contain a complementary mix of visitor-serving and community-serving ancillary uses, such as restaurant(s), bars, a spa and fitness center, meeting and banquet facilities, retail shops, and similar complementary visitor-serving commercial uses. The maximum building height for the Resort Inn is 50 feet.

Resort Flats

A total of 87 Resort Flats are proposed for development within the Resort Colony (*Attachment 27*, TTM Sheet 7, Lot 223). Primary access to the Resort Flats area would be via local public roadways intersecting with Resort Colony Road. The Resort Flats are proposed as multi-family attached homes that provide resort-style living. Individual buildings would typically be served by one level of subterranean parking. *Development Plan 3-20*, Resort Flats Concept Plans and Elevations, illustrates the proposed floor plans for the Resort Flats. Usable living areas range from 1,900 to 2,100 square feet in size. The Resort Flats would be terraced in design and are proposed with a four-story, 50-foot height limit.

B. Grading and Drainage/Water Quality

1. Grading

Grading for the proposed Project includes mass grading, bluff restoration, and open space grading. The Master Grading Plan is shown in *Development Plan 4-1*. Grading cross sections are shown in *Development Plan 4-2*. Mass grading includes over-excavation and cut and fill associated with the development plan (*Development Plan 4-3*, Soil Disturbance Map and *Development Plan 4-4*, Cut and Fill Map) and includes grading for parks, roads, and development lots.

Development Plan 4-3, Soil Disturbance Map, depicts the limits of grading proposed for the Project. Grading for the Project would occur in phases. As earthwork would be balanced on the site, grading for one phase may extend into the development area associated with subsequent adjacent phases to achieve an overall earthwork balance. Estimated total grading for the Project is approximately 900,000 cy of cut and fill for mass grading, and 1,455,000 cy of corrective grading for development proposed in the Upland area, which would involve removal and recompaction of the upper three to five feet of the soil horizon as well as locally compressible and/or porous zones within the terrace deposits. .

a. Mass Grading

Rough and precise grading generally includes over-excavation and cut/fill associated with land development. **Development Plan 4-4**, Cut and Fill Map, depicts the mass grading concept for the Project site. For the proposed Project, mass grading is considered to be within the development envelope and includes the parks, roads, and development lots. Grading also includes the over-excavation and recompaction of soils as required.

Cuts would generally vary from 1 to 10 feet, but in localized areas may be up to 25 feet. Fills would generally vary from 1 to 30 feet but may be up to 60 feet in areas requiring bluff repair. Corrective grading is expected to be from 3 feet to 30 feet below the proposed landform elevations.

b. Bluff Restoration

Bluff restoration is proposed to restore areas impacted by oil operations, uncontrolled drainage and erosion, and soil degradation (**Development Plan 4-3**). These south- and west-facing bluffs would require grading to repair pipeline erosion, restore and revegetate the bluff/slope edge and to limit further degradation; these areas are included within the limits of grading/soil disturbance for the proposed Project. In addition, surface water runoff that currently overtops the bluff/slope edge would be intercepted along the public trail system and would be redirected to minimize continued bluff erosion. Bluff restoration would vary depending on the degree of existing degradation. The proposed locations for bluff restoration are depicted on **Development Plan 4-5**, Bluff and Slope Restoration Plan.

Natural Bluff: No Erosion Features. Where erosion damage to the existing natural bluff is not evident, invasive plants and asphalt-like material would be removed where practicable and the areas replanted. The design for the area of the bluff would continue to direct storm flow away from these areas.

Significant Erosion: Bluff Edge Not Discernible. Where significant areas of the bluff have been impacted by erosion and/or oil operations, conventional grading techniques and equipment would be used to re-grade impacted areas. The impacted area is considered in the range of 50 feet to 200 linear feet of bluff edge. Conventional grading techniques and equipment would be used to re-grade the impacted area; smaller equipment and/or hand labor would be used as necessary. The finished slope gradient is proposed to be 1.5:1 without terrace drains in order to match the existing character of the bluff. Geogrid, geofabric, and/or soil cement would be used for bluff slope stabilization.

Medium Erosion. Where the bluff edge projection is apparent but the erosional damage has moved 20 to 50 feet into the Lowland, it is proposed that the sloughed areas be cleaned out and

the bluff area recontoured to match the existing condition. Repair techniques would include the use of small equipment operating from the bluff side for the redirection of the storm runoff to bioswales and/or engineered drainage devices on the upland side of the bluff and the use of Geogrid, geofabric and/or soil cement to allow for the steeper than 2:1 slopes.

Minor Erosion. In some areas, minor erosional features have appeared. The primary action would be to redirect Lowland runoff away from these areas. Hand labor work may be required to stabilize the top of slope.

c. Open Space Grading

Grading would be required in the open space areas to establish multi-use public access trails; to prepare habitat mitigation areas; implement bluff restoration; create and maintain water quality basins/wetlands; and to allow for maintenance access. Proposed grading would be conducted in a manner that would minimize impacts to open space resources (***Development Plan 4-3***).

Public Interpretive Trails. Minor grading (i.e., cuts and fills less than two feet in depth) would be required to establish the open space trail system. Grading would be required to create the trail grade and to provide localized drainage conveyances to minimize the need for trail maintenance. To the extent feasible, the multi-use trails would be located over existing oil roads.

Habitat Mitigation and Restoration Areas. In areas where habitat mitigation or restoration is proposed, minor grading to repair localized erosion features or compact loose soil is anticipated. It is expected that this work effort would be done by hand or with small equipment.

Water Quality Basins/Wetlands. Grading would be required to establish water quality basin(s)/wetlands in the Lowland. Grading is expected to require cuts of up to eight feet and fill of up to six feet in height.

Utility Infrastructure. Soil disturbance would occur associated with the installation of utilities within the open space

Native Planting Buffers for Oil Consolidation Sites. Limited soil disturbance would occur with the planting of native landscape to visually screen consolidated oil operations.

2. Drainage/Water Quality

The Project includes the construction of new drainage, flood control, and water quality facilities as set forth in the Project's Master Drainage Plan (***Development Plan 4-6***) and Water Quality Management Plan (***Development Plan 4-7***). As depicted on ***Development Plan 4-7***, the Project proposes that water quality features and Best Management Practices be implemented in three

sequential zones of development categorized as the Interior Development Zone, Transitional Zone, and Perimeter Zone. The Project is designed to provide sufficient on-site treatment capacity to maintain water quality standards and to comply with updated regulatory requirements for 100 percent of the runoff expected from the site, and would also treat significant amounts of runoff currently generated from adjacent offsite developed areas.

a. Interior Development Zone

The Interior Development Zone refers to the Project's development areas. Water quality treatment for these areas would initiate at the source of the runoff through the incorporation of LID features into the Project's design. LID features could include pocket rain gardens within impervious areas such as courtyards and common areas, porous/permeable paving integration into traditional impermeable paved areas, landscaped stormwater planters, and use of cisterns for capturing rainwater for re-use from buildings (condominiums, flats, attached units, resorts, etc.).

b. Transitional Zone

The transitional zone includes streets, walkways, and open spaces into and out of the central residential, resort inn, and mixed-use/residential development areas. LID features proposed in the Transitional Zone would focus on water quality treatment along the backbone roads of the Project. Water quality measures incorporated into these roadways would include slotted curbs to promote low flow diversion into treatment areas and bioswales with biofiltration zones (biocells) within the landscape setback areas.

c. Perimeter Zone

Water quality treatment would be located in perimeter zones where a final "polishing" through natural processes would occur. Proposed water quality features would include bioswales and bioretention zones to further treat runoff previously treated by the Interior Development Zone or Transitional Zone. Treatment would include native habitat for water quality pollutant removal and sub-drains to mimic natural infiltration processes and minimize standing water.

Within perimeter zones, the Project's treatment-control BMPs also include water quality basins designed to retain, infiltrate, filter, and/or treat runoff volumes generated from the Project and from adjacent offsite areas. Water quality treatment and polishing basins (i.e., finishing basins) are included in the Project to provide the final treatment of runoff for certain portions of the site.

Water Quality Basins. The Project proposes water quality basins along the perimeter of the development areas adjacent to the bluff tops as depicted in ***Development Plan 4-7***. For these water quality basins, infiltration is not recommended due to adjacency to the bluff and the potential for subsurface seepage through the arroyo canyon walls. Therefore, these basins would

be lined, and treated flows would be discharged in a controlled manner to the arroyo canyon bottom for evapotranspiration and habitat benefits.

Regional Water Quality Basin (Upland). One water quality/detention basin is proposed near the Project entrance at 16th Street to accommodate treatment of urban runoff from adjacent offsite areas to the Southern Arroyo (***Development Plan 4-7***). The off-site drainage area located within the City of Costa Mesa and the City of Newport Beach encompasses approximately 48 acres and is completely developed. This regional water quality basin would provide treatment for approximately 2.3 acre-feet of water quality treatment, which represents all urban runoff (dry weather) and almost the entire first-flush storm water event. In addition, the basin would also provide detention capabilities to reduce peak flow velocities that discharge into the Southern Arroyo.

Water Quality/Diffuser Basins (Lowland). An on-site water quality treatment basin is proposed within the Lowland of the Project site, just north of the North Family Village (***Development Plan 4-7***). This basin would be located above the 100-year floodplain and would also serve as a diffuser basin to control the rate at which water drains from the Upland down to the Lowland. Although this basin would have sufficient treatment capacity to treat all flows from the upstream drainage area (6 acre-feet of treatment volume) in combination with the established treatment efficiency of the upstream LID features, only 2.3 acre-feet of treatment capacity would actually be required. Treated flows from this basin would remain on site and would be discharged into the Lowland for infiltration, evapotranspiration, and habitat nourishment benefits.. An additional diffuser basin is proposed in the Lowland (***Development Plan 4-7***), which would collect flows from development areas adjacent to the Southern Arroyo and provide energy dissipation of flows prior to entering the Semeniuk Slough. Both of the Lowland basins would be planted with native emergent marsh and riparian species to promote water quality cleaning and natural energy dissipation.

3. Circulation and Parking

The vehicular circulation system proposed for the Project is depicted in ***Development Plan 5-1***, Master Roadway Plan and Key Map. The proposed roadway plan for the Project includes a backbone roadway system to provide internal access and circulation within the site which connects to the existing off-site roadway system. The circulation system has been designed to accommodate estimated traffic volumes associated with the Project as well as projected future traffic volumes from anticipated regional demand. Bluff Road and North Bluff Road as proposed would provide a new north-south roadway connection to provide roadway capacity that is not currently available in the general Project vicinity. The extension of 15th Street, 16th Street, and 17th Street, through the Project site would provide additional east-west roadway connections. These proposed roadways would serve the proposed Project as well as provide additional

access/connection between southwest Costa Mesa/west Newport Beach and West Coast Highway.

The following discussion describes the circulation system proposed as a part of the Project. The roadway key map is shown on *Development Plan 5-1* and corresponding street cross-sections are shown on *Development Plan 5-3* through *5-15*.

4. Pedestrian and Bicycle Access

The Project proposes a Master Plan for public Trails and Coastal Access comprised of pedestrian paths, on-street bicycle trails and off-street multi-use trails to provide coastal access and public mobility within the Project site. The pedestrian and bicycle trails would provide connectivity among open space, parks, residential, resort, commercial and mixed-use on-site land uses as well as public access and connections to existing off-site public trails, including the Santa Ana River Trail and trails located in the Talbert Nature Preserve, Fairview Regional Park located to the north, and existing walks and trails extending along West Coast Highway and the beach located to the south.

a. Pedestrian and Bicycle Bridge

A pedestrian and bicycle bridge is proposed to cross over West Coast Highway from the Project site connecting to a location south of West Coast Highway providing public coastal access to and from the beach and the Project's open space. The proposed West Coast Highway Pedestrian Bridge Details are shown in *Development Plan 5-2*.

b. On Street Bicycle Trails

Five-foot-wide on-street bicycle trails are proposed for both sides of arterial roadways including Bluff Road, North Bluff Road, 17th Street, and 15th Street.

c. Pedestrian Paths

All streets within the Project site are proposed to have sidewalks separated from the street. Sidewalks would vary in width from four to eight feet.

5. Proposed On-Site Roadways

a. Bluff Road (West Coast Highway to 15th Street)

Bluff Road is proposed to be constructed from a southern terminus at West Coast Highway to 15th Street. Fifteenth Street would be extended from its existing westerly off-site terminus to connect to Bluff Road. Bluff Road would be constructed as a Primary Road with two travel lanes

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and one on-street bike lane in each direction with a raised landscaped median. A pedestrian walkway, separated from the street by a varying-width landscaped bioswale, would be provided on the east side of the road between West Coast Highway and Resort Colony Road (Section A, as shown in *Development Plan 5-3*, Sections A-A, B-B, and P-P Bluff Road (West Coast Highway to 15th Street) and North Bluff Road (15th Street to 16th Street). Between Resort Colony Road and 15th Street, pedestrian walkways would be provided on each side of Bluff Road (Section A-A, *Development Plan 5-3*).

b. **North Bluff Road (15th Street to 17th Street)**

North Bluff Road is proposed to be constructed from 15th Street to 17th Street; 16th Street and 17th Street would be extended onto the Project site and would connect to North Bluff Road. North Bluff Road from 15th Street to 17th Street would be constructed as a Primary Road with two travel lanes and one on-street striped bike lane in each direction with a raised landscaped median (Sections B-B, P-P, and R-R as shown in *Development Plan 5-3* and *Development Plan 5-4*, Sections Q-Q and R-R North Bluff Road (16th Street and 17th Street). North Bluff Road between 17th Street and the entry to the Mixed-use/Residential land use area would be constructed with one southbound travel lane, two northbound travel lanes, an on-street striped bike lane in each direction and a raised landscaped median (Cross-Section J-J, *Development Plan 5-5*, Sections J-J and M-M North Bluff Road (17th Street to 19th Street). North of 16th Street for approximately 800 feet, half-width roadway improvements for North Bluff Road are proposed on property owned by the NMUSD. The construction of this segment of North Bluff Road would require acquisition by the Applicant or the City for the use of this right-of-way from the N-MUSD for public roadway purposes.

c. **North Bluff Road (17th Street to 19th Street)**

North Bluff Road from the entry of the Mixed-use/Residential land use area to 19th Street would be constructed with one travel lane and one on-street bike lane in each direction with a striped median (Cross-Section M-M, *Development Plan 5-5*). Between 17th Street and 19th Street a pedestrian walkway would be provided on the east side of the road.

d. **15th Street**

Between Bluff Road and the NBR eastern property line, 15th Street is proposed as a Primary Road with two travel lanes and one on-street bike lane in each direction and a raised landscaped median. Pedestrian walkways would be provided on each side of the road (Cross-Section C-C, *Development Plan 5-6*, Sections C-C, D-D, and E-E 15th, 16th, and 17th Streets).

e. **16th Street**

Between North Bluff Road and the NBR eastern property line, 16th Street is proposed for one travel lane in each direction without a median (Local). Pedestrian walkways would be provided on each side of the road. 16th Street currently terminates at the Project site's eastern boundary (Cross-Section D-D, *Development Plan 5-6*).

f. **17th Street**

17th Street between North Bluff Road and the NBR property line is proposed as a Primary Road with two travel lanes and one on-street bike lane in each direction and a raised landscaped median. Pedestrian walkways would be provided on each side of the road. 17th Street currently terminates at the Project site's eastern boundary and would be extended west through the site to connect with North Bluff Road (Cross-Section E-E, *Development Plan 5-6*). Off-site improvements would be limited to those necessary to connect the existing road to the roadway extension (*Development Plan 5-7*, 17th Street Entry and Off-Site Improvements).

g. **19th Street**

In connection with the 17th Street to 19th Street link of North Bluff Road, the Project includes the reservation of sufficient right-of-way between the proposed intersection of North Bluff Road at 19th Street and the dedication of sufficient right-of-way between this intersection and the easterly Project boundary to allow for the widening of 19th Street adjacent to the Project site in the future (*Development Plan 5-8*, 19th Street and North Bluff Road Entry and Off-Site Improvements). An off-street pedestrian walkway would be provided on each side of North Bluff Road from 15th Street to 17th Street.

h. **Resort Colony Road**

Resort Colony Road is proposed as a public local roadway that would be accessed from Bluff Road and North Bluff Road. The loop road would provide access to the proposed visitor-serving resort/residential and residential development areas in the southern portion of the Project site. The portion of this roadway adjacent to the visitor-serving resort/residential development area is proposed with one travel lane in each direction, a walkway on the inland side (adjacent to development) of the road, and a meandering trail adjacent to the Bluff Park (Cross-Section G-G, *Development Plan 5-9*, Sections G-G and H-H Resort Colony Road and Scenic Drive). Adjacent to the Residential (RL and RM) land use areas, Resort Colony Road would be constructed as a public Local street with one travel lane and one parking lane in each direction and walkways on each side of the street (Cross-Section I-I, *Development Plan 5-10*, Sections F-F, I-I, and N-N Typical Local Roads and Private Alley).

i. **Scenic Drive**

Scenic Drive is proposed as a public local roadway in the center portion of the Project site. Access to Scenic Drive would occur from North Bluff Road at both 16th Street and at 17th Street. This loop road is proposed with one travel lane and one on-street parking lane in each direction (Cross-Section H-H, *Development Plan 5-9*). A pedestrian walkway would be provided on the inland side of the road adjacent to proposed residences, a pedestrian trail will be provided in Bluff Park on the ocean-side of Scenic Drive.

j. **Local Roads**

Public local roads are proposed within Residential land use areas to be constructed with one travel lane and one parking lane in each direction (Cross-Sections F-F and I-I, *Development Plan 5-10*). Sidewalks would be provided on each side of the street. To reduce speeds of motorists and encourage pedestrian movement, traffic-calming features are intended to be used on the local streets. Traffic-calming features can include tapers and/or chokers at intersections and narrower road widths. *Development Plan 5-11* illustrates the Traffic Calming Design Features.

k. **Private Alleys**

Private alleys are proposed within Residential land use areas with a minimum width of 28 feet between buildings and travel areas inclusive of a 3- to 4-foot-wide area for landscaping and garage access on each side of the alley (Cross-Section N-N, *Development Plan 5-10*).

6. Proposed Off-Site Roadway Improvements

a. **15th Street**

Fifteenth Street currently terminates at Monrovia Avenue located east of the Project site's eastern boundary. There is an existing office building and associated parking lot between the NBR property line and Monrovia Avenue. As a part of the Project, the improvements shown on the City of Newport Beach, Master Plan of Streets and Highways would be constructed. This would require 15th Street to be extended west through the existing parking area for the office building to provide a connection between the Project site and Monrovia Avenue. The segment of 15th Street between Monrovia Avenue to the boundary of the Project site would be constructed as a two-lane roadway (one lane in each direction). As proposed, displaced parking (25 parking spaces) associated with the existing office building would be provided within the proposed Community Park site; this parking would be in addition to public parking for the Community Park but would be accessible to park users in non-business hours. Required improvements are depicted in *Development Plan 5-12*, 15th Street Entry and Off-Site Improvements. The right-of-

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way necessary for the off-site improvement of 15th Street would either be acquired by the Applicant or by the City.

b. 16th Street

Extending and widening 16th Street and connecting it to the Project site was assumed by the City of Newport Beach as part of the planning and construction of the City of Newport Beach Utilities Yard located at the street's western terminus on the south side of the roadway. Adequate setbacks are available to widen the south side of 16th Street. Required improvements are depicted on ***Development Plan 5-13***, 16th Street Entry and Off-Site Improvements. The widening of 16th Street on the north side would impact vacant property owned by the NMUSD. Both the widening of 16th Street and the construction of North Bluff Road adjacent to the NMUSD would require the acquisition of or the authority for use of right-of-way from the NMUSD. The affected property is depicted on ***Development Plan 5-14***, North Bluff Road Off-Site Improvements.

c. West Coast Highway Improvements

The primary entrance to the Project site from Newport Beach would be via Bluff Road at West Coast Highway. ***Development Plan 5-15***, West Coast Highway – Bluff Road Entry/Intersection Improvements, illustrate the proposed modifications to West Coast Highway as part of the Project. To accommodate the lane geometry on West Coast Highway, a portion of the existing six-lane divided highway would need to be widened. Between Superior Avenue and Bluff Road, West Coast Highway is proposed for four travel lanes in each direction with a raised median. A sidewalk is proposed on the north side of West Coast Highway.

The north side of West Coast Highway would be widened from approximately 100 feet west of the intersection of Superior Avenue at West Coast Highway to approximately 700 feet west of the centerline of Bluff Road. West Coast Highway would taper back to three travel lanes with a raised median (***Development Plan 5-16***, Sections K-K and L-L West Coast Highway; Cross-Sections K-K and L-L). The widening would vary from 0 feet to approximately 8 feet. A T-intersection with West Coast Highway at Bluff Road is proposed.

As a part of the off-site improvements, the existing West Coast Highway median would be modified to provide a dual left-turn pocket from eastbound West Coast Highway onto northbound Bluff Road.

7. Traffic Signals

Traffic signals are proposed at the following locations as a part of the Project: the intersection of West Coast Highway at Bluff Road; Bluff Road at 15th Street, North Bluff Road at 17th Street; North Bluff Road at 19th Street; and Bluff Road at the entrance into Sunset Ridge Park.

8. Parking

Public parking would be provided throughout the Project site as discussed throughout Section A and detailed on Project plans for individual Project components. Off-street parking would be provided for each residential, commercial and resort-inn development area. Onsite public parking resources would be provided to support access to and use of the proposed parklands and trail system. Approximately 242 on-street public parking spaces would be provided on Scenic Drive, and approximately 188 off-street public parking spaces would be provided within the Community Park areas and the Nature Center. In addition, public off-street parking would be provided as part of the resort inn and commercial or mixed-use commercial/residential development within the Project site, as required by the NBR-PCDP.

C. Landscape Plan and Design Details

1. Landscaping/Fuel Modification

The Project includes a Master Landscape Plan that incorporates the landscape requirements identified in the HRP (in particular permitted native plants and invasive or otherwise prohibited plants) and the Fire and Life Safety Program (in particular fuel management prohibitions on high fire-fuel plants in the community). The Fuel Management Zones Map is provided as ***Development Plan 6-1***. Project Landscape plans are provided as ***Development Plans 6-2*** through ***6-31***.

A Fire and Life Safety Program has been prepared for the Project and is intended to exceed the requirements set forth in the City of Newport Beach Fire Code and all its amendments to the 2007 California Building Code, the 2007 California Fire Code, and the International Fire Code, 2006 Edition. For public safety reasons, landscaping would be controlled within Fuel Management Zone C along the Open Space Preserve (***Development Plan 6-1***) where existing or future restored native habitat could create a wildfire and life safety hazard for developed areas within the Project site.

As depicted on ***Development Plan 6-2***, Community Landscape Zones Map, the Master Landscape Plan divides the Project site based on areas of the site subject to four distinct fuel management zone treatments consistent with the fire safety requirements detailed in the Fire and Life Safety Program for the Project, and includes an additional zone proposed as natural habitat

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areas) as set forth in the HRP. Fire protection in landscaped areas would be achieved by avoiding and reducing highly flammable plant materials in open space areas adjacent to development. Fire protection would be accomplished by revegetating the landscaped areas with low fuel volume plantings, removing or pruning and thinning certain native plants, and/or using selective irrigation.

1. Interior Community Zone – Comprising all of the developed areas within the Villages, Colonies, and Parklands exclusive of Fuel Management Zones, the Interior Community Zone includes all private and public landscape areas, including the Community Park, Bluff Park, public road rights-of-way (e.g., parkways and medians), and common area landscape lots owned and maintained by a Homeowners Association. This zone consists of irrigated landscape consistent with the proposed Plant Palette (*Attachment 15*, NBR-MDP Appendix C, Plant Palette).
2. Fuel Management Zone A – Comprising a minimum 20-foot-wide area adjacent to habitable buildings, Zone A consists of irrigated landscape consistent with the NBR Fire and Life Safety Program included in *Attachment 15*, NBR-MDP Appendix B, Fire and Life Safety Program, and the Plant Palette included as *Attachment 15*, NBR-MDP Appendix C.
3. Fuel Management Zone B – Comprising a minimum 50-foot-wide area adjacent to Zone A, Zone B consists of irrigated landscape consistent with the NBR Fire and Life Safety Program and the Plant Palette (See *Attachment 15*, NBR-MDP Appendix B). Zone B irrigation would be limited to that required to mimic average annual natural rainfall.
4. Dual Habitat Restoration Zone and Fuel Management Zone C – A minimum 50-foot-wide area, the Dual Habitat Restoration Zone and Fuel Management Zone C, consists of non-irrigated low grasses, succulents, cactus, and other low height/fuel volume native plants within the Open Space Preserve as shown in the NBR HRP (*Attachment 15*, NBR-MDP Appendix A), the NBR Fire and Life Safety Program (*Attachment 15*, NBR-MDP Appendix B), and the NBR Plant Palette (*Attachment 15*, NBR-MDP Appendix C).
5. Habitat Restoration Zones – Habitat Restoration Zones in the Open Space Preserve are identified in the HRP and are anticipated to be managed by the NBLT for long-term operation and management of the Open Space Preserve. Habitat Restoration Zones would include Alkali Meadow, Coastal Bluff Scrub, Grassland, Maritime Succulent Scrub, Succulent Scrub Mosaic, Riparian, and Vernal Pool Restoration and Watershed Area. Habitat protection, creation, and restoration activities, and the native plant palette for each Habitat Restoration Zone, are identified in the HRP.

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In addition, the Master Landscape Plan (*Attachment 15*, NBR-MDP, Chapter 5) provides fuel management requirements for the following three special interface areas within the Project:

1. The Vernal Pool Watershed Area that adjoins the Vernal Pool Restoration Area and residential development in the North Family Village;
2. The Bioswale Area along North Bluff Road where it adjoins the Open Space Preserve between 17th Street and 19th Street; and
3. The 100-foot-wide Dual Habitat Restoration Zone and Fuel Management Zone C adjacent to currently unprotected neighborhoods in the City of Costa Mesa (including California Seabreeze), which would provide habitat restoration and fire fuel management as part of the Project.

2. Streetscape Design

The proposed streetscape design includes planting of parkways and medians in public rights-of-way and Project entries throughout the Project site, and in some situations planting of adjacent common area landscape lots or other areas for aesthetic or functional purposes to accommodate a meandering walkway, bioswale, and/or other feature. *Development Plan 6-3*, Streetscape Cross-Sections Key Map, provides the location map for *Development Plan 6-4* through *6-13*, which are a series of dimensioned cross-sections and plan-view vignettes that illustrate proposed streetscapes within the Project site.

3. Signage and Lighting

The Project includes plans for signage and lighting for streets and roadways intersection, parking and traffic control. *Development Plan 6-14*, Street Signage and Light Fixtures, illustrates the thematic street light fixtures and signage for NBR. The Project's thematic street light fixtures and signs would be used within public streets of the Villages and Colonies of Project site, with required City/Caltrans street light poles and signage used along West Coast Highway at arterial intersections.

Lighting within proposed park areas is proposed with the following restrictions:

1. Public trails within the South Bluff Park, North Bluff Park, Nature Center, and Vernal Pool Interpretive Area may be lighted with bollard lights or similar low-height, "dark-sky" lights, provided light fixtures are shielded to confine light rays to the trail area.
2. Any public off-street parking area and/or interpretive amphitheater within the Nature Center may be lighted with bollard lights or similar low-height, "dark-sky" lights,

provided light fixtures are shielded to confine light rays to the immediate parking or amphitheater area.

3. The Talbert Trailhead Area and public trails within the Open Space Preserve would not be lighted.
4. Athletic field lighting within the Community Park would be designed with light control visors to control spill and glare and to direct light downward onto the playing field. Light standards used for lighting playing fields would be either Musco Lighting™ “Light Structure Green” standards or another comparable light standard of similar design that reduces light spillage.

4. Walls, Fences and Monuments

The proposed Project includes fences, hedges, walls, and retaining walls within the Villages and Colonies, as indicated in *Development Plan 6-15*, Community Walls, Fences, and Monumentation Plan, and within the Open Space Preserve as detailed in the HRP. *Development Plan 6-15* also illustrates the Project monumentation to be constructed as part of the Project at Bluff Road and West Coast Highway and at the easterly entrances to the Project from 15th Street and 17th Street.

a. Community Walls and Fences

Community walls and fences are proposed within the Project where necessary to provide a safety buffer and privacy along major roadways, a barrier adjacent to industrial or public school sites, or along the edges of the Bluff Park, paseos, and streets. *Development Plan 6-16*, Block Wall and Open Space Fence Details, illustrates the typical dimensions, materials and finishes proposed for block walls, interior fences, and open space fences within the Project. Community fencings and walls would not exceed six feet in height except as required for sound-attenuation purposes. Community walls would include, but are not limited to, split-face, slumped, or architectural block, or brick). Interior walls and fences would be used to define interior property lines, patios, and courtyards. *Development Plan 6-16*, illustrate walls proposed along Bluff Road and North Bluff Road; a portion of the pedestrian paseo and adjacent to some of the Garden Court Homes in the North Family Village; and portions of the exterior edges of the Urban Colony.

View walls and fences are proposed along the perimeter of the South Family Village where the yards of homes would directly adjoin South Bluff Park, along the perimeter of the North Family Village where front yards would abut Scenic Drive, and public recreation activities in North Bluff Park. View fencing is also proposed along the boundary of North Bluff Park and South Bluff Park adjacent to the Open Space Preserve to identify the limits of the public park and beginning of the Open Space Preserve. In these locations, a minimal open space fence, consisting

of steel cable, is proposed. *Development Plan 6-17*, View Fence/Wall Details, illustrates the typical dimensions and materials for four view fence/wall designs.

b. Community Monumentation

The proposed locations of the community monumentation for the NBR Project are illustrated on *Development Plan 6-15*. A primary community entry is located at West Coast Highway and Bluff Road, and secondary community entries are located at 15th Street and Bluff Road and 17th Street and North Bluff Road. *Development Plan 6-18* Community Monumentation Concepts, and *Development Plan 6-19*, West Coast Highway Monumentation Concept, illustrate the proposed monumentation to identify the three entries to the NBR community. Both monumentation concepts consist of simple designs, serving to visually announce entry to the community in a natural, aesthetically-attractive manner that serves motorists, bicyclists and pedestrians.

5. Architecture

Architectural guidelines included in the NBR-MDP provide for a range of housing types, architectural styles, and articulated building heights to avoid visual monotony and minimize impacts to existing public views of bluffs. Proposed residential architecture is characterized as Traditional Homes, Coastal Homes, Beach Cottages, Motor Court Homes, Garden Court Homes, Village Flats, and Resort Flats. *Attachment 15*, NBR-MDP, Chapter 6, Architectural Design Guidelines, describes the typical building footprints, building elevations, and architectural color palettes for each residential type proposed for development within the North and South Family Villages, and conceptual plans, character architecture, and architectural color palettes for proposed commercial and residential development in the Urban Colony and for the resort inn proposed for the Resort Colony. Architectural Project plans are provided in *Development Plan 3*, Residential, Mixed Use/Commercial, and Visitor Serving Development, including Clustered Villages and Colonies. In addition, community transitions and interfaces are shown in *Development Plan 6-20*, Key Map for Community Transition/Intersection Sections, and *Development Plans 6-21* through *6-31*.

6. Master Color Palette

The Project's Architectural guidelines require use of a palette of earth tone colors compatible with the open space setting; the Master Color Palette is included as *Development Plan 6-32*. The proposed color palette is intended to complement existing neighborhoods and the Project site's natural open space, habitat areas, and parks, while providing colors appropriate to the architectural scale and character of the proposed land uses. As such, facades and other primary surfaces for buildings on the Project site would be neutral and classic colors that are found in

nature and are intended to represent a range of earth colors that would blend with coastal sage scrub, native grasses, and other natural vegetation. Accent and trim colors for buildings would be darker than primary surface colors to draw attention to design features such as front doors, shutters, and trim.

7. Green/Sustainable Design Features

The Project's Green and Sustainable Program includes sustainability goals for the Project and measures and design elements to address these goals (*Attachment 15*, NBR-MDP, Appendix D). Project objectives include making the Project a State and nationally recognized green and sustainable project through the incorporation of green and sustainable project design, water quality engineering, construction, landscape, and long-term operation and maintenance. The Project proposes to be designed to be consistent with the U.S. Green Building Council's LEED requirements for Neighborhood Development, which uses a third party to verify that a development's location and design meet accepted high levels of environmentally responsible and sustainable development. The LEED Program is a collaboration between the U.S. Green Building Council, the Congress for New Urbanism, and the Natural Resource Defense Council. The Project's Green and Sustainable Program focuses on sustainability in terms of several resource areas including but not limited to habitat, watershed, wildland fire safety, and open space.

In addition, the Project includes design features to minimize vehicle trips and vehicle miles traveled, and to reduce greenhouse gas emissions and development impacts relative to climate change. Included in the Project Design Features are the following:

- The Project would facilitate non-automobile transportation in the Project area by creating a network of public pedestrian and bicycle trails which would connect proposed residential neighborhoods, commercial areas and visitor-serving uses, parks and open space within the Project site to nearby neighborhoods.
- The Project's public pedestrian and bicycle trail system would create and complete linkages between inland and coastal communities, thereby enhancing non-vehicular access opportunities to the Project area's regionally significant natural resource and recreation areas.
- The Project would exceed adopted 2008 Title 24 energy requirements by a minimum of five percent.
- The Project would be coordinated with Orange County Transportation Authority (OCTA) to allow for a transit routing through the community, and would provide bus stops and/or shelters as needed in the community to accommodate the bus routing needed by OCTA.

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- Residential development would incorporate the following measures:
 - Builder-installed indoor appliances, including dishwashers, showers, and toilets, would be low water-use. Public and/or common area men's restrooms would feature waterless urinals.
 - Smart Controller irrigation systems would be installed in all public and common area landscaping. Community landscape areas would be designed on a "hydrozone" basis to group plants according to their water requirements and sun exposure.
 - The future homeowners association for NBR would provide educational information on recycling to all homeowners prior to individual purchase of property and again annually.
 - Multimetering "dashboards" would be provided in each dwelling unit to visualize real-time energy use.
 - Single-family detached residential roofs, commercial building roofs, and public building roofs, would be provided as long as they have adequate solar orientation (such as being south-facing roofs with sufficient sun exposure) and would be designed to be compatible with future photovoltaic panel installation or other current solar power technology.

Furthermore, the following measures would be implemented during initial Project grading activities:

- The Landowner/Master Developer would use clean-burning diesel fuel, bio-diesel fuel, and/or other alternative fuels for heavy construction equipment to reduce construction emissions by 25 percent over 2010 "business as usual" construction equipment emissions.
- Construction waste diversion would be increased by 50 percent from 2010 requirements.
- To the extent practical, during the oilfield clean-up and remediation process, the Landowner/Master Developer would recycle and reuse materials on site to minimize off-site hauling and disposal of materials and associated off-site traffic.

D. Infrastructure and Utilities

1. Water

The Project site is within the City's service area. The City has existing distribution facilities adjacent to the Project site in West Coast Highway, 16th Street, and Ticonderoga Street. A transmission main is located at the north boundary of the Project site in 19th Street, which transports well water to the City's treatment facility and reservoir at 16th Street. *Development*

Plan 7-1, Master Water Plan, depicts the existing and proposed water facilities. Within the Project site, a network of 8- to 12-inch water mains is proposed to facilitate service and provide adequate fire flow to the proposed on-site land uses. A pressure reducing station is proposed adjacent to Bluff Road near West Coast Highway. The Project's proposed water system would connect to the City's existing water infrastructure at West Coast Highway, 15th Street, 16th Street, and Ticonderoga Street.

2. Wastewater Collection and Disposal

The City would provide sanitary sewer service to the Project. Newport Beach has facilities adjacent to the Project site on West Coast Highway, along 19th Street, and on Ticonderoga Street. Discharge from the Ticonderoga Street and West Coast Highway sewer systems connect to the Orange County Sanitation District's (OCSD) Bitter Point Pump Station located near the southwest Project site boundary at West Coast Highway. The OCSD operates facilities in West Coast Highway, at the Bitter Point Pump Station, and has force mains located on the Project site.

Existing structures on the Project site are on a septic system. The oil extraction operation on the Project site produces water that is cleaned and then directed to a 12-inch pipe joining the facility upstream of the Santa Ana River siphon. The proposed Project would require the construction of sanitary sewer infrastructure. The effluent from the development areas would be collected through a system of 8-inch, 10-inch, and 12-inch sewer mains and directed to the OCSD trunk sewer upstream of the Bitter Point Pump Station. **Development Plan 7-2**, Master Wastewater Plan, depicts the existing and proposed backbone wastewater facilities.

3. Dry Utilities and Services

Public infrastructure and utility buildings, structures, and facilities including, but not limited to, electrical, gas, telephone, and cable television would have to be extended to the Project site. Fiber-optic lines (FIOS), wireless technology, or similar technology would be installed to all residences to provide opportunities for telecommuting and other advanced communications activities. All new public utilities would be placed underground within the development area and to the extent feasible within the Open Space area with the exception of the Interim Oil Facilities area, where utilities may be above ground.

E. Construction Staging/Phasing

The conceptual phasing plan provides an organizational framework to guide development while assuring habitat restoration and protection and provision of infrastructure and the public facilities necessary to support development. Construction activities will occur over a period of approximately 10-13 years. The actual timing of development would be based on: (1) attainment of required permits and approvals; (2) market demand for uses on the Project site; and

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(3) sequencing of environmental and public benefit activities. Beneficial activities include, but are not limited to, oil facility consolidation, clean-up and remediation, habitat protection, restoration and/or mitigation, roadway and infrastructure construction, and phased dedication and improvement of public parks, trails, interpretive areas, and other public rights-of-way consistent with the Pre-Annexation and Development Agreement.

The phases are designed to ensure efficient use of soil movement to balance landform grading and bluff/slope restoration, and to make efficient use of existing infrastructure locations and connection points within and adjacent to the Project site. Each phase would satisfy its corresponding requirements for local parks and upland and lowland habitat dedication and restoration, and would have functioning infrastructure.

Development phases may overlap with one another. Geographic phases could also occur in a different sequence than described, provided that requirements and conditions related to oil abandonment and remediation, public infrastructure and facilities, open space dedications, Pre-Annexation and Development Agreement obligations, and environmental mitigations continue to be satisfied.

Development of the Project site is conceptually proposed to occur in three phases commencing in the southerly portion of the Project site and generally continuing in a northerly direction. Each phase would include site remediation, grading and construction of infrastructure, construction of homes and other facilities. **Development Plan 8** presents the Concept Sequencing Plan for Parklands, Villages, and Colonies. Table 2 summarizes the Project phasing and sequencing.

Table 2
Conceptual Phasing Plan

Land Use	Acres	Density (du/ac)	Dwelling Units	Commercial (sf)	Visitor-Serving (Rooms)	Start ^c	Finish ^c
Phase I							
Low Density Residential	9.0 ^a	0–8	60	–	–	–	–
Medium Density Residential	10.0 ^a	0–24	81	–	–	–	–
Visitor-Serving Resort/ Residential	5.8 ^a	0–16	87	–	–	–	–
Bluff Park	5.5 ^a	–	–	–	–	–	–
Community Park	10.2 ^a	–	–	–	–	–	–
Upland Open Space	1.5 ^b	–	–	–	–	–	–
<i>Subtotal Phase I</i>	42.0 ^a	–	228 du	–	–	–	–

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Table 2
Conceptual Phasing Plan

Land Use	Acres	Density (du/ac)	Dwelling Units	Commercial (sf)	Visitor-Serving (Rooms)	Start ^c	Finish ^c
<i>Phase I Schedule</i>							
Site Remediation	–	–	–	–	–	2/2014	Prior to Occupancy
Grading and Improvements	–	–	–	–	–	8/2014	5/2015
Construct Models and Homes	–	–	–	–	–	2/2015	9/2015
Occupancy	–	–	–	–	–	10/2015	10/2017
<i>Phase II</i>							
Low Density Residential	6.5 ^a	0–8	36	–	–	–	–
Low-Medium Density Residential	2.9 ^a	0–16	21	–	–	–	–
Medium Density Residential	9.5 ^a	0–24	113	–	–	–	–
Mixed-Use/ Residential	10.5 ^a	–	365 ^b	37,500 sf	–	–	–
Visitor-Serving Resort/Residential	5.3 ^a	–	–	–	75 rooms	–	–
Bluff Park	8.9 ^a	–	–	–	–	–	–
Community Park	17.8 ^a	–	–	–	–	–	–
Interpretive Parks	1.2 ^a	–	–	–	–	–	–
<i>Subtotal Phase II</i>	<i>62.5^a</i>	–	<i>535^b</i>	<i>37,500 sf</i>	<i>75 rooms</i>	–	–
<i>Phase II Schedule</i>							
Site Remediation	–	–	–	–	–	2/2014	Prior to Occupancy
Grading and Improvements	–	–	–	–	–	8/2016	5/2017
Construct Models and Homes	–	–	–	–	–	2/2017	9/2017
Occupancy	–	–	–	–	–	10/2017	1/2020
<i>Phase III</i>							
Low Density Residential	10.6 ^a	0–8	71	–	–	–	–
Low-Medium Density Residential	8.9 ^a	0–16	64	–	–	–	–
Medium Density Residential	7.7 ^a	0–24	112	–	–	–	–

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Table 2
Conceptual Phasing Plan

Land Use	Acres	Density (du/ac)	Dwelling Units	Commercial (sf)	Visitor- Serving (Rooms)	Start ^c	Finish ^c
Mixed-Use/ Residential	10.5 ^a	–	365 ^d	37,500 sf	–	–	–
Bluff Park	6.2	–	–	–	–	–	–
Interpretive Parks	2.5	–	–	–	–	–	–
Upland Open Space	4.0 ^b	–	–	–	–	–	–
<i>Subtotal Phase III</i>	<i>50.4</i>	<i>–</i>	<i>612^e</i>	<i>37,500 sf</i>	<i>–</i>	<i>–</i>	<i>–</i>
<i>Phase III Schedule</i>							
Site Remediation	–	–	–	–	–	Complete	Complete
Improvements	–	–	–	–	–	8/2018	5/2019
Construct Models and Homes	–	–	–	–	–	2/2019	9/2019
Occupancy	–	–	–	–	–	10/2019	12/2023
<i>Combined Total</i>							
Total	406.6	–	1,375	75,000 sf	75 rooms		

Note: The information represented in the table is a conceptual estimate based upon historical absorption rates and projects with similar conditions and characteristics as the proposed NBR Project.

^a Acres are gross land use acres, and include arterial and collector roads, and local in-tract streets.

^b As with other land uses, Open Space acres are measured to centerlines of adjacent roads. Acreage shown for Open Space is only for arterial and collector roads.

^c Start and Finish dates are estimates, and may vary depending upon market and other conditions.

^d Units include 100 Affordable Housing Units.

^e Units include 80 Affordable Housing Units.

V. TECHNICAL STUDIES

Two copies of the following technical studies are included in the coastal development permit application:

- **Burrowing Owl**
 - Results of 2012 Focused Breeding Season Burrowing Owl Surveys Conducted for the Newport Banning Ranch Project, Located in Unincorporated Orange County and Newport Beach, Orange County, California. GLA, 2012.
- **San Diego Fairy Shrimp**
 - Summary of Protocol Surveys for Federally-Listed Vernal Pool Branchiopods Conducted on Newport Banning Ranch, City of Newport Beach and Unincorporated Orange County, California. Dudek, 2013
- **Pacific Pocket Mouse**
 - Pacific Pocket Mouse Habitat Assessment for Newport Banning Ranch. Dudek, 2012.
- **Raptors**
 - Raptor Survey Report for the Newport Banning Ranch. Dudek, 2012.
- **Vegetation**
 - Grassland Assessment and Vegetation Mapping Survey Report for the Newport Banning Ranch. Dudek, 2013
- **Geology/Geotechnical**
 - Preliminary Geotechnical Investigation of Liquefaction and Settlement Potential, Proposed Residential Development at the Lowland Portion of Newport/Banning Ranch. Leighton & Associates, 1997.
 - Fault Trenching Investigation, Newport-Banning Property. Earth Consultants International, 1997.
 - Phase 1 Description, Environmental Restoration Program. GeoSyntec Consultants, 1996.

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- Pacific Soils Engineering, Inc. Geotechnical Feasibility Investigation (1993)
- Preliminary Geotechnical Engineering Study, Long Range Planning Program. Woodward-Clyde Consultants, 1985.

In addition, the Final EIR includes the following Technical Studies included in the coastal development permit application:

- **Geotechnical Studies. Report of Geotechnical Studies**, GMU Geotechnical, Inc. July 2011. See EIR Appendix B, Geology and Soils. The GMU Geotechnical, Inc. Report of Geotechnical Studies includes the following three volumes:
 - Volume 1: Report of Geotechnical Studies Proposed Newport Banning Ranch Development
 - Volume 2: Geotechnical Engineering and Engineering Geology Data and Analysis
 - Volume 3: Fault Evaluation Data
- **Hydrology and Water Quality**. EIR Appendix C includes the following report and supplemental appendices:
 - **Watershed Assessment Report**, Design Applications for Hydrology, Flood Control, Water Quality, and Low Impact Development Features, Newport Banning Ranch, Fuscoe Engineering, Inc. June 30, 2011. The Watershed Assessment Report includes the following Appendices: A. Study Related Documents, B. Hydrology Calculations, C. HEC-RAS Modeling, D. Water Budget Analysis, and E. Best Management Practices.
- **Site Remediation and Hazardous Materials**. See EIR Appendix D. The Site Remediation and Hazardous Materials EIR Appendix includes the following two reports:
 - **Draft Remedial Action Plan**, Newport Banning Ranch, GeoSyntec, August 21, 2009.
 - **Draft Phase 1 Environmental Site Assessment Update**, Newport Banning Ranch, GeoSyntec, April 16, 2008.
- **Biological Resources. Final Biotechnical Technical Report**, Newport Banning Ranch, BonTerra Consulting, September 2, 2011. See EIR Appendix E, Biological Resources. The Final Biotechnical Technical Report contains the following appendices that are also included in the Biotechnical Report in Appendix E:

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- Appendix A **Plant and Wildlife Compendia**
- Appendix B **Site Photographs**
- Appendix C **Special Status Plant Species Survey Report**, BonTerra Consulting, September 23, 2009. Appendix C also includes a Plant Compendium (Appendix A) and CNDDDB Forms (Appendix B).
- Appendix D **GLA Fairy Shrimp** includes the following two Reports:
 - Report of a **Wet-Season Survey for Listed Branchiopods** Conducted for Oil Field Features at the 401-acre Newport Banning Ranch Property, Glenn Lukos Associates, Inc. May 26, 2009
 - Report of a **Wet-Season Survey for Listed Branchiopods** Conducted for Oil Field Features at the 401-acre Newport Banning Ranch Property, Glenn Lukos Associates, Inc. July 26, 2011
- Appendix E Results of **Focused Burrowing Owl Surveys** for the Newport Banning Ranch Project, BonTerra, July 17, 2009. Appendix E also includes a Wildlife Compendium (Attachment A).
- Appendix F Results of **Coastal California Gnatcatcher Surveys** for the Newport Banning Ranch Project Site, BonTerra, July 17, 2009.
- Appendix G Results of **Southwestern Willow Flycatcher and Least Bell's Vireo Surveys** for the Newport Banning Ranch Project Site, BonTerra, September 21, 2009.
- Appendix H **Draft Jurisdictional Delineation Report**, Newport Banning Ranch, BonTerra, August 23 2011.
- **Transportation and Circulation.** See EIR Appendix F, which contains the following three assessment reports:
 - **Traffic Impact Analysis** for Newport Banning Ranch in the City of Newport Beach, Kimley-Horn and Associates, Inc., June 2011.
- **Air Quality.** EIR Appendix F includes modeling of maximum daily emissions associated with Project construction, Project mobile and areas sources and contains the following report:

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- **Air Toxic Health Risk Assessment in Support of CEQA Documentation**, for Newport Banning Ranch, CDM, July 12, 2010
- **Climate Change.** EIR Appendix H includes annual greenhouse gas emissions modeling results, which estimates emissions generated during remediation and construction, and operational emissions resulting from energy usage, water consumption, waste generation, and mobile and area sources.
- **Cultural and Paleontological Resources.** See EIR Appendix J, which contains the following three assessment reports:
 - **Archaeological Resources Assessment**, Newport Banning Ranch, BonTerra, February 16, 2010.
 - **Paleontological Resources Assessment**, Newport Banning Ranch, BonTerra, February 16, 2010.
 - **Historical Resources Assessment Report** of West Newport Oil Company Banning Ranch 1080 17th Street, Newport Beach. BonTerra, July 2009.
- **Utilities.** See EIR Appendix L, which contains the following reports:
 - **Newport Banning Ranch Water Supply Assessment City of Newport Beach City Council Staff Report**, City of Newport Beach Utilities Department, October 12, 2010
 - **Water Supply Assessment**, Newport Banning Ranch, AECOM, September 2010.
 - **Sewer and Water Facilities Plan**, Newport Banning Ranch, Fuscoe Engineering, Inc. June 30, 2011
- **Fire Protection.** EIR Appendix K includes the following:
 - **Study to Evaluate Impact on Fire Department Response Time due to the Relocation of Existing Fire Station**, Fire Force, May 25, 2010
 - **Fire and Life Safety Program**, Newport Banning Ranch, FireSafe Planning Solutions, January 2011.
 - **Fuel Management and Maintenance Program Analysis**, Newport Banning Ranch, FireSafe Planning Solutions, June 2010.

VI. PRELIMINARY COASTAL ACT CONSISTENCY ANALYSIS

A. Environmentally Sensitive Habitat Areas

Text Section 30240 of the Coastal Act

(a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*

(b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The Project site is located on a coastal terrace and includes uplands, bluffs, arroyos, and lowland areas. The majority of the southern and eastern portions of the site are located on an approximately 254-acre upland portion of the coastal terrace. The upland portion of the site supports areas of open grass and forb-dominated communities in the southeast disturbed forb-dominated communities in the east-central portion of the terrace, scrub habitats in the northeastern portion of the site, and a mixture of scrub, and disturbed forb communities in the central portion of the site. The Lower Arroyo with an extensive area of southern willow scrub bisects the southern portion of the site from east to west. The Upper Arroyo includes a mix of riparian, scrub and disturbed habitats and bisects the northern upland area from east to west. The bluffs bordering the upland area to the south and east are dominated by a variety of coastal scrub communities that include California brittlebush (*Encelia californica*), California buckwheat (*Eriogonum fasciculatum*), prickly pear (*Opuntia littoralis*), and coast cholla (*Cylindropuntia prolifera*). The 147-acre lowlands occupy mostly the northwestern portion of the site, adjacent to Semeniuk Slough and the Santa Ana River. The lowlands consist of limited tidally influenced saltmarsh habitats, disturbed open and scrub habitats, and an extensive area of disturbed willow forest and scrub.

The vegetation communities within the Project Site have been identified and mapped; please see Grassland Assessment and Vegetation Mapping Survey Report (Dudek 2013).

West Newport Oil Company currently operates an extensive commercial oil extraction facility on-site. Historically, oil exploration occurred in the 1940's with the initiation of commercial extraction and production of the West Newport Oil Field at Banning Ranch in 1944. All portions of the site, the uplands, bluffs, arroyos, and lowlands, have been subject to modifications to a varying degree by the installation and long-term operation and maintenance of oil well pads, roads, oil and gas pipelines, and maintenance activities associated with the oil operation.

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Developed portions of the site consist of oil pads, oil facilities, offices, paved roads, parking lots, and storage, debris, and stockpile areas.

Although the Project site is the location of an active oil facility and is situated within the largely urbanized coastal portion of the County, biological resources remain present on-site and on some neighboring properties. The adjacent estuarine habitat associated with the Santa Ana River is occupied by special-status bird species, including the Belding's savannah sparrow and the light-footed clapper rail. A mosaic of natural and restored coastal habitats is found north of the site and along the Santa Ana River, in Talbert Regional Park and Fairview Park. Coastal California gnatcatchers are found in scrub habitats within these areas and on the Project site. The least Bell's vireo occurs in habitats dominated by willows in the area, including in the lowlands of the Project site. Seven seasonal features on the Project site support San Diego Fairy Shrimp. In addition, trees and open space areas on the site, in conjunction with adjacent open space areas, provide habitat for raptor species, including the northern harrier, white-tailed kite, red-tailed hawk, Cooper's hawk, red-shouldered hawk and American kestrel.

Potential Project impacts to environmentally sensitive habitat areas (ESHA) are based on anticipated site conditions that reflect the scope and footprint of disturbance resulting from the oil field abandonment and associated remediation and consolidation processes. Following the oil field abandonment and associated remediation and consolidation processes, the Project would result in minimal impacts to ESHA, and would provide approximately 252 acres of protected, restored and enhanced habitat within a newly established Open Space Preserve. Within the 252 acre Open Space Preserve, 144 acres in the site's upland and lowland areas would include habitat conservation, restoration, and mitigation, and 75.8 acres proposed as a third-party restoration area for additional habitat restoration opportunities.

Use of the proposed Open Space Preserve would be limited to habitat conservation, restoration and mitigation, public interpretive trails, water quality management areas, and planting buffers. The Project includes a Habitat Restoration Plan for the site, which includes provisions for the conservation and long-term maintenance of existing sensitive habitat and habitat restored in the Open Space Preserve by the Project. The Habitat Restoration Plan targets habitat restoration and enhancement to better support the various special-status species that occur on the property, including grassland/raptor foraging habitat, upland coastal scrub habitat, San Diego Fairy Shrimp vernal pools, wetland and riparian habitat, Please see **Attachment 15**, NBR-MDP Appendix A, Draft Habitat Restoration Plan for Mitigation and Project Design Features (GLA 2011).

Given the degraded and fragmented condition of habitats that exist on the property, and that are currently subject to oil field operation and maintenance disturbance, restoration of native habitat in the Open Space Preserve would significantly improve ESHA on the property by creating large, contiguous habitats dominated by native plant species. In place of the existing fragmented

and isolated habitats that currently exist onsite, the proposed Open Space Preserve would be subject to limited use and disturbance, primarily only passive public access use, and would consist of restored habitat corridors that would serve to strengthen wetland and riparian habitat continuity with upland habitat on the Project site and with habitats of the adjacent Semeniuk Slough, Santa Ana River and Talbert Nature Preserve. The expanded and enhanced habitat areas would provide additional opportunities for species dispersal into areas west and north of the Project area where Semeniuk Slough, Talbert Nature Preserve and Fairview Park offer large expanses of open space and varying habitats. The proposed Project would restore and enhance ESHA on the property, and improve regional habitat function and values, by creating large, contiguous, and relatively undisturbed habitat corridors between the Project site and adjacent open space lands.

B. Marine Resources

Section 30230 of the Coastal Act:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The Project site includes lowland areas that are adjacent to significant coastal waterbodies including the Santa Ana River and Semeniuk Slough, and that consist of onsite wetland habitat heavily degraded from historic and ongoing oil field operations. Additional isolated wetlands occur on the upland area of the site, which are likely anthropogenic features resulting from more than 70 years of active oil field operations on the property. These seasonal wetlands are primarily located in roads, road ruts and shoulders, tire ruts, parking areas, oil sumps, and both abandoned

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and active oil well pads. There are three arroyos on the site that support riparian habitat, one of which, located at the Project site's northeastern boundary, is fairly small and does not convey large quantities of runoff. The Upper Arroyo and Lower Arroyo; however, both convey on- and off-site runoff and significant volumes of sediment across the site to the lowland area and adjacent Semeniuk Slough.

The proposed Project includes restoration of the property's degraded wetland and riparian areas, as well as creation of a third-party reserve area for future wetland habitat restoration opportunities. The Project would result in restored and expanded wetland and riparian habitat proposed for long-term preservation, with mitigation treatments and native vegetation community establishment that would serve to strengthen wetland and riparian habitat continuity with wetland habitat in Semeniuk Slough, with restored upland habitat on the Project site, and with adjacent habitats within the Talbert Nature Preserve.

In addition, the Project includes a comprehensive Water Quality Management Plan for the property, which would include water quality features and BMPs to be implemented at development sites, in public street rights of way, as well as in parks and the Open Space Preserve. Urban development east of the site and onsite historic oil field operations have resulted in increases in stormwater pollutant loads and runoff velocity and volume overtime, contributing to erosion and sedimentation to and within the site's wetland and riparian habitats, as well as to Semeniuk Slough. The majority of these land uses were developed before current regulations were enacted to control and treat stormwater discharge in an effort to protect and restore water quality and sensitive marine resources. Given the existing, degraded water quality conditions on the property, the proposed Project provides an opportunity to comprehensively restore and maintain water quality across the site, and thereby enhance both onsite and adjacent marine resources.

Accordingly, the Project's Water Quality Management Plan is designed to intercept, control and treat stormwater runoff from onsite and adjacent offsite development, which is currently untreated and conveyed across the site via sheet flow or the site's drainages. The Project includes regional water quality treatment measures that would capture and treat runoff from approximately 48 acres of adjacent developed areas located within the City of Costa Mesa and the City of Newport Beach. In addition, the Project is designed to provide on-site treatment capacity to maintain water quality standards and to comply with updated regulatory requirements for 100 percent of the runoff expected from the proposed Project site.

Two water quality/diffuser basins are proposed in the lowland area within the Open Space Preserve. One water quality treatment basin is proposed just north of the North Family Village, and would be located above the 100-year floodplain and would serve as a diffuser basin to control the rate at which water drains from the Upland down to the Lowland. An additional

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diffuser basin is proposed in the Lowland area which would collect flows from development areas adjacent to the Southern Arroyo and provide energy dissipation of flows prior to entering the Semeniuk Slough. Both of the Lowland basins would be planted with native emergent marsh and riparian species to promote water quality cleaning and natural energy dissipation.

The third water quality/detention basin is proposed to intercept approximately 48 acres of off-site flows from the 16th Street Costa Mesa drainage area. These off-site flows enter the Project site via a 48-inch reinforced concrete pipe and discharge into the Southern Arroyo. In general, these flows contain urban runoff pollutants and also convey sediment from the eroding tributaries of the Southern Arroyo to the downstream end, ultimately discharging into the Semeniuk Slough during severe storms. The water quality/detention basin is proposed on the Project site at the southeast corner of 16th Street at the Project site boundary. The required basin capacity would treat all dry weather and a portion of first-flush runoff from the off-site tributary as well as reduce a portion of peak flow discharge. The basin is also intended to reduce peak flow rates discharging into the Southern Arroyo to reduce erosion and scour potential. The reduction in peak discharges combined with the stabilization of the eroding tributaries of the Southern Arroyo would reduce the current sediment loads into the Semeniuk Slough.

Further, Project implementation would incorporate BMPs for erosion control, sediment control, wind erosion control, storm water and non-storm water management, and waste management/pollution control. These BMPs would be implemented to ensure that potential effects on local site hydrology, runoff, and water quality remain in compliance with all required permits, City policies, and the Project's Water Quality Management Plan, and Storm Water Pollution Prevention Plan (SWPPP).

Public arterials and some selected collector roadways within the Project site would be designed with Green Streets and other LID features, such as bioswales and bio-cells. LID features within the transitional areas (i.e., primary streets and travel ways that lead into and out of the development areas) would provide primary treatment of runoff filtering and removing pollutant-laden sediments. Green Streets would include curbless edge conditions, parkway bioswales (biocells), trails, and/or biofiltration zones within the landscape setback areas for a variety of different sized streets within the Project site. This allows for the treatment of water quality at the source and for the reduction of peak storm water runoff volumes and rates. These streets would provide water quality treatment of flows generated from the streets; would provide treatment of adjacent development areas depending upon the volumes available within the LID landscaping features; and would deliver low flow runoff to these features. Landscaping along the street edges would be selectively used to treat storm water runoff from the streets and adjacent development areas.

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The use of the landscaping biocells in combination with other LID and Green Street features would provide substantial treatment and reduction of runoff at the source of the development areas (for detailed analysis, please see EIR Appendix C, Part 1, Watershed Assessment Report).

The Project includes LID techniques integrated throughout the development area to provide treatment of low-flow runoff directly at the source along with runoff reduction from small, frequent storm events. LID features would be implemented on the Project site and in transitional areas that lead into or out of the Project site. LID Project features to be installed on site would pre-treat storm water runoff and would remove large sediment, trash, and debris. These features could include cisterns and rain barrels, storm water planters, common area porous pavement, tree box fillers, and pocket rain gardens. The Project approach focuses on optimal use of LID features, which would be supplemented with the treatment-control BMPs as secondary measures where LID measures are not feasible.

Infiltration BMPs are proposed to ensure that site runoff continues to infiltrate to the maximum extent practicable. Proper design of structural BMPs and LID features would ensure separation of the volumes of water to be treated and the underlying groundwater table, which would ensure no adverse impact to groundwater quality from treatment-control BMPs and LID features. Infiltration BMPs would treat most pollutants within the uppermost soil layers of the BMP facility, reducing pollutant transfer to the groundwater table.

Overall, the proposed water quality improvements would minimize runoff to arroyos, redirect runoff away from bluffs, and reduce flow rates and volumes in the Semeniuk Slough, resulting in an improvement over existing site runoff conditions with respect to water quality, velocities, and volumes. Implementation of the comprehensive Water Quality Management Plan would effectively enhance water quality of the Project site above existing conditions, thereby protecting and enhancing water resources that sensitive habitats and species are reliant upon.

Please reference EIR Section 4.4, Hydrology and Water Quality for further discussion.

Section 30233 of the Coastal Act:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities; (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps; (3) In

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open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities; (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines; (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas; (6) Restoration purposes; (7) Nature study, aquaculture, or similar resource dependent activities.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division...

Potential Project impacts to wetlands are based on anticipated site conditions that reflect the scope and footprint of disturbance resulting from the oil field abandonment and associated remediation and consolidation processes. Following the oil field abandonment and associated remediation and consolidation processes, the proposed Project would result in minimal impacts to wetlands.

In addition to the significant water quality enhancement benefits included in the proposed Project, discussed in the preceding section, the proposed Project includes restoration of the property's degraded wetland areas, as well as creation of a third-party reserve area for future wetland habitat restoration opportunities. The Project site wetland areas are associated with adjacent open space and habitat conservation areas that exist to the east and north, and therefore have the potential to serve as critical habitat linkages and wildlife corridors in a coastal area that has experienced rapid population growth and urbanization over the last several decades. The Project would result in restored and expanded wetland habitat proposed for long-term preservation, with mitigation treatments and native vegetation community establishment that would increase habitat continuity and thus improve critical habitat linkages and wildlife corridors with adjacent habitats in Semeniuk Slough and Talbert Nature Preserve.

In addition, restoration of the site's wetlands would provide significant benefits in terms of flood relief (by allowing high flows to slow and disperse into the larger water bodies), and for water quality where sediment loads, nutrients, and toxins from stormwater are discharged and absorbed by vegetation within the wetland prior to entering Semeniuk Slough, the Santa Ana River the

Ocean beyond. As such, the Project minimizes impacts to these sensitive wetland resources to the extent feasible and enhances the functional capacity of the wetlands that would be expanded and enhanced as part of the proposed Project.

C. Public Access, Recreation and Visitor-Serving Uses

Section 30210 of the Coastal Act:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.5 of the Coastal Act:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

The Project would not result in impacts to existing public access and recreation resources as there are no public access or recreation uses or amenities that existing on the Project site. The proposed Project would introduce new, low-cost public access and recreational resources to the project area by creating an interconnected system of trails, natural open space and public parklands, and constructing park-specific improvements to maximize access and recreation opportunities on the site and to adjacent parklands.

The proposed Project provides for development of a number of new coastal trails and a range of parklands, which would maximize public access and recreation opportunities in the project area for both residents and visitors with diverse backgrounds, interests, ages, and abilities. In addition, the Project includes development of a number of support facilities throughout the site to support access to and use of trails and parklands, where limited support facilities are currently available, including public parking, trailhead improvements, interpretive amenities, trash receptacles, restrooms, and picnic areas.

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Included in the Project are approximately 51.4 acres of public parks and a local trail system comprised of off-street multi-use trails, on-street bike trails, and pedestrian paths that would connect to the existing regional trail system. The Project includes areas for a diverse public park system to include active, passive, and interpretive recreation opportunities. The Project would include an approximate 26.8 acre Community Park, a 20.9 acre Bluff Park, and approximately 3.7 acres of interpretive parks. The public Bluff Park would act as a visual and passive recreational amenity, trail corridor, and a transition between open space and proposed development.

Additionally, a pedestrian and bicycle bridge spanning West Coast Highway would provide north-south access to the site and the Pacific Ocean without having to cross West Coast Highway at the street level, and would encourage walking and bicycling to and from the beach. The Project also designates more than 252 acres of the Project site as Open Space, including wetland restoration/water quality areas, interpretive trails, habitat restoration areas, and habitat preservation areas, providing educational opportunities for individuals utilizing the Project's trail system.

Public parking and regional trail staging areas would be provided in multiple locations on the Project site within the Community Park, along Scenic Drive at the Nature Center, and within the Resort Colony planning area, and would provide additional access and connectivity to trails within Fairview Regional Park and the Talbert Preserve.

The proposed 2.2-acre Nature Center within the Interpretive Park area would include a nature center building and amphitheater for indoor/outdoor educational programs and would include public parking. The proposed approximate 0.1-acre (gross and net) Talbert Trailhead site in the upland open space area west of North Bluff Road and south of 19th Street would serve as a trailhead to on-site trails and connect to the Talbert Nature Preserve north of the Project site. The Talbert Trailhead Park would also provide a platform for public viewing of open space areas and directional and interpretive signage to on-site and off-site trails. The proposed trail system would include the multi-use trails, all of which would be privately developed as part of the Project and permanently accessible to the public. Bluff Park and the Interpretive Parks would also be privately developed as a part of the Project, but would be permanently accessible to the public.

The North Community Park is proposed to include public restroom facilities, trails, and seating areas and approximately 174 off-street public parking spaces would be provided in two locations within the North Community Park area. A small parking area (approximately 19 spaces) would be constructed with ingress/egress from 16th Street. The remainder of the parking (approximately 155 spaces) would be provided along the western boundary of the park with ingress/egress from North Bluff Road. The Central and South Community Park areas would include picnic areas and open turf areas and a parking area (approximately 25 parking spaces)

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would be provided as part of the Central Community Park area to replace the off-site office building's parking spaces that would be removed to allow for the extension of 15th Street between Monrovia Avenue and the Project site. This parking would be in addition to the Community Park public parking and is proposed to be accessible to park users during non-business hours.

In addition, the Project includes development of a commercial area that would provide retail services for visitors and residents. The Project also proposes the development of a 75-room resort inn consistent with the Coastal Act provisions which would provide the public (both local residents and visitors) with additional access opportunities.

Please also see **Attachment 15**, NBR-MDP, Chapter 3 for a description of parks, and Chapter 4 Trails and Coastal Access. Please also reference EIR Section 4.8, Recreation and Trails for further discussion.

Section 30214 of the Coastal Act:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

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(c) *In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.*

The Project includes development of a number of public access and recreation amenities and support facilities throughout the site to support access to and use of proposed trails, parklands, and the nearby shoreline. Project improvements have been designed in consideration of topographic and natural resource constraints, as well as minimizing conflicts with adjacent residential development. Proposed trail and staging area improvements include primarily low-intensity uses that would largely be located along the seaward edge of the proposed development (along the upland edge and bluff, and within the lowlands), away from adjacent developed neighborhoods, and are sited and designed to be noninvasive on the natural topography and to minimize impacts to sensitive habitat areas. The large majority of trails and parklands would be located in relatively level, disturbed areas containing existing oil field infrastructure. In consideration of site topography and natural resource constraints, public access through the Open Space Preserve would be limited to a trail system utilizing existing oil field roads to minimize impacts, and would be managed to ensure public access and recreational use of the site would not degrade the restored and enhanced habitat areas.

Section 30222 of the Coastal Act:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

The proposed Project includes development of a mix of residential, retail, visitor-serving and active and passive recreational and open space uses on the Project site. Accordingly, the Project will provide a wide-variety of coastal priority uses, including trails and parklands with critical public support facilities, a visitor-serving inn and commercial areas to serve visitors to site and adjacent coastal areas.

Section 30223 of the Coastal Act:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The Project includes a considerable number of public access and recreational opportunities throughout the site and upland coastal area, including new and improved trail linkages and

support facilities necessary to support public access and recreational uses of the site and adjacent park areas. The trails and parklands included in the Project would be available for and maintained for public access and recreational use. The proposed Project preserves, connects, and improves substantial upland areas for recreational use.

D. Visual Resources

Section 30251 of the Coastal Act:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The Project site is located in West Newport Beach, a primarily urban environment consisting of single-family and multi-family residential, commercial, light industrial and institutional land uses. Open space and recreational uses exist to the west and north of the property, with additional urban development located beyond.

The proposed development will not impact public views to or from the ocean, and will not be substantially visible from public viewing locations or otherwise degrade the scenic character of the Project area. The Project would provide public access to views of scenic resources both on the Project site through the restoration and conservation of native habitat and wetlands and to views of off-site scenic resources including the nearby shoreline and Pacific Ocean, which are not currently available given that the site is private property. Approximately 7.3 gross acres of public trails would be provided through the Project site and would connect to existing off-site regional trails and create public views overlooking the open space areas of the Project and ocean. The Bluff Park Trail is proposed as an off-street pedestrian trail extending around the perimeter of the Resort Colony, South Family Village, and North Family Village adjacent to the open space, and would include footpaths and interpretive trails extending along the length of the bluff to allow visitors and residential access to several scenic viewpoints within the Project site providing visual access to the shoreline and natural habitat areas.

Project implementation would change the overall visual character of the Project site from an oilfield to an urban infill community, characterized by a mix of clustered development areas, open space and natural habitat areas. The majority of the property would be retained in open

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space, which would be the predominant visual feature of the site, while the proposed development would be limited to clustered development envelopes with the urbanized areas of Costa Mesa and Newport Beach forming the backdrop of the site as viewed from coastal areas to the west. The vertical grade separation of approximately 50 feet from West Coast Highway to the top of the Project bluffs along West Coast Highway and the 60 foot setback of proposed development from the bluff edge would minimize visibility of proposed development areas from West Coast Highway.

The Project includes a range of housing types and architectural styles to avoid visual monotony and minimize impacts to future public views from proposed trails along the Project site bluffs, and would emphasize architectural styles found along the coast, including beach cottages, shingle siding, porches, courtyards, and patios. The proposed color palette would complement the Project site's natural open space and habitat areas, as well as existing neighborhoods, while providing colors appropriate to the architectural scale and character of the proposed land uses. Building facades and other primary surfaces for proposed buildings would be neutral and classic colors that are found in nature (earth tones).

Landscaping would be provided around the perimeter of buildings that are proposed adjacent to Open Space Preserve areas to provide a transition from open space to developed areas and soften the appearance of buildings and infrastructure. The Project includes a site-specific Fire and Life Safety Program that prescribes fuel modification requirements. Trees and vegetation would be maintained around improvement areas in a manner that minimizes the visual resource impacts of site disturbance, removal, and thinning of natural vegetation.

The Project includes a “dark sky” lighting concept within areas of the Project that adjoin habitat areas including all public roadways and private development within the Village and Colonies, South and North Bluff Park, and Interpretive Parks. Light fixtures within these areas would be designed for “dark sky” applications and adjusted to direct/reflect light downward and away from adjacent habitat areas. Street lighting would be limited to the lighting of intersections and residential alleys would have lighting fixtures with sensors for automatic nighttime lighting. Trails within the development areas contiguous to open space would be limited to bollard lights or similar low-height “dark sky” lights with fixtures that are shielded to confine light rays to the trail area. No lighting within the Open Space Preserve would be permitted. Night lighting for active parklands would be minimized to the extent feasible, including for all sports field and hard courts; exteriors of buildings; parking lots, walkways, and/or landscape areas. All lighting within the development would be directed and shielded so that light is directed away from offsite areas.

Grading for the proposed Project consists of approximately 900,000 cy of cut and fill for mass grading and 1,455,000 cy of removal and recompaction for corrective grading. Mass grading includes over-excavation and cut and fill associated with the development plan and includes

grading for parks, roads, and development lots. Corrective grading is required for development proposed in the Upland area and would involve removal and recompaction of the upper three to five feet of the soil horizon as well as locally compressible and/or porous zones within the terrace deposits. Accordingly, the majority of grading proposed for the Project consists of over-excavation/removal and recompaction within the generally level topography of the Upland development areas, which would not result in significant landform alteration of the site. Remedial grading is proposed for purposes of restoring specific bluff areas impacted by oil operations, uncontrolled drainage and erosion, and soil degradation. While some modification of the existing bluff landform is required for the restoration effort, the remedial grading would be limited to only those specific areas of the bluff necessary to stabilize the landform and is designed to provide revegetated finished slope gradients at 1.5:1 without terrace drains, where feasible, in order to match the existing character of the bluff.

Please reference EIR Section 4.2, Aesthetics for further discussion.

E. Archaeological Resources

Section 30244 of the Coastal Act:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Prehistoric and historic archaeological and paleontological resource sites have been recorded on the Project site. As a part of the EIR, a Prehistoric and Historical Archaeological Resources Assessment and a Paleontological Resources Assessment were prepared (See EIR Section 4.13, Cultural and Paleontological Resources for findings of these reports).

Evaluation of 11 archaeological sites on the NBR property resulted in a finding that 3 of the sites (CA-ORA-839, CA-ORA-844B, and CA-ORA-906) are deemed eligible for listing in CRHR and the NRHP as historical resources. Only one (CA-ORA-839) qualifies as a unique archaeological resource. To mitigate for potential significant impacts, the Project would be required to comply with the Mitigation Program set forth in the EIR. This Mitigation Program requires compliance with standard practices for the preservation of cultural resources and/or human remains and/or the recovery of these cultural resources and human remains in a manner that preserves the scientific, cultural, and historical value of the resource, and is intended to comply with Section 30244 of the Coastal Act. Although the Project would impact known archaeological resources and disturbance activities could also potentially impact unknown resources, implementation of mitigation measures identified in the EIR would reduce impacts to a level considered less than significant.

A paleontological study of the Project site established that there are three mapped lithologic units that underlie the proposed development. These units consist of Quaternary San Pedro Sand, Quaternary Palos Verdes Sand (Qpv), and Quaternary younger alluvium (Qa). Fossil sites have been recorded in two mapped units that underlie the site. San Pedro Sand and Palos Verdes Sand are considered to have high paleontological sensitivity, while the Quaternary younger alluvium is of low paleontological sensitivity.

Grading activities could impact significant paleontological resources. Mitigation measures identified in the EIR require that a qualified paleontologist monitor the grading and excavation activities and conduct salvage excavation as necessary (See EIR Section 4.13, Cultural and Paleontological Resources). If any scientifically important large fossil remains are uncovered, the paleontologist would have the authority to divert heavy equipment away from the fossil site. Additionally, EIR mitigation measures require a paleontological survey be conducted to record all paleontological resources present at the surface for those portions of the Project site where grading would occur that would affect Quaternary San Pedro Sand and Quaternary Palos Verdes Sand. Significant impacts would be mitigated to a less than significant level. Potential impacts as a result of Project grading would be reduced to a level considered less than significant with implementation of mitigation measures. Mitigation of paleontological resources is also addressed in the Mitigation Program, which is intended to comply with Section 30244 of the Coastal Act.

Please reference EIR Section 4.13, Cultural and Paleontological Resources and EIR Appendix J for the Archaeological Resources Assessment (BonTerra 2010), Paleontological Resources Assessment (BonTerra 2010), and the Historical Resources Assessment Report (BonTerra 2009).

F. Coastal Hazards

Section 30253 of the Coastal Act states in relevant part:

New development shall:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area...*

The Project would minimize risks to life and property from flood hazards, as proposed habitable development would be located entirely on the upland area at elevations well outside the 100-year floodplain. The northwestern portion the Project site (the lowland) and the southwestern corner of the Project site are located outside the 100-year floodplain, but within the 500-year floodplain.

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No structures would be built within the lowland area, which would include only public access and recreational uses upon Project implementation. Inundation of proposed residential, mixed-use and visitor-serving development areas on the Project site by seiche or mudflow is not anticipated given the elevation of the upland area well above the tsunami hazard zone, and because as there are no high slopes in the upland that could potentially fail and slide into the development area.

Where appropriate, Project drainage area modifications are incorporated into the Project's Runoff Management Plan to ensure that peak flow rates and volumes would not result in adverse flooding impacts to downstream systems. The incorporation of Project Design Features would provide additional measures to ensure that Project construction and operation would not result in adverse flooding as compared to existing conditions.

In order to evaluate the long-term cumulative impacts of sea level rise on local area flooding over the next 90 years (i.e., through 2100), the Project grading plan was overlaid onto the worst-case sea level rise water elevation data provided by the Pacific Institute. Sea level rise would increase the potential for future flood water depths to increase near the base of the existing slopes that border the upland development areas. Sea level rise is not expected to result in direct wave attack on the bluff faces and associated coastal bluff erosion.

Natural bluff areas bordering the western edge of the upland area have been subject to analysis of historical bluff retreat rates and topographic changes, concluding that erosion of the bluff face by surface runoff and local drainage has resulted in shallow erosion, slumping, and localized surficial bluff instability. Future bluff retreat rates would be expected to be lower than historic bluff retreat rates since removing oil production activities in the upland would reduce runoff rates over the bluffs. Project drainage improvements would also serve to reduce surface runoff over the bluffs and resulting bluff face erosion. The Project would also implement subdrain systems to capture infiltrated water and direct it away from the bluff faces on the Project site, thereby reducing the risk of bluff instability related to post-development groundwater.

Deep seated bluff stability analyses indicate that the existing bluff slopes meet City requirements for stability under static and seismic conditions. The results under static conditions indicate that the slopes in their current condition possess safety factors in excess of 1.5 (i.e., acceptable) for deep seated rotational stability. Under pseudo-static conditions, the slopes possess safety factors in excess of 1.1 (i.e., acceptable). Habitable structures would be set back a minimum of 60 feet from the tops of bluff edges, assuring long-term stability of the proposed development.

In addition, drainage devices would be constructed along slopes adjacent to the development edge to eliminate existing surface flow over bluffs to the extent feasible. Landscape and irrigation plans would also be designed to minimize irrigation near natural areas/slopes through

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the use of drought-tolerant vegetation and low-flow irrigation. A Bluff/Slope Restoration Plan would be implemented that requires eroded portions of bluff slopes to be repaired and stabilized. In order to stabilize slopes and help avoid erosion, bluff areas devoid of vegetation after repair and stabilization efforts would be planted with native vegetation that does not require permanent irrigation.

There are two discrete segments of the Newport-Inglewood Fault Zone North Branch (the Newport Mesa North Segment and the Newport Mesa South Segment) potentially within the Project site. Extensive fault trenching has been performed at the Project site providing technical support for development of the fault setback zones incorporated into Project design. Existing trench data suggests that surface faulting is not present in the gap area between the fault setback zones. Since conservative setback distances have been incorporated into the proposed Project, Project impacts from the risk of surface rupture have minimized to the maximum extent feasible.

A comprehensive list of Project Design Features, Standard Conditions, and Mitigation Measures has been incorporated into the Project, which would help to minimize seismic hazards to proposed Project features and structures. These features, conditions, and measures would also provide for structural setbacks from bluff edges to protect existing natural landforms and to maintain public safety; they would work in concert with BMPs to ensure that geologic instability caused by surface erosion or infiltration in the vicinity of the bluffs does not occur. Please reference EIR Section 4.3, Geology and Soils.

The Project includes a Fire and Life Safety Program has been prepared as a component of the NBR-MDP (See *Attachment 15*). The Program is intended to meet or exceed the requirements set forth in the City of Newport Beach Fire Code and all its amendments to the 2010 California Building Code; the 2010 California Fire Code; and the International Fire Code, 2009 Edition. The majority of the Project site is designated Local Responsibility Areas High; small portions of the site are designated Local Responsibility Areas Moderate and Other Unzoned.

The Project site has been designed to include fuel management zones consistent with the fire safety requirements for the Project. Fire protection in landscaped areas would be achieved by avoiding and reducing the use of highly flammable plant materials adjacent to proposed development. This would be accomplished by revegetating these areas with low fuel volume plantings; removing or pruning and thinning native plants; and/or using selective irrigation.

Generally, fuel management areas are a composite of two or three successive fuel management zones, which progressively provide an increasing amount of fire protection as they become closer to residences or other habitable buildings that require protection. The Project's Fire and Life Safety Program establishes a 120-foot-wide minimum fuel management area that consists of Zone A, which is a minimum of 20 feet wide; Zone B, which is a minimum of 50 feet wide; and

Zone C, which is a minimum of 50 feet wide. The fuel management zones are described in **Attachment 15**, NBR-MDP, and depicted on **Development Plan 6-1**, Fuel Management Zones Map. In addition, the Project would be designed to provide fire-resistant construction for all structures adjoining natural open space, including utilizing fire-resistant building materials and sprinklers. Please reference EIR Section 4.14, Public Services for additional discussion.

G. New Development

Section 30252 of the Coastal Act:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

Section 30253 of the Coastal Act states in relevant part:

New development shall:

(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.

(d) Minimize energy consumption and vehicle miles traveled.

The Project would maintain and enhance public access to the coast by providing approximately 51.4 acres of public parks, including a 26.8 acre Community Park, 20.9 acre Bluff Park, approximately 3.7 acres of Interpretive Parks; and bicycle, multi-use, and pedestrian trails (See **Development Plan 2-2**, Parklands Project Development Plan). These recreational resources would support the needs of Project residents, community residents and visitors by developing active and passive recreational uses on the site.

The Project includes 51.4 acres of parkland and trails through the Project site that connect to the regional trail system, as well as off-street multi-use trails, on-street bike trails, and a pedestrian and bicycle bridge over West Coast Highway to serve Project residents and the surrounding

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community. The provision of these recreational uses would prevent the overuse of existing local recreational facilities. With regard to beaches, trails, and regional recreational facilities, these facilities have been designed to meet the needs associated with the projected growth in the Project area. In addition, public parking and regional trail staging areas would be distributed throughout the Project site within the Community Park, along Scenic Drive, at the Nature Center, and within the Resort Colony planning area, and would provide additional access and connectivity to the Santa Ana River Trail and trails within Fairview Regional Park and the Talbert Preserve.

With respect to air quality requirements, the Project would be required to comply with all mandated air district requirements. Additional measures are set forth in the EIR to further reduce short-term and long-term air quality emissions associated with this Project. Please refer to EIR Section 4.10, Air Quality, and the EIR Mitigation Program.

In addition, the Project includes design features to minimize vehicle trips and vehicle miles traveled (VMT), and to reduce GHG emissions and development impacts relative to climate change. The Project would provide public pedestrian and bicycle trails to reduce auto-dependency by connecting proposed residential neighborhoods, commercial areas and visitor-serving uses to parks and open space within the Project site and to off-site recreational amenities, such as the beach and regional parks and trails. The Project's public pedestrian and bicycle trail system would create and complete linkages between inland and coastal communities, thereby enhancing non-vehicular access opportunities to the Project area's regionally significant natural resource and recreation areas. Additionally, a pedestrian and bicycle bridge is proposed over West Coast Highway to encourage walking and bicycling to and from the beach. The Project streets and intersections would be designed to encourage walking and bicycling with a pedestrian-oriented street design; thereby, reducing VMT and GHG emissions. The Project would be coordinated with OCTA to allow for a public transit routing through the community, and would provide bus stops and/or shelters as needed in the community. Provision and use of alternative transit, including bus, pedestrian, and bicycle travel, would also reduce fuel consumption.

Proposed residential development would incorporate design features that would reduce operational energy consumption and associated air pollutant emissions. Builder-installed indoor appliances, including dishwashers, showers, and toilets, would be low water-use, and public and/or common area men's restrooms would feature waterless urinals. Reducing water demand would reduce energy consumption associated with the supply, treatment, and distribution of water, as well as during wastewater treatment. Smart Controller irrigation systems would be installed in all public and common area landscaping, which would also reduce water consumption. Community landscape areas would be designed on a hydrozone basis to group plants according to their water requirements and sun exposure. To encourage residents to reduce

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energy consumption, multi-metering dashboards would be provided in each dwelling unit to visualize real-time energy use. The future HOA for NBR would provide educational information on recycling to all homeowners prior to individual purchase of property and again annually to encourage recycling and reduce waste. Furthermore, single-family detached residential roofs, commercial building roofs, and HOA owned public building roofs, which have adequate solar orientation (such as being south-facing roofs with sufficient sun exposure) would be designed to be compatible with the potential future installation of photovoltaic panels or other current solar power technology.

Please reference EIR Section 4.10, Air Quality and Section 4.11, Greenhouse Gas Emissions.