

4.1 LAND USE AND RELATED PLANNING PROGRAMS

4.1.1 INTRODUCTION

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines requires that land use issues be evaluated as part of the environmental impact analysis process. The potential land use and land use compatibility impacts of the proposed Newport Banning Ranch Project are analyzed in this section. Cumulative impacts are addressed in Section 5.0.

4.1.2 METHODOLOGY

This section describes the land use conditions for the Project site (and the immediate vicinity) and discusses potential land use impacts that could result from implementation of the proposed Project, including off-site improvements. Pursuant to State CEQA Guidelines Section 15125(a), the discussion of the Project site is based on the conditions of the site when the Notice of Preparation (NOP) was published in March 2009.

The land use analysis is based on field observations, use of aerial photography, and a review of related planning documents referenced in this section. The State CEQA Guidelines require an EIR to analyze land use impacts when a project has the potential to physically divide an established community; conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, Specific Plan, local Coastal Program, or Zoning Ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; or conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan. With respect to Habitat Conservation Plans and Natural Community Conservation Plans, these plans are addressed, as applicable, in Section 4.6, Biological Resources.

The City of Newport Beach Zoning Code (October 2010) defines compatibility as “The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict. Elements affecting compatibility include: intensity of occupancy, pedestrian or vehicular traffic generated, volume of goods handled, and environmental effects (e.g., air pollution, glare, hazardous materials, noise, vibration, etc.)”. Therefore, land use incompatibility can occur where differences between nearby uses result in significant noise levels and significant traffic levels, among other factors, such that project-related significant unavoidable direct and indirect impacts impede use of the existing land uses as they were intended.

Impacts associated with environmental issues (including but not limited to noise, aesthetics, and traffic) are addressed in their respective sections of this EIR. These environmental issues are discussed in this section only to the extent that they would influence the compatibility of land uses. This section addresses the relationship of land use changes that would occur with Project implementation to relevant land use planning goals and policies and existing and planned land use conditions.

4.1.3 ENVIRONMENTAL SETTING

The following is a description of existing land uses within the Project site, and land uses surrounding the Project site.

On-site Land Uses

Land uses within and surrounding the Project site are shown on the aerial photograph presented in Section 3.0, Project Description (Exhibit 3-5, Surrounding Land Uses). The Project site has been a producing oilfield since the early 1940s. Existing oil operations include 489 oil well sites and related oil facility infrastructure, including but not limited to pipelines, storage tanks, power poles, machinery, improved and unimproved roadways, buildings, and oil processing facilities. Of the approximately 489 oil well sites, the City operates 16 wells and an oil processing facility near the southwestern boundary of the Project site, accessed from West Coast Highway. The West Newport Oil Company¹ operates the remaining oil wells. Private access to these oil operations is at the terminus of 17th Street, which is located at the easterly boundary of the Project site and from West Coast Highway (see Exhibit 3-4, Oil Operations).

Surrounding Land Uses

The following is an identification of land uses in the vicinity of the Project site. The site is generally bound by the land uses listed below.

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

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.

¹ West Newport Oil Company and the mineral resources are wholly owned by Horizontal Drilling, LLC, an entity separate and independent of the surface owners.

- **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 (under construction). Other uses include mobile homes, office uses, and light industrial uses, some of which are located in the City of Costa Mesa.
- **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. Approval by the California Coastal Commission (Coastal Commission) is required prior to construction.

West

- **Santa Ana River and River Trail.** The Santa Ana River is located to the west of the wetlands restored by the U.S. Army Corps of Engineers (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.

4.1.4 REGULATORY SETTING

As previously indicated, one aspect of land use planning considered under CEQA is the consistency of a proposed project with relevant planning documents. Planning documents relevant to land use for this Project include the California Coastal Act, the Southern California Association of Governments (SCAG) *Compass Growth Vision Report*, the *Newport Beach*

General Plan, and the City of Newport Beach Municipal Code. Other sections in this EIR discuss policy documents pertaining to other topical issues.

State

Local Agency Formation Commission

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (*California Government Code* §§56000 et seq.) is the framework within which proposed city annexations, incorporations, consolidations, reorganizations, spheres of influence, and special district formations are considered. This law describes the Local Agency Formation Commission's (LAFCO's) functions in each county in California.

The LAFCO's authority falls into five main categories. A LAFCO has the ability to:

- Regulate boundary changes;
- Establish spheres of influence—the probable physical boundaries and service area of a city or special district;
- Conduct reviews of public services and special studies;
- Initiate special district consolidations or dissolutions; and
- Act on service agreements between public agencies and between public agencies and private parties.

California Coastal Act

California voters adopted the Coastal Zone Conservation Act (Proposition 20) in 1972. It required that development 1,000 yards inland from California's mean high tide obtain a permit from a regional or State coastal commission. It created a temporary California Coastal Zone Conservation Commission and six regional commissions to develop a statewide plan for coastal protection. The California Coastal Plan was submitted to the Legislature in 1975 and led to the passage of the California Coastal Act in 1976. The California Coastal Act established a State agency, the California Coastal Commission (Coastal Commission), whose mandate is to protect and enhance the resources of the Coastal Zone mapped by the Legislature.

The California Coastal Act of 1976 (*California Public Resources Code* §§30000 et seq.) establishes policies guiding development and conservation along the California coast. The intent of the California Coastal Act is to protect, maintain, and where feasible, enhance and restore the overall quality of the Coastal Zone environment and its natural and artificial resources. Through the review of development plans, the Coastal Commission strives to assure orderly, balanced utilization and conservation of Coastal Zone resources taking into account the social and economic needs of the people of the state. One goal is to maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

Local Coastal Program

The Legislature found that “to achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement”. Therefore, implementation of California

Coastal Act policies is accomplished primarily through requiring local governments to prepare a Local Coastal Program (LCP) for areas within their jurisdictions that lie within the Coastal Zone boundary, which will then establish the policies governing the issuance of permits by the local governments for development within the Coastal Zone. An LCP is defined by Section 30108.6 of the Coastal Act as follows:

Local coastal program means a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps and (d) within sensitive coastal resources areas, other implementing actions, which, when taken together, meet the requirements of and implement the provisions and policies of, this division at the local level.

An LCP typically consists of a coastal Land Use Plan (LUP) and an Implementing Actions Plan. The land use plan indicates the kinds, location, and intensity of land uses, the applicable resource protection and development policies, and, where necessary, a listing of implementing actions. The Implementing Actions Plan consists of the zoning ordinances, zoning district maps, and other legal instruments necessary to implement the land use plan. Once prepared by a local government, the LCP is submitted to the Coastal Commission for certification that the LCP conforms to the requirements of the Coastal Act. Amendments to a certified LCP also require review and approval by the Coastal Commission prior to becoming effective.

After certification of a LCP, Coastal Development Permit (CDP) authority is delegated to the local government. The Coastal Commission retains original permit jurisdiction over certain specified lands, such as submerged lands, tidelands, and public trust lands, and has appellate authority over development approved by the local government in specified geographic areas and for major public works projects and major energy facilities. In issuing CDPs, the local government must make the finding that the development conforms to the certified LCP.

City of Newport Beach Local Coastal Program

A local government may submit its LCP to the Coastal Commission for certification either at one time or in two phases, in which case the land use plan component must be submitted first followed by an implementation plan component. The City of Newport Beach has elected to submit its LCP in two phases.

The City's coastal Land Use Plan (CLUP) was approved by the Coastal Commission on October 13, 2005, and adopted by the City on December 13, 2005 (Resolution No. 2005-64); it was amended by the Coastal Commission on February 5, 2009, and adopted by the City on July 14, 2009 (Resolution No. 2009-53). The CLUP establishes goals, objectives, and policies that govern the use of land and water in the Coastal Zone within the City of Newport Beach and its Sphere of Influence, with the exception of Newport Coast and Newport Banning Ranch. Newport Coast is governed by the previously certified and currently effective Newport Coast segment of the Orange County LCP. Newport Banning Ranch is designated as a Deferred Certification Area (DCA) due to unresolved issues relating to land use, public access, and the protection of coastal resources.

The City's Implementation Plan will be submitted to the Coastal Commission in the future. Because the City does not have a fully certified LCP, it does not have the ability to issue CDPs, and all CDPs for new development in the City are processed by the Coastal Commission. The City reviews pending development projects for consistency with the General Plan, Zoning regulations, and the CLUP, before an applicant may file for a CDP with the Coastal Commission.

Deferred Certification Areas

A Deferred Certification Area (DCA) refers to an area where both the land use plan and implementing actions plan have been deferred to some future date in order to avoid delay in certifying the balance of the LCP. The Coastal Commission retains permit jurisdiction in all deferred certification areas.

Newport Banning Ranch is a DCA. Existing oil and gas operations are conducted throughout the Project site (West Newport Oilfield) pursuant to California Coastal Commission South Coast Regional Coastal Zone Conservation Commission Claim for Exemption No. E-7-27-73-144 (March 24, 1975).

The City's CLUP sets forth policies with respect to the Newport Banning Ranch site as a DCA:

Policies:

- 2.2.4-1. Designate the Banning Ranch property as an area of deferred certification until such time as the future land uses for the property are resolved and policies are adopted to address the future of the oil and gas operations and the protection of the coastal resources on the property.
- 2.2.4-2. Depict the boundaries of deferred certification areas on the Coastal Land Use Plan Map and other applicable LCP maps.

As a part of the proposed Project, the Applicant is requesting approval by the Coastal Commission of a site-specific Master Coastal Development Permit².

California Coastal Act Environmentally Sensitive Habitat Areas Definition and Guidelines

The California Coastal Act protects important coastal biological resources including wetlands, riparian habitats, and other areas defined as environmentally sensitive habitat areas (ESHAs) by the Coastal Commission. Section 30107.5 of the California Coastal Act defines an ESHA as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments". Because the Project site is within the boundary of the Coastal Zone, the Coastal Commission would evaluate the proposed Project relative to (1) potential impacts to ESHAs (as defined under Section 30107.5 of the California Coastal Act) and (2) guidance from the Newport Beach CLUP. The Coastal Commission determines whether a property contains an ESHA.

Regional

Southern California Association of Governments

The Southern California Association of Governments (SCAG) is the Metropolitan Planning Organization (MPO) for six counties: Orange, Los Angeles, San Bernardino, Riverside, Ventura, and Imperial. The region's population exceeds 19 million persons in an area that encompasses more than 38,000 square miles. As the designated MPO, the federal government mandates that

² The Coastal Act does not define "Master Coastal Development Permit". All permits issued by the Coastal Commission are referred to as "Coastal Development Permits"; however, for purposes of this EIR, the City-approved applications submitted to the Coastal Commission can be referred to as a "Master Coastal Development Permit".

SCAG researches and prepares plans for transportation, growth management, hazardous waste management, and air quality. Among the leading activities SCAG undertakes are:

- Maintaining a continuous, comprehensive, and coordinated planning process resulting in a Regional Transportation Plan (RTP) and a Regional Transportation Improvement Program (RTIP);
- Developing demographic projections plus the integrated land use, housing, employment, transportation programs, measures, and strategies portions of the South Coast Air Quality Management Plan, as well as serving as co-lead agency for air quality planning for the Central Coast and Southeast Desert Air Basin Districts;
- Determining, pursuant to the federal Clean Air Act, projects', plans', and programs' conformity to the Air Quality Management Plan;
- Reviewing environmental impact reports for projects having regional significance for their consistency with regional plans;
- Serving as the authorized area-wide waste treatment management planning agency pursuant to federal water pollution control statutes; and
- Preparing the Regional Housing Needs Assessment pursuant to State law.

SCAG has developed a number of plans to achieve these regional objectives. The most applicable to the Project are the Regional Comprehensive Plan (RCP) (2008), the Regional Transportation Plan (RTP) (May 2008), and the Compass Growth Vision Report (June 2004) and its associated Regional Housing Needs Assessment (RHNA) (July 2007) allocation. Proposed projects are reviewed and an assessment is made about whether a project is consistent with or supports the policies of these plans. Some of the policies within these plans are advisory in nature. SCAG plans relative to land use are discussed in this EIR section. The RHNA is addressed in Section 4.7, Population, Housing, and Employment; the RTP is addressed in Section 4.9, Transportation and Circulation.

2008 Regional Comprehensive Plan

SCAG has developed the Southern California RCP as a planning framework for the development and implementation of guidelines applied to both the public and private sectors. The RCP functions as a voluntary "toolbox" to assist local jurisdictions in making their General and Specific plans and individual projects more sustainable (SCAG 2008c). SCAG's RCP is divided into nine chapters with each chapter focusing on the regional strategy that addresses the RCP's vision for a particular resource area. Each chapter also includes three levels of recommendations for the region: goals, outcomes, and an action plan that contains constrained policies (or near-term, feasible policies) and strategic initiatives (longer term strategies). Although SCAG did not respond to the City's Notice of Preparation (NOP) for the proposed Newport Banning Ranch Project, RCP policies considered relevant to the proposed Project are addressed in this EIR because the Project is of regional significance in accordance with Section 15206 of the State CEQA Guidelines. The consistency of the Project's proposed land uses with SCAG land use policies is provided later in this section of the EIR.³

Compass Growth Vision Report

The Compass Growth Vision Report presents the comprehensive Growth Vision for the six-county SCAG region and presents the achievements of the Compass process. It details the

³ For ease of reading, all policy tables are located at the end of this EIR section.

evolution of the draft's vision from the study of emerging growth trends to the effects of different growth patterns on transportation systems, land consumption, and other factors.

The report concentrates on the physical aspects of regional growth (where people and jobs locate, the type and quantity of buildings that may be constructed, and how people and goods move in the region). To address all Growth Visioning principles, SCAG, sub-regions, and Cities are encouraged to refine the social, economic, and other components that are also crucial to the Growth Vision's success, including workforce housing, job training and education, prosperity that reaches everyone, and protection of key open spaces.

The Compass Blueprint 2% Strategy is a guideline for how and where SCAG can implement the Growth Vision for Southern California's future. It calls for changes to current land use and transportation trends that make up approximately two percent of the land area of the region: the 2% Strategy Opportunity Areas. The strategy promotes a concentration of new and infill development along existing and planned transportation corridors and in new regional centers. SCAG's planning efforts and resources invested according to the 2% Strategy would help meet the region's goals of improved mobility, livability, prosperity, and sustainability for local neighborhoods and their residents.

Local

City of Newport Beach General Plan

The *City of Newport Beach General Plan* is the long-range guide for growth and development in the City. On July 25, 2006, the General Plan was adopted and the Final EIR was certified by the Newport Beach City Council. At the General Municipal Election held on November 7, 2006, the City Electorate approved the land use plan of the General Plan, pursuant to City Charter Section 423.

A general plan functions as a guide for the type of community that is desired for the future and provides the means to achieve it. The *City of Newport Beach General Plan* contains the following ten elements: Land Use; Harbor and Bay; Housing; Historical Resources; Circulation; Recreation; Arts and Cultural; Natural Resources; Safety; and Noise. A discussion of the Project's land use consistency with applicable goals and policies in the Newport Beach General Plan is provided later in this section. The policy analysis for other environmental topics addressed in this EIR is provided in the respective technical EIR sections.

Land Use Element

The General Plan Land Use Element presents goals and policies pertaining to how existing development is to be maintained and enhanced and how new development is to be implemented. The *City of Newport Beach General Plan* establishes goals and policies for land use development in the City as well as its Sphere of Influence. The Project site is designated OS(RV), Open Space/Residential Village, which establishes Open Space as the Primary Use and Residential Village as the Alternative Use (see Exhibit 3-6, Newport Beach General Plan Land Use Designation, in Section 3.0, Project Description).

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.

The General Plan Land Use Element specifies that the Primary Open Space land use alternative would 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 Land Use Element 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 property 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 dwelling units (du), 75,000 square feet (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 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.

The Project's relationship to applicable land use goals and policies of the General Plan Land Use Element are addressed at the end of this section of the EIR.

Harbor and Bay Element

The Project site is not adjacent to Newport Harbor or Upper Newport Bay. The goals and policies pertaining to harbor issues are intended to guide the content of regulations related to development of, and the activities conducted on, the water. Additional goals and policies recognize the important component of land use decisions related to waterfront property around

Newport Harbor. The aim of the Harbor and Bay Element goals and policies are to preserve the diversity and charm of existing uses without unduly restricting the rights of the waterfront property owner. Goals and policies within the Harbor and Bay Element have been organized to address both water- and land-related issues, provision of public access, water quality and environmental issues, visual characteristics, and the administration of the harbor and the bay.

Housing Element

The Housing Element is designed to facilitate attainment of the City's RHNA, and to foster the availability of housing affordable to all income levels to the extent possible given Newport Beach's constraints. To achieve its housing goals, Newport Beach encourages the development of additional housing units in locations identified in the Land Use Element and the Housing Element, including Newport Banning Ranch.

The Housing Element is a comprehensive statement of the City's housing policies and serves as a specific guide for implementation of these policies. It examines current housing needs, estimates future housing needs, and establishes goals, policies, and programs pertaining to those needs. Housing programs are responsive to current and future needs. They are also established within the context of available community, State, and federal economic and social resources and realistic quantified housing objectives. The Project's relationship to housing projections and housing needs for the City are further discussed in Section 4.7, Population, Housing, and Employment.

Historical Resources Element

This Element addresses the protection and sustainability of Newport Beach's historic and paleontological resources. Goals and policies are intended to recognize, maintain, and protect the community's unique historical, cultural, and archeological sites and structures. Preserving and maintaining these resources helps to create an awareness and appreciation of the City's history. The Project's relationship to applicable goals and policies of the General Plan Historical Resources Element are addressed in Section 4.13, Cultural and Paleontological Resources.

Circulation Element

The Circulation Element governs the long-term mobility system of the City of Newport Beach. The goals and policies in this element are closely correlated with the Land Use Element and are intended to provide the best possible balance between the City's future growth and land use development, roadway size, traffic service levels and community character.

With respect to the circulation improvements under the Project site's 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) that extends from West Coast Highway through the property to 19th Street. The Master Plan of Streets and Highways also depicts a second Primary road connection from West Coast Highway through the property to connect with 15th Street. Additionally, 17th Street would be extended from its existing terminus west of Whittier Avenue onto the property and connect with West Coast Highway to 19th Street as a Primary Road. The Project's relationship to the General Plan Circulation Element is further discussed in Section 4.9, Transportation and Circulation.

Recreation Element

The primary purpose of the Recreation Element is to ensure that the provision of sufficient parks and recreation facilities is appropriate for the residential and business population of Newport Beach. Specific recreational issues and policies contained in the Recreation Element include parks and recreation facilities, recreation programs, shared facilities, coastal recreation and support facilities, marine recreation, and public access.

As previously noted, 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.

The Project's relationship to the General Plan Recreation Element is further discussed in Section 4.8, Recreation and Trails.

Arts and Cultural Element

Arts and cultural activities play an important role in community life and have been a valued component of Newport Beach for over 125 years. The City has a wide range of art and cultural organizations, resources, attractions, and activities that are a source of community pride and enrichment. The goals and policies of the Arts and Culture Element are intended to be a guide for meeting the future cultural needs of the community. The Element is intended to serve as a mechanism for integrating multiple resources in order to provide improved and expanded arts and cultural facilities and programs to the community. There are no policies in the Arts and Cultural General Plan Element that are applicable to the proposed Project.

Natural Resources Element

The primary objective of the Natural Resources Element is to provide direction regarding the conservation, development, and use of natural resources. It identifies the City's natural resources and policies for their preservation, development, and wise use. This Element addresses water supply (as a resource) and water quality (includes bay and ocean quality, and potable drinking water), air quality, terrestrial and marine biological resources, open space, archaeological and paleontological resources, mineral resources, visual resources, and energy. Goals and policies of the Natural Resources Element are addressed in several sections of this EIR including but not limited to Section 4.2, Aesthetics and Visual Resources; Section 4.6, Biological Resources; Section 4.10, Air Quality; Section 4.13, Cultural and Paleontological Resources; Section 4.14, Public Services and Facilities; and Section 4.15, Utilities.

Safety Element

The primary goal of the Safety Element is to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from natural and human-induced hazards. The Safety Element recognizes and responds to public health and safety risks that could cause exposure to the residents of Newport Beach. This Element specifically addresses coastal hazards, geologic hazards, seismic hazards, flood hazards, wildland and urban fire hazards, hazardous materials, aviation hazards, and disaster planning. As discussed below, the type and location of hazards have been identified in the Safety Element, as well as policies and programs to minimize impacts. Goals and policies of the Safety Element are addressed in

several sections of this EIR, including but not limited to Section 4.3, Geology and Soils and Section 4.4, Hydrology and Water Quality.

Noise Element

The Noise Element of a General Plan is a tool for including noise control in the planning process in order to maintain compatible land use with environmental noise levels. This Noise Element identifies noise-sensitive land uses and noise sources, and defines areas of noise impact for the purpose of developing policies to ensure that Newport Beach residents will be protected from excessive noise intrusion. The Noise Element follows the revised State guidelines in Section 46050.1 of the *California Health and Safety Code*. The Element quantifies the community noise environment in terms of noise exposure contours for both near and long-term levels of growth and traffic activity. The information contained in the Noise Element provides the framework to achieve compatible land uses and to provide baseline levels and noise source identification for local Noise Ordinance enforcement. Goals and policies of the Noise Element are addressed in Section 4.12, Noise.

City of Newport Beach Municipal Code

Zoning Designations

An approximate 40-acre portion of the Project site located within the jurisdictional boundaries of the City is zoned “Planned Community District 25” (PC-25) and, as such, is covered by the PC-25 Planned Community District Regulations (see Exhibit 3-8, Existing Zoning, in Section 3.0, Project Description). The City of Newport Beach Municipal Code permits a Planned Community (PC) Development Plan to address land use designations and regulations in Planned Communities. The purpose of a PC (Planned Community) Zoning District, as stated in Chapter 20.26.010 of the Newport Beach Municipal Code, is “to provide for areas appropriate for the development of coordinated, comprehensive projects that result in a superior environment; to allow diversification of land uses as they relate to each other in a physical and environmental arrangement while maintaining the spirit and intent of this Zoning Code; and to include a variety of land uses, consistent with the General Plan, through the adoption of a development plan and related text that provides land use relationships and associated development standards”.

PC-25 was adopted by the City on October 9, 1995, and was intended to implement the General Plan Land Use Element policies of that time, which allowed for up to 406 du, 235,000 sf of office, and 164,400 sf of industrial uses on 75.5 acres.. The purpose of PC-25 is “to provide a method whereby property may be classified and developed for light industrial, professional and business office, and residential uses. The specifications of this district are intended to provide land use and development standards supportive of the development proposal contained herein while insuring compliance with the intent of all applicable regulatory codes”. With the adoption of the City’s Zoning Code update in October 2010, PC-25 only pertains to the 40-acre portion of the Project site within the jurisdiction of the City of Newport Beach.

The remaining approximately 361 acres of the Project site are located in unincorporated Orange County and within the City’s Sphere of Influence. This 361-acre area of the Project site has not been zoned by the City and retains several County zoning designations that permit residential, commercial, and light industrial/employment uses (Exhibit 3-8, Existing Zoning). Approximately 319 acres are zoned for R-4 Suburban Multi-family residential uses, which permits 1 dwelling unit for each 3,000 square feet (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.

4.1.5 PROJECT DESIGN FEATURES AND STANDARD CONDITIONS

Project Design Features

The following project design features (PDFs) reflect the consideration of land use as part of Project development.

- PDF 4.1-1** Through the implementation of the Master Development Plan, the Project permits a maximum of 1,375 residential dwelling units and a variety of residential housing types to provide opportunities for a range of lifestyles. Housing types include single-family detached, single-family attached, multi-family, and/or residential uses in a mixed-use configuration.
- PDF 4.1-2** The Master Development Plan designates areas for a diverse public park system to include active, passive, and interpretive recreation opportunities.
- PDF 4.1-3** The Master Development Plan designates more than 240 gross acres of the Project site as Open Space, including wetland restoration/water quality areas, interpretive trails, habitat restoration areas, and habitat preservation areas. Open Space areas also include 2 sites and a connecting road comprising approximately 17 acres designated for continuing but interim use as oil and gas production sites. At the end of the oilfield's useful life, this area will revert to Open Space land use.
- PDF 4.1-4** The Master Development Plan provides for a minimum of 20 gross (17 net) acres for a public Bluff Park as a visual and passive recreational amenity, trail corridor, and a transition between open space and development.
- PDF 4.1-5** The Master Development Plan and the Newport Banning Ranch Planned Community Development Plan identify proposed uses adjacent to existing Newport Beach and Costa Mesa residential neighborhoods which are limited to either parks or open space. Proposed uses adjacent to existing commercial and light industrial areas within the City of Costa Mesa "Mesa West Bluffs Urban Plan" overlay area will be a higher density residential and/or mixed-use development of similar height and scale to those prescribed in the "Mesa West Bluffs Urban Plan". Open space and/or park uses will be sited adjacent to the Newport Crest community to provide a visual buffer between that community and Project development areas.

Standard Conditions and Requirements

- SC 4.1-1** Approval of the Newport Banning Ranch Project would require Project implementation and all future approvals to be subject to all applicable provisions of the *Newport Beach General Plan*; *Newport Banning Ranch Planned Community Development Plan*; all requirements and enactments of federal, State, and local agency authorities; as well as the requirements of any other governmental entities. All such requirements and enactments will, by reference, become conditions of Project approval.

4.1.6 THRESHOLD CRITERIA

In accordance with the City's Environmental Checklist, the Project would result in a significant land use impact if it would:

Threshold 4.1-1 Physically divide an established community.

Threshold 4.1-2 Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

The following Land Use significance criterion from the City of Newport Beach Environmental Checklist addresses consistency with applicable habitat conservation plans:

- Conflict with any applicable habitat conservation plan or natural community conservation plan.

In this EIR, this significance threshold is addressed as a part of the assessment of biological resources in Section 4.6, Biological Resources, of this EIR.

Indirect land use impacts and related policy analyses, such as aesthetics, transportation and circulation, air quality, and noise are discussed in their respective sections of the EIR. This section focuses on the compatibility of the Project with existing and proposed land uses. The indirect impacts are only discussed here to the extent that they would contribute to an incompatibility of the land use.

The evaluation identifies the relationship, including similarities and differences, of the proposed uses to the surrounding uses. The analysis discusses the land uses by geographic area, as presented above in Existing Conditions.

4.1.7 ENVIRONMENTAL IMPACTS

Threshold 4.1-1 *Would the project physically divide an established community?*

The Newport Beach General Plan EIR states

The General Plan does not include any extensions of roadways or other development features through currently developed areas that could physically divide an established community. Roadway extensions would occur in Banning Ranch if new development occurs in that area. These roadways would be part of a comprehensive development plan and establish linkages among new land uses and to existing land uses, and would not, therefore result in physical division of an established community...Impacts would be less than significant.

The Project site is an active oilfield with surface and subsurface oil production facilities located throughout the entire 401-acre Project site. Because of the ongoing oil operations on the Project site, there is no public access for safety, liability, and security reasons. The proposed Project includes the abandonment and reabandonment of oil production facilities, site remediation, consolidation of existing surface oil production facilities into approximately 16.5 gross acres located within the Project site, development of new land uses within approximately 148.8 acres

of the Project site, and preservation of approximately 252.3 acres as permanent open space inclusive of the 16.5-acre Oil Consolidation sites.

As previously described in Section 4.1.3, the Project site is generally bound by established development to the north, south, and east. Land uses to the north include the Talbert Nature Preserve, a City of Costa Mesa community park, and condominiums in the City of Newport Beach. The Project site is bordered by West Coast Highway to the south. Residential development is located between West Coast Highway and the Pacific Ocean. Land uses to the east include single-family and multi-family residences and mobile homes, light industrial, institutional and office uses, and vacant parcels. The Santa Ana River generally borders the Project site to the west with single-family residences west of the Semeniuk Slough.

Consistent with the findings of the City of Newport Beach General Plan EIR, this EIR finds that the Project would not physically divide an established community. The Project site is an active oilfield without public access. It is contiguous to existing land uses, and roads through the site would provide planned connections to existing land uses in the Project vicinity. Although the proposed Project would not divide an established community, it is important to address the Project's relationship to existing and planned land uses. As such, a land use compatibility analysis is provided after the Project Overview to evaluate the Project's compatibility with existing on-site and surrounding off-site land uses and the Project's internal compatibility with existing and planned land uses on site.

A. Project Overview

The Newport Banning Ranch Project proposes development of the Project site consistent with *City of Newport Beach General Plan* Land Use Element goal and policies related to the "alternative use" of the Project site as a Residential Village (RV). The Residential Village use allows for up to 1,375 du in a mix of housing types; up to 75,000 sf of supporting retail uses; and visitor accommodations to include a maximum of 75 overnight accommodations; parks; and open space. Because the proposed land uses are consistent with the Residential Village designation, an amendment to the General Plan Land Use Element would not be required. An amendment to the Circulation Element of the General Plan is proposed as a part of the Project to delete the segment of 15th Street west of Bluff Road, which would provide a second arterial through the Project site connecting to West Coast Highway. This is further discussed in Section 4.9, Transportation and Circulation.

Newport Banning Ranch Planned Community Development Plan

The Newport Banning Ranch Planned Community Development Plan (NBR-PC) is proposed to serve as the zoning regulations for the Project. The NBR-PC establishes allowable land uses within each of 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-PC. The NBR-PC would serve 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.

The NBR-PC includes five major land use districts with subcategories in several of these districts:

- **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).
- **Public Parks and Recreation Land Use Districts:** Community Park (CP), Bluff Park (BP), and Interpretive Parks (IP).
- **Visitor-Serving Resort/Residential Land Use District.**
- **Residential Land Use Districts:** Residential (Low Density [RL], Low-Medium Density [RL/M], and Medium Density [RM]).
- **Mixed-Use/Residential Land Use District.**

Table 4.1-1 identifies the allowable land uses within the proposed land use districts. Uses listed as “Permitted Uses” are allowed “by right”. Uses subject to a Conditional Use Permit (CUP) or Minor Use Permit (MUP) are conditionally allowed subject to the provisions set forth in the NBR-PC. Land uses not listed are not allowed with the exception of special event uses, limited duration uses (e.g., archaeological investigations), and uses allowed through interpretations of the NBR-PC. Existing uses made legal non-conforming uses are allowed to continue but are not permitted to be expanded.

Newport Banning Ranch Master Development Plan

Approval by the City of the Master Development Plan would be required by the NBR-PC as an initial step prior to development of new land uses within the Project site. The Master Development Plan proposes site planning areas for the entire Project site and describes the proposed development within each site planning area consistent with the zoning districts established in the NBR-PC. The purpose of the Newport Banning Ranch Master Development Plan (Master Development Plan) is to describe master developer grading and improvements including roadways, infrastructure, water management facilities, and other improvements and details shown on the subdivision map that serves to implement the Master Development Plan. It is intended to include details for habitat restoration within the open space areas of the Project site, as well as development plans for the Bluff Parks and Interpretive Parks that adjoin the Open Space land use districts. It is also intended to establish design criteria for each private land use identified within the NBR-PC and to provide a sufficient level of detail, as determined by the City, to guide the review of subsequent development approvals identified in the NBR-PC and construction-level permits. The Master Development Plan includes development plans (general layouts) for public streets and single-family residential lots, private alleys and vehicular accessways, pedestrian paseos, and other development features for the Project.⁴

⁴ The proposed NBR-PC and Newport Banning Ranch Master Development Plan are on the City of Newport Beach website and are on file at the City of Newport Beach Community Development Department and available for review during regular business hours.

**TABLE 4.1-1
NBR-PC ALLOWABLE LAND USES**

Land Use Type/Facility	Land Use District										
	Open Space			Public Parks/ Recreation			Residential			MU/R	VSR/R
	LOS/PTF	UOS/PTF	OF	CP ^a	BP	IP	RL	RL/M	RM		
Accessory structures and uses				P	P	P	P	P	P	P	P
Accessory dwelling units per NBMC §20.48.200							MUP	MUP	MUP		
Alcoholic beverages, sale not for consumption on the premises								CUP ^b	CUP ^b	CUP	CUP
Alcohol sales, service and consumption										CUP	CUP
Amphitheaters – small				MUP	MUP	MUP					MUP
Arboretums and horticultural gardens				P	P	P				P	P
Arcades, game or movie										MUP	
Artists' studios/galleries										P	P
ATM										P	P
Bars and Nightclubs										CUP	CUP
Bed and breakfast inns										CUP	CUP
Bicycle rentals					P	P				P	P
Boat and other marine sales/rental/leasing/minor repair of, incidental to the sale of boat										MUP	
Breweries, micro										CUP	CUP
Care Uses											
Adult day care (6 or fewer persons, per NBMC §20.48.070)							P	P	P	P	
Adult day care (7 or more persons, per NBMC §20.48.070)										MUP	
Child day care small 8 or fewer (per NBMC §20.48.070)							P	P	P	P	
Child day care large 9-14 (per NBMC §20.48.070)										MUP	
Residential care facilities licensed 6 fewer (per NBMC §20.48.170)							P	P	P	P	
Residential care facilities 6 or fewer unlicensed (per NBMC §20.48.170)							CUP	CUP	CUP	CUP	
Residential care facilities 7 or more (per NBMC §20.48.170)										CUP	
Caretaker residence							P	P	P	P	P
Colleges, universities (including satellite learning facility)										MUP	
Commercial personal services										P	P
Commercial convenience retail (per NBR-PC §2.6 and §3.14.2.2)								P ^b	P ^b		
Community centers, public or HOA/private				P	P	P	P	P	P	P	P
Day care – General										MUP	
Day spas and medical spas										MUP	P

**TABLE 4.1-1 (Continued)
NBR-PC ALLOWABLE LAND USES**

Land Use Type/Facility	Land Use District											
	Open Space			Public Parks/ Recreation			Residential			MUR	VSR/R	
	LOS/PTF	UOS/PTF	OF	CP ^a	BP	IP	RL	RL/M	RM			
Eating and drinking establishments, sit down dining serving alcohol, bars, and lounges											CUP	CUP
Eating and drinking establishments, sit down dining without alcohol, service								P ^a	P ^a		P	P
Financial institutions and related services								P ^a	P ^a		P	P
Greenhouses, commercial											P	
Habitat restoration, creation, and protection activities	P	P	P	P	P	P	P	P	P		P	P
Health/fitness centers and facilities, small and large											MUP	P
Historical monuments and cultural heritage sites	P	P	P	P	P	P					P	P
Interpretive visitor center and custodial facilities				P	MUP	MUP						
Maintenance and repair services ancillary to commercial use											P	
Model home complex, information centers. Subject to approval of a Model Home Complex Permit per NBR-PC §4.11							P	P	P		P	P
Native plant nurseries/eco garden center not for profit				P	MUP	MUP					P	P
Nightclubs											MUP	MUP
Offices – professional											P	
Offices – medical and dental											MUP	
Offices – administrative ancillary to principally permitted or permitted use											P	P
Oil and natural gas facilities and operations/surface operations			P									
Oil and natural gas facilities and operations/subsurface operations	P	P	P	P	P	P	P	P	P		P	P
Outdoor dining associated with an eating and drinking establishment											MUP	MUP
Parks and recreation facilities/HOA owned, public use					P	P	P	P	P		P	P
Parks and recreation facilities/HOA owned, private use					P	P	P	P	P		P	P
Parks and recreation facilities/public owned, public use				P								
Pet grooming, excluding boarding											P	P
Places of public assembly, including religious facilities and places of worship											CUP	
Plant growing facilities of nursery stock – for profit											P	

TABLE 4.1-1 (Continued)
NBR-PC ALLOWABLE LAND USES

Land Use Type/Facility	Land Use District										
	Open Space			Public Parks/ Recreation			Residential			MU/R	VSR/R
	LOS/PTF	UOS/PTF	OF	CP ^a	BP	IP	RL	RL/M	RM		
Plant growing facilities of nursery stock – not for profit				P	P	P					
Printing and duplicating services										P	P
Public facilities (police, fire, library, etc.) – permanent				P						P	
Public facilities (police, fire, library, etc.) – temporary				P			P	P	P	P	
Public infrastructure, utilities, and drainage facilities, minor	P	P	P	P	P	P	P	P	P	P	P
Public infrastructure and utilities, major	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Rental/leasing/repair of articles sold on premises										P	P
Residences, live/work										P	
Residences, multi-family								P	P	P	P
Residences, single-family attached								P	P	P	P
Residences, single-family detached							P	P	P	P	P
Resorts, inns, hotels, and accessory uses										CUP	CUP
Retail sales and service										P	P
Schools, business and professional										MUP	
Studios for instruction (dance, music, similar)										P	MUP
Studios for music, radio/television broadcasting, and similar										MUP	
Taxi stands										P	P
Theaters (movie and performance)										CUP	
Tourist information centers					P	P				P	P
Trails, interpretive	P	P	P	P	P	P	P	P	P	P	P
Trails, multi-use (pedestrian/bicycle)	P	P	P	P	P	P	P	P	P	P	P
Veterinary clinics, small animals										P	
Visitor-serving retail										P	P
Wireless telecommunication facilities per NBMC Chapter 15.70	P	P	P	P	P	P	P	P	P	P	P

LOS/PTF: Lowland Open Space/Public Trail Facilities; UOS/PTF: Upland Open Space/Public Trail Facilities; OF: oil facilities; CP: Community Park; BP: Bluff Park; IP: Interpretive Park; RL: Residential (Low Density); RL/M: Residential (Low-Medium Density); RM: Residential (Medium Density); MU/R: Mixed-Use/Residential Land Use District; VSR/R: Visitor-Serving Resort/Residential Land Use District; P: Permitted Use; CUP: Conditional Use Permit; Not Permitted (empty cell); MUP: Minor Use Permit; NBMC: City of Newport Beach Municipal Code; NBR-PC: Newport Banning Ranch Planned Community Development Plan; Newport Banning Ranch-HOA: Homeowners Association.

^a All other land uses not listed as permitted within the CP land use district may be determined by the City of Newport Beach.

^b Permitted subject to Section 2.6, "Residential Land Use Districts", and Section 3.18.2.2, "Convenience Commercial Development Regulations" set forth in the NBR-PC.

Source: NBR-PC 2011.

The Master Development Plan is proposed to provide a sufficient level of detail related to California Coastal Act policies so that, pursuant to City approval of the Master Development Plan, and to the maximum extent practicable, the Coastal Commission may approve the Master Development Plan as part of a Master Coastal Development Permit, which delegates authority to the City to be the final approving body for subsequent discretionary and ministerial approvals such as subsequent subdivision maps and development review approvals for use permits, development plan review, building permits, improvement plans, and similar construction-level permits and entitlements as required by the NBR-PC. The Master Coastal Development Permit is not intended to provide construction-level discretionary approval for construction of the Visitor-Serving Resort/Residential land use district's resort inn (Resort Colony; Site Planning Area 13a); or the northern portion of the Mixed-Use/Residential land use district (Urban Colony; Site Planning Area 12b).

The Project's design is intended to reflect the established traditional neighborhoods of Newport Beach with distinct neighborhoods in a coastal setting. The Project clusters development to retain the majority of the site in open space.

The Master Development Plan includes three land use land use categories: Open Space Preserve, Parklands, and Villages and Colonies. The three land use categories have subcategories which are smaller geographic subareas referred to as "Site Planning Areas". Each of these land use categories and subcategories correspond to the NBR-PC (zoning) land use districts.

The following provides a brief description of each proposed Master Development Plan land use, as well as its corresponding zoning designations and site planning areas.

Open Space Preserve

The Open Space Preserve proposes approximately 252.3 gross acres for permanent open space, including habitat conservation, restoration, and mitigation; public interpretive trails and public facilities; natural water quality treatment; and interim oil facilities areas. Of the total Open Space Preserve, approximately 220.9 gross acres would be for habitat conservation, restoration, and mitigation in the Lowland and Upland areas. Approximately 9.5 gross acres are proposed for public interpretive trails, 2.6 gross acres are proposed for natural water quality treatment, 16.5 gross acres are proposed for Consolidated Oil sites (interim use)⁵, and approximately 2.8 gross acres are proposed for planting buffers around the two Consolidated Oil sites. Except for the Consolidated Oil operations, all these uses would be implemented through the proposed Habitat Restoration Plan. The locations and descriptions of these uses are described below.

Lowland Open Space/Public Trails and Facilities Land Use District: Site Planning Areas 2a, 2b, 3a, 3b, 4a

The Project proposes approximately 130.6 gross acres of open space for designation as the Lowland Open Space/Public Trails and Facilities (LOS/PTF) land use district. Proposed uses include restored native habitat (approximately 118.4 gross acres); public interpretive trails (7.3 gross acres); a water quality basin (2.2 gross acres) and buffering around the Oil Consolidation site (2.7 gross acres). Public trail connections are proposed to connect to Talbert and Fairview Nature Preserves and Canyon Community Park in Costa Mesa to the north, proposed Sunset Ridge Park to the southeast, trails along the Santa Ana River to the west, and

⁵ The northern Consolidated Oil Site may also be fenced.

West Coast Highway and the beach to the south. The Lowland Open Space is also proposed for wetland restoration and water quality treatment. Lighting would be prohibited along the trails or elsewhere in the Lowland open space. No structure in the Lowland can exceed 18 feet or cover more than 1 percent of the total gross site area of the LOS/PTF land use district.

The public interpretive 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.

Approximately 2.2 gross acres are proposed as water quality areas 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: Site Planning Areas 1a–1h, 3c, 3d, 4b

The Project proposes approximately 105.2 gross acres of the Project site as Upland Open Space/Public Trails and Facilities (UOS/PTF). The UOS/PTF land use district is proposed for habitat conservation, restoration, and mitigation (102.5 gross acres), public interpretive trails (2.2 gross acres), a water quality basin (0.4 acre), and buffering around the Oil Consolidation site (0.1 gross acre). Permitted uses would include native habitat and open space, public view overlooks, and public interpretive trails connecting to residential land use, public parks and existing trails located to the west and north of the Project site. As a part of the Project, disturbed areas within these site planning areas would be restored with native habitat. Areas that have not been disturbed by oil activities would be protected. This area is also proposed for wetland restoration and water quality treatment. Lighting would be prohibited along the trails or elsewhere in the Upland open space. As with the LOS/PTF land use district, the maximum height of any structure in the UOS/PTF cannot exceed 18 feet or cover more than 1 percent of the total gross site area of the UOS/PTF land use district.

Public interpretive trails in the Upland area would connect to the public interpretive trails proposed in the Lowland area. These trails 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.

An approximate 0.4-acre water quality basin is proposed 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 runoff from the Project site. This area is proposed as a wetland and would be planted with native marsh and riparian vegetation.

Interim Oil Facilities: Site Planning Areas 5a, 5b, 5c

The Project proposes approximately 16.5 gross acres of the open space area as Interim Oil Facilities (OF). As a part of the proposed Project, the Applicant would abandon and remediate the existing surface oil operations within the Project site to consolidate the oil facilities into approximately 16.5 gross acres. This area would allow for the continued operation of surface oil production facilities including: (1) the existing approximate 4.8-gross-acre oil operations site accessed from West Coast Highway (Site Planning Area 5a); (2) the approximate 8.6-gross-acre site near the middle of the Lowland (Site Planning Area 5c); and (3) approximately 3.1 gross acres of a non-exclusive access easement, which would provide an oil access road connecting the 2 surface oil production sites (Site Planning Area 5b) and would be used for drilling rigs, maintenance trucks, and other oil facility-related purposes. Upon the future

cessation of oil operations, these oil consolidation sites would be abandoned and remediated and the consolidation area would be converted to an open space use. All oil and gas production facilities and operations are subject to California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) policies and regulations, California Laws for Conservation of Petroleum and Gas, and all other relevant State and local laws and regulations.

Parklands

Approximately 51.4 gross (42.1 net) acres are proposed to be designated Public Parks/Recreation to provide public park facilities to serve Project residents, the community at large, and visitors to the Project site. All areas designated Public Parks/Recreation would be permanently available for public use through dedication to the City, deed restrictions, or recorded public access easements. Three categories of public parks are proposed as part of the Project: Community Park, Bluff Park, and Interpretive Parks.

Community Park: Site Planning Areas 7a, 7b, 7c

As a part of the proposed Project, an approximately 26.8-gross-acre (21.7-net-acre) Community Park (CP) site is proposed along the eastern boundary of the Project site generally between 16th Street to the north, just north of West Coast Highway to the south, and east of Bluff Road and North Bluff Road. The Master Development Plan divides the Community Park into three Site Planning Areas: 7a, South Community Park; 7b, Central Community Park; and 7c, North Community Park. The North Community Park area would be a predominately active park area and the Central and South Community areas would be passive park areas. As previously noted, City parks are open between the hours of 6:00 AM and 11:00 PM. Ball field lights are turned off by 10:00 PM. The Community Park is proposed to be constructed by the Applicant as part of the Project; it would be offered for dedication to the City; and upon acceptance, it would be maintained by the City. The proposed Community Park would contain park and recreational uses for both surrounding communities and future residents of Newport Banning Ranch.

The 15.9-gross-acre (13.5-net-acre) North Community Park area (Site Planning Area 7c) is proposed to include the following recreational uses:

- 6 tennis courts (lighted),
- 3 soccer fields (lighted),
- 1 basketball court (lighted),
- 1 youth baseball field and 1 youth/adult softball field overlaid on the 3 soccer fields,
- 1 potential picnic area or skateboard park,
- 2 tot lots, and
- 1 fitness/par course

The maximum building height of structures within the Community Park and the Interpretive Park area north of and adjacent to Scenic Drive would be 36 feet. Buildings cannot cover more than five percent of the total acreage of the Interpretive Parks. The maximum height of all other structures would be 18 feet.⁶

⁶ Elevators, mechanical space, chimneys, towers and architectural treatments, intended to add interest and variation to roof design, and that do not exceed 10 percent of the roof area, or exceed the height restriction by more than 12 feet, are permitted.

In addition to the identified proposed uses, the North Community Park is proposed to include public restroom facilities and passive recreational uses such as trails and seating areas. Approximately 174 off-street public parking spaces would be provided in 2 locations within the North Community Park area. A small parking area (approximately 19 spaces) is proposed with ingress/egress from 16th Street. The remainder of the parking (approximately 155 spaces) would be provided along the western boundary of the park with ingress/egress from North Bluff Road. A water quality basin would also be constructed within the North Community Park as a part of the overall watershed management plan for the Project.

The 5.9-gross-acre (4.5-net-acre) Central Community Park area (Site Planning Area 7b) would be limited to passive recreational uses including picnic areas and open turf areas (see Exhibit 3-10 in Section 3.0). The extension of 15th Street between Monrovia Avenue and the Project site would displace approximately 25 private parking spaces associated with the existing off-site office building on the south side of 15th Street. The displaced parking for the office building would be provided in a proposed joint-use public/private parking area at the eastern boundary of the Central Community Park area (approximately 25 parking spaces). This parking area is proposed to be accessible to park users during non-business hours. Lighting in this area would be limited to the parking area and for public safety lighting associated with walkways.

The 5.0-gross-acre (3.7-net-acre) South Community Park area (Site Planning Area 7a) would also be limited to passive recreational uses; lighting would be limited to that required for public safety (see Exhibit 3-11 in Section 3.0, Project Description). A Coastal Development Permit is not being requested as a part of the proposed Project for construction of the South Community Park Area.

Bluff Park (BP): Site Planning Areas 8a, 8b

The approximately 20.9-gross-acre (17.5-net-acre) Bluff Park (BP) area would provide approximately 2 miles of public trails (i.e., Bluff Park Trail Corridor) and vista points overlooking the Project's Open Space Preserve and the coastline. Major viewpoints would have seating, picnic tables, tot lots, a small greenbelt amphitheater for informal outdoor educational programs, cultural events and performances, and interpretive signage. Portions of the Bluff Park would function as part of a Class I Trail and would serve as an access point to the proposed pedestrian and bicycle bridge over West Coast Highway. The maximum height of structures (e.g., shade structures) associated with the permitted land uses (Table 4.1-1) within the Bluff Park would be 18 feet. Buildings cannot cover more than ten percent of the total acreage of Bluff Park. Bluff Park would be privately developed as a part of the Project and permanently accessible to the public.

Interpretive Parks (IP): Site Planning Areas 9a, 9b, 9c

Approximately 3.7 gross (2.8 net) acres are proposed to be designated Interpretive Parks (IP) to provide passive recreational uses. Interpretive parks would be located adjacent to the Open Space Preserve and are proposed to include a nature center, which could include an office for the open space steward; an amphitheater for educational events; interpretive areas; trailheads; and other passive uses complementary to and supportive of the Project's open space areas. Public Interpretive Parks would be developed as part of the Project, but would ultimately be privately owned and permanently accessible to the public. The maximum building height of structures within the Interpretive Park north of and adjacent to Scenic Drive would be 36 feet.⁶ Buildings cannot cover more than five percent of the total acreage of the Interpretive Parks. The maximum height of all other structures would be 18 feet.

The Nature Center (Site Planning Area 9a) would be located northwest of North Bluff Road and north of Scenic Drive. The approximate 2.2-gross-/net-acre site is proposed as a passive interpretive park to include a nature center building and amphitheater for indoor/outdoor educational programs and would include public parking. No active recreational uses (e.g., sports fields) are proposed in this location.

The approximate 1.4-gross-acre (0.6-net-acre) Vernal Pool Interpretive Area (Site Planning Area 9b) would be located southwest of the intersection of North Bluff Road and 17th Street, southeast of the Nature Center, and adjacent to the approximately 3.2-gross/net-acre Upland open space Vernal Pool Preservation Area (Site Planning Area 1d). The Vernal Pool Interpretive Area would provide kiosks and displays explaining the seasonal ecology of the area and a boardwalk around the vernal pool.

The approximate 0.1-gross/net-acre Talbert Trailhead Area (Site Planning Area 9c) is proposed in the Upland open space west of North Bluff Road and south of 19th Street to provide public access to a regional network of on- and off-site nature trails via the Upland Interpretive Trail. Proposed as a trailhead to the network of on-site trails and connecting to the Talbert Nature Preserve north of the Project site, the area would provide a platform for public viewing of the Open Space Preserve and directional and interpretive signage to on-site and off-site nature trails.

Villages and Colonies

The Master Development Plan's Villages and Colonies propose the construction of 1,375 du on approximately 91.7 gross acres or approximately 23 percent of the Project site. Four geographically distinct Villages and Colonies are proposed: North Family Village, South Family Village, Urban Village, and the Resort Colony. The Villages and Colonies would permit residential units as well as homeowners association-owned (HOA) and privately owned (for apartment units) parks, recreational facilities, and infrastructure (e.g., roadways). All habitable structures would be set back a minimum of 10 feet from any abandoned oil well head, a minimum of 100 feet from any active oil well head, and a minimum of 60 feet from the top of the edge of a bluff.

North Family Village: Site Planning Areas 10a, 10b, 10c, 10d

The North and South Family Villages are separated by the Open Space Preserve. The North Family Village is generally located in the central area of the Project site west of North Bluff Road. Within the North Family Village, 417 single-family detached and multi-family attached residences are proposed on approximately 46.0 gross acres. Of the 417 units, 282 single-family residences would be constructed on approximately 37 gross acres. The remaining 135 units are proposed as multi-family attached units on approximately 8.8 gross acres.

North Bluff Park forms the perimeter of the North Family Village. Less dense development with homes of lower heights are planned adjacent to Scenic Drive, a local road extending around the North Family Village between residences and North Bluff Park. Densities increase within the North Family Village in a west to east direction away from North Bluff Park toward Bluff Road to North Bluff Road. Within the North Family Village, densities of single-family residences are proposed to range from approximately 6.3 to 10.8 dwelling units per gross acre (du/ac); attached condominiums located adjacent to North Bluff Road would be at approximately 15.3 du/ac. The maximum height of any structure in the North Family Village would be 45 feet.

South Family Village: Site Planning Areas 11a, 11b

The South Family Village is generally located north of and contiguous to the Resort Colony and south of the North Family Village west of North Bluff Road. As proposed, 141 single-family detached residences would be constructed on approximately 19.2 gross acres. All single-family detached homes are proposed in this location. The maximum height of any structure in the South Family Village would be 45 feet.

A local road through the South Family Village provides access to the Resort Colony as well as to residences. Trails would provide pedestrian access from the residential neighborhood to the South Bluff Park. From South Bluff Park, pedestrians and bicyclists from the South Family Village could access the proposed pedestrian and bicycle bridge planned to extend over West Coast Highway, connecting the Project site to the beach and ocean.

Urban Colony: Site Planning Areas 12a, 12b

The Urban Colony (Mixed-Use/Residential [MU/R] land use district) would be located on the east side of North Bluff Road north and south of 17th Street (Site Planning Areas 12a and 12b). Vehicular access into the Urban Colony would be provided from North Bluff Road and 17th Street. It is intended for development as a pedestrian-oriented commercial center within walking and biking distance of residences. Commercial uses could include a neighborhood-scale market, local serving restaurants, coffee shops, personal convenience services (such as a dry cleaners or hair salons), and professional offices.

The Urban Colony is proposed for 730 high density (up to 40 du/ac) multi-family townhomes, condominiums, and apartments and private recreational facilities and 75,000 sf of neighborhood retail uses within the approximately 20.9-gross-acre Urban Colony area. It is anticipated that the Urban Colony would include four- and five-story attached residences with the potential for artist's lofts, live-work units, and/or commercial mixed-use development. This area could have residential uses adjacent to commercial uses (horizontal mixed-use) or residences over commercial uses (vertical mixed-use). Underground and/or surface parking is proposed associated with the residential uses. The maximum height for any building in the Urban Colony would be 60 feet.⁶

Construction of the northern portion of the Urban Colony (Site Planning Area 12b) is not assumed as a part of the proposed Master Coastal Development Permit. Subsequent Site Development Review by the City and a Coastal Development Permit from the Coastal Commission would be required.

Resort Colony: Site Planning Areas 13a, 13b

The 11.3-gross-acre Resort Colony is located generally north of West Coast Highway, south of the South Family Village, and west of Bluff Road. The Project proposes 87 multi-family attached residences on approximately 5.6 gross acres in Site Planning Area 13b. The remainder of the Resort Colony is proposed for a 75-room resort inn on approximately 5.6 gross acres in Site Planning Area 13a. The maximum height for any structure in the Resort Colony would be 50 feet.⁶ The location of the resort inn and the residential condominiums can be transposed with one another if the Applicant concludes that the location of the resort inn should switch from Site Planning Area 13a to Site Planning Area 13b. Construction of the resort inn is not assumed as a part of the proposed Master Coastal Development Permit. Subsequent Site Development Review by the City and a Coastal Development Permit by the Coastal Commission would be required.

The residential condominiums would be conventionally owned, but owners of these homes would have opportunities to use the facilities and amenities provided in the resort inn. Residential units cannot be subdivided as fractional ownerships, timeshares, or any other type of deed-restricted or otherwise controlled vacation-oriented units.

The resort inn (Site Planning Area 13a) is planned to include 75 guest rooms, restaurants and bar, gift and sundry shops, business center, fitness center, spa/salon/treatment rooms, meeting/conference rooms, and back of house areas (e.g., food and beverage, administration, housekeeping, maintenance, employee facilities).

Residential Densities

A variety of housing types and densities would be provided within the different residential site planning areas of the Villages and Colonies.

Low-Density Residential: Site Planning Areas 10a, 11a

Low-density residential development is proposed in Site Planning Areas 10a and 11a. The Low-Density (RL) Residential land use category would permit development at a maximum density of 8 du/ac. This category applies to single-family detached and attached homes, and may include custom homes on larger individual lots. Private recreational facilities are allowed. A maximum building height of 36 feet would be permitted.⁶

Low-Medium-Density Residential: Site Planning Area 10b

Low-medium-density residential development (RL/M) is proposed in Site Planning Area 10b. The RL/M Residential land use category would permit development at a maximum density of 16 du/ac. This category would permit single-family detached and attached, multi-family units, and private recreational facilities. A maximum building height of 45 feet would be permitted.⁶

Medium-Density Residential: Site Planning Areas 10c, 10d, 11b, 13b

The Project proposes Medium-Density (RM) residences in the North Family Village (Site Planning Areas 10c and 10d), South Family Village (Site Planning Area 11b), and the Resort Colony (Site Planning Area 13b). This residential land use designation would permit residential development at a maximum density of 24 du/ac and could include single-family detached and attached residences and multi-family residences; private recreational facilities would be permitted. With the exception of in the South Family Village, a maximum building height of 45 feet would be permitted; in the South Family Village, the maximum building height would be 35 feet.⁶

Mixed-Use/Residential: Site Planning Areas 12a, 12b

As previously addressed, the Project proposes 730 high density (up to 40 du/ac) multi-family townhomes, condominiums, and apartments and private recreational facilities in the Urban Colony. It is anticipated that the Urban Colony would include four- and five-story attached residences. The maximum height for any building in the Urban Colony would be 60 feet.⁶

Lighting Program

The following regulations apply to exterior lighting within the Project site. The analysis of lighting on existing and planned land uses is provided in greater detail in Section 4.2, Aesthetics and Visual Resources.

The proposed Master Development Plan restricts lighting associated with businesses (e.g., resort inn and neighborhood commercial uses) and HOA-owned and operated land uses within 100 feet of the Open Space Preserve to “dark sky” lighting regulations. The purpose of dark sky lighting restrictions is to (1) emit outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of a dark sky; (2) curtail degradation of the nighttime visual environment and the night sky; (3) minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary; (4) conserve energy and resources to the greatest extent possible; and (5) help protect the natural environment from the damaging effects of night lighting by shielding and directing exterior lighting away from sensitive biological resources.

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

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

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

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

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

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

B. Land Use Compatibility

The City of Newport Beach Zoning Code (October 2010) defines compatibility as “The characteristics of different uses or activities that permit them to be located near each other in harmony and without conflict. Elements affecting compatibility include: intensity of occupancy, pedestrian or vehicular traffic generated, volume of goods handled, and environmental effects (e.g., local concentrations of air pollution, glare, hazardous materials, noise, vibration, etc.)”. Therefore, land use incompatibility can occur where differences between nearby uses result in significant noise levels and significant traffic levels, among other factors, such that project-related significant unavoidable direct and indirect impacts impede use of the existing land uses as they were intended. The *Newport Beach General Plan* Land Use Element also includes goals and policies directed at land use compatibility. As applicable to the proposed Project, these goals and policies are used in the evaluation of compatibility and are addressed in Table 4.1-3 later in this EIR section.

The following provides a discussion of the existing and proposed on-site land uses with an analysis of the Project’s compatibility and/or incompatibility with these on-site uses.

Compatibility with Existing On-site Land Uses

The Project site has been in active operation as an oilfield since the mid-1940s. The Project site contains 489 oil well sites and related oil facility infrastructure, including but not limited to pipelines, storage tanks, power poles, machinery, improved and unimproved roadways, buildings, and oil processing facilities.

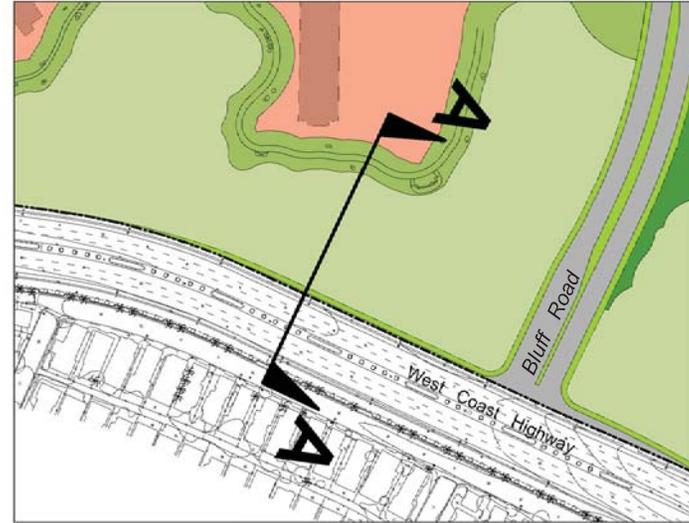
The proposed Project would require displacement and/or abandonment of oil well sites within the Project area. Approximately 16.5 gross acres would be used to consolidate oil facility operations onto 2 locations on the Project site. To allow for the implementation of the Project, existing oil wells that are located within proposed development and in open space areas would be abandoned and these areas would be remediated. No active wells would be retained within these areas. All producing/potentially producing and abandoned oil well sites would be abandoned and/or re-abandoned in compliance with State and local regulatory requirements. Oilfield tanks, equipment, pipelines, structures, roadways, and related facilities would be demolished and removed from the Project site. Soil impacted by oil operations would be remediated to applicable oversight agency standards. A draft Remedial Action Plan (dRAP) has been prepared for the Project which specifies that remediation efforts would include oilfield facility and infrastructure removal and full oilfield remediation, as well as the consolidation of oilfield activities. The dRAP is described in greater detail in Section 4.5, Hazards and Hazardous Materials, of this EIR. As a part of the Project, all habitable buildings would have a minimum 10-foot-radius setback from all abandoned and remediated oil well head locations and a minimum 100-foot setback from any active oil well head. The relationship between the proposed development areas and the Consolidated Oil well sites is addressed in more detail later in this section and finds that the proposed Project would not result in incompatibility with the existing on-site oil operations.

Compatibility with Surrounding Off-Site Land Uses

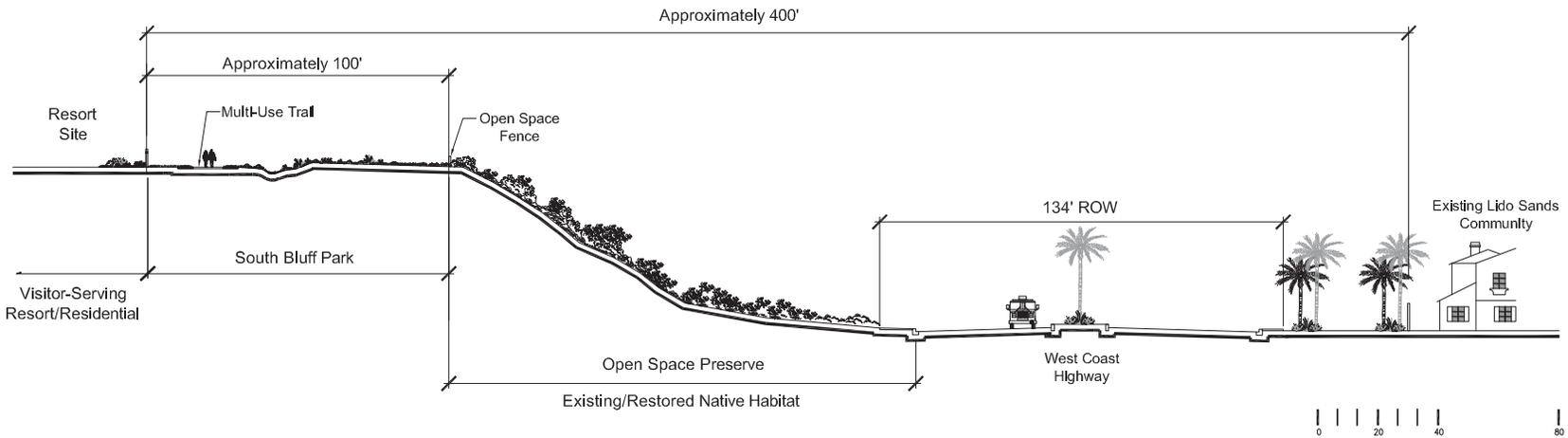
Exhibit 4.1-1, Community Transitions and Interface Key Map, and the Exhibits 4.1-2a through 4.1-2j, show the relationship between existing off-site land uses and the proposed Project’s land uses.



Aerial Photograph of Existing Conditions



Master Development Plan of Proposed Project



Source: FORMA 2011

Interface with Lido Sands Community

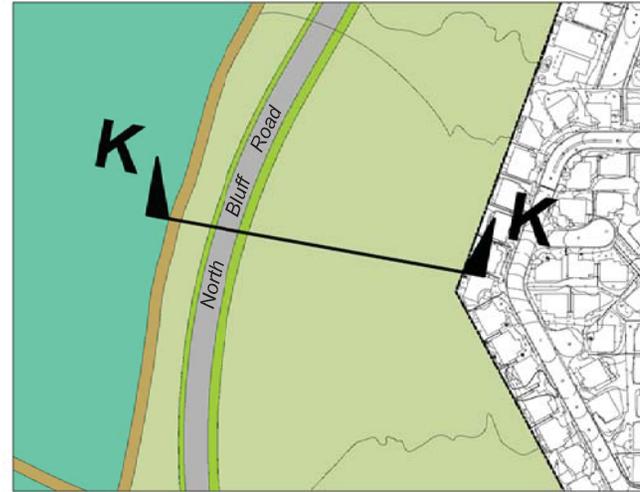
Exhibit 4.1-2a

Newport Banning Ranch EIR





Aerial Photograph of Existing Conditions



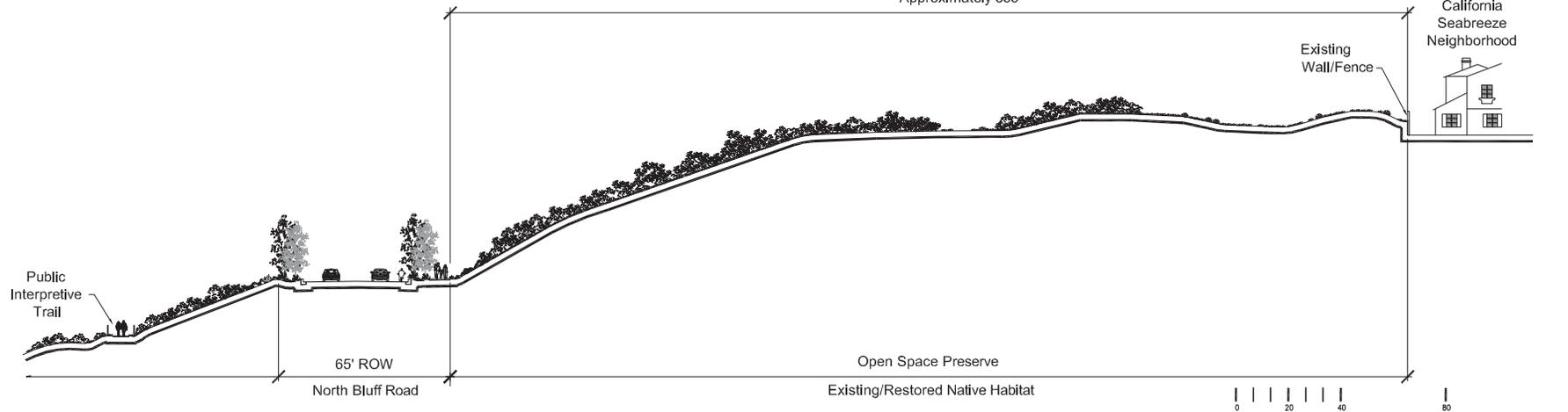
Master Development Plan of Proposed Project
Approximately 355'



Existing California
Seabreeze
Neighborhood



Existing
Wall/Fence



Source: FORMA 2011

Interface with California Seabreeze Community

Exhibit 4.1-2b

Newport Banning Ranch EIR





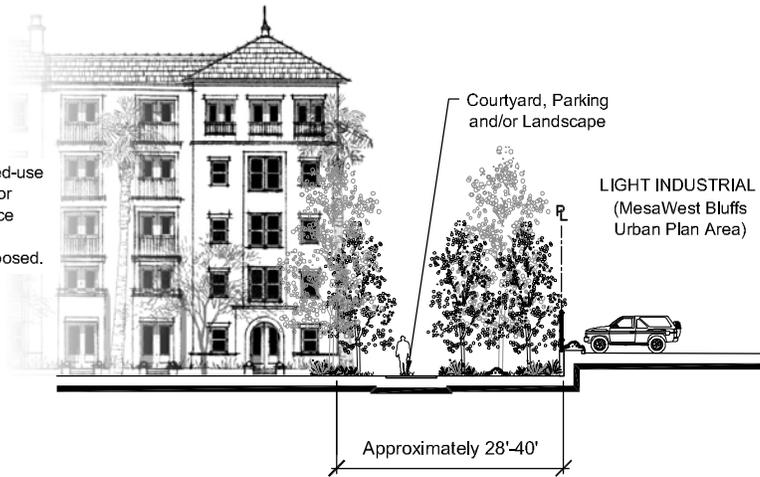
Aerial Photograph of Existing Conditions



Master Development Plan of Proposed Project



Schematic mixed-use architecture is for general reference only and is not specifically proposed.



Courtyard, Parking and/or Landscape

LIGHT INDUSTRIAL
(MesaWest Bluffs Urban Plan Area)

Approximately 28'-40'



Source: FORMA 2011

Interface with Mesa West Bluffs Urban Plan Area

Exhibit 4.1-2c

Newport Banning Ranch EIR





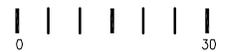
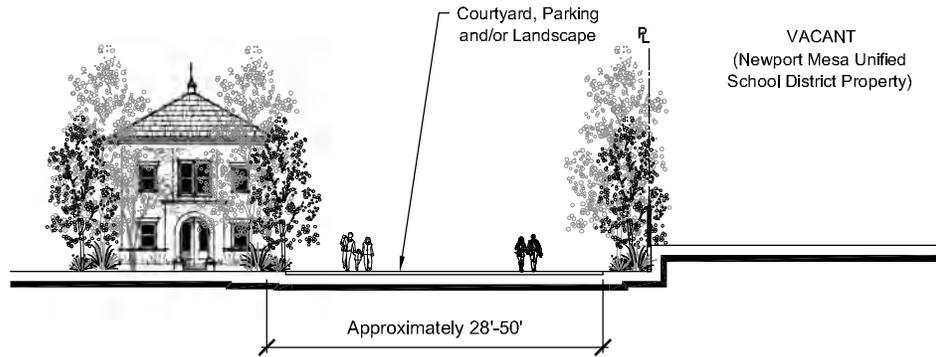
Aerial Photograph of Existing Conditions



Master Development Plan of Proposed Project



Schematic mixed-use architecture is for general reference only and is not specifically proposed.



Source: FORMA 2011

Interface with School District Property

Exhibit 4.1-2d

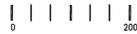
Newport Banning Ranch EIR



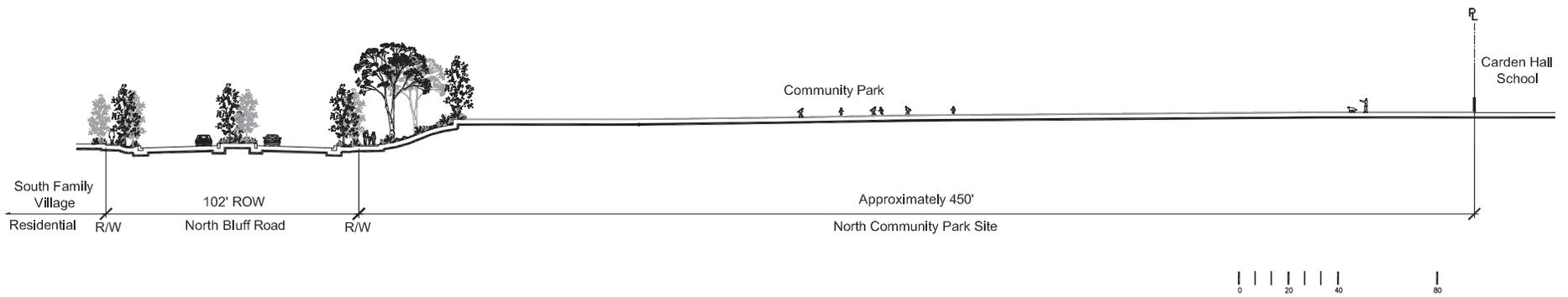
Bonterra
CONSULTING



Aerial Photograph of Existing Conditions



Master Development Plan of Proposed Project



Source: FORMA 2011

Interface with Carden Hall School

Exhibit 4.1-2e

Newport Banning Ranch EIR

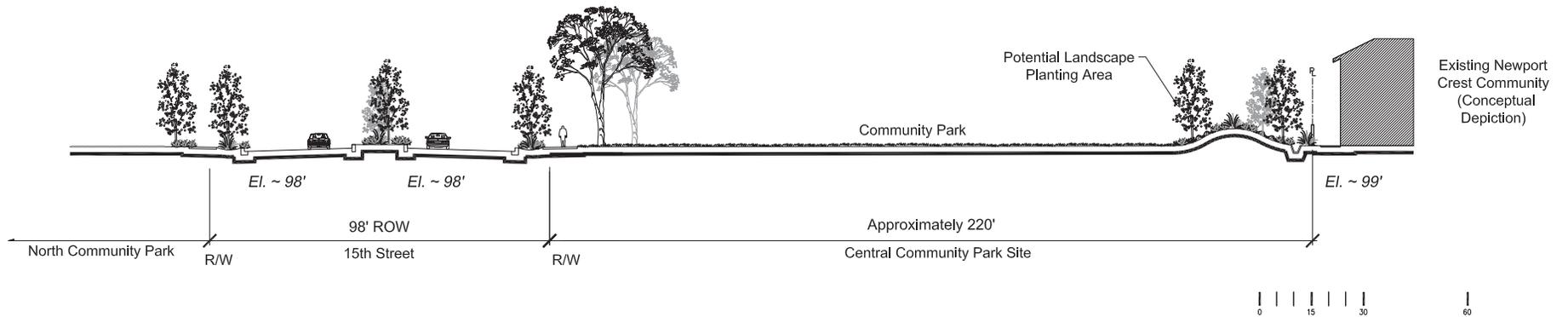




Aerial Photograph of Existing Conditions



Master Development Plan of Proposed Project



Source: FORMA 2011

Northerly Interface with Newport Crest Condominiums

Exhibit 4.1-2f

Newport Banning Ranch EIR

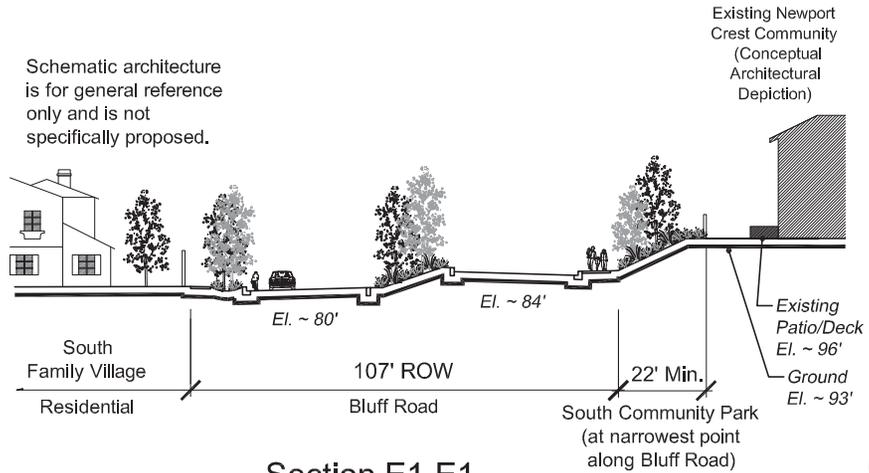




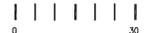
Aerial Photograph of Existing Conditions



Schematic architecture is for general reference only and is not specifically proposed.



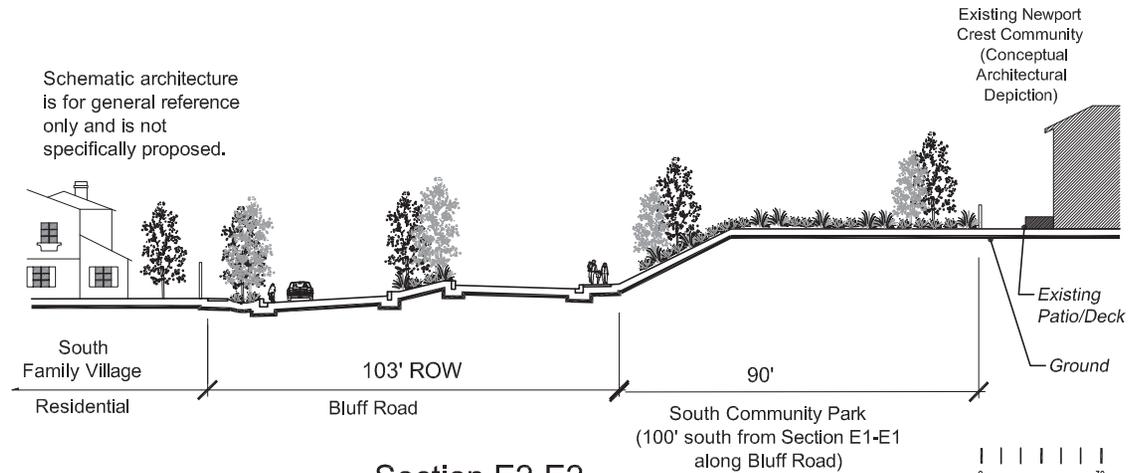
Section E1-E1



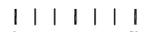
Master Development Plan of Proposed Project



Schematic architecture is for general reference only and is not specifically proposed.



Section E2-E2



Source: FORMA 2011

Central Community Park Interface with Newport Crest Condominiums

Exhibit 4.1-2g

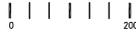
Newport Banning Ranch EIR



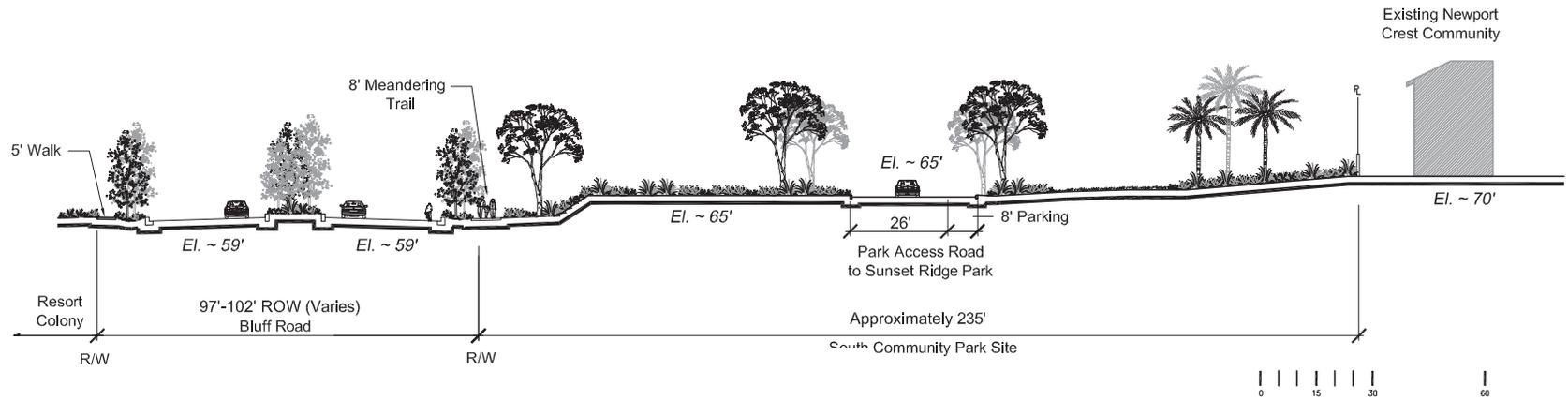
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Aerial Photograph of Existing Conditions



Master Development Plan of Proposed Project



Existing Newport Crest Community



Source: FORMA 2011

Southern Community Park Interface with Newport Crest Condominiums

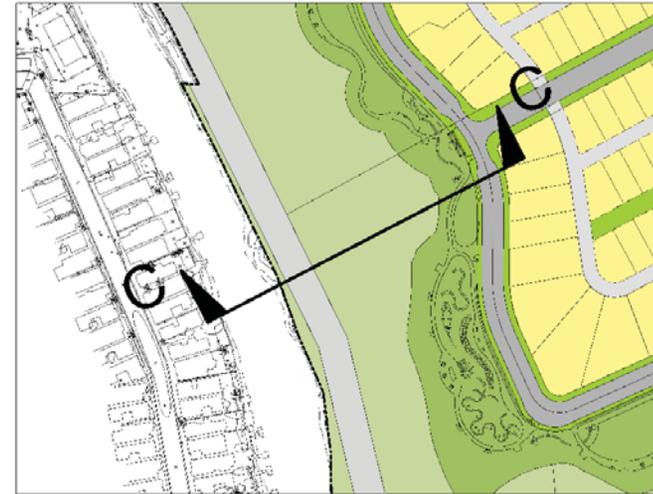
Exhibit 4.1-2h

Newport Banning Ranch EIR

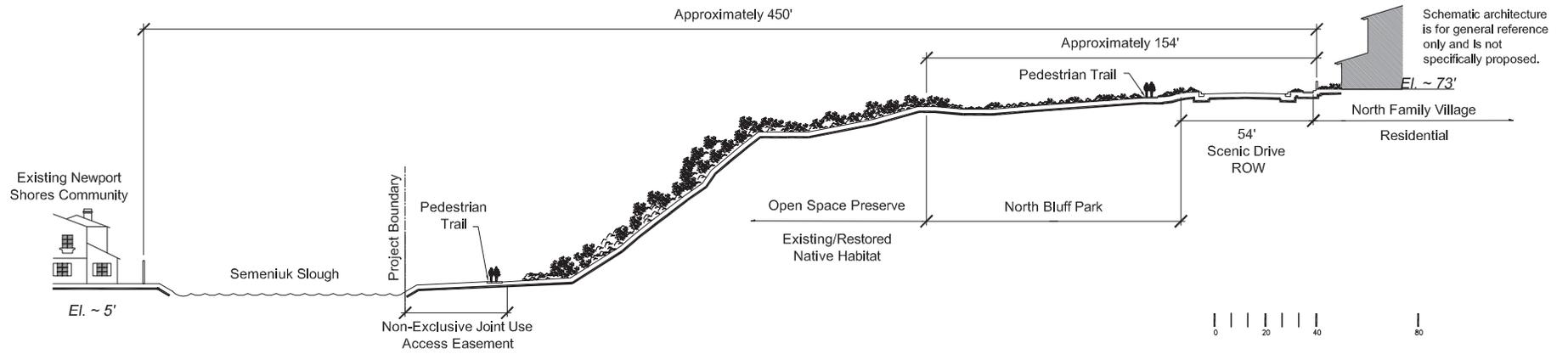




Aerial Photograph of Existing Conditions



Master Development Plan of Proposed Project



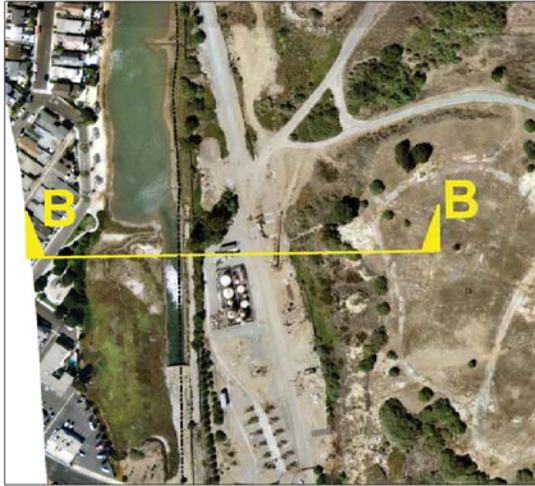
Source: FORMA 2011

Northerly Interface with Newport Shores Community

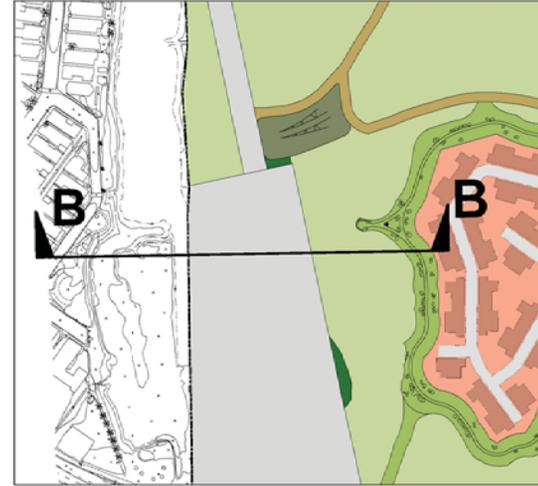
Exhibit 4.1-2i

Newport Banning Ranch EIR

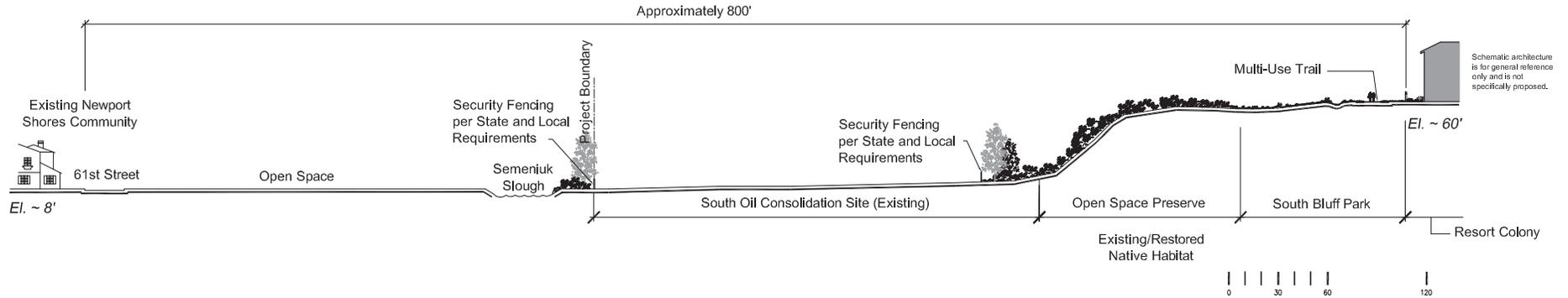
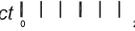




Aerial Photograph of Existing Conditions



Master Development Plan of Proposed Project



Schematic architecture is for general reference only and is not specifically proposed.

Source: FORMA 2011

Southerly Interface with Newport Shores Community

Exhibit 4.1-2j

Newport Banning Ranch EIR



Existing Land Uses to the North

Talbert Nature Preserve

The 180-acre County of Orange Nature Preserve and Wilderness Park is located in the City of Costa Mesa, immediately to the north of the Project site and 19th Street, and it borders the majority of the northern Project boundary. As proposed, North Bluff Road would be constructed to connect with 19th Street and would generally align with existing Balboa Boulevard, located north of the Project site. With the exception of North Bluff Road, no development is proposed adjacent to 19th Street. As previously noted, remediation would be required throughout the Project site associated with the consolidation of the oilfield and to allow for development uses as well as habitat restoration.

With respect to the adjacency of the Project site to the Talbert Preserve, the Project is considered compatible. The northern portion of the Project site would remain as open space. Existing on-site oil operations proximate to the Talbert Preserve would cease; the area would be remediated and retained as a part of the Open Space Preserve. No permanent night lighting would be permitted in the Open Space Preserve with the exception of safety lighting in the oil consolidation sites. Proximate to the Talbert Preserve, the only night lighting would be at the intersection of North Bluff Road at 19th Street. There is existing street lighting along the north side of 19th Street. The adjacency of proposed open space to existing open space is considered compatible.

Impacts associated with oilfield remediation, grading, and construction are addressed in the applicable sections of this EIR, including but not limited to Section 4.2, Aesthetics and Visual Resources; Section 4.5, Hazards and Hazardous Materials; and Section 4.6, Biological Resources. No significant impacts to the Talbert Nature Preserve have been identified. Therefore, the proposed Project would be considered compatible with the Talbert Nature Preserve.

Newport Terrace

The 281-unit condominium development is located in the City of Newport Beach adjacent to the Talbert Nature Preserve and north of 19th Street. North Bluff Road is proposed to extend to 19th Street at the alignment of existing Balboa Street. North Bluff Road would be adjacent to Newport Terrace. The Orange County Master Plan of Arterial Highways (MPAH) depicts a north-south roadway through the Project site from West Coast Highway to 19th Street and extending further north to Victoria Street in the City of Costa Mesa. The nearest condominium unit in Newport Terrace would be approximately 200 feet to the north of the future intersection of North Bluff Road at 19th Street. Impacts associated with the construction and use of North Bluff Road are evaluated in this EIR, including but not limited to Section 4.2, Aesthetics and Visual Resources; Section 4.9, Transportation and Circulation; and Section 4.10, Air Quality. Currently, those residents who reside in the Newport Terrace condominiums with units facing the Project site view an active oilfield. With the implementation of the proposed Project, the oil wells would be consolidated into two sites. Any existing oil wells proximate to Newport Terrace would be abandoned; the area would be remediated and converted to an open space use. With the exception of North Bluff Road, no development is proposed adjacent to 19th Street; the area would be a part of the Open Space Preserve. Implementation of the proposed Project would not be considered a significant land use impact to Newport Terrace homeowners.

Canyon Community Park

The 35-acre Canyon Community Park is located in Costa Mesa north of 19th Street. No portion of the park is immediately contiguous to the Project site. The public park is located more than 1,000 feet northeast of the Project site and is not considered a sensitive air quality or noise receptor because of the distance and intervening topography and structures. The park is surrounded by existing residential development and would not have views of or be visible from the Project site. No land use compatibility impacts are anticipated between the proposed Project and the park.

Existing Land Uses to the South

At its southern border, the Project site is adjacent to West Coast Highway, which is a six-lane divided State highway. Residences in the Lido Sands community are located on the south side of West Coast Highway, approximately 180 feet south of the southern Project site boundary. An approximate seven-foot-high noise barrier separates the Lido Sands residences from West Coast Highway providing both noise reduction and visual separation. Exhibit 4.1-2a, Interface with Lido Sands Community, depicts the relationship of the Project site and proposed land uses to the Lido Sands community. Proposed development on the Project site would be separated from Lido Sands by approximately 350 feet. This includes the six-lane divided West Coast Highway (off site), and approximate 150 foot-wide area of native habitat (on site), and South Bluff Park (on site). Additionally, there is an approximate vertical grade separation of 50 feet with the Project site at a higher elevation than residences to the south of West Coast Highway. Any on-site development would be set back from the bluff top edge by a minimum of 60 feet. The Resort Colony with a resort inn and residences would be the closest development uses to off-site residences to the south. Buildings within the Resort Colony would not exceed 50 feet in height and would vary in height and massing. Because of the intervening West Coast Highway and distance from the Project site, no land use compatibility impacts are expected between the proposed Project and land uses to the south.

Existing Land Uses to the East

Land uses to the east of the Project site include residential land uses between 19th Street and 18th Street, including the California Seabreeze and Parkview Circle communities in the City of Costa Mesa. South of 18th Street, the area to the east includes light industrial and office uses, an undeveloped Newport-Mesa Unified School District-owned parcel, and the City of Newport Beach Utilities Yard; mixed land uses occur between 16th Street and 15th Street, including institutional, office, light industrial, and residential land uses south of 15th Street (including Newport Crest), and the approved but not constructed Sunset Ridge Park. The compatibility of the proposed Project with off-site land uses to the east from north (at 19th Street) to south (at West Coast Highway) is addressed in the following analysis.

California Seabreeze and Parkview Circle Residences

Residences, including the California Seabreeze development and residences along Parkview Circle, are located generally between 19th Street and 18th Street contiguous to the Project site in the City of Costa Mesa. Marina View Park is located within the Parkview Circle residential areas community, south of 19th Street. Vehicular access is provided from Parkhill Drive at Whittier Avenue to the east. The California Seabreeze development is a gated community located south of the residences on Parkview Circle; access is provided from 18th Street. Residences are located north and south of 18th Street. The one- and two-story single-family residences are not oriented toward the Project site. Rear yards with solid wall fencing abut the Project site. The

California Seabreeze and Parkview Circle residences have a Costa Mesa General Plan land use designation of Medium Density Residential and Low Density Residential, respectively.

As proposed, the Project's Open Space Preserve would be located between these existing residences and North Bluff Road located further to the west. No development or grading is proposed immediately adjacent to the off-site residences. As depicted in Exhibit 4.1-2b, Interface with California Seabreeze Community, North Bluff Road would be approximately 355 feet west of the rear property line of the off-site residences. North Bluff Road would be at least 300 feet from all residences in the California Seabreeze community. The existing residences would also be separated by a difference in vertical grade. Roadway lighting on North Bluff Road in this area would only be provided at its intersection with 19th Street.

Impacts associated with the construction and use of North Bluff Road are evaluated in this EIR, including but not limited to Section 4.2, Aesthetics and Visual Resources; Section 4.9, Transportation and Circulation; Section 4.10, Air Quality; and Section 4.12, Noise. While there would be short-term impacts associated with soil remediation and grading and construction of North Bluff Road, these significant impacts would cease upon completion of these activities. No significant operational noise impacts to California Seabreeze or Parkview Circle residences are anticipated. As previously noted, the proposed North Community Park would have lighting for its ball fields, courts, and parking areas. The Community Park would be located more than ½ mile south of the existing residences and would not be directly impacted by the night lighting associated with the park. As such, the Project is considered compatible with these off-site residences.

South of 18th Street to 17th Street

As noted above, the California Seabreeze residential community extends south of 18th Street. South of the California Seabreeze community to 17th Street contiguous to the Project site, the existing land uses are light industrial and low-rise offices in the City of Costa Mesa. There is a mix of land uses east of the California Seabreeze community from 18th Street to Whittier Avenue. Uses include single-family residences, light industrial uses, and office uses. Whittier Elementary School is located on the northeast corner of 18th Street at Whittier Avenue.

Most of the properties to the east of the Project site in the City of Costa Mesa are within the Westside Specific Plan area.⁷ The Westside Specific Plan was prepared in October 2000. While the Specific Plan was not adopted, some of the revitalization strategies have been used to stimulate area-wide improvement. For example, the Westside Implementation Plan was adopted in March 2005. Three Urban Plans were created to establish overlay zones in specific areas of the Westside: 19 West Urban Plan (103 acres); Mesa West Bluffs Urban Plan (227 acres); and Mesa West Residential Ownership Urban Plan (283 acres). Adopted in April 2006, the Westside Urban Plans serve as "regulating plans" that establish provisions for mixed-use development and residential development in the mixed-use overlay district.

Properties located within the boundaries of the Mesa West Bluffs Urban Plan area are located contiguous to the eastern boundary of the Project site. These properties have a Costa Mesa General Plan land use designation of Light Industrial and a zoning designation of General Industrial. The Costa Mesa City Council identified the Mesa West Bluffs Urban Plan area as a live/work or residential overlay area. Costa Mesa's Zoning Map was amended to reflect this

⁷ Neither California Seabreeze nor Parkview Circle Residences are within the Specific Plan area. Public school sites are also excluded.

overlay zone. The overlay zone applies zoning provisions such that the underlying zoning is superseded by the zoning regulations of the Mesa West Bluffs Urban Plan.

The Mesa West Bluffs Urban Plan:

...does not propose any major intensification of land uses. The emphasis is on improving the Urban Plan area by providing visual enhancement and encouraging the development of live/work units or residential development within the plan area. Thus, future traffic will be supported by the General Plan roadway network. With regard to the Live/Work Lofts or Residential Overlay Zone, the Mesa West Bluffs Urban Plan implements General Plan goals/objectives/policies for mixed-use development and new residential development by regulating allowable land uses and development standards.

Development standards are set forth in the Mesa West Bluffs Urban Plan. With respect to Live/Work units, the maximum permitted building height is 4 stories/60 feet. The maximum floor area ratio (FAR), which is 1.0. FAR, is not the only factor used by Costa Mesa in determining density and intensity of individual development projects within the Mesa West Bluffs area. The maximum FAR may be lower depending on factors, including the General Plan circulation system, parking requirements, and site plan layout. For residential development, the Mesa West Bluff Urban Plan permits a maximum of 13 du/ac with a maximum lot coverage of 60 percent.

The proposed Project's Urban Colony would be implemented north and south of 17th Street, east of North Bluff Road and contiguous to the Project site's eastern property boundary. As previously identified in this EIR section, the Urban Colony (Mixed-Use/Residential [MU/R] land use district) is proposed to include 730 high density (up to 40 du/ac) 4- and 5-story multi-family townhomes, condominiums, and/or apartments and private recreational facilities and 75,000 sf of neighborhood retail uses. Both north and south of 17th Street, the mixed-use Urban Colony could have residential uses adjacent to commercial uses or residences over commercial uses. North of 17th Street, vehicular access into the Urban Colony would be provided from North Bluff Road and 17th Street.

The maximum building height would be 60 feet.⁵ Exhibit 4.1-2c, Interface with Mesa West Bluffs Urban Plan Area, depicts development within the Urban Colony with a setback of 28 to 40 feet or more from the adjoining off-site uses to the east, which are predominately light industrial. The setback area would include landscaping, fencing, and surface parking.

The off-site properties have a Costa Mesa General Plan land use designation of Light Industrial and a zoning designation of General Industrial. With respect to the existing adjacent off-site light industrial and office uses, the City of Costa Mesa's General Industrial minimum setbacks are as follows: front – 10 to 15 feet (ft) and side (interior) – 0 to 15 ft. Where the rear property line is adjacent to a residential zone, all industrial buildings must have a rear setback from the residential property line of two times the building height (Costa Mesa 2006a). The City of Newport Beach's Industrial Zoning Districts General Development Standards requires the following minimum setbacks when adjoining a non-industrial use: front – 15 ft, side (interior) – 10 ft, side (street side) – 15 ft, and rear – 10 ft (Newport Beach 2010j).

With respect to mixed-use developments (vertically mixed), the City of Newport Beach Zoning Code requires the following minimum setbacks: front – 0 ft, side – 0 ft (adjacent to a non-residential use) and 5 ft (adjacent to residential district), and rear – 0 ft (adjacent to a non-residential use), 5 ft (adjacent to a residential district), and 10 ft (adjoining an alley) (Newport Beach 2010k). Both jurisdictions permit commercial, residential, light industrial, and office uses on adjacent properties subject to setback requirements. The Project's proposed 28-

foot- to 40-foot-wide setbacks exceed that which is required by either City where industrial uses abut non-industrial uses.

The adjacent off-site uses would be impacted by construction-related activities that are addressed in this EIR. However, office, industrial, and commercial uses are not considered sensitive receptors. Land uses often associated with sensitive receptors include residential dwellings, hotels, hospitals, day care centers, and educational facilities. The proposed Urban Colony residential and commercial uses are considered compatible with the existing off-site light industrial and office uses. Because these existing off-site uses are not sensitive receptors and would not be subject to significant long-term environmental impacts associated with the proposed Project, the existing off-site land uses and the Project are considered compatible with each other.

With respect to existing off-site residential development, the southernmost residences within the California Seabreeze community would be adjacent to the Urban Colony and North Bluff Park. As previously addressed in this section, lighting for commercial and multi-family residential uses can include façade lighting and parking and drive lane lighting.

Where the Urban Colony is within 100 feet of the Open Space Preserve and within North Bluff Park, no outdoor lighting would be permitted with the exception of low-profile (e.g., bollard) lighting on the trail within North Bluff Park. Although lighting would be required to be shielded and meet specifications set forth in the NBR-PC, the proximity of new outdoor lighting (i.e., building lighting, parking lot lighting) to these existing land uses would be a significant impact. As with the proposed on-site Urban Colony residences, California Seabreeze residences would be approximately ½ mile north of the Community Park and would not be directly affected by night lighting from the park.

With respect to future off-site land uses, both the City of Costa Mesa's Mesa West Bluffs Urban Plan area and the proposed Project's Urban Colony would have a maximum building height of 60 feet. Potential future residential and live/work land uses within the Mesa West Bluffs Urban Plan area would be similar in use and height as those proposed for the Urban Colony. However, the Urban Colony would permit a much higher residential density (40 du/ac compared to 13 du/ac) and non-residential intensity (2.0 to 2.5 FAR compared to 1.0 FAR) of development when compared to the Mesa West Bluffs Urban Plan area. The maximum lot coverage for the proposed Project is also greater (90 percent compared to 60 percent). However, development of different densities and intensities in close proximity can be compatible. Residences of varying densities are located off site in both the Cities of Newport Beach and Costa Mesa and are proposed within the boundaries of the Project site. Land uses of differing densities can be sited in a manner to be compatible, particularly when the type of use and the allowable height are the same. As such, no significant land use compatibility impacts are anticipated south of 18th Street to 17th Street.

17th Street to Newhall Street

Between 17th Street and Newhall Street, existing off-site land uses include mobile homes and single-family residences, light industrial uses, and offices. Immediately adjacent to the Project site's eastern boundary and west of Whittier Avenue, land uses are limited to one single-family residence and office/light industrial. East of Whittier Avenue additional single-family residences, the mobile homes, offices, and light industrial uses are present. All of these properties have a Costa Mesa General Plan land use designation of Light Industrial and a zoning designation of General Industrial. The existing off-site uses are located within the City of Costa Mesa's Mesa West Bluffs Urban Plan area.

As previously addressed, the Project proposes to develop the area north and south of 17th Street with the mixed-use Urban Colony. Land uses within the Urban Colony may impact the one existing off-site single-family residence located immediately adjacent to the Project site. Although development within the Urban Colony is proposed to be set back 28 to 40 feet from the property line, the proposed high density residential and commercial uses adjacent to this one-story residence could adversely impact the residence. Depending on the ultimate siting of uses in the Urban Colony, potential impacts to the existing off-site residence could include shade and shadow, lighting, and noise impacts as well as incompatibility of mass and scale. It should be noted that the single-family home is an existing nonconforming use on a site that has a City of Costa Mesa Light Industrial land use designation and a General Industrial zoning designation. However, it is an existing use and dependent on the Project's site design, there may be potentially significant impacts on this residence. Implementation of SC 4.1-1 requires compliance with the provisions of the Master Development Plan, which is used to implement the NBR-PC. These plans require submittal of construction-level site plans for City of Newport Beach approval prior to issuance of grading and construction permits. In conjunction with the site plan review for the Urban Colony (Site Planning Area 12a) adjacent to this home, design measures (such as setbacks and buffering) would be implemented to reduce the impacts to less than significant levels.

In addition, there would be a potential long-range noise impact to six single-family residences that front and have driveway access onto 17th Street west of Monrovia Avenue in the City of Costa Mesa. Because driveway access from 17th Street is needed, the construction of sound walls would not be effective because a continuous wall is necessary for noise abatement. The installation of rubberized asphalt pavement would reduce the anticipated noise increase to the sensitive receptors on this segment of 17th Street (see Section 4.12, Noise). However, the City of Newport Beach does not have the authority to mandate the implementation of mitigation in the City of Costa Mesa. Because it is unknown if the noise impact would be mitigated, a potentially significant land use incompatibility may occur.

With respect to potential future redevelopment of off-site uses consistent with the Mesa West Bluffs Urban Plan area, the single-family residence as well as other uses could be replaced with higher density residential and higher intensity land uses. It is anticipated that, although the Urban Colony could include more dense and intense development than would be permitted in the Mesa West Bluffs Urban Plan area, both areas would include similar uses and structures of similar heights and would be considered compatible.

Newport-Mesa Unified School District-Owned Parcel

The School District owns an approximate ten-acre parcel in the City of Newport Beach located contiguous to the eastern boundary of the Project site. It is south of the southern terminus of Whittier Avenue, north of 16th Street, and west of the one single-family residence and low-rise office and light industrial uses. The vacant undeveloped property has a Newport Beach General Plan land use and zoning designation of Public Facilities (PF). The PF zoning district is intended to provide for areas appropriate for public facilities, including community centers, cultural institutions, government facilities, libraries, public hospitals, public utilities, and public schools.

The Project's Urban Colony would be located to the north of the School District's property. As depicted on Exhibit 4.1-2d, Interface with School District Property, development within the Urban Colony would provide a building setback of approximately 28 to 50 feet from the School District's property line. Landscaping, including of trees and a wall/fence, is proposed to separate on-site land uses from the School District's property. As previously addressed, the maximum building height in the Urban Colony would be 60 feet. As a part of the proposed Project,

16th Street would be extended onto the Project site and would connect to North Bluff Road. 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 (see below). Adequate setbacks are available to widen the south side of 16th Street. However, the widening of 16th Street on the north side would impact School District's property (see Exhibits 3-12 and 3-13 in Section 3.0, Project Description). Both the widening of 16th Street and the construction of North Bluff Road adjacent to the School District's property would require the acquisition of or the authority for use of right-of-way from the School District. The proposed mixed-use residential and neighborhood commercial uses are compatible with the existing vacant parcel.

The School District property could be developed in the future by the School District. Should the property be developed with institutional uses, proposed development would be exempt from City review, but compliance with CEQA would be required. With respect to setbacks in the Urban Colony, the proposed setback of 28 to 50 ft from the property line exceeds the City's Zoning Code setbacks for mixed-use vertical land uses: front – 0 ft, side – 0 ft (adjacent to a non-residential use) and 5 ft (adjacent to residential district), and rear – 0 ft (adjacent to a non-residential use), 5 ft (adjacent to a residential district), and 10 ft (adjoining an alley) (Newport Beach 2010j). Institutional and residential uses are considered sensitive receptors. Should the off-site property be developed with institutional uses in the future, such a use would be considered compatible with proposed residential and neighborhood commercial uses within the Urban Colony. Institutional uses are frequently sited proximate to residential uses and are permitted proximate to commercial uses. Because no development is currently proposed on the School District property, it would be speculative to assume that future institutional uses would be impacted by construction-related impacts. With respect to long-term use of the Urban Colony, the types of land uses permitted in the Urban Colony are not anticipated to result in site-specific significant impacts. No significant compatibility impacts are anticipated.

16th Street to 15th Street

Existing land uses adjacent to the Project site between 16th Street and 15th Street include the City of Newport Beach Utilities Yard, Carden Hall School, low-rise offices, and vacant properties. Land uses east of Monrovia Avenue between 16th Street and 15th Street include low-rise office and light industrial buildings and a mobile home community located on the northeast corner of Monrovia Avenue at 15th Street.

As previously described, an approximate 26.8-gross-acre (21.7-net-acre) Community Park site is proposed along the eastern boundary of the Project site. As proposed, the Community Park would be constructed by the Applicant as a part of the Project, offered for dedication to the City, and maintained by the City. The Master Development Plan provides that the North Community Park, located between 16th Street and 15th Street, could have lighted sports fields, lighted hard courts, and lighted public parking. City park operational hours are from 6:00 AM to 11:00 PM with active ball fields and courts and the parking lot areas lit until 10:00 PM. After 10:00 PM, park lighting would be limited to that needed for public safety. Light for athletic playing fields and courts in the Community Park would be required to have light-control visors to control spill and glare and to direct light downward onto the playing field. Light standards used for lighting playing fields shall be either Musco Lighting™, "Light Structure Green" standards, or another comparable light standard of similar design that reduces light spillage.

The City of Newport Beach Utilities Yard is located on the south side of 16th Street at the street's existing terminus at the Project site boundary. The Utilities Yard has a General Plan land use and zoning designation of Public Facilities (PF). The Utilities Yard is not considered a sensitive

land use and would not be adversely impacted by the introduction of active and passive park uses contiguous to the property. The Utilities Yard would be subject to short-term significant and unavoidable air quality and noise impacts during construction of the proposed Project. With implementation of the Project's mitigation program, short-term air quality and noise construction impacts would remain significant; however, these impacts would cease when construction is completed and would not be considered a long-term land use incompatibility impact. Because the proposed park would not adversely affect the operations of the Utilities Yard (offices and equipment storage for electrical, water, and wastewater operations) and the Utilities Yard does not conduct operations that would adversely affect a future park, the Utilities Yard and the Community Park are considered compatible land uses.

Carden Hall School is located at 1541 Monrovia Avenue between low-rise office uses along Monrovia Avenue. The Carden Hall School property extends from Monrovia Avenue to the Project site's eastern property boundary. Existing playfields for the school are adjacent to the Project site boundary; the Utilities Yard is located to the north. As depicted on Exhibit 4.1-2e, Interface with Carden Hall School, public parking for the Project's North Community Park would be adjacent to the eastern edge of the Project site. A landscape planting area is proposed to separate the Community Park from the school site.

Short-term significant and unavoidable construction air quality and noise impacts would impact Carden Hall School, as analyzed in Sections 4.10, Air Quality, and 4.12, Noise. With implementation of the mitigation program, short-term air quality and noise construction impacts would remain significant; however, these impacts would cease when construction is completed and would not be considered a long-term land use incompatibility issue. The proposed Project would cause a cumulatively considerable net increase of criteria pollutants for which the Project region is in nonattainment; this would occur because the South Coast Air Quality Management District (SCAQMD) operational mass emissions thresholds would be exceeded after year 2020. North Bluff Road would be constructed west of the Community Park and would be approximately 450 feet from the school site. Park uses are proposed adjacent to Carden Hall School; no long-term significant noise impacts would occur. Because park uses are similar to those on the adjacent Carden Hall School site, the introduction of public park uses adjacent to the existing school is not anticipated to result in any significant land use compatibility impacts.

Existing office uses are located north and south of Carden Hall School along the west side of Monrovia Avenue. As with the other existing land uses, there would be air quality and noise impacts associated with construction activities. However, office and light industrial uses are not considered to be sensitive receptors. The proposed Community Park would be considered a compatible use with these existing off-site land uses because parks are often considered a complementary amenity to land uses such as offices and institutional uses. The highest use of community parks would typically occur outside regular office business hours, which would limit park noise, traffic, and nighttime lighting effects on adjacent office uses.

The northwest corner of 15th Street at Monrovia Avenue is the site for Coast Community College District's Newport Beach Learning Center. Under construction, the Learning Center will be a 3-story, 67,000 sf institutional facility that includes classrooms, an art gallery, art classrooms, performance rooms, computer labs, science rooms, and faculty and administrative offices. The facility is expected to be completed in 2012. 15th Street currently terminates at Monrovia Avenue located east of the Project site's eastern boundary. The City of Newport Beach Master Plan of Streets and Highways identifies the extension of 15th Street from its existing western terminus onto the Project site. A portion of this extension would occur on the Coast Community College District property and was assumed as a part of the approval of the Newport Beach Learning Center project. Short-term significant and unavoidable air quality and noise would impact the

Learning Center, as analyzed in Sections 4.10, Air Quality, and 4.12, Noise. With implementation of the mitigation program, short-term air quality and noise construction impacts would remain significant; however, these impacts would cease when construction is completed. However, it should be noted that the Learning Center is primarily a weekday daytime and evening (limited Saturday use) classroom facility with lighted parking areas and limited outdoor areas and would be adjacent to the proposed Community Park. The proposed Community Park and the Learning Center are compatible land uses. CEQA documentation prepared for the Learning Center project acknowledged the Newport Banning Ranch Project but did not identify any environmental concerns regarding the proposed development. As previously addressed, community parks are often considered an amenity for land uses such as institutions where students and faculty can access passive and active recreational opportunities.

Land Uses South of 15th Street

As addressed above, 15th 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 Newport Banning Ranch 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 improvements 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, 25 displaced parking spaces associated with the existing office building would be provided within the proposed Central Community Park area; this parking would be in addition to public parking for the Community Park and is proposed to be accessible to park users during non-business hours. The right-of-way necessary for the improvement of 15th Street would either be acquired by the Applicant or by the City. The existing office building would be located adjacent to Site Planning Area 7b, Central Community Park. The Central Community Park area is envisioned for passive recreational use. The office building and the proposed park are considered compatible land uses.

Condominium developments located south of 15th Street include Newport Knolls, Seawind Newport, and Newport Crest. The Newport Knolls condominiums are located southeast of Monrovia Avenue and 15th Street. Seawind Condominiums are generally east of Newport Crest with units extending to Superior Avenue to the east. Because the proposed Project would not be adjacent to either the Newport Knolls or Seawind condominiums, no land use compatibility impacts are anticipated.

The Newport Crest condominium complex is a 3-story, 460-unit development located adjacent to the Project site. The condominium development has a General Plan land use designation of Multiple-Unit Residential (RM). Newport Crest condominium units facing the Project site view the existing oilfield with few on-site structures. An existing block wall bounds the Newport Crest development on the northern and western sides adjacent to the Project site but does not impede views from these residences. With the implementation of the proposed Project, residents with existing views of the site would view park, open space, and development uses rather than active oilfield operations. Exhibits 4.1-2f through 4.1-2h depict the relationship of the proposed Project with the Newport Crest condominium development.

As shown on Exhibit 4.1-2f, Northerly Interface with the Newport Crest Condominiums, Newport Crest residences oriented to the north have existing views of the Project site; there are no active oilfield activities in this area. As a part of the Project, this area would be developed with the Central Community Park (Site Planning Area 7b), Bluff Road, and North Bluff Road.

Single-family residential development in the South Family Village would be constructed northwest of the intersection 15th Street at North Bluff Road. Active park uses are proposed north of 15th Street in the North Community Park area (Site Planning Area 7c). As depicted in this cross-section, the existing condominiums would be separated from the extension of 15th Street by approximately 220 feet of passive community park uses; night lighting would be provided in the parking lot located adjacent to the existing off-site office building parking lot. No additional lighting would be provided in this area of the park except for low-profile (e.g., bollard) lighting along the walkways for public safety. Active park uses would be located approximately 310 feet north of the condominiums and would include night lighting of sports fields, courts, and parking areas. As previously noted, the City lights ball fields and courts until 10:00 PM. Street lighting would be provided at the intersection of 15th Street at North Bluff Road.

As shown in the upper cross-section of Exhibit 4.1-2g, Central Community Park Interface with Newport Crest Condominiums, the condominiums are oriented to the northwest to look across the Project site. The cross-section in Exhibit 4.1-2g shows that in this area, the existing condominiums would be separated from Bluff Road at the closest point by approximately 22 feet; South Community Park would be located between the condominium development and Bluff Road. In the lower cross-section (Exhibit 4.1-2g), existing condominiums are set back approximately 90 feet from Bluff Road and are also separated by the passive park area.

As shown in Exhibit 4.1-2h, Southern Community Park Interface with the Newport Crest Condominiums, the Newport Crest condominiums are oriented to the west to look across the Project site and further to the Pacific Ocean. This portion of the Project site has been disturbed by grading and oilfield activities. The cross-section in Exhibit 4.1-2h shows that in this area, the existing off-site condominiums would be separated from Bluff Road by approximately 235 feet of the South Community Park. As with the Central Community Park area, the South Community Park area is envisioned for passive recreational use and would be consistent with and contiguous to the City's approved but not constructed Sunset Ridge Park. It would continue the land uses that would be established as part of that separate park project. The Sunset Ridge Park access road would cross the South Community Park area. At this cross-section, the park access road into Sunset Ridge Park would be approximately 100 feet from the condominiums. As with Sunset Ridge Park project, the South Community Park would not have night lighting except for that needed for public safety (e.g., low-profile lighting of trails and walkways).

The Project's Resort Colony would be located approximately 235 feet to the west of the Newport Crest community (Exhibit 4.1-2h). In this area, the combined width of the South Community Park, Bluff Road, and proposed landscaping associated with the resort development would create an extensive setback between the resort development (residential and resort inn) and the Newport Crest community.

During construction, Newport Crest residents would be impacted by construction-related air quality emissions and noise. Sections 4.10, Air Quality and 4.12, Noise, identify these as significant unavoidable impacts that would cease when construction is completed. The Newport Crest community would be subject to long-term noise increases due to roadway noise. Section 4.12 identifies mitigation that would reduce noise impacts on impacted Newport Crest residents to a less than significant level. However, the Mitigation Program requires that some of the mitigation occur on private property. Because the City cannot require that Newport Crest residents accept improvements on their private property, it is speculative at this time to know whether this mitigation, while feasible, is desirable by the residents and its homeowners association. As such, this EIR identifies noise impacts on a portion of the Newport Crest condominium development as significant and unavoidable. Residences near the active areas of the proposed Community Park may also be adversely impacted by night lighting. As a result, the

proposed Project would result in a land use incompatibility with respect to long-term noise and night illumination on those Newport Crest residences immediately contiguous to/facing the Project site.

Sunset Ridge Park

The approved but not constructed Sunset Ridge Park is contiguous to the southern portion of the Project site. An area of the Project's Open Space Preserve, and the South Community Park would be located adjacent to the City's Sunset Ridge Park. No night lighting would occur in Sunset Ridge Park with the exception of public safety lighting at the restroom facilities and along pathways through the park. As part of the proposed Sunset Ridge Park, a two-lane (one lane in each direction) park access road would be constructed from Bluff Road through the South Community Park area to the park. The approved Sunset Ridge Park and the proposed Community Park are like uses and are considered compatible.

Land Uses to the West

From north to south, the Project site is adjacent to the USACE-restored wetlands and the Santa Ana River. The City of Huntington Beach is west of the Santa Ana River. The Newport Shores Community is separated from the Project site by the Semeniuk Slough (Oxbow Loop).

Santa Ana River/USACE-Restored Wetlands

The northern half of the Project site is adjacent primarily to the USACE-restored wetlands and a portion of the Santa Ana River. The Project's Open Space Preserve, including habitat mitigation areas and public trails, would be located adjacent to the USACE-restored wetlands area which was a mitigation site for the USACE. The approximate two-mile-long Lowland Interpretive Trail would have off-site connections to trails along the east side of the Santa Ana River. The proposed Project's open space is a similar use to, and is considered compatible with off-site wetlands and the Santa Ana River.

Newport Shores Community/Semeniuk Slough (Oxbow Loop)

The Newport Shores residential community abuts the Project site and is located west of the Semeniuk Slough (Oxbow Loop). Newport Shores has a General Plan land use designation of Single-Unit Residential Detached (RS-D). Residences on 61st Street face onto the Semeniuk Slough and have views to the east of the Project site. Some residences on Canal Circle and Canal Street also face onto Semeniuk Slough with views to the north and west, respectively, of the USACE-restored wetlands and the Lowland area adjacent to the wetlands. As depicted in Exhibit 4.1-2i, Northerly Interface with Newport Shores Community, the existing off-site residences would be separated from proposed development in the North Family Village by approximately 450 feet including the Semeniuk Slough, the Open Space Preserve, South Bluff Park, and trails. Additionally, there is approximately 65 feet of vertical separation between the Newport Shores residences and the top of the bluff. Within the Open Space Preserve, Bluff Toe Trail would be located in the Lowland open space adjacent to the Oil Access Road and Semeniuk Slough. The approximate 0.4-mile trail would connect the South Family Village to the Lowland Interpretive Trail. Proposed two-story single-family residences shown in the cross-section would be set back from the bluff edge by approximately 150 feet. Proposed trails, open space, and residences in the North Family Village would be considered compatible with off-site single-family residences in Newport Shores.

Exhibit 4.1-2j, Southerly Interface with Newport Shores Community, depicts the relationship between the proposed land uses in the Resort Colony with single-family residences in Newport Shores. Newport Shores' residences on 61st Street have views of Semeniuk Slough and the Project site. In this area, residents would look onto the existing oil operations accessed from West Coast Highway as well as the bluff face of the Project site. The Project proposes a 75-room resort inn and 87 multi-family attached residences in the Resort Colony which would be located in the most southerly portion of the Project site. Site Planning Area 5a contains existing oil operations and would continue as one of two Consolidated Oilfield areas on the Project site. Therefore, no change in land use would occur. However, plant materials would surround much of the perimeter of the Consolidated Oil site which would buffer these existing oil operations from off-site and proposed on-site land uses.

Proposed resort inn and residential uses in the Resort Colony would be approximately 800 feet from the Newport Shores community with a vertical separation of approximately 50 feet. Development within the Resort Colony would be set back more than 100 feet from the bluff edge with a maximum building height of 50 feet, excluding mechanical equipment and architectural features. In addition to a separation of approximately 800 feet, potential noise impacts from the Resort Colony are not expected to exceed and would be required to comply with the City's Noise Ordinance. Therefore, due to their distance and compliance with Noise Ordinance limits, uses within the Resort Colony are considered compatible with Newport Shores residences.

Compatibility Among Proposed Land Uses On the Site: Internal Compatibility

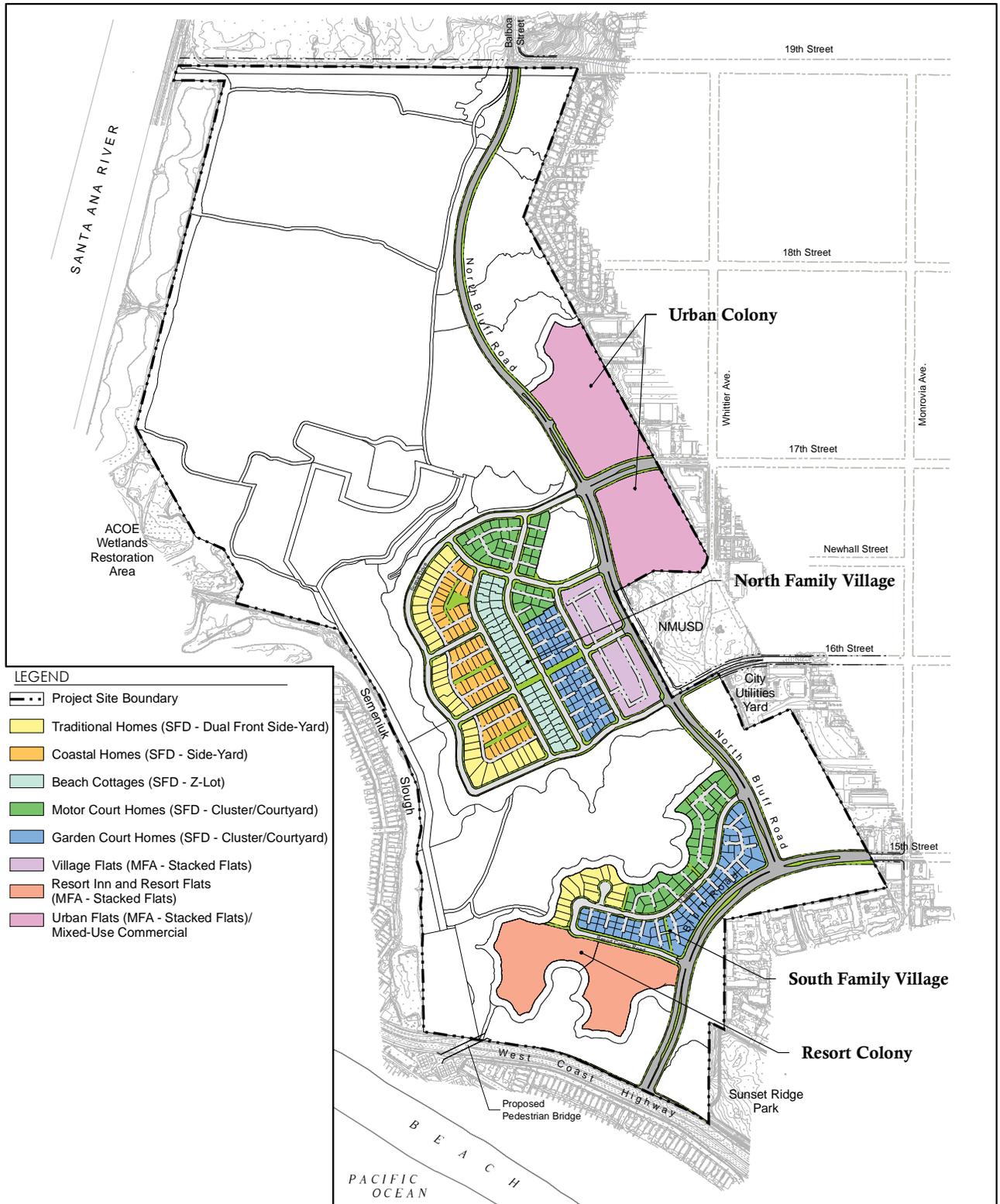
The following describes the proposed uses internal to the proposed Project site, and addresses land use compatibility related to the physical characteristics of proposed land uses. Exhibit 4.1-3, Villages and Colonies, depicts the types of land uses proposed internal to the Project site. The NBR-PC provides minimum development standards, including setbacks and building heights, for the various land uses proposed throughout the Project site. The Master Development Plan identifies factors including building setbacks, heights, and styles proposed as a part of the Project. The following provides a brief summary of the various types of proposed residential uses as they correspond to Exhibit 4.1-3.

North Family Village

As depicted in Exhibit 4.1-4, North Family Village Development Plan, the North Family Village proposes six types of residential units: Traditional Homes, Coastal Homes, Beach Cottages, Motor Court Homes, Garden Court Homes, and Village Flats. The land use characteristics of these residential units are provided below; the architectural characteristics of these residential development products are provided in Section 4.2, Aesthetics and Visual Resources.

Traditional Homes. Traditional Homes are proposed as low-density, single-family detached residences. The Low-Density (RL) Residential land use category would permit development at a maximum density of 8 du/ac. In the North Family Village, Traditional Homes are proposed along Scenic Drive overlooking the Bluff Park and the Open Space Preserve. Residences would be rear-loaded to eliminate driveways on Scenic Drive. Sited on minimum 40-foot-wide by 90-foot-deep lots, residences would be 2 stories with a maximum building height of 32 feet.

Coastal Homes. Coastal Homes are proposed as low-density (8 du/ac), single-family detached residences on minimum 36-foot-wide by 100-foot-deep lots. They are proposed one street back from the Traditional Homes. Residences would have a "zero lot line" side yard on one side of the lot (one side of residence abuts the property line of the adjacent residence) and a minimum



Source: FORMA 2011

Villages and Colonies

Exhibit 4.1-3

Newport Banning Ranch EIR



ten-foot-wide side yard with a courtyard on the other side of the residence. Coastal Homes would be 2 and 3 stories with a maximum height of 36 feet.

Beach Cottages. Beach Cottages are proposed as medium-density, single-family detached residences on lots varying in width from 39 to 45 feet with a minimum depth of 100 feet. The Medium-Density (M) Residential land use category would permit development at a maximum density of 24 du/ac. They are proposed to be located east of the Coastal Homes internal to the North Family Village. They are proposed as a type of “Z-lot” residences with the use of reciprocal side yard easements. The Beach Cottages would be 2 stories with a maximum height of 32 feet.

Motor Court Homes. Motor Court Homes are proposed as low-medium density, single-family detached residences clustered with two, four, or six homes that share a common driveway access to individual attached garages. The Low-Medium-Density (RL/M) Residential land use category would permit development at a maximum density of 16 du/ac. Motor Court Homes are proposed south of Scenic Drive and adjacent to the Vernal Pool Preservation Area. These residences would be 2 stories with a maximum height of 32 feet.

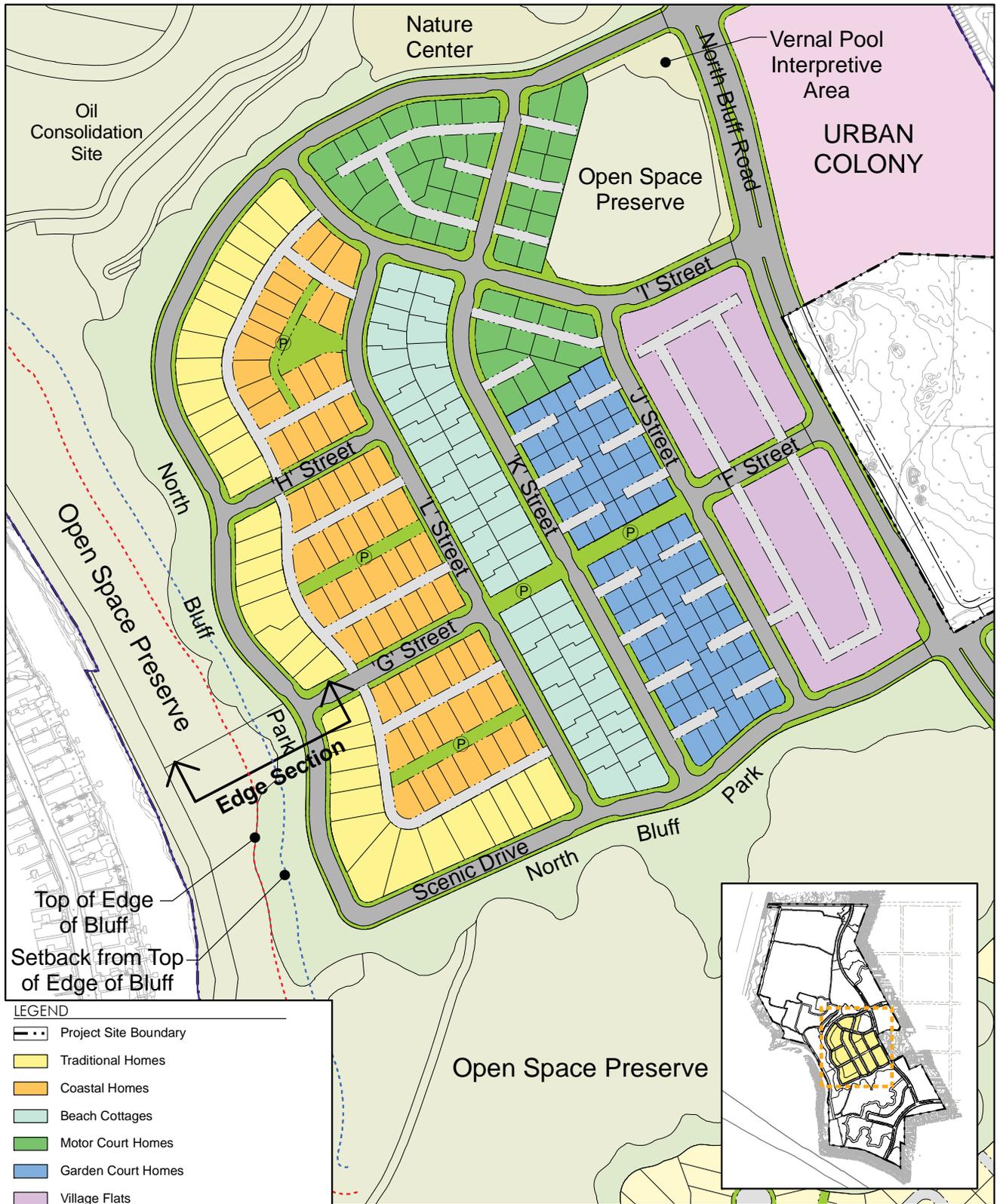
Garden Court Homes. Garden Court Homes are proposed as single-family detached homes grouped in modules of six homes with a shared common driveway access to the individual attached garages. They would be medium-density (24 du/ac) residences located east of the Beach Cottages. Units would be 2 stories with a maximum height of 32 feet.

Village Flats. Village Flats are proposed along the west side of North Bluff Road and north of Scenic Drive. These medium-density (24 du/ac) residences would generally 4 stories (3 levels of single-level homes [flats] over ground-level parking) with a maximum building height of 45 feet.

In general, the density of development within the North Family Village would increase from west to east with the lowest density residences proposed contiguous to Scenic Drive, North Bluff Park, and the Open Space Preserve. With the exception of the Coastal Homes located adjacent to the Traditional Homes and the Village Flats located adjacent to North Bluff Road, all residential development would be a maximum of two stories. Internal to the North Family Village, residential development is considered compatible due to (1) the similarity in use (residential); (2) the lower density uses adjacent to open space; and (3) the similar densities located adjacent to each other.

Section 4.12, Noise, identifies that forecasted traffic noise levels at the proposed residences west of North Bluff Road between 16th and 17th Streets would exceed 65 A-weighted decibels (dBA) on the Community Noise Equivalency Level (CNEL) at exterior receptors; they would be “Normally Incompatible”; and they would be a potentially significant impact. However, the necessary noise reduction can be accomplished through site design, building design, and noise barriers facing North Bluff Road.

Proposed residential uses throughout the Project site are proposed to be physically separated from the non-residential uses through the use of buffering (i.e., parks, trails, and roadways). As depicted on Exhibit 4.1-5, North Family Village Edge Section, the Traditional Homes and Motor Court Homes would be physically separated from the Open Space Preserve by Scenic Drive and North Bluff Park, a distance of approximately 100 feet. Facilities proposed within the linear Bluff Park include passive recreational amenities such as trails, viewing areas, tot lots, and picnic areas. Public views of the open space and Pacific Ocean would be provided from the linear park and trails.



LEGEND

- Project Site Boundary
- Traditional Homes
- Coastal Homes
- Beach Cottages
- Motor Court Homes
- Garden Court Homes
- Village Flats
- Paseo (Pedestrians Only)

Top of Edge of Bluff
 Setback from Top of Edge of Bluff

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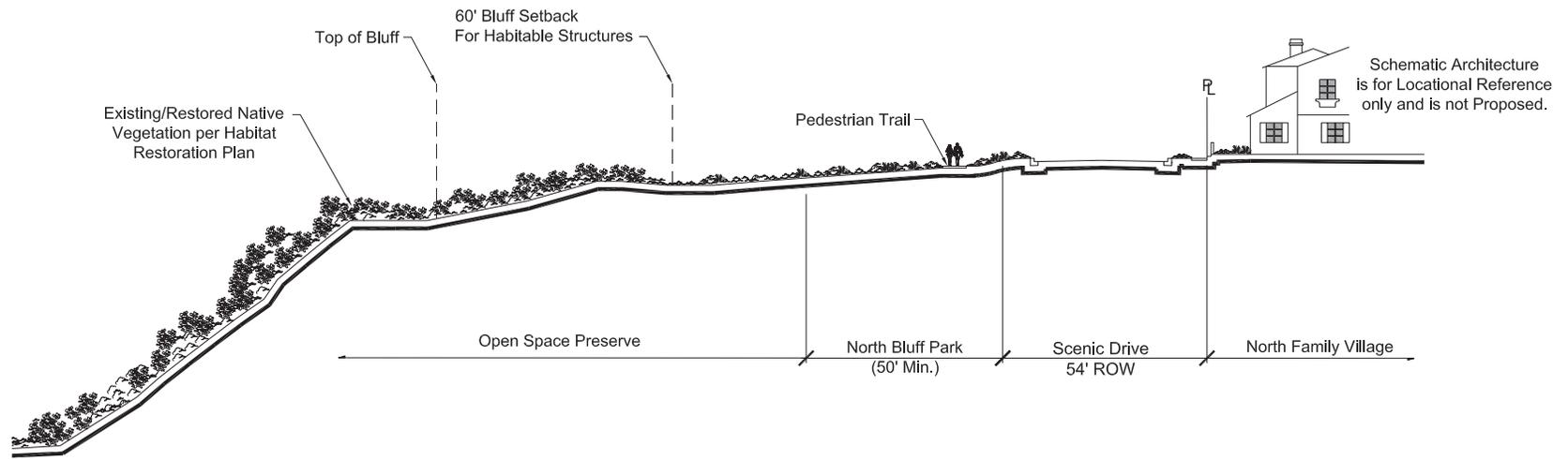
Source: FORMA 2011

North Family Village Development Plan

Exhibit 4.1-4

Newport Banning Ranch EIR





Source: FORMA 2011

North Family Village Edge Section

Exhibit 4.1-5

Newport Banning Ranch EIR



The majority of the Open Space Preserve surrounding the North Family Village would be native habitat with public trails. One of the two proposed Consolidated Oil sites would also be located within the Open Space Preserve northwest of the North Family Village. Exhibit 4.1-6, Consolidated Oil Facilities Interface, depicts the relationship between Traditional Homes and the oil site (please also refer to Exhibit 4.1-1). As shown, the northern Consolidated Oil site would be approximately 200 feet northwest of residences with an approximate 60 foot vertical separation. Beyond Scenic Drive and North Bluff Park would be native habitat restoration and buffer habitat planted at the toe of the slope. As with the southern Consolidated Oil site, the perimeter of this oil site would be landscaped with plant materials, including trees and shrubs and may also be fenced. Although Project improvements would not completely screen views of the oil facilities, the plantings would provide some visual buffering. Additionally, no lighting in the Open Space Preserve would be permitted with the exception of safety lighting at the Consolidated Oil sites. Through the use of buffers such as the Bluff Park and native grassland plantings, walls, and landscaping, any potential internal incompatibilities associated with aesthetics and noise would be reduced to less than significant levels.

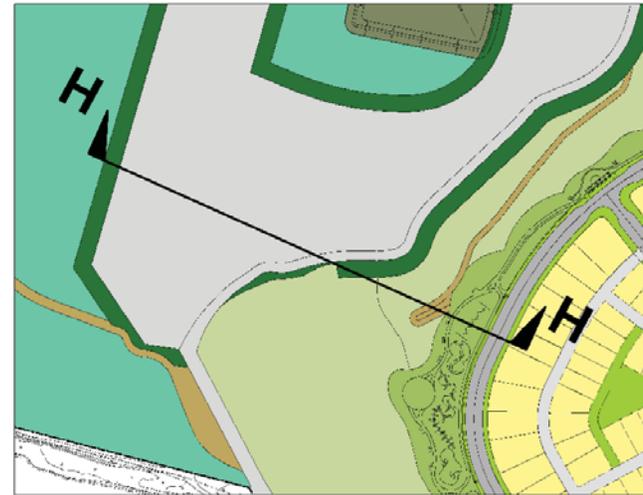
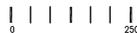
In addition to proposed residential and park uses within the North Family Village, the proposed Vernal Pool Preservation Area and the Vernal Pool Interpretive Area would be located within the North Family Village and generally bound by Scenic Road to the north, North Bluff Road to the east, Village Flats to the south, and Motor Court Homes to the west. The 1.4-gross-acre Vernal Pool Interpretive Area would be located immediately adjacent to North Bluff Road and Scenic Drive. The Vernal Pool Interpretive Area would provide signage kiosks and displays explaining the seasonal ecology of the vernal pool. The 3.2-acre Vernal Pool Preservation Area is set back from these roadways with the vernal pool located internal to the preservation area. The vernal pool⁸ would be separated from proposed residential land uses by a minimum of 100 feet to the west and south by the preservation area which surrounds the vernal pool. The proposed surrounding land uses would result in an increase in human activity (i.e., vehicle and foot traffic). In the vernal pool area, foot traffic would be limited to the interpretive area and a walkway, which would minimize the amount of human activity around the vernal pool. As indicated in Section 4.6, Biological Resources, future traffic noise impacts associated with North Bluff Road to Upland open space, including the vernal pool area, are considered significant; implementation of Mitigation Measure 4.6-3 (as listed in Section 4.6, Biological Resources) would reduce this impact to a less than significant level by increasing the biological value of the vernal pool for wildlife species.

With respect to lighting within the North Family Village, lighting associated with HOA-owned and operated uses within 100 feet of the Open Space land use districts would be required to comply with “dark sky” lighting regulations. Street lighting would be limited to the lighting of intersections. Residential alleys would have lighting fixtures with sensors for automatic nighttime lighting. Where not within 100 feet of the Open Space Preserve or not subject to dark sky lighting restrictions (e.g., private residences), community landscape/common areas, public facilities, streetscapes, parks, and other similar areas may contain accent or other night lighting fixtures. The North Bluff Park trail lighting and the Vernal Pool Interpretive Area lighting would be limited to bollard lights or similar low-profile 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 with the exception of safety lighting associated with the Oil Consolidation site.

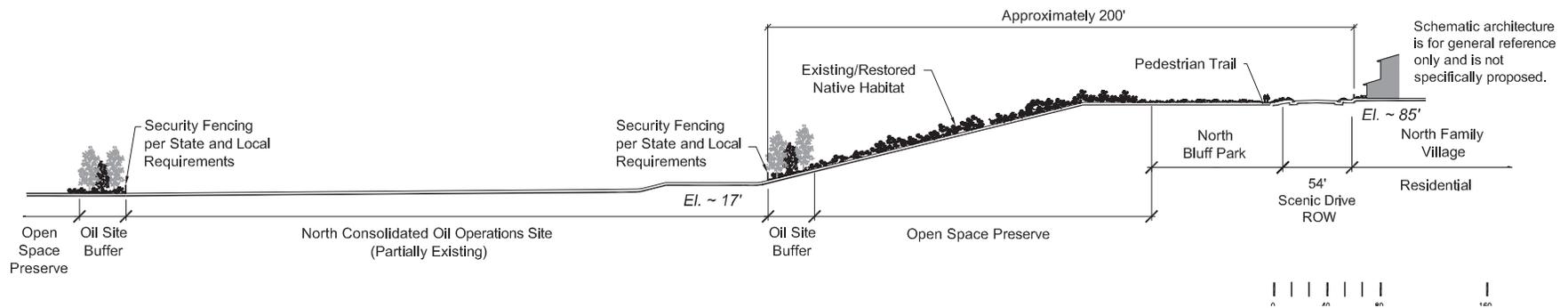
⁸ Vernal pools are low depressions that typically are flooded and saturated above a hardpan or claypan for several weeks to a few months in the winter and spring, and typically support a suite of native plants considered diagnostic for the presence of vernal pools within the region.



Aerial Photograph of Existing Conditions



Master Development Plan of Proposed Project



Source: FORMA 2011

Consolidated Oil Facilities Interface

Exhibit 4.1-6

Newport Banning Ranch EIR



Land uses within the North Family Village would be considered internally compatible. Residential and non-residential land uses are separated with buffering (i.e., parks, trails, landscaping, and roadways). Setbacks would meet or exceed City standards, and lower density residences would be sited adjacent to open space. Night lighting would not be permitted in the Open Space Preserve with the exception of safety lighting at the Consolidated Oil sites. Through the use of buffers, any potential internal incompatibilities associated with lighting and noise would be reduced. Land uses within the North Family Village would be considered compatible with the proposed Open Space Preserve. Therefore, the mix of types and densities of residential land uses and their relationship to open space and park uses would not result in any significant land use compatibility impacts.

South Family Village

As depicted in Exhibit 4.1-7, South Family Village Development Plan, three types of residential units are proposed: Traditional Homes, Motor Court Homes, and Garden Court Homes. The low density (8 du/ac) Traditional Homes and the low-medium density (16 du/ac) Motor Court Homes would be adjacent to South Bluff Park and the Open Space Preserve while the medium density (24 du/ac) Garden Court Homes would be adjacent to Bluff Road, North Bluff Road, and the resort inn. In general, density is lowest adjacent to the Open Space Preserve and increases with proximity to roadways and the resort inn. All residences would be a maximum of two stories. Internal to the South Family Village, the residential uses would be considered compatible due to the similarity in use (residential), lower density uses adjacent to open space, and similar densities located adjacent to each other. The relationship between the South Family Village and the Resort Colony is addressed later in this section.

Section 4.12, Noise, identifies that traffic noise levels at the proposed residences west of North Bluff Road between 16th and 17th Streets would exceed 65 dBA CNEL at exterior receptors; they would be “Normally Incompatible”; and they would be a potentially significant impact. The necessary noise reduction can be accomplished through site design, building design, and noise barriers facing Bluff Road and North Bluff Road.

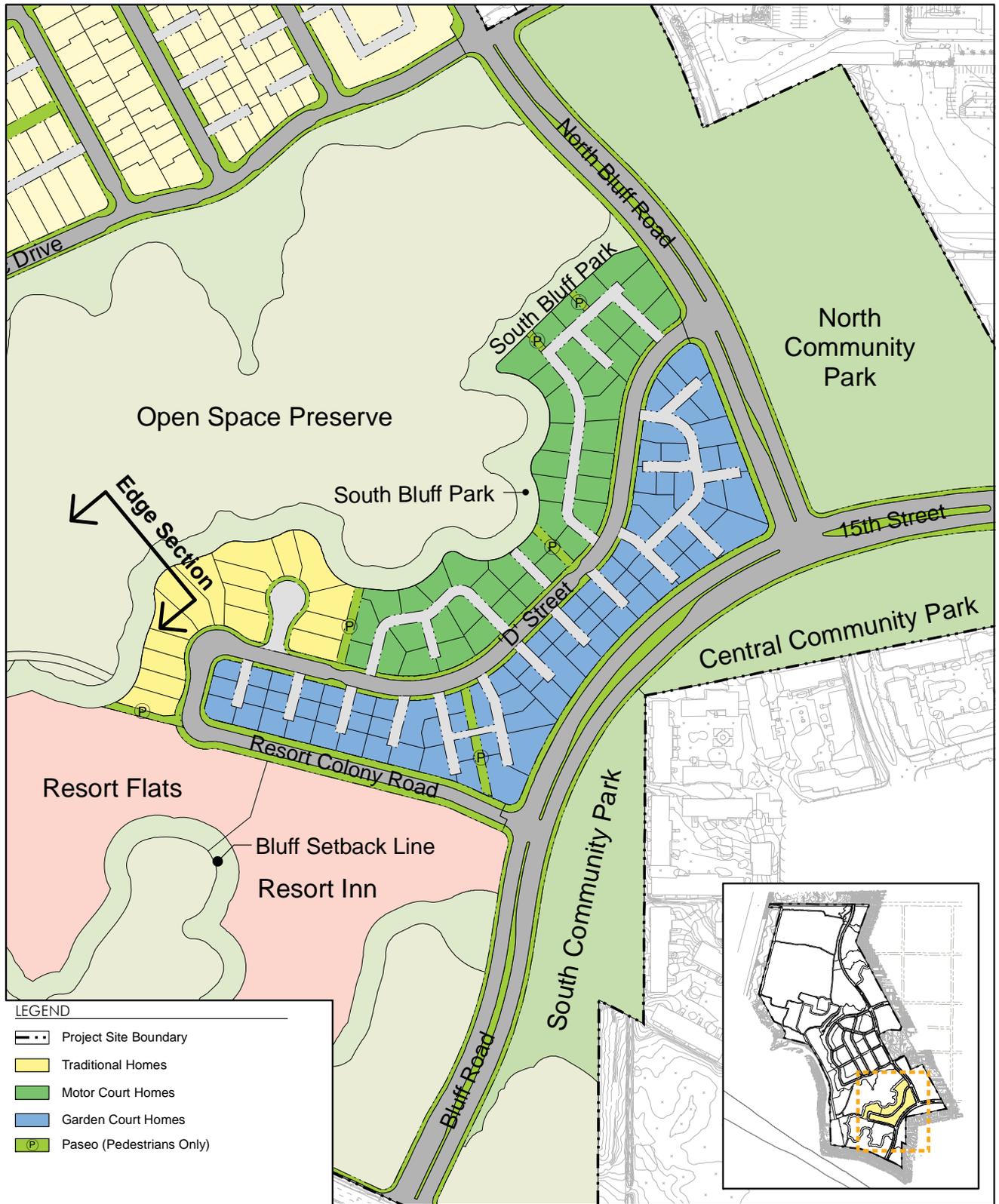
As with the North Family Village, residential uses in the South Family Village would be physically separated from the non-residential uses through the use of buffering (i.e., parks, trails, landscaping, and roadways). As depicted on Exhibit 4.1-8, South Family Village Edge Section, the Traditional Homes and Motor Court Homes would be physically separated from the Open Space Preserve by South Bluff Park. No roads would be located between South Bluff Park and the residences. The edge treatment would provide a minimum 100-foot-wide separation between the development boundary of the South Family Village and the Open Space Preserve.

Lighting associated with HOA-owned and operated uses in the South Family Village within 100 feet of the Open Space Preserve would be required to comply with “dark sky” lighting regulations. The South Bluff Park trail lighting would be limited to bollard lights or similar low-profile 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 with the exception of safety lighting at the Consolidated Oil site. Therefore, land uses within the South Family Village would be considered internally compatible and compatible with the proposed Open Space Preserve.

Resort Colony

The Resort Colony is generally located north of West Coast Highway, south of the South Family Village, and west of Bluff Road. As depicted in Exhibit 4.1-9, Resort Colony: Resort Flats

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LEGEND

- Project Site Boundary
- Traditional Homes
- Motor Court Homes
- Garden Court Homes
- Paseo (Pedestrians Only)

Source: FORMA 2011

South Family Village Development Plan

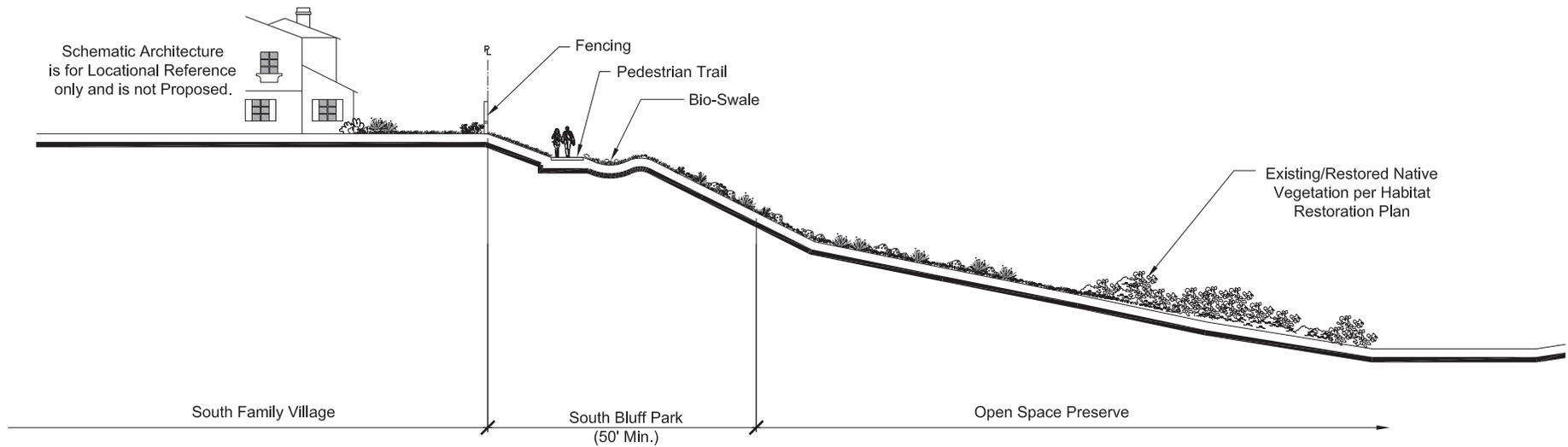
Exhibit 4.1-7

Newport Banning Ranch EIR



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Source: FORMA 2011

South Family Village Edge Section

Exhibit 4.1-8

Newport Banning Ranch EIR

BonTerra
CONSULTING

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Development Plan, Resort Flats are proposed in the western portion of the Resort Colony. The resort inn is proposed east of the Resort Flats. The maximum height for any building in the Resort Colony would be 50 feet.

Resort Flats. The Resort Flats (Site Planning Area 13b) are proposed as a medium-density, multi-family attached residences in the Resort Colony. Individual buildings would have one level of subterranean parking with four flats on each level. The Resort Flats are proposed as generally 4-story buildings with a maximum building height of 50 feet.

To the west and south, Resort Flats would be adjacent to the South Bluff Park and the Open Space Preserve. To the north, the residences would be adjacent to the Traditional Homes in the South Family Village. As noted, the Resort Flats would be up to 4 stories and 50 feet in height; Traditional Homes would be up to 2 stories and 32 feet in height. The Resort Flats are not proposed to be sited immediately adjacent to the Traditional Homes and would be separated by landscaping associated with the Resort Flats and a sidewalk. Units within the Resort Colony would need to be set back to preclude potential shade/shadow effects and privacy impacts to the most southwestern Traditional Home lot in the South Family Village. SC 4.1-1 requires compliance with the provisions of the Master Development Plan, which is used to implement the NBR-PC. These plans require submittal of construction-level site plans for City of Newport Beach approval prior to issuance of grading and construction permits. In conjunction with the site plan review for the Resort Colony (Site Planning Areas 13a and 13b) adjacent residences in the South Family Village, design measures (such as setbacks and buffering) would be implemented to reduce the impacts to less than significant levels.

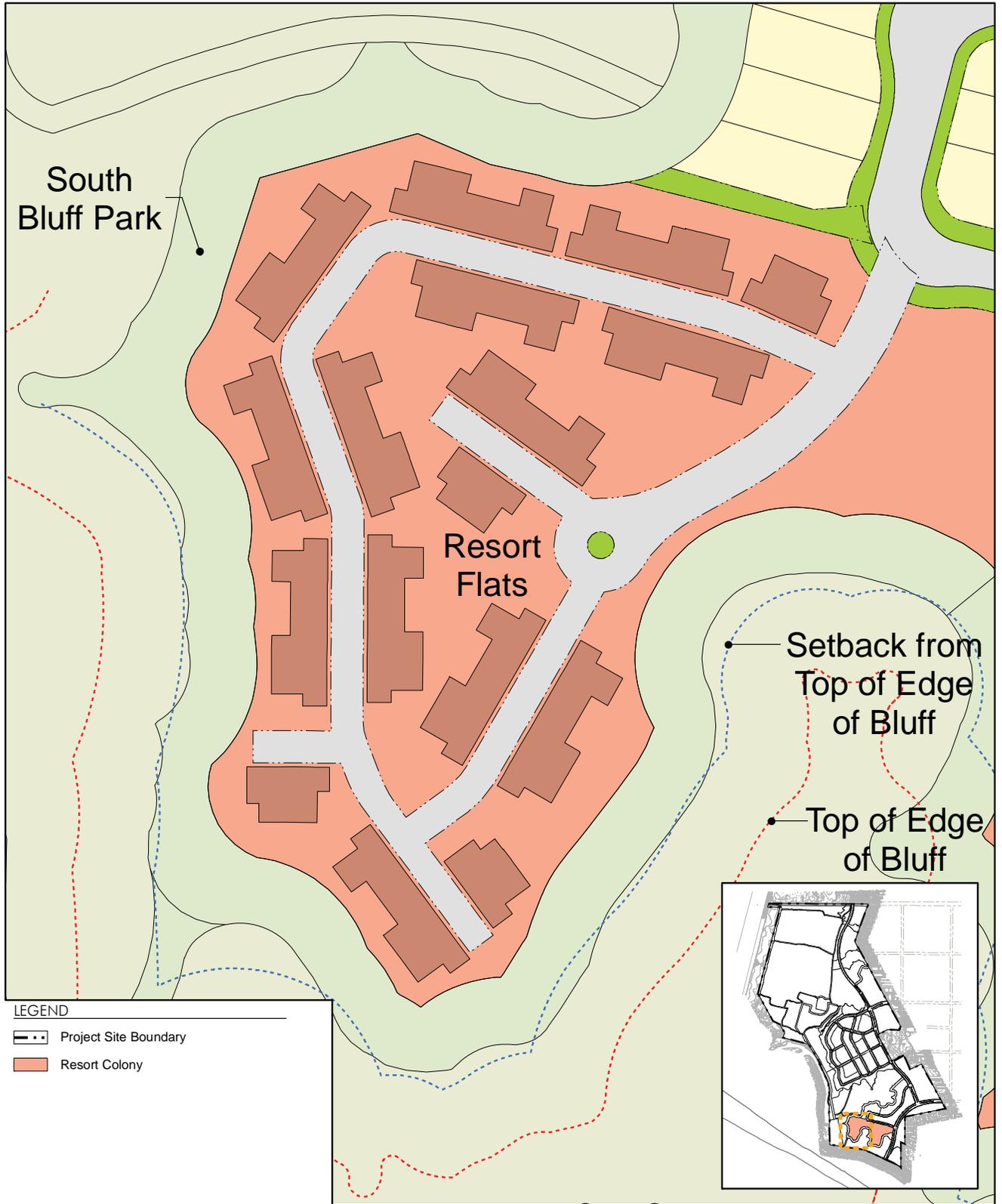
Resort Inn. As conceptually proposed, the Resort Inn (Site Planning Area 13a) would be located approximately 200 feet east of the Resort Flats. Resort Road and Garden Court Homes within the South Family Village would be located to the north. South Bluff Road and the South Community Park would be to the east and the South Bluff Park and the Open Space Preserve would border the resort inn to the south. The Garden Court Homes would be 2 stories with a maximum height of 32 feet and separated from the resort inn by Resort Colony Road, which would have an 86-foot-wide right-of-way. The Resort Flats would be up to 4 stories and 50 feet in height. The resort inn should be set back a sufficient distance within the site to provide privacy to residents of the Garden Court Homes.

As depicted on Exhibit 4.1-10, Resort Colony Edge Section, 2-story Resort Flats would be physically separated from West Coast Highway by approximately 200 feet. This includes South Bluff Park and native habitat. No roads would be located between South Bluff Park and the residences and the resort inn. Additionally, there is a vertical grade separation of approximately 50 feet from West Coast Highway to the Resort Colony.

The southern Consolidated Oil site would be approximately 240 feet west of the Resort Flats with an approximate 50 foot vertical separation. Beyond South Bluff Park, native habitat would be restored and buffer habitat would be planted at the toe of the slope. As with the northern Consolidated Oil site, the perimeter of this oil site would be partially screened with plant materials (e.g., trees and shrubs). Although Project improvements would not completely screen views of the oil facilities, the plantings would provide some visual buffering.

Lighting associated with the resort inn within 100 feet of the Open Space Preserve and South Bluff Park would be subject to “dark sky” lighting regulations. No permanent lighting within the Open Space Preserve would be permitted with the exception of safety lighting for the oil consolidation sites. Street lighting would be limited to the lighting of intersections.

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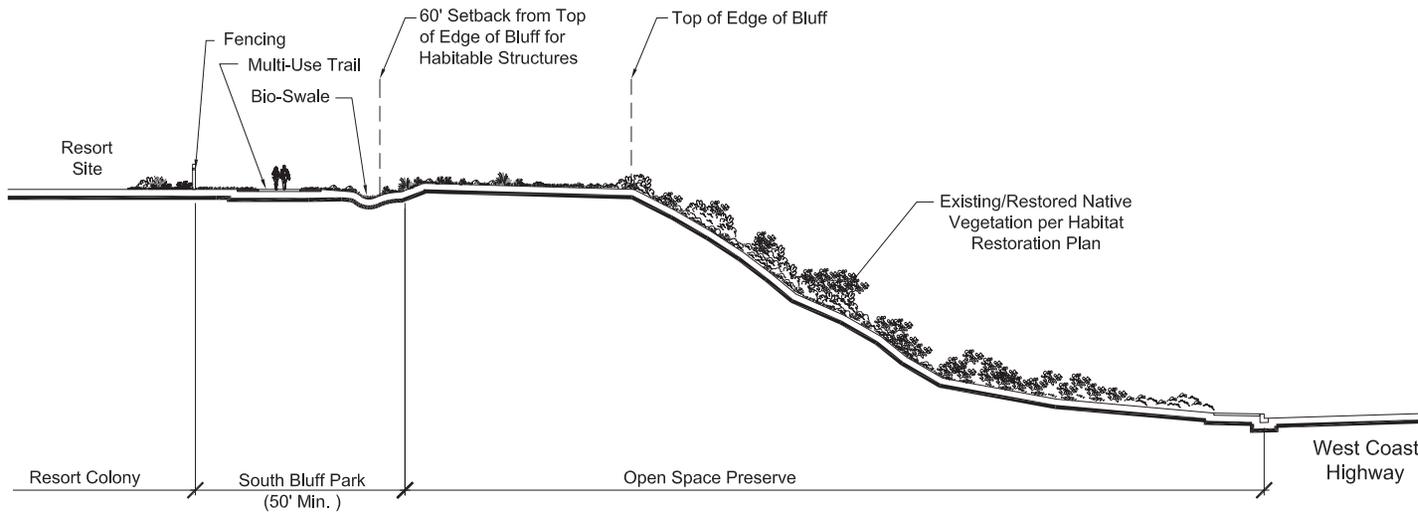
Source: FORMA 2011

Resort Colony: Resort Flats Development Plan

Exhibit 4.1-9

Newport Banning Ranch EIR





Source: FORMA 2011

Resort Colony Edge Section

Exhibit 4.1-10

Newport Banning Ranch EIR

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Where not within 100 feet of Open Space Preserve or not subject to the dark sky restrictions (e.g., residences), community landscape/common areas, public facilities, streetscapes, parks, and other similar areas may contain accent or other night lighting fixtures. The South Bluff Park trail lighting 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. Due to lighting regulations, land uses within the Resort Colony would be considered compatible with the proposed Open Space Preserve.

Through the use of buffers such as the Bluff Park and native grassland plantings, walls, and landscaping, no potential internal incompatibilities are anticipated within the Resort Colony and with the South Family Village and Open Space Preserve.

Urban Colony

The Master Coastal Development Permit is not intended to provide construction-level discretionary approval for construction of the Visitor-Serving Resort/Residential land use district's resort inn (Resort District; Site Planning Area 13a); or the northern portion of the Mixed-Use/Residential land use district (Urban Colony; Site Planning Area 12b).

The Urban Colony is proposed east of North Bluff Road and north and south of 17th Street. Internal to the Project site and north of 17th Street, the Urban Colony would be bound by North Bluff Park and the Open Space Preserve to the north, roads to the west and south, and off-site development to the east. The Master Coastal Development Permit is not intended to provide construction-level discretionary approval for construction of the northern portion of the Urban Colony (Site Planning Area 12b). Exhibit 4.1-11, Urban Colony Development Plan, depicts the layout of land uses. As depicted on Exhibit 4.1-13, Urban Colony Edge Section, the Project proposes that native habitat be buffered from urban land uses within the Urban Colony by a minimum 50-foot-wide North Bluff Park. The Urban Colony south of 17th Street would be bound by roads to the north and west, and off-site land uses to the east and south. The relationship of the Urban Colony to off-site land uses has been previously analyzed in this EIR section.

Urban Flats. Urban Flats are proposed in the Urban Colony east of North Bluff Road and north and south of 17th Street. As previously described in this EIR section, residences in the Urban Colony may be developed as freestanding residential projects or as part of a vertical mixed-use project that includes commercial areas on the ground floor and residential units above. Subterranean and/or surface parking would be provided. The 4- to 5-story buildings would have a maximum height of 60 feet.

Noise land use compatibility of proposed Project components with future noise levels was evaluated in Section 4.12, Noise. The Urban Colony would be primarily impacted by traffic noise from internal backbone roads, including North Bluff Road and 17th Street. With implementation of mitigation, traffic noise levels at these proposed land uses would not exceed noise standards and would be less than significant; therefore, the land uses are considered compatible.

Where the Urban Colony is within 100 feet of the Open Space Preserve (to the north) or North Bluff Park, the Urban Colony would be subject to "dark sky" lighting regulations. No lighting within the Open Space Preserve would be permitted with the exception of safety lighting in the northern oil consolidation site. Street lighting would be limited to the lighting of intersections. Where not within 100 feet of the Open Space Preserve or North Bluff Park, community landscape/common areas, public facilities, streetscapes, and other similar areas may contain accent or other night lighting fixtures. Lighting for the segment of the North Bluff Park trail adjacent to the Urban Colony would be limited to bollard lights or similar low-height dark-sky



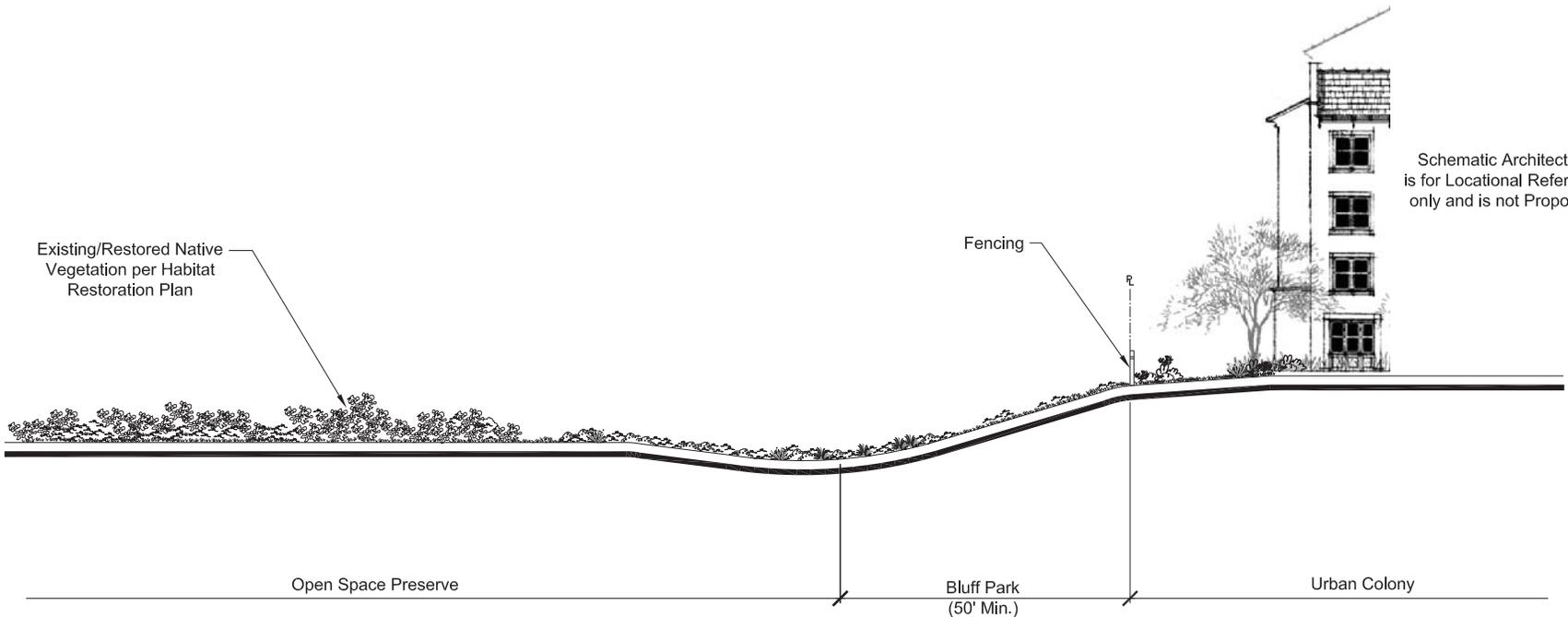
Source: FORMA 2011

Urban Colony Development Plan

Exhibit 4.1-11

Newport Banning Ranch EIR





Schematic Architecture is for Locational Reference only and is not Proposed.

Existing/Restored Native Vegetation per Habitat Restoration Plan

Fencing

Open Space Preserve

Bluff Park (50' Min.)

Urban Colony

Source: FORMA 2011

Urban Colony Edge Section

Exhibit 4.1-12

Newport Banning Ranch EIR



lights with fixtures that are shielded to confine light rays to the trail area. Due to lighting regulations, land uses within the Urban Colony would be considered compatible with the proposed Open Space Preserve and adjacent on-site land uses.

In summary, although there are established communities and development either immediately adjacent to or in the immediate vicinity of the Project site, there is no public use of or access to the site, nor is there access through the site that connects the surrounding developed areas. Proposed roadways through the Project site are shown on the City's General Plan Master Plan of Streets and Highways and the Orange County MPAH. These roads would serve the proposed development and would provide additional subregional access to existing and planned land uses in the area. Therefore, the Project would not physically divide an established community. In addition, as described above, the Project would be considered generally compatible with the existing and proposed future off-site land uses as well as compatible with land uses within the Project site.

Impact Summary: **No Impact.** The proposed Project would not physically divide an established community. No impact would occur.

Significant and Unavoidable. This EIR acknowledges that the proposed Project would have significant and unavoidable construction-related air quality and noise impacts. These construction impacts would end with the cessation of these activities. Because these significant unavoidable construction impacts would end, they are not considered a determinate factor in the compatibility of land uses. Additionally, there would be significant vehicular noise impacts from Bluff Road to Newport Crest residences immediately adjacent to the Project site and to six single-family residences on 17th Street in the City of Costa Mesa. Section 4.12, Noise, identifies measures (Mitigation Measures 4.12-5, 4.12-6, and 4.12-7 regarding resurfacing roadways with rubberized asphalt, noise walls/berms, and condominium noise attenuation measures) that would mitigate noise impacts to a less than significant level. As addressed in Section 4.12 and summarized earlier in this EIR section, the City cannot require owners of condominium units at Newport Crest to accept and implement improvements on their private property nor can it mandate the implementation of mitigation in another jurisdiction. Therefore, it is speculative at this time to know whether this mitigation, while feasible, is desirable by residents and the Newport Crest homeowners association. As such, this EIR identifies noise impacts to the identified single-family residences on 17th Street and to a portion of the Newport Crest development as significant and unavoidable. Residences near the active areas of the proposed Community Park may also be adversely impacted by night lighting. As a result, the proposed Project would result in a land use incompatibility with respect to long-term noise impacts and night illumination on those Newport Crest residences adjacent to the Project site. Lighting impacts are addressed in greater detail in Section 4.2, Aesthetics and Visual Resources.

When evaluating the Project as a whole, it would be considered generally compatible with the existing and proposed future off-site land uses as well as compatible with land uses within the Project site. There is one legally non-conforming single-family home located on industrially zoned property in the City of Costa Mesa where there may be potential impacts

(shade/shadow, night illumination, and noise); however, the required site plan review process (SC 4.1-1) would ensure these impacts would be less than significant.

Threshold 4.1-2 ***Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?***

A. Land Use Policy Consistency Analysis

The Project would result in a change in character of the Project site. The 401.1-acre Project site is an active oilfield which also provides habitat resources. It has a General Plan land use designation of OS(RV), which establishes Open Space as the Primary Use for the Project site. The Project would commit approximately 148.8 gross acres of the site to developed uses (residential, commercial, and recreational). Approximately 252.3 gross acres would be in open space. Although over 63 percent of the site would be in natural open space, implementation of the Project would result in a change in the character of much of the site and the conversion of the property to urban land uses. However, the General Plan EIR determines, "If development occurs, policies in the proposed General Plan Update would ensure compatibility between proposed uses, on-site open space areas, and the adjacent existing residential uses". Given that the General Plan provides for the option of the uses proposed by the Project, the Project implements the policies in the General Plan. Development on the site would reflect a continuation of development similar in nature to the urban development in the communities surrounding the Project site, this change in the character of the site would not be considered a significant impact from a land use consistency perspective.

As discussed previously, there is a number of State, regional, and local planning programs that are relevant to the proposed Project. Following is an evaluation of the Project in relation to land use policies addressed in the applicable documents. In addition, an evaluation of the Project in relation to land use policies in the General Plan is provided.

State

California Coastal Act

The Project site is within the boundary of the Coastal Zone. Table 4.1-4⁹ provides an assessment of the Project's consistency with California Coastal Act land use policies. Other applicable Coastal Act policies are addressed in the respective technical sections of this EIR. The Project is considered consistent with the applicable land use policies of the California Coastal Act. Environmentally Sensitive Habitat Areas (ESHAs), as defined under Section 30107.5 of the California Coastal Act. ESHA determinations are made by the Coastal Commission.

Regional

Southern California Association of Governments Regional Planning Programs

The Compass Growth Vision Report was previously described. The Project site is not within a 2% Strategy Opportunity Area (SCAG 2004a). However, it should be noted that the proposed

⁹ For ease of reading, all policy analysis tables are located at the end of the section.

Project furthers the 2% concept by providing infill development adjacent to existing urban development land uses as well as implementing planned roadways to provide both local and subregional vehicular access. Table 4.1-2 provides an assessment of the Project's consistency with SCAG land use policies. Other applicable SCAG policies are addressed in the respective technical sections of this EIR. The Project is consistent with applicable SCAG land use policies.

Local Agency Formation Commission

Approximately 40 acres of the approximately 401.1-acre Project site are within the City of Newport Beach; the remainder of the site is within the City's Sphere of Influence and would require action by the Local Agency Formation Commission (LAFCO) to annex the property into the City. Sections 4.1 through 4.15 of this EIR provide an evaluation of the proposed Project's impacts.

Local

The *City of Newport Beach General Plan* and the City Zoning Code identify and provide policies and regulations for existing and planned land uses in the Project area.

City of Newport Beach General Plan

Table 4.1-3 provides an assessment of the Project's consistency with City land use policies. Other applicable General Plan policies are addressed in the respective technical sections of this EIR. The proposed land uses for the Project site are consistent with the allowable land uses and development intensity set forth in the *City of Newport Beach General Plan*. The proposed Project would not require a land use amendment to the General Plan, but requires an amendment to the Circulation Element, which is discussed below and in Section 4.9, Transportation and Circulation.

The following modifications to the General Plan would also be required in order to conform figures and text to the Project, as described below.

1. Amend the *General Plan's* Sphere of Influence (SOI) map to modify the City boundary to include the entirety of the Newport Banning Ranch site.
2. Amend the *General Plan* to reflect the Newport Banning Ranch circulation system. The Newport Beach Circulation Element Master Plan of Streets and Highways depicts the westerly extension of 15th Street to West Coast Highway through the Project site. An amendment to the General Plan Circulation Element is proposed as a part of the Project to delete the segment of 15th Street west of Bluff Road, which would provide a second arterial through the Project site connecting to West Coast Highway. General Plan Circulation Element Figure CE1, Master Plan of Streets and Highways, depicts two future Primary (four-lane divided) roads through the Newport Banning Ranch site connecting to West Coast Highway. (Exhibit 3-28, Circulation Element Roadways, depicts the future roadway through the Project site, as depicted on Figure CE1. Exhibit 3-29, General Plan Circulation Element Amendment, depicts the proposed modifications to the Circulation Element roadway system through the Project site.)

City of Newport Beach Zoning

As part of the Project, a Zoning Code Amendment is proposed to rezone the Project site from PC-25 to PC-57. In addition, a pre-annexation zone change is proposed for portions of the Project site located within the City's Sphere of Influence from County zoning to PC-57.

The NBR-PC would serve as the zoning regulations for PC-57. It includes zoning regulations for that portion of the Project site located within the City and provides pre-annexation zoning for those portions of the site located within the County of Orange but within the City's Sphere of Influence. Whenever the regulations contained in the NBR-PC conflict with the regulations of the Newport Beach Municipal Code, the regulations contained in NBR-PC would take precedence. The Municipal Code would regulate site development when such regulations are not provided in the NBR-PC. Therefore, the Project would be consistent with the proposed zoning regulations set forth for the Project in the NBR-PC.

Impact Summary: **No Impact.** The proposed Project is consistent with the City's General Plan OS/RV land use designation. The Project proposes amendments to the City of Newport Beach Circulation Element and the Orange County MPAH to modify the roadway system through the Project site; this is addressed in detail in Section 4.9, Transportation and Circulation. These modifications would not impact existing or proposed land uses. The Project also proposes zoning modifications that would serve to provide a single Planned Community zoning document for the Project site and implement the City's General Plan.

4.1.8 MITIGATION PROGRAM

The following PDFs and standard condition reflect the consideration of land use as part of Project development: PDFs 4.1-1 through 4.1-5 and SC 4.1-1. No mitigation measures are required.

4.1.9 LEVEL OF SIGNIFICANCE AFTER MITIGATION

When evaluating the Project as a whole, the Project would be considered generally compatible with the existing and proposed future off-site land uses as well as compatible with land uses within the Project site. This EIR acknowledges that the proposed Project would have significant and unavoidable construction-related air quality and noise impacts. These construction impacts would end with the cessation of these activities. Because these significant unavoidable construction impacts would end, they are not considered a determinate factor in the compatibility of land uses. The Project would also result in vehicular noise impacts to six single-family residences on 17th Street and to Newport Crest residences immediately adjacent to the Project site. Section 4.12, Noise, identifies feasible measures that would mitigate noise impacts to a less than significant level. Because the City cannot require the implementation of mitigation in another jurisdiction or improvements on private property, it is speculative at this time to know whether this mitigation, while feasible, would be implemented. Additionally, residences near the active areas of the proposed Community Park may also be adversely impacted by night lighting. As a result, the proposed Project would result in a land use incompatibility with respect to long-term noise impacts to the noted City of Costa Mesa residences and long-term noise impacts and night illumination on those Newport Crest residences immediately contiguous to the Project site. The City of Newport Beach General Plan Final EIR found that the introduction of new sources of lighting associated with development of the site would be considered significant and unavoidable. In certifying the General Plan Final EIR and approving the General Plan project, the City Council approved a Statement of Overriding Considerations which notes that there are specific economic, social, and other public benefits that outweigh the significant unavoidable impacts associated with the General Plan project.

**TABLE 4.1-2
SCAG REGIONAL POLICY CONSISTENCY ANALYSIS**

Relevant Goals and Policies	Consistency Analysis
Growth Visioning Principles	
<p>Principle 2: Foster livability in all communities.</p> <p>GV P2.1 Promote infill development and redevelopment to revitalize existing communities.</p> <p>GV P2.2 Promote developments, which provide a mix of uses.</p> <p>GV P2.3 Promote “people scaled,” walkable communities.</p> <p>GV P2.4 Support the preservation of stable, single-family neighborhoods.</p>	<p>The Project is consistent with this principle. Consistent with Growth Visioning Principle 2, the Project is proposed as an infill development with a mix of residential types arranged in livable neighborhoods along with non-residential and recreational uses. The Project proposes the highest density residences proximate to existing residential and employment opportunities as well as the proposed on-site retail uses.</p> <p>A system of pedestrian and bike trails connect residential areas to retail and recreational uses, encouraging alternative forms of transportation, including walking and bicycling.</p> <p>Implementation of the Project would provide residential, retail, open space, and recreational uses on the site. The Project would provide a walkable community for safe and convenient pedestrians and bicyclists.</p>

**TABLE 4.1-3
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS**

City of Newport Beach General Plan Goals, Policies, and Programs	Consistency Analysis
Land Use Element	
Land Use Element Goal LU 1	
<p>A unique residential community with diverse coastal and upland neighborhoods, which values its colorful past, high quality of life, and community bonds, and balances the needs of residents, businesses, and visitors through the recognition that Newport Beach is primarily a residential community.</p>	<p>The Project is consistent with the goal. The proposed Project would create a new residential neighborhood that also would provide visitor-serving uses and business opportunities to support the local community. The Project would also enhance the “quality of life” through the provision of parks, open space, and restored native habitat areas.</p>
<p>LU Policy 1.1: Unique Environment</p> <p>Maintain and enhance the beneficial and unique character of the different neighborhoods, business districts, and harbor that together identify Newport Beach. Locate and design development to reflect Newport Beach’s topography, architectural diversity, and view sheds.</p>	<p>As proposed, the Project would be implemented as distinct Villages and Colonies: North Family Village, South Family Village, Urban Colony, and Resort Colony. The Project incorporates a variety of single-family and multi-family residences, resort inn, and mixed-use land uses. Please also refer to Section 4.2, Aesthetics and Visual Resources, and Goal LU 1.</p>
<p>LU Policy 1.3: Natural Resources</p> <p>Protect the natural setting that contributes to the character and identify of Newport Beach and the sense of place it provides for its residents and visitors. Preserve open space resources, beaches, harbor, parks, bluffs, preserves, and estuaries as visual, recreational and habitat resources.</p>	<p>The Project is consistent with this policy. Approximately 252.3 gross acres of the 401-acre Project site would be in an Open Space Preserve with an additional 51.4 gross acres in parklands. The Project includes the restoration of eroded bluffs on the Project site, and proposed development would have setback a minimum of 60 feet from the tops of the bluff. Please also refer to Section 4.2, Aesthetics and Visual Resources.</p>
<p>LU Policy 1.4: Growth Management</p> <p>Implement a conservative growth strategy that enhances the quality of life of residents and balances the needs of all constituencies with the preservation of open space and natural resources.</p>	<p>The Project is consistent with this policy. Please refer to the response to Goal LU 1. As proposed, the Project would retain approximately 252 acres (63%) of the site as open space and would provide approximately 51.4 gross acres for parks, including a 26.8-gross-acre (21.7-net-acre) Community Park.</p>

TABLE 4.1-3 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Goals, Policies, and Programs	Consistency Analysis
<p>LU Policy 1.6: Public Views Protect and, where feasible, enhance significant scenic and visual resources that include open space, mountains, canyons, ridges, ocean, and harbor from public vantage points.</p>	<p>The Project is consistent with this policy. The <i>City of Newport Beach General Plan</i> does not identify any scenic vistas or view points on the Project site, it does recognize that the mesa area, coastal bluffs, and Lowland (part of the Santa Ana River floodplain) on the Project site contributes to the City’s scenic resources. This issue is addressed in greater detail in Section 4.2, Aesthetics and Visual Resources.</p>
<p>Land Use Element Goal LU 2</p>	
<p>A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City’s diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.</p>	<p>The Project is consistent with this goal. The Project is consistent with this goal. The proposed Project would allow for the development of a mix of residential, retail, visitor-serving resort inn, active and passive recreation, and open space uses on the Project site. Included in the Project are approximately 51.4 gross (42.1 net) acres of public parks as well as a local off-street multi-use trail system and on-street bike trails that would connect to the existing off-site regional trail system. 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 street grade. Refer to the response to LU Policies 1.3, 1.4, and 2.1.</p>
<p>Policies</p>	
<p>LU Policy 2.1: Resident-Serving Land Uses Accommodate uses that support the needs of Newport Beach’s residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.</p>	<p>The Project is consistent with this policy. The Project includes development of 75 overnight accommodations in a small resort inn and development of 75,000 sf of retail commercial uses oriented to serve the needs of local residents and visitors using the resort inn and the coastal recreational opportunities provided as part of the Project. The proposed Project would support the needs of Project residents and community residents by developing active and passive public recreational opportunities within the Coastal Zone by providing approximately 51.4 gross (42.1 net) acres of parkland, as well as off-street multi-use trails and on-street bike trails. Of the 51.4 gross acres, 26.8 gross (21.7 net) acres would be a Community Park.</p> <p>The General Plan Housing Element identifies 5 locations—Newport Banning Ranch, Airport Area, Newport Center, Mariners’ Mile, and the Balboa Peninsula—as key sites for future housing opportunities. The General Plan designates these areas as appropriate for development of up to 5,025 new du. The General Plan identifies 1,375 du for the Newport Banning Ranch site, which is approximately 27% of the total number of new dwelling units identified in the General Plan for these collective areas. The General Plan identifies the maximum intensity of development allowed on the Newport Banning Ranch site 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 resort inn rooms in a small boutique hotel or other type of overnight visitor accommodation. The Project is consistent with the growth projected for the property.</p>

TABLE 4.1-3 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Goals, Policies, and Programs	Consistency Analysis
<p>LU Policy 2.6: Visitor Serving Uses Provide uses that serve visitors to Newport Beach's ocean, harbor, open spaces, and other recreational assets, while integrating them to protect neighborhoods and residents.</p>	<p>The Project is consistent with this policy. The Project proposes active and passive recreational uses, including public parks and trails. Consistent with this policy and the directives of the California Coastal Act, the Project includes recreational uses accessible not only to Project residents, but also to the community and visitors to the Project site and the City of Newport Beach. Additionally, the Project proposes a resort inn to serve visitors. Access to the beaches and bike lanes on the south side of West Coast Highway would be provided by a proposed pedestrian and bicycle bridge that spans the highway, allowing residents and visitors to reach the beach without crossing the highway at street grade. Please also refer to the response to LU Policy 2.1.</p>
<p>Land Use Element Goal LU 3</p>	
<p>A development pattern that retains and complements the City's residential neighborhoods, commercial and industrial districts, open spaces, and natural environment.</p>	<p>The Project is consistent with this goal. The Project provides a comprehensive design for a community that creates new residential neighborhoods with a system of pedestrian walkways and bikeways connecting residential neighborhoods, commercial uses, parks, open space, and resort uses. The Project would integrate landscaping that is compatible with the surrounding open space/habitat areas.</p>
<p>Policies</p>	
<p>LU Policy 3.2: Growth and Change Enhance existing neighborhoods, districts, and corridors, allowing for re-use and infill with uses that are complementary in type, form, scale, and character. Changes in use and/or density/intensity should be considered only in those areas that are economically underperforming, are necessary to accommodate Newport Beach's share of projected regional population growth, improve the relationship and reduce commuting distance between home and jobs, or enhance the values that distinguish Newport Beach as a special place to live for its residents. The scale of growth and new development shall be coordinated with the provision of adequate infrastructure and public services, including standards for acceptable traffic level of service.</p>	<p>The Project is consistent with this policy. The Project site is an active oilfield in West Newport Beach with an existing <i>City of Newport Beach General Plan</i> 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. The proposed Project is consistent with the Alternative Use land use designation and would allow for development of the Project site consistent with the Alternative Use.</p> <p>The City of Newport Beach has a RHNA allocation of 1,769 residential units for the planning period of 2006–2014. Although all of the 1,375 units proposed as part of the Project would not be constructed during this planning period, the Project would assist the City in making progress to meet its RHNA goals.</p> <p>With respect to public services (fire, police, schools, and libraries), the analysis provided in this section of the EIR demonstrates that the proposed land uses can be adequately served. Please also refer to Section 4.9, Transportation and Circulation, and Section 4.14, Public Services and Facilities.</p>
<p>LU Policy 3.4: Banning Ranch Prioritize the acquisition of Banning Ranch as an open space amenity for the community and region, consolidating oil operations, enhancing wetland and other habitats, and providing parkland amenities to serve nearby neighborhoods. If the property cannot be acquired within a time period and pursuant to terms agreed to by the City and property owner, allow for the development of a compact residential village that preserves the majority of</p>	<p>The Project is consistent with this policy. The City has explored but not found funding for acquisition of the property for open space. The proposed Project would develop the site consistent with the Residential Village, Alternative Use, General Plan land use designation. As proposed, the Project would retain approximately 252 acres (63%) of the site as open space and would provide approximately 51.4 acres for parks including a 26.8-gross-acre (21.7-net-acre) Community Park.</p>

TABLE 4.1-3 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Goals, Policies, and Programs	Consistency Analysis
the site as open space and restores critical habitat in accordance with Policies 6.3.1 through 6.5.5.	
<p>LU Policy 3.7: Natural Resource or Hazardous Areas Require that new development is located and designed to protect areas with high natural resource value and protect residents and visitors from threats to life or property.</p>	<p>The Project is consistent with this policy. The Project has been designed to avoid or minimize impacts to biological resources and includes approximately 252.3 gross (244.0 net) acres in an Open Space Preserve. The Project includes a HRP, which would be the primary implementation program for the conservation, creation, and restoration of habitats within the Open Space Preserve and provides for fuel modification to mitigate potential wildland fire issues. The fuel modification plan is addressed in Section 3.0, Project Description, and Section 4.14, Public Services and Facilities.</p>
Land Use Element Goal LU 4	
<p>Management of growth and change to protect and enhance the livability of neighborhoods and achieve distinct and economically vital business and employment districts, which are correlated with supporting infrastructure and public services and sustain Newport Beach's natural setting.</p>	<p>The proposed land uses for the Project site are consistent with the allowable land uses and development intensity set forth in the Newport Beach General Plan. The proposed Project would create approximately 422 jobs, provide for 75,000 sf of retail commercial uses oriented to serve the needs of local and nearby residents, and 75 resort inn rooms in a small boutique hotel or other type of overnight visitor accommodation.</p>
Policies	
<p>LU Policy 4.1: Land Use Diagram Accommodate land use development consistent with the Land Use Plan. Figure LU1 depicts the general distribution of uses throughout the City and Figure LU2 through Figure LU15 depict specific use categories for each parcel within defined Statistical Areas. Table LU1 (Land Use Plan Categories) specifies the primary land use categories, types of uses, and, for certain categories, the densities/intensities to be permitted. The permitted densities/intensities or amount of development for land use categories for which this is not included in Table LU1, are specified on the Land Use Plan, Figure LU4 through Figure LU15. These are intended to convey maximum and, in some cases, minimums that may be permitted on any parcel within the designation or as otherwise specified by Table LU2 (Anomaly Locations). The density/intensity ranges are calculated based on actual land area, actual number of dwelling units in fully developed residential areas, and development potential in areas where the General Plan allows additional development. To determine the permissible development, the user should: a. Identify the parcel and the applicable land use designation on the Land Use Plan, Figure LU4 through Figure LU15 b. Refer to Figure LU4 through Figure LU15 and Table LU1 to identify the permitted uses and permitted density or intensity or amount of development for the land use classification. Where densities/intensities are applicable, the maximum</p>	<p>The Project is consistent with this policy. Figure LU8 in the <i>City of Newport Beach General Plan</i> identifies that the Project site is designated OS(RV), Open Space (Residential Village). Table LU1 in the General Plan notes that the Open Space Priority Use assumes open space, habitat restoration, and parks. The Residential Village Alternative Use assumes a maximum of 1,375 du, 75,000 sf of retail commercial, and 75 hotel rooms. The proposed land uses for the Project site are consistent with the allowable land uses and development intensity set forth in the Newport Beach General Plan.</p>

TABLE 4.1-3 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Goals, Policies, and Programs	Consistency Analysis
<p>amount of development shall be determined by multiplying the area of the parcel by the density/intensity.</p> <p>c. For anomalies identified on the Land Use Map by a symbol, refer to Table LU2 to determine the precise development limits.</p> <p>d. For residential development in the Airport Area, refer to the policies prescribed by the Land Use Element that define how development may occur.</p>	
Land Use Element Goal LU 5.1	
Residential neighborhoods that are well-planned and designed contribute to the livability and quality of life of residents, respect the natural environmental setting, and sustain the qualities of place that differentiate Newport Beach as a special place in the Southern California region.	The Project is consistent with this goal. As proposed, the Project would be implemented as distinct Villages and Colonies: North Family Village, South Family Village, Urban Colony, and Resort Colony. The Project incorporates a variety of single-family and multi-family residences, resort inn, and mixed-use land uses. The Project would retain approximately 252 acres (63%) of the site as open space and would provide approximately 51.4 acres for parks including a 26.8-gross-acre (21.7-net-acre) Community Park.
Policies	
<p>LU Policy 5.1.1: Compatible but Diverse Development Establish property development regulations for residential projects to create compatible and high-quality development that contributes to neighborhood character.</p>	The Project is consistent with this policy. The Project's development standards are set forth in the Newport Banning Ranch Master Development Plan (Master Development Plan) and the NBR-PC. ¹⁰ Development standards for the Project include a minimum 60-foot setback from the top edge of the bluffs, land use setbacks that address each proposed land use, and height limits. With the exception of proposed mixed-use residential and neighborhood commercial uses in the Urban Colony, all proposed land uses would not exceed 50 feet. A variety of housing types and styles are proposed to provide visual diversity in the development and to create a compatible Project. Please also refer to Section 4.2, Aesthetics and Visual Resources.
<p>LU Policy 5.1.2: Compatible Interfaces Require that the height of development in nonresidential and higher-density residential areas transition as it nears lower-density residential areas to minimize conflicts at the interface between the different types of development.</p>	The Project is consistent with this policy. The following maximum building height regulations apply to residential uses: (a) Low Density Residential District – 36 feet; (b) Low-Medium Density Residential District – 45 feet; and (c) Medium Density Residential District – 45 feet. The maximum building height in the VSR/R District is 50 feet, and the maximum height in the MU/R District is 60 feet. As addressed in this EIR section, residential development transitions from low density to higher density which then interfaces with non-residential uses.

¹⁰ The proposed NBR-PC and Newport Banning Ranch Master Development Plan are on the City of Newport Beach website and are on file at the City of Newport Beach Community Development Department for review during regular business hours.

TABLE 4.1-3 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Goals, Policies, and Programs	Consistency Analysis
Land Use Element Goal LU 5.3	
Districts where residents and businesses are intermixed that are designed and planned to ensure compatibility among the uses, that they are highly livable for residents, and are of high quality design reflecting the traditions of Newport Beach.	The Project is consistent with this goal. The Project includes residential, commercial, resort inn, recreational, and open space uses within the site. The Urban Colony proposes a mix of both residential and commercial uses. The South Family Village would be adjacent to the Resort Colony which would include resort uses. As addressed in this EIR, proposed setbacks are provided between land uses that would exceed those required by the City's Zoning Code. The Project site is vertically separated from West Coast Highway and development to the south as well as residential development to the west. Development would be set back from the top of the bluff edge by a minimum of 60 feet. Bicycle and walking trails would connect all on-site uses. Please also refer to Section 4.2, Aesthetics and Visual Resources.
Policies	
LU Policy 5.3.3: Parcels Integrating Residential and Nonresidential Uses Require that properties developed with a mix of residential and nonresidential uses be designed to achieve high levels of architectural quality in accordance with policies LU 5.1.9 and LU 5.2.1 and planned to ensure compatibility among the uses and provide adequate circulation and parking. Residential uses should be seamlessly integrated with nonresidential uses through architecture, pedestrian walkways, and landscape. They should not be completely isolated by walls or other design elements.	The Project is consistent with this policy. With respect to parking and circulation, please refer to Section 4.9, Transportation and Circulation. With respect to design issues, please refer to Section 4.2, Aesthetics and Visual Resources. The land use compatibility of the Project internal to the Project site and with off-site land uses has been addressed in detail in this EIR section.
Land Use Element Goal LU 5.6	
Neighborhoods, districts, and corridors containing a diversity of uses and buildings that are mutually compatible and enhance the quality of the City's environment.	The Project is consistent with this policy. Refer to the responses to Growth Visioning Principle 4 and LU Policy 2.1, above.
Policies	
LU Policy 5.6.1: Compatible Development Require that buildings and properties be designed to ensure compatibility within and as interfaces between neighborhoods, districts, and corridors.	The Project is consistent with this policy. As addressed in this EIR section, proposed land uses have been sited to provide for land use compatibility through, but not limited to, transitional building heights, landscape and open space buffering, limits to night lighting, and a public bicycle and pedestrian trail system that links on-site land uses and ties into off-site City and regional trail systems.
LU Policy 6.1.2: Siting of New Development Allow for the development of new public and institutional facilities within the City provided that the use and development facilities are compatible with adjoining land uses, environmentally suitable, and can be supported by transportation and utility infrastructure.	The Project is consistent with this policy. The Project includes 51.4 gross acres of public parklands including a 26.8-gross-acre (21.7-net-acre) Community Park and public trails through the Project site connecting to existing off-site regional trail systems. As addressed in this EIR section, the proposed public facilities (parks and trails) are considered compatible with existing and planned off-site land uses as well as proposed on-site Project land uses. The proposed Community Park would be located adjacent to a variety of land uses including an existing school, a community college learning center,

TABLE 4.1-3 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Goals, Policies, and Programs	Consistency Analysis
	<p>offices, light industrial, and residential uses. No significant compatibility impacts are identified in this compatibility analysis. The Project would provide several miles of off-street multi-use public trails, on-street public bike trails, and pedestrian paths for pedestrians and bicyclists. As addressed in this EIR section, the trails would provide connections to on-site land uses and habitat areas and would connect to the existing regional trail system, other parks, and open space areas. The proposed pedestrian and bicycle bridge over West Coast Highway would provide access to bike lanes and pedestrian sidewalks on the south side of West Coast Highway and to the beach. The transportation and utility needs of these public uses can be provided; please refer to Section 4.9, Transportation and Circulation and Section 4.15, Utilities, respectively.</p>
Land Use Element Goal LU 6.2	
<p>Residential neighborhoods that contain a diversity of housing types and supporting uses to meet the needs of Newport Beach's residents and are designed to sustain livability and a high quality of life.</p>	<p>The Project is consistent with this goal. The Project proposes development of a variety of housing types, including low and medium density housing, affordable housing units, and housing associated with mixed-use development. These housing types would range in size and cost to accommodate a variety of future residents. The proposed development is organized into four Villages and Colonies: the South and North Family Villages west of Bluff Road and North Bluff Road; the Resort Colony west of South Bluff Road; and the Urban Colony east of North Bluff Road, north and south of 17th Street. (Please also refer to Section 3.0, Project Description; Section 4.2, Aesthetics and Visual Resources; and Section 4.7, Population, Housing, and Employment).</p> <p>The South Family Village is proposed to include a variety of single-family detached residences. The North Family Village is proposed to include both single-family detached residences and multi-family condominium development. Within the Urban Colony, both residential development and community retail uses are proposed. The Urban Colony is proposed for higher-density, multi-family attached homes; live-work units are also proposed. The Resort Colony would include the proposed resort inn and residential condominiums. The residential condominiums are proposed to be conventionally owned but, at the discretion of the individual owners, may be operated by the resort inn as visitor-serving overnight accommodations.</p> <p>The Project would retain approximately 252 acres (63%) of the site as open space and provide approximately 51.4 gross acres for parks including a 26.8-gross-acre (21.7-net-acre) Community Park. Additionally, the Project includes pedestrian and bicycle trails throughout the Project site with access to the County's regional trail system (see Section 4.8, Recreation and Trails) as well as the proposed pedestrian and bicycle bridge across West Coast Highway.</p>

TABLE 4.1-3 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Goals, Policies, and Programs	Consistency Analysis
Policies	
<p>LU Policy 6.2.1: Residential Supply Accommodate a diversity of residential units that meets the needs of Newport Beach’s population and fair share of regional needs in accordance with the Land Use Plan’s designations, applicable density standards, design and development policies, and the adopted Housing Element.</p>	<p>The Project is consistent with this policy. The General Plan Housing Element identifies 5 locations—Newport Banning Ranch, Airport Area, Newport Center, Mariners’ Mile, and the Balboa Peninsula—as key sites for future housing opportunities. The General Plan designates these areas as appropriate for development of up to 5,025 new du. The General Plan identifies 1,375 du for the Newport Banning Ranch site, which is approximately 27% of the total number of new dwelling units identified in the General Plan for these collective areas. The General Plan identifies the maximum intensity of development allowed on the Newport Banning Ranch site to include 1,375 du, 75,000 sf of retail commercial uses oriented to serve the needs of local and nearby residents, and 75 resort inn rooms in a small boutique hotel or other type of overnight visitor accommodation.</p>
<p>LU Policy 6.2.3: Residential Affordability Encourage the development of residential units that are affordable for those employed in the City.</p>	<p>The Project is consistent with this policy. As proposed, the Project would include up to 206 affordable income housing units. As a part of the City’s Inclusionary Housing Program, it is the City’s goal that an average of 15% of all new housing units be affordable to very low, low, or moderate income households. Please refer to Section 4.7, Population, Housing, and Employment, for additional discussion of this issue.</p>
<p>LU Policy 6.2.4: Accessory Units Permit conditionally the construction of one granny unit (accessory age-restricted units for one or two adult persons who are sixty years of age or older) per single-family residence within single-family districts, provided that such units meet set back, height, occupancy, and other applicable regulations set forth in the Municipal Code.</p>	<p>The NBR-PC allows for Accessory Dwelling Units in residential land use districts subject to the approval of a minor use permit. State law excludes granny units from the General Plan or zoning limitations on density or maximum number of dwelling units.</p>
<p>LU Policy 6.2.5: Neighborhood Supporting Uses Allow for the integration of uses within residential neighborhoods that support and are complementary to their primary function as a living environment such as schools, parks, community meeting facilities, religious facilities, and comparable uses. These uses shall be designed to ensure compatibility with adjoining residential addressing such issues as noise, lighting, and parking.</p>	<p>The Project is consistent with this policy. Consistent with Growth Visioning Principle 2, the proposed Project provides a mix of residential types arranged in livable neighborhoods along with non-residential and recreational uses. The Project proposes the highest density residences proximate to existing residential and employment opportunities and the proposed on-site retail uses. Due to the horizontal distance and vertical separation between land uses, use of setbacks, landscaping, and walls/fences, and compliance with lighting regulations including “dark sky” lighting regulations, proposed land uses would be compatible with off-site land uses.</p> <p>With respect to recreation, as depicted on Exhibit 3.3, Master Development Plan, in Section 3.0, and Exhibit 4.8-2, the proposed public parks are near proposed residential areas and existing off-site residential areas, including but not limited to the Newport Crest Condominiums and Newport Knolls Condominiums. The proposed off-street multi-use trails, on-street bike trails, and pedestrian paths would provide a means to travel through the Project site and to off-site locations without the use of a vehicle.</p>

TABLE 4.1-3 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Goals, Policies, and Programs	Consistency Analysis
<p>LU Policy 6.2.6: Home Occupations Allow for home occupations in Newport Beach’s residential neighborhoods provided that they do not adversely impact traffic, parking, noise, lighting, and other neighborhood qualities.</p>	<p>The Project is consistent with this policy. Home occupations are permitted by the NBR-PC.</p>
<p>LU Policy 6.2.9: Private Open Spaces and Recreational Facilities Require the open space and recreational facilities that are integrated into and owned by private residential development are permanently preserved as part of the development approval process and are prohibited from converting to residential or other types of land uses.</p>	<p>The Project is consistent with this policy. As identified in Section 3.0, Project Description, with the exception of the Community Park, on-site parks could be privately developed as part of the Project, privately owned and maintained either by an HOA, Conservancy, Land Trust, and/or similar entity, and would be deed restricted for permanent public use. The Community Park is proposed to be privately developed, offered for dedication to the City, and maintained by the City.</p>
<p>LU 6.2.10 Gated Communities Discourage the creation of new private entry gates in existing residential neighborhoods that currently do not have a gate located at the entrance of the community.</p>	<p>The Project is consistent with this policy. No gated communities are proposed.</p>
<p>Land Use Element Goal LU 6.4</p>	
<p>If acquisition for open space is not successful, a high-quality residential community with supporting uses that provides revenue to restore and protect wetlands and important habitats.</p>	<p>The Project is consistent with this policy. As previously addressed, the Project is consistent with the General Plan Land Use Element Alternative Use, Residential Village. As addressed in Section 3.0, Project Description, and Section 3.6, Biological Resources, habitat and wetland resources would be restored as a part of the Project.</p>
<p>LU Policy 6.4.1: 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.</p>	<p>The Project is consistent with this policy. The Applicant is pursuing entitlements for the Project site consistent with the range of allowable land uses set forth in the City’s General Plan for the OS/RV (Residential Village [Alternative Use]) land use designation. Please refer to the response to Goal LU 2. As a part of the Project, approximately 252.3 gross (244.0 net) acres (63%) of the Project site would be open space. At the same time, the City is investigating the feasibility of acquisition of the Project site for open space (Primary Use).</p>
<p>LU Policy 6.4.2: Residential Accommodate a maximum of 1,375 residential units, which shall consist of a mix of single-family detached, attached, and multi-family units to provide a range of choices and prices for residents.</p>	<p>The Project is consistent with this policy. The General Plan identifies the maximum intensity of development allowed on the Newport Banning Ranch site to include 1,375 du. The Project proposes up to 1,375 du with a mix of single family and multi-family residential products.</p>
<p>LU Policy 6.4.3: Retail Commercial Accommodate a maximum of 75,000 square feet of retail commercial uses that shall be oriented to serve the needs of local and nearby residents.</p>	<p>The Project is consistent with this policy. The General Plan identifies the maximum intensity of development allowed on the Newport Banning Ranch site to include 75,000 sf of retail commercial uses oriented to serve the needs of local and nearby residents. The Project proposes 75,000 sf of neighborhood retail uses within the approximate 20.9-gross-acre Urban Colony area.</p>

TABLE 4.1-3 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Goals, Policies, and Programs	Consistency Analysis
<p>LU Policy 6.4.4: Overnight Accommodations Accommodate a maximum of 75 rooms in a small boutique hotel, “bed and breakfast,” or other overnight accommodations.</p>	<p>The Project is consistent with this policy. The General Plan identifies the maximum intensity of development allowed on the Newport Banning Ranch site to include 75 resort inn rooms in a small boutique hotel or other type of overnight visitor accommodation. The Project’s resort inn is planned to include 75 guest rooms, restaurant(s) and bar(s), gift and sundry shops, a business center, a fitness center, spa/salon/treatment rooms, meeting rooms, and back of house areas (e.g., food and beverage, administration, housekeeping, maintenance, employee facilities).</p>
<p>LU Policy 6.4.6: Approaches for a Livable Neighborhood Site and design development to enhance neighborhood quality of life by:</p> <ul style="list-style-type: none"> • Establishing a pattern of blocks that promotes access and neighborhood identity • Designing streets to slow traffic, while maintaining acceptable fire protection and traffic flows • Integrating a diversity of residential types within a neighborhood, while ensuring compatibility among different residential types • Orienting and designing the residential units to relate to the street frontage • Locating and designing garages to minimize their visual dominance from the street • Incorporating sidewalks and parkways to foster pedestrian activity • Promoting architectural diversity 	<p>The Project is consistent with this policy. The Project incorporates a mix of detached and attached single-family, multi-family, and vertically integrated mixed-use residences in distinct Villages and Colonies. Although varied architectural styles are proposed, the intent is that the overall colors used within the Project be coherent and compliment the surrounding natural open space on the site and in the surrounding area.</p> <p>With respect to establishing a pattern of blocks that promotes access and neighborhood identity, the proposed Villages and Colonies would be linked by a trail system that would provide pedestrian and bicycle access between the on-site land uses; it would also provide access to existing off-site local and regional trails. As discussed in greater detail in Section 4.2, Aesthetics and Visual Resources, the Project would provide a variety of housing types and styles proposed to provide visual diversity in the development. Driveway access would be minimized through the Project to create more continuous streetscapes.</p> <p>With respect to vehicular speeds, to reduce speeds of motorists and to provide for greater 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.</p> <p>Multi-family housing is proposed in the North Family Village, Resort Colony, and the Urban Colony. Village Flats in the North Family Village would have three levels of stacked flats over ground-level parking organized around a central interior courtyard. Residences would be accessed from the interior courtyard; parking would be accessed from a rear alley.</p> <p>The proposed Resort Flats in the Resort Colony would have one level of subterranean parking and four flats on each of the two- to four-story buildings. The buildings would be oriented around an interior lobby and atrium. The conceptually proposed Shingle architecture would be used for both the residences and the resort inn in the Resort Colony.</p> <p>Urban Flats are proposed in the Urban Colony as freestanding residential projects or as part of a vertical mixed-use project, which includes commercial areas on the ground floor and residential units above. Subterranean parking would be provided. The primary</p>

TABLE 4.1-3 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Goals, Policies, and Programs	Consistency Analysis
	pedestrian entry to the buildings would be provided through ground floor lobbies providing a front door appearance from the street. Building facades could be terraced to provide changes in elevation and scale. Where residential area in the Urban Colony are a part of a vertically mixed structure, these areas would include but not be limited to the following site features: a separate entrance(s) from the commercial portion(s) of the Project; all building facades that extend along a sidewalk would have doors, windows, or articulation for more than 50 feet; the required use of recessed windows and doors; varying building heights, building setbacks, roof shapes, wall lengths, and trim elements incorporated into the Project architecture; and required plazas and/or courtyards visible from a public street. Please also refer to Section 4.2, Aesthetics and Visual Resources, for a more detailed discussion.
Policies	
LU Policy 6.5.1: Oil Operations Relocate and cluster oil operations	The Project is consistent with this policy. As a part of the Project, oil operations would be consolidated into two locations of the Project site.
LU Policy 6.5.2: Active Community Park 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.	The Project is consistent with this policy. The Project includes a 26.8-gross-acre (21.7-net-acre) public Community Park with night lighting of active play fields, courts, and parking areas. Please also refer to Section 4.8, Recreation and Trails.
LU Policy 6.5.3: Habitat and Wetlands Restore and enhance wetlands and wildlife habitats, in accordance with the requirements of state and federal agencies.	The Project is consistent with this policy. Project implementation would require mitigation for significant biological impacts and effects on resources under the jurisdiction of the regulatory authorities (USACE, CDFG, USFWS, and Coastal Commission). Permits/approvals/agreements required from these regulatory agencies would include mitigation. The mitigation for these resources has been identified in this EIR section and includes the preservation and restoration of approximately 220 acres of native habitat. Please refer to Section 4.6, Biological Resources.
LU Policy 6.5.4: Relationship of Development to Environmental Resources Development should be located and designed to preserve and/or mitigate for the loss of wetlands and drainage course habitat. It shall be located to be contiguous and compatible with existing and planned development along its eastern property line, preserving the connectivity of wildlife corridors, and set back from the bluff faces, along which shall be located a linear park to provide public views of the ocean, wetlands, and surrounding open spaces. Exterior lighting shall be located and designed to minimize light trespass from developed areas onto the bluffs, riparian habitat, arroyos, and lowland habitat areas.	The Project is consistent with this policy. Where sensitive biological resources would be removed, these resources would be mitigated through both preservation and restoration on the Project site. The majority of the development has been located in the eastern portion of the Project site adjacent to the developed areas within the Cities of Newport Beach and Costa Mesa. The Project has taken into consideration the biological value of the areas along the bluffs facing West Coast Highway and the Lowland adjacent to the Santa Ana River. All development would be set back a minimum of 60 feet from the bluff top edge. The proposed linear Bluff Park would also separate the Open Space Preserve from proposed development areas. Site design includes preserving larger, intact areas of high value habitat. As addressed in this EIR section, street lights would be

TABLE 4.1-3 (Continued)
CITY OF NEWPORT BEACH GENERAL PLAN CONSISTENCY ANALYSIS

City of Newport Beach General Plan Goals, Policies, and Programs	Consistency Analysis
	used only at key intersections and safety areas. A “dark sky” lighting concept would be implemented within areas of the Project that adjoin habitat areas. 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. Project zoning regulations and CC&Rs would restrict exterior house lighting to minimize light spillage into adjacent habitat areas. Please refer to Section 4.6, Biological Resources.
<p>LU Policy 6.5.5: Public Views of the Property</p> <p>Development shall be located and designed to prevent residences on the property from dominating public views of the bluff faces from Coast Highway, the ocean, wetlands, and surrounding open spaces. Landscape shall be incorporated to soften views of the site visible from publicly owned areas and public view points.</p>	<p>The Project is consistent with this policy. Contour grading would be used to minimize impacts to existing public view points, views from West Coast Highway (i.e., a coastal view road), and views of the Project site from surrounding neighborhoods.</p> <p>Structures will be set back at least 60 feet from identified tops of bluff edges. Landscaping will be provided around the perimeter of buildings that are proposed adjacent to open space areas to provide a transition between open space and development.</p>
<p>sf: square feet; du: dwelling unit; RHNA: Regional Housing Needs Assessment; HRP: Habitat Restoration Plan; NBR-PC: Newport Banning Ranch Planning Community Development Plan; VSR/R: Visitor-Serving Resort/Residential Land Use District; MU/R: Mixed-Use/Residential Land Use District; HOA: homeowners association; CC&Rs: Covenants, Conditions and Restrictions.</p>	

TABLE 4.1-4
CALIFORNIA COASTAL ACT CONSISTENCY ANALYSIS

California Coastal Act Policies	Consistency Analysis
Public Access	
<p>Section 30212 New development projects</p> <p>(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) Adequate access exists nearby, or, (3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.</p> <p>(b) For purposes of this section, "new development" does not include:</p> <p>(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.</p> <p>(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the same location on the affected property as the former structure.</p>	<p>The Project is consistent with this section. The Project would provide several miles of off-street multi-use public trails, on-street public bike trails, and pedestrian paths for pedestrians and bicyclists. As addressed in this EIR section, the trails would provide connections to on-site land uses and habitat areas and would connect to the existing regional trail system, other parks, and open space areas. The proposed pedestrian and bicycle bridge over West Coast Highway would provide access to bike lanes and pedestrian sidewalks on the south side of West Coast Highway and to the beach.</p>

**TABLE 4.1-4 (Continued)
CALIFORNIA COASTAL ACT CONSISTENCY ANALYSIS**

California Coastal Act Policies	Consistency Analysis
<p>(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.</p> <p>(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.</p> <p>(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.</p> <p>As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.</p> <p>(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.</p>	
<p>Section 30212.5 Public facilities; distribution</p> <p>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.</p>	<p>The Project is consistent with this section. The proposed Project provides for public access to and across the site which is currently not available due to the private oil operations and private ownership of the site. Public trails, parks and open space areas will be provided. To facilitate public access, public parking areas will be provided at park and recreational areas and along most streets within the Project site. In addition to meeting the City's parking requirements, it is anticipated that the Coastal Commission would require this visitor-serving coastal access parking.</p>
<p>Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals</p> <p>Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.</p> <p>The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.</p>	<p>The Project is consistent with this section. Currently there is no development, other than oil operations, on site. The proposed Project would provide lower cost visitor and recreational facilities. Public parks, trails, and interpretive areas would be available for active and passive recreation uses by residents and visitors. In addition, the Project proposes the 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.</p>

TABLE 4.1-4 (Continued)
CALIFORNIA COASTAL ACT CONSISTENCY ANALYSIS

California Coastal Act Policies	Consistency Analysis
<p>Section 30214 Implementation of public access policies; legislative intent</p> <p>(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:</p> <ol style="list-style-type: none"> (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. <p>(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.</p> <p>(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.</p>	<p>The Project is consistent with this section. No public access is currently permitted through the private property because the site is an active oilfield. With the development of the proposed Project, including the consolidation of all oilfield activities into two areas, public access to the Project site would be provided. None of the proposed Villages and Colonies would be gated; all streets would be public. The Project includes a system of public trails, bikeways, and pedestrian pathways throughout the Project site. The proposed pedestrian and bicycle bridge would allow access to/from the Project site and the beach without having to cross West Coast Highway at grade. Public access through the Open Space Preserve would be limited to a trail system. The resort inn would provide for visitor serving uses through 75 overnight accommodations, including ancillary resort commercial uses and resort-oriented residential dwelling units.</p>
<p>Section 30222 Private lands; priority of development purposes</p> <p>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.</p>	<p>The Project is consistent with this section. The proposed Project includes a mix of uses for the Banning Ranch property that provides a balance of coastal-dependent industry (continuing oil operations), open space, residential, commercial, and visitor-serving uses. This plan was also balanced against a desire to conserve the property through public acquisition; therefore both options were included as possible future uses that would be acceptable for the Banning Ranch property.</p>
<p>Section 30223 Upland areas</p> <p>Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.</p>	<p>The Project is consistent with this section. The proposed Project has been designed to concentrate public access and recreational areas on the Upland areas so as to minimize impacts to wetland areas, the majority of which are located in the Lowland portion of the Banning Ranch property. Trails and interpretive areas would be provided within the Upland areas that would facilitate passive and active coastal recreational use, such as walking, hiking, biking and bird-watching.</p>

**TABLE 4.1-4 (Continued)
CALIFORNIA COASTAL ACT CONSISTENCY ANALYSIS**

California Coastal Act Policies	Consistency Analysis
<p>Section 30233 Diking, filling or dredging; continued movement of sediment and nutrients</p> <p>(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 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.</p> <p>(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.</p> <p>(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...</p> <p>(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.</p>	<p>Implementation of the proposed Project would result in impacts to wetlands as defined by the California Coastal Act. The EIR has analyzed the impacts to biological resources, including wetlands as defined by the California Coastal Act. All impacts to these resources can be mitigated to a level that is considered less than significant (see Section 4.6, Biological Resources). Section 4.6 addresses potential inconsistencies between the proposed Project and applicable plans, including Coastal Act policies. The Project would result in both temporary and long-term impacts to wetland resources.</p> <p>The proposed Project would result in temporary impacts to approximately 6.48 acres associated with the required oilfield remediation efforts (see Exhibit 4.6-7c). Because the oil operations pre-date the California Coastal Act, the oilfield operates under a Coastal Act exemption (California Coastal Commission South Coast Regional Coastal Zone Conservation Commission Claim for Exemption No. E-7-27-73-144) which includes both the operation as well as clean up, abandonment and remediation of the oil facilities. Section 30233(a)(1) and (a)(5) also permit impacts to wetlands in connection with energy facilities, and mineral extraction activities. The majority of the areas of temporary impact are within the proposed Open Space Preserve. Allowing the oil facilities to remain in place once operations cease would not be less environmentally damaging because it would be in violation of the California Department of Conservation, Department of Oil, Gas, and Geothermal Resources (DOGGR) regulations which require the proper abandonment and clean up of oil facilities. Oilfield remediation is required prior to any use of the Project site including on-site habitat restoration and open space uses consistent with Section 30233(a)(6). Temporary impacts would also occur in connection with the remediation and abandonment of oil facilities in the vernal pool preservation area; however, in addition to falling under the oilfield abandonment exemption, these impacts would occur in connection with restoration purposes as described in Section 30233(a)(6).</p> <p>The proposed Project would result in permanent impacts to wetlands associated with the development of two water quality basins: one water quality basin and one diffuser basin/habitat. These two basins would affect 2.52 acres of wetlands which currently exist within the Lowland area where runoff from the Upland area collects. The Project proposes the construction of two water quality basins to clean and treat existing stormwater runoff flowing across the Project site from off-site and on-site areas. These basins are proposed to be planted with native emergent marsh vegetation and would function as wetlands when constructed; please also refer to Section 4.4, Hydrology and Water Quality. As with temporary impacts, permanent impacts would be mitigated to a less than significant level. With respect to the Project's consistency with Section 30233, the Project is consistent with subsection (c) which requires that the functional capacity of the wetlands be maintained or enhanced. The Project minimizes impacts to these sensitive resources to the extent feasible and</p>

**TABLE 4.1-4 (Continued)
CALIFORNIA COASTAL ACT CONSISTENCY ANALYSIS**

California Coastal Act Policies	Consistency Analysis
	enhances the functional capacity of the wetlands that will be created as part of the water quality basins. Although the maintenance and restoration of water quality is a Coastal Act policy (see Section 30231), the construction of water quality basins that use wetlands to help clean and treat runoff is not an enumerated use under Section 30233(a) and the consistency of these water quality/wetland features with the policies of the Coastal Act would be assessed by the Coastal Commission during the coastal permitting process. Subsections b and d are not applicable to the proposed Project. Please also refer to Section 4.6, Biological Resources.
Development	
<p>Section 30250 Location; existing developed area</p> <p>(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.</p> <p>(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.</p> <p>(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.</p>	<p>The Project is consistent with this section. The proposed Project is located near and/or adjacent to several existing residential communities as well as areas already developed for commercial and industrial purposes. To the north of the Project site is existing residential development and park and open space uses; to the south is West Coast Highway, and south of the highway is existing residential development; to the east is existing residential, institutional, industrial, and office uses; and to the west is existing residential development, wetlands, and the Santa Ana River. As a part of the Project, the site would be remediated and oil facilities would be consolidated into two locations away from the proposed residential development on the Project site. Visitor-serving facilities are proposed on the Project site closest to existing transportation corridors (e.g., West Coast Highway) and near recreational uses. Therefore, adequate public services (e.g., sewer, water, utilities) can be extended to the Project site and are sufficient to serve new development.</p>
<p>Section 30252 Maintenance and enhancement of public access</p> <p>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 nonautomobile 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.</p>	<p>The Project is consistent with this section. The Project proposes to provide a system of off-street multi-use trails, on-street bike lanes, and pedestrian paths with connections to existing regional trails for use by pedestrians and bicyclists. The proposed pedestrian and bicycle bridge over West Coast Highway would provide access to bike lanes and pedestrian sidewalks on the south side of West Coast Highway and to the beach. The bridge would allow for pedestrians and bicyclists to move between the northern and southern sides of West Coast Highway without having to cross West Coast Highway at street level. With respect to public transit, the OCTA has an existing bus route along Pacific Coast Highway with bus stops at Superior Avenue and near the proposed pedestrian and bicycle bridge, among others.</p> <p>The Project would be developed adjacent to existing commercial, industrial, and residential areas all of which are serviced by an established circulation system. The Project also would provide trails and streets that can be used for both recreational biking and to promote biking to and from work as a means of reducing dependence on the automobile. The Project also proposes a new overcrossing that will link the Project site to the beach to</p>

TABLE 4.1-4 (Continued)
CALIFORNIA COASTAL ACT CONSISTENCY ANALYSIS

California Coastal Act Policies	Consistency Analysis
	<p>encourage residents to walk to the beach instead of using vehicles. The amount of park land that would be provided exceeds State mandates, and parking will be provided.</p> <p>The City's Transportation Demand Management Ordinance requires new nonresidential developments that are estimated to employ 100 or more employees to reduce the number of peak-period vehicle trips, promote, and encourage the use of alternative modes of transportation, and provide support facilities for alternative modes of transportation.</p>
<p>Section 30253 Minimization of adverse impacts New development shall do all of the following:</p> <p>(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.</p> <p>(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.</p> <p>(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.</p> <p>(d) Minimize energy consumption and vehicle miles traveled.</p> <p>(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.</p>	<p>The Project is consistent with this policy. With respect to geological hazards, please refer to Section 4.3, Geology and Soils. No habitable development is proposed in the floodplain. Project development is proposed for the Upland, and is not prone to an existing flood hazard. Please refer to Section 4.4, Hydrology and Water Quality. The Project would comply with applicable air quality requirements; please refer to Section 4.10, Air Quality. Minimization of energy consumption is addressed in Section 4.10, Air Quality; Section 4.11, Greenhouse Gas Emissions; and Section 4.15, Utilities. The Project is an infill project with an on-site trail system to allow for non-vehicular access to on-site land uses as well as to provide connections to off-site regional trails and land uses. Please refer to Section 4.8, Recreation and Trails, and Section 4.9, Transportation and Circulation. The proposed pedestrian and bicycle bridge over West Coast Highway would provide access to bike lanes and pedestrian sidewalks on the south side of West Coast Highway and to the beach.</p>
Industrial Development	
<p>Section 30260 Location or expansion Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division. However, where new or expanded coastal-dependent industrial facilities cannot feasibly be accommodated consistent with other policies of this division, they may nonetheless be permitted in accordance with this section and Sections 30261 and 30262 if (1) alternative locations are infeasible or more environmentally damaging; (2) to do otherwise would adversely affect the public welfare; and (3) adverse environmental effects are mitigated to the maximum extent feasible.</p>	<p>The Project is consistent with this policy. The Project is an existing oilfield and ongoing oil operations are proposed. As a part of the proposed Project, the existing oil operations would be consolidated into two locations comprising approximately 16.5 acres (PDF 4.5-1). The Consolidated Oil Facilities (OF) would be comprised of (1) the existing oil operations site accessed from West Coast Highway; (2) an existing oil site near the middle of the Lowland area; and (3) an oil access road connecting the two oil consolidation sites. Oil operations are subject to existing California Coastal Commission South Coast Regional Coastal Zone Conservation Commission Claim for Exemption No. E-7-27-73-144.</p>
<p>CLUP: Coastal Land Use Plan; OCTA: Orange County Transportation Authority.</p>	