

Section 2.0 Land Use and Development

2.1 LAND USE			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
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2.1.1 Land Use Designation	2.1.1-1	The land use categories in Table 2.1.1-1 establish the type, density and intensity of land uses within the coastal zone. If there is a conflict between the development limits of the Land Use Element and the Coastal Land Use Plan, the provision that is most protective of coastal resources shall take precedence. However, in no case, shall the policies of the Coastal Land Use Plan be interpreted to allow a development to exceed a development limit established by the General Plan or its implementing ordinances.	Consistent to the extent applicable. The Newport Banning Ranch (NBR) Site is designated as a Deferred Certification Area (see Coastal Land Use Plan (CLUP) Policy 2.2.4-1) and, therefore, does not have a certified Local Coastal Plan (LCP) Land Use Plan (LUP) designation. The proposed Project is fully consistent with the City's General Plan, as demonstrated in the General Plan Consistency Analysis, and has been submitted to the California Coastal Commission for review and approval.
2.1.2 Coastal Land Use Plan Map	2.1.2-1	Development in each district and corridor shall adhere to policies for land use type and density/intensity contained in Table 2.1.1-1, except as modified in Sections 2.1.3 to 2.1.8.	Consistent to the extent applicable. The Project site is designated as a Deferred Certification Area and, therefore, does not have a certified LCP LUP designation. The project, as evaluated in this CLUP Consistency Analysis, is consistent with CLUP policies and has been submitted to the California Coastal Commission for review and approval.
2.2 GENERAL DEVELOPMENT POLICIES			
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2.2.1 Location of New Development	2.2.1-1	Continue to allow redevelopment and infill development within and adjacent to the existing developed areas in the coastal zone subject to the density and intensity limits and resource protection policies of the Coastal Land Use Plan.	The proposed Project is a redevelopment project within and adjacent to existing developed areas within the cities of Newport Beach and Costa Mesa. Although an area of Deferred Certification (and therefore without a certified LCP LUP designation), the Project's density and intensity limits and resource protection measures set forth in the Planned Community Development Plan (NBR-PCDP) are fully consistent with CLUP Policies and the Newport Beach General Plan.
	2.2.1-2	Require new development be located in areas with adequate public services or in areas that are capable of having public services extended or expanded without significant adverse effects on coastal resources.	The Newport Banning Ranch is located in an urbanized area, adjacent to existing residential and commercial/industrial uses with adequate public services and provides for the extension of those public services without adversely effecting coastal resources. Please reference EIR Section 4.14, Public Services (Bonterra 2011) for additional discussion.
	2.2.1-3	Provide commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.	The proposed Project will provide commercial facilities in both the Resort Colony (Resort Inn) and Urban Colony developments in convenient locations within and adjacent to residential areas that minimize use of coastal access roads.
2.2.2 Coastal Development Review	2.2.2-1	After certification of the LCP, require a coastal development permit for all development within the coastal zone, subject to exceptions provided for under the Coastal Act as specified in the LCP.	Consistent to the extent applicable. The Project site is designated as a Deferred Certification Area and has been submitted to the California Coastal Commission for review and approval pursuant to the Commission's coastal development permit review process.
	2.2.2-2	Incorporate coastal development permit procedures into the implementation plan to ensure that all public and private development in the coastal zone is consistent with the LCP.	Consistent to the extent applicable. The Project site is designated as a Deferred Certification Area and has been submitted to the California Coastal Commission for review and approval pursuant to the Commission's coastal development permit review process.
	2.2.2-3	Prior to approval of any coastal development permit, the City shall make the finding that the	The proposed Project CDP, as conditioned, would adhere to the detailed requirements, regulations,

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		development conforms to the policies and requirements contained in the Coastal Land Use Plan.	standards, and programs to ensure that all new development on-site is consistent with the City's General Plan and CLUP policies as established in this CLUP Consistency Analysis.
	2.2.2-4	Implement building design and siting regulations to protect coastal resources and public access through height, setback, floor area, lot coverage, building bulk, and other property development standards of the Zoning Code intended to control building placement, height, and bulk.	The proposed Project incorporates regulations, site development standards, community regulations, and comprehensive habitat protection, habitat restoration, public coastal access, and fire protection management programs, as well as Design Guidelines, that through height, setback, floor area, lot coverage, building bulk, and other property development standards, will protect coastal resource, and improve coastal access. Please see Chapter 6, Architectural Design Guidelines, of the NBR Master Development Plan (NBR-MDP 2011) for additional details.
2.2.3 Exclusion Areas	2.2.3-1	Pursuant to Section 306 10 (e) of the Coastal Act. request a categorical exclusion for the residential areas: Balboa Island, the Balboa Peninsula, Cameo Highlands, Cameo Shores, Corona del Mar, Corona Highlands, Irvine Terrace, Lido Island, Newport Center, Newport Heights, Newport Shores, Shorecliffs, Upper Newport Bay, and West Newport.	Not applicable to Newport Banning Ranch.
	2.2.3-2	Pursuant to Section 306 10 (e) of the Coastal Act, request a categorical exclusion for the portion of the Corona del Mar commercial area located in the coastal zone, which consists of all commercial properties on the south side of Coast Highway between Avocado Street (including the southwest corner) and Hazel Drive.	Not applicable to Newport Banning Ranch.
	2.2.3-3	Incorporate the terms and conditions of categorical exclusions into the implementation plan.	Not applicable to Newport Banning Ranch.
	2.2.3-4	Provide a graphical representation of the terms of the categorical exclusion order by depicting the subject properties on a Permit and Appeal Jurisdiction Map and incorporate into the implementation plan. In case a conflict exists between the Permit and Appeal Jurisdiction Map and the text of the categorical exclusion order, the text of the categorical exclusion order shall govern the terms of the exclusion.	Not applicable to Newport Banning Ranch.
2.2.4 Deferred Certification Areas	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.	Through the City's approval of the NBR-PCDP and Master Site Plan, and the Coastal Commission's approval of a CDP, the land uses issues for the property will be resolved, consistent with applicable Coastal Act and CLUP policies.
	2.2.4-2	Depict the boundaries of deferred certification areas on the Coastal Land Use Plan Map and other applicable LCP maps.	The proposed Project site is in a Deferred Certification Area, as shown in the City of Newport Beach's CLUP and other LCP maps.
	2.2.4-3	The Coastal Commission shall retain permit jurisdiction in all deferred certification areas.	The NBR-PCDP for the proposed Project explicitly recognizes that the Coastal Commission retains permit jurisdiction in deferred certification areas like Newport Banning Ranch, and that the project requires a CDP to be applied for and approved by the California Coastal Commission prior to City issuance of permits.
2.2.5 Nonconforming Structures and Uses	2.2.5-1	Legal nonconforming structures shall be brought into conformity in an equitable, reasonable, and timely manner as rebuilding occurs. Limited renovations that improve the physical quality and character of the buildings may be allowed. Rebuilding after catastrophic damage or destruction due to a natural event, an act of public enemy, or accident may Banning Ranch Local Coastal Program Coastal Land Use Plan 2-27 be allowed in limited circumstances that do not conflict with other	The existing structures and uses on Newport Banning Ranch, are all related to ongoing oil and gas operations, and will continue as permitted uses under the NBR-PCDP, consistent with Federal, State and local laws, and pursuant to Coastal Commission Resolution of Exemption E-7-27-73-144.

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		policies and of the Coastal Land Use Plan.	
	2.2.5-2	In the older commercial districts of Balboa Village and Corona del Mar, allow existing commercial buildings that exceed current intensity limits to be renovated, upgraded, or reconstructed to no more than their existing intensity only where a finding can be made that the development will not perpetuate or establish a physical impediment to public access to coastal resources, nor adversely impact coastal views or biological resources. Where such development cannot meet current parking standards, such approval may only be granted if the proposed development includes at least as much parking as the existing development, and provides for or facilitates the use of alternative modes of transportation such as ridesharing, carpools, vanpools, public transit, bicycling or walking to the extent feasible.	Not applicable to Newport Banning Ranch.
	2.2.5-3	When proposed development would involve demolition or replacement of 50 percent or more of the exterior walls of an existing structure that is legally non-conforming due to a coastal resource protection standard, the entire structure must be made to conform with all current development standards and applicable policies of the Coastal Land Use Plan.	Not applicable to Newport Banning Ranch as all existing structures and uses on the Project site relate to continuing oil and gas operations, which are permitted uses under the NBR-PCDP, and exempt from CDP requirements. The consolidation of oil operations into two oil consolidation sites connected by an oil access road as set forth in the NBR-PCDP, is not an enlargement or intensification of the legal non-conforming use.
	2.2.5-4	The enlargement or intensification of legally established nonconforming uses shall be limited to only those uses normally permitted by right or by the approval of a use permit, but which were made nonconforming by additional regulations of the district in which they are located. Such enlargement or intensification shall be subject to discretionary review and approval by the City and shall not increase the degree of the use's nonconformity.	Not applicable to Newport Banning Ranch as all existing structures and uses on the Project site relate to continuing oil and gas operations, which are permitted uses under the NBR-PCDP, and exempt from CDP requirements. The consolidation of oil operations into two oil consolidation sites connected by an oil access road as set forth in the NBR-PCDP, is not an enlargement or intensification of the legal non-conforming use.
2.3 VISITOR-SERVING AND RECREATIONAL DEVELOPMENT			
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2.3.1 Commercial	2.3.1-1	Permit visitor-serving retail and eating and drinking establishments in all commercially designated areas.	The proposed Project includes visitor-serving retail and could potentially include eating and drinking establishments in all commercially designated areas with issuance of a use permit.
	2.3.1-2	Continue to provide waterfront-oriented commercial uses, including eating and drinking establishments and recreation and entertainment establishments, as a means of providing public access to the waterfront.	Not applicable to Newport Banning Ranch as the Project site is not waterfront.
	2.3.1-3	On land designated for visitor-serving and/or recreational uses, give priority to visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation over other commercial uses, except for agriculture and coastal-dependent industry.	The proposed Project includes visitor-serving uses within the proposed Resort Colony (Resort Inn and Resort Flats) and Urban Colony (mixed-use/residential) developments, and offers coastal recreational uses within the proposed Open Space, Parks, and Trails.
	2.3.1-4	Protect oceanfront land designated for visitor-serving and/or recreational uses for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.	Not applicable to Newport Banning Ranch as the Project site is not oceanfront.
	2.3.1-5	Protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.	Newport Banning Ranch may become a special community with neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses. The

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			Project’s proposed Resort Colony, Community Park, Bluff-top Park, interpretive trail system and other recreational amenities are located and designed to protect and enhance the residential character of the community while serving larger regional needs.
	2.3.1-6	Where feasible, reserve upland areas necessary to support coastal recreational uses for such uses.	The proposed Project reserves over 40 acres of upland areas for public parks and coastal recreational uses, and approximately seven (7) miles of public interpretive trails. This mix includes a multi-use bluff top trail in the ocean side of the resort and a proposed pedestrian bridge over West Coast Highway connecting project areas and trails to the beach.
	2.3.1-7	Give priority to visitor-serving and recreational uses in the mixed-use areas of the Balboa Peninsula, and Balboa Island.	Not applicable to Newport Banning Ranch.
	2.3.1-8	LCP Amendment No. 2005-001 (NPB-MAJ-1-06 Part A) to the Coastal Land Use Plan changing a portion of land, not to exceed 4.25 acres in size, designated Visitor-Serving Commercial (CV) in Newport Center to a residential designation shall require a payment of a fee to mitigate for the loss of visitor-serving land. The mitigation fee shall be used for the protection, enhancement and provision of lower-cost visitor-serving uses at Crystal Cove State Park. The mitigation fee shall be in the amount of five million (5,000,000.00) dollars to off-set the loss of the priority land use in Newport Center. The mitigation fee shall be paid prior to issuance of any coastal development permit granted for any residential project within the newly designated area and to an entity, identified by the permitting agency, capable of implementing the mitigation at Crystal Cove State Park. Until paid in accordance with the terms and conditions of the coastal development permit, the amount shall be increased every July 1st by an amount calculated on the basis of the percentage change from the year 2007 in the California Consumer Price Index for Urban Consumers as determined by the entity that grants the coastal development permit.	Not applicable to Newport Banning Ranch.
	2.3.1-9	In Mariner’s Mile, require that development on the Bay frontage implement amenities that assure access for coastal visitors. Pursue development of a pedestrian promenade along the Bayfront.	Not applicable to Newport Banning Ranch
	2.3.1-10	Support continued operation of passenger/sightseeing boats, passenger/fishing boats (“day boats”), and long-term boat rentals and sales.	Not applicable to Newport Banning Ranch
	2.3.1-11	Support continued short-term rental of small boats while encouraging vendors to teach customers how to safely operate the watercraft.	Not applicable to Newport Banning Ranch
	2.3.1-12	Support continued operation of entertainment and tour boats subject to reasonable regulations designed to ensure the operations don’t have an adverse impact, such as unsafe navigation, impaired water quality, reduced visual quality, excessive noise, unsafe street traffic conditions, or parking shortages on the environment and land uses surrounding the harbor.	Not applicable to Newport Banning Ranch
	2.3.1-13	Any proposal to demolish existing overnight accommodations shall be required to demonstrate that rehabilitation of the units is not feasible. Any hotel/motel rooms for which a certificate of occupancy has been issued on or before the effective date of adoption of Coastal Land Use Plan Amendment No. 2007-001 (NPB-MAJ-1-07) shall not be permitted to convert to a Limited Use Overnight Visitor Accommodation, except as provided in Policy 2.3.3-7.	Not applicable to Newport Banning Ranch

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2.3.2 Open Space and Tidelands/ Submerged Lands	2.3.2-1	Continue to use public beaches for public recreational uses and prohibit uses on beaches that interfere with public access and enjoyment of coastal resources.	Not applicable to Newport Banning Ranch.
	2.3.2-2	Continue to designate lands to provide visitor-serving and recreational facilities and view parks on or adjacent to the shoreline.	The proposed Project is not located on or adjacent to the shoreline. Nonetheless, the Project will include visitor-serving uses and recreational facilities within the proposed Resort Colony, Urban Colony, and Open Space, Parks, and Trails.
	2.3.2-3	Cooperate with the County of Orange to continue to provide a variety of visitor-serving and recreational uses at the Newport Dunes, including recreational vehicle park and campground areas as a means of providing alternative and lower cost overnight accommodations.	Not applicable to Newport Banning Ranch as the Site is not located within Newport Dunes.
	2.3.2-4	Continue to administer the use of tidelands and submerged lands in a manner consistent with the tidelands trust.	Not applicable to Newport Banning Ranch.
2.3.3 Lower Cost Visitor and Recreational Facilities	2.3.3-1	Lower-cost visitor and recreational facilities, including campgrounds, recreational vehicle parks, hostels, and lower-cost hotels and motels, shall be protected, encouraged and, where feasible, provided. Developments providing public recreational opportunities are preferred. New development that eliminates existing lower-cost accommodations or provides high-cost overnight visitor accommodations or limited use overnight visitor accommodations such as timeshares, fractional ownership and condominium-hotels shall provide lower-cost overnight visitor accommodations commensurate with the impact of the development on lower-cost overnight visitor accommodations in Newport Beach or pay an "in-lieu" fee to the City in an amount to be determined in accordance with law that shall be used by the City to provide lower-cost overnight visitor accommodations.	<p>As the project site is currently used solely as a private oil and gas facility and includes no public access, recreation or visitor serving opportunities, the proposed project will have no impact on existing recreation or lower cost-visitor serving facilities. The project includes several improvements that will provide new high-priority public access, recreational and visitor serving facilities including an extensive 51.4 acre public park system that includes a Community Park, Bluff top Park, Interpretive Nature Center, and Vernal Pool Interpretive Areas, as well as over seven (7) miles of public interpretive and multi-use trails within the upland and lowland areas of the site, public parking throughout the project site, and clustered visitor-serving hotel and commercial uses. All public access and recreational facilities will be available for public use at no charge; therefore, the project is consistent with this CLUP policy and Coastal Act Section 30213.</p> <p>A City of Newport Visitor Serving Accommodations Analysis has been prepared which demonstrates there is a wide range of overnight accommodations available in the City of Newport Beach, with available lower cost accommodations maintaining an approximate 80% occupancy rate year-round. The proposed Resort Inn would not consist of limited-use overnight accommodations such as timeshares, fractional ownership or condominium-hotels, and will therefore be available for all visitors to Newport Beach. While the proposed Resort Inn does not include designated lower-cost overnight visitor accommodations, as described above, the proposed project will result in the replacement of a private oil and gas facility with a variety of coastal priority, visitor serving uses including amenities to support public access and recreation.</p>
	2.3.3-2	Encourage new overnight visitor accommodation developments to provide a range of rooms and room prices in order to serve all income ranges. Consistent with Section 30213 of the Coastal Act, the City shall in no event (1) require that overnight room rental 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 land; nor (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.	The Resort Inn is designed as a 75-room boutique hotel which includes a variety of room sizes and a corresponding range of room fees. Finally, the Resort Inn includes ancillary visitor-/guest-serving uses and recreation facilities, many of which would be available for use by visitors, recreationists and residents not staying at the Resort Inn including restaurant(s), bars, a spa and fitness center, meeting and banquet facilities, retail shops. See also CLUP policy 2.3.3-1 analysis, above.
	2.3.3-3	Identify, protect, encourage and provide lower-cost visitor-serving and recreation facilities, including	The Project proposes an extensive public park system that includes a Community Park, Bluff top

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		museums and interpretative centers.	Park, Interpretive Nature Center, and Vernal Pool Interpretive Areas within the Public Parks/ Recreation District, as well as over seven (7) miles of public interpretive and multi-use trails within the upland and lowland areas of the Site. In addition, the Project includes visitor-serving uses and recreational facilities within the proposed Resort Colony and Urban Colony, developments. All public access and recreational facilities will be available for public use at no charge.
	2.3.3-4	Encourage visitor-serving and recreational developments that provide public recreational opportunities.	<p>The Project includes approximately 11 acres of visitor-serving resort/residential land use and development. The visitor-serving resort/residential development area would consist of development of 5.5 acres for a visitor-serving resort inn with up to 75 guest rooms, a lobby and related areas, and support commercial uses ancillary to the resort inn such as restaurant(s) and bar, gift and sundry shops, a business center, fitness center, spa/salon/treatment rooms, banquet and meeting/conference rooms, areas for food and beverage preparation, administrative offices, housekeeping areas, maintenance areas, and employee facilities.</p> <p>The proposed Project would introduce new, low-cost public access and recreational resources to the project area by creating an interconnected system of trails, natural open space and public parklands, and constructing park-specific improvements to maximize access and recreation opportunities on the site and to adjacent parklands.</p> <p>The proposed Project provides for development of a number of new coastal trails and a range of parklands, which would maximize public access and recreation opportunities in the project area for both residents and visitors with diverse backgrounds, interests, ages, and abilities. In addition, the Project includes development of a number of support facilities throughout the site to support access to and use of trails and parklands, where limited support facilities are currently available, including public parking, trailhead improvements, interpretive amenities, trash receptacles, restrooms, and picnic areas.</p> <p>Included in the Project are approximately 51.4 acres of public parks and a local trail system comprised of off-street multi-use trails, on-street bike trails, and pedestrian paths that would connect to the existing regional trail system. The Project includes areas for a diverse public park system to include active, passive, and interpretive recreation opportunities. The Project would include an approximate 26.8 acre Community Park, a 20.9 acre Bluff Park, and approximately 3.7 acres of interpretive parks. The public Bluff Park would act as a visual and passive recreational amenity, trail corridor, and a transition between open space and proposed development.</p> <p>Additionally, a pedestrian and bicycle bridge spanning West Coast Highway would provide north-south access to the site and the Pacific Ocean without having to cross West Coast Highway at the street level, and would encourage walking and bicycling to and from the beach. The Project also designates more than 252 acres of the Project site as Open Space, including wetland restoration/water quality areas, interpretive trails, habitat restoration areas, and habitat preservation areas, providing educational opportunities for individuals utilizing the Project's trail system. Public parking and regional trail staging areas would be provided in multiple locations on the Project site within the Community Park, along Scenic Drive at the Nature Center, and within the</p>

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			<p>Resort Colony planning area, and would provide additional access and connectivity to trails within Fairview Regional Park and the Talbert Preserve.</p> <p>The proposed 2.2-acre Nature Center within the Interpretive Park area would include a nature center building and amphitheater for indoor/outdoor educational programs and would include public parking. The proposed approximate 0.1-acre (gross and net) Talbert Trailhead site in the upland open space area west of North Bluff Road and south of 19th Street would serve as a trailhead to on-site trails and connect to the Talbert Nature Preserve north of the Project site. The Talbert Trailhead Park would also provide a platform for public viewing of open space areas and directional and interpretive signage to on-site and off-site trails. The proposed trail system would include the multi-use trails, all of which would be privately developed as part of the Project and permanently accessible to the public. Bluff Park and the Interpretive Parks would also be privately developed as a part of the Project, but would be permanently accessible to the public.</p> <p>The North Community Park is proposed to include public restroom facilities, trails, and seating areas and approximately 174 off-street public parking spaces would be provided in two locations within the North Community Park area. A small parking area (approximately 19 spaces) would be constructed with ingress/egress from 16th Street. The remainder of the parking (approximately 155 spaces) would be provided along the western boundary of the park with ingress/egress from North Bluff Road. The Central and South Community Park areas would include picnic areas and open turf areas and a parking area (approximately 25 parking spaces) would be provided as part of the Central Community Park area to replace the off-site office building's parking spaces that would be removed to allow for the extension of 15th Street between Monrovia Avenue and the Project site. This parking would be in addition to the Community Park public parking and is proposed to be accessible to park users during non-business hours.</p>
	2.3.3-5	Continue to provide and protect public beaches and parks as a means of providing free and lower cost recreational opportunities.	<p>The Project includes approximately 51.4 acres of public parklands (see CDP Application (February 2013), Development Plan 2-2, Parklands Project Development Plan). The proposed parklands would serve Project residents, the community-at-large, and visitors to the Project site, and include a pedestrian trail system providing contiguous public access through the Project site development areas and parklands, the Open Space Preserve, and to parks adjacent to the Project Site including the Santa Ana River and trails located in the Talbert Nature Preserve, Fairview Regional Park located to the north, and existing walks and trails extending along West Coast Highway and the beach located to the south. The pedestrian trail system would also connect to the pedestrian and bicycle bridge across West Coast Highway providing public access between the Project Site and existing recreational amenities south of West Coast Highway including public bicycle paths sidewalks providing access to the beach. The Project includes approximately a 26.8 acre Community Park, a 20.9 acre Bluff Park, and 3.7 acres of Interpretive Parks.</p> <p>Please see also the consistency analysis for Policy 2.3.2-4, above.</p>

2.3 VISITOR-SERVING AND RECREATIONAL DEVELOPMENT			
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	2.3.3-6	Continue to issue short-term lodging permits for the rental of dwelling units as a means of providing lower-cost overnight visitor accommodations while continuing to prevent conditions leading to increase demand for City services and adverse impacts in residential areas and coastal resources.	The proposed Project includes Resorts Flats that are residential units within the Resort Colony, which will have the option of being rented for short-term lodging by the property owner pursuant to the City’s Short Term Lodging Permit regulations.
	2.3.3-7	Permit limited-use overnight visitor accommodations on the hotel resort property located at 1107 Jamboree Road where such accommodations are provided together with traditional overnight, hotel visitor accommodations and which shall be subject to specific restrictions, including on: quantity (no less than 391 units shall be traditional hotel units available for transient overnight use by the general public year round and no more than 88 of the total 479 units planned may be limited-use overnight visitor accommodations), duration of owner use of such facilities (maximum use of 90 days per calendar year with a maximum of 29 days of use during any 60 day period), management of the units as part of the hotel facility and allowance for transient overnight use by the general public when not owner occupied; all of which shall be further defined in the implementing regulations for this land use plan (when such regulations are certified) and through the coastal development permit process.	Not applicable to Newport Banning Ranch.
	2.3.3-8	A method to define whether a facility providing overnight accommodations is low, moderate, or high cost for the City of Montero Avenue Beach Local Coastal Program Coastal Land Use Plan 2-37 Newport Beach coastal zone shall be developed in the implementing regulations for this land use plan (when such regulations are certified) and through the coastal development permit process.	Not applicable to Newport Banning Ranch – this policy is directed to the City of Newport Beach.
2.4 COASTAL-DEPENDENT/ RELATED DEVELOPMENT			
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2.4.1 Commercial	2.4.1-1	Give priority to coastal-dependent uses over other uses on or near the shoreline.	The proposed Project site is not located on or near the shoreline. However, land uses nearest to the shoreline are comprised of public habitat protection areas along the bluffs within the Upland Open Space, public bluff-top and community parks and trails, and the Resort Inn and related outdoor restaurants, plazas, and walkways.
	2.4.1-2	When appropriate, accommodate coastal-related developments within reasonable proximity to the coastal-dependent uses they support.	Not applicable to Newport Banning Ranch.
	2.4.1-3	Discourage re-use of properties that result in the reduction of coastal dependent commercial uses. Allow the re-use of properties that assure coastal-dependent uses remain, especially in those areas with adequate infrastructure and parcels suitable for redevelopment as an integrated project.	Not applicable to Newport Banning Ranch.

2.4 COASTAL-DEPENDENT/ RELATED DEVELOPMENT			
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	2.4.1-4	Design and site new development to avoid impacts to existing coastal-dependent and coastal-related developments. When reviewing proposals for land use changes, give full consideration to the impact on coastal-dependent and coastal-related land uses including not only the proposed change on the subject property, but also the potential to limit existing coastal-dependent and coastal-related land uses on adjacent properties.	As the project site is currently used solely as a private oil and gas facility, the proposed project will have no impact on existing coastal-dependent or coastal-related developments
	2.4.1-5	Maintain the Recreational and Marine Commercial designation in areas on or near the bay to encourage a continuation of coastal-dependent and coastal-related uses.	Not applicable to Newport Banning Ranch.
	2.4.1-6	Protect and encourage facilities that serve marine-related businesses and industries unless present and foreseeable future demand for such facilities is already adequately provided for in the area. Encourage coastal-dependent industrial facilities to locate or expand within existing sites and allowed reasonable long-term growth.	Not applicable to Newport Banning Ranch.
2.4.2 Public Facilities	2.4.2-1	Continue to designate lands for coastal-dependent/related educational and recreational uses.	The proposed Project provides over 50% of its lands for coastal-dependent open space, parks, and related interpretive, educational, and recreational uses.
2.5 TIDELANDS AND SUBMERGED LANDS			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
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2.5.1 The Tidelands Trust	—	—	No CLUP policies are provided in this category.
2.5.2 Tidelands Leases	2.5.2-1	Administer the use of tidelands and submerged lands in a manner consistent with the tidelands trust and all applicable laws, including Chapter 70 of the Statutes of 1927, the Beacon Bay Bill (Chapter 74, Statutes of 1978), SB 573 (Chapter 317, Statutes of 1997), AB 3139 (Chapter 728, Statutes of 1994), and Chapter 715, Statutes of 1984 and the Coastal Act.	Not applicable to Newport Banning Ranch.
	2.5.2-2	Promote the public's right of access to the ocean, beach, and bay and to the provision of coastal-dependent uses adjacent to the water in the leasing or re-leasing of publicly owned land.	Not applicable to Newport Banning Ranch.
	2.5.2-3	Evaluate and ensure the consistency of the proposed use with the public trust restrictions and the public interest at the time any tideland lease is renegotiated or renewed.	Not applicable to Newport Banning Ranch.
	2.5.2-4	Negotiate or renegotiate tidelands leases at the fair market value based on the uses authorized in the lease and use the funds as required by law or the public trust.	Not applicable to Newport Banning Ranch.
	2.5.2-5	Require public access in a manner consistent with the policies of the Coastal Act and this LCP when the City issues new leases of public land, or renew existing leases. This requirement shall be understood to apply to all other public leaseholds in the coastal zone, including beaches leased to the Lido Isle Association.	Not applicable to Newport Banning Ranch.
2.6 INDUSTRIAL DEVELOPMENT			
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CATEGORY	POLICY		CONSISTENCY ANALYSIS
	Number	Statement	
	2.6-1	In the areas designated for industrial land uses, give priority to coastal-dependent and coastal-related industrial uses over other industrial uses on or near the shoreline.	Not applicable to Newport Banning Ranch.
	2.6-2	Continue to monitor the federal government's offshore oil leasing programs to insure the City and its citizens are fully aware of all proposed offshore activities, which could adversely affect the coastal environment, including participation in the other similar programs.	Not applicable to Newport Banning Ranch.
	2.6-3	Oppose and lobby against proposed lease sales off the coast of Orange County and elsewhere in the Southern California region, which could adversely affect the environment or the economy of the City of Newport Beach.	Not applicable to Newport Banning Ranch.
	2.6-4	Assist jurisdictions in other areas of the state that are opposed to offshore lease sale programs in their vicinity.	Not applicable to Newport Banning Ranch.
	2.6-5	Where feasible, locate new hazardous industrial development away from existing developed areas.	The Project would incentivize consolidation of oil facilities away from existing developed areas as described in the "Oil Consolidation, Abandonment, and Remediation Program" contained in EIR Appendix D (NBR LLC 2008).
	2.6-6	Encourage coastal-dependent industrial facilities to locate or expand within existing sites and permit reasonable long-term growth where consistent with the Coastal Land Use Plan.	Not applicable to Newport Banning Ranch.
2.7 RESIDENTIAL DEVELOPMENT			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	Number	Statement	
	2.7-1	Continue to maintain appropriate setbacks and density, floor area, and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources.	The proposed Project provides residential development regulations, site development standards, and Design Guidelines that protect the character of established surrounding neighborhoods and also, in conjunction with the "NBR Habitat Conservation and Restoration Plan" serve to protect coastal resource and provide significant first time public coastal access to the upland and lowland areas of the Project site.
	2.7-2	Continue the administration of provisions of State law relative to the demolition, conversion and construction of low and moderate-income dwelling units within the coastal zone.	The Proposed project including a minimum of 15% of the new units to be made affordable to very low, low, and/or moderate income households, as described in the "Affordable Housing Implementation Plan" (Council Resolution 2012-60, Exhibit G)..
	2.7-3	Continue to authorize short-term rental of dwelling units pursuant to permits and standard conditions that ensure the rentals will not interfere with public access and enjoyment of coastal resources.	The proposed Project includes residential units within the Resort Colony which will have the option of being rented for short-term lodging by the property owner pursuant to the City's Short Term Lodging Permit regulations.
	2.7-4	Continue to require Report of Residential Building Records inspections prior to the sale of residential properties to reduce and prevent violations of building and zoning codes by providing prospective owners of residential property with information as to permitted and illegal uses and construction	This policy would be applicable to Newport Banning Ranch after initial development and home sales.
2.8 HAZARDS AND PROTECTIVE DEVICES			

CATEGORY	POLICY		CONSISTENCY ANALYSIS
	Number	Statement	
2.8.1 General	2.8.1-1	Review all applications for new development to determine potential threats from coastal and other hazards.	Coastal, geotechnical, and other hazards have been identified in the Draft “Phase I Environmental Site Assessment Update” (Geosyntec 2008; EIR Appendix D, Site Remediation and Hazardous Materials).
	2.8.1-2	Design and site new development to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.	An experienced team of professional wildlife biologists, botanists, and wetland scientists, engineers, and land-use planners were retained by the Landowner/Master Developer to perform a refined constraints analysis and identify bluffs, geotechnical faults, historic and existing oil wells, wetlands, and other sensitive areas. This multi-disciplinary effort resulted in a refined development constraints map which serves as the foundation for the proposed development and restoration plans. The proposed Project has been designed to avoid and/or mitigate these physical and environmental constraints where necessary and minimize risks to life and property from known hazards. No habitable structures are proposed over identified geotechnical fault zones and/or within ten (10) feet of oil wells that will be abandoned to current government standards (see Draft “Oil Facility Consolidation Abandonment and Remediation Program” (NBR LLC 2008)).
	2.8.1-3	Design land divisions, including lot line adjustments, to avoid hazardous areas and minimize risks to life and property from coastal and other hazards.	An experienced team of professional wildlife biologists, botanists, and wetland scientists, engineers, and land-use planners were retained by the Landowner/Master Developer to perform a refined constraints analysis and identify bluffs, geotechnical faults, historic and existing oil wells, wetlands, and other sensitive areas. This multi-disciplinary effort resulted in a refined development constraints map which serves as the foundation for the proposed development. The proposed Project was designed to avoid and/or mitigate these physical and environmental constraints and minimize risks to life and property from known hazards.
	2.8.1-4	Require new development to 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.	Newport Banning Ranch will be graded to meet City requirements while maintaining many of the natural features of the Project site and a 50-foot minimum setback from the top of identified bluffs.
2.8.2 Tsunamis and Rogue Waves	2.8.2-1	Review local and distant tsunami inundation maps for Newport Beach and adjacent coastal communities as they are developed to identify susceptible areas and plan evacuation routes.	Not applicable to Newport Banning Ranch.
	2.8.2-2	Periodically review and update tsunami preparation and response policies/practices to reflect current inundation maps and design standards.	Not applicable to Newport Banning Ranch.
	2.8.2-3	Prepare and deploy a system of tsunami detection and early warning systems.	Not applicable to Newport Banning Ranch.
	2.8.2-5	Include tsunami evacuation route information as part of any overall evacuation route sign program implemented in the City. Evacuation routes off of the peninsula and islands in the Bay should be clearly posted. An evacuation route traffic monitoring system that provides real-time information on the traffic flow at critical roadways should be considered.	Not applicable to Newport Banning Ranch.
	2.8.2-6	Continue projects like the Surfside-Sunset-West Newport Beach Replenishment program to maintain beach width. Wide beaches provide critical protection against tsunami run-up for structures along the oceanfront.	Not applicable to Newport Banning Ranch.
	2.8.2-7	Develop and implement a tsunami educational program for residents, visitors, and people who work in the susceptible areas.	Not applicable to Newport Banning Ranch.

2.8 HAZARDS AND PROTECTIVE DEVICES			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	2.8.2-8	Require overnight visitor-serving facilities in susceptible areas to provide tsunami information and evacuation plans.	Due to the Project site’s proximity to the coast, the Lowland is located within the tsunami warning area designated in the City’s General Plan. However, West Coast Highway and existing development lie between the Project site and the Pacific Ocean. The proposed Project was also evaluated against a tsunami inundation map used for emergency preparedness (Newport Beach Quadrangle, CA Department of Conservation; March 15, 2009). The proposed development footprint remains out of the tsunami inundation area and the impacts from potential tsunami effects under a condition of future sea level rise are considered less than significant. It is also noted that the City has an Emergency Management Plan, which includes procedures and evacuation plans in the event of tsunamis.
	2.8.2-9	Encourage the Newport-Mesa School District to include in their earthquake-preparedness curriculum information specifically related to the natural hazards that Newport Beach’s citizens could face, and what to do about them.	Not applicable to Newport Banning Ranch.
	2.8.2-10	Support tsunami research in the Newport Beach offshore and Newport Bay areas.	This policy applies to the City and is not applicable to the proposed Project.
2.8.3 Storm Surges and Seiches	2.8.3-1	Require all coastal development permit applications for new development on a beach or on a coastal bluff property subject to wave action to assess the potential for flooding or damage from waves, storm surge, or seiches, through a wave uprush and impact reports prepared by a licensed civil engineer with expertise in coastal processes. The conditions that shall be considered in a wave uprush study are : a seasonally eroded beach combined with long-term (75 years) erosion; high tide conditions, combined with long-term (75 year) projections for sea level rise; storm waves from a 100-year event or a storm that compares to the 1982/83 El Nino event.	Not applicable to Newport Banning Ranch.
	2.8.3-2	Prepare and periodically update (every 5 years) comprehensive wave uprush and impact reports for shoreline and coastal bluff areas subject to wave action that will be made available to Landowner/Master Developers for new development on a beach or coastal bluff property for use in fulfilling the requirement of Policy 2.8.3-1 above.	Not applicable to Newport Banning Ranch.
	2.8.3-3	Develop and implement shoreline management plans for shoreline areas subject to wave hazards and erosion. Shoreline management plans should provide for the protection of existing development, public improvements, coastal access, public opportunities for coastal recreation, and coastal resources. Plans must evaluate the feasibility of hazard avoidance, restoration of the sand supply, beach nourishment and planned retreat.	Not applicable to Newport Banning Ranch.
	2.8.3-4	Continue to utilize temporary sand dunes in shoreline areas to protect buildings and infrastructure from wave uprush, while minimizing significant impacts to coastal access and resources.	Not applicable to Newport Banning Ranch.
	2.8.3-5	Encourage the use of sand dunes with native vegetation as a protective device in beach areas.	Not applicable to Newport Banning Ranch.
	2.8.3-6	Encourage the use of non-structural methods, such as dune restoration and sand nourishment, as alternatives to shoreline protective structures.	Not applicable to Newport Banning Ranch.
2.8.4 Hurricanes and Tropical Storms	—	—	No CLUP policies are provided under this category.
2.8.5 Sea Level Rise	—	—	No CLUP policies are provided under this category.

2.8 HAZARDS AND PROTECTIVE DEVICES			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
2.8.6 Coastal Erosion	2.8.6-1	Prepare and periodically update comprehensive studies of seasonal and long-term shoreline change, episodic and chronic bluff retreat, flooding, and local changes in sea levels, and other coastal hazard conditions.	Not applicable to Newport Banning Ranch.
	2.8.6-2	Continue to monitor beach width and elevations and analyze monitoring data to establish approximate thresholds for when beach erosion or deflation will reach a point that it could expose the backshore development to flooding or damage from storm waves.	Not applicable to Newport Banning Ranch.
	2.8.6-3	Develop and implement a comprehensive beach replenishment program to assist in maintaining beach width and elevations. Analyze monitoring data to determine nourishment priorities, and try to use nourishment as shore protection, in lieu of more permanent hard shoreline armoring options.	Not applicable to Newport Banning Ranch.
	2.8.6-4	Maintain existing groin fields and jetties and modify as necessary to eliminate or mitigate adverse effects on shoreline processes.	Not applicable to Newport Banning Ranch.
	2.8.6-5	Permit revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls and other structures altering natural shoreline processes or retaining walls when required to serve coastal-dependent uses or to protect existing principal structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply, unless a waiver of future shoreline protection was required by a previous coastal development permit.	Not applicable to Newport Banning Ranch.
	2.8.6-6	Design and site protective devices to minimize impacts to coastal resources, minimize alteration of natural shoreline processes, provide for coastal access, minimize visual impacts, and eliminate or mitigate adverse impacts on local shoreline sand supply.	Not applicable to Newport Banning Ranch.
	2.8.6-7	Discourage shoreline protective devices on public land to protect private property/development. Site and design any such protective devices as far landward as possible. Such protective devices may be considered only after hazard avoidance, restoration of the sand supply, beach nourishment and planned retreat are exhausted as possible alternatives.	Not applicable to Newport Banning Ranch.
	2.8.6-8	Limit the use of protective devices to the minimum required to protect existing development and prohibit their use to enlarge or expand areas for new development or for new development. "Existing development" for purposes of this policy shall consist only of a principle structure, e.g. residential dwelling, required garage, or second residential unit, and shall not include accessory or ancillary structures such as decks, patios, pools, tennis courts, cabanas, stairs, landscaping etc.	Not applicable to Newport Banning Ranch.
	2.8.6-9	Require property owners to record a waiver of future shoreline protection for new development during the economic life of the structure (75 years) as a condition of approval of a coastal development permit for new development on a beach, shoreline, or bluff that is subject to wave action, erosion, flooding, landslides, or other hazards associated with development on a beach or bluff. Shoreline protection may be permitted to protect existing structures that were legally constructed prior to the certification of the LCP, unless a waiver of future shoreline protection was required by a previous coastal development permit.	Not applicable to Newport Banning Ranch.
	2.8.6-10	Site and design new structures to avoid the need for shoreline and bluff protective devices during the economic life of the structure (75 years). Note: See Section 4.4.3 for Coastal bluff policies.	The proposed Project maintains a minimum 50-foot setback from the top of identified bluffs and proposed building structures, excepting interpretive signage, kiosks, and other structures within the project's trail system which do not require bluff protective devices.

2.8 HAZARDS AND PROTECTIVE DEVICES			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
2.8.7 Geologic and Seismic	2.8.7-1	Conduct hydrological studies of Big Canyon, Buck Gully and Morning Canyon to develop methods to control water quality, sedimentation, erosion, and slope failure and to protect downstream areas from debris flows.	Not applicable to Newport Banning Ranch.
	2.8.7-2	Require new development to provide adequate drainage and erosion control facilities that convey site drainage in a non-erosive manner in order to minimize hazards resulting from increased runoff, erosion and other hydrologic impacts to streams.	The proposed Project includes a “Sewer and Water Facilities Plan” (Fusco Engineering, Inc. 2011) that provides for storm drain and flood control features designed to control off-site flows entering the project while delivering project flows to the downstream receiving waters in a manner that reduces the potential for short-term and long-term flooding and sediment issues. Proposed drainage improvements are designed to stabilize arroyos, minimize erosion and redirect runoff away from bluffs, thus reducing future erosion and the resulting sediment load to the Semeniuk Slough. In addition, buff restoration is proposed to restore areas impacted by oil operations, uncontrolled drainage and erosion, and soil degradation (see NBR CDP Application (February 2013) Development Plan 4-3). These south- and west-facing bluffs would require grading to repair pipeline erosion, restore and revegetate the bluff/slope edge and to limit further degradation; these areas are included within the limits of grading/soil disturbance for the proposed Project. The surface water runoff that currently overtops the bluff/slope edge would be intercepted along the public trail system and would be redirected to minimize continued bluff erosion.
	2.8.7-3	Require applications for new development, where applicable [i.e., in areas of known or potential geologic or seismic hazards], to include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site, any necessary mitigation measures, and contains a statement that the project site is suitable for the proposed development and that the development will be safe from geologic hazard. Require such reports to be signed by a licensed Certified Engineering Geologist or Geotechnical Engineer and subject to review and approval by the City.	The “Report of Geotechnical Studies,” prepared for the Newport Banning Ranch Site (GMU 2011, EIR Appendix B, Geology and Soils), concludes that “it is geotechnically feasible to accomplish the proposed development as presently planned, provided that the recommendations presented in subsequent sections of this report are followed.”
	2.8.7-4	Continue to regularly update building and fire codes to reflect the best available standards for seismic safety design.	Not applicable to Newport Banning Ranch.
	2.8.8 Fire	2.8.8-1	Apply hazard reduction, fuel modification, and other methods to reduce wildfire hazards to existing and new development in urban wildland interface areas.
2.8.8-2		Site and design new development to avoid fire hazards and the need to extend fuel modification zones into sensitive habitats.	The fuel management zones proposed in the “Fire and Life Safety Program” are designed and located to avoid interference with existing sensitive habitats areas (NBR-MDP 2011, Appendix B).
2.8.8-3		Use fire-resistive, native plant species from the City-approved plant list in fuel modification zones abutting sensitive habitats.	The “Fire and Life Safety Program” provides a plant palette consisting of fire-resistant, native plants from the City-approved plant list (NBR-MDP 2011, Appendix C, Plant Palette).
2.8.8-4		Prohibit invasive ornamental plant species in fuel modification zones abutting sensitive habitats.	The “Fire and Life Safety Program” requires both initial and perpetual (on-going) removal of all invasive ornamental plants within fuel management zones (NBR-MDP 2011, Appendix B, Fire and Life Safety Program, and Appendix C, Plant Palette).
2.8.8-5		Continue to maintain a database of parcels in urban wildland interface areas.	Not applicable to Newport Banning Ranch.

2.8 HAZARDS AND PROTECTIVE DEVICES			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	2.8.8-6	Continue annual inspections of parcels in the urban wildland interface areas and, if necessary, direct the property owner to bring the property into compliance with fire inspection standards.	This type of annual inspection program is incorporated into the “Fire and Life Safety Program” for Newport Banning Ranch (NBR-MDP 2011, Appendix B),
	2.8.8-7	Continue to regularly update building and fire codes to reflect the best available standards for fire safety design.	Not applicable to Newport Banning Ranch.
2.9 TRANSPORTATION			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	Number	Statement	
2.9.1 Public Transit	2.9.1-1	Continue to implement the Transportation Demand Management Ordinance.	The proposed Project would implement the City’s Transportation Demand Management (TDM) Ordinance, which promotes and encourages the use of alternative transportation modes, and provides those facilities such as bicycle lanes that support such alternate modes. The proposed 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. An on-site bicycle rack(s) with a minimum of 1 bicycle space per 2,500 sf will be provided at the Resort Inn and commercial use. All multi-family residential uses will provide an on-site bicycle rack(s) with a minimum of 1 bicycle space per 10 dwelling units. Please also refer to EIR Section 5.9, Transportation and Circulation and EIR Section 4.8, Recreation and Trails.
	2.9.1-2	Continue to require new development to dedicate transit facilities, such as bus turnouts, benches, shelters and similar facilities, where appropriate.	The Landowner/Master Developer will work with the City of Newport Beach and the Orange County Transportation Authority to progressively provide on-site transit facilities, including bus stops, turnouts, benches, shelters, and similar facilities, as determined necessary and feasible, where appropriate by the service providers(s).
	2.9.1-3	Locate and design larger commercial and residential developments to facilitate provision or extension of transit service and provide non-automobile circulation within the development to the greatest extent possible.	The Landowner/Master Developer will work with the City and the Orange County Transportation Authority to extend transit services within the Site where feasible. The proposed Project is designed to create a concentrated development with extensive trails and sidewalks to support maximized walkability and bicycling which is further discussed in “Green and Sustainable Community Program” (NBR-MDP 2011, Appendix D).
	2.9.1-4	Encourage the use of commercial and institutional parking areas for use as public parking during weekends and holidays in conjunction with public transit or shuttles to serve coastal recreational areas.	Project provides for public parking in the commercial portions of the Urban Colony and Resort Colony as capacity permits during weekends and holidays and for special events to serve coastal recreational areas, including the public parks and recreation areas within Newport Banning Ranch itself.
	2.9.1-5	Encourage OCTA to continue and expand summer bus service to coastal recreational areas.	The Landowner/Master Developer will coordinate with OCTA to determine the feasibility of expanding a public transit route through the community, and would provide bus stops and/or shelters as needed. See also consistency analyses for Policy 2.9.1-2 and Policy 2.9.1-3, above.

2.9 TRANSPORTATION			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	2.9.1-6	Maintain and enhance existing public water transportation services and encourage and provide incentives for expansion of these uses and land support facilities.	Not applicable to Newport Banning Ranch.
	2.9.1-7	The City shall study alternative funding mechanisms to provide a low-cost public transportation system to serve beach areas impacted by traffic during summertime, peak-use periods. The City shall address feasible implementation measures for a summertime shuttle or other transit opportunities in the Implementation Plan of the LCP.	Not applicable to Newport Banning Ranch.
	2.9.1-8	Employment, retail, and entertainment districts and coastal recreational areas should be well served by public transit and easily accessible to pedestrians and bicyclists. Streets, sidewalks, bicycle paths, and recreational trails (including the Coastal Trail) should be designed and regulated to encourage walking, bicycling, and transit ridership.	The Landowner/Master Developer will work with the City and the Orange County Transportation Authority to extend transit services within the Project site where feasible. The proposed Project is designed to create a concentrated development with extensive trails and sidewalks to support maximized walkability and bicycling which is further discussed in "Green and Sustainable Community Program" (NBR-MDP 2011, Appendix D).
	2.9.1-9	The City shall encourage employers to provide incentives for transit ridership (e.g. subsidies for transit use, shuttles to transit stations), ridesharing, vanpools, and other transportation demand measures designed to reduce vehicle miles traveled.	The Landowner/Master Developer will work with the City and the Orange County Transportation Authority to extend transit services within the Project site where feasible. The proposed Project is designed to create a concentrated development with extensive trails and sidewalks to support maximized walkability and bicycling which is further discussed in "Green and Sustainable Community Program" (NBR-MDP 2011, Appendix D).
	2.9.1-10	Encourage new developments to design projects to facilitate transit ridership and ridesharing through such means as locating and designing building entries that are convenient to pedestrians and transit riders.	The proposed Project is designed to create a concentrated development with extensive trails and sidewalks to support maximized walkability and bicycling which is further discussed in "Green and Sustainable Community Program" (NBR-MDP 2011, Appendix D).
2.9.2 Bikeways and Trails	2.9.2-1	Maintain, expand, and encourage the use of bikeways and trails as alternative circulation routes.	The proposed Project provides approximately seven (7) miles of public interpretative trails, not counting sidewalks adjacent to roads and footpaths within parks. Please see also consistency analysis for Policy 2.9.1-1.
	2.9.2-2	Continue to cooperate with state, federal, county and local agencies to coordinate bikeways and trails throughout the region.	The proposed backbone trail system would provide connections throughout the residential districts and to Canyon Park, Sunset Ridge Park, Talbert and Fairview Nature Preserves, West Coast Highway, and the beach. Please see Chapter 3, Land Use and Development Standards, of the NBR-PCDP for further discussion.
	2.9.2-3	Develop and implement a uniform signing program to assist the public in locating, recognizing, and utilizing public bikeways and trails.	The proposed Project includes a uniform signage program for open space areas, which is provided in Chapter 3, Land Use and Development Standards, of the NBR-PCDP (NBR LLC. 20011).
	2.9.2-4	Design and site new development to provide connections to existing and proposed bikeways and trail systems.	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. In addition, 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.
	2.9.2-5	Where appropriate, provide bicycle racks and hitching posts at public beaches and parks.	The proposed Project incorporates bicycle racks and hitching posts within the proposed Open Space Preserve, Parklands, and Public Interpretive Trails; Urban Colony; and Resort Colony. Please see Policy 2.9.1-1 consistency analysis.

2.9 TRANSPORTATION			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	2.9.2-6	Require new non-residential developments with floor areas of 10,000 square feet or more to provide bicycle racks for use by customers.	The proposed Project will, consistent with this policy, provide adequate bicycle storage in the proposed Open Space Preserve, Parklands, and Public Interpretive Trails; Urban Colony; and Resort Colony, including all non-residential developments with floor areas of 10,000 square feet or more. Please see Policy 2.9.1-1 consistency analysis.
	2.9.2-7	Require new non-residential developments with a total for 100 or more employees to provide bicycle racks, lockers, and showers for use by employees and tenants who commute by bicycle. Note: See Section 3.1 for public access policies.	The proposed Project will, consistent with this policy and if applicable, provide adequate bicycle storage, lockers, and shower facilities for any non-residential development with a total of 100 or more employees in the Resort Inn, and/or Urban Colony. Please see Policy 2.9.1-1 consistency analysis.
2.9.3 Parking	2.9.3-1	Site and design new development to avoid use of parking configurations or parking management programs that are difficult to maintain and enforce.	The proposed Project proposes a parking configuration that promotes shared parking in commercial areas while ensuring adequate parking is available for residences and commercial tenants. The design and management of these programs shall be reasonably easy for the facility operator to maintain and enforce.
	2.9.3-2	Continue to require new development to provide off-street parking sufficient to serve the approved use in order to minimize impacts to public on-street and off-street parking available for coastal access.	The proposed Project provides for adequate on- and off-street parking for approved uses and coastal access. Parking requirements are provided in Chapter 7, Community Regulations of the NBR-PCDP (NBR LLC. 2011).
	2.9.3-3	Require that all proposed development maintain and enhance public access to the coast by providing adequate parking pursuant to the off-street parking regulations of the Zoning Code in effect as of October 13, 2005.	The proposed Project provides for adequate on- and off-street parking for coastal access. Onsite public parking resources would be provided to support access to and use of the proposed parklands and trail system. Approximately 242 on-street public parking spaces would be provided on Scenic Drive, and approximately 188 off-street public parking spaces would be provided within the Community Park areas and the Nature Center. Off-street parking would also be provided for each residential, commercial and resort-inn development area. Parking requirements are provided in NBR-PCDP Chapter 3, Land Use and Development Standards (NBR LLC. 2011).
	2.9.3-4	Periodically review and update off-street parking requirements to ensure that new development provides off-street parking sufficient to serve approved uses.	The proposed Project provides for this policy to be applied either through t the Joint-Use or Shared Parking Program proposed for a certain area or mix of uses within the project.
	2.9.3-5	Continue to require off-street parking in new development to have adequate dimensions, clearances, and access to insure their use.	The proposed Project is consistent with the parking dimensions, clearances, and access requirements provided in Chapter 20.66, Off-Street Parking and Loading Regulations, of the City’s Municipal, as described in Chapter 3, Land Use and Development Standards, of the NBR-PCDP.
	2.9.3-6	Prohibit new development that would result in restrictions on public parking that would impede or restrict public access to beaches, trails or parklands, (including, but not limited to, the posting of "no parking" signs, red curbing, and physical barriers), except where such restrictions are needed to protect public safety and where no other feasible alternative exists to provide public safety.	The proposed Project includes public parking and access to trails, parklands, and open space areas. Public parking would be provided throughout the Project site. With the exception of residential alleys, all streets would be public and many would allow for on-street parking. In addition, the proposed Project will implement a coastal access and parks signage program that will be clear for the public to understand. The Project will not to restrict public parking or impede public access to beaches, trails, parklands, or open space.
	2.9.3-7	If public parking restrictions are allowed to protect public safety, require new development to provide an equivalent quantity of public parking nearby as mitigation for impacts to coastal access and recreation, where feasible.	There is no existing public parking on the Project site, and the Project does not propose public parking restrictions. The proposed Project provides for adequate public parking for the future parks and recreation areas, public interpretive trails, and commercial portions of the Urban Colony and Resort Colony as stated provided in NBR-PCDP Chapter 3, Land Use and Development Standards (NBR LLC. 2011).

2.9 TRANSPORTATION			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	2.9.3-8	Continue to require properties with nonconforming parking to provide code-required off-street parking when new uses, alterations or additions result in increased parking demand.	Not applicable to Newport Banning Ranch.
	2.9.3-9	Approve no application for a modification or waiver of off-street parking requirements that are found to impact public parking available for coastal access.	Not applicable to Newport Banning Ranch. There is no existing public parking on the Project site.
	2.9.3-10	Require new development to minimize curb cuts to protect on-street parking spaces. Close curb cuts to create new public parking wherever feasible.	The Landowner/Master Developer will ensure that curb cuts are minimized and avoided when practical.
	2.9.3-11	Continue to require alley access to parking areas for all new development in areas where alley access exists.	Not applicable to Newport Banning Ranch.
	2.9.3-12	Provide incentives to encourage lot consolidation where lots are of insufficient size to accommodate on-site parking and sufficient commercial intensity of development.	Not applicable to Newport Banning Ranch.
	2.9.3-13	Encourage commercial and institutional development located near beaches and other coastal resources to provide parking for public access during weekends and holidays.	The Landowner/Master Developer will, consistent with City joint-use parking requirements, consider allowing public parking in the commercial portions of the Urban Colony and Resort Colony during weekends and holidays.
	2.9.3-14	Develop parking management programs for coastal zone areas that achieve the following: <ul style="list-style-type: none"> • Provides adequate, convenient parking for residents, guests, business patrons, and visitors of the coastal zone; • Optimizes use of existing parking spaces; • Provides for existing and future land uses; • Reduces traffic congestion; • Limits adverse parking impacts on user groups; • Provides improved parking information and signage; • Generates reasonable revenues to cover City costs; • Accommodates public transit and alternative modes of transportation. 	There is no existing public parking on the Project site. The proposed Project provides adequate public parking for the future parks and recreation areas, public interpretive trails, and commercial portions of the Urban Colony and Resort Colony. The proposed Project will also provide adequate non-public parking for residents, guests, employees, and business patrons utilizing the Project site, consistent with the NBR-PCDP standards. The Landowner/Master Developer will work with the City and the Orange County Transportation Authority to provide on-site bus stops, and other public transit facilities, where determined necessary and feasible.
	2.9.3-15	Set in-lieu parking fees commensurate with actual market value for the provision of off-street parking.	Not applicable to Newport Banning Ranch.
	2.9.3-16	Continue to rigorously enforce parking ordinances.	Not applicable to Newport Banning Ranch.

Section 3.0 Public Access and Recreation

3.1 SHORELINE AND BLUFF TOP ACCESS			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	Number	Statement	
3.1.1 Shoreline Access	3.1.1-1	Protect, and where feasible, expand and enhance public access to and along the shoreline and to beaches, coastal waters, tidelands, coastal parks, and trails.	The Project includes development of a number of public access and recreational amenities and support facilities throughout the site to support access to and use of proposed trails, parklands, and the nearby shoreline. The Project provides public access through the Project site where no public access rights now exist via a continuous bluff-top park and trail that will connect with public interpretive trails and areas in the lowland and upland, and to the Santa Ana River Trail. As a major public amenity, the Project proposes a pedestrian bridge over West Coast Highway connecting the resort and bluff-top park within the Site with beachside neighborhoods and the beach. Finally, the project proposes a Talbert Staging Area (trailhead) from 19 th Street in the northeast corner of the site. Please see also the consistency analysis for Policy 2.3.2-4.
	3.1.1-2	Protect and enhance all existing public street ends providing public access to the shoreline, beaches, coastal parks, and trails.	The proposed Project extends 15 th Street, 16 th Street, and 17 th Street into the Site and proposes an arterial road (Bluff Road) to connect from West Coast Highway through the Site, described in NBR-PCDP Chapter 5, Circulation and Infrastructure Plans (NBR LLC. 2011). These roadway improvements create public access to the project's proposed parks and trails and create public access to existing amenities currently inaccessible by the public.
	3.1.1-3	Develop and implement a uniform coastal access signing program to assist the public in locating, recognizing, and utilizing public access trails. Where appropriate, include information advising the public of environmentally sensitive habitats, safety hazards, and to respect adjacent private property.	A uniform signage program for open space areas is provided for the proposed Project, as included in the NBR-PCDP (NBR LLC. 2011).
	3.1.1-4	Identify and remove all unauthorized structures, including signs and fences, which inhibit public access.	Not applicable to Newport Banning Ranch.
	3.1.1-5	Allow public access improvements in environmentally sensitive habitat areas (ESHA) when sited, designed, and maintained in a manner to avoid or minimize impacts to the ESHA.	The proposed Project proposes several miles of public interpretive trails throughout the upland and lowland areas. The proposed public access trails and staging areas avoid existing identified special-status habitats, utilizing existing oil field roads where possible. Proposed Project improvements have been designed in consideration of topographic and natural resource constraints.
	3.1.1-6	Continue to cooperate with the State Department of Parks and Recreation. The State Department of Fish and Game, the State Coastal Conservancy, Orange County, and private organizations to protect, expand and enhance public access to and along the shoreline and to beaches, coastal parks, and trails.	The Project includes Offers to Dedicate proposed public open space easements and areas, including public parks and trails, to public agencies and/or other qualified non-profit entities to protect, expand and enhance public access to beaches, coastal parks, and trails.
	3.1.1-7	Continue to protect the public's right of access to the sea where acquired through historic use or legislative authorization. Where substantial evidence of prescriptive rights exists, actively pursue public acquisition or require access easements as a condition for new development.	Not applicable to Newport Banning Ranch. There is no known evidence of prescriptive rights on the subject property.
	3.1.1-8	Where there is substantial evidence that prescriptive rights of access to the beach exist on a parcel, development on that parcel must be designed, or conditions must be imposed, to avoid interference with the prescriptive rights that may exist or to provide alternative, equivalent access.	Not applicable to Newport Banning Ranch. There is no known evidence of prescriptive rights on the subject property.
	3.1.1-9	Protect, expand, and enhance a system of public coastal access that achieves the following: <ul style="list-style-type: none"> • Maximizes public access to and along the shoreline; • Includes pedestrian, hiking, bicycle, and equestrian trails; 	The proposed Project includes a series of public trails to provide coastal access with approximately seven (7) miles of public interpretive trails, not counting sidewalks adjacent to roads and footpaths within parks. The backbone trail system provides connections to Canyon Park, proposed Sunset

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	<ul style="list-style-type: none"> • Provides connections to beaches, parks, and recreational facilities; • Provides connections with trail systems of adjacent jurisdictions; • Provides access to coastal view corridors; • Facilitates alternative modes of transportation; • Minimizes alterations to natural landforms; • Protects environmentally sensitive habitat areas; • Does not violate private property rights. 	<p>Ridge Park, Talbert and Fairview Nature Preserves, West Coast Highway, and the beach. Vistas have been provided within the parks and trails systems to highlight key landforms and take advantage of the Site’s visual resources – no public views exist today. Many of the natural features of the Project site, including identified and degraded bluffs and eroded slopes, will be restored and maintained.</p> <p>Please see the consistency analysis for Policy 2.3.2-4.</p>
3.1.1-10	Cooperate with state agencies in planning and implementing the Newport Beach segment of the California Coastal Trail.	Not applicable to Newport Banning Ranch. All Newport Beach segments of the California Coastal Trail have been determined to be adequate as illustrated on Map 6 of the Coastal Trail Bill (SB908) prepared January 2003 by the Coastal Conservancy.
3.1.1-11	Require new development to minimize impacts to public access to and along the shoreline.	Not applicable to Newport Banning Ranch.
3.1.1-12	Implement building design and siting regulations to protect public access through setback and other property development regulations of the Zoning Code that control building placement.	The NBR-PCDP prepared for the proposed Project provides development regulations, site development standards, and related building and siting, with additional architectural and landscape design criteria in the Design Guidelines, all which serve to protect, improve and create public and coastal access.
3.1.1-13	Require a direct dedication or an Offer to Dedicate (OTD) an easement for lateral public access for all new shorefront development causing or contributing to adverse public access impacts. Such dedication or easement shall extend from the limits of public ownership (e.g. mean high tide line) landward to a fixed point seaward of the primary extent of development (e.g. intersection of sand with toe or top of revetment, vertical face of seawall, dripline of deck, or toe of bluff).	Not applicable to Newport Banning Ranch.
3.1.1-14	Require a direct dedication or an Offer to Dedicate (OTD) an easement for vertical access in all new development projects causing or contributing to adverse public access impacts, unless adequate access is available nearby. Vertical accessways shall be a sufficient size to accommodate two-way pedestrian passage and landscape buffer and should be sited along the border or side property line of the project site or away from existing or proposed development to the maximum feasible extent.	Not applicable to Newport Banning Ranch.
3.1.1-15	Encourage the acceptance, improvement and opening of OTDs to the public by the City, a public agency, a private association, or other appropriate entity.	The Project includes Offers to Dedicate proposed public open space easements and areas, including public parks and trails, to public agencies and/or other qualified non-profit entities to protect, expand and enhance public access to beaches, coastal parks, and trails.
3.1.1-16	Require all direct dedications or OTDs for public access to be made to a public agency or other appropriate entity that will operate the accessway on behalf of the public. Require accessways to be opened to the public once an appropriate entity accepts responsibility for maintenance and liability.	The Project includes Offers to Dedicate proposed public open space easements and areas, including public parks and trails, to public agencies and/or other qualified non-profit entities to protect, expand and enhance public access to beaches, coastal parks, and trails.
3.1.1-17	Require new development in waterfront commercial areas to provide public access easements to and along the waterfront. Where appropriate, integrate public access easements into the project designs, such as restaurants with outdoor waterfront dining areas and boarding areas for charter and excursion vessels.	Not applicable to Newport Banning Ranch.
3.1.1-18	Require new development on ocean-fronting, residentially zoned properties located between the Santa Ana River Jetties and the Newport Harbor West Jetty to conform to the setback requirements of the Zoning Code in effect as of October 13, 2005 to prevent impacts to public access.	Not applicable to Newport Banning Ranch.

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CATEGORY	POLICY		CONSISTENCY ANALYSIS
	3.1.1-19	Develop and implement a long-range plan for public trails and walkways to access all appropriate commercial areas of the harbor.	Not applicable to Newport Banning Ranch.
	3.1.1-20	Extend the Lido Marina Village boardwalk across all of the waterfront commercial properties in Lido Village.	Not applicable to Newport Banning Ranch.
	3.1.1-21	Provide a continuous waterfront walkway along the Rhine Channel connecting Cannery Village and McFadden Square waterfront commercial areas with Las Arenas Beach at 19th Street.	Not applicable to Newport Banning Ranch.
	3.1.1-22	Provide a walkway connecting the Lido Village area with Mariner's Mile, if feasible.	Not applicable to Newport Banning Ranch.
	3.1.1-23	Provide a continuous walkway along the Mariner's Mile waterfront from the Coast Highway/Newport Boulevard Bridge to the Balboa Bay Club.	Not applicable to Newport Banning Ranch.
	3.1.1-24	Encourage the creation of new public vertical accessways where feasible, including Corona del Mar and other areas of limited public accessibility.	The proposed Project provides vistas within the parks and trails systems to highlight key landforms and take advantage of the site's visual resources – no public views exist today. This includes several trails that serve as vertical accessways connecting the upland and lowland areas of the Project site, including a trail in the Large Arroyo, a trail below the Interpretive Nature Center, and two trails from the lowlands – one to the Bluff-top Park and the other to an upland viewpoint north of the Middle Arroyo.
	3.1.1-25	Where marine sales and service equipment and operations present security or public safety concerns, waterfront access detours may be necessary in some areas in order to maintain facilities and services essential to the operation of the harbor.	Not applicable to Newport Banning Ranch.
	3.1.1-26	Consistent with the policies above, provide maximum public access from the nearest public roadway to the shoreline and along the shoreline with new development except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources or (2) adequate access exists nearby.	The Project proposes a bridge over West Coast Highway connecting inland coastal areas, including NBR's lowlands and uplands trail systems (which are proposed also to connect to the Santa Ana River Trail), to the shoreline areas on the other side.
	3.1.1-27	Implement public access policies 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: <ul style="list-style-type: none"> • Topographic and geologic site characteristics; • Capacity of the site to sustain use and at what level of intensity; • Fragility of natural resource areas; • Proximity to residential uses; • Public safety services, including lifeguards, fire, and police access; • Support facilities, including parking and restrooms; • Management and maintenance of the access; • The need to balance constitutional rights of individual property owners and the public's constitutional rights of access. 	The over seven (7) miles of public trails and access that the Project proposes are carefully located and designed to be consistent with and implement these policy considerations. Project improvements have been designed in consideration of topographic and natural resource constraints, as well as minimizing conflicts with adjacent residential development. Proposed trail and staging area improvements include primarily low-intensity uses that would largely be located along the seaward edge of the proposed development (along the upland edge and bluff, and within the lowlands), away from adjacent developed neighborhoods, and are sited and designed to be noninvasive on the natural topography and to minimize impacts to sensitive habitat areas. The large majority of trails and parklands would be located in relatively level, disturbed areas containing existing oil field infrastructure. In consideration of site topography and natural resource constraints, public access through the Open Space Preserve would be limited to a trail system utilizing existing oil field roads to minimize impacts, and would be managed to ensure public access and recreational use of the site would not degrade the restored and enhanced habitat areas.
	3.1.1-28	Encourage the creation of waterfront public spaces and beaches, with adjacent water access and docking facilities that serves as the identity and activity “centers” of Newport Harbor for special events of community/regional interest.	Not applicable to Newport Banning Ranch.

3.1 SHORELINE AND BLUFF TOP ACCESS			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
3.1.2 Bluff Top Access	3.1.2-1	Protect, and where feasible, expand and enhance public access to and along coastal bluffs.	The proposed Project provides a public linear park and trails along the length of the City-identified bluffs and slopes shown on the City's General Plan Figure LU 17.
	3.1.2-2	Site, design, and maintain public access improvements in a manner to avoid or minimize impacts to coastal bluffs (see Section 4.4.3).	Public access improvements proposed along identified bluffs are designated for passive recreation and interpretive use and have been located, sized, and designed to avoid and minimize impacts to project bluffs and slopes.
	3.1.2-3	Continue to cooperate with the State Department of Parks and Recreation, the State Department of Fish and Game, the State Coastal Conservancy, Orange County, and private organizations to protect, expand and enhance public access to and along coastal bluffs.	The proposed Project provides a public linear park along the project's identified bluffs. The Landowner/Master Developer intends to make an irrevocable Offer to Dedicate for public linear park, and other public open space easements and areas, to public agencies or other qualified non-profit entities.
3.1.3 Beach Encroachments	3.1.3-1	Continue to maintain and improve the Oceanfront public right-of-way for public access purposes.	Not applicable to Newport Banning Ranch.
	3.1.3-2	Continue to restrict the nature and extent of improvements that may be installed over public rights of way on the oceanside of beachfront residences and to preserve the City's right to utilize oceanfront street easements for public projects.	Not applicable to Newport Banning Ranch.
	3.1.3-3	Limit the maximum oceanward extent of encroachments to the following encroachment zones: A. Santa Ana River to 52nd Street. A maximum of 15 feet oceanward of the rear (ocean facing) property line within the oceanward prolongation of the side property lines. B. 52nd Street to 36th Street. A maximum of 10 feet oceanward of the rear (ocean facing) property line within the oceanward prolongation of the side property lines. C. 36th Street to E Street. Between A Street and a point 250 feet southeast of E Street, up to the inland edge of the Oceanfront Boardwalk (7 to 8 feet oceanward of the rear property line) and within an oceanward prolongation of the side property lines. D. E Street to Channel Road. No encroachments are permitted from a point 250 feet southeast of E Street to Channel Road, with the exception of landscaping trees existing prior to October 22, 1991 and groundcover.	Not applicable to Newport Banning Ranch.

3.1 SHORELINE AND BLUFF TOP ACCESS		
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	<p>3.1.3-4 Limit encroachments within encroachment zones as follows:</p> <p>A. Prohibit any structural, electrical, plumbing or other improvements that require issuance of a building permit.</p> <p>B. Prohibit pressurized irrigation lines and valves.</p> <p>C. Prohibit any object that exceeds 36 inches in height, with the exception of landscaping.</p> <p>D. Prohibit any encroachments that impact public access, recreation, views and/or coastal resources.</p> <p>E. Require landscaping to be designed and maintained to avoid impacts to public access and views.</p> <p>F. Restrict landscaping in dune habitat areas to native vegetation.</p>	Not applicable to Newport Banning Ranch.
	<p>3.1.3-5 Require annual renewal of encroachment permits and a fee.</p>	Not applicable to Newport Banning Ranch.
	<p>3.1.3-6 Require encroachment permits to specify that the property owner waives and gives up any right to contest the validity of the oceanfront street easement, and that the encroachment permit is revocable, without cause, if the City proposes to construct public improvements within that zone.</p>	Not applicable to Newport Banning Ranch.
	<p>3.1.3-7 Require encroachment permits to specify that the construction of any seawall, revetment or other erosion control devices, if necessary, shall occur within, or as close as feasible to, private property.</p>	Not applicable to Newport Banning Ranch.
	<p>3.1.3-8 Incorporate into the implementation plan regulations specifying the types of improvements permitted within encroachment zones, a prohibition on improvements that could impair or restrict public access or views, procedures for the encroachment permit applications, City administration of the policy, and other appropriate provisions.</p>	Not applicable to Newport Banning Ranch.
	<p>3.1.3-9 As mitigation for any impact on beach access resulting from the encroachments:</p> <p>A. Maintain 33 street ends between 36th Street and Summit to provide an average of 2 parking spaces per street, and additional spaces where feasible.</p> <p>B. Meter West Newport street end parking spaces in the same manner as the West Newport Park in order to encourage public use of the spaces.</p> <p>C. Maintain a hard surface walkway perpendicular to Seashore Drive at Orange Avenue. The walkway shall extend oceanward a sufficient distance to allow a view of the surfline by an individual seated in a wheelchair. At least one handicapped parking space shall be designated at the Orange Avenue street end and at least one other handicapped parking space at one other West Newport street end.</p> <p>D. Require a minimum of 85 percent of the fees generated by encroachments will be used for the construction and maintenance of improvements which directly benefit the beach-going public such as parking spaces, restrooms, vertical or lateral walkways along the beach and similar projects.</p>	Not applicable to Newport Banning Ranch.

3.1 SHORELINE AND BLUFF TOP ACCESS			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
3.1.4 Bay/Harbor Encroachments	3.1.4-1	Continue to regulate the construction of bay and harbor structures within established Bulkhead Lines, Pierhead Lines, and Project Lines.	Not applicable to Newport Banning Ranch.
	3.1.4-2	When applicable, continue to require evidence of approval from the County of Orange, Coastal Commission, U.S. Army Corps of Engineers, and other resource management agencies, prior to issuing permits.	Not applicable to Newport Banning Ranch.
	3.1.4-3	Design and site piers, including remodels of and additions to existing piers so as not to obstruct public lateral access and to minimize impacts to coastal views and coastal resources.	Not applicable to Newport Banning Ranch.
	3.1.4-4	In residential areas, limit structures bayward of the bulkhead line to piers and floats. Limit appurtenances and storage areas to those related to vessel launching and berthing.	Not applicable to Newport Banning Ranch.
	3.1.4-5	Encourage the joint ownership of piers at the prolongation of common lot lines as a means of reducing the number of piers along the shoreline.	Not applicable to Newport Banning Ranch.
	3.1.4-6	Continue to prohibit private piers at street ends.	Not applicable to Newport Banning Ranch.
	3.1.4-7	Design and site bulkheads to protect the character of the existing shoreline profiles and avoid encroachment onto public tidelands.	Not applicable to Newport Banning Ranch.
	3.1.4-8	Limit bulkhead expansion or encroachment into coastal waters to the minimum extent necessary to repair, maintain, or replace an existing bulkhead and do not allow the backfill to create new usable residential land areas.	Not applicable to Newport Banning Ranch.
3.1.5 Private/Gated Communities	3.1.5-1	Prohibit new development that incorporate gates, guardhouses, barriers or other structures designed to regulate or restrict access where they would inhibit public access to and along the shoreline and to beaches, coastal parks, trails, or coastal bluffs.	The proposed Project does not incorporate gates, guardhouses, barriers or other restrictive structures to inhibit public access to and along future coastal park trails or project bluffs. All public parks and recreation areas, and interpretive trails will be dedicated and made available to the public. All roads within the project, except private driveways within mixed-use, attached, and higher density condominium and apartment residential areas which provide direct access to garages and other resident parking facilities, will be open to the general public.
	3.1.5-2	Prohibit new private streets, or the conversion of public streets to private streets, where such a conversion would inhibit public access to and along the shoreline and to beaches, coastal parks, trails, or coastal bluffs.	All roads within the Project, except private driveways within residential areas which provide direct access to garages and other resident parking facilities, will be open to the general public.
	3.1.5-3	Require public access consistent with public access policies for any new development in private/gated communities causing or contributing to adverse public access impacts.	Not Applicable to Newport Banning Ranch. The proposed Project does not allow the development of any private/gated community.
3.1.6 Preferential Parking Districts	3.1.6-1	Prohibit the establishment of new preferential parking districts in the coastal zone except where such restrictions would not have a direct impact to coastal access, including the ability to use public parking.	The Project does not propose to establish a preferential parking district. The proposed Project provides for public parking throughout the Project site. The only situation that would change this direction would be if uncontrolled public parking had significant negative impacts on local residents or businesses in which case some provision for preferential parking might be considered, consistent with the policy that any such restrictions “would not have a direct impact on coastal access, including the ability to use public parking.”
	3.1.6-2	Require a coastal development permit to establish new, or modify existing, preferential parking districts.	The NBR-PCDP requires that a CDP shall be required to establish new, or modify existing, preferential parking districts.

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	3.1.6-3	Use preferential parking permit fees to fund programs to mitigate impacts to coastal access.	The NBR-PCDP requires that a CDP shall be required to establish new, or modify existing, preferential parking districts.
	3.1.6-4	Where appropriate, establish a graduated preferential parking permit fee schedule where progressively higher fees are required for each permit for households with multiple permits.	The NBR-PCDP requires that a CDP shall be required to establish new, or modify existing, preferential parking districts.
	3.1.6-5	Limit the number of preferential parking permits issued per household to reduce potential adverse impacts to public access.	The NBR-PCDP requires that a CDP shall be required to establish new, or modify existing, preferential parking districts.
3.1.7 Temporary Events	3.1.7-1	Continue to require special event permits for temporary events and continue to require applications to provide details on event characteristics, including duration (including set up/assembly and break down/dismantle start and completion times), event hours, per day estimated attendance, parking arrangements, traffic control, noise control, waste removal, insurance, equipment to be used, food service, entertainment, sponsorships, and advertising and marketing plans.	The NBR-PCDP requires Special Event Permits for Temporary Events.
	3.1.7-2	Condition special event permits for temporary uses in the coastal zone to minimize impacts to public access, recreation and coastal resources.	Not applicable to Newport Banning Ranch.
	3.1.7-3	Continue to limit the number and frequency of temporary events in the coastal zone held from the Memorial Day weekend to Labor Day.	Not applicable to Newport Banning Ranch.
	3.1.7-4	Require a coastal development permit for temporary events held in the coastal zone that meet all of the following criteria: 1. Held between the Memorial Day weekend and Labor Day; 2. Occupy any portion of a public sandy beach area; and 3. Involve a charge for general public admission where no fee is currently charged for use of the same area. A coastal development permit shall also be required for temporary events that do not meet all of these criteria, but have the potential to result in significant adverse impacts to public access, recreation and/or coastal resources.	Not applicable to Newport Banning Ranch.
3.1.8 Temporary Closures	3.1.8-1	Pursuant to the Section 21101 of the Vehicle Code, the City may adopt rules and regulations regarding the temporary closing of portions of any street for celebrations, parades, local special events, and other purposes when necessary for public safety.	Not applicable to Newport Banning Ranch.
	3.1.8-2	The City may temporarily close certain streets in West Newport for a period of no more than twenty-four hours during the Independence Day holiday when, in the opinion of the Police Chief or his designee, the closure is necessary to protect the public safety. In no event shall any street closure prevent or interfere with the public's access to the beach or bay.	Not applicable to Newport Banning Ranch.
3.2 RECREATION AND SUPPORT FACILITIES			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
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3.2 RECREATION AND SUPPORT FACILITIES			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
3.2.1 Recreational Opportunities	3.2.1-1	Protect, and where feasible, expand and enhance recreational opportunities in the coastal zone.	<p>The proposed Project would introduce new, recreational resources to the project area by creating an interconnected system of trails, natural open space and public parklands, and constructing park-specific improvements to maximize access and recreation opportunities on the site and to adjacent parklands. The proposed Project provides for development of a number of new coastal trails and a range of parklands, which would maximize public access and recreation opportunities in the project area for both residents and visitors with diverse backgrounds, interests, ages, and abilities. In addition, the Project includes development of a number of support facilities throughout the site to support access to and use of trails and parklands, where limited support facilities are currently available, including public parking, trailhead improvements, interpretive amenities, trash receptacles, restrooms, and picnic areas.</p> <p>Included in the Project are approximately 51.4 acres of public parks and a local trail system comprised of off-street multi-use trails, on-street bike trails, and pedestrian paths that would connect to the existing regional trail system. The Project includes areas for a diverse public park system to include active, passive, and interpretive recreation opportunities. The Project would include an approximate 26.8 acre Community Park, a 20.9 acre Bluff Park, and approximately 3.7 acres of interpretive parks. The public Bluff Park would act as a visual and passive recreational amenity, trail corridor, and a transition between open space and proposed development.</p> <p>Additionally, a pedestrian and bicycle bridge spanning West Coast Highway would provide north-south access to the site and the Pacific Ocean without having to cross West Coast Highway at the street level, and would encourage walking and bicycling to and from the beach. The Project also designates more than 252 acres of the Project site as Open Space, including wetland restoration/water quality areas, interpretive trails, habitat restoration areas, and habitat preservation areas, providing educational opportunities for individuals utilizing the Project's trail system. Public parking and regional trail staging areas would be provided in multiple locations on the Project site within the Community Park, along Scenic Drive at the Nature Center, and within the Resort Colony planning area, and would provide additional access and connectivity to trails within Fairview Regional Park and the Talbert Preserve.</p> <p>The proposed 2.2-acre Nature Center within the Interpretive Park area would include a nature center building and amphitheater for indoor/outdoor educational programs and would include public parking. The proposed approximate 0.1-acre (gross and net) Talbert Trailhead site in the upland open space area west of North Bluff Road and south of 19th Street would serve as a trailhead to on-site trails and connect to the Talbert Nature Preserve north of the Project site. The Talbert Trailhead Park would also provide a platform for public viewing of open space areas and directional and interpretive signage to on-site and off-site trails. The proposed trail system would include the multi-use trails, all of which would be privately developed as part of the Project and permanently accessible to the public. Bluff Park and the Interpretive Parks would also be privately developed as a part of the Project, but would be permanently accessible to the public.</p> <p>The North Community Park is proposed to include public restroom facilities, trails, and seating areas and approximately 174 off-street public parking spaces would be provided in two locations within the North Community Park area. A small parking area (approximately 19 spaces) would be constructed</p>

3.2 RECREATION AND SUPPORT FACILITIES		
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		with ingress/egress from 16th Street. The remainder of the parking (approximately 155 spaces) would be provided along the western boundary of the park with ingress/egress from North Bluff Road. The Central and South Community Park areas would include picnic areas and open turf areas and a parking area (approximately 25 parking spaces) would be provided as part of the Central Community Park area to replace the off-site office building's parking spaces that would be removed to allow for the extension of 15th Street between Monrovia Avenue and the Project site. This parking would be in addition to the Community Park public parking and is proposed to be accessible to park users during non-business hours.
	3.2.1-2 Continue to provide opportunities for a wide range of recreational activities at City parks and beaches.	The proposed Project designates over 52 acres (approximately 37 above Quimby requirement) for public parks and recreation and approximately seven (7) miles of public interpretive trails. A public community park over 20 acres provides the opportunity for a range of recreational activities. See consistency analysis for Policy 3.2.1-1.
	3.2.1-3 Provide adequate park and recreational facilities to accommodate the needs of new residents when allowing new development.	The proposed Project designates over 52 acres (approximately 37 above Quimby requirement) for public parks and recreation and approximately seven (7) miles of public interpretive trails. See consistency analysis for Policy 3.2.1-1.
	3.2.1-4 Continue to cooperate with the State Department of Parks and Recreation, the State Department of Fish and Game, and Orange County to protect, expand and enhance opportunities for recreational activities at County and State beaches and parks.	Not applicable to Newport Banning Ranch.
	3.2.1-5 Continue to allow recreational commercial uses in commercial areas adjacent to beaches and the bay.	Not applicable to Newport Banning Ranch.
3.2.2 Support Facilities and Services	3.2.2-1 Continue to protect public coastal access recreational opportunities through the provision of adequate support facilities and services.	The proposed Project designates over 52 acres (approximately 37 above Quimby requirement) for public parks and recreation and approximately seven (7) miles of public interpretive trails, and the opportunity for a pedestrian and bicycle bridge to the West Newport beaches. See consistency analysis for Policy 3.2.1-1.
	3.2.2-2 Distribute support facilities and services in coastal areas to avoid overcrowding and overuse by the public.	The coastal access facilities and services provided by the proposed Project are not concentrated in one portion of the project, but rather spatially dispersed throughout the Site and connected by a backbone trail system. See consistency analysis for Policy 3.2.1-1.
	3.2.2-3 Maintain the ability to distribute, remove and relocate support facilities and services in coastal areas in response to changes in demographics and recreational interests while continuing to provide comparable facilities and levels of service.	Not applicable to Newport Banning Ranch.
	3.2.2-4 Develop parking management programs for coastal zone areas to minimize parking use conflicts between commercial uses, residential uses, and coastal zone visitors during peak summer months.	Implementation of a parking management program will be evaluated in the project site plans for the public community part, Resort Colony and Urban Colony. See consistency analysis for Policy 3.2.1-1.
	3.2.2-5 Continue to cooperate with the State Department of Parks and Recreation, the State Department of Fish and Game, Orange County, and private organizations to protect, expand and enhance support facilities and services at County and State beaches and parks.	Not applicable to Newport Banning Ranch.
	3.2.2-6 As part of a uniform coastal access signing program, provide information to direct the public to parking areas, restrooms, and other support facilities.	A uniform signage program for open space areas is provided for the proposed Project, as described in the NBR-PCDP (NBR LLC. 2011).

3.2 RECREATION AND SUPPORT FACILITIES			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
3.2.3 Access for Persons with Disabilities	3.2.3-1	Ensure that planned public facilities include provisions for adequate access for the persons with disabilities and that existing facilities are appropriately retrofitted to include such access as required by the Americans with Disabilities Act in a manner consistent with the protection of coastal resources.	The proposed Project will meet Americans with Disabilities Act (ADA) requirements for the Public Bluff Park and Public Community Park. Transitional trails between the upland and lowland may be more challenging due to grading restrictions, but will meet ADA accessible requirements where determined feasible by a qualified engineer,
	3.2.3-2	Continue to provide beach wheelchairs commensurate with demand.	Not applicable to Newport Banning Ranch.
	3.2.3-3	Design guardrails on piers, trails, and public viewing areas to take into consideration the views at the eye level of persons in wheelchairs.	The proposed Project will meet City requirements for guardrail design.
	3.2.3-4	Encourage the State Department of Parks and Recreation, the State Department of Fish and Game, and Orange County to provide accessible facilities at County and State beaches and parks.	Not applicable to Newport Banning Ranch.
3.3 VESSEL LAUNCHING, BERTHING, AND STORAGE			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	Number	Statement	
3.3.1 Vessel Launching	3.3.1-1	Protect, and where feasible, expand and enhance vessel launching facilities in Newport Harbor.	Not applicable to Newport Banning Ranch.
	3.3.1-2	Protect, and where feasible, expand and enhance low-cost public launching facilities, such as trailer launch ramps, boat hoists, commercial landing facilities, and organized recreational boating launch facilities.	Not applicable to Newport Banning Ranch.
	3.3.1-3	Develop and implement a signage program to assist boat owners/operators and the public to locate public launching facilities.	Not applicable to Newport Banning Ranch.
3.3.2 Berthing and Storage	3.3.2-1	Provide a variety of berthing opportunities reflecting State and regional demand for slip size and affordability throughout Newport Harbor.	Not applicable to Newport Banning Ranch.
	3.3.2-2	Protect, and where feasible, enhance and expand marinas and dry boat storage facilities.	Not applicable to Newport Banning Ranch.
	3.3.2-3	Continue to provide shore moorings and offshore moorings as an important source of low-cost public access to the water and harbor.	Not applicable to Newport Banning Ranch.
	3.3.2-4	Provide anchorages in designated areas, which minimize interference with navigation and where shore access and support facilities are available.	Not applicable to Newport Banning Ranch.
	3.3.2-5	Continue to enforce the ordinances that require moored and docked vessels to be seaworthy and navigable and thereby preserve the positive image of the harbor and promote public use of the water.	Not applicable to Newport Banning Ranch.
	3.3.2-6	Protect, and where feasible, enhance and expand guest docks at public facilities, yacht clubs and at privately owned marinas, restaurants and other appropriate locations.	Not applicable to Newport Banning Ranch.
	3.3.2-7	Protect, and where feasible, expand and enhance facilities and services for visiting vessels, including public mooring and docking facilities, dinghy docks, guest docks, club guest docks, pump-out stations and other features, through City, County, and private means.	Not applicable to Newport Banning Ranch.

3.3 VESSEL LAUNCHING, BERTHING, AND STORAGE			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
3.3.3 Harbor Support Facilities	3.3.3-1	Protect, and where feasible, expand and enhance facilities necessary to support vessels berthed or moored in the harbor, such as boat haul out facilities.	Not applicable to Newport Banning Ranch.
	3.3.3-2	Protect, and where feasible, expand and enhance existing harbor support uses serving the needs of existing waterfront uses, recreational boaters, the boating community, and visiting vessels.	Not applicable to Newport Banning Ranch.
	3.3.3-3	In considering the essential nature of land uses that support the harbor, consider whether or not such support uses can be relocated to inland locations and/or if technological advances will eliminate the need such support uses in the foreseeable future.	Not applicable to Newport Banning Ranch.
	3.3.3-4	Support private sector uses, such as vessel assistance, that provide emergency, environmental enhancement and other services that are not provided by the public sector and that are essential to the operation of a working harbor.	Not applicable to Newport Banning Ranch.
	3.3.3-5	Develop strategies to preserve uses that provide essential support for the vessels berthed or moored in the Harbor.	Not applicable to Newport Banning Ranch.
	3.3.3-6	Develop and implement a signing program to assist owners/operators of visiting vessels to locate harbor support facilities.	Not applicable to Newport Banning Ranch.

Section 4.0 Coastal Resource Protection

4.1 BIOLOGICAL RESOURCES			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	Number	Statement	
4.1.1 Environmentally Sensitive Habitats	4.1.1-1	<p>Define 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 as an environmentally sensitive habitat area (ESHA). Using a site-specific survey and analysis by a qualified biologist, evaluate the following attributes when determining whether a habitat area meets the definition of an ESHA:</p> <ul style="list-style-type: none"> A. The presence of natural communities that have been identified as rare by the California Department of Fish and Game. B. The recorded or potential presence of plant or animal species designated as rare, threatened, or endangered under State or Federal law. C. The presence or potential presence of plant or animal species that are not listed under State or Federal law, but for which there is other compelling evidence of rarity, such as designation as a 1B or 2 species by the California Native Plant Society. D. The presence of coastal streams. E. The degree of habitat integrity and connectivity to other natural areas. <p>Attributes to be evaluated when determining a habitat's integrity/connectivity include the habitat's patch size and connectivity, dominance by invasive/non-native species, the level of disturbance, the proximity to development, and the level of fragmentation and isolation. Existing developed areas and existing fuel modification areas required by the City of Newport Beach Fire Department or the Orange County Fire Authority for existing, legal structures do not meet the definition of ESHA.</p>	<p>An experienced team of professional wildlife biologists, botanists, wetland scientists, and land-use planners performed a constraints analysis identifying special-status plants, animals, and their habitats. Sensitive vegetation communities and habitats including wetlands and native grasslands were also delineated on the base map. This effort resulted in a comprehensive biological resources map which serves as the foundation for development constraints. Acknowledging these important resources, development at Newport Banning Ranch has been concentrated to avoid impacts to sensitive habitat to the greatest extent feasible.</p> <ul style="list-style-type: none"> A. Dudek reevaluated the natural communities occurring on the property in 2012 utilizing standard methodologies per the California Department of Fish and Game's Natural Communities List (September 2010) and Manual of California Vegetation, Second Edition (2010). All rare plant communities listed in the CNDDB were recognized. <p>Please refer to Appendix B <i>Revised</i> Grassland Assessment and Vegetation Mapping Survey Report (Dudek 2013a).</p> <ul style="list-style-type: none"> B. Dudek, Glenn Lukos and Associate (GLA), and Envicom biologists conducted numerous focused and protocol surveys for State and Federally listed plant and animal species over the entire property. <p>Please refer to the Special-Status Species Map for the Newport Banning Ranch.</p> <ul style="list-style-type: none"> C. As with B., all rare species, including those not listed as threatened or endangered under State and Federal law, were surveyed according to standard methodologies or protocol, as appropriate. Please refer to technical studies and figures (or exhibits) listed in C. D. GLA (2008) conducted a wetland delineation and jurisdictional determination for Coastal Streams on the site. Bonterra (2011) field reviewed GLA's results. All information related to coastal streams is located in the Final EIR, including technical appendices, for the Newport Banning Ranch (Bon Terra 2011) E. Habitat integrity/connectivity was assessed using patch size and connectivity, dominance by invasive/non-native species, the level of disturbance, the proximity to development, and the level of fragmentation and isolation. Existing developed areas and existing fuel modification areas required by the City of Newport Beach Fire Department or the Orange County Fire Authority for existing, legal structures were not included in the assessment.
	4.1.1-2	Require a site-specific survey and analysis prepared by a qualified biologist as a filing requirement for coastal development permit applications where development would occur within or adjacent to	Focused survey data that was collected by qualified biologists from 1992 to 2013 and was recorded and compiled in technical biological reports as presented in 4.1.1-2 and displayed on the Special

4.1 BIOLOGICAL RESOURCES		
CATEGORY	POLICY	CONSISTENCY ANALYSIS
	areas identified as a potential ESHA. Identify ESHA as habitats or natural communities listed in Section 4.1.1 that possess any of the attributes listed in Policy 4.1.1-1. The ESA's depicted on Map 4-1 shall represent a preliminary mapping of areas containing potential ESHA.	Status Species map. All wildlife species and habitats utilized by these species were analyzed in respect to habitat sensitivity, or lack thereof. Additionally, the extents of all special-status plant populations were delineated. Please refer to the Resource Constraints Plan, which includes a comprehensive presentation of sensitive biological resource data. This map was further simplified to clearly define ESHA and the development area.
4.1.1-3	Prohibit new development that would necessitate fuel modification in ESHA.	The proposed Project includes fuel modification between native open space areas and development. However, the fuel management zones proposed in the "Fire and Life Safety Program" avoid interference with existing sensitive habitats areas and no fuel modification is proposed within identified social-status habitats (NBR-MDP 2011, Appendix B).
4.1.1-4	Protect ESHAs against any significant disruption of habitat values.	Development has been concentrated to avoid impacts to sensitive habitat. Please see the NBR Habitat Conservation and Restoration Plan..
4.1.1-5	Design land divisions, including lot line adjustments, to preclude new development within and minimize impacts to ESHAs.	Development has been concentrated to avoid impacts to sensitive habitat. Please see the NBR Habitat Conservation and Restoration Plan.
4.1.1-6	Require development in areas adjacent to environmentally sensitive habitat areas to be sited and designed to prevent impacts that would significantly degrade those areas, and to be compatible with the continuance of those habitat areas.	As required, development was positioned at a sufficient distance from ESHA to significantly reduce potential impacts. Please refer to the Resource Constraints Plan for the location of development footprint to the boundaries of sensitive biological resources. Additionally, standard buffers were applied to the ESHA unless noted.
4.1.1-7	Limit uses within ESHAs to only those uses that are dependent on such resources.	The proposed Project limits the uses for habitat areas to required oil remediation, habitat restoration, and other similar uses.
4.1.1-8	Limited public access improvements and minor educational, interpretative and research activities and development may be considered resource dependent uses. Measures, including, but not limited to, trail creation, signage, placement of boardwalks, and fencing, shall be implemented as necessary to protect ESHA.	The proposed Project includes several miles of public interpretive trails, with vistas, interpretive signage and kiosks, and staging areas, throughout the upland and lowland areas. The trails are designated as 20-foot wide, allowing up to a ten-foot wide trail with five feet on either side for necessary easements and ESHA protection measures and will avoid impacts with identified social-status habitats.
4.1.1-9	Where feasible, confine development adjacent to ESHAs to low impact land uses, such as open space and passive recreation.	The majority of identified sensitive habitats will not be in close proximity to proposed development. The development has been concentrated to minimize impacts to ESHA. Additionally, a public linear park, for passive recreational use, has been provided around the outer development boundary to further separate development from habitat areas.
4.1.1-10	Require buffer areas of sufficient size to ensure the biological integrity and preservation of the habitat they are designed to protect. Terrestrial ESHA shall have a minimum buffer width of 50 feet wherever possible. Smaller ESHA buffers may be allowed only where it can be demonstrated that 1) a 50-foot wide buffer is not possible due to site-specific constraints, and 2) the proposed narrower buffer would be amply protective of the biological integrity of the ESHA given the site-specific characteristics of the resource and of the type and intensity of disturbance.	The proposed Project maintains a minimum buffer width of 50 feet from ESHA boundaries wherever feasible.
4.1.1-11	Provide buffer areas around ESHAs and maintain with exclusively native vegetation to serve as transitional habitat and provide distance and physical barriers to human and domestic pet intrusion.	Please refer to the Draft Conceptual Habitat Conservation Restoration Plan for the Newport Banning Ranch Property. Buffers around sensitive habitats are maintained exclusively with native vegetation and physical barriers will be provided to protect habitat from intrusion.

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		See also the Project description for description of physical barriers to human and domestic pet intrusion.
	4.1.1-12 Require the use of native vegetation and prohibit invasive plant species within ESHAs and ESHA buffer areas.	Please refer to the Draft Conceptual Habitat Conservation Restoration Plan for the Newport Banning Ranch Property
	4.1.1-13 Shield and direct exterior lighting away from ESHAs to minimize impacts to wildlife.	The proposed Project implements a “dark sky” concept to shield and direct exterior lighting away from habitat areas.
	4.1.1-14 Require mitigation in the form of habitat creation or substantial restoration for allowable impacts to ESHA and other sensitive resources that cannot be avoided through the implementation of siting and design alternatives. Priority shall be given to on-site mitigation. Off-site mitigation measures shall only be approved when it is not feasible to fully mitigate impacts on-site. Mitigation shall not substitute for implementation of the project alternative that would avoid impacts to ESHA.	Please refer to the Draft Conceptual Habitat Conservation Restoration Plan for the Newport Banning Ranch Property
	4.1.1-15 Apply the following mitigation ratios for allowable impacts to upland vegetation: 2:1 for coastal sage scrub; 3:1 for coastal sage scrub that is occupied by California gnatcatchers or significant populations of other rare species; 3: 1 for rare community types such as southern maritime chaparral, maritime succulent scrub; native grassland and 1:1 for southern mixed chaparral. The ratios represent the acreage of the area to be restored/created to the acreage impacted.	The proposed Project meets the mitigation ratios provided in Policy 4.1.1-15 of the City’s CLUP. Please refer to the Draft Conceptual Habitat Conservation Restoration Plan for the Newport Banning Ranch Property.
	4.1.1-16 For allowable impacts to ESHA and other sensitive resources, require monitoring of mitigation measures for a period of sufficient time to determine if mitigation objectives and performance standards are being met. Mid-course corrections shall be implemented if necessary to meet the objectives or performance standards. Require the submittal of monitoring reports during the monitoring period that document the success or failure of the mitigation. To help insure that the mitigation project is self-sustaining, final monitoring for all mitigation projects shall take place after at least three years with no remediation or maintenance activities other than weeding. If performance standards are not met by the end of the prescribed monitoring period, the monitoring period shall be extended or the Landowner/Master Developer shall submit an amendment application proposing alternative mitigation measures and implement the approved changes. Unless it is determined by the City that a differing mitigation monitoring schedule is appropriate, it is generally anticipated that monitoring shall occur for a period of not less than five years.	Please refer to the Draft Conceptual Habitat Conservation Restoration Plan for the Newport Banning Ranch Property and Jurisdictional Wetland Determination.
	4.1.1-17 In conjunction with new development, require that all preserved ESHA, buffers, and all mitigation areas, onsite and offsite, be conserved/dedicated (e.g. open space direct dedication, offer to dedicate (OTD), conservation easement, deed restriction) in such a manner as to ensure that the land is conserved in perpetuity. A management plan and funding shall be required to ensure appropriate management of the habitat area in perpetuity.	Proposed parklands include dedication to the City of Newport Beach approximately 28 acres for development of three Public Community Parks, and development of a 20.6-acre Bluff Park (North and South), including of trails that connect to the Open Space Preserve trail system, picnic areas, and scenic view overlooks. A Pre-Annexation and Development Agreement has been approved between the Applicant and the City (NBR CDP Application (February 2013) Attachment 9) to parkland dedication/in lieu fee requirements. Implementation of each Project phase would satisfy its corresponding requirements for local parks and upland and lowland habitat dedication and restoration.
	4.1.1-18 Require all direct open space dedications or OTDs to be made to a public agency or other appropriate entity that will manage the open space area on behalf of the public.	The 235-acre Open Space Preserve will remain protected as permanent natural lands and open space, and is anticipated to be managed by the Newport Banning Land Trust. The Newport Banning Land Trust was established in 2012 as an independent, non-profit organization with a mission to provide long-term stewardship of the NBR Open Space Preserve by working to preserve and enhance the

4.1 BIOLOGICAL RESOURCES			
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			<p>natural values of the land and to ensure that the open space is enjoyed by future generations and provides public access and outdoor recreation connectivity. The Newport Banning Land Trust is negotiating a Memorandum of Understanding (MOU) with NBR LLC that would provide the framework for a transaction to allow the Newport Banning Land Trust to assume management responsibility for the Open Space Preserve.</p> <p>Funding for ongoing stewardship, monitoring, trails maintenance, interpretation and other public benefits of the proposed Open Space Preserve by the Newport Banning Land Trust would be supported by the proposed in-fill development plan that meets the highest standards for a green community and is sensitive to the delicate interface between development and habitat, helping to ensure the health of the surrounding open space.</p>
	4.1.1-19	Encourage the acceptance of direct open space dedications or OTDs to the public by the City, a public agency, a private association, or other appropriate entity.	The Landowner/Master Developer intends to Offer to Dedicate proposed public open space easements and areas, including public parks and trails, to the Newport Banning Land Trust.
	4.1.1-20	Give consideration to applying the Open Space land use category to lands with open space restrictions, dedications, or offers to dedicate.	Approximately 235 acres of the property (59 percent) would be designated as an Open Space Preserve and is anticipated to be managed by the Newport Banning Land Trust. Approximately 144 acres of the designated open space would be subject to restoration and conservation of wetland, bluff, riparian and upland mesa habitat, 3 acres would be revegetated and enhanced as native planting buffers around oil consolidation sites, and 76 acres would be made available for third-party wetland mitigation and habitat restoration purposes. Designated open space also includes approximately 2.5 acres of wetland creation/enhancement areas, which would function to control and treat stormwater runoff from on- and off-site sources, thereby enhancing water quality and marine resources on and adjacent to the site. Approximately 9.5 acres of public interpretative trails are included in the Open Space Preserve, introducing a variety of public access, interpretation and recreational opportunities on the site and completing a trail system that connects the Santa Ana River Regional Trail System and Talbert Nature Preserve. Additionally, the Project provides that, upon cessation of oil operations, the remaining 17 acres of consolidated oil operation areas would be abandoned, remediated, restored and converted to permanent open space.
	4.1.1-21	Dedicated open space areas, or areas where there are open space offers to dedicate, open space easements, and/or open space deed Local Coastal Program Coastal Land Use Plan 4-9 restrictions shall be protected consistent with the requirements of the dedication, offer to dedicate, easement or deed restriction.	The Landowner/Master Developer intends to Offer to Dedicate proposed public open space easements and areas, including public parks and trails, to the Newport Banning Land Trust. . Any use restrictions would be protected consistent with the requirements of the dedication, OTD, easement or deed restriction.
	4.1.1-22	The City shall maintain an inventory of open space dedications or offers to dedicate to ensure such areas are known to the public and are protected through the coastal development permit process.	Not applicable to Newport Banning Ranch.
4.1.2 Marine Resources	4.1.2-1	Maintain, enhance, and, where feasible, restore marine resources.	The Project site includes lowland areas that are adjacent to significant coastal waterbodies including the Santa Ana River and Semeniuk Slough, and that consist of onsite wetland habitat heavily degraded from historic and ongoing oil field operations. Additional isolated wetlands occur on the upland area of the site, which are likely anthropogenic features resulting from more than 70 years of active oil field operations on the property. These seasonal wetlands are primarily located in roads, road ruts and shoulders, tire ruts, parking areas, oil sumps, and both abandoned and active oil well pads. There are three arroyos on the site that support riparian habitat, one of which, located at the Project site's northeastern boundary, is fairly small and does not convey large quantities of runoff.

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		<p>The Upper Arroyo and Lower Arroyo; however, both convey on- and off-site runoff and significant volumes of sediment across the site to the lowland area and adjacent Semeniuk Slough.</p> <p>The proposed Project includes restoration of the property's degraded wetland and riparian areas. The Project would result in restored and expanded wetland and riparian habitat proposed for long-term preservation, with mitigation treatments and native vegetation community establishment that would serve to strengthen wetland and riparian habitat continuity with wetland habitat in Semeniuk Slough, with restored upland habitat on the Project site, and with adjacent habitats within the Talbert Nature Preserve.</p> <p>The Project also includes a comprehensive Water Quality Management Plan for the property, which would include water quality features and BMPs to be implemented at development sites, in public street rights of way, as well as in parks and the Open Space Preserve. The majority of these land uses were developed before current regulations were enacted to control and treat stormwater discharge in an effort to protect and restore water quality and sensitive marine resources. Given the existing, degraded water quality conditions on the property, the proposed Project provides an opportunity to comprehensively restore and maintain water quality across the site, and thereby enhance both onsite and adjacent marine resources.</p>
	4.1.2-2 Provide special protection to marine resource areas and species of special biological or economic significance.	Not applicable to Newport Banning Ranch. Marine resources on the site are limited to tidally influenced areas at the southwest corner of the lowland that will be preserved in permanent open space. Please also see Policy 4.1.2-1 consistency analysis.
	4.1.2-3 Require that uses of the marine environment be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.	<p>The Project's Water Quality Management Plan is designed to intercept, control and treat stormwater runoff from onsite and adjacent offsite development, which is currently untreated and conveyed across the site via sheet flow or the site's drainages. The Project includes regional water quality treatment measures that would capture and treat runoff from approximately 48 acres of adjacent developed areas located within the City of Costa Mesa and the City of Newport Beach. In addition, the Project is designed to provide on-site treatment capacity to maintain water quality standards and to comply with updated regulatory requirements for 100 percent of the runoff expected from the proposed Project site.</p> <p>Two water quality/diffuser basins are proposed in the lowland area within the Open Space Preserve. One water quality treatment basin is proposed just north of the North Family Village, and would be located above the 100-year floodplain and would serve as a diffuser basin to control the rate at which water drains from the Upland down to the Lowland. An additional diffuser basin is proposed in the Lowland area which would collect flows from development areas adjacent to the Southern Arroyo and provide energy dissipation of flows prior to entering the Semeniuk Slough. Both of the Lowland basins would be planted with native emergent marsh and riparian species to promote water quality cleaning and natural energy dissipation.</p> <p>The third water quality/detention basin is proposed to intercept approximately 48 acres of off-site flows from the 16th Street Costa Mesa drainage area. These off-site flows enter the Project site via a 48-inch reinforced concrete pipe and discharge into the Southern Arroyo. In general, these flows contain urban runoff pollutants and also convey sediment from the eroding tributaries of the Southern</p>

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		<p>Arroyo to the downstream end, ultimately discharging into the Semeniuk Slough during severe storms. The water quality/detention basin is proposed on the Project site at the southeast corner of 16th Street at the Project site boundary. The required basin capacity would treat all dry weather and a portion of first-flush runoff from the off-site tributary as well as reduce a portion of peak flow discharge. The basin is also intended to reduce peak flow rates discharging into the Southern Arroyo to reduce erosion and scour potential. The reduction in peak discharges combined with the stabilization of the eroding tributaries of the Southern Arroyo would reduce the current sediment loads into the Semeniuk Slough.</p> <p>Further, Project implementation would incorporate BMPs for erosion control, sediment control, wind erosion control, storm water and non-storm water management, and waste management/pollution control. These BMPs would be implemented to ensure that potential effects on local site hydrology, runoff, and water quality remain in compliance with all required permits, City policies, and the Project's Water Quality Management Plan, and Storm Water Pollution Prevention Plan (SWPPP).</p> <p>Public arterials and some selected collector roadways within the Project site would be designed with Green Streets and other LID features, such as bioswales and bio-cells. LID features within the transitional areas (i.e., primary streets and travel ways that lead into and out of the development areas) would provide primary treatment of runoff filtering and removing pollutant-laden sediments. Green Streets would include curbside edge conditions, parkway bioswales (biocells), trails, and/or biofiltration zones within the landscape setback areas for a variety of different sized streets within the Project site. This allows for the treatment of water quality at the source and for the reduction of peak storm water runoff volumes and rates. These streets would provide water quality treatment of flows generated from the streets; would provide treatment of adjacent development areas depending upon the volumes available within the LID landscaping features; and would deliver low flow runoff to these features. Landscaping along the street edges would be selectively used to treat storm water runoff from the streets and adjacent development areas.</p> <p>The use of the landscaping biocells in combination with other LID and Green Street features would provide substantial treatment and reduction of runoff at the source of the development areas (for detailed analysis, please see EIR Appendix C, Part 1, Watershed Assessment Report). The Project includes LID techniques integrated throughout the development area to provide treatment of low-flow runoff directly at the source along with runoff reduction from small, frequent storm events. LID features would be implemented on the Project site and in transitional areas that lead into or out of the Project site. LID Project features to be installed on site would pre-treat storm water runoff and would remove large sediment, trash, and debris. These features could include cisterns and rain barrels, storm water planters, common area porous pavement, tree box fillers, and pocket rain gardens. The Project approach focuses on optimal use of LID features, which would be supplemented with the treatment-control BMPs as secondary measures where LID measures are not feasible.</p> <p>Infiltration BMPs are proposed to ensure that site runoff continues to infiltrate to the maximum extent practicable. Proper design of structural BMPs and LID features would ensure separation of the volumes of water to be treated and the underlying groundwater table, which would ensure no adverse impact to groundwater quality from treatment-control BMPs and LID features. Infiltration BMPs</p>

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			<p>would treat most pollutants within the uppermost soil layers of the BMP facility, reducing pollutant transfer to the groundwater table.</p> <p>Overall, the proposed water quality improvements would minimize runoff to arroyos, redirect runoff away from bluffs, and reduce flow rates and volumes in the Semeniuk Slough, resulting in an improvement over existing site runoff conditions with respect to water quality, velocities, and volumes. Implementation of the comprehensive Water Quality Management Plan would effectively enhance water quality of the Project site above existing conditions, thereby protecting and enhancing water resources that sensitive habitats and species are reliant upon.</p>
	4.1.2-4	Continue to cooperate with the state and federal resource protection agencies and private organizations to protect marine resources.	Marine resources on the site are limited to tidally influenced areas at the southwest corner of the lowland that will be preserved in permanent open space. Future uses would be restricted to commercial, recreational, scientific, and educational purposes.
	4.1.2-5	Continue to require <i>Caulerpa</i> protocol surveys as a condition of City approval of projects in the Newport Bay and immediately notify the SCCAT when found.	The limited areas of tidal inundation at the southwest corner of the lowland do not exhibit the potential to support <i>Caulerpa</i> and as such, this policy does not apply.
4.1.3 Environmental Study Areas	4.1.3-1	<p>Utilize the following mitigation measures to reduce the potential for adverse impacts to ESA natural habitats from sources including , but not limited to, those identified in Table 4.1.1:</p> <p>A. Require removal of unauthorized bulkheads, docks and patios or other structures that impact wetlands or other sensitive habitat areas.</p> <p>B. Where pedestrian access is permitted, avoid adverse impacts to sensitive areas from pedestrian traffic through the use of well defined footpaths, boardwalks, protective fencing, signage, and similar methods.</p> <p>C. Prohibit the planting of non-native plant species and require the removal of non-natives in conjunction with landscaping or revegetation projects in natural habitat areas.</p> <p>D. Strictly control encroachments into natural habitats to prevent impacts that would significantly degrade the habitat.</p> <p>E. Limit encroachments into wetlands to development that is consistent with Section 30233 of the Coastal Act and Policy 4.2.3-1 of the Coastal Land Use Plan.</p> <p>F. Regulate landscaping or revegetation of blufftop areas to control erosion and invasive plant species and provide a transition area between developed areas and natural habitats.</p> <p>G. Require irrigation practices on blufftops that minimize erosion of bluffs.</p> <p>H. Participate in implementation of Total Maximum Daily Loads (TMDLs) - see Section 4.3 (Water Quality).</p> <p>I. Participate in programs to control sedimentation into and within Upper Newport Bay.</p>	<p>The proposed Project provides the following :</p> <ul style="list-style-type: none"> • Well-defined trails with fencing and signage will be used throughout the upland and lowland areas to protect sensitive habitat. • Non-native and invasive plant species will be removed from habitat areas. • Habitat areas and surrounding buffers will be planted with native vegetation. • Development is concentrated to avoid encroachment into identified habitat areas. • Development is not proposed within identified wetland areas. • Identified bluffs will be treated with appropriate landscape and irrigation to control erosion while not irrigating areas adjacent to sensitive habitat.

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	<p>J. Use docent programs to actively manage and enforce CDFG regulations in marine protected areas regarding the taking of intertidal and subtidal plants and animals and to minimize incidental trampling.</p> <p>K. Manage public access as required to minimize damage to tide pools.</p> <p>L. Control upstream pollution sources from Buck Gully, Morning Canyon and storm drain runoff from local streets to the maximum extent practical to reduce sediment, nutrient, fecal coliform, and toxic pollutant loads.</p> <p>M. Implement TMDLs into Newport Bay and local watersheds to minimize water quality problems along the coastline.</p> <p>N. Prohibit invasive species and require removal In new development.</p> <p>O. Implement and enforce TMDLs in watershed and Upper Newport Bay to improve water quality in Newport Harbor.</p> <p>P. Require dredging and jetty reconstruction projects conducted within the Entrance Channel to include protection measures to avoid long-term impacts to kelp bed resources.</p> <p>Q. Continue to require <i>Caulerpa</i> protocol surveys as a condition of City approval for projects in Newport Bay and immediately notify the SCCAT when found.</p>	
	<p>4.1.3-2 Prohibit the planting of invasive species in non-urbanized areas.</p>	The proposed Project prohibits the planting of invasive plant species, as demonstrated by the proposed plant palette (NBR-MDP 2011).
	<p>4.1.3-3 Prepare natural habitat protection overlays for Buck Gully ESA and Morning Canyon ESA for the purpose of providing standards to ensure both the protection and restoration of the natural habitats in these areas. Include in the overlays standards for the placement of structures, native vegetation/fuel modification buffers, and erosion and sedimentation control structures.</p>	Not applicable to Newport Banning Ranch.
	<p>4.1.3-4 Continue to work within the Newport Bay Watershed Executive Committee structure to address sedimentation, nutrient loading, and bacteria and toxins from runoff. The Committee includes representatives from the cities of Costa Mesa, Huntington Beach, Irvine, Lake Forest, Newport Beach, Orange, Santa Ana, and Tustin, in addition to the Irvine Ranch Water District, the California Regional Water Quality Control Board (Santa Ana Region), the California Department of Fish and Game, the U.S. Army Corps of Engineers, the County of Orange, and the Irvine Company. The Watershed Executive Committee, in implementing four separate "total maximum daily loads" for Newport Bay, has developed and is implementing plans to control sediment, nutrients, bacteria, and toxic materials in the Bay's watershed.</p>	Not applicable to Newport Banning Ranch.
	<p>4.1.3-5 Coordinate with the California Department of Fish and Game and the County of Orange in developing a management plan for the Upper Newport Bay Marine Park and the Upper Newport Bay</p>	Not applicable to Newport Banning Ranch.

4.1 BIOLOGICAL RESOURCES		
CATEGORY	POLICY	CONSISTENCY ANALYSIS
	Nature Preserve.	
	4.1.3-6 Maintain public use of the Upper Newport Bay Marine Park to the extent such use is consistent with the preservation of sensitive resources.	Not applicable to Newport Banning Ranch.
	4.1.3-7 Coordinate with County and State resource agencies to monitor ecological conditions within the Newport Beach Marine Conservation Area and to implement management programs to protect this marine conservation area. Maintain public use of the refuges to the extent it is consistent with the preservation of intertidal and subtidal resources.	Not applicable to Newport Banning Ranch.
	4.1.3-8 Support the construction of tide pool exhibits at the Back Bay Science Center on Shellmaker Island to provide an educational alternative to the tide pools at Corona del Mar and Crystal Cove State Park beaches.	Not applicable to Newport Banning Ranch.
	4.1.3-9 Support giant kelp reforestation programs.	Not applicable to Newport Banning Ranch.
	4.1.3-10 Remove unauthorized structures that encroach into Semeniuk Slough, the Upper Newport Bay Marine Park, or other wetland areas. Prohibit future encroachment of structures into these areas unless structures are absolutely necessary for public well being. Minimize any necessary encroachment into wetland habitats to the extent feasible and permanent loss of wetlands habitat shall be mitigated.	The proposed Project would provide significant open space areas Semeniuk Slough and Landowner/Master Developer intends to Offer to Dedicate proposed public open space easements and areas, including public parks and trails, to the Newport Banning Land Trust which would protect the dedicated open space from future development encroachment in perpetuity
	4.1.3-11 Routine maintenance of drainage courses and facilities, sedimentation basins, trails, access roads, public infrastructure, and other related facilities may be allowed if carried out in accordance with the resource protection policies of the Coastal Land Use Plan.	To the extent that routine maintenance of drainage courses and facilities, sedimentation basins, trails, access roads, public infrastructure, and other related facilities will be required for the proposed Project pursuant to the Draft Habitat Conservation and Restoration Plan, or other related technical plan or program, they will be carried out in accordance with the resource protection policies of the Coastal LUP.
4.1.4 Eelgrass Meadows	4.1.4-1 Continue to protect eelgrass meadows for their important ecological function as a nursery and foraging habitat within the Newport Bay ecosystem.	Not applicable to Newport Banning Ranch.
	4.1.4-2 Implement eelgrass restoration and enhancement programs in Newport Harbor.	Not applicable to Newport Banning Ranch.
	4.1.4-3 Site and design boardwalks, docks, piers, and other structures that extend over the water to avoid impacts to eelgrass meadows. Encourage the use of materials that allow sunlight penetration and the growth of eelgrass.	Not applicable to Newport Banning Ranch.
	4.1.4-4 Provide for the protection of eelgrass meadows and mitigation of impacts to eelgrass meadows in a comprehensive harbor area management plan for Newport Bay.	Not applicable to Newport Banning Ranch.
	4.1.4-5 Where applicable require eelgrass and Caulerpa taxifolia surveys to be conducted as a condition of City approval for projects in Newport Bay in accordance with operative protocols of the Southern California Eelgrass Mitigation Policy and Caulerpa taxifolia Survey protocols.	Not applicable to Newport Banning Ranch.
4.1.5 Coastal Foredunes	4.1.5-1 Require the removal of exotic vegetation and the restoration of native vegetation in dune habitat.	Not applicable to Newport Banning Ranch.
	4.1.5-2 Direct public access away from dune habitat areas through the use of well-defined footpaths, boardwalks, protective fencing, signage, and similar methods.	Not applicable to Newport Banning Ranch.

4.1 BIOLOGICAL RESOURCES			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	4.1.5-3	Design and site recreation areas to avoid impacts to dune habitat areas.	Not applicable to Newport Banning Ranch.
	4.1.5-4	Require a coastal development permit for earthmoving beach sand in dune habitat areas.	Not applicable to Newport Banning Ranch.
	4.1.5-5	Limit earthmoving of beach sand in dune habitat areas to projects necessary for the protection of coastal resources and existing development.	Not applicable to Newport Banning Ranch.
4.2 WETLANDS AND DEEPWATER AREAS			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	Number	Statement	
4.2.1 Southern California Wetlands	4.2.1-1	Recognize and protect wetlands for their commercial, recreational, water quality, and habitat value.	The proposed Project provides for the removal of oil facilities from the identified wetlands areas with the Site as described in the Draft "Oil Consolidation, Abandonment, and Remediation Program" contained in EIR Appendix D (NBR LLC 2008). After oil remediation, an irrevocable Offer of Dedication will be offered to a public agency or qualified non-profit organization for wetlands restoration as described in the "NBR Habitat Conservation and Restoration Plan."
	4.2.1-2	Protect, maintain and, where feasible, restore the biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes.	The proposed Project provides for the removal of oil facilities from the identified wetlands areas with the Site as described in the Draft "Oil Consolidation, Abandonment, and Remediation Program" (NBR LLC 2008, EIR Appendix D). After oil remediation, an irrevocable Offer of Dedication will be made to be accepted by a public agency or qualified non-profit organization for wetlands restoration as described in the "NBR Habitat Conservation and Restoration Plan."
	4.2.1-3	Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.	Not applicable to Newport Banning Ranch.
4.2.2 Wetland Definition and Delineation	4.2.2-1	Define wetlands as areas where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of hydrophytes. Such wetlands can include areas where vegetation is lacking and soil is poorly developed or absent as a result of frequent drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentration of salts or other substances in the substrate. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds and impoundments), nor marine or estuarine areas below extreme low water of spring tides.	The proposed Project's definition and identification of wetland areas, as provided in the "Jurisdictional Delineation Report for the Newport Banning Ranch" (Dudek 2013) are consistent with the City's definition provided in Policy 4.2.2-1 of the City's CLUP.
	4.2.2-2	Require a survey and analysis with the delineation of all wetland areas when the initial site survey indicates the presence or potential for wetland species or indicators. Wetland delineations will be conducted in accordance with the definitions of wetland boundaries contained in section 13577(b) of the California Code of Regulations.	The "t Jurisdictional Delineation Report for the Newport Banning Ranch" (Dudek 2013) , provides the required survey and analysis in accordance with section 13577(b) of the California Code of Regulations.
	4.2.2-3	Require buffer areas around wetlands of a sufficient size to ensure the biological integrity and preservation of the wetland that they are designed to protect. Wetlands shall have a minimum buffer width of 100 feet wherever possible. Smaller wetland buffers may be allowed only where it can be	The Project site's existing wetlands are highly degraded from historic oil operations and have little biological integrity. Identified wetland areas will have a minimum 100-foot-wide buffer, except for the Vernal Pool adjacent to Bluff Road where the buffer is less than 100 feet for a short distance, but

4.2 WETLANDS AND DEEPWATER AREAS			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	Number	Statement	
		demonstrated that 1) a 100-foot wide buffer is not possible due to site-specific constraints, and 2) the proposed narrower buffer would be amply protective of the biological integrity of the wetland given the site-specific characteristics of the resource and of the type and intensity of disturbance.	averages much more than 100 feet for the area as a whole.
4.2.3 Dredging, Diking, and Filling	4.2.3-1	<p>Permit the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes in accordance with other applicable provisions of the LCP, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects and limited to the following:</p> <p>A. Construction or expansion of port/marine facilities.</p> <p>B. Construction or expansion of coastal-dependent industrial facilities, including commercial fishing facilities, and commercial ferry facilities.</p> <p>C. In open coastal waters, other than wetlands, including estuaries and streams, new or expanded boating facilities, including slips, access ramps, piers, marinas, recreational boating, launching ramps, and pleasure ferries, and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.</p> <p>D. D. Maintenance of existing and restoration of previously dredged depths in navigational channels, turning basins, vessel berthing, anchorage, and mooring areas, and boat launching ramps. The most recently updated U.S. Army Corps of Engineers maps shall be used to establish existing Newport Bay depths.</p> <p>E. Incidental public service purposes which temporarily impact the resources of the area, such as burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines.</p> <p>F. Sand extraction for restoring beaches, except In environmentally sensitive areas.</p> <p>G. Restoration purposes.</p> <p>H. Nature study, aquaculture, or similar resource-dependent activities.</p> <p>I. In the Upper Newport Bay Marine Park, permit dredging, diking, or filling only for the purposes of wetland restoration, nature study, or to enhance the habitat values of environmentally sensitive areas.</p>	Not applicable to Newport Banning Ranch. The wetland areas within Project site will be preserved restored and offered for dedication, as identified in the Draft Habitat Conservation and Restoration Plan” (Dudek 2013)
	4.2.3-2	Continue to permit recreational docks and piers as an allowable use within intertidal areas in Newport Harbor.	Not applicable to Newport Banning Ranch.
	4.2.3-3	Continue support of the Upper Newport Bay Ecosystem Restoration Project to restore the Upper Newport Bay to its optimal ecosystem.	Not applicable to Newport Banning Ranch.
	4.2.3-4	Require dredging and dredged material disposal to be planned and carried out to avoid significant	The Project does not propose dredging. If Landowner/Master Developer determines dredging is

4.2 WETLANDS AND DEEPWATER AREAS			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	Number	Statement	
		disruption to marine and wildlife habitats and water circulation.	necessary for wetland restoration or other activities it will be planned and carried out in accordance with all applicable regulations and be planned to avoid significant disruption to marine and wildlife habitats and water circulation.
	4.2.3-5	Secure federal funding for the Upper Newport Bay Ecosystem Restoration Project.	Not applicable to Newport Banning Ranch.
	4.2.3-6	Secure permanent use designation for the LA-3 sediment disposal site for future dredging projects.	Not applicable to Newport Banning Ranch.
	4.2.3-7	<p>Require the following mitigation measures for dredging projects in the Upper Newport Bay Marine Park:</p> <p>A. Dredging and spoils disposal must be planned and carried out to limit turbidity and to avoid significant disruption to marine and wildlife habitats and water circulation.</p> <p>B. Maintenance dredging shall be encouraged where the dredging enhances commercial or recreational use of the Bay. When dredged material is of an appropriate grain size and grain percentage, this material may be used to restore or replace natural sandy sloping beaches in order to retain the current profiles of Newport Bay. Maintenance dredging activity shall have the approval of the U.S. Army Corps of Engineers and shall meet applicable U.S. Environmental Protection Agency standards.</p> <p>C. Dredged material not suitable for beach nourishment or other permitted beneficial reuse shall be disposed of offshore at a designated U.S. Environmental Protection Agency disposal site or at an appropriate upland location.</p> <p>D. Temporary dewatering of dredged spoils may be authorized within the Bay's drainage if adequate erosion controls are provided and the spoils are removed. A bond or a contractual arrangement shall be a precondition to dredging of the material, and final disposal of the dewatered material on the approved dump site shall be accomplished within the time period specified in the permit.</p> <p>E. Dredged spoils shall not be used to fill riparian areas, wetlands, or natural canyons.</p> <p>F. Other mitigation measures may include opening areas to tidal action, removing dikes, improving tidal flushing, restoring salt marsh or eelgrass vegetation, or other restoration measures.</p> <p>G. Dredge spoils suitable for beach nourishment should be transported for such purposes to appropriate beaches or into suitable longshore current systems provided that the placement is permitted by a Section 404 permit.</p>	Not applicable to Newport Banning Ranch.
	4.2.3-8	Continue to cooperate with the U.S. Army Corps of Engineers in their maintenance and delineation of federal navigational channels at Newport Harbor in the interest in providing navigation and safety.	Not applicable to Newport Banning Ranch.
	4.2.3-9	Continue to secure Regional General Permits through the U.S. Army Corps of Engineers and the California Coastal Commission to expedite permit processing for residential and commercial dock	Not applicable to Newport Banning Ranch.

4.2 WETLANDS AND DEEPWATER AREAS			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	Number	Statement	
		owners in the Bay.	
	4.2.3-10	Seek permits authorizing maintenance dredging under and around residential piers and floats subject to compliance with all conditions to the current Regional General Permit, including grain size requirements, availability of suitable dredge disposal site, and periodic bioassays.	Not applicable to Newport Banning Ranch.
	4.2.3-11	<p>Require the following minimum mitigation measures if a project involves diking or filling of a wetland:</p> <p>A. If an appropriate mitigation site is available, the applicant shall submit a detailed plan which includes provisions for (1) acquiring title to the mitigation site; (2) "in-kind" wetland restoration or creation where possible; (3) where "out-of-kind" mitigation is necessary, restoration or creation of wetlands that are of equal or greater biological productivity to the wetland that was filled or dredged; and (4) dedication of the restored or created wetland and buffer to a public agency, or permanent restriction of their use to open space purposes. Adverse impacts shall be mitigated at a ratio of 3:1 for impacts to seasonal wetlands, freshwater marsh and riparian areas, and at a ratio of 4:1 for impacts to vernal pools and saltmarsh (the ratio representing the acreage of the area to be restored/created to the acreage of the area diked or filled), unless the applicant provides evidence establishing, and the approving authority finds, that restoration or creation of a lesser area of wetlands will fully mitigate the adverse impacts of the dike or fill project. However, in no event shall the mitigation ratio be less than 2:1 unless, prior to the development impacts, the mitigation is completed and is empirically demonstrated to meet performance criteria that establish that the created or restored wetlands are functionally equivalent or superior to the impacted wetlands. The mitigation shall occur on-site wherever possible. Where not possible, mitigation should occur in the same watershed. The mitigation site shall be purchased and legally restricted and/or dedicated before the dike or fill development may proceed.</p> <p>B. The applicant may, in some cases, be permitted to open equivalent areas to tidal action or provide other sources of surface water in place of creating or restoring wetlands pursuant to paragraph A. This method of mitigation would be appropriate if the applicant already owns, or can acquire, filled or diked areas which themselves are not environmentally sensitive habitat areas but which would become so if such areas were opened to tidal action or provided with other sources of surface water.</p> <p>C. However, if no appropriate sites under options (A) and (8) are available, the applicant shall pay an in-lieu fee of sufficient value to an appropriate public agency for the purchase and restoration of an area of equivalent productive value, or equivalent surface area.</p> <p>This third option would be allowed only if the applicant is unable to find a willing seller of a potential restoration site. The public agency may also face difficulties in acquiring appropriate sites even though it has the ability to condemn property. Thus, the in-lieu fee shall reflect the additional costs of acquisition, including litigation, as well as the cost of restoration. If the public agency's restoration project is not already approved by the City, the public agency may need to be a co-</p>	<p>Development of the Newport Banning Ranch site has been designed to avoid filling wetlands to the extent feasible. The Project is proposing habitat restoration within portions of the lowland for impacts to raptor foraging areas that would remove non-native invasive species, replacing it with native wetland species as well as removal of historic roads, pads, and berms which would also be restored to native wetland vegetation.</p> <p>The Project also proposes to restore the highly degraded Middle Arroyo (Drainage B), which would be re-graded to remove large stands of non-native invasive species such as giant reed, pampas grass, Brazilian pepper, and Sydney golden wattle. Development of the site fully avoids this drainage and restoration of this feature is proposed to enhance the ecological conditions on the site, including expansion of habitat for the state and federally listed endangered least Bell's vireo. Restoration of this feature would result in only temporary impacts and no permanent loss of wetlands.</p> <p>The Project will also impact areas of non-wetland riparian habitat within Drainages C and D, which will be mitigated through the excess habitat created with removal of large areas of invasive exotics in Drainage B and associated restoration of native riparian and wetland habitat within Drainage B.</p>

4.2 WETLANDS AND DEEPWATER AREAS			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	Number	Statement	
		applicant for a permit to provide adequate assurance that conditions can be imposed to assure that the purchase of the mitigation site shall occur prior to issuance of the permit. In addition, such restoration must occur in the same general region (e.g., within the same estuary) where the fill occurred.	
	4.2.3-12	All preferred restoration programs would remove fill from a formerly productive wetland or estuary that is now biologically unproductive dry land and would establish a tidal prism necessary to assure adequate flushing. Since restoration projects necessarily involve many uncertainties, restoration should precede the diking or filling project. At a minimum, permits will be conditioned to assure that restoration will occur simultaneously with project construction. Restoration and management plans shall be submitted with the permit application.	Not Applicable to Newport Banning Ranch. The wetland areas within the Newport Banning Ranch Site will be offered for dedication after oil remediation. Subsequent activities within the wetlands will be the responsibility of the public agency or qualified non-profit entity that accepts the Landowner/Master Developer's Offer of Dedication of the wetlands.
	4.2.3-13	Where impacts to wetlands are allowed, require monitoring of mitigation measures for a period of sufficient time to determine if mitigation objectives and performance standards are being met. Mid-course corrections shall be implemented if necessary to meet the objectives or performance standards. Require the submittal of monitoring reports during the monitoring period that document the success or failure of the mitigation. To help insure that the mitigation project is self-sustaining, final monitoring for all mitigation projects shall take place after at least three years with no remediation or maintenance activities other than weeding. If performance standards are not met by the end of the prescribed monitoring period, the monitoring period shall be extended or the applicant shall submit an amendment application proposing alternative mitigation measures and implement the approved changes. Unless it is determined by the City that a differing mitigation monitoring schedule is appropriate, it is generally anticipated that monitoring shall occur for a period of not less than five years.	As noted, the development project avoids filling of all wetlands on the site to the extent feasible. Restoration of Drainage B will also result in an increase in wetland and riparian habitat in Drainage B that will be used to compensate for minor impacts to non-wetland riparian habitat associated with Drainages C and D. The Draft Habitat Conservation and Restoration Plan, provides details regarding the proposed monitoring period and activities regarding mitigation for potential impacts to wetlands consistent with the performance standards provided in CLUP Policy 4.2.3-13.
	4.2.3-14	Require that any project that includes diking, filling or dredging of a wetland or estuary, as permitted pursuant to Policy 4.2.3-1, maintain the functional capacity of the wetland or estuary. Functional capacity means the ability of the wetland or estuary to be self-sustaining and to maintain natural species diversity. In order to establish that the functional capacity is being maintained, the applicant must demonstrate all of the following: A. That the project does not alter presently occurring plant and animal populations in the ecosystem in a manner that would impair the long-term stability of the ecosystem; i.e., natural species diversity, abundance, and composition are essentially unchanged as a result of the project. B. That the project does not harm or destroy a species or habitat that is rare or endangered. C. That the project does not harm a species or habitat that is essential to the natural biological functioning of the wetland or estuary. D. That the project does not significantly reduce consumptive (e.g., fishing, aquaculture, and hunting) or non-consumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem.	The proposed Project avoids filling of all wetlands on the site to the extent feasible. Restoration of Drainage B will also result in an increase in wetland and riparian habitat in Drainage B that will be used to compensate for minor impacts to non-wetland riparian habitat associated with Drainages C and D. Restoration of Drainage B, will result in a net gain in long-term functional capacity for this drainage and ensure long-term sustainability. Restoration activities, including grading to remove substantial amounts of non-native invasive species would not result in alterations to plant and animal populations in the ecosystem in a manner that would impair the long-term stability of the ecosystem nor would the restoration not harm or destroy a species or habitat that is rare or endangered or harm a species or habitat that is essential to the natural biological functioning of the wetland or estuary, or reduce consumptive (e.g., fishing, aquaculture, and hunting) or non-consumptive (e.g., fishing, aquaculture, and hunting) or non-consumptive (e.g., water quality and research opportunity) values of the wetland or estuarine ecosystem. The wetland areas within the Site will be offered for dedication after oil remediation, as described in the Draft Habitat Conservation and Restoration Plan. Subsequent activities within the wetlands will be the responsibility of the public agency or qualified non-profit entity that accepts the Landowner/Master Developer's Offer of Dedication of the wetlands.

4.2 WETLANDS AND DEEPWATER AREAS			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	Number	Statement	
	4.2.3-15	Require new development on the waterfront to design and site docking facilities in relationship to the water's depth and accessibility.	Not applicable to Newport Banning Ranch.
	4.2.3-16	Design and site all structures permitted to encroach into open coastal waters, wetlands, and estuaries to harmonize with the natural appearance of the surrounding area.	The Project proposes water polishing and diffuser basins in the lowland areas of the Site adjacent to existing wetlands for water cleansing and water quality treatment purposes. These basins are designed to harmonize with the natural appearance of the surrounding lowland areas.
	4.2.3-17	Continue to limit residential and commercial structures permitted to encroach beyond the bulkhead line to piers and docks used exclusively for berthing of vessels. However, this policy shall not be construed to allow development that requires the filling of open coastal waters, wetlands or estuaries that would require mitigation for the loss of valuable habitat in order to place structures closer to the bulkhead line or create usable land areas.	Not applicable to Newport Banning Ranch.
	4.2.3-18	Require restoration plans to be reviewed and approved by a qualified professional prior to accepting sites for mitigation.	The Draft Habitat Conservation and Restoration Plan addresses restoration of areas necessary for project mitigation and design features, and these will be offered for dedication in a restored condition. Other wetland areas within the Newport Banning Ranch Site will also be offered for dedication after oil abandonment and remediation, as described in the Draft Habitat Conservation and Restoration Plan. Subsequent restoration activities within the wetlands will be the responsibility of the public agency or qualified non-profit entity that accepts the Landowner/Master Developer's Offer of Dedication of the wetlands.
4.2.4 Dredge Spoils Disposal	4.2.4-1	Cooperate with the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to secure LA-3 ODMDS as a permanently designated disposal site.	Not applicable to Newport Banning Ranch.
	4.2.4-2	Monitor dredging projects within the region to identify opportunities to reduce disposal costs and utilize dredge spoils for beach nourishment.	Not applicable to Newport Banning Ranch.
	4.2.4-3	Dredged materials suitable for beneficial reuse shall be transported for such purposes to appropriate areas and placed in a manner that minimizes adverse effects on the environment.	Not applicable to Newport Banning Ranch.
	4.2.4-4	Participate in regional sediment management by maintaining records of the number of channelized streams, miles of channelization in streams, volumes of sediment extracted from stream channels and debris basins, and the grain size distribution of the extracted sediments.	Not applicable to Newport Banning Ranch.
	4.2.4-5	Material removed from erosion control and flood control facilities suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore current systems.	Not applicable to Newport Banning Ranch.
4.2.5 Eelgrass Protection and Restoration	4.2.5-1	Avoid impacts to eelgrass (<i>Zostera marina</i>) to the greatest extent possible. Mitigate losses of eelgrass at a 1.2 to 1 mitigation ratio and in accordance with the Southern California Eelgrass Mitigation Policy. Encourage the restoration of eelgrass throughout Newport Harbor where feasible.	Not applicable to Newport Banning Ranch.
	4.2.5-2	Continue to cooperate with the County of Orange, the U.S. Army Corps of Engineers, and resource agencies to establish eelgrass restoration sites.	Not applicable to Newport Banning Ranch.
	4.2.5-3	Conduct studies to establish an eelgrass acreage baseline for Newport Harbor based on the	Not applicable to Newport Banning Ranch.

4.2 WETLANDS AND DEEPWATER AREAS			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	Number	Statement	
		distribution, density, and productivity, necessary for eelgrass meadows to fulfill their ecological function.	
	4.2.5-4	Cooperate with the National Marine Fisheries Service to incorporate a provision into the Southern California Eelgrass Mitigation Policy that would allow exemptions to mitigation requirements for harbor maintenance projects for provided the eelgrass acreage baseline is maintained.	Not applicable to Newport Banning Ranch.
	4.2.5-5	Cooperate with the U.S. Army Corps of Engineers, the Coastal Commission, and the Santa Ana Regional Water Quality Control Board to incorporate the eelgrass acreage baseline exemption provision into the City's Regional General Permit and into any individual property owner's dredging or dock construction permit that qualifies under future applications.	Not applicable to Newport Banning Ranch.
	4.2.5-6	Perform periodic surveys of the distribution of eelgrass in Newport Bay in cooperation with the National Marine Fisheries Services to insure that the eelgrass baseline is maintained.	Not applicable to Newport Banning Ranch.
	4.2.5-7	Cooperate with resource agencies to conduct a comprehensive evaluation of biological, recreational, commercial and aquatic resources of Newport Harbor and to develop a Harbor Area Management Plan (HAMP) that will maintain all of the intended beneficial uses of the harbor.	Not applicable to Newport Banning Ranch.
4.3 WATER QUALITY			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	Number	Statement	
4.3.1 TMDLs	4.3.1-1	Continue to develop and implement the TMDLs established by the Regional Board and guided by the Newport Bay Watershed Executive Committee (WEC).	Not applicable to Newport Banning Ranch.
	4.3.1-2	Secure funding for the Upper Newport Bay Ecosystem Restoration Project.	Not applicable to Newport Banning Ranch.
	4.3.1-3	Establish and protect a long-term funding source for the regular dredging of Upper Newport Bay and dredging of the Lower Newport Bay so that the City and its watershed partners achieve the goals and directives of the Sediment and Nutrient TMDLs adopted for Newport Bay.	Not applicable to Newport Banning Ranch.
	4.3.1-4	Preserve, or where feasible, restore natural hydrologic conditions such that downstream erosion, natural sedimentation rates, surface flow, and groundwater recharge function near natural equilibrium states.	The proposed Project provides a Runoff Management Plan (NBR-PCDP 2011) that incorporates natural hydrological systems, such as bio-swales, soil-based infiltration, and restoration of existing arroyos, to treat on- and off-site runoff and recharge local groundwater. The Project incorporates a variety of water quality and drainage features, including natural treatment systems, improved hydrology and incorporation and utilization of pervious surfaces, designed to minimize and treat onsite stormwater runoff, as well as approximately 46 acres of off-site runoff from adjacent commercial and light industrial areas. Water quality improvements consist of Low Impact Design (LID) features such as bioswales, landscaping biocells, and permeable pavement, where feasible, as well as source-control and treatment-control BMPs.
	4.3.1-5	Require development on steep slopes or steep slopes with erosive soils to implement structural best management practices (BMPs) to prevent or minimize erosion consistent with any load allocation of	Not applicable to Newport Banning Ranch.

4.3 WATER QUALITY			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
	Number	Statement	
		the TMDLs adopted for Newport Bay.	
	4.3.1-6	Require grading/erosion control plans to include soil stabilization on graded or disturbed areas.	The proposed Project includes a Master Grading Plan (Development Plan 4-1 of NBR CDP Application (February 2013)) that incorporates bluff restoration, limited cut-and fill, soil remediation, and terraforming activities. The NBR CDP Application also includes Development Plan 4-2, Cross Sections; Development Plan 4-3, Soil Disturbance Map; and Development Plan 4-4, Cut and Fill Map.
	4.3.1-7	Require measures be taken during construction to limit land disturbance activities such as clearing and grading, limiting cut-and fill to reduce erosion and sediment loss, and avoiding steep slopes, unstable areas, and erosive soils. Require construction to minimize disturbance of natural vegetation, including significant trees, native vegetation, root structures, and other physical or biological features important for preventing erosion or sedimentation.	The proposed Project include a Master Grading Plan that incorporates bluff restoration, limited cut-and fill, soil remediation, and terraforming activities; see NBR CDP Application (February 2013) Development Plan 4 for Grading Plans. In addition, proposed drainage improvements are designed to stabilize arroyos, minimize erosion and redirect runoff away from bluffs, thus reducing future erosion and the resulting sediment load to the Semeniuk Slough. To stabilize slopes and help avoid erosion, bluff areas devoid of vegetation after repair and stabilization efforts would be planted with native vegetation that does not require permanent irrigation.
	4.3.1-8	Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.	Please see EIR Appendix D, The Site Remediation and Hazardous Materials, which includes the following two reports for Newport Banning Ranch: Draft Remedial Action Plan (GeoSyntec 2009) and the Draft Phase 1 Environmental Site Assessment Update (GeoSyntec 2008).
4.3.2 NPDES	4.3.2-1	Promote pollution prevention and elimination methods that minimize the introduction of pollutants into coastal waters, as well as the generation and impacts of dry weather and polluted runoff.	The proposed Project includes a Runoff Management Plan (NBR-PCDP 2011) that incorporates water quality treatment areas, such as drainage cleansing areas and a water polishing area, to treat on- and off-site runoff before allowing runoff to enter coastal waters. In addition, the proposed 2.6 acres of wetland creation/enhancement areas would serve to retain and treat stormwater runoff from onsite and adjacent offsite areas, reducing the amount of nutrients and metals currently discharged into the lowlands and coastal waters and thereby enhancing water quality over existing conditions
	4.3.2-2	Require that development not result in the degradation of coastal waters (including the ocean, estuaries and lakes) caused by changes to the hydrologic landscape.	The proposed Project includes a Runoff Management Plan (NBR-PCDP 2011) that incorporates water quality treatment areas, such as drainage cleansing areas and a water polishing area, to treat on- and off-site runoff before allowing runoff to enter coastal waters without impacting hydrologic landscape.
	4.3.2-3	Support and participate in watershed-based runoff reduction and other planning efforts with the Regional Board, the County of Orange, and upstream cities.	The proposed Project includes a Runoff Management Plan (NBR-PCDP 2011; also provided in NBR CDP Application (February 2013) as Attachment 15) that incorporates natural hydrological systems, such as bio-swales, soil-based infiltration, and restoration of existing arroyos, to treat on- and off-site runoff and recharge local groundwater.
	4.3.2-4	Continue to update and enforce the Newport Beach Water Quality Ordinance consistent with the MS4 Permit.	Not applicable to Newport Banning Ranch.
	4.3.2-5	Develop and maintain a water quality checklist to be used in the permit review process to assess potential water quality impacts.	Not applicable to Newport Banning Ranch.

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	4.3.2-6	Implement and improve upon best management practices (BMPs) for residences, businesses, new development and significant redevelopment, and City operations.	The proposed Project incorporates best management practices and includes additional measures as provided in the “Green and Sustainable Community Program” (NBR-MDP 2011, Appendix D).
	4.3.2-7	<p>Incorporate BMPs into the project design in the following progression:</p> <ul style="list-style-type: none"> • Site Design BMPs. • Source Control BMPs. • Treatment Control BMPs. <p>Include site design and source control BMPs in all developments. When the combination of site design and source control BMPs are not sufficient to protect water quality as required by the LCP or Coastal Act, structural treatment BMPs will be implemented along with site design and source control measures.</p>	The proposed Project incorporates best management practices and includes additional measures as provided in the “Green and Sustainable Community Program” (NBR-MDP 2011, Appendix D. Water quality treatment areas, such as drainage cleansing areas and a water polishing area, to treat on- and off-site runoff are incorporated into a Runoff Management Plan, contained in the NBR-PCDP (NBR LLC 2011). Project implementation would incorporate BMPs for erosion control, sediment control, wind erosion control, storm water and non-storm water management, and waste management/pollution control. These BMPs would be implemented to ensure that potential effects on local site hydrology, runoff, and water quality remain in compliance with all required permits, City policies, and the Project’s Water Quality Management Plan, and Storm Water Pollution Prevention Plan (SWPPP).
	4.3.2-8	To the maximum extent practicable, runoff should be retained on private property to prevent the transport of bacteria, pesticides, fertilizers, pet waste, oil, engine coolant, gasoline, hydrocarbons, brake dust, tire residue, and other pollutants into recreational waters.	The proposed Project includes a Runoff Management Plan (NBR-PCDP 2011) that incorporates water quality treatment areas, such as drainage cleansing areas and a water polishing area, to treat on- and off-site runoff before allowing runoff to enter coastal waters.
	4.3.2-9	To the maximum extent practicable, limit the use of curb drains to avoid conveying runoff directly to the City’s street drainage system without the benefit of absorption by permeable surfaces and natural treatments such as landscaped areas and planters.	The proposed Project includes a Runoff Management Plan (NBR-PCDP 2011) that incorporates natural hydrological systems, such as bio-swales, soil-based infiltration, and restoration of existing arroyos, to treat on- and off-site runoff and recharge local groundwater.
	4.3.2-10	Provide storm drain stenciling and signage for new storm drain construction in order to discourage dumping into drains.	The proposed Project includes appropriate storm drain signage subject to review by the City Engineer throughout the Site.
	4.3.2-11	Require new development to minimize the creation of and increases in impervious surfaces, especially directly connected impervious areas, to the maximum extent practicable. Require redevelopment to increase area of pervious surfaces, where feasible.	The proposed Project incorporates pervious surfaces, such as bio-swales, where feasible throughout the development area.
	4.3.2-12	Require development to protect the absorption, purification, and retention functions of natural drainage systems that exist on the site, to the maximum extent practicable. Where feasible, design drainage and project plans to complement and utilize existing drainage patterns and systems, conveying drainage from the developed area of the site in a non-erosive manner. Disturbed or degraded natural drainage systems should be restored, where feasible.	<p>The proposed Project provides a Runoff Management Plan (NBR-PCDP 2011) that incorporates natural hydrological systems, such as bio-swales, soil-based infiltration, and restoration of existing arroyos, to treat on- and off-site runoff and recharge local groundwater.</p> <p>In addition, restoration of the site’s wetlands would provide significant benefits for water quality where sediment loads, nutrients, and toxins from stormwater are discharged and absorbed by vegetation within the wetland prior to entering Semeniuk Slough, the Santa Ana River the Ocean beyond.</p>
	4.3.2-13	<p>Site development on the most suitable portion of the site and design to ensure the protection and preservation of natural and sensitive site resources by providing for the following:</p> <p>A. Protecting areas that provide important water quality benefits, areas necessary to maintain riparian and aquatic biota and/or that are susceptible to erosion and sediment loss;</p>	The proposed Project has been designed to preserve the natural resources of the Site. A Runoff Management Plan (NBR-PCDP 2011) includes water quality treatment areas, such as drainage cleansing areas and a water polishing area, to treat on- and off-site runoff before allowing runoff to enter coastal waters. In addition, natural hydrological systems, such as bio-swale and soil-based infiltration, have been incorporated to meet water quality goals.

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		<p>B. Analyzing the natural resources and hazardous constraints of planning areas and individual development sites to determine locations most suitable for development;</p> <p>C. Preserving and protecting riparian corridors, wetlands, and buffer zones;</p> <p>D. Minimizing disturbance of natural areas, including vegetation, significant trees, native vegetation, and root structures;</p> <p>E. Ensuring adequate setbacks from creeks, wetlands, and other environmentally sensitive habitat areas;</p> <p>F. Promoting clustering of development on the most suitable portions of a site by taking into account geologic constraints, sensitive resources, and natural drainage features</p> <p>G. Utilizing design features that meet water quality goals established in site design policies.</p>	<p>As demonstrated in the Draft Habitat Conservation and Restoration Plan, an experienced team of professional scientists, engineers, and biologists were retained by the Landowner/Master Developer to perform a refined constraints analysis and identify wetland and other critical habitat. This multi-disciplinary effort resulted in a development constraints map which serves as the foundation for the proposed development. As a result, development has been concentrated to avoid natural resources and potentially hazardous areas, such as geotechnical faults.</p> <p>Adequate setbacks and design features, provided in have been established for identified wetlands, and potential environmentally sensitive habitat areas.</p>
	4.3.2-14	Whenever possible, divert runoff through planted areas or sumps that recharge the groundwater dry wells and use the natural filtration properties of the earth to prevent the transport of harmful materials directly into receiving waters.	The proposed Project's Runoff Management Plan of the NBR-PCDP (2011) incorporates natural areas, such as bio-swales, arroyos, and basins, to recharge groundwater and provide natural soil filtration to treat on- and off-site runoff.
	4.3.2-15	Where infiltration of runoff would exacerbate geologic hazards, include equivalent BMPs that do not require infiltration.	The proposed Project incorporates BMPs as required by local and state agencies if current water quality treatment measures described in the NBR-PCDP are determined insufficient.
	4.3.2-16	Require structural BMPs to be inspected, cleaned, and repaired as necessary to ensure proper functioning for the life of the development. Condition coastal development permits to require ongoing application and maintenance as is necessary for effective operation of all BMPs (including site design, source control, and treatment control).	The proposed Project will incorporate BMPs as required by local and state agencies if current water quality treatment measures described in the NBR-PCDP are determined insufficient.
	4.3.2-17	Utilize permeable surfaces that permit the percolation of urban runoff in non-sidewalk areas within the City's parkway areas, to the maximum extent practicable.	The proposed Project would include Low Impact Design (LID) features such as bioswales, landscaping biocells, and permeable pavement, where feasible, and would integrate porous/permeable paving into traditional impermeable paved areas.
	4.3.2-18	Condition coastal development permits to require the City, property owners, or homeowners associations, as applicable, to sweep permitted parking lots and public and private streets frequently to remove debris and contaminated residue.	The Landowner/Master Developer and/or homeowners association will comply with all relevant street sweeping requirements for public and private streets and parking lots conditioned by the City and/or Coastal Commission.
	4.3.2-19	Require parking lots and vehicle traffic areas to incorporate BMPs designed to prevent or minimize runoff of oils and grease, car battery acid, coolant, gasoline, sediments, trash, and other pollutants to receiving waters.	The water quality/detention basin proposed near the Project entrance at 16th Street would accommodate treatment of urban runoff from adjacent offsite areas to the Southern Arroyo. The off-site drainage area located within the City of Costa Mesa and the City of Newport Beach encompasses approximately 48 acres and is completely developed. This regional water quality basin would provide treatment for approximately 2.3 acre-feet of water quality treatment, which represents all urban runoff (dry weather) and almost the entire first-flush storm water event. In addition, the basin would also provide detention capabilities to reduce peak flow velocities that discharge into the Southern Arroyo. The proposed Project incorporates BMPs as required by local and state agencies as described in the

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			NBR-PCDP and NBR CDP Application (February 2103).
	4.3.2-20	Require commercial development to incorporate BMPs designed to prevent or minimize the runoff of pollutants from structures, landscaping, parking areas, loading and unloading dock areas, repair and maintenance bays, and vehicle/equipment wash areas.	<p>The Project includes a comprehensive Water Quality Management Plan for the property, which would include water quality features and BMPs to be implemented at development sites, in public street rights of way, as well as in parks and the Open Space Preserve. The Project's Water Quality Management Plan is designed to intercept, control and treat stormwater runoff from onsite and adjacent offsite development, which is currently untreated and conveyed across the site via sheet flow or the site's drainages. The Project includes regional water quality treatment measures that would capture and treat runoff from approximately 48 acres of adjacent developed areas located within the City of Costa Mesa and the City of Newport Beach. In addition, the Project is designed to provide on-site treatment capacity to maintain water quality standards and to comply with updated regulatory requirements for 100 percent of the runoff expected from the proposed Project site. Infiltration BMPs are proposed to ensure that site runoff continues to infiltrate to the maximum extent practicable. Proper design of structural BMPs and LID features would ensure separation of the volumes of water to be treated and the underlying groundwater table, which would ensure no adverse impact to groundwater quality from treatment control BMPs and LID features. Infiltration BMPs would treat most pollutants within the uppermost soil layers of the BMP facility, reducing pollutant transfer to the groundwater table.</p> <p>Where appropriate, Project drainage area modifications are incorporated into the Project's Runoff Management Plan to ensure that peak flow rates and volumes would not result in adverse flooding impacts to downstream systems. Overall, the proposed water quality improvements would minimize runoff to arroyos, redirect runoff away from bluffs, and reduce flow rates and volumes in the Semeniuk Slough, resulting in an improvement over existing site runoff conditions with respect to water quality, velocities, and volumes.</p> <p>The proposed Project incorporates BMPs as required by local and state agencies as described in the NBR-PCDP and NBR CDP Application (February 2103).</p>
	4.3.2-21	Require service stations, car washes and vehicle repair facilities to incorporate BMPs designed to prevent or minimize runoff of oil and grease, solvents, car battery acid, coolant, gasoline, and other pollutants to stormwater system from areas including fueling areas, repair and maintenance bays, vehicle/equipment wash areas, and loading/unloading dock areas.	Not applicable to Newport Banning Ranch.
	4.3.2-22	Require beachfront and waterfront development to incorporate BMPs designed to prevent or minimize polluted runoff to beach and coastal waters.	The proposed Project is not located on the beachfront or waterfront; however, it incorporates BMPs to prevent or minimize runoff from the Project site to the beach and coastal waters. Please see consistency analyses for Policies 4.3.2-19 and 4.3.2-20.
	4.3.2-23	Require new development applications to include a Water Quality Management Plan (WQMP). The WQMP's purpose is to minimize to the maximum extent practicable dry weather runoff, runoff from small storms (less than 3/4" of rain falling over a 24-hour period) and the concentration of pollutants in such runoff during construction and post-construction from the property.	The proposed Project includes a Water Quality Management Plan (WQMP) with the Master Site Plan. The Project includes the construction of new drainage, flood control, and water quality facilities as set forth in the Project's Master Drainage Plan (Development Plan 4-6, NBR CDP Application (February 2013)) and Water Quality Management Plan (Development Plan 4-7, NBR CDP Application). The Project proposes that water quality features and BMPs be implemented in three sequential zones of development categorized as the Interior Development Zone, Transitional Zone, and Perimeter Zone.

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			<p>The Project is designed to provide sufficient on-site treatment capacity to maintain water quality standards and to comply with updated regulatory requirements for 100 percent of the runoff expected from the site, and would also treat significant amounts of runoff currently generated from adjacent offsite developed areas. The WQMP will minimize dry weather runoff, runoff from small storms, and the concentration of pollutants during construction and post-construction on the Project site.</p> <p>In addition, restoration of the site’s wetlands would provide significant benefits in terms of flood relief (by allowing high flows to slow and disperse into the larger water bodies), and for water quality where sediment loads, nutrients, and toxins from stormwater are discharged and absorbed by vegetation within the wetland prior to entering Semeniuk Slough, the Santa Ana River the Ocean beyond. As such, the Project minimizes impacts to these sensitive wetland resources to the extent feasible and enhances the functional capacity of the wetlands that would be expanded and enhanced as part of the proposed Project.</p>
	4.3.2-24	To further reduce runoff, direct and encourage water conservation via the use of weather- and moisture-based irrigation controls, tiered water consumption rates, and native or drought-tolerant plantings in residential, commercial, and municipal properties to the maximum extent practicable.	<p>The proposed Project implements efficient use of water and water conservation. The Project also includes landscape and irrigation plans that are designed to minimize irrigation near natural areas/slopes through the use of drought-tolerant vegetation and low-flow irrigation. Additionally, the Landowner/Master Developer has committed to water saving strategies, provided in the Draft “Green and Sustainable Community Program” (NBR-MDP 2011, Appendix D):</p> <ul style="list-style-type: none"> • Use of low-water use indoor appliances; • "Smart Controller" system featuring satellite weather data, rain sensors and moisture sensors for public and common area landscape; • Hydrozone landscaped areas; and • Draft “Green” streets design with bio-filters. Impoundment areas will be designed and constructed to capture, treat and retain runoff.
	4.3.2-25	Effectively communicate water quality education to residents and businesses, including the development of a water quality testing lab and educational exhibits at the Back Bay Science Center on Shellmaker Island.	Not applicable to Newport Banning Ranch.

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4.3.3 Sanitary Sewer Overflows	4.3.3-1	Develop and implement sewer system management plans to replace or reline older wastewater lines and upgrade pump stations.	The proposed Project include a Master Wastewater Plan (see NBR CDP Application (February 2013) Development Plan 7-2) s , which depicts the existing and proposed backbone wastewater facilities. A “Sewer and Water Facilities Plan for Newport Banning Ranch” (Fusco Engineering, Inc. June 2011) was also prepared for the Project (EIR Appendix L, Utilities).
	4.3.3-2	Conduct additional public education reminding property owners and food preparation facilities to clean sewer laterals often , maintain private grease control systems, keep roots under control, and to immediately report SSGs.	Responsibility of regulatory public agencies.
	4.3.3-3	Require waste discharge permits with all food preparation facilities that produce grease and require such permits to include: <ul style="list-style-type: none"> • Agreements to follow appropriate BMPs; • Maximum grease intrusion levels; • Maintenance/posting of appropriate educational material; • Maintenance log for laterals (at least quarterly); • Maintenance of a log for any grease control device or vat; • Funding for regular compliance inspections; • Acknowledgement of City's ability to fine for non-compliance. 	Not applicable to Newport Banning Ranch.
	4.3.3-4	Monitor food preparation facilities via waste discharge permits and monitor spill reduction progress.	Not applicable to Newport Banning Ranch.
	4.3.3-5	Participate with other sewer collection and treatment agencies to investigate alternatives to grease interceptors.	Not applicable to Newport Banning Ranch.
	4.3.3-6	Continue to renovate all older sewer pump stations and install new plumbing according to most recent standards.	Not applicable to Newport Banning Ranch.
	4.3.3-7	Comply with the Regional Board's Waste Discharge Requirements (WDRs) associated with the operation and maintenance of a sewage collection system.	Not applicable to Newport Banning Ranch.
4.4 SCENIC AND VISUAL RESOURCES			
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4.4.1 Coastal Views	4.4.1-1	Protect and, where feasible, enhance the scenic and visual qualities of the coastal zone, including public views to and along the ocean, bay, and harbor and to coastal bluffs and other scenic coastal areas.	<p>The Project site is located in West Newport Beach, a primarily urban environment consisting of single-family and multi-family residential, commercial, light industrial and institutional land uses. Open space and recreational uses exist to the west and north of the property, with additional urban development located beyond.</p> <p>The proposed development will not impact public views to or from the ocean, and will not be substantially visible from public viewing locations or otherwise degrade the scenic character of the Project area. The Project would provide public access to views of scenic resources both on the Project site through the restoration and conservation of native habitat and wetlands and to views of off-site</p>

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			<p>scenic resources including the nearby shoreline and Pacific Ocean, which are not currently available given that the site is private property. Approximately 7.3 gross acres of public trails would be provided through the Project site and would connect to existing off-site regional trails and create public views overlooking the open space areas of the Project and ocean. The Bluff Park Trail is proposed as an off-street pedestrian trail extending around the perimeter of the Resort Colony, South Family Village, and North Family Village adjacent to the open space, and would include footpaths and interpretive trails extending along the length of the bluff to allow visitors and residential access to several scenic viewpoints within the Project site providing visual access to the shoreline and natural habitat areas.</p> <p>Project implementation would change the overall visual character of the Project site from an oilfield to an urban infill community, characterized by a mix of clustered development areas, open space and natural habitat areas. The majority of the property would be retained in open space, which would be the predominant visual feature of the site, while the proposed development would be limited to clustered development envelopes with the urbanized areas of Costa Mesa and Newport Beach forming the backdrop of the site as viewed from coastal areas to the west. The vertical grade separation of approximately 50 feet from West Coast Highway to the top of the Project bluffs along West Coast Highway and the 60 foot setback of proposed development from the bluff edge would minimize visibility of proposed development areas from West Coast Highway.</p>
	4.4.1-2	Design and site new development, including landscaping, so as to minimize impacts to public coastal views.	The proposed Project development has been designed to avoid impacting public views. Impacts to the views of the natural features of the Site from Public View Points and Coastal View Roads identified on Map 4-3, Coastal Views, of the City's CLUP will be minimized. Landscaping would be provided around the perimeter of buildings that are proposed adjacent to Open Space Preserve areas to provide a transition from open space to developed areas and soften the appearance of buildings and infrastructure. The Project includes a site-specific Fire and Life Safety Program that prescribes fuel modification requirements (NBR-MDP 2011, Appendix B). Trees and vegetation would be maintained around improvement areas in a manner that minimizes the visual resource impacts of site disturbance, removal, and thinning of natural vegetation.
	4.4.1-3	Design and site new development to minimize alterations to significant natural landforms, including bluffs, cliffs and canyons.	The proposed Project concentrates development to minimize alterations to natural landforms and avoid impacts to identified bluffs and arroyos. Grading for the proposed Project consists of approximately 900,000 cy of cut and fill for mass grading and 1,455,000 cy of removal and recompaction for corrective grading. Mass grading includes over-excavation and cut and fill associated with the development plan and includes grading for parks, roads, and development lots. Corrective grading is required for development proposed in the Upland area and would involve removal and recompaction of the upper three to five feet of the soil horizon as well as locally compressible and/or porous zones within the terrace deposits. Accordingly, the majority of grading proposed for the Project consists of over-excavation/removal and recompaction within the generally level topography of the Upland development areas, which would not result in significant landform alteration of the site. Remedial grading is proposed for purposes of restoring specific bluff areas impacted by oil operations, uncontrolled drainage and erosion, and soil degradation. While some modification of the existing bluff landform is required for the restoration effort, the remedial grading would be limited to only those specific areas of the bluff necessary to stabilize the landform and is designed to provide revegetated

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			finished slope gradients at 1.5:1 without terrace drains, where feasible, in order to match the existing character of the bluff.
	4.4.1-4	Where appropriate, require new development to provide view easements or corridors designed to protect public coastal views or to restore public coastal views in developed areas.	The proposed Project provides vistas within the parks and trails systems to highlight key landforms and take advantage of the Site's visual resources.
	4.4.1-5	Where feasible, require new development to restore and enhance the visual quality in visually degraded areas.	The proposed Project provides a Master Grading Plan that incorporates bluff restoration and other terraforming activities. Historic oil operations which have degraded the visual quality of the Site will be consolidated as provided in the "Oil Consolidation, Abandonment, and Remediation Program" (EIR Appendix D (NBR LLC 2008)).
	4.4.1-6	Protect public coastal views from the following roadway segments: <ul style="list-style-type: none"> • Backbay Drive. • Balboa Island Bridge. • Bayside Drive from Coast Highway to Linda Island Drive. • Bayside Drive at Promontory Bay. • Coast Highway/Santa Ana River Bridge. • Coast Highway/Newport Boulevard Bridge and Interchange. • Coast Highway from Newport Boulevard to Marino Drive. • Coast Highway/Newport Bay Bridge. • Coast Highway from Jamboree Road to Bayside Drive. • Eastbluff Drive from Jamboree Road to Backbay Drive. • Irvine Avenue from Santiago Drive to University Drive. • Jamboree Road from Eastbluff Drive/University Drive to State Route 73. • Jamboree Road in the vicinity of the Big Canyon Park. • Jamboree Road from Coast Highway to Bayside Drive. • Lido Island Bridge. • Newport Boulevard from Hospital Road/Westminster Avenue to Via Lido Drive. • Newport Center Drive from Newport Center Drive E/W to Farallon Drive/Granville Drive. • Ocean Boulevard. • State Route 73 from Bayview Way to University Drive. • Superior Avenue from Hospital Road to Coast Highway. • University Drive from Irvine Avenue to the Santa Ana – Delhi Channel. 	The proposed Project has sited development areas to avoid impacting public views. Impacts to the views of the natural features of the Site from Public View Points and Coastal View Roads identified on Map 4-3, Coastal Views, of the City's CLUP.
	4.4.1-7	Design and site new development, including landscaping, on the edges of public coastal view corridors, including those down public streets, to frame and accent public coastal views.	Design Guidelines of the proposed Project provides landscaped medians and parkways along public streets that accentuate public view corridors throughout the Project site (NBR-MDP 2011).
	4.4.1-8	Require that buildings be located and sites designed to provide clear views of and access to the Harbor and Bay from the Coast Highway and Newport Boulevard rights-of-way in accordance with the following principles, as appropriate: <ul style="list-style-type: none"> • Clustering of buildings to provide open view and access corridors to the Harbor. • Modulation of building volume and masses. • Variation of building heights. • Inclusion of porticoes, arcades, windows, and other —see-through elements in addition to the defined open 	The proposed Project has sited development areas to avoid impacting public views. Impacts to the views of the natural features of the Site from Public View Points and Coastal View Roads identified on Map 4-3, Coastal Views, of the City's CLUP will be minimized as Additionally, a viewshed analysis will be provided with the Master Site Plan to ensure impacts to public views are minimized and avoided where possible.

4.4 SCENIC AND VISUAL RESOURCES			
CATEGORY	POLICY		CONSISTENCY ANALYSIS
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		corridor. <ul style="list-style-type: none"> • Minimization of landscape, fencing, parked cars, and other nonstructural elements that block views and access to the Harbor. • Prevention of the appearance of the public right-of-way being walled off from the Harbor. • Inclusion of setbacks that in combination with setbacks on adjoining parcels cumulatively form functional view corridors. • Encouragement of adjoining properties to combine their view corridors that achieve a larger cumulative corridor than would have been achieved independently. • A site-specific analysis shall be conducted for new development to determine the appropriate size, configuration, and design of the view and access corridor that meets these objectives, which shall be subject to approval in the coastal development plan review process. 	
	4.4.1-9	Design and maintain parkway and median landscape improvements in public rights-of-way so as not to block public coastal views at maturity.	Design Guidelines of the proposed Project provides landscaped medians and parkways along public streets that accentuate public view corridors throughout the Site.
	4.4.1-10	Where feasible, provide public trails, recreation areas, and viewing areas adjacent to public coastal view corridors.	The proposed Project provides public parks, interpretive trails, and vistas along the tops of bluffs and within the upland and lowland open space areas.
	4.4.1-11	Restrict development on sandy beach areas to those structures directly supportive of visitor-serving and recreational uses, such as lifeguard towers, recreational equipment, restrooms, and showers. Design and site such structures to minimize impacts to public coastal views.	Not applicable to Newport Banning Ranch.
4.4.2 Bulk and Height Limitation	4.4.2-1	Maintain the 35-foot height limitation in the Shoreline Height Limitation Zone, as graphically depicted on Map 4-3.	Not applicable to Newport Banning Ranch as it is not located within the area designated as the Shoreline Height Limitation Zone.
	4.4.2-2	Continue to regulate the visual and physical mass of structures consistent with the unique character and visual scale of Newport Beach.	The proposed Project has been carefully designed to preserve public views and be consistent with the unique character and scale of Newport Beach. The Design Guidelines provide comprehensive architectural guidelines that regulate the visual and physical mass of structures and ensure compatibility with the City of Newport Beach Design Guidelines. The Project includes a range of housing types and architectural styles to avoid visual monotony and minimize impacts to future public views from proposed trails along the Project site bluffs, and would emphasize architectural styles found along the coast, including beach cottages, shingle siding, porches, courtyards, and patios. The proposed color palette would complement the Project site's natural open space and habitat areas, as well as existing neighborhoods, while providing colors appropriate to the architectural scale and character of the proposed land uses. Building facades and other primary surfaces for proposed buildings would be neutral and classic colors that are found in nature (earth tones).
	4.4.2-3	Implement the regulation of the building envelope to preserve public views through the height, setback, floor area, lot coverage, and building bulk regulation of the Zoning Code in effect as of October 13, 2005 that limit the building profile and maximize public view opportunities.	The proposed Project has been carefully designed to preserve public views and be consistent with the unique character and scale of Newport Beach. The Design Guidelines provide comprehensive architectural guidelines that regulate the visual and physical mass of structures and ensure compatibility with the City of Newport Beach Design Guidelines.
	4.4.2-4	Prohibit projections associated with new development to exceed the top of curb on the bluff side of Ocean Boulevard. Exceptions for minor projections may be granted for chimneys and vents provided the height of such projections is limited to the minimum height necessary to comply with	Not applicable to Newport Banning Ranch.

4.4 SCENIC AND VISUAL RESOURCES			
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		the Uniform Building Code.	
4.4.3 Natural Landform Protection	4.4.3-1	Require new planned communities to dedicate or preserve as open space the coastal bluff face and an area inland from the edge of the coastal bluff adequate to provide safe public access and to avoid or minimize visual impacts.	The proposed Project has designed a public linear park along the edge of identified bluffs. An Open Space agreement will describe the phased dedication of open space areas including those on and around identified bluffs.
	4.4.3-2	Maintain approved bluff edge setbacks for the coastal bluffs within the planned communities of Castaways, Eastbluff, Park Newport, Newporter North (Harbor Cove), and Bayview Landing to ensure the preservation of scenic resources and geologic stability.	Not applicable to Newport Banning Ranch.
	4.4.3-3	Require all new bluff top development located on a bluff subject to marine erosion to be sited in accordance with the predominant line of existing development in the subject area, but not less than 25 feet from the bluff edge. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and pools. The setback shall be increased where necessary to ensure safety and stability of the development.	The proposed Project maintains a 50-foot minimum setback from identified bluff edges. Development is not proposed within this setback. Building structures are not permitted within the setback excepting interpretive signage, kiosks, and other structures within the Project's trail system.
	4.4.3-4	On bluffs subject to marine erosion, require new accessory structures such as decks, patios and walkways that do not require structural foundations to be sited in accordance with the predominant line of existing development in the subject area, but not less than 10 feet from the bluff edge. Require accessory structures to be removed or relocated landward when threatened by erosion, instability or other hazards.	Not applicable to Newport Banning Ranch. Permanent development is not proposed within 50 feet of identified bluff edges, except as may be required to protect public health and safety.
	4.4.3-5	Require all new bluff top development located on a bluff not subject to marine erosion to be set back from the bluff edge in accordance with the predominant line of existing development in the subject area. This requirement shall apply to the principal structure and major accessory structures such as guesthouses and pools. The setback shall be increased where necessary to ensure safety and stability of the development.	Not applicable to Newport Banning Ranch. There is no existing development in the subject area.
	4.4.3-6	On bluffs not subject to marine erosion, require new accessory structures such as decks, patios and walkways that do not require structural foundations, to be set back from the bluff edge in accordance with the predominant line of existing accessory development. Require accessory structures to be removed or relocated landward when threatened by erosion, instability or other hazards.	Not applicable to Newport Banning Ranch. Development areas are not proposed within 50 feet of identified bluff edges.
	4.4.3-7	Require all new development located on a bluff top to be setback from the bluff edge a sufficient distance to ensure stability, ensure that it will not be endangered by erosion, and to avoid the need for protective devices during the economic life of the structure (75 years). Such setbacks must take into consideration expected longterm bluff retreat over the next 75 years, as well as slope stability. To assure stability, the development must maintain a minimum factor of safety of 1.5 against landsliding for the economic life of the structure.	The proposed Project maintains a 50-foot minimum setback from identified bluff edges. Development is not proposed within this setback. Building structures are not permitted within the setback excepting interpretive signage, kiosks, and other structures within the Project's trail system.
	4.4.3-8	Prohibit development on bluff faces, except private development on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar determined to be consistent with the predominant line of existing development or public improvements providing public access, protecting coastal resources, or providing for public safety. Permit such improvements only when no feasible alternative exists and when designed and constructed to minimize alteration of the bluff	No development is proposed on identified bluff faces. The proposed Project maintains a 50-foot setback from identified bluff edges. Development is not proposed within this setback. Building structures are not permitted within the setback excepting interpretive signage, kiosks, and other structures within the Project's trail system.

4.4 SCENIC AND VISUAL RESOURCES			
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		face, to not contribute to further erosion of the bluff face, and to be visually compatible with the surrounding area to the maximum extent feasible.	
	4.4.3-9	Where principal structures exist on coastal bluff faces along Ocean Boulevard, Carnation Avenue and Pacific Drive in Corona del Mar, require all new development to be sited in accordance with the predominant line of existing development in order to protect public coastal views. Establish a predominant line of development for both principle structures and accessory improvements. The setback shall be increased where necessary to ensure safety and stability of the development.	Not applicable to Newport Banning Ranch.
	4.4.3-10	The coastal bluffs along Bayside Drive that have been cut and filled by the Irvine Terrace and Promontory Point developments are no longer subject to marine erosion. New development on these bluffs is subject to the setback restrictions established for bluff top development located on a bluff not subject to marine erosion.	Not applicable to Newport Banning Ranch.
	4.4.3-11	Require applications for new development to include slope stability analyses and erosion rate estimates provided by a licensed Certified Engineering Geologist or Geotechnical Engineer.	The "Report of Geotechnical Studies" (GMU 2011) provides the necessary analyses for the proposed Project, as provided in EIR Appendix B, Geology and Soils.
	4.4.3-12	Employ site design and construction techniques to minimize alteration of coastal bluffs to the maximum extent feasible, such as: A. Siting new development on the flattest area of the site, except when an alternative location is more protective of coastal resources. B. Utilizing existing driveways and building pads to the maximum extent feasible. C. Clustering building sites. D. Shared use of driveways. E. Designing buildings to conform to the natural contours of the site, and arranging driveways and patio areas to be compatible with the slopes and building design. F. Utilizing special foundations, such as stepped, split level, or cantilever designs. G. Detaching parts of the development, such as a garage from a dwelling unit. H. Requiring any altered slopes to blend into the natural contours of the site.	No development is proposed on identified bluff faces. The proposed Project maintains a 60-foot minimum setback from identified bluff edges. Development is not proposed within this setback. The Project also includes a Master Grading Plan that incorporates bluff restoration, limited cut-and fill, soil remediation, and terraforming (natural contour grading) activities.
	4.4.3-13	Require new development adjacent to the edge of coastal bluffs to incorporate drainage improvements, irrigation systems, and/or native or drought-tolerant vegetation into the design to minimize coastal bluff recession.	The proposed Project include a Runoff Management Plan that incorporates natural hydrological systems, such as bio-swales, soil-based infiltration, and restoration of existing arroyos, to treat on- and off-site runoff and recharge local groundwater. Native and drought-tolerant vegetation is required through the Design Guidelines. Additionally, the Landowner/Master Developer has committed to water saving strategies, provided in

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			the Draft "Green and Sustainable Community Program" (NBR-MDP 2011, Appendix D): <ul style="list-style-type: none"> • Use of low-water use indoor appliances; • "Smart Controller" system featuring satellite weather data, rain sensors and moisture sensors for public and common area landscape; • Hydrozone landscaped areas; and • Draft "Green" streets design with bio-filters. Impoundment areas will be designed and constructed to capture, treat and retain runoff.
	4.4.3-14	Require swimming pools located on bluff properties to incorporate leak prevention and detection measures.	The proposed Project maintains a 50-foot minimum setback from identified bluff edges. Residential lots maintain this minimum setback and will comply with all relevant and applicable local codes regarding swimming pools.
	4.4.3-15	Design and site new development to minimize the removal of native vegetation, preserve rock outcroppings, and protect coastal resources.	. An experienced team of professional scientists, engineers, and biologists were retained by the Landowner/Master Developer to perform a refined constraints analysis and identify critical habitat. This multi-disciplinary effort resulted in a development constraints map which serves as the foundation for the proposed development. As a result, development has been concentrated to avoid impacts to sensitive habitat and protected coastal resources. Please see the Draft Habitat Conservation and Restoration Plan.
	4.4.3-16	Design land divisions, including lot line adjustments, to minimize impacts to coastal bluffs.	No development is proposed on identified bluff faces. The proposed Project maintains a 50-foot minimum setback from identified bluff edges which are illustrated in Chapter 2 of NBR-PCDP (NBR LLC, 2011). Development is not proposed within this setback. The Project has been designed to maintain the 50-foot minimum setback from identified bluff edges.
	4.4.3-17	Identify and remove all unauthorized structures, including protective devices, fences, and stairways, which encroach into coastal bluffs.	Not applicable to Newport Banning Ranch. While existing oil-related structures have been identified and may be removed, all structures located on the Site are assumed to have been historically authorized.
	4.4.3-18	Establish canyon development setbacks based on the predominant line of existing development for Buck Gully and Morning Canyon. Do not permit development to extend beyond the predominant line of existing development by establishing a development stringline where a line is drawn between nearest adjacent corners of existing structures on either side of the subject property. Establish development stringlines for principle structures and accessory improvements.	Not applicable to Newport Banning Ranch.
4.4.4 Signs and Utilities	4.4.4-1	Design and site signs, utilities, and antennas to minimize visual impacts to coastal resources.	The proposed Project includes design guidelines and regulations pertaining to signage, utilities and other structures to ensure visual impacts are minimized.
	4.4.4-2	Continue to implement the special sign regulations in Mariner's Mile and on the Balboa Peninsula.	Not applicable to Newport Banning Ranch.
	4.4.4-3	Update sign regulations for the West Newport, Marine Avenue, and Corona del Mar commercial areas.	Not applicable to Newport Banning Ranch.
	4.4.4-4	Implement programs to remove illegal signs and amortize legal nonconforming signs.	Not applicable to Newport Banning Ranch.
	4.4.4-5	Prohibit new billboards and roof top signs and regulate the bulk and height of other freestanding signs that affect public coastal views. Heritage signs are not subject to this restriction.	Not applicable to Newport Banning Ranch. The Project does not propose or permit billboards or roof top signs.

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	4.4.4-6	Continue to require new development to underground utilities.	The Landowner/Master Developer will provide for the undergrounding and/or removal of overhead utilities within the development area of the Site. Utilities within the open space areas, or those utilities serving the consolidated oil sites, will be undergrounded when practical from a phasing, financial, and environmental standpoint.
	4.4.4-7	Continue programs to remove and underground overhead utilities.	The Landowner/Master Developer will provide for the undergrounding and/or removal of overhead utilities within the development area of the Site. Utilities within the open space areas, or those utilities serving the consolidated oil sites, will be undergrounded when practical from a phasing, financial, and environmental standpoint.
4.5 PALEONTOLOGICAL CULTURAL RESOURCES			
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4.5.1 Paleontological and Archaeological Resources	4.5.1-1	Require new development to protect and preserve paleontological and archaeological resources from destruction, and avoid and minimize impacts to such resources. If avoidance of the resource is not feasible, require an in situ or site-capping preservation plan or a recovery plan for mitigating the effect of the development.	The proposed Project will protect and preserve paleontological and archaeological resources identified in the “Cultural Resource Assessment Survey” from destruction through the use of a resource recovery plan. See EIR Appendix J, Cultural and Paleontological Resources, for the Archaeological Resources Assessment (BonTerra 2010) and the Paleontological Resources Assessment (BonTerra 2010) for the Newport Banning Ranch.
	4.5.1-2	Require a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural or paleontological resources. If grading operations or excavations uncover paleontological/archaeological resources, require the paleontologist/archeologist monitor to suspend all development activity to avoid destruction of resources until a determination can be made as to the significance of the paleontological/ archaeological resources. If resources are determined to be significant, require submittal of a mitigation plan. Mitigation measures considered may range from in-situ preservation to recovery and/or relocation. Mitigation plans shall include a good faith effort to avoid impacts to cultural resources through methods such as, but not limited to, project redesign, in situ preservation/capping, and placing cultural resource areas in open space.	The proposed Project will protect and preserve paleontological and archaeological resources identified in the “Cultural Resource Assessment Survey” from destruction through the use of a resource recovery plan (EIR Appendix J, Cultural and Paleontological Resources).. The Landowner/Master Developer will hire a qualified paleontologist/archeologist to monitor all grading and/or excavation where there is a potential to affect cultural resources. The Landowner/Master Developer will comply with all local, state, and federal requirements pertaining to the avoidance and recovery of cultural resources.
	4.5.1-3	Notify cultural organizations, including Native American organizations, of proposed developments that have the potential to adversely impact cultural resources. Allow qualified representatives of such groups to monitor grading and/or excavation of development sites.	The Landowner/Master Developer will comply with all local, state, and federal requirements pertaining to the policy 4.5.1-3 of the City’s CLUP.
	4.5.1-4	Where in situ preservation and avoidance are not feasible, require new development to donate scientifically valuable paleontological or archaeological materials to a responsible public or private institution with a suitable repository, located within Orange County, whenever possible.	If preservation and avoidance of paleontological or archaeological materials is not feasible, the Landowner/Master Developer will donate materials to a responsible public or private institution with a suitable repository.
	4.5.1-5	Where there is a potential to affect cultural or paleontological resources, require the submittal of an archeological/cultural resources monitoring plan that identifies monitoring methods and describes the procedures for selecting archeological and Native American monitors and procedures that will be followed if additional or unexpected archeological/cultural resources are encountered during development of the site. Procedures may include, but are not limited to, provisions for cessation of	Please see the “Cultural Resource Assessment Survey” for the proposed Project as included in the EIR Appendix J, Cultural and Paleontological Resources.

4.5 PALEONTOLOGICAL CULTURAL RESOURCES			
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		all grading and construction activities in the area of the discovery that has any potential to uncover or otherwise disturb cultural deposits in the area of the discovery and all construction that may foreclose mitigation options to allow for significance testing, additional investigation and mitigation.	
	4.5.1-6	Continue to protect Upper Newport Bay cliff faces to serve as a reference section for micropaleontological studies.	Not applicable to Newport Banning Ranch.
4.5.2 Historical Resources	4.5.2-1	Maintain and periodically update the <i>Newport Beach Register of Historical Property</i> for buildings, objects, structures, and monuments having importance to the history or architecture of Newport Beach and require photo documentation of inventoried historic structures prior to demolition.	Not applicable to Newport Banning Ranch.
	4.5.2-2	Provide incentives, such as granting reductions or waivers of applications fees, permit fees, and/or any liens placed by the City to properties listed in the <i>Newport Beach Register of Historical Property</i> in exchange for preservation easements.	Not applicable to Newport Banning Ranch.
	4.5.2-3	Continue to allow the Dory Fishing Fleet to be launched and stored and to sell fish on the public beach adjacent to Newport Pier within reasonable limits to protect the historical character of the fleet, the coastal access and resources, and the safety of beach users in the vicinity.	Not applicable to Newport Banning Ranch.
4.6 ENVIRONMENTAL REVIEW			
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4.6 Environmental Review	4.6-1	Review all new development subject to California Environmental Quality Act (CEQA) and coastal development permit requirements in accordance with the principles, objectives, and criteria contained in CEQA, the State CEQA Guidelines, the Local Coastal Program, and any environmental review guidelines adopted by the City.	The proposed Project has been reviewed in accordance with the principles, objectives, and criteria contained in CEQA, the State CEQA Guidelines, any environmental review guidelines adopted by the City of Newport Beach as the lead agency, and is consistent with the policies contained in the CLUP as demonstrated by this CLUP Consistency Analysis. The Environmental Impact Report was certified in 2012 (Bonterra 2012).
	4.6-2	Integrate CEQA procedures into the review procedures for new development within the coastal zone.	An Environmental Impact Report for the proposed Project was prepared by Bonterra and certified in 2012.
	4.6-3	Require a qualified City staff member, advisory committee designated by the City, or consultant approved by and under the supervision of the City, to review all environmental review documents submitted as part of an application for new development and provide recommendations to the appropriate decision-making official or body.	Policy 4.6-3 of the City's CLUP pertains to internal City review procedures and is not applicable to proposed Project.
	4.6-4	Require the City staff member(s) and/or contracted employee(s) responsible for reviewing site specific surveys and analyses to have technical expertise in biological resources, as appropriate for the resource issues of concern (e.g. marine/coastal, wetland/riparian protection and restoration, upland habitats and connectivity) and be knowledgeable about the City of Newport Beach.	Policy 4.6-4 of the City's CLUP pertains to internal City review procedures and is not applicable to proposed Project.
	4.6-5	Where development is proposed within or adjacent to ESHA, wetlands or other sensitive resources require the City staff member(s) and/or contracted employee(s) to consider the individual and cumulative impacts of the development, define the least environmentally damaging alternative, and	Policy 4.6-5 of the City's CLUP pertains to internal City review procedures and is not applicable to proposed Project.

4.6 ENVIRONMENTAL REVIEW		
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	recommend modifications or mitigation measures to avoid or minimize impacts. The City may impose a fee on Landowner/Master Developers to recover the cost of review of a proposed project when required by this policy.	
4.6-6	Where development is proposed within or adjacent to ESHA, wetlands or other sensitive resources require the City staff member(s) and/or contracted employee(s) to include the following in any recommendations of approval: an identification of the preferred project alternative, required modifications, or mitigation measures necessary to ensure conformance with the Coastal Land Use Plan. The decision making body (Planning Director, Planning Commission, or City Council) shall make findings relative to the project's conformance to the recommendations of the City staff member(s) and/or contracted employee(s).	Policy 4.6-6 of the City's CLUP pertains to internal City review procedures and is not applicable to proposed Project.
4.6-7	Require City staff member(s) and/or contracted employee(s) to make a recommendation to the decision making body as to whether an area constitutes an ESHA, and if recommended as an ESHA, then establish the boundaries thereof and appropriate buffers.	Policy 4.6-7 of the City's CLUP pertains to internal City review procedures and is not applicable to proposed Project.
4.6-8	Coordinate with the California Department of Fish and Game, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and other resource management agencies, as applicable, in the review of development applications in order to ensure that impacts to ESHA and marine resources, including rare , threatened , or endangered species, are avoided or minimized such that ESHA is not significantly degraded, habitat values are not significantly disrupted, and the biological productivity and quality of coastal waters is preserved.	<p>An experienced team of professional wildlife biologists, botanists, wetland scientists, engineers, and land-use planners were retained by the Landowner/Master Developer to perform a refined constraints analysis and identify special-status plants, animals, and habitats, including wetlands and other overlays such as federally designated critical habitat. This multi-disciplinary effort resulted in a development constraints map which serves as the foundation for the proposed development. As a result, development has been concentrated to avoid impacts to sensitive habitat.</p> <p>The NBR project team has and will continue to coordinate with the California Department of Fish and Game, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and other resource management agencies, as applicable, in the review of development applications in order to ensure that impacts to ESHA and marine resources, including rare , threatened , or endangered species, are avoided or minimized such that ESHA is not significantly degraded, habitat values are not significantly disrupted, and the biological productivity and quality of coastal waters is preserved.</p> <p>Restoration and mitigation activities are described in the "Draft Habitat Conservation and Restoration Plan."</p>
4.6-9	Require applications for new development, where applicable, to include a geologic/soils/geotechnical study that identifies any geologic hazards affecting the proposed project site , any necessary mitigation measures, and contains statements that the project site is suitable for the proposed development and that the development will be safe from geologic hazard for its economic life. For development on coastal bluffs, including bluffs facing Upper Newport Bay, such reports shall include slope stability analyses and estimates of the long-term average bluff retreat rate over the expected life of the development. Reports are to be signed by an appropriately licensed professional and subject to review and approval by qualified city staff member(s) and/or contracted employee(s).	<p>Coastal, geotechnical, and other hazards have been identified in the Draft "Phase I Environmental Site Assessment Update" (Geosyntec 2008; EIR Appendix D, Site Remediation and Hazardous Materials) and the Draft "Report of Geotechnical Studies," (GMU 2011; EIR Appendix B, Geology and Soil).</p> <p>An experienced team of professional scientists, biologists, and engineers were retained by the Landowner/Master Developer to perform a refined constraints analysis and identify bluffs, geotechnical faults, historic and existing oil wells, wetlands, and other sensitive areas. This multi-disciplinary effort resulted in a refined development constraints map which serves as the foundation for the proposed development. The Newport Banning Ranch Land Use Plan has been designed to avoid these physical and environmental constraints and minimize risks of life and property from known hazards.</p> <p>Restoration and mitigation activities are described in the Draft Habitat Conservation and Restoration</p>

4.6 ENVIRONMENTAL REVIEW		
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		Plan.