

# 1 INTRODUCTION

## 1.1 Project Location

Newport Banning Ranch (also referred to as “NBR,” the “Property,” the “Project Site,” or simply “Project” or “Site”) is located near the mouth of the Santa Ana River along the central coastline of Orange County, California. As shown on Exhibit 1-1, Regional Setting Map, and on Exhibit 1-2, Vicinity Map, the Site is generally located north of West (Pacific) Coast Highway, east of the Santa Ana River channel, south of the Talbert Nature Preserve, and west of Superior Avenue.

The Vicinity Map illustrates the local jurisdictional boundaries affecting the Site. Approximately 41 acres of the 402-acre Site are located within the current corporate boundary of the City of Newport Beach (“City”). The remaining acreage is located in unincorporated Orange County but within the City’s Sphere of Influence, as determined by the Orange County Local Area Formation Commission (LAFCO).

The entire Site is situated within the boundary of the Coastal Zone as established by the California Coastal Act, and is therefore, under land use planning and regulatory jurisdiction not only of local government agencies but also the California Coastal Commission.

## 1.2 Surrounding Land Uses and Neighborhoods

Exhibit 1-3, Surrounding Land Uses and Neighborhoods Map, illustrates the area immediately surrounding Newport Banning Ranch.

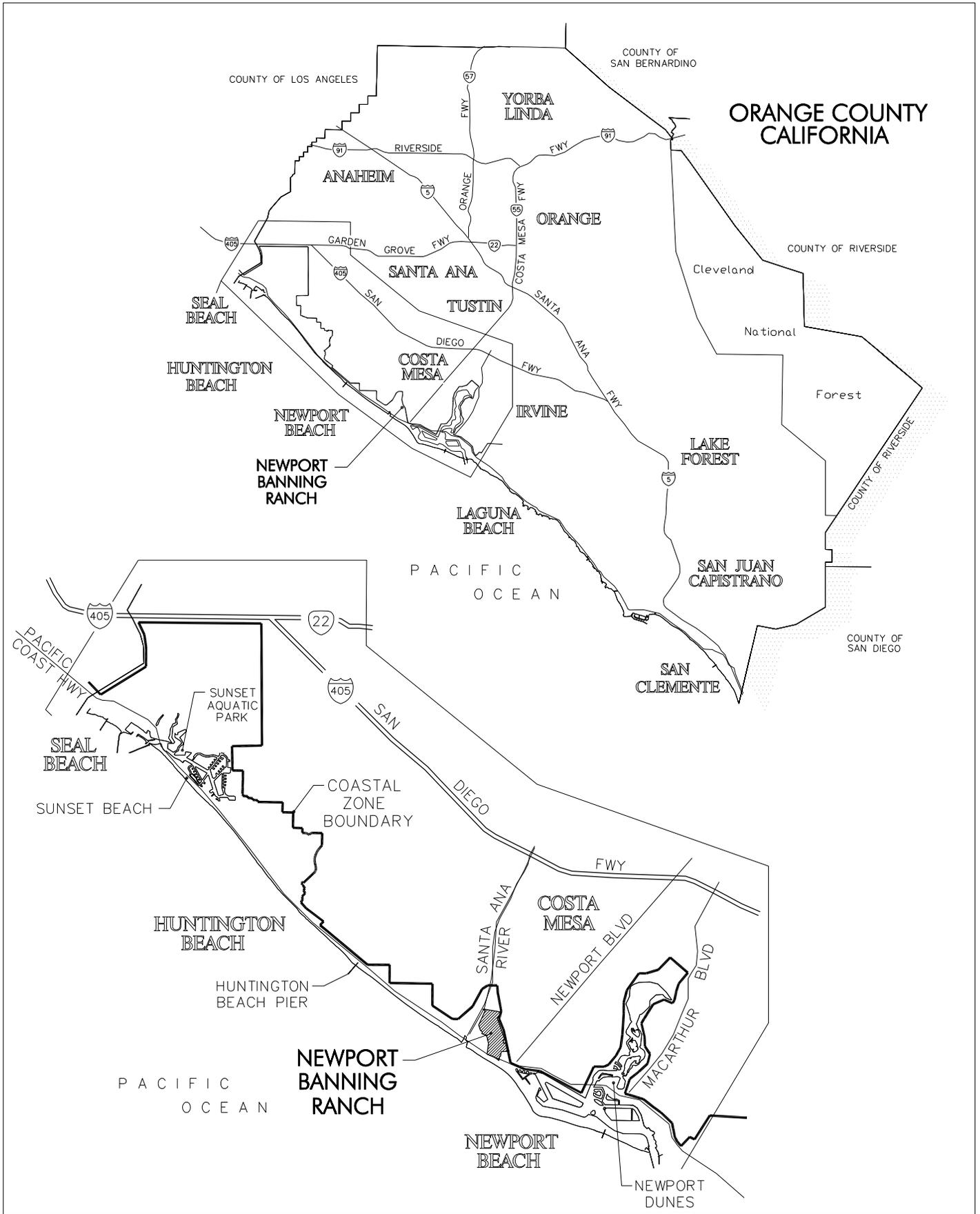
The Property’s northern boundary abuts the existing preservation and open space uses that comprise the Talbert Nature Preserve.

Existing restored wetlands, owned by the U.S. Army Corps of Engineers, are located along the western boundaries of the Property. The Oxbow Loop Channel (aka Semeniuk Slough), adjacent to the Newport Shores neighborhood, abuts the southwestern Property boundary.

Newport Terrace, Costa Mesa Seabreeze, and other residential neighborhoods are located along the northeastern boundary of the Property. Residential uses transition to light industrial uses between 16<sup>th</sup> Street and 18<sup>th</sup> Street along the Property’s eastern boundary.

Newport Crest, Newport Knolls, and other residential neighborhoods, as well as the City of Newport Beach’s proposed Sunset Ridge Park, are located along the southeastern boundary of the Property.

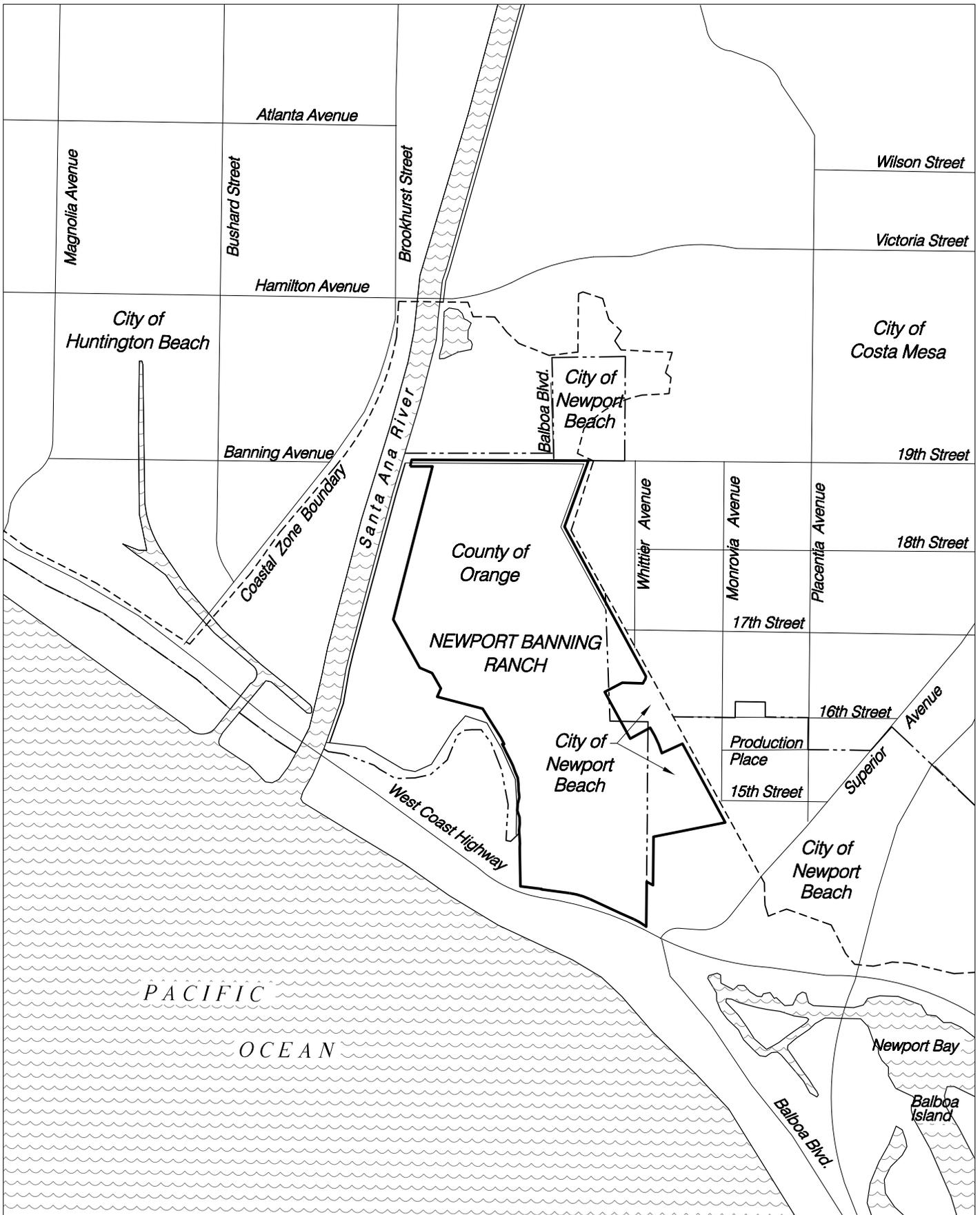
The Lido Sands and West Newport Beach neighborhoods are located south of West Coast Highway which parallels the southern edge of the Property.



# Exhibit 1-1 Regional Setting Map

**PLANNED COMMUNITY DEVELOPMENT PLAN**  
City of Newport Beach - California





## Exhibit 1-2 Vicinity Map

**PLANNED COMMUNITY DEVELOPMENT PLAN**  
City of Newport Beach - California



GLENN LUKOS ASSOCIATES



FUSCO  
PLANNING & DESIGN

FORMA  
2008-06-10



### 1.3 Brief Planning History of Newport Banning Ranch

#### 1.3.1 Oil Field Development

Newport Banning Ranch has been an operating oil field for over 65 years, when the West Newport Oil Field was discovered with the drilling of Banning #1 on the Site by D.W. Elliott. Oil production continues through the 1950s and 1960s.

In 1972, the South Coast Regional Coastal Zone Conservation Commission granted a Claim for Exemption No. E-7-27-73-144 for the NBR, requiring no permit from the Coastal Commission for continued oil operations.

Oil well drilling and production continued on the Site, resulting in 295 wells by 1972 and 486 wells by 1985.

#### 1.3.2 Redevelopment Planning

Planning for the phased redevelopment of the oil field was begun about 26 years ago.

In 1982, the City of Newport Beach approved the Banning Newport Ranch Planned Community (“PC”) District Regulations for 75.5 acres of the Site, including approximately 41 acres within the City’s corporate boundary as well as portions within the unincorporated County of Orange. The 1982 plan permitted 406 dwelling units, 400,000 square feet of office/industrial use, and a 5-acre neighborhood park on the 75.5 acres.

In 1983, Mobil Oil and Armstrong Petroleum purchased the NBR surface rights from the Banning Family.

In 1992, a 92-acre restoration of an adjacent parcel known as the Santa Ana River Marsh and located between the Site and the Santa Ana River was completed by the U.S. Army Corps of Engineers. The restoration area, acquired and restored to full tidal wetlands as a part of the Santa Ana River Flood Control Project, was formerly an oil and gas production area that contained 19 oil wells and related facilities.

In 1995 the Newport Beach City Council amended the Banning Newport Ranch Planned Community District Regulations, which remain the existing zoning for a portion of the Property.

The same year, the City acquired three acres of the Property for the expansion of the existing City Utilities Yard and the construction/expansion of an underground potable water reservoir.

In addition – and within the adopted Sphere of Influence of the City of Newport Beach – the unincorporated portion of the Newport Banning Ranch was referred to in the City’s General Plan as portions of Unincorporated Statistical Areas A1.4 and A1.5. Prior to the 2006 General Plan Update, these areas were designated for a total of 2,329 single-family attached units and 65,340 square feet of neighborhood commercial uses. The Plan also called for neighborhood and view parks, and public riding and hiking trails.

In 1991, a Land Use Plan was prepared but not approved for the unincorporated portion of the Newport Banning Ranch as the initial step in processing a Local Coastal Program for the area through the County of Orange. The 1991 plan anticipated the development of 2,642 residential units on 233 acres, with 11 acres of neighborhood commercial, 3 acres of visitor-serving commercial,

14 acres of combined school/park use, and 5 acres of neighborhood parks.

In 2000, an application for a Local Coastal Program was drafted and submitted by Taylor Woodrow – again for processing through the County of Orange as the lead local agency but in consultation with the City of Newport Beach. The County issued a Notice of Preparation and initiated preparation of a Draft EIR. This plan called for 1,750 dwelling units, a 70-room hotel, 75,000 square feet of local commercial, and a school site. Following a market slowdown and change in management direction, Taylor Woodrow terminated its involvement.

Within five years, planning for Newport Banning Ranch took a new direction in the context of a city-wide program directed by the City of Newport Beach.

### 1.3.3 2006 General Plan Update

In 2005, the City of Newport Beach formed the General Plan Advisory Committee (“GPAC”) to prepare land use recommendations for undeveloped land in the area – including the Newport Banning Ranch – as part of its city-wide General Plan Update (“GPU”). The GPAC considered the various impacts that potential developments would have on traffic, revenue generated for the City, and jobs and services provided to Newport Beach residents as well as other environmental impacts and benefits.

The General Plan Update was adopted by the City Council on July 25, 2006 and approved by the voters on November 6, 2006. As stated in the final General Plan:

*“The General Plan prioritizes the acquisition of Banning Ranch as an open space amenity for the community and region....”*

*“If not acquired for open space within a time period and pursuant to terms agreed to by the City and property owner, the site may be developed as a residential village....”*

*“The property owner may pursue entitlement and permits for a residential village during the time allowed for acquisition as open space.”*

This Planned Community Development Plan was drafted by the Landowner/Master Developer pursuant to this Option 2, in conjunction with a dual track process wherein the City is testing Option 1 as part of the dual track process authorized by the 2006 General Plan update.

### 1.3.4 Adopted General Plan Designation

As shown on Exhibit 1-4, Newport Beach General Plan Land Use Map, the entire Newport Banning Ranch Site is designated as Open Space/Residential Village – OS (RV), which provides land use regulations and development standards for both the priority (Option 1) and alternative use (Option 2) of the Site.

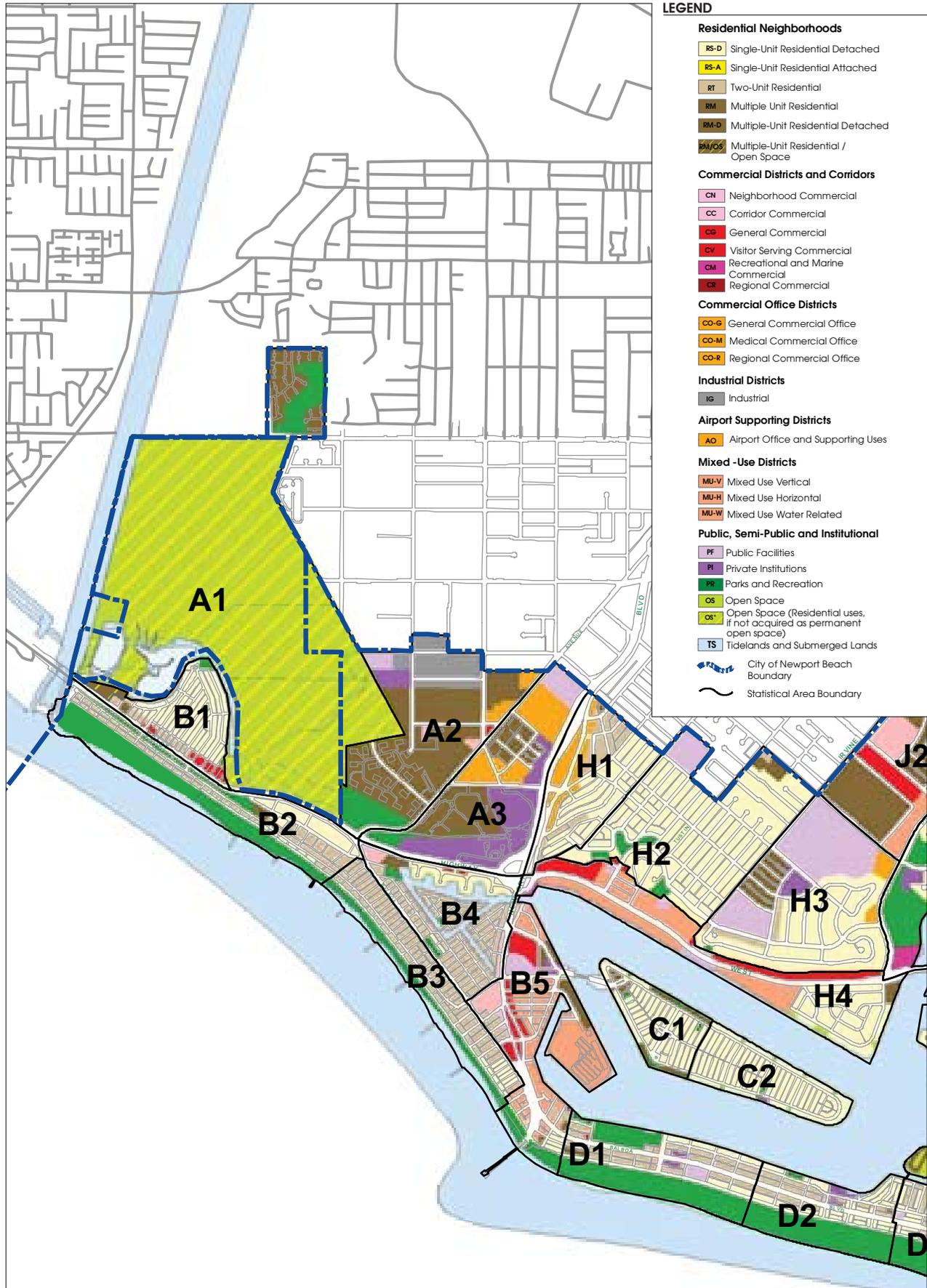
If the Site is not acquired for open space, the designation “... *permits the development of a planned residential community that integrates a mix of single-family detached, single-family attached, two family, and/or multi-family residential, with supporting schools, parks, community services, local-serving convenience commercial uses and services, and open spaces.*”

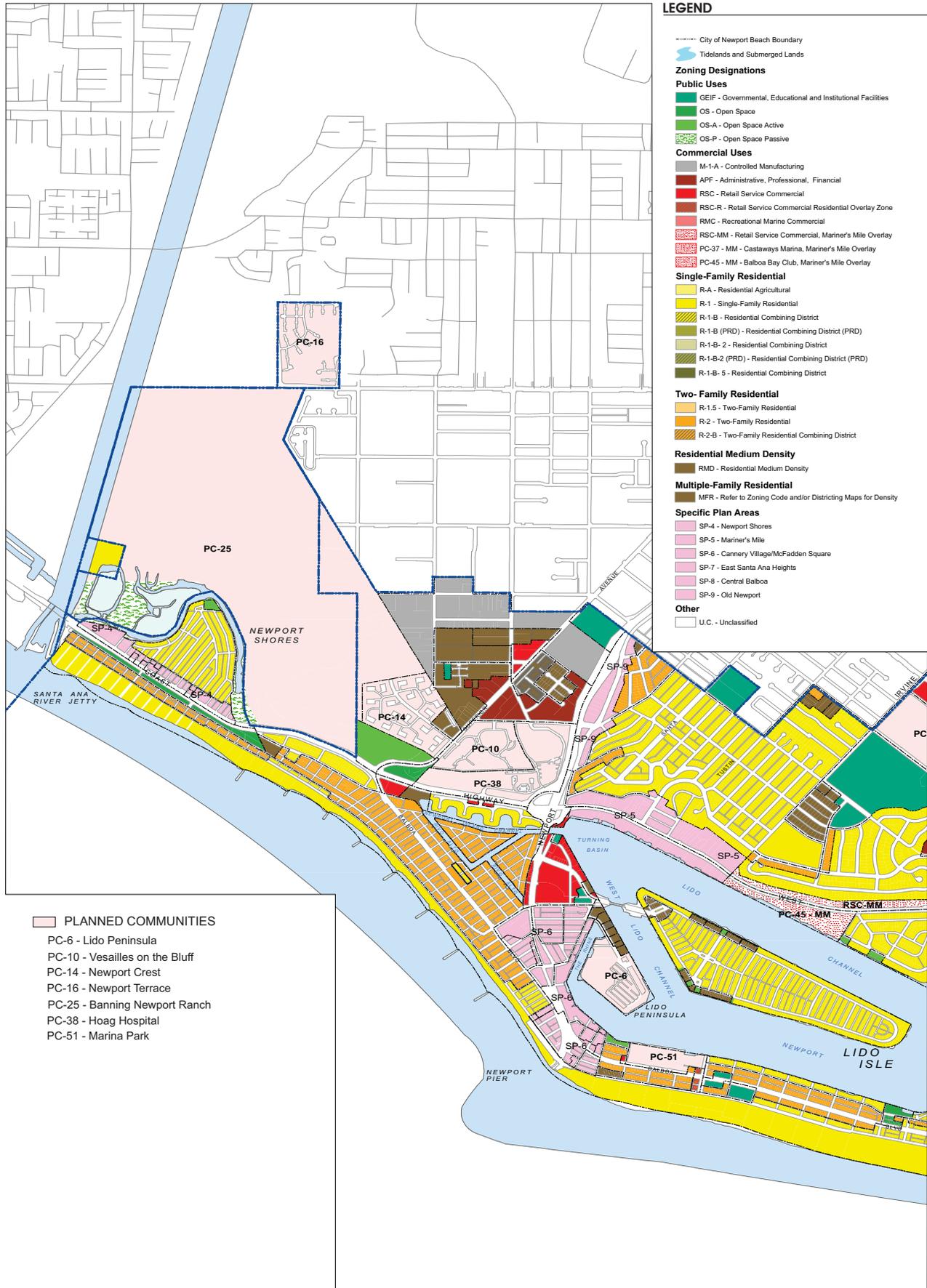
The General Plan goes on to state that the OS(RV) designation permits a “*maximum of 1,375 residential units, 75,000 square feet of retail commercial, and 75 hotel rooms.*”

### 1.3.5 Adopted Zoning Designation

As shown on Exhibit 1-5, Newport Beach Zoning Map, the entire Newport Banning Ranch site is designated as Planned Community (PC) 25, Banning Newport Ranch.

In order to distinguish the new Planned Community Development Plan set forth in this document from the Planned Community originally approved by the City Council in 1982 and amended in 1995, this new Planned Community transposes “Banning” and “Newport” and is titled Newport Banning Ranch.





### 1.4 Purpose of this Planned Community Development Plan

The City of Newport Beach Municipal Code permits a Planned Community Development Plan to address land use designations and regulations in Planned Communities.

Insofar as Newport Banning Ranch site is designated by the City's Zoning Map as "Planned Community No. 25," and a portion of the Site is already covered by Planned Community District Regulations, the purpose of this Planned Community Development Plan is to implement the General Plan for the Project Site.

More specifically, the purpose of the Planned Community District, as stated in Chapter 20.35 of the Newport Beach Municipal Code, is:

- a. *To provide for the classification and development of parcels of land as coordinated, comprehensive projects so as to take advantage of the superior environment which can result from large-scale community planning.*
- b. *To allow diversification of land uses as they relate to each other in a physical and environmental arrangement while insuring substantial compliance with the spirit, intent and provisions of this code.*
- c. *To include various types of land uses, consistent with the General Plan, through the adoption of a development plan and text materials which set forth land use relationships and development standards.*

This Planned Community Development Plan will supersede and replace the provisions of the existing Banning Newport Ranch Planned Community District Regulations, most recently amended in 1995,\* where this Planned Community Development Plan overlaps areas shown in those earlier regulations (see Exhibit 1-6, Area within Existing PC Development Plan to be Superseded by New PC Development Plan).

The existing Banning-Newport Ranch Planned Community will remain in effect for the areas owned by the Newport Mesa Unified School District and Newport Beach (i.e., the City Yard) unless and until a new Planned Community Development Plan is prepared for those areas.

\* Banning-Newport Ranch Planned Community District Regulations, Amendment No. 825 adopted October 9, 1995; Resolution No. 95-115.

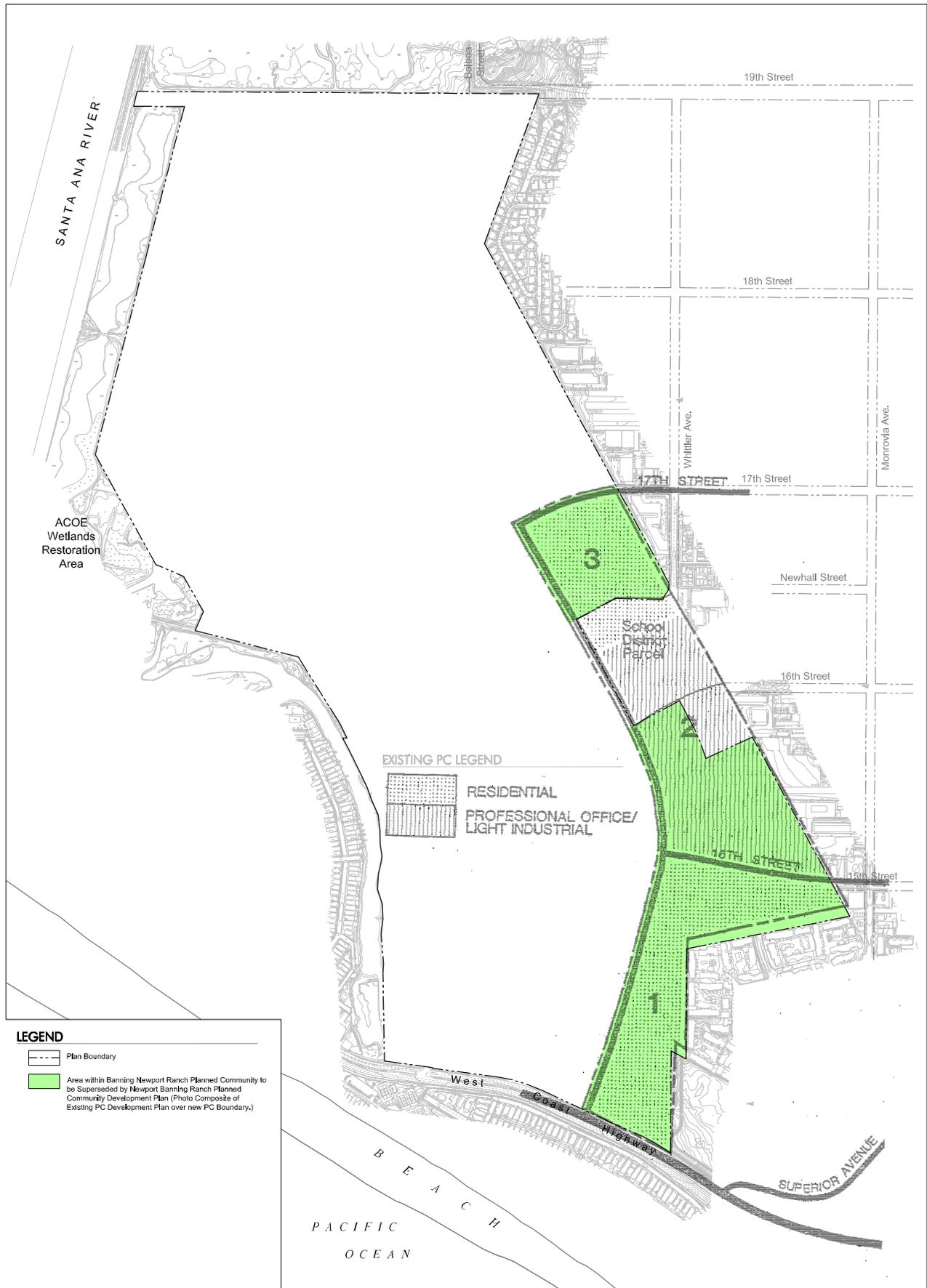


Exhibit 1-6  
 Area within Existing PC Development Plan to be Superseded by New PC Development Plan



### 1.5 Relationship to the General Plan

The entire Newport Banning Ranch site is designated as Open Space/Residential Village – OS(RV), which provides land use regulations and development standards for both the priority and alternative use of the Site.

If the Site is not acquired for open space, the designation “... *permits the development of a planned residential community that integrates a mix of single-family detached, single-family attached, two family, and/or multi-family residential, with supporting schools, parks, community services, local-serving convenience commercial uses and services, and open spaces.*”

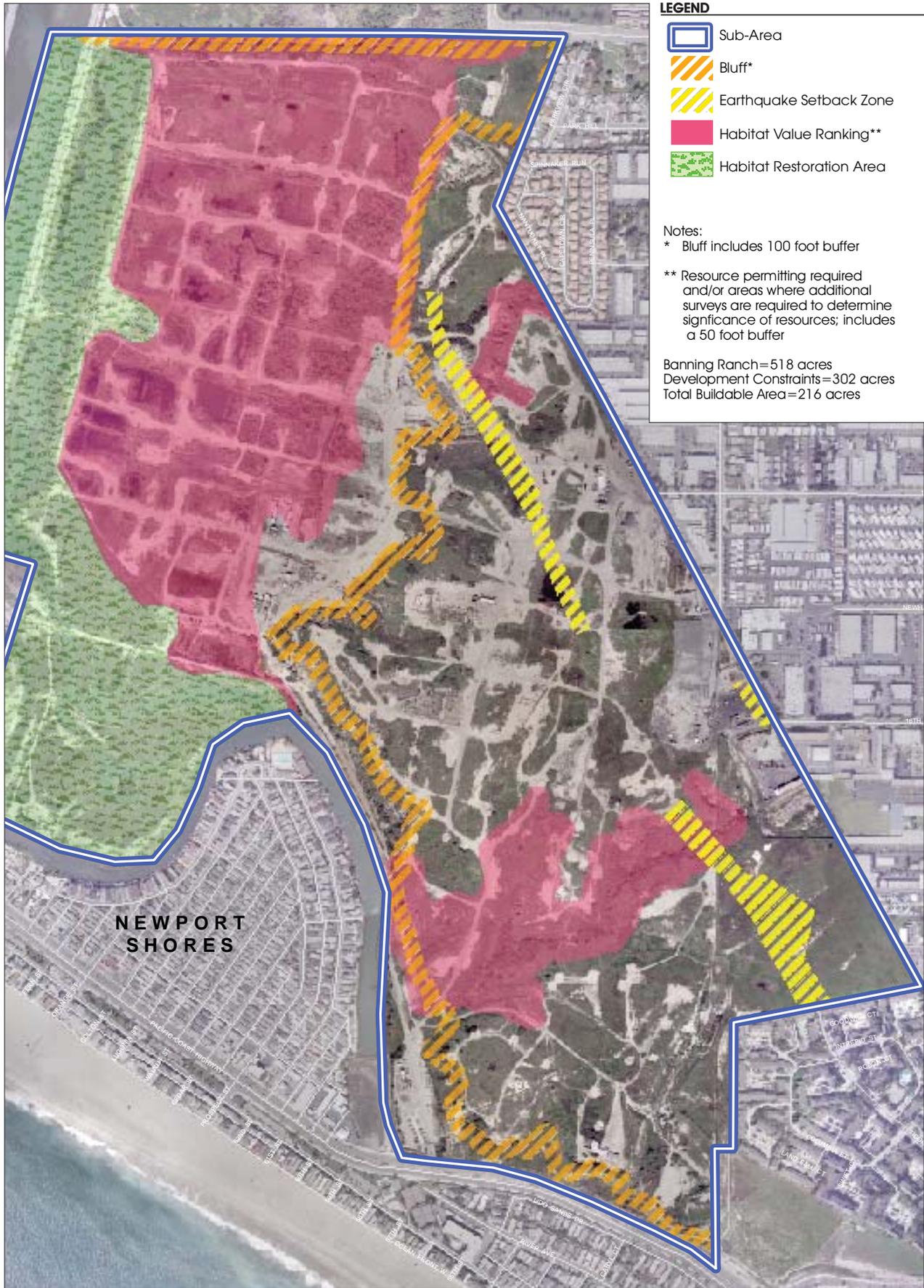
The OS(RV) designation permits a “*maximum of 1,375 residential units, 75,000 square feet of retail commercial, and 75 hotel rooms.*”

The Project and this Planned Community Development Plan have been designed to implement the permitted land uses and level of development set forth in the Newport Beach General Plan and to respect the physical and environmental constraints for the Site illustrated by Figure LU 17, Banning Ranch Development Constraints, of the General Plan, reproduced on the following page as Exhibit 1-7.

The proposed project detailed in this Development Plan document has also been planned and designed to be fully consistent with the adopted City of Newport Beach General Plan.

Appendix B, General Plan Consistency Analysis, demonstrates compatible with the proposed Newport Banning Ranch project with the goals, policies, and programs contained within the various Elements of the City of Newport Beach General Plan that directly reference the Site. The Consistency Analysis also evaluates all programs within the City’s General Plan Implementation Program that directly reference the Site, as well as all programs cross-referenced by policies that directly reference the Site.

Finally, Appendix C also contains a Local Coastal Program (LCP) Consistency Analysis that demonstrates Project compatibility with the City’s Local Coastal Program Land Use Plan Policies.



**LEGEND**

- Sub-Area
- Bluff\*
- Earthquake Setback Zone
- Habitat Value Ranking\*\*
- Habitat Restoration Area

Notes:  
 \* Bluff includes 100 foot buffer  
 \*\* Resource permitting required and/or areas where additional surveys are required to determine significance of resources; includes a 50 foot buffer

Banning Ranch=518 acres  
 Development Constraints=302 acres  
 Total Buildable Area=216 acres

### 1.6 Relationship to the Municipal Code

This Newport Banning Ranch Planned Community Development Plan is intended to provide land use and development standards supportive of the development proposal contained herein while ensuring compliance with the intent of all City of Newport Beach regulatory codes.

This Newport Banning Ranch PC Development Plan provides zoning regulations for both those portions of the Property within the city of Newport Beach and serves as pre-annexation zoning for those portions currently under the jurisdiction of the County of Orange.

Whenever the regulations contained herein conflict with the regulations of the Newport Beach Municipal Code, the regulations contained herein shall take precedence. The Municipal Code shall regulate this development when such regulations are not provided within these district regulations. All development within the Planned Community boundaries shall comply with all provisions of the Uniform Building Code and the various mechanical codes related thereto.

### 1.7 Relationship to the California Coastal Act

The following is a brief summary of how the Newport Banning Ranch Planned Community intends to implement Coastal Act policies.

#### 1.7.1 Biological Protection and Enhancement

1. Newport Banning Ranch has been designed to avoid impacts to wetlands and potentially sensitive habitat areas, and provide habitat protection, restoration, and creation that will enrich the regional coastal ecosystem.
2. The Project includes a comprehensive Habitat Restoration Plan (HRP) to provide for long-term sustainable habitat.
3. A sustainable Fire and Life Safety Program (FLSP) has been developed to reduce long-term maintenance requirements (and associated habitat impacts) without irrigation and/or with low-flow emitter irrigation that mimics average rainfall in dry years.
4. The Project is designed with green and sustainable components that include dark sky light fixtures in neighborhoods adjacent to natural open space, restricted landscape, habitat fencing and pet management, run-off management with restored wetlands/biofilters, and a robust array of structural and non-structural Best Management Practices (BMPs).

### 1.7.2 Public Access Benefits

1. Newport Banning Ranch will provide areas for public parking and regional trail-staging in multiple locations.
2. A trail connection is planned to be provided to the Santa Ana River Regional Trail System – creating an additional linkage from Fairview Regional Park and Talbert Preserve to the beach.
3. The Project will provide a network of footpaths, interpretive trails, and off- and on-street bike trails, including, where practicable, connections to off-site parks and recreation destinations.
4. A pedestrian bridge over West Coast Highway is proposed by the Project and will be a valuable regional trail connection between the beach and ocean and upland and lowland areas along the Santa Ana River.
5. Public footpaths and trails within the Project will generally be ADA-compliant, except where natural topography/landforms or habitat sensitivities/constraints prevent the grading necessary to achieve wheelchair and similar slope-gradients/geometry.

### 1.7.3 Visitor-Serving Benefits

1. Up to 75 overnight visitor accommodations will be provided to expand and complement other visitor-serving uses in the area.
2. An Inn and associated facilities in the Resort Area will provide restaurants and outdoor sitting areas and plazas with ocean views.

### 1.7.4 Public Recreation and Interpretation

1. Newport Banning Ranch will provide a total of over 40 acres of parkland and recreation areas, including:
  - a. an over 21-acre Community Park area;
  - b. an over 16-acre Public Bluff Park area;
  - c. an over 3-acre Interpretive Nature Center; and
  - d. public access easements or other designated space for approximately eight (8) miles of new interpretive trails and footpaths in both upland and lowland environments.

How and when the local public parks will be acquired, improved, and maintained will be addressed in the Pre-Annexation Development Agreement (PADA).

2. The Project intends to provide improved public pedestrian, bicycle, and vehicular access to the City's proposed Sunset Ridge Park to the east.
3. The Project proposes an Interpretive Nature Center with a focus on on- and off-site interpretation of the Site and the larger Orange Coast River Park Study Area.
4. Public parking and trail-staging areas will be included to serve the larger Coastal Zone and Orange Coast River Park Study Area.

### 1.7.5 Scenic Resources and Visual Compatibility

1. Visually attractive habitat restoration and green development proposed by the Project will replace much of the currently unattractive oil operations.
2. The Project will use landform grading and native/non-invasive landscape to create a more attractive appearance and remediate hillside scars and erosion along the bluffs and slopes, which currently are especially visible from West Coast Highway and other public areas.
3. New pedestrian, bicycle, and vehicular entries will improve the appearance of the area by replacing oil-related industrial components with attractive native landscape and visitor-serving uses with appropriate coastal materials, colors, and thematic elements.

### 1.7.6 Resource Recovery Benefits

1. Currently extensive oil facilities and operations will be consolidated to allow continued oil operations consistent with the Coastal Act.
2. Upon completion of oil operations, the two consolidated oil operations areas and the connecting service road – comprising over 16 acres of the Site – will ultimately be remediated, abandoned, and restricted to some form of open space use.