

7.1 General Regulations

7.1.1 Relationship to Municipal Code

Whenever the regulations set forth in this Newport Banning Ranch PC Development Plan conflict with the regulations of the Newport Beach Municipal Code, the regulations contained herein shall prevail.

The Municipal Code shall regulate this development whenever regulations are not provided within this PC Development Plan. All words and phrases used in this PC Development Plan shall have the same meaning and definition as used in the City of Newport Beach Municipal Code unless defined differently in Chapter 10 of the PC Development Plan, “Definitions of Terms/Acronyms.”

The Municipal Code referred to herein is the version of the Code in effect on the date this PC Development Plan is initially approved by the City of Newport Beach City Council as, or unless otherwise, set forth in a future Pre-Annexation Development Agreement (PADA), and specifically includes Title 15 of the Municipal Code (Buildings and Construction), Title 19 of the Municipal Code (Subdivisions), and Title 20 of the Municipal Code (Planning and Zoning), but specifically excludes all other sections of the Municipal Code including Title 5 of the Municipal Code (Business Licenses and Regulations).

7.1.2 Application of Regulations

If an issue, condition, or situation arises that is not sufficiently covered or provided for in this PC Development Plan so as to be clearly understandable, the City of Newport Beach Planning Director shall determine which regulations are applicable.

Those regulations of the Municipal Code that are applicable for the most similar use, issue, condition, or situation shall be used by the Planning Director as guidelines to resolve the unclear issue, condition, or situation.

7.1.3 Subdivision Maps and Lot Line Adjustments

Subdivision maps and lot line adjustments determined by the Planning Director to be in conformance with an approved Site Plan and that includes the concurrent or subsequent approval of such discretionary actions shall not require a separate or additional Site Plan.

7.1.4 Incorporation of Conditions, Requirements, and Standards

All conditions, requirements, and standards, indicated graphically or in writing as part of any approved discretionary permit or detailed plan granted by authority of these regulations, shall have the same force and effect as these regulations. Any use or development established as a result of such approved permit or plan, but not in compliance with all such conditions, requirements, or standards shall be in violation of this PC Development Plan. The enforcement provisions of the City of Newport Beach Municipal Code are applicable to all activities within this PC Development Plan.

7.1.5 Declaration/Severability

If any portion of this PC Development Plan is, for any reason, declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions of this PC Development Plan. These regulations and each portion of this PC Development Plan would have been enacted by the City Council irrespective of the fact that one or more portions may be declared invalid or ineffective.

7.1.6 Planning Commission Review

The Planning Director shall determine which applications are to be heard by the Planning Commission. Decisions of the Planning Commission may be considered in accordance with Section 20.95.050, Initiation of Appeals, of the Newport Beach Municipal Code.

7.1.7 Compliance Required

No building or structure shall be erected, reconstructed or structurally altered in any manner, nor shall any building or land be used for any purpose, other than as permitted by and in conformance with this PC Development Plan.

7.1.8 Oil Operation Regulations

Oil drilling, production, and related operations shall be permitted within the Planned Community until development on a continuing and ongoing basis. Oil facility abandonment, consolidation, removal, and remediation may be initiated at any time per the Newport Banning Ranch Oil Consolidation, Abandonment, and Remediation Program (see Volume I of the Technical Appendices) and the requirements of appropriate regulatory agencies.

7.1.9 Affordable Housing

The Planned Community shall comply with the affordable housing requirements of the Affordable Housing Implementation Plan (AHIP) for Newport Banning Ranch (see Volume I of the Technical Appendices) and, more specifically, per the future PADA.

7.1.10 Maximum Dwelling Units

The maximum residential densities and number of dwelling units that may be built within the Newport Banning Ranch Planned Community is shown on the PC Development Plan and Table (see Chapter 3 Exhibits 3-1 and 3-2). No residential project shall exceed the maximum density for its Land Use District as shown on the PC Development Plan or the maximum number of dwelling units indicated for that Land Use District as shown on the PC Development Table.

7.1.11 Land Use District Density

1. The dwelling unit density permitted in any Residential Land Use District, as designated on the PC Development Plan and Table (Chapter 3 Exhibits 3-1 and 3-2), is calculated on a gross acreage basis, and shall apply to the overall Land Use District, not to any particular subarea or subdivision of that District.
2. Residential Land Use Districts within the Newport Banning Ranch Planned Community may exceed the planned (estimated) number of dwelling units designated on the PC Development Table provided that:
 - a. The total number of dwelling units for each Land Use District does not exceed the maximum number of dwelling units shown on the PC Development Table; and
 - b. The total number of dwelling units for the entire Newport Banning Ranch Planned Community does not exceed the total maximum dwelling units shown the PC Development Table.

3. All Residential Land Use Districts may be developed below the planned density or density range shown on the PC Development Table, but in no case shall the density exceed the maximum permitted density.
4. The Planned Dwelling Units and Planned Density shown on Exhibit 3-2, as well as the Planned Commercial Square Footage and Planned Overnight Accommodations also shown on Exhibit 3.2, are all subject to refinements as set forth in Section 8.4 of this PC Development Plan.

7.1.12 Land Use District Boundaries

1. Unless otherwise indicated on PC Development Plan exhibits or text, dimensions and gross acreages are measured from project boundary lines and the centerlines of streets not classified as Backbone Roads in the PC Development Plan.⁽¹⁾
2. When a Land Use District boundary depicted on the PC Development Plan is also a secondary highway or collector, and the secondary highway or collector is realigned, the Land Use District boundary may, without limitation, be revised to coincide with the realigned roadway.

⁽¹⁾ Backbone Roads include South and North Bluff Roads, and 15th, 16th, and 17th Streets, and are counted as a land use on Chapter 3 Exhibits 3-1 and 3-2.

3. Land Use District boundaries and acreages contained in this PC Development Plan are approximate based upon current information and a generalized level of mapping. Final Land Use District boundaries shall be established by Coastal Development Permits and/or Tentative/Final Tract Map and/or Parcel Map approvals.
4. Refinements and adjustments in Land Use District boundaries resulting in an acreage change of fifteen (15%) percent or less of the total Land Use District for final street alignments, landscaping requirements, geotechnical or engineering refinements, Tentative and/or Final Subdivision Maps, or other technical requirements will not require amendment of the PC Development Plan document, provided such adjustments are in compliance with Section 8.4, Administration of Plans, of this PC Development Plan. Such adjustments shall not have the effect of exceeding the Maximum Permitted Dwelling Units in any Land Use District or for the Newport Banning Ranch Planned Community.

7.1.13 Grading Plans

Grading Plans for all projects within the Newport Banning Ranch Planned Community shall be consistent with the following provisions:

1. Grading Plans shall be accompanied by geological and soils engineering reports, and shall incorporate all pertinent recommendations prior to issuance of Grading Permits.
2. An approved Grading Plan shall show all areas of grading, including remedial grading, inside and outside of an immediate area of development. Grading shall be permitted within all Land Use Districts of the Planned Community and outside of an area of immediate development, for the grading of public roads, highways, park facilities, infrastructure, and other development-related improvements. Remedial grading for development shall also be permitted in all Land Use Districts outside of an area of immediate development to address geotechnical or soils engineering problems. The Grading Plan shall include provisions for temporary erosion control on all graded sites scheduled to remain unimproved.

7.1.14 Public Infrastructure and Utilities

Public infrastructure and utility buildings, structures, and facilities including, but not limited to, electrical, gas, water, sewage, drainage, telephone, and cable television, and their storage, distribution, treatment, and/or production that are required to carry out development are permitted in all Land Use Districts of the Planned Community.

Public infrastructure and utilities also must conform to the following regulations:

1. Consistent with sound civil engineering practices, utilities shall be principally located in road rights-of-way, alley ways, or, where necessary and feasible, in recreation and open space areas not primarily required for habitat restoration and/or preservation
2. Any new public utilities located within open space areas except for the Oil Facilities District shall be placed below grade if and where feasible from an economic and environmental perspective.

7.1.15 Screening/Sound Attenuation of Mechanical Equipment

Mechanical appurtenances on building rooftops, utility vaults, and emergency power generators shall be screened from view in a manner compatible with the building materials. Noise associated with said equipment shall be attenuated to meet noise control standards of the Designated Noise Zone and all other applicable regulations set forth in Chapter 10.26, Community Noise Control, of the Municipal Code.

7.1.16 Community Noise Control

In promoting the public health and maintaining the City's quality of life standard, the Newport Banning Ranch project will adhere to the noise regulations established in Chapter 10.26, Community Noise Control, Chapter 10.28, Loud and Unreasonable Noise, and Chapter 10.32, Sound Amplifying Equipment of the City's Municipal Code.

7.1.17 Interim Land Uses Allowed

The following interim land uses shall be allowed within undeveloped areas of the Planned Community subject to approval by the Planning Director:

1. Approved archaeological and paleontological study sites;
2. Approved infrastructure facilities necessary for the development of adjacent urban areas (e.g., roads, utility lines, water reservoirs, flood control facilities, utility access roads, erosion control devices and basins, etc.);
3. Approved borrow, stockpile, and/or disposal sites, and related construction/grading facilities;
4. Approved temporary construction offices/trailers and sales trailers;
5. Both new oil and gas drilling, production, and the continued operation, redrilling, administration, and servicing of existing oil and gas wells shall be permitted throughout the Planned Community subject to the Newport Banning Ranch Oil Consolidation, Abandonment, and Remediation Program (see Volume IV of Technical Appendices);

6. Interpretive or environmental protection facilities associated with the programs of the appropriate conservancy and/or local government agency;
7. The storage of maintenance and repair equipment and materials required for land development and construction; and the storage, staging, fabrication, processing and assembly of materials required for construction, including infrastructure construction within the PC Development Plan; and the storage, staging and remediation and crushing and recycling, if necessary, of materials associated with on-site remediation and infrastructure construction.
8. Non-intrusive short-term land uses for growing native or other plant materials or storing equipment, building materials, and/or vehicles.

7.1.18 Temporary Uses Permitted

Special community events, such as environmental fairs, community picnics, trash clean-ups, grand openings, and other similar temporary uses and activities, may be permitted in any Land Use District of the Newport Banning Ranch Planned Community, subject to approval by the Planning Director. Events sponsored by the HOA on common area property within the association boundaries shall be exempt in accordance with the provisions of Chapter 11.03.020, General Provisions, Newport Beach Municipal Code.

7.1.19 Air Quality Control Regulations

To minimize construction emissions, the project will implement all applicable regulations of the South Coast Air Quality Management District (SCAQMD). These measures include using low emission, on-site mobile construction equipment, maintaining equipment in tune per manufacturer's specifications; using catalytic converters on gasoline-powered equipment; and using reformulated, low-emission diesel fuel or such other

measures as may be established by the SCAQMD or City requirements.

7.1.20 Compliance with Transportation Demand Management Ordinance

Newport Banning Ranch may be subject to the City of Newport Beach Municipal Code Chapter 20.64, Transportation Demand Management Ordinance. Site Development Plans for non-residential developments within the Resort and Mixed-Use/Residential Land Use Districts shall include an assessment of the project pursuant to Section 20.64.050, Applicability. If applicable, the project or projects shall fully comply with the Site Development Requirements set forth in Section 20.64.070.

7.1.21 Existing Uses

Any use within the PC Development Plan Area lawfully existing at the time of the effective date of this PC Development Plan may be continued, notwithstanding any omission of a particular such use in the Permitted Uses Matrix, Exhibit 5-2. Known existing uses include without limitation: oil and natural gas operations, maintenance and operation of existing easements and pipelines, surface leases for storage yards, and maintenance areas.

7.1.22 Development Agreement

It is expected that the Landowner/Master Developer and the City will negotiate the annexation of the unincorporated portion of the Site into the City pursuant to the terms of a PADA that will outline the conditions for the annexation and grant to the Landowner/Master Developer certain vested rights to develop the Site in accordance with the City's approval of the requested and necessary entitlements, and Coastal Commission's issuance of one or more corresponding Coastal Development Permits.

7.2 Parking Regulations

7.2.1 Purpose and Intent

These regulations provide for and govern the off-street parking of motor vehicles within the Newport Banning Ranch Planned Community. These regulations will result in parking facilities of sufficient capacity to manage traffic congestion, provide safe and convenient facilities for motorists and pedestrians, and provide joint-use or shared parking programs where appropriate.

7.2.2 General Requirements

Except as otherwise specified herein, off-street parking for the Newport Banning Ranch Planned Community shall be in accordance with City of Newport Beach Municipal Code Section 20.66, Off-Street Parking, and Loading Regulations. These regulations are incorporated by reference as a part of this Section, with the following additions:

1. Location of Off-Street Parking

Required parking spaces and garages shall be located as described in an approved Site Plan/Coastal Development Permit.

2. Common Area Parking

Common area parking may be approved by a Site Plan or Use Permit.

3. Joint-use or shared parking

A reduction in the otherwise required number of parking spaces may be allowed per Section 7.4 of the PC Development Plan.

4. Preferential Parking Districts

Pursuant to Policies 3.1.6-1 through -5 of the City's Coastal Land Use Plan, a proposal to establish or modify a Preferential Parking District within Newport Banning Ranch shall require a Coastal Development Permit (CDP). Such CDP shall address the policies noted above, which include a provision that such restrictions "would not have a direct impact on coastal access, including the ability to use public parking.

7.2.3 Standards for Individual Principal Uses

The minimum number of off-street parking and loading spaces required for individual principal uses is set forth in Exhibit 7-1, Residential Parking Requirements Matrix and Exhibit 7-2, Non-Residential Parking Requirements Matrix.

If the required number of off-street parking and loading spaces is not set forth in Exhibits 7-1 or 7-2, or if the provisions are not clear for any specific use or uses, or the precise use within a development is undetermined at the time of the City's consideration of a Site Plan or Use Permit, the Planning Director shall determine the number of parking and loading spaces required. In order to make this determination, the Planning Director may require the Landowner/Master Developer to submit survey data or other parking demand information at the Landowner/Master Developer's expense.

Parking requirements for mixed-use developments within the Mixed-Use/Residential District and/or the Visitor-Serving Resort/Residential District are separately addressed in Section 7.2.4 below.

Exhibit 7-1

RESIDENTIAL PARKING REQUIREMENTS MATRIX Newport Banning Ranch

LAND USE	OFF-STREET PARKING SPACES REQUIRED	
	Resident Parking Spaces	Guest Parking Spaces
RESIDENTIAL USES		
Low Density Residential – Single Family Detached	Two (2) enclosed	--
Accessory Dwelling Units	One (1)	--
Low-Medium Density Residential – Single Family Detached	Two (2) enclosed ⁽¹⁾	0.25 per unit ⁽²⁾
Low-Medium Density Residential – Single Family Attached	Two (2) (1 enclosed) ⁽¹⁾	0.25 per unit ⁽²⁾
Medium Density Residential – Single Family Detached	Two (2) (1 enclosed) ⁽¹⁾	0.25 per unit ⁽²⁾
Medium Density Residential – Single Family Attached	Two (2) (1 enclosed) ⁽¹⁾	0.25 per unit ⁽²⁾
Medium Density Residential – Multiple Family Mixed-Use/Residential – Multiple Family Resort/Residential – Multiple Family	Studios and One (1) bedroom – One (1) covered; ⁽¹⁾ Two (2) or more bedrooms – Two (2) spaces (1 covered) ⁽¹⁾	0.5 per unit ⁽²⁾
Day Care, Limited		
Large Family Child Care Homes	Two (2) for drop-off and pick-up in addition to the spaces required for the unit.	--
Residential Structures Other Than Dwelling Units	Three (3) for any structure containing 2,000 sq. ft. or more, exclusive of areas devoted to parking and open space.	--

⁽¹⁾ Tandem spaces shall be allowed for enclosed parking subject to Site Plan review and approval and with appropriate Covenants, Conditions, and Restrictions (CC&Rs).

⁽²⁾ Guest parking spaces may be provided on public or private streets or parking bays adjacent to private streets, subject to Site Plan review and approval.

Exhibit 7-2

NON-RESIDENTIAL PARKING REQUIREMENTS MATRIX Newport Banning Ranch

LAND USE	OFF-STREET PARKING AND LOADING SPACES REQUIRED	
	Off-Street Parking Spaces	Off-Street Loading Spaces
PUBLIC AND SEMI-PUBLIC USES		
Day Care, General	1 per 7 children; maximum enrollment based on maximum occupancy load.	---
Maintenance and Service Facilities	1 per 500 sq. ft.	---
Park and Recreation Facilities	As specified by Use Permit.	---
Public Safety Facilities	As specified by Use Permit.	---
Religious Assembly	1 per 3 seats or 1 per 35 sq. ft. used for assembly purposes.	---
Utilities (major)	As specified by Use Permit.	---
COMMERCIAL USES		
Artist's Studios	1 per 1,000 sq. ft.	---
Bank/Savings & Loans	1 per 250 sq. ft.	---
With Drive-Up/Drive Through Services	Queue space for 5 cars per teller.	---
Catering Services	1 per 400 sq. ft.	---
Commercial Recreation & Entertainment		---
Tennis and Racquetball Clubs	4 per court.	---
Cabarets and Nightclubs	As specified by use permit (See Section 20.66.070.	---
Other Commercial Recreation Uses	As specified by the Planning Director.	---
Communication Facilities	1 per 500 sq. ft.	---

Exhibit 7-2

NON-RESIDENTIAL PARKING REQUIREMENTS MATRIX Newport Banning Ranch

LAND USE	OFF-STREET PARKING AND LOADING SPACES REQUIRED	
	Off-Street Parking Spaces	Off-Street Loading Spaces
Eating and Drinking Establishments		
Full Service, Low Turnover	As specified by Use Permit (See Section 20.66.070).	---
Full Service, High Turnover	As specified by Use Permit (See Section 20.66.070).	---
Full Service, Small-Scale	1 per each 3 seats or 1 per each 75 sq. ft. of net public area (See Section 20.66.070).	---
<i>With Live Entertainment</i>	As specified by Use Permit (See Section 20.66.070).	---
Take-Out Service	1 per 50 sq. ft.; plus 1 for each employee on duty (See Section 20.66.070).	---
Limited	1 per 250 sq. ft.	---
Accessory	1 per each 3 seats or 1 per each 75 sq. ft. of net public area.	---
Bars & Cocktail Lounges	As specified by Use Permit (See Section 20.66.070).	---
Food & Beverage Sales	1 per 200 sq. ft.	1 per 10,000 sq. ft.
Nurseries	1 per 1,000 sq. ft. of lot area for first 10,000 sq. ft.; 1 per 5,000 sq. ft. thereafter, plus 1 per 250 sq. ft. floor area.	---
Offices, Business & Professional	1 per 250 sq. ft. of net floor area; see Section 20.66.060.	---

Exhibit 7-2

NON-RESIDENTIAL PARKING REQUIREMENTS MATRIX Newport Banning Ranch

LAND USE	OFF-STREET PARKING AND LOADING SPACES REQUIRED	
	Off-Street Parking Spaces	Off-Street Loading Spaces
Office, Medical & Dental	1 per 200 sq. ft.; see Section 20.66.060.	---
Clinics	1 per 250 sq. ft.; plus 1 per doctor and 1 per employee.	---
Personal Improvement Services	1 per 250 sq. ft.	---
Dance or Music Studio	1 per 600 sq. ft.	---
Health/Fitness Club	As specified by Use Permit.	---
Personal Services	1 per 250 sq. ft.	---
Nail Salons	1 per 80 sq. ft.	---
Shopping Centers	See City of Newport Beach Off-Street Parking and Loading Regulations Section 20.66.090	1 per 10,000 sq. ft.
Retail Sales Not Listed Under Another Use Classification	1 per 250 sq. ft.	1 per 10,000 sq. ft.
Visitor Accommodations^{*(1)}		---
Bed & Breakfast Inns	1 per guest room; plus 2 spaces.	---
Hotels	1 per 2 guest rooms.	---
Motels	1 per guest room.	---
SRO Residential Hotels	0.2 per room.	---

^{*(1)} Tandem spaces shall be allowed for enclosed parking with appropriate Covenants, Conditions, and Restrictions (CC&Rs).

7.2.4 Joint-Use or Shared Parking

1. Permitted

A combination of integrated land uses and complementary facilities are envisioned within the Mixed-Use/Residential District and within the Visitor Serving Resort/Residential District in which peak periods of parking demand associated with the uses and facilities will vary over time, and, for example, some percentage of residents or visitors to restaurants and other commercial uses within these uses and facilities will already be parked as part of their residence or overnight accommodation.

A reduction in the aggregate total of otherwise required parking spaces for principal uses within a Mixed-Use/Residential District and within the Visitor Serving Resort/Residential District may be permitted for either joint-use or shared parking upon the approval of a Detailed Parking Plan by the Planning Director or Planning Commission in conjunction with a Site Plan/Coastal Development Permit or Use Permit.

2. Study Required

The approval of a parking reduction due to joint-use or shared parking shall be based on a Joint-Use/Shared Parking Study prepared by a licensed Traffic Engineer at the expense of the Landowner/Master Developer and submitted to the City of Newport Beach.

3. Findings Required

The approval of a Detailed Parking Plan due to joint-use or shared parking shall be based on the following findings:

- a. Such modification shall not have a negative impact on parking for residential, visitor-serving commercial or public parks and recreational uses; and will serve to reduce impervious surfaces and the amount of land and improvements unnecessarily devoted to parking.
- b. The joint-use or shared parking facilities shall be reasonably convenient to the entry point of the uses they serve.
- c. A Detailed Parking Plan, showing all joint use, or shared parking spaces shall be approved by the Planning Director and filed with the Planning Department.
- d. Permit approval shall be conditional upon either filing with the City Planning Department or recording with the County Recorder, an agreement executed by all parties concerned in the shared parking arrangement, and inextricably tied to the associated Site Plan/Coastal Development Permit, Use Permit, or other entitlement, ensuring the continued availability of the required number of spaces as outlined in the Final Joint-Use/Shared Parking Study and City approval.
- e. If any subsequently proposed uses or facilities would result in a parking demand that is more than is anticipated and provided for in the approved Detailed Parking Plan, the additional parking shall be provided to the satisfaction of the Planning Director and the Detailed Parking Plan shall be correspondingly revised as determined appropriate by the Planning Director.

7.2.5 Exceptions and/or Modifications to Off-Street Parking Requirements

1. Permitted

The provisions of this Section and of Municipal Code Section 20.66, Off-Street Parking and Loading Regulations, are intended to appropriately meet the off-street parking needs for all uses allowed within the Newport Banning Ranch Planned Community.

Where, because of the nature of the use involved or other relevant circumstances, the requirements of this Section are found to be excessive, an exception and/or modification to these provisions and those of Municipal Code Section 20.66 may be approved in accordance with the following procedure, provided such exception and/or modification is consistent with the purpose and intent of this Section:

2. Application Required

Any property owner, an authorized agent, or a public agency may apply for an exception to, or modification of, the off-street parking requirements set forth in this Section and/or Section 20.66 of the Municipal Code.

Exceptions and/or modifications to off-street parking requirements set forth in this Section and/or Section 20.66 of the Municipal Code shall be permitted in conjunction with the approval of a Site Plan/Coastal Development Permit or Use Permit per Chapter 7 (Discretionary Permits and Procedures).

Site Plans/Coastal Development Permits or Use Permits which include a request for an exception to, or modification of, off-street parking requirements shall be processed in accordance with the provisions of Chapter 7 (Discretionary Permits and Procedures).

3. Findings Required

Any such application for an exception to, or modification of, the off-street parking requirements may be approved provided the approving authority finds:

- a. Applicable off-street parking requirements are excessive or inappropriate due to the nature of the specific use involved or because of special circumstances applicable to the property; and
- b. The proposed off-street parking facilities comply with the intent of these regulations.

7.3 Sign Regulations

7.3.1 Purpose and Intent

Newport Banning Ranch will be a unique community located in an extraordinary environmental setting of Newport Beach. While signs are an essential element of any community, the location, number, size, and design of signs will in this case have an especially significant effect upon a community's visual environment and aesthetic appeal, and a resultant effect upon a residents and visitors perception of that community's values and character.

The purpose and intent of this Section is to promote and protect the public health, safety, and welfare, and to enhance the unique aesthetic character of this area of Newport Beach by regulating signs of all types within the Planned Community to assure that they are:

1. Legible in the circumstances in which they are seen;
2. Compatible with their surroundings and aesthetically attractive;
3. Appropriate to the type of activity to which they pertain; and
4. Expressive of the identity of individual properties or of the community as a whole.

This section establishes standards for the uniform regulation of signs throughout the Newport Banning Ranch Planned Community. These regulations are intended to produce a consistency in sign design and application that reinforces the collective positive image of the Planned Community, while maintaining flexibility for individual identification needs. All signs are to be designed, built, and installed according to the requirements set forth in this chapter.

This chapter permits adequate signage and seeks to prevent unnecessary and unsightly signs inconsistent with the purpose and intent of the Planned Community.

7.3.2 General Provisions

1. Relationship to Municipal Code

Except as otherwise specific herein, signage within the Newport Banning Ranch Planned Community shall be in conformance with the City of Newport Beach Municipal Code Section 20.67, Signs, which are incorporated by references as part of this Section.

As stated in Section 20.67.020 (E): Planned Community District. In Planned Community (PC) Districts, sign regulations contained in the planned community development plans shall supersede the requirements of this Chapter. If the planned community development plan does not provide regulations for a particular sign type or situation, the requirements of this Chapter shall prevail.

2. Permitted Signs

A Sign Permit shall be required for all signs as set forth in Section 20.67.020 (C) of the Municipal Code.

All signage within the Planned Community Development Plan Area shall conform to this Section, including a Sign Program as set forth in Sections 7.3.3 and 7.3.4 and/or the Sign Standards for individual projects set forth in Section 7.3.5, as well as the non-conflicting provisions of the Newport Beach Municipal Code.

3. Prohibited Signs

Unless permitted by special circumstances as described in Sign Standards, Section 7.3.5, the following signs are prohibited:

- a. General: Any sign not specifically in accordance with the provisions of this section or designated within an approved Sign Program is prohibited.
- b. Signs constituting a traffic hazard: No person shall install or maintain or cause to be installed or maintained any sign which will cause a roadway safety distraction such as glare from internal or external illumination. No sign shall simulate or imitate in size, color, lettering or design any traffic sign or signal, or which makes use of the words "STOP," "LOOK," "DANGER," or any other words, phrases, symbols or characters in such a manner to interfere with, mislead, or confuse traffic.
- c. Signs within any public right-of-way or attached to any public property: Signs, except for public agency signs, are prohibited in any public right-of-way, on any utility pole, tree, traffic sign post, traffic signal, or any other official traffic-control device in accordance with Section 21464 of the California Vehicle Code. Signs shall not project over or into a right-of-way, or be placed in street medians/islands, and shall not obstruct sight lines at intersections.
- d. Signs on doors, windows, or fire escapes: No sign shall be installed, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape, except those signs as required by other codes or ordinances. No sign, located on the exterior or interior of any window or storefront glass, shall be permitted unless allowed by other provisions of Section 7.3.5, or approved as part of a Sign Program.
- e. Animated or moving signs: Signs consisting of any moving, swinging, rotating, flashing, blinking, scintillating, fluctuating or animated light, including any moving electronic message boards or centers, or temporary lighting, such as, but not limited to, search, flood, fluorescent gel or laser lights, are prohibited unless authorized by approval of a Sign Program subject to the provisions set forth in Section 7.3.3 below.
- f. Vehicle signs: Signs on or affixed to trucks, automobiles, trailers or other vehicles which are parked to create a stationary sign to advertise, identify or provide direction to a use or activity are prohibited.

- g. Cabinet signs or canned signs: Cabinet signs or canned signs are prohibited. An exception hereto may be granted by the Planning Commission when the display is an integral part of the design character of the activity to which it relates and is part of an approved Sign Program.

4. Exempt Signs

The following types of signs are exempt from the requirements of this section:

- a. Direction, warning or information signs or structures required or authorized by law or by federal, state, or local authority;
- b. Memorial tablets and plaques installed by a recognized governmental historical agency;
- c. Official and legal notices issued by any court, public body, person or officer in performance of a public duty or in giving any legal notice; and
- d. Official flags of the United States of America, the State of California and other states of the United States, counties, municipalities, official flags of foreign countries, and flags of internationally and nationally recognized organizations.

5. Maintenance of Signs

All signs shall be legible, adequately repaired, maintained, and painted by the owner thereof at all times. All repairs shall be at least equal in quality and design to the original signs.

6. Abandoned Signs

Signs shall be considered abandoned and subject to removal under any of the following circumstances:

- a. The sign is not kept adequately repaired and maintained at all times;
- b. The sign pertains to activities or occupants that are no longer using a property, and it has not been removed or the sign copy changed within sixty (60) days after the enterprise or occupant identified by that sign has vacated the premises; or
- c. The sign concerns a specific event and three (3) days have elapsed since the occurrence of the event.

7.3.3 Sign Programs for Development Land Use Districts

1. Purpose and Intent

The purpose of a sign program is to integrate all of a project's signs with the overall site design and the structures' design into a unified architectural statement. A sign program provides a means for the flexible application of sign regulations for projects that require multiple signs in order to provide incentive and latitude in the design and display of multiple signs and to achieve, not circumvent, the purpose of this section.

Sign Programs may be prepared for individual projects (ranging from individual buildings to geographic areas or land use districts) or for the community or significant subareas within the community in order to provide uniquely appropriate and individual Sign Programs subject to the provisions set forth in this Section.

2. Application Requirements

The following information is required in the application for approval of a Sign Program:

- a. Plans, to scale, to include the use, type, and allowable locations of all existing and proposed signs with sign area dimensions, colors, materials, letter style, proposed copy, letter height, and method of illumination;
- b. A description of how the proposed project will meet the findings in Section 7.3.3(4) of the PC Development Plan below; and
- c. Other information from the Landowner/Master Developer as may be required by the Planning Director.

3. Approval

A Sign Program shall be approved by the Zoning Administrator if consistent with the required findings set forth in (4).

A proposed Sign Program may be modified by the Planning Director who shall have the authority to approve, conditionally approve, deny, or modify a proposed Sign Program based on the findings below.

4. Required Findings

The following findings must be made in conjunction with the approval of a proposed Sign Program:

1. The proposed Sign Program satisfies the Purpose and Intent of this Section.
2. The design of the proposed signs that comprise the Sign Program will enhance the community and are visually related to:
 - a. Other signs included in the Sign Program. This shall be accomplished by incorporating several common design elements such as materials, letter style, colors, illumination, and/or sign type or sign shape;
 - b. The buildings and/or developments they identify. This may be accomplished by utilizing materials, colors, and/ or design motifs included in the building being identified; and
 - c. Compatibility with surrounding development. Approval of a Sign Program shall not adversely affect adjacent or surrounding land uses or obscure adjacent signs.

3. The Sign Program does not unreasonably preclude future sign changes which may be required due to changes in building tenants.
4. The Sign Program addresses all signs, including permanent, temporary and exempt signs.
5. The Sign Program complies with Section 7.3.5, Sign Standards, except that deviations are allowed with regard to sign area, total number, location, and/or height of signs to the extent that the Sign Program will enhance the overall development and will more fully accomplish the purposes and intent of this Section.
6. The Sign Program shall not authorize the use of Prohibited Signs described in Section 7.3.3(3).

7.3.4 Sign Programs for Open Space Land Use Districts

An Innovative Sign Program for all public access/visitor-serving recreation facilities shall be provided and implemented with the construction of these facilities, and shall inform the public of the availability of, and provide direction to, the on-site recreation amenities of the Planned Community Development Plan Area. The Innovative Sign Program shall be prepared pursuant to Section 20.67.130 of the Newport Beach Zoning Code, and approved by the Zoning Administrator or Planning Commission.

Signs within Open Space Land Use Districts shall be designed so they are only minor visual elements essential for public safety, welfare, convenience, and to inform the public of the availability on the public recreational amenities and natural resources, or to provide educational explanations and interpretations of those resources in a manner that is generally consistent with practices used in contemporary all-weather exhibits at State or National Parks and Wildlife Refuges.

7.3.5 Sign Standards

The Sign Standards set forth in this subsection shall serve as the specific regulations for all signs within the Newport Banning Ranch PC Development Plan unless a Sign Program has been approved for the building, project, geographic area, and/or land use district pursuant to Sections 7.3.3 and 7.3.4.

1. Sign Standards for Residential Land Use Districts

Exhibit 7-3, Residential Signage Requirements Matrix, provides sign standards for the Residential Land Use Districts within the Newport Banning Ranch.

The matrix is organized in terms of standards for Permanent Signs followed by Temporary Signs, and describes the class and type of sign, the maximum number of signs, sign area, and height, their location and whether illumination is allowed, concluding with any special remarks.

2. Signs Permitted for Non-Residential Land Use Districts

Exhibit 7-4, Non-Residential Signage Requirements Matrix, provides sign standards for the Non-Residential Land Use Districts within the Newport Banning Ranch.

The matrix is organized in terms of standards for Permanent Signs followed by Temporary Signs, and describes the class and type of sign, the maximum number of signs, sign area, and height, their location and whether illumination is allowed, concluding with any special remarks.

Exhibit 7-3

**RESIDENTIAL SIGNAGE REQUIREMENTS MATRIX
Newport Banning Ranch**

CLASS	TYPE OF SIGN	LOCATION	LIGHTING ALLOWED	PERMITTED MAXIMUMS			REMARKS
				Number	Sign Area (Sq. Ft.)	Height (Feet)	
PERMANENT ON-SITE SIGNAGE							
1. Community Identification	Theme wall or ground	As determined by Planning Director Review.	Yes	2 per entry on secondary or higher highway classification; 1 per other roadway entries.	160 each sign	16	Location and maintenance to be determined at the time of approval.
2. Neighborhood Identification (Single-Family, Condominium or Apartment Complex)	Project wall or ground	Shall not be placed within sight distance triangle.	Yes	2 per major entrance.	96 each sign	Wall: 6 Ground: 4 Berm may be a maximum of 3 feet resulting in a total sign/berm height of no more than 7 feet.	Location and maintenance to be determined at the time of approval.
3. Residence Identification	Wall		No	1 per residence.	2	Wall: Below eave line.	Copy limited to occupants name and street address.
4. Advisory	Wall or ground	Minimum 10-foot setback from all streets and drives. Not permitted within sight distance triangle.	Yes	Minimum number necessary to provide adequate information and direction.	6	Wall: Below eave line.	1. Copy limited to information such as "entrance," "exit," or directional arrows (but not business or product identification). 2. Signs shall be designed to be viewed on-site by pedestrians and/or motorists.
5. Site Directory (Condominium Or Apartment Complex)	Ground	At project entry, street, or drives. Not permitted within sight distance triangle.	Yes	Minimum number necessary to provide adequate unit addresses and information.	72	Ground: 6	

Community Regulations

CLASS	TYPE OF SIGN	LOCATION	LIGHTING ALLOWED	PERMITTED MAXIMUMS			REMARKS
				Number	Sign Area (Sq. Ft.)	Height (Feet)	
TEMPORARY SIGNAGE							
1. Construction	Fence or ground	<i>Fence:</i> Attached to construction fence <i>Ground:</i> Minimum 10-foot setback from property line. Not permitted within sight distance triangle.	No	1 per street or driveway	48	<i>Fence:</i> Shall not exceed top of construction fence <i>Ground:</i> 8	<ol style="list-style-type: none"> Copy limited to name, street address, phone of on-site contractors and emergency information. May also contain name of project. May be erected when construction begins. Sign shall be removed prior to issuance of last occupancy permit.
2. Future Facility	Ground	Minimum 10-foot setback from property line. Not permitted within sight distance triangle.	No	1 per street frontage for each type of future use per project.	160	16	<ol style="list-style-type: none"> Sign shall be removed prior to occupancy for 100% of the buildings on-site except apartments, which shall be removed within 6 months of completion of the project. May include for-sale or leasing information in lieu of real estate sign. May also contain name of architect or engineer.
3. Real Estate	Ground	Within the subject property.	No	1 per residence.	6	<i>Ground:</i> 4	Copy shall pertain only to the sale, rent or lease of the building or property.
4. Model Home Project Directional	Ground	Shall not be placed within sight distance triangle.	No	As determined by <i>Planning Director</i> .	128	16	Sign shall be removed after new home sales are complete or at the time of the expiration of the permit for the model home complex.
5. Open House Directional	Ground		No	1 per change of direction. (Total of 4 signs maximum per intersection).	3	4	Sign shall be displayed only between 9:00 a.m. and dusk.
6. Model Home Project Identification	Project theme wall or ground	Shall not be placed within sight distance triangle.	No	2 per street frontage with access to the model home complex.	128	<i>Wall:</i> 6 <i>Ground:</i> 10	Sign shall be removed after new home sales are complete.

Exhibit 7-4

**NON-RESIDENTIAL SIGNAGE REQUIREMENTS MATRIX
Newport Banning Ranch**

CLASS	TYPE OF SIGN	LOCATION	LIGHTING ALLOWED	PERMITTED MAXIMUM			REMARKS
				Number	Sign Area (Sq. Ft.)	Height (Feet)	
PERMANENT ON-SITE SIGNAGE							
1. Community Identification	Theme wall or ground	As determined by Planning Director Review.	Yes	2 per entry on secondary or higher highway classification; 1 per other roadway entries.	160 per sign.	16	Shall contain only the name of the center or Village, not uses, tenants or businesses.
2. Mixed-Use/ Commercial Center Identification	Theme wall or ground	Shall not be placed within sight distance triangle [Not sure where this concept is further defined.].	Yes	2 per major entrance or 1 per center frontage.	128 per sign.	6 ft. for signs. Berm may be a maximum of 3 ft., resulting in a total sign/berm height of no more than 9 ft.	Shall contain only the name of the center, not uses, tenants or businesses.
3. Business Identification – Single Tenant – 2 stories or less (retail, bank, hotel, motel, restaurant, theater)	Wall	Building or structure.	Yes	1 per street, parking lot, or freeway frontage.	1 of sign area per lineal foot of building frontage per street. <i>Minimum size:</i> 21 <i>Maximum size:</i> 200	<i>Wall:</i> Shall not exceed eave line.	1. Maximum sign area is the aggregate of all permanent signs per street frontage.
	or Canopy or Projecting	Must be attached to a permanent canopy of building.	No	1 per street, parking lot, or freeway frontage.	<i>Canopy:</i> 12 <i>Projecting:</i> 4	Shall not exceed 20 ft. or the eave line, whichever is less.	

Community Regulations

CLASS	TYPE OF SIGN	LOCATION	LIGHTING ALLOWED	PERMITTED MAXIMUM			REMARKS
				Number	Sign Area (Sq. Ft.)	Height (Feet)	
PERMANENT ON-SITE SIGNAGE (CONTINUED)							
	or Ground	Shall not be placed within sight distance triangle. Street or parking lot frontage.	Yes	1 per use.	1 of sign area per lineal foot of building frontage per street. <i>Minimum: 21 Maximum: 160</i>	<i>Ground: 4 ft. for signs. Berm may be a maximum of 3 ft. resulting in a total sign/berm height of no more than 7 ft.</i>	Allowed in lieu of other business identification signs.
4. Business Identification – Multi-Tenant – 2 stories or less	Wall	Street or parking area access of pedestrian mall frontage.	Yes	1 per street or parking lot frontage.	1 per lineal foot of building frontage as determined by lease line. <i>Maximum: 160</i>	Shall not exceed eave line.	
5. Business Directory – Multi-Tenant Only Buildings	Wall directory or ground	Street or parking area access or pedestrian mall frontage. Shall not be placed within sight distance triangle.	Yes	1 per multi-tenant building; street or parking area or pedestrian mall frontage.	72	<i>Wall: 8 Ground: 6</i>	Copy limited to name and addresses of on-site activities.
6. Renting or Leasing Office Identification	Wall or ground		Yes	1 per complex	12	<i>Wall: Below eave line</i>	
7. Cinema Attraction (Movie Theater)	Wall or ground	Not within sight distance.	Yes	1 per street frontage.	200	20	
8. Advisory	Wall or ground	Minimum 10-foot setback from property line. Not permitted within sight distance triangle.	Yes	Minimum number necessary to provide adequate information and direction.	12	<i>Wall: Below eave line. Ground: 6</i>	1. Copy limited to information such as "entrance," "exit," or directional arrows (but not business or product identification). 2. Signs shall be designed to be viewed on-site by pedestrians and/or motorists.

Community Regulations

CLASS	TYPE OF SIGN	LOCATION	LIGHTING ALLOWED	PERMITTED MAXIMUM			REMARKS
				Number	Sign Area (Sq. Ft.)	Height (Feet)	
PERMANENT ON-SITE SIGNAGE (CONTINUED)							
9. Business Identification and Information	Window		No	1 per major entrance per street or parking lot front.	4		Copy limited to hours, name, address, phone number, and emergency information.
10. Delivery Entrance Identification	Wall	Delivery entrance.	No	1 per delivery entrance.	6	Shall not exceed 6 ft.	
TEMPORARY SIGNAGE							
1. Construction	Fence or ground	<i>Fence:</i> Attached to construction fence <i>Ground:</i> Minimum 10-foot setback from property line. Not permitted within sight distance triangle.	No	1 per street or driveway	48	<i>Fence:</i> Shall not exceed top of construction fence <i>Ground:</i> 8	Copy limited to name, street address, phone of on-site contractors and emergency information. May also contain name of project. May be erected when construction begins. Sign shall be removed prior to occupancy for 50% of the buildings on the subject site or within 6 months of first occupancy, whichever is first.
2. Future Facility	Ground	1. Minimum 10-foot setback from property line. Shall not be placed within sight distance triangle. 2. May be located on construction fence.	No	1 per street or freeway frontage for each type of future use.	160	16	1. Buildings that are already constructed and which are granted a change in use may be issued a future facility sign permit after issuance of a building permit. 2. Sign shall be removed prior to occupancy for 50% of the buildings on the subject site or within 6 months of first occupancy, whichever is first. 3. May include for-sale or leasing information in lieu of real estate sign. May also contain name of architect or engineer.
3. Future Tenant	Ground	Minimum 10-foot setback from all streets and drives. Shall not be placed within sight distance triangle.	No	1 sign per street frontage. 1 sign panel per lot.	160	16	1. Allowed in lieu of other future facility signs. 2. Copy limited to center name, business name of tenant or type of use only. 3. Sign shall be removed prior to occupancy for 50% of the buildings on the subject site or within 6 months of first occupancy, whichever is first.

Community Regulations

CLASS	TYPE OF SIGN	LOCATION	LIGHTING ALLOWED	PERMITTED MAXIMUM			REMARKS
				Number	Sign Area (Sq. Ft.)	Height (Feet)	
TEMPORARY SIGNAGE (CONTINUED)							
4. Employment Opportunities	Window		No	1 sign per business.	4		Copy limited to information relating to employment.
5. Real Estate	Wall or ground	Within subject property.	No	1 per street or parking area frontage. No more than 1 sign on a corner.	160	Wall: 10 Ground: 15	1. Copy shall pertain only to the sale, rent or lease of the building or property. 2. For alternative sign see "Future Facility Sign."
6. Special Event Banner	Wall or window	At least 25 feet from lot line when lot line does not adjoin public street or highway.	No		50	15	Copy limited to announcements of special events.

7.4 Fire Management Regulations

7.4.1 Purpose and Intent

The Fire and Life Safety Program provided in Volume II of the Technical Appendices, was prepared for Newport Banning Ranch to analyze and mitigate for potential wildland and other fire hazards. This Program, prepared by Firesafe Planning Solutions in cooperation with the Newport Beach Fire Department, establishes fuel management requirements for publicly and privately maintained landscape and enhanced construction requirements for structures bordering native vegetation areas.

The purpose and intent of the Program is to significantly reduce the potential risk to the loss of lives, homes, and personal property if and when brushfires and other fires occur, while allowing the development of well-planned public parks, homesites, and resort areas adjacent to fully-functional habitat areas, which are an important resource to the City and the California Coastal Commission.

The Program sets forth the site planning, design, and administrative requirements for the Newport Banning Ranch community. The program is based on adherence to the City of Newport Beach Fire Code (including amendments to State codes) and to Fire Department Guidelines, as well as planning and review meetings with the City of Newport Beach Fire Department.

This section summarizes the Fire and Life Safety Program, which should be referred to for additional details.

7.4.2 Fire Behavior Analysis

The Fire and Life Safety Program incorporates the key provisions and standards from the Newport Banning Ranch Fuel Management and Maintenance Program Analysis prepared for the Fire Department by Firesafe Planning Solutions, a recognized wildland and Fire and Life Safety consulting firm, specifically for the Newport Banning Ranch Project, and provided as Attachment 1 to the Fire and Life Safety Program in the Technical Appendices.

The Fuel Management Plan described in this section incorporates the findings of a fire behavior analysis performed with BEHAVE PLUS fire behavior prediction software. The BEHAVE PLUS program calculates a “worst case” fire behavior result with inputs for plant type, topography, weather, humidity and distance to predict fire behavior, size, and flame lengths. With these results, the fuel management zones can be designed to protect the community in the potential “worst case” fire.

7.4.3 Fuel Management Zones

Fuel management programs vary in complexity and designs which are dependent upon the type and spacing of vegetation as well as topography, weather conditions, and the placement of structures. The Newport Banning Ranch Fuel Management and Maintenance Program Analysis, based on BEHAVE PLUS fire behavior modeling, establish that 120' of Fuel Management will exceed the protection required for this Project for the Wildland Urban Interface (WUI) areas.

Fire protection in open landscape areas will be achieved by avoiding and reducing highly flammable plant material in the open space areas adjacent to development. This will be accomplished by revegetation with low-fuel-volume plantings, remove or pruning and thinning of certain native plants, and/or selective irrigation.

Generally, Fuel Management Areas are a composite of two (2) or more often three (3) successive fuel management zones, which progressively provide an increasing amount of fire protection as they become closer to the homes or other habitable buildings that need to be protected.

The Fire and Life Safety Program for Newport Banning Ranch establishes five (5) Fuel Management Zones: Zone A, Zone B, Zone C, Zone 1, and Zone 2. These zones are described below.

For most of the Community's wildland development edge, a 120-foot minimum combined width of Fuel Management Zones will be provided, most often composed of a 20-foot Zone A, 50-foot Zone B, and 50-foot Zone C. The combined width may be reduced to a 110-foot minimum (e.g., a 10-foot Zone A, 50-foot Zone B, and 50-foot Zone C) between the Resort Inn and West Coast Highway where the fire behavior models show a significantly reduced risk.

The location of the various zones is illustrated on Exhibit 7-5, Fire Management Plan and Key Map for Sections, at the back of this Section. Exhibits 7-6 through 7-13 provide the cross-sections through the Site that illustrate the range of fuel management conditions within Newport Banning Ranch and how they will be addressed by the Project.

The Permitted Plant Palette provided in Appendix A, Design Guidelines, contains the list of permitted plants for each of the Zones. Plants not specifically listed as acceptable will be removed.

1. Zone A

Generally, Zone A is a 20-foot minimum within residential rear yards; a flat or level grade defensible space area consisting of irrigated landscape. Zone A will be located on private lots generally within the rear yards of the lots, and may in certain situations reduce to a 10-foot minimum in a side yard situation. Zone A is a 10-foot minimum at the Resort Inn overlooking West Coast Highway where fire behavior models show a significantly reduced risk.

Combustible structures will be prohibited within Zone A. Existing vegetation within the zone will be removed and replaced with plants listed in the Permitted Plant Palette for Zone A as shown in Exhibit 2. Plants determined by the Fire Department to be highly combustible will be removed during regular maintenance.

There are no potentially sensitive habitats within or adjacent to Zone A, and thinning of landscape will be permitted throughout the year.

2. Zone B

Zone B will vary in width from a minimum of 50 feet up to approximately 126 feet from Zone A towards native vegetation areas and consist of a low fuel landscape within an irrigation system designed to mimic normal/average rainfall and to provide the necessary fuel moisture to the plants during dry periods or seasons.

All of Zone B will be maintained by a Homeowners Association (HOA) or similar community entity. Existing vegetation within Zone B will be removed and replanted with the permitted low-fuel-volume plants listed on the permitted plant palette for Zone B as shown in Exhibit 2. Plants determined by the

Fire Department to be highly combustible will be removed during regular maintenance.

There are no potentially sensitive habitats within Zone B and thinning and/or removal of non-approved landscape will be permitted throughout the year. As in Zone A, combustible structures and construction are not allowed within Zone B.

3. Zone C

Zone C will adjoin Zone B or Zone 2 and be the minimum width of 50 feet, in most areas connecting Zone B or Zone 2 to existing potentially sensitive habitat. Zone C also serves as native habitat restoration area as proposed in the proposed Habitat Restoration Plan (HRP) for the community. Zone C will be maintained either by an HOA and/or a Conservancy Group yet to be determined.

Zone C will be composed of native grassland and/or cactus areas consisting of non-irrigated native plant species that contain low fuel loads as described in the plant palette as shown in Exhibit 2. All existing non-native plants and species not approved by the HRP for this area will be removed. Zone C will not include the pruning, thinning, or removing of approved native vegetation.

Maintenance within Zone C will include removal of non-native/invasive species and dead plant material. As in Zones A and B, combustible structures and construction are not allowed within Zone C.

4. Zone 1

Zone 1 is a 20-foot minimum flat or level grade defensible space area consisting of hardscape and/or irrigated landscape. Zone 1 will generally be limited to public streets, private rear yards, and some private

front yard lots. The maintenance responsibility shall be with the property owner for all portions of Zone 1 located within an owner's lot. Any portion of Zone 1 outside a property owner's lot shall be maintained by an HOA or similar entity.

Existing vegetation within Zone 1 will be removed and replaced with plants listed in the Permitted Plant Palette for Zone 1 as shown in Exhibit 2. Plants determined by the Newport Beach Fire Department to be highly combustible will be removed during regular maintenance.

There are no potentially sensitive habitats within or adjacent to Zone 2, and thinning of landscape will be permitted throughout the year. Combustible structures and construction are prohibited within Zone 1.

5. Zone 2

Zone 2 will vary in width from essentially 0 feet up to approximately 230 feet from Zone 1. Zone 2 will consist of community landscape plant material with a full irrigation system.

All of Zone 2 will be maintained by an HOA or similar entity. Existing vegetation within Zone 2 will be removed and replanted with the permitted plant palette specific for Zone 2 as shown in Exhibit 2. Plants determined by the Newport Beach Fire Department to be highly combustible will be removed during regular maintenance.

There are no sensitive habitats within or adjacent to Zone 2, and thinning of landscape will be permitted throughout the year. As in Zone 1, combustible structures and construction are not allowed in Zone 2.

7.4.4 Safety Requirements for All Structures

All structures within Newport Banning Ranch shall conform to the following requirements:

1. Compliance with City Codes

All structures adjoining any Fuel Management Zone will receive “Enhanced Construction” per Chapter 7A of the 2007 California Building Code on all four sides of the structures. Structures outside the Enhanced Construction Zone defined above will not be required to include construction enhancements, except for Chapter 7A roof and venting requirements. Open landscape structures such as gazebos and trellises within scenic lookouts and viewpoints within the Bluff-top Park and similar parks will be exempt from Enhanced Construction requirements.

2. Automatic Fire Sprinkler Systems

All single-family and multi-family homes will be required to be constructed with approved modified NFPA 13 Automatic Fire Sprinkler System installed by a licensed fire sprinkler contractor. All commercial use buildings will require a full NFPA 13 Automatic Fire Sprinkler System installed by a licensed fire sprinkler contractor. Separate plans are required to be submitted to the Fire Department for approval prior to installation.

3. Agreement to Fire Restrictions in CC&Rs

All potential property owners will agree to the rules related to fire protection features, which shall be established in the CC&Rs, prior to purchase of property.

7.4.5 Fire Access/Fire Master Plan

A Fire Master Plan will be prepared for construction-level Site Plans showing all fire access and life safety elements for the Project. The standards set forth and discussed by Firesafe Planning Solutions with the Newport Beach Fire Department will be included as part of the plan. Alternative Design Standards may include reduced street widths, increased hydrant spacing, increased hose-pull lengths, and increased fire lane signage distances.

Many of the Alternative Design Standards utilized to create a “green/sustainable” community at Newport Banning Ranch have been verbally discussed and positively received by the Newport Beach Fire Department due to the Landowner/Master Developer’s commitment onto provide Automatic Fire Sprinklers for all habitable structures within the Project.

1. Emergency Ingress and Egress

There will be one (1) primary ingress and egress route, and three (3) secondary ingress and egress routes, into the Newport Banning Ranch Community. The primary access will be on the southern edge of the Project from West Coast Highway. All three (3) secondary accesses will be from the east side of the Project, from 15th Street, 16th Street, and 17th Street. None of the secondary access points are in the vicinity of a UWI Area; however the west side of the primary access from West Coast Highway does border a Fuel Management Area.

Generally within the community, fire and emergency access points from development areas to the Fuel Management Areas will be provided at minimum

500-foot intervals along the Fuel Management Edge. The access locations may be provided from streets, paseos, public parks, yard easements, and in other locations as approved by the Newport Beach Fire Department. These access points will also provide access locations for the permitted and required maintenance of the Fuel Management Zones.

2. Emergency Access Design Standards/Access Roads

All streets and cul-de-sacs, as well as road widths and grades, will fully comply with the Alternative Design Standards for Banning Ranch verbally discussed and preliminarily accepted by the Newport Beach Fire Department. Sections for Banning Ranch are provided as Exhibits 7-6 thru Exhibit 7-13.

The minimum width of a fire access road shall be 20 feet, with no vehicle parking allowed. The width will be increased to 26 feet within 30 feet of a hydrant, with no vehicle parking allowed. Parking on one (1) side will be permitted on 28-foot-wide streets. Parking on two (2) sides will be permitted on 36-foot-wide streets.

Roads must be constructed of a material that provides an all-weather driving surface capable of withstanding a vehicle weight of 72,000 pounds. Alternative road surfaces may be used in lieu of conventional asphalt and/or concrete.

3. Water Supply/Fire Flow

The Metropolitan Water District will serve the Newport Banning Ranch Project. All underground water systems, hydrants, mains, and water pressures shall be designed to fully comply with City of Newport Beach Fire Code Requirements.

4. Hydrants and Utilities

All hydrants and all-weather access roads shall be installed and approved leading to and in the specific building area where combustible materials will be delivered. A temporary access plan may be designed and considered for approval of temporary access and hydrants. Hydrants shall be spaced no greater than 500 feet from hydrant to hydrant, and 250 feet from the end of a cul-de-sac within the community. Hydrant spacing will be no greater than 1,000 feet from hydrant to hydrant on backbone streets not directly serving any habitable structures.

5. Fire Apparatus Hose Pulls

The 2007 California Fire Code states that fire apparatus access roads shall be provided for every building or portion of a building constructed when any portion of the building is located more than 150 feet from the fire apparatus access measured by an approved route around the exterior of the building.

After discussions with the Newport Fire Department about providing Automatic Fire Sprinklers for all habitable structures within the entire community, a proposed distance of 250 feet from the fire apparatus was positively received as an alternative of the 150 feet normally required by the California Fire Code without sprinklers. The final decision on the required distance will be made by the Newport Beach Fire Department.

7.4.6 Fire Department Refinements and Modifications to Fire and Life Safety Program Over Time

The Newport Beach Fire Department may refine or modify the requirements set forth in the Newport Banning Ranch Fire and Life Safety Program to conform with City Ordinances, Fire Department Guidelines, and/or State Regulations as they may change in the future to better protect public health and safety.

The Newport Beach Fire Department may refine or modify specific components of the Newport Banning Ranch Fire and Life Safety Program, based upon a proposal by the Landowner/Master Developer or a project developer, if such proposal, on balance, serves to equally or better protect public health and safety.

The Newport Beach Fire Department is empowered to interpret and clarify the Fire and Life Safety Program as necessary to protect public health and safety.

7.4.7 Use of Fire and Life Safety Program

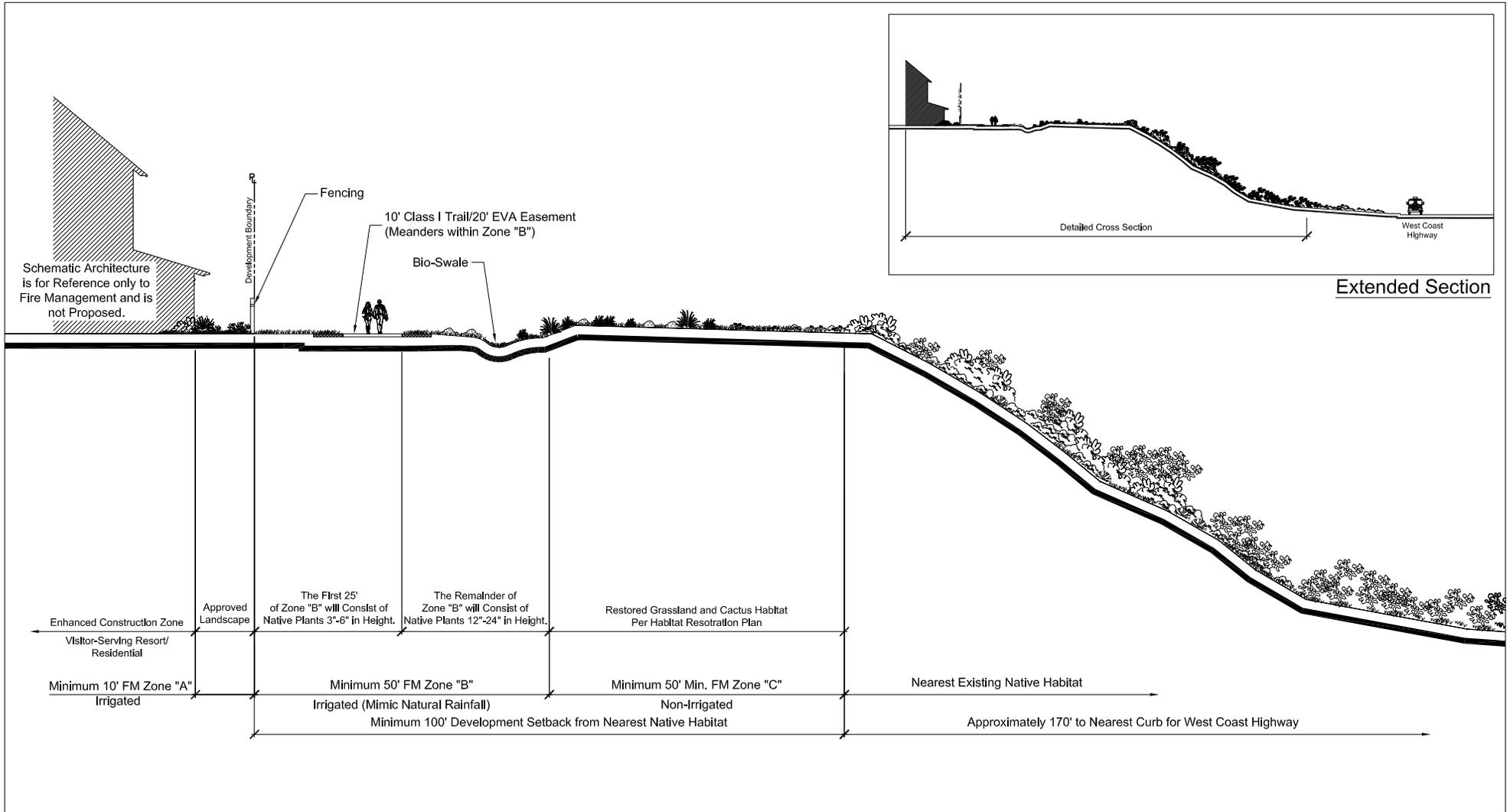
Fire-resistant building requirements, FMDS Zone requirements, and other fire protection measures shall be provided to the Landowner/Master Developer, project developers, builders, architects, landscape architects, and an HOA to ensure all structures in the Newport Banning Ranch Project will be constructed and will remain over time reasonably safe from future wildland fires.

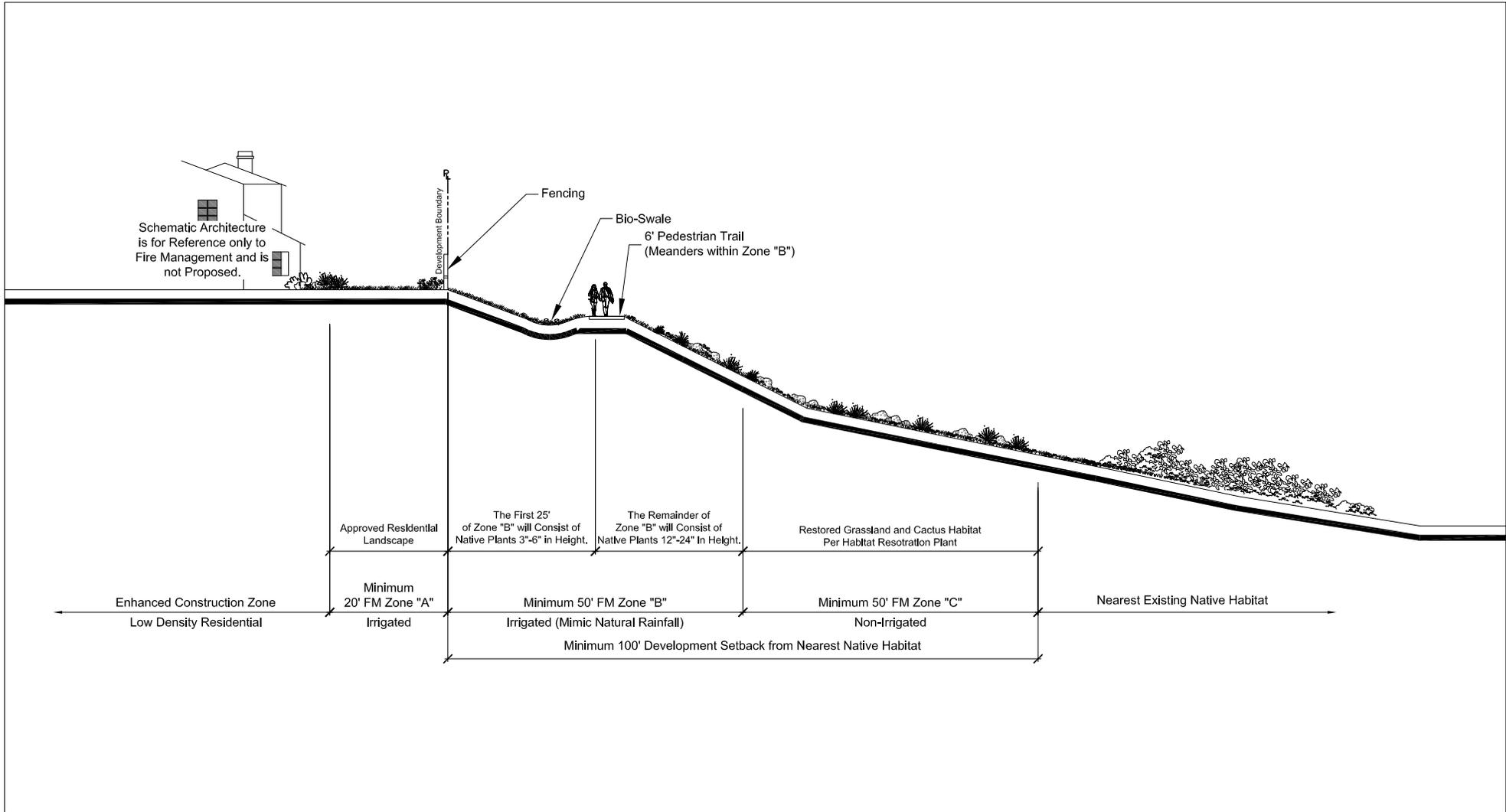
The information in the Fire and Life Safety Program shall also be provided to future individual homeowners, either as a stand-alone document or as part of a larger educational handout for Newport Banning Ranch residents.

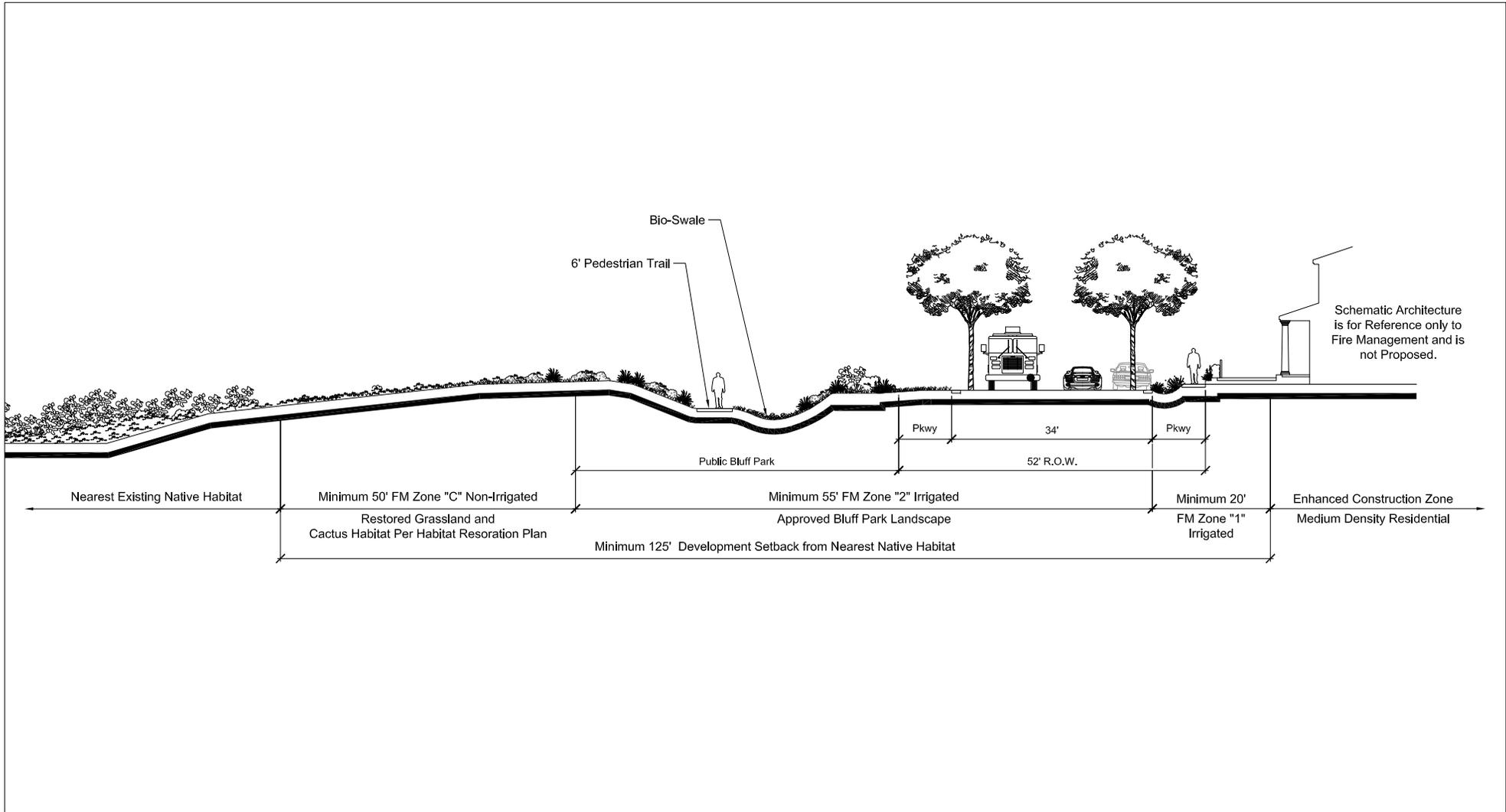


Exhibit 7-5
**Fire Management Plan and
 Key Map for Sections**



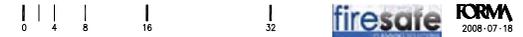






PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California

Exhibit 7-8
Fuel Management Section CA-CA
Average Zone 2 Dimension at Public Bluff Park and Collector Street



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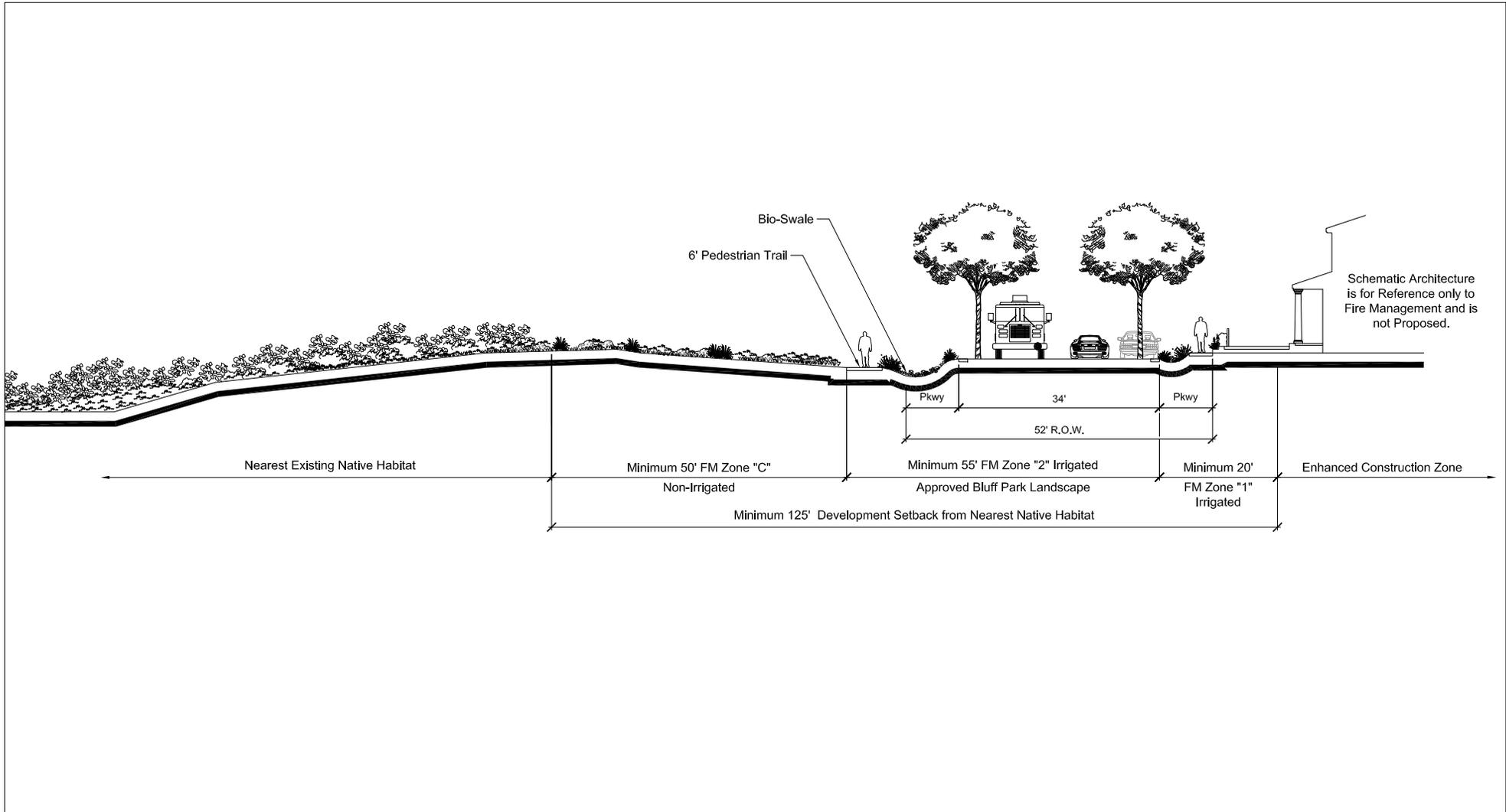


Exhibit 7-9
Fuel Management Section CM-CM
Minimum Zone 2 Dimension at Public Collector Street and Large Arroyo

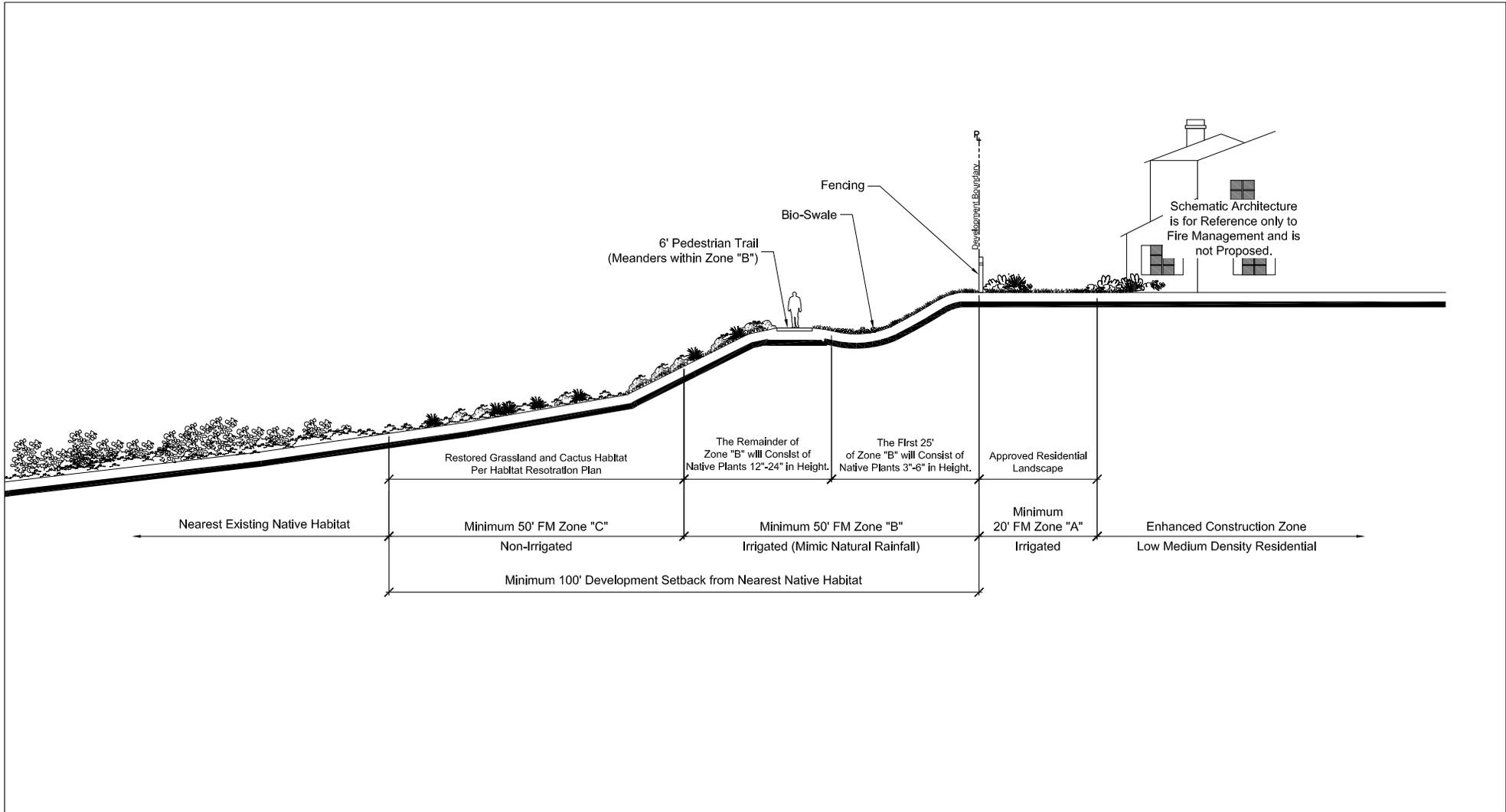
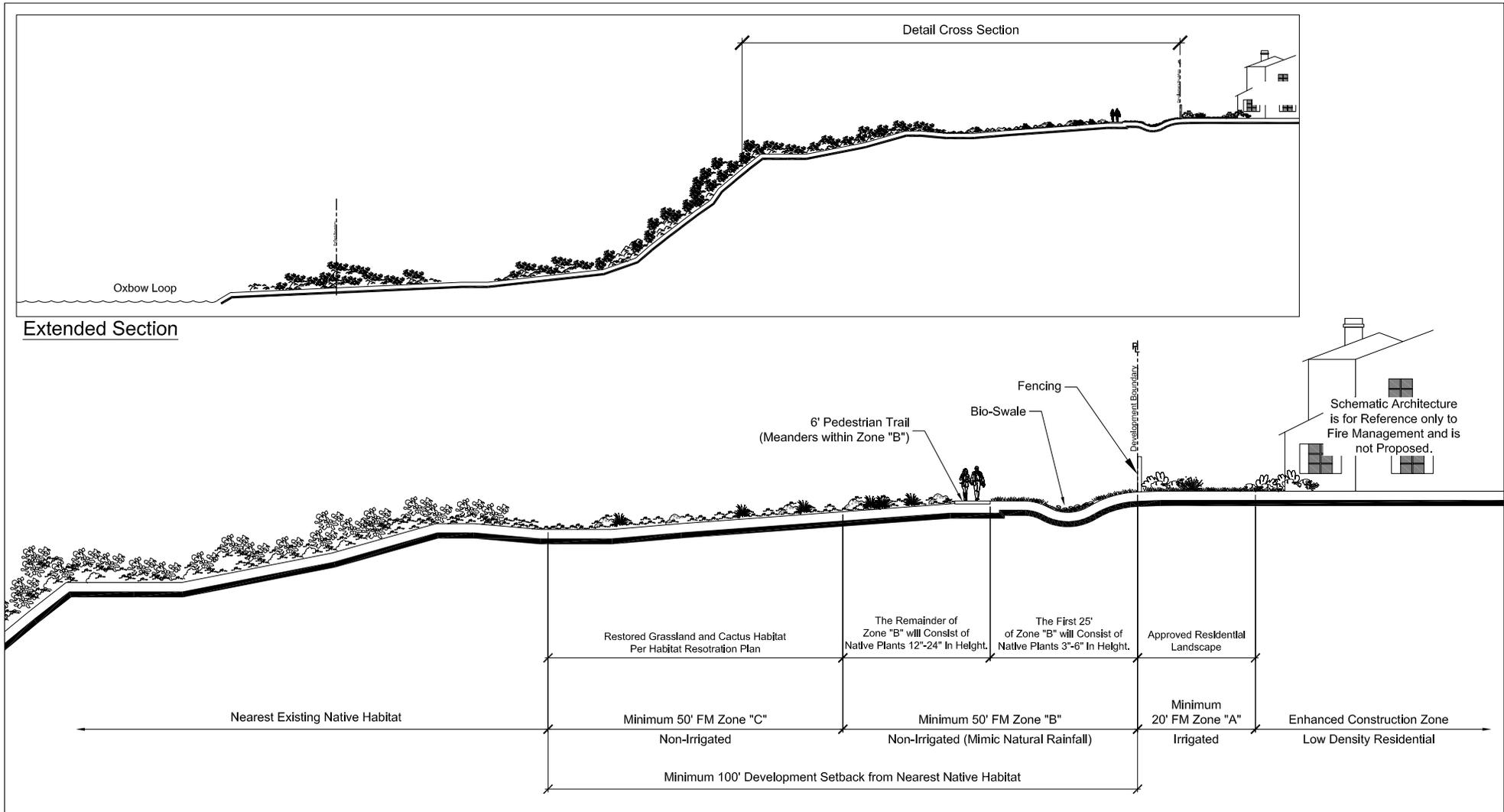


Exhibit 7-10

Fuel Management Section D-D at Low-Medium Density Residential Rear Yard and Large Arroyo

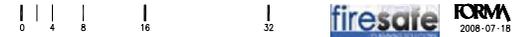


PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California



PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California

Exhibit 7-11
Fuel Management Section E-E
at Low Density Residential



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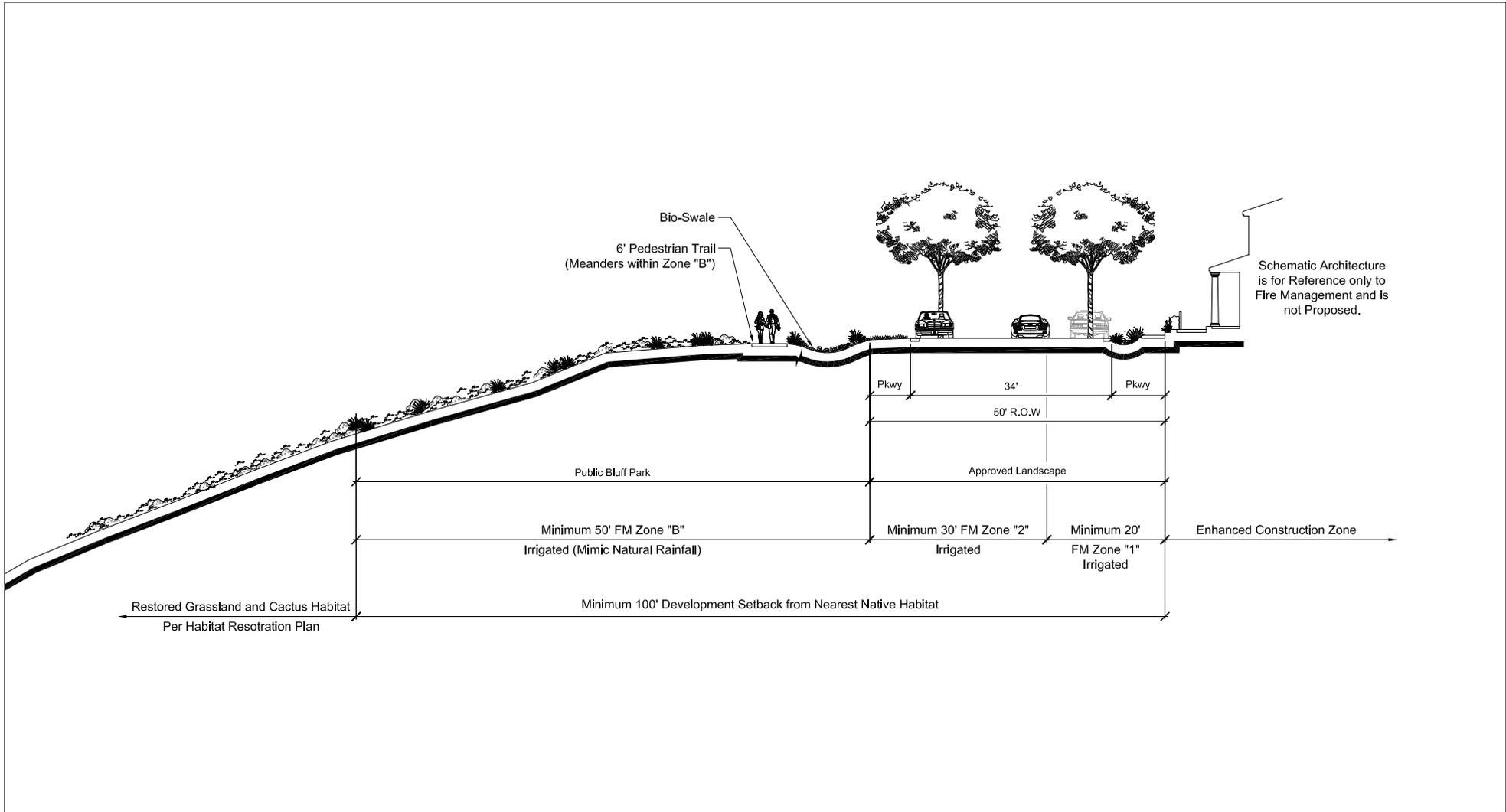


Exhibit 7-12
 Fuel Management Section F-F
 at Public Bluff Park Overlooking Oil Consolidation Site



