

10.1 Definitions of Terms

The meaning and construction of words, phrases, titles, and terms used in this Planned Community Development Plan shall be the same as provided in Newport Beach Zoning Code, except as otherwise provided in this Chapter.

Allée – A green linear park composed of landscape medians, parkways, and natural water cleansing elements flanked by two green streets that act as a vehicular couplet.

Applicant – Newport Banning Ranch LLC, the major property owner of Newport Banning Ranch.

Arroyo – A small, gully or channel of an ephemeral drainage flanked by relating steep sides consisting of unconsolidated sediments.

Arroyo, Large – The Large Arroyo is classified as the most southerly arroyo within the Upland Open Space/Public Trails and Facilities District. Drainage C in the Draft Biotechnical Report (see Volume II of Technical Appendices) defines the Large Arroyo.

Arroyo, Middle – The Middle Arroyo is classified as the central arroyo within the Upland Open Space/Public Trails and Facilities District. Drainage B in the Draft Biotechnical Report (see Volume II of Technical Appendices) defines the Middle (medium-size) Arroyo.

Arroyo, Small – The Small Arroyo is classified as the northernmost arroyo within the Upland Open Space/Public Trails and Facilities District. Drainage A in the Draft Biotechnical Report (see Volume II of Technical Appendices) defines the most-northerly Small Arroyo.

Best Management Practice (BMP) – Methods that have been determined to be the most effective, practical means of preventing or reducing pollution from non-point sources.

bluff – As set forth in the Newport Beach Municipal Code Section 20.35.060, any natural landform having an average slope of 26.6 degrees (50 percent) or greater, with a vertical rise of 25 feet of greater. Where there is some question as to the applicability of this definition to a specific landform, a determination as to whether or not the specific landform constitutes a bluff shall be made by the Planning Director.

building height – Building height will be measured from the average finished grade elevation as measured five (5) feet from the exterior building face to the midpoint of the roof plane. For projects utilizing interior parking designs (e.g., motor courts), the building height measurement shall exclude the motor court area. Elevators, mechanical space, chimneys, towers and architectural treatments (intended to add interest and variation to roof design) that do not exceed ten (10) percent of the roof area, nor exceed the base-height restriction by more than twelve (12) feet, will be permitted.

California Coastal Act of 1976 (Coastal Act, CCA) – The State law codified as California Public Resources Code §30000 *et seq.*, enacted to protect and enhance the coastal environment, and to guide and regulate local planning within the coastal zone to assure conformity with Statewide goals.

Definitions of Terms/Acronyms

California Coastal Commission (CCC) – The California Coastal Commission was established by voter initiative in 1972 (Proposition 20) and later made permanent by the Legislature through adoption of the California Coastal Act of 1976. The Coastal Commission, in partnership with coastal cities and counties, plans and regulates the use of land and water in the coastal zone.

California Department of Fish and Game (CDFG) – The Department of Fish and Game maintains native fish, wildlife, plant species and natural communities for their intrinsic and ecological value and their benefits to people. This includes habitat protection and maintenance in a sufficient amount and quality to ensure the survival of all species and natural communities. The department is also responsible for the diversified use of fish and wildlife including recreational, commercial, scientific and educational uses.

California Endangered Species Act (CESA) – The California Endangered Species Act (CESA) (Fish and Game Code Sections 2050 to 2097) is administered by the California Department of Fish and Game and prohibits the take of plant and animal species designated by the Fish and Game Commission as either threatened or endangered in the state of California.

California Exotic Pest Plant Council (Cal-EPPC) – Cal-EPPC's mission is to protect California wildlands from invasive plants through restoration, research and education. Cal-EPPC is a nonprofit organization governed by a board of directors who work with staff on programs and strategic direction.

City – The City of Newport Beach, California.

City Staff – The professional staff who work at the City of Newport Beach Planning Department.

Coast Highway – State Highway 1 within the City of Newport Beach, that provides public access to the Site; also called West Coast Highway and Pacific Coast Highway.

Coastal Development Permit – A permit issued by a local agency or the California Coastal Commission that is a (construction-level) approval of a development land use subject to the provisions of a certified Local Coastal Program and the California Coastal Act. Coastal Development Permits encompass physical construction and land subdivisions such as subdivision tract maps and parcel maps.

Coastal Land Use Plan (CLUP) – Prepared in accordance with the Coastal Act, the CLUP sets forth the goals, objectives, and policies of the Local Coastal Program which governs the use of the land and water in the coastal zone with the City.

Coastal Zone – The coastal area defined in Coastal Act §30103, over which the Coastal Commission exercises jurisdiction. The entire site is within the Coastal Zone.

condominium – An estate consisting of an undivided interest in common in a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an office or store or multifamily dwelling. A condominium may include, in addition, a separate interest in other portions of such real property.

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Dark Sky Lighting – Dark sky lighting refers to an exterior lighting concept which enforces measures to control or eliminate light pollution.

Deferred Certification Area (DCA) – An area which has not been officially segmented for purposes of LCP preparation and where both the land use plan and implementation plan have been deferred to some future date in order to avoid delay in certifying the balance of the LCP.

Development – The placement or erection of any solid material or structure on land, in or under water; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes.

Development Area – Lands proposed for development pursuant to the requirements and procedures described in herein.

dwelling, duplex – A building containing two dwelling units.

dwelling, multi-family – A building containing three or more dwelling units.

dwelling, single-family – A building containing one dwelling unit.

dwelling unit – One or more rooms in a structure, including a kitchen, designed for occupancy by one family for living and sleeping purposes.

Environmentally Sensitive Habitat Area (ESHA) – Areas 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 development.

Environmental Impact Report (EIR) – A study of all the factors which a land development or construction project would have on the environment in the area, including population, traffic, schools, fire protection, endangered species, archeological artifacts, and community beauty.

Federal Endangered Species Act (FESA) – The Endangered Species Act of 1973 protects plants and animals that are listed by the federal government as endangered or threatened. The Act makes it unlawful for anyone to "take" a listed animal, and this includes significantly modifying its habitat. This applies to private parties and private land; a landowner is not allowed to harm an endangered animal or its habitat on his property.

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Federal Migratory Bird Treaty Act – Migratory Bird Treaty Act of 1918 is the United States legislation implementing the convention between the U.S. and Great Britain (for Canada). The United States subsequently entered into similar agreements with four other nations (Canada, Mexico, Japan and Russia) to protect migratory birds. The statute makes it unlawful to pursue, hunt, take, capture, kill or sell birds listed therein ("migratory birds"). The statute does not discriminate between live or dead birds and also grants full protection to any bird parts including feathers, eggs and nests. Over 800 species are currently on the list.

Fuel Management Plan – The Fuel Management Plan identifies specific zones within a property which are subject to fuel (i.e., vegetation) management. A fuel management zone is a strip of land where combustible native and/or ornamental vegetation has been modified and/or partially or totally replaced with drought-tolerant, low-fuel-volume plants. In some locations, only native plants may be used.

General Plan – The comprehensive long-term plan for the physical development of the City of Newport Beach, consisting of policies setting forth objectives, principles, standards, and generalized land use designations.

General Plan Option One – Option One refers to the acquisition of Newport Banning Ranch for open space restoration of wetlands, and other habitats, development of a community park, and consolidation of oil extraction and processing facilities.

General Plan Option Two – Option Two refers to the development of a concentrated mixed-use residential village that retains the majority of the Newport Banning Ranch property as open space. This would include a maximum of 1,375 residential units, which shall consist of a mix of single-family detached attached and multi-family dwelling units, a maximum of 75,000 square feet of retail commercial uses, a maximum of 75 overnight accommodations. Development would be concentrated and oil operations would be clustered to preserve the majority of the property as open space.

General Plan Option Period – The Option Period refers to a specific time period that allows the property owner to pursue entitlement and permits for Alternative Two during the time allowed for Alternative One.

General Plan Update (GPU) – The General Plan Update refers to the City of Newport Beach Comprehensive General Plan Update adopted by the City Council on July 25, 2006 and approved by the voters on November 6, 2006.

geotechnical hazards – The term covering potential dangers to person or property as a consequence of earthquake tremor or geological instability. It includes the effects of surface faulting, tsunami, liquefaction, subsidence, landslides, and slope failures.

gross area – The entire land area within the boundary of a Land Use District, Planning Area, Development Area, or other area within the Site, including roads and driveways, open space, and slopes.

gross residential density – The density of a residential project computed by dividing the total number of dwelling units by the gross area of the project in acres.

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guest room – A rentable overnight guest accommodation within the Inn, Spa, or Guest Room Cottages, that may contain one or more than one bay, and which may be termed a standard guest room or suite depending upon its size and/or amenities.

Habitat Restoration Plan (HRP) – The HRP creates a comprehensive plan to preserve and enhance ecological resources within the Project Area. The HRP also provides guidelines to ensure long-term management and protection of these natural resources.

Inn – The Inn is the inclusive term for the 50 visitor-serving overnight accommodations, which also contains the primary visitor-serving public areas and guest amenities within the Resort, including an anticipated spa and fitness center, swimming pools/decks, and a range of food/beverage, meeting, and banquet facilities.

joint-use parking – The shared use of off-street parking facilities by more than one type of land use. The same parking spaces are counted to satisfy the off-street parking requirements of more than one land use (e.g., use of the same parking facility to satisfy the off-street parking requirements of a place of religious worship and an office building).

key – The smallest rentable overnight guest accommodation that may contain one or more than one bay; the same as a guest room.

Landowner/Master Developer – The Applicant, Newport Banning Ranch LLC, a partnership composed of Aera Energy LLC, Brooks Street, and Cherokee Investment Partners, LLC.

Local Area Formation Commission (LAFCO) – LAFCO is responsible for reviewing and approving proposed jurisdictional boundary changes, including annexations of territory to cities.

Local Coastal Program (LCP) – Local Coastal Programs are basic planning tools used by local governments to guide development in the coastal zone, in partnership with the Coastal Commission. Prepared by local government, these programs govern decisions that determine the short- and long-term conservation and use of coastal resources. Following adoption by a city council or county board of supervisors, an LCP is submitted to the Coastal Commission for review for consistency with Coastal Act requirements.

Lowland – The Lowland is the portion of the Project Site outside of (and topographically below) the Upland, composed primarily of oil operations and service roads intermixed with degraded wetland and wet meadow areas, largely below an elevation of 10 to 15 feet above Mean Sea Level.

mean sea level (MSL) – The average (mean) height of the sea.

Mesa – A land formation, less extensive than a plateau, having steep walls and a relatively flat top.

Definitions of Terms/Acronyms

mitigation – As defined in §15370 of the State Guidelines for the California Environmental Quality Act, mitigation includes:

1. *Avoiding the impact altogether by not taking a certain action or parts of an action.*
2. *Minimizing impacts by limiting the degree or magnitude of the action and its implementation.*
3. *Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.*
4. *Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.*
5. *Compensating for the impact by replacing or providing substitute resources or environments.*

Newport Mesa – A mesa located in the western portion of the City of Newport Beach, including portions of the unincorporated areas of Newport Banning Ranch.

Newport Mesa Unified School District – Owner of the approximate 11.5-acre property abutting the east Project boundary.

oil operation – Activities required for the extraction, processing, and transportation of oil, gas, and related compounds.

Orange County Fire Authority (OCFA) – The Orange County Fire Authority is a regional fire service agency that serves 22 cities in Orange County and all unincorporated areas.

Pre-Annexation Development Agreement (PADA) – A contract entered into pursuant to California Government Code §65864 *et seq.*, by and between the City of Newport Beach and the Landowner/Master Developer (or any of its affiliates, subsidiaries, or otherwise-related companies), pertaining to the implementation of the Newport Banning Ranch Planned Community Development Plan or associated Coastal Development Permits (California Government Code Section 65864-65869.5).

Project – All land uses and development encompassed within the 402.3-acre Site and, in particular, all of the physical development and entitlement components that are identified in the Project EIR, potentially including off-site improvements.

Project Area – All of the land encompassed within the 402.3-acre site and, in particular, all of the area identified in the Project EIR, potentially including off-site areas.

Project Site – The 402.3-acre Newport Banning Ranch area owned by the Landowner/Master Developer, Newport Banning Ranch LLC.

Restoration – Activity to improve generally destroyed or degraded habitat areas to a viably functioning level of biological productivity and diversity.

Site – Same as “Project Site.”

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Spa – The Spa component of the Inn is a full-service health and wellness facility.

Sphere of Influence –A planning tool adopted and used by the Local Agency Formation Commission (LAFCO) to designate probable future boundary and service areas for a city or special district

State – The State of California.

Upland – The Upland refers to areas in the Project Site outside the Lowland.

U.S. Army Corps of Engineers (ACOE) – The Federal agency that reviews navigation aspects of development projects, conducts design studies, and issues dredge and fill permits under the Clean Water Act, and water construction permits under the Rivers and Harbors Act of 1899.

U.S. Fish and Wildlife Service (USFWS) – The U.S. Fish and Wildlife Service is a bureau within the Department of the Interior. The bureau’s mission is to work with others to conserve, protect and enhance fish, wildlife and plants and their habitats for the continuing benefit of the American people.

visitor-serving facilities – Facilities that fulfill the Coastal Act purpose of providing public access, recreation, and overnight accommodations within the Coastal Zone.

West Coast Highway – See Coast Highway.

10.2 Definitions of Acronyms

A	ADT	average daily trips (traffic)
	AHIP	Affordable Housing Implementation Plan
	AQMP	Air Quality Management Plan
B	BACT	Best Available Control Technology
	BMP	Best Management Practice
C	CAA	Clean Air Act
	Cal-EPPC	California Exotic Pest Plant Council
	Caltrans	California Department of Transportation
	CARB	California Air Resources Board
	CCA	California Coastal Act
	CCC	California Coastal Commission
	CDFG	California Department of Fish and Game
	CDPR	California Department of Parks and Recreation
	CDP	Coastal Development Permit
	CDWR	California Department of Water Resources
	CESA	California Endangered Species Act
	CLUP	Coastal Land Use Plan
	CNEL	Community Noise Level Equivalent
	CSDOC	County Sanitation District of Orange County
CRWQB	California Regional Water Quality Control Board	
D	dB	decibel
	dBA	decibels on A-weighted scale
	DCA	Deferred Certification Area
	DOGGR	Division of Oil, Gas and Geothermal Resources
	DU/Ac	dwelling units per acre
E	EIR	Environmental Impact Report
	EPA	Environmental Protection Agency (U.S.)
	ESA	Environmental Study Area
	ESHA	Environmentally Sensitive Habitat Area
F	FEMA	Federal Emergency Management Agency
	FESA	Federal Endangered Species Act
	FHWA	Federal Highways Administration
	FIR	Fiscal Impact Report
	FIRM	Flood Insurance Rate Map
	FLSP	Fire and Life Safety Program