

NEWPORT BANNING RANCH

PLANNED COMMUNITY DEVELOPMENT PLAN

APPLICANT

Submitted to:
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APPENDICES

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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 Agency 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 the 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.

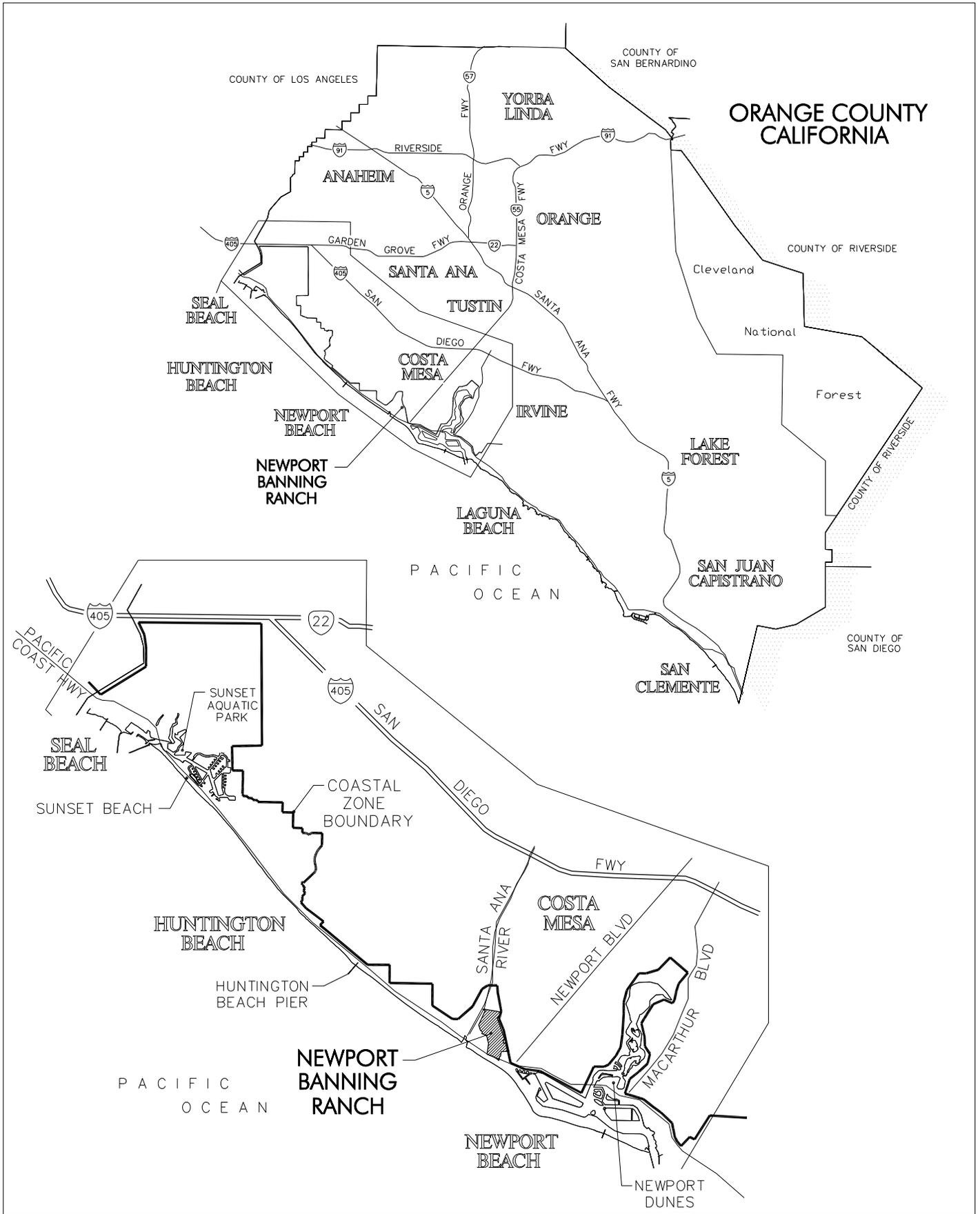
The Property’s northern boundary abuts the existing preservation and open space uses that comprise the Talbert Nature Preserve.

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 16th Street and 18th 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.



PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California



Exhibit 1-1 Regional Setting Map

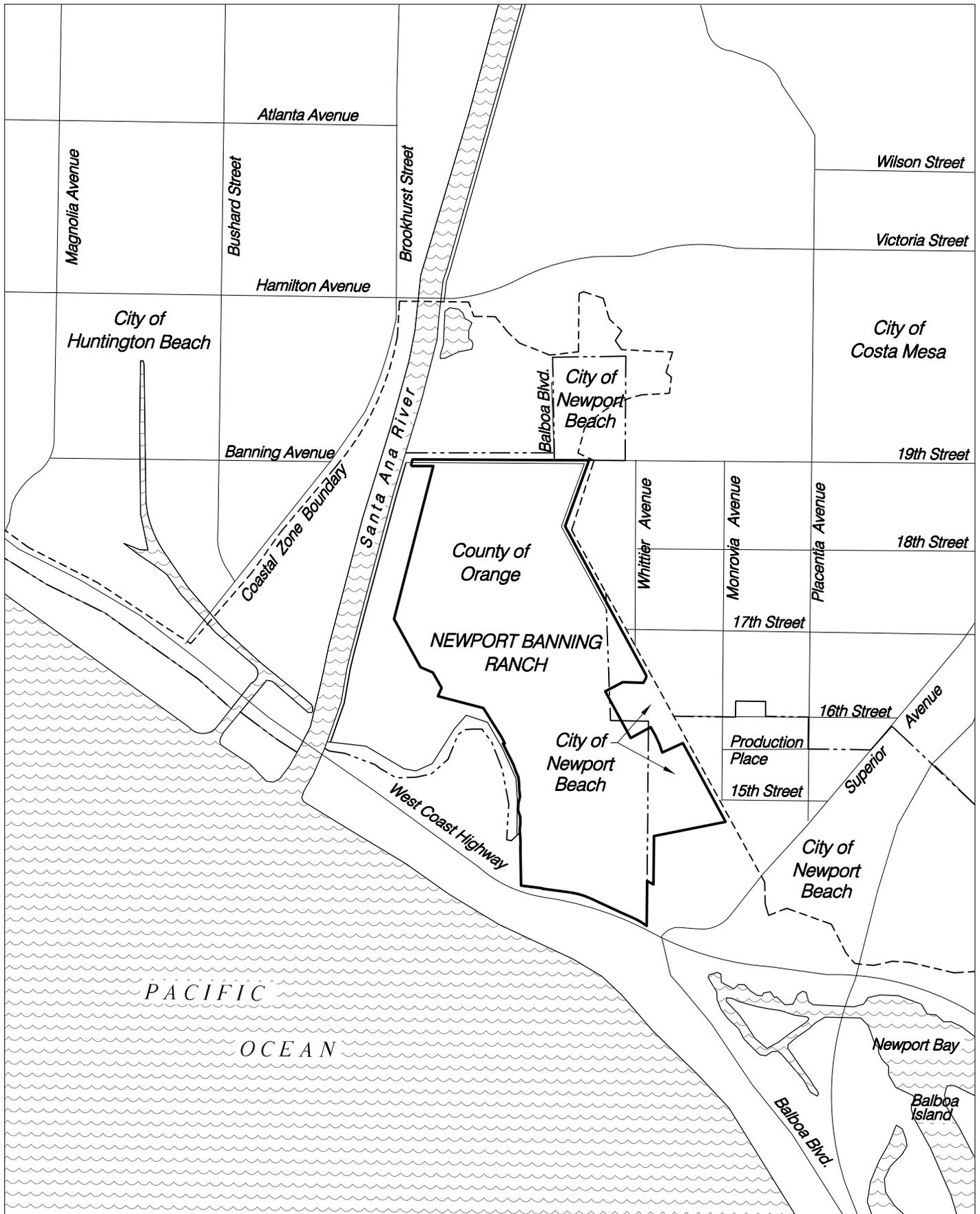


Exhibit 1-2 Vicinity Map

PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California

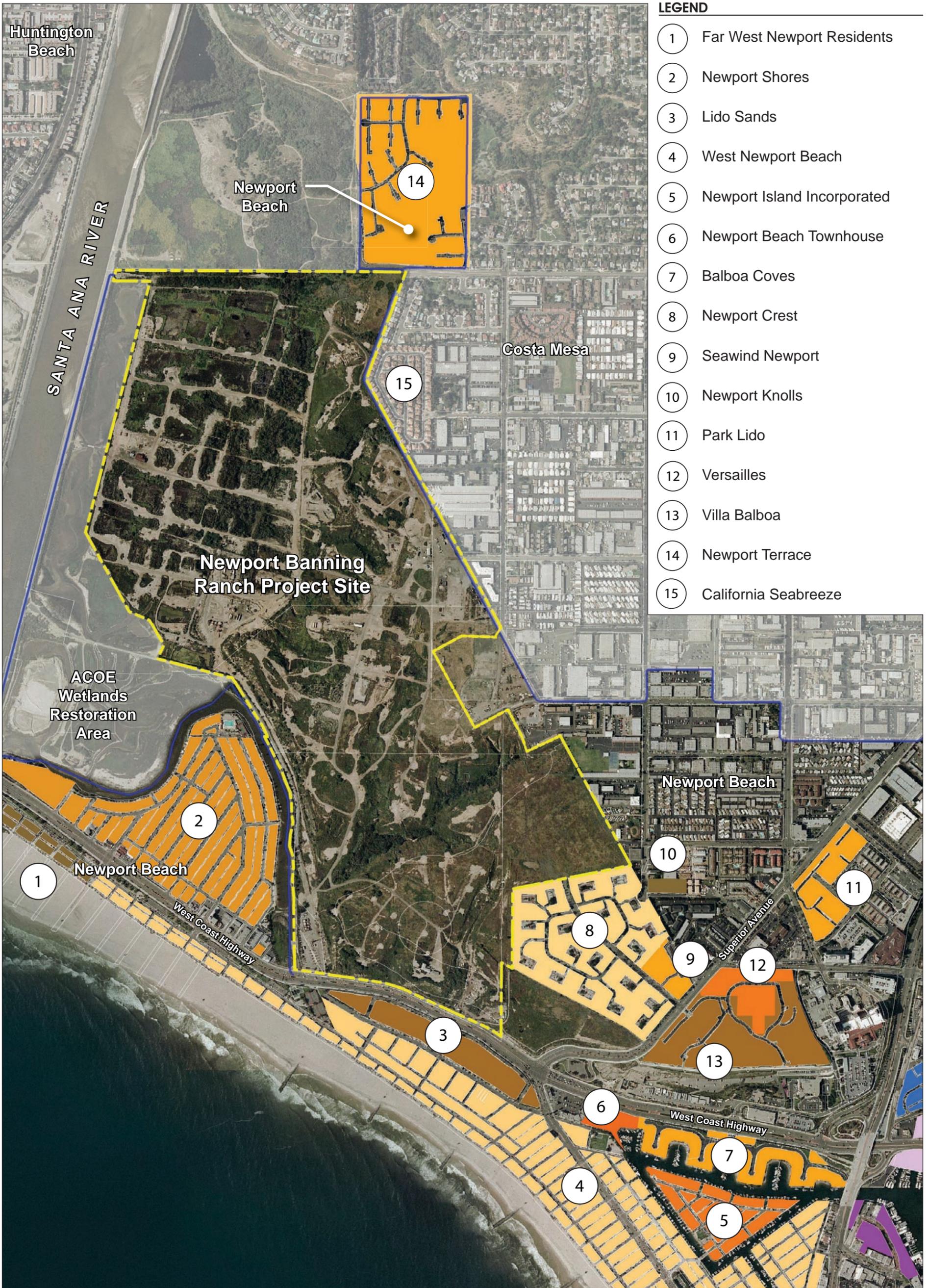


GLENN LUKOS ASSOCIATES



FUSCO
PLANNING & ARCHITECTURE

FORMA
2008-06-10



1.3 Brief Planning History of Newport Banning Ranch

1.3.1 Oil Field Development

According to a 1998 report prepared by West Newport Oil Company, Newport Banning Ranch has been an operating oil field for over 65 years, when the West Newport Oil Field was discovered in 1943 with the drilling of Banning #1 on the Site by D.W. Elliott. Oil production continued through the 1940s, 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.

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

To date, Newport Banning Ranch has produced approximately 36,000,000 barrels of oil, of the total recoverable reserves estimated at 50,000,000 barrels.

1.3.2 Redevelopment Planning

Planning for the phased redevelopment of the Newport Banning Ranch portion of the West Newport 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 the currently incorporated 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.

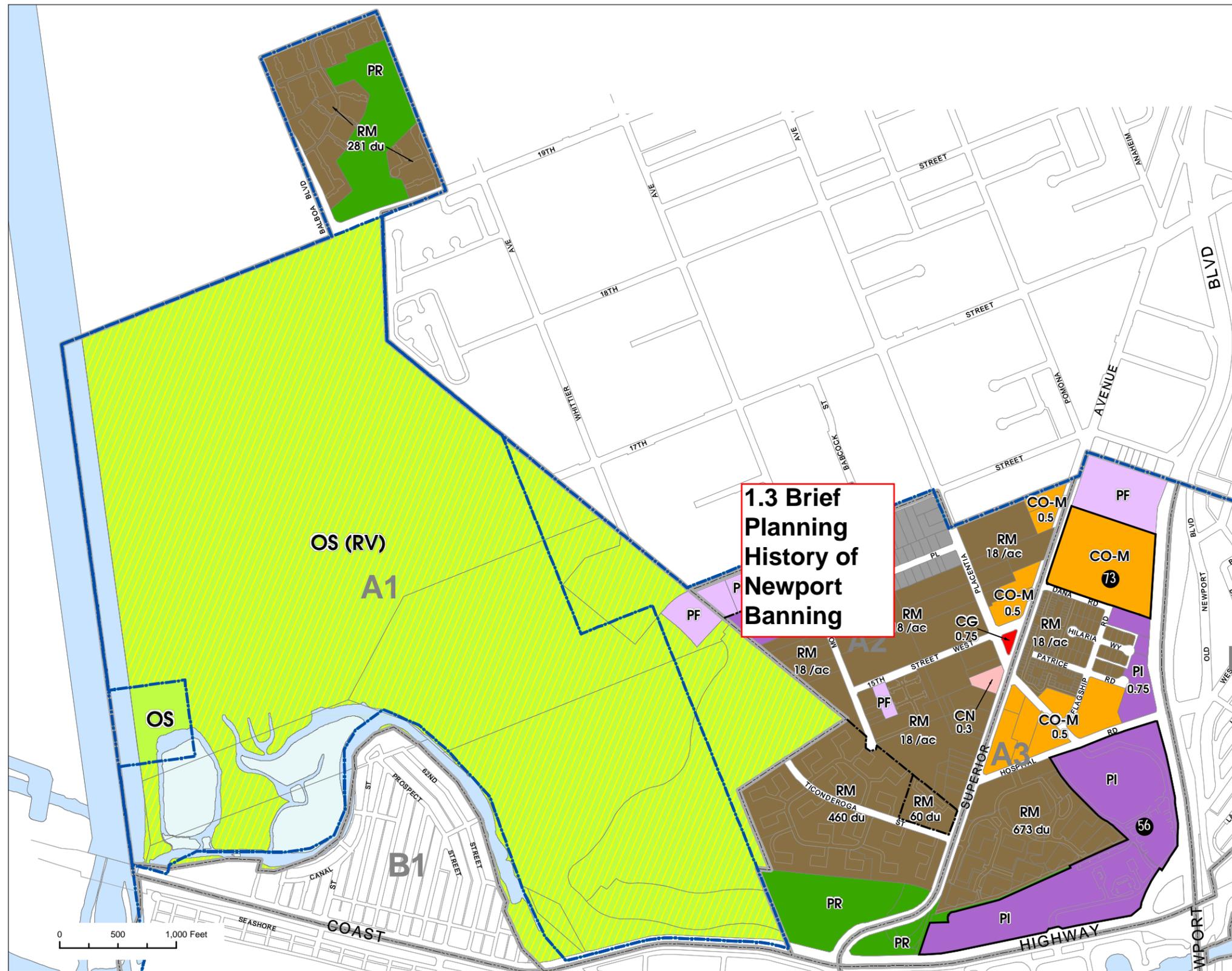
If the Site is not acquired for open space, the designation “... *permits the development of a planned residential community that integrates a mix of single-family detached, single-family attached, two family, and/or multi-family residential, with supporting schools, parks, community services, local-serving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



LEGEND

Residential Neighborhoods

- RS-D Single-Unit Residential Detached
- RS-A Single-Unit Residential Attached
- RT Two-Unit Residential
- RM Multiple-Unit Residential
- RM-D Multiple-Unit Residential Detached

Commercial Districts and Corridors

- CN Neighborhood Commercial
- CC Corridor Commercial
- CG General Commercial
- CV Visitor Serving Commercial
- CM Recreational and Marine Commercial
- CR Regional Commercial

Commercial Office Districts

- CO-G General Commercial Office
- CO-M Medical Commercial Office
- CO-R Regional Commercial Office

Industrial Districts

- IG Industrial

Airport Supporting Districts

- AO Airport Office and Supporting Uses

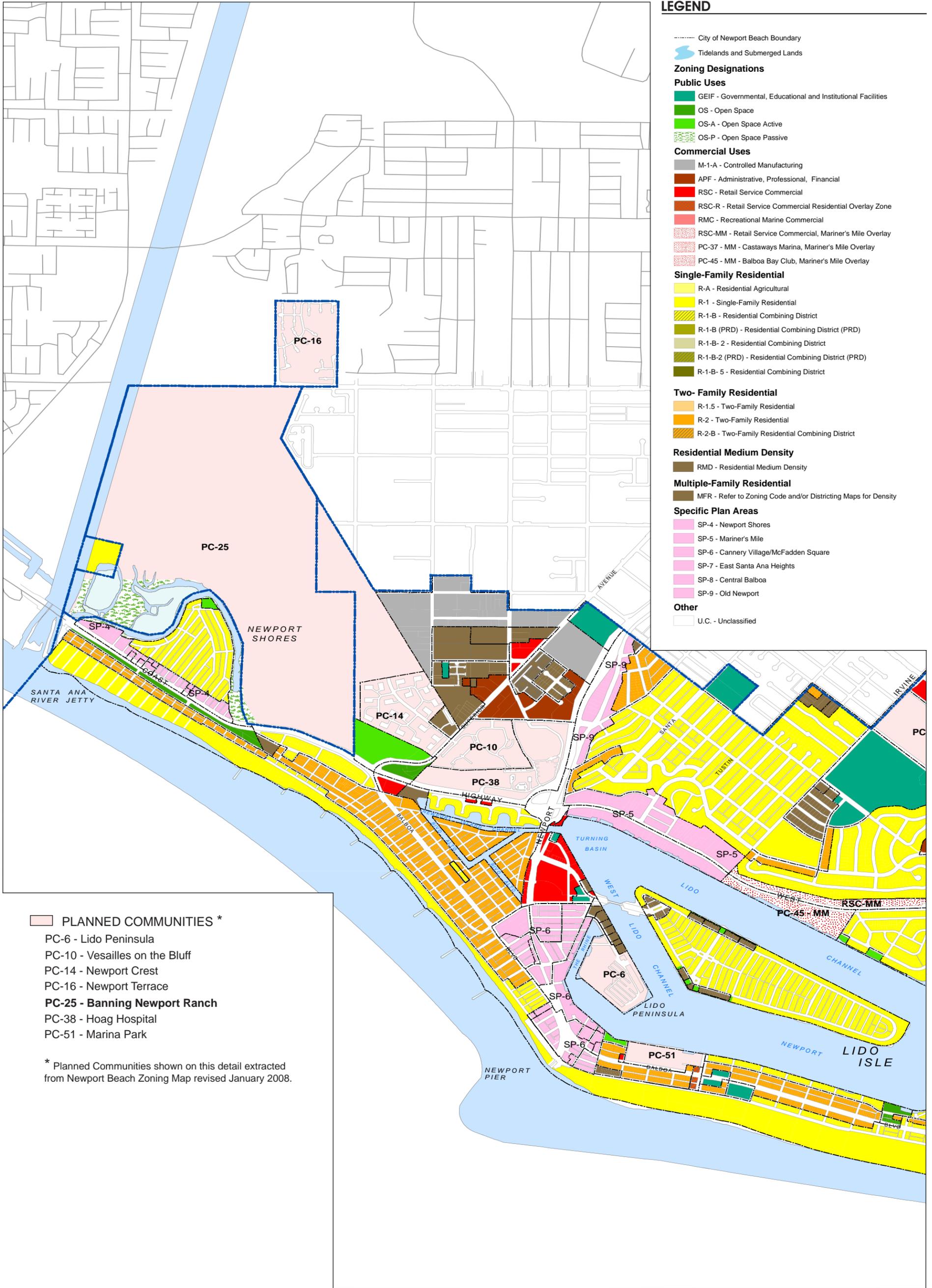
Mixed -Use Districts

- MU-V Mixed Use Vertical
- MU-H Mixed Use Horizontal
- MU-W Mixed Use Water Related

Public, Semi-Public and Institutional

- PF Public Facilities
- PI Private Institutions
- PR Parks and Recreation
- OS Open Space
- OS(RV) Open Space / Residential Village (Residential uses, if not acquired as permanent open space)
- TS Tideland and Submerged Lands

- City of Newport Beach Boundary
- Statistical Area Boundary A1
- Land Use Delineator Line
- Refer to anomaly table



LEGEND

- City of Newport Beach Boundary
- Tidelands and Submerged Lands
- Zoning Designations**
- Public Uses**
 - GEIF - Governmental, Educational and Institutional Facilities
 - OS - Open Space
 - OS-A - Open Space Active
 - OS-P - Open Space Passive
- Commercial Uses**
 - M-1-A - Controlled Manufacturing
 - APF - Administrative, Professional, Financial
 - RSC - Retail Service Commercial
 - RSC-R - Retail Service Commercial Residential Overlay Zone
 - RMC - Recreational Marine Commercial
 - RSC-MM - Retail Service Commercial, Mariner's Mile Overlay
 - PC-37 - MM - Castaways Marina, Mariner's Mile Overlay
 - PC-45 - MM - Balboa Bay Club, Mariner's Mile Overlay
- Single-Family Residential**
 - R-A - Residential Agricultural
 - R-1 - Single-Family Residential
 - R-1-B - Residential Combining District
 - R-1-B (PRD) - Residential Combining District (PRD)
 - R-1-B-2 - Residential Combining District
 - R-1-B-2 (PRD) - Residential Combining District (PRD)
 - R-1-B-5 - Residential Combining District
- Two-Family Residential**
 - R-1.5 - Two-Family Residential
 - R-2 - Two-Family Residential
 - R-2-B - Two-Family Residential Combining District
- Residential Medium Density**
 - RMD - Residential Medium Density
- Multiple-Family Residential**
 - MFR - Refer to Zoning Code and/or Districting Maps for Density
- Specific Plan Areas**
 - SP-4 - Newport Shores
 - SP-5 - Mariner's Mile
 - SP-6 - Cannery Village/McFadden Square
 - SP-7 - East Santa Ana Heights
 - SP-8 - Central Balboa
 - SP-9 - Old Newport
- Other**
 - U.C. - Unclassified

- PLANNED COMMUNITIES ***
- PC-6 - Lido Peninsula
 - PC-10 - Vesailles on the Bluff
 - PC-14 - Newport Crest
 - PC-16 - Newport Terrace
 - PC-25 - Banning Newport Ranch**
 - PC-38 - Hoag Hospital
 - PC-51 - Marina Park

* Planned Communities shown on this detail extracted from Newport Beach Zoning Map revised January 2008.

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.

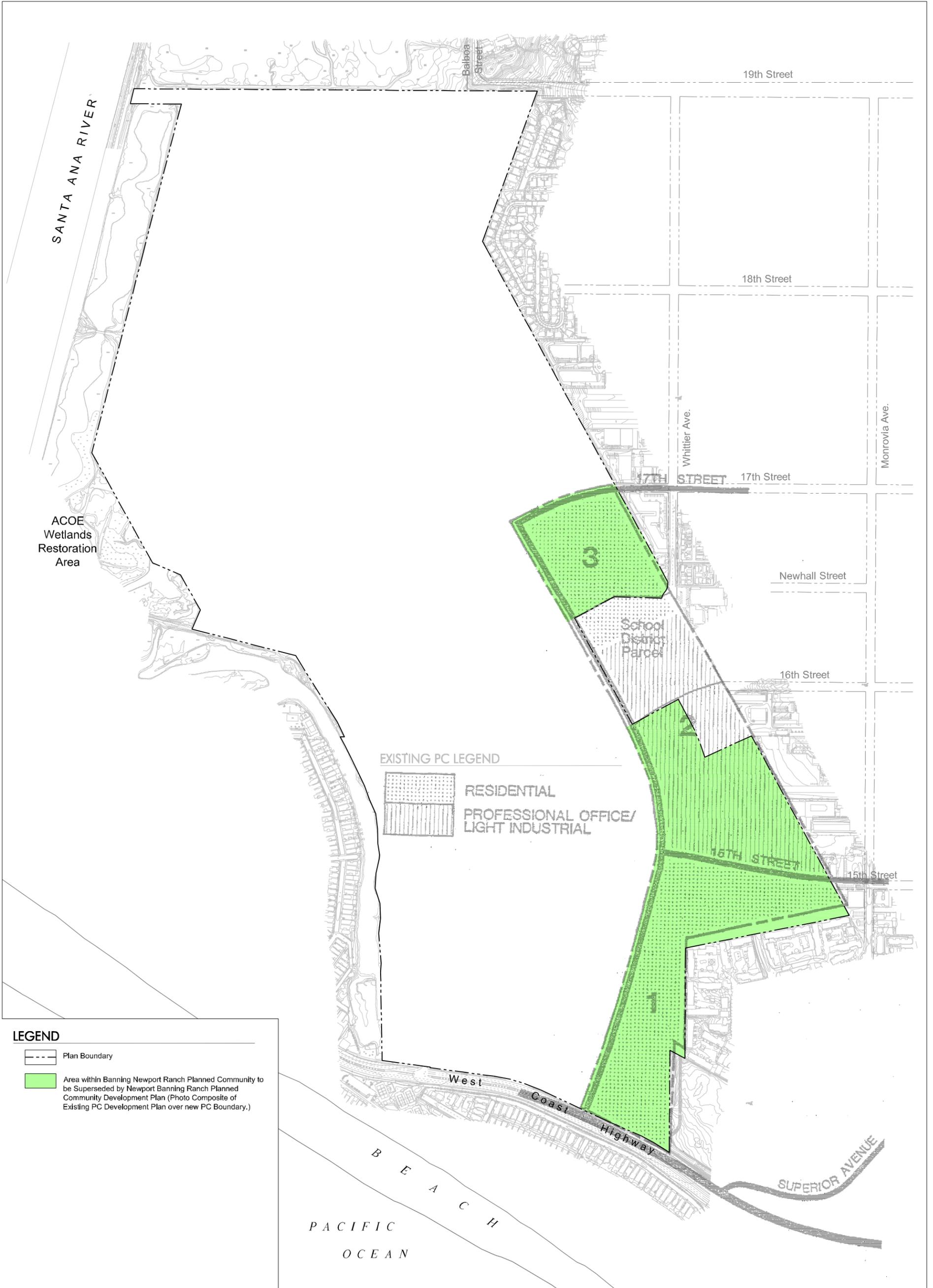


Exhibit 1-6

Area within Existing PC Development Plan to be Superseded by New PC Development Plan



PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California

0 600 1200 GLENN LUKOS ASSOCIATES FORM 2008-06-10

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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 described in this Development Plan document has also been planned and designed to be fully consistent with the various topical elements (e.g., Land Use, Recreation, Housing, etc.) of the adopted City of Newport Beach General Plan.

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.

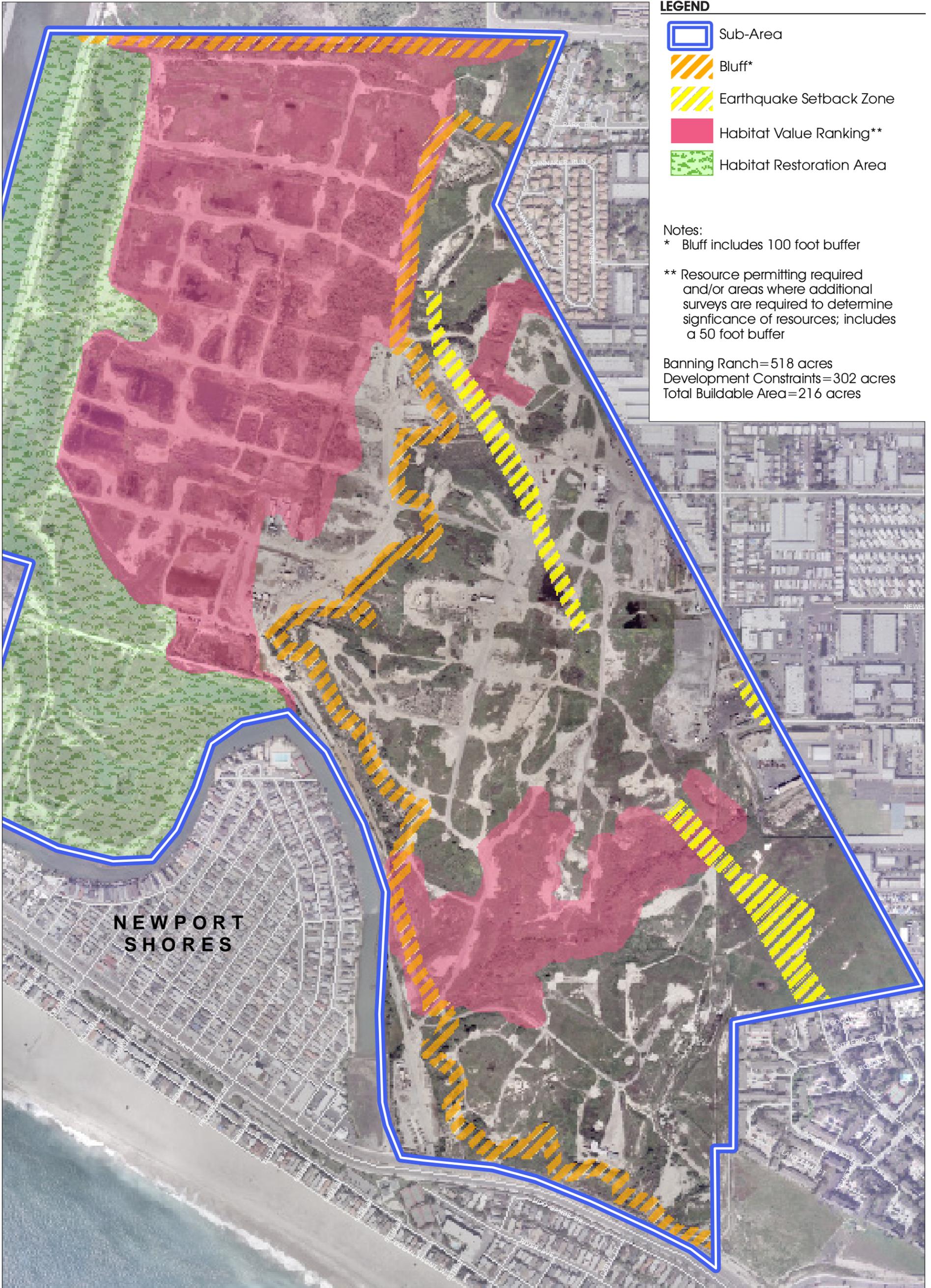
This Newport Banning Ranch PC Development Plan both provides zoning regulations for those portions of the Property within the city of Newport Beach and serves as pre-annexation zoning for those portions currently under the jurisdiction of the County of Orange.

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 as adopted by the City of Newport Beach.

1.7 Relationship to the California Coastal Act

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

Any and all development within the Site must be consistent with the requirements of the Coastal Act.



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

1.8 Summary of Existing Conditions

This section briefly describes existing conditions at the Newport Banning Ranch Site. More detailed descriptions of existing conditions can be found in the Master Site Plan and Project EIR.

1.8.1 Topography

The Newport Banning Ranch is composed of two distinct topographic areas as shown in Exhibit 1-8, Topographic Areas and Features Map:

1. A Lowland area (the “Lowland”) that comprises approximately 150 acres or roughly one-third of the total acreage and is located in the northwestern portion of the Site; and
2. An Upland area (i.e., the “Upland” aka Newport Mesa) that has been uplifted and, with approximately 252 acres or roughly two-thirds of the total acreage, comprises the larger remaining southeastern portion of the Site.

Elevations in the Lowland range from approximately one (1) foot above mean sea level (MSL) to ten (10) feet above MSL. Elevations on the Upland range from a base of approximately ten (10) to fifteen (15) feet, up to the mesa which ranges from 50 feet above MSL in the southwestern area to approximately 105 feet above MSL in the east-central portion of the Site.

The Newport Mesa has been incised in three points to form three arroyos – two of which are significant, the southernmost Large Arroyo and the more northerly (and considerably smaller) Middle Arroyo.

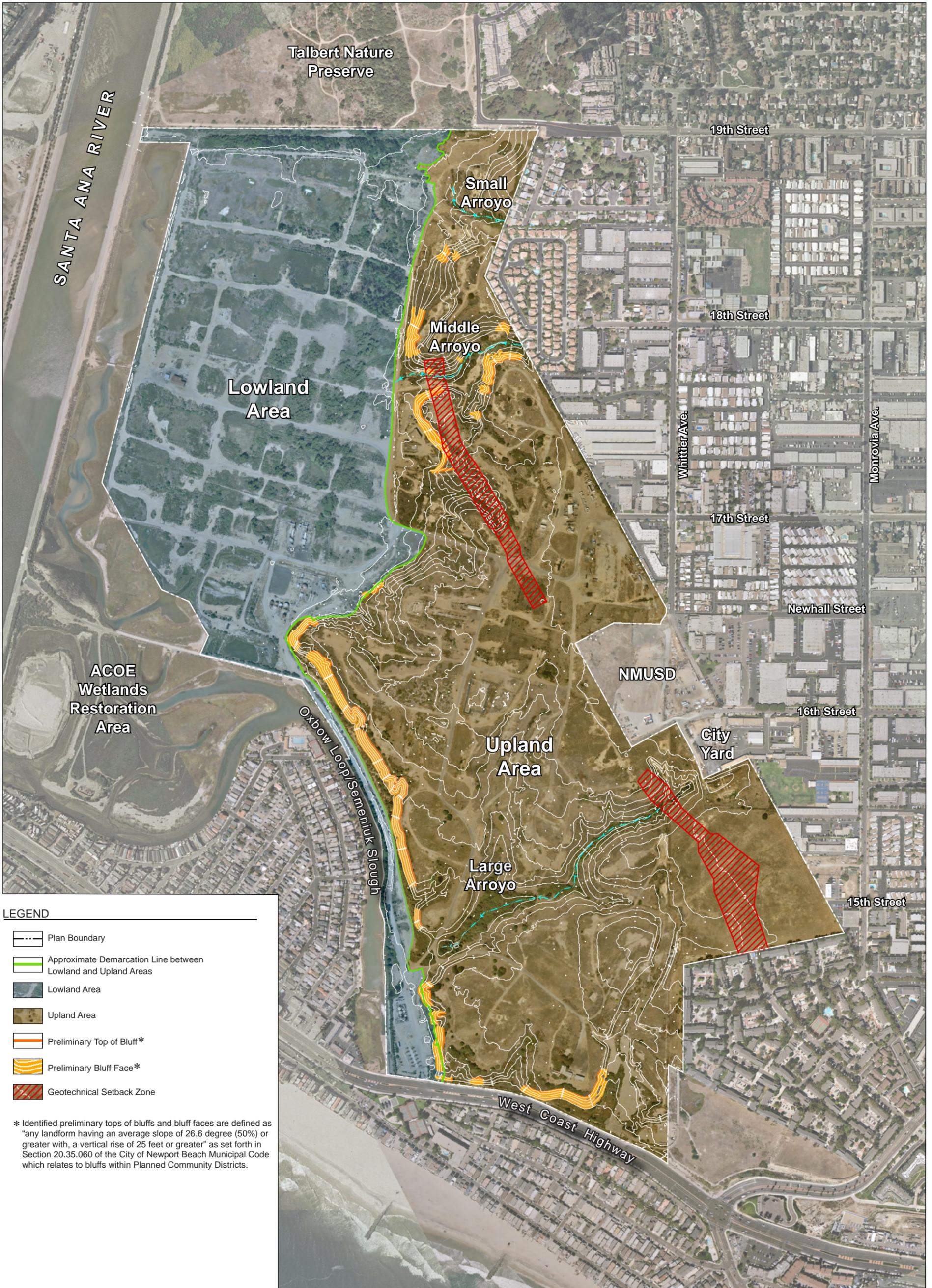
Exhibit 1-8 illustrates the bluffs and slopes that extend along the southwestern and southern edges of the Upland within the Newport Banning Ranch in more detail than shown on Exhibit 1-7, Newport Banning Ranch Development Constraints Map. Exhibit 1-8 shows the bluffs as determined by Geographic Information Systems (GIS) analysis using a high definition topographic map and the definition of bluff from Section 20.35.060 of the City of Newport Beach Municipal Code.¹

1.8.2 Geotechnical Conditions

Newport Banning Ranch is located adjacent to the Newport-Inglewood Fault, which extends from Newport Beach to Inglewood. Splays of the fault have been mapped on-site, and appropriate setbacks have been determined based upon a Geotechnical Fault Investigation prepared by GMU Geotechnical Inc. that included extensive field work, excavations, soundings, and laboratory analyses.

GMU-mapped fault setback zones are shown on Exhibit 1-8, which are refinements to the setbacks shown on Exhibit 1-7, Newport Banning Ranch Development Constraints Map.

¹ As used in this Section and per the City of Newport Beach Municipal Code, “bluff” is any landform having an average slope of 26.6 degrees (50%) or greater, with a vertical rise of 25 feet or greater.



LEGEND

- Plan Boundary
- Approximate Demarcation Line between Lowland and Upland Areas
- Lowland Area
- Upland Area
- Preliminary Top of Bluff*
- Preliminary Bluff Face*
- Geotechnical Setback Zone

* Identified preliminary tops of bluffs and bluff faces are defined as "any landform having an average slope of 26.6 degree (50%) or greater with, a vertical rise of 25 feet or greater" as set forth in Section 20.35.060 of the City of Newport Beach Municipal Code which relates to bluffs within Planned Community Districts.

1.8.3 Oil Operations

There are currently over 460 producing/potentially producing and abandoned wells located within the Property, together with related oil roads, pipelines, sumps, storage tanks, and other facilities.

The current oilfield operator, West Newport Oil Company (WNOC), has 90 wells currently available for oil extraction with approximately 50 operating at any one time. The City of Newport Beach operates approximately 15 wells and an oil processing facility located at the West Coast Highway entrance area.

There currently remains over 40 miles of pipelines throughout the Property for the conveyance of oil, water, and gas produced from the wells to various separation and treatment facilities on the Property.

1.8.4 Access and Visibility

Private access to the Newport Banning Ranch Site is currently provided to serve the active oil production wells and other oil facility areas. Access to the Lowland oil operations is from a gate along West Coast Highway near the southwest corner of the Site. Access to the Upland oil operations is from a gate at the end of 17th Street along the easterly boundary of the Site. A spider web of internal oil roads connects the two gated entrances.

Active oil operations have been ongoing on the Site for over 65 years. For safety, liability, and security reasons, the Site has historically been securely fenced. There are no public access points, roads, or trails within the Site.

Public visibility into Newport Banning Ranch is limited. Views along West Coast Highway adjacent to the Project are primarily limited to the Newport Mesa above and adjacent to the roadway. Portions of the Lowland are also visible from portions of the Newport Shores neighborhood and from along the Santa Ana River Channel. Additional bluff views onto the Site are from the California Seabreeze (Costa Mesa) and Newport Crest (Newport Beach) neighborhoods and other adjacent properties along the eastern boundary, and to a limited extent from the Newport Shores neighborhood to the southwest.

1.8.5 Drainage

The drainage area in which the Newport Banning Ranch is located encompasses the Site and the surrounding urban areas. Storm runoff generally flows westerly toward the Santa Ana River Channel and associated Lowland from the neighboring developed areas through the Project Site.

Uncontrolled surface runoff sheet-flows westerly across the Newport Mesa to the Lowland. Along the way, the runoff either collects and concentrates in the arroyo corridors or continues to sheet flow over the bluffs and west-facing slopes toward the tidal channel (i.e., “Oxbow Loop”) and Lowland.

Three drainage courses exist on-site and define the three arroyos:

- Drainage A defines the most northerly Small Arroyo and supports riparian vegetation along most of its length;
- Drainage B defines the Middle (medium-size) Arroyo and supports both riparian vegetation and a large quantity of non-native invasive weeds, including non-native acacia, pampas grass, and giant reed; and
- Drainage C defines the Large Arroyo in the southern portion of the Site, and supports both riparian vegetation along much of its length, as well as significant areas of non-native invasives in its lower reach.

The Lowland has been significantly impacted by 65 years of oil operations, and is mostly separated hydrologically from the Oxbow Loop Channel by the U.S. Army Corps of Engineers (ACOE) dike, although a small area at the southwest corner of the

Lowland is subject to muted tidal influence through the ACOE’s property.

1.8.6 Vegetation

The Lowland that comprises the northwest portion of the Site supports largely ruderal vegetation, although some areas of native alkali meadow and large patches of riparian vegetation also exist. A few least Bell's vireo (*Vireo bellii pusillus*) has been observed in the Lowland riparian habitat. Along the southwest boundary of the Lowland a small amount of tidally-influenced, native salt marsh habitat also exists.

The slopes along the southern and southwestern boundary of the Site support several large patches of coastal sage scrub, maritime succulent scrub, and coastal bluff scrub. The southwestern slope supports several special status plants, and the southern slope supports several gnatcatcher pairs. Other than these slopes and the Southern (Large) Arroyo (Drainage C), the majority of habitat available to wildlife on-site consists of small fragmented patches, and is significantly disturbed either by non-native vegetation or by historic/ongoing oil operations.

Suitable raptor foraging habitat is present in the Lowland, and potential foraging habitat is present where there is non-native grassland in the southeastern corner of the Site.

2.1 Project Objectives

The following are the Landowner's/Master Developer's objectives for the Newport Banning Ranch Planned Community:

1. Provide a residential-scale village project that is consistent with the Newport Beach General Plan that was adopted by the City Council on June 26, 2006 and approved by the voters on November 6, 2006, including:
 - a. Preservation of a majority (minimum 50%) of the land in open space;
 - b. Accommodation of a maximum of 1,375 residential units, including single-family detached, attached, and multi-family units to provide a range of choices and prices for future residents;
 - c. Accommodation of a maximum of 75,000 square feet of retail commercial oriented to serve the needs of local and nearby residents; and
 - d. Accommodation of a maximum of 75 overnight accommodations in a small boutique hotel, "bed and breakfast," or other configuration.
2. In providing a reduced-scale project compared to the pre-2006 General Plan, it is recognized that a corresponding amendment to the Orange County Master Plan of Arterial Highways (MPAH) and the City of Newport Beach Master Plan of Streets and Highways (MPSH), which must remain consistent with the MPAH, will be required to implement the Newport Banning Ranch PC Development Plan. These amendments are summarized below by roadway.⁽¹⁾
 - a. Bluff Road:
 - (1) Delete the segment between 19th Street and 17th Street.
 - (2) Modify the segment between 17th Street and 15th Street from a Primary Arterial to a Secondary Arterial. The project will reserve the right-of-way for Primary Arterial designation but will construct a two-lane divided/augmented Collector Arterial.
 - (3) Modify the segment between 15th Street and West (Pacific) Coast Highway from a Primary Arterial to a Secondary Arterial.

⁽¹⁾ See "Focused Circulation Evaluation: Newport Banning Ranch," prepared by LSA Associates, June 2008.

- b. 17th Street: Delete the segment between Bluff Road and West Coast Highway, which was a second connection to Coast Highway that would have cut through the environmentally-sensitive middle of the Newport Banning Ranch Site.
 - c. 15th Street: Delete the segment between Bluff Road and West Coast Highway, which was a second connection to Coast Highway that would also have cut through the environmentally-sensitive middle of the Newport Banning Ranch Site.
3. Provide a project that is substantially consistent with the City of Newport Beach Zoning Ordinance, recognizing that two minor amendments are being requested by the Landowner/Master Developer in conjunction with this Planned Community Development Plan:
- a. An amendment to the City's Zoning Districting Maps to formally identify and describe by legal description the entire Project Site, including currently unincorporated land within the City's Sphere of Influence, as the "Newport Banning Ranch Planned Community," consistent with the Newport Beach Zoning Map which already designates the Site as "Planned Community No. 25."
 - b. An amendment to the Height Limitations Zone Map in Chapter 20.65, Height Limits, of the Zoning Code to permit heights within NBR's Mixed-Use/Residential Land Use District to be increased from a maximum of 50 feet to a maximum of 65 feet, to be more consistent with the 60 feet permitted by the City of Costa Mesa in their adjacent "Mesa West Bluffs Urban Plan."
4. Provide for a project that, through various means, including the consolidation of oil wells and other petroleum-related facilities within limited geographic areas on the surface of the Site, accommodates and is compatible with on-going oil resource extraction and related recovery operations by the subsurface owners/leasees.
5. Prepare and implement an Affordable Housing Implementation Plan (AHIP) for the Project, consistent with the Housing Element of the City General Plan. This AHIP should satisfy project requirements, preferably through on-site rental housing or, if not feasible, through other means permitted by the City's Housing Element.
6. Provide a project that is consistent with the California Coastal Act of 1976 and is compatible with the City of Newport Beach Local Coastal Program's Land Use Plan Policies.

7. Protect and preserve the candidate open space areas through the implementation of a comprehensive Habitat Restoration Plan (HRP) designed to restore, conserve, and manage the habitat resources of the Planned Community area in a manner that promotes their long-term viability and sustainability.
8. Provide a staged offer of dedication for public open space habitat areas, with phased acceptances that correlate with phased abandonment, remediation, and rehabilitation of open space areas as outlined in the HRP and the progressive development of residential, commercial, and visitor-serving areas, to ensure full and economically feasible implementation of the Project.
9. Open new public access opportunities to the coastal zone by providing public open space adjacent to coastal wetlands, and by providing a public community park, a public bluff-top park, and other public open spaces, as well as associated public parking.
10. Increase public access to the coastal zone by providing public trails and trailheads/staging areas within both the Lowland and Upland, and along the coastal bluff with views toward the wetlands, the ocean, and Newport Harbor.
11. Design a multi-faceted public park and trail system with facilities that capture the passive beauty and view potentials from the Site, while ensuring significant active recreation for residents and visitors.
12. Provide vehicular and pedestrian access from the Project Site to the City's proposed Sunset Ridge Park to the east.
13. Provide for public trail linkages through the Site that will connect the Site with the existing adjacent Santa Ana River Trail.
14. Improve and enhance the drainage courses that traverse the Site to provide for higher water quality and habitat conditions than presently exist.
15. Implement a water quality management program that will improve the water quality of urban runoff from off-site and on-site sources prior to discharging into the Lowland, Santa Ana River, Semeniuk Slough, and/or ocean.
16. Provide for visitor-serving uses, including an inn or hotel with views of the Pacific Ocean.
17. Create diverse residential villages/colonies that provide for a mix of architectural styles and densities which, in turn, offer more housing opportunities to a wider variety of households.
18. Locate the more urban and mixed land uses along the eastern edge of the Site, where the high densities and building heights will complement the City of Costa Mesa's "Mesa West Bluffs Urban Plan."
19. Provide neighborhood commercial goods, services, and restaurant opportunities for existing nearby and future residents that will help reduce trip numbers and trip lengths within the area.

20. Use a variety of techniques to provide a “Green Community” that is not only attractive and functional, but green and sustainable beyond current “business as usual” government requirements.
21. Utilize green roads, open space systems, and innovative fire management solutions that are responsive to preserving and creating sensitive habitat areas while providing fire-resistant restoration and creation within denuded, invaded, and/or otherwise degraded habitat areas.
22. Provide roadway improvements to improve regional circulation access and minimize impacts to the existing circulation system.
23. Use attractive and efficient roadway alignments, cross-sections, and median/roundabout details to disperse traffic among various adjacent and nearby roadways and proposed access points (e.g., West Coast Highway and 15th, 16th, and 17th Streets) and thereby reduce potential impacts on surrounding neighborhoods.
24. Propose a project that provides fiscal benefits to the City of Newport Beach and other applicable public agencies, including:
 - a. New sales taxes, property taxes, and transient occupancy taxes (TOT) that will accrue to the City, as well as certain revenues to the County of Orange, and certain special (e.g., school) districts.
 - b. The preservation and dedication of open space areas and a public trail network that helps implement local and regional plans.
 - c. A visitor-serving resort area and mixed-use residential village that provides commercial, residential, recreation, visitor-serving, and open space opportunities for residents and visitors – thus reducing dependence on the automobile and local roadways, and encouraging pedestrian and bicycle circulation.

2.2 Project Vision

In its design, Newport Banning Ranch is envisioned in the traditions of old Newport Beach as a cluster of distinct villages and colonies amid a casually elegant and physically elevated beach resort atmosphere.

Homes are linked by pathways and a clear sequence of circulation designed to encourage pedestrian and bicycle movement, while calming traffic and opening vistas to the diverse marine environments that surround much of the planned community.

The built environment is scaled to feel like an historical beach town. Bluff walks allow multifaceted views, with intermittent signposts that educate residents and visitors of the rich natural systems nearby.

The community landscape is an eclectic overlay of native and sympathetic coastal California materials that frame and protect the adjoining sensitive habitats that have been protected, enhanced, and restored.

A clear and vibrant hierarchy of trails and footpaths safely links regional and local destinations to the Site's Upland and Lowland resources. Special features and focal points are emphasized in the public parks and bluff-top landscape to make Newport Banning Ranch both welcoming and memorable for residents and visitors alike.

2.3 Development Plan and Table

The Planned Community (PC) Development Plan and Planned Community (PC) Development Table are provided as Exhibits 2-1 and 2-2, respectively.

As shown, the PC Development Plan is composed of diverse land use districts designed and assembled to provide for the redevelopment of the existing 65-year oil field into an environmentally-sensitive and sustainable residential village as called for in the City's General Plan.

The plan will retain most of the existing natural landforms and preserve more than fifty (50) percent of the Site in open space, much of which will be restored as a mosaic of high-functioning Upland and Lowland native habitat.

The Development Plan is composed of five major land use categories or districts:

- **Open Space Districts**, which includes Lowland and Upland open space for habitat as well as public interpretive trails and facilities, public parks and recreation areas, and temporary oil facilities areas, where currently active wells and operations can be consolidated so that the remainder of the Site can be remediated, protected, restored, and/or redeveloped. Ultimately, upon the cessation of oil operations, these oil consolidation sites will themselves be abandoned and remediated, and will then revert to some form of open space use.

- **A Visitor-Serving Resort/Residential District**, including a maximum 75-room coastal inn with a restaurant, spa, and other complementary visitor-serving commercial uses, as well as residential units that may share in the facilities and amenities of the resort.
- **Residential Districts**, including Low, Medium-Low, and Medium Density residential areas, and accommodating detached and attached single-family homes, as well as multi-family townhomes, condominiums, and apartments.
- **A Mixed-Use/Residential District** accommodating multi-family townhomes, condominiums, and apartments along the eastern edge of the community, where mixed-use and higher densities and building heights would be compatible with redevelopment plans of the City of Costa Mesa.
- **Green Backbone Roadways**, including 2-lane enhanced collectors and 4-lane custom arterials to serve both Newport Banning Ranch and residents of the surrounding communities.

Sections 2.4 through 2.8 describe each of the land use districts and the Backbone Roadways in more detail.

2.3.1 District Acreage and Planned Dwelling Unit Refinements

The boundaries, acreages, and dwelling units shown Exhibits 2-1 and 2-2 are subject to refinement with more detailed site planning as explained in Chapter 4:

1. The Land Use District boundary lines and acreages identified on the PC Development Plan and PC Development Table are estimates based upon current information and a generalized level of mapping. Refinements to the Land Use District boundaries/acreages and

Planned Dwelling Units and Commercial Square Footage are expected to occur with future and more detailed mapping, architectural design, and engineering. For this reason, Land Use District acreages shown on the PC Development Table may be refined up to fifteen (15) percent when more accurate information becomes available and is submitted with Master and/or Project Site Plans and Tentative Tract Maps.

2. No proposed Land Use District boundary line adjustment shall result in a decrease of area within: a) the Lowland Open Space/Public Trails and Facilities District below a minimum of 130 gross acres; b) the Upland Open Space/Public Trails and Facilities District below a minimum of 90 gross acres; or c) the Public Parks and Recreation District below a minimum of 40 gross acres.
3. Planned Dwelling Units shown on the PC Development Table may be refined provided that the revision is: a) consistent with the Maximum Permitted Density for the Land Use District; and, b) any proposed increase in Planned Dwelling Units in one District is fully offset by a corresponding decrease in one or more other District(s), so that: a) the maximum number of dwelling units shown on the Land Use Table never exceeds the maximum of 1,375 dwelling units; b) the planned Commercial square footage never exceeds the maximum of 75,000 square feet of Commercial; and c) the Planned Overnight Accommodations never exceeds the Maximum of 75 Overnight Accommodations.

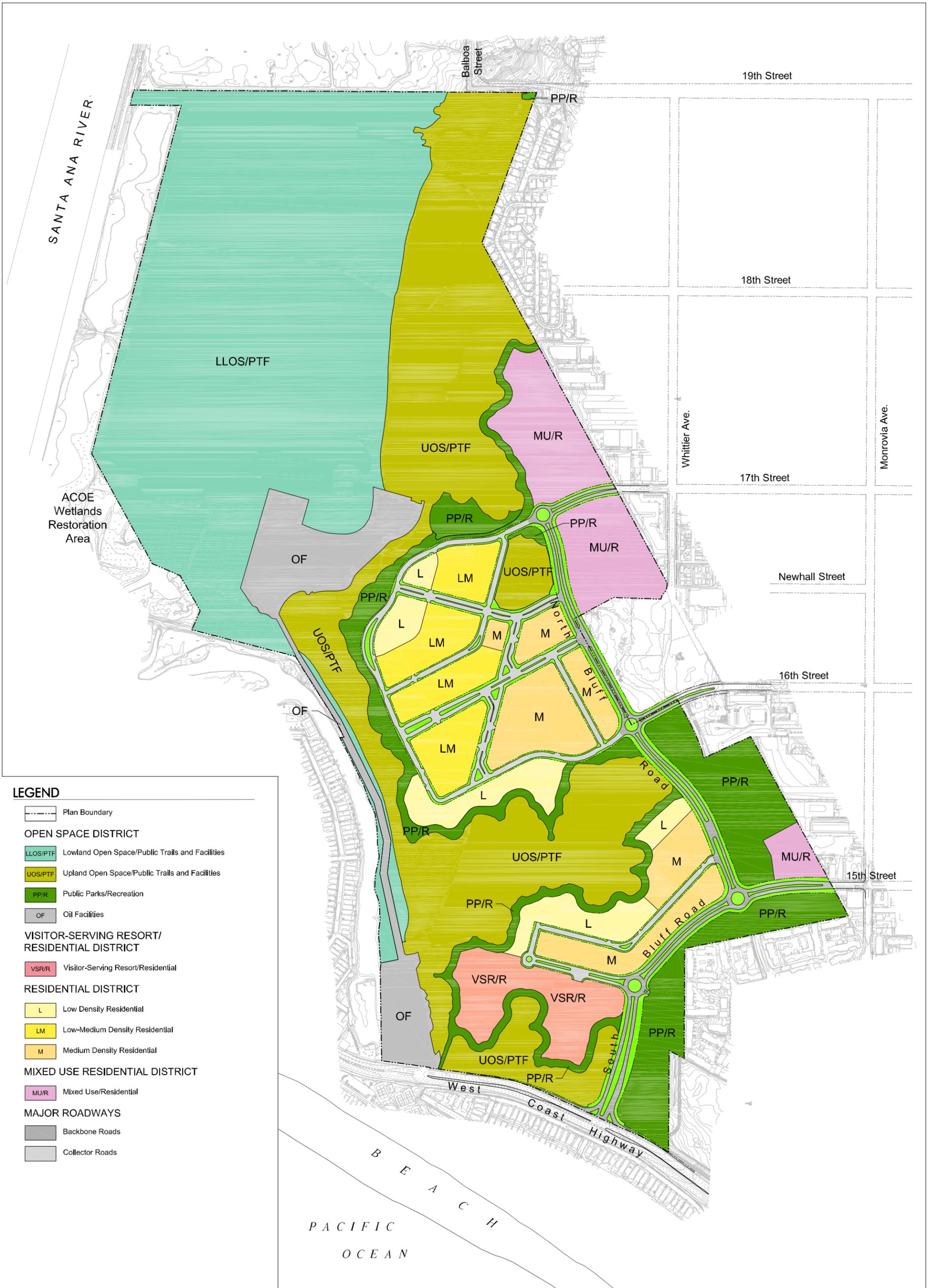


Exhibit 2-2

PLANNED COMMUNITY DEVELOPMENT TABLE
Newport Banning Ranch

LAND USE DISTRICT		GROSS ACRES ⁽¹⁾	RESIDENTIAL				COMMERCIAL		OVERNIGHT ACCOMMODATIONS	
			Planned Dwelling Units	Planned Density (DU/Ac) ⁽²⁾	Maximum Permitted Dwelling Units	Maximum Permitted Density (DU/Ac) ⁽³⁾	Planned Commercial Square Footage ⁽⁸⁾	Maximum Commercial Square Footage	Planned Overnight Accommodations	Maximum Overnight Accommodations
OPEN SPACE										
LLOS/PTF	Lowland Open Space / Public Trails and Facilities	131	--	--	--	--	--	--	--	--
UOS/PTF	Upland Open Space / Public Trails and Facilities	96	--	--	--	--	--	--	--	--
PP/R	Public Parks / Recreation	44	--	--	--	--	--	--	--	--
OF	Oil Facilities (interim use)	19	--	--	--	--	--	--	--	--
Subtotal Open Space		291	--	--	--	--	--	--	--	--
VISITOR-SERVING RESORT / RESIDENTIAL										
VSR/R	Visitor-Serving Resort / Residential ⁽⁴⁾	11	116	11	200	19	0	75,000	75	75
Subtotal Visitor-Serving Resort / Residential		11	116	--	--	--	0	75,000	75	75
RESIDENTIAL										
L	Low Density Residential	15	65	4	123	8	⁽⁵⁾	⁽⁵⁾	--	--
LM	Low-Medium Density Residential	21	163	8	295	14	⁽⁵⁾	⁽⁵⁾	--	--
M	Medium Density Residential	27	225	8	544	20	⁽⁵⁾	⁽⁵⁾	--	--
Subtotal Residential		64	453	--	--	--	⁽⁵⁾	⁽⁵⁾	--	--
MIXED-USE / RESIDENTIAL										
MU/R	Mixed-Use / Residential	21	806	38	971	46	75,000	75,000	--	--
Subtotal Mixed-Use / Residential		21	806	--	--	--	75,000	75,000	0	0
BACKBONE ROADWAYS										
--	South Bluff Road (4-Lane Arterial)	6	--	--	--	--	--	--	--	--
--	North Bluff Road (2-Lane Enhanced Collector) ⁽⁶⁾	7	--	--	--	--	--	--	--	--
--	15th Street (4-Lane Arterial) ⁽⁷⁾	3	--	--	--	--	--	--	--	--
--	16th Street (2-Lane Enhanced Collector) ⁽⁶⁾⁽⁷⁾		--	--	--	--	--	--	--	--
--	17th Street (2-Lane Enhanced Collector) ⁽⁷⁾		--	--	--	--	--	--	--	--
Subtotal Backbone Roadways		16	--	--	--	--	--	--	--	--
Total Project		402	1,375	--	1,375	--	75,000	75,000	75	75

⁽¹⁾ Gross land use acres are measured to centerlines of adjacent local road rights-of-way where such roads are shown on the plan.

⁽²⁾ Planned density (DU/Ac.) within the maximum permitted density and reflecting planned dwelling units as shown on table. See description of Permitted Planning Area and Planned Dwelling Unit adjustments in Chapter 4.

⁽³⁾ Maximum permitted density within the Land Use District.

⁽⁴⁾ Residential density is computed on the basis of residential units per gross acre within the entire Visitor-Serving Resort / Residential Land Use District.

⁽⁵⁾ Convenience commercial "corner stores", services, coffee shops/cafes, and similar local businesses may be proposed and shall be permitted within Residential Land Use Districts. Their square footage shall be included in the maximum commercial square footage for the community.

⁽⁶⁾ Includes half-width rights-of-way from adjacent parcels for small portions of North Bluff Road and 16th Street as shown in Exhibit 2-1.

⁽⁷⁾ 15th Street, 16th Street, and 17th Street are approximately 1.3, .5, and .8 acres, respectively.

⁽⁸⁾ Planned Commercial Square Footage excludes accessory visitor-serving commercial uses such as the spa, restaurant(s), etc. that are part of Visitor-Serving Resort

2.4 Open Space Districts

The PC Development Plan provides for approximately 291 acres of Open Space, which comprises approximately 70 percent of the Site. This includes a Lowland Open Space/Public Trails and Facilities District, an Upland Open Space/Public Trails and Facilities District, a Public Parks and Recreation District, and an Oil Facilities District as an interim use.

2.4.1 Lowland Open Space/Public Trails and Facilities District

The PC Development Plan provides approximately 131 acres of Lowland Open Space/Public Trails and Facilities. This Open Space can provide a rich and diverse habitat for birds and other wildlife, including a meadow area in the north for raptor foraging. Public interpretive trails and viewpoints are an integral component of the Lowland Open Space, with connections up and down the Santa Ana River. Finally, the Lowland Open Space is planned to contain wetland restoration/drainage cleansing and water polishing areas that will function as an integral part of the Lowland Open Space.

2.4.2 Upland Open Space/Public Trails and Facilities District

The PC Development Plan provides approximately 96 acres of Upland Open Space/Public Trails and Facilities. This includes the currently scarred bluff above West Coast Highway, the Large Arroyo that cuts through most of the southern portion of the Site, and the larger northeastern portion of the Site which is composed of a South Upland and a North Upland that flank the Medium Arroyo. Although these areas

are heavily disturbed today, they can be restored to high-quality, fully-functioning native habitat overlooking the Lowland. This also includes the Small Arroyo and other small open space areas that are relatively undisturbed and will be protected as they are.

A series of public interpretive trails, footpaths, and overlooks are an integral component of the Upland Open Space/Public Trails and District, and will link with the Lowland interpretive trails, residential areas, and public parks and trails both on- and off-site.

2.4.3 Public Parks/Recreation District

The PC Development Plan proposes approximately 44 acres of Public Parks and Recreation, comprising a diverse park system to serve residents and visitors alike. The City's acquisition of most if not all of this park system and the design and improvement of facilities within each of the parks will be coordinated with the City's Parks, Beaches, and Recreation Commission, and addressed in the Pre-Annexation Development Agreement (PADA).

The components of this District are described below:

1. Community Park

Notable will be the westerly extension of the City's proposed Sunset Ridge Park, providing much needed public access and additional park land as part of Newport Banning Ranch's approximately 22-acre Community Park along Bluff Road, which will serve both local and community-wide recreational needs.

2. Public Bluff Park

In a less intensive but equally community-serving manner, an extensive approximately 18-acre Public Bluff Park will be improved along virtually the entire edge of the community, including the resort area. This park will contain footpaths, overlooks, and more improved nodes for picnic tables and informed recreation.

3. Interpretive Nature Center

An approximately 2-acre Interpretive Nature Center to the north, overlooking the Lowland. The Nature Center may include multiple complementary facilities, which may be owned and/or operated by the City or other public agency, a private not-for-profit entity, and/or the operator of the Inn within the resort. The Center is planned to be composed of:

- a. **Interpretive Visitor Center and Offices.** This facility will contain interpretive areas and office opportunities for the habitat manager, as well as viewing decks and trailheads that connect to the Lowland and Upland interpretive trails.
- b. **Native Plant Nursery/Eco-Garden Center.** This facility will demonstrate and provide native plants that Newport Banning Ranch residents can use in their home landscape to ensure compatibility with the required Habitat Restoration Plan (HRP). This nursery will be open to the general public.

- c. **Eco-Guest Retreat.** A relatively unique feature of the Interpretive Nature Center is proposed to be an Eco-Guest Retreat composed of overnight guest rooms developed on the concept of seasonal yurts (tent-like structures) that allow more hardy visitors to experience habitat in an unconventional and immediate manner. Approximately 12 yurts are envisioned.

The final design and feasibility of the Interpretive Nature Center in particular the Eco-Guest Retreat will depend upon the ownership and operating concept that will need to be developed cooperatively by the Landowner/Master Developer and the City. The ultimate design and feasibility may be affected by the proposed MPAH Amendment that is finally approved by OCTA and the City.

4. Vernal Pool Interpretive Area

Completing the Public Parks and Recreation District will be a Vernal Pool Interpretive Area near the intersection of Bluff Road and 17th Street.

5. Talbert Trailhead/Staging Area

Located at the northeast corner of the Site, the Talbert Trailhead/Staging Area will provide public access to a regional network of on- and off-site nature trails via the Upland Interpretive Trail. Public parking is planned on-street and off-site, along the south side of 19th Street.

2.4.4 Oil Facilities District

The oil operations that today blanket much of the 403-acre Newport Banning Ranch will be consolidated into approximately 19 acres: 1) the existing Oil Operations Site near West Coast Highway (that is also used by the City of Newport Beach); 2) the evolving Oil Consolidation Site near the middle of the Lowland; and 3) an Oil Access Road as a non-exclusive easement* that connects the two working sites, and native planting buffers surrounding much of the sites to visually soften their appearance from the Public Bluff Park, public trails within the Upland and Lowland, and other areas of the planned community.

2.5 Visitor-Serving Resort/ Residential District

The Visitor-Serving Resort/Residential District contains approximately 11 acres and, consistent with the General Plan, will provide a maximum of 75 overnight accommodations in an inn format where the design will include an iconic architectural element for the community

The Inn's promontory location above West Coast Highway will allow spectacular views of Newport Harbor and the Pacific Ocean, and serve as the focal point that anchors the public entry statement for the Project.

A spa and wellness center, restaurant(s), and limited visitor-serving commercial facilities are envisioned as part of the Inn.

* The easement permits vehicular access and an oil facilities service road, oil lines, and utility connections.

A maximum of 200 resort-oriented residential units are planned as part of this resort area. These residential units will be conventionally owned but have special opportunities to use the spa and wellness center, restaurants, and/or other facilities and amenities within the Inn and resort area. At the discretion of the individual owners, these residential units may be operated by the Inn as visitor-serving overnight accommodations. The units are not, however, planned to be subdivided as fractional ownerships, timeshares, or other type of deed-restricted or otherwise controlled vacation-oriented units.

It is envisioned that the public bluff-top trail adjacent to the resort will not only provide public views of the Newport Beach coastline, but access to a proposed pedestrian/bicycle bridge over West Coast Highway that will connect the resort and other areas of the community to the adjacent beachside neighborhoods and sand beaches to the southwest.

2.6 Residential Districts

The Residential Land Use District comprises approximately 64 acres or approximately 16 percent of the Newport Banning Ranch. Different components of the Residential District promote diversity in the type and size of residential units and consist of three Districts described below.

It should be noted that the Residential District will permit not only residential units, but homeowners association (HOA) and privately-owned (for apartment units) parks and recreation facilities as well as very limited neighborhood commercial uses. It will also permit the three allées shown on the PC Development Plan which provide vistas toward the ocean, as well as various landscape focal points and greens within the community which are too small to be eligible for dedication as public parks.

2.6.1 Low Density Residential District

The approximately 15-acre Low Density Residential District is planned for single-family detached and attached homes, and may include custom homes on larger individual lots.

2.6.2 Low-Medium Density Residential District

The approximately 21-acre Low-Medium Density Residential District is designated for single-family detached and attached homes as well as multi-family housing at generally higher densities than the Low Density Residential District.

2.6.3 Medium Density Residential District

The approximately 27-acre Medium Density Residential District is designated for single-family detached and attached homes, and multi-family residential projects. Small convenience commercial sales and services sites are permitted in this district to promote pedestrian access and bicycle use in the community.

2.7 Mixed-Use/Residential District

The Mixed-Use/Residential District contains approximately 21 acres along the east side of North Bluff Road. It adjoins Costa Mesa's "MesaWest Bluffs Urban Plan Area" (proposed mixed-use redevelopment) to the east, which currently is made up of primarily light industrial developments and mobile home parks.

Consistent with Costa Mesa's MesaWest Bluffs Urban Plan, this will be the most urban environment within the Newport Banning Ranch, but still fully committed to Green Building, with a sustainable landscape and lifestyle.

It is anticipated that the Mixed-Use/Residential District will be composed of 3-, 4-, and/or 5-story attached residential neighborhoods with innovative architecture, creative parking solutions, and on-site recreation centers, with the potential for artist's lofts, live-work units, and/or commercial development as part of a vertically and/or horizontally integrated mixed-use development.

It is anticipated that this higher density residential area could also accommodate affordable housing units as defined by the City of Newport Beach and described in an Affordable Housing Implementation Plan (AHIP) prepared for the Project, and potentially in the future Pre-Annexation Development Agreement (PADA) between the Landowner/Master Developer and the City.

Up to 75,000 square feet of neighborhood commercial use is permitted within this Mixed-Use/Residential District to potentially provide a broad range of convenience goods and services within walking distance of on-site and nearby residents.

2.8 Circulation Concepts

2.8.1 Backbone Roadways

Newport Banning Ranch has been designed to provide an internal network of streets with multiple connections to the existing street pattern in Newport Beach and Costa Mesa. Multiple connection points will disperse traffic throughout the larger existing regional network and are proposed at West Coast Highway, 15th Street, 16th Street, and 17th Street.

Proposed on-site circulation follows a hierarchy which includes a backbone of public secondary highways and collector roads – and then a network of local roads that includes local streets, alleys, and drives.

Signalization is proposed for the access point to Bluff Road at West Coast Highway. Four roundabouts are proposed along Bluff Road – at the to the visitor-serving resort entry and at connections with 15th, 16th, and 17th Streets – to optimize traffic flow.

2.8.2 Other Circulation Components

1. South and North Bluff Road

South Bluff Road, from West Coast Highway to 15th Street, has a 125-foot right-of-way with two (2) travel lanes in each direction. Pedestrian and bicyclist mobility is provided with a 12-foot-wide Class I Trail and a five-foot walk. Landscaped parkways provide a buffer between pedestrians and vehicular traffic. A large landscaped median incorporates a “green streets” design.

North Bluff Road, north of 15th Street has a 105-foot right-of-way with one (1) travel lane and one (1) striped bike lane in each direction. Pedestrian and bicyclist mobility is provided with a 10-foot-wide multi-use trail and a five-foot walk. Large landscaped parkways and a landscaped median are continued from 15th Street to 17th Street.

2. Allées

The Allées have an 84-foot minimum right-of-way with one (1) travel lane, one (1) emergency median, and one (1) curbside parking aisle in each direction. Pedestrian mobility is provided by two (2) 5-foot walks. Large landscaped areas are provided through the center of the Allées and are the backbone of the “green streets” concept.

3. Scenic Drive

Bluff Park Scenic Drive has a 50-foot right-of-way with one (1) travel lane and one (1) curbside parking aisle in each direction. Pedestrian mobility is provided by a six-foot meandering trail and a four-foot walk.

2.9 Infrastructure Concepts

2.9.1 Terraforming and Watershed Management

Primary grading activity will occur on two Upland areas that make up the community development area. These areas range in elevation from 60 to 110 feet above MSL, and are bounded by the edge of a bluff/slope to the west and by existing neighborhoods in Costa Mesa and Newport Beach to the east.

Terraforming for the Project is divided into three categories:

- Development area grading;
- Bluff restoration; and
- Remediated soil disposition.

Care will be taken to match the existing bluff edge elevations to preserve the bluff massing and create a more natural appearance from the south and west.

The Site currently receives “run-on” storm flow from the primarily industrial/commercial areas to the east of Newport Banning Ranch. These flows cross the Property in two eroded channels. The Upland area of the Site is tributary to these “gullies,” the adjoining Lowland, and West Coast Highway to the south. The Site currently passes all of its “run off” storm flow overland to these off-site areas, and is consequently subject to erosion, sediment build-up, and debris-laden flows.

The goal of the Runoff Management Plan for Newport Banning Ranch will be to develop a new state-of-the-art drainage and flood control system that will reduce potential downstream flooding impacts, preserve the existing hydrologic conditions

of the natural drainage corridors, and provide treatment of low-flow runoff for habitat sustainment. Important drainage, flood control, and water quality objectives include the following:

1. Reduce existing flow rates and volumes to the Oxbow Loop to reduce the flooding potential within the area of existing development;
2. Match existing project discharge rates into the West Coast Highway storm drain system to minimize impacts downstream;
3. Maximize the routing of storm flows to the Lowland to offset increases in development runoff discharges and volumes to the Large Arroyo and Oxbow Loop;
4. Minimize development runoff to the smaller medium Arroyo to preserve its existing functionality;
5. Provide for treatment of off-site runoff for water quality improvements and reduction of high flow discharges;
6. Implement low-impact development features, infiltration strategies, and integrated water-quality measures into the Project infrastructure and buffer zones to treat water and direct flows to sustain habitat areas;
7. Preserve the existing bluff/slope faces and structure by directing runoff away from them; and
8. Collect and convey existing off-site run-on along the Project’s easterly property line, consistent with existing recorded drainage acceptance agreements.

2.9.2 Domestic and Recycled Water Concept

The Site is included in the City of Newport Beach's water service area. Seventy-five percent of the City's water supply is from well water, with the remaining supply derived from the Municipal Water District of Orange County. Newport Beach distribution facilities are adjacent to the Site in West Coast Highway, 16th Street, and Ticonderoga Street. A transmission main exists at the north edge of the Site, which transports well water to the treatment facility and reservoir on 16th Street, which the City operates.

Mesa Consolidated Water District also has facilities adjacent to the Project Site in 19th Street and in the surrounding residential, commercial, and industrial areas of Costa Mesa. Its facilities are located primarily along the portion of the Project proposed for open space and are therefore not proposed for community development use.

Domestic water needs for the Project will include dust control during construction, landscaping and irrigation needs, fire-flow requirements, and all associated residential, commercial, and visitor-serving consumption required from normal operation and occupancy of the Project.

The proposed domestic water system will connect to the existing City of Newport Beach infrastructure at 16th Street, Ticonderoga, and West Coast Highway. Within the Project, a network of 8- to 12-inch diameter water mains is proposed to facilitate service to the various uses.

A "Water Supply Assessment" will be prepared by the City of Newport Beach as part of the CEQA/EIR process to further evaluate service. It is anticipated, that, because the Project is consistent with the City's recently-approved 2006 General Plan, adequate capacity will be available.

At this time, neither the City of Newport Beach nor the Mesa Consolidated Water District has plans to extend reclaimed water to the Project vicinity. In recognition of the following: 1) that the use of reclaimed water is highly desirable; 2) retrofitting a domestic water system is often cost-prohibitive; and 3) reclaimed water may become available at a future time, the Project is proposing to build a separate on-site water system to irrigate the parks, open space, and common areas. The separate system will be built to reclaimed water standards but will initially be connected to the City of Newport Beach's domestic system. At a time when reclaimed water is available, the system can be disconnected from the domestic system and connected to the reclaimed water line.

2.9.3 Wastewater

The development will require a sanitary sewer network to serve the proposed uses. This network will connect to existing and upgraded facilities operated by the County Sanitation District of Orange County (CSDOC). It is proposed that the effluent from the development areas be collected and directed to the proposed CSDOC gravity line along Oxbow Loop Channel via 8- to 10-inch diameter sewer mains throughout the Site. It is expected that the CSDOC or the City of Newport Beach will maintain this line.

3.1 Purpose and Scope

3.1.1 General

Sections 3.1 through 3.4 of this chapter define specifically permitted and prohibited land uses within the various land use districts that comprise the Newport Banning Ranch Planned Community, as well as the Site Development Standards for land use development with those districts.

Subsequently, sections provide development regulations that apply to Newport Banning Ranch on a community-wide basis:

1. Section 3.5 contains General Community Regulations;
2. Section 3.6 contains Parking Requirements;
3. Section 3.7 contains Signage Requirements; and
4. Section 3.8 contains Fire and Life Safety Requirements.

Chapter 4 describes the subsequent construction-level permits and procedures required for project development, as well as how the PC Development Plan itself shall be administered and may be amended over time.

Appendix A sets forth Design Guidelines which need to be considered in conjunction with the permitted uses, site development standards, and community-wide regulations.

Appendix B sets forth the Green and Sustainable Program for the community.

3.1.2 Range of Permitted Uses

Section 3.2 of this Chapter sets forth the land uses that are permitted, conditionally permitted, and prohibited within the various land use districts identified in Chapter 2 Exhibits 2-1 and 2-2, the Planned Community Development Plan and Planned Community Development Table, respectively. It also references Interim Permitted Uses and Temporary Permitted Uses. Section 3.3 identifies Permitted Accessory Uses.

3.1.3 Site Development Standards

Section 3.4 of this Chapter sets forth the Site Developments Standards that apply to the permitted uses within the various land use districts.

3.1.4 Specific Uses and Mixed-Use Projects

The Mixed-Use/Residential District permits the coordinated development of mixed residential and neighborhood commercial uses within one development project on one (1) building site and/or within one (1) building. Where commercial/office and residential uses occur on the same building site, the primary access for the residential portion of the Project shall be a separate entrance. A description of the Mixed-Use/Residential District is contained in Chapter 2.

The development of mixed-use residential and commercial projects within the Newport Banning Ranch shall be subject to Site Plan Review and Use Permit approved by the Newport Beach Planning Commission, which shall consider the compatibility of the specific land uses and design elements proposed for the particular project.

Changes in the commercial uses contained within a mixed-use project may be administratively approved by the Planning Director unless otherwise provided for in the original Use Permit approved by the Planning Commission.

3.1.5 Permitted Convenience Commercial Uses within LM and M Residential Districts

Convenience commercial “corner stores,” resident services, coffee shops/cafes, and similar local businesses are permitted within the Medium and Low-Medium Residential Districts as provided for in Exhibit 3-1.

Such projects shall be subject to Site Plan Review and the following regulations:

1. No more than one convenience commercial area may be located within the North Family Village and the South Family Village (i.e., the Residential Districts west of Bluff Road and north and south, respectively, of the Large Arroyo.
2. The convenience commercial businesses may be located within and/or adjacent to facilities owned and operated by the NBR Homeowners Association.
3. The building(s) that comprise the area shall have frontage on a collector or arterial street shown on the PC Development Plan.
4. The total square footage of convenience square footage within the Newport Banning Ranch Planned Community shall not exceed 5,000 square feet.
5. Within any one convenience commercial area, the total square footage of convenience commercial buildings shall not exceed 3,500 square feet.
6. All uses must be conducted within buildings unless otherwise expressly authorized as part of Site Plan Review. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas for a coffee shop, café, or restaurant.
7. No outdoor storage shall be permitted.
8. All waste containers shall be enclosed within a building or a fully-enclosed architectural structure that is visually compatible with the main building.
9. Hours of operation shall be limited to from 6:00 A.M. to 9:30 P.M. except for automated tellers and similar operations.
10. No commercial vehicle shall be parked on the street or on the premises overnight except in an enclosed structure.
11. No off-street parking is required for convenience commercial uses in Residential Districts unless such uses exceed 1,500 square feet of gross floor area, in which case one parking space shall be provided for every 500 square feet of gross floor area.
12. On-street parking not credited for other uses may be credited toward the minimum parking requirement identified in (1).
13. Three (3) securable bicycle parking spaces shall be provided for every required motor vehicle parking space.

14. Access for service vehicles should provide a direct route to service and loading dock areas, while avoiding movement through parking areas.

3.2 Permitted and Prohibited Uses

3.2.1 Purpose

This section sets forth the specific land uses permitted within each of the land use districts identified on Chapter 2 Exhibits 2-1 and 2-2.

3.2.2 Principal Permitted Uses

Principal Permitted Uses identified in this chapter are considered to be within the category of “principal permitted uses” as defined in the California Coastal Act of 1976, in general, and California Public Resources Code Section 30603(a)(4), in particular.

3.2.3 Permitted Uses

Permitted Uses are other permitted uses, in addition to Principal Permitted Uses, that do not require a Use Permit or Minor Use Permit. This includes Accessory Uses as described in Section 3.4

3.2.4 Uses Permitted by Use Permit

Uses permitted by Use Permit may be permitted subject to a Use Permit, approved or conditionally approved by the Newport Beach Planning Commission or Planning Director according to the requirements set forth in Section 3.1.4 and Section 4.6, Use Permits, of this PC Development Plan.

3.2.5 Temporary Permitted Uses

Temporary Permitted Uses may be permitted in any Land Use District subject to the requirements of Section 3.5.18 of this PC Development Plan.

3.2.6 Interim Permitted Uses

Interim Land Uses may be permitted within undeveloped areas of the Newport Banning Ranch Planned Community subject to the requirements of Section 3.5.17 of this PC Development Plan.

3.2.7 Oil Facilities District

The Oil Facilities District shall, in addition to oil-related uses and facilities for the recovery and transportation of oil reserves, permit all uses permitted in the Lowland Habitat/Public Trails and Facilities District.

Upon the cessation, abandonment, and remediation of all oil facilities within the Oil Facilities District, the parcels that comprise the Oil Facilities District shall be designated for open space.

3.2.8 Prohibited Uses

Uses not provided for in this PC Development Plan, are prohibited; however, it is recognized that permitted uses are defined generally, and may require interpretation by the City's Planning Director. The Planning Director may determine that other uses not specifically listed in this PC Development Plan are permitted provided they are consistent with the purpose and intent of the Newport Banning Ranch PC Development Plan and the Land Use District in which the property is located.

3.2.9 Permitted Uses Matrix

Exhibit 3-1 provides the Permitted Uses Matrix which sets forth the permitted, conditionally permitted, and prohibited uses within the various land use districts that comprise the Newport Banning Ranch Planned Community.

1. The following symbols indicate whether the use is permitted within the land use district, the type of permitted use, and whether a Use Permit is required for that use:

PP – Principal Permitted Use;

P – Permitted Use;

UP – Use Permitted by Approved Use Permit;
and

– Prohibited Use (empty cell).

2. The land use district abbreviations used in the matrix shall be interpreted as follows:

Open Space Districts:

- LLOS/PTF – Lowland Open Space/Public Trails and Facilities
- UOS/PTF – Upland Open Space/Public Trails and Facilities
- PP/R – Public Parks and Recreation
- OF – Oil Facilities

Visitor-Serving Resort/Residential District:

- VSR/R – Visitor-Serving Resort/
Residential

Residential Districts:

- L – Low Density Residential
- LM – Low-Medium Density Residential
- M – Medium Density Residential

Mixed-Use/Residential District:

- MU/R – Mixed-Use/Residential

Land Use and Development Standards

EXHIBIT 3-1

PERMITTED USES MATRIX Newport Banning Ranch

LEGEND: PP Principal Permitted Use UP Use Permit									
P Permitted Use □ Not Permitted (empty cell)									
LAND USE TYPE/FACILITY	LAND USE DISTRICT								
	OPEN SPACE				VSR/ R	RESIDENTIAL			MU/ R
	LLOS/ PTF	UOS/ PTF	PP/ R	OF		L	LM	M	
Alcoholic beverages, sale of					UP		P ⁽¹⁾	P ⁽¹⁾	UP
Amphitheaters - small (see also Accessory Uses Matrix, Exhibit 3-2)			UP		UP				
Apartments							P	P	PP
Appliance stores, household, sales/rental leasing/minor repair of									UP
Arboretums and horticultural gardens			P		P				UP
Arcades, game or movie									UP
Art galleries					P				UP
Athletic fields, excluding stadiums (see also Accessory Uses Matrix, Exhibit 3-2)			P						
Bakeries					P				UP
Banks and financial institutions							P ⁽¹⁾	P ⁽¹⁾	UP
Barbershops/beauty salon					P		P ⁽¹⁾	P ⁽¹⁾	UP
Bars and cocktail lounges					P				UP
Baseball park			P						
Bicycle rentals			P						UP
Boat and other marine sales/rental/leasing/ minor repair of, incidental to the sale of boat					P				UP
Breweries, micro					P				UP
Cabarets					P				UP
Care facilities day (6 or fewer persons)					P	P	P	P	UP
Care facilities, residential (6 or fewer persons)						P	P	P	UP
Care facilities, day (7 or more persons)								UP	UP
Care facilities, residential (7 or more persons)								UP	UP
Caretakers' quarters					P	P	P	P	P
Churches, temples									UP
Colleges, universities					UP				UP
Community centers, private					P	P	P	P	P
Day spa					PP				UP
Dry cleaning and laundry services							P ⁽¹⁾	P ⁽¹⁾	UP

Land Use and Development Standards

EXHIBIT 3-1

PERMITTED USES MATRIX Newport Banning Ranch

LEGEND: PP Principal Permitted Use UP Use Permit									
P Permitted Use □ Not Permitted (empty cell)									
LAND USE TYPE/FACILITY	LAND USE DISTRICT								
	OPEN SPACE				VSR/ R	RESIDENTIAL			MU/ R
	LLOS/ PTF	UOS/ PTF	PP/ R	OF		L	LM	M	
Eco-Guest Retreat			UP						
Energy generating or storage devices	UP	UP		UP	P	P	P	P	UP
Film processing, retail									UP
Fire stations			P						P
Fitness club					PP		P ⁽¹⁾	P ⁽¹⁾	UP
Greenhouses, commercial			UP						
Grocery stores					P		UP	UP	UP
Gymnasiums (see also Accessory Uses Matrix, Exhibit 3-2)			UP		P				UP
Habitat restoration, creation, and protection activities	PP	PP	PP	P	P	P	P	P	P
Health clinic					PP				UP
Health retreats			P		PP				UP
Health services					PP				UP
Historical monuments and cultural heritage sites			P						UP
Hospital services					UP				UP
Hotels/Lodges/Motels					PP			UP	UP
Information centers					P	P	P	P	UP
Interpretive Visitor Center and Offices			UP						
Interpretive signage, kiosks, vista points	P	P	P	P	P	P	P	P	UP
Laundromat					P		P ⁽¹⁾	P ⁽¹⁾	UP
Libraries (see also Accessory Uses Matrix, Exhibit 3-2)									UP
Meat markets, excluding slaughtering									UP
Medical clinics					P				UP
Microwave stations/wireless communications facilities			UP	UP	UP				UP
Model home complex					P	P	P	P	P
Motion picture sets, temporary	UP	UP	UP		UP				UP
Native Plant Nurseries/Eco Garden Center			UP						
Newsstands					P				UP
Nightclubs					P				UP
Office (business, professional and administrative)					P				UP
Oil and natural gas facilities and operations	P	P	P	PP	P	P	P	P	P

Land Use and Development Standards

EXHIBIT 3-1

PERMITTED USES MATRIX Newport Banning Ranch

LEGEND: PP Principal Permitted Use UP Use Permit									
P Permitted Use □ Not Permitted (empty cell)									
LAND USE TYPE/FACILITY	LAND USE DISTRICT								
	OPEN SPACE				VSR/ R	RESIDENTIAL			MU/ R
	LLOS/ PTF	UOS/ PTF	PP/ R	OF		L	LM	M	
Outdoor festivals, temporary			P		P				P
Parking lots, commercial					P				P
Parks, public or private park	P	P	PP		P	P	P	P	P
Pet grooming, excluding boarding					P				UP
Photocopying and duplicating services					P				UP
Plant Nurseries, including growing of nursery stock			P						
Police stations			P		P				P
Post offices					P				P
Publicly-owned uses necessary to the maintenance of the public health, convenience, or general welfare in addition to those specifically listed in this matrix	P	P	P	P	P	P	P	P	P
Radio and television broadcasting studios									UP
Real estate offices					P				UP
Real estate tract office, temporary					P	P	P	P	P
Recording studios									UP
Recreation club, commercial					P		P ⁽¹⁾	P ⁽¹⁾	UP
Recreation club private					P	P	P	P	UP
Recreation facilities, neighborhood			PP		P	P	P	P	P
Recreation hard courts and facilities			PP		P	P	P	P	P
Recreation sports fields and facilities			PP		P	P	P	P	P
Rental/leasing/repair of articles sold on premises					P				UP
Repair shops, household and fix-it							P ⁽¹⁾	P ⁽¹⁾	UP
Residences, live-work									UP
Residences, multi-family					PP		PP	PP	PP
Residences, single-family attached					PP		PP	PP	PP
Residences, single-family detached					PP	PP	PP	PP	PP
Restaurants and coffee shops, indoor and/or outdoor					PP		P ⁽¹⁾	P ⁽¹⁾	PP
Restaurants, food take out					PP		P ⁽¹⁾	P ⁽¹⁾	PP
Retail sales					PP		P ⁽¹⁾	P ⁽¹⁾	PP
Room rentals, including bed and breakfast					PP				UP

Land Use and Development Standards

EXHIBIT 3-1

PERMITTED USES MATRIX Newport Banning Ranch

LEGEND: PP Principal Permitted Use UP Use Permit									
P Permitted Use □ Not Permitted (empty cell)									
LAND USE TYPE/FACILITY	LAND USE DISTRICT								
	OPEN SPACE				VSR/ R	RESIDENTIAL			MU/ R
	LLOS/ PTF	UOS/ PTF	PP/ R	OF		L	LM	M	
Schools, business and professional					P				P
Stations - bus and taxi					P				P
Storage and rental of equipment, permanent					P				P
Storage, temporary/construction			P	P	P	P	P	P	P
Theaters					P				P
Tourist information centers	P	P	P		P				P
Trails interpretive	PP	PP	PP	P	PP	P	P	P	P
Trails multi-use	PP	PP	PP	P	PP	P	P	P	P
Uses regulated by the Public Utilities Commission and other uses not regulated by the jurisdiction			P		P	P	P	P	P
Veterinary clinics, small animals									P
Wellness center					PP				P
Youth hostels/Eco Campgrounds/Yurts			PP						

(1) Permitted subject to Section 3.1.5, Permitted Convenience Commercial Uses within LM and M Residential Districts.

3.3 Permitted Accessory Uses

3.3.1 Purpose

This section sets forth the accessory uses that are permitted within each of the land use districts shown on Chapter 2 Exhibits 2-1 and 2-2.

3.3.2 Accessory Uses Matrix

The Accessory Uses Matrix is depicted on Exhibit 3-2.

1. The following symbols indicate whether the use is permitted or not permitted within the land use district:

P – Permitted Use; and

– Prohibited Use (empty cell).

2. The land use district abbreviations used in the matrix shall be interpreted as follows:

Open Space Districts:

- LLOS/PTF – Lowland Habitat/Public Trails and Facilities
- UOS/PTF – Upland Habitat/Public Trails and Facilities
- PP/R – Public Parks and Recreation
- OF – Oil Facilities

Visitor-Serving Resort/Residential District:

- VSR/R – Visitor-Serving Resort/Residential

Residential Districts:

- L – Low Density Residential
- LM – Low-Medium Density Residential
- M – Medium Density Residential

Mixed-Use/Residential District:

- MU/R – Mixed-Use/Residential

Land Use and Development Standards

EXHIBIT 3-2

ACCESSORY USES MATRIX Newport Banning Ranch

LEGEND: P Permitted Use □ Not Permitted (empty cell)									
LAND USE TYPE/FACILITY	LAND USE DISTRICT								
	OPEN SPACE				VSR/ R	RESIDENTIAL			MU/ R
	LLOS/ PTF	UOS/ PTF	PP/ R	OF		L	LM	M	
Accessory buildings and structures, customarily used in conjunction with main building or use of property	P	P	P	P	P	P	P	P	P
Amphitheatres, small accessory to parks or the resort			P		P				
Animals, domestic, maintained or kept as pets for personal use					P	P	P	P	P
Athletic fields and facilities, accessory to schools			P			P	P	P	P
Greenhouses, non-commercial			P			P	P	P	P
Gymnasiums, accessory to schools						P	P	P	P
Home Occupation					P	P	P	P	P
Libraries associated with schools						P	P	P	P
Manufacturing, processing, treating, packaging incidental to and operated in conjunction with a retail business on premises							P ⁽¹⁾	P ⁽¹⁾	P
Parking lots, accessory to principal use	P	P	P	P	P	P	P	P	P
Rental, leasing, and/or repair of article sold on premises					P		P ⁽¹⁾	P ⁽¹⁾	P
Room rentals to 4 or fewer persons						P	P	P	P
Signs as provided in Section 3.7			P		P	P	P	P	P
Swimming facility			P		P	P	P	P	P

⁽¹⁾ Permitted subject to Section 3.1.5, Permitted Convenience Commercial Uses within LM and M Residential Districts.

3.4 Site Development Standards

3.4.1 Purpose

This section sets forth in a clear and concise format the basic Site Development Standards for each of the land use districts shown on Chapter 2 Exhibits 2-1 and 2-2.

These basic standards are an important component of the various provisions that regulate development within the Newport Banning Ranch Planned Community. At the same time, there are many other provisions that regulate site development. Some of these additional provisions are contained in Appendix A, Design Guidelines, and in Appendix B, Green and Sustainable Program. Others will be provided as part of the Master Site Plan or related technical appendices. The more important of these plans and programs – from a Site Development Standards perspective – are footnoted in the Site Development Standards Matrix on the following pages.

The conformance of future development projects to the City-approved regulations, plans, and provisions will first be the responsibility of the Landowner/Master Developer and its design team, and then ultimately the Newport Beach Planning Director, Planning Commission, and City Council in the public review and approval of construction-level Master Site Plan(s) and Project Site Plans as set forth in Chapter 4, Implementation and Administration. Additionally, one or more Coastal Development Permits will be required for these development projects, and this will be the responsibility of the California Coastal Commission and/or City, as set forth in Chapter 4.

3.4.2 Site Development Standards Matrix

Exhibit 3-3, Site Development Standards Matrix, provides for each land use district the standards for building area sizes and widths, building coverage, building setbacks, garage setbacks, permitted architectural encroachments, etc. Maximum building heights are identified in the Site Development Standards Matrix.

For subjects like parking and signage, where site development requires separate and detailed regulations; the appropriate section within the PC Development Plan is identified (e.g., Section 3.6, Parking Requirements, and 3.7, Sign Regulations). Where the standard must reflect the details of a technical plan or program – like the Habitat Restoration Plan – that plan is identified.

Finally, where the site development standard requires project-specific consideration, it is noted that the standard will be established in the City's discretionary review and consideration of the Master Site Plan and/or a subsequent Project Site Plan, and then reflected in the corresponding Tentative Tract Map.

Ultimately, it is the City's application of the basic Site Development Standards in combination with the many other regulations, design guidelines, and technical plans and programs set forth in this PC Development Plan – in concert with the creativity and innovation of construction-level designers, architects, landscape architects, and engineers that prepare the plans for City submittal – that will determine the overall shape, character, and quality of the Newport Banning Ranch Planned Community.

EXHIBIT 3-3

SITE DEVELOPMENT STANDARDS MATRIX
Newport Banning Ranch

STANDARD	OPEN SPACE DISTRICT				VISITOR-SERVING RESORT/RESIDENTIAL DISTRICT			RESIDENTIAL DISTRICT					MIXED-USE / RESIDENTIAL
	LLOS / PTF	UOS / PTF	PP/R	OF (Interim Use)	Inn / Commercial	SFA / Condo	SFD	L SFD	LM SFD	SFA	M SFA	MF	MU/R
Minimum Site Area per Unit (sq. ft.)	--	--	--	--	--	SPR ⁽¹⁾	4,000	4,000	2,000	1,800	1,500	1,000	SPR ⁽¹⁾
Minimum Building Site Area (sq. ft.)	SPR ⁽¹⁾	SPR ⁽¹⁾	SPR ⁽¹⁾	DOGGR ⁽⁸⁾	SPR ⁽¹⁾	--	--	--	--	--	--	--	SPR ⁽¹⁾
• Interior Residential Location (sq. ft.)	--	--	--	--	--	SPR ⁽¹⁾	4,000	4,000	1,200	1,000	1,000	800	--
• Corner Residential Location (sq. ft.)	--	--	--	--	--	SPR ⁽¹⁾	4,500	4,500	1,400	1,300	1,300	1,000	--
Minimum Building Site Area Width (ft.)	SPR ⁽¹⁾	SPR ⁽¹⁾	SPR ⁽¹⁾	DOGGR ⁽⁸⁾	SPR ⁽¹⁾	--	--	--	--	--	--	--	SPR ⁽¹⁾
• Interior Residential Location (sq. ft.)	--	--	--	--	--	SPR ⁽¹⁾	40	40	25	20	20	20	SPR ⁽¹⁾
• Corner Residential Location (sq. ft.)	--	--	--	--	--	SPR ⁽¹⁾	45	45	30	30	30	30	SPR ⁽¹⁾
Maximum Building Height (ft.)	18	18	36 ⁽⁹⁾	DOGGR ⁽⁸⁾	50 ⁽¹⁰⁾	50 ⁽¹⁰⁾	36	36	45	45	45	50 ⁽⁹⁾	65 ⁽⁹⁾
Maximum Building Coverage (% of Site)	1%	1%	10%	DOGGR ⁽⁸⁾	75%	90%	70%	70%	70%	80%	70%	80%	90%
Minimum Building Setbacks:	--	SPR ⁽¹⁾	--	DOGGR ⁽⁸⁾	--	--	--	--	--	--	--	--	--
Front Yard (ft.)	--	--	--	--	0	0	5	3	3	3	3	3	3
Side Yard (ft.)	--	--	--	--	5	5	5	4	3	3	3	3	5
Corner Side Yard (ft.)	--	--	--	--	10	10	10	4	3	3	3	3	3
Rear Yard (ft.)	--	--	--	--	0	0	10	10	3	3	3	3	3
Adjacent Wildland Fire Management Area	--	--	0-20 ⁽²⁾	--	0-20 ⁽²⁾	0-20 ⁽²⁾	0-20 ⁽²⁾	10-20 ⁽²⁾					

⁽¹⁾ Standard to be established by City's Site Plan Review (SPR).

⁽²⁾ Or as otherwise set forth in NBR Fire and Life Safety Program to be submitted with the first Master Site Plan.

⁽³⁾ Architectural details shall not under any circumstances encroach into required fire/public safety accessways.

⁽⁴⁾ See Appendix A, Design Guidelines (DG), of this NBR PC Development Plan.

⁽⁵⁾ See Section 3.6, Parking Requirements (PR) of this NBR PC Development Plan.

⁽⁶⁾ See Habitat Restoration Plan (HRP) to be submitted with the first Master Site Plan.

⁽⁷⁾ Garage setbacks are measured from the curb face if no sidewalk and from back of walk if there is a sidewalk.

⁽⁸⁾ California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) Laws for the Conservation of Petroleum and Gas and all relevant local laws and regulations

⁽⁹⁾ 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.

⁽¹⁰⁾ Towers and architectural treatments (intended to add interest, variation, and a landmark feature to the roof design) that don't exceed seven (7) percent of the roof area of the buildings that comprise the visitor-serving resort hotel, nor exceed the based height restriction by more than twenty-five (25) feet, will be permitted.

Land Use and Development Standards

STANDARD	OPEN SPACE DISTRICT				VISITOR-SERVING RESORT/RESIDENTIAL DISTRICT			RESIDENTIAL DISTRICT					MIXED-USE / RESIDENTIAL
	LLOS / PTF	UOS / PTF	PP/R	OF (Interim Use)	Inn / Commercial	SFA / Condo	SFD	L	LM		M		MU/R
								SFD	SFD	SFA	SFA	MF	
Maximum Encroachment into Minimum Setbacks (Porches, Balconies, Roof Overhangs, Fireplaces, Bay Windows, Pot Shelves/Brackets, and similar architectural details) ⁽³⁾	--	--	--	--	0	0	3	3	1	1	1	1	1
Garage Setbacks (ft.): ⁽⁷⁾													
• Minimum Street Setback (ft.) ⁽⁷⁾	--	--	--	--	--	3	3	3	3	3	3	5	5
• Minimum Street Setback – Swing-in (Permitted only on lots 55 feet wide or wider) ⁽⁷⁾	--	--	--	--	--	8	8	8	8	8	8	8	
• Minimum Alley Setback (ft.) ⁽⁷⁾	--	--	--	--	0	0	0	0	0	0	0	0	0
• Garage Door to Street (ft.) ⁽⁷⁾	--	--	--	--		≤3	≤3	≤3	≤3	≤3	≤3	≤5	≤5
	--	--	--	--		≥17	≥17	≥17	≥17	≥17	≥17	≥18	≥18
• Second-Story Living Space Over Garage	--	--	--	--	--	5	5	5	5	5	5	5	5
Minimum Distance Between Buildings (ft.)	SPR ⁽¹⁾	SPR ⁽¹⁾	SPR ⁽¹⁾	DOGGR ⁽⁸⁾	6	6	6	6	6	6	6	6	6
Maximum Fence and Wall Heights (ft.)	SPR ⁽¹⁾	SPR ⁽¹⁾	SPR ⁽¹⁾	DOGGR ⁽⁸⁾	SPR ⁽¹⁾	8	8	8	8	8	8	8	8
Trash and Storage Areas	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DOGGR ⁽⁸⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	--	--	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	SPR ⁽¹⁾
Minimum Parking Requirements	--	--	PR ⁽⁵⁾	PR ⁽⁵⁾	PR ⁽⁵⁾	PR ⁽⁵⁾	PR ⁽⁵⁾	PR ⁽⁵⁾	PR ⁽⁵⁾	PR ⁽⁵⁾	PR ⁽⁵⁾	PR ⁽⁵⁾	SPR ⁽¹⁾
Minimum Common Open Space (% of Site)	--	--	--	--	SPR ⁽¹⁾	SPR ⁽¹⁾	--	--	--	SPR ⁽¹⁾	SPR ⁽¹⁾	SPR ⁽¹⁾	SPR ⁽¹⁾
Landscaping	HRP ⁽⁶⁾	HRP ⁽⁶⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾
Lighting	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾	DG ⁽⁴⁾

⁽¹⁾ Standard to be established by City's Site Plan Review (SPR).
⁽²⁾ Or as otherwise set forth in NBR Fire and Life Safety Program to be submitted with the first Master Site Plan.
⁽³⁾ Architectural details shall not under any circumstances encroach into required fire/public safety accessways.
⁽⁴⁾ See Appendix A, Design Guidelines (DG), of this NBR PC Development Plan.
⁽⁵⁾ See Section 3.6, Parking Requirements (PR) of this NBR PC Development Plan.
⁽⁶⁾ See Habitat Restoration Plan (HRP) to be submitted with the first Master Site Plan.
⁽⁷⁾ Garage setbacks are measured from the curb face if no sidewalk and from back of walk if there is a sidewalk.

⁽⁸⁾ California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) Laws for the Conservation of Petroleum and Gas and all relevant local laws and regulations
⁽⁹⁾ 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.
⁽¹⁰⁾ Towers and architectural treatments (intended to add interest, variation, and a landmark feature to the roof design) that don't exceed seven (7) percent of the roof area of the buildings that comprise the visitor-serving resort hotel, nor exceed the based height restriction by more than twenty-five (25) feet, will be permitted.

3.5 General Community Regulations

3.5.1 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 5, “Definitions of Terms/Acronyms,” of the PC Development Plan,

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 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).

3.5.2 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.

3.5.3 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.

3.5.4 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.

3.5.5 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.

3.5.6 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.

3.5.7 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.

3.5.8 Oil Operations Regulations

Surface and subsurface oil drilling, production, and related operations shall be permitted anywhere within the Planned Community on a continuing and ongoing basis unless and until community development is initiated by the Landowner/Master Developer. Oil facility abandonment, consolidation, removal, and remediation may be initiated at any time per the requirements of the appropriate State and local regulatory agencies.

If and when surface oil operations are consolidated, subsurface oil activity shall continue to be permitted anywhere within the Newport Banning Ranch Planned Community until all surface and subsurface oil operations cease.

3.5.9 Affordable Housing

The Planned Community shall comply with the affordable housing requirements of the Affordable Housing Implementation Plan (AHIP) for Newport Banning Ranch and, if applicable, to the future PADA.

3.5.10 Maximum Dwelling Units

The maximum residential densities and maximum 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 2 Exhibits 2-1 and 2-2). 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.

3.5.11 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 2 Exhibits 2-1 and 2-2), 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 2-2, as well as the Planned Commercial Square Footage and Planned Overnight Accommodations also shown on Exhibit 2.2, are all subject to refinements (minor amendments) as set forth in Section 4.8 of this PC Development Plan.

3.5.12 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 on 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.
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 Master/Project Site Plans, Coastal Development Permits, and/or Tentative/ Final Tract Map and/or Parcel Map approvals.

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

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 or conditions of approval will not require amendment of the PC Development Plan document, provided such adjustments are in compliance with Section 4.8.2, Permitted Minor Amendments to PC Development Plan and Table, 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 as a whole.

3.5.13 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.

3.5.14 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; and
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.

3.5.15 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 City of Newport Beach Municipal Code.

3.5.16 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 of Newport Beach Municipal Code.

3.5.17 Interim Land Uses Allowed

The following interim land uses shall be allowed within any undeveloped area 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 and 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 requirements of the appropriate State and local regulatory agencies;
6. Interpretive or environmental protection facilities associated with the programs of appropriate conservancy and/or local government agencies;
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 Area; 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 for storing equipment, building materials, and/or vehicles related to restoration or construction.

3.5.18 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 Section 11.03.020, General Provisions, of the Newport Beach Municipal Code.

3.5.19 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.

3.5.20 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.

3.5.21 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 3-1. 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 other oil-related buildings, structures, and maintenance areas.

If and when existing surface oil uses are consolidated, all existing oil and natural gas operations may be continued within the Oil Facilities District, and all existing subsurface oil uses may be continued anywhere within the Newport Banning Ranch Planned Community until all surface and subsurface oil operations cease.

3.5.22 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 Pre-Annexation Development Agreement (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.

3.6 Parking Requirements

3.6.1 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.

3.6.2 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 3.6.3, Joins-Use or Shared Parking Programs 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 Site Plan and/or Coastal Development Permit (CDP). Such Site Plan/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."

5. 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 3-4, Residential Parking Requirements Matrix and Exhibit 3-5, Non-Residential Parking Requirements Matrix.

If the required number of off-street parking and loading spaces is not set forth in Exhibits 3-4 or 3-5, 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 Applicant/ Developer to submit survey data or other parking demand information at the Applicant/ Developer's expense.

Joint-use or shared 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 3.6.3 below.

Land Uses and Development Standards

Exhibit 3-4

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	0.25 per unit ⁽²⁾
Accessory Dwelling Units	One (1)	--
Low Density Residential – Single Family Attached	Two (2) enclosed	0.25 per unit ⁽²⁾
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⁾
Low-Medium Density Residential – Multiple Family 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.

Land Uses and Development Standards

Exhibit 3-5

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.	---

Land Uses and Development Standards

Exhibit 3-5

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.	---

Land Uses and Development Standards

Exhibit 3-5

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).

3.6.3 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:

1. 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.
2. The joint-use or shared parking facilities shall be reasonably convenient to the entry point of the uses they serve.
3. 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.
4. 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.
5. 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.

3.6.4 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 4, Implementation and Administration.

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 4, Implementation and Administration.

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.

3.7 Sign Regulations

3.7.1 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.

3.7.2 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 3.7.3 and 3.7.4 and/or the Sign Standards for individual projects set forth in Section 3.7.5, 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 3.7.5, 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 3.7.5, 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 3.7.3 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.

3.7.3 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 3.7.3(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:

- a. The proposed Sign Program satisfies the Purpose and Intent of this Section.
- b. The design of the proposed signs that comprise the Sign Program will enhance the community and are visually related to:
 - (1) 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;
 - (2) 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

- (3) Compatibility with surrounding development. Approval of a Sign Program shall not adversely affect adjacent or surrounding land uses or obscure adjacent signs.
- c. The Sign Program does not unreasonably preclude future sign changes which may be required due to changes in building tenants.
- d. The Sign Program addresses all signs, including permanent, temporary and exempt signs.
- e. The Sign Program complies with Section 3.7.5, 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.
- f. The Sign Program shall not authorize the use of Prohibited Signs described in Section 3.7.3(3).

3.7.4 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.

3.7.5 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 3.7.3 and 3.7.4.

a. Sign Standards for Residential Land Use Districts

Exhibit 3-6, 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.

3.7.6 Signs Permitted for Non-Residential Land Use Districts

Exhibit 3-7, 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 3-6

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.

Exhibit 3-6

RESIDENTIAL SIGNAGE REQUIREMENTS MATRIX Newport Banning Ranch

CLASS	TYPE OF SIGN	LOCATION	LIGHTING ALLOWED	PERMITTED MAXIMUMS			REMARKS
PERMANENT ON-SITE SIGNAGE (CONTINUED)							
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	
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	1. Copy limited to name, street address, phone of on-site contractors and emergency information. May also contain name of project. 2. May be erected when construction begins. 3. 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	1. 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. 2. 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	Ground: 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.

Exhibit 3-6

RESIDENTIAL SIGNAGE REQUIREMENTS MATRIX
Newport Banning Ranch

CLASS	TYPE OF SIGN	LOCATION	LIGHTING ALLOWED	PERMITTED MAXIMUMS			REMARKS
TEMPORARY SIGNAGE (CONTINUED)							
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	Wall: 6 Ground: 10	Sign shall be removed after new home sales are complete.

Exhibit 3-7

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 <i>Director Review</i> .	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.	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.

Exhibit 3-7

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 (CONTINUED)							
	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.	
	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:</i> 21 <i>Maximum:</i> 160	<i>Ground:</i> 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.	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:</i> 160	Shall not exceed eave line.	

Exhibit 3-7

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 (CONTINUED)							
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	Wall: 8 Ground: 6	Copy limited to name and addresses of on-site activities.
6. Renting or Leasing Office Identification	Wall or ground		Yes	1 per complex	12	Wall: Below eave line	
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	Wall: Below eave line. Ground: 6	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.
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.	

Land Use and Development Standards

Exhibit 3-7

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)	
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.

Exhibit 3-7

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)	
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.

3.8 Fire and Life Safety Requirements

3.8.1 Requirement for Fire and Life Safety Program

The Project shall provide in conjunction with the submittal of the first Master Site Plan, a comprehensive Fire and Safety Program for Newport Banning Ranch consistent with Newport Beach Fire Department requirements and guidelines, including the City of Newport Beach Fire Code (including, as applicable, State Fire and Building Codes) the following Guidelines, as they may be updated and revised over time:

1. Guideline G.01 – Guidelines for the Hazard Reduction Zones;
2. Guideline G.02 – Fuel Modification Plans and Maintenance Standard, including Attachments 1 through 6; and
3. Guideline G.03 – Construction Requirements for Special Fire Protection Areas.

The Fire and Life Safety Program shall contain both a list of highly combustible plants that are prohibited in Urban Wildland Interface Areas and a list of Fire Resistive plants that are permitted in Urban Wildland Interface Areas. Such lists shall include both Botanical and Common Names of the plants.

The Fire and Life Safety Program shall be submitted in conjunction with the Master Site Plan for Newport Banning Ranch as described in Chapter 4, Implementation and Administration, of this PC Development Plan.

3.8.2 Alternate Materials and Methods

The Fire and Life Safety Program for Newport Banning Ranch may propose Alternate Materials and Methods, pursuant to Newport Beach Fire Department Guideline H.01, as it may be updated and revised over time.

3.8.3 Agreement to Fire Restrictions in CC&Rs

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

3.8.4 Fire Access/Fire Master Plan

A Fire Access/Master Plan shall be prepared for construction-level Site Plans showing all fire access and life safety elements for the Site. Such Plan shall be reviewed and approved by the Newport Beach Fire Department prior to the issuance of Building Permits for the Project Site.

3.8.5 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.

3.8.6 Use of Fire and Life Safety Program

The Fire and Life Safety Program, as approved and including 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.

4.1 Purpose and Intent

This chapter provides the procedures and requirements for processing discretionary permit applications through the City of Newport Beach subsequent to the City's approval of this Newport Banning Ranch Planned Community Development Plan.

This chapter sets forth the regulations and procedures for progressive refinements and minor amendments to the PC Development Plan and Table (Exhibits 2-1 and 2-2), which are anticipated with more detailed site planning and engineering for phased development of the NBR Project. It also sets forth regulations and procedures for major amendments to the PC Development Plan document, should they be proposed.

The primary discretionary permits and approvals required from the City of Newport Beach to implement this PC Development Plan are:

1. Master Site Plan and corresponding Vesting Tentative Tract Map(s);
2. Pre-Annexation Development Agreement (PADA);
3. Project Site Plans and corresponding Vesting Tentative Tract Maps;
4. Use Permits; and
5. Financing and Conveyance Tract Maps and/or Parcel Maps (Optional).

These Site Plans, Tract Maps, and Use Permits are intended to provide community and governmental representatives with the opportunity to review detailed plans proposed for specific types of

development projects within the Newport Banning Ranch Planned Community.

At the same time, the Landowner/Master Developer and City recognize that the California Coastal Commission is a separate public agency with Coastal Act jurisdiction over land use development within the Coastal Zone, and that the development projects listed above must, consistent with the California Coastal Act, also receive approval from the Coastal Commission in the form of Coastal Development Permits for development of those projects.

Therefore, after City approval, it is anticipated that the Landowner/Master Developer will submit a Coastal Development Permit application to the Coastal Commission requesting its approval of the following land use entitlements:

- Master Site Plan;
- Vesting Tentative Tract Map corresponding to Master Site Plan; and
- Pre-Annexation Development Agreement.

Because of the comprehensive nature of the City entitlements that will be submitted in this Coastal Development Permit application, this "bundle" of City land use entitlements will be hereinafter referred to as the "Master Coastal Development Permit."⁽¹⁾

⁽¹⁾ The Coastal Act does not define "Master Coastal Development Permit." All permits issued by the Coastal Commission are referred to as "Coastal Development Permits;" however, for purposes of this PC Development Plan, the first permit issued by the Coastal Commission will be referred to as the "Master Coastal Development Permit." Similar vocabulary has been used for other large-scale coastal projects, including the Newport (then Irvine) Coast Planned Community, whose first CDP was referred to as "Master Coastal Development."

Implementation and Administration

Subsequent to approval and issuance by the Coastal Commission of the Master Coastal Development Permit, it is anticipated that subsequent Project-level land use entitlements will be required to implement the development anticipated in the PC Development Plan and described in the Master Site Plan, and to establish more specific lot configurations in accordance with the Subdivision Map Act. These subsequent land use entitlements that will be submitted to the City for its approval include, but are not limited to:

- Project Site Plans;
- Vesting Tentative Tract Maps corresponding to the Project Site Plans, if applicable; and
- Use Permits (if applicable).

If, at such time as these applications are made to the City, the City has authorization to issue Coastal Development Permits through one of the following means set forth below, the subsequent land use entitlements shall include an application for a Coastal Development Permit to be issued by the City of Newport Beach.⁽¹⁾ The City may have the authority to issue Coastal Development Permits (CDPs) for development within the Newport Banning Ranch if:

- (1) the City's LCP has been certified and the City has assumed CDP permitting authority within the Newport Banning Ranch pursuant to the Coastal Act;

- (2) the City's LCP has been certified and has been amended to incorporate the Newport Banning Ranch Master Coastal Development Permit and issue CDPs consistent with that Master CDP; or
- (3) the City has exercised the option provided under Coastal Act Section 30600(b) to issue CDPs for the Newport Banning Ranch area consistent with the Master Coastal Development Permit and such permitting authority has been delegated in the Master Coastal Development Permit by the Coastal Commission.

For those areas that remain under the Coastal Commission's original permit jurisdiction, such as tidelands and submerged lands, and areas subject to the public trust, after the land use entitlements described above have been approved by the City, the Landowner/Master Developer will submit an application for Coastal Development Permit(s) for the development contemplated under these City-approved land use entitlements to the California Coastal Commission.

Any Coastal Development Permit issued by either the City or the Coastal Commission for the land use entitlements described above shall hereafter be referred to as "Project Coastal Development Permits."

⁽¹⁾ Although the City has submitted an LCP to the Coastal Commission for certification which describes the Newport Banning Ranch property as an Area of Deferred Certification, the LCP does not identify land uses or zoning regulations for Newport Banning Ranch.

4.2 General Requirements

4.2.1 Incorporation of Zoning Code Provisions

Chapter 20.92, Site Plan Review, of the Newport Beach Zoning Code is incorporated by reference into the PC Development Plan. In the event of conflicting provisions between this Chapter and the Newport Beach Zoning Code, this Chapter shall take precedence.

4.2.2 Site Plans in General

All Site Plans shall be approved pursuant to Chapter 20.92, Site Plan Review, of the Newport Beach Zoning Code, and as set forth in this PC Development Plan.

4.2.3 Discretionary Permits

Any person, partnership, corporation, or state or local government agency proposing to undertake any development project within the Newport Banning Ranch Planned Community shall obtain approval of a Site Plan from the Zoning Administrator or Planning Commission in compliance with the provisions of this PC Development Plan.

A Tentative Tract Map (other than a Tentative Map for financing purposes only) shall not be approved and a Building Permit, Grading Permit, or Encroachment Permit shall not be issued prior to the approval of the Master Coastal Development Permit and/or Project Coastal Development Permit unless the Project is categorically exempted per Section 30610 of the Coastal Act, or falls within a category of development identified in the Master Coastal Development as not requiring a Project Coastal Development Permit, such as homeowner patio

covers or swimming pools within designated interior areas of the Newport Banning Ranch. It is the intent of these regulations to minimize the number of times a development project will be required to secure a Site Plan/Coastal Development Permit (CDP).

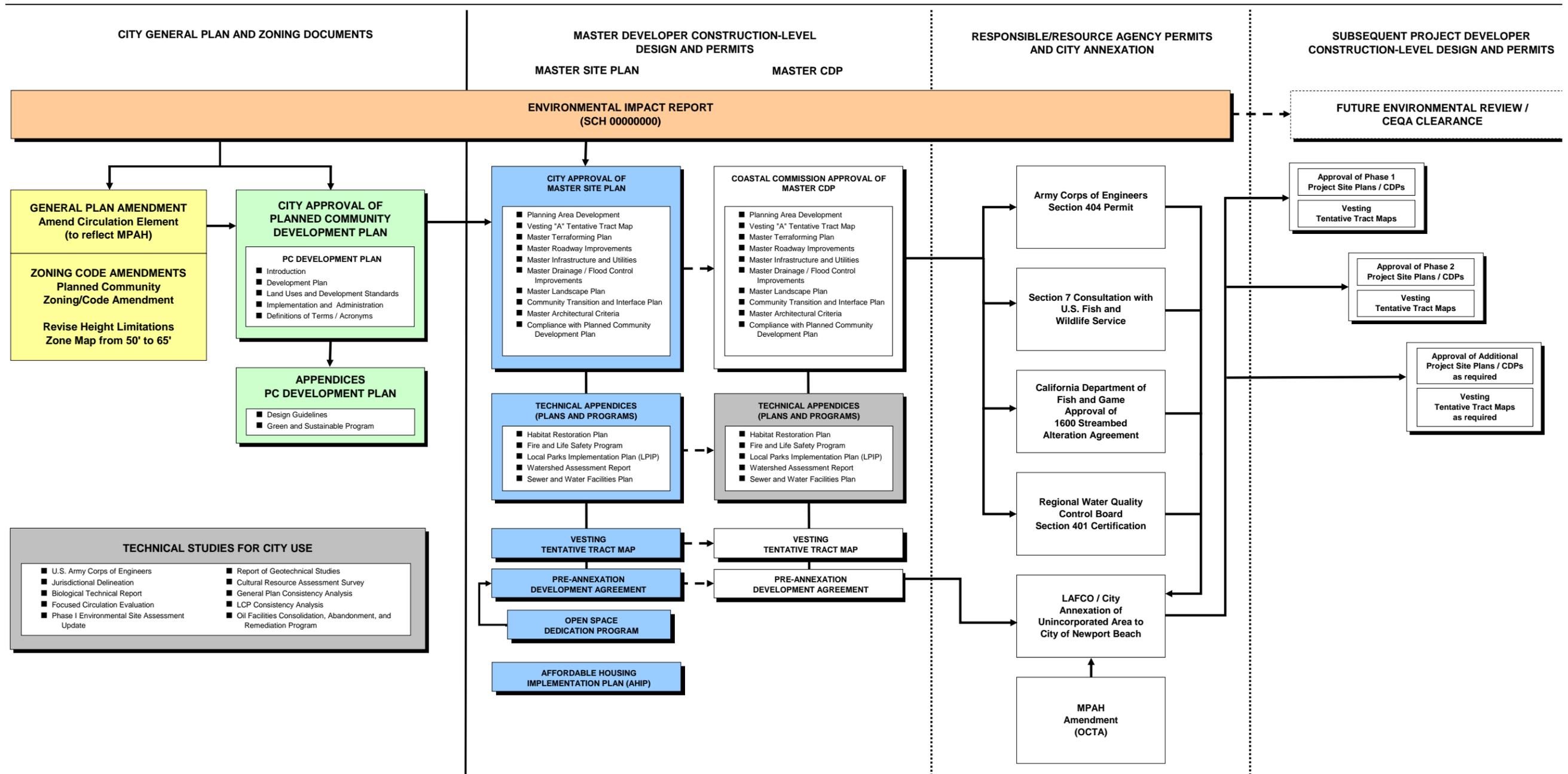
Whenever a proposed development project includes more than one “development,” as defined in Chapter 5, Definitions of Terms/Acronyms, it is intended that, where feasible, the “developments” be integrated into one project and that the Site Plan/Coastal Development Permit application be processed at the most appropriate stage of the Project. Any such Site Plan/CDP application shall include such information and details as the City Planning Director deems necessary to permit an appropriate decision to be made for all stages or phases of the development project.

A Site Plan/CDP may also be approved which establishes alternative development standards in conformance with this Chapter.

Exhibit 4-1 summarizes the anticipated sequence of Site Plans and Coastal Development Permits described in this Newport Banning Ranch PC Development Plan.

Exhibit 4-1

SITE PLAN AND CDP PERMIT FLOWCHART
Planned Community Development Plan



4.3 Master Site Plan

4.3.1 Purpose and Intent

A Master Site Plan shall be processed through the City of Newport Beach and subsequently through the California Coastal Commission as part of the Master Coastal Development Permit (Master CDP).

The Master Site Plan shall include all of the community's Backbone Roadways and all or majority portions of the Open Space Land Use District (potentially excluding some or all of the Oil Production Consolidation Sites), the Visitor-Serving Resort/Residential Land Use District, the Residential Land Use District, and the Mixed-Use/Residential Land Use District.

The Master Site Plan shall divide the Land Use Districts described in Chapter 2 into smaller Site Planning Areas (SPAs), with associated acres and residential dwelling units, accommodations, and commercial square footages. These Site Planning Areas are necessary for phasing of public and private land use development, open space and park dedications, and other reasons set forth in Section 4.1.

The Master Site Plan shall describe the Phasing Concept for the Planned Community in terms that reflect the Site Planning Area boundaries, acreages, and units, and which provide for the logical extension of public and private infrastructure, dedication of open space and parks, and for other reasons set forth in Section 4.1.

The Master Site Plan shall:

1. Permit the construction of master utilities and backbone infrastructure improvements (e.g., arterial and collector roads, backbone flood control/drainage facilities, backbone water distribution facilities, backbone sewer system, backbone dry utility systems, and similar public works and facilities required to serve land use development);
2. Provide sufficient detail in terms of roadway alignment and design to determine consistency with the County's Master Plan of Arterial Highways (MPAH), as amended in conjunction with this project, and the City's Master Plan of Streets and Highways (i.e., from the Circulation Element of General Plan), which is required to be consistent with and implement the MPAH;
3. Provide sufficient detail to permit terraforming (landform grading) and bluff restoration and remedial grading of Site Planning Areas in anticipation of public access and use and land use development;
4. Provide sufficient detail to permit limited clearing and grading required for habitat restoration, creation, and mitigation, and to remediate arroyo drainage course and other erosion, and to allow selective bluff/slope restoration and mitigation, all consistent with the Project's Habitat Restoration Plan;
5. Provide sufficient detail to establish and refine – at a construction-level of detail – the open space and development boundary between Upland and Lowland habitat areas, public park areas, and residential and resort land use development areas consistent with the proposed

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Habitat Restoration Plan, the Fire and Life Safety Program, and Public Parks and Recreation Plan;

6. Provide sufficient detail to permit phased offers of land dedication for the Lowland and Upland open space areas, for potential creation of a third-party mitigation bank within the Lowland open space area, and for public parks, trails, and wetland facilities for water treatment and cleansing of urban runoff and storm drainage originating both on and off-site;
7. Provide sufficient detail to permit subdividing the Master Site Plan area into large parcels for financing and/or sale or lease to homebuilders and resort/commercial area developers for development of condominiums or other projects, and any necessary dedications to the City, County, and/or other public agencies;
8. Provide sufficient detail in terms of the public parks and trails dedications to determine consistency of the Master Site Plan with the City's General Plan policies;
9. Provide a sufficiently detailed Habitat Restoration Plan – including a mix of Upland and Lowland habitat protection, restoration, and creation, as well as monitoring and maintenance – to demonstrate project consistency with the City's General Plan policies and with the Coastal Act's marine and land resources policies;
10. Provide sufficient detail in terms of bluff setbacks, stability protection, public access and dedication, and native/drought-resistant plant material to determine consistency with the City's Planned Community District Regulations, in particular Section 20.35.060 as

applicable to Newport Banning Ranch and Coastal Act's land resources policies;

11. Provide sufficient detail in terms of landscape planting palettes for all land use districts to determine consistency of the Fire and Life Safety Program and Landscape Master Plan with the Project's Habitat Restoration Plan;
12. Provide sufficient detail in terms of the site planning and design of public parks, public parking areas, off-street trails and footpaths, and on-street bicycle trails and adjacent walkable streetscapes and green street drainage solutions to demonstrate consistency of the Project with the Coastal Act's public access and recreation policies;
13. Provide sufficient detail in terms of architectural design heights, mass, lighting and public facility information for the resort, the Community Park, the Public Bluff Park, the Interpretive Nature Center, and other trails and staging areas within the Upland and Lowland to demonstrate consistency with the Coastal Act's development and visitor-serving policies; and
14. Finally, and if practicable, the purpose and intent of the Master Site Plan is to provide sufficient detail related to implementing Coastal Act policies so that, when the Master CDP is approved and issued by the Coastal Commission, and as applications are brought forward for subsequent Project CDPs (e.g., Site Plans, corresponding Tentative Tract Map(s), Use Permits, etc.), these subsequent land use development projects can be permitted by the City of Newport Beach as discussed in Section 4.1, above.

No Coastal Development Permit shall be required for development that is defined as Categorically Exempt per Section 30610 of the Coastal Act, or falls within a category of development identified in the Master Site Plan/CDP as not requiring a Project Coastal Development Permit, such as patio covers or swimming pools in designated areas of the Newport Banning Ranch.

4.3.2 Application for Master Site Plan Review

The Application for a Master Site Plan be filed in a manner consistent with the requirements contain in Chapter 20.90, Application Filing and Fees, of the City of Newport Beach Municipal Code.

The Landowner/Master Developer shall submit the following plans, programs, and diagrams to the Planning Commission for approval:

1. Site Planning Area Development

- a. Habitat Restoration Plan (HRP), including Wetland/Riparian and Lowland Raptor Foraging, Upland Raptor Foraging and Scrub Types, implementation, maintenance during monitoring, and Monitoring Plan;
- b. Fire and Life Safety Program, including Fuel Modification/Management Plans and Maintenance Standards, and Construction Requirements for Special Fire Protection Areas;
- c. Local Parks Implementation Plan (LPIP);

- d. Watershed Assessment Report (including Hydrology Assessment, Water Budget Analysis, and Water Quality Assessment);
- e. Sewer and Water Facilities Plan;
- f. Any Incidental Landform and Remedial Grading and Improvements within Site Planning Areas, if proposed; and
- g. Revisions to Exhibit 2-1, Planned Community Development Plan and/or Exhibit 2-2, Planned Community Development Table, including refinements to Land Use District boundaries, acreages, and/or planned dwelling units, or accommodations if applicable, consistent with Section 4.8 of this chapter.

In the case of proposed refinements to Land Use Districts that adjoin Upland or Lowland Open Space/Public Trails and Facilities Land Use Districts, include maps, calculations, and related documentation demonstrating no net loss of Open Space Area acreage.

2. Vesting Tentative Tract Map

A copy of the Vesting Tentative Tract Map (TTM) corresponding to the Master Site Plan must be included with the Master Site Plan for reference, but approval of the Master Site Plan shall not be construed as approval of the TTM, which is separately subject to the California Subdivision Map Act and Title 19, Subdivisions, of the Newport Beach Municipal Code.

3. Master Terraforming Plan, including:

- a. Proposed contours and grades at generally one-foot contour intervals and reflective of the Vesting TTM;
- b. Cut and fill quantities reflective of the Vesting TTM, including bluff restoration and remedial grading to implement geotechnical recommendations as well as any off-site import or export, if proposed; and
- c. Temporary stockpiling areas, if applicable.

4. Master Roadway Improvements

- a. Roadway layout and dimensions for backbone arterials and collectors reflective of the Vesting TTM;
- b. Roadway cross-sections and dimensions reflective of the Vesting TTM; and
- c. Roadway Phasing Plan.

5. Master Infrastructure and Utilities

- a. Water transmission plan and description corresponding to the Vesting TTM layout;
- b. Wastewater collection system plan and description corresponding to the Vesting TTM layout;
- c. Wastewater treatment system plan and description corresponding to the Vesting TTM layout; and
- d. Utility systems plan and description corresponding to the Vesting TTM layout.

- e. Dry utility and joint-trench plans and/or descriptions subject to agency and service provider requirements and corresponding to the Vesting TTM layout.

6. Master Drainage/Flood Control Improvements

- a. Flood control/drainage system plan and description corresponding to the Vesting TTM layout; and
- b. Water Quality Management Plan corresponding to the Vesting TTM layout.

7. Master Landscape Plan

- a. Community-wide landscape zones and corresponding detailed plant palettes with common and botanical;
- b. Streetscape cross-sections, including medians and parkways; and
- c. Master street lighting standards.

8. Community Transition and Interface Plan

- a. Plans and cross-sections that illustrate the landscape edges, transitions, and interfaces between Newport Banning Ranch and existing adjacent residential neighborhoods in Newport Beach and Costa Mesa; and
- b. Plans and cross-sections that illustrate the landscape edges, transitions, and interfaces between Newport Banning Ranch and existing Newport Beach City Yard, and Newport Mesa Unified School District properties.

9. Master Architectural Character and Scale

The following information shall be provided to describe the overall architectural character and scale of detached and attached homes, higher density mixed-use residential/commercial buildings, and the Inn and other buildings within the resort, which together will comprise the architecture of the Newport Banning Ranch Planned Community:

- a. Architectural footprints and character elevations with the Low Density, Low-Medium Density, and Medium Density Residential Districts;
- b. Architectural footprints and massing within the higher density Mixed-use/Residential District;
- c. Architectural footprints and massing within the Visitor-Serving Resort/Residential District; and
- d. Architectural color palette for the community, including accent and trim colors.

10. Master Phasing Plan

- a. Phasing of Backbone Roadways and Infrastructure, both on-site and off-site.
- b. Phasing of Site Planning Areas for Upland and Lowland Open Space, Trails, and Public Facilities;
- c. Phasing of Site Planning Areas for Public Parks and Recreation; and
- d. Phasing of Site Planning Areas for Residential, Mixed-Use/Residential, and Visitor-Serving Resort/Residential Development.

11. Permits and Procedures Program for Minor Improvements After Initial Development

This program shall describe how homeowners and other landowners may apply for City construction/building permits for minor improvements such as swimming pools, patio trellises, fences, decks, and similar amenities and improvements after initial development of the neighborhood villages/colonies.

This program shall be consistent with Sections 4.7 and 4.8 of this chapter and, for the purpose of complying with the California Coastal Act, include the following or its equivalent:

- a. Categorical Exclusion Order (CEO) application;
- b. CEO Zone Map for the Site; `
- c. List of lots, by TTM number, to be included in the CEO Zone; and
- d. List of criteria defining minor improvements for lots within the CEO Zone.

12. Financing and Conveyance Tentative Tract Map and/or Parcel Map (Optional)

The Landowner/Master Developer may submit a Financing and Conveyance Tentative Tract Map and/or Parcel Map, separate from the Vesting Tentative Tract Map, for the purposes related to facilitating the consolidation of oil operations, oil abandonment and remediation, open space dedications, and/or restoration, and/or other purposes that advance the PC Development Plan, Master Site Plan, Pre-Annexation Development Agreement, or related plans and programs at the local, State, or Federal level.

13. Sign Program(s) (Optional)

- a. Signage Program for the Lowland and Upland Open Space/Public Trails and Facilities Districts;
- b. Signage Program for the Public Parks/ Recreation District;
- c. Signage Program for the Visitor-Serving Resort/Residential District; and/or
- d. Signage Program for Residential and/or Mixed Use/Residential Districts.

14. Compliance with Planned Community Development Plan

A statement, list, and/or matrix demonstrating conformance of the Master Site Plan with the requirements and procedures set forth in the Newport Banning Ranch PC Development Plan.

4.3.3 Master Site Plan Processing Procedures

1. Master Site Plans shall be processed in compliance with Chapter 20.92, Site Plan Review, of the City of Newport Beach Municipal Code and the provisions of this Chapter.
2. Applications for Master Site Plans may be processed concurrently with one or more Tentative Tract Map(s), potentially including a Vesting “A-level” map for financing and conveyance, including master and backbone roadways and infrastructure.
3. Master Site Plans shall be approved by the City Council or Planning Commission, pursuant to the Site Plan Review Process set forth in Chapter 20.92 of the City of Newport Beach Municipal Code. Upon approval by the City of Newport Beach, the Master Site Plan may be submitted to the California Coastal Commission for approval and issuance of the corresponding Coastal Development Permit.
4. Proposed Amendments to approved Master Site Plans shall be subject to Section 20.92.080, Amendments and New Applications, of the City of Newport Beach Municipal Code, and may require an amendment to the Master Coastal Development Permit by the Coastal Commission.

4.4 Project Site Plans

4.4.1 Purpose and Intent

All Project-level Site Plans determined by the City's Planning Director to be in substantial compliance with the Newport Banning Ranch Planned Community Development Plan and the approved Master Site Plan/Master Coastal Development Permit, shall be reviewed and approved by the City's Planning Commission. Project-level Site Plans shall be processed by the City as set forth in Section 4.1.

Project Site Plan approvals for land use development and other projects are intended to:

1. Ensure development that is consistent with Newport Banning Ranch PC Development Plan's general regulations, site development standards, and design guidelines, the Master Site Plan approved by the City of Newport Beach, and the corresponding Master CDP approved by the Coastal Commission;
2. Ensure compatibility of new development with the character of and plans for surrounding neighborhoods and sites, and shall not be detrimental to the orderly and harmonious development of the surroundings and of the City;
3. Preserve and protect environmentally sensitive areas, wherever practicable. No structures or landform alterations shall be permitted within environmentally sensitive areas unless specific mitigation measures are adopted which will reduce adverse impacts to an acceptable level or the Planning Commission finds that the benefits outweigh the adverse impacts;
4. Restrict structures from being permitted in areas of potential geologic hazard unless specific mitigation measures are adopted which will reduce adverse impacts to an acceptable level or the Planning Commission finds that the benefits outweigh the adverse impacts; and
5. Propose site plans and layouts of buildings, parking areas, pedestrian and vehicular access ways, and other site features in consideration to the functionality, aesthetics, and environmental impacts of site development.

4.4.2 Contents of Project Site Plan Applications

Applications for Project Site Plans shall contain the following information:

1. Large-Scale Site Plan

- a. Location, acreage, and type of land use for each building or area;
- b. Number of dwelling units to be developed on each building site;
- c. General public street/corridor layout and width;
- d. Location and acreage of landscape, open space, and recreation areas;
- e. Park and recreation area location and acreage, if applicable;
- f. Location, acreage, and land use of all non-residential areas;
- g. Existing structures and development on adjacent parcels, to a minimum of three hundred (300) feet from the Site Planning Area;
- h. Topography: existing and proposed (i.e., Conceptual Grading Plan);
- i. Conceptual Drainage Plan;
- j. Location of pedestrian, bicycle, and/or multi-use trails;

- k. Location and treatment of significant cultural/scientific resources;
- l. Location of significant vegetation and an indication of the resources to be altered and the resources to be preserved;
- m. Location and treatment of scenic highways, if applicable;
- n. Location of extensions of off-site roads or utilities through a Site Planning Area to serve adjacent areas;
- o. Conceptual Exterior Lighting Plan; and
- p. Utilities/Infrastructure Plans.

2. Architectural Plans and Elevations

Provide architectural floor plans and elevations of major structures (including structural walls and freestanding signs, if proposed) including, but not limited to, the following:

- a. Exterior materials;
- b. Exterior colors;
- c. Building heights; and
- d. If the Project Site Plan is for a single-family detached/attached residential development, typical elevations, exterior materials, and exterior colors may be provided.

3. Alternative Development Standards (if proposed) consistent with Sections 4.4.3 and 4.4.4.

4. Preliminary Landscape Plans

Provide Preliminary Landscape Plans for all public and private areas including the general location of all plant materials, by common and botanical names.

5. Preliminary Grading and Drainage Plan.

6. Preliminary Water Quality Management Plan.

7. Sign Programs (Optional).

8. Previously-approved Dwelling Unit Summary:

- a. The number of units previously approved on all Tentative and all recorded Final Subdivision Maps within the Land Use District/Site Planning Area;
- b. The number of units under construction or constructed within the Land Use District/Site Planning Area at the time of the Project Site Plan Application; and
- c. The total permitted units within the Land Use District/Site Planning Area pursuant to the Planned Community Development Map and Statistical Table, and the Master Site Plan's Site Planning Areas Map and Site Planning Areas Table, for the Newport Banning Ranch Planned Community.

9. Revisions to PC Development Map and Statistical Table and/or Site Planning Areas Map and Statistical Table (if applicable).

10. Each Project Site Plan application shall provide an analysis demonstrating compliance with the Newport Banning Ranch PC Development Plan.

11. Compliance with Master Site Plan/ Master CDP

Each Project Site Plan application shall provide an analysis demonstrating compliance with the Master Site Plan/Master CDP.

4.4.3 Alternative Development Standards

With approval of a Project Site Plan, alternative development standards may be established without an amendment to the PC Development Plan or Master Site Plan/CDP where the standards pertain to: setbacks to residential streets; nonresidential highways or local streets; rear and side yard setbacks for development not bordering an open space or recreation area; building height in areas not visible from West Coast Highway; area per unit for residential; walls and fences; landscaping; signage; lighting; loading, trash, and storage areas not visible from West Coast Highway; vehicular driveways and sidewalks; outdoor storage areas; and/or modifications for off-street parking requirements. Alternative development standards other than those specified above will require an amendment to the NBR PC Development Plan and/or Master Site Plan/CDP.

A Project Site Plan proposing to establish alternative development standards shall require a public hearing, with public notification, before the Planning Commission.

When a Project Site Plan proposes to establish alternative development standards, the burden of proof shall be on the Project proponent. The alternative development standards may be approved by the City when it is found that they will result in an equivalent or better project in terms of minimizing adverse impacts and enhancing public benefits to the immediate and surrounding community.

4.4.4 Project Site Plan Processing Procedures

1. Project Site Plans shall be processed in compliance with Chapter 20.92, Site Plan Review, of the City of Newport Beach Municipal Code and the provisions of this Chapter.
2. Applications for Project Site Plans may be processed concurrently with a corresponding Vesting Tentative Tract Map(s), potentially including a Vesting Tentative Tract Map(s) for conveyance of fee-simple lots or condominiums to future homeowners, attached residential or commercial land developers, or other builders.
3. Proposed amendments to approved Project Site Plans shall be subject to Section 20.92.080, Amendments and New Applications, of the City of Newport Beach Municipal Code
4. When a Project Site Plan proposes to establish an Alternative Development Standard per Section 4.4.3, the Landowner/Master Developer shall provide, through the submittal of graphics and/or text, a description of the proposed Alternative Development Standard and how it differs from the baseline standard.

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5. The following criteria shall be considered prior to final action on the Project Site Plan which proposes an Alternative Development Standard:
 - a. General Character: Harmony in scale, bulk, coverage, and density with surrounding land uses.
 - b. Facilities: The availability of infrastructure facilities to serve the Project.
 - c. Harmful Effects: The harmful effects, if any, upon desirable neighborhood environments.
 - d. Traffic: The generation of traffic and its effect on the capacity and character of surrounding streets.
 - e. Noise: The existing and predictable future level and quality of noise the property is subject to, and the noise which would be generated by the proposed use.
 - f. Suitability: The physical suitability of the site for the proposed project.
6. When a Project Site Plan proposes to establish an Alternative Development Standard, the Landowner/Master Developer must demonstrate how this alternative site development standard will result in an equal or better project that equally serves the public interest and produces an equally high quality development. If the Alternative Development Standard is determined not to meet these criteria, the proposed Alternative Development Standard shall be denied and the Site Plan permit application shall be revised accordingly.
7. Project Site Plans shall be reviewed and approved as precise development plans for the location of the uses and structures. If minor amendments or changes are proposed regarding the location or alteration of any use or structure, an Administrative Changed Plan shall be submitted for approval to the Planning Director pursuant to the City of Newport Beach Municipal Code, without an amendment to the Project Site Plan.
8. The appropriate City departments and agencies shall ensure that the actual development is consistent with the approved Project Site Plan. Minor deviations from an approved Project Site Plan, as determined by the Planning Director, may be permitted by the Planning Director pursuant to the City of Newport Beach Municipal Code, without an amendment to the Project Site Plan.

4.5 Tentative Tract Maps

Applications for Tentative Tract Maps, including Financing and Conveyance Tentative Tract Maps, and Vesting Tentative Tract Maps, as well as any other vesting or non-vesting Tentative Tract Maps that may be associated with airspace condominiums or other forms of land property subdivision recognized by the California Subdivision Map Act shall be filed with and processed by the City of Newport Beach pursuant to Title 19, Subdivisions (i.e., Subdivision Ordinance) of the City of Newport Beach Municipal Code.

All subdivisions of land will also require approval of a Coastal Development Permit. Subsequent to California Coastal Commission approval of the Master Coastal Development Permit, Project Coastal Development Permits may be issued either by the Coastal Commission or the City of Newport Beach pursuant to the procedures described in Section 4.1.

4.6 Use Permits

Where required by Chapter 3, Land Uses and Development Standards, of this PC Development Plan, applications for Use Permits shall be submitted by the Landowner/Master Developer or by a Project Developer and processed by the City of Newport Beach pursuant to Chapter 20.91, Use Permits and Variances, of the City of Newport Beach Municipal Code. Minor Use Permits as defined in the Municipal Code may be approved by the Planning Director. Other Use Permits shall be approved by the Planning Commission.

Use Permits may entail additional development and may require approval of a corresponding Coastal Development Permit. If required, such Coastal Development Permits may either be issued by the Coastal Commission or the City of Newport Beach pursuant to the procedures described in Section 4.1.

4.7 Permits after Initial Development

4.7.1 Minor Improvement Permits

After initial land use development is completed pursuant to a Master Site Plan/CDP and/or a Project Site Plan/CDP, and when required by Chapter 3, Land Uses and Development Standards, of this PC Development Plan, applications for minor homeowner or other landowner improvements within the interior lots of the Project, not abutting the Upland or Lowland Open Space Site Planning Areas defined in the Master Site Plan/CDP, may be submitted for review and approval to the City of Newport Beach and may be excluded from the requirement to obtain a CDP from the Coastal Commission for said proposed minor improvements.

Concurrent with or following approval of the Master Site Plan/Master CDP or a Project Site Plan/Project CDP, the Landowner/Master Developer may apply for a Categorical Exclusion Order (CEO) which will set forth the lots within the Project to be included in the City's CEO Zone. In addition, the CEO will set forth criteria, acceptable to the Coastal Commission, establishing thresholds by defining minor improvements within Residential, Mixed-use Residential, Visitor-Serving Resort/ Residential, and/or Open Space Districts within the Project.

Criteria for minor improvements shall include the Coastal Commission's Standard List of Exempt Developments/Projects allowed within the Coastal Zone, and may include additional criteria such as: total gross floor area ratio, minimum parking requirements, and minimum total or percentage square footage for dwelling units.

4.7.2 Major Improvement Permits

The Master Site Plan/CDP shall address the review and approval of subsequent developments that are consistent with the Master Site Plan/CDP.

1. Any "minor changes" to the development, plans, or programs contained within the Master CDP may be processed either directly by the Coastal Commission, or the Coastal Commission may delegate processing of a "minor amendment" to the City if the City of Newport Beach has a certified LCP that has incorporated the Master CDP, or if the City has otherwise elected to assume responsibility for issuing coastal development permits for the Newport Banning Ranch area pursuant to the terms of Coastal Act Section 30600(b) prior to certification of its LCP.
2. All future "major changes" to the development, plans, or programs contained within the Master CDP will require submittal of an amendment to the Master CDP to the California Coastal Commission after approval of the major change to the Master Site Plan, Tentative Tract Map, or Pre-Annexation Development Agreement by the City of Newport Beach.

3. The City may have the authority to issue Coastal Development Permits (CDPs) for development within the Newport Banning Ranch if:
 - a. the City's LCP has been certified and the City has assumed CDP permitting authority within the Newport Banning Ranch pursuant to the Coastal Act;
 - b. the City's LCP has been certified and has been amended to incorporate the Newport Banning Ranch Master Coastal Development Permit and issue CDPs consistent with that Master CDP; or
 - c. the City has exercised the option provided under Coastal Act Section 30600(b) to issue CDPs for the Newport Banning Ranch area consistent with the Master Coastal Development Permit and such permitting authority has been delegated in the Master Coastal Development Permit by the Coastal Commission.

4.8 Amendments to PC Development Plan

4.8.1 Overview

This section describes how the plans contained in this PC Development Plan document can be refined in conjunction with the preparation of more detailed construction-level Site Plans, including a Master Site Plan, as described in Section 4.3.

Such refinements are anticipated as more detailed open space, civil engineering, architecture, and landscape architecture designs are developed and proposed to implement the Project, and these refinements shall be permitted if in accordance with the procedures set forth in the PC Development Plan in general and this Section in particular.

4.8.2 Permitted Minor Amendments to PC Development Plan and Table

The Planned Community (PC) Development Plan covers all the territory included within the Planned Community. As shown on Exhibit 2-1, the Planned Community (PC) Development Plan identifies the locations and boundaries of the Land Use Districts. The Planned Community (PC) Development Table (Exhibit 2-2) contains the acreage for each of the Land Use Districts.

Planned and maximum dwelling units and densities are provided for each of the Residential Districts, the Mixed-Use/Residential District and the Visitor-Serving Resort/Residential District. Planned and maximum overnight accommodations and commercial square footages are provided for the Mixed-Use/Residential District and the Visitor-Serving Resort/Residential District as applicable.

The Land Use District boundary lines and acreages identified on the PC Development Plan and Table are estimates based upon current information and a generalized level of mapping. Refinements to the Land Use District boundaries/acreages are expected to occur with future project design and more detailed mapping and engineering. For this reason, Land Use District boundary lines and acreages shown on the PC Development Plan and Table may be refined without amending the body of this Planned Community text, when more accurate information becomes available and is submitted with future Site Plan Applications and/or Tentative Tract Maps, including a Master Site Plan and/or a corresponding Vesting Tentative Tract Map, provided they are consistent with the criteria set forth below in Section 4.8.3 and the procedures set forth in Section 4.8.4.

4.8.3 Criteria for Determining Minor Amendments

Proposed refinements to the PC Development Plan (Exhibit 2-1) and PC Development Table (Exhibit 2-2) shall be permitted as Minor Amendments if consistent with the following criteria:

1. The Land Use District boundary lines and corresponding Gross Acres shown on the PC Development Plan and Table may be refined up to fifteen percent (15%) when more accurate information becomes available and is submitted with Master and/or Project Site Plans and Tentative Tract Maps, provided that no proposed Land Use District boundary line or Gross Acres adjustment shall result in:
 - a. The Lowland Open Space/Public Trails and Facilities District falling below a minimum of 115 Gross Acres ; or
 - b. The Upland Open Space /Public Trails and Facilities District falling below a minimum of 85 Gross Acres; or
 - c. The Public Parks/Recreation District falling below a minimum of 28 Gross Acres.
2. Planned Dwelling Units, Planned Commercial Square Footage, and/or Planned Overnight Accommodations shown on the PC Development Table may be refined provided that the proposed revisions:
 - a. do not exceed the Maximum Permitted Dwelling Units, Maximum Commercial Square Feet, or Maximum Overnight Accommodations indicated for the Land Use District; and

- b. any proposed increase in Planned Dwelling Units, Planned Commercial Square Footage, and/or Planned Overnight Accommodations in one Land Use District is fully offset by a corresponding decrease in the Planned Dwelling Units, Planned Commercial Square Footage, and/or Planned Overnight Accommodations in one or more other Land Use District(s), so that the Planned Dwelling Units shown on the Land Use Table shall never exceed the Maximum 1,375 Dwelling Units, the Planned Commercial Square Footage shall never exceed the Maximum 75,000 square feet, and the Planned Overnight Accommodations shall never exceed the Maximum 75 Overnight Accommodations permitted within the Newport Banning Ranch Planned Community.

No amendment to the Newport Banning Ranch Planned Community Development Plan document, including text and exhibits, shall be required for the purpose of changing the planned number of dwelling units, commercial square footage, overnight accommodations, or the acres assigned to a Land Use District in the Planned Community Development Table if consistent with the above approval criteria. No amendment to previously-certified CEQA documentation covering the Planned Community development Plan document shall be required if consistent with the above criteria.

4.8.4 Procedures for Making Minor Amendments to PC Development Plan and Table

Proposed refinements to the PC Development Plan and Table shall be permitted in accordance with the following procedures:

1. Any proposed revision to the Planned Community Development Plan and/or Table shall be accompanied by a Site Plan/CDP Application, and/or Tentative Tract Map/Parcel Map Application. This includes a Master Site Plan/CDP Application and/or Vesting Tentative Tract Map Application as discussed in Section 4.3.
2. Any proposal to reallocate the estimated number of dwelling units, commercial square footage, overnight accommodations and/or the gross acreage assigned to one Land Use District to another Land Use District shall require submittal of the following information:
 - a. The proposed graphic revision to the PC Development Plan reflecting the proposed change(s) to the PC Development Table;
 - b. A summary of: (1) the number of dwelling units, commercial square footage, and overnight accommodations previously approved on all Tentative and all recorded Final Tract Maps; and (2) the number of dwelling units, commercial square footage, and overnight accommodations under construction or completed/occupied at the time of the proposed PC Development Table revision;

- c. Identification of the ownership of the Land Use District(s) to be affected by the proposed PC Development Plan and/or Table revision; and
- d. Any additional background and/or supporting information which the Planning Director deems necessary.

Unless determined otherwise by the Planning Director, the Planned Community Development Plan document shall serve as the location for any future revisions to the Newport Banning Ranch PC Development Plan and Table, Exhibits 2-1 and 2-2 respectively, as they may be approved from time to time. Such revisions may be located in an appendix to the PC Development Plan.

4.8.5 Major Amendments to PC Development Plan

All proposed amendments or changes to the NBR Planned Community Development Plan document other than those identified as Minor Amendments in Sections 4.8.2 and 4.8.4, above, shall be identified and treated as a Major Amendment that is processed and acted upon in the same manner as the original City of Newport Beach approval of this NBR Planned Community Development Plan document.

Any Major Amendment to the Newport Banning Ranch Planned Community Development Plan document shall be subject to the California Environmental Quality Act (CEQA).

5.1 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. Sometimes referred to in technical reports as Drainage C.

Arroyo, Middle – The Middle Arroyo is classified as the central arroyo within the Upland Open Space/Public Trails and Facilities District. Sometimes referred to in technical reports as Drainage B.

Arroyo, Small – The Small Arroyo is classified as the northernmost arroyo within the Upland Open Space/Public Trails and Facilities District. Sometimes referred to in technical reports as Drainage A.

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.

Backbone Roadways – Bluff Road, and 15th, 16th, and 17th Streets within Newport Banning Ranch.

bluff – As set forth in the Newport Beach Municipal Code Section 20.35.060, *“bluff” is any natural landform having an average slope of 26.6 degrees, fifty (50) percent or greater, with a vertical rise of twenty-five (25) feet 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 Commission, consistent with the purposes of this regulation.*

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. Towers and architectural treatments (intended to add interest, variation, and a landmark feature to the roof design) that don't exceed seven (7) percent of the roof area of the buildings that comprise the visitor-serving resort hotel, nor exceed the based height restriction by more than twenty-five (25) feet, will be permitted.

Definitions of Terms/Acronyms

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.

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.

Definitions of Terms/Acronyms

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.

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.

Definitions of Terms/Acronyms

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.

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 Modification Management Plan – A Fuel Modification Management Plan identifies specific zones within a property which are subject to fuel (i.e., vegetation) management. A fuel modification 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, tsunamis, liquefaction, subsidence, landslides, and slope failures.

Definitions of Terms/Acronyms

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.

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 habitat management and protection of these natural resources.

Inn – The Inn is the inclusive term for the 75 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, and containing approximately 150 acres.

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

Definitions of Terms/Acronyms

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

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.

Definitions of Terms/Acronyms

Site – Same as “Project Site.”

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, located generally above 10- to 15-foot above Mean Sea Level and containing approximately 252 acres.

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.

5.2 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	(California) 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

Definitions of Terms/Acronyms

G	GIS GPAC GPU	Geographic Information System General Plan Advisory Committee General Plan Update
H	HRP HOA	Habitat Restoration Plan Homeowners Association
I	IAP ICU	Implementing Actions Program Intersection Capacity Utilization
J	JD	Jurisdictional Delineation
K		
L	LAFCO LCP LOS LUE LPIP LUP	Local Area Formation Commission Local Coastal Program level of service (measure of traffic congestion) Land Use Element Local Park Improvement Plan Land Use Plan
M	MHHW MLLW MOA MMP MPAH MPSH MSL	mean higher high water mean lower low water Memorandum of Agreement Mitigation Monitoring Program Master Plan of Arterial Highways (County of Orange) Master Plan of Streets and Highways (City of Newport Beach) mean sea level
N	NBR NEPA NMUSD NOAA NOI NOP NPDES	Newport Banning Ranch National Environmental Policy Act Newport Mesa Unified School District National Oceanographic and Atmospheric Administration Notice of Intent Notice of Preparation (typically of an EIR) National Pollutant Discharge Elimination System
O	OCFA OCTA	Orange County Fire Authority Orange County Transportation Authority

Definitions of Terms/Acronyms

P	PADA	Pre-Annexation Development Agreement
	PCDP	Planned Community Development Plan
	PDF	Project Design Feature
	PUC	Public Utilities Commission
Q		
R	RWQCB	Regional Water Quality Control Board (Santa Ana Region)
S	SCAB	South Coast Air Basin
	SCAG	Southern California Association of Governments
	SCAQMD	South Coast Air Quality Management District
	SWPPP	Stormwater Pollution Prevention Plan
	SWRCB	State Water Resources Control Board
T	TOT	Transient Occupancy Taxes
U	UBC	Uniform Building Code
	USFWS	U.S. Fish and Wildlife Service
	USGS	U.S. Geological Survey
V		
W	WNOC	West Newport Oil Company
	WQMP	Water Quality Management Plan
	WUI	Wildland Urban Interface
X		
Y		
Z		