

**FASHION ISLAND  
PLANNED COMMUNITY DEVELOPMENT PLAN  
AND DISTRICT REGULATIONS**

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**City of Newport Beach**  
**ADOPTED: November 23, 1987**  
**Ordinance No. 87-45**  
**Amendment No. 632**

Amendment No. 699; Resolution No. 90-7, February 12, 1990  
Amendment No. 701, Resolution No. 91-22, March 11, 1991  
Amendment No. 811, Resolution No. 94-102, November 14, 1994  
Amendment No. 825, Resolution No. 95-115, October 9, 1995  
Amendment No. 889, Ordinance No. 99-27, November 8, 1999  
PD 2002-002, Ordinance No. 2003-001, January 28, 2003  
PA2005-042, Ordinance No. 2006-2, February 24, 2006

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## **INTRODUCTION**

The Fashion Island Planned Community District in the City of Newport Beach has been developed in accordance with the Newport Beach General Plan. Fashion Island is part of the Newport Center development of The Irvine Company.

The purpose of this Planned Community District is to provide a method whereby property may be classified and developed for a regional shopping center. The specifications of this district are intended to provide land use and development standards supportive of the proposed use while insuring compliance with the intent of all applicable regulatory codes.

## STATISTICAL ANALYSIS

Total Acres	75 Acres
Retail/Restaurant	1,544,525 Sq. Ft.
Theater	1,700 Seats

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<sup>1</sup>30,000 sq. ft. of this permitted development can only be utilized upon commitment of Bayview Landing for senior citizen housing purposes consistent with the provisions of the Circulation Improvement and Open Space Agreement, and a Finding of General Plan Consistency approved by the Newport Beach City Council.

<sup>2</sup>44,688 sq. ft of this amount of development decreased and allotted to increase the total amount of development gross floor area for the Corporate Plaza West Planned Community. Ordinance No. 2006-2 dated 01/24/2006.

## GENERAL NOTES

1. Water service to the Planned Community District will be provided by the City of Newport Beach.
2. Development of the subject property will be undertaken in accordance with the flood protection policies of the City of Newport Beach.
3. Grading and erosion control measures will be carried out within the Planned Community as required by the Newport Beach building Department and the Planning Director.
4. All development of the site is subject to the provisions of City Council Policies K-5 and K-6 regarding archaeological and paleontological resources.
5. Sewage disposal service facilities for the Planned Community District will be provided by Orange County Sanitation District No. 5.
6. All landscaping along street rights-of-way shall be installed in accordance with a landscape plan prepared by a licensed landscape architect, which has been reviewed by the Parks, Beaches and Recreation Department and approved by the Public Works Department.
7. Except as otherwise stated in this text, the requirements of the Newport Beach Zoning Ordinance shall apply.

The contents of this text notwithstanding, all construction within the boundaries of this Planned Community District shall comply with all provisions of the Uniform Building Code, the various mechanical codes related thereto and all local amendments.

8. All mechanical appurtenances on building rooftops, utility vaults and emergency power generators shall be screened from view from Newport Center Drive in a manner compatible with the building materials, and noise associated with said generators shall be attenuated to acceptable levels in receptor areas. The latter shall be based upon the recommendations of a licensed engineer practicing in acoustics, and be approved by the Planning Department.
9. All trash containers and/or enclosures shall be screened from view in a manner compatible with the building materials.

## DEFINITIONS

**Bars.** Shall be as defined in Title 20 of the Newport Beach Municipal Code.

**Drive-In and Take Out Restaurant.** The terms “drive-in,” “walk-up” and “take-out” restaurants shall mean a place of business which sells food products or beverages and which:

1. Delivers such food products or beverages to customers outside of the building in which they are prepared by means of a service window, counter or similar method or device, or
2. Delivers such food products or beverages to customers within a building, which is designed in such a manner that a majority of the customers will either remove such food products or beverages from the building for consumption either on the premises or in the immediate vicinity.

**Gross Floor Area.** Gross floor area is the area included within the walls of a building, exclusive of vent shafts and courts. The floor area shall also include the area not provided within surrounding exterior walls, either under a roof or open to the sky, which is defined by planters, awnings, shade structures, fences or rails and are for the exclusive and permanent use for display or seating by a use permitted pursuant to this text. Exterior covered walkways or covered mall areas between retail buildings shall not be included in gross floor area. Permanent kiosks for retail sales, covered or uncovered, shall be calculated as gross floor area.

**Major Buildings.** Major buildings are those occupied by major department store tenants, movie theaters and the Atrium Court building.

**Mall Buildings.** Mall buildings are those structures in the Fashion Island Mall area not defined as major buildings.

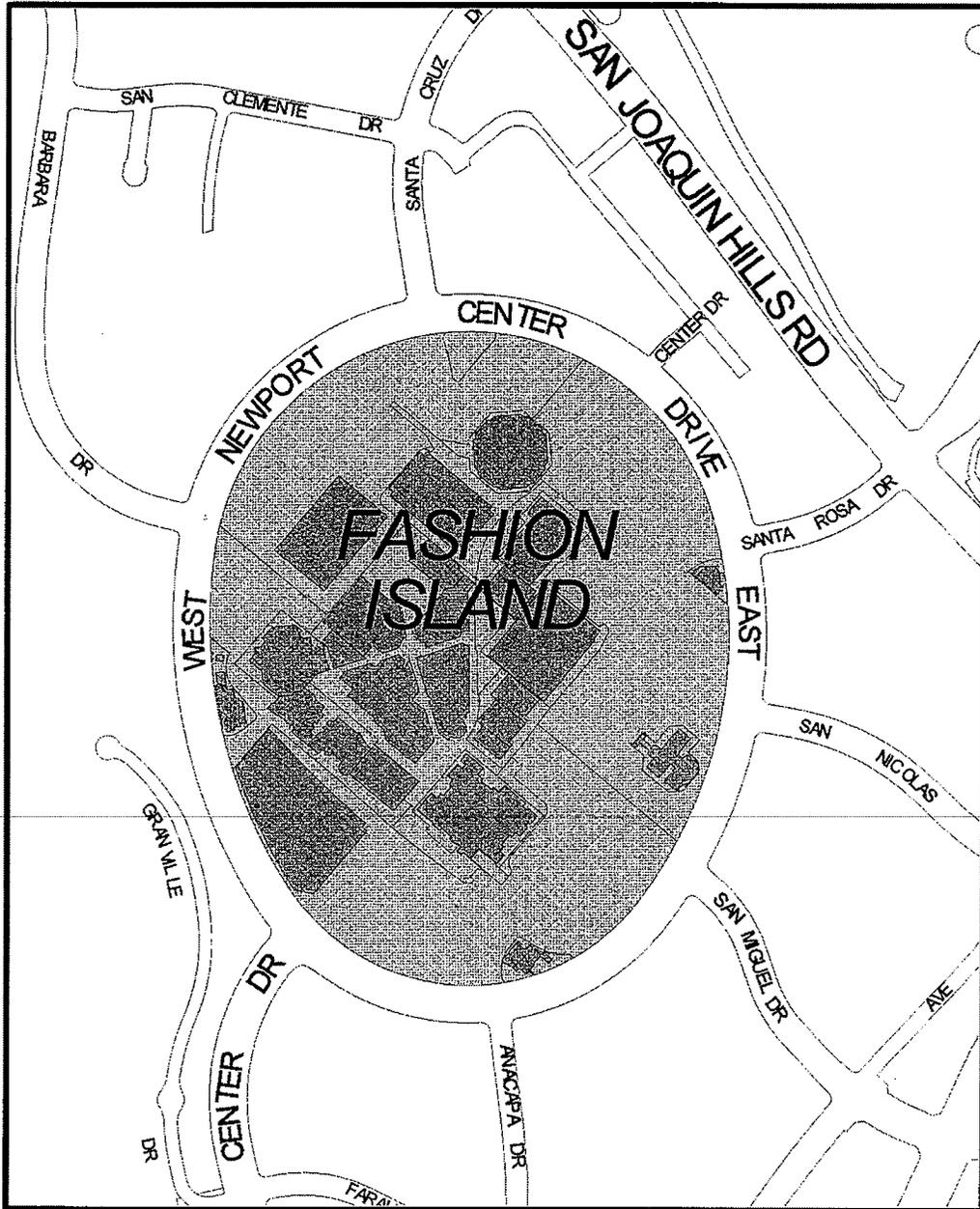
**Outdoor Restaurant.** The term outdoor restaurant shall mean a place of business which sells or serves food products or beverages for consumption on the premises where such place or business is located, and which provides for, or permits consumption of, such food products or beverages out-of-doors other than on an incidental basis.

**Peripheral Buildings.** Peripheral buildings are those buildings adjacent to Newport Center Drive not contained in the Fashion Island Mall.

**Restaurant.** The term restaurant shall mean a place of business which sells or serves food products or beverages for consumption on the premises within a building consisting of a permanent structure that is fully enclosed with a roof and walls, and where incidental dining to the extent of not more than 25% may be permitted out-of-doors on a patio, deck or terrace that is integrated into the building design.

**Theater/Nightclub.** Shall be as defined in Title 20 of the Newport Beach Municipal Code.

# FASHION ISLAND DEVELOPMENT PLAN



## LEGEND



RETAIL AND SERVICE COMMERCIAL



# **FASHION ISLAND PLANNED COMMUNITY DISTRICT REGULATIONS**

## **LOCATION**

Fashion Island is located within the circle defined by Newport Center Drive as shown on the Planned Community Development Plan.

## **INTENT**

It is intended that Fashion Island be developed as a regional retail commercial center. These regulations will permit a broad range of commercial uses appropriate to a regional retail commercial center. These uses include retail uses, restaurants, bars, theater/nightclubs and uses that are service in nature. In recognition of the unique nature of a regional retail commercial use, certain uses which ordinarily required approval of a use permit are permitted uses in this area.

## **PERMITTED USES**

1. Retail stores, including clothing stores, bakeries, bookstores, food shops, pet shops, shoe shops, candy shops, card shops, florists, record stores, audio and video stores, camera shops, luggage stores, furniture stores, art galleries, jewelry stores, athletic stores, china and gift shops, specialty stores, arcades with amusement devices (as defined in Chapter 5.34 of the Newport Beach Municipal Code), department stores and other uses of a similar nature.
2. Personal service establishments, including barber shops, beauty parlors, tailor shops, opticians, dry cleaning establishments, postal service facilities, enclosed bicycle storage lockers and other uses which are of a similar nature.
3. Restaurants, bars and theater/nightclubs located throughout the Planned Community; and outdoor and take-out restaurants, bars, theater/nightclubs contained within the Fashion Island Mall area.
4. Outdoor sales establishments, carts and kiosks, and outdoor special events and structures, subject to the approval of the Planning Director.
5. Theaters.
6. Auto sales, service and detailing, so long as said use is contained within a building or parking structures.
7. Parking of automobiles on roofs, subject to the review and approval of the City Traffic Engineer.

8. Accessory uses normally incidental to commercial developments, including video game devices in theaters, bars, theater/nightclubs and restaurants, where such uses do not alter the character of the area in respect to their use for purposes permitted in the district. Accessory buildings shall be allowed only when constructed concurrent with or subsequent to the buildings housing primary uses.
9. Temporary structures and uses. Regulations are as specified in Section 20.30.015 of General Controls – Commercial Districts of the Newport Beach Municipal Code.
10. Office uses, only when such offices are ancillary to and in the same building as a permitted use, including Fashion Island management and leasing facilities.

### **USES THAT REQUIRE A USE PERMIT**

The following uses shall be permitted subject to the securing of a use permit in each case:

1. Gymnasiums, health clubs and other uses which are of a similar nature.
2. Free standing drive-in, outdoor and take-out restaurants, bars and theater/nightclubs located outside the Fashion Island Mall area.
3. Drive-in facilities.

### **DEVELOPMENT STANDARDS**

**Floor Area and Development Limits.** The total gross floor area permitted in all structures, except theaters and enclosed bicycle lockers, shall not exceed 1,633,850 gross square feet; provided, however, that the floor area devoted to parking within a building shall not be considered in determining the total floor area allowed. Of this floor area limitation a maximum of 15% may be for restaurant, bar and theater/nightclub uses, including drive-in and take-out restaurants, both freestanding restaurants, bars and theater/nightclubs and those within the Fashion Island mall area. Commercial land uses not within a structure, such as balloon vendors, ice cream carts, popcorn carts and similar uses which are “portable” in nature, shall not be a reduction of entitlement established by this section. Outdoor areas and kiosks which are defined by planters, awnings, shade structures, fences or rails and are for the exclusive and permanent use for display or seating by a retail or restaurant, bar or theater/nightclub use shall be calculated as floor area. Incidental outdoor seating, covered or uncovered, which is not for the exclusive use of any retail or restaurant establishment shall not be calculated as floor area as entitled by this section. Bicycle storage lockers contained within structures shall not be calculated as floor area as entitled by this section. Theater use shall be limited to no more than 1,700 theater seats.

**Building Height.** Buildings within Fashion Island shall be subject to the following limits as defined in Section 20.87.205 of the Newport Beach Municipal Code:

Major Buildings:	125 feet
Mall Buildings	75 feet
Parking Structures:	55 feet
Peripheral Buildings:	40 feet

**Setback Requirements.** A setback of 10 feet from Newport Center Drive is required. No setbacks are required from any internal parcel lines, except as may be required by the Building Code.

**Requirements for Off-Street Parking.** It is the interest of the City of Newport Beach to assure adequate parking to serve the retail shopping center of Fashion Island at all times. It is also in the best interest of the City and the property owner to make optimal utilization of parking resources in Newport Center for the purposes of providing adequate parking for all uses in Newport Center, including Fashion Island.

In assessing the need for parking to adequately serve Fashion Island, it is clear that there are two circumstances that must be addressed, normal peak operation and seasonal peak operation. It is the intent of the City of Newport Beach to establish required parking ratios to provide full parking adequate to serve normal operational peak periods on-site within the circle formed by Newport Center Drive.

The City acknowledges that a significant investment in both land and financial resources would be required to provide full parking on-site to support seasonal operational peak periods. The City does not consider it in the best interest of the City or the property owner to invest in these resources when a known pool of available parking exists in close proximity to Fashion Island within Newport Center. It is the position of the City that if workable alternatives exist to the provision of parking to serve seasonal operational peak periods, these alternatives should be used in lieu of providing this additional parking, which is used only a few days each year.

In developing these parking ratios, the following parameters have been utilized:

1. Normal operational peak period is a non-seasonal Saturday, as established by historic driveway counts and survey data.
2. Adequate parking is considered to be peak parking demand plus 15%.

**Normal Parking Requirement.** Parking shall be provided at a rate of 3 parking spaces for each 1,000-sq. ft., including the square feet utilized by theater uses, within the ring established by Newport Center Drive.

**Peak Seasonal and Special Event Parking Requirement.** Parking shall be provided at a rate of 4 parking spaces for each 1,000-sq. ft. including the square feet utilized by theater uses. Parking shall be provided pursuant to this ratio either on-site, or through a combination of on-site and off-site

parking, and, possibly, trip reduction strategies. An off-site parking program shall be subject to the review and approval of the City Traffic Engineer and the Police Department, and may include the use of a wide variety of programs which include but are not limited to use of off-site parking in association with a shuttle system, use of on-street parking, or the implementation of trip reduction strategies for either employees or patrons which are demonstrated to reduce parking demand.

### **Other Parking Requirements.**

Any area which is calculated as part of the total floor area limitation shall be included in the gross floor area to determine the parking requirement.

Parking for gymnasiums and health clubs shall be provided in addition to that required for other commercial uses (retail, restaurant, bar, theater/nightclub and theater), and shall be based upon a demonstrated formula established at the time of review and approval of a use permit by the Planning Commission.

Compact parking shall be permitted up to a maximum of twenty-five percent (25%), and shall be located in a manner acceptable to the City Traffic Engineer. Existing parking may be converted to the City's universal parking stall configuration, subject to review and approval of the revised parking lot layout by the City Traffic Engineer.

Valet parking shall be permitted. Operational characteristics of any valet parking service and the location of parking areas used exclusively for valet parked cars will be subject to the review and approval of the city Traffic Engineer. Areas of the parking lot used for valet parking shall be remote from the mall area to the greatest extent feasible.

The design and layout of all parking areas shall be subject to the review and approval of the City Traffic Engineer and the Public Works Department.

Parking lot lighting shall be developed in accordance with City standards and shall be designed in a manner which minimizes impacts on adjacent land uses. Nighttime lighting shall be limited to that necessary for security and shielded from any adjacent residential area. The plans shall be prepared and signed by a licensed electrical engineer; with a letter from the engineer stating that this requirement has been met. The lighting plan shall be subject to review and approval of the City Planning Department.

**Restaurants.** All restaurants, including drive-in and take-out restaurants, bars and theater/nightclubs shall be subject to the following requirements:

1. Kitchen exhaust fans are required and shall be designed to control odors and smoke, unless otherwise approved by the Newport Beach Building Department.
2. A washout area or areas is/are required and shall be provided in such a way as to insure direct drainage into the sewer system and not into the bay or the storm drains, unless otherwise approved by the Newport Beach Building Department.

3. Grease interceptors shall be installed on all fixtures in any restaurant, bar and theater/nightclub facility where grease may be introduced into the drainage systems in accordance with the provisions of the Uniform Plumbing Code, unless otherwise approved by the Newport Beach Building Department and Public Works Department. Grease interceptors shall be located in such a way as to be easily accessible for routine cleaning and inspection.

**Dry Cleaning Facilities.** All dry cleaning facilities shall be subject to the following requirements:

1. Any boilers shall be isolated in accordance with the requirements of the Uniform Building Code.
2. The use of chemicals shall be reviewed and approved by the Fire Prevention Bureau.
3. There shall be no outside storage of materials, supplies or other paraphernalia.
4. The proposed dry cleaning equipment shall be installed and operated in conformance with the requirements of the South Coast Air Quality Management District.

**Automobile Detailing.** Automobile detailing, including the washing of automobiles, may occur only if contained within a building or parking structure. Washing of automobiles may occur only if drainage facilities are connected to the sewer system and do not drain into the bay or the storm drainage system.

**Landscaping.** A minimum of 5% of the paved surface parking areas shall be devoted to planting areas. A landscaping program shall be developed for parking structures and shall be subject to the review of the Parks, Beaches and Recreation Department and the approval of the Planning and Public Works Departments.

## FASHION ISLAND SIGN PROGRAM

### DEFINITIONS

The following terms used in this section shall have the meanings indicated below:

**Audible Signs.** The term “Audible Sign” means any sign that uses equipment to communicate a message with sound or music.

**Building Elevation.** The term “Building Elevation” means the exterior wall surface formed by one (1) side of the building.

**Department Store.** The term “Department Store” means a store selling a wide variety of goods or services arranged in several departments.

**Eye Level.** The term “Eye Level” means at the height of five (5) feet measured from grade.

**Freestanding Commercial.** The term “Freestanding Commercial” means any building with a commercial use which is separated from other commercial uses by parking and/or streets.

**Internal Pedestrian Street.** The term “Internal Pedestrian Street” means any walkway, path, plaza, arcade or corridor, either covered or open to the sky, which is primarily for use by people on foot and is not adjacent to the frontage road or common parking areas.

**Major Tenant.** The term “Major Tenant” means a store or restaurant having a minimum of ten thousand (10,000) square feet of floor space, which is located within or between other commercial buildings.

**Monument Sign.** The term “Monument Sign” means any sign that is supported by its own structure and is not part of or attached to any building.

**Sign.** The term “Sign” means any media, including their structure and component parts which are used or intended to be used out-of-doors to communicate information to the public.

**Sign Area.** The term “Sign Area” means the area enclosed by a rectangle drawn around the working, numbers or images composing the sign.

**Sign Face.** The term “Sign Face” means the physical plane and/or surface upon which the working or images are applied.

**Sign Letter.** The term “Sign Letter” means the individual symbols of the alphabet used in forming the words of a message.

**Tenant Sign.** The term “Tenant Sign” means any permanent sign of an establishment which is located on or attached to the storefront elevation, covered walkway or awning for the purpose of communicating the name of the tenant.

**Temporary Signs.** The term “Temporary Sign” means any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, plywood, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time.

**Theater Sign.** The term “Theater Sign” means any permanent sign used to communicate to the public the name of a theater and the show(s) or movie(s) that are offered.

**Vehicle Entry.** The term “Vehicle Entry” means intersection points along the Newport Center Drive ring road which provide access for automobiles into Fashion Island.

**Wind Sign.** The term “Wind Sign” means a series of similar banners or objects of plastic or other light material more than two (2) inches in diameter which are fastened together at intervals by wire, rope, cord, string or by any other means, designed to move and attract attention upon being subjected to pressure by wind or breeze.

## **PERMITTED SIGNS**

### **Shopping Center Identification Signs**

In addition to other signs permitted by this section, monument signs identifying the shopping center are permitted at each vehicle entry drive location. Two (2) signs are allowed at each entry drive location, one on either side of the driveway. The location of the signs shall be approved by the City Traffic Engineer to ensure adequate sign distance. The sign area of each sign face shall not exceed one hundred (100) square feet and shall not exceed a height of ten (10) feet.

### **Major Tenant Signs**

In addition to other signs permitted by this section, signs identifying the department stores, major buildings and major tenants are permitted on the exterior walls or parapets of the building which they occupy. Within this category, one (1) sign per building elevation is allowed, with a maximum of four (4) signs for each department store, for each major tenant and/or for each major tenant. Individual sign letters are not to exceed ten (10) feet in height. Sign illumination is permitted.

In addition, all stores are permitted to place at each entry a sign identifying the store name and services, store address, hours of business and emergency telephone numbers. This sign shall be located at or below eye level to be visible to pedestrians, and shall not exceed six (6) square feet.

## **Freestanding Commercial**

In addition to other signs permitted by this section, signs identifying commercial structures are permitted on the exterior walls or parapets of the building which they occupy. Within this category, one (1) sign per building elevation is allowed, with a maximum of four (4) signs for each building or structure. Individual sign letters are not to exceed three (3) feet in height. Sign illumination is permitted.

In addition, one (1) monument sign is permitted for each freestanding commercial building. The total sign area, per sign face, shall not exceed fifty (50) square feet and shall not exceed a height of five (5) feet. Sign illumination is permitted.

## **Tenant Signs**

In addition to other signs permitted in this section, tenant signs which occur on exterior elevations of the shopping center and face Newport Center Drive ring road are permitted. The total sign area for each tenant sign shall not exceed one (1) square foot for each lineal foot of storefront, but in no case shall the sign area exceed one hundred (100) square feet. Sign illumination is permitted.

Tenant signs on building elevations which occur on internal pedestrian streets of the shopping center are permitted. The design and size of these signs are regulated by the property owner's shopping center sign program.

In addition, all stores are permitted to place at each entry a sign identifying the store name and services, store address, hours of business and emergency telephone numbers. This sign shall be located at or below eye level to be visible to pedestrians, and shall not exceed six (6) feet in area.

## **Theater Signs**

In addition to other signs permitted by this section, one sign identifying the theater establishment and the current shows or plays at that theater complex is permitted. The theater sign can face Newport Center Drive ring road and be on either the exterior walls or parapets of the building which they occupy, or a free standing monument sign or on the adjacent parking structure. Sign illumination is permitted. Individual letters for the theater's name are not to exceed five (5) feet in height. Each theater show title is permitted a sign area of up to three (3) feet by fifteen (15) feet.

## **Vehicular Signs.**

In addition to other signs permitted in this section, signs used to give direction to vehicular or pedestrian traffic are permitted. Said signs shall not contain advertising messages and shall be subject to the review and approval of the City Traffic Engineer.

## **Store Address Signs.**

In addition to other signs permitted in this section, signs identifying the store address number (s) are permitted at each entry to the store. This sign shall not exceed six (6) square feet in area.

### **Temporary Signs.**

In addition to other signs permitted in this section, temporary signs, intended to be displayed for sixty (60) days or less, are permitted for purposes related to special events, seasonal activities and store openings. Temporary signs, identifying new construction or remodeling, may be displayed for the duration of the construction period beyond the sixty (60) day limit.

### **Nonconforming Signs.**

Signs lawfully in existence on the adoption date of this Planned Community text which do not comply with the provisions herein shall be regarded as legal nonconforming signs, and shall be governed by the provisions of Chapter 20.83 of the Newport Beach Municipal Code.

### **Entry Marker Signs.**

In addition to other signs permitted in this section, signs used to provide information on activities and events, as well as advertise stores and shops within the shopping center, shall be permitted. Said signs shall be limited to a maximum height of 15 feet, a maximum footprint of 36 square feet as measured by area enclosed by two sets of parallel lines around the structure. The structure shall also be permitted an overhang with a maximum projection of 2 feet beyond the face of the structure and may be either internally or externally illuminated. The signs shall be limited to a maximum number of seven (7) within the Planned Community District and the final location of the structures shall be approved by the Planning Director. If located within the sight plane of any drive or roadway, the signs shall be subject to further review by the City Traffic Engineer.

## **SIGN STANDARDS**

### **Maintenance.**

Signs, together with all of their supports, braces, guys and anchors, shall be properly maintained with respect to appearance, structural and electrical features.

### **Restricted Sign Types.**

Signs visible from Newport Center Drive ring road are subject to the following restrictions: No rotating, flashing, blinking, or signing with animation shall be permitted on a permanent basis. No signs shall be permitted which imitate or resemble official traffic signs or signals. No wind signs or audible signs are permitted.

Exceptions to the restriction noted in this section require the review and approval of Modifications Committee of the City of Newport Beach.

## AMENDMENTS

- A 699**  
PC approved  
01/04/1990  
CC approved  
02/12/1990  
Res. 1213
- Irvine Retail Properties Company**  
Amend the Fashion Island Planned Community Development Plan so as to allow seven entry marker signs at specific locations in Fashion Island.
- LOCATION:** Tract No. 6005, within ring created by Newport Center Drive at Fashion Island
- A 701**  
PC approved  
02/07/1990
- The Irvine Company**  
Amend the Fashion Island Planned Community Development Regulations so as to increase the allowable development allocation by 13,550 square feet.
- A811**  
PC approved  
10-20-94  
CC approved  
11-14-94  
Res. 94-102
- The Irvine Company**  
Request to amend the Planned Community District Regulations for Fashion Island to increase the development limit by 309,550 sq. ft. to allow construction of the 266,000 sq. ft. addressed in GPA 94-2(B), 30,000 sq. ft. transferred from Bayview Landing, and 13,550 sq. ft. previously transferred from the Pac Bell site.
- A825**  
Approved  
10-9-95  
Ord. 95-47  
Res. 95-115
- City of Newport Beach**  
Request to permit “bars” and “theater/nightclubs”, subject to the securing of a use permit in each case, in: the RSC, APF, RMC and M-1-A Districts, various Specific Area Plans, Planned Community Districts Citywide.
- A 889**  
PC Res. 1506  
10/07/1999  
CC Ord. 99-27  
11/08/1999  
CC Res. 99-70  
10/25/1999
- The Irvine Company**  
Transfer of Development Rights from Fashion Island Planned Community and Block 600 of Newport Center to Corporate Plaza Planned Community District.
- LOCATION:** 22 Corporate Plaza
- PD2002-002**  
PC Res. 1583  
12/05/2002  
CC Ord. 2003-001  
01/28/2003
- The Irvine Company**  
Amend the Fashion Island Planned Community (PC-35) Development Plan and District Regulations pertaining to signage. The amendment modified signage development regulations allowing additional shopping center identification monument signs, vehicular and pedestrian directional signs and restaurant monument signs.
- PD2005-001**  
PC Res. 1682
- The Irvine Company**  
Recommend approval of a Mitigated Negative Declaration, approval

11/17/2005  
CC Ord. 2006-  
002  
01/24/2006  
PA2005-042

of Planned Community Amendment No. 2005-001 and Traffic Study  
No. 2005-004.

**LOCATION:** 1200-1400 Newport Center Drive (Corporate Plaza  
West) and 101-1199 Newport Center Road (Fashion Island)