

UPPER CASTAWAYS
PLANNED COMMUNITY DISTRICT REGULATIONS

Adopted September 28, 1992
Ordinance No. 92-36
Amendment No. 764

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INTRODUCTION

PURPOSE

The Upper Castaways Planned Community (P-C) District Regulations have been developed in compliance with the City of Newport Beach General Plan. This P-C has also been developed pursuant to Chapter 20.51 of the Newport Beach Municipal Code.

The purpose of these District Regulations is to provide for the development of the site as a coordinated, comprehensive project. This will take advantage of the superior environment which results from community planning.

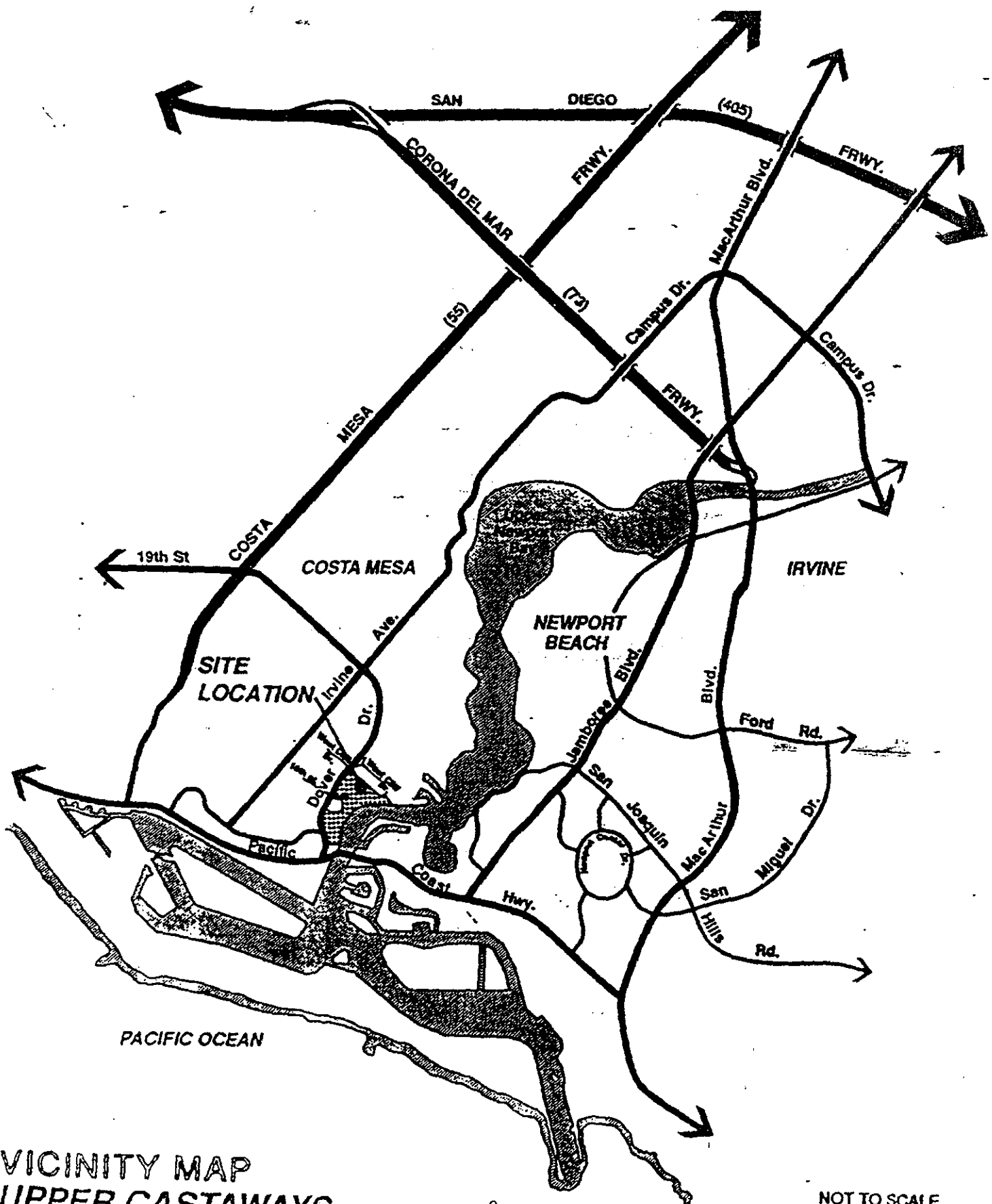
Whenever the regulations contained conflict with the regulations of the Newport Beach Municipal Code, the regulations contained herein shall take precedence. The Municipal Code shall regulate this development when such regulations are not provided within these District Regulations. All development within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

INTENT

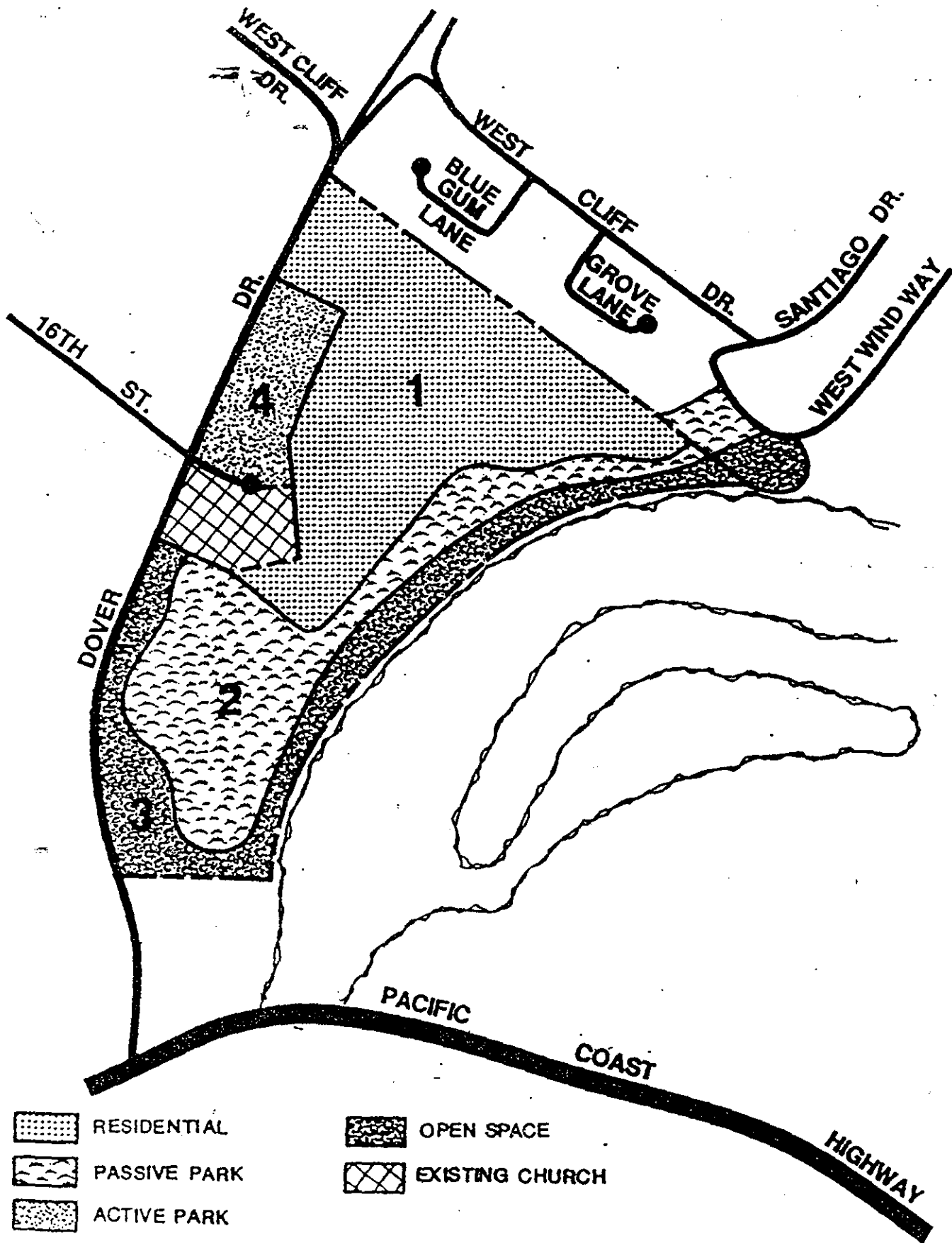
It is the intent of this P-C District to permit the development of the Upper Castaways site for residential dwellings and associated uses as well as park and environmental open space.

LOCATION

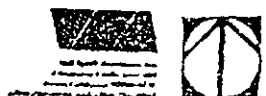
Upper Castaways is generally bounded by Dover Drive to the west, Newport Back Bay to the east, the Lower Castaways site and PCH to the south and residential areas adjacent to Westcliff Drive to the north.



VICINITY MAP
 UPPER CASTAWAYS
 PLANNED COMMUNITY DISTRICT



LAND USE PLAN
UPPER CASTAWAYS
PLANNED COMMUNITY DISTRICT



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SECTION I

GENERAL NOTES

1. PARK STANDARDS

Park dedication requirements shall be in accordance with the adopted Circulation Improvement and Open Space Agreement.

2. WATER SERVICE

Water within the Planned Community will be furnished by the City of Newport Beach.

3. SEWAGE DISPOSAL

Sewage disposal facilities within the Planned Community will be provided by the City of Newport Beach and Orange County Sanitation District No. 5. Prior to the issuance of any building permits, it shall be demonstrated to the satisfaction of the Public Works and Utilities Department that adequate sewer facilities will be available. Prior to the occupancy of any structure, it shall be further demonstrated that adequate sewer facilities exist.

4. GRADING AND EROSION

Grading and erosion control shall be carried out in accordance with the provisions of the City of Newport Beach Grading Ordinance and shall be subject to permits issued by the Building and Planning Departments.

Building pads adjacent to slope or bluff areas may be raised to an elevation not to exceed ten (10) feet above natural grade. This provision does not preclude raising pad elevations above 10 feet on interior portion of site.

Manufactured slopes, if any, shall be stabilized as soon as possible to reduce erosion.

5. SCREENING

If mechanical appurtenances are to be built on building rooftops, they shall be screened from street level view in a manner compatible with the building materials.

6. ARCHAEOLOGICAL/PALEONTOLOGICAL

Prior to the issuance of grading permits, the sites shall be examined to determine the existence and extent of archaeological and paleontological resources in accordance with adopted City policies.

A qualified archaeologist shall be present during pregrade meetings to inform the developer and grading contractors of the results of the study. In addition, an archaeologist shall be present during grading activities to inspect the underlying soil for cultural resources. If significant cultural resources are uncovered, the archaeologist shall have the authority to stop or temporarily divert construction activities for a period of 48 hours to assess the significance of the finds.

In the event that significant archaeological remains are uncovered during excavation and/or grading, all work shall stop in that area of the subject property until an appropriate data recovery program can be developed and implemented. The cost of such a recovery program shall be the responsibility of the landowner and/or developer.

A paleontological monitor shall be retained by the landowner and/or developer to attend pregrade meetings and perform inspections during development. The paleontologist shall be allowed to divert, direct, or halt grading in a specific area to allow for salvage of exposed fossil materials.

7. FIRE ACCESS

Fire equipment access shall be approved by the Fire Department.

8. BICYCLE AND PEDESTRIAN CIRCULATION

The final design of public on-site pedestrian and bicycle circulation serving viewpark and coastal bluffs shall be reviewed and approved by the Public Works Department; Planning Department; and the Parks, Beaches and Recreation Department.

9. AFFORDABLE HOUSING

Affordable housing provisions shall be consistent with City standards. Affordable housing requirements may be satisfied off-site.

10. NOISE

Detailed noise studies shall be conducted for the residential development for on-site impacts. Residential development shall comply with the standard of 45 dBA CNEL for interior noise levels and 65 dBA CNEL for outdoor living areas. Noise mitigation programs shall be based upon the recommendations of a licensed engineer practicing in acoustics and be approved by the Planning Department.

11. STREETS

Streets within the development may be either public or private. Public or private streets shall meet City standards. The Upper Castaways development may be a private (gate guarded) community with secured access surrounding the development.

12. REFUSE COLLECTION AREAS

a. All outdoor refuse collection areas shall be visually screened from access streets and adjacent property from street level views. Said screening shall form a complete opaque screen and shall not interfere with site distance from streets unless otherwise approved by the City Traffic Engineer.

b. Curb-side collection of refuse shall be subject to City of Newport Beach approval.

13. TELEPHONE, GAS, AND ELECTRICAL SERVICE

All "on-site" gas lines, electrical lines, and telephone lines shall be placed underground. Transformer or terminal equipment shall be visually screened from view from streets and adjacent properties from street level views.

14. LIGHTING

Lighting systems shall be designed and maintained in such a manner as to conceal the light source and to minimize light spillage and glare to adjacent properties. The plans shall be prepared and signed by a licensed Electrical Engineer, with a letter from the Engineer stating that, in his opinion, this requirement has been met.

Lighting systems for any publicly maintained area shall use standard city fixtures.

15. ACCESS TO PUBLIC PARKS

The design of the subdivision and/or public parks by the City, approved through the tentative tract map and site plan review process, shall provide for public access and parking for the view park and bluff top open space from either 16th Street or new intersection to be created at Cliff Drive. In making this requirement, if access is provided from 16th Street, the Planning Commission and/or City Council shall not stipulate that this access be provided directly through the residential area if the development includes private streets, is a gate guarded community, or would result in fragmentation of the residential area. The project proponent shall also consult with the adjacent Newport Harbor Lutheran Church in the final design of the project in regard to public access from 16th Street.

SECTION II

DEFINITIONS

1. Streets - Reference to streets within the Upper Castaways development shall mean either public or private streets. Design of streets shall meet City of Newport Beach standards or as specified herein.
2. Bluff - As used in this document, "bluff" is any natural landform having an average slope of 26.6 degrees (50%) or greater, with a vertical rise of twenty-five (25) feet or greater.
3. Viewpark - For purposes herein, a viewpark represents an area of natural character with provision of a pedestrian/bicycle pathway and passive viewing and recreation areas.

FIGURE III

STATISTICAL ANALYSIS

Upper Castaways

<u>Type</u>	<u>Area</u>	<u>Acreage (Net)</u>	<u>D.U./AC.</u>	<u>D.U.</u>
Residential	1	26.0	5.8	151
View Park	2	11.5	0.0	0
Open Space and Future Roadway Right-of-Way	3	14.3	0.0	0
Active Park	4	<u>4.8</u>	25.0	<u>0</u>
Grand Total		56.6		151

SECTION III

RESIDENTIAL DEVELOPMENT STANDARDS

1. PERMITTED USES

- a. Townhouses
- b. Condominiums
- c. Single-family detached units
- d. Model homes and sales offices
- e. Recreation uses ancillary to residential uses

2. SITE DENSITY

Residential development area shall not exceed 26.0 net acres with allowance for 151 dwelling units.

3. MAXIMUM BUILDING HEIGHT

All buildings shall comply with the height restrictions established by the City for this area. The maximum height of all buildings shall be twenty-four (24) feet measured in accordance with the City of Newport Beach Municipal Code and determined from the grade approved in the site plan review and subdivision approval. The maximum height of buildings may be increased to thirty-two (32) feet upon review and approval of the Planning Commission and/or City Council.

4. SETBACKS FROM MAJOR STREETS

Street

Setback from Ultimate
Right-of-Way Line

Dover Drive

Minimum 35 feet to property line.

5. SETBACKS

a. Front yard

From any public or private street the minimum building setback shall be ten (10) feet from right-of-way or curb, whichever is greater.

Garages with direct access shall be setback from five (5) to seven (7) feet average or a minimum average of twenty (20) feet measured from back of curb, or in the event that sidewalks are constructed, from back of sidewalk. A minimum of eighteen (18) feet measured from back of curb, or in the event that sidewalks are constructed, from back of sidewalk shall be permitted

with roll-up or other type garage doors approved by the City Traffic Engineer. If five (5) foot setbacks are proposed at corner units or lots on curves, adequate sight distance shall be provided unless otherwise approved by the City Traffic Engineer.

b. Side Yard

Where property lines are created a minimum five (5) foot side yard setback shall be required. Architectural projections may be permitted subject to the Newport Beach Municipal Code. Zero (0) foot setback will be permitted where a minimum ten (10) feet building to building setback is provided. At side yards adjacent to streets a minimum five (5) foot setback shall be maintained.

c. Rear yard

Where property lines are created a minimum of ten (10) feet rear yard setback shall be required. Structures, other than walls and fences, along the public bluff top area shall be setback a minimum distance of twenty (20) feet from property line. Architectural projections may be permitted subject to the Newport Beach Municipal Code. Decks and balconies greater than 18" above grade may extend into the rear yard setback up to 3 feet.

6. COASTAL BLUFF SETBACKS

The property line setback from the edge of a bluff should be located no closer to the edge of the bluff than the point at which the top of the bluff is intersected by a line drawn from the solid toe of the bluff at an angle of 26.6 degrees to the horizontal. In no case shall a property line be located closer than forty (40) feet from the edge of a bluff or any eroded area of the bluff unless the area is restored.

7. PRIVATE STREET STANDARDS

Private streets within residential development shall be a minimum of thirty-two (32) feet in width with parking allowed on one side. Through the Site Plan Review process, the following modifications to this standard may be approved:

- a. The minimum width may be reduced to 26 feet for access drives serving no more than 16 dwelling units.
- b. The minimum width may be reduced to 20 feet for access drives serving no more than 4 dwelling units.

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- c. The minimum width may be reduced to 16 feet for access drives serving a single dwelling unit.

- d. Drives of 20 or 16 feet as provided for the above shall be increased to a minimum width of 26 feet if serving a common parking area.
- e. Unless otherwise defined in this text, private streets shall be designed in compliance with the private street standards of the City of Newport Beach.

8. PUBLIC STREETS

Public streets within the Planned Community District shall conform to the current criteria as specified by the City of Newport Beach "Design Criteria for Public Works Construction".

9. SITE DISTANCE REQUIREMENTS:

Residential development shall be designed to provide adequate sight distance (25 MPH), at the intersection of all private streets and drives, and along curves unless otherwise approved by the City Traffic Engineer.

10. LANDSCAPING

Project landscape concepts are intended to allow for maximization of views from residential areas. Interior greenbelt concepts are encouraged. A landscape concept plan shall be submitted as a part of site plan review and subdivision approval.

11. PARKING

Standards shall provide for:

a. Condominiums and Townhomes

Dwelling units less than or equal to 1500 square feet shall provide a minimum of 2 parking spaces per unit, including one covered space. In addition, guest parking shall be provided at a minimum rate of 0.5 space per unit. Guest parking may be provided on street, in parking bays, or on driveway aprons (minimum 20 feet in depth or 18 feet where roll up garage doors are provided), in a manner acceptable to the City

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Traffic Engineer. Fifty percent (50%) of the guest spaces may be provided on driveways.

Dwelling units greater than 1500 square feet shall provide a minimum of 2 covered spaces per unit. In addition, guest parking shall be provided at a minimum rate of one (1) space per unit. Guest parking may be provided on street, in parking bays, or on driveway aprons (minimum 20 feet in depth or 18 feet where roll up garage doors are provided), in a manner acceptable to the City Traffic Engineer. Fifty percent (50%) of the guest spaces may be provided on driveways.

b. Parking Spaces

The size of open and enclosed parking spaces and areas shall be as specified by the residential parking standards contained in the Newport Beach Municipal Code, with the exception that common parking areas which are not curbside shall meet the universal parking stall size of 8 1/2 feet in width by 17 feet in depth.

c. Single Family Detached

A minimum of two (2) garage parking spaces shall be provided per unit. In addition, guest parking shall be provided within the development at a minimum rate of two (2) spaces per unit. Guest parking may be provided on street, in parking bays, or on driveway aprons (minimum 20 feet in depth), in a manner acceptable to the City Traffic Engineer. One of the guest spaces may be provided on the driveway.

12. PEDESTRIAN CIRCULATION

The project shall be designed so as to provide for adequate non-vehicular circulation from residential units to common recreation and amenity areas as well as from residential units to external parks and roadways. This circulation can be provided via sidewalks adjacent to streets in combination with walkways provided through greenbelt and common areas. Main circulation drives shall have a sidewalk on at least one side. Sidewalks adjacent to curbs shall be a minimum of five (5) feet in width. Sidewalks adjacent to a 3 to 4 foot wide parkway shall be a minimum of four (4) feet in width.

13. FENCES, HEDGES AND WALLS

Fences shall be limited to a maximum height of eight (8) feet, measured from finished grade. Where the fence is required to protect a swimming pool, the fence shall be constructed so as to meet the requirements of the Uniform Building Code for pool safety. Wing walls, where an extension of a residential or accessory structure, may be six (6) feet in height. At street intersections (to include driveway intersections with streets), no such appurtenance shall exceed thirty (30) inches in height above street pavement grade within the triangle bounded by the right-of-way lines and a connecting line drawn between points thirty (30) feet distant from the intersection of the right-of-way lines prolonged. Landscape plans shall be designed to provide adequate sight distance (25 MPH) unless otherwise approved by the City Traffic Engineer.

FIGURE IV
(Bluff Setback Exhibit)

SECTION IV

PARKS

The Upper Castaways site will include two distinct park settings.

The viewpark is intended to be passive in nature, characterized by low intensity usage such as hiking, bicycling and informal recreation. Minimal grading for trail connections to lower Castaways, Dover Drive, and Westcliff Drive will be allowed. It is intended that the physical nature of the viewpark be a natural setting with unobtrusive additions and minimal lighting. Some low level lighting may be allowed, pursuant to City review, for security purposes. The recreation fields or active park area is intended for daytime use and nighttime lighting is prohibited.

SECTION V

SIGNS

A sign program for Upper Castaways, approved by the Irvine Company shall be submitted for review and approval by the Planning Commission.

SECTION VI.

SITE PLAN REVIEW - AREA 1

A. Purpose

The effect of this section is to establish a Site Plan Review procedure for Upper Castaways to insure that the project conforms to the objectives of the General Plan.

B. Findings

The Site Plan Review procedures contained in this section promote the health, safety and general welfare of the community by ensuring that:

- (1) Development of Upper Castaways will not preclude implementation of specific General Plan objectives and policies.
- (2) The value of property is protected by preventing development characterized by inadequate and poorly planned landscaping, excessive building bulk, inappropriate placement of structures and failure to preserve where feasible natural landscape features.

C. Application

Site Plan Review approval shall be obtained prior to the issuance of a Grading Permit or a Building Permit for any new structure, including fences, and the establishment of grade by the Planning Commission or the City Council in accordance with Section 20.02.026.

D. Plans and Diagrams to be Submitted

The following plans and diagrams shall be submitted to the Planning Commission for approval:

- (1) A plot plan, drawn to scale, showing the arrangement of buildings, driveways, pedestrian ways, off-street parking, landscaped areas, signs, fences and walks. The plot plan shall show the location of entrances and exits, and the direction of traffic flow into and out of off-street parking areas, the location of each parking space, and areas for turning and maneuvering vehicles. The plot plan shall indicate how utility and drainage are to be provided.

- (2) A landscape plan, drawn to scale, showing the locations of existing trees proposed to be removed and proposed to be retained; and indicating the amount, type, and location of landscaped areas, planting beds and plant materials with adequate provisions for irrigation.
- (3) Grading plans to ensure development properly related to the site and to surrounding properties and structures.
- (4) Scale drawings of exterior lighting showing size, location, materials, intensity and relationship to adjacent streets and properties.
- (5) Architectural drawings, renderings or sketches, drawn to scale, showing all elevations of the proposed buildings and structures as they will appear upon completion.
- (6) Any other plans, diagrams, drawings or additional information necessary to adequately consider the proposed development and to determine compliance with the purposes of this chapter.

E. Fee

The applicant shall pay a fee as established by Resolution of the City Council to the City with each application for Site Plan Review under Chapter 20.01.070. (Ord. 1686, § 1, 1976)

F. Standards

The Site Plan Review procedures established for Upper Castaways shall be applied according to and in compliance with the following standards:

- (1) Sites subject to Site Plan Review under the provisions of this section shall be graded and developed with due regard for the aesthetic qualities of the natural terrain, Back Bay, and landscape, giving special consideration to waterfront resources and unique landforms such as coastal bluffs or other sloped areas; trees and shrubs shall not be indiscriminately destroyed;
- (2) No structures shall be 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 or City

Council, on review or appeal, finds that the benefits outweigh the adverse impacts;

- (3) Residential development shall be permitted in areas subject to noise levels greater than 65 CNEL only where specific mitigation measures will reduce noise levels in exterior areas to less than 65 CNEL and reduce noise levels in the interior of residences to 45 CNEL or less;

- (4) Site plan and layout of buildings, parking areas, pedestrian and vehicular access ways, and other site features shall give proper consideration to functional aspects of site development;
- (5) Development shall be consistent with specific General Plan policies and objectives, the adopted Circulation Improvement and Open Space Agreement, and shall not preclude the implementation of those policies and objectives;
- (6) Development shall be physically compatible with the development site, taking into consideration site characteristics including, but not limited to, slopes, and sensitive resources;
- (7) Archaeological and historical resources shall be protected to the extent feasible or appropriate mitigation measures shall be implemented.

G. Procedures regarding Public Hearing notification and Planning Commission and City Council actions shall be pursuant to Chapter 20.01.070.