

*NORTH BAY ROAD
(919 BAYSIDE DRIVE)*

**Bayside Residential
Planned Community District
Development Regulations**

Newport Beach, California

Adopted by Ordinance No. 2006-06 (PA2004-072) - **3/14/2006**

Amendment 1 : Ordinance No. 2008-001 - PD2007-004 (PA2007-166) – **1/22/2008**

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Bayside Residential Planned Community District Regulations

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INTRODUCTION

The subject of this document is a 4.09-acre parcel on Bayside Drive that has been designated as "Bayside Residential Planned Community District" on the *Districting Map for the City of Newport Beach*. The designation was adopted to allow subdivision of the parcel into no more than 17 single-family lots and subsequent construction of custom-designed, luxury homes. The Bayside Residential Planned Community District designation and "Bayside Residential Planned Community District Development Regulations" have been adopted consistent with Chapter 20.35, "Planned Community District", of the Newport Beach Zoning Code.

The project site is designated Multi-Family Residential in the Land Use Element of the General Plan. This designation permits both single-family and multiple-family dwellings; however the Bayside Planned Community does not permit more than one unit per number lot within the subdivision. The 4.09-acre parcel will be developed consistent with the General Plan and with regulations set forth herein and with all applicable ordinances, standards, and policies of the City of Newport Beach.

All terms within this document shall be defined herein or they shall derive their meaning from the Newport Beach General Plan and/or Municipal Code. Where this document is in conflict with similar provisions of the Municipal Code, this document shall control. Where this document does not address a particular land use, zoning or development issue, the Municipal Code shall control. Nothing within this document shall be construed to relieve any party from compliance with all applicable laws, guidelines, policies of the Newport Beach Municipal Code.

The subject property is located within the Coastal Zone and development pursuant to this PC Text will require compliance with Coastal Development Permit 05-06-145 issued by the California Coastal Commission.

The general site location and land use plan for the subject property are set forth in Figure 1 and Figure 2.

PROJECT DESCRIPTION

The Promontory Bay area of Newport Beach is bounded by Newport Bay, Marine Avenue/Jamboree Road and East Coast Highway where the project site is generally located. The Bayside Residential Planned Community District is within this area and is located on the south side of Bayside Drive between Promontory Channel, Newport Bay and the Cove Condominiums across from a neighborhood retail shopping center (Bayside Center) anchored by a supermarket. The Cove Condominiums (multiple-family residential dwellings) are located to the east of the subject property.

Vehicular access to the planned community is provided from Bayside Drive by a single access. A bulkhead provides sufficient water depth at the south property line for

34 private boat docks and access to the North Channel of Newport Bay. A twelve-foot wide sidewalk/bike path adjoins the property frontage at Bayside Drive.

An existing 10-foot-wide irrevocable public access easement extends from Bayside Drive along the westerly boundary of the planned community to the waterfront at the North Channel of Newport Bay. Redevelopment of the subject property pursuant to this Planned Community text requires reconfiguration and reconstruction of improvements within this easement to improve public pedestrian access to the waterfront. These include a new 8-foot wide sidewalk and a two-foot wide landscaped planter. The easement includes a viewing platform at the southwest corner of the planned community.

A 6-foot wide gangplank extended from the viewing platform to a 6-foot-wide floating walkway parallel to the waterfront at the time of development approval. Development of the property pursuant to the Planned Community text includes removal of the gangplank and dedication of an 8-foot-wide public access easement parallel to the waterfront at the North Channel. This 8-foot wide easement is comprised of a 3-foot wide, on-land component adjoining a 5-foot wide segment cantilevered over the surface of the water. The width of each easement component is measured from the centerline of the existing bulkhead. Development of the property is conditioned upon construction of an 8-foot wide sidewalk on this easement. Both the easement and the walkway extend from the existing, on-land easement along Promontory Bay along the westerly property line of the subject parcel to the easterly property line.

An easement to accommodate a ramp and walkway segment (Americans with Disability Act-compliant) outside the boundaries of the Tentative Tract Map are shown on the Tentative Tract Map 15323. Dedication of the easement and construction of the ramp are conditions of project approval. The easement and ramp extend from the bulkhead walkway to the easterly end of the existing floating walkway at the project site where the walkway continues along the waterfront at the Cove Condominium property to the east. The easement and walkway provide unobstructed public access to the waterfront. The ramp will also provide access to the private boat docks.

The 4.09-acre project site is to be developed as a community of custom-designed, single-family homes. Newport Tentative Tract Map No. 2004-001 (Tract 15323) was approved with this PC Text and accommodates creation of no more than 17 single-family lots represented as numbered lots on the Tract Map. All lettered lots are in common and are intended to accommodate common amenities and other improvements and are not developable for residences.

Common area facilities include a street providing access to all lots, a recreation lot which may include a pool, and landscaped areas. A 6-foot wide fire access easement, that must remain PUBLIC, open and unobstructed at all times, connects the loop road to the public walkway.

Adoption of the PC designation and text provided the City the means to maintaining and enhancing public access to the waterfront. Development standards incorporated in the PC Text accommodate residential development consistent with the General Plan Multi-Family designation, yet of reduced scale than might otherwise be allowed, as a suitable transition from Bayside Drive to the waterfront.

VICINITY MAP

NORTH BAY ROAD – T.M. 15323

PLANNED COMMUNITY DISTRICT

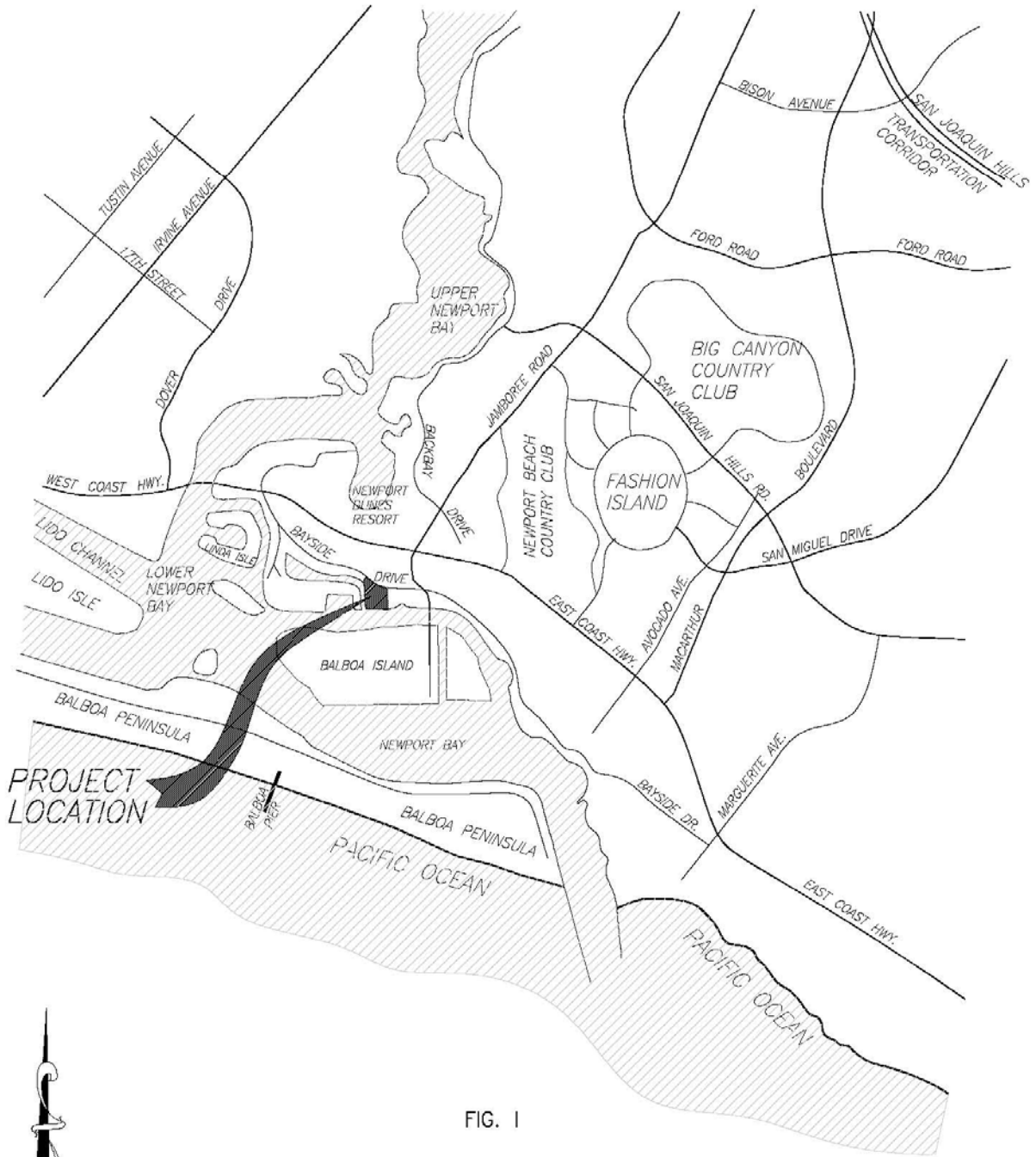
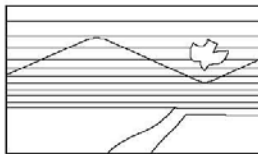


FIG. 1



NOT TO SCALE



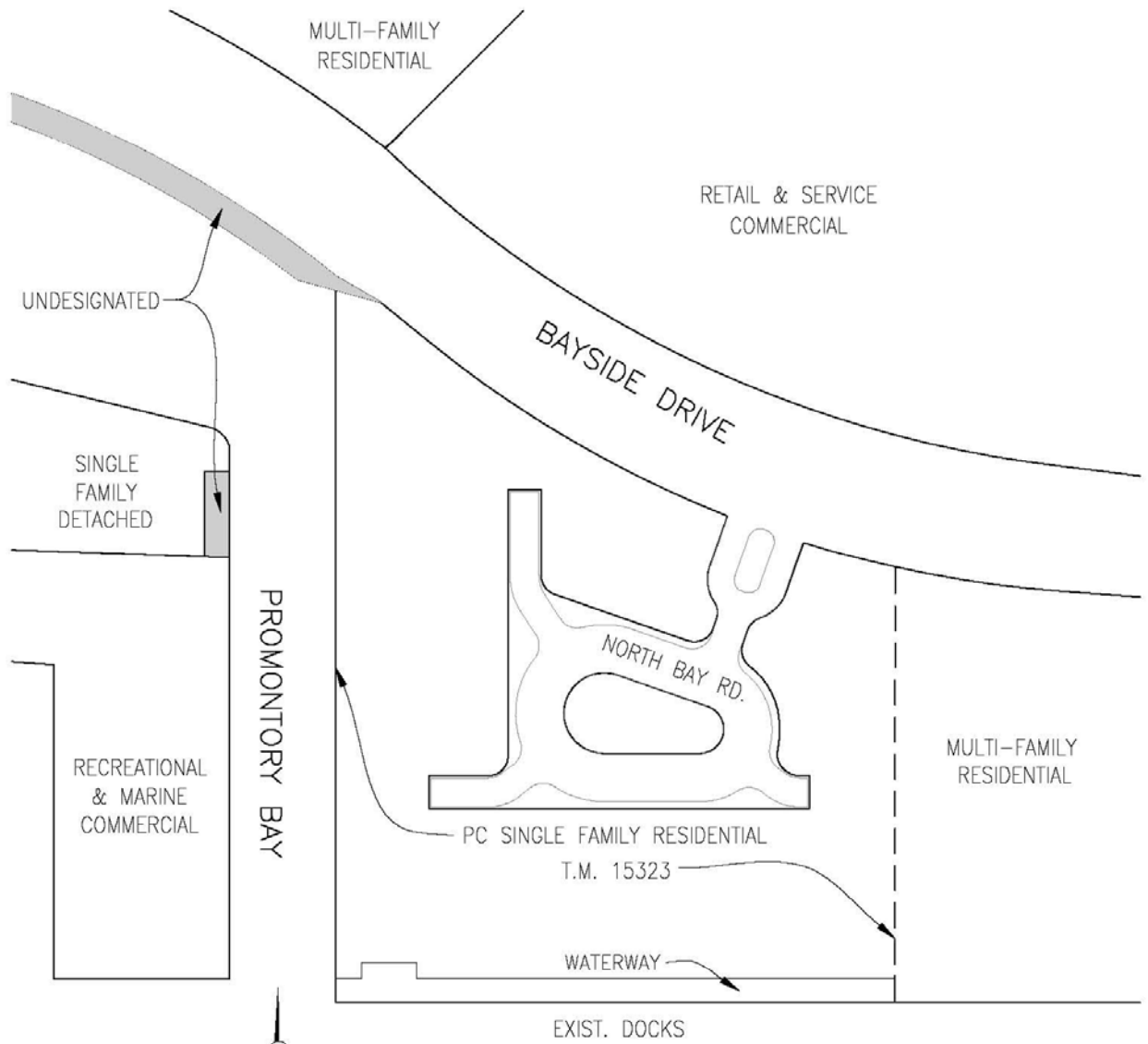
ADAMS • STREETER
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LAND USE PLAN

NORTH BAY ROAD - T.M. 15323 PLANNED COMMUNITY DISTRICT

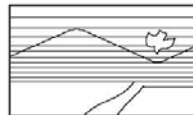


PROMONTORY BAY

EXIST. DOCKS

FIG. II

NOT TO SCALE



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SECTION I STATISTICAL ANALYSIS

1. Area of Development

Total Area: 4.09 Acres

2. Site Area and Usage

LOT SUMMARY		
LOT	DESCRIPTION	ACREAGE
LOTS 1-17	RESIDENTIAL	2.74 Ac.
LOT A	RECREATIONAL	0.13 Ac.
LOT B	PUBLIC PEDESTRIAN INGRESS/EGRESS WITH AN EASEMENT DEDICATED TO THE CITY	0.20 Ac.
LOT C	OPEN SPACE/LANDSCAPE WITH AN EASEMENT FOR SIDEWALK/PUBLIC ACCESS DEDICATED TO THE CITY	0.06 Ac.
LOT D	OPEN SPACE / LANDSCAPE	0.07 Ac.
LOT E	PRIVATE STREET AND SIDEWALK WITH AN EASEMENT TO BE DEDICATED TO THE CITY FOR PUBLIC ACCESS AND PUBLIC UTILITIES	0.72 Ac.
LOT F	WATER FRONT WITH AN EASEMENT FOR PUBLIC ACCESS DEDICATED TO THE CITY	0.14 Ac.
LOT G	OPEN SPACE/LANDSCAPE WITH AN EASEMENT FOR A SIDEWALK/PUBLIC ACCESS, FIRE ACCESS AND PUBLIC UTILITIES DEDICATED TO THE CITY	0.03 Ac.
	TOTAL	4.09 Ac.

SECTION II DEVELOPMENT & USE REGULATIONS

1. Permitted Uses

- A. Single-family, detached dwellings
- B. Accessory structures (i.e. garages, gazebos, barbeques, fences, walls, etc.)
- C. Recreation facilities ancillary to residential uses
- D. Model homes and on-site sales office
- E. Home occupations pursuant to the Zoning Code

2. Intensity of Development

Maximum permissible number of units: 17 single-family, detached dwellings

3. Lot Area, Setbacks and Floor Area Limit

- a. Minimum lot area shall be no less than 5500 square feet. All front and rear yard minimum setbacks shall be as depicted on the attached exhibit, "Perimeter Setback Exhibit" dated September 19, 2007.
- b. All side yard minimum setbacks shall be 5 feet or as shown on the attached "Perimeter Setback Exhibit" dated September 19, 2007.
- c. Minimum 5 foot setback shall be required between each one-story building wall and the front property line. A minimum 10 foot setback shall be required between each two-story building wall and the front property line.
- d. A minimum of 18 feet is required between the face of the garage door and the front property line.
- e. Maximum floor area is 1.75 x the maximum buildable area and not including maximum 400 sq. ft. attributable to required, enclosed parking.
- f. Maximum buildable area shall be the lot area less the minimum front, side and rear yard setbacks.

4. Building Height

The baseline for measuring height shall be finished grade. The maximum permissible height of any dwelling shall be 28 feet to the mid-point of a sloping roof or to the top of a flat roof. The peak of a sloping roof shall not exceed 33 feet. If a roof-top deck is proposed, the height of any protective railing shall be no higher than 28 feet. The maximum permissible height of any accessory structure shall be 12 feet.

5. Building Pad Elevations

Building pads adjacent to the bulk-head along Newport Channel may be raised to elevations as shown on Tentative Tract Map 2004-001 (TRACT 15323) approved in conjunction with adoption of this text.

6. Vehicular Access

The minimum width of the publicly accessible, privately owned and maintained streets and drives shall be 36 feet measured curb to curb when parking is allowed on both sides of the street and 32 feet curb to curb when parking is allowed on one side or no parking is allowed. Curb-side parking spaces within Lot "E" shall be 8' x 22' minimum.

7. Parking

The size of open and enclosed parking spaces and areas shall be as specified by the residential parking standards contained in the Newport Beach Zoning Code.

A minimum of two (2) garage parking spaces shall be provided per dwelling. In addition, a minimum of two parking spaces (side-by-side, not tandem) shall be provided on the driveway to each garage of each single-family dwelling. A total of 19 curb-side parking spaces shall be provided on the street that provides access to each buildable lot.

8. Signs

All signs shall conform to all applicable sign standards of the Municipal Code. A sign program for the Bayside Planned Community, consistent with Coastal Development Permit 05-06-145, shall be submitted pursuant to Section 20.67 of the Zoning Code for review and approval by the Planning Director.

9. Lighting

All lighting within the development shall be implemented and maintained in accordance with applicable City Standards and shall be designed and maintained in a manner which minimizes impacts on adjacent land uses. Nighttime lighting shall be limited to that necessary for security. All plans for lighting shall be prepared and signed by a licensed electrical engineer and shall be subject to review and approval of the Planning Director.

10. Fences, Hedges and Walls

Fences, hedges and walls shall be limited to three (3) feet in height in all front yard setbacks and within rear yard setbacks of the waterfront lots (3-15). Fences, hedges, and walls shall be limited to six (6) feet in height in all other rear yards, and side yards, including the perimeter wall at Bayside Drive.

Exception: Hedges along the perimeter wall along Bayside Drive shall be limited to twelve (12) feet in height.

Exception: Open-work walls and fences that are ninety-percent of the wall plane open (wrought iron in combination with pilaster) up to a maximum of six (6) feet in height are permitted at the side property line of each waterfront lot (Lots 3-15) and extending into the rear yard from the setback line to the waterfront property line.

Walls that extend in the same plane as the front (driveway street-side) wall of a dwelling into a required side yard for purposes of enhancing the entrance of an entry courtyard may be up to twelve (12) feet in height.

11. Arbors and Trellises

Arbors and trellises may project into front yards abutting the street provided no such structure is closer than five (5) feet to the property line. The footprint area of such structures shall not exceed forty (40) square feet with a maximum height of twelve (12) feet. Arbors and trellises must be at least 50% open.

12. Barbeques

Freestanding barbeques may project into all residential rear yards provided a minimum distance of five (5) feet is maintained between the barbeques and the respective side and rear, property lines. No barbeque including chimney may exceed five (5) feet in height.

13. Structures in Common Areas

Freestanding structures such as entry arbors, trellis, and colonnades are permitted in common areas. Said structures are limited to twelve (12) feet in height. Entry arbors, trellises, and colonnades must be at least 50% open and shall be located at least five (5) feet from the nearest property line or lines.

Freestanding fireplaces or barbeques in common areas are permitted with a maximum height of ten (10) feet and subject to compliance with the requirements of the Uniform Building Code. Fireplaces and barbeques must be located at least four (4) feet from the nearest property line or lines.

14. Maintenance of Public Access

Maintenance of all public access as required by Coastal Development Permit 05-06-145 shall be provided by the Homeowner's Association.

15. Ownership and Maintenance of Streets

For purposes of this document, "publicly accessible, privately owned and maintained streets and drives" shall be defined as privately owned and maintained with an easement granted to the City of Newport Beach for permanent 24-hour public vehicular and pedestrian access per Coastal Development Permit 5-06-145 and as shown on Tentative Tract Map No. 15323.

PERIMETER SETBACK EXHIBIT

NORTH BAY ROAD - T.M. 15323
CITY OF NEWPORT BEACH

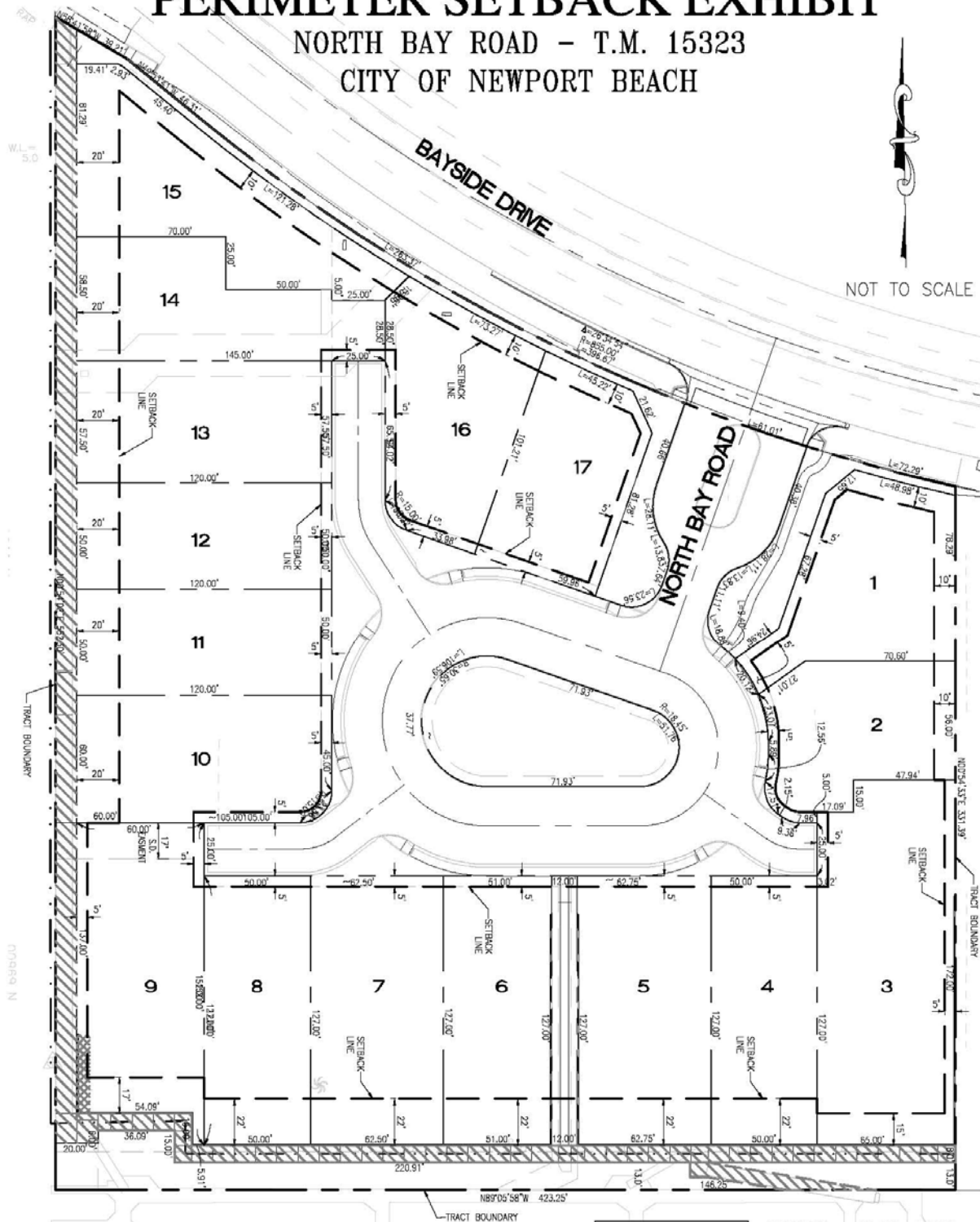
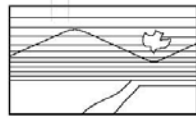


FIG. III



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Figure IV

