

UPTOWN NEWPORT – LAND USES, DEVELOPMENT STANDARDS AND PROCEDURES TEXT ONLY REDLINE JANUARY 25, 2013

1. Introduction and Purpose of Development Plan

1.1 INTRODUCTION

The Uptown Newport Planned Community Development Plan, hereinafter referred to as “the Uptown Newport PC” is located within the City of Newport Beach Airport Area. Regional access to the 25-acre project site (also referred to as “Subject Property”) is provided by Jamboree Road, Birch Street, Von Karman Avenue, and MacArthur Boulevard.

The Uptown Newport PC is located in close proximity to the 405, 73 and 55 Freeways via MacArthur Boulevard and Jamboree Road as shown on Figure 1-1. Uptown Newport is located near regional open space areas, including Upper Newport Bay, Mason Regional Park in Irvine and the San Joaquin Freshwater Marsh. It is also located near the University of California - Irvine (UCI) with immediate adjacency to the UCI North Campus opposite the Subject Property on Jamboree Road.

The Uptown Newport PC site was originally developed as part of the Koll Center Newport, and has been used for manufacturing telecommunications equipment and computer chips since the 1970's. The City's General Plan calls for infill development and redevelopment of the Airport Business Area. The General Plan allows for up to 2,200 residential units to be developed in the Airport Business Area. In September of 2010, the City approved the Integrated Conceptual Development Plan (ICDP), which provides to provide a framework for residential development on both the Koll Center Newport and Uptown Newport PC properties (the Uptown Newport PC site was referred to as the “Conexant Site” in the ICDP). The ICDP allocated 1,244 residential units and up to 11,500 square feet of retail to be developed on the Uptown Newport PC property and up to 260 residential units to be developed on the Koll property. The Uptown Newport PC provides the regulatory framework for redevelopment of the 25-acre property Subject Property into a high-density mixed use residential project.

1.2 AIRPORT AREA CONTEXT

Uptown Newport is located within the Conceptual Development Plan Area of the City's Airport Area, as defined by the City's General Plan. The Airport Area encompasses approximately 360 acres of land located southeast of the John Wayne Airport (JWA), and is bound by Jamboree Road, Campus Drive, and Bristol Street. The ICDP area includes a portion of the 75-acre Koll property, and the 25-acre Uptown Newport property. These two properties are part of the larger Koll Center, which was developed as a master planned campus office park, governed by the Koll Center Newport Planned Community Development Plan (PC-15 - Koll Center) adopted by the City of Newport Beach on August 14, 1972 (Ordinance No. 1449). The Koll Center Planned Community extends northeast from the intersection of MacArthur Boulevard and Jamboree Road to Campus Drive. Refer to Figure 1-2 for the location of the project site within the City of Newport Beach and in the context of the Airport Area.

1.3 IMMEDIATE CONTEXT

As illustrated in Figure 1-3, the Uptown Newport PC site is developed with two buildings aligned along the northwestern perimeter of the site. The northernmost building located at 4321 Jamboree ranges from approximately 40-50 feet in height. The building is approximately 311,452 square feet in size, and includes both industrial and supporting office uses. The southernmost building located at 4311 Jamboree is approximately 25 feet in height and approximately 126,675 square feet in size, and includes office uses, lab space, a data center, and cafe uses. Parking for both buildings is provided in adjacent surface parking lots.

The site is immediately bounded by Jamboree Road to the southeast, fast food restaurants to the northeast, and by existing office development within the Koll Center Newport to the northwest and southwest. Refer to Figure 1-3 for an illustration of the project site's orientation to nearby streets and surrounding land uses.

Direct access to the Uptown Newport PC is currently provided by two entries on Jamboree Road, one of which is signalized, and one entry on Birch Street. Von Karman Avenue to the northwest and MacArthur Boulevard to the west do not provide direct vehicular access to the Uptown Newport PC due to existing development within Koll Center Newport. An access drive easement is located at the western-most corner of the site and provides emergency access through the Koll Center Newport to Von Karman Avenue from the Uptown Newport PC.

1.4 PURPOSE

The Uptown Newport ~~PC~~[Land Uses, Development Standards & Procedures](#) coordinates and regulates development of the residential, commercial, open space, circulation and other land uses that may be developed within the Uptown Newport site. It also serves as the implementing zoning document for the property and implements the Newport Beach 2006 General Plan and the approved Integrated Conceptual Development Plan (ICDP). The ICDP encourages the development of coordinated, cohesive and environmentally-friendly residential and mixed use projects in the Airport Area, designed to create new urban villages with a distinctive sense of place.

The Uptown Newport PC provides a framework for converting the existing industrial uses at the project site into a new village within the Airport Area, with a mix of uses, densities and amenities. The proposed land use intensity is compatible with existing and anticipated development planned in the Airport Area. It also permits the existing industrial development as an allowed interim use until the existing TowerJazz lease expires, or until March 2027, whichever occurs first, and ensures an orderly transition to new residential mixed-use village land uses.

The Uptown Newport PC allows for the demolition and replacement of 438,127 square feet of existing industrial and office uses allocated to the Uptown Newport site with a residential and mixed-use development. The location of proposed land uses are illustrated on Figure 2-1. A new street system will be developed to provide appropriate circulation throughout the project site for both pedestrians and vehicles, breaking up the project site into multiple development areas.

1.5 RELATIONSHIP TO MUNICIPAL CODE

~~Whenever~~[Except as otherwise noted in the Uptown Newport PC, whenever](#) the development regulations of this plan conflict with the regulations of the Newport Beach Municipal Code, the regulations contained herein shall prevail. The Municipal Code shall regulate the Uptown Newport PC whenever regulations are not provided within these district regulations. All words and phrases used in the Uptown Newport PC shall have the same meaning and definition as used in the City of Newport Beach Municipal Code unless defined differently in this document.

1.6 RELATIONSHIP TO AIRPORT AREA CONCEPTUAL DEVELOPMENT PLAN

In 2006 the City of Newport Beach adopted a voter-approved comprehensive update to its General Plan, which includes a plan for infill development within the Airport Area (Statistical Area L4), located immediately east of John Wayne Airport and bounded by Jamboree Road, Campus Drive and Bristol Street. The policies promote the introduction of residential and mixed-use development within the airport area, provided that such development contributes to the creation of viable neighborhood clusters with appropriate infrastructure, pedestrian-oriented features and open spaces, and with a pattern of development that offers a strong sense of community and livability.

The General Plan policies allow for a maximum of 2,200 units of housing within the Airport Area. All but 550 of these units must replace existing development so that there is no net gain of vehicular trips; the 550 “additive” units may be constructed on existing surface parking lots or areas not used for occupiable buildings located east of MacArthur Boulevard. This area, referred to in the General Plan as the Conceptual Development Plan Area (depicted on Figure LU22 of the General Plan Land Use Element), has strong potential for the introduction of new residential development, as it includes two large tracts of assembled property, including the 75-acre Koll [Center Newport](#) property and the ~~25-acre~~ Uptown Newport site.

The Koll Center Newport and Uptown Newport properties require the adoption of a conceptual plan in accordance with the General Plan.

1.7 RELATIONSHIP TO THE INTEGRATED CONCEPTUAL DEVELOPMENT PLAN

In September of 2010, the City approved the Koll-Conexant ICDP, which provides a framework for residential development on both the Koll and Conexant properties within the Airport Business Area. The ICDP is aimed at fulfilling the policies of the General Plan, ensuring cohesive and ~~liveable~~^{livable} neighborhoods oriented to parks and pedestrian ways, ~~and a finer-grained network of structures which will remain.~~ In the ICDP, the Uptown Newport PC property was referred to as the “Conexant Site”.

The ICDP establishes a framework for development of individual projects within the site area, including goals and guidelines for land uses, height and bulk of buildings, sustainable development practices, unifying landscape, lighting and signage themes, streets and pedestrian circulation, recreation and open space.

The ICDP provides for the redevelopment of the 25-acre Uptown Newport site and for the redevelopment of a 12.7-acre portion of the Koll Center office park between Birch Street and Von Karman Avenue with new residential development and open space, carefully integrated with existing office buildings and parking structures which will remain ~~on the Koll Center Newport site.~~ Connectivity within and between the two properties will be provided with existing and new pedestrian ways improved with parking lot screening, planting and/or enhanced pavings which are compatible between the Koll and Conexant properties.

The ICDP permits a total of up to 1,504 new residential units; 1,244 of which are planned and could be developed on the Uptown Newport site and the remaining 260 units on the Koll property (refer to Figure 1-5 and Table 1-1). Within the Uptown Newport PC, up to 632 units would replace existing industrial and office uses that are planned to be demolished. The remaining 290 units would be additive. The Uptown Newport PC includes the ability to construct up to 322 density bonus units ~~onsite~~^{on-site} as an incentive to provide affordable housing in addition to that needed to satisfy the City’s affordable housing requirements.

The Uptown Newport PC was prepared based upon the goals, guidelines and principles of the ICDP, and is designed to implement in greater detail and specificity those goals, guidelines and principles.

1.8 RELATIONSHIP TO DESIGN GUIDELINES AND PHASING PLAN

~~The Uptown Newport PC~~^{This document} sets forth the zoning regulations and land use standards for development within the Uptown Newport project. ~~The Uptown Newport PC~~^{It} is intended to be used in conjunction with the Uptown Newport Design Guidelines and Phasing Plan for development within the Uptown Newport PC. The Design Guidelines provide additional standards, policies, and goals including; site planning, architectural, site development, landscape, and signage design guidelines that are intended to be used as a guide during the review process for implementing projects. The Phasing Plan outlines the phasing for the Uptown Newport PC, and is intended to be used as a general guide for the phasing of development within the Uptown Newport PC, including interim conditions between Phase 1 and Phase 2.

2. Land Use ~~and Development~~ Regulations

2.1 LAND USE

The Uptown Newport PC is intended to be a multi-family residential community with neighborhood-serving retail uses. Permitted uses are described in Section 2.1.2 and Table 2-2.

Prior to adoption of the Uptown Newport PC, development on the Uptown Newport property has been controlled by the Koll Center PC-15. The Uptown Newport PC replaces the Koll Center PC with respect to the development of the Uptown Newport site. It is recognized, however, that development and absorption of these elements within the Uptown Newport PC may require a span of several years to commence and complete, and that in the interim, industrial and commercial uses of the site will continue. Existing light industrial and office uses will be phased out as development is implemented. ~~Existing~~Prior to March 12, 2027 existing uses will continue to be allowed pursuant to the Uptown Newport PC and the Newport Beach Municipal Code (NBMC) relating to non-conforming uses and structures.

The conditions, standards, and other provisions of Uptown Newport PC are in no way intended to discourage or prohibit the continued uses of the existing industrial uses on the site as development of the urban village concept proceeds.

2.1.1 Existing Uses

Any use within the Uptown Newport PC lawfully existing at the time of the effective date of this PC may continue as an interim use and is subject to ~~NBMC. Existing the NBMC. Provided, however, existing~~ light industrial uses including their ancillary commercial/office related uses will cease ~~to be a permitted use until when~~ the existing TowerJazz lease expires, or until March 12, 2027, whichever comes first. Permitted existing uses consist of the following:

I. Existing Light Industrial Uses

A. To allow uses primarily engaged in research activities, provided that such activities are confined within a building or buildings and do not contribute excess noise, dust, smoke, vibration, odor, toxic or noxious matter to the surrounding environment nor contain a high hazard potential, due to the matter of the product material or processes involved. Such activities may include but shall not be limited to research laboratories and facilities, developmental laboratories and facilities and compatible light manufacturing related to the following list of examples:

1. Bio-Chemical

- Chemical
- Film and Photography
- Medical and Dental
- Metallurgy
- Pharmaceutical
- X-Ray

2. Manufacture, research assembly, testing components, devices, equipment and systems and parts and components such as but not limited to the following list of examples:

- Coils, Tubes, Semi-Conductors
- Communication, Navigation Control, Transmission and Reception Equipment, Control Equipment and Systems Guidance Equipment and Systems
- Glass Edging, Beveling, and Silvering
- Data Processing Equipment and Systems
- Graphics, Art Equipment
- Metering Instruments
- Optical Devices, Equipment and Systems
- Phonographs, Audio Units, Radio Equipment and Systems
- Scientific and Mechanical Instruments
- Testing Equipment

B. To allow the location of offices and areas associated with and accessory to the permitted light industrial uses listed under IA:

1. Administrative, professional and business offices
2. Regional or home offices of industries which are limited to a single use
3. Blueprinting, photostating, photo engraving, printing, publishing and bookbinding, provided that no on-site commercial service is associated with said uses
4. Cafeteria, cafe, restaurant, bar, theater/nightclub or auditorium subject to the procedures, regulations and guidelines set forth in the Newport Beach Municipal Code

II. Industrial Service and Support Facilities ~~Permitted~~ Permitted Uses

A. To allow a combination of general industry, business and professional offices, and industrial support activities, provided that such activities are confined within a building or buildings, and do not contribute excessive noise, dust, smoke, vibration, odor, toxic or noxious matter to the surrounding environment nor contain a high hazard potential due to the nature of the products, materials or processes involved.

1. All uses permitted under Part I
 - a. Business and professional offices
 - b. Industrial Support Facilities, to include activities limited to the sale of products or services
 - c. Distribution and warehousing plants

2.1.2 Permitted Uses

Permitted uses are those uses set forth in Table 2-2. Accessory Uses as defined herein are also permitted. Land uses that are not listed in the table herein are not allowed, except as otherwise provided by Chapter 20.12 (Interpretation of Zoning Code Provisions) of the NBMC.

Interface between retail and residential uses will incorporate mitigation features as outlined in Chapter 3 of the Design Guidelines document to limit nuisances such as odors and noise generated by the retail uses. The residential use interior sound attenuation requirement shall be a CNEL value not exceeding an interior level of 45 dB.

Additional commercial/retail uses in excess of 11,500 square feet is permitted through conversion of residential units in accordance with the City's traffic neutral policy or through a transfer of development intensity consistent with the General Plan. Retail uses are permitted throughout the Uptown Newport PC.

Appropriate written notifications shall be provided to all initial and subsequent buyers, lessees, and renters within the Uptown Newport PC notifying them that the area is in the vicinity of John Wayne Airport and, as a result, residents and occupants of buildings may experience inconvenience, annoyance or discomfort arising from the noise resulting from aircraft operating at the ~~airport~~ airport.

2.1.3 Special Events

The mixed-use and open character of Uptown Newport may be conducive to the hosting of a variety of Special Events (as defined in NBMC) throughout the year. Special Events must comply with NBMC.

2.2 DEVELOPMENT PROGRAM

The development program in the Uptown Newport PC is consistent with those established by the ICDP and are identified in Table 2-1. The development program may be modified through amendments to the Uptown Newport PC or the approval of a ~~Transfer~~transfer of ~~Development Rights~~development rights. Carts, kiosks, temporary, and Accessory Uses are permitted and are not counted towards development units or square footage allocated in the Uptown Newport PC.

2.3 TRANSFER OF DEVELOPMENT RIGHTS

The transfer of development rights within this Planned Community to ~~or from~~ areas in the Airport Area Conceptual Development Plan identified in the General Plan is allowed in accordance with the permitted densities, the General Plan and NBMC.

3. Site Development Standards

3.1 PERMITTED HEIGHT OF STRUCTURES

The maximum height for low-rise and mid-rise buildings shall be 75 feet. The maximum building height for high-rise (as defined herein) portions of buildings is 150 feet. ~~A portion~~Portions of the site ~~features~~feature a maximum building height limit of 55 feet (see Figure 3-2). High-rise portions of buildings shall be set back an additional 15' beyond the required setback from property line. High-rise elements may be wholly or partially surrounded with low- and mid-rise structures. The distance between the high-rise portions of buildings shall be a minimum of 75 feet. All building heights are measured at Finished Grade as shown on grading plan or final subdivision map. The maximum Floor Plate of any high-rise portion of a building shall not exceed 25,000 square feet. The number of high-rise structures in each "high-rise zone" shall not exceed the maximum number shown in Figure 3-2.

All development must be constructed in conformance with the height restrictions set forth by Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) Part 77, and Caltrans Division of Aeronautics, and the height restrictions set forth by the Airport Environs Land Use Plan (AELUP) for John Wayne Airport and the Airport Land Use Commission (ALUC). It should be noted that the current aviation easement for JWA as adopted by the Orange County Board of Supervisors restricts the construction of buildings to a maximum height of 206 feet (NAVD 88), including all rooftop appurtenances.

Architectural Features are permitted and may exceed the maximum building height by up to 20 feet, provided that the maximum height of the building, including architectural features does not exceed 206 feet (NAVD 88), including all rooftop appurtenances. Such features must be an extension or complement of the architectural style of the building in terms of materials, design and color. Applicants shall file a Notice of Proposed Construction or Alteration with the FAA (Form 7460-1) for any construction cranes that exceed 200 feet in height above ground level.

3.2 BUILDINGS SETBACK REQUIREMENTS

3.2.1 Perimeter

The building setbacks to the perimeter property line shall be 15'. Exceptions include a 34' setback along the property line adjacent to Jamboree Road, a 10' setback along the southwest property edge, and a 30' setback along ~~a~~ two portions of the northern property line (see Figure 3-4).

3.2.2 Interior Streets

Along the Spine Street building setbacks shall be 27' from property line. Along all other streets building setbacks shall be 17' from property line. Exceptions include a 22' setback on the northeast edge of the secondary Jamboree Road Entry Drive.

3.2.3 Subterranean Setbacks

Subterranean parking structures or other underground structures (including foundations and footings) may project ~~a~~ into required building setbacks and shall be covered with a minimum 2' depth of soil for planting (see Figure 3-3). Subterranean parking structures may encroach into or extend underneath private or public paseos- provided that they are covered with pavers and raised planters.

The maximum distance a subterranean structure may encroach into the building setback is as follows:

- Spine Street: 10'
- Neighborhood Streets: 5'
- Entry Drives: 5'
- Perimeter property lines: 5'
- Jamboree frontage: not permitted

3.2.4 Stairways, Ramps and Patios

On Neighborhood Streets, stairways, front stoops, and ramps are permitted within the front setback and may extend to the back of walk (Figure 3-5).

Street-level private patios on Neighborhood Streets may extend 3 feet into the required building setback (Figure 3-6).

On the Spine Street, stairways, front stoops, and ramps are permitted within the front setback and may extend a maximum of 8 feet (Figure 3-7).

Street-level patios on the Spine Street may encroach a maximum of 4 feet into the required setback. Patio encroachments into the Jamboree Road setback are not permitted (Figure 3-8).

Ramps needed for accessibility may be placed into the street setback ~~but must be incorporated into the overall architectural design and landscape design of the buildings they serve~~ and shall be set back a minimum of 2 feet from the public sidewalk.

3.3 ON-SITE CIRCULATION

3.3.1 Street Hierarchy

Uptown Newport will feature a network of streets which are privately owned, built, and maintained, but accessible to the public. The street network is centered around the internal Spine Street and traffic roundabout, which includes a 36' paved section with the option of adjacent diagonal parking in certain locations (see Figures 3-9 and 3-10). The street network also features two Entry Drives (Figures 3-11 and 3-12) intersecting Jamboree Road, which also may feature diagonal parking. Neighborhood Streets (Figure 3-13) feature ~~tighter~~reduced building setbacks and landscape dimensions than the Spine Street and Entry Drives. The Neighborhood Street along the southwesterly boundary will be gated for emergency access, but will allow for future connection to Von Karman Avenue upon future development of the Koll Center Newport (Figure 3-14). In Phase 2, the central Neighborhood Street will be extended to the northerly property line to allow for future connection to Von Karman Avenue upon future development of the Koll Center Newport.

3.3.2 Sidewalks

Sidewalks shall be provided on both sides of all internal streets and shall be a minimum of five feet in width, however, wider sidewalks are permitted. In cases where project streets are constructed adjacent to future phases, such streets may be allowed to have a sidewalk on one side only until such time that build-out occurs. The installation of parkway landscaping and street trees is required in such instances. All parkways are publicly accessible up to the back-of-walk. Walkways are not required adjacent to private drives, basement access drives or alleys. Streets shall be privately owned and maintained, but open to the public. Outdoor dining is permitted adjacent to retail uses as long as a minimum sidewalk width of five feet is maintained at all times.

3.4 PARKING REQUIREMENTS

Parking within the Uptown Newport PC shall be provided along internal streets and within structured parking that is integrated with residential and retail buildings. On-street parallel and diagonal parking for visitors, public parks and short-term resident parking shall be provided along internal streets. Structured parking shall be provided for residential and retail uses, and may consist of subterranean or above-grade parking structures. Above-grade parking structures shall be encapsulated or lined with residential units or retail space. Refer to Sections 2.4 and 3.74.11 of the Uptown Newport Design Guidelines for parking design standards and considerations.

Parking requirements for implementing projects within the Uptown Newport PC shall be based on the standards set forth herein as part of the site development review process (see Section 4.2).

Parking requirements are based on gross floor area for retail/office/ commercial uses and unit counts for residential units. Carts and kiosks for retail sales, covered or uncovered, shall not be included in the calculation of required parking. Accessory uses for residential developments shall not be included in the calculation of required parking.

Residential parking requirements for Uptown Newport are shown in Table 3-1. ~~Retail parking for retail, restaurant, commercial, and all other uses not included in Table 3-1, and the dimensions of parking spaces, shall conform to not be less than required by~~ NBMC ~~parking requirements~~.

Parallel and diagonal on-street parking is permitted on all internal streets and may be credited toward parking requirements for adjoining retail uses and guest parking requirements for adjoining residential uses. Parallel parking stall sizes shall conform to City of Newport Beach standards and will be permitted on one side of 32'-wide streets (paved section to face of curb) and both sides of a 36'-wide street (paved section to face of curb).

3.5 LANDSCAPING

Refer to NBMC for general landscape and irrigation plans and standards. Refer to Chapter 5 of the Uptown Newport Design Guidelines for landscape and hardscape design guidelines.

3.6 LIGHTING

Refer to NBMC for general exterior lighting standards. Refer to Chapter 5 ~~and Section 3.4.9~~ of the Uptown Newport Design Guidelines for exterior lighting design guidelines.

3.7 RESIDENTIAL PARK, ON-SITE RECREATION & OPEN SPACE

3.7.1 Public Neighborhood Parks

Two (2) neighborhood parks shall be provided within Uptown Newport. The neighborhood parks shall be improved, maintained, and accessible to the public at times. Each neighborhood park shall comply with the following standards:

- 1.0 acre minimum in size, exclusive of adjacent parking spaces (cumulative total of at least 2.00 acres shall be provided);

2. 150 feet or more in dimension;
3. Surrounded by streets on at least two sides;
4. Linked to surrounding residential uses in its respective neighborhood by streets and pedestrian ways; and
5. Contains recreational amenities, which may include:
 - a. Active lawn area
 - b. ~~BBQ~~Barbecue courtyard
 - c. Children's play area
 - d. Other amenities as deemed appropriate by the Community Development Director
6. Have posted a notification to users regarding proximity to John Wayne Airport and related aircraft overflight and noise.

3.7.2 Private ~~Recreational Areas~~Open Space

On-site private ~~recreation amenities~~open space shall be provided in each building phase, individual residential building or complex. A total of 44 square feet of recreational areas shall be provided for each dwelling unit. These areas may include the following amenities:

1. Swimming pools/spas
2. Exercise facilities
3. Tennis courts
4. Basketball courts
5. Clubhouse rooms
6. Roof deck recreation areas
7. Community gardens
8. ~~BBQ~~Barbecue courtyards
9. Passive gathering spaces
10. Other amenities as deemed appropriate by the Community Development Director

3.7.3 Private Balconies

Private balconies may be provided for residential units. ~~If provided, balconies should be 60 square feet minimum for each residential unit.~~ Balconies above the ground level may encroach into required building setback areas by a maximum of two (2) feet into the Neighborhood Streets and four (4) feet into the Spine Street. Balcony encroachments into the Jamboree Road setback are not permitted.

3.7.4 Recreational Open Space

In addition to the public neighborhood parks, recreational open space shall be provided and shall be improved and maintained as common walkways or "paseos." These areas shall be provided with recreational amenities that may include the following:

1. Sitting and social gathering spaces with outdoor furniture
2. Exercise stations
3. Water, fountains, ponds and other such elements
4. Other amenities as deemed appropriate by the Community Development Director

3.8 PERIMETER WALLS AND FENCES

Walls and fences shall be provided along the perimeter of the Uptown Newport PC with the exception of along Jamboree Road. Perimeter walls and fences shall not exceed 6 feet in height. Interim walls built for the purposes of

sound attention may exceed the 6 foot height limit, but shall be buffered by low walls and/or landscaping. Refer to the Uptown Newport Design Guidelines and Phasing Plan for design standards for interim walls and fences.

3.9 INFRASTRUCTURE

3.9.1 Grading

Grading will be conducted and undertaken in a manner consistent with the Uptown Newport Design Guidelines and Phasing Plan as well as applicable grading standards and ordinances of the City of Newport Beach.

3.9.2 Drainage

Drainage will be in accordance with the Uptown Newport Design Guidelines and Phasing Plan as well as applicable standards and ordinances of the City of Newport Beach. This will include approval and implementation of a Water Quality Management Plan that will incorporate Low Impact Development principles.

4. Planned Community Development Plan Implementation

4.1 MASTER SITE DEVELOPMENT PLAN REVIEW

A Master Developer will develop the Master Site Improvements as described in this Section 4 or depicted on Figure 4-1. The Master Site Improvements will be developed in two primary phases to coincide with the Uptown Newport Phasing Plan, and will provide for the cohesive development within the Uptown Newport PC. All Master Site Improvements in a phase shall be bonded for at the time of the grading permit for that phase. Individual building parcels will be developed by merchant builders, with development of individual building sites subject to the Site Development Review process outlined in Section 4.2 herein.

Except as otherwise maintained by a public utility or agency, a Master Association for Uptown Newport shall be created and responsible for maintaining the Master Site Improvements upon acceptance of the completed improvements from the Master Developer. The Master Site Improvements will be maintained by the Master Developer until such time as the Master Site Improvements are accepted by either a public utility, public agency, or the Master Association.

Master Site Improvements include the following:

1. Demolition, site preparation and rough grading;
2. Backbone storm drain system within the ~~public~~ streets;
3. Sanitary sewer system within the ~~public~~ streets;
4. Water distribution system within the ~~public~~ streets;
5. Reclaimed water distribution system within the ~~public~~ streets;
6. ~~Public street~~ Street improvements, including street paving, _____ curb and gutter, sidewalk, parkway improvements _____ to the back of sidewalk;
7. Common area fencing and walls;
8. Neighborhood Park improvements for the two (2) _____ public parks;
9. Landscape improvements within common areas, _____ including: public street parkways to the back of sidewalk; project entries; Jamboree Road parkway _____ and Class 1 and multi-use trail; Neighborhood Park _____ landscape improvements; paseo landscape _____ improvements;
10. Master street light and common area lighting _____ improvements;
11. Dry utilities;
12. Master community signage.

A Master Site Development Plan shall be prepared to implement the Master Site Improvements within the Uptown Newport PC. The purpose of the Master Site Development Plan review is to ensure that the Uptown Newport site is developed consistent with the Uptown Newport PG Land Uses, Development Standards & Procedures, Design Guidelines, Phasing Plan, Development Agreement, applicable environmental mitigation measures, and applicable City Codes and standards, as well as to ensure that the Master Site Improvements are constructed and completed in a manner that provides for a complete and cohesive master plan.

4.1.1 Application

~~Approval~~Review and approval of the Master Site Development Plan application shall be conducted by the City of Newport Beach Planning Commission in accordance with the procedures for a Major Site Review application outlined in NBMC, with the exception of proposed buildings. Proposed buildings within the Uptown Newport PC shall be ~~implemented~~evaluated in accordance with the Site Development Review process outlined in Section 4.2 herein.

Plans shall be prepared for the public and common area elements within the Uptown Newport PC, including streets^{7.1}. The Master Site Development Plan application shall include the following plans for the Uptown Newport project, with separate Master Site Plans prepared for both Phase 1 and Phase 2:

1. Preliminary grading plans;
2. Preliminary street improvement plans;
3. Preliminary master landscape plans and plant palette;
4. Preliminary public parks and ~~pasees~~paseo plans;
5. Preliminary master wall/fence plans;
6. Preliminary master lighting plan (street lights and common area lighting);
7. Preliminary master sign plan.

4.2 SITE DEVELOPMENT REVIEW

The purpose of the Site Development Review process is to ensure ~~implementing~~ projects within the Uptown Newport PC are implemented consistent with the goals and policies of the General Plan, provisions of this Planned Community Development Plan~~document~~, Uptown Newport Design Guidelines, Uptown Newport Phasing Plan, Tentative Tract Map, the Development Agreement, applicable environmental mitigation measures, and consistent with the findings set forth below in sub-section 4.2.~~32~~.

4.2.1 Application

Approval of Site Development Review application by the Community Development Director shall be required prior to the issuance of a grading or building permit for the following:

1. New buildings
2. Neighborhood parks and paseos
3. On-site recreational amenities

~~Signs~~Retail identification signs, tenant improvements to permitted buildings, kiosks, and temporary structures are exempt from the Site Development Review process and are subject to the applicable ministerial permits required by the NBMC.

No public hearing shall be required for a Site Development Review application; however, a public hearing shall be conducted prior to any decision on an application that includes a request for a Minor Use Permit or a Conditional Use Permit, or to adjust development standards, ~~a MUP, or a CUP~~. Notice of the public hearing shall be provided, and the hearing shall be conducted, in compliance with Chapter 20.62 (Public Hearings).

4.2.32 Findings

Consistent with the general purposes set forth in ~~sub~~-section 4.2, the Community Development Director may approve or conditionally approve a site development review application, only after first making the following findings:

1. The development shall be in compliance with all ~~other~~ provisions of the Uptown Newport _____ Planned Community Development Plan Land Uses, Development Standards & Procedures;
2. The development shall be consistent with the _____ Uptown Newport Design Guidelines and Phasing Plan;

~~33.~~ On-site landscaping that is not part of the Master Site Improvements shall be consistent with the master landscape plant palette.

4. The following criteria shall be considered during the review of a Site Development Review application:

a. Compliance with this Section, the General Plan, the ~~NBMC~~Newport Beach Municipal Code, and other _____ applicable criteria _____ and policies related to the use or _____ structure;

b. The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;

c. The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;

d. The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials;

e. Not detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed development.

4.2.43 Contents

The Site Development Review application shall be filed with the Community Development Department on the appropriate City application form, together with all required fees and/or deposit and all other information and materials specified by the Community Development Director for the specific type of application. The following plans or exhibits shall be required unless waived by the Community Development Director:

1. Site Plan clearly depicting existing conditions including adjacent structures and proposed improvements
2. Floor Plans
3. Elevations that clearly demonstrate the architectural theme of each face of all structures, including walls and signs, illustrating the following:
 - a. All exterior materials and manner of application
 - b. All exterior colors
 - c. Building heights

- | **54.** Plans and description of improvements for any on-site public and private recreational amenities and/or open space areas, including furnishings and signage.
- | **65.** Preliminary Landscape Plan, illustrating:
 - a. General location of all plant materials, by common _____ and botanical names with photographs
 - b. Size of plant materials
 - c. Irrigation concept
- | **76.** Lighting Plan, including the location, fixture height, lighting fixture product type and technical specifications
- | **87.** An analysis, including any supporting documentation, of the project's consistency with the General Plan, Planned Community Development Plan Land Uses Development Standards & Procedures, Design Guidelines, and Phasing Plan
- | **98.** Any additional information, studies or materials that the Community Development Director deems necessary

| **4.2.54 Expiration**

Any site development review approved in accordance with the terms of this planned community development plan shall expire within twenty-four (24) months from the effective date of final approval, as specified in Chapter 20.54 of the NBMC, unless at the time of approval the Community Development Director has specified a different period of time or an extension is otherwise granted.

| **4.2.65 Fees**

The applicant shall pay a fee as established by Resolution of the Newport Beach City Council for each application for Site Development Review under this Planned Community Development Plan.

4.3 PLAN CHECK REVIEW

Working drawings for building permit issuances will be conducted by plan check review by City Staff in accordance with the procedures set forth by the Community Development Department.

4.3.1 Application

Application forms, plans, fees, and supporting application materials shall be submitted to the Community Development Department Building Division in accordance with the applicable submittal requirements of the Building Division.

5. Definitions

All words and phrases used in this Uptown Newport PC, as well as the supporting Design Guidelines and Phasing Plan, shall have the same meaning and definition as used in the City of Newport Beach Municipal Code unless defined differently in this section.

Accessory Use: A supporting use to a permitted use, also includes residential support uses such as leasing/sales/property management offices, fitness and recreation facilities, etc. Such supporting uses do not require a conditional use permit approval, are permitted by right and do not count towards the allowable 11,500 square feet of commercial space.

Architectural Features: A prominent or significant part or element of the design of a building, structure, or site. Such features must be an extension of the architectural style of the building in terms of materials, design and color. Examples may include, but are not limited to, turrets, towers, cupolas, etc.

Building Elevation: The exterior wall surface formed by one (1) side of the building

Building Height: Building height is measured from the corresponding point on the roof to the exterior finished grade. If the building is on a sloping surface, the height measurement is taken from the building entrance. Exceptions include but are not limited to below grade parking structures, motor courts, and retaining walls.

Developable Area: The total area of a site less the following:

- a. Publicly dedicated Rights of Way; and
- b. Any dedicated public Park areas.

~~**Kiosks:** Carts and kiosks are small (75 square feet or less), freestanding structures used for retail sales and services. Generally mobile in terms of ease of relocation, the structures can be seasonal, temporary or for a more permanent use.~~

Effective Date of the Uptown Newport PC: The date on which the Uptown Newport PC is approved by the Newport Beach City Council.

Eye Level: The height of 5 feet measured from grade.

Floor Plate: A floor of a building, as depicted by a floor plan, encompassing all building elements on the floor as defined by the exterior enclosing walls.

High-Rise: Any structure with a building height above 75 feet.

~~**Kiosks:** Carts and kiosks are small (75 square feet or less), freestanding facilities used for retail sales and services.
NBMC: Newport Beach Municipal Code~~

~~**Neighborhood Park:** A lot or area of land set aside, designated, dedicated, or reserved for public and private use or enjoyment designed and accessible for outdoor living, active or passive recreation, pedestrian access, or landscaping.~~

~~Generally mobile in terms of ease of relocation, the structures can be seasonal, temporary or for a more permanent use.~~

Master Association: A California nonprofit public benefit corporation, formed pursuant to the California Nonprofit Public Benefit Corporation Law to manage and operate community and public property within Uptown Newport. The Master Association is an "association" as defined in Section 1351(a) of the California Civil Code. The Master Association is an association of all the member associations to manage the common elements within Uptown Newport shared by submember associations.

Master Site Improvements: Any structure or other work of improvement within the public or common areas within the Uptown Newport Planned Community, and any appurtenance thereto, including streets, parks, landscaping, irrigation equipment, paved areas, surface finishes, signs, light fixtures, driveways, walkways, walls, utilities, public services, drainage facilities, and all other fixtures attached to the land and work required in order to install such facilities. The Design Guidelines may, but are not required to, identify additional items that are Improvements.

Master Developer: The Master Developer is responsible for managing the development and disposition of the site from initiation to final build-out, overseeing site preparation and infrastructure development, and asset management. The master developer may or may not be involved in construction of buildings.

Master Site Development Plan: Master Site Plan means the Master Site Development as depicted in Figure 2-2 of the Uptown Newport Design Guidelines and described in Section 4 of this document.

NBMC: Newport Beach Municipal Code

Neighborhood Park: A lot or area of land set aside, designated, dedicated, or reserved for public use or enjoyment designed and accessible for outdoor living, active or passive recreation, pedestrian access, or landscaping.

Parking Structure: Structures containing more than one story principally dedicated to parking. Parking structures may contain ~~accessory uses~~ Accessory Uses.

Pedestrian Ways: Any walkway, path, plaza, arcade or corridor, either covered or open to the sky, which is primarily for use by people on foot.

Podium: A superposed terrace conforming to a building's plan, a continuous pedestal.

~~**Public Streets:** Those areas designated for vehicular circulation within Uptown Newport as specified in Section 3.3.1 of this document.~~

Rooftop Appurtenance: Rooftop appurtenances include, but are not limited to, non-habitable mechanical equipment, stairwell and elevator shaft housing, antennae, window washing equipment, and wireless communication facilities.

Streets: Those areas designated for vehicular circulation including public access easements within Uptown Newport as specified in Section 3.3.1 of this document.