

ORDINANCE NO. 2019- 3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADOPTING PLANNED COMMUNITY DEVELOPMENT PLAN AMENDMENT NO. PD2015-005 AMENDING AREA 5 OF THE BAYVIEW PLANNED COMMUNITY (PC-32) FOR THE HARBOR POINTE SENIOR LIVING PROJECT – A SENIOR CONVALESCENT AND CONGREGATE CARE FACILITY LOCATED AT 101 BAYVIEW PLACE (PA2015-210)

WHEREAS, an application was filed by Harbor Pointe Senior Living LLC of California (“Applicant”), with respect to property located at 101 Bayview Place, and legally described as Lot 1 of Tract No. 12528 in the City of Newport Beach, County of Orange, State of California, as per Map recorded in Book 551 Pages 38 through 41 inclusive of Miscellaneous Maps, in the Office of the County Recorder of said County, Assessor’s Parcel No. 442-283-05 (“Property”);

WHEREAS, the Applicant proposes the demolition of an existing approximately 8,800 square-foot restaurant (“Kitayama”) to accommodate the development of an approximately 85,000 square-foot, three-story senior convalescent and congregate care facility (i.e., memory care and assisted living) as a State-licensed Residential Care Facility for the Elderly (“RCFE”) with 120 beds (“Project”);

WHEREAS, in order to implement the Project, the Applicant requests or requires the following approvals from the City of Newport Beach (“City”):

- **General Plan Amendment (“GPA”)** – The current land use designation is General Commercial Office (“CO-G”) which allows 8,000 square feet for restaurant use or 70,000 square feet for office use. The general plan amendment would change the CO-G land use designation to Private Institutions (“PI”) and amend Anomaly No. 22 to allow the 85,000 square foot RCFE (Table LU2 and associated figures);
- **Planned Community Development Plan Amendment (Zoning)** – To change the allowed land uses and amend development standards in Area 5 of the Bayview Planned Community (“PC-32”) Zoning District;
- **Major Site Development Review** – To ensure the Project is developed in accordance with the applicable planned community and zoning code development standards and regulations pursuant to Newport Beach Municipal Code (“NBMC”) Section 20.52.080 (Site Development Reviews);

- **Conditional Use Permit** – To allow the use of the Property as a 120 bed RCFE (memory care and assisted living facility) with conditions of approval that protect the health, safety and general welfare of the surrounding community;
- **Development Agreement** – The applicant has requested a development agreement, which will provide for public benefits as the project is implemented; and
- **Environmental Impact Report (“EIR”)** – To address reasonably foreseeable environmental impacts of the Project with corresponding mitigation measures that reduce those environmental impacts in accordance with the California Environmental Quality Act (“CEQA”) in 14 California Code of Regulations Section 15000 *et. seq.* and the California Public Resources Code Section 21000 *et. seq.*

WHEREAS, the Property is located within Area 5 of the PC-32 Zoning District and the General Plan Land Use Element category is designated as CO-G;

WHEREAS, the Property is not located within the coastal zone; therefore, a coastal development permit is not required;

WHEREAS, on February 23, 2017, the Planning Commission held a study session in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California, to provide initial direction on the Project. No action was taken at the study session. Although not required, the City mailed a courtesy public notice of this study session to property owners within a 300' radius of the Property;

WHEREAS, on September 13, 2018, the Planning Commission held a study session in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California, to receive a project update and review the draft EIR. No action was taken at the study session. Although not required, the City mailed a courtesy public notice of this study session to property owners within a 300' radius of the Property;

WHEREAS, on December 6, 2018, the Planning Commission held a public hearing in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et. seq.* (“Ralph M. Brown Act”) and Chapter 20.62 of the Newport Beach Municipal Code (“NBMC”). Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, the Planning Commission adopted Resolution No. PC2018-033 by a unanimous vote of 6-0 recommending approval of the Project, and the land use entitlements referenced above, to the City Council;

WHEREAS, on January 17, 2019, the Airport Land Use Commission ("ALUC") reviewed the proposed project and found it consistent with the AELUP. However, the ALUC did include two conditions on the consistency determination: (1) to modify noise mitigation measure NOI-4; and (2) to include an additional condition of approval on the project requiring outdoor signage informing the public of the presence of operating aircraft;

WHEREAS, on February 12, 2019, the City Council held a public hearing in the City Council Chambers located at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act and NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing;

WHEREAS, amendments to the General Plan and Zoning Code are legislative acts and neither the NBMC nor State Planning Law set forth any required findings for either approval or denial of such amendments;

WHEREAS, the proposed amendment to the PC-32 Zoning District meets the intent and purpose for a PC as specified in NBMC Section 20.56.010 (Planned Community District Procedures, Purpose). The property is located in the northern portion of Santa Ana Heights, which includes a mixture of commercial support uses, professional offices, a hotel, and residential developments. The amended PC-32 Development Plan is complimentary to the surrounding development, including the standards and allowed uses of the other planning areas of the PC-32 Zoning District and the adjoining Santa Ana Heights Specific Plan Area;

WHEREAS, the proposed amendment to the PC-32 Development Plan would apply appropriate site and Project-specific setbacks, intensity, and height limits to the project site given the site's urban location and all required parking is provided onsite. The site is currently fully developed and does not support any natural resources. All potential environmental impacts associated with the Project are appropriately addressed through standard building permit procedures and the mitigation measures identified in the final EIR;

WHEREAS, the proposed PC-32 (Bayview Planned Community) amendment and zoning designation are consistent with the proposed General Plan Amendment (GP2015-004) that changes the land use category from CO-G to PI, and amends Anomaly No. 22 to replace the existing allowed development limits of 8,000 square feet for restaurant or seventy thousand (70,000) square feet for office with 85,000 square feet for a RCFE; and

WHEREAS, the future development of the property affected by the proposed amendments will be consistent with the goals and policies of the Land Use Element of the General Plan; and will be consistent with the purpose and intent of the proposed PC-32 Zoning District of the NBMC.

NOW, THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: The City Council has considered the recommendation of the Planning Commission and has determined that modifications to the Project made by the City Council, if any, are not major changes that require referral back to the Planning Commission for consideration and recommendation.

Section 2: The City Council of the City of Newport Beach hereby approves Planned Community Development Plan Amendment No. PD2015-005 as depicted in Exhibit A, attached hereto and incorporated herein by reference, changing the land use designation for Area 5 of the Bayview Planned Community (PC-32) Zoning District from Restaurant Site/Administrative Office to RCFE with a maximum allowed gross floor area of 85,000 square feet and amend other land use and development standards.

Section 3: The recitals provided in this ordinance are true and correct and are incorporated into the operative part of this ordinance.

Section 4: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5: The Harbor Pointe Senior Living Project Final Environmental Impact Report (SCH No. 2016071062) was prepared for the project in compliance with CEQA, the State CEQA Guidelines, and City Council Policy K-3. By Resolution No. 2019-__, the City Council, having final approval authority over the project, adopted and certified as complete and adequate the Harbor Pointe Senior Living Project Final Environmental Impact Report (SCH No. 2016071062) and adopted "Mitigation Monitoring and Reporting Program." Resolution No. 2019-__ is hereby incorporated by reference.

Section 6: Except as expressly modified in this ordinance, all other Sections, Subsections, terms, clauses and phrases set forth in the NBMC shall remain unchanged and shall be in full force and effect.

Section 7: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 12th day of February 2019, and adopted on the 26th day of February, 2019, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

DIANE B. DIXON, MAYOR

ATTEST:

LEILANI I. BROWN, CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE


AARON C. HARP, CITY ATTORNEY

Exhibit A: PC-32 (Bayview Planned Community Development Plan and Development Standards)

Exhibit A

BAYVIEW
PLANNED COMMUNITY DEVELOPMENT PLAN
AND DEVELOPMENT STANDARDS

CITY OF NEWPORT BEACH

August 15, 1985

Amendment No. 644
Resolution No. 87-24
Adopted February 9, 1987

Amendment No. 825
Resolution No. 95-115
Adopted October 9, 1995

Planned Community Amendment No. PD2010-004(PA2010-062)
Ordinance No. 2010-12
Adopted July 6, 2010

Planned Community Amendment No. PD2015-005 (PA2015-210)
Ordinance No. 2019-__
Adopted February 26, 2019

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INTRODUCTION

Location

The Bayview project site is located on the southwest corner of the intersections of Bristol Street South and Jamboree Road in the Santa Ana Heights area of unincorporated Orange County. To the north is Bristol Street South and the extension of the Corona del Mar Freeway. West of the site is a residential area of single-family homes. To the south is Upper Newport Bay.

Existing Zoning

- PA/95 PD: Professional Administrative
- CC/90: Community Commercial
- CC/35: Community Commercial
- R1-2975 PD (2975): Single family, 2,975 square feet minimum lot size.
- R2-2, 400: Multi-family, 2,400 square feet minimum area per unit.

B1: Buffer.

The development standards set forth herein will provide for the development of the subject property, in accordance with these standards and those of the City of Newport Beach.

Land Uses

The Bayview development is designated for residential, recreational, commercial, professional, institutional, hotel, and office uses as shown on Exhibit 1.

GENERAL NOTES

1. Water service to the Planned Community District will be provided by the Irvine Ranch Water District or the City of Newport Beach.
2. Sewage Disposal service facilities to the Planned Community will be provided by the Irvine Ranch Water District.
3. Except as otherwise stated in this Planned Community text, the requirement of the Newport Beach Zoning Ordinance shall apply. Where a conflict exists, the Planned Community text shall supersede.
4. The contents of this text notwithstanding, all construction within the Planned Community boundaries shall comply with all provisions of the Uniform Building Code and the various mechanical codes related thereto except as noted in the Preannexation Agreement.
5. A pedestrian and bicycle trail system shall be provided as shown on the approved Tentative Map of Tract No. 12212. The system shall be reviewed and approved by the City of Newport Beach Public Works Department.
6. Affordable housing shall be provided as per the Bayview Preannexation Agreement.
7. Park dedication shall be provided as per the Bayview Preannexation Agreement.

Definitions

The following definitions shall apply to the development of Bayview Planned Community.

1. Gross Acreage shall mean the entire site area within the project boundary as shown on the approved Tentative Map of Tract 12212.
2. Parcel Map Net Area shall mean the entire area within the project boundary line excluding previously dedicated perimeter streets.
3. Building Acreage shall mean the entire site area within the project boundary excluding streets, park dedication, areas with existing natural slopes greater than 2:1, and natural floodplains.
4. Cluster Unit Development shall mean a combination or arrangement of attached or detached dwellings and their accessory structures on contiguous or related building sites where the yards and open spaces are combined into more desirable arrangements or open spaces and where the individual sites may have less than the required average of the district but the density of the overall development meets the required standard.
5. Conventional Subdivision on a Planned Community Concept shall mean a conventional subdivision of detached dwellings and their accessory structures on individual lots where the lot size may be less than the required average for the district but where open space areas are provided for the enhancement and utilization of the overall development.

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BAYVIEW SITE STATISTICS

| | <u>Area</u> | <u>Gross Acreage</u> | <u>Maximum D.U.</u> | <u>Maximum Hotel Rooms</u> | <u>Maximum Gross Sq.Ft.</u> |
|---|---|----------------------|---------------------|----------------------------|-----------------------------|
| 1 | Multi-family Residential | 6.1 | 88 | - | - |
| 2 | Single family Residential | 17.4 | 145 | - | - |
| 3 | Professional Administrative Office | 16.8 | - | - | - |
| | • Office | - | - | - | 660,000 |
| | • Retail | - | - | - | 27,500 |
| 4 | Hotel Site | 6.3 | - | 300 | - |
| 5 | Residential Care Facility for the Elderly | 1.6 | - | - | 85,000 |
| 6 | Buffer | 16 | - | - | - |
| | Total Gross Area | 64.2 | | | |

AREA 1, MULTIFAMILY RESIDENTIAL

Intent

The inclusion of multi-family residential units in the Bayview Planned Community District provides quality housing opportunities to the general public.

Permitted Uses

1. Single-family dwellings/attached or detached.
2. Noncommercial recreation facilities.
3. Duplexes.
4. Dwelling groups and multiple-family dwellings.
5. Residential condominium projects and community apartment projects.
6. Sewage lift stations.
7. Community care facilities service six or fewer persons.
8. Any other uses that in the opinion of the City of Newport Beach Planning Commission are of a similar nature.
9. Gated community with vehicular access control facilities.

Temporary Uses Permitted

1. Model homes, temporary real estate offices, and signs.
2. Temporary use of a mobile home residence during construction.
3. Real estate signs.

Accessory Uses Permitted

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

1. Garages and carports.
2. Swimming pools and spas.
3. Fences and walls.
4. Signs.
5. Any other accessory use or structure which the Planning Commission finds to be of a similar nature.

Development Standards/Attached Residential

1. **Maximum Height Limits**
All buildings shall not exceed an average of 35 feet.
2. **Setbacks**
A minimum setback of fifteen feet shall apply to all structures other than garages adjacent to public streets; except that balconies and patios may encroach six feet into the required setback.

Architectural features such as but not limited to cornices, eaves, and wingwalls may extend two and one-half (2-1/2) feet into the required setback from a public street.

Setbacks shall be measured from the ultimate right-of-way line.
3. **Setbacks from Other Property Lines and Structures**
 - a. A minimum of first-story front yard setback of five feet shall be required. This setback shall be measured from the back of curb or in the event that sidewalks are constructed, from back of sidewalk. The second story front may be constructed adjacent to the back of curb or in the event that sidewalks are constructed, adjacent to back of sidewalk.
 - b. All main residential structures shall be a minimum of eight feet apart. This shall be measured from face of finished wall to face of finished wall.

- c. Detached garages shall be separated from main residential structures a minimum of eight feet. This also shall be measured from face of finished wall to face of finished wall.
 - d. Garages with direct access from private streets shall be set back a minimum of five feet from back of curb, or in the event that sidewalks are constructed, from back of sidewalk.
 - e. A minimum five-foot setback shall occur from the most northerly property line of lots 5, 6, and 7 on the Tentative Map of Tract 1236.
4. Fences, Hedges and Walls
Fences shall be limited to a maximum height of eight feet.
5. Architectural Features
Architectural features, such as but not limited to cornices, eaves, and wing walls, may extend two and one-half (2-1/2) feet into any front, side or rear yard setback.
6. Parking
Two covered spaces per unit plus .36 guest parking spaces per unit will be required. 25% of all guest parking may be compact spaces. Guest parking shall be clustered with a minimum of two spaces per cluster.

AREAS 1 AND 2, SINGLE FAMILY RESIDENTIAL

Intent

The R1 designation is established to provide for the development of a medium density single family residential neighborhood. The area provides a method whereby land may be developed to utilize design features which take advantage of modern site planning techniques. The intent is to produce an integrated development project providing an environment of stable, desirable character which will be in harmony with existing and potential development of the surrounding neighborhood.

Permitted Uses

1. Single-family dwellings.
2. Noncommercial recreation facilities.
3. Sewage lift stations.
4. Any other uses that in the opinion of the City of Newport Beach Planning Commission are of a similar nature.
5. Gated community with vehicular access control facilities.

Temporary Uses Permitted

1. Model homes, temporary real estate offices, and signs.
2. Temporary use of a construction trailer.
3. Real estate signs.

Accessory Uses Permitted

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

1. Garages and carports.
2. Swimming pools and spas.
3. Fences and walls.

4. Patio covers.
5. Any other accessory use or structure which the Planning Commission finds to be of a similar nature.

Development Standards

1. **Maximum Height Limits**
All buildings shall not exceed an average of 35 feet.
2. **Building Site Area**
The minimum building site area shall be 2,975 square feet.
3. **Setbacks**
 - a. **Front Yard**
 - (1) Where garages face the street, the front yard setback shall be a minimum of five feet from back of curb or in the event sidewalks are constructed, minimum of five feet from back of sidewalk.
 - (2) Where garages face the alley the front setback shall be a minimum of eight feet from back of curb or in the event sidewalks are constructed, minimum of eight from back of sidewalk.
 - b. **Side Yard**
 - (1) Minimum setback of four feet from property line with a ten foot minimum setback between buildings.
 - c. **Rear Yard**
 - (1) Where garages face the street, the rear yard setback shall be a minimum of eight feet.
 - (2) Where garages face the alley rear setback shall be a minimum of fifteen feet from centerline of alley.
4. **Fences, Hedges, and Walls**

Fences shall be limited to a minimum height of eight feet except within the front yard setback where fences, hedges and walls shall be limited to three feet.

5. Trellis

Open trellis and beam construction, and patio covers where reciprocal side yard easements exist, shall be permitted within six feet of a residential structure on adjacent property. Trellis and beam construction and patio covers shall be permitted to extend to within three feet of the residential dwelling on the adjacent property if the structure is open on three sides and the total area is 400 square feet or less. Where a corner dwelling exists adjacent to a private street or drive, open trellis and beam construction and patio covers shall be permitted to extend within three feet of a property line except in such cases where an intervening wall exists, such structure may not extend beyond said wall. Limited to 9' 0" in height

6. Parking

Parking for residential uses shall be in the form of not less than two (2) covered parking spaces on-site per dwelling unit.

7. Architectural Features

Architectural features, such as but not limited to cornices, eaves, fireplaces, bay windows and wingwalls, may extend two and one-half (2-1/2) feet into any front, side or rear yard setback.

8. Pools, Spas, Air Conditioning and Related Equipment

Where reciprocal easements exist, pools and spas may be located in the reciprocal easement; however, no pool, spa or air conditioning equipment shall be permitted in the reciprocal easement. All pool, spa and air conditioning equipment shall be sound attenuated in such a manner as to achieve a maximum sound level of 55dBA at the property line.

1. Equipment may not cross property line.
2. Pools or spas may cross property line up to easement line.

AREA 3, PROFESSIONAL AND ADMINISTRATIVE OFFICE

Intent

The intent is to provide areas for the development of professional and administrative offices and related uses in locations of close proximity to residential areas. These uses can conveniently serve the public and create a suitable environment for professional and administrative office buildings especially designed for this purpose. Uses in the area have been located on sites large enough to provide for landscaped open spaces and offstreet parking facilities.

The area is intended to be located on heavily traveled streets or adjacent to commercial or industrial districts. The land may be developed to utilize design features which take advantage of modern site planning techniques.

Permitted Uses

1. Professional offices.
2. Administrative offices.
3. Restaurants, bars, theater/nightclubs and delicatessens.
4. Accessory structures and uses necessary and customarily incidental to permitted uses including dry cleaners, barber shops, copy centers, shoe repairs, photo finishing, stationers, convenience markets and onsite liquor sales.
5. Business and real estate signs.
6. Gas stations, auto services, and detailing in parking structures.
7. Health Club.
8. Offstreet parking structures.
9. Landscaped areas, parks, and open space areas when integrated into the development project.
10. Any other uses that in the opinion of the City of Newport Beach Planning Commission are of similar nature.
11. Medical Offices
12. Outpatient surgery facility

Permitted Uses Subject to Use Permit

1. Helistop.

Development Standards

1. Maximum Height Limits

All buildings shall not exceed 95 feet in height. This height shall be measured from first floor elevation (excluding subterranean levels) to ceiling elevation of uppermost floor. An additional fifteen (15') feet height extension is permitted only to accommodate and screen mechanical equipment.

2. Building Site Area

The minimum building site area shall be 10,000 square feet.

Minimum Building Site Width: There is no restriction on building site width.

Minimum Building Site Depth: There is no restriction on building site depth.

Maximum Gross Floor Area: The total gross floor area of the combined two commercial office building structures shall not exceed 660,000 gross square feet.

There is no gross floor area or building coverage restrictions on individual buildings in cluster developments provided that the provisions stated above are met, adequate offstreet parking is provided, and provisions are made for the maintenance of common areas and access to individual building sites. This is subject to the review of the Director of Planning and the Director of Public Works.

3. Setbacks

Front, side, and rear yard setbacks shall each be ten feet from the property line. Distances between buildings shall be in compliance with the Uniform Building Code.

4. Streets and Driveways

Streets and driveways shall provide adequate vehicular circulation for service and emergency vehicles for the project and the area within which it is located. Required widths and improvements shall be established by the recorded Tract Map.

5. Offstreet Parking

Offstreet parking shall be provided in accordance with the approved parking plan and Preannexation Agreement.

6. Trash and Storage Area

All storage of cartons, containers, and trash shall be shielded from view within a building or within an area enclosed by a wall not less than six feet in height.

7. Landscaping

Detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect, licensed landscaping contractor, or architect, and shall be reviewed by the Department of Parks, Beaches, and Recreation and approved by the Director of Planning and Director of Public Works.

PROPOSED

AREA 4 HOTEL SITE

Intent

The Community Commercial designation provides areas for commercial uses which offer a wide range of goods and services including those facilities for overnight accommodations, shopping goods, convenience goods and services, and food services.

Permitted Uses

1. Hotels and motels
2. Ancillary structures and uses necessary and customarily incidental to hotels and motels including but not limited to:
 - Retail businesses.
 - Restaurants, bars and theater/nightclubs.
 - Service businesses.
 - Automobile parking lots and structures.
 - Recreation facilities.
 - Day nurseries.
 - Public and private parks and playgrounds.
 - Financial institutions.
 - Public/private utility buildings and structures.
 - Self-service laundry and dry cleaning facilities.
 - Any other uses that in the opinion of the City of Newport Beach Planning Commission are of a similar nature.

Temporary Uses Permitted

1. Commercial coaches.

Permitted Uses Subject to Use Permit

1. Automobile washing.
2. Health Clubs.
3. Helistops.
4. Mini-storage facilities.
5. Public utility exchanges and substations.
6. Any other use which the Planning Commission finds consistent with the purpose and intent of this area.

Permitted Accessory Uses

The following accessory uses and structures are permitted when customarily associated with and subordinate to a permitted principal use on the same building site. buildings.

1. Detached buildings.
2. Fences and walls.
3. Signs.
4. Accessory uses and structures which the Planning Commission finds to be of a similar nature.
5. Onsite liquor sales.

Prohibited Uses

1. Automobile repair garages, fender and body repair, and paint shops.
2. Automobile service stations.
3. Automobile wrecking, junk, and salvage yards.
4. Beverage bottling plants.
5. Cleaning, dyeing, and laundry plants.
6. Ice Production.

7. Rental and sales agencies for agricultural, industrial, and construction equipment.
8. Rental and sales agencies for trailers, boats, trucks, automobiles, and recreational vehicles.
9. Tire retreading.
10. Warehouses, contractor's storage yards, and work and fabricating areas.
11. Welding shops.
12. Wholesale bakeries.

Development Standards

1. Maximum Height Limits

Buildings shall not exceed 90 feet. This height shall be measured from first floor elevation (excluding subterranean levels) to ceiling elevation of uppermost floor. An additional fifteen (15') feet height extension is permitted only to accommodate and screen rooftop mechanical equipment.

2. Building Site Area

There are no specifications for minimum building site area.

3. Offstreet Parking

Offstreet Parking shall be provided in accordance with the and Preannexation Agreement. Any changes to said plan shall be approved by the City of Newport Beach Planning Director.

4. Structural Setbacks

Community Commercial uses which abut:

| <u>Use</u> | <u>Front Yard</u> | <u>Side and Rear Yards</u> |
|-----------------------------|-------------------|----------------------------|
| Commercial | 5 feet | 0 feet |
| Residential | 5 feet | 20 feet |
| Professional Administrative | 5 feet | 0 feet |

Street setbacks: Front, side and rear yard setbacks shall each be ten feet from the property line. Distances between buildings shall be in compliance with the Uniform Building Code.

5. Loading

All loading and unloading operations shall be performed on the site and loading platforms and areas shall be screened by a landscape or architectural feature.

6. Trash and Storage Area

All storage of cartons, containers and trash shall be shielded from view within a building or within an area enclosed by a wall not less than 6 feet in height.

7. Landscaping

Detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect, licensed landscaping contractor, or architect, and shall be reviewed by the Department of Parks, Beaches, and Recreation and approved by the Director of Planning and Director of Public Works.

PROPOSED

AREA 5 RESIDENTIAL CARE FACILITY FOR THE ELDERLY (RCFE)

Intent

The Residential Care Facility for the Elderly (RCFE) designation provides areas for facilities which serve seniors in need of assisted living, memory care and similar uses. The purpose of this designation is to support an “aging in place” development that offers a range of living arrangements for senior citizens that includes physical and programmed social connectivity, and supportive services.

Permitted Uses Subject to Use Permit

1. RCFE as defined by the State of California including assisted living facilities and memory care services serving the elderly.
2. Any other uses that in the opinion of the City of Newport Beach Planning Commission are of a similar nature.

Temporary Uses Permitted

1. Temporary uses are subject to the provisions of NBMC Section 20.52.040 (Limited Term Permits) or its successor section.

Permitted Accessory Uses

The following accessory uses are permitted when customarily associated with and subordinate to a permitted principal use on the same building site.

1. Retail businesses as an accessory use to the RCFE.
2. Service businesses as an accessory use to the RCFE.

Prohibited Uses

1. Any use specifically not listed as permitted or conditionally permitted.

Development Standards

1. Maximum Height Limits

Buildings shall not exceed 35 feet. This height shall be measured from first floor elevation (excluding subterranean levels) to ceiling elevation of uppermost floor. An additional ten (10') feet height extension is permitted only to accommodate and screen mechanical equipment.

2. Maximum Square Feet

Floor area limit is 85,000 sq. ft.

3. Building Site Area

Minimum building site area is 1.5 acres

4. Off-Street Parking

Off-street parking shall be provided at a ratio of not less than one space per three beds.

5. Setbacks

Front (Bayview Place): 10 feet

Right Side (Bristol Street): 15 feet

Left Side: 40 feet

Rear: 40 feet

6. Other Development Standards

Unless otherwise approved by the review authority, all other development standards including those related to signs, fences, walls, lighting, noise, solid waste and recycling, and landscaping shall comply with the NBMC Title 20 (Planning and Zoning) and any other applicable titles of the NBMC.

7. Loading

All loading and unloading operations shall be performed on the site and loading platforms and areas shall be screened by a landscape or architectural feature.

8. Trash and Storage Area

All storage of cartons, containers and trash shall be shielded from view within a building or within an area enclosed by a wall not less than 6 feet in height.

9. Landscaping

Detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect, licensed contractor, or architect, and shall be reviewed and approved by the Community Development Director.

AREA 6, BUFFER

Intent

The Buffer designation is established to provide open space forth purpose of buffering two areas of use that are incompatible, preserving an area with unique or sensitive environmental features, linking other open space areas, or shaping urban form, and for reservation of potential road right-of-way.

Permitted Uses

1. Back Bay access.
2. Marine preserves.
3. Passive parks and greenbelts.
4. Riding and hiking trails.
5. Fences.
6. Viewpoints.
7. Wildlife corridors.
8. Any other use that in the opinion of the City of Newport Beach Planning Director is consistent with the above stated uses, purposes, and intent of the area.
9. Roadways.
10. Desilting basins and drainage facilities.
11. Active parks and playgrounds.
12. Overhead or underground utility facilities.
13. Walls or opaque fences over 3-1/2 feet in height.
14. Any other use which the Planning Commission finds consistent with the purpose and intent of this area.

Permitted Accessory Uses

Accessory uses and structures which are customarily associated with and subordinate to a permitted principal use on the same building site and which are consistent with the purpose and intent of this district are permitted.

Site Development Standards

1. Building Site Area
 There is no minimum building site area.
2. Building Height
 The maximum building height shall be 18 feet.
3. Building Setbacks
 Building Setbacks shall be 20 feet from all property lines.
4. Signage
 No signs shall exceed six square feet in area.