

NEWPORT BANNING RANCH PLANNED COMMUNITY DEVELOPMENT PLAN

APPLICANT

Newport Banning Ranch LLC

1300 Quail Street, Suite 100
Newport Beach, CA 92660

- **Michael A. Mohler, Managing Director**
Tel: (949) 833-0222

DESIGN TEAM

- **FORMA Design**
Planners & Landscape Architects

- **FUSCOE Engineering**
Civil & Water Quality Engineers

- **Glenn Lukos Associates**
Terrestrial & Wetlands Biologists

- **Robert Hidey Architects**
Building Architects

- **Bassenian-Lagoni Architects**
Building Architects

- **Studio SA**
Green & LEED Consultants

- **CTG Energetics, Inc.**
Green & Sustainable Solutions

- **LSA Associates, Inc.**
Traffic Engineering & Cultural Resources

- **Geosyntec Consultants**
Oil Site Remediation

- **Firesafe Planning**
Fire Safety Solutions

AUGUST

NEWPORT BANNING RANCH

PLANNED COMMUNITY DEVELOPMENT PLAN

Submitted to:

City of Newport Beach

Planning Department
3300 Newport Boulevard
Newport Beach, California 92658

A u2011s t

Submitted by:

Newport Banning Ranch LLC

APPLICANT

Newport Banning Ranch LLC
1300 Quail Street, Suite 100
Newport Beach, CA 92660

Michael A. Mohler, Managing Director
Tel: (949) 833-0222

DESIGN TEAM

FORMA Design
Planners & Landscape Architects

Fuscoe Engineering
Civil and Water Quality Engineers

Glenn Lukos Associates
Terrestrial and Wetlands Biologists

Robert Hidey Architects
Building Architects

Bassenian-Lagoni Architects
Building Architects

Studio SA
Green & LEED Consultants

CTG Energetics, Inc.
Green & Sustainable Solutions

LSA Associates, Inc.
Traffic Engineers & Cultural Resources

Geosyntec Consultants
Oil Site Remediation

Firesafe Planning
Fire Safety Solutions



TABLE OF CONTENTS

1 INTRODUCTION

1.1	Project Location	1-1
1.2	Purpose, Authority, and Applicability of the Planned Community Development Plan	1-1
1.2.1	Purpose.....	1-1
1.2.2	Authority	1-1
1.2.3	Applicability.....	1-1
1.3	Relationship to the Municipal Code.....	1-2
1.4	Relationship to the California Coastal Act.....	1-2
1.5	Severability.....	1-2
1.6	Organization of the NBR-PC.....	1-3

2 DEVELOPMENT PLAN

2.1	Purpose and Intent	2-1
2.2	Development Plan.....	2-1
2.2.1	Planned Community Land Use Districts	2-1
2.2.2	Planned Community Development Table	2-2
2.3	Open Space Districts	2-3
2.3.1	Lowland Open Space/Public Trails and Facilities District (LOS/PTF)	2-3
2.3.2	Upland Open Space/Public Trails and Facilities District (UOS/PTF)	2-3
2.3.3	Interim Oil Facilities District (OF)	2-3
2.4	Public Parks/Recreation Districts	2-4
2.4.1	Community Park District (CP).....	2-4
2.4.2	Bluff Park District (BP)	2-4
2.4.3	Interpretive Parks District (IP)	2-4
2.5	Visitor-Serving Resort/Residential District (VSR/R)	2-5
2.6	Residential Districts.....	2-6
2.6.1	Low Density Residential District (RL)	2-6
2.6.2	Low-Medium Density Residential District (RL/M).....	2-6
2.6.3	Medium Density Residential District (RM)	2-6
2.6.4	Mixed-Use/Residential District (MU/R).....	2-7
2.7	Circulation	2-8
2.7.1	Roadway Plan	2-8
2.7.2	Project Entries and Off-Site Improvements	2-8
2.7.3	Traffic-Calming Design Features.....	2-10
2.7.4	Internal Project Roadways	2-10
2.8	Infrastructure and Utilities.....	2-13
2.8.1	Water Facilities Plan	2-13
2.8.2	Wastewater Facilities Plan	2-13
2.8.3	Drainage Facilities	2-13
2.8.4	Public Utilities and Services	2-14

Table of Contents (continued)

3 LAND USE AND DEVELOPMENT STANDARDS

3.1	Purpose and Intent	3-1
3.2	General Site Development Regulations	3-1
3.2.1	Oil Operations	3-1
3.2.2	Grading Plans	3-2
3.2.3	Public Infrastructure and Utilities	3-2
3.2.4	Provision of Telecommunication Infrastructure	3-2
3.2.5	Solid Waste and Recyclable Materials Storage.....	3-2
3.2.6	Model Home Complexes.....	3-3
3.2.7	Fence, Hedge, Wall, and Retaining Wall Regulations	3-3
3.3	Landscape Regulations	3-4
3.4	Lighting Regulations	3-5
3.4.1	General Lighting Standards and Regulations	3-5
3.4.2	Outdoor Lighting Standards for Commercial Uses in the MU/R and VSR/R Land Use Districts	3-5
3.4.3	Outdoor Lighting Standards for Multi-Family Residential Uses	3-6
3.4.4	Outdoor Lighting Standards for Sports and Athletic Playing Fields in the CP Land Use District	3-6
3.4.5	Outdoor “Dark Sky” Lighting Standards	3-6
3.4.6	Design Standards for HOA-Maintained Outdoor Lighting in all Land Use Districts	3-7
3.4.7	Exemptions from Outdoor Lighting Requirements.....	3-7
3.5	Community Master Sign Program.....	3-8
3.5.1	Community Master Sign Program Contents	3-8
3.5.2	Signs not Included in the Community Master Sign Program.....	3-8
3.6	Green and Sustainable Regulations	3-9
3.7	Parking Regulations	3-9
3.7.1	Preferential Parking for Carpools and Rideshare	3-9
3.8	Fire and Life Safety Requirements	3-10
3.8.1	Requirement for Fire and Life Safety Program.....	3-10
3.8.2	Alternate Materials and Methods	3-10
3.8.3	Fire Restrictions in CC&Rs	3-10
3.8.4	Use of Fire and Life Safety Program	3-10
3.9	Allowable Land Uses	3-11
3.9.1	Purpose and Intent.....	3-11
3.9.2	Permitted Uses	3-11
3.9.3	Conditionally Permitted Uses	3-11
3.9.4	Special Event Uses.....	3-11
3.9.5	Limited Duration Uses	3-12
3.9.6	Uses Not Listed.....	3-12
3.9.7	Legal Non-Conforming Uses	3-12
3.9.8	Allowable Uses	3-13
3.10	Open Space District Regulations.....	3-17
3.10.1	Purpose and Intent.....	3-17
3.10.2	Site Development Standards	3-17

Table of Contents (continued)

3.11	Public Parks/Recreation District Regulations	3-18
3.11.1	Purpose and Intent.....	3-18
3.11.2	CP District, BP District, and IP District Regulations.....	3-18
3.12	Visitor-Serving Resort/Residential Regulations	3-19
3.12.1	Purpose and Intent.....	3-19
3.12.2	Visitor-Serving Resort/Residential District Regulations	3-19
3.13	Residential Development Regulations	3-21
3.13.1	Purpose and Intent.....	3-21
3.13.2	Low Density Residential District, Low-Medium Density Residential District, Medium Density Residential District, Visitor-Serving Resort/Residential District, and Mixed-Use/Residential District Regulations	3-21
3.13.3	HOA Recreation Facility Regulations	3-22
3.14	Commercial Regulations.....	3-34
3.14.1	Purpose and Intent.....	3-34
3.14.2	Mixed-Use/Residential District, the Visitor-Serving Resort/Residential District, Low-Medium Density Residential District, and Medium Density Residential District Regulations.....	3-34
3.15	Mixed-Use/Residential Regulations	3-38
3.15.1	Purpose and Intent.....	3-38
3.15.2	Mixed-Use/Residential District Regulations.....	3-38
3.15.3	Vertical Mixed-Use Development Regulations	3-39
3.15.4	Live-Work Residences Development Regulations	3-41
3.15.5	Outdoor Storage, Display, and Activities.....	3-41
4	IMPLEMENTATION AND ADMINISTRATION	
4.1	Purpose and Intent	4-1
4.2	Development Permits Required	4-1
4.3	Interpretation and Enforcement	4-1
4.3.1	Interpretation.....	4-1
4.3.2	Enforcement	4-1
4.4	Master Development Plan.....	4-2
4.4.1	Purpose and Intent.....	4-2
4.4.2	Contents of a Master Development Plan.....	4-2
4.4.3	Review Authority and Application Review	4-4
4.4.4	Findings for Approval of a Master Development Plan	4-4
4.4.5	Development Activities Permitted Pursuant to Master Development Plan Approval.....	4-5
4.4.6	Requirement for Site Development Review.....	4-5
4.5	Site Development Review.....	4-6
4.5.1	Purpose and Intent.....	4-6
4.5.2	Applicability.....	4-6
4.5.3	Application Review.....	4-6
4.5.4	Review Authority	4-7
4.6	Modification Permits.....	4-7
4.6.1	Purpose.....	4-7
4.6.2	Applications, Allowable Modifications, and Application Review.....	4-7
4.7	Subdivision Map Applications.....	4-7

Table of Contents (continued)

4.8	Coastal Development Permit	4-8
4.9	Use Permits	4-9
4.9.1	Purpose.....	4-9
4.9.2	Review Authority and Application Review	4-9
4.10	Limited Term Permits	4-9
4.10.1	Purpose.....	4-9
4.10.2	Applicability.....	4-9
4.10.3	Uses Exempt from Requirements.....	4-10
4.10.4	Uses Allowed Subject to a Limited Term Permit	4-10
4.10.5	Application Filing, Processing, and Review	4-10
4.11	Model Home Complex Permit	4-11
4.11.1	Intent	4-11
4.11.2	Application.....	4-11
4.11.3	Review Authority and Application Review	4-11
4.11.4	Effective Date, Time, Time Limits, and Extension.....	4-11
4.11.5	Structures and Facilities Permitted with a Model Home Complex Permit	4-12
4.12	Variances	4-12
4.12.1	Purpose.....	4-12
4.12.2	Applications and Review of Variance Requests	4-12
4.13	Community Master Sign Program	4-13
4.13.1	Approval of Community Master Sign Program	4-13
4.13.2	Applications and Review of Community Master Sign Program.....	4-13
4.14	Zoning Clearances	4-13
4.14.1	Purpose.....	4-13
4.14.2	Applicability.....	4-13
4.14.3	Applications and Review	4-14
4.15	Application of Residential Densities	4-14
4.16	Land Use District Acreage Refinement, Transfer of Residential Dwelling Units and Transfer of Commercial Area	4-14
4.17	Minor Modifications	4-15
4.17.1	Land Use Acreage Refinements.....	4-15
4.17.2	Transfer of Residential Dwelling Units	4-15
4.17.3	Transfer of Commercial Area from MU/R District to VSR/R District.....	4-16
4.17.4	Review Authority	4-17
4.18	Amendments	4-17
5	DEFINITIONS OF TERMS/ACRONYMS	
5.1	Definitions of Terms	5-1
5.2	Definitions of Acronyms	5-9

LIST OF EXHIBITS

1 INTRODUCTION

1-1	Regional Setting Map	1-5
1-2	Vicinity Map	1-7

2 DEVELOPMENT PLAN

2-1	Planned Community Development Plan	2-15
2-2	Planned Community Development Table	2-17
2-3	Conceptual Roadway Plan and Key Map	2-21
2-4	West Coast Highway - Bluff Road Entry/Intersection Improvements	2-23
2-5	15th Street Entry and Off-Site Improvements	2-25
2-6	16th Street Entry and Off-Site Improvements	2-27
2-7	North Bluff Road Off-Site Improvements	2-29
2-8	17th Street Entry Off-Site Improvements	2-31
2-9	19th Street and North Bluff Road Entry and Off-Site Improvements	2-33
2-10	Traffic-Calming Design Features	2-35
2-11	Sections K-K and L-L – West Coast Highway	2-37
2-12	Sections A-A, B-B, and P-P – Bluff Road (West Coast Highway to 15th Street) North Bluff Road (15th Street to 16th Street),	2-39
2-13	Sections Q-Q and R-R – North Bluff Road (16th Street to 17th Street)	2-41
2-14	Sections J-J and M-M – North Bluff Road (17th Street to 19th Street)	2-43
2-15	Sections C-C, D-D, and E-E – 15th, 16th, and 17th Streets	2-45
2-16	Sections G-G and H-H – Resort Colony Road and Scenic Drive	2-47
2-17	Sections F-F, I-I, and N-N – Typical Local Roads and Private Alley	2-49
2-18	Conceptual Water Facilities Plan	2-51
2-19	Conceptual Wastewater Facilities Plan	2-53
2-20	Conceptual Drainage Plan	2-55

3 LAND USE AND DEVELOPMENT STANDARDS

3-1	Allowable Uses	3-14
3-2	Single-Family Detached Residential Development Regulations Matrix	3-24
3-3	Single-Family Attached Residential Development Regulations Matrix	3-27
3-4	Multi-Family Residential Development Regulations Matrix	3-31
3-5	Commercial Development Regulations Matrix	3-36

4 IMPLEMENTATION AND ADMINISTRATION

No Exhibits.

5 DEFINITIONS OF TERMS/ACRONYMS

No Exhibits.

1 INTRODUCTION

1.1 Project Location

The Newport Banning Ranch Planned Community Development Plan (NBR-PC) applies to the approximately 401-acre Newport Banning Ranch site (Project Site) located north of West Coast Highway, south of 19th Street, and east of the Santa Ana River. Exhibit 1-1, Regional Setting Map, and Exhibit 1-2, Vicinity Map, illustrate the Project Site location.

Approximately 41 acres of the Project Site are located within the corporate boundary of the City of Newport Beach (City). Approximately 360 acres of the Project Site are located in unincorporated Orange County, within the City's Sphere of Influence (SOI).

The Project Site is located within the California Coastal Zone as defined by the California Coastal Act.

1.2 Purpose, Authority, and Applicability of the Planned Community Development Plan

1.2.1 Purpose

The purpose of the NBR-PC is to establish appropriate zoning to regulate land use and development of the Project Site consistent with the City's General Plan land use designation for the Project Site of "OS (RV)", Open Space (Residential Village). The NBR-PC establishes zoning regulations ("Regulations") for that portion of the Project Site located within the City and pre-annexation zoning regulations for that portion of the Project Site located within the City's SOI. Upon annexation of that portion of the Project Site located within the City's SOI, the NBR-PC will serve as zoning for this area.

1.2.2 Authority

The authority for approving the NBR-PC is established within the Newport Beach Municipal Code (NBMC), Chapter 20.16.10, "Planned Community Zoning District" which provides that a PC zoning district is intended for areas appropriate for the development of coordinated, comprehensive projects that result in a superior environment; to allow diversification of land uses as they relate to each other in a physical and environmental arrangement while maintaining the spirit and intent of the Zoning Code; and to include a variety of land uses, consistent with the General Plan, through the adoption of a development plan and related text that provides land use relationships and associated development standards.

PLANNED COMMUNITY DEVELOPMENT PLAN

1.2.3 Applicability

No structure shall be constructed, reconstructed, or altered in any manner, nor shall any structure or land be used for any purpose, other than as allowed by these Regulations, except that these Regulations shall not apply to projects within the NBR-PC implemented by the City. The provisions of these Regulations shall be considered the minimum requirements for the promotion of the public health, safety, and general welfare. When these Regulations provide for discretion on the part of a reviewing authority, the discretion may be exercised to impose more or less stringent requirements than required by these Regulations in order to promote orderly land use and development, environmental resource protection, and the other purposes of the NBR- PC.

When used in these Regulations, the words "shall," "must," "will," "is to," and "are to" are always mandatory, and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the common meaning of the word indicates otherwise. The words "includes" and "including" shall mean "including, but not limited to."

1.3 Relationship to the Municipal Code

Whenever the regulations contained herein conflict with the regulations of the NBMC, the regulations contained herein shall take precedence. The NBMC shall regulate development within the NBR-PC when such regulations are not provided within the NBR-PC.

1.4 Relationship to the California Coastal Act

The Project Site is situated within the boundary of the Coastal Zone as established by the California Coastal Act and is, therefore, subject to the regulatory jurisdiction of the California Coastal Commission. All development within the Project Site shall comply with the requirements of the Coastal Act.

1.5 Severability

If any portion of the NBR-PC is, for any reason, declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, such decision shall not affect the validity of the remaining portions of the NBR-PC. These regulations and each portion of the NBR-PC would have been enacted by the City Council irrespective of the fact that one or more portions may be declared invalid or ineffective.

1.6 Organization of the NBR-PC

The NBR-PC is organized into the following chapters in addition to Chapter 1, Introduction.

Chapter 2, Development Plan

Chapter 2, Development Plan, describes the land use zoning districts for the Project Site. The NBR-PC establishes land use zoning districts to allow for preservation of open space, and for the development of up to 1,375 residential dwelling units, 75,000 square feet of commercial uses, and 75 overnight accommodations in a visitor serving resort inn, consistent with the City's General Plan. Chapter 2 also describes the plan for circulation and infrastructure facilities to serve planned development.

Chapter 3, Land Use and Development Regulations

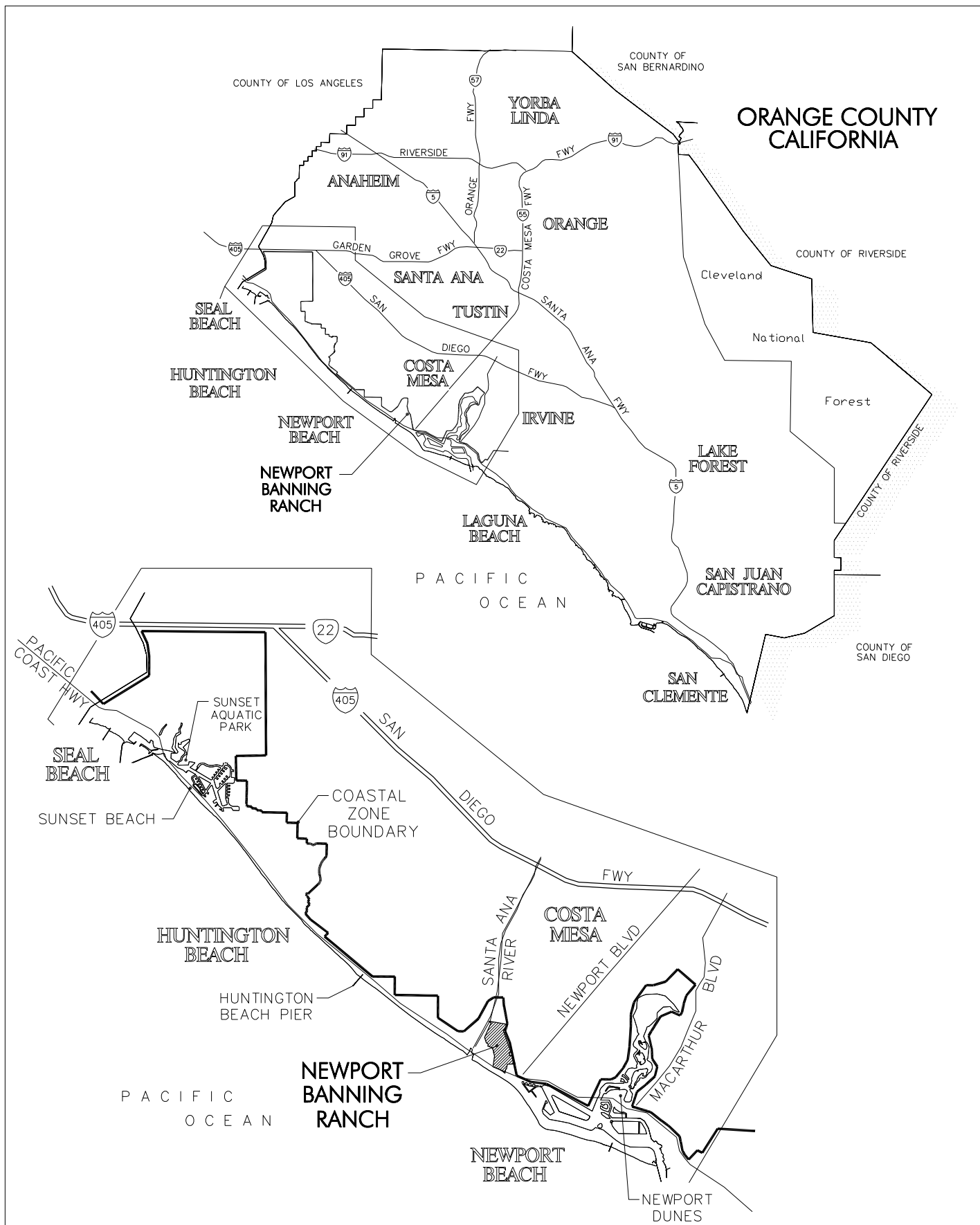
Chapter 3, Land Use and Development Regulations, establishes the allowable land uses within each land use zoning district of the Project Site and the regulations governing site development within each land use district.

Chapter 4, Implementation and Administration

Chapter 4, Implementation and Administration, establishes the procedures for agency review of applications for development of the Project Site and for the administration of the NBR-PC.

Chapter 5, Definitions of Terms and Acronyms

Chapter 5, Definitions of Terms and Acronyms, provides a list of defined terms and acronyms used throughout the NBR-PC.



PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California



GLENN LUKOS ASSOCIATES



2008-06-10

Exhibit 1-1 Regional Setting Map

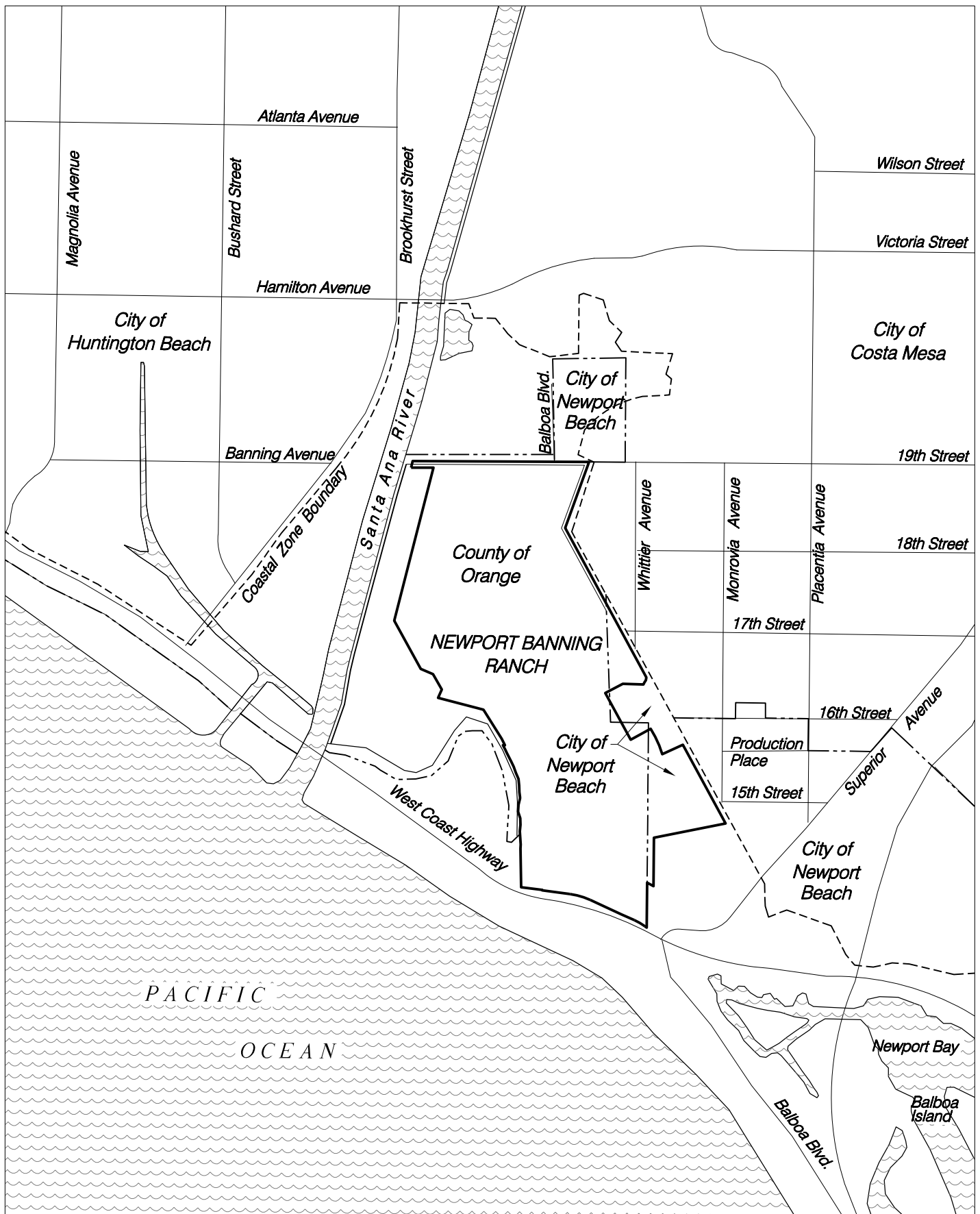


Exhibit 1-2 Vicinity Map

PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California



GLENN LUKOS ASSOCIATES



FUSCOE
PLANNING & DESIGN

FORMA
2008-06-10

2.1 Purpose and Intent

The purpose of the Development Plan is to provide for the long term administration of land use within the NBR-PC. The Development Plan establishes the land use districts of the NBR-PC and a plan for circulation and infrastructure facilities to serve development allowed pursuant to the NBR-PC.

The Development Plan includes land use district designations for open space, park and recreation, visitor-serving resort, residential, commercial, and mixed-use residential/ commercial uses for the Project Site. The Development Plan includes a circulation plan and infrastructure plans for water, sewer, and drainage facilities adequate to serve planned development.

2.2 Development Plan

The Development Plan of the NBR-PC requires that the majority of the Project Site be reserved for the preservation and restoration of open space, including areas for the consolidation of oil facilities, and allows for the development of a maximum of 1,375 residential dwelling units, a resort/hotel inn with a maximum of 75 rooms and ancillary commercial uses, a maximum of 75,000 square feet of general commercial uses, and park and recreation uses.

2.2.1 Planned Community Land Use Districts

The land use districts of the NBR-PC are illustrated in Exhibit 2-1, "Planned Community Development Plan." The NBR-PC is comprised of five major land use districts as described below:

1. **Open Space Districts**, to include Lowland and Upland Open Space/Public Trails and Facilities Districts for habitat restoration and permanent preservation, public interpretive trails, drainage management and water quality treatment facilities, and an Interim Oil Facilities District allowing for the consolidation of surface oil production facilities and the continued operation of existing and new oil production operations. Upon the ultimate cessation of oil operations in the Interim Oil Facilities land use district, the surface oil production facilities will be abandoned, and this area will be remediated and cleaned for use as permanent open space.
2. **Public Parks and Recreation Districts**, to allow for development of a public Community Park providing active and passive recreational facilities and public Bluff Parks and Interpretive Parks for passive recreational use.

DEVELOPMENT PLAN

3. **Visitor-Serving Resort/Residential District**, to allow for a maximum 75-room resort inn to include ancillary uses such as restaurants and bars, spas, fitness centers, meeting and banquet facilities, retail shops, and other similar complementary visitor-serving commercial uses or free standing visitor serving retail uses without a resort inn component. This district also allows for resort-oriented residential units of up to 40.0 dwelling units per gross acre if developed in conjunction with the resort inn, for development of residential land uses of up to 9.0 dwelling units per gross acre within the entire district, with or without visitor-serving commercial uses, in the event the resort inn or free standing visitor serving retail uses are not developed in this district.
4. **Residential Districts**, to include a Low Density Residential District which allows development of up to 8.0 residential dwelling units per gross acre, a Low-Medium Density Residential District which allows development of up to 16.0 residential dwelling units per gross acre, and a Medium Density Residential District which allows development of up to 24.0 residential dwelling units per gross acre. These districts allow for development of single-family detached dwelling units, single-family attached dwelling units, and multi-family dwelling units, as well as private recreational facilities intended to serve the residents of the development. Up to 2,500 square feet of convenience commercial uses are permitted within either the Low-Medium or the Medium Density Residential District pursuant to the provisions of NBR-PC Section 2.6, "Residential Districts."
5. **Mixed-Use/Residential District**, to allow development of residential uses of up to 40.0 dwelling units per gross acre, and up to 75,000 square feet of commercial uses in either a vertical mixed use configuration, with commercial uses on the ground floor and residential above, or as a horizontal mixed use configuration with commercial uses and residential uses in separate buildings designed as a cohesive and unified development. This district allows for residential single family attached or multi-family residential dwelling units and ancillary private recreational facilities to serve the residents of the development combined with neighborhood serving commercial uses such as a grocery market, restaurants, personal services, and professional offices.

2.2.2 Planned Community Development Table

The land use statistical summary for the NBR-PC is described in Exhibit 2-2, "Planned Community Development Table." The table describes the gross acreage within each land use district, along with the allowable planned number of dwelling units, the maximum allowable density, the maximum commercial square footage allowed, and the maximum number of overnight accommodations (guest rooms) allowed within the resort inn.

The term "planned dwelling units" in Exhibit 2-2, refers to the development program for each residential district. The land use district boundaries, gross acreages, and planned dwelling units described in Exhibit 2-2 may be refined pursuant to the provisions of NBR-PC Section 4.17, "Minor Modifications" of the NBR-PC.

2.3 Open Space Districts

The purpose of the Open Space Districts is to designate approximately 252.3 gross acres within the NBR-PC for permanent Open Space use. The Open Space Districts include a Lowland Open Space/Public Trails and Facilities (LOS/PTF) District, an Upland Open Space/ Public Trails and Facilities (UOS/PTF) District, and an Interim Oil Facilities (OF) District.

2.3.1 Lowland Open Space/Public Trails and Facilities District (LOS/PTF)

Approximately 130.6 gross acres are designated as LOS/PTF which allows for preservation and restoration of native habitat and open space, public interpretive trails with connections to the existing Santa Ana River Trail located west of the Project Site, public view areas overlooking open space, drainage management and water quality treatment facilities, and planting buffers adjacent to portions of the OF District to visually soften the appearance of the oil facilities from other areas of the Project Site.

2.3.2 Upland Open Space/Public Trails and Facilities District (UOS/PTF)

Approximately 105.2 gross acres are designated as UOS/PTF which allows for preservation and restoration of native habitat and open space, public view overlooks, and public interpretive trails with connections to residential land use districts, public parks, and existing trails located to the west and north of the Project Site, and water management facilities, and planting buffers adjacent to portions of the OF District to visually soften the appearance of the oil facilities from other areas of the Project Site.

2.3.3 Interim Oil Facilities District (OF)

Approximately 16.5 gross acres are designated as OF which allows for the continued operation of surface oil production and processing facilities, which include: 1) existing oil operations adjacent to West Coast Highway; 2) existing and new oil production facilities planned for consolidation on an existing oil operations site adjacent the LOS/PTF; and 3) a non-exclusive easement to include an oil access roadway connecting the two surface oil production sites described in 1) and 2) above.

2.4 Public Parks/Recreation Districts

The purpose of the Public Parks/Recreation Districts is to designate approximately 51.4 gross acres to allow for development of public parks and recreation use within the NBR-PC to serve residents of the Project Site and the community at large. All areas designated as Public Parks/Recreation Districts shall be permanently available for public use either through offers of dedication to the City, deed restrictions, and/or recorded public access easements. The public park developed as part of the Project within the Community Park District shall be offered for dedication to the City, and upon acceptance, shall be maintained by the City. Areas within the Bluff Park District and Interpretive Park District shall be developed as part of the Project, permanently accessible to the public, and privately-owned and maintained by a Homeowners Association (HOA), Conservancy, Land Trust, or similar entity.

2.4.1 Community Park District (CP)

Approximately 26.8 gross acres designated as CP shall be developed as a public Community Park as part of the Project and offered for dedication to the City to serve the active recreational needs of the Project residents and the community at large. Recreational facilities and uses permitted within the CP District include active lighted sports fields and courts, a picnic shelter, open play grounds, a skate park, restrooms, and public parking. Other active and passive park and recreation uses may be determined by the City at the time of final park design.

2.4.2 Bluff Park District (BP)

Approximately 20.9 gross acres are designated as BP to serve as a passive recreational area and a buffer between the Visitor-Serving Resort/Residential District and Open Space Districts. Passive recreational uses allowed within the Bluff Park include footpaths, view overlooks, picnic and informal gathering areas, a bluff-top trail, and an access point to a pedestrian/bicycle bridge over West Coast Highway.

2.4.3 Interpretive Parks District (IP)

Approximately 3.7 gross acres are designated as IP allowing passive recreational uses within and adjacent to Open Space Districts. Uses allowed in the IP District include a nature center, which may include offices for the HOA and open space steward, interpretive facilities and exhibit areas, trailheads, parking for staff and the public, and other passive uses complementary to and supportive of the Project's Open Space Districts.

2.5 Visitor-Serving Resort/Residential District (VSR/R)

The purpose of the Visitor-Serving Resort/Residential District is to designate approximately 11.3 gross acres to allow for development of a resort inn and resort oriented residential uses within the NBR-PC. Uses allowed within the VSR/R District include:

1. A resort inn of up to 75 overnight accommodations (guest rooms), a lobby and related guest areas, and support commercial uses ancillary to a resort, such as, restaurant(s) and bar(s), gift and sundry shops, business center(s), fitness center(s), spa/salon/treatment rooms, swimming pools and recreation facilities, banquet and meeting rooms, areas for food and beverage preparation, administrative offices, housekeeping areas, maintenance areas, and employee facilities. Visitor serving commercial uses included as part of a resort inn development shall not be counted as part of the maximum 75,000 square feet of commercial area permitted within the NBR-PC.
2. Resort-oriented residential dwelling units to be developed as part of the resort, to be conventionally-owned as residential properties rather than as fractional vacation properties, and whose residents may be afforded opportunities for use of the resort facilities and amenities. The resort oriented residential dwelling units shall be counted as part of the maximum 1,375 residential dwelling units permitted within the NBR-PC.
3. Up to 100 conventionally-owned residential dwelling units, in the event a resort inn is not developed in the VSR/R district. These residential dwelling units shall be counted as part of the maximum 1,375 residential dwelling units permitted within the NBR-PC.
4. Visitor-serving commercial uses independent of a resort use such as, restaurant(s) and bars, gift and sundry shops, business centers, fitness centers, spas and salons, swimming pools and recreation facilities and similar uses are permitted in the event a resort inn is not developed. This type of visitor serving commercial use shall be counted as part of the maximum 75,000 square feet of commercial area permitted within the NBR-PC.

2.6 Residential Districts

The purpose of the Residential Districts is to designate approximately 65.2 gross acres to allow for residential development within the NBR-PC. Three separate Residential Districts are established to provide a variety of housing types and sizes.

Residential Districts allow for the development of a variety of home types, as well as privately owned and maintained recreational facilities. Up to 2,500 square feet of convenience commercial use are permitted within either the Low-Medium Density or Medium Density Residential District, subject to the provisions below.

2.6.1 Low Density Residential District (RL)

Approximately 26.1 gross acres are designated as RL to allow for development of residential uses at a maximum density of 8.0 dwelling units per gross acre. The RL District allows for the development of single-family detached dwellings, single-family attached dwellings, and private recreational facilities.

2.6.2 Low-Medium Density Residential District (RL/M)

Approximately 11.8 gross acres are designated as RL/M to allow for development of residential uses at a maximum density of 16.0 dwelling units per gross acre. The RL/M District allows for the development of single-family detached dwellings, single-family attached dwellings, multi-family dwellings, and private recreational facilities. A small Convenience Commercial center of up to 2,500 square feet in size is allowed in the RL/M district provided no other convenience commercial center has been developed in the RM District and the total area of commercial uses within the Project Site does not exceed 75,000 square feet.

2.6.3 Medium Density Residential District (RM)

Approximately 27.3 gross acres are designated as RM to allow for development of residential uses at a maximum density of 24.0 dwelling units per gross acre. The RM District allows for the development of single-family detached dwellings, single-family attached dwellings, multi-family dwellings, and private recreational facilities. A small Convenience Commercial center of up to 2,500 square feet in size is allowed in the RM district provided no other convenience commercial center has been developed in the RL/M District and the total area of commercial uses within the Project Site does not exceed 75,000 square feet.

2.6.4 Mixed-Use/Residential District (MU/R)

Approximately 20.9 gross acres are designated as MU/R to allow for development of commercial and high density residential uses as either horizontal and/or vertical mixed-use development projects. The MU/R land use district is intended for development of a more urban environment within the Project Site.

The MU/R District allows for development of residential uses at a maximum density of 40.0 dwelling units per gross acre, commercial uses up to a maximum of 75,000 square feet (or as adjusted downward for any convenience commercial developed within the RL/M and RM Districts or visitor serving commercial developed independent of a resort inn in the VSR/R District), and private recreational facilities.

Mixed-use development may be designed as “horizontal mixed-use” with residential uses and commercial uses as separate, free standing structures located adjacent to one another or as “vertical mixed-use” with commercial uses located on the ground floor of the building and residential uses located on floors above. The MU/R District is intended for pedestrian-oriented commercial development providing a broad range of retail services within convenient walking distance of residences.

Commercial development within the MU/R District shall be designed to serve the residents within the Project Site and existing and future residents near the Project Site. Commercial uses allowed in the MU/R District may include, but are not limited to, a neighborhood serving market, local serving restaurants, coffee shops, personal convenience services (such as a dry cleaners and/or hair salons), and professional offices.

2.7 Circulation

2.7.1 Roadway Plan

The NBR-PC includes a network of new public roadways to be constructed within the Project Site, providing access from existing West Coast Highway, 15th Street, 16th Street, 17th Street, and 19th Street.

The roadway system planned for the Project Site is illustrated in Exhibit 2-3, “Conceptual Roadway Plan and Key Map.” A hierarchy of streets shall be constructed as part of the Project, including primary roadways connecting to existing public arterial roadways, and local roads and private alleys to serve development within the Project Site.

2.7.2 Project Entries and Off-Site Improvements

1. West Coast Highway-Bluff Road Entry/Intersection Improvements

The primary entrance to the Project will be constructed at Bluff Road and the intersecting point with West Coast Highway as illustrated in Exhibit 2-4, “West Coast Highway – Bluff Road Entry/Intersection Improvements.” A T-intersection shall be constructed at the intersection of Bluff Road with West Coast Highway and additional widening of a portion of West Coast Highway shall occur as part of the Project. West Coast Highway is currently owned and maintained by the California Department of Transportation (Caltrans), and therefore permits required for improvements to the highway shall be coordinated with and approved by Caltrans.

The design for West Coast Highway is illustrated on Exhibits 2-4 and 2-11, “Sections K-K and L-L – West Coast Highway.” As shown on these exhibits, the improvements to West Coast Highway include widening improvements at the Bluff Road entry to the Project Site and intersection improvements such as median turn pockets and lane striping. A public sidewalk shall be constructed along West Coast Highway adjacent to the Project Site.

2. 15th Street Entry/and Park Access Off-Site Improvements

An entry to the Project Site shall be constructed at the terminus of 15th Street at the easterly Project Site boundary. Improvements to 15th Street shall be constructed from Monrovia Street westerly to the Project Site boundary and within the Project Site to Bluff Road. The City’s General Plan designates 15th Street as a Primary Road. As part of the Project 15th Street shall be widened off-site between Monrovia Street and the Project Site boundary. Exhibit 2-5, “15th Street Entry and Off-Site Improvements,” illustrates the off-site area along 15th Street to be widened, as part of the Project and the design for the Project entry at 15th Street.

3. 16th Street Entry/Off-Site Improvements

An entry to the Project Site shall be constructed at the terminus of 16th Street at the easterly boundary of the Project Site. Off-site improvements to 16th Street shall be constructed as part of the Project from the terminus of 16th Street and the Project Site boundary westerly to Bluff Road. The widening of 16th Street and the improvement area at the Project entry at 16th Street to be constructed as part of the Project are illustrated on Exhibit 2-6, "16th Street Entry and Off-Site Improvements."

4. North Bluff Road Off-Site Improvements

North Bluff Road is a General Plan designated Primary Roadway. The full improvement of North Bluff Road as a Primary Roadway shall be constructed as part of the Project with a portion of the improvements to be constructed off-site. Exhibit 2-7, "North Bluff Road Off-Site Improvements," illustrates the off-site area to be improved as part of the Project.

5. 17th Street Entry Improvements

An entry to the Project Site shall be constructed at the terminus of 17th Street at the easterly boundary of the Project Site, and 17th Street shall be constructed as a Primary Roadway from the entry westerly to North Bluff Road. Exhibit 2-8, "17th Street Entry Improvements," illustrates the design of the Project entry and the improvements to 17th Street from its terminus at the boundary of the Project Site to North Bluff Road to be constructed as part of the Project.

6. 19th Street Entry/Off-Site Improvements

An entry to the Project shall be provided at an intersecting point of North Bluff Road and existing 19th Street located at the Project's northern property line. The design of the 19th Street entry and off-site improvements to 19th Street to be constructed as part of the Project is illustrated on Exhibit 2-9, "19th Street and North Bluff Road Entry and Off-Site Improvements." Adequate right-of-way shall be reserved for a potential future extension of 19th Street to be constructed by the City, County, and/or other public agency to the Santa Ana River

7. Pedestrian/Bicycle Bridge

A Pedestrian/Bicycle Bridge shall be provided over West Coast Highway from the south-western edge of the Resort Colony to West Newport Park. The bridge will be designed to accommodate both pedestrians and bicyclists, as well as be ADA compliant, as shown on Exhibit 2-4, "West Coast Highway – Bluff Road Entry/Intersection Improvements."

2.7.3 Traffic-Calming Design Features

In order to reduce speeds of motorists and enhance the pedestrian experience, traffic-calming design features shall be constructed as approved by the City Engineer within local streets of the NBR-PC. Traffic-calming features include mid-block tapers and tapers/chokers at intersections and modified knuckles. Examples of these elements are illustrated on Exhibit 2-10, "Traffic-Calming Design Features." Other traffic-calming design features may be constructed pursuant to approval of the City Engineer.

2.7.4 Internal Project Roadways

The following sections describe the proposed internal arterial and local roadways for the Project Site:

1. Bluff Road from West Coast Highway to 15th Street; and North Bluff Road from 15th Street to 16th Street

The design for Bluff Road from West Coast Highway to 15th Street and the design for North Bluff Road from 15th Street to 16th Street are illustrated in Exhibit 2-12. Both Bluff Road and North Bluff Road shall be constructed with two travel lanes and a five-foot-wide striped on-street bike lane in each direction. An eight-foot-wide walkway meandering within the roadway right of way and the adjacent Community Park and separated from the street by a varying-width landscaped bioswale, shall be constructed on the east side of the road. A five-foot-wide walkway, separated from the street by a nine-foot-wide landscaped bioswale, shall be constructed on the west side of the road except that, to avoid native habitat, no sidewalk shall be constructed on the west side of Bluff Road between West Coast Highway and Resort Colony Road. A 16-foot-wide landscaped median will be constructed along this length of both Bluff Road and North Bluff Road. On-street parking shall be prohibited along Bluff Road and North Bluff Road.

2. North Bluff Road from 16th Street to 17th Street

The design for North Bluff Road from 16th Street to 17th Street is illustrated in Exhibit 2-13. North Bluff Road from 16th Street to 17th Street shall be constructed with two travel lanes and a five-foot-wide striped on-street bike lane in each direction. An eight-foot-wide walkway, separated from the street by a nine-foot-wide landscaped bioswale, shall be constructed on the east side of the road and a five-foot-wide walkway, separated from the street by a nine-foot-wide landscaped bioswale, shall be constructed on the west side of the street. A 16-foot-wide landscaped median shall be constructed along this length of North Bluff Road. On-street parking shall be prohibited within this segment of North Bluff Road.

3. North Bluff Road from 17th Street to 19th Street

The design for North Bluff Road is illustrated in Exhibit 2-14. The portion of North Bluff Road from 17th Street to a portion of the Bluff Park land use district shall be constructed with two travel lanes and a five-foot-wide striped on-street bike lane in one direction, and one travel lane and a five-foot-wide striped on-street bike lane in the other direction. An eight-foot-wide walkway, separated from the street by a nine-foot-wide landscaped bioswale, shall be constructed on the east side of the road and a 10-foot-wide curb-adjacent landscaped bioswale, shall be constructed on the west side of the road. A 14-foot-wide landscaped median shall be constructed along this length of North Bluff Road.

The portion of North Bluff Road from the Bluff Park land use district to 19th Street shall be constructed with one travel lane and a five-foot-wide striped on-street bike lane in each direction. A six-foot-wide pedestrian walkway, separated from the street by a nine-foot-wide landscaped bioswale, shall be constructed on the east side of the street and a 10-foot-wide curb-adjacent landscaped bioswale shall be constructed on the west side of the street. A six-foot-wide striped median shall be constructed along this portion of North Bluff Road. On-street parking shall be prohibited within this segment of North Bluff Road.

4. 15th Street from Project Entry to Bluff Road

The design for 15th Street within the Project Site is illustrated in Exhibit 2-15. 15th Street within the Project Site shall be constructed with two travel lanes and a five-foot-wide, striped, on-street bike lane in each direction. The roadway shall be divided by a 16-foot-wide landscaped median. An eight-foot-wide pedestrian walkway separated from the street by a varying-width, landscaped bioswale shall be constructed on each side of the street. On-street parking shall be prohibited within 15th Street.

5. 16th Street from Project Entry to North Bluff Road

The design for 16th Street within the Project Site is illustrated in Exhibit 2-15, 16th Street within the Project Site shall be constructed with 40 feet of paved width, which may accommodate one travel lane in each direction and parking on both sides of the street. A five-foot-wide pedestrian walkway, separated from the street by a nine-foot-wide landscaped bioswale, shall be constructed on each side of the street.

6. 17th Street from Project Entry to North Bluff Road

The design for 17th Street within the Project Site is illustrated in Exhibit 2-15. 17th Street within the Project Site shall be constructed with two travel lanes and a five-foot-wide, striped, on-street bike lane in each direction. A five-foot-wide pedestrian walkway, separated from the street by a nine-foot-wide landscaped bioswale, shall be constructed on both sides of the street. A 16-foot-wide

DEVELOPMENT PLAN

landscaped median shall be constructed along the length of 17th Street within the Project Site. On-street parking shall be prohibited within 17th Street.

7. Resort Colony Road

Resort Colony Road shall connect to Bluff Road and a local road that serves the South Family Village. Resort Colony Road shall be constructed with one travel lane in each direction. On-street parking may be allowed on both sides of the street. An eight-foot-wide pedestrian walkway, separated from the street by an eight-foot-wide landscaped bioswale, shall be constructed on each side of the roadway. The design for Resort Colony Road is illustrated in Exhibit 2-16.

8. Scenic Drive

Scenic Drive, a local road, shall extend around residential land use areas adjacent to the Bluff Park land use district and connect to North Bluff Road at 16th and 17th Streets. Scenic Drive shall be constructed with one travel lane and one curb-adjacent parking lane in each direction. A four-foot-wide pedestrian walkway, separated from the street by a six-foot-wide landscaped parkway, shall be constructed on the side of the roadway adjacent to residential uses. A bluff-top trail shall be developed on the opposite side of the roadway within the Bluff Park land use district. The design for the Scenic Drive is illustrated in Exhibit 2-16.

9. Typical Local Roads

Typical local roads are those roads other than Resort Colony Road and Scenic Drive providing internal access and circulation within the Project Site. Typical local roads shall be constructed throughout the Project Site with one travel lane and one curb-adjacent parking lane in each direction. A four-foot-wide pedestrian walkway, separated from the street by either a six-foot-wide landscaped parkway or an eight-foot-wide landscaped bioswale depending upon the location, shall be constructed on both sides of the street. The design for Local Roads is illustrated in Exhibit 2-17.

10. Private Alleys

Private alleys shall be constructed with a minimum width of 28 feet between lower levels of buildings (architectural elements may overhang a maximum of three feet on upper levels) with a varying width 20- to 24-foot-wide paved travel lane and a three- to four-foot-wide area for landscaping and garage access on each side of the alley. Parking shall be prohibited within private alleys. The design for Private Alleys is illustrated in Exhibit 2-17.

2.8 Infrastructure and Utilities

2.8.1 Water Facilities Plan

Potable and irrigation water service for the Project will be made available from the City of Newport Beach. The proposed domestic water system shall include connections to the existing City of Newport Beach facilities located in 16th Street, Ticonderoga Street, and West Coast Highway. A network of new 8-inch and 12-inch diameter water mains shall be constructed to provide water service to the Project Site.

The “Conceptual Water Facilities Plan,” included as Exhibit 2-18, illustrates the water facilities planned to serve the Project Site.

2.8.2 Wastewater Facilities Plan

The City of Newport Beach will make available sanitary sewer service to the Project. A system of new 8-inch, 10-inch, and 12-inch diameter sewer mains shall be constructed as part of the Project to collect effluent and direct it to the County Sanitation District of Orange County (CSDOC) trunk sewer upstream of the Bitter Point Pump Station.

The “Conceptual Wastewater Facilities Plan,” included as Exhibit 2-19, illustrates the sanitary sewer facilities planned to serve the Project Site.

2.8.3 Drainage Facilities

New drainage facilities shall be constructed consistent with State, federal, and local regulations, to serve the Project Site to include six primary storm drain systems that shall drain Project flows in an environmentally responsible manner to downstream receiving water bodies.

The Conceptual Drainage Plan, included as Exhibit 2-20, illustrates the six storm drain systems planned to serve the Project Site. These storm drains are described below:

- **Storm Drain A:** This storm drain will collect flows from the CP and BP Districts, as well as from Bluff Road and North Bluff Road, and deliver flows from these areas to the existing Caltrans box culvert under the WCH. Project flows will not increase overall flows above existing levels into the existing Caltrans box culvert under the WCH.
- **Storm Drains B and C:** These two storm drains will collect flows from the Residential, BP, and VSR/R Districts, as well as, off-site flows from Newport Beach and Costa Mesa, adjacent to the Southern Arroyo and deliver flows from these areas to a proposed diffuser

basin located downstream of the Southern Arroyo, adjacent to the Semeniuk Slough after which these flows will be delivered to the Semeniuk Slough.

- **Storm Drains D and E:** These storm drains will collect flows from the Residential BP, and the majority of the MU/R Districts within the Project Site and deliver storm flows to the LOS/PTF District. Under existing oilfield conditions, a portion of flows picked up by Storm Drain D is tributary to the Southern Arroyo and ultimately Semeniuk Slough. The proposed redirection of this drainage is specifically designed to reduce the flood loading of Semeniuk Slough. An energy diffuser will be provided in the LOS/PTF District to reduce the momentum of the flows delivered by Storm Drains D and E.
- **Storm Drain F:** This storm drain will collect flows from the northernmost areas of the MU/R District, as well as off-site flows from Costa Mesa, and deliver them to the Northern Arroyo. The tributary area to Storm Drain F is designed to match existing runoff conditions in the Northern Arroyo. An energy dissipater will be installed at this storm drain outlet to transition flows from erosive velocities to non-erosive velocities, and to deliver those non-erosive flows to the natural channel within the Northern Arroyo.
- **Storm Drain G:** This storm drain will collect flows from the northernmost portion of the Project Site, as well as flows from Costa Mesa, and deliver them to the LOS/PTF via a culvert and a storm drain located in North Bluff Road, south of 19th Street.

2.8.4 Public Utilities and Services

Public utilities and services shall be provided to the Project Site by the following purveyors:

- Electrical – Southern California Edison Company;
- Gas – The Gas Company;
- Telephone – Pacific Bell; and
- Cable Television/Internet/Telephone – Time Warner.

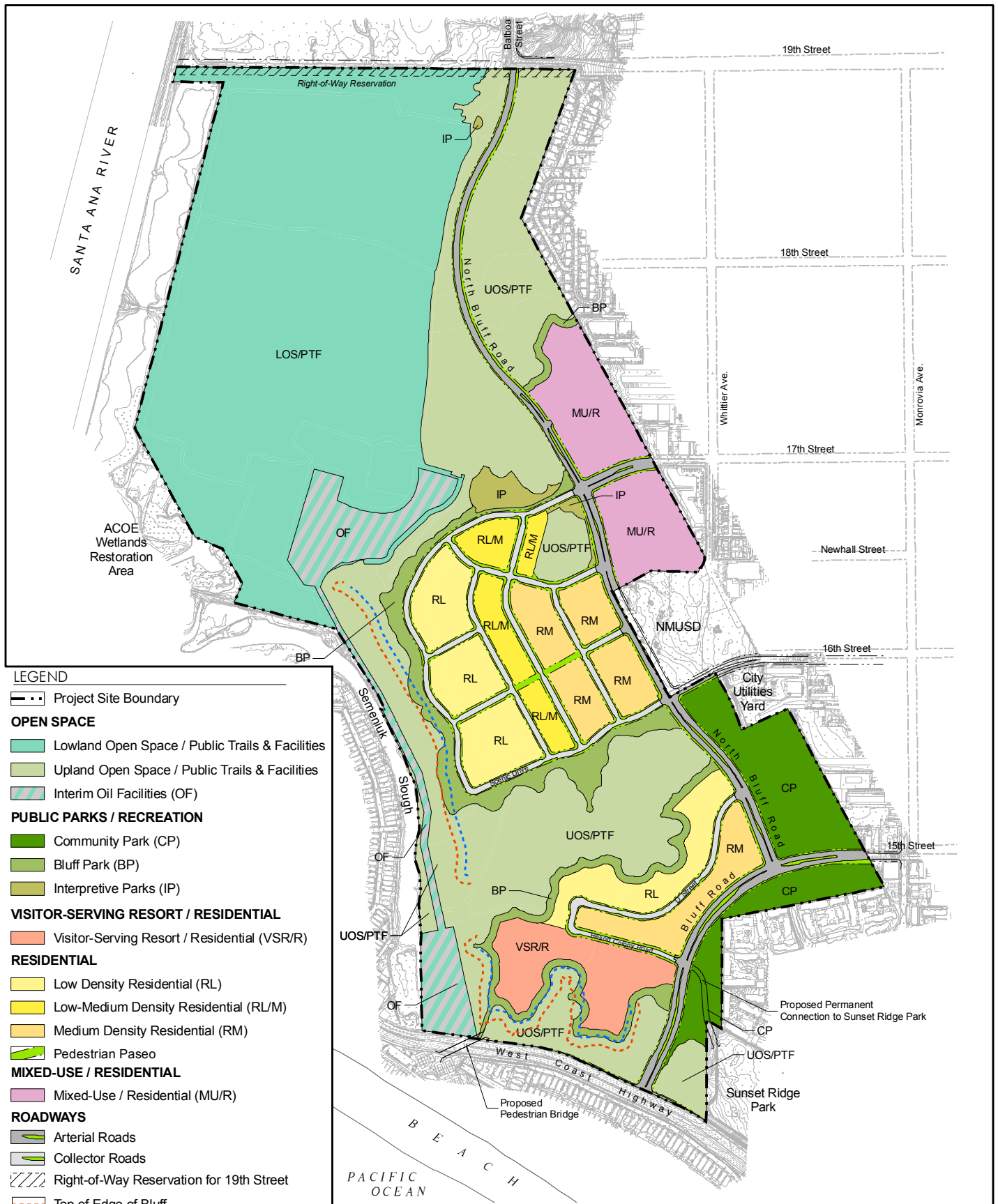
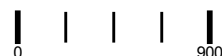


Exhibit 2-1

Planned Community Development Plan



PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California



GLENN LUKOS ASSOCIATES



06 • 14 • 2011

S:\clients\brooks_street_1729\1729001\08_gis\products\planned_community\mxds\pcdp_8.5x11_110614.mxd

Exhibit 2-2

PLANNED COMMUNITY DEVELOPMENT TABLE
Newport Banning Ranch

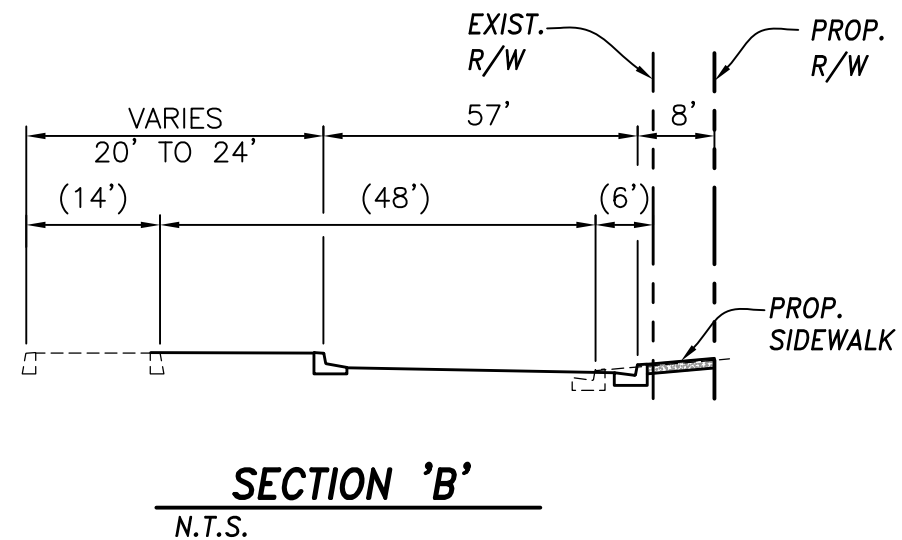
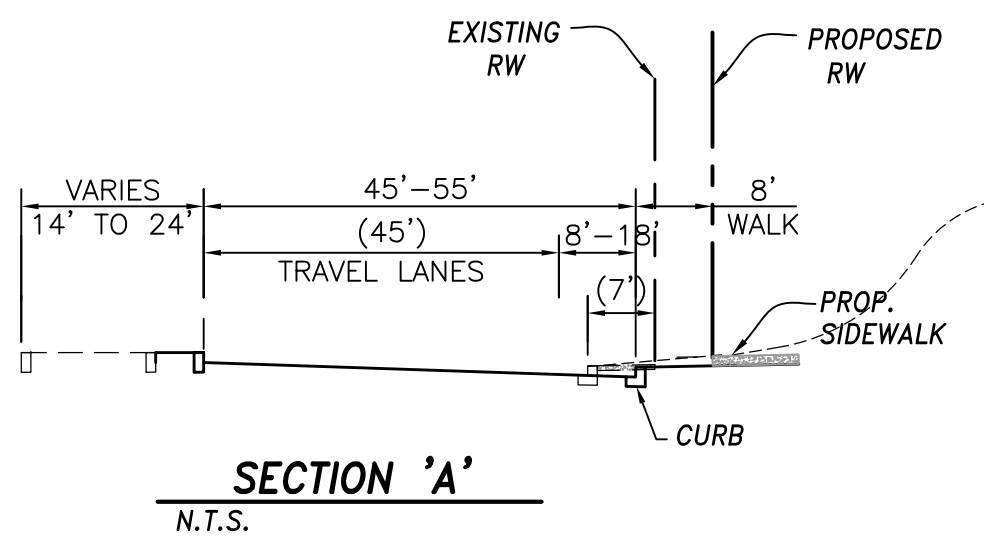
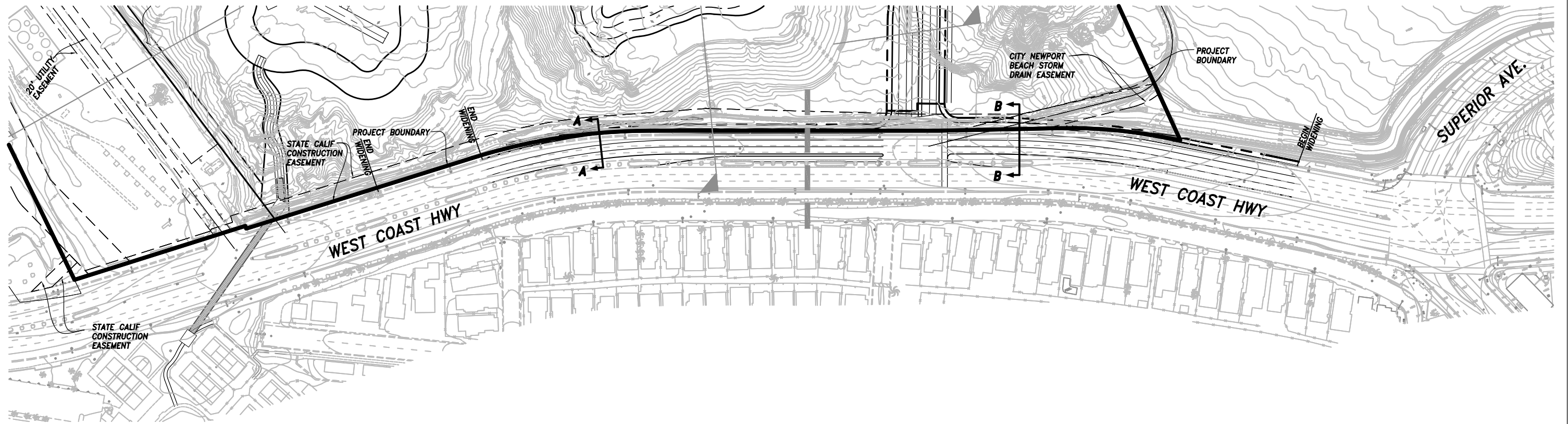
LAND USE DISTRICT		Gross Acres ⁽¹⁾	Planned Dwelling Units ⁽²⁾	Maximum Permitted Commercial S.F.	Maximum Permitted Overnight Accommodations
OPEN SPACE					
LOS/PTF	Lowland Open Space / Public Trails and Facilities ⁽³⁾	130.6	--	--	--
UOS/PTF	Upland Open Space / Public Trails and Facilities ⁽³⁾	105.2	--	--	--
OF	Interim Oil Facilities ⁽⁹⁾	16.5	--	--	--
Subtotal Open Space		252.3	--	--	--
PUBLIC PARKS / RECREATION					
CP	Community Park	26.8	--	--	--
BP	Bluff Park ⁽⁴⁾	20.9	--	--	--
IP	Interpretive Parks ⁽⁴⁾	3.7	--	--	--
Subtotal Public Parks / Recreation		51.4	--	--	--
VISITOR-SERVING RESORT / RESIDENTIAL ⁽⁵⁾					
VSR/R	Visitor-Serving Resort / Residential	11.3	87	--	75
Subtotal Visitor-Serving Resort / Residential		11.3	87	--	75
RESIDENTIAL ⁽⁵⁾					
RL	Low Density Residential (up to 8 DU/Ac)	26.1	167	0	--
RL/M	Low-Medium Density Residential (up to 16 DU/Ac)	11.8	85	0	--
RM	Medium Density Residential (up to 24 DU/Ac)	27.3	306	0	--
Subtotal Residential		65.2	558	0	--
MIXED-USE / RESIDENTIAL ⁽⁵⁾					
MU/R	Mixed-Use / Residential (up to 40 DU/Ac)	20.9	730	75,000	--
Subtotal Mixed-Use / Residential		20.9	730 ⁽⁶⁾	75,000 ⁽⁷⁾	--
TOTAL PROJECT		401.1	1,375 ⁽⁸⁾	75,000 ⁽⁷⁾	75

Exhibit 2-2 (continued)

PLANNED COMMUNITY DEVELOPMENT TABLE FOOTNOTES Newport Banning Ranch

- ⁽¹⁾ Gross acres are measured to the centerlines of all public roads where such roads are shown on the plan. Public roads shown on the plan total approximately 38.3 acres. Refinements to the gross acres within each Land Use District are permitted subject to the provisions set forth in Chapter 4, "Implementation and Administration."
- ⁽²⁾ Planned Dwelling Units may be transferred from one Residential, Visitor-Serving Resort/Residential, or Mixed-Use/Residential Land Use District to another in accordance with the provisions of Chapter 3, "Land Use and Development Regulations," and Chapter 4, "Implementation and Administration," of the NBR-PC, provided the transfer does not result in an increase of more than 15% of the total number of Planned Dwelling Units established for the district in the "Planned Community Development Table," the maximum density established for each residential land use district is not exceeded, the total number of dwelling units within the Mixed-Use/Residential Land Use District does not exceed 730, the total number of dwelling units within the Planned Development does not exceed 1,375, and there are no new traffic impacts associated with the transfer as determined by the City Engineer pursuant to a traffic study prepared by the City.
- ⁽³⁾ The Right-of-Way Reservation for the 19th Street Extension, from the Project Site's easterly boundary to the Santa Ana River, encompasses approximately 3.1 total acres, including approximately 0.6 acres located within the Upland Open Space/Public Trails and Facilities District, and approximately 2.5 acres located within the Lowland Open Space/Public Trails and Facilities District.
- ⁽⁴⁾ Gross acres for the Bluff Park District and Interpretive Parks District may include fuel management zones, interpretive trails and facilities, and landscape focal points and greens.
- ⁽⁵⁾ Gross acres for Residential Districts, the Visitor-Serving Resort/Residential District, and the Mixed-Use/Residential District may include fuel management zones, privately owned and maintained parks and recreation facilities, and landscape focal points and greens.
- ⁽⁶⁾ Within the Mixed-Use/Residential District, the Planned Dwelling Units shall also be the maximum permitted dwelling units.
- ⁽⁷⁾ Up to 2,500 square feet of commercial building area may be transferred from the Mixed-Use/Residential Land Use District to a Residential Land Use District in accordance with the provisions of Chapter 3, "Land Use and Development Regulations," of the NBR-PC, provided the total area of commercial buildings for the Planned Community does not exceed 75,000 square feet.
- ⁽⁸⁾ A maximum 1,375 dwelling units is permitted within the NBR-PC.
- ⁽⁹⁾ The Interim Oil Facilities (Open Space Land Use) District includes: 1) the existing oil operations site near West Coast Highway; 2) the new oil consolidation site near the middle of the Lowland; and 3) an oil access road (non-exclusive easement) connecting the two working sites.





- PROVIDE PEDESTRIAN BRIDGE OVER WCH.
- CONSTRUCT LANDING FOR PEDESTRIAN BRIDGE WITHIN WEST NEWPORT PARK.
- PROVIDE DUAL LEFT TURN LANE ON EASTBOUND WCH.
- WIDEN WCH TO ACCOMMODATE DUAL LEFT TURNS, AND 4TH LANE FROM SUPERIOR TO BLUFF ROAD.
- SIGNALIZE BLUFF ROAD INTERSECTION WITH WCH.
- DEDICATE ADDITIONAL RIGHT OF WAY.

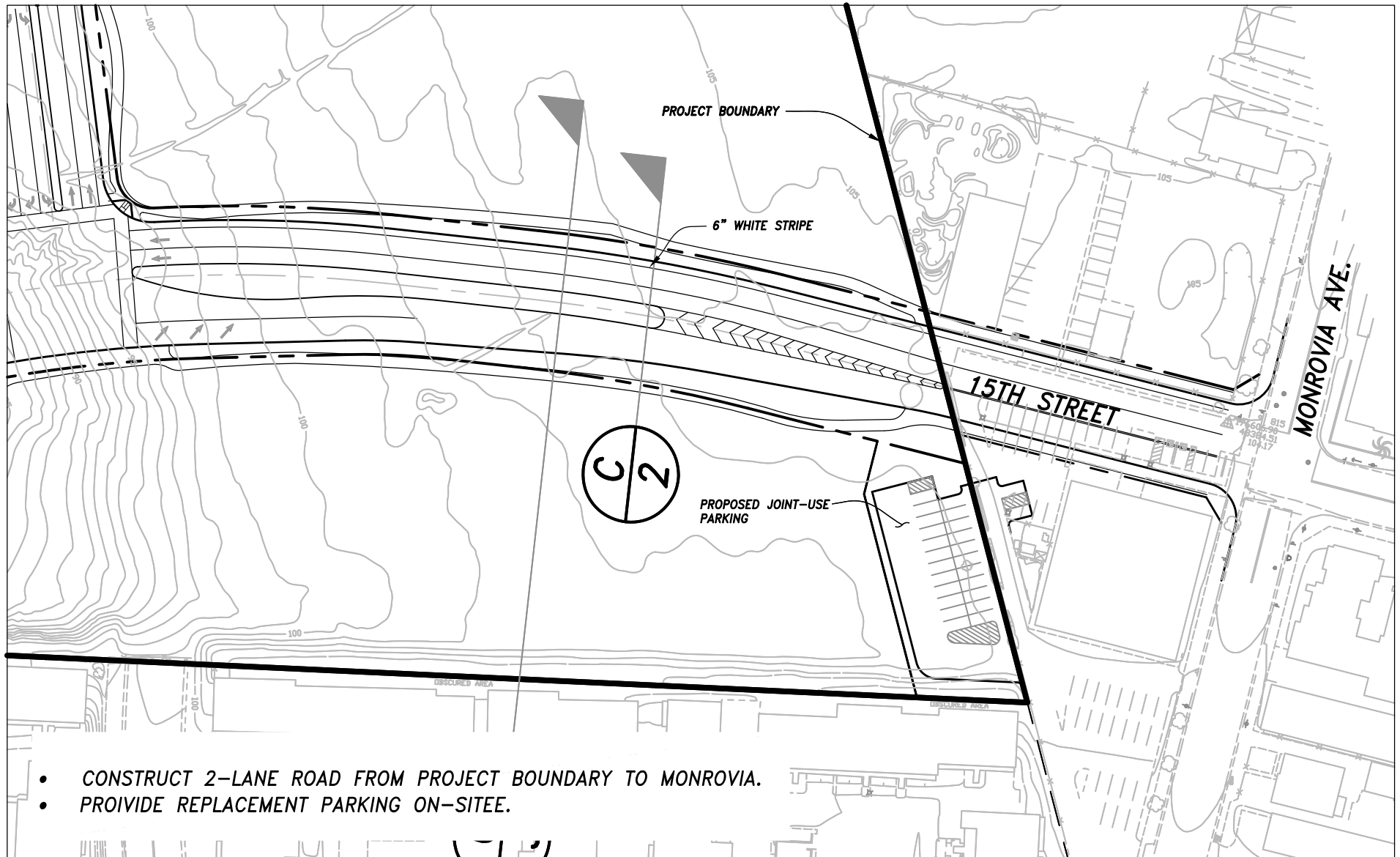


Exhibit 2-5 15th Street Entry and Off-Site Improvements



PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California

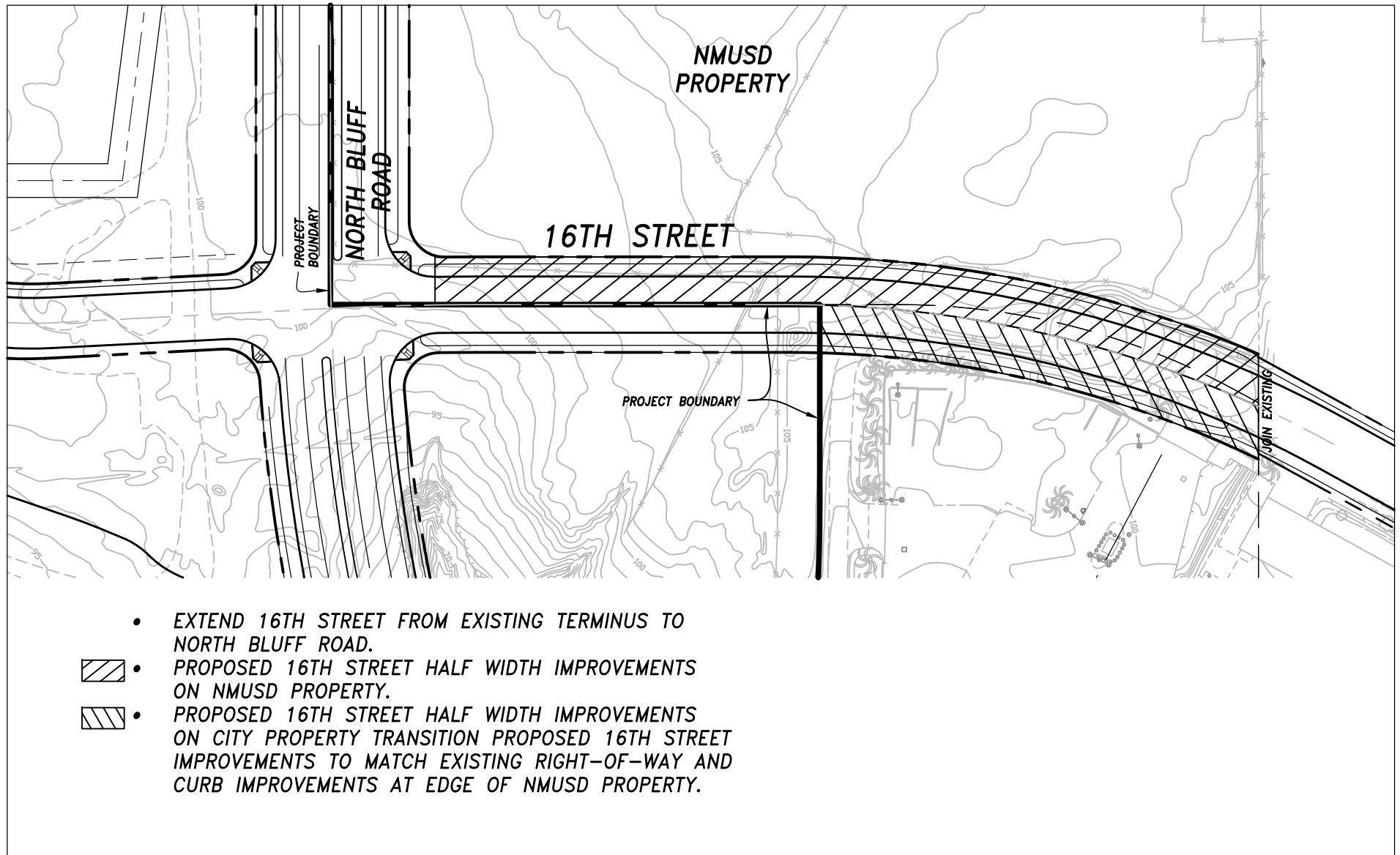


Exhibit 2-6 16th Street Entry and Off-Site Improvements



PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California



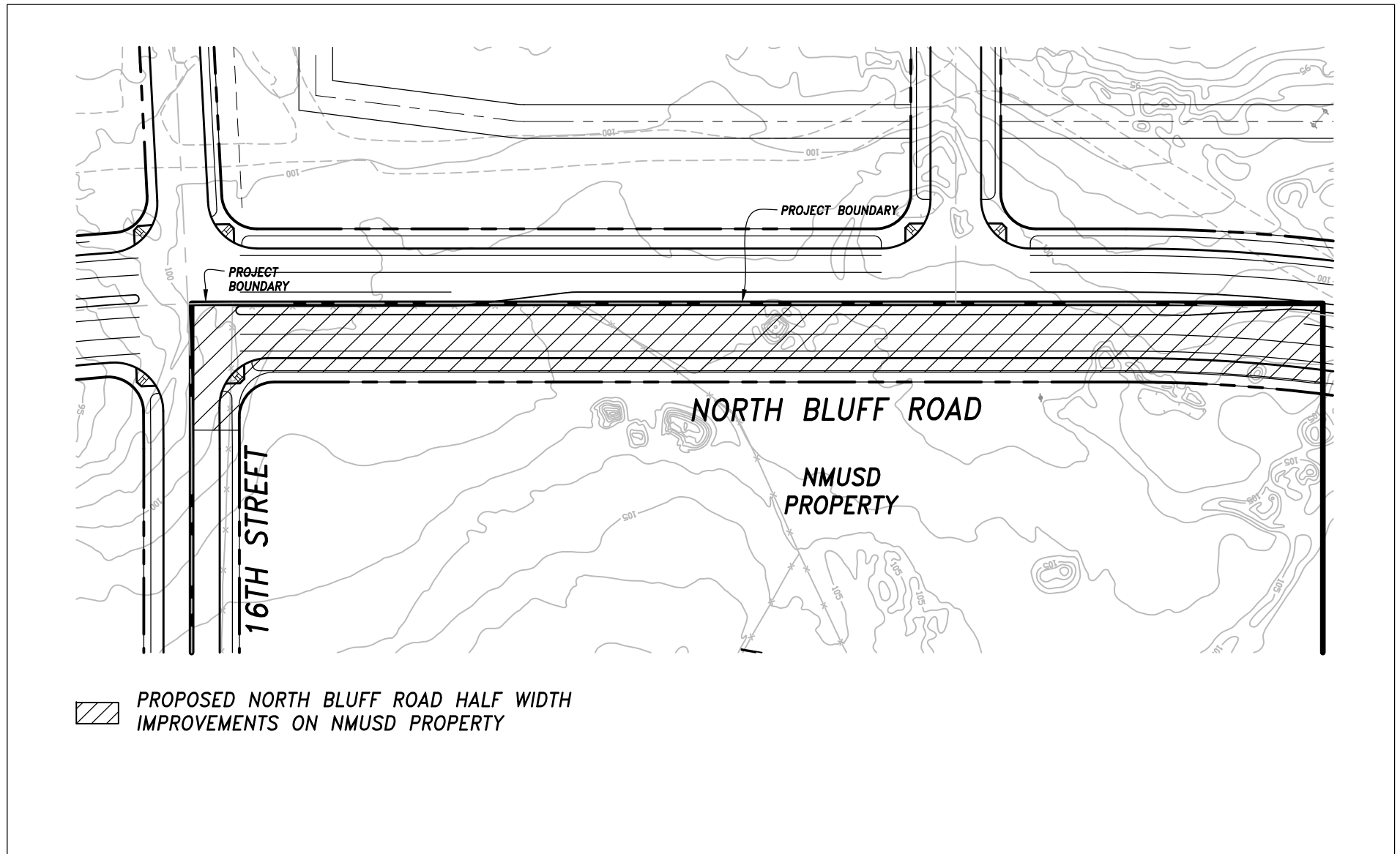


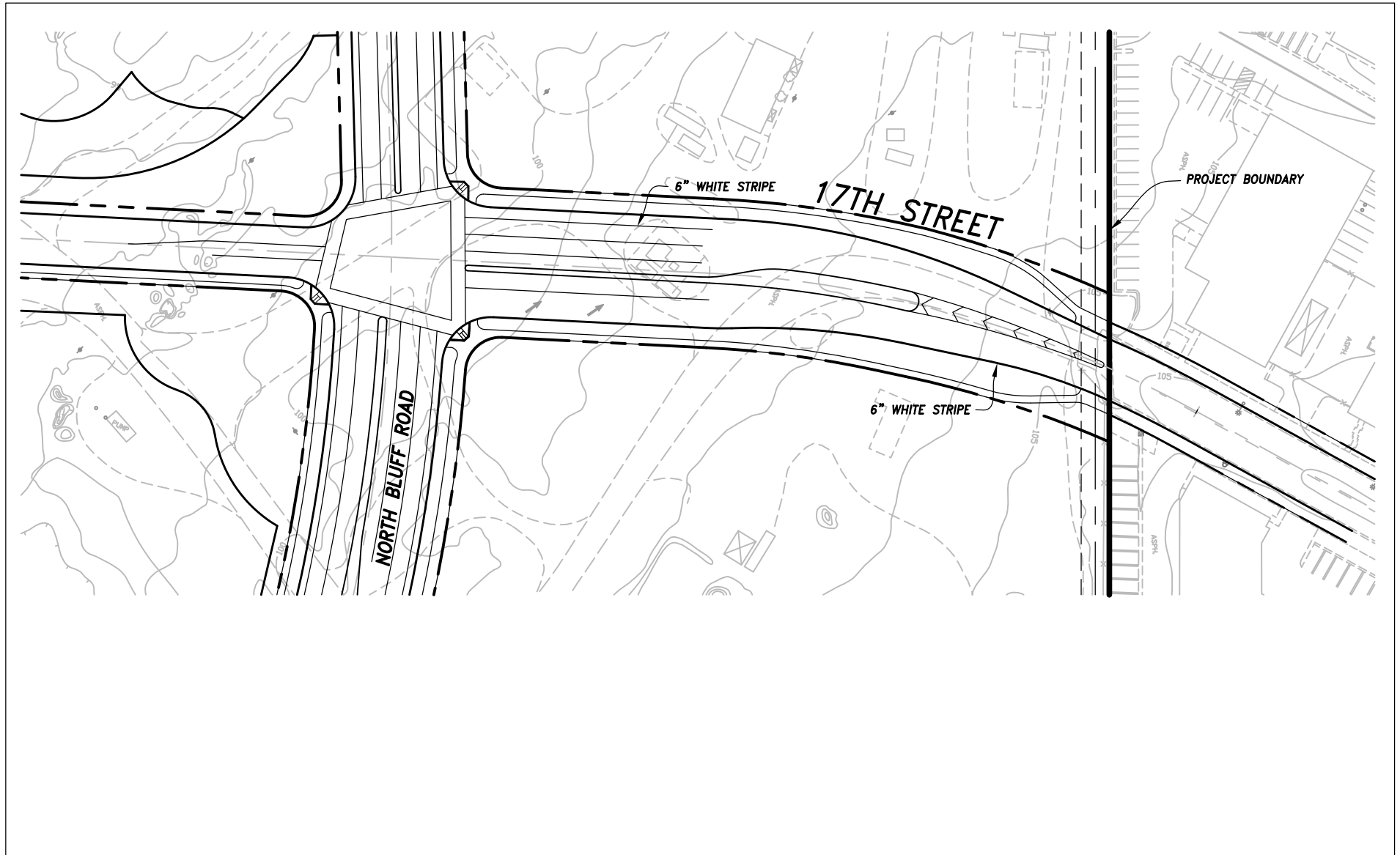
Exhibit 2-7 North Bluff Road Off-Site Improvements



PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California



2010-09-22



PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California

Exhibit 2-8 17th Street Entry Improvements



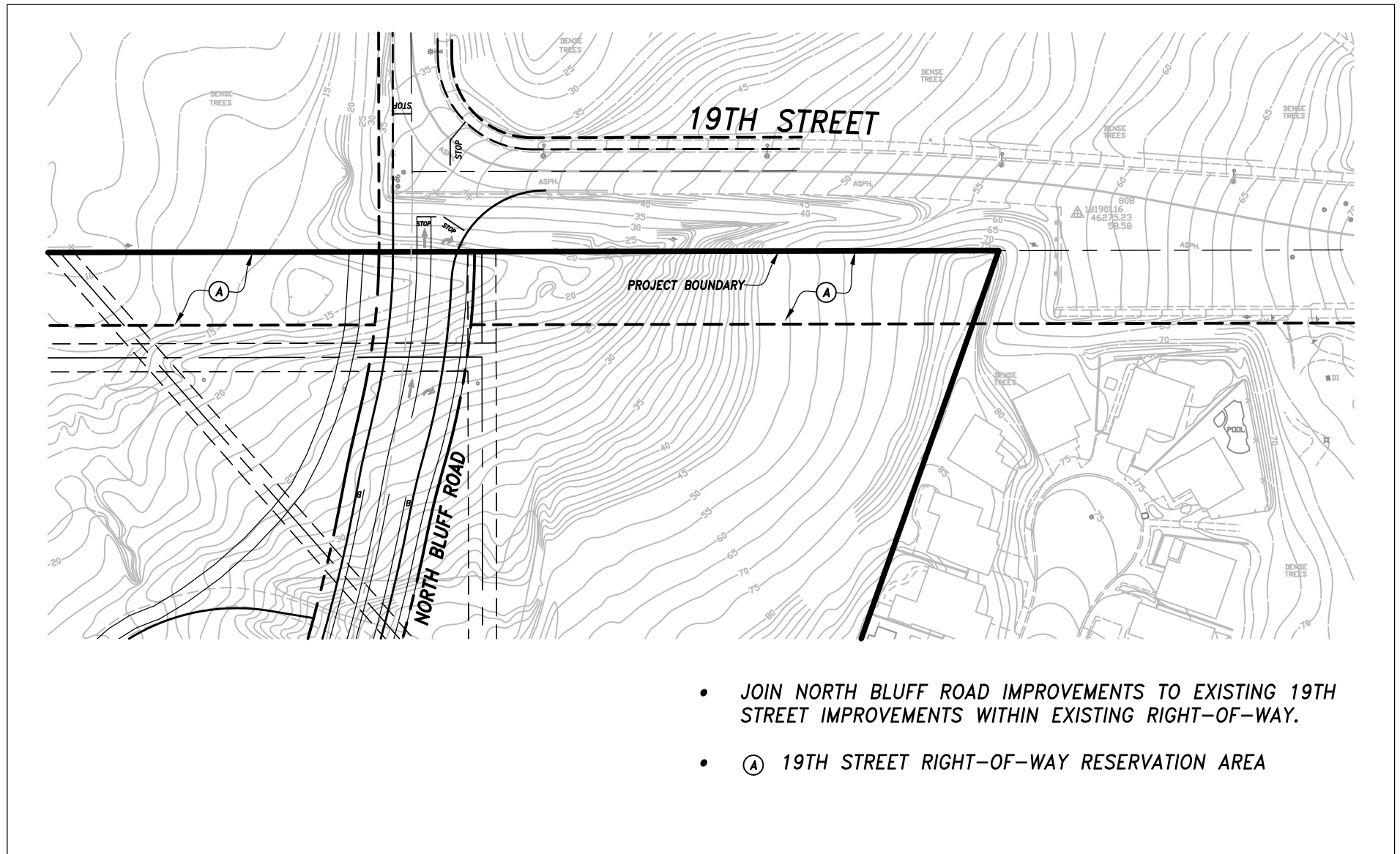
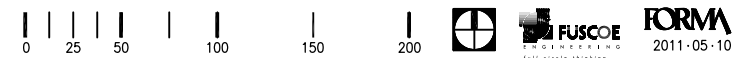
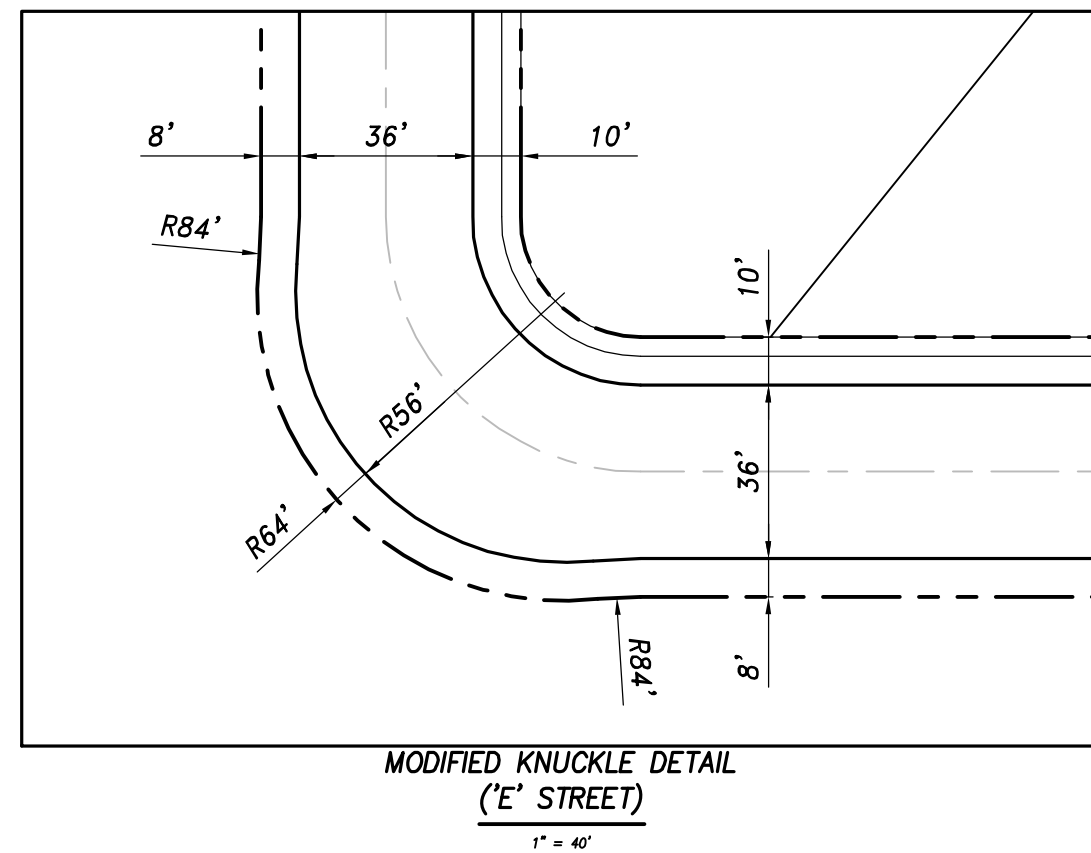
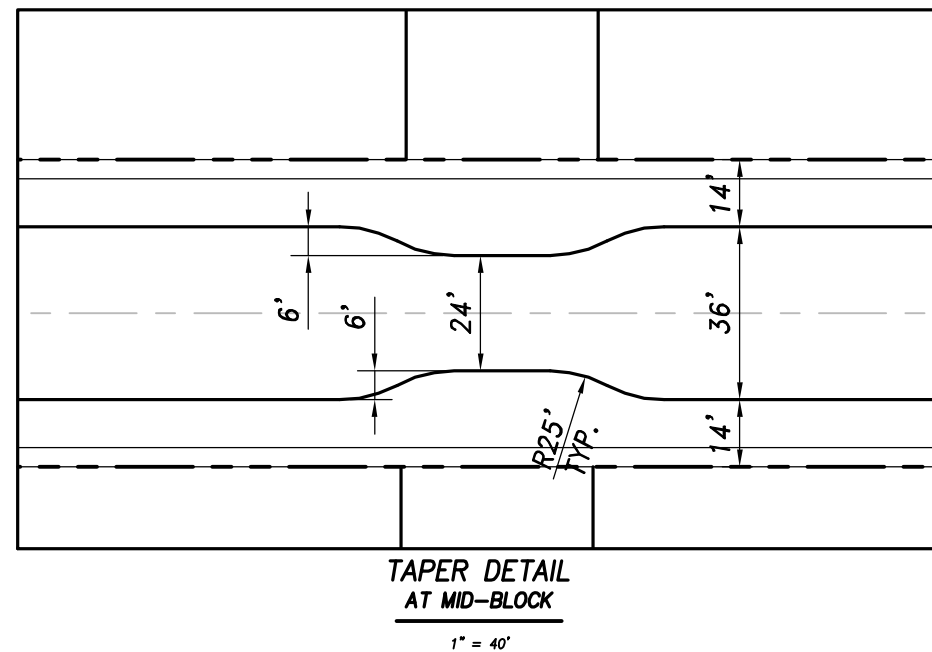
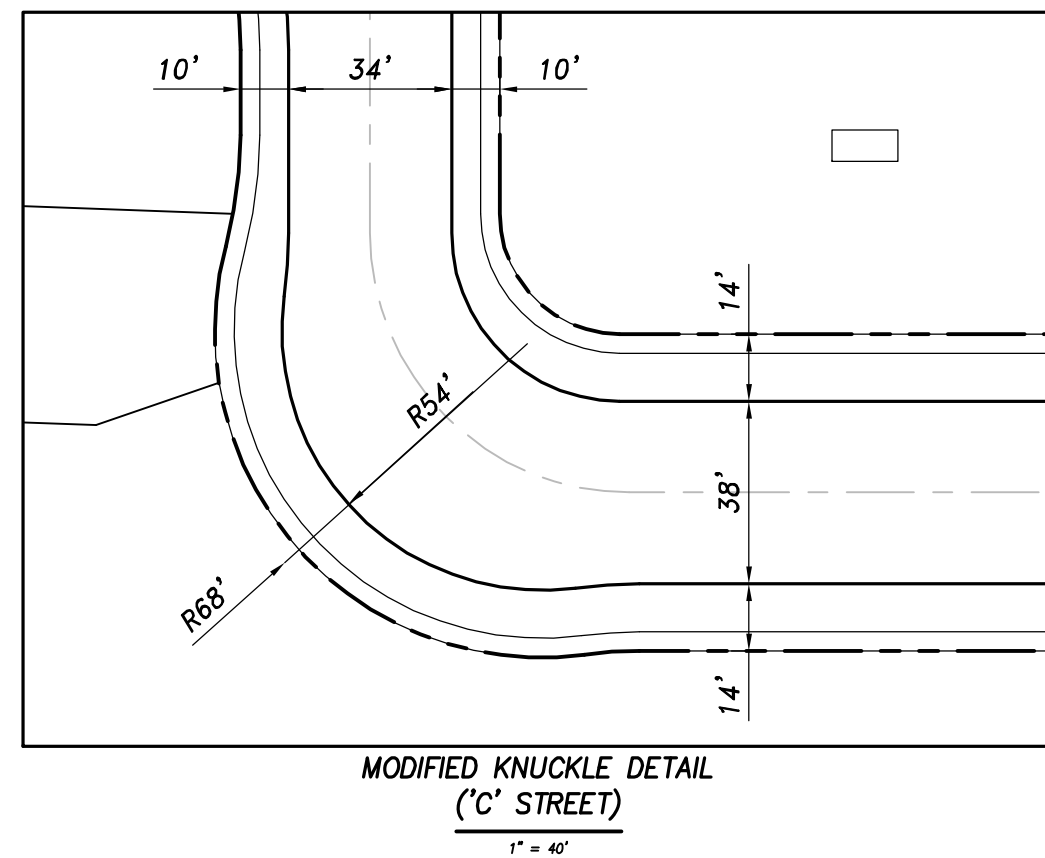
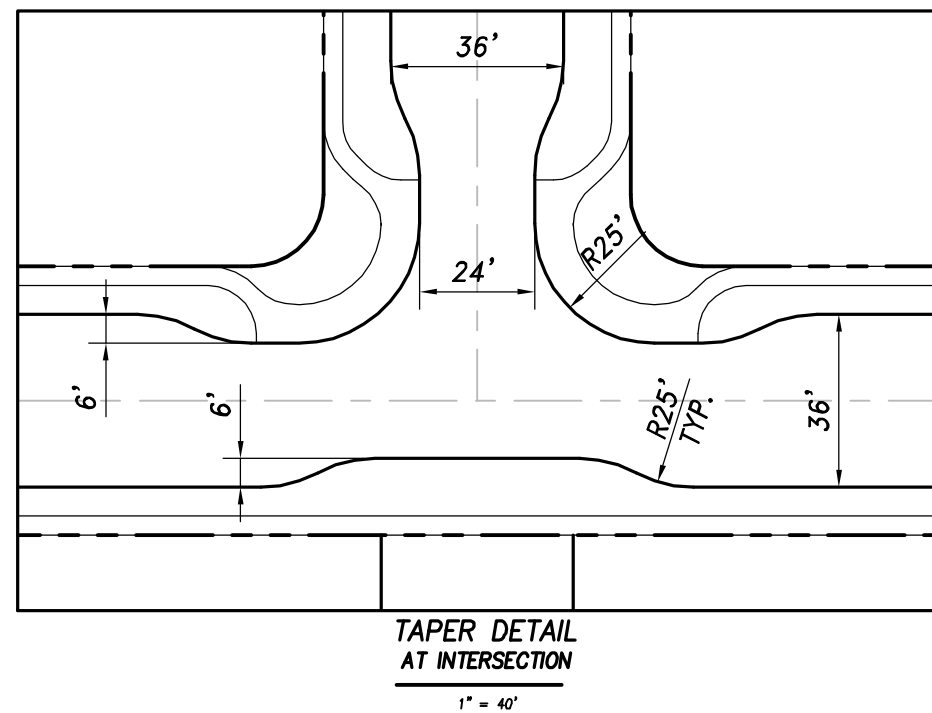


Exhibit 2-9 19th Street and North Bluff Road Entry and Off-Site Improvements

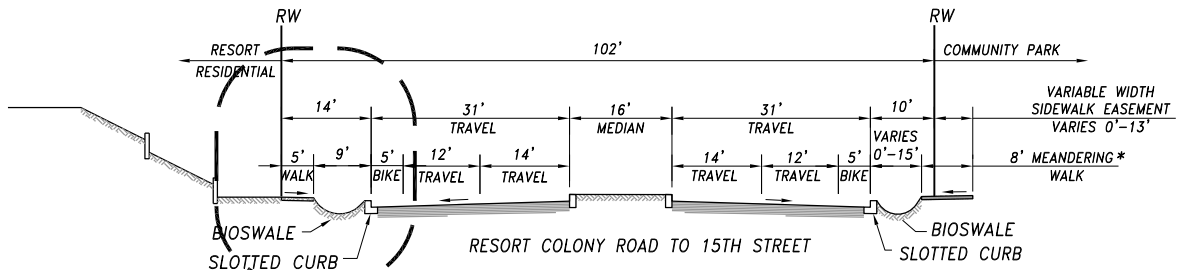


PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California



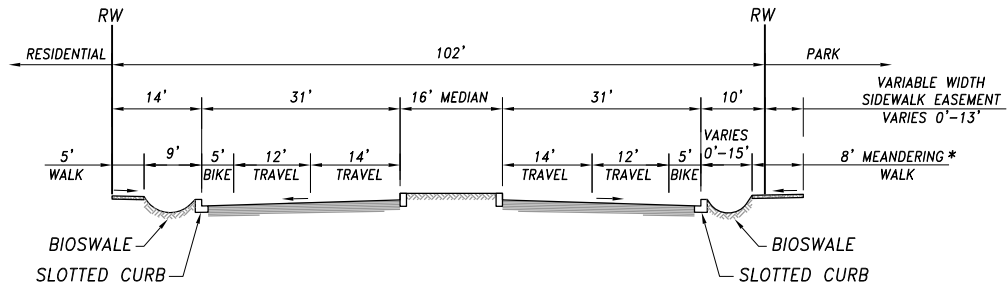
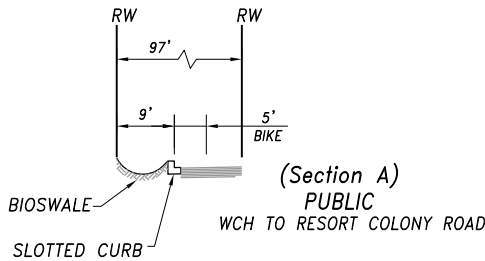




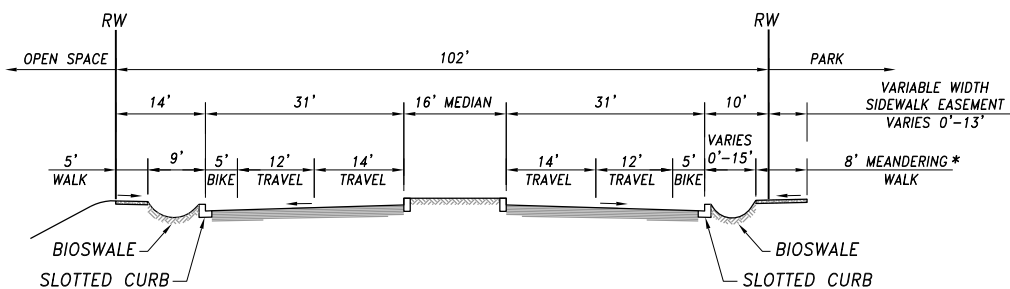


SEE BELOW FOR
SECTION A

Section A-A
Bluff Road (West Coast Highway to 15th Street)



Section B-B
North Bluff Road (15th Street to 16th Street - Adjacent Residential to West)



Section P-P
North Bluff Road (15th Street to 16th Street - Adjacent Open Space to West)

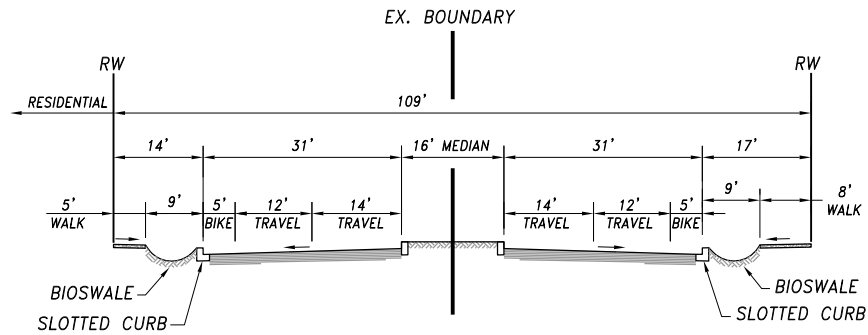
Exhibit 2-12

Sections A-A, B-B, and P-P

Bluff Road (West Coast Highway to 15th Street)

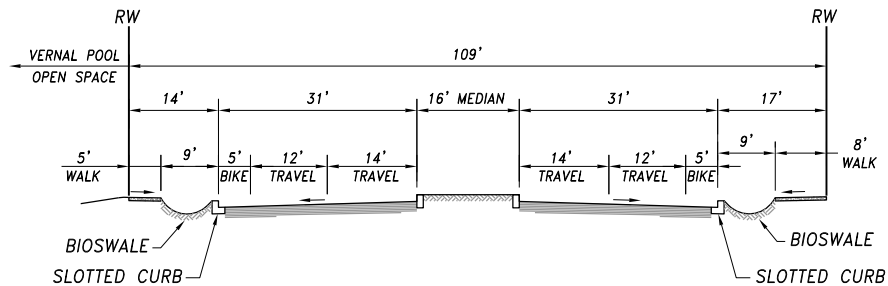
North Bluff Road (15th Street to 16th Street)





Section Q-Q

North Bluff Road (16th Street to 17th Street - Adjacent Residential to West)



Section R-R

North Bluff Road (16th Street to 17th Street - Adjacent Interpretive Park/Open Space to West)

Exhibit 2-13

Sections Q-Q and R-R

North Bluff Road (16th Street to 17th Street)



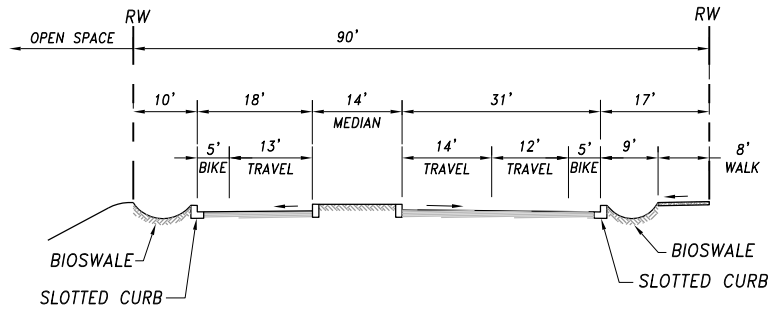
PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California



GLENN LUKOS ASSOCIATES

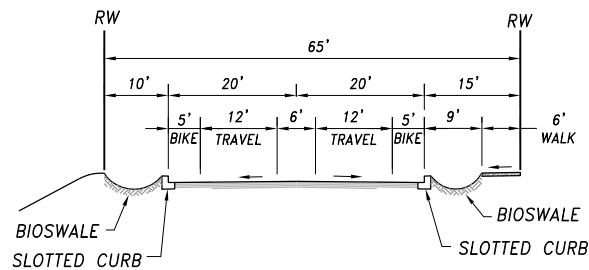


2010-09-22



Section J-J

North Bluff Road (17th Street to North Bluff Park North of Urban Colony)



Section M-M

North Bluff Road (North Bluff Park North of Urban Colony to 19th Street)

Exhibit 2-14

Sections J-J and M-M

North Bluff Road (17th Street to 19th Street)



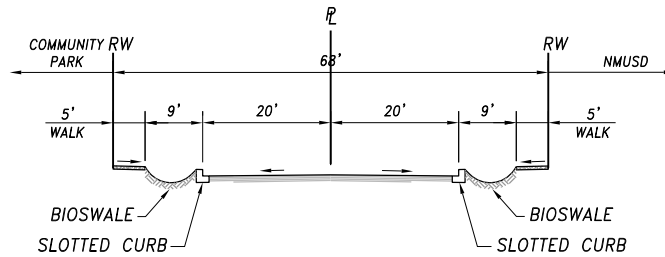
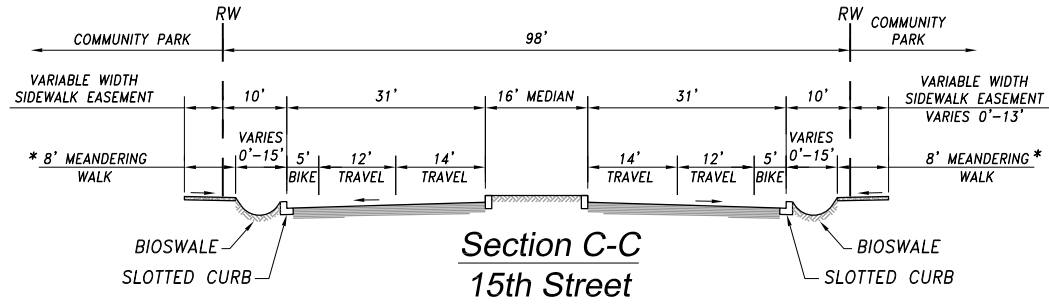
PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California



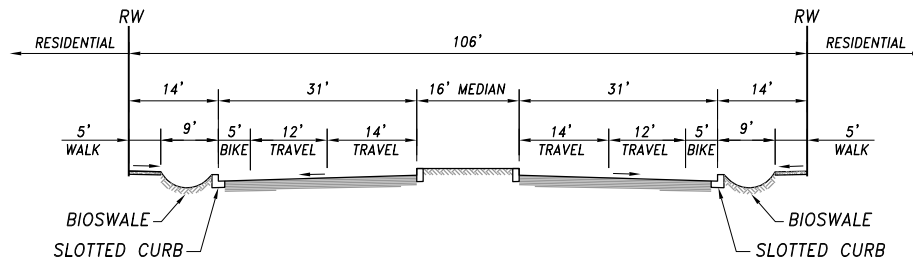
GLENN LUKOS ASSOCIATES



2010-09-22



Section D-D
16th Street

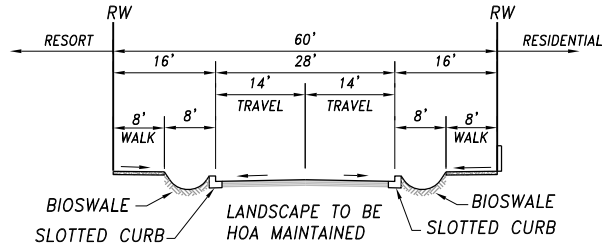


Section E-E
17th Street

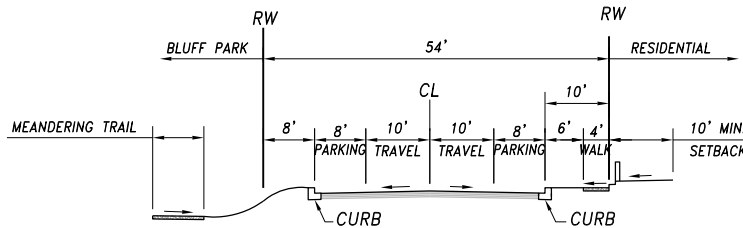
Exhibit 2-15

Sections C-C, D-D, and E-E
15th, 16th, and 17th Streets





Section G-G
Resort Colony Road



Section H-H
Scenic Drive

Exhibit 2-16

Sections G-G and H-H

Resort Colony Road and Scenic Drive



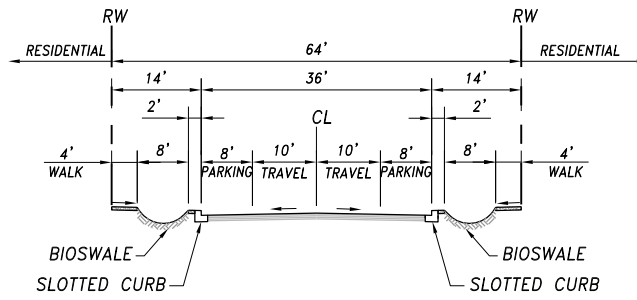
PLANNED COMMUNITY DEVELOPMENT PLAN
City of Newport Beach - California



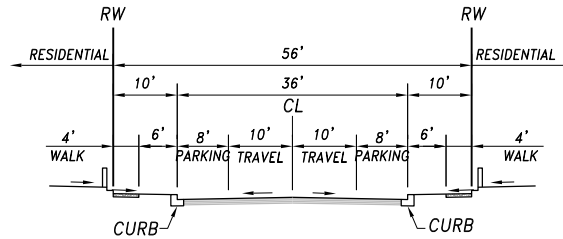
GLENN LUKOS ASSOCIATES



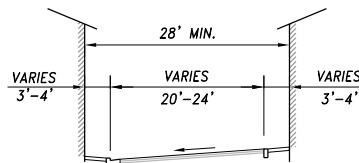
2010-09-22



Section F-F
Typical Local Road with Bioswales



Section I-I
Typical Local Road



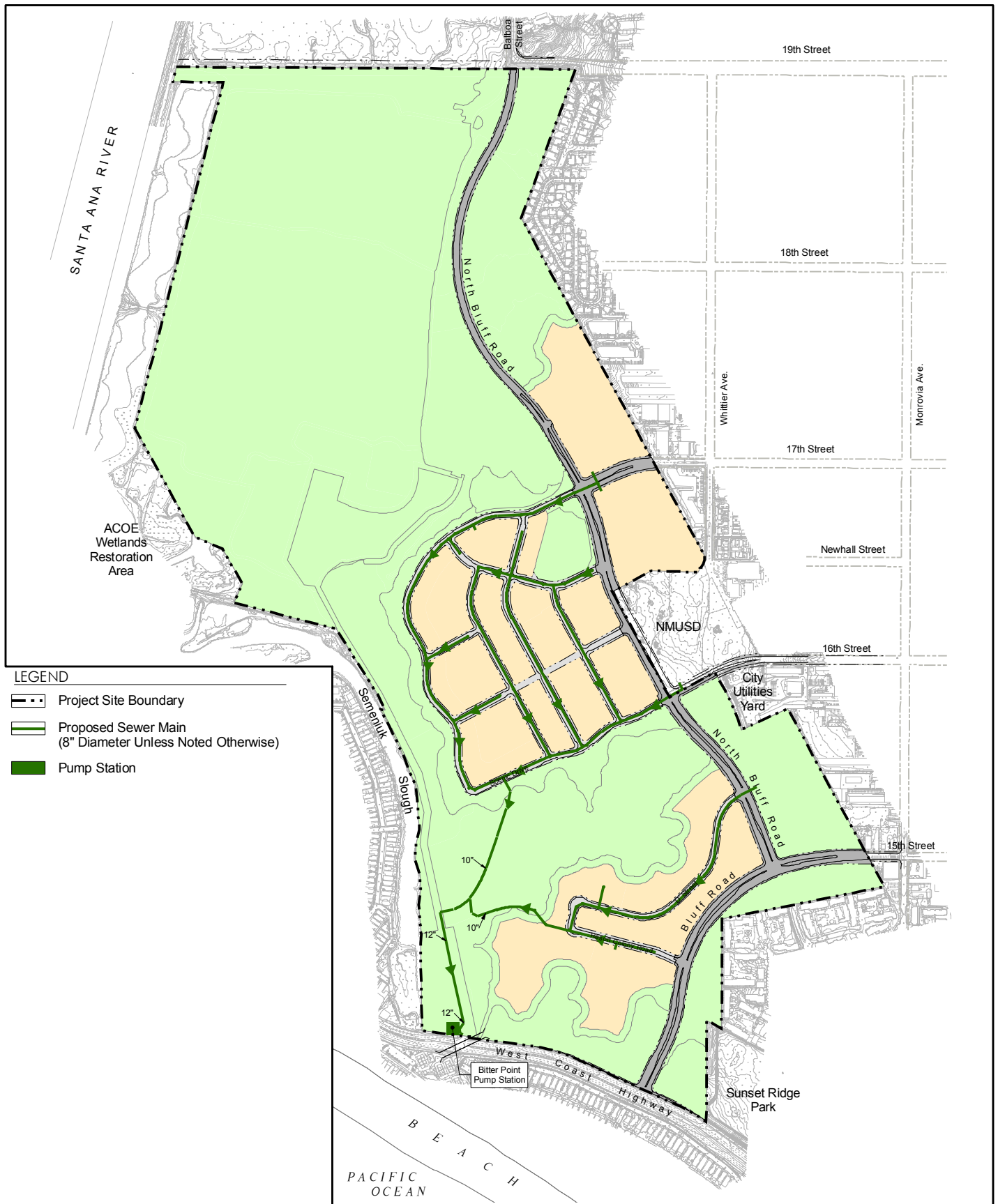
Section N-N
Typical Private Alley

Exhibit 2-17

Sections F-F, I-I, and N-N

Typical Local Roads and Private Alley





3.1 Purpose and Intent

The purpose of this chapter is to describe allowable land uses within the NBR-PC and the standards and regulations governing development of allowable land uses. These Land Use and Development Regulations (Regulations) apply to all development within the NBR-PC.

3.2 General Site Development Regulations

The following general site development regulations are applicable to development activities within all land use districts.

3.2.1 Oil Operations

The Project Site has been a continuously operating oil field since 1943. As of the effective date of the NBR-PC, oil operations within the Project Site continue to be conducted by West Newport Oil Company, permitted pursuant to the South Coast Regional Coastal Zone Conservation Commission Claim for Exemption No. E-7-27-73-144, and the City of Newport Beach consistent with Federal, State, and local laws. These oil operations provide valuable energy resources for the State and Country. All abandonment and re-abandonment of oil facilities, site remediation, removal of oil production facilities, and consolidation of oil production facilities within Project Site shall be conducted per the requirements of the appropriate State and local regulatory agencies.

The consolidation of existing oil operations and the continued operation of existing consolidated and new oil operations are permitted within the OF District. Surface oil drilling, production, and related operations shall be permitted only within the OF District and pursuant to the South Coast Regional Coastal Zone Conservation Commission Claim for Exemption No. E-7-27-73-144. Subsurface oil facilities for continued oil production shall be permitted throughout the Project Site. All surface oil production facilities located in areas outside of the OF District in existence after the effective date of the NBR-PC shall be legal non-conforming structures and subject to NBMC Chapter 20.38, "Nonconforming Uses and Structures," and subject solely to the provisions of NBMC Sections 20.38.010 through 20.38.050 of Chapter 20.38.

Continuation of existing and new oil production facilities shall be regulated and inspected by the California Division of Oil, Gas, and Geothermal Resources (DOGGR) and other appropriate State and local regulatory agencies.

PLANNED COMMUNITY DEVELOPMENT PLAN

3.2.2 Grading Plans

All grading plans within the Project Site shall comply with the following:

1. Grading plans shall be accompanied by geological and soils engineering reports, and shall incorporate information as required by the City.
2. Grading plans shall indicate all areas of grading, including remedial grading, and shall extend to the limits outside of the boundaries of an immediate area of development as required by the City. Grading shall be permitted within all Land Use Districts and outside of an area of immediate development, as approved by the City, for the grading of public roads, highways, park facilities, infrastructure, and other development-related improvements. Remedial grading for development shall be permitted in all Land Use Districts outside of an immediate development area, as approved by the City, to adequately address geotechnical or soils conditions. Grading plans shall provide for temporary erosion control on all graded sites scheduled to remain unimproved for more than 30 days.

3.2.3 Public Infrastructure and Utilities

Construction of public infrastructure and utilities shall conform to the following:

1. Utilities shall be placed below grade and will be principally located in road rights-of-ways, alley-ways, or, where necessary and feasible, in recreation and open space areas not primarily required for habitat restoration and/or preservation.
2. Any new utilities to serve development within the Project Site and located within open space areas, except within the Interim Oil Facilities District, shall be placed below grade unless waived by the Director.

3.2.4 Provision of Telecommunication Infrastructure

Fiber-optic services (FiOS), wireless technology, or similar high-speed communication technology available at the time of development construction shall be installed to all homes to provide opportunities for telecommuting and other advanced communications activities.

3.2.5 Solid Waste and Recyclable Materials Storage

All development projects within the Project Site shall comply with NBMC Section 20.30.120, "Solid Waste and Recyclable Materials Storage." This section provides standards for the provision of solid waste (refuse) and recyclable material storage areas in compliance with State Law and NBMC Chapter 6.04, "Garbage, Refuse and Cuttings."

LAND USE AND DEVELOPMENT REGULATIONS

3.2.6 Model Home Complexes

Model home complexes containing temporary real estate offices used solely for the first sale of homes within the boundaries of an approved subdivision are permitted within any Residential District, the Visitor-Serving Resort/Residential District, and the Mixed-Use/Residential District. Model home complexes are permitted in accordance with the provisions of Section 4.11, "Model Home Complex Permit," of the NBR-PC.

3.2.7 Fence, Hedge, Wall, and Retaining Wall Regulations

All fences, hedges, walls, and retaining walls shall comply with the provisions of NBMC Section 20.30.040, "Fences, Hedges, Walls, and Retaining Walls," except as provided for more specifically/differently below:

1. Any freestanding perimeter walls and view fencing approved as part of Site Development Review for a project shall be constructed by the developer.
2. Community theme walls and fences shall be designed and constructed in locations consistent with the approved Master Development Plan required pursuant to Section 4.4, "Master Development Plan," of the NBR-PC. Decorative community theme walls and fences shall not exceed six feet in height from highest adjacent finished grade exclusive of retaining walls which may have a maximum height of two feet. Maximum wall heights may be exceeded as required for sound attenuation purposes pursuant to the recommendations of an acoustical study or the EIR Mitigation Monitoring Program as approved by the City. Community theme walls shall be constructed of either masonry or other permanent, durable, low maintenance material. In a slope condition these walls and fences may be offset from the retaining wall and shall not exceed six feet in height from the adjacent retaining wall. Thematic fencing materials shall be approved by the City as part of Development Plan Review.
3. View fencing in locations approved as part of a Master Development Plan or Site Development Review shall not exceed six feet in height from the highest adjacent finished grade exclusive of retaining walls which may have a maximum height of two feet. View fencing shall be constructed of tubular metal, tempered glass, or other durable and reasonably transparent material as approved by the City.
4. Front yard fences, hedges and walls are limited to a maximum height of 42 inches along the property line, fences, hedges and walls up to a maximum height of 6 feet may be constructed 5 feet or a greater distance from the front yard property line to enclose or provide privacy to a private patio, courtyard, spa, swimming pool, or similar hardscape/landscape area at the front of the residence. Such walls may incorporate decorative gates, pilasters, or other features. The provisions of NBMC Section 20.30.040(C), "Exceptions to Maximum Height", including Subsection (2), "Decorative Fence/Wall Details and Lights," shall apply to fences and walls in this area.

3.3 Landscape Regulations

1. The Project shall comply with the provisions of NBMC Chapter 14.17, "Water-efficient Landscaping."
2. The Project shall comply with NBMC Chapter 14.16, "Water Conservation and Supply Level Regulations."
3. The Project shall comply with NBMC Chapter 20.36, "Landscaping Standards," except as may otherwise be approved as part of the Master Landscape Plan identified in (4) below:
4. All landscaping within the Project Site shall comply with the Master Landscape Plan approved as part of the Master Development Plan, pursuant to the provisions of Section 4.4, "Master Development Plan," of the NBR-PC, exclusive of private homeowner lots/ yards and turf playfields and other recreation areas in the CP District.
5. All plant materials that are planted in the Open Space Districts shall be California natives.
6. The design and improvement of all developer-installed public parks, including landscape and irrigation plans, within the Project Site shall be subject to approval of a Site Development Review by the City pursuant to Section 4.5 of the NBR-PC, "Site Development Review."
7. Plant material within the Project Site shall be installed in accordance with the Plant Palette included in a Master Landscape Plan approved as part of the Master Development Plan pursuant to the provisions of Section 4.4, "Master Development Plan," of the NBR-PC.
8. "Smart Controller" irrigation systems shall be installed in all public and common area landscaping.
9. Landscape within public and common areas shall be designed on a "hydrozone" basis to group plants according to their water and sun exposure requirements.

3.4 Lighting Regulations

The following regulations apply to exterior lighting within the Project Site.

3.4.1 General Lighting Standards and Regulations

1. The provisions of NBMC Section 20.30.070, "Outdoor Lighting," shall apply to all land uses of the NBR-PC.
2. Street lighting within the Project Site is permitted only at roadway intersections for public safety purposes. Street lighting shall be provided in accordance with the requirements of the Newport Beach Design Criteria, Standard Special Provisions and Standard Drawings for Public Works Construction Standards Manual.
3. LED and/or low-energy fixtures shall be required for lighting used in HOA-maintained common areas and in public street rights-of-way where street lights are permitted.
4. Lighting within the LOS/PTF, UOS/PTF Land Use Districts shall be prohibited.
5. Outdoor lighting within the IP Land Use District shall be prohibited with the exception of public trails which may be lighted with bollard lights or similar low-height, "dark-sky" lights, provided light fixtures are shielded to confine light rays to the trail.

3.4.2 Outdoor Lighting Standards for Commercial Uses in the MU/R and VSR/R Land Use Districts

1. The average maintained lighting levels for commercial uses in the MU/R and VSR/R Land Use Districts shall not exceed the following standards:
 - a. 5-foot candles for parking lot and other areas, however, the maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.
 - b. 10-foot candles along fronts of buildings and along main drive aisles within parking lots. The maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.
 - c. 20-foot candles for high security areas such as automated teller machines (ATMs), but not including parking lots. The maximum to average ratio shall not exceed 1.5 to 1 for canopy lighting, and 2.5 to 1 for pole- or building-mounted lighting. Lighting levels shall be reduced to a maximum of 10-foot candles after the close of business.

PLANNED COMMUNITY DEVELOPMENT PLAN

2. Light fixtures under any canopy shall be recessed into the canopy ceiling with a flat lens to prevent glare. The bottom of the fixtures may protrude a maximum of two (2) inches from the ceiling. The portions of the canopy not included in the sign area shall not be illuminated.
3. Lighting levels shall not exceed 0.5 foot-candles where commercial uses abut residential uses.

3.4.3 Outdoor Lighting Standards for Multi-Family Residential Uses

1. The average maintained lighting levels for outdoor lighting affixed to multi-family residential buildings shall not exceed the following:
 - a. 0.5-foot candles at property line boundaries.
 - b. 10-foot candles at buildings, parking lots or other areas. The maximum to average ratio shall not exceed 2.5 to 1.

3.4.4 Outdoor Lighting Standards for Sports and Athletic Playing Fields in the CP Land Use District

1. Light standards for athletic playing fields in the CP Land Use District shall be designed with light control visors to control spill and glare and to direct light downward onto the playing field. Light standards used for lighting playing fields shall be either Musco Lighting™, “Light Structure Green” standards, or another comparable light standard of similar design that reduces light spillage.

3.4.5 Outdoor “Dark Sky” Lighting Standards

1. The following outdoor lighting standards shall apply to all land uses within the BP Land Use District and to any land use located within 100 feet of LOS/PTF and UOS/PTF Land Use Districts, with the exception of those land uses within the CP Land Use District.
2. Full cutoff luminaires, as defined by the Illuminating Engineering Society of North America (IESNA), shall be used in developed areas to minimize the amount of light emitted upward directly from the luminaire.
3. Exterior lighting shall be shielded and directed to confine light to the intended area to be lit.
4. No skyward casting lighting shall be allowed.
5. Pathways and trails within the BP Land Use District shall be lit with low level bollard or other similar lighting which shall not exceed three feet in height.

LAND USE AND DEVELOPMENT REGULATIONS

6. Lighting levels shall be restricted to the lowest intensity necessary for security and safety purposes while still adhering to the recommended levels of the IESNA
7. Landscaping shall be used as filtering devices to soften the impact of direct exterior, reflected exterior, and building interior lighting.
8. Design of outdoor lighting fixtures shall be approved as part of Site Development Review.

3.4.6 Design Standards for HOA-Maintained Outdoor Lighting in all Land Use Districts

1. Common area outdoor lighting standards shall be metallic, unbreakable plastic, recessed or otherwise designed to reduce the problems associated with damage and replacement of fixtures. Fixtures shall be vandal-resistant.
2. Exterior lighting illuminating public areas, community facilities, and recreation areas shall be designed to include a hierarchy of fixtures of varying heights, illumination levels, and design features.
3. Parking lots, pedestrian walkways, and building entrances shall be adequately lit for security purposes.
4. Alley lighting fixtures shall be equipped with sensors for automatic nighttime lighting. Style and specifications for alley lighting shall be approved as part of Site Development Review.
5. Where Project and Neighborhood entry monuments are lit they shall be illuminated by concealed, ground-mounted, up-lights. Lighting of Project and Neighborhood entry monuments shall be permitted only along arterial and collector roadways, key intersections, and neighborhood entries.
6. All electrical meter pedestals and light control equipment in HOA-maintained common areas or public rights-of-ways shall be located with minimum public visibility and/or screened with plants or allowed by jurisdictional agencies.

3.4.7 Exemptions from Outdoor Lighting Requirements

1. Lighting required by the Building Code.
2. Construction and emergency lighting used by construction workers, police, firefighting, or medical personnel, provided the lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency requiring the lighting.
3. Lighting for oil production operations within the OF Land Use District.

3.5 Community Master Sign Program

Prior to issuance of the first Certificate of Occupancy, including the first model home complex, a Master Sign Program for the community shall be submitted by the developer for approval by the Planning Commission to address community entries, residential project entries, residential neighborhood identification signs, public facility identification signs, way-finding signs, and any other signs identified as necessary by the Planning Commission for the successful signage of the Project. The Director may require that an additional sign program be approved by the Planning Commission for a specific portion of the Project as part of a Site Development Review.

3.5.1 Community Master Sign Program Contents

The Community Master Sign Program shall address, at a minimum, the following:

1. Permitted sign types.
2. Prohibited signs.
3. The hierarchy of signage.
4. Definition of types of signs.
5. Locations and dimensions (size and height) for signs included in the Community Master Sign Program.
6. Method of sign illumination.
7. Provisions for size, location, and duration of display of temporary signs.
8. Permitted sign styles, construction materials, colors, and lettering styles.
9. The review and permit procedure for individual signs included in the Community Master Sign Program.
10. Procedures for modifying or amending the Community Master Sign Program.

3.5.2 Signs not included in the Community Master Sign Program

All signs not included as part of the Community Master Sign Program shall comply with NBMC Section 20.42, "Sign Standards."

3.6 Green and Sustainable Regulations

All initial new development permitted pursuant to the NBR-PC shall comply with the guidelines contained in the “Newport Banning Ranch Green and Sustainable Program,” included as Appendix A of the NBR-PC.

3.7 Parking Regulations

The following regulations shall govern the requirements for off-street parking of motor vehicles within the Project. Except as otherwise specified herein, off-street parking within the Project Site shall be provided in accordance with NBMC Chapter 20.40, “Off-Street Parking.”

3.7.1 Preferential Parking for Carpools and Rideshare

Preferential parking spaces, in a number and location as determined by the Planning Commission during Site Development Review, shall be designated for carpools, rideshare, Zipcar®, and/or other vehicle-sharing services for commercial and visitor-serving resort uses within the Mixed-Use/Residential District and the Visitor-Serving Resort/ Residential District.

3.8 Fire and Life Safety Requirements

3.8.1 Requirement for Fire and Life Safety Program

The Developer shall submit a comprehensive Fire and Life Safety Program for the Project for approval by the City as part of a Master Development Plan for the entire Project Site as required in Chapter 4, "Implementation," of the NBR-PC. At a minimum, the approved Fire and Life Safety Program shall address all applicable State and City Fire and Building Codes, and the following City Fire Department Guidelines:

1. Guideline G.01 – Hazard Reduction Zones.
2. Guideline G.02 – Fuel Modification Plans and Maintenance Standards.
3. Guideline G.03 – Construction Requirements for Special Fire Protection Areas.

The Fire and Life Safety Program shall identify any Urban Wildfire Interface Areas within and adjacent to the Project Site and provide a list of plants that are prohibited in Urban Wildland Interface Areas and a list of Fire Resistive plants that are permitted in Urban Wildland Interface Areas. The Fire and Life Safety Program shall be approved pursuant to the provisions of Chapter 4.4, "Master Development Plan" of the NBR-PC.

3.8.2 Alternate Materials and Methods

The Fire and Life Safety Program for the Project may include Alternate Materials and Methods, as approved by the City's Fire Department pursuant to Newport Beach Fire Department Guideline H.01.

3.8.3 Fire Restrictions in CC&Rs

Project CC&Rs shall contain the fire protection regulations approved by the City, and all property owners shall be subject to the rules related to fire protection features as established in Project CC&Rs.

3.8.4 Use of Fire and Life Safety Program

The Fire and Life Safety Program approved for the Project shall be made available by the Developer to project builders, architects, landscape architects, HOAs, and property owners and tenants within the Project as part of real estate sale-closing documents and leases.

3.9 Allowable Land Uses

3.9.1 Purpose and Intent

This section establishes the allowable land uses within all Land Use Districts identified on Exhibit 2-1, "Planned Community Development Plan," and Exhibit 2-2, "Planned Community Development Table."

3.9.2 Permitted Uses

Uses listed as "Permitted Uses" are allowed subject to compliance with all applicable provisions of the NBR-PC, issuance of a permit subsequent to approval of a Site Development Review, Zoning Clearance, or any other permit required as required per Chapter 4, "Implementation," of the NBR-PC, and/or any building permit or other permit required by the NBMC. These are indicated as "P" uses in Exhibit 3-1, "Allowable Uses."

3.9.3 Conditionally Permitted Uses

Uses allowed subject to the approval of a Conditional Use Permit (CUP) or Minor Use Permit (MUP) are those allowed subject to compliance with the provisions of Section 4.9, "Use Permits," of the NBR-PC and any building permit or other permit required by the NBR-PC and NBMC. These are indicated as either "CUP" or "MUP" uses in Exhibit 3-1, "Allowable Uses."

3.9.4 Special Event Uses

Uses listed as "Special Event Uses" in NBMC Chapter 11.03, "Special Events," including but not limited to fairs, community picnics, trash clean-ups, grand openings, and other similar events, are allowed within all Land Use Districts of the NBR-PC subject to the provisions of NBMC Chapter 11.03.

PLANNED COMMUNITY DEVELOPMENT PLAN

3.9.5 Limited Duration Uses

“Limited Duration Uses” as listed in NBMC Section 20.52.040 and the uses listed below are permitted within any Land Use District subject to issuance of a Limited Term Permit, pursuant to the provisions of Section 4.10, “Limited Term Permits,” of the NBR-PC, and issuance of grading permits, building permits, and any other permits required by the NBR-PC and NBMC:

1. Archaeological and paleontological site studies.
2. Temporary infrastructure facilities necessary for the development of adjacent areas (e.g., roads, utility lines, water reservoirs, flood control facilities, utility access roads, erosion control devices and basins, etc.).
3. Temporary borrow, stockpile, and/or disposal sites for purposes of construction, which will be removed at the completion of construction.
4. Temporary interpretive or environmental protection facilities associated with implementation of the Habitat Restoration Program, or with other complementary programs as approved by the entity responsible for the management of the Upland and Lowland Open Space Areas.
5. The temporary storage of maintenance and repair equipment and materials associated with land development and construction of the Project, and the storage, staging, remediation, crushing, and recycling of materials associated with site remediation and infrastructure construction.
6. Temporary facilities for the growing of native plant materials related to the habitat restoration of open space areas and facilities for the storing of equipment, building materials, and/or vehicles related to open space restoration activities.

3.9.6 Uses Not Listed

Land uses not listed in Section 3.9.8, “Allowable Uses,” of the NBR-PC are not allowed, except as provided in Section 3.9.4, “Special Event Uses,” Section 3.9.5, “Limited Duration Uses,” and Section 4.3.1 “Interpretations,” of the NBR-PC.

3.9.7 Legal Non-Conforming Uses

Any use within the Project Site lawfully existing at the time of the effective date of the NBR-PC including, without limitation, surface and subsurface oil and natural gas production operations, maintenance and operation of existing easements and pipelines, surface leases for storage yards, and other oil-related buildings, structures, and maintenance areas shall be considered legal non-conforming uses and may be continued, notwithstanding any omission of a particular such use in Table 3-1, “Allowable Uses.” Legal non-conforming uses are not permitted to be expanded.

3.9.8 Allowable Uses

Exhibit 3-1, "Allowable Uses," establishes the permitted and conditionally permitted uses of the NBR-PC for:

Open Space Districts:

- LOS/PTF – Lowland Open Space/Public Trails and Facilities;
- UOS/PTF – Upland Open Space/Public Trails and Facilities; and
- OF – Interim Oil Facilities.

Public Parks/Recreation Districts:

- CP – Community Park;
- BP – Bluff Park; and
- IP – Interpretive Parks.

Visitor-Serving Resort/Residential District:

- VSR/R – Visitor-Serving Resort/Residential.

Residential Districts:

- RL – Low Density Residential;
- RL/M – Low-Medium Density Residential; and
- RM – Medium Density Residential.

Mixed-Use/Residential District:

- MU/R – Mixed-Use/Residential.

PLANNED COMMUNITY DEVELOPMENT PLAN

EXHIBIT 3-1

ALLOWABLE USES Newport Banning Ranch

LEGEND: P Permitted Use CUP Conditional Use Permit <input type="checkbox"/> Not Permitted (empty cell)											
MUP Minor Use Permit											
LAND USE TYPE/FACILITY	LAND USE DISTRICT										
	OPEN SPACE			PUBLIC PARKS/ RECREATION			RESIDENTIAL			MU/R	VSR/R
	LOS/PTF	UOS/PTF	OF	CP ⁽¹⁾	BP	IP	RL	RL/M	RM		
Accessory structures and uses				P	P	P	P	P	P	P	P
Accessory Dwelling Units per NBMC Section 20.48.200							MUP	MUP	MUP		
Alcoholic beverages, sale not for consumption on the premises								CUP ⁽²⁾	CUP ⁽²⁾	CUP	CUP
Alcohol sales, service and consumption										CUP	CUP
Amphitheaters – small				MUP	MUP	MUP					MUP
Arboretums and horticultural gardens				P	P	P				P	P
Arcades, game or movie										MUP	
Artists' studios / galleries										P	P
ATM										P	P
Bed and breakfast inns										CUP	CUP
Bicycle rentals					P	P				P	P
Boat and other marine sales/rental/leasing/ minor repair of, incidental to the sale of boat										MUP	
Bars and nightclubs										CUP	CUP
Breweries, micro										CUP	CUP
Care Uses:											
Adult day care (6 or fewer persons, per NBMC 20.48.070)							P	P	P	P	
Adult day care (7 or more persons, per NBMC 20.48.070)										MUP	
Child day care small 8 or fewer (per NBMC (20.48.070)							P	P	P	P	
Child day care large 9-14 (per NBMC 20.48.070)										MUP	
Residential care facilities licensed 6 or fewer (per NBMC 20.48.170)							P	P	P	P	
Residential care facilities 6 or fewer unlicensed (per NBMC 20.48.170)							CUP	CUP	CUP	CUP	
Residential care facilities 7 or more (per NBMC 20.48.170)										CUP	
Caretaker residence							P	P	P	P	P
Colleges, universities (including Satellite learning facility)										MUP	
Commercial Personal Services										P	P
Commercial Convenience Retail (per NBR-PC Section 2.6 and 3.14.2.2								P ⁽²⁾	P ⁽²⁾		
Community centers, public or HOA/private				P	P	P	P	P	P	P	P
Day Care – General										MUP	
Day spas and medical spas										MUP	P

LAND USE AND DEVELOPMENT REGULATIONS

LEGEND: P Permitted Use CUP Conditional Use Permit <input type="checkbox"/> Not Permitted (empty cell)											
MUP Minor Use Permit											
LAND USE TYPE/FACILITY	LAND USE DISTRICT										
	OPEN SPACE			PUBLIC PARKS/ RECREATION			RESIDENTIAL			MU/R	VSR/R
	LOS/PTF	UOS/PTF	OF	CP ⁽¹⁾	BP	IP	RL	RL/M	RM		
Eating and drinking establishments sit down dining, serving alcohol, bars, and lounges										CUP	CUP
Eating and drinking establishments, sit down dining no alcohol service								P ⁽¹⁾	P ⁽¹⁾	P	P
Financial institutions and related services								P ⁽¹⁾	P ⁽¹⁾	P	
Greenhouses, commercial										P	
Habitat restoration, creation, and protection activities	P	P	P	P	P	P	P	P	P	P	P
Health/fitness centers and facilities small and large										MUP	P
Historical monuments and cultural heritage sites	P	P	P	P	P	P				P	P
Interpretive Visitor Center and Custodial Facilities				P	MUP	MUP					
Maintenance and repair services ancillary to commercial use										P	
Model home complex, information centers. Subject to approval of a Model Home Complex Permit per NBR-PC Section 4.11							P	P	P	P	P
Native Plant Nurseries/Eco Garden Center not for profit				P	MUP	MUP					
Nightclubs										CUP	CUP
Offices – professional										P	
Offices – medical and dental										MUP	
Offices – administrative ancillary to principally permitted or permitted use.										P	P
Outdoor Dining associated with an eating and drinking establishment										MUP	MUP
Oil and natural gas facilities and operations/ surface operations			P								
Oil and natural gas facilities and operations/ subsurface operations	P	P	P	P	P	P	P	P	P	P	P
Parks and recreation facilities/ HOA-owned, public use					P	P	P	P	P	P	P
Parks and recreation facilities/ HOA-owned, private use					P	P	P	P	P	P	P
Parks and recreation facilities/public-owned, public use				P							
Pet grooming, excluding boarding										P	P
Places of public assembly, including religious facilities and places of worship										CUP	
Plant growing facilities of nursery stock for profit										P	
Plant growing facilities of nursery stock - not for profit				P	P	P					
Printing and duplicating services										P	P
Public facilities (police, fire, library, etc.) – Permanent				P						P	
Public facilities (police, fire, library, etc.) – Temporary				P			P	P	P	P	
Public infrastructure, utilities, and drainage facilities, minor	P	P	P	P	P	P	P	P	P	P	P
Public infrastructure and utilities, major	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Rental/leasing/repair of articles sold on premises										P	P
Residences, live/work										P	

PLANNED COMMUNITY DEVELOPMENT PLAN

LEGEND: P Permitted Use CUP Conditional Use Permit <input type="checkbox"/> Not Permitted (empty cell)											
MUP Minor Use Permit											
LAND USE TYPE/FACILITY	LAND USE DISTRICT										
	OPEN SPACE			PUBLIC PARKS/ RECREATION			RESIDENTIAL			MU/R	VSR/R
	LOS/PTF	UOS/PTF	OF	CP ⁽¹⁾	BP	IP	RL	RL/M	RM		
Residences, multi-family								P	P	P	P
Residences, single-family attached								P	P	P	P
Residences, single-family detached							P	P	P	P	P
Resorts, inns, hotels, and accessory uses										CUP	CUP
Retail sales and service										P	P
Schools, business and professional										MUP	
Sports fields, lighted and unlighted				P							
Studios for instruction (dance, music and similar)										P	MUP
Studios for music, radio/television broadcasting, and similar										MUP	
Taxi stands										P	P
Theaters (movie and performance)										CUP	
Tourist information centers					P	P				P	P
Trails, interpretive	P	P	P	P	P	P	P	P	P	P	P
Trails, multi-use (pedestrian/bicycle)	P	P	P	P	P	P	P	P	P	P	P
Veterinary clinics, small animals										P	
Visitor-serving retail										P	P
Wireless Telecommunication Facilities per NBMC Chapter 15.70	P	P	P	P	P	P	P	P	P	P	P

⁽¹⁾ Any other land uses not listed as "permitted" within the CP District may be permitted as determined by the City of Newport Beach.

⁽²⁾ Permitted subject to Section 2.6, Residential Districts," and Section 3.14.2.2, "Convenience Commercial Development Regulations."

3.10 Open Space District Regulations

3.10.1 Purpose and Intent

This section establishes the regulations governing development allowed within the Lowland Open Space/Public Trails and Facilities District (LOS/PTF), the Upland Open Space/Public Trails and Facilities District (UOS/PTF), and the Interim Oil Facilities District (OF).

3.10.2 Site Development Standards

1. LOS/PTF District and UOS/PTF District Regulations

The following regulations shall apply to all development within the LOS/PTF District and UOS/PTF District:

- a. Maximum Structure Height – 18 feet;
- b. Maximum Structure Coverage – one percent (1%) of total gross site area.
- c. Landscape buffers may be planted in the LOS/PTF District adjacent to the boundary of the OF District to screen oil facilities where feasible. Landscape buffers may include the planting of native trees, shrubs, and/or groundcover and/or the installation of buffer fencing pursuant to an approved Habitat Restoration Plan to visually buffer oil operations facilities within the OF District from other areas of the Project Site.

2. OF District Regulations

The following regulations shall apply to all development within the OF District:

- a. Maximum Height for Buildings – 18 feet.
- b. Maximum Height all Other Surface Oil Production Structures – none.
- c. All oil and gas production facilities, operations and servicing, together with all accessory structures and uses which are customarily incidental or necessary to main buildings or uses, are permitted within the Interim Oil Facilities District and shall be subject to California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR), California Laws for Conservation of Petroleum and Gas, and all other relevant State and local laws and regulations.

3.11 Public Parks/Recreation District Regulations

3.11.1 Purpose and Intent

This section establishes the regulations governing development allowed within the Community Park District (CP), Bluff Park District (BP), and Interpretive Parks District (IP).

3.11.2 CP District, BP District, and IP District Regulations

The following regulations shall apply to all development within the CP, BP, and IP Districts:

1. Maximum Height for Buildings within CP District and IP District north of and adjacent to Scenic Drive – 36 feet, except that elevators and other types of mechanical space, and chimneys, towers and architectural treatments intended to add interest and variation to roof design, that do not exceed ten (10) percent of the roof area may exceed the maximum height restriction by twelve (12) feet.
2. Maximum Height all other Structures within CP, BP, and IP Districts – 18 feet.
3. Maximum Building Coverage – Five percent (5%) of total gross site area within the CP, BP, and IP Districts.
4. Bluff Setback CP, BP, and IP Districts – Habitable structures shall be set back a minimum of sixty (60) feet from the top of the edge of the bluff.
5. Setback from Roadways CP, BP, and IP Districts – Buildings shall be set back a minimum of fifteen (15) feet from public road rights-of-way.
6. Mechanical equipment, including utility vaults, and emergency power generators, but excluding solar power equipment, shall be screened from view in a manner compatible with the building materials and building setting. Noise associated with mechanical equipment shall be attenuated to meet noise control standards set forth in NBMC Chapter 10.26, “Community Noise Control.”

3.12 Visitor-Serving Resort/Residential Regulations

3.12.1 Purpose and Intent

This section establishes the regulations governing development allowed within the Visitor-Serving Resort/Residential District (VSR/R).

3.12.2 Visitor-Serving Resort/Residential District Regulations

1. Residential structures within the VSR/R District constructed as separate and freestanding structures from the resort inn structure are subject to the development regulations established in NBR-PC Section 3.13, "Residential Development Regulations."
2. Visitor-serving resort and commercial structures within the VSR/R District constructed as separate and freestanding structures from residential structures are subject to the development regulations established for the Visitor-Serving Resort in NBR-PC Section 3.14, "Commercial Development Regulations."
3. The following regulations shall apply to visitor-serving resort and residential uses when combined in the same structure:
 - a. The development shall be subject to the regulations established for the Visitor-Serving Resort in Exhibit 3-5, "Commercial Development Regulations Matrix." and
 - b. Each residential dwelling unit shall have a minimum floor area of 550 square feet.
4. The following development regulations apply to all development within the VSR/R District:
 - a. Structure Height – The maximum height for any structure in the VSR/R District shall be fifty (50) feet. Elevators and other types of mechanical space, and chimneys, towers and architectural treatments intended to add interest and variation to roof design, that do not exceed ten (10) percent of the roof area may exceed the maximum height restriction by twelve (12) feet.
 - b. Bluff Setback – All habitable structures shall be set back a minimum of sixty (60) feet from the top of the edge of a bluff.
 - c. Bike Racks – On-site bicycle rack(s) shall be provided at a minimum ratio of one bicycle space per 2500 gross square feet of commercial area.

PLANNED COMMUNITY DEVELOPMENT PLAN

- d. Deliveries, Loading, and Unloading – Deliveries, loading, unloading, opening/closing or other handling of boxes, crates, containers, building materials, trash receptacles, or similar objects within the VSR/R land use district shall not be allowed between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays, and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays.
- e. Mechanical equipment, including utility vaults, and emergency power generators, but excluding solar power equipment, shall be screened from view in a manner compatible with the building materials and building setting. Noise associated with mechanical equipment shall be attenuated to meet noise control standards set forth in NBMC Chapter 10.26, "Community Noise Control."

3.13 Residential Development Regulations

3.13.1 Purpose and Intent

This section establishes the regulations governing residential development allowed within the Low Density Residential District (RL), Low-Medium Density Residential District (RL/M), Medium Density Residential District (RM), Visitor-Serving Resort/Residential District (VSR/R), and Mixed-Use/Residential District (MU/R).

3.13.2 Low Density Residential District, Low-Medium Density Residential District, Medium Density Residential District, Visitor-Serving Resort/Residential District, and Mixed-Use/Residential District Regulations

The following regulations apply to all Residential Land Use Districts:

1. Maximum structure height regulations apply to all structures within the Residential Land Use Districts as follows:
 - a. Low Density Residential District – 36 feet.
 - b. Low-Medium Density Residential District – 45 feet.
 - c. Medium Density Residential District – 45 feet.

Elevators and other types of mechanical space, and chimneys, towers and architectural treatments, intended to add interest and variation to roof design that do not exceed ten (10) percent of the roof area, may exceed the maximum structure height by twelve (12) feet.
2. A minimum of one bicycle space per ten dwelling units shall be provided within multi-family residential projects.
3. Mechanical equipment, including utility vaults, and emergency power generators, but excluding solar power equipment, shall be screened from view in a manner compatible with the building materials and building setting. Noise associated with mechanical equipment shall be attenuated to meet noise control standards set forth in NBMC Chapter 10.26, "Community Noise Control."
4. The regulations contained in Exhibit 3-2, "Single-Family Detached Residential Site Development Regulations Matrix," Exhibit 3-3, "Single-Family Attached Residential Site Development Regulations Matrix," and Exhibit 3-4, "Multi-Family Residential Site Development Regulations Matrix," shall apply to all residential uses within the RL, RL/M, RM, VSR/R, and MU/R Land Use Districts.

3.13.3 HOA Recreation Facility Regulations

The following regulations shall apply to private Homeowner Association (HOA) facilities intended for the exclusive use of homeowners and their guests within all Residential Land Use Districts:

1. Permitted Recreation Facilities

- a. Swimming pools, spas/jacuzzis, lap pools, kiddie pools, and similar water recreation facilities, including associated safety fencing, poolside lounges, tables, and chairs, pump and filter buildings and enclosures, and similar associated improvements.
- b. Tennis courts, paddle/pickle ball courts, handball courts, full/half basketball courts, and similar hard court facilities.
- c. Picnic facilities, barbeque areas, seating areas, conversation pits, small amphitheaters, and similar family and group areas,
- d. Lawn, open turf, and other landscape areas, both functional and/or solely aesthetic, including associated walkways, fountains, lighting, and furniture.
- e. Areas for shuffleboard, putting greens, croquet, horseshoes, bocce ball, lawn bowling, and similar outdoor games.
- f. Buildings used for recreational activities such cards and billiards, arts and crafts, health and fitness, saunas, showers and restrooms, HOA offices and meeting rooms, member social events, kitchens, food preparation and meals, and similar activities commonly associated with HOA needs and programs, including storage, HVAC and pool equipment, and similar areas.
- g. Other uses compatible with the above uses that may be proposed and approved during Site Development Review, potentially including recycling centers and similar facilities intended to promote sustainability.

2. Maximum Heights

- a. Maximum structure height shall not exceed the maximum height established for structures within the Residential Land Use District within which the HOA Recreation Facility is located.
- b. Maximum walls and fence height shall not exceed the maximum height of residential walls and heights within the Residential Land Use District within which the HOA Recreation Facility is located, or as otherwise required by the City for public health and safety (e.g., fencing around swimming pools).

LAND USE AND DEVELOPMENT REGULATIONS

3. Off-Street Parking

- a. Off-street parking shall not be required for outdoor HOA Recreation Facilities.
- b. Off-street parking shall not be required for an HOA recreation building that is an integral part of and solely serve a contiguous multi-family residential development or mixed-use development.
- c. Off-street parking may be required for HOA recreation buildings serving a one or more single family development or more than one non-contiguous multi-family residential or mixed development. Such requirement shall be determined at the time of Site Development Review for the HOA Recreation Facility. If fronting on a public local street, on-street parking, either in diagonal bays or as parallel parking spaces may be used to satisfy what would otherwise be the off-street parking requirement, with the exception of arterials.
- d. Any off-street parking areas required for HOA recreation buildings shall conform with NBMC Section 20.40.080, "Parking for Nonresidential Uses in Residential Zoning Districts."
- e. Overnight parking of any vehicles in HOA parking lots is prohibited.

4. Bicycle Racks

- a. Bicycle racks shall be provided at all HOA Recreation Facilities as determined at the time of Site Development Review for the HOA Recreation Facility.
 - b. Not less than ten (10) lockable bike spaces shall be provided.
- 5. Outdoor Storage of construction, landscape, and similar materials is prohibited.
 - 6. The hours of operation for an HOA Recreation Facility, potentially including different hours for different components of the facility, may be determined at the time of Site Development Review for the facility based upon its particular size, location, and functions with the community.
 - 7. Development standards for each HOA Recreational Facility not addressed above shall be determined at the time of Site Development Review for the facility based upon its particular size, location, and functions with the community.

PLANNED COMMUNITY DEVELOPMENT PLAN

EXHIBIT 3-2

SINGLE-FAMILY DETACHED RESIDENTIAL DEVELOPMENT REGULATIONS MATRIX Newport Banning Ranch

DEVELOPMENT REGULATIONS	TYPE OF SINGLE-FAMILY DETACHED RESIDENTIAL					
	Conventional Yards	Dual Front Side Yard ⁽¹⁾	Side-Yard ⁽¹⁾	Z-Lot ⁽¹⁾	Cluster/ Courtyard ⁽²⁾	Compound ⁽³⁾
LOT STANDARDS						
Min. Lot Size (sq. ft.)	3,200	2,400	2,400	2,400	1,700 ⁽²⁾	3,200 ⁽³⁾
Min. Building Site Area per Home (sq. ft.)	3,200 ⁽⁶⁾	2,400 ⁽⁶⁾	2,400 ⁽⁶⁾	2,400 ⁽⁶⁾	1,700 ⁽²⁾	1,600 ⁽³⁾
Min. Lot Width at Front Setback (ft.)	30'	25'	25'	25'	30' ⁽²⁾	30' ⁽³⁾
Min. Lot Depth (ft.)	75'	70'	70'	70'	40' ⁽²⁾	60' ⁽³⁾
Min. Lot Frontage at Street Right-of-Way (ft.)						
• Typical Condition	30'	25'	25'	25'	30' ⁽²⁾	30'
• Cul-de-sac or Knuckle Condition	20'	20'	20'	20'	20' ⁽²⁾	20'
BUILDING STANDARDS						
Max. Structure Height (ft.) ⁽⁴⁾	Refer to 3.13.2 for Maximum Structure Height per District.					
Max. Building Coverage (% of lot)	70%	75%	75%	75%	85%	75%
Min. Building Separation (ft.) ⁽⁵⁾						
• Front to Front	— ⁽⁶⁾	— ⁽⁶⁾	— ⁽⁶⁾	— ⁽⁶⁾	24'	12'
• Front to Side	— ⁽⁶⁾	— ⁽⁶⁾	— ⁽⁶⁾	— ⁽⁶⁾	8'	8'
• Side to Side	10'	10'	10'	8'	6'	6'
• Rear to Rear (if not rear loaded garages)	20'	16'	16'	16'	6'	6'
• Rear to Rear (if rear-loaded garages)	— ⁽⁶⁾	— ⁽⁶⁾	— ⁽⁶⁾	— ⁽⁶⁾	28'	28'
SETBACK STANDARDS ⁽⁸⁾						
Min. Front Yard (ft.)						
• Main Building and Accessory Structure from Scenic Drive Right of Way	10'	10'	10'	10'	10'	10'
• Main Building from Interior Local Street Right-of-Way	10'	5'	5'	5'	5'	5'
• Accessory Structure from Interior Street Right-of-Way	5'	5'	5'	5'	5'	5'
Min. Rear Yard (ft.)						
• Main Building from Property Line	10'	8'	8'	8'	3' ⁽²⁾	3'
• Accessory Structure from Property Line	0'	0'	0'	0'	0' ⁽²⁾	0'

LAND USE AND DEVELOPMENT REGULATIONS

DEVELOPMENT REGULATIONS	TYPE OF SINGLE-FAMILY DETACHED RESIDENTIAL					
	Conventional Yards	Dual Front Side Yard ⁽¹⁾	Side-Yard ⁽¹⁾	Z-Lot ⁽¹⁾	Cluster/ Courtyard ⁽²⁾	Compound ⁽³⁾
Min. Side Yard (ft.)						
• Main Building from Property Line	5'	5'	0'/10'	4'	3' ⁽²⁾	4'
• Accessory Structure from Property Line	0'	0'	0'	0'	0' ⁽²⁾	0'
Garage⁽¹³⁾ Setbacks (ft.)						
• From Street Right-of-way, Street-Facing Garages	≤3', ≥19'	≤3', ≥19'	≤3', ≥19'	≤3', ≥19'	≤3', ≥19'	≤3', ≥19'
• Min. from Street Right-of-Way, Swing-in Driveway ⁽⁹⁾	8'	8'	8'	8'	8' ⁽²⁾	8'
• Min. from Center Line of Alley for Rear Loaded Garages	14'	14'	14'	14'	14'	14'
Minimum Habitable Structure Setback from Top of Edge of Bluff	60'	60'	60'	60'	60'	60'
Minimum Habitable Structure Setback from Abandoned Oil Well Head	10'	10'	10'	10'	10'	10'
Minimum Habitable Structure Setback from Active Oil Well Head	100'	100'	100'	100'	100'	100'
USABLE PRIVATE OPEN SPACE STANDARDS ⁽¹⁰⁾						
Min. Open Space per Unit (sq. ft.)	150	140	140	130	120	100
Min. Dimension (ft.)	7'	7'	7'	7'	7'	7'
Min. Vertical Clearance (ft.)	8'	8'	8'	8'	8'	8'
Max. Slope	5%	5%	5%	5%	5%	5%
WALL/FENCE STANDARDS						
Max. Height – Privacy/Decorative						
• Within Minimum Required Front Yard Adjacent to Street ⁽¹²⁾	42"	42"	42"	42"	42"	42"
• Interior Rear or Side Yard not Adjacent to Street	6'	6'	6'	6'	6'	6'
• Rear or Side Yard Adjacent to Street (see also Section 3.4.11)	6' plus 2' retaining ⁽¹¹⁾	6' plus 2' retaining ⁽¹¹⁾	6' plus 2' retaining ⁽¹¹⁾	6' plus 2' retaining ⁽¹¹⁾	6' plus 2' retaining ⁽¹¹⁾	6' plus 2' retaining ⁽¹¹⁾
Max. Height – Sound Attenuation Walls Adjacent to Arterial Streets and Industrial Uses Outside NBR-PC	8' (including retaining wall) ⁽¹¹⁾	8' (including retaining wall) ⁽¹¹⁾	8' (including retaining wall) ⁽¹¹⁾	8' (including retaining wall) ⁽¹¹⁾	8' (including retaining wall) ⁽¹¹⁾	8' (including retaining wall) ⁽¹¹⁾
PARKING STANDARDS						
Resident Parking	Per NBR-PC Section 3.7, Parking Regulations.					
Guest Parking	Per NBR-PC Section 3.7, Parking Regulations.					

PLANNED COMMUNITY DEVELOPMENT PLAN

EXHIBIT 3-2 FOOTNOTES

SINGLE-FAMILY DETACHED RESIDENTIAL DEVELOPMENT REGULATIONS MATRIX Newport Banning Ranch

- ⁽¹⁾ Shared-use/reciprocal access easement side yard home types only.
- ⁽²⁾ Cluster/Courtyard Homes may be developed as a condominium project and/or as individual fee lots with common open space. Dimensions are for individual fee lots, without considering the common open space that would be part of a condominium style project. Minimum lot dimensions, side and rear-yard setback criteria, and lot coverage criteria are applicable only to single-family detached residential development on individual fee simple lots and are not applicable to condominium single-family detached residential developments. All other development regulations apply to condominium single-family detached residential developments.
- ⁽³⁾ A Compound Home is a main house and a guest house on an irregularly-shaped lot.
- ⁽⁴⁾ The maximum structure height within each Residential Land Use District is established for each District in Section 3.13.2.1. Elevators and other types of mechanical space and chimneys, towers and other non-habitable architectural features intended to add interest and variation to roof design, that do not exceed ten (10) percent of the roof area may exceed the maximum structure height restriction by twelve (12) feet.
- ⁽⁵⁾ Minimum building separation applies to homes on same side of roadways, alleys, or pedestrian paseos.
- ⁽⁶⁾ Type of development regulation Does Not Apply to this single-family detached housing type.
- ⁽⁷⁾ Architectural details such as porches, roof overhangs, fireplaces, bay windows, pot shelves/brackets, and similar details on the second level of rear loaded structures may encroach a maximum of three feet within the required minimum building separation provided the details do not encroach into required fire/public safety accessways.
- ⁽⁸⁾ Setbacks are measured from property line unless noted otherwise. Garage setbacks are measured from back of sidewalk or from curb face if no sidewalk is present. Architectural details such as porches, roof overhangs, fireplaces, bay windows, pot shelves/brackets, and similar details may encroach a maximum of 1.5 feet within side and rear yard setback area provided the details do not encroach into required fire/public safety accessways. No encroachments into front yard or streetside setbacks are permitted.
- ⁽⁹⁾ Swing-in garages are permitted only on lots 55 feet wide or wider.
- ⁽¹⁰⁾ Useable Private Open Space includes rear and/or side yards, courtyards, patios, decks, roof decks, and other landscape/hardscape areas that satisfy the minimum size and dimension requirements.
- ⁽¹¹⁾ Higher walls may be allowed if required by an EIR mitigation measure or if recommended by a City-approved acoustical study.
- ⁽¹²⁾ Outside of the minimum required Front Yard Section 3.2.7(4) permits fences and walls up to a maximum of six feet, where such fences and walls will provide appropriate privacy for patios or similar usable resident areas.
- ⁽¹³⁾ All garages shall have roll-up doors.

LAND USE AND DEVELOPMENT REGULATIONS

EXHIBIT 3-3

SINGLE-FAMILY ATTACHED RESIDENTIAL DEVELOPMENT REGULATIONS MATRIX Newport Banning Ranch

DEVELOPMENT REGULATIONS	TYPE OF SINGLE-FAMILY ATTACHED RESIDENTIAL			
	Duplex	Rowhouse / Townhome	Triplex ⁽¹⁾	Villa ⁽²⁾
LOT STANDARDS				
Min. Lot Size (sq. ft.)	3,200	2,000	6,750	3,600
Min. Building Site Area per Unit (sq. ft.)	1,600	2,000	2,250	1,800
Min. Lot Width at Front Setback (ft.)	30'	24'	50'	30'
Min. Lot Depth (ft.)	80'	80'	80'	80'
Min. Lot Frontage at Street Right-of-Way (ft.)				
• Typical	30'	24'	50'	30'
• Cul-de-sac or Knuckle	20'	20'	40'	20'
BUILDING STANDARDS				
Max. Structure Height (ft.) ⁽³⁾	Refer to Section 3.13.2 for Maximum Structure Height per Residential District.			
Max. Building Coverage (% of lot)	80%	85%	85%	75%
Min. Building Separation (ft.) ⁽⁴⁾				
• Front to Front	— ⁽⁵⁾	— ⁽⁵⁾	16' ⁽⁶⁾	— ⁽⁵⁾
• Front to Side	— ⁽⁵⁾	— ⁽⁵⁾	8' ⁽⁶⁾	— ⁽⁵⁾
• Side to Side	— ⁽⁵⁾	— ⁽⁵⁾	6' ⁽⁶⁾	— ⁽⁵⁾
• Rear to Rear (if not rear-loaded garages)	— ⁽⁵⁾	— ⁽⁵⁾	6' ⁽⁶⁾	— ⁽⁵⁾
• Rear to Rear (if rear-loaded garages)	28' ⁽⁶⁾	28' ⁽⁶⁾	28' ⁽⁶⁾	28' ⁽⁶⁾
SETBACK STANDARDS ⁽⁷⁾				
Min. Front Yard (ft.)				
• Main Building and Accessory Structures from Scenic Drive Right-of-Way	10'	10'	10'	10'
• Main Building from Interior Street Right-of-Way	5'	5'	5'	5'
• Accessory Structure from Interior Street Right-of-Way	3'	3'	3'	3'

PLANNED COMMUNITY DEVELOPMENT PLAN

DEVELOPMENT REGULATIONS	TYPE OF SINGLE-FAMILY ATTACHED RESIDENTIAL			
	Duplex	Rowhouse / Townhome	Triplex ⁽¹⁾	Villa ⁽²⁾
Min. Rear Yard (ft.)				
• Main Building from Property Line	5'	3'	3'	8'
• Accessory Structure from Property Line	0'	0'	0'	0'
Min. Side Yard (ft.)				
• Main Building from Property Line	3'	3'	3'	3'
• Accessory Structure from Property Line	0'	0'	0'	0'
Garage ⁽¹²⁾ Setbacks (ft.)				
• Min. from Street Right-of-Way, Street-facing Garages	3'	3'	3'	3'
• Min. from Street Right-of-Way, Swing-in Driveway ⁽⁸⁾	8'	8'	8'	8'
• Min. from Alley Right-of-Way / Lot	0'	0'	0'	0'
• Garage Door to Street Right-of-Way / Back of Sidewalk	≤3', ≥19'	≤3', ≥19'	≤3', ≥19'	≤3', ≥19'
Minimum Habitable Structure Setback from Top of Edge of Bluff	60'	60'	60'	60'
Minimum Habitable Structure Setback from Abandoned Oil Well Head	10'	10'	10'	10'
Minimum Habitable Structure Setback from Active Oil Well Head	100'	100'	100'	100'
USABLE PRIVATE OPEN SPACE STANDARDS ⁽⁹⁾				
Min. Open Space per Unit (sq. ft.)	100	100	100	100
Min. Dimension (ft.)	7'	7'	7'	7'
Min. Vertical Clearance (ft.)	8'	8'	8'	8'
Max. Slope	5%	5%	5%	5%
WALL/FENCE STANDARDS				
Max. Heights – Privacy/Decorative				
• Within Minimum Required Front / Side Yard Adjacent to Street ⁽¹¹⁾	42"	42"	42"	42"
• Interior Rear or Side Yard not Adjacent Street	6'	6'	6'	6'
• Rear or Side Yard Adjacent to Street (see Section 3.4.11)	6' plus 2' retaining ⁽¹⁰⁾	6' plus 2' retaining ⁽¹⁰⁾	6' plus 2' retaining ⁽¹⁰⁾	6' plus 2' retaining ⁽¹⁰⁾

LAND USE AND DEVELOPMENT REGULATIONS

DEVELOPMENT REGULATIONS	TYPE OF SINGLE-FAMILY ATTACHED RESIDENTIAL			
	Duplex	Rowhouse / Townhome	Triplex ⁽¹⁾	Villa ⁽²⁾
Max. Heights – Sound Attenuation Walls Adjacent to Arterial Streets and Industrial Uses Outside NBR-PC	8' including retaining ⁽¹⁰⁾	8' including retaining ⁽¹⁰⁾	8' including retaining ⁽¹⁰⁾	8' including retaining ⁽¹⁰⁾
PARKING STANDARDS				
Resident Parking	Per NBR-Section 3.7, Parking Regulations.			
Guest Parking	Per NBR-PC Section 3.7, Parking Regulations.			

EXHIBIT 3-3 FOOTNOTES

SINGLE-FAMILY ATTACHED RESIDENTIAL DEVELOPMENT REGULATIONS MATRIX Newport Banning Ranch

- ⁽¹⁾ A Triplex with Carriage consists of a residential structure on a condominium lot with two rowhouse units and a carriage unit, typically over a garage.
- ⁽²⁾ A Villa consists of a single-family or duplex residence on a fee ownership lot, where separate living areas potentially with separate doors, share the kitchen and potentially other rooms within the unit. It is intended especially for the needs of multi-generational families living under the same roof.
- ⁽³⁾ The maximum structure height within each Residential Land Use District is established for each District in Section 3.13.2.1. Elevators and other types of mechanical space and chimneys, towers and other non-habitable architectural features intended to add interest and variation to roof design, that do not exceed ten (10) percent of the roof area may exceed the maximum structure height restriction by twelve (12) feet.
- ⁽⁴⁾ Minimum building separation applies to homes on same side of roadways, alleys, or pedestrian paseos.
- ⁽⁵⁾ Does Not Apply if one Single-Family Attached Residential Unit is proposed on one lot. If more than one duplex, rowhouse/townhome, or villa is proposed on one lot, the minimum building separation will be as determined in City's Site Development Review of project.
- ⁽⁶⁾ Architectural details such as porches, roof overhangs, fireplaces, bay windows, pot shelves/brackets, and similar details on the second level of rear loaded structures may encroach a maximum of three feet within the required minimum building separation provided the details do not encroach into required fire/public safety accessways.
- ⁽⁷⁾ Setbacks are measured from property line unless noted otherwise. Front loaded or swing in garage setbacks are measured from back of sidewalk or from curb face if no sidewalk is present. Architectural details such as porches, roof overhangs, fireplaces, bay windows, pot shelves/brackets, and similar details may encroach a maximum of 1.5 feet within front, side and rear yard, and streetside setback area provided the details do not encroach into required fire/public safety accessways.
- ⁽⁸⁾ Swing-in garages are permitted only on lots 55 feet wide or wider.
- ⁽⁹⁾ Useable Open Space includes rear and/or side yards, courtyards, patios, decks, roof decks, and other landscape/hardscape areas that satisfy the minimum size and dimension requirements.
- ⁽¹⁰⁾ Higher walls will be allowed if required by an EIR mitigation measure or if recommended by a City-approved acoustical study.
- ⁽¹¹⁾ Outside of the minimum required Front Yard Section 3.2.7(4) permits fences and walls up to a maximum of six feet, where such fences and walls will provide appropriate privacy for patios or similar usable resident areas.
- ⁽¹²⁾ All garages shall have roll-up doors.

LAND USE AND DEVELOPMENT REGULATIONS

EXHIBIT 3-4

MULTI-FAMILY RESIDENTIAL DEVELOPMENT REGULATIONS MATRIX Newport Banning Ranch

DEVELOPMENT REGULATIONS	TYPE OF MULTI-FAMILY RESIDENTIAL		
	Stacked Flats within Residential Districts	Stacked Flats within Visitor-Serving Resort/ Residential District	Stacked Flats within Mixed-Use/ Residential District
LOT STANDARDS			
Min. Building Site Area per Unit (sq. ft.)	1,200	1,200	750
BUILDING STANDARDS			
Max. Structure Height (ft.) ⁽¹⁾	Refer to Maximum Building Height for applicable District.		
Max. Building Coverage (% of Site)	85 %	90 %	90 %
Min. Building Separation (ft.) ⁽²⁾			
• Front to Front	24' ⁽³⁾	24' ⁽³⁾	24' ⁽³⁾
• Front to Side	10' ⁽³⁾	10' ⁽³⁾	10' ⁽³⁾
• Side to Side	6' ⁽³⁾	6' ⁽³⁾	6' ⁽³⁾
• Rear to Rear (if not rear-loaded garages)	8' ⁽³⁾	8' ⁽³⁾	8' ⁽³⁾
• Rear to Rear (if rear-loaded garages)	28' ⁽³⁾	28' ⁽³⁾	28' ⁽³⁾
SETBACK STANDARDS ⁽⁴⁾			
Building Setbacks (ft.)			
• Min. from Arterial Street Right-of-Way	10'	10'	10'
• Min. from Scenic Drive Right-of-Way	10'	10'	10'
• Min. from Local Street Right-of-Way	5'	5'	5'
• Min. from Parks and Open Space	10'	10'	20'
• Min. from Adjacent Uses Outside NBR-PC	—	—	20'
Minimum Habitable Structure Setback from Top of Edge of Bluff	60'	60'	60'
Minimum Habitable Structure Setback from Abandoned Oil Well Head	10'	10'	10'
Minimum Habitable Structure Setback from Active Oil Well Head	100'	100'	100'

PLANNED COMMUNITY DEVELOPMENT PLAN

DEVELOPMENT REGULATIONS	TYPE OF MULTI-FAMILY RESIDENTIAL		
	Stacked Flats within Residential Districts	Stacked Flats within Visitor-Serving Resort/Residential District	Stacked Flats within Mixed-Use/Residential District
Parking Area Setbacks (ft.)			
• Min. from Arterial Street Right-of-Way	–	–	15'
• Min. from Local Street Right-of-Way	10'	10'	15'
• Min. from Residential District	–	–	10'
• Min. from CP District	–	–	10'
• Min. from Open Space District	–	–	10'
COMMON OPEN SPACE STANDARDS ⁽⁵⁾			
Minimum Open Space per Unit (sq. ft.)	50	50	50
Min. Dimension (ft.)	15'	15'	15'
USABLE PRIVATE OPEN SPACE STANDARDS ⁽⁶⁾			
Min. Open Space per Unit (sq. ft.)	70	70	70
Min. Dimension (ft.)	7'	7'	7'
Min. Vertical Clearance (ft.)	8'	8'	8'
Max. Slope	5%	5%	5%
WALL/FENCE STANDARDS			
Max. Heights – Privacy/Decorative			
• Within Minimum Required Front / Side Yard Adjacent to Street ⁽⁸⁾	42"	42"	42"
• Interior Rear or Side Yard not Adjacent to Street	6'	6'	6'
• Rear or Side Yard Adjacent to Street (see Section 3.4.11)	6' w/ 2' retaining ⁽⁷⁾	6' w/ 2' retaining ⁽⁷⁾	6' w/ 2' retaining ⁽⁷⁾
Max. Heights – Sound Attenuation Adjacent Arterial Streets and Industrial Uses Outside NBR-PC	8' includes retaining ⁽⁷⁾	8' includes retaining ⁽⁷⁾	8' includes retaining ⁽⁷⁾
PARKING STANDARDS			
Resident Parking	Per NBR-PC Section 3.7, Parking Regulations.		
Guest Parking	Per NBR-PC Section 3.7, Parking Regulations.		

LAND USE AND DEVELOPMENT REGULATIONS

EXHIBIT 3-4 FOOTNOTES

MULTI-FAMILY RESIDENTIAL DEVELOPMENT REGULATIONS MATRIX Newport Banning Ranch

- ⁽¹⁾ The maximum structure height within each Residential Land Use District is established for each District in Section 3.13.2.1. Elevators and other types of mechanical space and chimneys, towers and other non-habitable architectural features intended to add interest and variation to roof design, that do not exceed ten (10) percent of the roof area may exceed the maximum structure height restriction by twelve (12) feet.
- ⁽²⁾ Minimum building separation applies to homes on same side of roadways, alleys, or pedestrian paseos.
- ⁽³⁾ Architectural details such as porches, roof overhangs, fireplaces, bay windows, pot shelves/brackets, and similar details on the second level of rear loaded structures may encroach a maximum of three feet within the required minimum building separation provided the details do not encroach into required fire/public safety accessways.
- ⁽⁴⁾ Setbacks are measured from property line unless noted otherwise. Front loaded or swing in garage setbacks are measured from back of sidewalk or from curb face if no sidewalk is present. Architectural details (such as porches, roof overhangs, fireplaces, bay windows, pot shelves/brackets, and similar details) may encroach a maximum of 1.5 feet within side and rear yard setback area provided the details do not encroach into required fire/public safety accessways. No encroachments into front yard or streetside setbacks are permitted.
- ⁽⁵⁾ Common Open Space may include swimming pools, recreation areas, recreation buildings, and roof decks.
- ⁽⁶⁾ Useable Private Open Space includes rear and/or side yards, courtyards, patios, decks, roof decks, and other landscape/hardscape areas that satisfy the minimum size and dimension requirements. Usable Open Space may be either private (e.g., balconies, decks, roof decks accessible directly from units, etc.) and/or common (plazas, recreation decks, swimming pools, etc.).
- ⁽⁷⁾ Higher walls will be allowed if required by an EIR mitigation measure or recommended by a City-approved acoustical study.
- ⁽⁸⁾ Outside of the minimum required Front Yard Section 3.2.7(4) permits fences and walls up to a maximum of six feet, where such fences and walls will provide appropriate privacy for patios or similar usable resident areas.

3.14 Commercial Regulations

3.14.1 Purpose and Intent

This section establishes the regulations governing development of commercial uses allowed within the Mixed-Use/Residential District (MU/R), Visitor-Serving Resort/Residential District (VSR/R), Low-Medium Density Residential District (RL/M), and Medium Density Residential District (RM).

3.14.2 Mixed-Use/Residential District, Visitor-Serving Resort/Residential District, Low-Medium Density Residential District, and Medium Density Residential District Regulations

The regulations contained in Exhibit 3-5, "Commercial Development Regulations Matrix," apply to all commercial uses allowed within MU/R, VSR/R, RL/M, and RM Land Use Districts.

1. General Development Regulations

- a. A maximum of 75,000 square feet of commercial development is allowed within the Project Site. Commercial uses constructed as part of a resort inn facility as allowed within the VSR/R Land Use District which may include restaurants, bars, full-service spas, fitness centers, specialty shops, banquet and meeting facilities, and similar uses which are customarily developed as part of or in conjunction with a resort inn use shall not be counted as part of the maximum permitted 75,000 square feet of commercial development
- b. Visitor-serving commercial uses constructed independent of a resort inn, such as, but not limited to, restaurant(s) and bars, gift and sundry shops, business centers, fitness centers, spas and salons, swimming pools and recreation facilities and similar uses are allowed pursuant to Section 4.17.3, "Transfer of Commercial Area from the MU/R District to the VSR/R District. These types of visitor-serving commercial uses shall be counted as part of the maximum allowable 75,000 square feet of commercial development.
- c. All refuse waste containers, excluding sidewalk trash receptacles, shall be enclosed within a building or a fully-enclosed architectural structure that is visually compatible with the main building.
- d. A minimum of one bicycle space per each 2,500 square feet of gross commercial floor area shall be provided as part of all commercial development.
- e. Service vehicle routes shall be designed to provide direct access to service and loading dock areas and avoid movement across commercial parking areas.

LAND USE AND DEVELOPMENT REGULATIONS

- f. Deliveries, Loading, and Unloading – Deliveries, loading, unloading, opening/closing or other handling of boxes, crates, containers, building materials, trash receptacles, or similar objects within the VSR/R land use district shall not be allowed between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays, and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays.
- g. Outdoor storage and display of materials, merchandise, and equipment for outdoor activities of non-residential uses in the MU/R and VSR/R land use districts shall comply with NBMC Section 20.48.140, “Outdoor Storage, Display, and Activities.”
- h. Mechanical equipment, including utility vaults, and emergency power generators, but excluding solar power equipment, shall be screened from view in a manner compatible with the building materials and building setting. Noise associated with mechanical equipment shall be attenuated to meet noise control standards set forth in NBMC Chapter 10.26, “Community Noise Control.”

2. Convenience Commercial Development Regulations

In addition to the regulations as provided for in Section 3.14.2.1, “General Development Regulations,” the following regulations, shall govern development of Convenience Commercial uses allowed within the Low-Medium Density Residential District (RL/M) and Medium Density Residential District (RM).

- a. A maximum of 2,500 square feet of Convenience Commercial uses is permitted within the R/LM or RM District pursuant to Section 2.6, “Residential Districts,” subject to the following regulations:
 - 1) Convenience Commercial businesses may be located within and/or adjacent to HOA-owned and -operated facilities.
 - 2) Commercial building(s) shall front onto either a public local street or arterial road.
 - 3) All convenience commercial uses shall be conducted within buildings unless otherwise expressly authorized as part of Site Development Review.
 - 4) Outdoor storage of materials and merchandise is prohibited.
 - 5) Hours of operation shall be addressed in the Site Development Review and may be imposed as a condition of approval.
 - 6) For commercial uses fronting a public local street other than an arterial street, on-street, parking, either in diagonal bays or as parallel parking spaces, may be used to satisfy what would otherwise be the off-street parking requirement.

PLANNED COMMUNITY DEVELOPMENT PLAN

EXHIBIT 3-5

COMMERCIAL DEVELOPMENT REGULATIONS MATRIX Newport Banning Ranch

DEVELOPMENT REGULATIONS	LAND USE DISTRICT			
	MU/R		VSR/R	RL/M, RM
	Vertical Mixed-Use	Free Standing Commercial	Visitor-Serving Resort	Convenience Commercial
BUILDING STANDARDS				
Max. Floor-Area Ratio (FAR)	2.5	2.0	1.5	1.0
Max. Structure Height (ft.) ⁽¹⁾	Refer to Maximum Building Height for applicable District.			
Max. Building Coverage (% of Site)	90%	90%	80%	80%
Min. Building Separation (ft.) ⁽²⁾				
• Front to Front	24'	24'	18'	18'
• Front to Side	24'	24'	18'	18'
• Side to Side	12'	12'	12'	12'
• Rear to Rear	12'	12'	12'	12'
SETBACK STANDARDS ⁽³⁾				
Building Setbacks (ft.)				
• Min. from Arterial Street Right-of-Way	10	10	10	10
• Min. from Local Street Right-of-Way	0'	0'	5'	0'
• Min. from Residential Districts	20'	20'	10'	10'
• Min. from Parks and Open Space Districts	20'	20'	10'	10'
• Min. from Adjacent Uses Outside NBR-PC	20'	20'	–	–
• Min. from Top of Edge of Bluff	60'	60'	60'	60'
Minimum Habitable Structure Setback from Abandoned Oil Well Head	10'	10'	10'	10'
Minimum Habitable Structure Setback from Active Oil Well Head	100'	100'	100'	100'
Parking Area Setbacks (ft.)				
• Min. from Arterial Street Right-of-Way	15'	15'	10'	0'
• Min. from Local Street Right-of-Way	15'	15'	5'	0'
• Min. Residential District	10'	10'	10'	10'
• Min. from Parks and Open Space District	10'	10'	10'	0'

LAND USE AND DEVELOPMENT REGULATIONS

DEVELOPMENT REGULATIONS	LAND USE DISTRICT			
	MU/R		VSR/R	RL/M, RM
	Vertical Mixed-Use	Free Standing Commercial	Visitor-Serving Resort	Convenience Commercial
LANDSCAPE / HARDSCAPE STANDARDS				
Min. Landscape / Decorative Hardscape Coverage (% of Site)	5%	5%	10%	5%
WALL / FENCE STANDARDS ⁽⁴⁾				
Max. Heights – Privacy/Decorative				
• Front / Side Yard Adjacent Street	42"	42"	42"	42"
• Rear / Side Yard not Adjacent Street	6'	6'	6'	6'
Max. Heights – Sound Attenuation Adjacent Arterial Streets and Industrial Uses Outside NBR-PC	8' ⁽⁴⁾	8' ⁽⁴⁾	8' ⁽⁴⁾	8' ⁽⁴⁾
PARKING STANDARDS				
Commercial Parking	Per NBR-PC Section 3.7, Parking Regulations.			
Resident Parking	Per NBR-PC Section 3.7, Parking Regulations.			
Guest Parking	Per NBR-PC Section 3.7, Parking Regulations.			

⁽¹⁾ Elevators and other types of mechanical space and chimneys, towers and other non-habitable architectural features intended to add interest and variation to roof design, that do not exceed ten (10) percent of the roof area may exceed the maximum structure height restriction by twelve (12) feet. The maximum structure height shall not exceed the Maximum Structure Height established for the Land Use District. Elevators and other types of mechanical space, and chimneys, towers and other non-habitable architectural features, intended to add interest and variation to roof design, that do not exceed ten (10) percent of the roof area may exceed the maximum structure height by twelve (12) feet..

⁽²⁾ Minimum building separation applies to buildings on same side of roadways, alleys, or pedestrian paseos.

⁽³⁾ Setbacks are measured from property line unless noted otherwise. Architectural details such as porches, roof overhangs, fireplaces, bay windows, pot shelves/brackets, and similar details may encroach a maximum of 1.5 feet within side and rear yard setback area provided the details do not encroach into required fire/public safety accessways. No encroachments into front yard or streetside setbacks are permitted.

⁽⁴⁾ Higher walls will be allowed if required by an EIR mitigation measure or recommended by a City-approved acoustical study.

3.15 Mixed-Use / Residential Regulations

3.15.1 Purpose and Intent

This section establishes the regulations applicable to development in the Mixed-Use/ Residential District (MU/R) of both residential and commercial uses within separate buildings together on one site (horizontal mixed-use), and/or combined within one building (vertical mixed-use).

3.15.2 Mixed-Use/Residential District Regulations

1. Residential uses in freestanding buildings separate from commercial buildings are subject to the development regulations established for the specific housing type in Section 3.13, "Residential Development Regulations," and the respective development regulations provided for in Exhibits 3-2 through 3-5 of that section.
2. Commercial uses in freestanding buildings separate from residential uses are subject to the development regulations for commercial uses established in Section 3.14, "Commercial Development Regulations," and to the development regulations established in Exhibit 3-5 for "Commercial Development Regulations Matrix."
3. Commercial uses shall be located and designed so that the commercial building fronts the street and are oriented towards public plazas, courtyards, and/or streets.
4. The maximum height for any building in the MU/R District is sixty (60) feet. Elevators, mechanical space, chimneys, towers and architectural treatments, intended to add interest and variation to roof design, and that do not exceed ten (10) percent of the roof area, or exceed the height restriction by more than twelve (12) feet, are permitted.
5. Deliveries, Loading, and Unloading – Deliveries, loading, unloading, opening/closing or other handling of boxes, crates, containers, building materials, trash receptacles, or similar objects within the VSR/R land use district shall not be allowed between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays, and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays.
6. Mechanical equipment, including utility vaults, and emergency power generators, but excluding solar power equipment, shall be screened from view in a manner compatible with the building materials and building setting. Noise associated with mechanical equipment shall be attenuated to meet noise control standards set forth in NBMC Chapter 10.26, "Community Noise Control."

3.15.3 Vertical Mixed-Use Development Regulations

Vertical mixed-use development, where commercial uses are located on the ground floor and residential uses are located above commercial uses, is subject to the development regulations provided for in Section 3.14, “Commercial Regulations, and the development regulations Vertical Mixed-Use as provided for in Exhibit 3-5, Commercial Development Regulations Matrix. The following additional regulations apply to vertical mixed-use development:

1. Residential areas shall have a separate entrance(s) from the commercial portion(s) of the project.
2. Development regulations for a vertical mixed-use building shall be those for “Vertical Mixed-Use” in Section 3.14, “Commercial Regulations.”
3. A minimum floor area per residential unit of 550 square feet shall be provided. Minimum floor area per residential unit may be reduced to 450 square feet for affordable studio apartment housing units.
4. Commercial uses shall be located and designed so that the commercial building fronts the street and are oriented towards public plazas, courtyards, and/or streets.
5. Plazas and/or courtyards visible from a public street are required as part of the project. Plazas and/or courtyards shall be at least fifty (50) feet wide at a point perpendicular to adjacent buildings.
6. Commercial uses that face a public plaza or street shall use sixty percent (60%) transparent material (e.g., clear glass) on their exterior building façades between three (3) and eight (8) feet above grade.
7. No building façade that extends along a sidewalk shall be blank or flat (without doors, windows, or articulation) for more than fifty (50) feet.
8. The use of recessed windows and doors is required. Varying building heights, building setbacks, roof shapes, wall lengths, and trim elements shall be incorporated into the project architecture.
9. Parking shall be either subterranean and/or located to the rear of the buildings with commercial frontage as the primary streetscape element. Parking facilities shall be physically separated for nonresidential uses and residential uses, except for residential guest parking. If enclosed parking is provided for an entire mixed-use complex, separate areas/levels shall be provided for nonresidential and residential uses with separate building entrances, whenever possible, subject to confirmation and approval by the review authority.

PLANNED COMMUNITY DEVELOPMENT PLAN

10. Private open space areas shall be provided for residential dwelling units in accordance with the minimum requirements established for multi-family residential dwelling units in Exhibit 3-4, Private open space areas (i.e., balconies, decks, porches, etc.) shall be designed to limit intrusion by nonresidents.
11. Common open space areas shall be provided for residential dwelling units in accordance with the minimum requirements established for multi-family residential dwelling units in Exhibit 3-4. Common open space areas required for residential dwelling units shall be separated from nonresidential uses on the site and shall be sited and designed to limit intrusion by nonresidents and customers of nonresidential uses. However, the sharing of common open space may be allowed by the review authority when it is clear that the open space will provide direct benefit to project residents. Common open space uses may be provided on rooftops for use only by the project residents.
12. An acoustical analysis report, prepared by an acoustical engineer, shall be submitted to the Director describing the acoustical design features of the structure that will satisfy the exterior and interior noise standards. Projects shall be attenuated in compliance with the report. Mixed-use projects shall comply with the noise standards, NBMC Chapter 10.26, "Community Noise Control."
13. Loading areas for nonresidential uses shall be located as far away as possible from residential uses and shall be completely screened from view from the residential portion of the project and public rights-of-way. Loading areas shall be compatible in architectural design and details with the overall project. The location and design of loading areas shall mitigate nuisances from odors when residential uses might be impacted.
14. Separate site access driveways shall be provided, whenever possible, for nonresidential and residential uses. Site access driveways shall incorporate distinctive architectural elements, landscape features, and signs to help differentiate access to nonresidential parking areas from access to residential parking areas.
15. Buffering and screening shall be provided in compliance with NBMC Section 20.30.020 (Buffering and Screening). Mixed-use projects shall locate commercial loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noise sources away from the residential portion of the development to the greatest extent feasible.
16. Deliveries, Loading, and Unloading – Deliveries, loading, unloading, opening/closing or other handling of boxes, crates, containers, building materials, trash receptacles, or similar objects within the VSR/R land use district shall not be allowed between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays, and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays.
17. Bike parking spaces shall be provided per NBR-PC Section 3.14, "Commercial Regulations."

3.15.4 Live-Work Residences Development Regulations

Live-work units, where a residence is located to the rear of, or on top of, an artist's or professional studio, commercial retail space, or office store front, shall be located only within commercial buildings or vertically-integrated mixed-use buildings, and are subject to the following regulations:

1. Residential dwellings shall have a minimum habitable floor area of 550 square feet.
2. Commercial sales, office or studio areas shall have a minimum floor area of 450 square feet.
3. The Commercial/office area of the live/work unit shall front a public plaza, courtyard, or street.
4. The residential area of the live/work unit shall be located either above or to the rear of the commercial area.
5. Commercial/office uses shall comprise the primary ground-floor front entrance.
6. Entries into the residential portion of the live-work unit shall be separate and clearly identified as such.

3.15.5 Outdoor Storage, Display, and Activities

Outdoor storage and display of materials, merchandise, and equipment for outdoor activities of non-residential uses in the MU/R and VSR/R land use districts shall comply with NBMC Section 20.48.140, "Outdoor Storage, Display, and Activities."

4.1 Purpose and Intent

This Chapter establishes procedures for the implementation and administration of the NBR-PC.

4.2 Development Permits Required

All development within the NBR-PC is subject to approval of the discretionary and ministerial permits as described in this Chapter.

4.3 Interpretation and Enforcement

4.3.1 Interpretation

The Community Development Director has the authority to interpret the meaning of provisions of the NBR-PC, including exhibits, and to apply and/or enforce the NBR-PC. The Director may also refer any issue of interpretation to the Planning Commission (Commission) for input or a determination. A decision of the Director may be appealed to the Commission in compliance with Chapter 20.64, "Appeals," of the NBMC.

4.3.2 Enforcement

All conditions, requirements, and standards, indicated graphically or in writing as part of any approved discretionary permit or detailed plan granted by authority of these regulations, shall have the same force and effect as the Land Use and Development Regulations contained in Chapter 3 of the NBR-PC. Any use or development established as a result of such approved permit or plan, but not in compliance with all such conditions, requirements, and standards shall be in violation of the NBR-PC. The provisions of Chapter 20.68, "Enforcement," of the NBMC are applicable to all activities within the Project Site.

PLANNED COMMUNITY DEVELOPMENT PLAN

4.4 Master Development Plan

4.4.1 Purpose and Intent

Approval by the City of a Master Development Plan (MDP) for the 401.1-acre Project Site is required prior to issuance of any grading or construction permit for development of any portion of the Project Site. The purpose of the MDP is to provide plans for grading roadways, infrastructure, restoration activities within the Open Space Land Use Districts and development activities within the Residential, Visitor-Serving Resort and Residential, Mixed-Use and Residential and Park and Recreation Land Use Districts. The MDP shall provide design criteria for each private land use component proposed within each Land Use District at a sufficient level of detail to guide the review of subsequent development approvals as required by this Chapter prior to issuance of construction-level permits.

4.4.2 Contents of a Master Development Plan

The following are the minimum required components of any MDP application. The Director may require additional components and/or materials as part of an MDP application.

1. Development plans and statistical summaries for open space, park and development areas within the Project Site prepared at a sufficient level of detail to determine general consistency of the Master Development Plan with the NBR-PC Development Plan and Land Use and Development Regulations and any subdivision map(s) for the Project Site submitted for City review. Development plans shall include general layouts for circulation and access including public and private streets, private alleys, pedestrian paths, and public trails, and of the plan for development of residential, commercial, parks and visitor serving resort uses. The Director may require additional application materials to illustrate land use interface elements to buffer and separate new development and existing adjacent land uses or land uses within the Project.
2. A master grading plan describing the grading concept for the Project Site, including bluff/slope restoration, preliminary earthwork quantities for cut and fill, and contours and grades, generally at one-foot contour intervals for all graded areas of the Project Site including remedial grading for geotechnical purposes.
3. Master infrastructure plans describing the pattern and hierarchy of roadways to serve the development and a master infrastructure plan for domestic and fire water service, wastewater collection and treatment, and drainage and water quality management along with a description of any required off-site improvements or regional upgrades to existing systems. A description of the dry utilities service providers serving the Project Site shall also be included.
4. A habitat restoration plan for the Open Space Land Use Districts, describing habitat areas and methods or plans for habitat preservation and restoration.

IMPLEMENTATION AND ADMINISTRATION

5. A Fire and Life Safety Program describing the fuel management plan and fire protection program for the Project.
6. A Green and Sustainable Program describing minimum requirements for “green” building, minimum required green site design features, and compliance with the green and sustainable regulations contained within Appendix A of the NBR-PC.
7. A master landscape plan, describing the landscape concepts and planting plan for the Project to include, at a minimum:
 - a. Landscape zones and corresponding detailed plant palettes, with common and botanical names provided;
 - b. Streetscape plans and cross-sections;
 - c. Cross-sections depicting landscape treatment of fire management zones;
 - d. Conceptual plan for community walls and fences;
 - e. Conceptual plans for community entries; and
 - f. Conceptual plan for street signage and street light fixtures.
8. Architectural design guidelines illustrating the design, character, and scale for each land use to be developed within the Project Site to include the following:
 - a. Typical streetscape plotting, architectural character elevations exhibits for each residential housing type;
 - b. The architectural footprint, massing, and character for mixed-use/residential and visitor-serving resort/residential uses; and
 - c. A master color palette for the Project.
9. A plan describing the implementation and administration of the MDP.

PLANNED COMMUNITY DEVELOPMENT PLAN

4.4.3 Review Authority and Application Review

The Planning Commission shall be the recommending body to the City Council, which shall serve as the review authority for the MDP application. If the MDP application is accompanied by an application for any other discretionary approval such as a subdivision map, Site Development Review, Use Permit, or Modification Permit, then the Planning Commission shall be the recommending body on all applications to the City Council, which shall serve as the review authority for all related discretionary permits.

In approving the MDP, the review authority shall make the findings set forth in NBR-PC Section 4.4.4, "Findings for Approval of a Master Development Plan." Proposed amendments to an approved MDP shall be reviewed and approved in the same manner as the initial application for MDP approval.

A Public hearing before the Planning Commission and City Council shall be required before the recommendation or action on an application for an MDP. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with NBMC Chapter 20.62, "Public Hearings."

4.4.4 Findings for Approval of a Master Development Plan

The following findings are required prior to approval or conditional approval of an application for a MDP:

1. The MDP is consistent with the NBR-PC Development Plan and NBR-PC Land Use and Development Regulations;
2. The MDP is compatible with the character of immediately adjacent land use and will not be detrimental to the orderly and harmonious development of the immediate surrounding area and of the City of Newport Beach;
3. The MPD preserves and protects environmentally sensitive areas, wherever practicable. Structures or landform alterations are not located within environmentally sensitive areas, except as identified in a Habitat Restoration Plan approved as part of an MDP or an Environmental Impact Report certified for the Project;
4. The MDP does not include development of structures in areas of potential geologic hazard unless specific conditions of approval are imposed which shall reduce adverse impacts to an acceptable level; and
5. The MDP includes site development plans and design guidelines that help to ensure that the development of the NBR- PC Development Plan will be accomplished in a cohesive manner and is adequately served by infrastructure, public facilities, and parks, while also preserving natural habitat areas within permanent open space.

IMPLEMENTATION AND ADMINISTRATION

4.4.5 Development Activities Permitted Pursuant to Master Development Plan Approval

The following development activities are permitted pursuant to City approval of the MDP for the Project Site, subject to an approved tentative subdivision map and approval of all required permits from local, State (including Coastal Commission) and Federal agencies with permitting jurisdiction over the activity:

1. Remediation activities within all land use districts pursuant to a Final Remediation Action Plan approved by appropriate state and local agencies;
2. Rough grading of land use development areas within all land use districts, including bluff/slope restoration and remedial grading to address geotechnical and soils issues, as depicted on approved subdivision map(s) and within the Master Development Plan;
3. Construction of all public roadways, utilities, and backbone drainage and infrastructure improvements to serve all land use districts and as depicted on an approved tentative subdivision map(s) and within the Master Development Plan;
4. Limited clearing and grading within the OS District required for restoration of permanent open space areas and creation of habitat mitigation areas for future restoration, remediation of arroyo drainage courses and other eroded areas, and water treatment areas associated with approved water quality management plans, and for selective bluff/slope restoration and mitigation, all consistent with the Habitat Restoration Plan included as part of the MDP;
5. Implementation of the Habitat Restoration Plan within the OS District included as part of the MDP to implement project design features and mitigate for impacts of the approved subdivision map(s) and the Master Development Plan; and
6. Consolidation of oil production facilities into the OF District which are activities regulated by DOGGR.

4.4.6 Requirement for Site Development Review

The following development activities are permitted pursuant to approval of the MDP for the Project Site subject to recordation of a final subdivision map, City approval of Site Development Review, as described in Section 4.5, "Site Development Review," of the NBR-PC, , and approval of all required permits from local, State (including Coastal Commission), and Federal agencies:

1. Development of land uses within the Residential Districts, Visitor Serving Resort and Residential District, Mixed Use and Residential District, and Park and Recreation District.

PLANNED COMMUNITY DEVELOPMENT PLAN

4.5 Site Development Review

4.5.1 Purpose and Intent

The purpose of Site Development Review is to provide a procedure for the review of land use and design of specific development projects prior to issuance of construction level permits and to ensure consistency of development projects with the NBR-PC and the approved MDP.

4.5.2 Applicability

1. Site Development Review approval is required prior to the issuance of a Building or Grading Permit for any development activity within the Project Site, as described in Section 4.4.6, "Requirement for Site Development Review," with the following exceptions:
 - a. Structures subject to the issuance of a Zoning Clearance pursuant to Section 4.14, "Zoning Clearances," of the NBR-PC.

4.5.3 Application Review

Applications for Site Development Review shall be submitted and reviewed in accordance with NBMC Chapter 20.52.080 "Site Development Reviews," Sections C through H. An application for Site Development Review shall also include the status of project implementation, describing the following:

For residential Site Development Review applications:

1. The number of units approved prior to the Site Development Review Application on all Tentative and recorded Final Subdivision Tract Maps within the respective Land Use District;
2. The number of units under construction or constructed within the respective Land Use District at the time of the Site Development Plan Review Application;
3. The total permitted units within the Land Use District pursuant to Exhibit 2-1 "Planned Community Development Plan," and Exhibit 2-2, "Planned Community Development Table," of the NBR-PC;
4. An accounting of any residential units requested for transfer from one Land Use District to another as part of the Site Development Review and any residential units previously approved for transfer from one Land use District to another; and
5. An accounting of all Inclusionary Housing Program affordable housing units approved and constructed or bonded for, or for which in-lieu fees have been paid or will be paid.

IMPLEMENTATION AND ADMINISTRATION

For commercial Site Development Review applications:

1. An accounting of approved and developed commercial square footage per land use district and an accounting of any commercial square footage requested for transfer from the MU/R land use district to another land use district.

For all Site Development Review applications:

1. Site Development Review applications shall identify all oil wells and vents to be abandoned as part of a development of new uses and shall describe the appropriate setbacks and design guidelines to be implemented pursuant to the provisions of the NBR-PC and NBR Remediation Action Plan.

4.5.4 Review Authority

The Planning Commission shall be the review authority for Site Development Review applications. If the Site Development Review application is accompanied by an application for any other discretionary approval such as a Use Permit, or Modification Permit, then the Planning Commission shall be the review authority on all applications.

A Public hearing before the Planning Commission shall be required before action on an application for Site Development Review. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with NBMC Chapter 20.62, "Public Hearings."

4.6 Modification Permits

4.6.1 Purpose

The purpose of this Section is to provide relief from specified development standards of the NBR-PC when so doing is consistent with the purposes of this NBR-PC and does not negatively impact the community at large and/or the neighborhood of the specified development.

4.6.2 Applications, Allowable Modifications, and Application Review

Applications for a modification of any development standard as provided for in Chapter 3, "Land Use and Development Regulations," of the NBR-PC shall be submitted and reviewed pursuant to the provisions of NBMC Chapter 20.52.050, C through G "Modification Permits."

4.7 Subdivision Maps

Applications for subdivision maps, including tentative tract maps, parcel maps or other forms of land property subdivision recognized by the California Subdivision Map Act, shall be filed with and reviewed by the City pursuant to NBMC Title 19, Subdivisions (i.e., Subdivision Ordinance).

PLANNED COMMUNITY DEVELOPMENT PLAN

4.8 Coastal Development Permit

All development within the Project Site is subject to approval of a Coastal Development Permit(s) (CDPs) by the California Coastal Commission except that development defined as Categorically Exempt per Section 30610 of the Coastal Act or as defined as exempt by the Coastal Commission as part of an approved CDP, Local Coastal Program, for all or any portion of the Project Site. Existing and new oil operations are permitted within the Project Site pursuant to the South Coast Regional Coastal Zone Conservation Commission Claim for Exemption No. E-7-27-73-144. Existing oil operations may continue until consolidated or removed prior to development pursuant to the NBR-PC. All abandonment and re-abandonment of oil facilities, site remediation, removal of oil production facilities, and consolidation of oil production facilities within the OF District shall be conducted per the requirements of the appropriate State and local regulatory agencies. New oil operations are permitted within the OF Land Use District.

Upon City approval of a Master Development Plan and any other accompanying applications, including a subdivision map and pre-annexation and development agreement, the Developer may submit the City approved applications to the California Coastal Commission as an application for a Coastal Development Permit (CDP) which may also be referred to as a Master Coastal Development Permit (MCDP)¹.

Subsequent to issuance by the California Coastal Commission of a CDP, or MCDP, City approval of subsequent discretionary and ministerial permits shall be required prior to implementation of the Master Development Plan as provided for in this Chapter.

When any CDP(s) or MCDP is approved by the Coastal Commission that varies from the approval granted by the City for the same application, said CDP(s) or MCDP shall be re-submitted and reviewed by the City as a new application.

¹ All permits issued by the Coastal Commission are referred to as "Coastal Development Permits." As described herein, the Coastal Development Permit includes the MDP approved by the City and subsequently approved by the Coastal Commission is referred to as a "Master Coastal Development Permit."

4.9 Use Permits

4.9.1 Purpose

A Conditional Use Permit or Minor Use Permit provides a process for reviewing uses and associated operational characteristics that may be appropriate in the applicable zoning district, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.

4.9.2 Review Authority and Application Review

Where the NBR-PC requires approval of a Minor Use Permit the review authority shall be the Zoning Administrator. Where the NBR-PC requires approval of a Conditional Use Permit the review authority shall be the Planning Commission.

Applications for Use Permits shall be filed by the applicant and reviewed by the City pursuant to NBMC Chapter 20.52.020, D through G, "Conditional Use Permits and Minor Use Permits."

4.10 Limited Term Permits

4.10.1 Purpose

The purpose of this Section is to provide a process to permit uses of limited duration, such as activities that are interim, non-permanent, and/or seasonal in nature, which would be compatible with adjacent and surrounding uses when conducted in compliance with this Section.

4.10.2 Applicability

A Limited Term Permit allows limited duration uses that might not meet the development or use standards of the applicable Land Use District, but which may otherwise be acceptable because of their temporary or limited nature. Limited duration uses shall not be conducted, established, or operated in any manner without the approval and maintenance of a valid Limited Term Permit in compliance with this Section.

PLANNED COMMUNITY DEVELOPMENT PLAN

4.10.3 Uses Exempt from Requirements

The following uses are exempt from this section:

1. Those uses listed as exempt in NBMC Chapter 20.52.040.C “Limited Term Permits Duration Uses;” and
2. Model Home Complexes which are permitted pursuant to the requirements of NBR-PC Section 4.11, “Model Home Complex Permit.”

4.10.4 Uses Allowed Subject to a Limited Term Permit

The following Limited Duration Uses are allowed subject to approval of a Limited Term Permit in compliance with this section:

1. Uses listed in Section 3.9.5, “Limited Duration Uses,” of the NBR-PC; and
2. Uses listed in NBMC Chapter 20.52.040.D “Allowed Limited Duration Uses.”

4.10.5 Application Filing, Processing, and Review

An application for a Limited Term Permit shall be submitted and reviewed in accordance with the provisions of NBMC Chapter 20.52.040, “Limited Term Permits,” E through K.

IMPLEMENTATION AND ADMINISTRATION

4.11 Model Home Complex Permit

All model home complexes within Residential, Visitor-Serving Resort/Residential, and Mixed-Use/Residential Land Use Districts of the NBR-PC shall require approval of a Model Home Complex Permit as specified in this Section.

4.11.1 Intent

The intent of the Model Home Complex Permit is to implement certain standards as specified in the NBR-PC designed to safeguard the welfare of the community when a temporary real estate sales office is established in a portion of the Project Site.

4.11.2 Application

The application for a Model Home Complex Permit shall be made on forms and in a format as determined by the Director.

4.11.3 Review Authority and Application Review

The Director shall be the review authority for a Model Home Complex Permit and shall base his/her action on a determination of whether the project complies with the provisions of this Section of the NBR-PC. Action taken on an application for a Model Home Complex Permit is considered ministerial. A public hearing is not required prior to action on a Model Home Complex Permit application.

4.11.4 Effective Date, Time, Time Limits, and Extension

An application for a Model Home Complex Permit may be approved for a maximum time period of 36 months from the date of approval. Prior to the expiration of the 36-month period, the permit may be extended one additional 36-month period if the model home complex continues to comply with the requirements of this Section. Prior to issuance of certificates of use and occupancy for residential use and occupancy of the model homes, the temporary improvements shall be removed and the site shall be brought into full compliance with the terms and requirements of the original discretionary approval for the residential development project as a whole.

PLANNED COMMUNITY DEVELOPMENT PLAN

4.11.5 Structures and Facilities Permitted with a Model Home Complex Permit

Construction of the following structures and facilities are allowed as a part of a temporary model home complex:

1. Model homes in compliance with the regulations applicable to the properties that are being sold;
2. Garages, attached and detached, in compliance with the regulations applicable to the properties that are being sold. Garages attached to units being used as model homes may be used as temporary sales offices;
3. Temporary manufactured structures or commercial coaches for sales or leasing purposes;
4. Accessory buildings and structures in compliance with the regulations associated with properties being sold;
5. Recreational facilities that will be permanent facilities within the subdivision in compliance with the regulations applicable to the area in which properties are being sold;
6. Streets and driveways that will be a permanent part of the subdivision after the abandonment of the model home complex;
7. Temporary children's playgrounds;
8. Temporary and permanent fencing, walks, and structural amenities; and
9. Temporary vehicle parking and maneuvering areas to provide off-street parking as necessary for employees and guests.

4.12 Variances

4.12.1 Purpose

A Variance provides a process for City consideration of requests to waive or modify certain standards of the NBR-PC when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards otherwise applicable to the property denies the property owner privileges enjoyed by other property owners in the vicinity and in the same Land Use District.

4.12.2 Applications and Review of Variance Requests

An application for a variance shall be submitted and reviewed in accordance with the provisions of NBMC Chapter 20.052.090, "Variances."

4.13 Community Master Sign Program

4.13.1 Approval of a Community Master Sign Program

Approval of a Community Master Sign Program to address community entries, residential project entries, residential neighborhood identification signs, public facility identification signs, way-finding signs, and any other signs identified as necessary by the Director for the successful signage of the Project, is required prior to issuance of the first Certificate of Occupancy, including the first model home complex.

4.13.2 Application and Review

An application for Community Master Sign Program shall be submitted by the developer on forms and of content as determined by the Director. The Planning Commission shall be the review authority for an application for a Community Master Sign Program. A Public hearing before the Planning Commission shall be required before action on an application for a Community Master Sign Program. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with NBMC Chapter 20.62, "Public Hearings."

4.14 Zoning Clearances

4.14.1 Purpose

Zoning Clearance is a process allowing ministerial approval of certain uses or structures that comply with the land use and development regulations established within Chapter 3 "Land Use and Development Regulations," of the NBR-PC for the respective land use.

4.14.2 Applicability

A Zoning Clearance shall be required for the following:

1. **Initiation of a Use** – A Zoning Clearance shall be obtained before the initiation or commencement of any use of land not requiring the construction of a structure.
2. **Change of Use** – Whenever a use is proposed to be changed, whether or not the new use involves a new lessee, operator, or owner, a Zoning Clearance shall be obtained.

PLANNED COMMUNITY DEVELOPMENT PLAN

3. **Building Permit, Grading Permit, or other Construction Permit** – A Zoning Clearance shall be obtained before the City issues a new or modified Building Permit, Grading Permit, or other construction-related permit required for the alteration, construction, modification, moving, or reconstruction of any structure including the following:
 - a. Accessory structures as defined by the NBR-PC;
 - b. Fences and/or walls not a part of an approved subdivision or Site Development Review;
 - c. The reconstruction or exterior remodeling of existing structures (including facade improvements); and
 - d. Any activities requiring a zoning clearance shall require verification that no abandoned oil wells or vents exist on the lot prior to the issuance of a permit. If an abandoned well or vent exists, proper setbacks and design guidelines shall be followed as outlined in the NBR Remediation Action Plan.

4.14.3 Applications and Review

Applications for a zoning clearance will be submitted and reviewed in accordance with the provisions of NBMC Chapter 20.52.100, "Zoning Clearances."

4.15 Application of Residential Densities

Maximum residential densities established for any Land Use District as set forth in NBR-PC Chapter 2, "Development Plan," shall apply to the Land Use District as a whole and not to any portion thereof.

4.16 Land Use Acreage Refinement, Transfer of Residential Dwelling Units, and Transfer of Commercial Area

Land use acreage refinements, transfer of planned residential dwelling units, and transfer of commercial square footage from that described in Exhibit 2-2, "Planned Community Development Table," may be approved within the NBR-PC in accordance with the provisions of Section 4.17, "Minor Modifications."

4.17 Minor Modifications

This Section describes activities that constitute minor modifications to the NBR-PC and establishes the procedure for approving minor modifications to the NBR-PC. The following are considered minor modifications to the NBR-PC, including Exhibit 2-1, "Planned Community Development Plan," and Exhibit 2-2, "Planned Community Development Table."

4.17.1 Land Use Acreage Refinements

A change in the Land Use District boundary lines as illustrated on Exhibit 2-1, "Planned Community Development Plan," and corresponding change in the Gross Acres for the respective Land Use District as described on Exhibit 2-2, "Planned Community Development Table," is permitted as part of the approval of either a Master Development Plan, Site Development Review, or subdivision map application submitted for the Project Site, provided the requested change does not result in:

1. An increase in gross acres or gross density of more than fifteen percent (15%) of the land use district for which the change is requested;
2. A reduction in the total area allocated to the Lowland Open Space/Public Trails and Facilities District to less than 115 gross acres;
3. A reduction in the total area allocated to the Upland Open Space /Public Trails and Facilities District to less than 85 gross acres;
4. A reduction in the total area allocated to the CP District to less than 28 gross acres; and
5. The total area within the Project Site boundary does not exceed 401.1 gross acres.

4.17.2 Transfer of Residential Dwelling Units

A change in the planned number of residential dwelling units for any Land Use District as described on Exhibit 2-2, "Planned Community Development Table," resulting from a transfer of residential dwelling units from one Residential Land Use District to another, is permitted as part of the approval of either a Master Development Plan, Site Development Review, or subdivision map application submitted for the Project Site, provided:

1. The transfer does not result in an increase of more than fifteen percent (15%) in the total number of planned dwelling units described on Exhibit 2-2, "Planned Community Development Table," for the Land Use District receiving additional dwelling units;
2. The total number of dwelling units for the Project Site does not exceed 1,375;

PLANNED COMMUNITY DEVELOPMENT PLAN

3. All dwelling units planned within the Land Use District can be developed pursuant to the applicable development regulations established in NBR-PC Chapter 3, "Land Use and Development Regulations," for the housing types planned for development;
4. A traffic analysis performed by the City's Traffic Engineer evaluating the total number of PM peak hour trips that would be generated by development allowed with and without the transfer concludes that there would not be any greater traffic impact generated as a result of the transfer than would be generated without the transfer. Trip generation rates shall be based on standard trip generation values in the current version of ITE's "Trip Generation," unless the Traffic Engineer determines that other rates are more valid for the uses involved in the transfer.
5. The total number of dwelling units within the MU/R Land Use District does not exceed 730; and
6. A corresponding subdivision map is approved by the City if the transfer results in a change to any previously approved subdivision map.

4.17.3 Transfer of Commercial Area from MU/R District to VSR/R District

In the event a resort inn is not developed in the VSR/R District, a portion of the total commercial area described in Exhibit 2-2, "Planned Community Development Table," may be transferred from the MU/R District to the VSR/R District for development of ancillary visitor-serving commercial uses such as restaurants, bars, visitor and tourist oriented retail shops, a fitness facility, a full service health spa, park and recreation facilities, and similar uses provided:

1. The total area of commercial uses developed within the Project Site does not exceed 75,000 square feet.
2. A traffic analysis performed by the City's Traffic Engineer evaluating the total number of PM peak hour trips that would be generated by development allowed with and without the transfer concludes that there would not be any greater traffic impact generated as a result of the transfer than would be generated without the transfer. Trip generation rates shall be based on standard trip generation values in the current version of ITE's "Trip Generation," unless the Traffic Engineer determines that other rates are more valid for the uses involved in the transfer. The visitor serving commercial uses can be developed pursuant to the applicable development regulations established in NBR-PC Chapter 3, "Land Use and Development Regulations." for commercial development within in the VSR/R land use district.

IMPLEMENTATION AND ADMINISTRATION

4.17.4 Review Authority

The review authority for a minor modification to the NBR-PC shall be the same review authority as established in this Chapter with authority to approve or conditionally approve the development application being considered in conjunction with a request for a minor modification.

A minor modification to the NBR-Planned Community Development Plan and/or Planned Community Development Table shall be processed in accordance with the following procedures:

1. An application to revise the Planned Community Development Plan and/or Planned Community Development Table shall be submitted as part of an application for approval of either a Master Development Plan for the Project Site or as part of an application for approval of a subdivision map or a Site Development Review;
2. An application for a minor modification to revise the Planned Community Development Plan and/or Planned Community Development Table shall be accompanied by a revised Planned Community Development Table reflecting the proposed changes and any additional background and/or supporting information as determined by the Director; and
3. Unless determined otherwise by the City, the revised NBR-PC document shall serve as the reference document for any future revisions to Exhibit 2-1, "Planned Community Development Plan," and Exhibit 2-2, "Planned Community Development Table," as they may be approved from time to time. Such revisions shall be located in an appendix to the NBR-PC.

4.18 Amendments

All proposed changes to the NBR-PC other than those identified in Section 4.17, "Minor Modifications," of the NBR-PC, or as otherwise provided for within the NBR-PC, shall be considered amendments to the NBR-PC and shall be reviewed pursuant to the provisions of NBMC Chapter 20.56.050 "Planned Community District Application Procedures."

5.1 Definitions of Terms

The meaning and construction of words, phrases, titles, and terms used in the NBR-PC shall be the same as provided in the Newport Beach Municipal Code (NBMC), Chapter 20.70, except as otherwise provided in this Chapter.

Applicant – Newport Banning Ranch LLC, the property owner of Newport Banning Ranch.

Accessory Structures and Uses – Per NBMC, Chapter 20.70.020.

Amphitheater Small – Outdoor gathering space for lectures, forums, educational demonstrations and community based gatherings.

Arroyo – A small gully or channel of an ephemeral drainage, flanked by relatively steep sides consisting of unconsolidated sediments.

Arroyo, Southern – The Southern Arroyo is the arroyo within the Upland Open Space/ Public Trails and Facilities (UOS/PTF) District.

Arroyo, Northern – The Northern Arroyo is classified as the central arroyo within the Upland Open Space/Public Trails and Facilities (UOS/PTF) District.

Arroyo, Small – The Small Arroyo is classified as the northernmost arroyo within the Upland Open Space/Public Trails and Facilities (UOS/PTF) District. Sometimes referred to in technical reports as Drainage A.

Best Management Practice (BMP) – As defined by NBMC definition for BMP 20.70.020.

Backbone Roadways – Bluff Road, North Bluff Road, and 15th, 16th, and 17th Streets within Newport Banning Ranch.

Bluff – A high bank or bold headland with a broad, precipitous, sometimes rounded cliff face overlooking a plain or body of water. A bluff may consist of a steep cliff face below and a more sloping upper bluff above.

Bluff Edge – The upper termination of a bluff. In cases where the top edge of the bluff is rounded away from the face of the bluff as a result of erosional processes related to the presence of the steep bluff face, the bluff edge shall be defined as that point nearest the bluff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the bluff. In a case where there is a step like feature at the top of the bluff face, the landward edge of the topmost riser shall be taken to be the bluff edge. Bluff edges typically

PLANNED COMMUNITY DEVELOPMENT PLAN

retreat landward due to erosion, landslides, development of gullies, or by grading (cut). In areas where the bluff top or bluff face has been cut or notched by grading, the bluff edge shall be the landward most position of either the current or historic bluff edge. In areas where fill has been placed near or over the historic bluff edge, the original natural bluff edge, even if buried beneath fill, shall be taken to be the bluff edge.

Where a site is bounded on at least one side by a canyon, the coastal bluff edge is the portion of the site that drains directly into the ocean. The portion of the site that drains first to the canyon (landward of the divide between the drainage to the ocean and the canyon) is not considered a coastal bluff.

Bluff Face – The portion of a bluff between the bluff edge and the toe of the bluff.

Bluff Toe – For bluffs subject to marine erosion, the point at which the landward extent of the mean high water line of the sea meets the face of the bluff. For bluffs not subject to marine erosion, the point where the downward slope of the bluff face first decreases to a grade of less than 33%.

California Coastal Commission – The state agency established by state law responsible for carrying out the provisions of the Coastal Act and for review of coastal permits on appeal from local agencies.

Care Uses – Per definitions for Day Care, Day Care General, and Residential Care Facilities in NBMC 20.70.020

City – The City of Newport Beach, California.

Coast Highway – See West Coast Highway.

Coastal Development Permit – A permit for any development within the coastal zone that is required pursuant to subdivision (a) of Section 30600.

Coastal Zone – The coastal area defined in Coastal Act §30103, over which the Coastal Commission exercises jurisdiction. The entire Project Site is within the Coastal Zone.

Condominium – A form of property ownership providing for individual ownership of space in a structure together with an individual interest in the land or other parts of the structure in common with other owners. Includes a condominium project, community apartment project, or stock cooperative, as defined in California Civil Code Section 1351.

Dark Sky Lighting – Dark sky lighting refers to an exterior lighting concept which enforces measures to control or eliminate light pollution.

DEFINITIONS OF TERMS/ACRONYMS

Deferred Certification Area (DCA) – An area which has not been officially segmented for purposes of LCP preparation and where both the land use plan and implementation plan have been deferred to some future date in order to avoid delay in certifying the balance of the LCP.

Developer – The Applicant, Newport Banning Ranch LLC, a partnership composed of Aera Energy LLC, Brooks Street and Cherokee Investment Partners LLC, or another entity assigned by the applicant to develop any portion of the Project Site.

Development – Per NBMC 20.70.020 The placement or erection of any solid material or structure on land, in or under water; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes.

Development Area – Lands proposed for development pursuant to the requirements and procedures described in herein.

Director – The City’s Community Development Director

Habitat Restoration Plan (HRP) – A comprehensive plan for the preservation and enhancement of ecological resources within the Project Site. The HRP also includes guidelines to ensure long-term habitat management and protection of these natural resources.

Lowland – The Lowland is the portion of the Project Site outside of (and topographically below) the Upland, composed primarily of oil operations and service roads intermixed with degraded wetland and wet meadow areas, largely below an elevation of 10 to 15 feet above Mean Sea Level, and containing approximately 150 acres.

Mean Sea Level (MSL) – The average (mean) height of the sea.

PLANNED COMMUNITY DEVELOPMENT PLAN

Mitigation – As defined in §15370 of the State Guidelines for the California Environmental Quality Act, mitigation includes:

1. *Avoiding the impact altogether by not taking a certain action or parts of an action.*
2. *Minimizing impacts by limiting the degree or magnitude of the action and its implementation.*
3. *Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.*
4. *Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.*
5. *Compensating for the impact by replacing or providing substitute resources or environments.*

Orange County Fire Authority (OCFA) – The Orange County Fire Authority is a regional fire service agency that serves 22 cities in Orange County and all unincorporated areas.

Parks and Recreation Facilities, Public – Those park and recreational facilities within the Project owned, operated and maintained by a public agency and which include but are not limited to lighted and unlighted sports fields, playgrounds, picnic areas and shelters, restrooms, community centers, gymnasiums, skate parks, lighted and unlighted sports courts, off-leash dog parks, tot lots, small amphitheaters, and parking lots.

Parks and Recreation Facilities, HOA Public Use – Those park and recreational facilities within the Project owned and maintained by a Homeowners Association but which are available for public use and which include but are not limited to paseos, trails, picnic areas, scenic overlooks, bike paths, nature interpretive centers, custodial facilities, gazebos, park benches, kiosks, tot lots, interpretive signage, visitor centers, and small amphitheaters.

Parks and Recreation Facilities, HOA Private Use – Those park and recreational facilities owned and maintained by a Homeowners Association for the exclusive use of Project residents and members of the Homeowners Association which include but are not limited to pools, spas, tot lots, picnic areas, informal play areas, gazebos, barbeque areas.

Project – All land uses and development encompassed within the approximately 401-acre Project Site and, in particular, all of the physical development and entitlement components that are identified in the Project EIR, potentially including off-site improvements.

Project Site – The approximately 401.1-acre Newport Banning Ranch area owned by the Landowner/Master Developer, Newport Banning Ranch LLC.

DEFINITIONS OF TERMS/ACRONYMS

Residence(s)/Residential

Cluster/Courtyard – Single Unit Dwellings which are organized generally in modules of two, four, or six homes which share driveway access to their individual attached garages. The homes may be developed either as a condominium project or planned unit development with private homeowner lots and common lots.

Compound – A combination of single family detached residential units on one lot containing 1 primary dwelling unit and 1 accessory residential unit for exclusive occupancy by one Single Housekeeping Unit. Also includes factory-built, modular housing units, constructed in compliance with the California Building Code (CBC), and mobile homes/manufactured housing units that comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, when placed on permanent foundation systems. Accessory residential units may be either detached from the primary dwelling unit or attached to the primary dwelling unit.

Accessory Unit – A dwelling unit accessory to and attached to, detached from, or contained within, the principal dwelling unit on a site zoned for a single-family dwelling, that is a part of, and clearly incidental and secondary to, a residence; located on the same lot as a residence; and that does not change the character of the residential use.

Conventional – See NBMC, Chapter 20.70 “Dwelling, Single-Unit (Land Use) Detached Single-Unit Dwelling.

Dwelling Unit – See NBMC, Chapter 20.70 “Dwelling Unit (Land Use)”

Dwelling, Single Family Attached – See MNBC, Chapter 20.70 “Dwelling, Single-Unit (Land Use).”

Dwelling, Single Family Detached – See NBMC, Chapter 20.70 “Dwelling, Single-Unit (Land Use).”

Dwelling, Single Family Multi-Unit – See NBMC, Chapter 20.70 “Dwelling, multi-unit (Land Use).”

Live/Work – A residence is located to the rear of, or on top of, an artist’s or professional studio, commercial space, or office front and located only within commercial buildings or vertically integrated mixed use buildings, and which are subject to specific regulations.

PLANNED COMMUNITY DEVELOPMENT PLAN

Rowhouse/Townhome – See NBMC Chapter 20.70 “Dwelling, Single-Unit (Land Use) Attached Single-Unit Dwelling.

Side-Yard – Homes which incorporate a “zero lot line” on one side yard. The opposite side yard is used as a private open space/courtyard add reciprocal use and maintenance easement.

Triplex/Carriage – A Triplex with Carriage Unit is defined as three condominium homes or apartments served by alley-loaded garages. The triplex is composed of two freestanding cottages at the front of the lot which directly face the street and a third “carriage” unit located above the garages at the rear of the lot. The two cottages are typically detached from one another and their garages. Patios and loggia between the cottages and garages provide residents with privacy and usable open space, on a condominium lot.

Stacked Flat – A residential condominium, apartment, or other type of dwelling unit located entirely on one floor in a multi-story building, as distinguished from a dwelling unit in which living areas are located on separate floors connected by a stairway or elevator. Single-level units, stacked on top of each other in multi-story buildings on a condominium lot.

Villa – See NBMC, Chapter 20.70 “Dwelling, Single-Unit (Land Use) Attached Single Unit Dwelling.

Z-Lot – Z lots have an interlocking pattern of (typically) side property lines, in contrast to conventional rectilinear lots that have straight side property lines. Z lots within a neighborhood typically range in size and shape depending on how they interlock, and this variation can be used to create a more usable patios and a visually more interesting street scene. Z lot homes can be conveyed as condominiums or fee-simple ownership lots, often with reciprocal use easements to provide residents with more private and usable yard/patio areas.

Resorts, Inns, Hotels and Accessory Uses – See NBMC Chapter 20.70 Visitor Accommodations (Land Use), “Hotel.”

Day Spa – Establishments that specialize in the full complement of body care including, but not limited to, body wraps, facials, pedicures, make-up, hairstyling, nutrition, exercise, water treatments and massage which is open primarily during normal daytime business hours and without provisions for overnight accommodations

Restoration – Activity in accordance with an approved HRP to improve generally destroyed or degraded habitat areas to a viably functioning level of biological productivity and diversity.

DEFINITIONS OF TERMS/ACRONYMS

Retail sales and service – Retail establishments, completely enclosed within structures, engaged in selling goods or merchandise or providing services to the general public. Examples of these establishments include:

- antiques
- appliances
- artists' supplies
- automotive parts and accessories
- bakeries
- barbershop/beauty salon
- bicycle sales and rentals
- books
- cameras and photographic supplies and processing
- carpeting and floor covering
- clothing and accessories
- convenience market
- drug and discount stores
- dry cleaning and laundry services
- electronic equipment
- fabrics and sewing supplies
- florists and houseplant stores (indoor sales only)
- gift shops
- grocery store
- handcrafted items
- hardware
- hobby materials
- jewelry
- kitchen utensils
- laundromat
- locksmiths
- luggage and leather goods
- medical supplies and equipment
- musical instruments, parts and accessories
- newsstands
- office supplies
- orthopedic supplies
- paint and wallpaper
- pharmacies
- religious goods
- repair shops, household and “fix-it”
- secondhand clothing sales
- shoe stores
- small wares
- specialty food and beverage
- specialty shops
- sporting goods and equipment
- stationery
- supermarket
- tobacco
- toys and games
- travel services
- Manufacturing, processing, treatment, and packaging of goods incidental to and operated in conjunction with a retail business on premises

DEFINITIONS OF TERMS/ACRONYMS

State – The State of California.

Top of Edge of Bluff – The upper termination of the bluff edge, see definition for Bluff Edge. In cases where localized erosion has created incised gullies or ravines and repairs are proposed, the top of edge of bluff will be defined as the continuation of the upper termination of the bluff edge line on either side of the localized erosion.

Upland – The Upland refers to areas in the Project Site outside the Lowland, located generally above 10- to 15-feet above Mean Sea Level and containing approximately 250 acres.

U.S. Army Corps of Engineers (ACOE) – The Federal agency that reviews navigation aspects of development projects, conducts design studies, and issues dredge and fill permits under the Clean Water Act, and water construction permits under the Rivers and Harbors Act of 1899.

View Fence – A fence constructed partially or entirely with glass or similar transparent material intended to provide an unobstructed eye-level view, including alternative materials like tubular steel.

Visitor-Serving Facilities – Facilities that fulfill the Coastal Act purpose of providing public access, recreation, and overnight accommodations within the Coastal Zone.

Visitor-Serving Retail – Retail establishments engaged in selling goods or merchandise to tourists and visitors.

West Coast Highway – State Highway 1 within the City of Newport Beach, also called Coast Highway and Pacific Coast Highway.

Zoning Administrator – City of Newport Beach Zoning Administrator.

5.2 Definitions of Acronyms

A

B BP Bluff Park District

C Caltrans California Department of Transportation
CARB California Air Resources Board
CDP Coastal Development Permit
CP Community Park District
CSDOC County Sanitation District of Orange County
CUP Conditional Use Permit

D DOGGR (California) Division of Oil, Gas and Geothermal Resources
DU/Ac dwelling units per acre

E EIR Environmental Impact Report

F FiOS Fiber-optic Services

G GIS Geographic Information System

H HOA Homeowners Association

I IP Interpretive Parks District

J

K

L LEED-ND Leadership in Energy and Environmental Design – Neighborhood Developments
LOS level of service (measure of traffic congestion)
LOS/PTF Lowland Open Space/Public Trails and Facilities

M MCDP Master Coastal Development Permit
MDP Master Development Plan
MU/R Mixed-Use/Residential District
MUP Mixed Use Permit

PLANNED COMMUNITY DEVELOPMENT PLAN

N	NBMC	Newport Beach Municipal Code
	NBR	Newport Banning Ranch
	NBR-PCDP	NBR Planned Community Development Plan
	NMUS	Newport Mesa School District
	OF	Oil Facilities District
	OS(RV)	Open Space (Residential Village) District
P	PCDP	Planned Community Development Plan
Q		
R	RL	Low Density Residential District
	RL/M	Low-Medium Density Residential District
	RM	Medium Density Residential District
S	SOQ	Sphere of Influence
T		
U	UOS/PTF	Upland Open Space/Public Trails and Facilities District
	USGBC	U.S. Green Building Council
V	VOCs	volatile organic compounds
	VSR/R	Visitor-Serving Resort/Residential
W		
X		
Y		
Z		

Exhibit A

NBR Planned Community Development Plan Revisions and Errata

Page 2-2

Revise Section 2.2.1.3 as follows:

2.2.1 Planned Community Districts

3. Visitor-Serving Resort/Residential District, to allow for a maximum 75-room resort inn to include ancillary uses such as restaurants, ~~and bars~~ spas, fitness centers, meeting and banquet facilities, retail shops, and other similar complementary visitor-serving commercial uses or free standing visitor serving retail uses without a resort inn component. Bars and cocktail lounges shall be permitted in the Visitor Serving Resort/Residential District only when ancillary to a restaurant, inn, or hotel. This district also allows for resort-oriented residential units of up to 40.0 dwelling units per gross acre if developed in conjunction with the resort inn. In the event a resort inn is not developed this land use district allows the development of residential land uses of up to 9.0 dwelling units per gross acre within the entire district, with or without visitor-serving commercial uses or visitor serving commercial uses alone.

~~1.~~ **5. Mixed-Use/Residential District**, to allow for the mixed use development of residential uses of up to 40.0 dwelling units per gross acre and a maximum of 75,000 square feet of neighborhood serving commercial uses as vertical mixed use with commercial uses on the ground floor and residential above, or as horizontal mixed use with commercial uses and residential uses in separate buildings designed as a cohesive and unified development. The residential component of mixed use development may include residential single family attached or multi-family residential dwelling units and ancillary private recreational facilities to serve the residents of the development. The neighborhood serving commercial component of mixed use development may include a grocery market (s), restaurants, personal services, and professional offices. Other allowable uses in the Mixed Use/Residential District include hotels and inns which could include a restaurant. Bars and cocktail lounges shall be permitted only when ancillary to a restaurant, inn, or hotel.

Page 2-4

Change the acreage assigned to Community Park as follows:

2.4.1 Community Park District (CP)

Approximately 26.8 gross acres designated as CP shall be developed as a public Community Park as part of the Project. Approximately 21.8 gross acres of the CP district comprising the public Community Park shall be offered for dedication to the City to serve the active recreational needs of the Project residents and the community at large. The remaining approximately 5.0 gross acres of the CP district comprising the public Community Park shall be privately maintained by the Project and made permanently available for public use through a deed restriction and/or recorded public easement.

Page 2-5

Add the following text to Section 2.5, Visitor Serving Resort/Residential District (VSR/R), first paragraph as follows:

The purpose of the Visitor-Serving Resort/Residential District is to designate approximately 11.3 gross acres to allow for development of a resort inn and resort oriented residential uses within the NBR-PC. In the event a resort inn is not developed in this land use district pursuant to NBR-PC Sections 4.4.4 "Findings for Approval of a Master Development Plan," or 4.5.3 (Site Development Review) "Application Review," the NBR-PC allows for development of residential uses and/or visitor serving commercial uses within the land use district subject to the provisions of NBR-PC Section 4.18.b, "Transfer of Residential Dwelling Units."

Page 2-5

Revise Section 2.5.1 as follows:

2.1. Resort Inn and Resort Oriented Residential Uses

A resort inn ~~of up to~~ with a maximum of 75 overnight accommodations (guest rooms) with a lobby and related guest areas, along with support commercial uses ancillary to a resort, such as, restaurant(s), ~~and bars~~ gift and sundry shops, business center(s), fitness center(s), spa/salon/treatment rooms, swimming pools and recreation facilities, banquet and meeting rooms, areas for food and beverage preparation, administrative offices, housekeeping areas, maintenance areas, and employee facilities. Ancillary commercial uses are those uses customary and proportional to the resort. ~~Visitor serving~~ Commercial uses included as part of ancillary to resort inn development shall not be counted as part of the maximum 75,000 square feet of commercial area permitted within the NBR-PC.

Page 2-5

Add the following text to Section 2.5.3 referencing the NBR-PC provisions for transfer of residential dwelling units into the VSR/R district as follows:

2. Residential Uses

~~Up to~~ In the event a resort inn is not developed in the VSR/R district, pursuant to NBR-PC Sections 4.4.4 "Findings for Approval of a Master Development Plan," or 4.5.3 (Site Development Review) "Application Review," development of a maximum of 100 conventionally-owned residential dwelling units is allowed pursuant to the provisions Section 4.18, "Transfer of Residential Dwelling Units," of the NBR-PC. ~~in the event a resort inn is not developed in the VSR/R district.~~ These residential dwelling units shall be counted as part of the maximum 1,375 residential dwelling units permitted within the NBR-PC. An application for Site Development Review for residential development within the entire VSR/R district shall not be permitted to be submitted any earlier than two years from the effective date of an approved Development Agreement for the Project Site.

Page 2-5

Add the following text to Section 2.5.4 referencing the NBR-PC provisions allowing for transfer of visitor serving commercial uses to the VSR/R district and ~~delete~~ clarify "bars" as a visitor serving commercial use:

3. Visitor Serving Commercial Uses

In the event a resort inn is not developed in the VSR/R district pursuant to NBR-PC Sections 4.4.4 "Findings for Approval of a Master Development Plan," or 4.5.3 (Site Development Review) "Application Review," development of visitor-serving commercial uses independent of a resort ~~use inn such as,~~ to include but not limited to restaurant(s) ~~and bars,~~ gift and sundry

shops, business centers, fitness centers, spas and salons, swimming pools and recreation facilities and similar uses are permitted subject to the provisions of Section 4.19, "Transfer of Commercial Area from MU/R District to VSR/R District," of the NBR-PC. Bar and cocktail lounges shall be permitted only when ancillary to a restaurant. This type of All visitor serving commercial use developed independently of a resort inn shall be counted as part of the maximum 75,000 square feet of commercial area permitted within the NBR-PC.

Page 3-1, Add the following text to the last sentence of the second paragraph of Section 3.2.1, "Oil Operations," as follows:

All surface oil production facilities located in areas outside of the OF District in existence after the effective date of the NBR-PC shall be legal non-conforming structures, and subject to NBMC Chapter 20.38, "Nonconforming Uses and Structures," ~~and subject solely to the provisions of NBMC Sections 20.38.010 through 20.38.050 of Chapter 20.38~~ and may continue for a maximum period of ten years following completion of annexation of the unincorporated County areas of the Project Site to the City.

Page 3-3

Add the following requirement:

Retaining walls over 8 feet in height shall incorporate strategies to visually soften and/or minimize their appearance from public views. Strategies for visual softening may include the use of stepped retaining walls, the use of crib walls, and/or landscape screening.

Page 3-4

Delete the following text from Section 3.3 Landscape Regulations:

~~. The design and improvement of all developer-installed public parks, including landscape and irrigation plans, within the Project Site shall be subject to approval of a Site Development Review by the City pursuant to Section 4.5 of the NBR-PC, "Site Development Review."~~

Page 3-12

Revise Section 3.9.7, "Legal Non-Conforming Uses," as follows:

3.9.7 Legal Non-Conforming Uses

Any use within the Project Site lawfully existing at the time of the effective date of the NBR-PC including, without limitation, surface and subsurface oil and natural gas production operations, maintenance and operation of existing easements and pipelines, surface leases for storage yards, and other oil-related buildings, structures, and maintenance areas shall be considered legal non-conforming uses and may be continued subject to NBMC Chapter 20.38.010 through 20.38.050, "Nonconforming Uses and Structures," for up to ten years following the completion of annexation of areas located in the unincorporated County to the City, notwithstanding any omission of a particular such use in Table 3-1, "Allowable Uses." ~~Legal non-conforming uses are not permitted to be expanded.~~

Pages 3-14 and 3-15

Revise Table 3-1, Allowable Uses as follows:

1. Delete Bars and Nightclubs

2. Add Bars and cocktail lounges when ancillary to a hotel, resort inn, or restaurant as conditionally permitted in VSR/R and MU/R.
3. Delete Breweries, micro ~~as a conditionally permitted use in the VSR/R district.~~
4. Delete Residential Care Facilities 6 or fewer unlicensed as a conditionally permitted use in the RL, RL/M and RM districts.
5. Delete "Eating and drinking establishments sit down dining" and "Eating and drinking establishments, sit down dining no alcohol service".
6. Add "Restaurants with alcoholic beverage service and/or live entertainment" as conditionally permitted.
7. Add "Restaurants" as permitted.

Page 4-4

Revise Section 4.4.4, "Findings for Approval of a Master Development Plan," adding finding number 6 as follows:

6. An application for a Master Development Plan which does not include a resort inn, hotel, or similar visitor accommodation, within the VSR/R District, cannot be approved without first adopting one of the following three findings:

A resort inn, hotel, or similar visitor accommodation has been approved for development in either the VSR/R District or the MU/R District; or

There is sufficient undeveloped land in the VSR/R District adequate to accommodate a 75-room resort inn, hotel, or similar visitor accommodation; or

An independent feasibility analysis prepared by an independent consultant selected by the Director of Community Development and paid for by the applicant, indicates that the development of a 75-room resort inn, hotel, or similar visitor accommodation is not economically viable taking into account any one or all of the following identifiable factors 1) economic, 2) environmental, 2) social, and/or 3) physical site constraints.

Page 4-5

Revise Section 4.4.6, "Requirement for Site Development Review" as follows:

~~4.4.6 Requirement for Site Development Review~~

4.4.6 Development Activities Pursuant to Approved MDP and Recordation of Final Map

4.4.6.1 Activities Subject to Community Park Improvement Plan Approval

The following development activities are permitted pursuant to approval of the MDP for the Project Site, subject to recordation of a final subdivision map, approval of a Community Park Improvement Plan, and approval of all required permits from local, State (including Coastal Commission), and Federal agencies:

1. Construction of public park and recreational facilities in the CP district that are to be offered for dedication to the City.

4.4.6.2 Activities Subject to Requirement for Site Development Review Approval

The following development activities are permitted pursuant to approval of the MDP for the Project Site subject to recordation of a final subdivision map, City approval of Site Development Review, as described in Section 4.5, "Site Development Review," of the NBR-PC, , and approval of all required permits from local, State (including Coastal Commission), and Federal agencies:

1. Development of land uses within the Residential Districts, Visitor Serving Resort and Residential District, Mixed Use and Residential District, ~~Park and Recreation District~~, ~~Bluff Park District~~, ~~Interpretive Park District~~, and areas of the Community Park District not offered for public dedication.

Page 4-6

Revise Section 4.5.3 "Application Review," as follows:

- ~~4. Applications for Site Development Review shall be submitted and reviewed in accordance with NBMC Chapter 20.52.080 "Site Development Reviews," Sections C through H.~~

~~In addition to the above, an application for Site Development Review which does not include a resort inn, hotel, or similar visitor accommodation, within the VSR/R District, cannot be approved without first adopting one of the following three findings:~~

- ~~a. A resort inn, hotel, or similar visitor accommodation has been approved for development in either the VSR/R District or the MU/R District; or~~
- ~~b. There is sufficient undeveloped land in the VSR/R District adequate to accommodate a 75-room resort inn, hotel, or similar visitor accommodation; or~~
- ~~c. An independent feasibility analysis prepared by an independent consultant selected by the Director of Community Development and paid for by the applicant, indicates that the development of a 75-room resort inn, hotel, or similar visitor accommodation is not economically viable taking into account any one or all of the following identifiable factors 1) economic, 2) environmental, 2) social, and/or 3) physical site constraints.~~

Page 4-7

Add a new Section 4.6, Community Park Improvement Plan, and renumber subsequent sections accordingly.

4.6 Community Park Improvement Plan

4.6.1 Purpose and Intent

The purpose of a Community Park Improvement Plan is to provide for the review of specific park design prior to construction of public park and recreational facilities within areas of the CP district that are to be offered for public dedication.

4.6.2 Applicability

Approval by the City of a Community Park Improvement Plan is required as described in Section 4.4.6 "Development Activities pursuant to Approved MDP and Recordation of Final Map" prior to any construction activity within the portion of the CP District to be offered for dedication to the City.

4.6.3 Review and Approval

A Community Park Improvement Plan shall include, a comprehensive site plan for the community park, floor plans and elevations for any community facility buildings and restrooms, landscape and irrigation plans, lighting plans, plans for play fields and passive recreation areas, parking layout, and other public facilities to be located within the Community Park, grading plans, infrastructure improvement plans, and any other information deemed necessary for review by the Director of Recreation and Senior Services. The Community Park Improvement Plan shall be reviewed and approved by the Director of Recreation and Senior Services.

Page 4-8

Revise the last paragraph in Section 4.8 "Coastal Development Permit ," as follows:

When any CDP(s) or MCDP is approved by the Coastal Commission that varies from the approval granted by the City for the same application, ~~said CDP(s) or MCDP shall be resubmitted and reviewed by the City as a new application.~~ the applicant shall submit a request for determination of substantial conformance to the Director. The Director has the authority to refer any request for substantial conformance to the City Council for consideration and final action on the request.

~~Page 4-11~~

~~Revise Section 4.8, "Subdivision Maps," to add the following text:~~

~~In addition to the above, an application for a subdivision map which does not include a resort inn, hotel, or similar visitor accommodation, within the VSR/R District, cannot be approved without first adopting one of the following three findings:~~

- ~~1. A resort inn, hotel, or similar visitor accommodation has been approved for development in either the VSR/R District or the MU/R District; or~~
- ~~2. There is sufficient undeveloped land in the VSR/R District adequate to accommodate a 75-room resort inn, hotel, or similar visitor accommodation; or~~
- ~~3. An independent feasibility analysis prepared by an independent consultant selected by the Director of Community Development and paid for by the applicant, indicates that the development of a 75-room resort inn, hotel, or similar visitor accommodation is not economically viable taking into account any one or all of the following identifiable factors 1) economic, 2) environmental, 2) social, and/or 3) physical site constraints.~~

Page 4-14 through 4-17

Delete Section 4.16, "Land Use Acreage Refinement, Transfer of Residential Dwelling Units, and Transfer of Commercial Area," Delete Section 4.17, "Minor Modifications," as follows

:

4.16 Land Use Acreage Refinement, Transfer of Residential Dwelling Units, and Transfer of Commercial Area

Land use acreage refinements, transfer of planned residential dwelling units, and transfer of commercial square footage from that described in Exhibit 2-2, "Planned Community Development Table," may be approved within the NBR-PC in accordance with the provisions of Section 4.17, Minor Modifications."

4.17 Minor Modifications

This Section describes activities that constitute minor modifications to the NBR-PC and establishes the procedure for approving minor modifications to the NBR-PC. The following are considered minor modifications to the NBR-PC, including Exhibit 2-1, "Planned Community Development Plan," and Exhibit 2-2, "Planned Community Development Table."

4.17.1 Land Use Acreage Refinements

A change in the Land Use District boundary lines as illustrated on Exhibit 2-1, "Planned Community Development Plan," and corresponding change in the Gross Acres for the respective Land Use District as described on Exhibit 2-2, "Planned Community Development Table," is permitted as part of the approval of either a Master Development Plan, Site Development Review, or subdivision map application submitted for the Project Site, provided the requested change does not result in:

1. An increase in gross acres or gross density of more than fifteen percent (15%) of the land use district for which the change is requested;
2. A reduction in the total area allocated to the Lowland Open Space/Public Trails and Facilities District to less than 115 gross acres;
3. A reduction in the total area allocated to the Upland Open Space /Public Trails and Facilities District to less than 85 gross acres;
4. A reduction in the total area allocated to the CP District to less than 28 gross acres; and
5. The total area within the Project Site boundary does not exceed 401.1 gross acres.

4.17.2 Transfer of Residential Dwelling Units

A change in the planned number of residential dwelling units for any Land Use District as described on Exhibit 2-2, "Planned Community Development Table," resulting from a transfer of residential dwelling units from one Residential Land Use District to another, is permitted as part of the approval of either a Master Development Plan, Site Development Review, or subdivision map application submitted for the Project Site, provided:

1. The transfer does not result in an increase of more than fifteen percent (15%) in the total number of planned dwelling units described on Exhibit 2-2, "Planned Community Development Table," for the Land Use District receiving additional dwelling units;
2. The total number of dwelling units for the Project Site does not exceed 1,375; applicable development regulations established in NBR-PC Chapter 3, "Land Use and Development Regulations," for the housing types planned for development;
4. A traffic analysis performed by the City's Traffic Engineer evaluating the total number of PM peak hour trips that would be generated by development allowed with and without the transfer concludes that there would not be any greater traffic impact generated as a result of the transfer than would be generated without the transfer. Trip generation rates shall be based on standard trip generation values in the current version of ITE's "Trip Generation," unless the Traffic Engineer determines that other rates are more valid for the uses involved in the transfer.
5. The total number of dwelling units within the MU/R Land Use District does not exceed 730;

and

~~6. A corresponding subdivision map is approved by the City if the transfer results in a change to any previously approved subdivision map.~~

~~4.17.3 Transfer of Commercial Area from MU/R District to VSR/R District~~

~~In the event a resort inn is not developed in the VSR/R District, a portion of the total commercial area described in Exhibit 2-2, "Planned Community Development Table," may be transferred from the MU/R District to the VSR/R District for development of ancillary visitor-serving commercial uses such as restaurants, bars, visitor and tourist oriented retail shops, a fitness facility, a full-service health spa, park and recreation facilities, and similar uses provided:~~

- ~~1. The total area of commercial uses developed within the Project Site does not exceed 75,000 square feet.~~
- ~~2. A traffic analysis performed by the City's Traffic Engineer evaluating the total number of PM peak hour trips that would be generated by development allowed with and without the transfer concludes that there would not be any greater traffic impact generated as a result of the transfer than would be generated without the transfer. Trip generation rates shall be based on standard trip generation values in the current version of ITE's "Trip Generation," unless the Traffic Engineer determines that other rates are more valid for the uses involved in the transfer. The visitor-serving commercial uses can be developed pursuant to the applicable development regulations established in NBR-PC Chapter 3, "Land Use and Development Regulations commercial development within in the VSR/R land use district.~~

~~4.17.4 Review Authority~~

~~The review authority for a minor modification to the NBR-PC shall be the same review authority as established in this Chapter with authority to approve or conditionally approve the development application being considered in conjunction with a request for a minor modification. A minor modification to the NBR-Planned Community Development Plan and/or Planned Community Development Table shall be processed in accordance with the following procedures:~~

- ~~1. An application to revise the Planned Community Development Plan and/or Planned Community Development Table shall be submitted as part of an application for approval of either a Master Development Plan for the Project Site or as part of an application for approval of a subdivision map or a Site Development Review;~~
- ~~2. An application for a minor modification to revise the Planned Community Development Plan and/or Planned Community Development Table shall be accompanied by a revised Planned Community Development Table reflecting the proposed changes and any additional background and/or supporting information as determined by the Director; and~~
- ~~3. Unless determined otherwise by the City, the revised NBR-PC document shall serve as the reference document for any future revisions to Exhibit 2-1, "Planned Community Development Plan," and Exhibit 2-2, "Planned Community Development Table," as they may be approved from time to time. Such revisions shall be located in an appendix to the NBR-PC.~~

Page 4-14

Add a new Section 4.17, "Substantial Conformance," as follows:

4.17 Substantial Conformance

Changes in the Land Use District boundary lines as illustrated on Exhibit 2-1, "Planned Community Development Plan," and a corresponding change in the Gross Acres for the respective Land Use District as described on Exhibit 2-2, "Planned Community Development

Table,” as part of the approval of either a Master Development Plan, Site Development Review, or subdivision map application submitted for the Project Site, is considered to be in substantial conformance with the NBR-PC provided the change complies with the following:

1. Any resulting increase in gross acres or gross density is no more than fifteen percent (15%) of the land use district for which the change is requested;
2. There is no resulting reduction in the total area designated as Open Space District;
3. There is no resulting reduction in the total area allocated to the Public Parks/Recreation District; and
4. The total area within the Project Site boundary does not exceed 401.1 gross acres.

Page 4-15

Add a new Section 4.18, “Transfer of Residential Dwelling Units,” as follows:

4.18 Transfer of Residential Dwelling Units

4.18.1 General Requirements

A request for a change in the planned number of residential dwelling units for any Land Use District as described on Exhibit 2-2, “Planned Community Development Table,” resulting from a transfer of residential dwelling units from one Residential Land Use District to another, may be approved as part of the review of either a Master Development Plan, Site Development Review, or subdivision map application submitted for the Project Site, provided the requested change complies with the following:

1. The requested transfer does not result in an increase of more than fifteen percent (15%) in the total number of planned dwelling units described on Exhibit 2-2, “Planned Community Development Table,” for the Land Use District receiving additional dwelling units;
2. The total number of dwelling units for the Project Site does not exceed 1,375;
3. All dwelling units planned within the Land Use District can be developed pursuant to the applicable development regulations established in NBR-PC Chapter 3, “Land Use and Development Regulations,” for the residential land use planned for development;
4. A traffic analysis performed by the City’s Traffic Engineer evaluating the total number of PM peak hour trips that would be generated by development allowed with and without the transfer concludes that there would not be any greater traffic impact generated as a result of the transfer than would be generated without the transfer. Trip generation rates shall be based on standard trip generation values in the current version of ITE’s “Trip Generation,” unless the Traffic Engineer determines that other rates are more valid for the uses involved in the transfer.
5. The total number of dwelling units within the MU/R Land Use District does not exceed 730;
6. A corresponding subdivision map is approved by the City if the transfer results in a change to any previously approved subdivision map.

4.18.2 Requirements for Residential Transfers to the VSR/R District

In addition to the requirement of Section 4.18.1 above, a request to transfer residential dwelling units to the VSR/R District shall comply with the provisions of NBR-PC Section 4.4.4 or NBR-PC Section 4.5.3, as applicable.

4.18.32 Review Requirements

1. A request to transfer residential dwelling units shall be subject to the following requirements:
 - a. The request for a transfer of residential dwelling units from one land use district to another shall be submitted as part of an application for approval of either a Master Development Plan for the Project Site or as part of an application for approval of a subdivision map or a Site Development Review;
 - b. The request for a transfer of residential dwelling units from one land use district to another shall be accompanied by a revised Planned Community Development Table reflecting the proposed changes and any additional background and/or supporting information as determined necessary by the Director. Unless determined otherwise by the City, the revised NBR-PC document shall serve as the reference document for any future revisions to Exhibit 2-1, "Planned Community Development Plan," and Exhibit 2-2, "Planned Community Development Table," as they may be approved from time to time. Such revisions shall be located in an appendix to the NBR-PC.

Page 4-16

Add a new Section 4.19, "Transfer of Commercial Area from MU/R to VSR/R," as follows:

4.19 Transfer of Commercial Area from MU/R District to VSR/R District

4.19.1 General Requirements

In the event a resort inn is not developed in the VSR/R District, a request to transfer a portion of the total commercial area as described in Exhibit 2-2, "Planned Community Development Table," from the MU/R District to the VSR/R District for development of ancillary visitor-serving commercial uses such as restaurants visitor and tourist oriented retail shops, a fitness facility, a full service health spa, park and recreation facilities, and similar uses may be approved as part of the review of either a Master Development Plan, Site Development Review, or subdivision map application submitted for the Project Site, provided:

1. The total area of commercial uses developed within the Project Site does not exceed 75,000 square feet.
2. A traffic analysis performed by the City's Traffic Engineer evaluating the total number of PM peak hour trips that would be generated by development allowed with and without the transfer concludes that there would not be any greater traffic impact generated as a result of the transfer than would be generated without the transfer. Trip generation rates shall be based on standard trip generation values in the current version of ITE's "Trip Generation," unless the Traffic Engineer determines that other rates are more valid for the uses involved

in the transfer. The visitor serving commercial uses can be developed pursuant to the applicable development regulations established in NBR-PC Chapter 3, "Land Use and Development Regulations." for commercial development within in the VSR/R land use district.

3. All commercial uses planned for development within the VSR/R district can be developed pursuant to the applicable development regulations established in NBR-PC Chapter 3, "Land Use and Development Regulations," for the type of commercial use planned for development.

4.19.2 Requirements Transfer of Commercial Area to the VSR/R District

In addition to the requirement of Section 4.19.1 above, a request to transfer commercial area to the VSR/R District shall comply with the provisions of NBR-PC Section 4.4.4 or NBR-PC Section 4.5.3, as applicable.

4.19.32 Review Requirements

A request for transfer of commercial square footage from the MU/R District to the VSR/R District shall be subject to the following requirements.

- a. The request shall be submitted as part of an application for approval of either a Master Development Plan for the Project Site or as part of an application for approval of a subdivision map or a Site Development Review;
- b. The request shall be accompanied by a revised Planned Community Development Table reflecting the proposed changes and any additional background and/or supporting information as determined necessary by the Director. Unless determined otherwise by the City, the revised NBR-PC document shall serve as the reference document for any future revisions to Exhibit 2-1, "Planned Community Development Plan," and Exhibit 2-2, "Planned Community Development Table," as they may be approved from time to time. Such revisions shall be located in an appendix to the NBR-PC.

Page 4-17

Add a new Section 4.20, "Transfer of Commercial Area from MU/R District to RL/M or RM District," as follows:

4.20 Transfer of Commercial Area from MU/R District to RL/M or RM District

A request to transfer a maximum of 2,500 square feet of commercial square footage to either the RL/M or RM district may be approved as part of the review of a Site Development Review or subdivision map application submitted for the Project Site, in accordance with the following provisions:

1. The requested transfer is for the development of convenience commercial uses to serve the residential community.
2. Approval of the requested transfer of square footage to either the RL/M or RM district is a one-time allowable transfer and no additional transfers may be approved for any other residential district.

3. The total area of commercial uses developed within the Project Site does not exceed 75,000 square feet.
4. The commercial uses planned for development within either the RL/M or RM district can be developed pursuant to the applicable development regulations established in Section 3.14, "Commercial Regulations," of the NBR-PC.

A request for transfer of commercial square footage from the MU/R District to the RL/M or RM District shall be subject to the following requirements.

a. The request shall be submitted as part of an application for approval of either a subdivision map or a Site Development Review.

b. The request shall be accompanied by a revised Planned Community Development Table reflecting the proposed changes and any additional background and/or supporting information as determined necessary by the Director. Unless determined otherwise by the City, the revised NBR-PC document shall serve as the reference document for any future revisions to Exhibit 2-1, "Planned Community Development Plan," and Exhibit 2-2, "Planned Community Development Table," as they may be approved from time to time. Such revisions shall be located in an appendix to the NBR-PC.

Page 4-17, Renumber Section 4-18 to Section 4-20 and revise text as follows:

4.18 20 Amendments

All proposed changes to the NBR-PC other than those identified in Section 4.17, "Minor Modifications," 4.18, "Transfer of Residential Dwelling Units, Section 4.19, "Transfer of Commercial Area from MU/R to VSR/R District," and/or Section 4.20 "Transfer of Commercial Area from MU/R to RL/M or R/M District," of the NBR-PC, or as otherwise provided for within the NBR-PC, shall be considered amendments to the NBR-PC and shall be reviewed pursuant to the provisions of NBMC Chapter 20.56.050 "Planned Community District Application Procedures."

Chapter 5 – Definitions

Add the following new definitions to Chapter 5:

Restaurants: Establishments principally engaged in serving prepared food or beverages for consumption on or off the premises.

Bars and Cocktail Lounges: Establishments licensed by the California Department of Alcohol Beverage Control and principally engaged in selling or serving alcoholic beverages for consumption on the premises and with all of the following characteristics:

1. Is ancillary to a primary use such as a restaurant, resort, inn, hotel, or other visitor accommodation as defined in the NBMC, and is limited in area to no more than thirty percent (30%) of the floor area of the primary use.
2. Provides an area for sales, service, and consumption of alcoholic beverages that is operated during the same hours as the primary use.