

Attachment A

Ordinance No. 2025-7

ORDINANCE NO. 2025-7

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING AN AMENDMENT TO THE NORTH NEWPORT CENTER PLANNED COMMUNITY (PC-56) DEVELOPMENT PLAN TO ALLOCATE 1,500 BASE DWELLING UNITS FROM THE HO-4 (NEWPORT CENTER AREA) SUBAREA DEVELOPMENT LIMITS SET FORTH IN SECTION 20.28.050 (HOUSING OPPORTUNITY (HO) OVERLAY ZONING DISTRICTS) OF THE NEWPORT BEACH MUNICIPAL CODE TO THE NORTH NEWPORT CENTER PLANNED COMMUNITY (PC-56) DEVELOPMENT PLAN FOR 100 AND 190 NEWPORT CENTER DRIVE AND VARIOUS ADDRESSES WITHIN THE NORTH NEWPORT CENTER PLANNED COMMUNITY (PA2024-0173)

WHEREAS, Section 200 of the City of Newport Beach ("City") Charter vests the City Council with the authority to make and enforce all laws, rules, and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, California Government Code Section 65580 *et seq.* ("State Housing Element Law") requires each city and county adopt a housing element that identifies and analyzes existing and projected housing needs within their jurisdiction and prepare goals, policies, and programs, and quantified objectives to further the development, improvement, and preservation of housing;

WHEREAS, an application was filed by Irvine Company ("Applicant") concerning properties located at 100 and 190 Newport Center Drive and within the North Newport Center Planned Community (PC-56) Zoning District ("PC-56 Development Plan"), as described in Exhibit "A" ("Properties"), which is attached hereto and incorporated herein by reference, requesting approval of amendments to the PC-56 Development Plan that would incorporate 1,500 dwelling units from the development limit established through the HO-4 (Newport Center Area) Subarea ("HO-4 Subarea") of the Housing Opportunity (HO) Overlay Zoning Districts set forth in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) of the Newport Beach Municipal Code ("NBMC") and derived from the City's 6th Cycle Housing Element;

WHEREAS, the Applicant maintains ownership interest and control over several properties within the HO-4 Subarea and requests the following approvals (collectively, the "Project"):

- Amendments to the PC-56 Development Plan ("PC-56 Amendment") to allocate 1,500 of the 2,439 dwelling units from the development limit identified in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) of the NBMC for the HO-4 (Newport Center Area) Subarea to the Properties within the PC-56 Development Plan along with other amendments including increased building height limits for Fashion Island, Block 100, and San Joaquin Plaza, modifying open space requirements, incorporating additional objective design standards, modifying parking standards for residential use, updating sign standards, and changing the zoning of 100 and 190 Newport Center Drive from Office-Regional (OR) to PC-56 Development Plan;
- Amendment to Development Agreement No. DA 2007-002, entitled Zoning Implementation and Public Benefit Agreement ("Second Amendment to DA") between the City and the Applicant to vest development rights for 1,500 dwelling units created by the HO-4 Subarea in exchange for public benefits;
- Affordable Housing Implementation Plan ("AHIP") that specifies how the Applicant will assist in furthering the production of affordable housing; and
- Water Supply Assessment ("WSA") to evaluate the water supply availability for a project including more than 500 dwelling units pursuant to Section 21151.9 of the Public Resources Code ("PRC") and Section 10910 *et seq.* of the Water Code and as contemplated in the City's Housing Implementation Program Final Program Environmental Impact Report ("EIR");

WHEREAS, the Properties are categorized as Mixed Use Horizontal (MU-H3), Commercial Regional Office (CO-R), Regional Commercial (CR), Multiple Residential (RM), Open Space (OS), Medical Commercial Office (CO-M) by the General Plan Land Use Element and are located within the PC-56 Zoning District except the properties at 100 and 190 Newport Center Drive which are located within the Office-Regional (OR) Zoning District;

WHEREAS, the Properties are not located within the coastal zone;

WHEREAS, the Project does not propose the construction of housing, only the reallocation of 1,500 dwelling units from the development limit established through the HO-4 Subarea of the Housing Opportunity (HO) Overlay Zoning Districts and derived from the City's 6th Cycle Housing Element into the PC-56 Development Plan;

WHEREAS, a public hearing was held by the Planning Commission on March 6, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of the time, place, and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* ("Ralph M. Brown Act"), Chapter 20.62 (Public Hearings) of the NBMC, and Section 15.45.050 (Public Hearing - Notice) of the NBMC. Evidence, both written and oral, was presented to and considered by, the Planning Commission at this hearing;

WHEREAS, at the hearing, the Planning Commission adopted Resolution No. 2025-006 by a unanimous vote (5 ayes, 0 nays, 2 recusals) recommending the City Council approve the Project;

WHEREAS, California Public Utilities Code ("CPUC") Section 21676(b) requires the City to refer the Project to the Orange County Airport Land Use Commission ("ALUC") to review for consistency with the 2008 John Wayne Airport Environs Land Use Plan ("AELUP");

WHEREAS, on April 17, 2025, the ALUC determined the Project is consistent with the AELUP by a unanimous vote; and

WHEREAS, a public hearing was held by the City Council on April 29, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of the time, place, and purpose of the hearing was given in accordance with the Ralph M. Brown Act and Chapter 20.62 (Public Hearings) of the NBMC, and Section 15.45.050 (Public Hearing - Notice) of the NBMC. Evidence, both written and oral, was presented to and considered by, the City Council at this hearing.

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

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

Section 2: An amendment to the North Newport Center Planned Community (PC-56) Development Plan is a zoning amendment and legislative act. Neither Chapters 20.56 (Planned Community District Procedures) and 20.66 (Amendments) of the NBMC, the North Newport Center Planned Community (PC-56) Development Plan, nor California Government Code Section 65000 *et seq.*, set forth any required findings for approval of such amendments. However, the PC-56 Amendment complies with the aforementioned based on the following:

1. The Properties are in Newport Center, which includes a mixture of entertainment, major retail, recreation, professional offices, and residential development. The Project's proposal to allocate dwelling units to sites already within the HO-4 (Newport Center Area) Subarea of the Housing Overlay would not disrupt the existing uses within the PC-56 Development Plan. Instead, it would serve to add to the diversity of uses helping to activate an urban core in Newport Center while assisting the City in larger scale community planning and the provision of additional housing opportunities already allocated within the General Plan. Newport Center is an established, urban area of the city with significant amenities and services that can support the development of residential uses.
2. Although properties identified as Housing Overlay sites in Section 20.80.020 (Housing Opportunity Overlay Zoning District Maps) of the NBMC are subject to the standards set forth therein, the PC-56 Amendment to incorporate the dwelling units into the PC-56 Development Plan would require its future residential development be subject to its development standards, not the development standards set forth in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts). As such, future residential projects would be subject to the appropriate site and project specific setbacks, parking, and height limits for this urban location. Incorporation of these dwelling units into the existing PC-56 Development Plan allows for planning on a larger scale that will account for context and ensure the units are cohesively incorporated into a larger plan for the HO-4 Subarea. Proposed text revisions to the PC-56 Development Plan are set forth in Exhibit "B," which is attached hereto and incorporated herein by reference.

3. Similarly, projects located within the Housing Overlay are subject to Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC, which are intended provide for quality design of multi-unit residential and mixed-use development that build on context, contribute to the public realm and provide high quality and resilient buildings and public spaces. These standards apply to both market rate and affordable multi-unit development consisting of at least 20 dwelling units per acre. The existing PC-56 Development Plan includes design standards to ensure high quality design; however, additional objective design standards have been incorporated that are commensurate with the standards identified in the NBMC. For example, the PC-56 Amendment includes standards for general design, parking lots and structures, landscaping, common open space, recreation amenities, and private streets. These design standards would apply to both market rate and affordable multi-unit developments. The existing PC-56 Development Plan encompasses approximately 170 acres of land, which allows for larger scale planning efforts that are sensitive to context and provide for a robust, aesthetically pleasing, and functional public realm.
4. The PC-56 Amendment also includes changes to the existing private open space requirements for residential. The existing PC-56 Development Plan requires at least 50% of all dwelling units to provide private open space in the form of a patio, balcony, or similar feature, where the proposed PC would require at least 25% of dwelling units to provide private open space. No changes are proposed to the existing common open space requirements; however, the PC-56 Amendment includes a new requirement for "Recreation Amenities" to serve future residential projects. The new recreation amenities could include a clubhouse or lounge, a swimming pool, sport courts, or other similar amenities. Reducing the private open space that is required on a per unit basis would allow for larger, more functional communal and recreational outdoor spaces that will serve the future residents and encourage community activity.
5. The PC-56 Amendment would provide for a streamlined review of future residential development projects by the Community Development Director pursuant to Section IV -Planned Community Development Plan Administration of the existing PC-56 Development Plan. Compliance with both the PC-56 Development Plan and amended DA would ensure that the appropriate technical studies and other supporting documents are completed.

6. The PC-56 Amendment would modify existing standards for properties in Blocks that are fully developed and do not support any natural resources. No changes are proposed to properties that are designated for open space by the General Plan. All potential environmental impacts associated with the Project are appropriately addressed through compliance with standard building permit procedures, conditions of approval, and the PEIR.
7. The proposed changes to height for Fashion Island, Block 100, and San Joaquin Plaza in the PC-56 Development Plan would be consistent with the continued trend of urbanization in Newport Center that has occurred over the last several decades. The revised building heights would allow for future residential projects to meet the minimum density of 20 dwelling units that is required, while retaining open areas to increase walkability and activate the urban core of Newport Center. The proposed height increases are consistent with the original vision of Newport Center to allow taller buildings around the top (northeast) and center of Newport Center, with lower buildings following the topography and stepping down towards East Coast Highway. For example, the proposed height limit of 125 feet for new residential buildings in Fashion Island would step down from the existing height limit of 295 feet and existing structures that are currently built at 295 feet. The proposed changes to height of buildings in the PC-56 Development Plan would be subject to review by the Airport Land Use Commission to ensure the changes are consistent with the County of Orange Airport Environs Land Use Plan for John Wayne Airport. Additionally, the proposed amendments would not impact the existing Newport Center Sight Plane, as established By Ordinance Nos. 1371, 1596, and 83-27, which maintain residential views across the southeastern portion of Newport Center.
8. The PC-56 Amendment includes changes to signs to allow larger signs that are generally consistent with approved sign programs in Newport Center. The proposed sign standards are appropriate for the future development of housing and for the scale of Newport Center and its wide streets. Changes are also proposed to remove theater signs as a specific sign type, and the incorporation of a new digital sign type. Although the new sign type would include a digital display, the existing PC-56 Development Plan prohibits the establishment of any signs that are visible from the public right of way and include flashing, animation, blinking, strobing, or other effects that could impact safety for motorists and cyclists.

9. The PC-56 Amendment changes residential parking to 1.1 parking spaces per bedroom, inclusive of guest parking, including one covered space per unit with studio units counting as one bedroom. This is compared to the current parking requirement in the PC-56 Development Plan of two spaces per unit including one covered; plus 0.5 spaces per unit up to 50 units, then 0.25 spaces per unit thereafter for guest parking. As a comparison, the NBMC requires parking for residential (rental) units based on the number of bedrooms, ranging from 1.1 parking spaces per dwelling unit for studios up to two parking spaces for three-bedroom apartments. Visitor (guest) parking is required at a rate of 0.3 parking spaces per dwelling unit. In the NBMC, parking requirements for residential (ownership) units are similar to the rental rate, but slightly higher. Therefore, the proposed PC-56 Development Plan is generally consistent with the City's standards for parking.

10. The Project is consistent with the City's General Plan including the following General Plan policies:

- a. *Land Use Element Policy 2.2 – Sustainable and Complete Community – Emphasize and support the development of uses that enable Newport Beach to be a complete community that maintains the ability to provide locally accessible opportunities for retail, goods and services, and employment.*

The proposed allocation of 1,500 dwelling units to Housing Overlay sites within the PC-56 Development Plan would contribute to the sustainability of the City by providing housing opportunities near retail, goods and services, and employment within Newport Center. The PC-56 Development Plan includes appropriate standards for all land uses, to support a cohesive and complete community with all of the necessary amenities.

- b. *Land Use Element Policy 3.3. – Opportunities for Change – Support opportunities for new development and improved physical environments for residents, businesses and visitors in the following districts and corridors, as specified in Policies 6.3.1 and 6.22.7:*

Fashion Island/Newport Center: support balanced expansion and enhancement of retail uses, hotel rooms, and offices, and development of residential in proximity to jobs and services.

The proposed allocation of 1,500 dwelling units from Subarea 4 of the Housing Overlay to the PC-56 Development Plan would be consistent with this policy as it would provide residential opportunities in proximity to existing jobs and services.

- c. *Housing Element Policy Action 1C – Newport Center – The City will establish a housing opportunity overlay, or similar rezoning strategy, in the Newport Center area for 163 acres of land to provide for the accommodation of at least 2,439 housing units in the Very Low, Low, Moderate and Above Moderate-income categories. A Map and Table Summary of these sites are provided in Appendix B of this Housing Element. The overlay, or similar rezone strategy, will allow development of a variety of residential product types at a permitted average density of 50 dwelling units per acre.*

The proposed allocation of 1,500 dwelling units to Housing Overlay sites within the PC-56 Development Plan would be consistent with this policy, as it would provide zoning in Newport Center to provide for the accommodation of up to 1,500 dwelling units at an average density of 20 to 50 dwelling units per acre. Although the 1,500 dwelling units would likely be market rate units, the Project includes an amendment to the DA and preliminary AHIP to ensure the Applicant provides affordable housing.

- d. *Housing Element Policy Action 3A – Objective Design Standards – State Housing law includes various exemptions for projects with an affordable housing component, which limits the City’s ability to apply discretionary design review requirements to certain residential projects. State Housing law specifies having objective design standards available to apply to housing projects where the City’s discretion over design review is otherwise preempted per State law. The City of Newport Beach will review existing entitlement processes for housing development and will eliminate discretionary review for all housing development proposals that include a minimum affordable housing component. The City will also review the appropriateness of its current development standards to ensure that it reasonably accommodates the type and density of housing it is intended to support. The City will also amend existing development standards to replace or remove all subjective standards for projects with a minimum affordable housing component with objective standards that do not impede the type and density of housing it is intended to allow.*

The City has implemented this policy through the establishment of Multi-Unit Objective Design Standards for all multi-unit residential projects consisting of 20 or more dwelling units per acre. As previously discussed in Fact 3, Section 20.48.185 (Multi-Unit Objective Design Standards) of the NBMC, was implemented to provide for quality design of multi-unit residential and mixed-use development that build on context, contribute to the public realm and provide high quality and resilient buildings and public spaces. The PC-56 Amendment incorporates additional objective design standards for parking lots, landscaping, open space, and other features.

Additionally, the PC-56 Amendment adjusts the allowed height of structures in Block 100, Fashion Island, and San Joaquin Plaza. These changes will reduce potential impediments to the construction of housing at the specified densities of 20 to 50 dwelling units per acre.

- e. *Land Use Element Policy 4.4 – Rezoning to Accommodate Housing Opportunities – Accommodate housing opportunities through the adoption of housing opportunity overlay zoning districts or other land use regulatory policy. The following areas are intended to be consistent with the Housing Element’s focus areas. Properties within each overlay district should include, but are not limited to, sites identified in the Housing Element; however, not all sites must be included, and other sites or adjustments may be identified in the future through rezoning unless precluded by state law. The goal is to ensure an adequate number of sites Citywide to accommodate the City’s overall allocation of the Regional Housing Needs Assessment:*

Newport Center: the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 2,439 total dwelling units within the area.

The Project is consistent with and wholly in furtherance of LU 4.4 since the PC-56 Amendment will provide a “land use regulatory policy” to implement the housing opportunities within the Newport Center Subarea 4. The PC-56 Amendment allocates 1,500 dwelling units from the General Plan and Housing Overlay to another regulatory policy or zoning document, the PC-56 Development Plan. Further, as proposed, all 1,500 dwelling units must be located on sites that are included in Housing Overlay, as identified in Section 20.80.025 (Housing Opportunity Overlay Zoning Districts Maps)

(HO-4 Newport Center Area) of the NBMC. This allocation would not exceed the 2,439-dwelling-unit limit for the Newport Center (HO-4) Subarea, nor would it impact the dwelling units reserved for properties that are located within the Coastal Zone. Lastly, the PC-56 Development Plan includes language that would require a minimum average of 20 dwelling units per gross acre for future projects on an individual basis and a maximum average of 50 dwelling units per gross acre in aggregate throughout properties regulated by the PC-56 Development Plan. This would ensure that future development will comply with minimum and maximum densities required, while allowing for planning on a larger scale. Therefore, the Project is consistent with General Plan Policy LU 4.4 and the development limits of the General Plan.

- f. *Land Use Element Policy LU 4.5 – Residential Uses and Residential Densities – Residential use of any property included within an established housing opportunity overlay zoning district is allowed regardless of and in addition to the underlying land use category or density limit established through Policy LU 4.1, Table LU 1 and Table LU 2, or any other conflict in the Land Use Element. A general plan amendment is not required to develop a residential use within an established housing opportunity zoning overlay district. The maximum density specified for the various overlay districts specified in Policy LU 4.4 is an average over the entire property or project site. For example, a portion of a development site may be developed at a higher density than specified by Policy 4.4 provided other portions of the site are developed at lower densities such that the average does not exceed the maximum. Density calculations and total units identified in LU 4.4 do not include units identified as pipeline units or units permitted pursuant to State density bonus law.*

Although Policy LU 4.5 allows residential development on Housing Overlay sites regardless of the underlying zoning district or General Plan designation, the PC-56 Development Plan is being amended to specifically allow residential development within Fashion Island, Block 100, and Block 400 to provide consistency and allow future buildout pursuant to the PC-56 Development Plan, in-lieu of the standards identified in Section 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts).

- g. *Land Use Element Policy LU 4.6 – Continuation of Existing Development – Residential opportunities are in addition to existing uses allowed by the General Plan. Properties within the established overlay zones are not required to be developed for mixed-use or residential. Existing uses may continue to operate provided they are legally established and consistent with policies and regulations related to legal nonconforming uses. The adoption of housing opportunity overlay districts shall not affect existing rights to use the property.*

The PC-56 Amendment would allow for the existing underlying development rights to be maintained. In particular, the two office buildings that are currently within the OR (Office-Regional) Zoning District would be rezoned to PC-56 as part of the Project and included in Block 100 of the PC-56 Development Plan, which allows for the continuation of office uses. Further, the existing floor area of those two buildings would be captured within the PC-56 Development Plan to ensure the existing buildings remain conforming.

- h. *Land Use Element Policy LU 6.14.4 – Development Scale – The Project reinforces the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest and progressively scaling down building mass and height to follow the lower elevations toward the southwesterly edge along East Coast highway.*

The PC-56 Amendment to increase the height limits for Fashion Island (Major buildings and Periphery buildings), Block 100, and San Joaquin Plaza would be consistent with this policy, as the greatest building mass and height would remain concentrated to the northeasterly section of Newport Center. For Fashion Island, the modified heights would remain lower than the existing height limits for buildings in Blocks 400, 500, and 600 of the PC-56 Development Plan. For Block 100 and San Joaquin Plaza, the increased height limit of 85 feet would be consistent with other recently approved residential projects in the city. As previously stated in Fact 7, the benefits of increasing heights include accommodating density on smaller sites and/or fewer sites, increasing walkability for residents, activating the urban core of Newport Center to create a true mixed-use community, and decreasing development footprints to provide increased open space and views through developments. The proposed amendments

would not impact the existing Newport Center Sight Plane, as established By Ordinance Nos. 1371, 1596, and 83-27, which maintain residential views across the southeastern portion of Newport Center.

Section 3: The City Council hereby approves the PC-56 Amendment, as set forth in Exhibit "B," which is attached hereto and incorporated herein by reference and finds that it complies with the purpose set forth in Section 20.56.010 (Purpose) of the NBMC, with all other provisions of the existing PC-56 regulations and exhibits remaining unchanged and in full force and effect.

Section 4: The City Council finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

Section 5: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 6: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 7: Pursuant to the California Environmental Quality Act ("CEQA") as set forth in California Public Resources Code Section 21000 *et seq.* and its implementing guidelines set forth in California Code of Regulations, Title 14, Division 6, Chapter 3 ("CEQA Guidelines"), the City Council adopted Resolution No. 2024-50 on July 23, 2024, certifying Final Program Environmental Impact Report SCH No. 2023060699 ("PEIR"), approving a Mitigation Monitoring and Reporting Program ("MMRP"), and adopting Findings and a Statement of Overriding Considerations related to the implementation of the Housing Element involving amendments to the General Plan, Coastal Land Use Plan, and Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC which is attached hereto as Exhibit "C," and incorporated herein by reference.

1. The Project is not subject to further environmental review pursuant to Section 21083.3 of the PRC and Section 15183 of the CEQA Guidelines because, inasmuch as the Properties involved are all within the HO-4 Subarea, the Project does not change the underlying land use or zoning designations; and would not result in new significant impacts or a substantially greater adverse impact than addressed in the PEIR.
2. Section 15183 of the CEQA Guidelines provides, in relevant part:
 - a. Projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.
 - b. In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:
 - i. Are peculiar to the project or the parcel on which the project would be located;
 - ii. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent;
 - iii. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; or
 - iv. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.
 - c. If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or

standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.

- d. This section shall apply only to projects which meet the following conditions:
 - i. The project is consistent with:
 - A. A community plan adopted as part of a general plan;
 - B. A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development; or
 - C. A general plan of a local agency; and
 - ii. An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.
3. As part of its decision-making process, the City is required to review and consider whether the Project would create new significant impacts or significant impacts that would be substantially more severe than those disclosed in the PEIR. Additional CEQA review is only triggered if the Project's new significant impacts or impacts that are more severe than those disclosed in PEIR such that major revisions to the PEIR would be required. A detailed consistency analysis has been prepared by T & B Planning Inc., dated April, 2025, and peer reviewed by Kimley-Horn & Associates, Inc. The CEQA consistency analysis is incorporated into Exhibit "D".
4. The PEIR contemplated those future projects meeting the thresholds of Senate Bill No. 610 ("SB 610") would require the preparation of a WSA. As evidence of the Project's compliance with the PEIR and Section 15183 of the CEQA Guidelines, a WSA has been prepared for the Project. Although the PEIR concluded that there would be a potentially significant and unavoidable impact related to water supply for which the City adopted a Statement of Overriding Considerations, the Project specific WSA concluded that adequate and reliable water supplies are and will be available to serve units that are developed through this Project for at least the next 20 years.
5. Although the Project includes a zoning amendment to change the designation of 100 and 190 Newport Center Drive from the OR Zoning District to the PC-56 Zoning District, these properties were already identified in the HO-4

Subarea of the Housing Overlay, which would not change as part of the Project. Therefore, the analysis contained in the PEIR would remain applicable to those two sites and the Project would be consistent with the existing zoning that allows 20 to 50 dwelling units per acre of residential development.

6. The Project is consistent with the development density and use characteristics established by the City's General Plan Housing Implementation Program as analyzed by the PEIR, and the required determinations can be made, as detailed in Exhibit "C." Therefore, in accordance with Section 21083.3 of the PRC and Section 15183 of the CEQA Guidelines, no additional environmental review is required to approve the Project. The City Council determines:
 - a. The Project is consistent with the development density of 20 to 50 dwelling units per acre established by existing zoning and general plan policies for which the PEIR was certified;
 - b. There are no significant environmental effects that are peculiar to the Project or the parcels on which the Project would be located;
 - c. There are no significant environmental effects of the Project that were not analyzed as significant effects in the PEIR;
 - d. There are no potentially significant off-site impacts or cumulative impacts which were not discussed in the PEIR; and
 - e. There are no previously identified significant effects which, as a result of substantial new information which was not known at the time the PEIR was certified, are determined to have a more severe adverse impact than discussed in the prior PEIR.

Section 8: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414. This ordinance shall be effective thirty (30) calendar days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 29th day of April, 2025, and adopted on the 24th day of June, 2025, by the following vote, to-wit:

AYES: _____

NAYS: _____

ABSENT: _____

Joe Stapleton, Mayor

ATTEST:

Leilani I. Brown, City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp, City Attorney

Attachments:

- Exhibit “A” – Description and Depiction of Properties
- Exhibit “B” – Amendment to the North Newport Center Planned Community (PC-56) Development Plan
- Exhibit “C” – Housing Implementation Program EIR (PA2022-0245)
- Exhibit “D” – CEQA Consistency Analysis

Exhibit "A"
Description and Depiction of Properties

Applicable Accessor Parcel Numbers:

442 014 23	442 101 14
442 021 11	442 101 20
442 021 13	442 101 21
442 021 17	442 101 22
442 021 21	442 101 23
442 021 23	442 101 24
442 021 25	442 101 25
442 021 26	442 101 26
442 021 27	442 101 27
442 021 28	442 231 02
442 021 29	442 231 03
442 021 30	442 231 04
442 021 35	442 231 05
442 021 38	442 231 06
442 021 40	442 231 07
442 021 42	442 231 11
442 021 43	442 231 14
442 021 44	442 261 01
442 021 45	442 261 03
442 021 46	442 261 19
442 021 47	442 261 20
442 021 48	442 261 21
442 021 49	442 261 22
442 021 50	442 261 23
442 021 51	442 262 03
442 021 52	442 262 05
442 081 02	442 262 06
442 081 03	442 262 07
442 081 13	442 262 08
442 081 14	442 262 09
442 081 15	442 262 10
442 081 16	442 231 13
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442 082 09	
442 101 09	
442 101 11	
442 101 13	

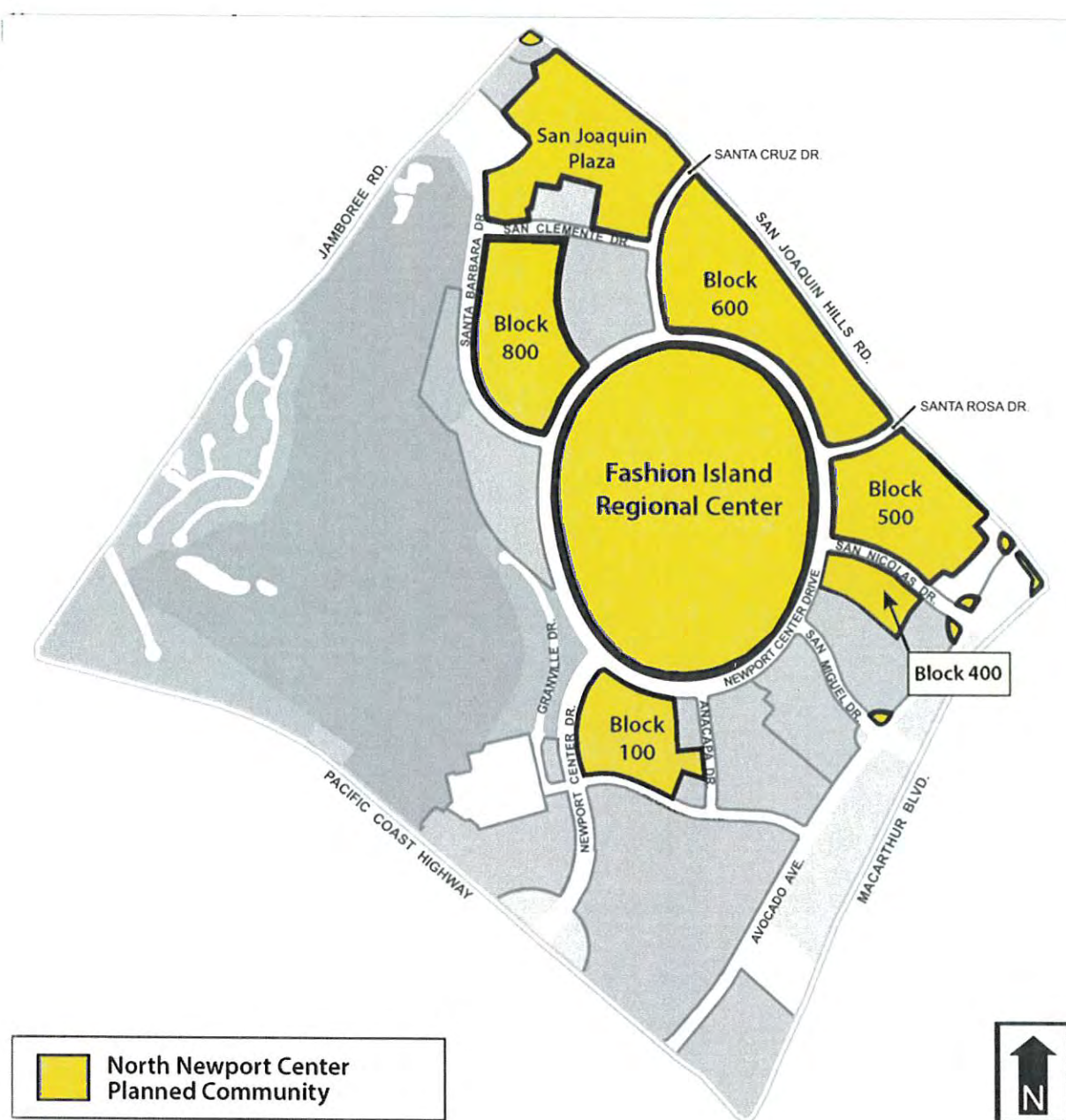


Exhibit “B”
Amendment to the North Newport Center Planned Community (PC-56) Development
Plan

North Newport Center Planned Community Development Plan

Land Uses, Development Standards & Procedures

Adopted December 18, 2007, Ordinance No. 2007-20 (PA 2007-151)

Amended November 24, 2009, Ordinance No. 2009-28 (PA 2009-111)

Amended May 24, 2011, Ordinance No. 2011-16 (PA 2011-017)

Amended July 24, 2012, Ordinance No. 2012-19 (PA 2012-020)

Amended November 10, 2015, Ordinance No. 2015-32 (PA 2015-109)

Amended ___, Ordinance No. ___ (PA2024-0173)

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I. Introduction and Purpose of Development Plan

The North Newport Center Planned Community district is comprised of seven sub-areas that include Fashion Island, Block 600, and Block 800; and portions of Block 100, Block 400, Block 500, and San Joaquin Plaza. The sub-areas that comprise North Newport Center shall be governed by the North Newport Center Planned Community (“PC”) Development Plan set forth herein, which includes land uses, development standards, and administration.

The City of Newport Beach Municipal Code allows a Planned Community Development Plan to address land use designations and regulations in Planned Communities. The North Newport Center PC Development Plan serves as the controlling zoning ordinance for the sub-areas identified in the Planned Community Development Plan and is authorized and intended to implement the provisions of the Newport Beach General Plan.

A. Sub-Area Purpose

Newport Center is a regional center comprised of major retail, professional office, entertainment, recreation, and residential development within the City of Newport Beach. The North Newport Center site comprises approximately 171.46 acres along San Joaquin Hills Road and Newport Center Dr. The seven sub-areas that make up the site including Fashion Island (75 acres), Block 100 (10.76 acres), Block 400 (4 acres), Block 500 (16.3 acres and a 0.4-acre open space area at the corner of MacArthur Boulevard and San Joaquin Hills Road), Block 600 (25 acres), Block 800 (17 acres), and San Joaquin Plaza (23 acres) are shown on Figure 1 and are described below.

The General Plan identifies the goal of creating a successful Mixed-Use district that integrates economic and commercial centers serving the needs of Newport Beach residents and the sub-region, with expanded opportunities for residential development.

Fashion Island is the primary retail hub within Newport Center and is developed with retail, dining, and commercial entertainment uses. Permitted uses for Fashion Island include uses in support of the existing retail, dining, commercial entertainment, and residential uses. Fashion Island is intended to be a vibrant regional retail and entertainment center and a day/evening destination with a wide variety of uses that will serve visitors, residents, and employees of the area. Figure 2, Fashion Island Sub-Area, shows the boundary of Fashion Island.

The Commercial Office/Residential blocks include Block 100 (Figure 3), Block 400 (Figure 4), and a portion of Block 800 also referred to as Pacific Financial Plaza. Block 100 generally comprises administrative and professional offices that serve local and regional markets. Other uses permitted in the block include limited accessory retail, financial, service and entertainment uses. Block 400 generally comprises commercial office, with medical related offices and retail use. The Pacific Financial Plaza portion of Block 800 is generally comprised of commercial office and restaurant uses. Residential uses are permitted within the Commercial Office/Residential blocks.

The Mixed-Use blocks include Block 500 (Figure 5), Block 600 (Figure 6), and San Joaquin Plaza (Figure 7). The Mixed-Use blocks are generally composed of administrative, professional, and financial office uses. Block 600 contains hotel and related ancillary uses. This Development Plan allows for the diversification of land uses in order to encourage new and original uses consistent with the Mixed-Use concept as established in the General Plan. Permitted uses for the Mixed-Use blocks include offices, light general commercial, hotel, residential and other mixed uses in accordance with the General Plan MU-H3 land use designation. The residential portion of Block 800 (Figure 8) allows for multi-family residential or senior citizen housing uses. While not categorized as a mixed-use area, Block 800 contains two distinct uses which are not interchangeable. The northern portion of Block 800 is designated for residential use and the southern portion is commercial office. The boundaries of the Mixed-Use blocks included in this Development Plan are shown in Figure 5, Block 500 Sub-Area, Figure 6, Block 600 Sub-Area, and Figure 7, San Joaquin Plaza Sub-Area, respectively.

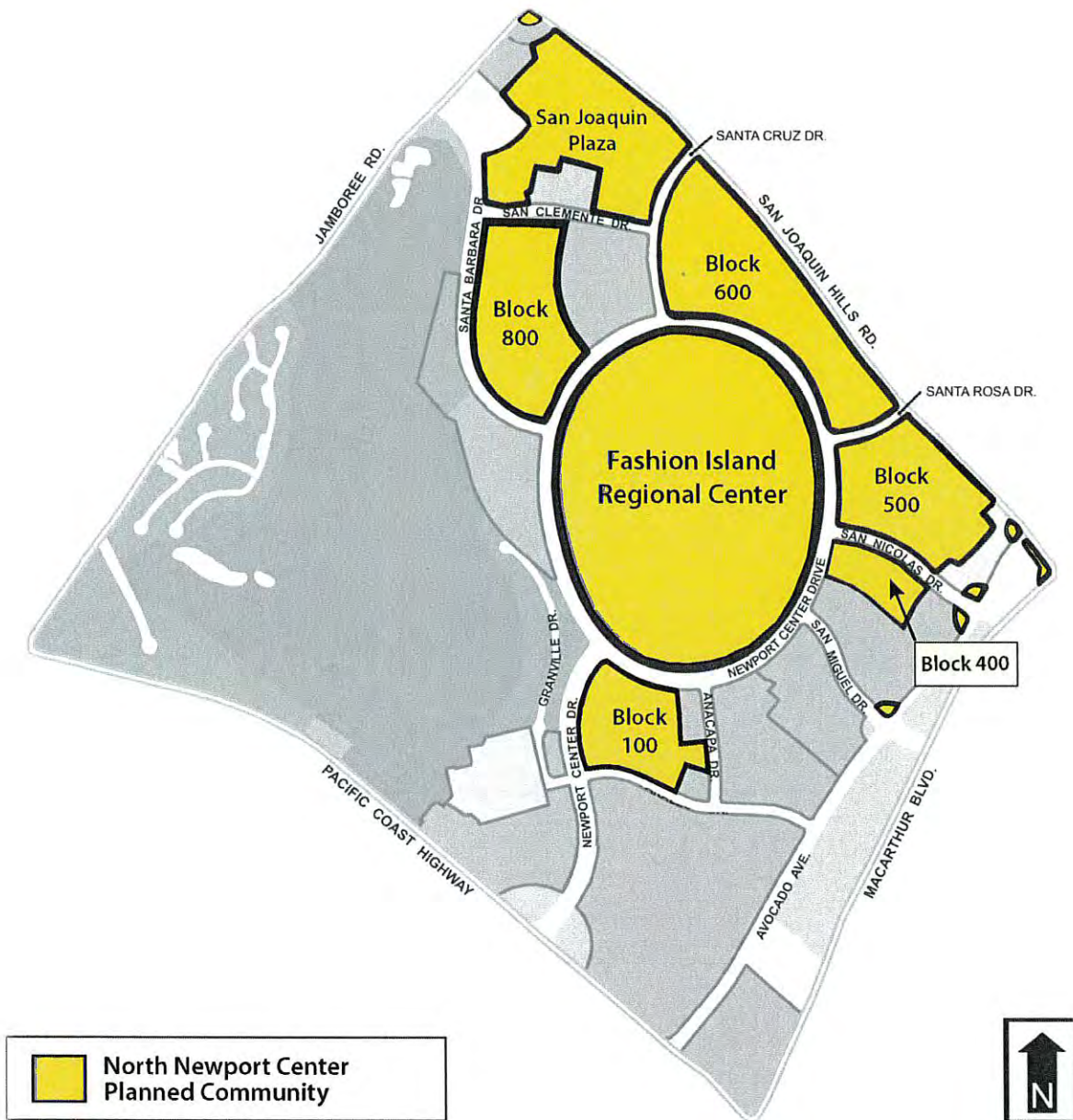


Figure 1 – North Newport Center Planned Community

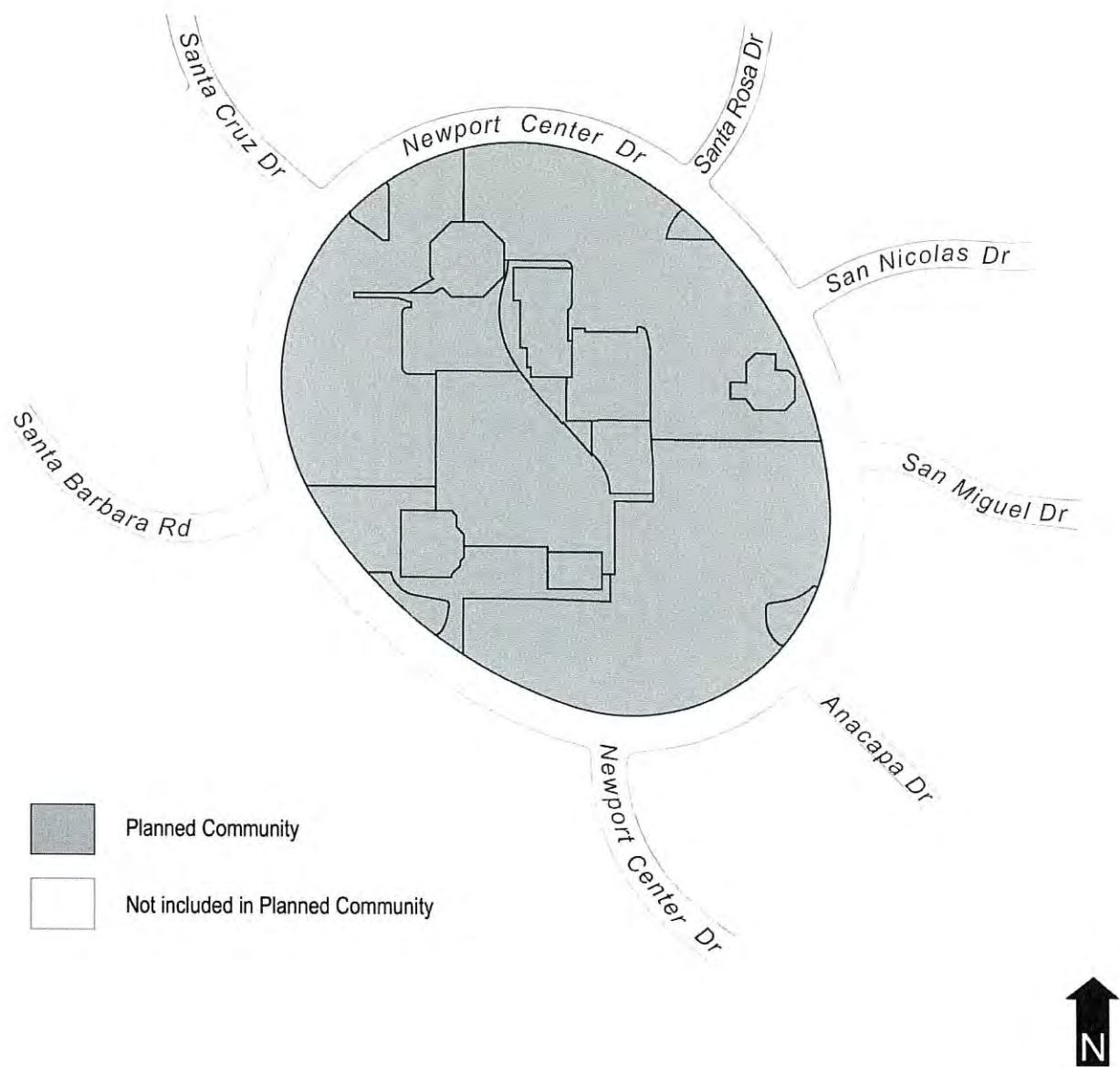


Figure 2 – Fashion Island Sub-Area

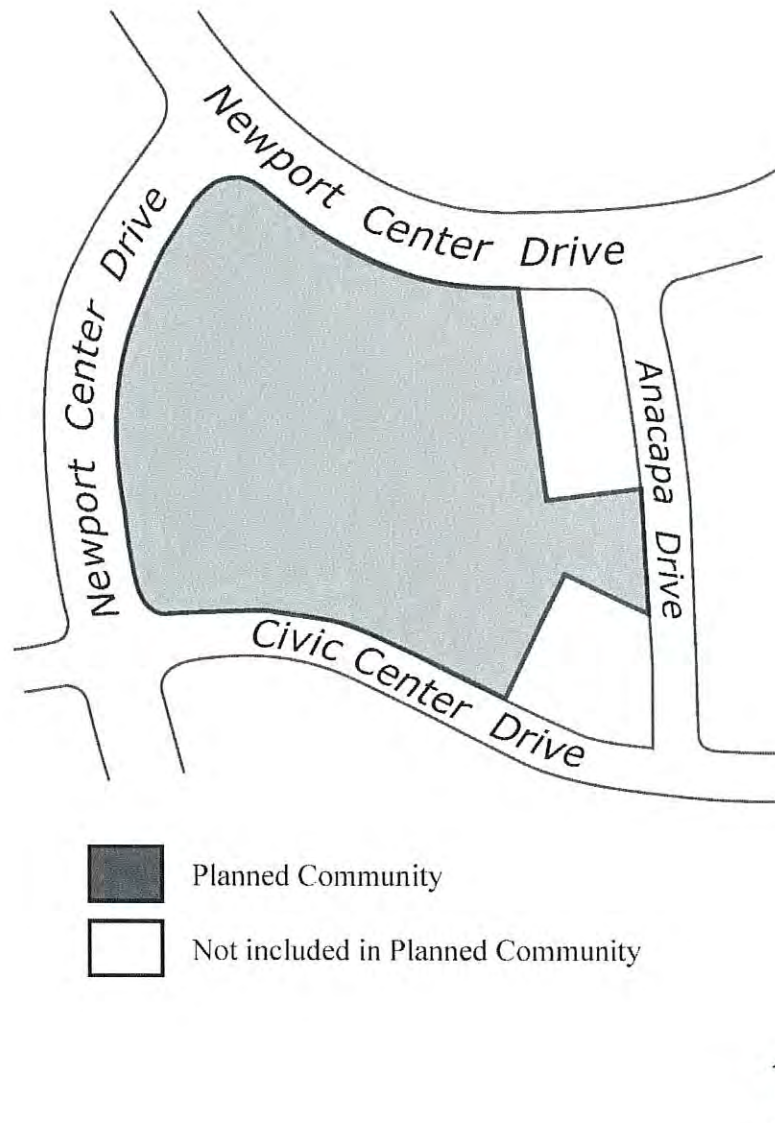
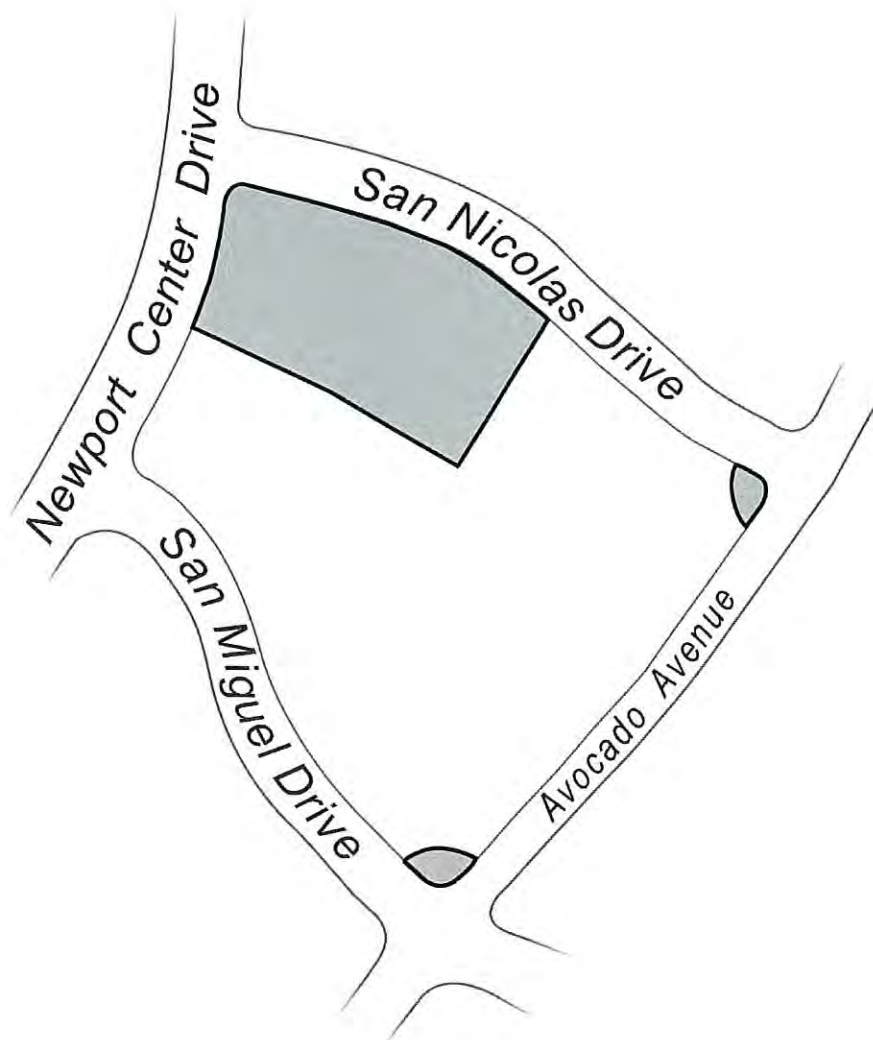


Figure 3 – Block 100 Sub Area





-  Planned Community
-  Not included in Planned Community



Figure 4 – Block 400 Sub Area

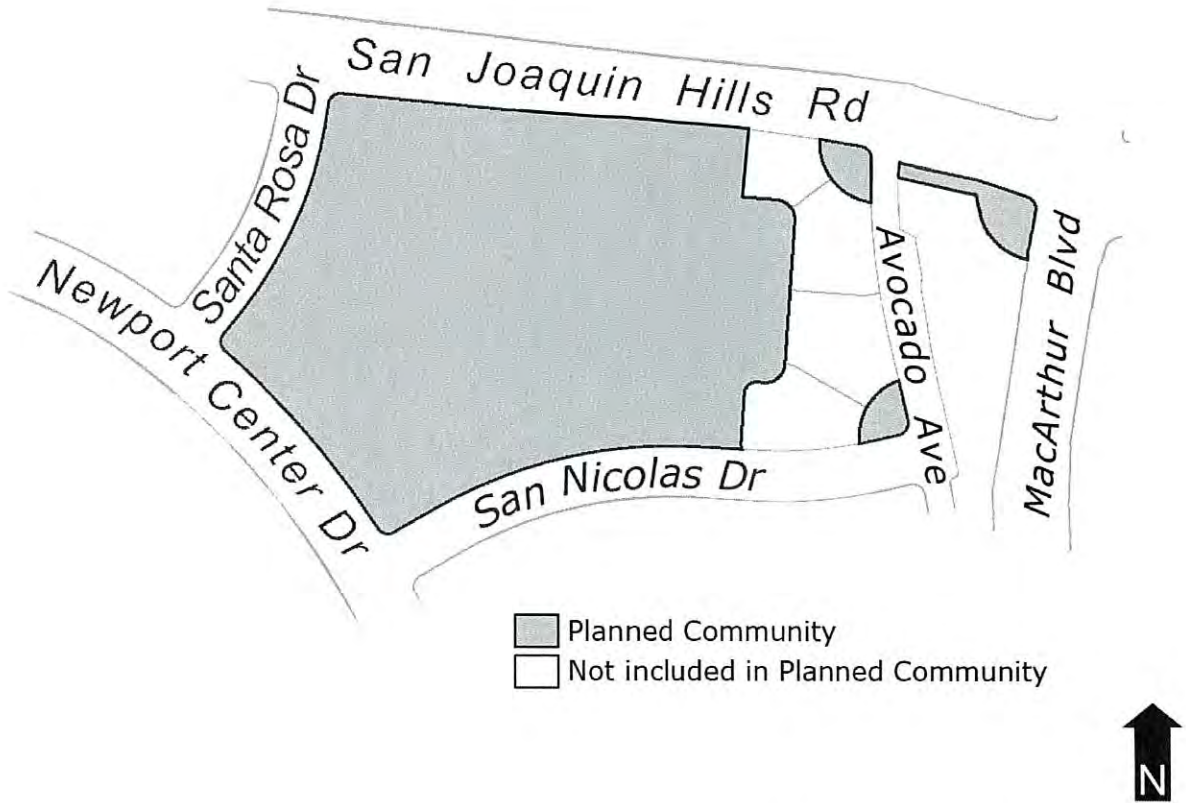


Figure 5 – Block 500 Sub-Area

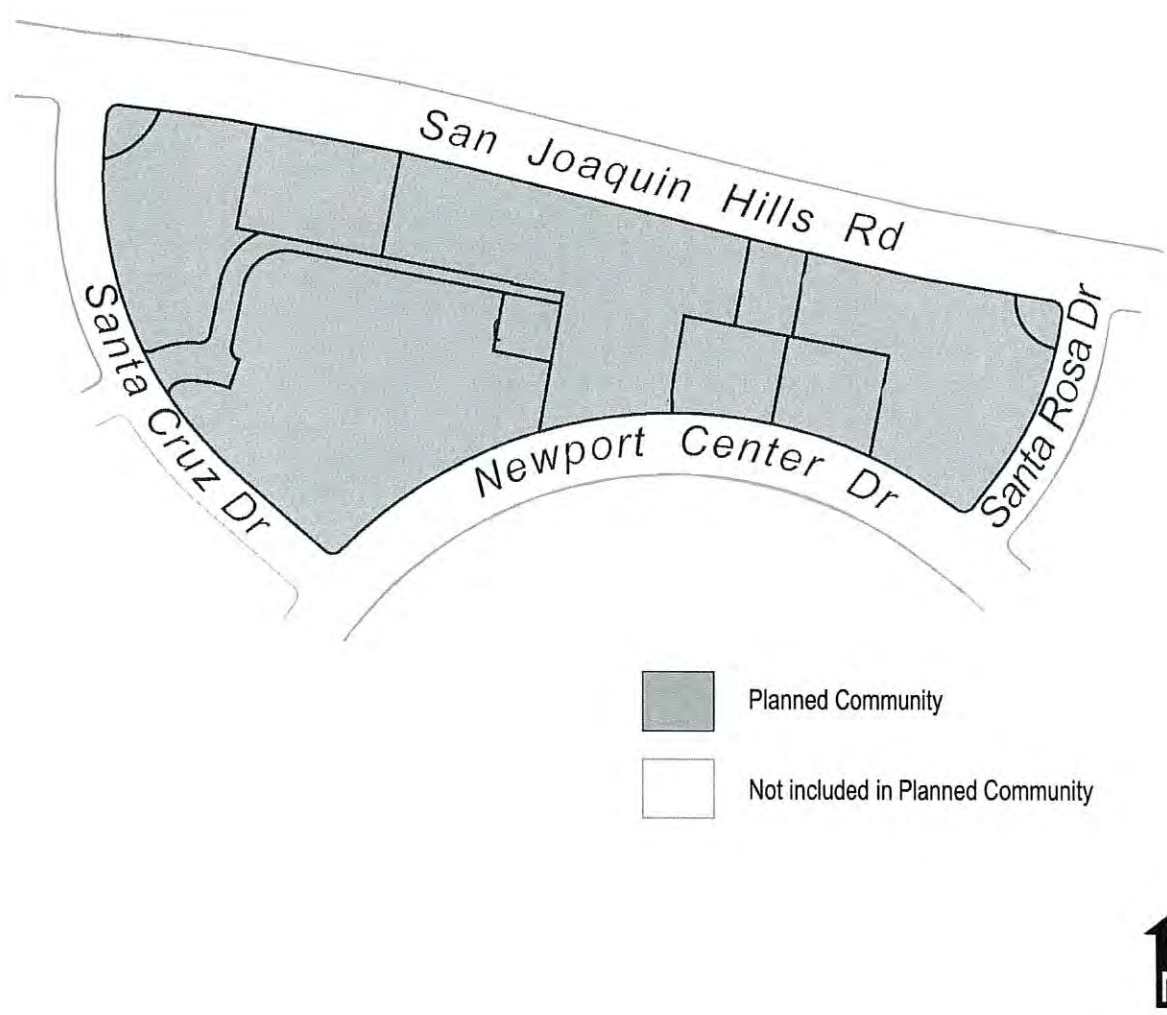


Figure 6 – Block 600 Sub-Area

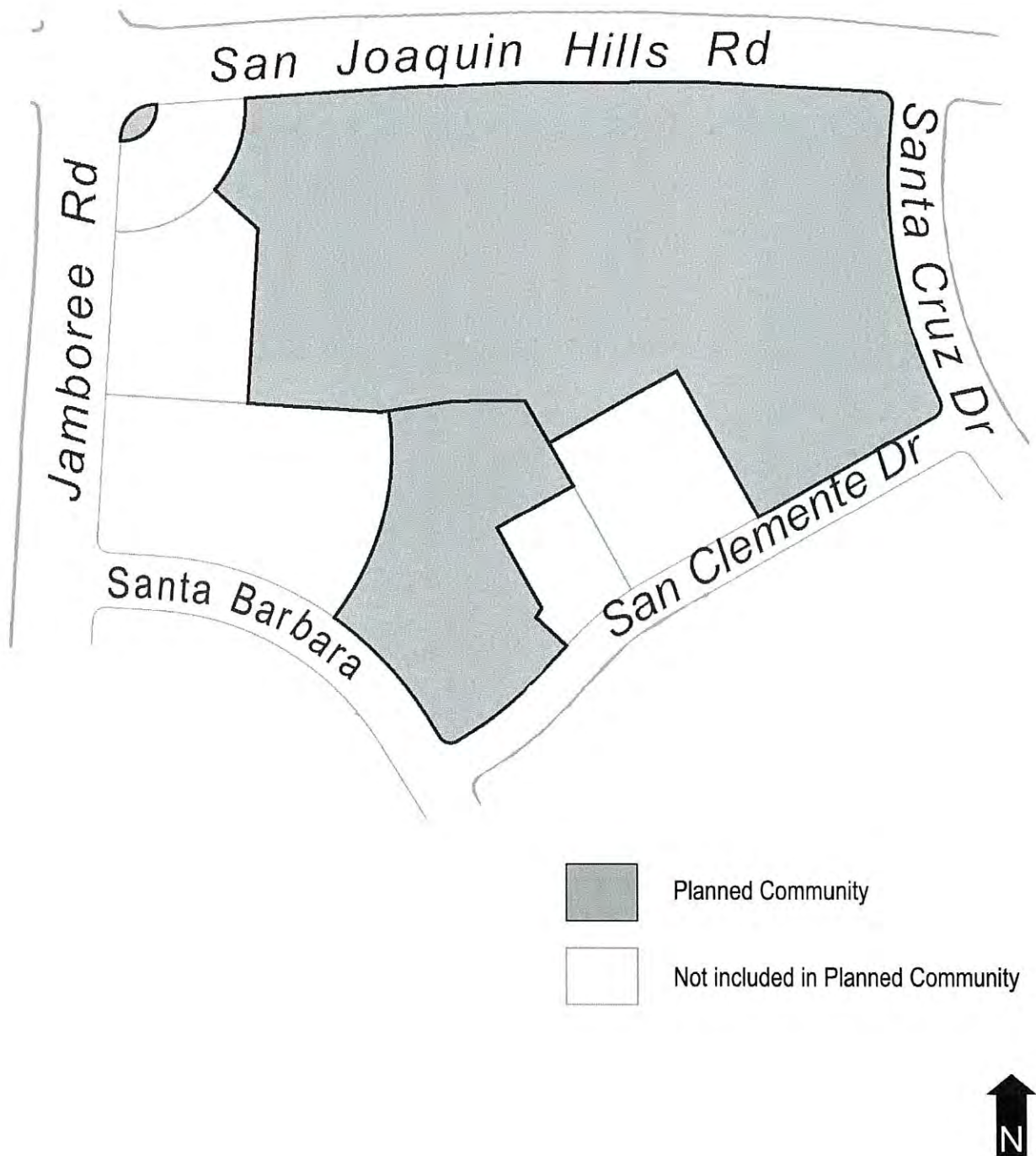
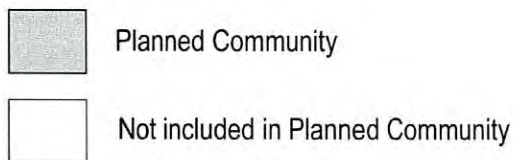
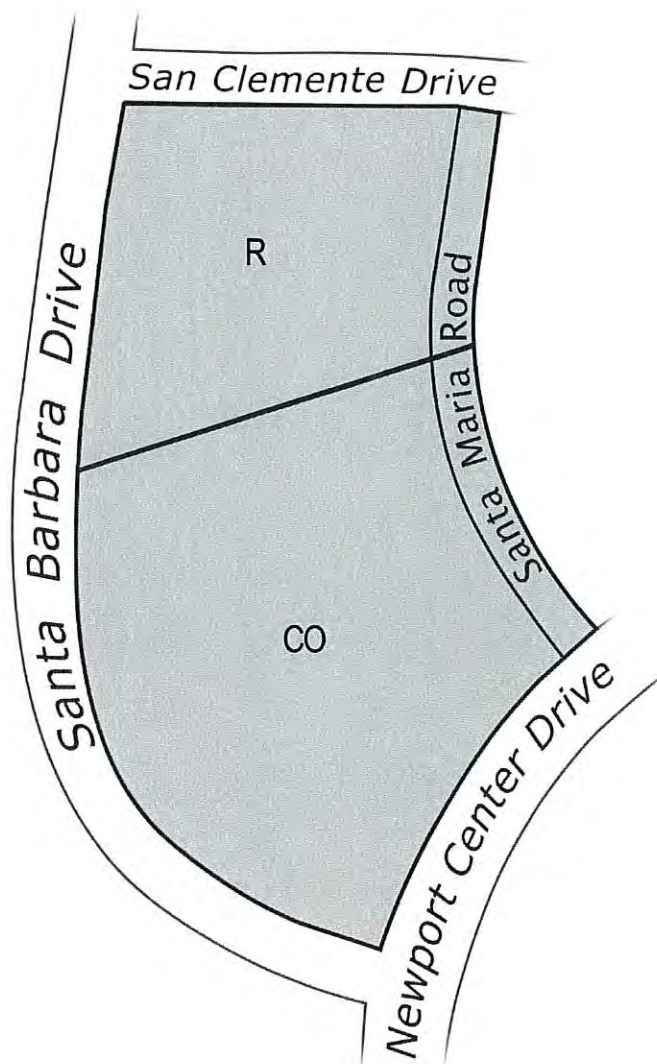


Figure 7 – San Joaquin Plaza Sub-Area



R = Residential
CO = Commercial Office



Figure 8 - Block 800 Sub-Area

B. Relationship to Municipal Code

Whenever the development regulations of this plan conflict with the regulations of the Newport Beach Municipal Code, the regulations contained herein shall prevail. The Municipal Code shall regulate this development whenever regulations are not provided within these district regulations. All words and phrases used in this North Newport Center PC Development Plan shall have the same meaning and definition as used in the City of Newport Beach Municipal Code unless defined differently in Section V – Definitions.

The Municipal Code referred to herein for Blocks 500, 600, San Joaquin Plaza, and Fashion Island is the version of the Code in effect on December 18, 2007 and specifically includes Title 19 of the Municipal Code (Subdivisions) and Title 20 of the Municipal Code (Planning and Zoning) but specifically excluding all other sections of the Municipal Code including Title 5 of the Municipal Code (Business Licenses and Regulations). The Municipal Code referred to herein for Blocks 100, 400 and 800 is the version of the Code in effect on June 5, 2012 and specifically includes Title 19 of the Municipal Code (Subdivisions) and Title 20 of the Municipal Code (Planning and Zoning) but specifically excluding all other sections of the Municipal Code including Title 5 of the Municipal Code (Business Licenses and Regulations).

C. Relationship to North Newport Center Design Regulations

Development in North Newport Center shall be regulated by both the Development Plan and the Design Regulations, which is provided as Appendix A.

II. Land Use and Development Regulations

A. Permitted Uses

1. General

Permitted uses are those uses set forth in this Section for each sub-area as shown on Table 1. The uses identified within the table are not comprehensive but rather major use categories. Specific uses are permitted consistent with the definitions provided in Section V of this Development Plan. Uses determined to be accessory or ancillary to permitted uses, or residential support uses to permitted uses are also permitted. The Community Development Director may determine other uses not specifically listed herein, provided they are consistent with the Commercial Office, Regional Commercial, Mixed-Use, and Residential General Plan districts, the purpose of this Planned Community Development Plan, and the purpose of the sub-area in which the property is located.

Table 1 - North Newport Center Land Use Regulation Table

Uses	Fashion Island	Block 100	Block 400	Block 500	Block 600	Block 800		San Joaquin Plaza
						Commercial Office	Residential	
Banks/Savings and Loans	P	P	P	P	P	P	--	P
- With drive through services	MUP	MUP	MUP	MUP	MUP	MUP	--	MUP
Business, Government and Professional	--	P	P	P	P	P	--	P
- Emergency Healthcare	--	P ¹	P	P	P	P	--	P
- Management and Leasing Offices	P	P	P	P	P	P	--	P
- Office, Medical and Dental	--	P	P	P	P	P	--	P
- Public Safety Facilities	P	MUP	MUP	P	P	MUP	--	P
Commercial Recreation and Entertainment	P	UP	UP	MUP	MUP	UP	--	MUP
Cultural and Institutional	UP	UP	UP	P	P	UP	--	P
Day Care	P	P	P	P	P	P	--	P
Day Spas	MUP	MUP ²	MUP ²	MUP	MUP	MUP ²	--	MUP
Eating and Drinking Establishments	P*	MUP	MUP	P**	P**	MUP	--	P**
- Bars/Cocktail Lounges	MUP	UP	UP	UP	UP	UP	--	UP
Personal Improvement	MUP	MUP	MUP	P	P	MUP	--	P
- Health/Fitness Clubs	MUP	P	P	P	P	P	P+	P
Personal Services	P	P ¹	P ¹	P	P	P ¹	P	P
Residential	P	P	P	P	P	--	P	P
Retail Sales	P	P ¹	P ¹	P	P	P ¹	P+	P
- Animal Sales and Services	MUP	--	--	MUP	MUP	--	--	MUP
- Medical Retail	P	P++	P++	P	P	P++	--	P
Visitor Accommodations	UP	UP	UP	UP	UP	UP	--	UP

P = Permitted

UP = Use Permit

MUP = Minor use Permit Issued by the Zoning Administrator

1 = Permitted as Accessory/Ancillary Use

2 = In accordance with Chapter 20.87 of the Municipal Code

* = A Minor Use Permit Issued by the Zoning Administrator is required for the sale of alcohol

** = A Use Permit is required for the Sale of Alcohol

+ = Intended for Residential Support Use

++ = Accessory and ancillary medical retail, including those in freestanding structures, shall remain subordinate to principal uses

-- = Not Permitted

2. Open Space Corners

The passive landscape areas on the following corners shall be limited to landscaping, and permitted signage.

San Joaquin Hills Road and Avocado, Avocado and San Nicolas Dr. (northwest and southwest corners), Avocado and San Miguel (northwest), San Joaquin Hills Road and Santa Rosa Dr. (southwest and southeast), San Joaquin Hills Road and Santa Cruz Dr. (southwest and southeast corners), San Joaquin Hills Road and Jamboree Road and San Joaquin Hills Road and MacArthur Boulevard.

3. Special Events

The general regional Mixed-Use nature of North Newport Center results in a variety of special events and temporary uses throughout the year. Special community events, such as parades, trade shows, car shows, pageants, community concerts, outdoor displays, recreation/entertainment events and temporary structures are permitted within the North Newport Center Planned Community consistent with the following provisions:

- a. If the event takes place on private property within Fashion Island the event is not regulated so long as it does not displace required parking. Such events must comply with the City's Municipal Code related to noise control and other pertinent standards.
- b. If the event takes place anywhere else within North Newport Center or the public right-of-way, such events are permitted as long as they comply with the Municipal Code.

B. Development Limits

The development limits in this Development Plan are consistent with those established by the General Plan and are identified in Table 2 below. Development limits may be modified through the approval of a Transfer of Development Rights. Carts, kiosks, temporary uses, and support uses are permitted and are not counted towards square footage development limits. Support uses are not included in the square footage development limits and shall not require parking.

Development limits for residential uses are based on unit counts and are not within square footage limits. A total of 1,500 residential units may be developed on the Housing Opportunity Sites as identified in NMBC Sections 20.80.012 (Housing Opportunity Overlay Zoning Districts maps) and 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) including within Fashion Island, Block 100, Block 400, Block 600 and San Joaquin Plaza, with a minimum density of 20 dwelling units per acre. While the dwelling units are derived from the Housing Opportunity Overlay, future projects are exempt from the development and design standards of NBMC Sections 20.28.050 and 20.48.180 because this development plan contains commensurate or more restrictive development standards compared to the NBMC.

Table 2 – Development Limits (A)

Land Use	Fashion Island	Block 100	Block 400	Block 500	Block 600	Block 800	San Joaquin Plaza	Total
Regional Commercial	1,523,416 sq.ft.	0	0	0	0	0	0	1,523,416 sq.ft.
Movie Theater	680 seats 11,000 sq.ft.	0	0	0	0	0	0	680 seats 11,000 sq.ft.
Hotel	(B)	0	0	0	295	0	0	295
Residential	C	C	C	0	C	245	524C	2,269
Office/ Commercial	0	150,126 sq.ft. (J)	91,727 sq.ft.	623,525 sq.ft. (D)	1,310,899sq.ft.	286,166 sq.ft.	95,550 sq.ft.	2,571,481 sq.ft.

- A. Square footage indicated in Table 2 may not reflect current development limits because of the transfer of development rights provision described in Sections II.C and IV.C herein. Transfers may result in increased or decreased development limits, so long as the transfers are consistent with the General Plan and do not result in greater intensity than allowed in the Newport Center statistical area. A transfer of development rights must be approved by the City Council and is recorded on the City's Tracking Development Rights table for North Newport Center Planned Community.
- B. Hotel rooms are permitted in Fashion Island through the transfer of development rights.
- C. Residential units are permitted in all blocks consistent with Table 1, North Newport Center Land Use Regulations table. A total of 1,500 units are permitted within the Newport Center Housing Overlay sites including Fashion Island, Block 100, Block 400, Block 600, and San Joaquin Plaza with an aggregate density not to exceed 50 dwelling units per acre.
- D. The development limit for Block 500 reflects the boundary adjustment and incorporation of two existing 12,000 sq. ft. office buildings into North Newport Center Planned Community.

1. Fashion Island

The total gross floor area for Fashion Island is 1,523,416 square feet plus 680 movie theater seats. The movie theater building area is equivalent to and may be converted to 11,000 square feet of retail development. The conversion of the movie theater to retail space shall not require any additional parking. The gross floor area for Regional Commercial development is the total horizontal floor area of all floors of a building within the exterior walls thereof, measured in square feet, exclusive of common areas such as, but not limited to: covered malls and walkways, carts, kiosks, open or roofed patio areas (defined by planters, awnings, shade structures, fences or rails), covered entries, covered parking, driveways or loading areas.

2. Mixed-Use Sub-Areas

The Mixed-Use blocks include Block 500, Block 600 and San Joaquin Plaza. Residential units and hotel rooms are permitted within the Mixed-Use blocks consistent with Table 2 – Development Limits. Residential and hotel uses are measured on a per unit basis. The gross floor area for all other permitted uses is the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms and basement or attic areas having a height of more than seven feet. Excluded are covered porches, walkways and loading docks, service tunnels, and mechanical shafts. Mechanical spaces on roofs, which are inaccessible to tenants, are not counted as square footage. Development limits for residential uses are based on unit counts, and are not within square footage limits. Support uses are not included in the square footage development limits and shall not require parking.

3. Commercial Office/Residential Blocks

The maximum development limit for the commercial office/residential blocks is specified in Table 2 above. The gross floor area for all permitted uses is the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms and basement or attic areas having a height of more than seven feet. Excluded are covered porches, walkways and loading docks, service tunnels, and mechanical shafts. Mechanical spaces on roofs, which are inaccessible to tenants, are

not counted as square footage. Support uses are not included in the square footage development limits and shall not require parking.

4. Block 800 Residential

The maximum number of dwelling units for multi-family residential use shall not exceed 245.

C. Transfer of Development Rights

The transfer of development rights among sub-areas of this Planned Community and to/from other areas in the Newport Center/Fashion Island District identified in the General Plan is allowed in accordance with the General Plan.

Development rights may be transferred through a change in location of use(s) and/or a conversion of non-residential use to any other non-residential use allowed by the General Plan and this Planned Community Development Plan or applicable zoning at the receiving site(s). Residential use may be relocated, but may not be converted to or from another use.

The transfer of development rights shall be approved, as specified in Section IV.C below, if the transfer will not result in any adverse traffic impacts and will not result in greater intensity than development allowed without the transfer.

III. Site Development Standards

The following site development standards shall apply to the North Newport Center Planned Community.

A. Permitted Height of Structures

1. Standards for Allowable Heights

Allowable heights are determined by sub-area. All building heights are measured at finished grade. Rooftop appurtenances and architectural features are permitted and may exceed the maximum building height by up to 10 feet. Rooftop appurtenances must be screened from view; the height of rooftop appurtenances shall not exceed the height of screening. Supports for window washing equipment are permitted, and are not required to be screened from view. No setbacks are required. Architectural features must be an extension of the architectural style of the building in terms of materials, design and color.

Fashion Island: The maximum heights of residential structures within Fashion Island shall be 225 feet as measured from finished grade. All other building heights are depicted in Table 3, Fashion Island Height Limits.

Table 3 – Fashion Island Height Limits

Building Type	Height
Major buildings	125 feet
Mall buildings	75 feet
Parking structures	55 feet
Periphery buildings	40 feet

Block 100: The maximum height of all nonresidential structures shall be 50 feet as measured from finished grade. The maximum height of residential structures shall be 125 feet as measured from finished grade.

Blocks 400, 500, and 600: The maximum height of all structures shall be 295 feet as measured from finished grade.

Block 800: The maximum height of all structures within the residential portion shall be 200 feet as measured from finished grade. The maximum height of all structures within the commercial office portion shall be 125 feet as measured from finished grade.

San Joaquin Plaza: The maximum height of all structures in San Joaquin Plaza shall be 65 feet as measured from finished grade with the exception of 800 San Clemente Drive, located at the corner of San Clemente Drive and Santa Cruz Drive, which shall be 85 feet as measured from finished grade.

2. Standards for Buildings Over 200 Feet in Height

a. Aviation Compatibility

Prior to issuance of building permits, the project applicant must demonstrate that the following conditions have been satisfied. New development shall be required to comply with the following conditions related to the Airport Environs Land Use Plan (AELUP) for the John Wayne Airport:

1. For development of structures that exceed 200 feet in height above ground level at a development site, applicants shall file a Notice of Proposed Construction or Alteration with the Federal Aviation Administration (FAA) (FAA Form 7460-1). Following the FAA's Aeronautical Study of the project, projects must comply with conditions of approval imposed or recommended by the FAA. Subsequent to the FAA findings, the City shall refer the project to the Airport Land Use Commission (ALUC) of Orange County for consistency analysis.
2. No buildings within the North Newport Center Planned Community area shall penetrate the FAA Federal Aviation Regulations (FAR) Part 77 imaginary obstruction surface for John Wayne Airport.
3. Applicants shall file a Notice of Proposed Construction or Alteration with the FAA (Form 7460-1) for any construction cranes that exceed 200 feet in height above ground level.

b. Shade Standards

Prior to issuance of a building permit for a structure over 200 feet in height that has the potential to shade residential areas north of San Joaquin Hills Road, a shade study shall be prepared by the applicant and submitted to the City. The shade study shall demonstrate that the new development will not add shade to the designated residential areas beyond existing conditions for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time, or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Daylight Time.

The shade study shall be prepared to the satisfaction of the Community Development Director and the Community Development Director shall determine conformance with the standards identified herein as part of the plan review process.

c. Rooftop Appurtenances

Rooftop appurtenances are permitted and may exceed the maximum building height up to 20 feet. Rooftop appurtenances shall demonstrate compliance with conditions related to the AELUP for the John Wayne Airport, consistent with Section III(A)(2)(a). Rooftop appurtenances must be screened from view; the height of rooftop appurtenances shall not exceed the height of the screening. Supports for window washing equipment are permitted, and are not required to be screened from view. No setbacks are required. The Community Development Director shall notify the Planning Commission and City Council if rooftop appurtenances above the height limit are approved, consistent with Section IV(A)(3).

d. Architectural Features

Architectural features are permitted and may exceed the maximum building height up to 20 feet. Such features must be an extension of the architectural style of the building in terms of materials, design and color. Architectural features shall demonstrate compliance with conditions related to the AELUP for the John Wayne Airport, consistent with Section III(A)(2)(a). The Community Development Director shall notify the Planning Commission and City Council if architectural features above the height limit are approved, consistent with Section IV(A)(3).

B. Setback Requirements

Setbacks for the seven sub-areas are listed below. Setbacks for surface parking must be screened using hedges, landscaping or other similar methods. Setbacks are the minimum distance from the property line

to building, parking structure, or parking lot, unless otherwise specified. This is not intended to apply to interior lot lines or property lines.

Fashion Island

Newport Center Dr.: 10 feet; may be reduced to 0 feet by the Community Development Director through the plan review process.

Block 100

Newport Center Dr.: 15 feet
Anacapa Dr.: 15 feet
Civic Center Dr.: 15 feet

Block 400

Newport Center Dr.: 15 feet
San Nicolas Dr.: 15 feet

Block 500

Newport Center Dr.: 15 feet
Santa Rosa Dr.: 15 feet
San Joaquin Hills: 15 feet
San Nicolas: 15 feet

Block 600

Newport Center Dr.: 15 feet
Santa Cruz Dr.: 15 feet
San Simeon: 15 feet – setbacks for parking structure access points may be reduced by the Community Development Director through the plan review process
San Joaquin Hills: 15 feet – setbacks for parking structure access points may be reduced by the Community Development Director through the plan review process
Santa Rosa Dr.: 15 feet
Center Dr. (e/w): 0 feet
Center Dr. (n/s): 0 feet

Block 800

Newport Center Dr.: 15 feet
Commercial office buildings shall be set back 15 feet from Block 800 residential
Commercial office parking lots and parking structures shall be set back 5 feet from Block 800 residential
Santa Barbara Dr.: 15 feet
San Clemente Dr.: 15 feet
Santa Maria Road: 0 feet

San Joaquin Plaza

San Joaquin Hills: 15 feet
Santa Cruz Dr.: 15 feet
San Clemente: 15 feet
Santa Barbara Dr.: 15 feet

C. Parking Requirements

1. General Standards

Parking requirements are based on gross floor area (as defined in the Development Limits for Fashion Island) for regional commercial uses, net floor area for office/commercial uses, and unit counts for hotel rooms and residential units. Kiosks for retail sales, covered or uncovered, shall not be included in the calculation of required parking. Accessory, ancillary, and support uses for hotel and residential developments shall not be included in the calculation of required parking. Kiosks and sundry shops serving tenants, including accessory, ancillary and support uses less than 5 percent of the gross floor area, are not counted as square footage and do not require parking. Parking management or engineering offices located in parking structures are counted as square footage and require parking.

Parking requirements for North Newport Center are shown below on Table 4, North Newport Center Parking Requirements.

Table 4 - North Newport Center Parking Requirements

Land Use	Parking Requirement
Regional Commercial	3 spaces per 1,000 square feet ¹
Movie Theater	3 spaces per 1,000 square feet
Office	1 space per 375 square feet
Medical Office	Municipal Code
Hotel	Municipal Code
Residential	1.1 spaces per bedroom, inclusive of guest parking, including 1 covered space per unit. Studio units are counted as one bedroom
Other	Municipal Code

Shared parking among and between sites, lots, blocks, and sub-areas is allowed. Parking for Block 800 Residential shall be provided at 2 parking spaces per unit including 1 covered; plus 0.5 spaces per unit for guest parking.

2. Valet Parking

Valet parking and satellite parking with shuttle service that involves use of the public right-of-way shall require approval by the City Traffic Engineer.

3. Parking Management Plan

Parking management plans may be prepared if the applicant wishes to deviate from the parking standards identified above.

Parking management plans may address issues such as modified parking requirements based upon complimentary peak hour demand of uses, off peak shared parking between sub-areas, drop off and valet services on private property, and tandem parking. The parking management plan shall take into account properties that are not part of the Planned Community district, but that are served by parking located within the district, and shall ensure that no detrimental effects to the existing parking for such properties occur. Parking management plans shall be prepared by an independent traffic engineer at the applicant's

¹ The parking requirement during the peak seasonal period is 4 spaces per 1,000 square feet per an existing parking management plan.

expense. Parking management plans shall be approved by the City Traffic Engineer prior to the issuance of building permits.

D. Landscaping

Landscaping shall be installed subject to the following standards and maintained in a healthy, weed-free condition, free of litter and so as not to interfere with traffic safety

1. **Surface Parking Lot Landscaping:** Parking lots shall be landscaped at a minimum of 1 tree per 5 parking spaces. The minimum size of trees shall be 24-inch box.
2. **Water Conservation:** Satellite linked irrigation controllers or appropriate best management practices shall be incorporated into landscape design for new construction.

E. Lighting

Parking lots and walkways accessing building and parking areas shall be illuminated with a minimum maintained 0.5 foot-candle average on the driving or walking surface during the hours of operation and one hour thereafter. If the applicant wishes to deviate from this lighting standard, a lighting plan may be prepared by the applicant and submitted to the Community Development Director for review and approval.

Indirect, decorative halo banding along the top of buildings is permitted.

F. Signs

1. General Sign Standards

All permanent and temporary signs in North Newport Center that are visible from public right-of-ways and public property shall be consistent with the provisions of these sign standards, unless otherwise approved by the Community Development Director. All permanent and temporary signs that are not visible from public right-of-ways are not limited in quantity, size, location, or design. Sign illumination is permitted for all sign types.

Wall signs that are visible from public right-of-ways must consist of individual fabricated letters; or routed-out letters in an opaque background. Enclosed “box” or “can” signs are not permitted, unless they are logos.

All commercial uses are permitted to place at each entry an incidental sign located at or below eye level to be visible to pedestrians, and shall not exceed six square feet.

In addition to other signs permitted in this section, signs used to give direction to vehicular or pedestrian traffic are permitted. Directional signs oriented to vehicular or pedestrian traffic within internal drives or walkways of a development block are not regulated. Directional signs oriented to vehicular or pedestrian traffic in the public right of way are regulated as follows. Sign content shall not be limited. Signs shall be subject to the review of the City Traffic Engineer to ensure adequate sight distance in accordance with the provisions of the Municipal Code. Directional signs are limited to a maximum of 10 square feet in size but are not limited in quantity, location, or design. Temporary signs that are intended to be displayed for 60 days or less are permitted for purposes related to special events, holiday activities, and store openings. Detailed standards for temporary signs are contained below.

A comprehensive sign program may be prepared if the applicant wishes to deviate from the sign standards identified herein. Comprehensive sign programs shall be submitted for review and consideration in

accordance with the provisions of the Municipal Code. Sign programs in place prior to this writing including the Island Hotel and Leasing Sign Programs shall remain in place.

2. Restricted Sign Types

Signs visible from public right-of-ways are subject to the following restrictions:

- No rotating, flashing, blinking, or signing with video or animation shall be permitted on a permanent basis. Only static images are permitted.
- No signs shall be permitted which imitate or resemble official traffic signs or signals.
- No wind signs or audible signs are permitted.

Animated signs visible from public streets are not allowed unless otherwise permitted by the Municipal Code.

3. Sign Standards for Fashion Island

In addition to the general sign standards identified above, specific sign standards for Fashion Island are provided in Table 6, Fashion Island Sign Standards below.

Table 6 – Fashion Island Sign Standards

Sign Type	Location	Maximum Number	Maximum Sign Size	Maximum Letter/Logo Height
Shopping Center Identification Sign	Each vehicle entry drive location	2 per entry drive (one on each side)	100 square feet 10 feet high	9 feet
Major Tenant Sign	Exterior walls or parapets of buildings	1 sign per building elevation (maximum 4 signs for each major tenant)	Determined by name of tenant; letter/logo height not to exceed 10 feet	10 feet
Freestanding Commercial	Exterior walls or parapets of buildings	1 sign per building elevation (maximum 4 signs for each building or structure)	Determined by name of tenant; letter/logo height not to exceed 3 feet	3 feet
	Monument	1 per building elevation (maximum 4)	100 square feet 8 feet high	4.5 feet
Tenant Sign	Exterior elevations of shopping center and parking structures facing Newport Center Dr.	1 sign per tenant, per building elevation	1 square foot per each lineal foot of storefront (not to exceed 100 square feet)	10 feet
Digital Monument Sign	Facing Newport Center Drive (freestanding)	2	200 square feet 15 feet high	5 feet
Store Address	Each entry to store	1 per store entry	6 square feet	12 inches
Entry Marker Signs	To be approved by Community Development Director	7 signs	36 square feet (with 2-foot overhang) 15 feet high	2 feet

4. Sign Standards for Mixed-Use and Commercial Office Blocks

In addition to the general sign standards identified above, specific sign standards for the Mixed-Use blocks, Block 100, Block 400, and Block 800 are provided in Table 7 below. The location of signs specified below may be changed subject to the review of the City Traffic Engineer to ensure adequate sight distance in accordance with the provisions of the Municipal Code, so long as the total number of signs is not increased.

Primary building address numbers shall be visible from the street (and/or pedestrian walkways in the case of necessity), and be located on the building so that they are visible from adjacent frontage roads and designated parking areas, except for the buildings at 500 and 550 Newport Center Dr., which have their primary address numbers on the cubes along Newport Center Dr. Secondary address signs may be located where appropriate for on-site orientation and safety. All address signs shall have a consistent color, design, and material for any given building. A single letter style is recommended.

Table 7 – Sign Standards for Blocks 100, 400, 500, 600, 800 and San Joaquin Plaza

Sign Type	Description	Location	Maximum Number of Signs	Maximum Sign Size	Maximum Letter/ Logo Height
A	Large cube or blade sign located at entries to Newport Center	Santa Rosa Dr. at San Joaquin Hills Rd.	2 (1 per corner)	15 feet high 15 feet wide	24 inches
		Santa Cruz Dr. at San Joaquin Hills Rd.	2 (1 per corner)	15 feet high 15 feet wide	24 inches
		Block 500: San Joaquin Hills Rd. at Avocado Ave.	4	15 feet high 15 feet wide	24 inches
		San Nicolas Dr. at Avocado Ave.			
		MacArthur Blvd. at San Joaquin Hills Rd.			
		Villas Fashion Island: Jamboree Rd. at San Joaquin Hills Rd.	1	15 feet high 15 feet wide	24 inches
B	Small cube located along Newport Center Dr.	San Nicolas Dr. at Newport Center Dr.	2 (1 per corner)	5 feet high 5 feet wide	24 inches/48 inches
		Newport Center Dr. and Santa Rosa Dr.	2 (1 per corner)	5 feet high 5 feet wide	24 inches/48 inches
		Block 600: Along Newport Center Dr.	5	5 feet high 5 feet wide	24 inches/48 inches
		Block 800: Newport Center Dr. at Santa Maria Rd.	2	5 feet high 5 feet wide	24 inches/48 inches
		Newport Center Dr. at Santa Barbara Dr.			
C	Other Freestanding Signs	Block 100	1 per frontage	8 feet high 28 feet wide	36 inches/48 inches
		Block 400: Avocado Ave. at San Miguel Dr.	2	5 feet high	13 inches
		Along San Nicolas Dr.	1	6 feet wide	13 inches
		Between 500 and 550 Newport Center Dr.	1	4 feet high 12 feet wide	18 inches
		Block 600: Along Santa Cruz Dr.	2	8 feet high 28 feet wide	36 inches/48 inches

Sign Type	Description	Location	Maximum Number of Signs	Maximum Sign Size	Maximum Letter/ Logo Height
		Block 800: Along Newport Center Dr.	2	8 feet high 28 feet wide	36 inches/48 inches
		Along Santa Barbara Dr.	2	8 feet high 28 feet wide	36 inches/ 48 inches
		Santa Cruz Dr. at Newport Center Dr.	1	8 feet high 28 feet wide	36 inches/48 inches
		Villas Fashion Island: Along San Joaquin Hills Rd.	2 each (3 signs along San Clemente Dr.)	8 feet high 28 feet wide	36 inches/48 inches
		Along Santa Cruz Dr.			
		Along San Clemente Dr.			
		San Clemente Dr. at Santa Cruz Dr.	1	8 feet high 28 feet wide	36 inches/48 inches
		San Clemente Dr. at Santa Barbara Dr.	1	8 feet high 28 feet wide	36 inches/48 inches
D	Signs mounted on landscape walls (includes ground mounted signs in front of landscaping and landscape walls)	Block 400: Facing Newport Center Dr.	1	Determined by name of tenant; letter/logo height not to exceed 18 inches	18 inches
		Block 500: Facing Newport Center Dr.	4	Determined by name of tenant; letter/logo height not to exceed 48 inches	36 inches/48 inches
		Block 600: Facing streets	3 facing San Joaquin Hills; 5 facing Newport Center Dr.; 1 facing Santa Rosa Dr.	Determined by name of tenant; letter/logo height not to exceed 48 inches	36 inches/48 inches
		Block 800: At San Clemente Dr. project entry	2	Determined by name of tenant; letter/logo height not to exceed 48 inches	36 inches/48 inches
		Block 800: San Clemente Dr. at Santa Barbara Dr.	1	Determined by name of tenant; letter/logo height not to exceed 48 inches	36 inches/48 inches
		Block 800 Along Newport Center Dr.	2	Determined by name of tenant; letter/logo height not to exceed 48 inches	36 inches/48 inches
E	Building Sign	On building elevation, awning or parking structure	2 per Primary Tenant 1 per Secondary Tenant 3 for restaurants	Determined by name of tenant; letter/logo height not to exceed: Primary: 24 inches, Secondary: 16 inches Restaurant: 40 inches	Primary Tenant: 24 inches Secondary Tenant: 16 inches Restaurant: 40 inches
F	Building Address	On building elevation	1 each (additional address signs may be located where appropriate for on-site orientation)	24 inches high	24 inches

Sign Type	Description	Location	Maximum Number of Signs	Maximum Sign Size	Maximum Letter/ Logo Height
G	Freestanding Building Address	Santa Rosa Dr. at Newport Center Dr.	1 each	8 feet high 6 feet wide	18 inches
		Santa Nicolas Dr. at Newport Center Dr.			
		Santa Cruz Dr. at Newport Center Dr.			
		San Joaquin Hills Rd.	2	8 feet high 6 feet wide	28 inches
H	Advisory Signs	Parking lots and entries to parking lots	As appropriate for safety and orientation	6 feet high	As required by Fire Department or Building Code for safety purposes
I	Drive Through Signs	Drive throughs	1 per tenant per elevation, up to 2 on walls of structure	8 feet wide	15 inches
J	Apartment Leasing Signs	Apartment Projects	1 per frontage	7 feet high by 7 feet wide	24 inches
K	Office Leasing Signs	Blocks 100, 400, 500, 600, 800 and	1 per frontage	4.5 feet high by 5 feet wide	7 inches

5. Temporary Signs

The following standards are intended to produce consistent sign design for temporary signs within Newport Center. Temporary signs are to identify a future site or project; or a facility under development or offered for lease. Temporary signs that are visible from public right-of-ways and identify new construction or remodeling may be displayed for the duration of the construction period beyond the 60-day limit. Signs mounted on a construction fence are allowed during construction and may be rigid or fabric. The top of the sign must be no greater than 20 feet above grade.

Maximum Number: One (1) temporary sign is permitted on a site for each frontage street, up to two (2) signs per building, but not at the same corner of the building.

Type: Single- or double-faced ground signs or wall signs.

Location: If ground signs, they may be parallel or perpendicular to the roadway. If wall signs, they must be located below the sill of second floor windows.

Design: Rectangular shape; rigid, permanent material; not fabric.

Mounting Technique: Flush with building; entirely on glass or entirely on a wall surface; not overlapping glass or wall surface.

Duration: Signs may exist from the time of lease or sale of the parcel until the construction and/or leasing of the facility is complete.

G. Residential Compatibility

In keeping with the purpose of Fashion Island and the Mixed-Use sub-areas, permitted uses in North Newport Center include uses and events that have the potential to generate noise. Due to the day/evening use of Fashion Island in particular, noise generating activities, lighting, odors from restaurants, and similar occurrences are produced and take place during all hours of operation. Such uses and events are required to comply with the City's Municipal Code regulating these uses.

Disclosures shall be made to prospective buyers/tenants of residential developments that there is an expectation for noise levels higher than in typical suburban residential areas as part of the Mixed-Use concept within North Newport Center. Additionally, the disclosure shall indicate that there is an expectation for lighting, odors, and similar occurrences in a Mixed-Use setting as compared to suburban residential areas.

H. Residential Design Requirements

Residential Design Requirements contained herein shall apply to the Housing Opportunity Sites as identified in NBMC Sections 20.80.012 (Housing Opportunity Overlay Zoning Districts maps) and 20.28.050 (Housing Opportunity (HO) Overlay Zoning Districts) including within Fashion Island, Block 100, Block 400, Block 600 and San Joaquin Plaza. Primary Building entries shall face the primary public street with direct pedestrian connections to the public sidewalks, unless determined to be infeasible due to topographic constraints by the Director. Pedestrian connections to the public sidewalks shall also be provided to parking areas and publicly accessible open space. For larger sites with multiple buildings, building entries may also be oriented to face internal open spaces, paseos, and recreation amenities. Parking areas, covered and uncovered, shall be screened from public street frontages. Screening may be accomplished through building placement, landscaping, fencing, or some combination thereof.

The following open space standards shall apply to residential development projects:

1. Parking Lots and Structures

Parking lots and structures shall comply with standards specified in NBMC Section 20.40.070 and the following:

- a. Parking lots shall be placed to the side or rear of buildings. Parking lots shall be connected to building entrances by means of internal pedestrian walkways.
- b. In surface parking lots with ten (10) or more spaces, a minimum of fourteen (14) square feet of landscape area shall be provided per parking space. Landscaping may be provided in parking lot planters and/or for perimeter screening.
- c. Parked vehicles at each level within a parking structure shall be shielded from view from adjoining streets.
- d. The exterior elevations of parking structures shall be designed to minimize the use of blank concrete facades. This shall be accomplished through the use of decorative textured concrete, planters or trellises, or other architectural treatments.
- e. Except for garage entrances, structured parking shall not be visible from the primary streets or any public open space, unless treated in an architectural manner subject to the approval of the Director.

2. Landscaping

A minimum of eight percent of the total site shall be landscaped. Required setbacks and parking lot landscaping may be counted toward this requirement. Turf areas shall be placed in areas for recreational use only and must have a ten (10) foot minimum dimension. All landscaping shall comply with all standards as specified in NBMC Chapter 20.36.

3. Common Outdoor Open Space

Each project shall provide common outdoor open space either at grade, podium level, or roof level. Common outdoor open space areas shall have a minimum dimension of 30 feet and may contain active and/or passive areas and a combination of hardscape and landscape features, but a minimum of 10 percent of the common outdoor open space must be landscaped. All common outdoor open space must be accessible to all residents. Projects shall provide a minimum of 5 percent common outdoor open space based on the residential lot area and including the following:

- a. The required front yard area shall not be counted toward satisfying the common recreation area requirement.
- b. Residential unit entries shall be within a quarter mile walking distance of common open space.
- c. Pedestrian walkways shall connect the common open space to a public right-of-way or building entrance.
- d. Open space areas shall not be located directly next to arterial streets, service areas, or adjacent commercial development to ensure they are sheltered from the noise and traffic of adjacent streets or other incompatible uses. Alternatively, a minimum of ten (10) foot wide, dense landscaping area shall be provided as screening, but does not count towards the open space requirement.
- d. An area of usable common open space shall not exceed an average grade of ten (10) percent. The area may include landscaping, walks, recreational facilities, and small decorative objects such as artwork and fountains.
- f. All common open spaces shall include seating and lighting.

4. Recreation Amenities

Each project shall provide at least one recreational amenity for each fifty (50) units or fraction thereof. Facilities that serve more people could be counted as two amenities.. The area should be located adjacent to, and accessible from, common outdoor open space. This area may contain active or passive recreational facilities or meeting space, and must be accessible through a common corridor. Examples of amenities that satisfy the recreational requirements include:

- a. Clubhouse or lounge at a minimum of seven hundred fifty (750) square feet.
- b. Swimming pool at a minimum of fifteen (15) by thirty (30) feet or equal surface area.
- c. Tennis, basketball or racquetball court.
- d. Children's playground at a minimum of six hundred (600) square feet.
- e. Sauna or jacuzzi.
- f. Day care facility.
- g. Community garden.
- h. Fitness facility
- i. Co-working spaces
- j. Other recreational amenities deemed adequate by the Director.

5. Utilities

All utility equipment shall be located out of the pedestrian path of travel. All utility equipment shall be purposefully and aesthetically placed adjacent to alleyways, within parking areas, rear or side yards, or within building “notch outs” and screened from public view. If the mechanical equipment cannot be placed in rear or side yards, it shall be either placed on the ground and screened with landscape or placed on the roof and screened with architectural materials such as roof or parapet consistent with the overall architectural style.

All electrical utility equipment, electrical meters, and junction boxes shall be placed within a utility room. If a utility room is not feasible, then all utility equipment shall be purposefully designed as an integral part of the building development, placed adjacent to alleyways, within parking areas, or within rear or side yards, and screened from public view.

6. Private Streets

Private streets shall be designed to foster a low speed, multi-modal internal site circulation network. Streets shall provide a limited amount of curbside parking for visitors, loading, service, and accessible ADA spaces. The streets shall be designed as an amenity for the site, including surface treatments and landscaping similar in character and quality to any paseos or common open space.

All new multi-unit development sites that provide private streets shall comply with a minimum width right-of-way standard. When on-street parallel parking is not provided, the right-of-way width shall be forty-one (41) feet in width. When on-street parallel parking is provided, the right-of-way width shall be fifty (50) feet in width.

Streets shall be twenty-six (26) to thirty-five (35) feet in width from curb to curb designed to provide motor vehicle and bicycle access. All police and fire emergency and maintenance vehicle access standards shall be met. Parallel curbside parking shall be permitted within roadways. Angled or head-in parking shall be prohibited. A minimum of one sidewalk, five feet wide, shall be provided. When on-street parking is provided, the sidewalk shall be on the side of street with parking. Shrubs, ground cover, and street trees are prohibited within the 5-foot sidewalk area. There shall be a minimum of five feet for a landscaping and paving area intended to provide a transition between the street and private residences. Landscaping shall comprise a minimum of twenty (20) percent of the total building frontage(s) area. Landscape planting beds shall have a minimum width of three feet. Paving stone, brick or concrete unit pavers or poured-in-place concrete with integral color pigments is permitted in the zone. Steps are permitted to above-grade first floor entrances.

7. Private Open Space

At least 25% of all dwelling units shall provide private open space, on a balcony, patio, or roof terrace, with a minimum area of 30 square feet each and an average horizontal dimension of 6 feet. Balconies should be proportionately distributed throughout the project in relationship to floor levels and sizes of units.

8. Buildings in 30+ Dwelling Unit Per Acre Minimum Base Density

Buildings shall be designed to foster passive “eyes on the street” surveillance of the public realm by providing an adequate number of clear and direct sightlines between first floor residences and adjacent public realm sidewalks and common areas without compromising residential livability, privacy, and security. For multiunit buildings with commercial first floor uses, the standards are intended to provide a greater amount of visibility of merchant goods and services for potential walking, rolling, or driving-by

clients or customers. For all buildings, the standards apply only to portions of the first floor that contain residential or commercial conditioned/occupied floor areas fronting streets and common open space.

Any at-grade or above-grade residential first floor unit fronting a street or paseo shall be comprised of twenty-five (25) percent transparent glazed door and window openings. Individual residential unit entrances shall have walkway, ramps, and stairs connecting to a public sidewalk shall be a minimum of five feet in width. Entry terraces and patio areas shall be a minimum of forty (40) square feet. If proposed, entry stoops shall be a minimum of twenty (20) square feet excluding any required stairs or ramp area.

Lobby entries should be located along street frontages to foster pedestrian neighborhood access and street oriented activity. Unobstructed sight lines and pedestrian access from the public sidewalk shall be provided. Lobby entrances shall be located at-grade, unless determined not feasible by the Director. Residential and commercial lobby entrances shall be accessed directly from the adjacent public realm. First floor entry standards do not apply to service and loading entrances.

- a. No lobby door setback is required.
- b. Minimum entry sidewalk width, where entries are set back, walkway width connecting to the sidewalk zone shall be a minimum of six feet.
- c. Entry landing area shall be a minimum of sixty (60) square feet.
- d. Lobby entrance primary entries are prohibited from driveways, at-grade parking lots, parking structures, or alleys unless required due to topographic conditions.

IV. Planned Community Development Plan Administration

A. Process for New Structures

1. Purpose and Intent

The purpose of the Plan Review process is to provide for review of development proposals for new structures within the North Newport Center Planned Community district. Prior to the issuance of a building permit, all development proposals shall be subject to a Plan Review by the Community Development Director for review to determine compliance with the Planned Community Development Plan and North Newport Center Design Regulations. Signs, tenant improvements, carts, kiosks, temporary structures and uses are exempt from this provision.

2. Submittal Contents

Each Plan Review submittal or amendment thereof shall contain sufficient details for a thorough review of the relationships between uses on the site and on adjacent sites consistent with the Development Plan and the Design Regulations. At the discretion of the Community Development Director, the requirements for submittal of a Plan Review may be altered from those set forth below when the Director determines that other information will be sufficient to allow a thorough review of the project by the approving authority.

Submittals for Plan Review shall include plans that contain the following elements in addition to the City's submittal requirements for plan check:

- a. Existing Conditions including adjacent structures and proposed improvements
- b. Floor plans
- c. Elevations that clearly demonstrate the architectural theme of each face of all structures, including walls and signs, illustrating the following:
 - 1) All exterior materials
 - 2) All exterior colors
 - 3) Building heights
- d. Parking management plan (where applicable)
- e. Preliminary Landscape Plan, illustrating:
 - 1) General location of all plant materials, by common and botanical names
 - 2) Size of plant materials
 - 3) Irrigation concept
- f. Lighting Plan, including: locations, fixture height, lighting fixture product type and technical specification
- g. Permitted and proposed floor area, number of hotel rooms, theater seats, and/or residential units
- h. Statement of consistency with the General Plan, Planned Community Development Plan and Design Regulations
- i. Any additional background and supporting information, studies or materials that the Community Development Director deems necessary for a clear representation of the projects
- j. Shade analysis if required
- k. Open Space Plans for residential projects

3. Review and Action

Submittals shall be reviewed by the Community Development Director, and the Community Development Director shall approve the project if he/she makes the following findings:

- a. The proposed use and/or development is consistent with the General Plan.
- b. The proposed use and/or development is consistent with the North Newport Center PC Development Plan and Design Regulations.

The Community Development Director action is the final action unless appealed in accordance with the Municipal Code Chapter 20.64 (Appeals).

4. Traffic Study

If a development proposal requires the preparation of a traffic study pursuant to Chapter 15.40 (Traffic Phasing Ordinance) of the Municipal Code, the review authority shall be the Community Development Director and said traffic study shall be included in the Plan Review Submittal. If the Community Development Director, in his or her discretion, determines that construction of the project will be completed within sixty (60) months of project approval and that, either, the project will neither cause nor make worse an unsatisfactory level of traffic service at any impacted primary intersection, or the project including circulation improvements that the project proponent is required to make and/or fund, pursuant to a reimbursement program or otherwise, will neither cause nor make worse an unsatisfactory level of traffic service at any impacted intersection as set forth in Section 15.40.030(B)(1)(a) or Section 15.40.030(B)(1)(b) (Findings for Approval) of the Municipal Code, the Community Development Director may serve as the review authority for approval of the traffic study as part of the Plan Review. The Applicant shall be required to comply with any conditions included within the traffic study including the implementation of any identified design features or improvements.

B. Process for New Signs

Applications for new signs shall follow the process identified in the Municipal Code. Submittal shall be reviewed for consistency with the Development Plan and Design Regulations.

C. Transfer of Development Rights

The following procedure shall be used for the transfer of development rights.

1. The project applicant shall submit an application to the Community Development Director, which identifies the quantity of entitlement (floor area, hotel rooms, theater seats) to be relocated, and the sending and receiving sites. If the requested transfer includes the conversion of non-residential uses, the application shall also identify the quantity of entitlement, by use category, before and after the transfer.
2. The City Traffic Engineer shall perform a traffic analysis to determine the total number of PM peak hour trips that would be generated by development allowed with and 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.
3. Depending on the location of the sending and receiving sites, the Traffic Engineer may determine that a more detailed traffic analysis is required to determine whether adverse traffic impacts will result from the transfer. This analysis shall demonstrate whether allowed

development, with and without the transfer, would either cause or make worse an unsatisfactory level of service at any primary intersections for which there is no feasible mitigation. This analysis shall be consistent with the definitions and procedures contained in the Traffic Phasing Ordinance of the Municipal Code, except that “unsatisfactory level of service” shall be as specified in the General Plan.

4. If the transfer request involves the conversion of uses, the Community Development Director shall perform a land use intensity analysis to determine the floor area that could be developed with and without the transfer. For purposes of this analysis, theater use shall be allocated 16.1765 square feet per seat. Hotel use shall be allocated the number of square feet per room at which it is included in the General Plan. When the General Plan does not specify intensity for hotel rooms, it shall be as determined by the Community Development Director.
5. Applications for transfer of development rights shall be considered by the City Council as a ministerial action. The City Council shall approve a transfer of development rights if it finds that the transfer will result in no more trips and no greater intensity of land use than the development allowed without the transfer. In addition, if the traffic study in Subsection c. is required, the City Council shall approve the transfer if it results in no greater traffic impact than the development allowed without the transfer.

V. Definitions

All words and phrases used in this North Newport Center PC shall have the same meaning and definition as used in the City of Newport Beach Municipal Code unless defined differently in this section.

Architectural Features: A visually prominent or formally significant element of a building which expressed its architectural language and style in a complementary fashion. Architectural features should be logical extensions of the massing, details, materials and color of the building which complement and celebrate its overall aesthetic character.

Advisory Sign: Any sign that contains directional or safety information; does not contain advertisements.

Audible Signs: Any sign that uses equipment to communicate a message with sound or music.

Banks/Savings & Loans: Establishments that provide a full range of retail banking and mortgage loan services to individuals and businesses. Includes only those institutions engaged in the on-site circulation of cash money. Also includes businesses offering check-cashing services. Drive-through or drive-up service included.

Bars and Cocktail Lounges: Establishments engaged in selling or serving alcoholic beverages for consumption on the premises or establishments having any of the following characteristics:

- Licensed as a “public premises” by the California Department of Alcoholic Beverage Control.
- Provides an area for serving alcoholic beverages that is operated during hours not corresponding to regular meal service hours. Food products sold or served incidentally to the sale or service of alcoholic beverages shall not be deemed as constituting regular food service.

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

Building Height: Building height is measured from the corresponding point on the roof to the exterior finished grade. If the building is on a sloping surface, the height measurement is taken from the building entrance. Exceptions include but are not limited to below grade parking structure entrances, motor courts, and retaining walls. See Graphic 1 on page 36.

Business, Government and Professional: Offices of firms, individuals or organizations that provide professional, executive, management or administrative services (e.g., architectural, engineering, government, insurance, investment, legal, planning). Includes administrative, clerical or public contact offices of a government agency, including incidental storage and maintenance of vehicles. Support retail and service uses also allowed.

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

Commercial, Recreation and Entertainment: Establishments providing participant or spectator recreation or entertainment, either indoors or outdoors, for a fee or admission charge. Illustrative examples of these uses include:

- arcades or electronic games centers having three or more coin-operated game machines
- bowling alleys
- billiard parlors
- cinemas
- ice/roller skating rinks
- live entertainment
- pool rooms
- tennis/racquetball courts
- theaters

Cultural Institutions: Public or private institutions that display or preserve objects of community, or cultural interest in one or more of the arts or sciences.

Day Care: Non-medical care and supervision of children or adults on a less than 24 hour basis, including nursery schools, preschools, and day care centers.

Day Spas: 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.

Department Store: A store selling a wide variety of goods or services arranged in several departments.

Eating and Drinking Establishments: Establishments engaged in serving prepared food or beverages for consumption on or off the premises.

Emergency Health Care: Establishments that provide emergency medical service with no provision for continuing care on an inpatient basis.

Entry Marker Sign: Sign used to provide information on activities and events, as well as advertise stores and shops within a shopping center.

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

Freestanding Commercial: Any building with a commercial use which is separated from other commercial uses by parking and/or streets.

Internal Pedestrian Street: Any walkway, path, plaza, arcade or corridor, either covered or open to the sky, which is primarily for use by people on foot and is not adjacent to the frontage road or common parking areas.

Major Building: A building over 50,000 square feet.

Major Tenant: A store or restaurant having a minimum of 10,000 square feet of floor space, which is located within or between other commercial buildings.

Mall Building: Retail buildings where stores front a pedestrian walkway, which may be enclosed or open.

Medical Retail: Sales of medical goods or services that are retail oriented. Illustrative examples of these uses include:

- eye exam, eyeglass/contact lens sales
- skin treatments
- body scanning
- dental enhancement treatments

Minor Use Permit: Use permit issued by the Zoning Administrator.

Monument Sign: Any sign that is supported by its own structure and is not part of or attached to any building.

Parking Structure: Structures containing more than one story principally dedicated to parking. Parking structures may contain accessory, ancillary and resident support uses.

Periphery Building: Building located along the ring of Fashion Island adjacent to Newport Center Dr.

Personal Improvement: Includes those services that are personal and that promote the health and well-being of an individual.

Personal Services: Establishments that provide recurring services of a personal nature. Illustrative examples of these uses include:

- barber and beauty shops
- clothing rental shops
- dry cleaning pick up store with limited equipment
- dry cleaning with no on-site equipment
- home electronics and small appliance repair
- postal services
- locksmiths
- self-service laundries
- shoe repair shops
- tailors and seamstresses
- tanning salons
- printing & duplicating
- travel agencies/services
- nail salon

Podium Level: A superposed terrace conforming to a building's plan, a continuous pedestal; a level of vertical segregation linking separate areas.

Primary Tenant: The largest tenant of a building.

Project Identification Sign: A free-standing (single or double faced) monument sign containing the project name.

Public Safety Facilities: Police, fire, paramedic and emergency service facilities.

Regional Commercial Gross Floor Area: Refer to Section II.B.1 above.

Residential: An area within a structure on a parcel that contains separate or independent living facilities for one or more persons, with area or equipment for sleeping, sanitation or food preparation.

Retail Sales: Stores and shops which sell various lines of merchandise for profit. This includes the sales of non-durable and durable goods to customers. Illustrative examples of these stores and lines of merchandise include:

- antiques
- appliances
- artists supplies
- automotive accessories (no installation)
- animal sales and services
- bakeries
- bicycles
- books
- cameras and photographic supplies
- carpeting and floor covering
- clothing and accessories
- convenience markets/stores
- department stores
- drug and discount stores
- dry goods
- electronic equipment (including automotive installation)
- food and beverages
- gift shops
- handcrafted items
- hardware
- hobby materials
- jewelry
- real estate information center
- luggage and leather goods
- medical supplies and equipment
- musical instruments, parts and accessories
- office supplies
- paint and wallpaper
- pharmacies
- shoe stores
- specialty shops
- sporting goods and equipment
- supermarkets
- tobacco
- toys and games

Rooftop Appurtenance: Rooftop appurtenances include, but are not limited to, mechanical equipment, stairwell and elevator shaft housing, antennae, window washing equipment, and wireless communication facilities. See Graphic 1 on page 36.

Secondary Tenant: A small tenant; not the primary tenant of an office building.

Senior Citizen Housing: A residential development for senior citizens (i.e., persons 55 years of age or older) that has at least 35 dwelling units and conforms to Civil Code §51.3(b)(4).

Service Tunnels: A corridor limited to access for building supply and maintenance personnel and equipment including horizontal and vertical tunnels and shafts, and freight elevators, not intended for customer circulation or access, and not for use as storage or office space.

Sign: Any media, including their structure and component parts which are used or intended to be used out-of-doors to communicate information to the public.

Sign Area: The area enclosed by a rectangle drawn around the working, numbers or images composing the sign.

Sign Face: The physical plane and/or surface upon which the working or images are applied.

Sign Letter: The individual symbols of the alphabet used in forming the words of a message.

Shopping Center Identification Sign: A monument sign identifying a shopping center.

Support Uses: Uses designed, oriented, and intended to primarily serve building, block, and proximate sub-area occupants and users. Such uses must be consistent with the pertinent regulations in Table 1.

Tenant Sign: Any permanent sign of an establishment that is located on or attached to the storefront elevation, a covered walkway, or an awning for the purpose of communicating the name of the tenant.

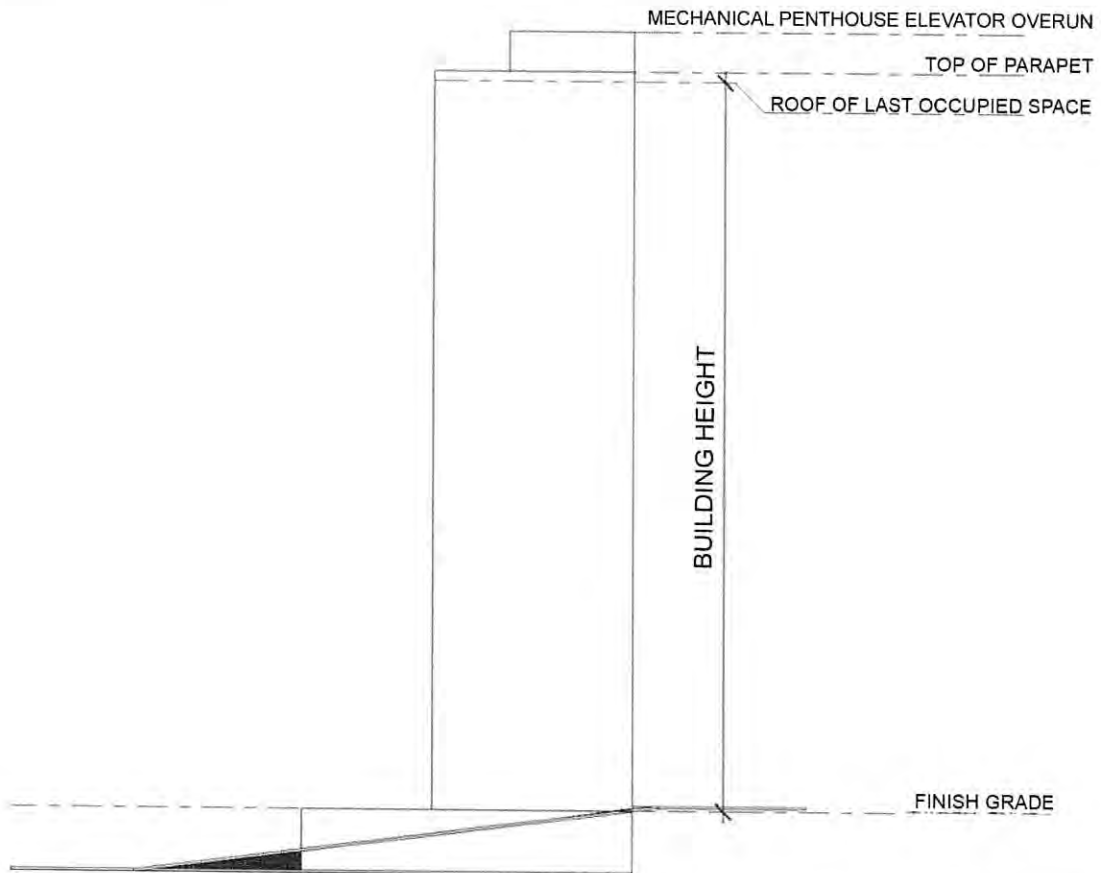
Temporary Sign: Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, plywood, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time.

Theater Sign: Any permanent sign used to communicate to the public the name of a theater and the show(s) or movie(s) that are offered.

Vehicle Entry: Any intersection points along the public right-of-way that provide access for automobiles.

Visitor Accommodations: Establishments offering lodging rooms, including bed and breakfasts, inns, hotel, and motels. Incidental support facilities are included within these uses.

Wind Sign: A series of similar banners or objects of plastic or other light material more than 2 inches in diameter which are fastened together at intervals by wire, rope, cord, string or by any other means, designed to move and attract attention upon being subjected to pressure by wind or breeze.



NOTE: In no instance shall any part of the building, including rooftop appurtenances or architectural features, penetrate the FAA (Part 77) imaginary obstruction surface for John Wayne Airport.

Graphic 1, Example of Building Height and Rooftop Appurtenances

NORTH NEWPORT CENTER

DESIGN REGULATIONS

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I. Introduction

A. Purpose of Design Regulations

The Design Regulations expand upon the regulations set forth in the Planned Community Development Plan. The Design Regulations are intended to be used for reference by the City of Newport Beach as part of the plan review process. It is recognized that North Newport Center will be built and redeveloped over time and that not all regulations may be achieved nor are applicable for any given project.

All new commercial and residential development shall be subject to the North Newport Center Design Regulations. Review for compliance of projects under this section shall occur through the plan review process, as defined in the Development Plan, prior to building permit issuance.

B. Newport Center Design Framework

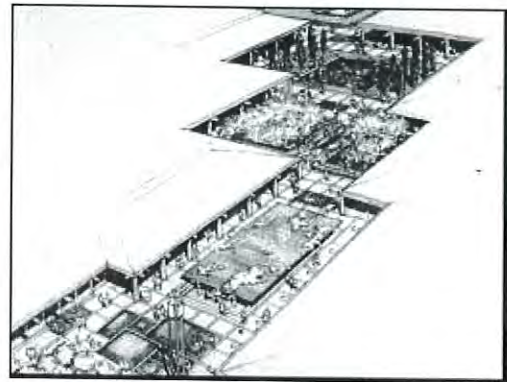
Newport Center is a 600-acre master planned area. Development within Newport Center began in the 1960s and generally has followed the following guiding principles:

1. Strong physical urban design framework which provides structure and character yet allows flexibility
2. Synergistic mix of land uses, market driven to insure economic vitality
3. Balanced and dispersed auto access
4. Organized in “blocks” and districts to break down scale and provide identity
5. Pedestrian Orientation
6. Building massing that responds to topography, with taller buildings located along San Joaquin Hills Road
7. Unifying architectural and landscape character



Aerial view of bluff (circa 1960)

Early Newport Center Planning Diagrams and Sketches (circa 1960)



The design regulations provide standards that govern future development so that, to the extent feasible, the initial design framework is carried forward and the design and development policies from the Land Use Element of the General Plan are implemented.

General Plan Policies

Newport Center

The following policies from the Land Use Element are for Newport Center as a whole. Development within North Newport Center should contribute toward the policies whenever possible.

- *Development Scale:* Reinforce the original design concept for Newport Center by concentrating the greatest building mass and height in the northeasterly section along San Joaquin Hills Road, where the natural topography is highest and progressively scaling down building mass and height to follow the lower elevations toward the southwesterly edge along East Coast Highway.
- *Urban Form:* Encourage that some new development be located and designed to orient to the inner side of Newport Center Dr., establishing physical and visual continuity that diminishes the dominance of surface parking lots and encourages pedestrian activity.
- *Pedestrian Connectivity and Amenity:* Encourage that pedestrian access and uses within the district be improved with additional walkways and streetscape amenities concurrent with the development of expanded and new uses.
- *Fashion Island Architecture and Streetscape:* Encourage that new development in Fashion Island complement and be of equivalent or higher design quality than existing buildings. Reinforce the existing promenades by encouraging retail expansion that enhances the storefront visibility to the promenades and provides an enjoyable retail and pedestrian experience. Additionally, new buildings shall be located on axes connecting Newport Center Dr. with existing building to provide visual and physical connectivity with adjoining uses, where practical.

Mixed-Use District and Neighborhood

The following policies from the Land Use Element are City-wide in orientation. Development within North Newport Center should contribute toward the policies whenever possible.

- *Mixed-Use Buildings:* Require that Mixed-Use buildings be designed to convey a high level of architectural and landscape quality and ensure compatibility among their uses in consideration of the following principles:
 - Design and incorporation of building materials and features to avoid conflicts among uses, such as noise, vibration, lighting, odors, and similar impacts
 - Visual and physical integration of residential and non-residential uses
 - Architectural treatment of building elevation and modulation of their massing
 - Separate and well-defined entries for residential units and non-residential businesses
 - Design of parking areas and facilities for architectural consistency and integration among uses
 - Incorporation of extensive landscape appropriate to its location; urbanized streetscapes, for example, would require less landscape along the street frontages but integrate landscape into interior courtyards and common open spaces

- *Mixed-Use Building Location and Size of Non-Residential Uses:* Require that 100 percent of the ground floor street frontage of Mixed-Use buildings be occupied by retail and other compatible non-residential uses, unless specified otherwise by policies for a district or corridor.
- *Parcels Integrating Residential and Non-Residential Uses:* Require that properties developed with a mix of residential and non-residential uses be designed to achieve high levels of architectural quality in accordance with policies related to the character and quality of multi-family residential and the architecture and site design of commercial districts, be planned to assure compatibility among the uses, and provide adequate circulation and parking. Residential uses should be seamlessly integrated with non-residential uses through architecture, pedestrian walkways, and landscape. They should not be completely isolated by walls or other design elements.
- *Districts Integrating Residential and Non-Residential Uses:* Require that sufficient acreage be developed for an individual use located in a district containing a mix of residential and non-residential uses to prevent fragmentation and assure each use's viability, quality, and compatibility with adjoining uses.



Aerial of Newport Center – 2007

C. North Newport Center

North Newport Center consists of properties on the higher elevations of Newport Center between San Joaquin Hills Road and the Newport Center ring road (Blocks 400, 500, 600 and 800 and San Joaquin Plaza), as well as the core of Newport Center, Fashion Island, and Block 100.

To the northeast is San Joaquin Hills Road, a wide boulevard on the ridge that forms the upper edge of Newport Center. To the south and southeast are office buildings, movie theaters, restaurants, service retail, the Newport Transportation Center, the Newport Beach Central Library, and Corona del Mar Plaza, a

community retail center. Adjacent uses within Newport Center are office buildings, an apartment community, a resort hotel, art museum, police station, fire station, auto dealership, service station, and the Newport Beach County Club.

North Newport Center is a mixed-use district that features an open-air regional shopping center, Fashion Island; a resort hotel; and a variety of office buildings that help form the skyline of Newport Beach; connected by a network of tree-lined streets and sidewalks, within a master planned environment featuring a consistent landscape.

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II. Design Regulations

Using these Regulations

These regulations are intended to be used in conjunction with other applicable codes, documents, and ordinances to assess compliance of proposed projects. Each category of regulations begins with the intent, which describes the overall character that is envisioned and what objectives are necessary to attain the desired effect.

A. Building Location and Massing

Intent

The intent of the building massing and location standards is to ensure that new development has an appropriate scale, is related to its use and location, and is properly integrated with adjoining land uses and features.

1. Site Planning Elements

- a. New commercial and residential buildings should respect the existing urban form, which generally consists of buildings that are organized orthogonally to create pedestrian-friendly courtyards and promenades that visually link the buildings into clusters, as seen in the diagrams below.



Pedestrian promenade at
Fashion Island



Pedestrian courtyard at
550 Newport Center Dr.



Building interface at
San Joaquin Plaza

- b. In Mixed-Use sub-areas, the development of a complex of buildings is preferable to a single large structure because the varied massing provides visual interest and a human scale. Additionally, the spaces created between the various buildings provide opportunities for pedestrian plazas, courtyards and other outdoor gathering areas.
- c. New buildings should be oriented to and have features which reinforce and enhance the existing pedestrian experience. Mixed-Use sub-areas should emphasize pedestrian orientation by utilizing features such as plazas, courtyards, interior walkways, trellises, seating, fountains, and other similar elements.
- d. New retail buildings should be located to enhance tenant visibility and identity, while maintaining compatible relationships with adjacent structures and street frontages.
- e. New buildings should be arranged to provide convenient access to entrances and efficient on-site circulation for vehicles and pedestrians. Projects should develop a comprehensive open space network that uses plazas and other open space elements to connect uses. Open space areas and the paths that link them should facilitate the integration of adjacent land uses on the site.
- f. New buildings with a strong street presence are encouraged in Fashion Island.
- g. Residential development shall provide common outdoor open space areas for residents. These areas should be configured and designed so as to address privacy for residential uses while also providing linkages to the public open space components of the project.
- h. Planning and developing shared facilities such as driveways, parking areas, pedestrian plazas and walkways, with adjoining properties, including those outside of the North Newport Center Development Plan, is strongly encouraged.



Example of resident open space



Example of office courtyard

2. Building Envelope

- a. New buildings should respect the existing development scale, which generally consists of high-rise buildings (10+ stories) clustered along the northerly section at the highest point in Newport Center. Mid-rise office buildings (5-10 stories), low-rise office buildings, and retail development are generally located at lower elevations towards Pacific Coast Highway.

3. Building Character and Style

- a. The character and style of new buildings located in Fashion Island should be compatible with the classically inspired architecture of the existing buildings in Fashion Island. The character and style of new commercial and residential buildings located in the mixed-use sub-areas should be compatible with the existing contemporary architecture or the classically inspired architecture of the existing buildings.
- b. New buildings within Fashion Island should continue and enhance the existing pedestrian experience by promoting storefront visibility.
- c. New buildings should reflect a timeless architecture with straightforward geometry, a unified composition, the expression of floor levels and structure, and solid parapets. Trendy, short-lived, idiosyncratic architectural styles are not appropriate; although retail storefronts may reflect the design theme of the merchant.
- d. The top of all roof-mounted equipment and communications devices should be below the building parapet or equipment screens in a manner that hides them from the street. The height of rooftop appurtenances shall not exceed the height of the screening.
- e. Ground level equipment, refuse collection areas, storage tanks and infrastructure equipment should be screened from public right-of-ways views with dense landscaping and/or walls of materials and finishes compatible with adjacent buildings.
- f. Above grade equipment, including backflow preventers at domestic water meters, irrigation controllers, and cable television pedestals should not be visible from public right-of-ways, when feasible.
- g. Chain link fencing is not allowed, except to screen construction areas.
- h. Avoid long, continuous blank walls, by incorporating a variety of materials and design treatments and/or modulating and articulating elevations to promote visual interest.
- i. Architectural features should accomplish the architectural goal of extending the design elements of the building.
- j. New buildings on sites with sloping surfaces should be encouraged to utilize the existing terrain. Entrances to motor courts and parking structures are not included in the measurement of building height.



Example of appropriate high-rise architecture



Example of straight forward geometry and expression of floor levels



Examples of classically inspired architecture



Example of appropriate low-rise form



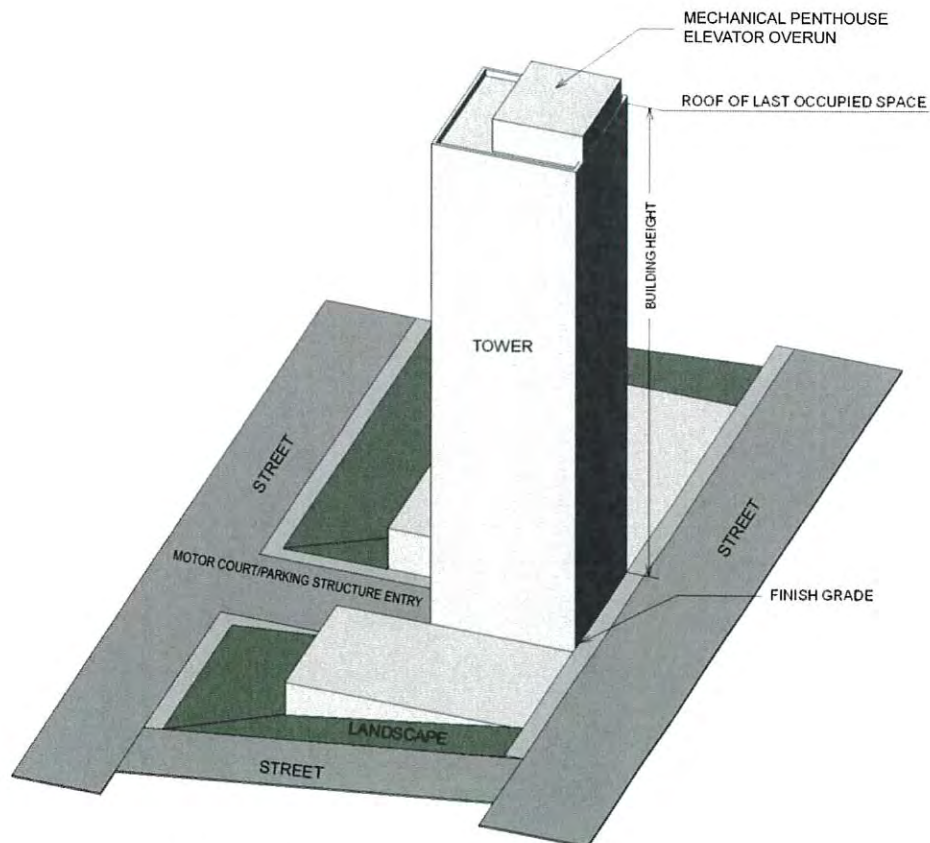
Example of retail storefront visibility to pedestrians



Example of architectural feature



Example of architectural feature



Example of building height measurement on sloping terrain

4. Building Materials and Colors

- a. Colors, materials, and finishes should be coordinated on all exterior elevations to achieve continuity of design. Stripes and patterns are not appropriate; although retail storefronts may reflect the design theme of the merchant.
- b. Clay tile, concrete tile, metal, and fabric are acceptable materials for low- and mid-rise roofs.
- c. Stone, metal, exterior plaster, exterior insulated finishing systems (EIFS), brick, concrete, wood, and glass are acceptable materials for building walls.
- d. Stone, metal, exterior plaster, exterior insulated finishing systems (EIFS), brick, concrete, wood, and glass are acceptable materials for railings.
- e. Service door and mechanical screen colors should be the same as, or compatible to, the adjacent wall colors.



Example of appropriate retail finishes



Example of appropriate low-rise finishes

5. Parking Structures

- a. The architecture of new parking structures should be compatible, complementary, and secondary to principal buildings.
- b. The design of new parking structures in Fashion Island shall incorporate elements (including landscaping) to soften their visual impact.
- c. New parking structures in Fashion Island shall be located and designed in a manner that is compatible with the existing pedestrian scale and open feeling of Newport Center Dr.
- d. Simple, regular forms are encouraged.
- e. Views of parked vehicles should be screened.
- f. The visual appearance of sloping floors should be minimized.
- g. Interiors should be designed to promote a safe vehicular and pedestrian experience.
- h. Vehicular entries for non-residential parking structures should be obvious and inviting.

- i. Vehicular entries to exclusively residential structures should be incorporated into the structure so as to minimize the street presence of the parking structure entrance and to avoid interrupting the continuity of the street facing building elevations.



Block 600 parking structure demonstrating rectangular form and vines to soften visual impact



West parking structure at Fashion Island demonstrating rectangular form and varied landscape to soften visual impact

B. Landscape

Intent

The intent of the landscape standards is to ensure that new commercial and residential development preserves and enhances the existing landscape character of North Newport Center.

1. Overall Landscape

- a. New development should promote an evergreen plant palette that is appropriate in the Mediterranean climate of Southern California. Plant materials should be of a native or drought-tolerant species where appropriate and provide variety, while being consistent with the existing landscape pattern and architectural design of the building.
- b. Landscape and site design will incorporate Best Management Practices (BMPs) to address low-flow runoff and storm water runoff. Landscaped areas within the project will be provided and used to treat runoff from impervious surfaces and roof drains prior to being discharged into the storm drain system.
- c. The landscape palette should consist of two distinct groups of plant materials:
 - Accent planting, including palms, cypress, and color accents
 - Background planting, including evergreen canopy trees and shrubs
- d. The overall landscape should be dominated by background planting with accent planting in key areas corresponding to the land use and development intensity.
- e. Planting should be organized in layers of plant size and variety such as flowering, cascading, or climbing plants. Contrasts in color and texture should be used to enhance the layering of plants.



Example of appropriate landscape variety complementing the building form



Example of layering principles



Example of vertical and horizontal plant forms

2. Perimeter and Street Landscape

- a. The landscape on the perimeter of sub-areas and along streets of new commercial and residential development should complement the street tree pattern, enhance the pedestrian experience, screen parked vehicles, and soften the view of parking structures.
- b. Existing trees along public streets should be preserved, and new trees should be installed to fill in gaps.
- c. Evergreen hedges should be used to screen the lower portions of parked cars.
- d. Evergreen planting should be used to screen parking structures.



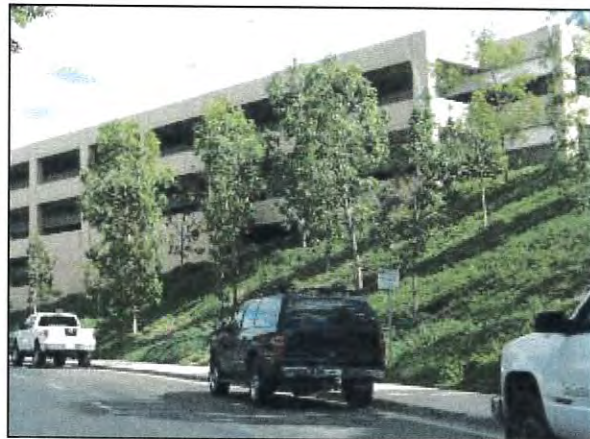
Newport Center Dr. landscape variety



San Nicolas landscape showing screening of parked cars



San Joaquin Hills Road landscape



Landscape adjacent to 888 San Clemente parking structure

3. Parking Lot Landscape

- a. New surface parking lots should have evergreen canopy trees to provide shade.
- b. A uniform evergreen tree type should be used for parking lot fields, with a different uniform evergreen tree type used to highlight the major parking aisles.
- c. Evergreen hedges should be used to screen parked cars.



Fashion Island parking lot tree placement



San Joaquin Plaza evergreen hedges that screen parked cars

4. Internal Landscape

- a. New courtyards and promenades should continue the existing pedestrian experience by promoting visual continuity, shade and an evergreen landscape.
- b. Trees should be installed to shade appropriate walkways and cause an interesting and varied pedestrian experience.



Example of trees adding variety to pedestrian experience



Example of landscaping creating strong visual continuity

C. Circulation

Intent

The intent of the circulation criteria is to ensure that new commercial and residential development enhances existing circulation patterns by maintaining existing, upgrading existing and providing new street and walkway connections.

1. Streets and Pedestrian Activity

- a. New development should preserve and enhance the existing attractive street scene, promote safe and convenient driving practices, and encourage street level pedestrian activity.
- b. All buildings should be publicly accessible via a path or walkway from a public sidewalk.
- c. The crescent walk linking Block 400, Block 500 and Block 600 along Newport Center Dr. and pedestrian connections to/in Fashion Island should be preserved and enhanced where feasible. Connections from the crescent walk into courtyards, plazas, and other gathering areas in Block 400, Block 500 and Block 600 should be provided where possible.
- d. Each sub-area should demonstrate an internal pedestrian network of walks and paseos that connect to the larger Newport Center pedestrian system.
- e. Strong pedestrian connectivity, reinforced by protected walkways and landscaping, should occur between Newport Center Dr. and the retail core of Fashion Island.
- f. Amenities such as benches, plazas and other pedestrian-oriented facilities should be provided at pedestrian destinations.
- g. To promote the vitality of the public street scene, pedestrian bridges and tunnels which remove pedestrians from the street level are not allowed.
- h. New benches, street trees, directional signs, trash receptacles, and exterior lighting are encouraged in the public right-of-ways to reinforce pedestrian activity.
- i. Enhanced paving in crosswalks to highlight pedestrian pathways is allowed if it is compatible with the character of the existing development.



Pedestrian walkway from Newport Center Dr. to Fashion Island



Example of pedestrian amenities



Example of pedestrian connectivity to the street
(between 500 and 550 Newport Center Dr.)



Example of the crescent walk design
framework



Pedestrian amenities in Fashion Island



Example of pedestrian oriented enhancement



Pedestrian amenity in Fashion Island



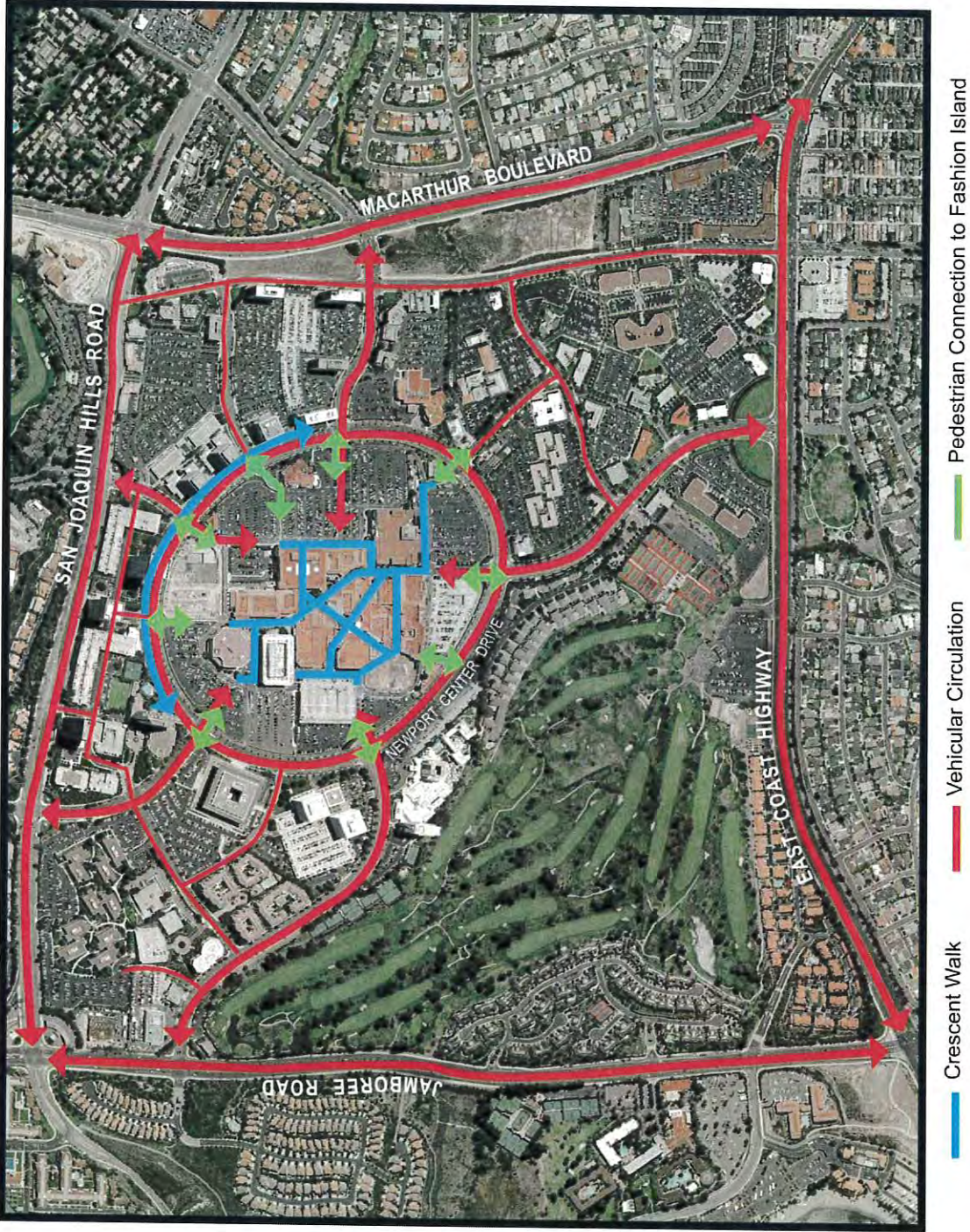
Storefront interface with pedestrians



Example of a strong pedestrian pathway



Fashion Island paseo



2. Service and Emergency

- a. New commercial and residential development should promote efficient circulation for service and emergency vehicles.
- b. Major loading docks should be located away from front doors and from residential areas to separate service traffic from other traffic.
- c. Loading bays should be designed to minimize their visual prominence and any interference with pedestrian and vehicular flows.
- d. Turf-block may be used in landscape areas where fire access is necessary.
- e. Truncated domes should be a contrasting color, other than yellow, and should be coordinated with the paving material unless otherwise required by federal or state standards.



Fashion Island loading dock



Fashion Island loading dock

3. Parking Lots

- a. Parking areas should not create a separation between adjacent land uses and buildings.
- b. Parking lots at new development should promote efficient circulation for vehicles and pedestrians.
- c. Convenient, well-marked, and attractive pedestrian access should be provided from parking lots to buildings.
- d. The use of permeable surfaces is encouraged.



Pedestrian entrance from surface parking at 680 Newport Center Dr. demonstrating flow from parking to building



Well-defined pedestrian walkway in 500/550 Newport Center Dr. parking lot



Well-defined walkway from Newport Center Dr. into Fashion Island at San Nicolas

D. Orientation and Identity

Intent

The intent of the standards for orientation, identity, and safety is to ensure that new commercial and residential development promotes wayfinding for residents and visitors, strengthens North Newport Center's sense of place, and produces a safe environment.

1. Gateways and Entrances

- a. New development should respect existing entries and, if entry modifications are required, should integrate with the existing vehicular and pedestrian circulation system.
- b. Key landscape elements at the “landscape corners” should be retained.



San Joaquin Hills Road and Jamboree Road



San Joaquin Hills Road and MacArthur



San Joaquin Hills Road and Santa Cruz Dr.



San Joaquin Hills Road and Santa Cruz Dr.

2. View Corridors

- a. New development should preserve views of major retail tenants in Fashion Island from Newport Center Dr.
- b. New development should capture views of the ocean from windows and decks at new restaurants, offices, and residences, where feasible.



Fashion Island major tenant visibility



Fashion Island major tenant visibility



Balconies at 888 San Clemente featuring ocean views

3. Landmarks

- a. As appropriate, major new development may be positioned and designed to serve as a landmark within North Newport Center.
- b. Landmark elements may be included in building design to distinguish individual buildings and enhance wayfinding.



The Island Hotel as a landmark building



Wind chime as a landmark at Macy's



Palms as a landmark at the southern entry into Fashion Island

4. Signage

- a. New development should have signs that promote identity and wayfinding.
- b. Signs should be designed to clearly communicate their messages.
- c. Signs should be designed to complement the architecture and landscape.
- d. Identification signs should be designed to convey the image of the project or business.
- e. Wayfinding signs should be unified within each sub-area.
- f. Simplicity and legibility are encouraged.
- g. Ample blank space around sign copy is encouraged.
- h. Animated signs visible from public streets are not allowed unless otherwise permitted by the Municipal Code.
- i. Signs may be internally-illuminated, halo-illuminated, externally illuminated, or non-illuminated.
- j. Sign types A-K and their corresponding locations are shown on the following pages.



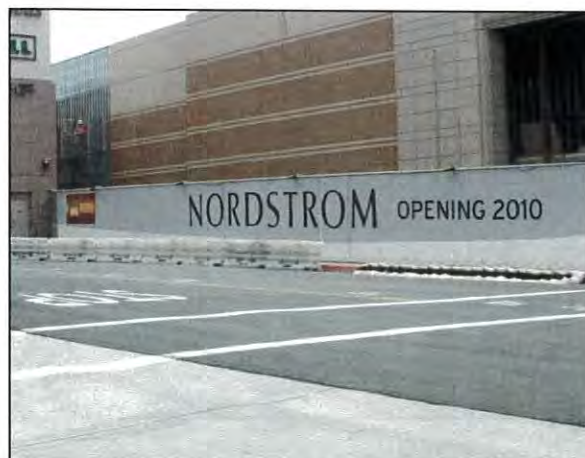
Project identification sign



Business identification sign



Directional sign



Temporary signs mounted on construction fence

Sign A – Large Cube or Blade Sign (existing signs as of June 2015)



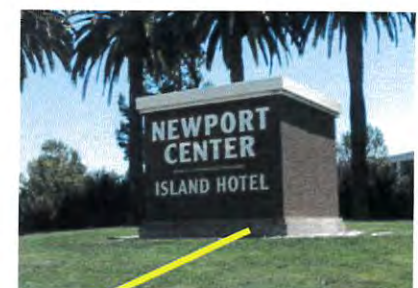
A2



A3



A4



A5



A1



A6



A8



A7

Sign B – Small Cube (existing signs as of June 2015)



B1



B2



B3



B4



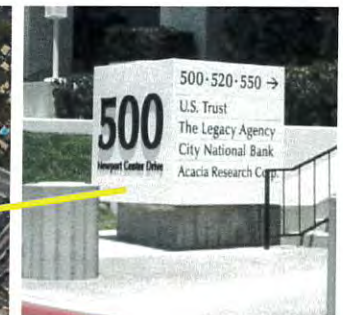
B5



B8



B9



B6

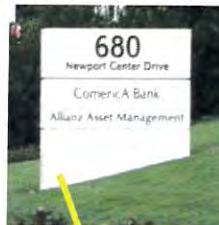


B7

Sign C - Freestanding Signs (existing signs as of June 2015)



C3



C8



C9



C10



C2



C1



C20



C21



C15



C14



C13



C11



C17



C12

Sign D – Landscape Walls (existing signs as of June 2015)



D4



D5 location



D6 location



D8



D3



D2



D1



D9



D11



D11



D14



D12



D11

Sign E, F, G, H, I and J – Miscellaneous Signs (existing signs as of June 2015)

Sign E – Building Sign*



Sign F – Building Address*



Sign G – Freestanding Building Address



G1

G2

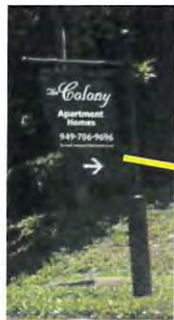


Sign H – Advisory Signs*

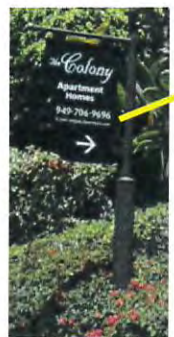


Sign I – Drive Through Signs (none)

Sign J – Apartment Leasing Signs



J2



J1



*Photographs of Sign Types E, F, and H are provided for reference purposes. A full inventory of those signs is not provided herein.

Sign K – Office Leasing Signs (existing signs as of June 2015)



K5



K7



K9



K4



K12



K11



K10

5. Lighting

- a. The exterior lighting at new commercial and residential development should be compatible with and enhance the existing lighting of the sub-area.
- b. Light fixtures at walkways and parking lots should be coordinated in height, color, and style.
- c. Light fixtures should not cast off-site glare.
- d. Building walls may be illuminated by downlights and uplights; light sources should not be visible from public view.
- e. Tops of buildings may be highlighted with bands of light.
- f. Utilitarian light fixtures, such as floodlights and wallpacks, may only be used in service areas.
- g. Low sodium lighting is not allowed.
- h. ATM lighting shall conform to state code without causing offsite glare, such as through the use of bollards, tree lights, pole lights, and soffit lights, rather than floodlights and wallpacks.
- i. In pedestrian areas such as courtyards, plazas, and walkways, lighting fixtures should be pedestrian scale.



Appropriate light bollard at Block 600



Non-glare producing lights at 888 San Clemente

Exhibit "C"
Housing Implementation Program EIR (PA2022-0245)

File available via link due to size at:

<https://www.newportbeachca.gov/government/departments/community-development/planning-division/projects-environmental-document-download-page/environmental-document-download-page>

Exhibit "D"
CEQA Consistency Analysis

File available via link due to size at:

<https://ecms.newportbeachca.gov/WEB/DocView.aspx?id=3116123&dbid=0&repo=CNB>