

Attachment A

Ordinance No. 2019-13 (PC2018-001)

ORDINANCE NO. 2019-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, ADOPTING PLANNED COMMUNITY DEVELOPMENT PLAN NO. PC2018-001 AMENDING THE SAN JOAQUIN PLAZA PLANNED COMMUNITY (PC-19) LOCATED AT 850 AND 856 SAN CLEMENTE DRIVE (PA2018-185)

WHEREAS, an application was filed by Nexus Development Corporation representing Vivante Newport Center, LLC ("Applicant"), with respect to property located at 850 and 856 San Clemente Drive, and legally described as Parcel 2 of Newport Beach Lot Line Adjustment No. 95-3 together with Parcel 2 of Resubdivision No. 501, Assessor's Parcel Nos. 442-261-05 and 442-261-17 ("Property");

WHEREAS, the Applicant proposes the demolition of the existing Orange County Museum of Art ("OCMA") (23,632 square feet) and associated administrative office building (13,935 square feet) to accommodate the development of a 183,983-square-foot, six-story combination senior housing (90-unit residential dwelling units) and memory care facility (27 beds) ("Project"). The approximately 2.9 acre site is located on San Clemente Drive opposite the intersection with Santa Maria Road;

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

- **General Plan Amendment** – To amend Anomaly No. 49 to change the land use category from PI (Private Institutions) to MU-H3 (Mixed-Use Horizontal). The proposed amendment also includes 90 additional dwelling units and would reduce the nonresidential floor area from 45,208 square feet to 16,000 square feet in Statistical Area L1. Table LU1 is amended to reflect a total of 540 dwelling units authorized within the MU-H3 land use designation,
- **Planned Community Development Plan Amendment** – To modify the San Joaquin Plaza Planned Community Development Plan (PC-19) to include development and design standards to allow for 90 senior dwelling units and 27 memory care beds. The Applicant also requests an increase in the height limit from 65 feet to 69 feet with 10 feet for appurtenances,
- **Development Agreement** – To provide public benefits should the Project be approved pursuant to Section 15.45.020 (Development Agreement Required) of the Newport Beach Municipal Code ("NBMC") because the requested General Plan Amendment includes 50 or more dwelling units and adds dwelling units within Statistical Area L1,

- **Conditional Use Permit** – To allow the operation of the proposed senior housing and memory care facility, alcohol service for dining hall and lounge areas in the form of a Type 47 (On Sale General) and Type 57 (Special On Sale General) Alcoholic Beverage Control (“ABC”) licenses, and ensure land use compatibility,
- **Major Site Development Review** – To allow the construction of 90 senior dwelling units and a 27-bed memory care facility and to ensure the Project is developed in accordance with the applicable planned community and zoning code development standards and regulations pursuant to Section 20.52.080 (Site Development Reviews) of the NBMC,
- **Lot Merger** – To merge the two (2) existing parcels into one development site,
- **Addendum to Environmental Impact Report (SCH#2016021023)** – To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals, the City has determined that an addendum to a previously certified Environmental Impact Report (“EIR”) is warranted pursuant to the California Environmental Quality Act (“CEQA”);

WHEREAS, the Property is designated PI (Private Institutions) by the General Plan Land Use Element and is located within the PC-19 (San Joaquin Plaza Planned Community) Zoning District;

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

WHEREAS, a Planning Commission study session was held on April 18, 2019, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California, to introduce the Project to the Planning Commission. No action was taken at the study session;

WHEREAS, on July 18, 2019, the Airport Land Use Commission (“ALUC”) found the City of Newport Beach Vivante Senior Housing project to be consistent with the Airport Environs Land Use Plan for John Wayne Airport;

WHEREAS, the Planning Commission held a public hearing on July 18, 2019 in the Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the hearing was given in accordance with California Government Code Section 54950 *et seq.* (the "Ralph M. Brown Act") and Chapters 15.45, 20.56 and 20.62 of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing;

WHEREAS, on July 18, 2019, the Planning Commission adopted Resolution No. PC2019-021 by a unanimous vote of 5 ayes and 0 nays, recommending approval of the Project, and the land use entitlements referenced above, to the City Council;

WHEREAS, the City Council held a public hearing on August 13, 2019, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act and Chapters 15.45, 20.56 and 20.62 of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this hearing;

WHEREAS, the proposed amendment to the PC-19 (San Joaquin Plaza Planned Community) Zoning District meets the intent and purpose for a Planned Community ("PC") as specified in NBMC Section 20. 56.010 (Planned Community District Procedures, Purpose). The Property is located in the Newport Center area which includes a mixture of shopping, hotels, commercial support uses, professional offices, and residential developments. The Project's development plan and standards are consistent with the surrounding development including the standards and allowed uses of the adjoining North Newport Center Planned Community;

WHEREAS, the proposed PC-19 (San Joaquin Plaza Planned Community) amendment and zoning designation are consistent with the proposed General Plan Amendment (GP2018-003) that amends the land use category from Private Institutional (PI) to Mixed-Use Horizontal (MU-H3) with a maximum development limit for Anomaly No. 49 (Table LU2 and associated figures) of 90 units and 16,000 square feet of nonresidential floor area;

WHEREAS, the future development of the Property affected by the proposed amendments will be consistent with the goals and policies of the Land Use Element of the General Plan; and will be consistent with the purpose and intent of the proposed San Joaquin Plaza (PC) Zoning District of the NBMC;

WHEREAS, the proposed amendment to the PC-19 Zoning District meets the intent and purpose for a PC as specified in Section 20.56.010 (Planned Community District Procedures, Purpose) of the NBMC. The Property is located in the northwest portion of Newport Center, which is a regional center of business and commerce that includes major retail, professional office, entertainment, recreation, and residential development in a master planned mixed-use area. The amended PC-19 Development Plan is complementary to the surrounding development, including the development standards and allowed uses of the adjoining PC-56 (North Newport Center Planned Community) Zoning District;

WHEREAS, the proposed amendment to the PC-19 Development Plan would apply appropriate site and Project-specific setbacks, intensity, and height limits to the Project given the site's urban location and all required parking is provided on site. The Property is currently fully developed and does not support any natural resources. All potential environmental impacts associated with the Project are appropriately addressed through standard building permit procedures and the mitigation measures identified in the EIR addendum;

WHEREAS, the future development of the Property affected by the proposed amendments will be consistent with the goals and policies of the Land Use Element of the General Plan; and will be consistent with the purpose and intent of the PC-19 Development Plan; and

WHEREAS, Section 20.30.060(C)(3) (Height Limits and Exceptions, Required Findings) of the NBMC, requires findings A through D to be made to adopt a Planned Community District with an increase in the height of the structure above the previous base height limit:

Finding:

- A. *The Project Applicant is providing additional project amenities beyond those that are otherwise required. Examples of project amenities include, but are not limited to:*
- i. Additional landscaped open space;*
 - ii. Increased setback and open areas; and*
 - iii. Enhancement and protection of public views; and*

Facts in Support of Finding:

1. The building design provides a high level of design with open space, landscape, residential amenities, and building setbacks that are similar or greater than those required on adjoining properties. The Project provides 15,487 square feet of landscaped area on-site and extensive common open space amenities including outdoor seating areas, raised gardens and vegetable planters, bocce ball court, outdoor kitchen, dog park, and putting green.
2. The Project provides setbacks ranging from 36 feet along the northern property nearest to residential uses up to 94 feet at the San Clemente Drive street frontage.
3. The Project does not inhibit designated public view points or coastal view corridors as identified in Figure NR3 of the General Plan. The nearest coastal view road occurs to the southwest along Jamboree Road and views are oriented toward the ocean. The Project will not be visible from this location. Further, the proposed building will fit into the height and architectural context of other office buildings and development in the Newport Center area.

Finding:

- B. The architectural design of the project provides visual interest through the use of light and shadow, recessed planes, vertical elements, and varied roof planes;*

Facts in Support of Finding:

1. The Project provides high quality architectural materials on the building façade including smooth-coat plaster walls, natural travertine stone, vinyl windows, metal railings, and window trims.
2. The building is designed in an L-shape with a porte-cochère located at the primary building entrance along San Clemente Drive. This feature enhances the building entry and provides visual interest at the most visible building façade.
3. Juliet balconies for each unit will provide visual interest and building articulation throughout the building.
4. The building style is complementary to surrounding office buildings in Newport Center and the façade is architecturally modeled after the office building located at 888 San Clemente Drive.

5. The building's roofline provides a roof screen and mechanical wells to adequately screen unsightly equipment and provide architectural variation at the exterior elevations.

Finding:

- C. *The increased height will not result in undesirable or abrupt scale changes or relationships being created between the proposed structure(s) and existing adjacent developments or public spaces. Where appropriate, the proposed structure(s) provides a gradual transition to taller or shorter structures on abutting properties; and*

Facts in Support of Finding:

1. The proposed building height of 68 feet 8 inches is comparable to surrounding building heights of 61 feet 9 inches at 888 San Clemente Drive, 65 feet at the Villas Fashion Island, 80 feet at Pacific Life (700 Newport Center Drive), and 125 feet at 800 Newport Center Drive. Further, these buildings allow an additional 10 feet for architectural appurtenances, consistent with the proposed building height for the Project.
2. The Project height is cohesive with surrounding building heights particularly given the site's grade elevations along San Clemente Drive, which range from 165 feet up to 189 feet. The proposed Project would be measured from the building entrance elevation at 181 feet.

Finding:

- D. *The structure will have no more floor area than could have been achieved without the approval of the height increase."*

Facts in Support of Finding:

1. The existing PC-19 (San Joaquin Plaza Planned Community) text does not establish a floor area limit for the subject properties since it is currently designated for private institutional land uses. The amended PC-19 text will establish a floor area consistent with the proposed building area (approximately 184,000 square feet).

2. The proposed floor area could be achieved within the current 65 foot height limit if the building footprint was enlarged. The proposed design with additional height affords additional site area to provide code-required parking, circulation, and open space amenities to serve the Project.

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

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

Section 2: The City Council hereby approves Planned Community Development Plan Amendment No. 2018-001 as depicted in Exhibit A, attached hereto and incorporated herein by reference, to change the San Joaquin Plaza PC land use designation from Civic/Cultural/Professional/Office to Senior Housing/Convalescent Facility/Ancillary Uses and revise the development standards to accommodate the proposed residential development.

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

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

Section 5: The Museum House Project Final EIR (SCH No. 2016021023) was prepared for the project in compliance with the California Environmental Quality Act ("CEQA") as set forth in California Code of Regulations, Title 14, Division 6, Chapter 3, and City Council Policy K-3. By Resolution No. 2016-126, the City Council, having final approval authority over the project, adopted and certified as complete and adequate the Museum House Project Final EIR (SCH No. 2016021023) and approved "Mitigation Monitoring and Reporting Program." Resolution No. 2016-126 is hereby incorporated by reference.

Section 6: The Vivante Senior Housing Environmental Impact Report Addendum (EIR Addendum) (SCH No. 2016021023) was prepared for the Project in compliance with CEQA, the State CEQA Guidelines, and City Council Policy K-3. By Resolution No. 2019-74, the City Council having final approval authority over the Project, adopted and certified as complete and adequate the Vivante Senior Housing Project Final Environmental Impact Report Addendum (SCH No. 2016021023) and adopted "Mitigation Monitoring and Reporting Program." Resolution No. 2019-74 is hereby incorporated by reference.

Section 7: Except as expressly modified in this ordinance, all other Sections, Subsections, terms, clauses and phrases set forth in the NBMC shall remain unchanged and shall be in full force and effect

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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 was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 13th day of August, 2019, and adopted on the 10th day of September, 2019, by the following vote, to-wit:

AYES, COUNCILMEMBERS _____

NOES, COUNCILMEMBERS _____

ABSENT COUNCILMEMBERS _____

DIANE B. DIXON, MAYOR

ATTEST:

LEILANI I. BROWN, CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY

Exhibit A: PC-19 (San Joaquin Plaza Planned Community Development Plan)

Exhibit “A”

PC-19 (San Joaquin Plaza Planned Community Development Plan)

**San Joaquin Plaza
Planned Community Development Plan
(PC 19 Amendment No. 8)**

**Land Uses, Development Standards &
Procedures**

Ordinance No. 1649, Amendment No. 455, December 22, 1975

Ordinance No. 2007-20, PC Resolution No. 1739, Amendment No. PD2007-003 (PA2007-151)

Ordinance No. 2019-__, Amendment No. PC2018-001 (PA2018-185), September 10, 2019

**San Joaquin Plaza Planned Community Development Plan
(PC 19 Amendment No. 8)**

Land Uses, Development Standards & Procedures

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San Joaquin Plaza PC Development Plan
Amendment No. 8

I. Introduction

A. Introduction, Purpose, and Intent of this Development Plan

The San Joaquin Plaza Planned Community District (PC-19) (the “San Joaquin Plaza PC District”) for the City of Newport Beach is part of the Newport Center Development in conformance with the Newport Beach General Plan (the “General Plan”). 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 a variety of housing development within Newport Center.

As shown on Figure 1, the San Joaquin Plaza PC District is located in the north end of Newport Center where the concentration of building height and mass is greatest. It is generally bounded by Santa Cruz Drive on the east, San Clemente Drive to the south, and Santa Barbara Drive to the west. Surrounding uses include a parking structure to the east, office buildings and a parking structure to the west, residential apartments to the north, and office and residential apartments to the south across San Clemente Drive. The Fashion Island regional mall is approximately ¼ mile to the south. The purpose of the San Joaquin Plaza PC District is to ensure consistency with General Plan policies related to development scale in Newport Center and expectations for high quality development.

This San Joaquin Plaza PC Development Plan (as hereby amended, this “Development Plan”) provides land use and development standards for the subject properties located at 850 San Clemente Drive and 856 San Clemente Drive. This Development Plan supersedes the existing San Joaquin Plaza PC Development Plan in its entirety, including the land use and development standards therein. The specifications of this Development Plan are intended to provide flexibility in both the land use and development standards for the planned buildings.

B. Relationship to the Municipal Code

Whenever the development regulations of this Development Plan conflict with the regulations of the City of Newport Beach Municipal Code (the “Municipal Code”), the regulations contained in this Development Plan shall prevail. The development regulations of the Municipal Code shall apply with respect to those regulations not addressed by this Development Plan. All words and phrases used in this Development Plan shall have the same meaning and definition as used in the Municipal Code unless defined differently in Section IV (Definitions) of this Development Plan.

C. San Joaquin Plaza Statistical Analysis

The San Joaquin Plaza PC District area consists of the following two (2) existing buildings located on the following two (2) adjoining parcels (however, this Development Plan allows for such adjoining parcels to be combined into a single parcel for development purposes):

Building 1 (850 San Clemente Drive) on Parcel 1

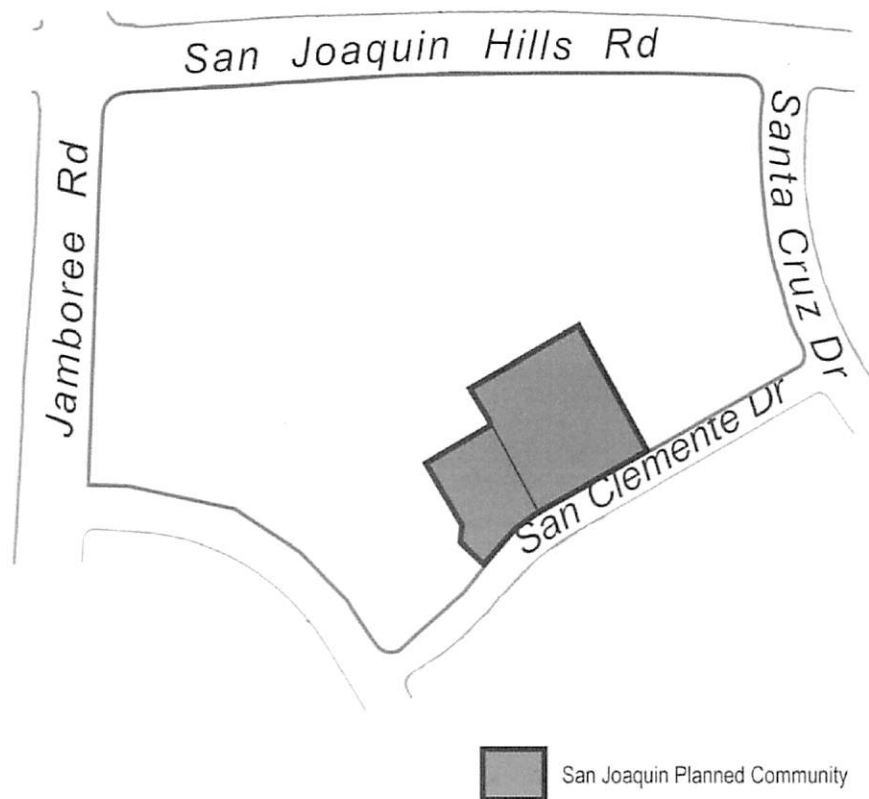
- Existing Use: Orange County Museum of Art Exhibition Space (23,632 Square Feet)
- Parcel Size: 1.996 acres

Building 2 (856 San Clemente Drive) on Parcel 2

- Existing Use: Orange County Museum of Art Galleries Administrative Offices and Storage (13,935 Square Feet)
- Parcel Size: 0.910 acres

Total combined Land Parcels consisting of 2.91 acres

D. Figure 1 - San Joaquin Plaza Planned Community Area Location Map



II. Land Uses and Development Regulations

A. Permitted Uses

1. General

The specific uses listed in Section II.A.2 below are permitted under this Development Plan. In addition, uses determined to be either accessory or ancillary to such permitted uses, or Support Uses to such permitted uses, are also permitted under this Development Plan. In addition, the Community Development Director may determine other uses not specifically listed herein, provided they are consistent with the Mixed- Use Horizontal (MU-H3) Land Use designation.

2. San Joaquin Plaza

a. Senior Housing (with or without congregate care), which may include a development which is licensed by the State of California as a residential care facility for the elderly ("RCFE"). Such Senior Housing may include independent, assisted-living, and/or memory care units for persons 60 years of age or older.

b. Convalescent Facility (with or without congregate care), which may include a development which is licensed by the State of California as a RCFE. Such Convalescent Facility may include assisted-living care and/or memory care units.

c. Uses that are accessory or ancillary to the foregoing permitted uses, including Support Uses for Senior Housing, are also permitted. These include, but are not limited to, the following:

- i. Lobby
- ii. Club Rooms
- iii. Bowling alley
- iv. Fitness Center
- v. Business Services
- vi. Rooftop Lounge
- vii. Salon/Spa
- viii. Commercial Kitchen & Dining Hall with ancillary on-site sale alcohol service (Type 47/57 or similar license)
- ix. Laundry
- x. Conference Rooms & Admin Offices
- xi. Pool
- xii. Putting Green
- xiii. Bocce Ball Court
- xiv. Dog Park
- xv. Raised Herb Gardens
- xvi. Similar resident serving uses

d. Telecommunications facilities are permitted in accordance with Chapter 20.49 (Wireless Telecommunications Facilities) of the NBMC.

e. Land uses that are not listed above are not allowed, except as provided by Chapter 20.12 (Interpretation of Zoning Code Provisions) of the NBMC or as required by State Law.

f. Temporary uses may be allowed only upon approval of a limited term permit pursuant to Section 20.52.040 (Limited Term Permits) of the NBMC.

B. Development Limits

1. General

The following development limits in this Development Plan are consistent with those established by the General Plan:

2. San Joaquin Plaza

Up to 90 Senior Housing units are permitted within the San Joaquin Plaza PC District. Senior Housing units, associated common areas, and ancillary uses are measured on a per unit basis and not by gross floor area. Senior Housing units are comprised of separate or independent living areas for one or more persons, with area or equipment for sleeping, sanitation, and food preparation.

Up to 16,000 square feet of Convalescent Facilities or other non-residential uses (excluding Senior Housing units and associated common areas and ancillary uses) are permitted within the San Joaquin Plaza PC District. Convalescent Facilities and other non-residential uses (excluding Senior Housing units and associated common areas and ancillary uses) are measured by gross floor area.

C. Transfer of Development Rights

Development limits may be modified through the approval of a Transfer of Development Rights. The transfer of development rights among the San Joaquin Plaza PC District and to/from other areas in the Newport Center/Fashion Island District identified in the General Plan is allowed in accordance with Policy LU 6.14.3 of the General Plan and this Development Plan. The transfer of development rights shall be approved, as specified in the General Plan.

III. Site Development Standards

A. Site Setbacks

- | | |
|--|-------|
| a. San Clemente Drive | 15'0" |
| b. East Property Line (Adjacent to Parking Garage) | 5'0" |

- | | |
|---|------|
| c. North Property Line (Adjacent to San Joaquin Apartments) | 5'0" |
| d. West Property Line | 5'0" |

Note: Carports, site walls, trash or generator enclosures, and parking spaces shall not be subject to any setback requirements.

B. Senior Housing Open Space Requirements

The following open space standards shall apply to Senior Housing:

1. Common Outdoor Open Space

The project shall provide a minimum of 5 percent common outdoor open space based on the lot area (6,330 square feet minimum). The project shall provide common outdoor open space either at grade, podium level, common level within the building or roof level. Qualifying common outdoor open space areas shall have a minimum horizontal 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 space must be accessible to all residents.

2. Common Indoor Open Space

The project shall provide at least one community room of at least 500 square feet for use by residents of the project. The area should be located adjacent to, and accessible from, common access point. This area may contain active or passive recreational facilities or meeting space and must be accessible through a common corridor.

3. Private Open Space

At least 40 percent of all units shall provide private open space, on a balcony, patio, or roof terrace. Private open space shall be a minimum of 30 square feet 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.

C. Parking

Off-street parking for Senior Housing units shall be provided at a ratio of not less than 1.2 parking spaces per unit. Ancillary uses, such as lobbies, club rooms, fitness center, business services, amenities and building services shall not require additional parking as they support the primary operations of the Senior Housing community and its residents.

Off-street parking for Convalescent Facilities (Memory Care) shall be provided at a ratio of not less than one (1) parking space per three beds.

D. Floor Area Ratio

- | | |
|-------------------------------------|---------------------|
| a. Allowable Floor Area Ratio (FAR) | 1.5:1 FAR |
| b. Lot Area | 126,600 Square Feet |
| c. Allowable Floor Area | 189,900 Square Feet |

E. Lot Coverage

Lot Coverage is the percentage of the site area.

- | | |
|----------------------------------|--------------------|
| a. Minimum Lot Area | 39,639 Square Feet |
| b. Allowable Lot Coverage is 25% | |
| c. Minimum Lot Width | 150 Feet |

F. Permitted Height of Structures

The maximum Building Height of all buildings shall be 69 feet as measured from Finished Grade to the top of primary structure (top of ceiling above highest occupiable living space). Finish Grade is defined as the elevation point of the main building entry point at ground floor in relation to mean sea level.

G. Rooftop Appurtenances

Rooftop Appurtenances are permitted above the primary structure and may exceed the maximum Building Height by up to 10 feet (79 feet maximum). Rooftop Appurtenances must be screened from public 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. Additional setbacks on the roof are not required.

H. Architectural Features

Architectural Features are permitted above the primary structure and may exceed the maximum Building Height by up to 10 feet (79 feet maximum). Such features must be an extension of the architectural style of the building in terms of materials, design and color.

I. Site Walls, Retaining Walls, Garage Walls and Mechanical Screens

- a. Site Walls
 - i. Site walls shall not exceed 8'0" from Finish Grade.
- b. Retaining Walls
 - i. Interior: The height of a retaining wall that faces interior to the project must not exceed 12'0" from Finish Grade to top of wall. A 42-inch guardrail is allowed above the wall where it is necessary for building and safety.
 - ii. Exterior: Retaining walls that face exterior to adjacent properties and San Clemente Drive at property lines are limited in height to 12'0" from Finish

- Grade not including handrail conditions that may be required above these walls. These handrail requirements may be formed by the retaining wall.
- c. Garage walls that are exposed will be treated as architectural building façade.
 - d. Mechanical screens will be allowed to be of sufficient height to provide coverage of equipment from public view. Required grills, louvers, vents and other functional requirements of building equipment will, to the extent practical, be incorporated into the building architecture. Ground-mounted mechanical screens shall not exceed 12 feet in height. Mechanical equipment shall comply with the noise standards of the City of Newport Beach Municipal Code.

J. Refuse Collection

The Senior Housing and Convalescent Facility shall provide a minimum of 384 square feet of trash area. The trash area shall provide a dedicated area with three walls, a gate, and a solid roof cover with a drain to the sewer system in accordance with the requirements of [Section 20.30.120 \(Solid Waste and Recyclable Materials Storage\)](#) of the City of Newport Beach Municipal Code. All storage of cartons, containers, and trash shall be shielded from view within a building or within an area enclosed by a wall not less than 6 feet in height.

K. Landscaping

Refer to the landscape standards within the City of Newport Beach Municipal Code.

L. Lighting

Refer to the lighting standards within the City of Newport Beach Municipal Code.

M. Signs

1. General Sign Standards

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 City of Newport Beach Municipal Code.

2. Prohibited Sign Types

Signs visible from public rights-of-way are prohibited as follows:

- a. Rotating, flashing, blinking or signing with animation on a permanent basis are prohibited.
- b. Signs that imitate or resemble official traffic signs or signals are prohibited.
- c. Wind signs or audible signs are prohibited.

- d. Any other sign types identified in the City of Newport Beach Municipal Code as prohibited are also prohibited hereunder.

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

3. Sign Standards San Joaquin Plaza

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. 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 sign is recommended.

Table 2 – Sign Standards for San Joaquin Plaza

Sign Type	Description	Location	Maximum Number/Area	Maximum Letter/ Logo Height
A	Entry columns or ground mounted signs in front of landscaping.	Project entry at San Clemente (minimum 5-foot setback from front property line)	4/100 square feet each	36 inches (6-foot maximum overall height clear of sight-distance areas)
B	Building sign	On building elevation or awning	1 Primary/150 square feet and 4 Secondary/100 square feet each	Primary 48 inches Secondary 36 inches
C	Building address	On building elevation	4 (additional address signs may be located where appropriate for in-site orientation)/50 square feet each or as otherwise	4 inches minimum as required by Fire Department and 24 inches maximum

			required by Fire Department	
D	Advisory signs	Entry to service	As appropriate for safety and orientation/25 square feet	As required by Fire Department or Building Code for Safety purposes

4. Temporary Signs

Temporary signs are permitted in accordance with the Newport Beach Municipal Code.

N. LEED Certification

The project shall be designed to meet the criteria of LEED Certification as based on LEED's prototype points and scorecard rating system.

O. Construction and Utility Requirements

1. Archaeological/Paleontological

Grading of the site is subject to the provisions of the City Council Policies K-4 & K-5 regarding archaeological and paleontological resources and Mitigation Measures as adopted in the EIR addendum Mitigation Monitoring and Reporting Program (MMRP).

2. Building Codes

Construction shall comply with applicable provisions of the California Building Code and the various other mechanical, electrical and plumbing codes related thereto as adopted by the Municipal Code.

3. Grading

Grading and excavation of the project shall be conducted and undertaken in a manner both consistent with grading manual standards and ordinances of the City of Newport Beach, in accordance with a grading and excavation plan approved by the City of Newport Beach Building Division, and in accordance with Mitigation Measures as adopted in the EIR addendum Mitigation Monitoring and Reporting Program (MMRP).

4. Telephone, Gas and Electrical Service

All “on-site” gas lines, electrical lines and telephone lines shall be placed underground. Unless prohibited by the utility company, transformer or terminal equipment shall be visually screened from view from streets and adjacent properties.

5. Sewage Service

Any new and upgraded on and off-site sewer lines shall be designed in accordance with the Utilities Department Director’s approval.

6. Storm Water Management

This project shall adhere to the Water Quality Management Plan (WQMP) approved in conjunction with the issuance of building permits. Drainage and water quality assurance measures will be implemented as per the City Public Works and Municipal Separate Storm Sewer System (MS4) requirements. Development of the property will be undertaken in accordance with the flood protection policies of the City.

7. Water Service

Water service to the site will be provided by the City of Newport Beach and is subject to applicable regulations, permits and fees as prescribed by the City. The project shall provide the infrastructure for Fire Protection Water Service and Domestic water.

IV. Definitions

All words and phrases used in this Development Plan shall have the same meaning and definition as used in the Municipal Code unless defined differently in this section.

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

Architectural Features: Architectural features include, but are not limited to, any extension of the architectural style of the building in terms of materials, design and color that may exceed the building height. Examples include: Roof overhangs, brackets, cornices, eaves, belt courses, ornamental moldings, pilasters, and similar features.

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

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

Building Height: The height of a building as measured from the exterior finished grade to the roof of the highest occupied space. If the building is on a sloping surface, the height measurement is taken from the main building entrance.

Convalescent Facility: An age-restricted area or facility (with or without medical professional staffing) designed and intended for persons ages 60 years and older with memory care needs. A Convalescent Facility may be licensed by the State of California as a Residential Care Facility for the Elderly, may include the provision of congregate care, and may offer services and assistance with activities of daily living, such as bathing, dressing, eating, toileting, ambulating, assistance with medications, housekeeping, scheduling of medical and dental appointments, accessing community resources and transferring to outside facilities.

Finish Grade: The elevation point of the main building entry point at ground floor in relation to mean sea level.

Floor Area, Gross: The gross floor area 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 from gross floor area are covered porches, space below building entry or basement, parking, walkways, loading docks, service tunnels, mechanical shafts, and mechanical spaces which are inaccessible to tenants.

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.

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

Rooftop Appurtenance: A rooftop structure, equipment or element servicing or appurtenant to a building, including, but not limited to, mechanical equipment, mechanical equipment screens,

stairwell and elevator shaft housing, antennae, window washing equipment, and wireless communication facilities.

Senior Housing: An age-restricted residential development designed and intended for persons ages 60 years and older. Such development may include the provision of congregate care services for independent, assisted-living, or memory care residents. Senior housing units are comprised of separate or independent living facilities for one or more persons, with area or equipment for sleeping, sanitation, and food preparation. Additionally, a Senior Housing development may be licensed by the State of California as a Residential Care Facility for the Elderly.

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

Support Uses: Uses within Senior Housing developments and parking structures designed, oriented, and intended to primarily serve building occupants. This includes uses such as dry cleaners, coffee vendors, and sundry shops.

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.

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

V. Site Development Review

The purpose of the Site Development Review (SD) process is to ensure that any new development proposal within the Development Plan, Amendment No. 8) is consistent with the goals and policies of the General Plan and the provisions of the PC-Text. Prior to the issuance of building permits for development, a SD application shall be required in accordance with [Section 20.52.080 \(Site Development Reviews\)](#) of the Newport Beach Municipal Code. The submitted site plans and elevations shall be part of this application.