



**CITY OF NEWPORT BEACH
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Memorandum

To: Planning Division Staff
From: Jaime Murillo, Senior Planner
Date: December 18, 2013
Re: Allowable height of freestanding fireplaces and barbeques when located within
Planned Community Districts

For Planned Community Development Plans that do not include provisions related to the encroachment of freestanding fireplaces and barbeques into setback areas, it has been determined that such improvements may be permitted in setback areas, consistent with the provisions of Section 20.30.110.D.8 of the Zoning Code. However, consistent with the intent of the Zoning Code Section, the height of such structures may be increased consistent with the allowed height of fences and walls permissible under the applicable Planned Community Development Plan.

For example, if a Planned Community Development Plan allows for 8-foot-high fences and walls located within side and rear setbacks, a freestanding fireplace may also be constructed at a height of 8 feet.

AERONUTRONIC FORD

PLANNED COMMUNITY DISTRICT REGULATIONS

Adopted September 9, 1979
Ordinance No. 1807
Amendment No. 542;
Amended March 9, 1981
Resolution No. 9986
Amendment No. 559;
Amended October 13, 1981
Resolution No. 11064
Amendment No. 564;
Amended October 24, 1983
Resolution No. 83-110
Amendment No. 591;
Amended July 10, 1995
Resolution No. 95-89
Amendment No. 800;
Amended July 22, 1996
Resolution No. 96-59
Amendment No. 848;
Amended September 28, 1998
Ordinance No. 98-22
Amendment No. 879
Amended October 24, 2006
Ordinance No. 2006-022
Amendment No. 2006-004(PA2006-173)

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INTRODUCTION

The Aeronutronic Ford (Planned Community) District for the City of Newport Beach is in conformance with the Newport Beach General Plan.

The purpose of these Planned Community (PC) District Regulations is to establish the zoning classification and development standards for the subject property. These regulations will prevail over regulations contained in the City's general zoning ordinance. Where these regulations are silent with respect to a particular development standard, however, the provisions of the general zoning ordinance shall control.

These Regulations were originally adopted on September 9, 1979, by Ordinance No. 1807. Since then, the Regulations have been amended several times to reflect changing development concepts and, ultimately, a major change in permitted use. On July 10, 1995, the Regulations were amended to eliminate the historic research and development uses conducted on this site. That amendment changed the permitted use of Planning Area 4 (consisting of Sub-areas 4A, 4B, 4C, 4D, and 4E) of the site to residential and ancillary uses. The amendment dated July 22, 1996 reflects further refinements in the residential concept for Planning Area 4. Nothing contained in this latest amendment should be construed to alter the provisions of these Regulations with respect to any Planning Area other than Planning Area 4.

SECTION I - STATISTICAL ANALYSIS FOR PLANNING AREAS 1, 2, 5, 6, 7, & 8

Note: *The Statistical Analysis for Planning Area 4 and its Sub-areas is set forth in Section IX.*

<u>Type</u>	<u>Area</u>	<u>Gross Acres</u>	<u>PM Net Acres</u>	<u>Buildable Acres</u>	<u>Maximum DU</u>
Planning Areas	1	18.6	16.2	12.3	50
	2	18.6	17.5	12.7	54
	5	33.0	26.0	17.3	48
	6	15.1	14.4	10.4	54
	7	17	16.0	11.6	56
	8	<u>12</u>	<u>11.5</u>	<u>8.5</u>	<u>168</u>
	Subtotal	114.3	101.6	72.8	430

PERCENTAGE OF SITE COVERAGE

Planning Area	1, 2, 5, 6, 7	8
Building Footprint	14.6%	28.0%
Parking Areas	21.7%	5.0%
Landscape and Pedestrian Circulation	63.7%	27.0%
Streets		31.5%
Perimeter Open Space		8.5%

SECTION II - GENERAL

Location

The Aeronutronic Ford Planned Community encompasses 215.2 gross acres in the City of Newport Beach. The community is bounded by Bison Avenue on the north, MacArthur Boulevard on the east, Ford Road on the south, and Jamboree Road on the west.

Existing Zoning

The existing zoning is designated PC (Planned Community). The development standards set forth herein will provide for the development of the subject property.

Land Uses

The Aeronutronic Ford Planned Community previously was designated for residential development and for the expansion of Research and Development uses of the existing Ford Aerospace and Communication Corporation. As a result of the most recent amendments to these Regulations, the Planned Community now provides entirely for residential and ancillary uses.

Public Recreation

The City of Newport Beach Park Standards will be met by in-lieu fees.

Private Recreation

Four (4) private recreational areas totaling 1.2 acres will be located within the Planning Areas 1, 2, 5, 6, 7 and 8. Facilities included in these private recreational areas will include a minimum of four (4) swimming pools, four (4) jacuzzis and associated recreational buildings. Private recreational facilities, open and/or structured, within the development boundaries shall be maintained and operated by the Community Associations.

One or more additional private recreation areas are allowed in Planning Area 4.

SECTION III - GENERAL NOTES

1. Water Service

Water service to the Planned Community District will be provided by the City of Newport Beach.

2. Sewage Disposal

Sewage disposal service facilities to the Planned Community will be provided by the City of Newport Beach, Orange County Sanitation District No. 5, or Irvine Ranch Water District, as per agreement (May 14, 1980).

3. Flood Protection

Development of the subject property will be undertaken in accordance with the flood protection policies and requirements of the City of Newport Beach.

4. Grading

Grading and erosion control shall be carried out in accordance with the provisions of the City of Newport Beach Grading Ordinance and shall be subject to permits issued by the Building and Planning Departments.

5. Zoning Ordinance Compliance

Except as otherwise stated in these Regulations or a Development Agreement for Planning Area 4, the requirements of the Newport Beach Zoning Ordinance shall apply.

6. Building Code Compliance

The contents of this text notwithstanding, all construction within the Planned Community boundaries shall comply with all provisions of the Uniform Building Code and the various mechanical codes related thereto.

7. Parking Lot Lighting

All new parking lot lighting shall be subject to the review and approval of the Planning Director.

8. Archaeological/Paleontological Resources

Prior to the issuance of grading permits, the site shall be examined to determine the existence and extent of archeological and paleontological resources in accordance with adopted policies of the City of Newport Beach.

9. Public Health and Safety Requirements (Planning Area 4)

The Ford Motor Land Services Corporation or its successor shall comply with all requirements and mitigation measures related to public health and safety as described in Final EIR No. 153 for Planning Area 4.

10. Development Agreement (Planning Area 4)

During the term of any Development Agreement applicable to Planning Area 4, the provisions of that Development Agreement shall determine the ordinances, resolutions, policies, and other local laws applicable to the development of Planning Area 4. Where there is an inconsistency between the terms of these Regulations and the Development Agreement, the terms of the Development Agreement shall prevail.

SECTION IV - DEFINITIONS

The following definitions shall apply to the development of all Planning Areas except Planning Area 4 of the Aeronutronic Ford Planned Community. Definitions for Planning Area 4 are contained in Section IX.

1. Gross Acreage shall mean the entire site area within the project boundary plus the centerline of the perimeter streets excluding MacArthur Boulevard, in which case the boundary line extends to the existing right of way line which is the Newport Beach City boundary. This acreage is the area within the boundaries of the Tentative Subdivision Map.
2. Parcel Map Net Area shall mean the entire area within the project boundary excluding previously dedicated perimeter streets.
3. Buildable Acreage shall mean the entire site area within the project boundary excluding streets, park dedication, areas with existing natural slopes greater than 2:1, and natural flood plains.
4. Cluster Unit Development shall mean a combination or arrangement of attached or detached dwellings and their accessory structures on contiguous or related building sites where the yards and open spaces are combined into more desirable arrangements or open spaces and where the individual sites may have less than the required average for the district but the density of the overall development meets the required standard.
5. Conventional Subdivision on a Planned Community Concept shall mean a conventional subdivision of detached dwellings and their accessory structures on individual lots where the lot size may be less than the required average for the district but where the density for the entire subdivision meets the required standards and where open space areas are provided for the enhancement and utilization of the overall development.

SECTION V - ATTACHED RESIDENTIAL/AREA 1, 6, 7

These areas are intended to provide residential housing and related community facilities.

A. Uses Permitted

1. Cluster unit developments, as defined in Section IV, Definitions.
2. Single family dwellings attached or detached.
3. Conventional subdivisions on a Planned Community Concept, as defined in Section IV, Definitions.
4. Custom Lots.
5. Condominiums/Townhomes.
6. Temporary model complex and appurtenant uses.
7. Community Recreational facilities.
8. Signs (as provided in Section XI of this Planned Community Text).
9. Security Gates and/or Guard Houses.

B. Development Standards

1. Maximum Height Limits
 - a. All buildings shall not exceed a maximum ridge height of 37 feet or an average height of 32 feet.
 - b. Chimneys and vents shall be permitted as set forth in section 20.02.060 of the Municipal Code.

2. Setbacks from Public Streets

A minimum setback of 15 feet shall apply to all structures other than garages adjacent to public streets; except that balconies and patios may encroach six (6) feet into the required setback.

Architectural features such as but not limited to cornices, eaves, and wingwalls may extend two and one-half (2 ½) feet into the required setback from a public street.

Setbacks shall be measured from the ultimate right-of-way line.

3. Setbacks from Other Property Lines and Structures

- a. A minimum front yard setback of five (5) feet shall be required. This setback shall be measured from the back of curb or in the event that sidewalks are constructed, from back of sidewalk.
- b. All main residential structures shall be a minimum of eight feet apart. This shall be measured from face of finished wall to face of finished wall.
- c. Detached garages shall be separated from main residential structures a minimum of eight (8) feet. This also shall be measured from face of finished wall to face of finished wall.
- d. Two car garages with direct access shall be setback from five (5) to seven (7) feet average or a minimum average of twenty (20) feet measured from back of curb, or in the event that sidewalks are constructed, from back of sidewalk. A minimum of eighteen (18) feet measured from back of curb, or in the event that the sidewalk shall be permitted with roll-up or other type garage doors approved by the City Traffic Engineer. Additional garage spaces need not meet the above criteria.

4. Fences, Hedges and Walls

Fences shall be limited to a maximum height of eight (8) feet. When there is a grade difference between properties, fences shall be limited to a maximum of 8 feet, plus the amount of the grade differential between properties, except within the front yard setback where fences, hedges and walls shall be limited to six (6) feet. Wing walls, where an extension of a residential or accessory structure is to be constructed may be eight (8) feet in height. At street intersections, no such appurtenance shall exceed two (2) feet in height measured from curb height within the triangle bounded by the right-of-way lines and a connecting line drawn between points thirty (30) feet distant from the intersection of the right-of-way lines prolonged.

5. Trellis

Open trellis and beam construction shall be permitted to attach the garage to the dwelling structure and may also extend from the dwelling to within three (3) feet of the side or rear property lines. In side yards, the maximum height shall be eight (8) feet.

Trellis areas shall not be considered in calculating lot area coverage; however, trellis areas shall not exceed 25 percent of the remaining open space of a developed lot. Trellis and beam construction shall be so designed as to provide a minimum of 50 percent of the total trellis area as open space for the penetration of light and air to the covered area.

6. Architectural Features

Architectural features such as but not limited to cornices, eaves, and wing walls may extend two and one-half (2 ½) feet into any front, side or rear yard setback.

7. Parking

A minimum of 3.0 parking spaces per unit shall be required. One of the required spaces may be permitted on the driveway of the residence, providing that said driveway has a minimum depth of twenty (20) feet or eighteen (18) feet with roll-up or other type garage doors approved by the City Traffic Engineer, measured from back of curb, or in the event that sidewalks are constructed, from back of sidewalk. In addition to driveway parking spaces, a minimum of 0.5 guest parking spaces may be provided on-street or in the bays, and their location shall be reviewed and approved by the Planning Director and the City Traffic Engineer.

8. Maximum Site Area Coverage

The maximum site coverage permitted shall be fifty (50) percent of the net site area. For purposes of this Planned Community, site coverage shall include all areas under foot but shall not include trellis areas.

SECTION VI - ATTACHED RESIDENTIAL/AREA 8

These areas are intended to provide residential housing and related community facilities.

A. Uses Permitted

1. Cluster unit developments, as defined in Section IV, Definitions.
2. Single family dwellings attached or detached.
3. Conventional subdivisions on a Planned Community Concept, as defined in Section IV, Definitions.
4. Custom Lots.
5. Temporary model complex and appurtenant uses.
6. Community Recreational facilities.
7. Signs (as provided in Section XI of this Planned Community Text).
8. Security Gates and/or Guard Houses.

B. Uses Permitted Subject To A Use Permit

1. Condominium and townhome dwellings.

C. Development Standards

1. Maximum Height Limits

- a. All buildings shall not exceed a maximum ridge height of 37 feet or an average height of 32 feet.
- b. Chimneys and vents shall be permitted as set forth in section 20.02.060 of the Municipal Code.

2. Setbacks from Public Streets

A minimum setback of 15 feet shall apply to all structures other than garages adjacent to public streets; except that balconies and patios may encroach six (6) feet into the required setback.

Architectural features such as but not limited to cornices, eaves, and wingwalls may extend two and one-half (2 ½) feet into the required setback from a public street.

Setbacks shall be measured from the ultimate right-of-way line.

3. Setbacks from Other Property Lines and Structures

- a. A minimum first-story, front yard setback of five (5) feet shall be required. This setback shall be measured from the back of curb or in the event that sidewalks are constructed, from back of sidewalk. The second story front

may be constructed adjacent to the back of curb or in the event that sidewalks are constructed, adjacent to back of sidewalk.

- b. All main residential structures shall be a minimum of eight (8) feet apart. This shall be measured from face of finished wall to face of finished wall.
- c. Detached garages shall be separated from main residential structures a minimum of eight (8) feet. This also shall be measured from face of finished wall to face of finished wall.
- d. Two car garages with direct access shall be setback from five (5) to seven (7) feet average or a minimum average of twenty (20) feet measured from back of curb, or in the event that sidewalks are constructed, from back of sidewalk. A minimum of eighteen (18) feet measured from back of curb, or in the event that the sidewalk shall be permitted with roll-up or other type garage doors approved by the City Traffic Engineer. Additional garage spaces need not meet the above criteria.

4. Fences, Hedges and Walls

Fences shall be limited to a maximum of eight (8) feet. When there is a grade difference between properties, fences shall be limited to a maximum of 8 feet, plus the amount of the grade differential between properties, except within the front yard setback where fences, hedges and walls shall be limited to six (6) feet. Wing walls, where an extension of a residential or accessory structure is to be constructed may be eight (8) feet in height. At street intersections, no such appurtenance shall exceed two (2) feet in height measured from curb height within the triangle bounded by the right-of-way lines and a connecting line drawn between points thirty (30) feet distant from the intersection of the right-of-way lines prolonged.

5. Trellis

Open trellis and beam construction shall be permitted to attach the garage to the dwelling structure and may also extend from the dwelling to within three (3) feet of the side or rear property lines. In side yards, the maximum height shall be eight (8) feet.

Trellis areas shall not be considered in calculating lot area coverage; however, trellis areas shall not exceed 25 percent of the remaining open space of a developed lot.

Trellis and beam construction shall be so designed as to provide a minimum of 50 percent of the total trellis area as open space for the penetration of light and air to the covered area.

6. Architectural Features

Architectural features, such as but not limited to cornices, eaves, and wing walls may extend two and one-half (2 ½) feet into any front, side or rear yard setback.

7. Parking

A minimum of 2.0 parking spaces per unit shall be required. Guest parking shall be cluster with a minimum of two spaces per cluster.

8. Maximum Site Area Coverage

The maximum site coverage permitted shall be fifty (50) percent of the net site area. For purposes of this Planned Community, site coverage shall include all areas under foot but shall not include trellis areas.

9. Affordable Housing

The developer will provide 25 per cent of all units above 38 as moderate priced for sale units as defined by the City's Housing Element. All in-lieu park fees, traffic improvement fees and noise wall fees for the affordable units and the previously approved 38 units will be waived.

SECTION VII - DETACHED RESIDENTIAL/AREA 2

This area is intended to provide residential housing and related community facilities.

A. Uses Permitted

1. Single family dwellings.
2. Conventional subdivisions on a Planned Community, as defined in Section IV, Definitions.
3. Custom Lots.
4. Community recreational facilities.
5. Security gates and/or guard houses.
6. Temporary model complex and appurtenant uses.

B. Development Standards

1. Minimum Lot Size.
The minimum lot size permitted shall be 6,000 sq. ft.
2. Maximum Building Height.
All buildings in Areas 2 & 8 shall not exceed a maximum ridge height of 37 feet or an average height of 32 feet.
3. Setbacks
The following setbacks shall apply to all structures excluding garden walls or fences.
 - a. Front Yard
A minimum setback of five (5) feet for the garage and a minimum of ten (10) feet for the dwelling unit shall be maintained. This shall be measured from back of curb, or in the event that sidewalks are constructed, from back of sidewalk.
 - b. Side Yard
Side yard setbacks shall be a minimum of five (5) feet. The Planning Director may approve a zero side yard concept provided that a total of ten (10) feet be provided on the opposite side yard. A zero side yard concept will not be allowed under a custom lot program.
 - c. Rear Yard
A minimum of ten (10) feet shall be maintained for the rear yards.
 - d. Setbacks - Garages
Two car garages with direct access shall be setback from five (5) to seven (7) feet average or a minimum average of twenty (20) feet measured from back of curb, or in the event that sidewalks are constructed from back of sidewalk. A minimum of eighteen (18) feet measured from back of curb, or in the event that sidewalks are constructed, from back of sidewalk shall be permitted with roll-up or other

type garage doors approved by the City Traffic Engineer. Additional garage spaces need not meet the above criteria. A minimum of five (5) feet for side-on garages shall be maintained.

4. Fences, Hedges and Walls

Fences shall be limited to a maximum of eight (8) feet. When there is a grade difference between properties, fences shall be limited to a maximum of 8 feet, plus the amount of the grade differential between properties, except within the front yard setback where fences, hedges and walls shall be limited to six (6) feet. Wing walls, where an extension of a residential or accessory structure is to be constructed may be eight (8) feet in height.

At street intersections, no such appurtenance shall exceed two (2) feet in height measured from curb height within the triangle bounded by the right-of-way lines and a connecting line drawn between points thirty (30) feet distant from the intersection of the right-of-way lines prolonged.

5. Trellis

Open trellis and beam construction shall be permitted to attach the garage to the dwelling structure and may also extend from the dwelling to within three (3) feet of the side or rear property lines. In side yards, the maximum height shall be eight (8) feet.

Trellis areas shall not be considered in calculating lot area coverage; however, trellis areas shall not exceed 25 percent of the remaining open space of a developed lot.

Trellis and beam construction shall be so designed as to provide a minimum of 50 percent of the total trellis area as open space for the penetration of light and air to the covered area.

6. Parking

Parking for residential uses shall be in the form of not less than three (3) parking spaces per dwelling unit.

7. Maximum Site Area Coverage

The maximum site area coverage for any residential lot shall be 60 percent of such lot.

8. Architectural Features

Architectural features, such as but not limited to cornices, eaves, and wing walls may extend two and one half (2 ½) feet into any front, side or rear yard setback.

SECTION VIII - CUSTOM LOT RESIDENTIAL/AREA 5

This area is intended to provide residential housing and related community facilities.

Except as authorized by a General Plan Amendment (GPA), no new residential subdivisions resulting in additional dwelling units are permitted. Lots that have been legally merged through the Subdivision Map Act and City Subdivision Code approvals may be resubdivided to the original underlying legal lots to the extent permitted in the General Plan.

A. Uses Permitted

1. Single Family Dwellings.
2. Conventional subdivisions on a Planned Community, as defined in Section IV, Definitions.
3. Custom Lot.
4. Community recreational facilities.
5. Temporary model complex and appurtenant uses.
6. Tennis Courts.

B. Development Standards

1. Minimum Lot Size.
The minimum lot size permitted shall be 9,000 sq. ft.
2. Maximum Building Height.
All buildings in Areas 5 & 8 shall not exceed a maximum ridge height of 37 feet or an average height of 32 feet.
3. Setbacks

The following setbacks shall apply to all structures excluding garden walls or fences.

- a. Front Yard
A minimum setback of twenty (20) feet for the dwelling unit shall be maintained. This shall be measured from back of curb, or in the event that sidewalks are constructed, from back of sidewalk.
- b. Side Yard
Side yard setbacks shall be a minimum of five (5) feet.
- c. Rear Yard
A minimum of ten (10) feet shall be maintained for the rear yards.
- d. Setbacks - Garages
Two car garages with direct access shall be setback from five (5) to seven (7) feet average or a minimum average of twenty (20) feet measured from back of

curb, or in the event that sidewalks are constructed from back of sidewalk. A minimum of eighteen (18) feet measured from back of curb, or in the event that sidewalks are constructed, from back of sidewalk shall be permitted with roll-up garage spaces need not meet the above criteria. A minimum of five (5) feet for side-on garages shall be maintained.

or other typ

4. Fences, Hedges and Walls

Fences, with the exception of tennis courts, shall be limited to a maximum of eight (8) feet. When there is a grade difference between properties, fences shall be limited to a maximum of 8 feet, plus the amount of the grade differential between properties, except within the front yard setback where fences, hedges and walls shall be limited to six (6) feet. Wing walls, where an extension of a residential or accessory structure is to be constructed may be eight (8) feet in height. At street intersections, no such appurtenance shall exceed two (2) feet in height measured from curb height within the triangle bounded by the right-of-way lines and a connecting line drawn between points thirty (30) feet distant from the intersection of the right-of-way lines prolonged.

5. Trellis

Open trellis and beam construction shall be permitted to attach the garage to the dwelling structure and may also extend from the dwelling to within three (3) feet of the side or rear property lines. In side yards, the maximum height shall be eight (8) feet.

Trellis areas shall not be considered in calculating lot area coverage; however, trellis areas shall not exceed 25 percent of the remaining open space of a developed lot.

Trellis and beam construction shall be so designed as to provide a minimum of 50 percent of the total trellis area as open space for the penetration of light and air to the covered area.

6. Parking

Parking for residential uses shall be in the form of not less than three (3) parking spaces per dwelling unit.

7. Maximum Site Area Coverage

The maximum site area coverage for any residential lot shall be 60 percent of such lot.

8. Architectural Features

Architectural features, such as but not limited to cornices, eaves, and wing walls may extend two and one half (2 ½) feet into any front, side or rear yard setback.

9. Tennis Courts

Tennis courts are allowed and may be within 3' of the rear and side property lines. The courts are permitted fencing up to 12' in height. The courts lighting shall use 27' max height, square tubular and painted posts with 1000 watts metal halide lights in a flat pan fixture. All tennis court lighting shall be designed in such a way as to prevent light from shining directly on the adjacent residential properties and to insure that the lighting does not adversely affect night vehicular traffic along MacArthur Boulevard. All tennis court lighting shall be subject to a use permit.

SECTION IX - ATTACHED / DETACHED RESIDENTIAL / PLANNING AREA 4

A. DEFINITIONS: The following definitions apply to Planning Area 4 only:

1. "Access Drive" refers to a drive, including those owned and/or maintained by a community association, which provides front, side, or rear access to one or more residential lots. An Access Drive is not a Private Street as that term is used within these Regulations. Driveways on a residential lot are not Access Drives.

A "*Primary Access Drive*" refers to an Access Drive, which is designed as the principal means of access to a residential lot.

A "*Rear Access Drive*" refers to an Access Drive, which provides access to a residential lot from the rear of the lot.

2. "Cluster Unit Development" refers to a combination or arrangement of attached or detached dwellings and their accessory structures on contiguous or related building sites where:
 - the open spaces and private yards within a Planning Area or Subarea are combined into more desirable arrangements, greenbelts, or open spaces and
 - individual residential lots have less square footage than the required minimum lot size for the Planning Area or Subarea, but the number of residential units permitted within the Planning Area or Subarea does not exceed the maximum number of units for that Planning Area or Subarea as shown in the Statistical Analysis.
3. "Conventional Subdivision on a Planned Community Concept" refers to a conventional subdivision of detached dwellings and their accessory structures on individual lots where:
 - the lot size of some individual residential lots may be less than the required minimum for the Planning Area or Subarea, but the average lot size for all residential lots within the Planning Area or Subarea equals or exceeds the required minimum lot size and
 - open space areas are provided for the enhancement or utilization of the overall development.
4. "Flag Lot Driveway" refers to an Access Drive which, although having the appearance and function of an extended driveway, is used to provide access to two or more residential units from a Private Street or Access Drive.

5. "Lot Size" refers to the total square footage of a residential lot. The boundaries used to determine the lot size of a residential lot shall be those set forth on the subdivision map. The square footage of a residential lot shall be deemed to include those abutting areas extending to the center line of adjoining Access Drives, even where the Access Drive is shown as a separate lot under common ownership.
6. "Maximum Gross Acres" refers to the maximum number of gross acres, which may be included within any planning Subarea, as shown in the Statistical Analysis for Planning Area 4.
7. A "Private Street" refers to any street within Planning Area 4, which is owned and maintained by the Community Association. While a Rear Access Drive may be owned and maintained by the Community Association, a Rear Access Drive is not a "Private Street" for purposes of these Regulations.
8. "Setback" refers to the minimum distance between a structure on a lot and the closer of (i) the property line, (ii) the back of an adjacent sidewalk, and (iii) the back of an adjacent curb. Where the Development Standards contained in Section C below specify a different standard for the measurement of a "setback," the standard set forth in Section C shall control.

B. Statistical Analysis for Planning Area 4

<u>Subareas</u>	<u>Maximum Gross Acres</u>	<u>Maximum DU</u>
4A	34	286
4B	19	87
4C	11	40
4D	26	119
4E	<u>22</u>	<u>140</u>
	100.5**	450 Max

*** The number of acres reflected in this column represents the maximum that can be included within any specific Sub-area. Sub-area boundaries are intended to be flexible within the maximum acreage identified.*

Note: *The statistics set forth for Planning Area 4 and its Sub-areas are intended to provide flexibility for allocation of residential units between the Sub-areas and to reflect minor adjustments of Sub-area boundaries on subdivision maps recorded as development progresses. The “Maximum DU” column reflects a maximum number of 450 residential units for Residential Area 4, even though the sum of the “Maximum DU” for the individual Sub-areas is much greater than 450. This allows for flexibility in assigning units within the Sub-areas while maintaining an overall cap on the total number of units allowed within Planning Area 4.*

C. Uses Permitted

Planning Area 4 is intended to provide residential housing and related community facilities.

1. Single-family detached subdivisions, subject to approval of a Parking Plan (see Section C.9) and Landscaping Plan, if required (see Section C.12).
2. Custom lot sales and custom homes.
3. Temporary model complexes and appurtenant uses.
4. Signs (as provided in Section XI of this Planned Community Text).
5. Tennis courts, subject to the provisions of Section IX.C.11.
6. Community recreational facilities, subject to the provisions of Section X.
7. Uses Permitted Subject to Site Plan Review (see Section E)
 - a. In Sub-area 4A only, single-family attached subdivisions.
 - b. In Sub-area 4A, Cluster Unit Developments.
 - c. In Sub-areas 4A, 4B, 4C, and 4E, Conventional Subdivisions on a Planned Community Concept.
 - d. Entry guard houses and gates.

D. Development Standards

1. Minimum Lot Size

Other than for Cluster Unit Developments and Conventional Subdivisions on a Planned Community Concept (where permitted subject to site plan review), the minimum lot sizes shall be:

- a. Subarea 4A: 3,000 square feet.
- b. Subareas 4B, 4C, and 4E: 6,000 square feet.
- c. Subarea 4D: 6,000 square feet. Cluster Unit Developments and Conventional Subdivisions on a Planned Community Concept will not be permitted in Subarea 4D.

2. Maximum Height Limits

- a. All buildings in Subareas 4A, 4B, 4D, and 4E shall not exceed a maximum ridge height of 37 feet, with an average roof height not to exceed 32 feet.
- b. Buildings in Area 4C shall not exceed the maximum ridge heights shown below. Average heights shall be no greater than three (3) feet lower than the maximum height specified for a particular lot.

LOT NUMBER	MAXIMUM HEIGHT (FT)
1	35
2	35
3	35
4	35
5	26.7
6	26.5
7	26.3
8	28
9	29
10	26.5
11	26.5
12	26.7
13	28.7
14	26
15	32.2
16	27
17	26.7
18	26.3
19	35
20	35
21	35
22	35

- c. Chimneys and vents shall be permitted as set forth in the Municipal Code.

3. Setbacks from Public Streets (i.e., Jamboree Road and Ford Road)

A minimum setback of fifteen (15) feet shall apply to all structures other than garages adjacent to public streets; except that balconies and patios may encroach six (6) feet in the required setback.

Architectural features such as but not limited to cornices, eaves, and wingwalls may extend two and one-half (2 ½) feet into the required setback from a public street.

Setbacks shall be measured from the ultimate right-of-way line.

4. Setbacks from Other Property Lines and Structures

Except as otherwise established through the City's standard Modification process, setback from other property lines and structures shall be:

- a. Front yard. In Subarea 4A, a minimum front yard setback of five (5) feet shall be required.

In Subareas 4B, 4C, 4D, and 4E, a minimum front yard setback of ten (10) feet shall be required for the main dwelling (excluding attached or detached garages).

- b. Side yard. Side yard setbacks shall be a minimum of five (5) feet. The location of a fence is not relevant to the calculation of the side yard setback. Adjoining properties may be the subject of easements which allow fences to be placed on an adjoining property provided that all dwelling units have the minimum five (5) foot setback from the property line.

Side yard setbacks for attached garages located entirely within the front half of a lot shall be a minimum of five (5) feet.

Side yard setbacks for garages located primarily in the rear half of a lot shall be a minimum of three (3) feet for the first floor of the structure and five (5) feet for the second floor. Where garages are located in the rear of a lot in order to access a Rear Access Drive, no side yard setback shall be required between garages on adjoining lots.

- c. Rear yard. A minimum ten (10) foot rear yard setback shall be required for a residential lot whose rear adjoins another residential lot. A minimum three (3) foot rear yard setback shall be required for a single-story structure on a residential lot whose rear adjoins a Rear Access Drive. For a two-story structure on a residential lot whose rear adjoins a Rear Access Drive, the average setback (including a lower-level garage, which complies with Paragraph 4f below) shall be no less than four feet.

For lots accessed by a Rear Access Drive, rear yard setbacks shall be measured from (i) the flow line of a rolled curb or (ii) the back of a standard curb, as applicable.

For lots accessed by a Rear Access Drive, garage setbacks shall be determined by Paragraph 4f ("Garages") below.

- d. Structural separation. For detached units, all main residential structures shall be a minimum of six (6) feet apart measured from face of finished wall to face of finished wall.
- e. Detached garage separation. Detached garages shall be separated from main residential structures a minimum of six (6) feet measured from face of finished wall to face of finished wall.

- f. Garages. Garages shall be set back from three (3) to seven (7) feet, or a minimum of twenty (20) feet measured from back of curb, or in the event that sidewalks are constructed, from back of sidewalk. A minimum of eighteen (18) feet measured from back of curb, or in the event that sidewalks are constructed, from back of sidewalk shall be permitted with roll-up or other garage door types approved by the City Traffic Engineer.

For lots accessed by a Rear Access Drive, the garage shall be set back a minimum of three (3) feet from (i) the flow line of a rolled curb or (ii) the back of a standard curb, as applicable. In all cases, however, garages located on opposite sides of a Rear Access Drive shall be set back from each other a minimum of twenty-six (26) feet.

Side-entry garages shall maintain a minimum front setback of five (5) feet measured from back of curb, or in the event that sidewalks are constructed, from back of sidewalk.

- g. Architectural features. Architectural features such as, but not limited to, cornices, eaves, and wingwalls may extend two and one-half (2 ½) feet into any front, side or rear yard setback, provided that such architectural features shall not project any closer than two (2) feet from any property line.

- h. Fireplaces and chimneys. Placement of fireplaces and chimneys shall comply with the requirements of the Zoning Code.

Through the City's standard Modification process, setbacks may be reduced or reallocated between adjoining properties to accommodate design techniques which will maximize the use of private spaces without creating undesirable spatial relationships between structures on adjoining properties.

5. Fences, Hedges and Walls

Fences shall be limited to a maximum height of eight (8) feet. When there is a grade difference between properties, fences shall be limited to a maximum of 8 feet, plus the amount of the grade differential between properties, except within the front yard setback where fences, hedges and walls shall be limited to six (6) feet. Wing walls, where an extension of a residential or accessory structure is to be constructed may be eight (8) feet in height. At street-to-street intersections, no such appurtenance shall exceed two (2) feet in height if it is located within the triangle formed by (i) the intersecting lines located five feet behind and parallel to the curb of each of the intersecting streets and (ii) a connecting line drawn between those points of these intersecting lines located thirty (30) feet distant from the intersection of the intersecting lines. At street-to-Access Drive intersections, no such appurtenance shall exceed two (2) feet in height measured from curb height within the triangle bounded by the face of curb lines and a connecting line

drawn between points twenty (20) feet distant from the intersection of the prolonged face of curb lines.

6. Trellises

Open trellis and beam construction shall be permitted to attach the garage to the dwelling structure and may also extend from the dwelling to within three (3) feet of the side or rear property line. In side yards, the maximum height shall be ten (10) feet.

7. Private Street, Rear Access Drive, and Flag Lot Driveway Standards

Private Streets and Access Drives within residential development shall be a minimum of:

- a. Thirty-six (36) feet in width with parking allowed on both sides;
- b. Thirty-two (32) feet in width with parking allowed on one side; and
- c. Twenty-eight (28) feet in width with parking on neither side.
- d. Twenty-six (26) feet for Primary Access Drives serving no more than 16 dwelling units.
- e. Twenty (20) feet for Primary Access Drives, including Flag Lot Driveways, serving no more than 4 dwelling units.
- f. Sixteen (16) feet for Primary Access Drives, including Flag Lot Driveways, serving no more than 2 dwelling units.

Primary Access Drives of 20 or 16 feet as provided for above shall be increased to a minimum width of 26 feet if serving a common parking area.

The width of parking turnouts shall be included within the calculation of private street widths. Unless otherwise defined in this text, private streets shall be designed in compliance with the private street standards of the City of Newport Beach.

Rear Access Drives shall be a minimum of twenty (20) feet in width.

8. Site Distance Requirements

Residential development shall be designed to provide adequate sight distance (25 MPH), at the intersection of all private streets and Primary Access Drives, and along curves unless otherwise approved by the City Traffic Engineer.

9. Parking Plan

Each tentative subdivision map that would create legal building sites shall be accompanied by a parking plan demonstrating compliance with the following standards:

a. Single-Family Detached Parking Requirements

A minimum of two (2) garage parking spaces shall be provided per detached dwelling unit. In addition, guest parking shall be provided within the development at a minimum rate of two (2) spaces per unit. Guest parking may be provided on street, in parking bays, or on driveways (minimum 20 feet in depth or 18 feet where roll up garage doors are provided), in a manner acceptable to the City Traffic Engineer. A maximum of one of the guest spaces may be provided on the driveway. A reduction in the guest parking requirement may be considered subject to approval of a finding by the Planning Commission that the reduced parking ratio will not cause an adverse impact on the community.

b. Condominiums and Townhomes

Attached dwelling units less than or equal to 1500 square feet shall provide a minimum of 2 parking spaces per unit, including one covered space. In addition, guest parking shall be provided at a minimum rate of 0.5 space per unit. Guest parking may be provided on street, in parking bays, or on driveways (minimum 20 feet in depth or 18 feet where roll up garage doors are provided), in a manner acceptable to the City Traffic Engineer. A maximum of fifty percent (50%) of the guest spaces may be provided on driveways.

Attached dwelling units greater than 1500 square feet shall provide a minimum of 2 covered spaces per unit. In addition, guest parking shall be provided at a minimum rate of one (1) space per unit. Guest parking may be provided on street, in parking bays, or on driveways (minimum 20 feet in depth or 18 feet where roll up garage doors are provided), in a manner acceptable to the City Traffic Engineer. A maximum of fifty percent (50%) of the guest spaces may be provided on driveways.

c. Parking Space Placement and Dimensions

Subject to the provisions of a Development Agreement for Planning Area 4, the size and placement of all parking spaces and areas shall be as specified by the residential parking standards contained in the Newport Beach Municipal Code, Standard Plans 805-L-A and 805-L-B, and Council Policy L-2 unless otherwise approved by the City Traffic Engineer.

10. Maximum Site Area Coverage

The building footprints of residences and garages shall not cover more than sixty percent (60%) of the area included within the "Lot Size." For purposes of these Regulations,

trellis areas, temporary structures, patio covers, covered patios, and similar ancillary structures shall not be considered in the calculation of site area coverage.

11. Tennis Courts

Tennis courts are allowed and may be within three feet (3') of the rear and side property lines. The courts are permitted fencing up to 12' in height. The courts lighting shall use 27' max height, square tubular and painted posts with 1,000-watt metal halide lights in a flat pan fixture. All tennis court lighting shall be designed in such a way as to prevent light from shining directly on the adjacent residential properties and to insure that the lighting does not adversely affect night vehicular traffic along Jamboree Road or Ford Road. All tennis court lighting shall be subject to a use permit.

12. Landscaping Plan

Each tentative subdivision map that would create legal building sites and which contains a common area abutting an existing residential development outside Planning Area 4 shall be accompanied by a landscaping plan for that common area, drawn to scale, showing the locations of existing trees proposed to be removed and proposed to be retained; and indicating the amount, type, and location of landscaped areas, planting beds and plant materials with adequate provisions for irrigation. The plan shall be designed so as to create a suitable buffer between the existing residential area and the new development.

E. Site Plan Review

Site Plan Review may be required only for a landowner proposal, which consists of or includes:

- a Cluster Unit Development or
- a Conventional Subdivision on a Planned Community Concept or
- a modification of specific development standards contained in Sections D9, D10, and D12 of these regulations.

1. Purpose

The purpose of this section is to establish a Site Plan Review procedure to ensure that the project conforms to the objectives of the General Plan as well as the requirements and development standards contained in these Regulations. The Site Plan Review shall take into consideration all provisions of any Development Agreement for Planning Area 4.

2. Findings

The Site Plan Review procedures contained in this section are intended to promote the health, safety and general welfare of the community according to the Site Plan Review Findings set forth in the Zoning Code.

3. Application

When required, Site Plan Review approval shall be obtained prior to or concurrent with the approval of any tentative subdivision map that would create legal residential building sites, or prior to issuance of a building permit for non-residential structures (e.g., recreation facilities and entry guard gates).

4. Plans and Diagrams to be submitted

The following plans and diagrams shall be submitted to the Planning Commission for approval:

- a. Plot plan. A plot plan, drawn to scale, showing the arrangement of buildings, driveways, pedestrian ways, off-street parking, landscaped areas, signs, fences and sidewalks. The plot plan shall show the location of entrances and exits, and the direction of traffic flow into and out of off-street parking areas, the location of each parking space, and areas for turning and maneuvering vehicles. The plot plan shall indicate how utilities and drainage are to be provided.
- b. Landscape plan. A landscape plan, drawn to scale, showing the locations of existing trees proposed to be removed and proposed to be retained; and indicating the amount, type, and location of landscaped areas, planting beds and plant materials with adequate provisions for irrigation.
- c. Grading plan. A grading plan to ensure development properly related to the site and to surrounding properties and structures.
- d. Exterior lighting. Scale drawings of exterior lighting showing size, location, materials, intensity and relationship to adjacent streets and properties.
- e. Parking plan. A parking plan demonstrating compliance with the requirements contained in Section C.10, above.
- f. Noise attenuation. For subdivisions abutting Jamboree Road or Ford Road evidence demonstrating compliance with applicable noise attenuation requirements.
- g. Any other plans, diagrams, drawings or additional information determined by the Planning Director to be necessary to adequately consider the proposed development and to determine compliance with applicable policies and standards.

5. Application Fees

The applicant shall pay the standard Citywide Site Plan Review fee established by Resolution of the City Council with each application for Site Plan Review.

6. Notice and Hearing Procedures.

Procedures regarding public hearing notification and Planning Commission and City Council actions shall be as provided for Site Plan Review in the Zoning Code.

F. Modification Process

A modification of specific development standards contained in Sections D3, D 4, D 5, and D 6 may be obtained through the City's standard Modification process.

G. Subdivision Map Process

A modification of specific development standards contained in Sections D 1 and D 7 may be obtained through the City's standard subdivision map approval process pursuant to the California Subdivision Map Act and applicable City ordinances.

H. PC Text Amendments

A modification of specific development standards contained in Sections D 2 and D11 may be obtained only through an amendment to these Planned Community District Regulations.

SECTION X - COMMUNITY RECREATIONAL FACILITIES

A. Uses Permitted

1. Private parks, playgrounds, recreation areas, recreation facilities, or open green areas, and related facilities.
2. Accessory buildings, structures, and uses related and incidental to the uses permitted, including clubhouses (including kitchens), meeting rooms, tennis courts, swimming pools, and spas.
3. Subject to a use permit, residents/guests-only food, beverage, and valet services.

B. Development Standards

1. Building Height

The maximum building height shall be thirty-seven (37) feet as defined by the Zoning Code.

Towers or architectural features greater than thirty-seven (37) feet but not exceeding sixty (60) feet in height may be permitted subject to approval of a Use Permit.

2. Building Setbacks

Fifteen (15) feet minimum from any residential property line and ten (10) feet minimum from any street measured from back of curb, or from back of sidewalk where sidewalks are provided.

3. Parking

One parking space shall be provided for every 200 square feet of a structure designed as a clubhouse or meeting room. On street parking adjacent to the facilities may be used to meet this requirement.

SECTION XI - SIGNS AREAS 1, 2, 4, 5, 6, 7, 8

A. Permanent Signs

1. Miscellaneous Directional/Informational Signs

Directional/Informational Signs, such as but not limited to "right turn only", "exit", "entrance", "tennis courts", etc., shall be permitted. Said signs shall be kept to a minimum and shall be designed as a coordinated part of the overall project. Each sign shall not exceed ten (10) square feet of sign area.

2. Primary Identification Signs

One double-faced sign or two single-faced signs at the main entrances to each residential area shall be permitted. Said sign shall not exceed a height of four (4) feet above the grade or surface to which attached, nor shall said sign exceed an area of thirty-five (35) square feet per face. Said sign may be internally or externally lighted. The information listed on the sign shall be limited to:

- a. Village name
- b. Project name
- c. Facilities identification

B. Temporary Signs (Prior to and during construction)

1. Future Facility Signs

A sign which informs the viewer, through graphic symbol and verbal reinforcements, of the type of facility planned for the site.

For Planning Area 4, a minimum of two double-faced future facility signs will be allowed. One may face Jamboree Road and one may face Ford Road.

2. Merchandising Signs

A sign which informs the viewer, through graphic symbol and verbal reinforcement, of the facility name, opening date, type of occupancy, owner-developer, and phone number for sales information.

For Planning Area 4, a minimum of two double-faced merchandising signs will be allowed. One may face Jamboree Road and one may face Ford Road.

