



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
100 CIVIC CENTER DRIVE
NEWPORT BEACH, CA 92660
(949) 644- 3209**

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.

JASMINE PARK

Planned Community Development Standards

Ordinance No. 85-6 Adopted by the
City of Newport Beach City Council
April 8, 1985

Jasmine Park - Newport Beach
Planned Community District Regulation
LDM Development Company

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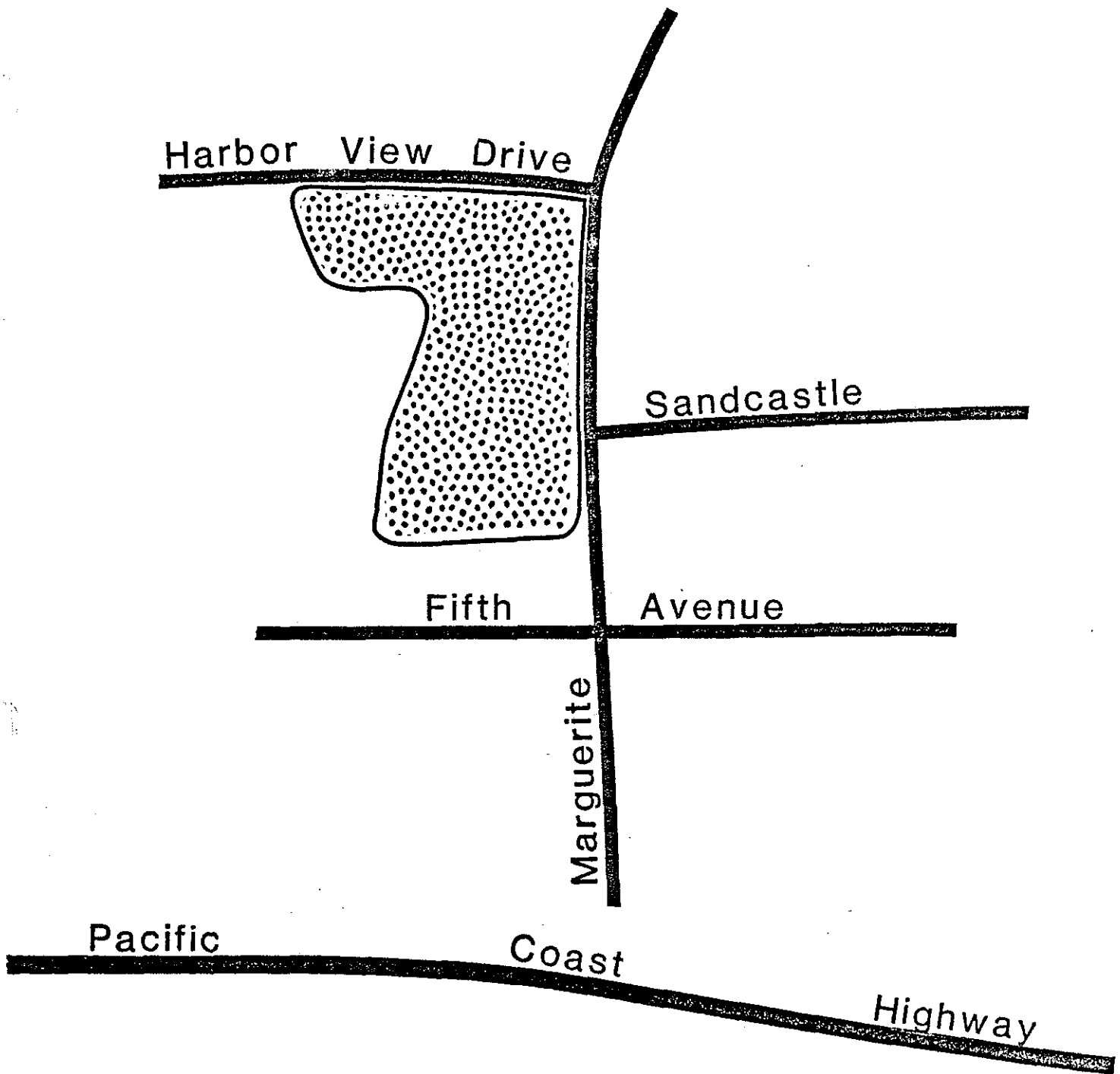
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INTRODUCTION

The Jasmine Park Planned Community District for the City of Newport Beach has been developed in accordance with the Newport Beach General Plan.

The purpose of this Planned Community (PC) District is to provide a method whereby property may be classified and developed for medium density residential uses incorporating a zero lot line concept to promote a variety of housing types within the community. The specifications of this district are intended to provide land use and development standards contained herein while insuring compliance with the intent of all applicable regulatory codes.

Whenever the regulations contained herein conflict with the regulations of the Newport Beach Municipal Code, the regulations contained herein shall take precedence. The Municipal Code shall regulate this development when such regulations are not provided within these district regulations. All development within the Planned Community boundaries shall comply with all provisions of the Uniform Building Code and various mechanical codes related thereto.



 Medium Density Residential

JASMINE PARK
PLANNED COMMUNITY DISTRICT
Land Use Plan



THE IRVINE COMPANY

SECTION 1. STATISTICAL ANALYSIS (For Analysis Purposes Only)

<u>Land Use</u>	<u>Gross*</u> <u>Acres</u>	<u>Buildable**</u> <u>Acres</u>	<u>Maximum</u> <u>Dwelling</u> <u>Units</u>
Residential Units	9.63	7.02	47 DU's

* Defined as area within property boundaries.

**Defined as the entire site within the project boundary excluding streets, park dedications, areas with existing slope greater than 2:1, and natural floodplain.

Density

Dwelling Units per Gross Acre: 4:9

Dwelling Units per Buildable Acre: 6:7

Open Space and Recreation

1. Permanent Open Space: .99 acres

2. Private Recreation: .44 acres

General Plan Designation

The Land Use Element of the Newport Beach General Plan designates this site Medium Density Residential which allows up to 10 dwelling units per buildable acre.

SECTION II. GENERAL NOTES

1. Project Description
The Jasmine Park Planned Community District encompasses 9.63 gross acres for medium density residential development.
2. Park Standards
Park requirements shall be in accordance with the Park Dedication Ordinance.
3. Water Service
Water within the Planned Community will be furnished by the City of Newport Beach.
4. Sewage Disposal
Sewage disposal facilities within the Planned Community will be provided by Orange County Sanitation District No. 5. Prior to the issuance of any building permits it shall be demonstrated to the satisfaction of the Planning Department that adequate sewer facilities will be available. Prior to the occupancy of any structure it shall be further demonstrated that adequate sewer facilities exist.
5. Grading and Erosion
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 the permits issued by the Building and Planning Departments.
 - a. The grading plan shall include a complete plan for temporary and permanent drainage facilities, to minimize any potential impacts from silt, debris and other water pollutants.
 - b. The grading permit shall include, if required, a description of haul routes, access points to the site and watering and sweeping program designed to minimize impacts of the haul operation.
 - c. An erosion and dust control plan, if required, shall be submitted and approved by the Building Department.
 - d. An erosion and siltation control plan, if required, shall be approved by the California Regional Water Quality Control Board - Santa Ana Region.
 - e. The velocity of concentrated run-off from any project shall be evaluated and erosive velocities controlled as part of the project design.
 - f. Grading shall be conducted in accordance with plans prepared by a Civil Engineer and based on recommendations of a soil engineer and an engineering geologist subsequent to the completion of a comprehensive soil and soil and geological investigation of the site. Permanent reproducible copies of the "Approved as Built" grading plans on standard size sheet shall be furnished to the Building Department.

6. Archaeological/Paleontological
Prior to the issuance of grading permits, the site shall be examined to determine the existence and extent of archaeological and paleontological resources in accordance with adopted City Policies.
7. Landscaping
All landscaping shall be installed in accordance with landscape plans, subject to the review and approval of the Planning Department and Parks, Beaches and Recreation Department.
8. Any fire equipment access shall be approved by the Fire Department.
9. The final design of on-site pedestrian and bicycle circulation in any tract shall be reviewed and approved by the Public Works Department and the Planning Department.
10. Prior to approval of the final tract map for residential development, applicant shall reach agreement with the City for compliance with the Housing Element of the General Plan.
11. Exposed slopes, if any, shall be stabilized as soon as possible to reduce erosion.

SECTION III. DEFINITIONS

The following definitions refer to the permitted uses in the development standards contained in this Ordinance.

1. Buildable Acreage
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 floodplains.
2. Cluster Unit Development
A combination 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 of open space and where the individual sites may have less area than the required minimum for the district but the density of the overall development meets the required standard.

SECTION IV. MEDIUM DENSITY RESIDENTIAL

It is the intent of this regulation to provide residential housing and related community facilities.

A. Uses Permitted

1. Cluster unit developments, as defined in Section III, Definitions.
2. Single family dwellings attached or detached.
3. Duplexes.
4. Conventional subdivisions.
5. Condominiums/Townhomes.
6. Temporary model complex and appurtenant uses.
7. Recreational facilities.
8. Security entry gates.
9. Signs (as per City Code and as provided in Section V of this Planned Community Text).

B. Attached Residential Standards

The following standards apply to cluster unit developments, duplexes, condominiums and townhomes.

1. Maximum Height Limits

- a. All buildings shall be in accordance with 24/28 Height Limitation Zone.
- b. Chimneys and vents shall be permitted as set forth in Section 20.02.060 of the Municipal Code.

2. Setbacks from Streets

All setbacks shall be measured from the property line.

- a. A fifteen (15) foot minimum setback from Marguerite Avenue and Harbor View Drive shall apply to all structures (not to include garden walls or fences). Open parking shall be permitted in setback area. A minimum setback of five (5) feet shall be required for all structures from private or non-dedicated streets.
- b. Garages with direct access to public or private streets shall be setback either from five (5) to seven (7) feet average or a minimum average of twenty (20) feet measured from the property line, or in the event that sidewalks are constructed, from back of sidewalk. A minimum of eighteen (18) feet measured from the property line, or in the event that sidewalks are constructed, from back of sidewalk shall be permitted with roll-up or other type of garage doors approved by the City Traffic Engineer. Additional garage spaces in excess of two (2) spaces need not meet the above criteria.

3. Setbacks from Other Property Lines and Structures

All setbacks shall be measured from the property line.

- a. A minimum front yard setback of five (5) feet shall be required. Front and rear yard setbacks shall, in combination, be at least twenty (20) feet.
- b. All main residential structures on the same lot shall be a minimum of eight (8) feet apart. This shall be measured from face of finished wall to face of finished wall.

4. Side Yard Setback

Four (4) feet from property line.

The above standards shall be required unless one of the following conditions prevails:

- a. Structures which abut a plaza, park, mall or other permanent open green space may abut the common property line and have openings onto same, provided the open spaces are not publicly owned.
- b. Where there are no openings on a given side, that side may be placed on the property line and may abut a structure on an adjoining lot.
- c. An attached or detached garage or carport may abut a side property line or another structure, provided no openings are located on the abutting surfaces.
- d. Dwellings may orient toward the streetside property line or the opposite property line in order to take advantage of view conditions.

5. Rear Yard Setback

Ten (10) feet from property line.

6. Fences, Hedges and Walls *

Fences shall be limited to a maximum height of eight (8) feet, except within the front yard setback where fences, hedges and walls shall be limited to three (3) 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. The above applies except where noise attenuation is required.

Fences or walls along Marguerite Avenue north of Sandcastle Drive shall be limited to thirty inches above curb height. The walls shall be constructed of materials that provide sufficient spacing so as to not block views (e.g., open wrought iron).

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.

7. Architectural Features

Architectural features, such as but not limited to cornices, eaves, and wingwalls may extend two and one-half (2 1.2) feet into any front, side or rear yard setback.

8. Parking

A minimum of 2.0 parking spaces per unit shall be required including one covered space. One of the required spaces may be permitted on the driveway of the residence, providing that said driveway has a minimum length of twenty (20) feet, measured from back of curb, or in the event that sidewalks are constructed, from back of sidewalk. In addition .5 parking spaces per dwelling unit shall be provided. Guest parking may be provided on street, in bays or driveways twenty (20) feet or greater in length.

9. Minimum Lot Size

Minimum lot size shall be three thousand (3000) square feet. Minimum lot width shall be thirty (30) feet. For each dwelling unit on any lot there shall be a minimum three thousand (3000) square feet of lot area.

10. Jasmine Creek Setbacks: Rear yard setbacks along Jasmine Creek shall be as listed below. No structures shall be allowed in this setback area, including, but not limited to, balconies, garden walls, fences, pools jacuzzi, spas, mechanical equipment, gazebos, or patio structures. No grading shall be allowed except for the purposes of slope maintenance and repair. This area shall be landscaped and maintained by the applicant or successors-in-interest. (See Exhibit I.)

Lot Number (TTM 12245)	Setback (in feet)
17	40
18	45
19	50
20	60
25	20
26	30
27	25
28	30
29	30
30	40
31	40
32	50
48	40

C. Detached Residential Standards

1. Minimum Lot Size

For each dwelling unit on any lot there shall be a minimum three-thousand (3,000) square feet of lot area. Minimum lot width shall be thirty (30) feet.

2. Maximum Building Height

- a. All buildings shall be in accordance with the 24/28 Height Limitation Zone.
- b. Chimneys and vents shall be permitted as set forth in Section 20.02.060 of the Municipal Code.

3. Setbacks

The following setbacks shall apply to all structures excluding garages with direct access to streets, garden walls or fences.

a. Front Yard

A minimum setback of five (5) 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. Front and rear yard setbacks shall, in combination, be at least twenty (20) feet.

b. Side Yard

Four (4) feet.

c. Rear Yard

Ten (10) feet from property line, except rear yards adjacent to Harbor View Drive of Marguerite Avenue which shall be fifteen (15) feet.

d. Setbacks - Garages

Garages with direct access to public or private streets may be setback either from five (5) to seven (7) feet average 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 type of garage doors, approved by the City Traffic Engineer. Additional garage spaces in excess of two (2) spaces need not meet the above criteria.

e. Between Structures on Same Lot

Eight (8) feet.

4. Fences, Hedges and Walls

Fences shall be limited to a maximum height of eight (8) feet except within the front yard setback where fences, hedges and walls shall be limited to three (3) 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. Above applies except where noise attenuation is required.

Fences or walls along Marguerite Avenue north of Sandcastle Drive shall be limited to thirty inches above curb height. The walls shall be constructed of materials that provide sufficient spacing so as to not block views (e.g., open wrought iron).

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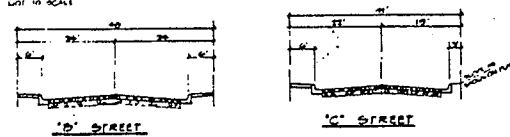
7. Jasmine Creek Setbacks: Rear yard setbacks along Jasmine Creek shall be as listed below. No structures shall be allowed in this setback area, including, but not limited to, balconies, garden walls, fences, pools, jacuzzi, spas, mechanical equipment, gazebos, or patio structures. No grading shall be allowed except for the purposes of slope maintenance and repair. This area shall be landscaped and maintained by the applicant or successors-in-interest.

(See Exhibit I.)

Lot Number (TTM 12245)	Setback (in feet)
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26	30
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28	30
29	30
30	40
31	40
32	50
48	40

EXHIBIT I--SETBACKS

Typical Private Street Sections

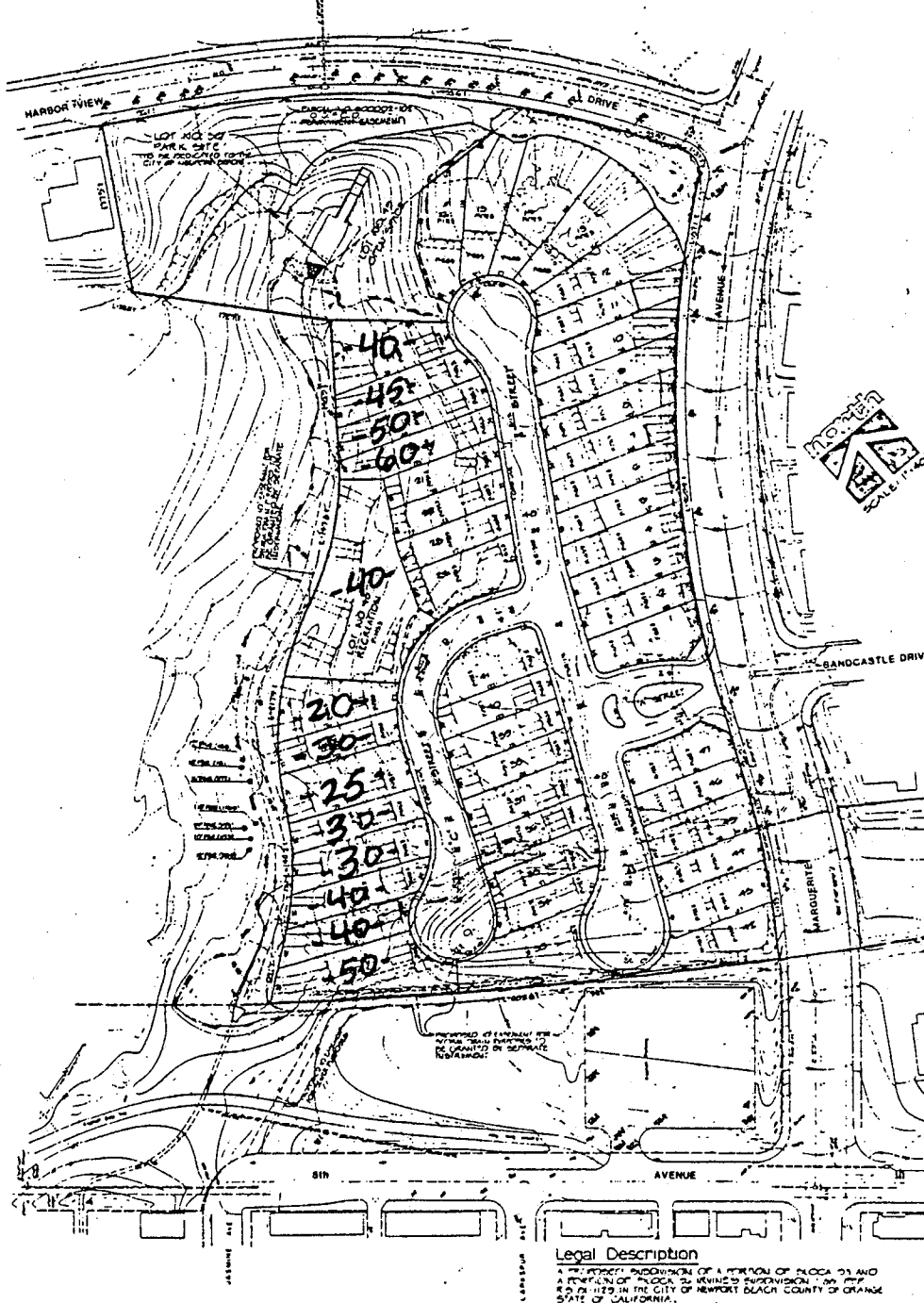


Notes

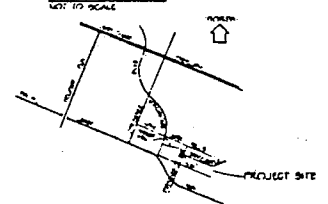
1. EXISTING LAND USE - VACANT
2. PROPOSED LAND USE - SINGLE FAMILY ATTACHED
3. TELEPHONE SERVICE BY PACIFIC BELL TELEPHONE COMPANY
4. WATER SERVICE BY CITY OF NEWPORT BEACH
5. SEWER SERVICE BY CITY OF NEWPORT BEACH
6. GAS SERVICE BY SOUTHERN CALIFORNIA GAS CO
7. ELECTRIC SERVICE BY SOUTHERN CALIFORNIA EDISON CO
8. STREET AND DRAINAGE IMPROVEMENTS TO BE IN ACCORDANCE WITH THE CITY OF NEWPORT BEACH SUBDIVISION AND SPECIFICATIONS
9. EXISTING TREES TO REMAIN AS SHOWN ON PLAN
10. EXCLUSIVE OF LOT 50 ALL SLOTTED WITHIN TRACT ARE TO BE MAINTAINED BY HOMEOWNERS ASSOCIATION
11. UTILITIES TO BE UNDERGROUND

LAND USE TABULATION

LOT NO.	DESCRIPTION	NO OF ACRES
1-47	SINGLE FAMILY ATTACHED	51
48	RECREATION	0.4
49	OPEN SPACE	0.9
50	PARK SITE	1.0
PRIVATE STREETS		1.0
TOTAL		56.3



Vicinity Map



Statement of Ownership

WE THE UNDERSIGNED DO HEREBY DECLARE AND STATE THAT WE ARE THE OWNERS OF THE PROPERTY COMPREHENSIVE THIS TENTATIVE TRACT MAP AND WE HAVE CONSENTED TO THE SUBMISSION OF SAID MAP.

DATED THIS 11th DAY OF JULY 1999
THE IRVINE COMPANY

Record Owner

THE IRVINE CO.
550 NEWPORT CENTER DRIVE - 6TH FLOOR
NEWPORT BEACH CALIF 92660
(714) 720-2000

Map Prepared for

LDM DEVELOPMENT, INC.

25241 PASSED DE ALICIA - NO 220
LAGUNA HILLS, CALIF 92653
(714) 951-2134

Map Prepared by

VTC CONSULTING INC.
ENGINEERS ARCHITECTS PLANNERS SURVEYORS ENVIRONMENTAL SCIENTISTS
1801 CAMPBELL DRIVE, SUITE 100, CAMPBELL, CALIFORNIA 95008

No of lots 50
No of acres 56.3
Scale 1" = 40'
Date 8-21-99
REVISED 11-27-99

Legal Description

A 1/4 SECTION 36, TOWNSHIP 36N, RANGE 12E, AND A 1/4 SECTION 37, TOWNSHIP 36N, RANGE 12E, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA.

**JASMINE PARK
TENTATIVE TRACT NO. 12245**

D. Private Recreation Facilities

Height limit specified in Section B shall apply. There shall be at least fifteen (15) feet between any private recreation structure and the property line or any adjacent residential structure.

Security fences for the recreation complex shall be constructed of open wrought iron, or other open construction, for the purpose of increasing the visual open space of the Jasmine Creek greenbelt area.

SECTION V. SIGNS

Future facilities signs of the type shown in the following exhibit shall be permitted

(See Original Drawing)
SIGN TYPE (G)

FUTURE FACILITY SIGN: A sign which informs the viewer, through symbol and verbal reinforcement, of the type of facility planned for a community.

POLICY: The sign shall identify facilities which are planned to be constructed in the immediate future. General symbols, designed to identify are not to advertise, will be used. May be double-faced if required.

LOCATION: Always installed on the site of the facility and to the nearest street. One sign to be utilized for each street fronting on the site.

LONGEVITY: From the time the site has been zoned for the facility until construction and/or leasing is completed.

SIGN SURFACE AREA: 96 square feet maximum (including 4 "rider" panels).



SIGN TYPE (G)