

# **Newport Harbor Lutheran Church**

## **Planned Community District Regulations**

Ordinance No. 97-21  
Adopted 06/23/1997  
Amendment No. 860

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## I. INTRODUCTION

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### Project Background

The Newport Harbor Lutheran Church (Church) is a multi-use religious and educational facility located in the City of Newport Beach. The Church has a General Plan land use designation of Governmental, Educational and Institutional Facilities. The City and the Church have entered into a Development Agreement which contemplates the exchange of property between the parties which will enable the City to provide more convenient parking for Bob Henry Park and Castaways Park. The Development Agreement also requires the City to construct for the Church certain facilities to replace or restore improvements located on property to be conveyed by the Church to the City. Finally, the Development Agreement is intended to vest the Church's right to expand their facilities to accommodate various structures, land uses and activities as described in these Regulations. These Regulations are intended to describe the precise condition, restrictions and limitations on the uses and structures permitted on Church property as well as implement various provisions of the Development Agreement. These Regulations are intended to provide detailed land use and development standards supportive of the uses proposed in the development Agreement while ensuring City control over the development to ensure the project compatibility between the project, the new residential development to the east of the Church, Bob Henry park and Castaways Park.

The provisions of the Development Agreement shall prevail in the event of any conflict with the provisions of these Regulations or provisions of the Newport Beach Municipal Code. Whenever these Regulations conflict with provisions of the Newport Beach Municipal Code, these Regulations shall prevail. The provisions of the Newport Beach Municipal Code shall control development of the project in the absence of applicable Regulations or provisions in the Development Agreement.

### Project Location

The Church is located within the City of Newport Beach at 798 Dover Drive. The project is situated between the Castaways Park on the south and Bob Henry Park on the north. The easterly boundary of the Church property abuts the Castaways residential project.

### Project Description

The Project contemplates the vesting of the Church's right to construct up to 40,000 sq. ft. of floor area with the right to install temporary facilities as specified in the Development Agreement and these Regulations. The floor area may be utilized for any of the uses or activities specified in the Development Agreement or these Regulations, and such other activities as are commonly provided by religious institutions in Orange County, subject to the restrictions in the Development Agreement and these Regulations.

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**II. NEWPORT HARBOR LUTHERAN CHURCH STATISTICAL ANALYSIS**

<u>Use</u>	<u>Total square footage</u>	<u>Parking provided</u>
For all permitted uses	40,000 sq. ft.	163 Spaces

The 163 parking spaces provided by the Church satisfies the Zoning Code requirements for the permitted floor area, provided the uses are consistent with those specified in Section 1 and provisions of these Regulations.

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### III. GENERAL NOTES

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1. Zoning Code Applicability

Except as otherwise stated in these Regulations and subject to consistency with the Development Agreement, the requirements of the Newport Beach Zoning Ordinance shall apply.

2. Water Service

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

3. Flood Protection

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

4. Grading

Grading and erosion control measures will be carried out within the Planned Community as required by the Newport Beach Building and Planning Departments.

5. Sewage Disposal

Sewage disposal service facilities for the Planned Community will be provided by Orange County Sanitation District No. 5.

6. Mechanical Equipment Enclosures-Noise Attenuation

Prior to issuance of a Certificate of Occupancy for any new or modified structure, all new mechanical appurtenances (i.e. utility vaults and emergency power generators, etc.) shall be enclosed and shall comply with provisions of the Newport Beach Municipal Code. Noise generated by mechanical equipment shall be attenuated to 55 dBA at side property lines adjacent to residential areas. The design of enclosures shall be based upon the recommendations of a licensed engineer practicing in acoustics, and be approved by the Building Department. All rooftop equipment (other than vents, wind turbines, etc.) shall be architecturally treated or screened from off-site views in a manner compatible with the building materials prior to final building permit clearance for each new or remodeled building. Rooftop screening and enclosures shall be subject to the requirements of the 26/35 Height Limitation Zone.

7. (Skipped in number sequence)

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8. Exterior Lighting

All exterior lighting required or desired to be installed by Church or City shall be designed and maintained in such a manner as to conceal light sources and to minimize spillage and glare to the adjacent residential properties.

9. Refuse Collection

Outdoor refuse collection areas shall be screened from adjacent properties and streets.

10. Outdoor Paging

Outdoor paging for the outdoor use of equipment designed to amplify the human voice or music shall be permitted only pursuant to a Special Event Permit.

11. Amplified Music

Amplified music played after 6:00 p. m. or before 8:00 a.m. shall be confined within the interior of a building unless a Special Events Permit is obtained from the City.

12. Kitchen Facility Requirements

At such time as Church installs new food preparation equipment designed and intended to serve more than employees or the occasional needs of a small number of guests or worshippers, Church shall be subject to the following requirements:

- a. Kitchen exhaust fans are required and shall be designed to control odors and smoke, unless otherwise approved by the Newport Beach Building Department.
- b. Washout areas shall be provided in such a way as to insure direct drainage into the sewer system and not into the bay or the storm drains, unless otherwise approved by the Newport Beach Building Department.
- c. Grease interceptors shall be installed on all fixtures in any kitchen area where grease may be introduced into the drainage systems in accordance with the provisions of the Uniform Plumbing Code, unless otherwise approved by the Newport Beach Building Department and Public Works Department. Grease interceptors shall be located in such a way as to be easily accessible for routine cleaning and inspection.

13. Carillon Bells

Church shall have the right to sound Carillon Bells at the onset of Church services, during weddings, or during other special events.

#### IV. PERMITTED STRUCTURES, USES AND ACTIVITIES

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##### A. Project Activities/Land Uses

The following activities shall be permitted as a matter of right:

Regular Worship Services - Sunday morning, afternoon and evening services

Special Worship Services - Mid-week evening services  
Saturday evening services  
Sunrise services  
Prayer vigil services  
Weddings  
Funerals  
Baptisms  
Youth services  
Interfaith services

Educational Services - Pre-school  
Summer camp  
Vacation bible school  
After school care  
Marital counseling

Community Services - Soup luncheons  
Parking lot usage (Special Event Permit required)  
Meeting rooms for non-profit use  
Polling place for elections  
Site for non-profit fund raisers (special Event Permit required)  
walks, runs, dinners, auctions, etc.

The following uses shall be permitted subject to approval of the Planning Director after a determination that the parking provided is adequate to serve demand and that the uses will not adversely impact other land uses in the area:

Educational Services - 1<sup>st</sup> thru 6<sup>th</sup> grade  
Adult Education  
Youth Education

Certain activities that are permitted as a matter of right require City permits or approvals including, without limitation, special event permits, amplified sound permits, and temporary use permits.



B. Structures Permitted

The following structure shall be permitted subject to approval of the Site Plan Review. Construction of new structures or the addition of more than fifteen percent (15%) of gross floor area to existing structure shall require approval of the Planning Director pursuant to Site Plan Review.

- Sanctuary
- Parish Hall
- Chapel
- Administration
- Classrooms
- Day Care Facilities
- Pre-school
- Kindergarten
- Elementary school (grades 1-6)
- Outdoor play yards
- Commercial food preparation
- Community meeting rooms

C. Accessory Structures/Uses Permitted:

Accessory structures/uses shall be limited to those activities, services and facilities intended to serve the needs of the Newport Harbor Lutheran Church (members, employees and guests) and the general public. The following accessory uses and structures are permitted when customarily associated with a permitted principal use on the same building site. Accessory structures/use shall include the following:

- Residential facilities for a single family, a member of which is employed by the church.
- Maintenance Facility.
- Storage Facility (for play yard equipment) as specified in the Development Agreement.
- Portable buildings (classrooms, administrative offices) as specified in the Development Agreement.

D. The following land uses and activities shall be permitted subject to approval of the Planning Director.

- Elementary School (Grades K through 6)
- AA Educational Classes, substance abuse support groups, step program groups, or similar programs or activities.

## V. NEWPORT HARBOR LUTHERAN CHURCH DEVELOPMENT STANDARDS

### 1. Building Height

Building Height limit shall be limited to the height of the existing Sanctuary. Building Tower and Crosses shall be permitted to exceed the Building Height limitation but shall be limited to a maximum height of 65 feet.

### 2. Setback Requirements

#### a. Front (Dover Drive):

- Ten (10) feet from new property line occurring between City Parking Lot and the Church parking lot.
- Surface parking setback shall be a minimum of five (5) feet.
- Fences and walls shall not exceed six (6) feet in height within the front yard setback and shall comply with the requirements of Section 4 below.

#### b. Side:

Twenty (20) feet from existing property line along Castaway Lane. Landscaping, planters, walls, fencing, trellises, pergolas, parking spaces and driveways shall be allowed within the setback area subject to a 10-foot height limit. Non-habitable architectural features (e.g., trellis, awning, bay window) may encroach up to five (5) feet into the required side yard setback.

#### c. Rear (Newport Harbor Lutheran Church Development)

Building setback from the rear property line shall be a minimum of ten (10) feet from the new property line. No solid fencing or walls greater than three (3) feet in height shall be permitted within the rear yard setback. Transparent windscreens may extend up to eight (8) feet above grade.

### 3. Parking Standards

The provision of 163 parking spaces shall satisfy the provisions of these Regulations and the Newport Beach Zoning Code. All parking shall be provided on-site; uses shall not generate parking needs beyond the proposed 163 spaces.

Valet and tandem parking shall be permitted. Operational characteristics of any valet parking service and the location of parking areas used exclusively for valet and/or tandem parked cars will be subject to the review and approval of the City Development Services Manager.

The number and location of handicapped parking spaces shall be as provided on Exhibit "C" to the Development Agreement. Handicapped parking spaces shall be used solely for handicapped self-parking. One handicapped sign on a post and one handicapped sign on the pavement shall be required for each handicapped space.

4. Landscaping, Walls and Fencing

Landscaping to include softscape and hardscape shall be provided in all areas not devoted to structures, parking, driveways and loading areas. All landscape plans, where applicable shall incorporate a combination of trees, shrubs, berms, fences and planters.

A detailed landscape, irrigation, drainage, lighting, and signage plan shall be prepared (by a landscape architect, licensed landscaping contractor) and provided by the City of Newport Beach as it relates to those areas included or affected by the Development Agreement. Plans shall be approved by Planning and General Services Department and Church prior to issuance of building permits.

Landscaping provided by the City along Dover Drive shall be set back from the property line in a manner that conforms with the sight distance standards of City Standard Plan #110-L.

5. Temporary Structures

Temporary structures may be installed in that portion of the main parking lot northerly of the easterly prolongation of the north curb line of the emergency vehicle access shown on Exhibit "C" and westerly of a line drawn between the west curb line of the access to Church property from Castaways Lane and the west curb line of the access drive to that portion of the main Church parking lot located adjacent to Castaways Park.

## VI. SIGN REGULATIONS

The purpose of this section is to define and provide development standards for all applicable signage located at Newport Harbor Lutheran Church.

### A. Definitions

The terms listed in this section shall apply to the sign program and have meanings which follow:

**Monument Sign:** The term "Monument Sign" means any sign which is supported by its own structure and is not part of or attached to any building and which is intended to depict project entry or project arrival.

**Sign:** The term "Sign" means any media including their structure and component parts which are used or intended to be used out-of-doors to communicate information to the public.

**Sign Face:** The term "Sign Face" means the physical plane and/or surface upon which the wording or images are applied.

**Sign Letter:** **The** term "Sign Letter" means the individual symbols used in forming the words of a message.

**Vehicle Entry Sign:** "Vehicle Entry Sign" shall refer to a sign denoting intersection points along Castaways Lane and which denotes access for automobiles into the Newport Harbor Lutheran Church.

### B. Permitted Signs

#### 1. Project Identification

Signs are permitted in accordance with the Development Agreement Exhibit "C". In addition, Church may install two (2) vehicle entry signs on Castaways Lane at or near the entry to the main Church parking lot. The location of the signs shall be approved by the City Traffic Engineer to ensure adequate sight distance. The area of each sign shall be as designated in the Development Agreement and/or Exhibit "C".

#### 2. Directional Signs

In addition to other signs permitted in this section, signs used to give direction to vehicular or pedestrian traffic within the project are permitted. These directional signs shall not contain advertising messages and shall be subject to review and approval of the City Development Services Manager.

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### 3. Temporary Signs

In addition to the signs permitted by the Development Agreement and these Regulations, Church may install temporary signs, or banners in accordance with the following schedule provided the signs or banners are attached to existing wall or identification signs, do not exceed the size of those signs, and Church has obtained any required permit from City:

Music	- 2 x per year for 21 days each period
Vacation Bible School	- 1 x per year for 30 days
Preschool	- 2 x per year for 30 days
Kindergarten	- 2 x per year for 30 days
Special events	- as approved by City of Newport Beach

#### C. Sign Maintenance

Signs, together with all of their supports, braces, guys and anchors, shall be properly maintained with respect to appearance, structure and electrical features.

#### D. Restricted Sign Types

Signs visible from surrounding land uses are subject to the following special restrictions:

No rotating, flashing, blinking or signing with animation shall be permitted. No signs shall be permitted which initiate or resemble official traffic signs or signals. No wind or audible signs shall be permitted.

## VII. SITE PLAN REVIEW

### A. Purpose

The effect of this Section is to establish a Site Plan Review procedure for the Newport Harbor Lutheran Church to ensure that the project conforms to the objectives of the General Plan and the Development Agreement. This Site Plan Review Procedure shall not be utilized to prevent, or unreasonably restrict, the construction of the entitlement granted pursuant to the Development Agreement.

### B. Application

Site Plan Review Approval shall be obtained prior to the issuance of a Grading Permit or a Building Permit for any new structure, or any modification to an existing structure which proposes an increase of fifteen percent (15%) or more in the gross floor area of the structure.

### C. Findings

The Site Plan Review procedures contained in this Section promote the health, safety and general welfare of the community by ensuring that:

- (1) Development of Newport Harbor Lutheran Church will be consistent with the objectives, policies and provisions of the Development Agreement.
- (2) Adequate parking is provided for all structures, land uses and activities on site.

### D. Plans and Diagrams to be Submitted

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

- (1) A Plot Plan, drawn to scale, showing the arrangement of buildings, driveways, pedestrian ways, parking, landscaped areas, signs, fences and walks. 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 utility and drainage are to be provided.
- (2) 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.

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- (3) Grading Plans.
- (4) Scale drawings of exterior lighting showing size, location, materials, intensity and relationship to adjacent streets and properties.
- (5) Architectural drawings, renderings or sketches, drawn to scale, showing all elevations of the proposed buildings and structures as they will appear upon completion.
- (6) Any other plans, diagrams, drawings or additional information necessary to adequately consider the proposed buildings and structures as they will appear upon completion and to determine compliance with the Development Agreement and these Regulations.

E. Fees

Site Plan Review fees are waived.

F. Standards

- (1) Grading and development shall take into consideration public parks and open space in the vicinity of the Project.

The Site Plan Review procedures established for Newport Harbor Lutheran Church shall be applied according to and in compliance with the following standards:

- (2) No structures shall be permitted in areas of potential geologic hazard unless specific mitigation measures are adopted which will reduce adverse impacts;
- (3) Site plan and layout of buildings, parking areas, pedestrian and vehicular access ways, and other site features shall give proper consideration to functional aspects of site development.
- (4) Development shall be consistent with specific Development Agreement policies and objectives, and shall not preclude the implementation of those policies and objectives.
- (5) Development shall be physically compatible with the development site, taking into consideration to the extent feasible, site characteristics, slopes and sensitive resources.

G. Public Hearing Notification and Planning Commission and City Council actions shall be pursuant to Chapter 20.01070. The Site Plan Review procedures established for Newport Harbor Lutheran Church shall be administered by the Planning Director. All decisions of the Planning Director shall be final.