

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT
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DATE: September 12, 2000

TO: Orange County Planning Commission

FROM: Planning & Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA00-071 for Site Development Permit, Coastal Development and Use Permit

PROPOSAL: Construction of a retail shopping center on a triangular shaped 10.8 acre site in Planning Area 12 of the Newport Ridge Planned Community and Planning Area 8 of the Newport Coast Planned Community. The shopping center proposal has 102,959 square feet of retail commercial uses including: a stand alone 55,232 square feet Vons Pavilion Supermarket; and, three inline general retail/food service buildings totaling 47,727 square feet. A central parking area for 541 vehicles is provided. In order to construct the proposed project, Planning Commission approval of the following is required:

- A Site Development Permit is required for the majority of the project which is within the Newport Ridge PC.
- A Coastal Development Permit is required because a portion of the site (approximately one-half acre and approximately 800 square feet of the Vons Pavilion structure) is within the Newport Coast PC.
- A Use Permit is requested to modify an off-street parking accessway standard. The proposed accessway to the site from Newport Coast Drive is 45 feet in length. The Zoning Code requires an accessway length of 90 feet at this specific location.

LOCATION: Planning Area 12 is located on the westerly side Newport Coast Drive, the southerly side of San Joaquin Hills Road and the north side of Ridge Park Road. Fifth Supervisorial District.

APPLICANT: Vons – A Safeway Company and the Irvine Company

STAFF CONTACT: William V. Melton, Project Manager
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SYNOPSIS: Planning & Development Services Department recommends Planning Commission find the proposal in conformance with the Newport Coast and Newport Ridge Planned Communities and approve PA00-0071 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The project site is all of Planning Area (PA) 12 of the Newport Ridge Planned Community (NRPC) and part of Planning Area 8 of the Newport Coast Planned Community/Local Coastal Program (NCPC). PA 12 has a land use designation of Commercial Village, permitting up to 155,000 square feet of commercial uses and up to 200 dwelling units. PA 8 has a land use designation of Medium High Density Residential but under development regulations of the NCPC (Chapter 4.C.2.b.5), commercial uses could be permitted in this planning area. The site has a total net land area of 15.03 acres, is vacant and has been previously graded. Of that total, 10.82 acres is being developed at this time with commercial uses and is the subject of this report. The remainder of the 15.03 acres, or 4.21 acres, is proposed for future development, and is not part of this Planning Application. This future development area could be developed into either commercial uses or residential uses or both, up to the limits allowed in PA 12. A Site Development Permit approved by the Planning Commission will be required prior to any future development.

As presently proposed, the commercial center will have 102,959 square feet of retail commercial uses including: a stand alone 55,232 square feet Vons Pavilion Supermarket; and, three inline general retail/food service buildings totaling 47,727 square feet. A shared centralized parking area for 541 vehicles is provided. The site is triangular in shape and its boundaries are defined by Newport Coast Drive to the east, San Joaquin Hills Road to the north and Ridge Park Road to the south and west. Three driveways to the site are proposed, one each from the three roads. The access points from Newport Coast Drive and San Joaquin Hills Road are right-in and right-out only. A full signalized ingress and egress is proposed at the Ridge Park Road access.

SURROUNDING LAND USE: * NRPC (Newport Ridge Planned Community)
 NCPC (Newport Coast Planned Community/Local Coastal Program)

Direction	Planning Area*	Land Use Designation	Existing Land Use
Project Site	PA 12 – NRPC	Commercial Village	Vacant
	PA 8 – NCPC	Medium High Density Residential	Vacant
North	PA 10 – NRPC	Recreation	Community Park
	PA 9 – NRPC	High Density Residential	Multi-family, apartments
South	PA 11 – NRPC	High Density Residential	Single-family residential and an OCFA fire station
	PA 12D – NCPC	Recreation	Private park & Buck Gully
East	PA 13 – NRPC PA 8 – NCPC	Medium High Density Residential	Proposed public school
West	PA 11 – NRPC	High Density Residential	Single-family residential and an OCFA fire station

CEQA COMPLIANCE:

The proposed project is covered by Final EIR 517, previously finalized Negative Declaration No. 96-0166 together with Addendum PA000071 (Exhibit 2). Prior to project approval, this EIR, ND and Addendum document must be found adequate to satisfy the requirements of CEQA by the Planning Commission. Appendix A contains the required CEQA Finding.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to eight County Divisions the City of Newport Beach and the State Permit Assistance Center.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions that cannot be addressed through conditions of approval. A telephone call was received by a resident of the adjacent residential property in Planning Area 11. This property owner expressed concerns regarding: 1) the hours of operation of the center, especially the hours of delivery for the Vons Pavilion; 2) the potential noise impacts from delivery trucks using Ridge Park Drive on residents in PA 11; and 3) the lack of screening between the commercial center and the home in PA 11 before the proposed residential is constructed. A discussion of these issues is presented in the next section of this report.

DISCUSSION/ANALYSIS:

The proposal conforms to all development standards of the PA 12 of the NRPC. A table showing the conformity is present on page 5 of this report. However, there may have been a planning issue with the proposal because it crosses-over a boundary line of another planned community. As noted the proposed project is located within both the NRPC and the NCPC. Since the NCPC is within the Coastal Zone, a portion of this proposal is also in the Coastal Zone. That portion of the project site in the NCPC in Planning Area 8 is less than one acre in size with approximately 800 square feet of the total 55,232 square feet of the Vons Pavilion.

Since PA 8 has a designation of residential, staff originally had a concern that the small portion of the proposal that is in PA 8 may not be permitted. It was assumed that PA 12 and PA 8 would be developed under the development guidelines and standards of NRPC Planning Area 12. After a detailed review of the text of the NRPC and the Zoning Code, staff determined that there were three sections in the NRCP and two sections in the Zoning Code which address this situation.

With regards to the NRPC, first is Chapter I “Purpose and Objectives”, Section B states in part:

“Although distinct from a regulatory and zoning perspective, physical land planning and design components such as roads, open space area, and ownerships for development, projects within NRPC Planning Areas 12, 13, 14 and 15 may cross over the common boundary shared between the Newport Coast Planning area 2C and 8.”

This section is clear that PA 12 and the small portion of PA 8, even though the two planning areas have different regulations, would be developed as a Commercial Village permitted under PA 12. Second, in NRPC Chapter II “General Regulations”, paragraph B.3.d. states:

“Commercial, nonresidential, and residential uses and area to be located at intersections of streets and/or highways shall conform with final street and/or highway alignments without requiring an amendment to this PC Program.”

This section indicates that the final road alignment defines the commercial area in PA 12. The final road alignment of Ridge Park Road and Newport Coast Drive was established with the approval of the NRPC. This section says that PA 8, even though it is in the NCPC, and PA 12 can be developed as a unified development without an amendment to the NRPC. Third, in the NRPC, Chapter V “Commercial Village, paragraph V.F.1 states in part:

“A building site may in terms of functional land use and circulation, blend into that portion of the Newport Coast Planned Community bounded by this Commercial Village Planning area, Newport Coast Drive and Ridge Park Road.”

This section restates and clarifies the first two NRPC sections discussed. Again, this section states that the Commercial Village, PA 12 is to be developed including all the area defined by the intersection of Ridge Park Road and Newport Coast Drive.

With regards to the two Zoning Code sections addressing this “cross-over” development, the first section addressing this boundary line cross-over is found in Section 7-9-20 (c.) “Indeterminate applicability” which states in part:

“When the provision of the Zoning Code, or a planned community or specific plan text do not clearly define or designate a use within a specific category, when the nature or characteristics of a use and such that the use could be included within more than one definition, and when there is some uncertainty as to which regulations are applicable in a specific instance, the Director shall determine which regulations are applicable.”

When the NCPC was approved, the final road alignment between the NRPC was not precisely defined. Only when the San Joaquin Hills PC (now NRPC) was approved was Ridge Park Road alignment finalized. Since the NRPC was not in the Coast Zone, the Irvine Company determined that this section of the Zone Code would apply to future development and neither the NRPC nor the NCPC and its accompanying LCP would have to be amended.

The second section of the Zoning Code applicable to this proposal is, Zoning Code Section 7-9-49 “Establishment of Districts and Interpretation of District Boundaries” which states in part”

“Where uncertainty exists as to the boundaries of district shown on an official zoning map, the following rules apply.

- (a) Boundaries indicated as approximately following the centerlines of streets, highways or alley shall be construed to follow such centerlines;*
- (b) Boundaries indicated as approximately following the right-of-way lines of streets, highways or alleys, shall be construed to follow such right-of-way lines, and in the event of change in the right-of-way line shall be construed as moving with right-of-way line.”*

Based on Zoning Code Section 7-9-49 above and the NRPC, Chapter V “Commercial Village, paragraph V.F.1, the center lines of Newport Coast Drive and Ridge Park Road define the limits of development and boundary line of the Commercial Village planning area.

Staff therefore concludes that while the project site is in both Planning Area 8 of the NCPC and Planning Area 12 of the NRPC, that because of the final alignment of the roads surrounding the site, the site was intended to be developed in accordance with NRPC regulations. However, that portion of the project site in PA 8 of the NCPC is still within the Coastal Zone and does not eliminate the applicant’s requirement from also obtaining the approval of a Coastal Development Permit in addition to the approval of a Site Development Permit.

As previously stated, the project as proposed conforms to the applicable site development standards and requirements of the Newport Ridge PC and Zoning Code as shown in the following table:

SITE DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED
Building site area	No minimum	10.82 acres
Building gross floor area	155,000 square feet	102,959 square feet
Building floor area ratio (FAR)	Between 0.2 and 0.5 FAR	0.22 FAR
Building height limit	50 feet	48 feet maximum
Building front setback	20 feet from right-of-way	22”-6” (Newport Coast Drive)
Building rear setback	No minimum	60 feet (future residential)
Building side setback	10 feet from property line	22 feet (SJH Drive) 70 feet (Ridge Park Road)
Accessway from Newport Coast Drive	90 feet minimum length	45 feet length ⁽¹⁾
On-site parking	515 spaces	541 spaces

⁽¹⁾ The Zoning Code off-street parking requirements for a driveway or accessway into a commercial area from an arterial road containing more than 451 parking spaces requires a minimum accessway length of 90 feet before it is intersected with another accessway or parking aisle. The purpose of the long accessway is to provide for cars to make left turns into parking areas from the accessway and to allow stacking spaces for other cars entering the site and not backing up into the arterial. Because that there are only a few parking spaces located to the left of the accessway and there would be little demand for this parking area, the Traffic Review Section of the Subdivision and Grading Services Division determined that the 45 feet long accessway proposed was satisfactory. This driveway and parking area would most likely be used by Vons delivery trucks and long term parking, such as employees. The applicant has requested a Use Permit, as allowed by the off-street parking requirements of Zoning Code Section 7-9-145, to allow for the shortened accessway. Since the Zoning Code permits such modification, the proposal conforms to the off-street parking standards of the Zoning Code.

Other issues

As previously mentioned, a resident of a nearby residential area expressed a concern with the proposal regarding: 1) the hours of operation of the center, especially the hours of delivery for the Vons Pavilion; 2) the potential noise impacts from delivery trucks using Ridge Park Drive on residents in PA 11; and 3) the lack of screening between the commercial center and the home in PA 11 before the proposed residential is constructed.

Staff notes that the site since the inception of the NRPC was intended to be developed with retail commercial uses. The applicant and staff also feels that these concerns expressed have merit, and Conditions of Approval should be added to project approval to make the proposal compatible with the adjacent residential area. The applicant proposes that large tractor/trailer truck deliveries be limited to the hours of 7:00 am to 10:00 pm daily. Staff feels that the delivery hours on Sunday and holidays should be shortened. To address the concern for compatibility, in addition to standard light and noise conditions, staff is recommending the following special Conditions of Approval regarding the hours for deliveries for Vons:

There shall be no time limitation on business hours for the retail center. The delivery hours for company owned Vons trucks (or other large tractor/trailer trucks) shall be limited to the hours of 7:00 am to 10:00 pm Monday through Saturday; and, 9:00 am to 9:00 pm on Sundays and holidays. Delivery trucks exiting the site at Ridge Park Road should avoid the use of right hand turns when possible.

The Commercial Village development regulations does not mention the hours of operation, therefore, the proposed retail center could operate 7 days a week, 24-hours a day. Since this is a discretionary permit, the Planning Commission could incorporate a Condition of Approval limiting the business hours of the entire center.

Regarding the concern on screening, staff notes that landscaping is proposed on the driveway that goes from San Joaquin Hills Road to Ridge Park Road. The applicant also proposes to hydroseed the area designated for future development. This landscaping should be adequate to provide screening between the

project site and the residential area. Additionally, staff is recommending the standard condition for landscaping (see condition no. 21 in Appendix B for full text) be modified by adding the following sentence as shown:

Prior to the issuance of precise grading permits, the applicant shall prepare a detailed landscape plan for privately maintained areas which shall be reviewed and approved by the Manager, Subdivision and Grading in consultation with the Manager, Current Planning Services Division. Said landscape plan shall include provisions for landscaping on the area of the site plan shown as "Future Development". The plan shall...."

CONCLUSION:

The project site has always been designated to be developed with up to 155,000 square feet of retail commercial uses. The site has been designed, with the inclusions of a Use Permit, to conform to all Commercial Village development standards. Standard and custom Conditions of Approval have been incorporated to make the proposal compatible with the residential and other land uses surrounding the site. The issues of development on PA 12 of the NRPC and PA 8 of the NCPC have been acknowledged and addressed through three sections of the NRPC and two sections of the Zoning Code. Staff supports the applicants request for a Site Development Permit, Coastal Development Permit and Use Permit for construction of 102,959 square feet of retail commercial uses as submitted and makes a recommendation as follows.

RECOMMENDED ACTION:

Planning and Development Services Department recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve PA00-0071 for Site Development Permit, Coastal Development Permit and Use Permit subject to the attached findings and conditions of approval.

Respectfully submitted

John B. Buzas, Manager
Current Planning Services

WVM

Folder : D/Newport Ridge/PA00-0071 Staff PA 12

APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

- 1. Applicant's Letter of Explanation
- 2. Environmental Documentation
- 3. Site Plans (both full size and reduced size)

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Orange County Planning Commission on this permit to the Board of Supervisors within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.