

**PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT**

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**DATE:** October 19, 2000

**TO:** Orange County Zoning Administrator

**FROM:** Planning and Development Services Department/Current Planning Services Division

**SUBJECT:** Public Hearing on Planning Application PA00-0077 for Site Development Permit

**PROPOSAL:** Request for site plan approval to allow the construction of four (4) two-story office building structures with a floor area of 52,300 square feet, on an approximately 3.38 acre (147,059 square feet) site. The project includes a request for modifications to the site development standards to permit: 1) 207 on-site parking spaces, when the Orange County Zoning Code on-site parking requirement for an office project this size is 209 parking spaces; and, 2) a setback of 10 feet for one of the buildings adjacent to residential zoned property when a setback of 40 feet is required.

**LOCATION:** The northeast intersection of Terrace View Drive and Aliso Creek Drive, at 27462 Terrace View Drive, Aliso Viejo. Fifth Supervisorial District.

**APPLICANT:** Temple Beth-El of South Orange County, property owner  
Lundstrom and Associates, agent

**STAFF** William V. Melton, Project Manager  
**CONTACT:** Phone: (714) 834-2541 FAX: (714) 834-4652

**SYNOPSIS:** Current Planning Services Division recommends Zoning Administrator approval of PA00-0077 for Site Development Permit subject to the attached Findings and Conditions of Approval.

**BACKGROUND:**

The 3.38 site is triangular in shape and presently developed with the temporary facilities for Temple Beth-El. The project site is in Planning Area 52.2 of the Aliso Viejo Planned Community and has a land use designation of Business Park. The site is bordered by Aliso Creek Drive to the west, Terrace View Road to the south, and residential development to the east. Access to this site is from both Aliso Creek Drive and Terrace View Road. The site is level and is on top of and adjacent to a 75 feet high landscaped slope to the east with residential development at the bottom of the slope.

The site was approved as a religious facility by Site Development Permit SP9003080001A on June 14, 1990. The approval included a two-story, 30,000 square foot structure, located in the southern area of the site, and parking areas. On January 24, 1992 a Changed Plan was approved to allow the use of temporary structures until the permanent structure was constructed. The temporary use included a 5,000 square foot sanctuary/administration building and a 6,600 square feet of classroom buildings. It was thought at the

time that the temporary building would be used for no longer than two years. The permanent structure was never started and the temporary structures and parking area are still on the site. These temporary structures will be removed from the site prior to the construction of the office building proposal.

**SURROUNDING LAND USE:**

| <b>Direction</b> | <b>Aliso Viejo PC Planning Area</b> | <b>Land Use Designation</b> | <b>Existing Land Use</b>               |
|------------------|-------------------------------------|-----------------------------|--|
| Project Site     | 52.2                                | Business Park               | Church and school                      |
| North            | 52.2 and 52.1                       | Business Park               | Commercial                             |
| South            | 52.3                                | Business Park               | Multi-family residential, apartments   |
| East             | 26.2                                | High Density Residential    | Multi-family residential, condominiums |
| West             | 52.2                                | Business Park               | Commercial                             |

**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 9 County Divisions and the Aliso Viejo Advisory Planning Committee (AVAPC)

As of the writing of this staff report, no comments raising issues with the project that could not be address through Conditions of Approval have been received from other County divisions. AVAPC, at its meeting held June 28, 2000 recommended that that County approval the proposal (Exhibit 2 is the AVAPC recommendation letter).

A letter commenting on the proposal was received from Paul Lima, 12 Pampiona, Aliso Viejo (Exhibit 3). Mr. Lima commented that he was opposed to the proposed setback of 10 feet and that he had no issue with the proposed parking modification.

Staff also received a number of telephone calls for property owners in the residential area to the east of the proposal. The callers’ comments centered on the proposed 10 feet setback from the east property line for one of the building. These callers indicated that the proposal should conform to the standard 40 feet setback requirement. Some callers indicated their concern with the privacy because the windows on the second story of the building would only be 10 feet from the property line. A discussion of these concerns is presented in a later section of this report.

**CEQA COMPLIANCE:**

The proposed project is covered by Final EIR 088, previously certified on October 19, 1982 and Addendum No. PA000077 (Exhibit 4). Prior to project approval, this EIR and Addendum must be found adequate to satisfy the requirements of CEQA by the Zoning Administrator. Appendix A contains the required CEQA Finding.

**DISCUSSION/ANALYSIS:**

The current proposal on this site is to remove all the existing structures and construct four two-story office buildings with a total area of 52,301 square feet. The four buildings are similar in size, ranging from 12,152 to 13,438 square feet. On-site surface parking spaces for 207 vehicles is also provided. The project site is in Planning Area 52.2, which is part of the Business Park/Town Center planning areas stretching through the core of the Aliso Viejo Planned Community. Office use is a principal permitted use in this planning area.

Except for the east property line setback and the one parking space modification, the project conforms to the site development regulations of the Business Park zone of the Aliso Viejo Planned Community as shown in the following table:

| <b>Development Standard</b> | <b>Permitted</b>                           | <b>Proposed</b>  |
|-----------------------------|--|--|
| <b>Building setbacks</b>    |  |  |
| From Aliso Creek Road       | 30 feet                                    | 34 feet  |
| From east property line     | 40 feet (adjacent residential area only) * | 10 feet to 35 feet for one building. Two other buildings setback at 55 feet and 60 feet. |
| From Terrace View           | 15 feet                                    | 22 feet  |
| <b>Building Height</b>      | 50 feet                                    | 35 feet  |
| <b>Boundary Landscaping</b> |  |  |
| From Aliso Creek Road       | 15 feet average depth                      | 34 feet average depth  |
| From east property line     | no minimum                                 | 4 feet   |
| From Terrace View           | 10 feet average depth                      | 22 feet average depth  |
| <b>Parking</b>              | 209 spaces                                 | 207 spaces   |
| <b>Site Landscaping</b>     | 7,250 sq. ft. (5% of site)                 | 49,810 sq. ft. (34% of site including landscape easements)                               |

\* If the east property line was shared with another industrial or commercial use, there is no minimum setback

Requests for approval of an office project in the Business Park planning area is subject to approval of a Site Development Permit by the Director of Planning. However, this project requires a modification to the site development standard for setback adjacent to a residential area; and, an off-street parking modification. Because this proposal requests a “variance” to the setbacks, under Zoning Code requirements, this proposal requires approval by the Zoning Administrator through the public hearing process.

It appears, based on the comments received from the property owners in the residential development to the east, most of these residents are concerned about the applicant's request for a setback of 10 feet for one building (shown as Building 2 on the site plan) adjacent to the east property line. They indicated that if there is a requirement for a setback of 40 feet, then the building should be setback 40 feet.

The development regulations in the Aliso Viejo PC recognized that there may be situations where the general development regulations may not be applicable in all instances. In those cases the applicant may request an alternate development standard. This is the case for this proposal. Because of the unique location of this site to the adjacent residential site, the applicant feels that the required 40 feet setback is not applicable to this site.

The subject site and the proposed location of Building 2 is at an elevation of approximately 75 feet above and from 165 to 195 feet away from the nearest dwelling unit in the residential area to the east. Only 70 lineal feet of the building is facing the east property line, which is over 760 feet in length. Also, the second floor is setback from the ground floor. The area between this property line and the residential area is a heavily landscaped slope with many tall mature trees. This factor was one of the reasons that the original, and much larger, Temple Beth-El building was approved with a 15 feet setback under Site Development Permit SP9003080001A.

A reason for the 40 feet setback is to ensure that there would be adequate separation for commercial buildings when construction occurred a business zone that was adjacent residential zoned area at a similar grade elevation with no major separation feature. The 75 feet high landscape slope and the distance of 165 feet from Building 2 and the nearest dwelling, in staff opinion, satisfies the intent of the 40 feet setback. Staff notes, the two other buildings closest to the east property line area are setback 55 feet and 60 feet respectively.

Another issue is the traffic on Terrace View. The existing and proposed project has full ingress and egress on Terrace View. Terrace View serves several multi-family residential developments and a high school. It was pointed out at during the public hearing process for the large apartment located due south of the project site, that morning and afternoon high school traffic was a major issue to the area residents. Modifications were made to the apartment project to address the traffic issue. The high school traffic is still an issue for this proposal.

As part of the project review process, a traffic study was prepared by the applicant and reviewed by staff in the Traffic Review Section of the Subdivision and Grading Services Division. The traffic study shows that the proposed office project will generate 39 additional trip ends on Terrace View with a total project addition of 60 trips per day compared to the existing site use. Traffic Review staff also noted that the Terrace View/Aliso Creek Road has experienced traffic problems in the past with vehicles west bound on Terrace View blocking the access to the site for vehicles eastbound on Terrace View. This has had a domino effect, causing vehicle stacking on northbound Aliso Creek Road trying to access Terrace View, thereby blocking traffic. To help mitigate this issue, at the recommendation of the Subdivision and Grading Services Division, the following Condition of Approval (number 27) is included in the project approval:

*Prior to the issuance of a grading permit, the applicant shall restripe Aliso Creek Road south of Terrace View Road to provide a 150 feet long right turn pocket at Terrace View Road, in a manner meeting the approval of the Manager, Subdivision and Grading Services Division.*

Regarding the request to reduce the parking spaces required from 209 spaces to 207 spaces, staff does not feel that this is an issue. The two spaces difference is less than 1.0 percent of the total requirement. Also, the Zoning Code parking requirement for office use is based on gross building square footage that includes restrooms, equipment rooms, and other areas not used for general leaseable office space. Staff finds no issues with the applicant's request for providing 207 parking spaces.

In conclusion, staff finds that the new office use proposed conforms to the purpose and objectives of the Aliso Viejo Business Park regulations. The grade separation together with the large landscape slope between the site and the residential area supports the request for the proposed site development modification. The reduction in two parking spaces to 207 on-site parking space should not deprive the site of adequate on-site parking. The existing and potential traffic issues have been addressed and properly mitigated to an acceptable level. Staff supports the proposal and makes a recommendation as follows.

**RECOMMENDED ACTION:**

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA00-0077 for Site Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

C. M. Shoemaker, Chief  
CPSD/Site Planning Section

WVM

Folder: D/Aliso Viejo/PA00-0077 Staff

**APPENDICES:**

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

**EXHIBITS:**

- 1. Applicant's Letter of Explanation
- 2. Letters from AVAPC dated July 12, 2000
- 3. Letter from Paul Lima dated October 10, 2000
- 4. Environmental Documentation
- 5. Site Plans and site photos

**APPEAL PROCEDURE:**

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission 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.