

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

MS Word Export To Multiple PDF Files Software - Please purchase license.

DATE: July 30, 2003

TO: Orange County Planning Commission

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

SUBJECT: Public Hearing on Planning Application PA03-0027 for Area Plan Amendments and Site Development Permit.

PROPOSAL: Area Plan amendments are proposed to previously approved Area Plans for Planning Areas 3 and 4 limited to the transfer of 24 Home Based Business Enclave (HBBE) units from PA 3 to PA 4 in the Ladera Planned Community and establish HBBE guidelines in PA 4. An amendment to the Ladera PC Statistical Table proposes to revise the dwelling unit totals in PAs 3, 4 and 5. A Site Development Permit is proposed to allow construction of 96 condominium units and model home sales complex on an 8.1-acre site in Planning Area 4B of the Ladera Planned Community. Included in that total are 24 HBBE units.

LOCATION: The HBBE project site is located in the southeasterly portion of the Ladera Planned Community, southeasterly of O'Neill Drive, northerly of Triad Lane and easterly of Eton Place. This area is being marketed as Terramor Village. Fifth Supervisorial District.

APPLICANT: Standard Pacific Homes, project builder and Site Development Permit
DMB Ladera LLC and Rancho Mission Viejo Co., master developer and Area Plans
Jay Bullock, Planning Solutions, agent

STAFF William V. Melton, Project Manager

CONTACT: Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division recommends Planning Commission approval of PA03-0027 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The project site 8.1 acres in size and is located in Ladera Ranch Planning Area 4B, in the southeasterly portion of the Ladera Planned Community, southeasterly of O'Neill Drive. Specifically, this project is located in Tentative Tract 16271, Lots 6, 7 and 13 (recorded as "A" Final Tract 16341, Lot 9). This parcel is located southerly of Eton Place between O'Neill Drive and Triad Lane, surrounded by future residential projects and the proposed future Ladera Aquatic Park to the southeast. As with all residential projects in the Terramor Village (Planning Area 4B), the project site is adjacent to an "arroyo" open space area to the south, with pedestrian trails linking this residential project to the aquatic park and surrounding village and community recreational amenities. The site is presently vacant and has been mass graded.

The proposed project is the construction of 96 townhouse type condominium units in 20 buildings. Of that total, 24 units in 5 buildings are proposed using the HBBE guidelines originally established in Planning Area 3B under Planning Application PA02-0010. In order for this proposal to move forward in Planning Area 4B, the applicant is required to:

1. Amended the approved Area Plan for Planning Area 3 by reducing the maximum number of dwelling units permitted and maximum acres permit under the HBBE guidelines.
2. Amend the approved Area Plan for Planning Area 4 by adding a new section for the HBBE guidelines and establishing the maximum number of acres and dwelling units permitted for HBBE development.
3. Obtain Site Development Permit approval of the 96-unit condominium proposal, including 24 HBBE units.

In addition to the above, an amendment to Ladera PC Statistical Table is proposed for the entire Ladera PC to revise the dwelling unit totals for several of the Ladera Planning Areas. These proposed revisions only involve movement of dwelling units from planning area to planning area, and do not increase the overall Board of Supervisors approved total 8,100 dwelling units. The Site Development Permit and Statistical Table amendment would normally be address administratively, but because of the HBBE proposal and the proposed amendments to the PA 3 and PA 4 Area Plans, the entire Planning Application proposal is being presented to the Planning Commission for their action (see Exhibit 1).

A model home sales complex is also proposed for the HBBE project. The complex site is located along the northwestern property with access off of Eton Place. The model homes and sales office are located in one of the future HBBE buildings. The model home complex is typical. A previously approved (PA03-0008) model homes sales complex located north of the proposed project will be used in conjunction with the sale of the non-HBBE homes.

SURROUNDING LAND USE:

Direction	Planning Area	Land Use Designation	Existing Land Use
Project Site	4B	Residential	Vacant and graded
North	4B	Residential	Future 96 multi-family dwelling units
South	4B	Residential	Approved for 142 multi-family dwelling units
West	4B	Residential	Village Green open space area Future 80 multi-family dwelling units
East	3B	Residential	Approved single-family dwelling units

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 13 County Divisions, the Capistrano Unified School District and the Santa Margarita Water District. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions.

CEQA COMPLIANCE:

The proposed project is covered by Final EIR 555, previously certified on 10-17-95, and Addendum PA030027 (Exhibit 7). Prior to project approval, this EIR and Addendum must be found adequate to satisfy the requirements of CEQA by the Planning Commission. Appendix A contains the required CEQA Finding.

DISCUSSION:

DMB Ladera LLC and Rancho Mission Viejo Co. are the applicants for this proposal, including the Area Plan amendments and the Site Development Permit. Standard Pacific Homes will be the developer of the condominium proposal. Following is a detail description of each of the proposed segments of this application.

Amendment to the Planning Area 3 (subarea 3B) Area Plan

Area Plan AP99-02 for Planning Area PA-3 was previously approved by the Planning Commission under Planning Application PA99-0062 in June 1999. This Area Plan established the development guideline and allowed a total of up to 120 HBBE dwelling units (within the total residential units permitted in PA 3) in an area, or areas, totaling no more than 20 acres. In May 2002, the Planning Commission approved Planning Application PA02-0010 by Standard Pacific Homes for a 22 lot single-family subdivision in which all 22 homes were designed using the HBBE development standards. Construction for that proposal, being marketed as “Front Street” is currently underway and the model home complex is operational.

This proposed Area Plan amendment to Planning Area 3 would reduce the maximum number of HBBE units permitted within the total residential units permitted from 120 to 80 and the maximum development area from 20 acres to 8 acres (see Exhibit 2). This allows the transfer 24 HBBE units and 3 acres from PA-3B to PA-4B without increasing the total number of HBBE units in Ladera. Since only 24 HBBE units and 3 acres of development area are proposed to be transferred to PA 4B, PA 3B could be reduced to 96 HBBE units and 17 acres of development to satisfy the transfer requirements to PA 4B. The master developer, however, determined that 80 HBBE units and 8 acres of development area within PA 3B could adequately satisfy any further HBBE development needs.

Amendment to the Planning Area 4 (subarea 4B) Area Plan

Area Plan AP01-04 for Planning Area 4B was previously approved by the Planning Commission under Planning Application PA01-0109 in April 2002. That Area Plan established general development guidelines but did not anticipate the use of HBBE development in the planning area. The applicant proposes to amend Area Plan 4B by adding provisions for HBBE use. The amendment includes the addition of 24 HBBE units in the maximum dwelling unit count and 3 acres of site development area (see Exhibit 3). The addition of the 24 HBBE units does not increase the total number of dwelling units or total acreage previously permitted under AP01-04. Also included in the Area Plan amendment is a new section to the PA 4B area plan (see Exhibit 3a), which adds the HBBE development standards. This section (Section 3.2 Home Based Business Enclave) is similar to the HBBE development standards approved by the Planning Commission for HBBE uses within Planning Subarea 3B of the Ladera Planned Community, per Area Plan PA99-0062. This new section is proposed to read as follows (the conditions of approval also reflect the uses permitted and prohibited):

Section 3.2 - Home Based Business Enclave

Home occupations are an allowed accessory use within all Ladera Ranch Planned Community residential planning areas, including Planning Area 4B (PA4B) per P.C. Section III.F.4. and per Section 7-9-146.6 of the Zoning Code.

The PA-4B Home Based Business Enclave allows opportunities for small, entrepreneurial business owners to operate out of their condominium homes, within the context of a multiple-family enclave geared toward the special needs of home based business owners.

While Home Based Business Enclave uses are consistent with Ladera P.C. Section III.F.4., and Section 7-9-146.6 of the Zoning Code, parking and signage would not be allowed. Therefore, this PA-4B Home Based Business Enclave shall be subject to Planning Commission approval of Site Development Permit, per the following site development standards and studies:

- a) Allowed uses include, but are not be limited to, tax preparation, accounting, financial, architecture, graphics and arts, attorney, internet or web oriented businesses, or any other similar uses which do not require intensive customer traffic.*
- b) Prohibited uses include medical, dental, veterinarian, tattoo parlors, fortune tellers, and all uses prohibited by Ladera Ranch P.C. Section III.G. In addition, no hazardous materials would be allowed.*
- c) Hours of operation for businesses serving customers on-site shall be 7:00 am to 7:00 p.m.*

Amendment to the Ladera Planned Community Statistical Table

An amendment is proposed to revise the dwelling unit totals in several of the Ladera Planning Areas. As shown on the attached "Proposed Ladera Planned Community Statistical Table, dated July 17, 2003", (Exhibit 4) these revisions only involve movement of dwelling units from planning area to planning area, and do not increase the overall Board of Supervisors approved total 8,100 dwelling units (although the previous April 9, 2002 Planning Commission approval of the Statistical Table inadvertently resulted in a total of only 8,099 units). Because each of the proposed changes to the Statistical Table represent less

than 5% of the allowed dwelling units in each affected Planning Area, Ladera P.C. Section X.D.6. allows for administrative approval by the Director, PDS. The specific proposed changes to the Statistical Table are summarized as follows:

- 45 dwelling unit reduction of PA-4, from 1,820 to 1,775 (2.4% change)
- 43 dwelling unit addition to PA-3, from 2,987 to 3,030 (1.4% change)
- 3 dwelling unit addition to PA-5, from 504 to 507 (0.6% change)

Site Development Permit

The Site Development Permit is for the construction of 96 condominium units within the 8.1-acre site. This application might typically merit administrative approval of a site development permit if deemed in compliance with the requirements of the Ladera Planned Community Land Use Regulations, Section III.4 Multiple Family Dwellings. The project proposal requires Planning Commission approval due to the inclusion of 24 Home Based Business Enclave dwelling units within that 96 dwelling unit total. All 96 condominium units conform to the applicable site development standards. The charts on page 6 of this report details the required and proposed development requirements and the parking required and proposed.

All 72 conventional condominiums are three bedrooms or have a provision for a third bedroom option. The townhomes are arranged in 15 buildings with three to five units in each building. Four plan types are offered with living space ranging in area from 1,612 to 2,055 square feet. The structures are in a two-story or three-story configuration, with the third story being a retreat or mezzanine accessed from the master bedroom. Each unit is provided with a direct entry two-car garage accessed from a street or alley. The front entrance to the units is from walkways in the project common area. This is referred to as the “traditional design” by the Ladera developers.

The 24 HBBE units share the same exterior styling as the conventional units. The difference is the addition of an office area with a handicap accessible bathroom on the ground floor level, which is the essence of the HBBE. The 24 units are located in 5 buildings, three buildings with 5 units and two buildings with 4 units. All units have three floors of living area, with unit size ranging in area from 2,088 to 2,188 square feet. Like the conventional units, the HBBE units are all three bedrooms with a two-car direct access garage. Fourteen of the units have the front entrance and the HBBE entrance on the boundary streets of Eton Place and Triad Lane. The other nine units have the front entrance and the HBBE entrance form walkways in the project common area.

The HBBE units are situated at the northwestern corner of the project site, which provides an HBBE area to be separated from the other non-HBBE residential units. A potential problematic aspect of this interface has been resolved by segregating the private drive serving HBBE units from the rest of the project traffic flow. The developers goal is to avoid, to the extent possible, impacts from vehicles driven by HBBE customers or delivery personnel into a residential alleyway or street that may be a play area for children, even it their parents are unaware of this potential increased traffic. Standard Pacific Home’s previous HBBE project did not have this issue because all the homes in the project were HBBE. There are a total of 17 open parking spaces in parking bays for HBBE use.

STANDARD	REQUIRED	PROPOSED
Building Site Area	5,000 sq. ft. minimum	353,836 square feet or 8.1 acres
Building Site Area per Unit	1,000 square feet	3,686 square feet
Building Site Coverage	60 percent maximum	33 percent
Building Setbacks	10 feet minimum for any project boundary line or greenbelt	10 feet minimum
Building Height	35 feet maximum	35 feet maximum
Building Separation	15 feet minimum	15 feet minimum
Project Open Space	10 percent of the net area of the site	36 percent
Boundary landscaping	10 feet average depth with 5 feet depth minimum	15 feet minimum
Parking	271 (see below)	288 (see below)

PARKING STANDARD	REQUIRED SPACES	PROPOSED SPACES
72 dwelling units (excludes HBBE units)	180 – 2.5 per unit (2 spaces for each unit plus ½ space for third bedroom)	190 – 144 garage and 46 open spaces ⁽¹⁾
Guest (excludes HBBE units)	14 – 0.2 per unit	14 ⁽¹⁾
24 HBBE units	60 – 2.5 per unit (2 spaces for each unit plus ½ space for third bedroom)	60 – 48 garage and 12 open spaces ⁽²⁾
Guest	5 – 0.2 per unit	5 ⁽²⁾
HBBE Customer Parking	12 – There is no county standard for this use. A parking analysis determined 0.5 spaces additional per unit would be required.	19 ⁽²⁾
TOTAL	271	288

- (1) The total of all open parking spaces (60) includes a provision for one (1) private guest parking space in driveways of 11 units that have a double driveway with a length of 17 feet or greater. There are a total of 49 open parking spaces in parking bays for non-HBBE use.
- (2) The total of all open parking spaces (36) includes a provision for one (1) private guest/customer parking space in driveways of 19 units that have a double driveway with a length of 17 feet or greater.

Because of the special access and parking needs of proposed HBBE dwelling units, ingress/egress for the 24 HBBE units has been segregated and parking has been calculated separate from the 72 non-HBBE units. Each of the 72 conventional multi-family dwelling units are proposed as 3 bedroom condominiums. Therefore, the requirement of 2.5 resident spaces ($72 \times 2.5 = 180$ spaces) and 0.2 guest spaces ($72 \times 0.2 = 14$ spaces) per unit is satisfied through the provision of 194 spaces to serve the non-HBBE portion of the site. Because some of the anticipated uses within the proposed Home Based Business Enclave may result in more visitors than a typical condominium, an additional 0.8 parking spaces per unit are proposed. Therefore, the requirement of 2.5 resident spaces ($24 \times 2.5 = 60$ spaces), 0.8 HBBE spaces ($24 \times 0.8 = 19$ spaces) and 0.2 guest spaces ($24 \times 0.2 = 5$ spaces) per unit is satisfied through the provision of 84 spaces to serve the 24 HBBE units. A parking analysis has been prepared for this proposal and is included as Exhibit 5. The analysis determined that only 0.5 extra spaces were required for the proposal.

It is important to note that home occupations are permitted in any Ladera PC residential area or any other residential zone through out the County. Following are the standards required to have a home occupation as permitted under Zoning Code Section 7-9-146.6:

- (1) *There shall be no exterior evidence of the conduct of a home occupation.*
- (2) *A home occupation shall be conducted only within the enclosed living area of the dwelling unit.*
- (3) *Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit shall be prohibited.*
- (4) ***Only the residents of the dwelling unit may be engaged in the home occupation.***
- (5) *There shall be no sale of goods not produced on the premises.*
- (6) *The establishment and conduct of a home occupation shall not change the principal character or use of the dwelling unit involved.*
- (7) ***There shall be no signs.***
- (8) *Required residential off-street parking shall be maintained.*
- (9) ***A home occupation shall not create greater vehicular or pedestrian traffic than normal for the district in which it is located.***

As shown above, the most significant differences between the Zoning Code home occupation standards and the HBBE standards proposed (see page 4 of this report) are highlighted numbers (4), (7) and (9). The HBBE standards do allow employees that are not residents of the dwelling, which is not permitted by Zoning Code standard number (4). The HBBE standard does permit signage, which is not permitted under (7). The applicant has submitted a Sign Program as required by HBBE standards (Exhibit 6). Lastly, it is planning staff's interpretation of Zoning Code standard (9) for home occupations that customers coming to the residence could create an increase in traffic, therefore customers area not permitted to come to the residence. HBBE permits customers or clients to come to the residence but limits business hours. To

provide for customers or clients, additional on-site parking is provided as shown on the parking chart on page 6 of this report.

CONCLUSION:

This proposal for a Home Based Business Enclave is representative of the Ladera PC master developer's desire to present unique opportunities within Ladera Ranch. As was noted, the operation of a "Home Occupation" is currently allowed in all residential districts within Orange County, Section 7-9-146.6 of the Orange County Zoning Code. The current request is substantially consistent with the current zoning code section, with the exception of proposed on-site parking, signage, potential increase in vehicular and pedestrian traffic, and the limitation that the "home occupation" be confined to the living area of the dwelling. Additionally, the project proposed is consistent with the applicable development standards for the site.

When the HBBE was established for Planning Area 3B in 1999, the developer estimated that the planning area contained sufficient development capacity to have up to 20 acres and a maximum of 120 HBBE development. Since PA 3B is nearing build-out, the opportunity for additional home business enclaves has diminished. Standard Pacific Homes and DMB Ladera see an opportunity to provide a multi-family HBBE in addition to the single-family HBBE approved in PA 3B. To accomplish this, DMB would just need to add HBBE to Planning Area 4B. However, to maintain the original approval of a maximum of 20 acres and no more than 120 units, the proposal is to transfer HBBE area and units and to reduce the totals in PA 3B, thereby not exceeding the Planning Commission approval that was envisioned for the entire Planned Community. DMB Ladera proposes a substantial decrease in potential HBBE development area to 8 acres and 80 units. The addition of the HBBE to PA 4 is for 3 acres and 24 units (the exact number proposed by this Site Development Permit).

In summary, staff is generally supportive of the proposal and the associated revisions to the affected Area Plans. Staff believes that the proposal will provide an additional opportunity for the community to create a certain quality of life for property owners within the existing and proposed business enclaves. The HBBE units are designed to be architecturally compatible with non-HBBE units on the site. The location of the HBBE units provides for traffic circulation that does not have a significant impact on the non-HBBE units while providing ease of access for the HBBE customers and clients. The parking has been designed to address both the residential uses and business uses anticipated for the HBBE units and the other residential units on site. Staff supports the 96 unit residential proposal with the inclusion of the 24 HBBE units and makes a recommendation as follows.

RECOMMENDED ACTION:

Planning and Development Services Department/Current Planning Services Division recommends the Planning Commission:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA03-0027 for:

- 1) Amendment to Area Plan AP99-02 for Planning Area 3B;
- 2) Amendment to Area Plan AP01-04 for Planning Area 4B;
- 3) Amendment to the Ladera Planned Community Statistical Table; and,
- 4) A Site Development Permit for 96 condominium units including: 24 Home Based Business Enclave units, a Sign Program for the HBBE units and a model home sales complex,

all subject to the attached findings and conditions of approval.

Respectfully submitted

John B. Buzas, Manager
Current Planning Services Division

WVM

Folder: C:\My Documents\Ladera\PA03-0027 Staff Stan Pac HBBE.doc

APPENDICES:

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

EXHIBITS:

1. Applicant's Letter of Explanation
2. Proposed Amendment to Planning Area 3B – Statistical Summary
3. Proposed Amendment to Planning Area 4B – Statistical Summary
- 3a. Proposed Amendment to Planning Area 4B – Text
- 3b. Proposed Amendment to Planning Area 4B – Land Use Plan
4. Proposed Amendment to the Ladera Planned Community Statistical Table
5. Parking Analysis prepared by Linscott, Law and Greenspan dated May 9, 2003
6. Proposed HBBE Sign Program
7. Environmental Documentation
8. Site Plans

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 Street, Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Department.