



**FILE:**

**DATE:** April 7, 2006

**TO:** File/Record/Applicant

**FROM:** Tim S. Neely, Director, Planning and Development Services Department

**SUBJECT:** Planning Application PA06-0002 is a privately-initiated request to amend certain specific components of the Ladera Corporate Terrace (Office Park) which was initially approved by Planning Application PA01-0060 in November 2001.

This Site Development Permit would permit flexibility in the selection of building square footages based upon occupancies for buildings 3, 5 and 7 of Ladera Corporate Terrace.

The Ladera Planned Community is located in southeastern Orange County, east of the City of Mission Viejo and northeasterly of the City of San Juan Capistrano. Planning Area 6 is located on the east side of Antonio Parkway south of Crown Valley Parkway. (Fifth Supervisorial District)

**APPLICANT:** Rancho Mission Viejo, property owner  
Lutzky Associates Development, LP, property agent  
Planning Solutions, Inc., Jay Bullock, entitlement agent

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**I. PROJECT HISTORY/NATURE OF PROJECT:**

On March 9, 1999, the Planning Commission approved Area Plan AP98-05 for Planning Area (PA) 6 of the Ladera PC (Planning Application PA98-0186). This Area Plan established 2 sub areas and general development guidelines for the 120 acre PA 6 "Urban Activity Center". Sub-Area A was established as Entertainment/Retail uses with a maximum of 228,860 square feet of uses on 32.4 gross acres. Sub-Area B (the subject site) uses included Mixed Use (625,140 square feet of uses on 67.3 gross acres), a Justice Center overlay (up to 90,000 square feet on 26 gross acres), a Community Facility (square footage and acreage undetermined) and Residential (200 dwelling unit maximum on 20.3 gross acres).

The Planning Commission later amended area Plan AP98-05 on February 28, 2001 by Planning Application PA00-0137. The amendment included increasing the number of dwelling units in Sub-Area B from 200 to 232 (a corresponding reduction of 32 units in adjacent PA 3 was also approved) and the deletion of the Justice Center use. PA00-0137 also included a Site Development Permit to allow for the construction of 232 multi-family dwelling units on a 10.4-acre site in the far southern portion of PA 6.

On November 8, 2001, the Zoning Administrator approved Site Development Permit PA01-0060 for the development of a 21.87 acre site in Sub-Area B "Mixed Use". The plans depicted the construction of mixed-use commercial center consisting of 14 buildings with 323,270 square feet of floor area and a total of 1,415 off-street parking spaces. The proposed commercial center conformed to all development standards. The development was further divided into northern and southern segments.

A Shared Parking Analysis, dated September 26, 2001, was developed by Linscott, Law and Greenspan (LL&G) Engineering to address the entire site, but primarily focused on the northerly portion of the site. The Parking Analysis proposed a three-step approach to determining the “worst case” peak hour parking demands of the proposed UAC Office/Mixed Use project:

- a. Parking for the northerly childcare facility (Building 10) is being provided based on the LL&G study.
- b. Parking for the non-fitness, non-childcare uses (i.e., office, medical, and service retail) is being provided based on ULI’s Shared Parking Manual (attached to the LL&G report), which anticipates peak demand between 10:00 AM and 4:00 PM daily.
- c. Parking for fitness facilities is being provided based on the LL&G study, which anticipates peak demand between 6:00 PM and 8:00 PM daily, and on weekends when office and childcare uses are primarily dormant.

Based on that approach, a comprehensive hourly summary table of the anticipated parking demand for each individual use was developed. Since the approval of Planning Application PA01-0060 several Changed Plans have been approved that refined parking designs, building locations and square footages and to lesser degree shaped occupancies all in general consistency with the original parking tabulations prepared by LL&G.

This Planning Application contains two alternative site plans. Site Plan 1 would accomplish the following:

- Building 3: decrease “general office” square footage from 32,000 to 30,000 square feet
- Building 5: increase “general office” square footage from 40,000 to 50,100 square feet
- Building 7: change use from “general office” to “medical office” and change square footage from 30,000 to 22,500 square feet
- Building 9: modify location to meet geo-technical concerns, no change in square footage.

Site Plan 2 would accomplish the following:

- Building 3: change use from “general office” to “medical office” and decrease square footage from 30,000 to 22,500 square feet
- Building 5: increase “general office” square footage from 40,000 to 45,000 square feet
- Building 7: change use from “general office” to “medical office” and change square footage from 30,000 to 22,500 square feet
- Building 9: modify location to meet geo-technical concerns, no change in square footage.

The proposed site plans also provide parking space revisions which result in a net increase of 15 spaces over previous plans. The total number of parking spaces is now 1,201 spaces. Consistent with prior approvals a “Parking Demand Analysis” Table is depicted on the Site Plans. The table, prepared by LL&G illustrates that adequate parking (1,197 spaces) will be provided for either site plan. A condition of approval is included that requires the applicant to declare through approval of Changed Plan which site plan they intend to implement prior to issuance of a building permit for either building 3 (333 Corporate Terrace), building 5 (555 Corporate Terrace) or building 7 (777 Corporate Terrace).

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**II. REFERENCE:** (Authority for Administrative action is given by what ordinance, regulation, etc.)

Ladera Ranch Planned Community Regulations, Planning Application PA01-0060 (with Changed Plans) and Orange County Zoning Code section 7-9-150 "Discretionary Permits and Procedures"

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**III. ENVIRONMENTAL DOCUMENTATION:**

The proposed project is covered by Final EIR No. 555, previously certified on 10/17/095 and Addendum PA 060002. A finding is included which finds that this Addendum to Final EIR 555 is adequate to satisfy the requirements of CEQA.

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**IV. CERTIFICATION:**

I hereby certify that the subject proposal has been Conditionally Approved as noted below.

Tim S. Neely, Director  
Planning and Development Services Department

By: \_\_\_\_\_

Charles M. Shoemaker, Chief  
CPD/Site Planning Section

2006 Planning Projects FOLDER:

**APPEAL PROCEDURE**

Any interested person may appeal the decision of the Director 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.

**ATTACHMENTS:**

Appendix A - Findings

Appendix B - Conditions of Approval



## Appendix A Findings PA060002

1	<b>GENERAL PLAN</b>	<b>PA060002</b>
That the use or project proposed is consistent with the objectives, policies, and general land uses and programs specified in the General Plan adopted pursuant to the State Planning and Zoning Law.		
2	<b>ZONING</b>	<b>PA060002</b>
That the use, activity or improvement(s) proposed, subject to the specified conditions, is consistent with the provisions of the Zoning Code, or specific plan regulations applicable to the property.		
3	<b>COMPATIBILITY</b>	<b>PA060002</b>
That the location, size, design and operating characteristics of the proposed use will not create unusual conditions or situations that may be incompatible with other permitted uses in the vicinity.		
4	<b>GENERAL WELFARE</b>	<b>PA060002</b>
That the application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.		
5	<b>PUBLIC FACILITIES</b>	<b>PA060002</b>
That the approval of the permit application is in compliance with Codified Ordinance Section 7-9-711 regarding public facilities (fire station, library, sheriff, etc.).		
6	<b>EIR AND ADDENDUM</b>	<b>PA060002 (Custom)</b>
That the decision-maker has considered Final EIR 555, previously certified on 10/17/95, and Addendum PA060002 prior to project approval. The addendum is approved for the proposed project based upon the following findings:		
<ul style="list-style-type: none"> <li>a. Together, these documents are adequate to satisfy the requirements of CEQA by the decision-maker;</li> <li>b. The additions, clarifications and/or changes to the original document caused by the Addendum, do not raise new significant issues which were not addressed by the EIR and none of the conditions described in CEQA Guidelines Section 15162 applies; and</li> <li>c. The consideration of the EIR and approval of the Addendum for the proposed project reflect the independent judgment of the Lead Agency.</li> </ul>		
7	<b>FISH &amp; GAME - SUBJECT</b>	<b>PA060002 (Custom)</b>
That pursuant to Section 711.4 of the California Fish and Game Code, this project is <u>subject</u> to the required fees as it has been determined that potential adverse impacts to wildlife resources may result from the project. However, the required fees were paid previously (Receipt No. 59897.)		
8	<b>NCCP SIGNIFICANT</b>	<b>PA060002</b>
That the project has the potential of adversely affecting significant Coastal Sage Scrub habitat and therefore, may preclude the ability to prepare an effective subregional Natural Communities Conservation Planning (NCCP) Program.		



## Appendix B Conditions of Approval PA060002

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**1 CP CP NA BASIC/ZONING REG PA060002**

This approval constitutes approval of the proposed project only to the extent that the project complies with the Orange County Zoning Code and any other applicable zoning regulations. Approval does not include any action or finding as to compliance of approval of the project regarding any other applicable ordinance, regulation or requirement.

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**2 CP CP NA BASIC/TIME LIMIT PA060002**

This approval is valid for a period of 36 months from the date of final determination. If the use approved by this action is not established within such period of time, this approval shall be terminated and shall thereafter be null and void.

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**3 CP CP NA BASIC/PRECISE PLAN PA060002**

Except as otherwise provided herein, this permit is approved as a precise plan. If the applicant proposes changes regarding the location or alteration of any use or structure, the applicant shall submit a changed plan to the Director, PDS, for approval. If the Director, PDS, determines that the proposed change complies with the provisions and the spirit and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plot plan, he may approve the changed plan without requiring a new public hearing.

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**4 CP CP NA BASIC/COMPLIANCE PA060002**

Failure to abide by and faithfully comply with any and all conditions attached to this approving action shall constitute grounds for the revocation of said action by the Orange County Planning Commission.

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**5 CP CP NA BASIC/OBLIGATIONS PA060002**

Applicant shall defend at his/her sole expense any action brought against the County because of issuance of this permit. Applicant shall reimburse the County for any court costs and attorneys fees that the County may be required to pay as a result of such action. The County may, at its sole discretion, participate in the defense of any action, but such participation shall not relieve applicant of his/her obligations under this condition.

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**6 CP PRIOR CONDITIONS OF APPROVAL PA010060 PA060002 (Custom)**

All Conditions of Approval of Planning Application PA01-0060 shall remain in force unless as modified or updated through this approved Planning Application.

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**7 F F B WATER AVAILABILITY PA060002 (Custom)**  
**[Com] Service Code: 1.12.1**

Prior to the issuance of any grading or building permits, the applicant shall provide evidence of adequate fire flow. The "Orange County Fire Authority Water Availability for Fire Protection" form shall be signed by the applicable water district and submitted to the Fire Chief for approval. If sufficient water to meet fire flow requirements is not available an automatic fire extinguishing system may be required in each structure affected.

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**8 F F RBU AUTOMATIC FIRE SPRINKLER PA060002 (Custom)**  
**[Com] Service Codes: 1.18-1.26**

A. Prior to the issuance of a building permit, the applicant shall submit plans for any required automatic fire sprinkler system in any structure to the Fire Chief for review and approval. Please contact the Orange County Fire Authority at (714)573-6100 to request a copy of the "Orange County Fire Authority Notes for New NFPA 13 Commercial Sprinkler Systems."

B. Prior to the issuance of a certificate of use and occupancy, this system shall be operational in a manner meeting the approval of the Fire Chief.

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**9 F F BU FIRE ALARM SYSTEM PA060002**  
**[Com] Service Codes: 1.36-1.38**

A. Prior to the issuance of a building permit, plans for the fire alarm system shall be submitted to the Fire Chief for

review and approval. Please contact the Orange County Fire Authority at (714) 744-0499 or visit the Orange County Fire Authority website to obtain a copy of the "Guideline for New and Existing Fire Alarm Systems."

B. This system shall be operational prior to the issuance of a certificate of use and occupancy.

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**10 F F RG FIRE ACCESS ROADS PA060002 (Custom)**  
**[Res] Service Code: 1.12.1**

A. Prior to the issuance of any grading or building permits, the applicant shall obtain approval of the Fire Chief for all fire protection access roads to within 150 feet of all portions of the exterior of every structure on site. The applicant has made provisions for a five (5) foot wide path for firefighter access around Buildings 555 and 999. The five (5) foot wide path shall be planted with low growing vegetation. Please contact the Orange County Fire Authority at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guidelines for Emergency Access."

B. Prior to the issuance of a precise grading permit or building permit, the applicant shall submit and obtain approval of the Fire Chief and the Manager, Subdivision and Grading Services of plans for all public or private access roads, streets and courts. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end street exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Chief. Applicable CC&Rs or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Chief is granted. Please contact the Orange County Fire Authority at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guidelines for Emergency Access."

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**11 F F BU STREET MARKINGS PA060002 (Custom)**  
**[Res] Service Code: 1.12.2**

A. Prior to the issuance of any grading or building permits, the applicant shall submit plans and obtain approval from the Fire Chief for fire lanes on required fire access roads less than 36 feet in width. The plans shall indicate the locations of red curbs and signage and include a detail of the proposed signage including the height, stroke and colors of the lettering and its contrasting background. Please contact the Orange County Fire Authority at (714) 573-6100 or visit the OCFA website to obtain a copy of the "Guidelines for Emergency Access Roadways and Fire Lane Requirements."

B. Prior to the issuance of any certificate of use and occupancy, the fire lanes shall be installed in accordance with the approved fire lane plan. The CC&Rs or other approved documents shall contain a fire lane map, provisions prohibiting parking in the fire lanes, and a method of enforcement.

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**12 BP BP B NON-RESIDENTIAL NOISE PA060002**

Except when the interior noise level exceeds the exterior noise level, the applicant shall sound attenuate all nonresidential structures against the combined impact of all present and projected noise from exterior noise sources to meet the interior noise criteria as specified in the Noise Element and Land Use/Noise Compatibility Manual.

Prior to the issuance of any building permits, the applicant shall submit to the Manager, Building Permit Services, an acoustical analysis report prepared under the supervision of a County-certified acoustical consultant which describes in detail the exterior noise environment and the acoustical design features required to achieve the interior noise standard and which indicates that the sound attenuation measures specified have been incorporated into the design of the project.

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**13 BP BP G CONSTRUCTION NOISE PA060002**

A. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Building Permit Services, that:

- (1) All construction vehicles or equipment, fixed or mobile, operated within 1,000' of a dwelling shall be equipped with properly operating and maintained mufflers.
- (2) All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
- (3) Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

B. Notations in the above format, appropriately numbered and included with other notations on the front sheet of the project's permitted grading plans, will be considered as adequate evidence of compliance with this condition.

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**14 BI BI RGB WATER QUALITY MANAGEMENT PLAN PA060002**

Prior to the issuance of any grading or building permits, the applicant shall submit for review and approval by the Manager, Inspection Services Division, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used onsite to control predictable pollutant runoff. This WQMP shall identify, at a minimum, the routine structural and non-structural measures specified in the current Drainage Area Management Plan (DAMP). The WQMP must also:

- Address Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas;
- Incorporate applicable Routine Source Control BMPs as defined in the DAMP;
- Include an Operation and Maintenance (O&M) Plan that identifies the mechanism(s) by which long-term O&M of all structural BMPs will be provided.

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**15 BI BI U COMPLIANCE WITH THE WQMP PA060002**

Prior to the issuance of a certificate of use and occupancy, the applicant shall demonstrate compliance with the WQMP in a manner meeting the satisfaction of the Manager, Inspection Services Division, including:

- Demonstrate that all structural Best Management Practices (BMPs) described in the project's WQMP have been implemented, constructed and installed in conformance with approved plans and specifications;
- Demonstrate that the applicant has complied with all non-structural BMPs described in the project's WQMP;
- Submit for review and approval an Operations and Maintenance (O&M) Plan for all structural BMPs for attachment to the WQMP;
- Demonstrate that copies of the project's approved WQMP (with attached O&M Plan) are available for each of the incoming occupants;
- Agree to pay for a Special Investigation from the County of Orange for a date (12) twelve months after the issuance of a Certificate of Use and Occupancy for the project to verify compliance with the approved WQMP and O&M Plan; and
- Demonstrate that the applicant has agreed to and recorded one of the following: 1) the CC&R's (that must include the approved WQMP and O&M Plan) for the project Home Owner's Association; 2) a water quality implementation agreement that has the approved WQMP and O&M Plan attached; or 3) the final approved Water Quality Management Plan (WQMP) and Operations and Maintenance (O&M) Plan.

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**16 BI BI GB EROSION AND SEDIMENT CONTROL PLAN PA060002**

Prior to the issuance of any grading or building permit, the applicant shall submit a Erosion and Sediment Control Plan (ESCP) in a manner meeting approval of the Manager, Building Permit Services, to demonstrate compliance with local and state water quality regulations for grading and construction activities. The ESCP shall identify how all construction materials, wastes, grading or demolition debris, and stockpiles of soil, aggregates, soil amendments, etc. shall be properly covered, stored, and secured to prevent transport into local drainages or coastal waters by wind, rain, tracking, tidal erosion or dispersion. The ESCP shall also describe how the applicant will ensure that all BMP's will be maintained during construction of any future public right-of-ways. A copy of the current ESCP shall be kept at the project site and be available for County review on request.