

VI. JUSTIFICATION FOR DIFFERING DEVELOPMENT STANDARDS

A. PURPOSE AND INTENT

The Specific Plan proposes development regulations to set forth the standards and procedures for the development of office, retail, fast-food restaurant and enclosed restaurant uses, and a 150-unit hotel, as provided for in Chapter 18.93 of the Anaheim Municipal code.

Some of the proposed Specific Plan development standards differ from the ML (Industrial Limited) and CO (Commercial Office and Professional) zone standards. Each site is unique and development plans have been designed on a case by case basis. The developer and architect have analyzed the site and are proposing land uses and design standards most appropriate for the project site.

Each proposed development standard, followed by an explanation for varying from the ML and CO zone standard, is listed below.

B. DEVELOPMENT STANDARDS

1. Structural Setback and Yard Requirements

a.	<u>Adjacent To</u>	<u>Specific Plan Standard</u>	<u>ML Zone Standard</u>	<u>CO Zone Standard</u>
	Tustin Avenue	10 feet	50 feet	10 feet
	La Palma Avenue	30 feet	50 feet	10 feet
	91 Freeway	20 feet	25 feet	N/A
	West Interior Property Line	0 feet	0 feet	10 feet

The project will be in line with existing building setbacks along Tustin Avenue and La Palma Avenue. No setback is proposed along the west property line which is consistent with the ML Zone Code.

b. Permitted encroachments

The purpose of the setback requirement is to create a buffer between the adjacent property uses from those proposed on the project site and vice versa.

- (1) Trash enclosures maybe permitted within three (3) feet of the property abutting the 91 Freeway. Landscaping, including vines, shall be required to screen these enclosures from the public view.

2. Fencing

The Specific Plan indicates that within all street setback areas, maximum fence height permitted shall be three (3) feet, except as may be modified by the City Traffic and Transportation Manager. The Anaheim Zoning Code limits maximum fence height to three (3) feet in the front yard setback area.

Fencing is to be used to screen parking areas from abutting streets. The three (3) foot height limitation provides additional height and affords the fencing to screen the majority of the vehicles from view to adjacent properties.

3. Required site Screening

The Specific Plan proposes the following standards:

- a. Parking areas abutting street: A screen such as a hedge, wall or berm or other similar structure shall be installed along all parking areas abutting all streets except SR-91. Except as otherwise provided below, the screening shall have a maximum height of three (3) feet except as may be modified by the City Traffic and Transportation Manager.
- b. Where the finished elevation of the property at the boundary line is lower than an abutting property elevation, such grade changes shall be taken into consideration as they relate to screening.
- c. A screen as referred to above shall consist of one or any combination of the following:
 - (1) Walls, including retaining walls: A wall shall consist of stone, tile or similar type of solid masonry material a minimum of six (6) inches thick.
 - (2) Berms: A berm shall be constructed of earthen material and it shall be landscaped.
 - (3) Fences: A fence shall be constructed of wood, or other materials having a nominal thickness of two (2) inches.

(4) Hedges: A hedge shall be planted of a type and size that meets the Planning Director or designee approval.

d. Mechanical equipment: Mechanical equipment placed on any roof such as, but not limited to, air conditioning, solar devices, heating, ventilating ducts and exhaust, shall be screened from view from abutting streets or highways. Such screening shall be constructed of materials architecturally compatible with the building.

The ML zoning code does not have standards that specifically address screening of parking areas and mechanical equipment. However, the code indicates that not more than a 36-inch high wall or berm may be placed within any required street setback area. No wall or berm is required across any approved vehicle or pedestrian access ways.

The ML zoning code requires that a six (6) foot high masonry wall or landscaped berm be provided along the boundary line abutting a freeway or railroad right-of-way. The height of the wall or berm is to be measured from finished grade level of the project site or adjacent property, whichever is higher. Within street setback areas, the berm is required to be not more than 36 inches high.

Where unusual topography exists, height requirements may be modified or waived by resolution of the Planning Commission or City Council if the City Engineer certified that the erection of such wall or berm would not be practical in the exercise of sound engineering practices.

No requirements for the screening of roof-mounted mechanical equipment are provided for in the ML zoning code. However, Code requires that all roof-mounted equipment be screened from public view.

The developer has requested the establishment of the aforementioned standards to improve the aesthetic appearance of the site by screening vehicles and mechanical equipment.

The developer will provide a three (3) foot high berm adjacent to La Palma Avenue and the majority of Tustin Avenue. However, a down slope grade separation exists along the south third of Tustin Avenue at SR-91 and along the SR-91 right-of-way. The roadways are twenty-four, (24) feet higher in elevation than the site at these locations. The developer will provide landscaping within the landscape setback area along Tustin Avenue and La Palma Avenue. The developer will also provide a ten (10) foot wide landscape setback along SR-91. However, the

provision for additional landscaping and screening vehicular uses from street view along the Freeway (SR-91) would be defeated since a grade separation exists. Therefore, the developer is requesting a waiver of the berming requirement and landscape setback along the southern property line and the berming requirement along the east property line.

By orienting a parking structure toward Tustin Avenue and placing the structure along the property line, the structure acts as a wall, buffering the adjacent railway use. Office and commercial uses are considered to be compatible uses. Therefore, the applicant is requesting a waiver of the masonry wall requirement along the west property line.

4. Required Landscaping

The Specific Plan proposes the following standards as compared with the zone standards:

LANDSCAPE SETBACK

	<u>ML Zone</u>	<u>CO Zone</u>	<u>Proposed Specific Plan</u>
La Palma	10	10	10
Tustin	10	10	10
91 Freeway	25	10	10
Railroad right-of-way	0	10	5

The landscape plan is consistent with the ML and CO zones standards along La Palma Avenue, Tustin Avenue and the railroad right-of-way. As indicated in the previous section on screening, a downslope grade separation of twenty-four (24) feet exists between the project site and the 91 Freeway; approximately fourteen (14) feet is within the freeway right-of-way. The developer intends to landscape a ten (10) foot setback along the southern property line. The intent of providing a landscape setback is to create a buffer between uses and to add to the visual quality of the project. The proposed landscaping in conjunction with the Freeway right-of-way downslope will meet the intent of the code. Therefore, the applicant is requesting a waiver of the landscape setback requirement along the Freeway (SR-91).

Landscaping: The following shall apply to all development. Landscaping consisting of evergreen or deciduous trees, shrubs, or groundcover shall be installed and permanently maintained subject to the following conditions and standards:

- a. All open parking areas and their adjacent vehicular access ways shall be landscaped. Landscaping shall include at least one (1) twenty four (24) inch tree per 3,000 square feet of open parking area and vehicular access way.

- b. Separation: Any landscaped area shall be separated from an adjacent vehicular area by a wall or curb at least six (6) inches higher than the adjacent vehicular areas.
- c. Water: Permanent automatic irrigation facilities shall be provided for all landscaped areas. This system should be augmented by drought-resistant vegetation.
- d. Maintenance: All landscaping shall be permanently maintained in a neat, clean, and healthful condition.

The developer is requesting the establishment of said standards to ensure an aesthetic quality development.

5. Sign Regulations

All signage will be in conformance with the adopted Sign Program (included in Appendix 10), as amended, for PacifiCenter Anaheim.