

IV. ZONING AND DEVELOPMENT REGULATIONS

A. PURPOSE AND INTENT

The regulations set forth in this chapter have been established to provide for orderly development of the Specific Plan. These regulations provide for the development and use of structures within the Specific Plan. Application of these regulations is specifically intended to provide and to ensure the most appropriate use of the Specific Plan area to create a harmonious relationship among land uses and to protect the health, safety and welfare of the community. Further, the Specific Plan is consistent with the intent, purpose, and goals of the City's General Plan and "Zoning Code."

The Specific Plan has been designed to provide for a flexible implementation of the Specific Plan with uses responsive to changing future market needs. To that end, there are not separate development areas nor is there a phasing plan. The Specific Plan allows for a prescribed set of land uses to be built anywhere within the Specific Plan.

B. METHODS AND PROCEDURES

1. Implementation

The Specific Plan shall be implemented through the processing of site plans and parcel maps. The site plans may be prepared separately from the tentative parcel maps or may be submitted on the same document provided the map(s) submitted are in sufficient detail to determine conformance with the Specific Plan.

The methods and procedures for implementation and administration of the Development Standards, as well as the policies, guidelines, and other conditions of this Specific Plan, are as follows:

a. Site Plan Review and Approval Process

The overall project site plan(s) included as Exhibit 2 shall be reviewed with this Plan Amendment as a public hearing item by the Planning Commission for consistency with the Specific Plan and this chapter prior to or in conjunction with the approval of any tentative parcel map or prior to issuance of building permits.

b. Site Plan Consistency

Following approval of a site plan, if any changes are proposed to a land use or alteration of any use or structure shown on an approved site plan, a revised plan may be submitted to the Planning Director for approval. If the Planning Director or designee determines that the proposed revision complies with the provisions of the Specific Plan and the general intent of the approved site plan, the revised site plan shall be approved by the Planning Director without resubmittal to the Planning Commission for review and approval. The decision of the Planning Director shall be final unless appealed to the City Council within ten (10) days from the date of such decision. Notwithstanding the foregoing, the Planning Director shall have the discretion to refer consideration of the modified site plan to the Planning Commission.

c. Parcel Map Approval

For projects requiring a Tentative Parcel Map(s), the provisions and procedures of Section 17.08, (Subdivision Code Title 17-Land Development and Resources and Chapter 18 (Zoning)), of the City of Anaheim Municipal Code shall apply.

Future parcel maps shall be reviewed and approved by the Planning Commission for consistency with this Specific Plan and applicable City codes and ordinances.

Notice of said hearings shall be given in the manner specified for hearings for parcel maps in the Municipal Code. Subject to minor boundary variation as authorized by Section IV C 3 f. of this chapter, if the map is found to be consistent with the Specific Plan and this chapter, the Planning Commission shall approve the parcel map. The decision of the Planning Commission shall be final subject to appeal or review by the City Council in the same time and manner as provided for appeal from decisions of the advisory agency on parcel maps as set forth in the City of Anaheim Municipal Code.

d. Final Parcel Map

For the mixed-use project requiring a Final Parcel Map, the provisions and procedures of Section 17.09, Subdivision Code Title 17-Land Development and Resources, of the City of Anaheim Municipal Code shall apply.

e. Specific Plan Amendments

Amendments to the Specific Plan shall be processed in accordance with the provisions of California Government Code Section 65450 et seq. and in the same manner as a zoning reclassification pursuant to Chapter 18-03 of the City of Anaheim Municipal Code.

C. DEVELOPMENT STANDARDS

Purpose and Intent

These regulations act as a principal part of the controlling mechanisms for implementation of the PacifiCenter Anaheim Specific Plan. The standards set forth in this section will ensure that future development within the Business/Office/Service/Industrial classification proceeds in a consistent and aesthetic manner.

The land use regulations contained herein are intended to result in a development of related Business/Office/Service/Industrial character which complements surrounding, existing and planned land uses. The regulations provide an appropriate amount of flexibility to anticipate future conditions and to properly integrate a mixture of office and retail/service commercial uses.

Principal land uses for the Business/Office/Service/Industrial classification shall be limited to corporate office, office, hotels and other commercial uses.

1. Permitted and Conditional Uses

a. Permitted Uses. Uses listed as "Permitted Accessory Uses" and "Permitted Temporary Uses" from the Anaheim Municipal Code Sections 18.44.030 and 18.44.040 of the CL and CO Zones and substantially similar uses shall be permitted, including but not limited to, the following:

1. Accounting, Bookkeeping or CPA firms;
2. Advertising;
3. Antique Shops;
4. Bakeries;
5. Banks/Administrative Offices;
6. Barber/Beauty Shops;
7. Brokers/Real Estate, Real Estate Appraisers, Business Opportunities, etc.;
8. Bicycle Shops;
9. Bookstores;
10. Business Offices/Agencies;
11. Candy Stores;
12. Carpet and Rug Sales and Installation;

13. Catering Establishments (off-site service only); provided, however that no storage of vehicles or commissaries shall be permitted.
14. China and Glassware Stores;
15. Cigar and Smoke Shops;
16. Clothing or Apparel Stores;
17. Commercial Offices;
18. Commercial Retail Centers;
19. Communication Consultants;
20. Computer Sales and Services, Computer Analysis Firms;
21. Conservatoire Studios;
22. Curtain and Drapery Shops;
23. Credit Reporting Agencies;
24. Delicatessens/Sandwich Shops; provided, however, that alcoholic beverages may be permitted in connection with a conditional use permit.
25. Designers/Industrial, Interior, Graphic;
26. Development Companies;
27. Department Stores;
28. Drug Stores (no alcohol sales);
29. Dry Cleaning Establishments;
30. Electrical Equipment Sales and Repair;
31. Electronics/Wholesale and Retail Sales and Service;
32. Fabric Shops;
33. Facility Maintenance and Planning;
34. Fast Food Restaurants (No drive through or alcohol sales); however, that no drive-through or walk-up service shall be permitted; and that enclosed or semi-enclosed restaurants may be permitted if approved when the Planning Commission reviews the final plans.
35. Financial Institutions;
36. Floor Covering Shops;
37. Florists;
38. Furniture Stores;
39. Gift/Card Shops;
40. Hobby Shops;
41. Home Improvement Stores;
42. Hotels with a maximum 150 rooms, subject to compliance with certain conditions identified in Appendix 11;

43. Jewelry Stores;
44. Laundry and Dry Cleaning;
45. Leasing (residential or commercial) Companies;
46. Leather Goods and Luggage Stores;
47. Locksmiths;
48. Mail/Delivery Services;
49. Management Consultants;
50. Marketing Research;
51. Medical/Dental Offices and labs;
52. Musical Instrument Sales;
53. Music Stores;
54. Newspaper and Magazine Stores;
55. Office Supply;
56. Office Business Machine and Computer Component Stores;
57. Optical and Optometrical Offices/Shops;
58. Paint, Glass and Wallpaper Stores;
59. Personnel Agencies;
60. Publishing Companies;
61. Quality Control Analysis;
62. Record, Tape and Video Stores;
63. "Reproduction Service Businesses" including, but not limited to messenger and wire services, blueprinting, drafting, job printing, microfilming, etc.;
64. Restaurants; provided however, that drive-through or walk-up service and/or alcoholic beverages sales may be permitted in connection with a conditional use permit; and that enclosed and semi-enclosed restaurants may be permitted if approved when the Planning Commission reviews the final plans.
65. Retail Supply Stores including, but not limited to, vehicle accessories and parts; provided, however that no automotive servicing or repair shall be permitted;
66. Secretarial or Answering Services;
67. Shoe Stores;
68. Specialty food stores such as delicatessens, cookie stores, yogurt shops and other specialized retail food stores;
69. Travel Agencies;
70. Typesetting/Typographer Services;
71. Typewriter Sales and Service;

72. Veterinary Clinics provided, however that there shall be no over-night boarding of animals unless approved in connection with a conditional use permit; and
73. Watch and Clock Sales and Repair Shops.

b. Conditional Uses

The following uses and substantially similar uses shall be permitted with a Conditional Use permit:

1. Bowling, Pool or Billiard Centers;
2. Broadcasting Studio;
3. Commercial Retail Centers (three or more units);
4. Convenience markets; provided, however, that service station facilities and accessory convenience markets shall be prohibited;
5. Daycare Centers (for children or elderly);
6. Delicatessens/sandwich shops where alcoholic beverages will be sold for off-premises consumption;
7. Drive through fast food establishments;
8. Entertainment centers; including, but not limited to bowling, pool or billiard centers, pinball and electronic game arcades.
9. Facilities for the on- and off-premises sale and consumption of alcoholic beverages (see Appendix 12);
10. Health Spas and Physical Fitness Centers;
11. Hotels with more than one hundred fifty (150) rooms;
12. Medical Emergency Care Facilities;
13. Motion Picture Production;
14. Rental Services;
15. Restaurants with drive-through or walk-up services, or restaurants where alcoholic beverages will be sold for on-premises consumption; and that such restaurants when enclosed or semi-enclosed may be permitted if approved when the Planning Commission reviews the final plans;
16. Supermarkets, markets and groceries;
17. Theaters; and
18. Veterinary Clinics with over-night boarding of animals.

2. Development Regulations

The purpose of these regulations is to act as the controlling mechanism of the implementation of development within the Specific Plan Area. Implementation of the standards set forth in this section will ensure that future development proceeds in a coordinated manner consistent with the goals and policies of the Specific Plan and the City of Anaheim General Plan. Future review of site plans and other necessary discretionary approvals by the City of Anaheim will ensure the realization of these standards. These regulations are established as per Section 18.93.050.020 of the Anaheim Municipal Code.

The City's ML (Industrial, Limited) Zoning Ordinance and Subdivision ordinance shall have effect on all areas, except as specified by the standards contained herein. In any areas of conflict between the ML Zoning Ordinance and these provisions, this Specific Plan shall control. Where the Specific Plan does not address development standards or provisions, the current ML or CO Zoning Ordinance in effect shall control.

3. General Provisions

- a. Terms used in these regulations shall have the same definitions as given in the Anaheim Zoning Code unless otherwise defined herein.
- b. Any details or issues not specifically covered in these regulations shall be subject to the regulations of the Anaheim Zoning Code currently in effect.
- c. These regulations are adopted pursuant to Section 65450 of the State of California Government Code. It is specifically intended by such adoption that the development standards herein shall regulate all development within the Specific Plan Area.
- d. All construction and development within the Specific Plan Area shall comply with applicable provisions of the Uniform Building Code as amended and the various other mechanical, electrical and plumbing codes related thereto.
- e. Grading plans submitted for all projects in the Specific Plan Area shall be accompanied by geological and soils engineer's reports which shall incorporate all recommendations as deemed appropriate by the City Engineer. The soils engineer and engineering geologist must certify the suitability of a graded site prior to issuance of a building permit. The final grading plan as it reflects development in the Specific Plan Area shall be subject to the approval of the City Engineer.

- f. Water within the Specific Plan Area will be supplied by the City of Anaheim.
- g. Sewage disposal facilities to handle wastewater generated within the Specific, Plan Area will be furnished by the City of Anaheim.
- h. Large-lot subdivisions for the purpose of financing may be approved when such maps include a declaration that lots created are not building sites. Installation of infrastructure improvements for the preparation of a site plan shall not be made a condition of approval of these large-lot subdivisions. Building footprint lots are not required to have street frontage; however, adequate provisions (as determined by the City of Anaheim) shall be made for safe and orderly circulation of both pedestrian and circulation traffic.
- i. Required parking for all the Specific Plan shall be provided in accordance with the standards set forth herein. Shared parking shall be allowed subject to approval by the City Traffic and Transportation Manager. Adequate parking provisions for building footprint lots shall be provided for each building consistent with the City's parking requirement. The parking spaces may be provided in surface parking on separate lots from the building or in parking structures. Parking reductions may be granted based on plans demonstrating shared parking provisions and/or proximity to Metrolink Station.
- j. Prior to the site plan reviewed by the Planning Commission, the City Traffic and Transportation Manager shall review and approve the parking lot/structure design. The dimension and design of all parking shall be in conformance with current engineering standards and code requirements.
- k. In the event a parcel map is recorded on subject property, an amended reciprocal access and/or parking agreement, in a form satisfactory to the Planning Department and the City Attorney, shall be recorded with the Office of the Orange County Recorder. A copy of the recorded agreement shall then be submitted to the Zoning Division and the City Traffic and Transportation Manager.
- l. Traffic/circulation improvements to take place or improvements for which fees will be collected to be implemented towards completion to the satisfaction of City Traffic and Transportation Manager:

- Tustin Avenue and La Palma Avenue Intersection. Provision of a third southbound through lane on the north leg of Tustin Avenue by restriping the right-turn lane as a through/right lane. Provision of a portion of a third through lane eastbound on La Palma by widening the south side of the west leg.
- Tustin Avenue and the SR-91 Freeway Westbound Ramps. Provision of a separate southbound right-turn lane by widening the existing pavement and restriping the north leg of Tustin Avenue.
- Implementation of the SCOOT system along La Palma Avenue, Kraemer Boulevard and Tustin Avenue for a total of thirteen (13) intersections within the vicinity of the Specific Plan.

In addition to the foregoing improvements, the project driveway and Tustin Avenue will be signalized prior to development on the site.

- m. The developer shall comply with all SCAQMD rules and regulations regarding the project which include, but are not limited to, the following:
- 1). Employer-provided incentives for ride sharing, preferential carpool parking, modified work such as "flex-time" and mitigation of public transportation;
 - 2). Bus turnouts and shelters as required by the City Traffic and Transportation Manager and the Orange County Transit Authority;
 - 3). Owner/Lessee-participation in the Anaheim Transportation Network (ATN) coordinated transportation demand management efforts.
 - 4). Encouragement for the provision of bicycle amenities within the project.
- n. Signage will be provided to achieve a visually coordinated, balanced and attractive sign environment. Signage (primary and secondary) will be designed to be architecturally compatible with the development and to comply with all provisions included in the Sign Program set forth in Appendix 10. The purpose of establishing a sign program is to ensure that each tenant sign will contribute to the center's success. High quality signage, which reflects the integrity of the architecture, will be encouraged.
- o. Every owner and lessee shall be a voting member of the Anaheim Transportation Network (ATN), subject to the terms and provisions of the by-laws and association rules of the ATN. Every owner and/or lessee shall participate in ATN coordinated transportation demand management efforts designed to decrease traffic congestion and increase ridesharing behavior.

- p. Decisions made by the Planning Commission/Planning Director as a requirement of this chapter, will be final unless appealed to the City Council within twenty two (22) days from the date of such decision.
- q. Provisions shall be made in an unsubordinated covenant to guarantee that all parcels within the Specific Plan Area are managed and maintained as one integral parcel for purposes of parking, vehicular circulation, signage, maintenance, land usage and architectural control, and that the covenant shall be referenced in all deeds transferring all or a portion of the interest in the property.

4. General Standards

a. Rights-of-Way Setbacks

The following minimum building setbacks measured from the ultimate right-of-way line shall apply:

<u>Roadway</u>	<u>Setbacks from Right-of-Way</u>
Riverside Freeway - State Route 91	20 feet
Tustin Avenue	10 feet
La Palma Avenue	30 feet
Atchison Topeka & Santa Fe Right-of-Way	0 feet

The setback along the western boundary of the project site is zero (0) feet. The railroad right-of-way creates an adequate setback between the railway use and office activity. By orienting the office structures to the east and placing these structures on the property line, the structure acts as a barrier buffering the railway use from the project site. The railroad right-of-way provides an adequate setback between off-site structures and on-site buildings.

b. Site Development Standards

- (1) Maximum Building Height: One hundred fifty (150) feet
- (2) Building Setbacks:
 - (a) From Riverside Freeway (State Route 91): Twenty (20) feet
 - (b) From Tustin Avenue: Ten (10) feet
 - (c) From La Palma Avenue: Thirty (30) feet
 - (d) When (a) through (c) do not apply: Zero (0) feet

- (3) Minimum Development Area Landscaping: Ten (10) percent of developed area (including parking area)
- (4) Parking standards:
All parking shall be provided in accordance with the Shared Parking Program included in Appendix 8.
- c. Development on the site should encourage uses and buildings that complement the character of the existing development.
- d. Organize and develop a well-designed and functional development which meets the needs of an expanding population and is compatible with existing and future surrounding land uses.
- e. Establish a design program that can accommodate a diversity of uses, including office, retail and restaurants, and hotel. The design program should assure:
- Quality architecture.
 - Entry monumentation and signage designed to complement the architecture and landscaping.
 - Perimeter landscaping to blend with on-site landscaping.
 - Screening of mechanical equipment, loading and service areas through careful site planning, landscaping and screen walls.
- f. Lines of sight for safe ingress and egress shall be considered when locating landscaping, buildings and signs.
- g. Buildings along La Palma Avenue and Tustin Avenue shall permit views into the project site.
- h. Fences, walls and hedges: The following height standards shall apply:
- 1). Within La Palma Avenue and Tustin Avenue street setback areas: Three (3) feet maximum except as may be modified by the City Traffic and Transportation Manager.
 - 2). Within all other setback areas: Six (6) feet maximum.

- i. Parking areas shall be appropriately screened to minimize glare and vehicular lights. Screening may consist of walls, berms, fences, or hedges or any combination thereof. No compact spaces shall be allowed.

Screening: The following standards shall apply to all development:

- 1). 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.
 - 2). 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. Screening will be measured at highest finished grade.
 - 3). All drive-through restaurant activities shall be screened from Tustin Avenue using a combination of a three (3) foot high landscaped berm with a three (3) foot high masonry wall (with vines).
 - 4). A screen as referred to above shall consist of one (1) or any combination of the following:
 - (a) 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.
 - (b) Berms: A berm shall be constructed of earthen materials and it shall be landscaped.
 - (c) Fences: A fence shall be constructed of wood, or other materials having a nominal thickness of two (2) inches.
 - (d) Hedges: A hedge shall be planted of a type and size that meets the Planning Director's approval.
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- j. No gates shall be permitted to enclose any parking lot area.
 - k. Landscaping: The following standards 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:

- 1). All open parking areas and their adjacent vehicular access ways shall incorporate landscaping, which may be comprised of trees, shrubs, ground cover, or planters. Landscaping shall include at least one (1) twenty four (24) inch box tree per three thousand (3,000) square feet of open parking area and vehicular access way. No more than ten (10) parking spaces shall be adjacent to each other in a row without being separated by a five (5) foot square landscape diamond.
 - 2). Entries will be enhanced with a more densely planted shrub palette utilizing annual color, perennial color, rock groupings and accent trees in larger sizes, while maintaining visibility to uses.
 - 3). Separation: Any landscaped area shall be separated from an adjacent vehicular area by a six (6) inch wall or curb.
 - 4). Water: Permanent automatic irrigation facilities shall be provided for all landscaped areas. This system may be augmented by drought-resistant vegetation.
 - 5). Maintenance: All landscaping shall be permanently maintained in a neat, clean and healthful condition.
- m. Prior to issuance of any building permits for either the hotel site or the 5,000 square foot retail/restaurant pad, final plans shall be submitted to the Planning Commission for review and approval as a "Reports and Recommendation" item.