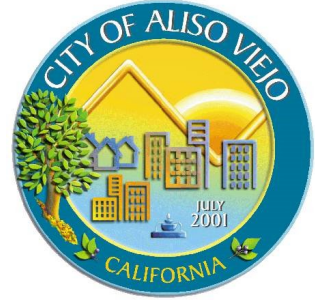


City of Aliso Viejo

AGENDA ITEM



DATE: October 21, 2020

TO: Mayor and City Council

FROM: Omar Dadabhoy, Community Development Director

SUBJECT: ORDINANCE AMENDING TITLE 15 OF THE CITY OF ALISO VIEJO
MUNICIPAL CODE RELATING TO MEDICAL USES IN THE TOWN
CENTER COMMERCIAL (CT) ZONE

Recommended Actions:

1. Find that the proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA guidelines, because it will not result in a direct or reasonable foreseeable indirect physical change in the environment as there is no possibility that it may have a significant effect on the environment and because it is not a project as defined in Section 15378 of the CEQA guidelines.
2. Introduce an Ordinance (Attachment 1) entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, AMENDING TABLE 15.18.020 OF SECTION 15.18.020 OF CHAPTER 15.18 OF THE ALISO VIEJO MUNICIPAL CODE, "PERMITTED USES IN NONRESIDENTIAL DISTRICTS REGARDING OUTPATIENT MEDICAL USES IN THE TOWN CENTER COMMERCIAL (CT) ZONING DISTRICT.

Fiscal Impact:

None

Background:

At their regularly scheduled meeting on June 17, 2020, the City Council directed Staff to prepare an ordinance which would limit the amount of medical uses permitted in the Town Center Commercial (CT) zone.

The public hearing for the item was opened at the City Council's regularly scheduled meeting on September 16, 2020. At that meeting, the City Council directed Staff to make certain modifications to the Ordinance and continued the public hearing to October 21,

2020 to allow Staff time to complete their research and make recommendations as appropriate.

Discussion:

Due to a concern over the City's limited amount of retail space converting into medical uses, the City Council directed Staff to prepare an ordinance limiting the amount of medical uses that can be permitted in the Town Center.

According to research conducted by Planning Division Staff, there is a total of 506,674 square feet of building space in the Town Center Commercial (CT) Zone. Of the total square footage, approximately 10.9% or 55,073 square feet of medical uses have been approved. Of the existing medical uses, 17,171 square feet are located on the first floor and 37,902 square feet are on second and third floors.

The original draft ordinance presented to the City Council on September 16, 2020, set a maximum of 60,000 square feet of total medical use space in the CT Zone. During the course of that meeting, the City Council directed staff to revise the ordinance to limit the square footage of medical uses only on the first floor. This would preserve the first floor for commercial and retail uses, which is their optimal location.

The revised ordinance would set a cap on the total square footage of medical uses permitted on the first floor of buildings within the CT Zone to 20,000. This would allow for some additional square footage on the first floor either through an expansion of an existing use or a new user. The cap would be established in Table 15.18.020 Permitted uses in the nonresidential districts of the Aliso Viejo Municipal Code. An amendment is proposed to Footnote 5, which would limit outpatient medical uses in the CT Zone to a total of 20,000 square feet on the first floor. No limitation would be placed on building space above the first floor.

Environmental:

Section 15061(b)(3) of the CEQA Guidelines establishes a statutory exemption for the adoption of an ordinance because it will not result in a direct or reasonably foreseeable indirect physical change in the environment because there is no possibility that it may have a significant effect on the environment and because it is not a "project" as the term is defined in Section 15378 of the State CEQA Guidelines. The proposed Code amendment qualifies for this exemption.

Public Notice:

In accordance with the requirements of Government Code section 65090, the ordinance was noticed in a newspaper of general circulation. The original public hearing date was set for September 16, 2020. At that meeting, the City Council opened the public hearing and continued the item to a date certain: October 21, 2020. Notice of the continued public hearing was posted in accordance with Government Code Section 54955.1.

City Attorney:

The City Attorney's office reviewed and provided comments for this report.

Attachment:

1. Draft Ordinance