

**SPECIFIC PLAN 02-01  
McCRACKEN HILL**

**Adopted June 17, 2003  
City Council Resolution 03-06-17-5**

**City of San Juan Capistrano  
32400 Paseo Adelanto  
San Juan Capistrano, California 92675**

RESOLUTION NO. 03-06-17-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, APPROVING A NEGATIVE DECLARATION AND ADOPTING SPECIFIC PLAN 02-01, MCCRACKEN HILL FOR A 14.7 ACRE AREA LOCATED AT THE TERMINUS OF FORSTER RANCH ROAD (APN 675-331-2 THROUGH 17) (MCCRACKEN HILL)

**WHEREAS**, on April 2, 2002, the City Council adopted an interim urgency ordinance establishing interim regulations consistent with the deed restrictions which allow only "single-story" or "split-level" homes in the McCracken Hill neighborhood and on March 18, 2003, the City Council adopted an extension of the interim urgency ordinance); and,

**WHEREAS**, the proposed project has been processed pursuant to Section 9-2.301, Development Review of the Land Use Code; and,

**WHEREAS**, the Environmental Administrator has reviewed the initial study prepared pursuant to Section 15063 of the CEQA Guidelines, has issued a negative declaration pursuant to Section 15070 of the CEQA Guidelines; has caused a Notice of Negative Declaration to be posted pursuant to Section 15072 of the CEQA Guidelines, and has otherwise complied with all applicable provisions of the California Environmental Quality Act (CEQA); and all mitigation measures have been included herein as conditions of approval; and,

**WHEREAS**, the Planning Commission has considered the Environmental Administrator's determination pursuant to Section 15074 of the California Environmental Quality Act (CEQA), has considered all project environmental documentation and technical studies; and,

**WHEREAS**, the Planning Commission conducted a duly-noticed public hearing on May 27, 2003 pursuant to Section 9-2.335 of the Municipal Code, City Council Policy 5, and Planning Department Policy 510 to consider public testimony on the proposed project and has considered all relevant public comments; and,

**WHEREAS**, the City Council conducted a duly-noticed public hearing on June 17, 2003 pursuant to Section 9-2.335 of the Municipal Code, City Council Policy 5, and Planning Department Policy 510 to consider public testimony on the proposed project and has considered all relevant public comments.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of San Juan Capistrano does hereby make the following findings:

1. The proposed project is consistent with the policies and objectives of the San Juan Capistrano General Plan, specifically, the Land Use Element because the

project would only allow single-family home development consistent with the "RSE-40,000" (residential single-family estate-40,000 s.f. lot minimum) and RSE-20,000" (residential single-family estate-20,000 s.f. lot minimum), and the existing zoning is wholly consistent with the General Plan Land Use Element designation of the property; and,

2. The proposed zone change is consistent with applicable General Plan goals, policies, and objectives, in particular, the General Plan Circulation Element because the project proposes no changes to the local subdivision street which serves the neighborhood, nor the arterial road network; and,
3. The proposed zone change will result in the development of land uses suitable to the property's unique situation including and natural and man-made constraints because the proposed "SP" (Specific Plan) regulations will assure that building height and mass is regulated so as to be consistent with existing development, and with the unique hillside context of the North McCracken Hill neighborhood; and,
4. The proposed zone change will be compatible with the existing land uses and/or zoning classifications of adjoining properties or properties in the vicinity of the property being rezoned which could potentially be affected by development because the recommended minimum sideyard setback and maximum building height standards would minimize legal, non-conformities.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the City Council of the City of San Juan Capistrano hereby approves a negative declaration; and adopts Exhibit "A", Specific Plan 02-01, McCracken Hill attached hereto and incorporated herein.

**PASSED, APPROVED AND ADOPTED** this 17<sup>th</sup> day of June 2003.

  
JOHN S. GELFF, MAYOR

ATTEST:

  
MARGARET R. MONAHAN, CITY CLERK

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1. Purpose and Intent. The purpose and intent of this Specific Plan is to:
  - (a) provide for regulating land uses and development consistent with the General Plan goals, policies, and recommendations with respect to the General Plan Land Use Element, Conservation and Open Space Element, and Community Design Element.
  - (b) provide for the regulation of land use and establishing development standards which are consistent with private deed restrictions on the "McCracken Hill" neighborhood.
  - (c) provide for regulating land uses and development consistent with the low-density, hillside-oriented, residential character of the "McCracken Hill" neighborhood.
2. Applicability. The provisions of this "SP" (Specific Plan) shall apply to all real property and lots of record situated within the "McCracken Hill" neighborhood, as delineated by Figure 1, McCracken Hills Specific Plan Area Map, and more specifically including the land area comprised of Assessor Parcel Numbers 675-331-2 through 675-331-17.
3. Land Use Standards.
  - (a) Principal uses and structures permitted:
    - (1) Dwellings, single-family detached;
    - (2) Parks, public and private;
    - (3) Single-family dwellings (per Subsection 9-3.424(b)(11));
    - (4) Family care homes.
    - (5) Modular homes on a permanent foundation system (per Subsection 9-3.424(b)(11) subject to a Planning Commission finding that the lot proposed is compatible for such use.
  - (b) Accessory uses and structures permitted:
    - (1) Home occupations (per Section 9-3.611);
    - (2) The keeping of horses, noncommercial (per Section 9-3.620);
    - (3) Recreation and community centers, noncommercial, public and private;
    - (4) Tennis courts and other outdoor recreational uses, unlighted, within recreation and community centers (per Sections 9-3.607 and 9-3.614);
    - (5) Accessory uses and structures incidental to the operation of a permitted use; and,
    - (6) Temporary caretaker residence during the construction of a permanent single-family residence on an individual lot (per Section 9-3.612).

Figure 1, McCracken Hills Specific Plan Area Map

- (c) Conditional uses and structures permitted. The following uses and structures may be permitted in the subject to the approval of a conditional use permit:
- (1) Apiaries;
  - (2) Child day care centers;
  - (3) Kennels, noncommercial, as set forth in Section 9-3.619 of Article 6 of this chapter;
  - (4) Small animal raising, noncommercial, in conjunction with the residential use of a lot, wherein the lot size is greater than 15,000 square feet. Permitted species shall include rabbits, chickens, and animals of similar size. Animal slaughtering or commercial animal raising or breeding shall be prohibited;
  - (5) Tennis courts and other outdoor recreational uses on individual residential lots (per Sections 9-3.607 and 9-3.614)
  - (6) Outdoor night lighting, for tennis courts or other recreational uses; and
  - (7) Residential care facilities.

C. Development Standards

- (a) Minimum lot size: 20,000 gross square feet
- (b) Minimum frontage: 90 feet
- (c) Minimum front yard: 30 feet
- (d) Minimum side yard: 10 feet
- (e) Minimum rear yard: 25 feet
- (f) Minimum open area: 40%
- (g) Maximum building height:
  - (i) single-story home: 20 feet
  - (ii) split level home: 20 feet for the single-story portion.  
30 feet for the split-level portion ("Split level home" is defined as a structure with at least two floor levels, with the secondary floor level having not less than 30% of the main floor level area, and located not less than 48 inches above, or below, the main floor level, provided that the secondary floor shall be created through lot or pad grading).
- (h) Maximum floor area ratio:
  - (i) First (1st) floor: 0.25
  - (ii) Second (2nd) floor: 80% of first floor

4. Implementation & Administration of the Specific Plan. The Planning Director or his designee shall have the authority to determine consistency of building and grading plans with the provisions of this Specific Plan. The Planning Director may refer building and grading plans to the Planning Commission for advisory review prior to rendering a decision on Specific Plan consistency.

5. Supplementary District Regulations. The Supplementary District Regulations of Article 9-3.6 (signs, parking, fence regulations, etc.) of the Municipal Code shall apply to this Specific Plan. However, specific supplementary district regulations adopted as part of the Specific Plan shall supersede such Article 9-3.6 of the Municipal Code.
6. Issues Not Addressed In cases where a standard, regulation, or other issue is not addressed in this Specific Plan, the appropriate provision of Title 9 of the Municipal Code shall apply.

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