

ORDINANCE NO. 921

AN ORDINANCE OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP FROM THE "RS-4,000" TO THE "SP" (SPECIFIC PLAN/PRECISE PLAN) ZONE DISTRICT FOR CERTAIN PROPERTIES CONSISTING OF THE HARBOR LANE NEIGHBORHOOD (HARBOR LANE HOMEOWNERS ASSOCIATION) (REZONE 06-02)

THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. **Findings.**

Whereas, the Harbor Lane Homeowners Association (represented by Luis Rosas, CCAI, Property Manager; AMMCOR; 970 Calle Amanecer; San Clemente, CA 92673) has requested approval of a zoning map amendment to rezone properties commonly referred to as Assessor Parcel Numbers (APN) 668-181-01 through 668-186-28, inclusive, from the "RS-4,000" (Residential Single-family-4,000 sf lot minimum) to the "SP" (Specific Plan/Precise Plan) Zone District and adoption of a Specific Plan; and,

Whereas, the proposed project has been processed pursuant to Section 9-2.301, Development Review and 9-2.315, Change of Zone District of the Land Use Code; and,

Whereas, the Environmental Administrator has reviewed the initial study prepared pursuant to Section 15063 and 15064 of the CEQA Guidelines, has issued a Negative Declaration pursuant to Section 15070 of those guidelines; has caused a Notice of Negative Declaration to be posted pursuant to Section 15072 of those guidelines, and has otherwise complied with all applicable provisions of the California Environmental Quality Act (1970); and,

Whereas, on January 23, 2007, the Harbor Lane Homeowners Association conducted a noticed public meeting to secure resident and homeowner comment on the proposed working draft of the Harbor Lane Specific Plan, and following public comment, the Board unanimously adopted a motion forwarding the working draft Specific Plan to the City of San Juan Capistrano with a request that the City initiate the formal public hearing and review process; and,

Whereas, the Planning Commission conducted a duly-noticed public hearing on March 13, 2007 pursuant to Title 9, Land Use Code, Section 9-2.335, City Council Policy 5, and Planning Department Policy 510 to consider public testimony on the proposed project and has considered all relevant public comments.

Whereas, the City Council conducted a duly-noticed public hearing on April 17, 2007 pursuant to Title 9, Land Use Code, Section 9-2.335, 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 proposed zone change will be consistent with applicable General Plan goals, policies, and objectives, in particular, the provisions of the Land Use Element and Circulation Element because residential land uses will be preserved and maintained, and the project will not alter nor result in additional traffic; and,

Whereas, the proposed zone change will be consistent with the General Plan land use designation for the project site because Section 9-2.101, Consistency of projects with the General Plan provides that the "SP" (Specific Plan/Precise Plan) Zone District is consistent with the "2.4-Medium-High Density Residential (5.1-8.0 du/acre)" land use designation; and,

Whereas, 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 only residential and residentially-related land uses would be permitted as are presently allowed under the current "RS-4,000" (Residential Single-family-4,000 sf lot minimum) Zone District; and,

Whereas, 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 only residential and residential-related uses would be permitted under the proposed Specific Plan.

SECTION 2. **Amendment.**

The Official Zoning Map of the City of San Juan Capistrano, CA 92675 is hereby amended as provided by Exhibit "A" attached hereto and incorporated herein; and furthermore, the Harbor Lane Specific Plan is hereby adopted as provided by Exhibit "B" attached hereto and incorporated herein.

SECTION 3. **Effective Date.**

This Ordinance shall take effect and be in force thirty (30) days after its passage.

SECTION 4. **City Clerk's Certification.**

The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within fifteen (15) days after passage and adoption as required by law; or, in the

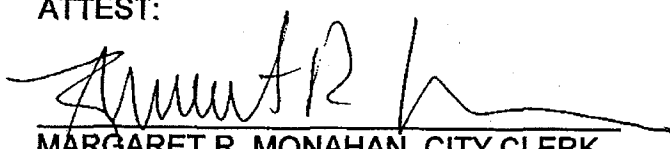
alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five (5) days prior to the date of adoption of this Ordinance; and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED AND ADOPTED this 15th day of May 2007.



SAM ALLEVATO, MAYOR

ATTEST:

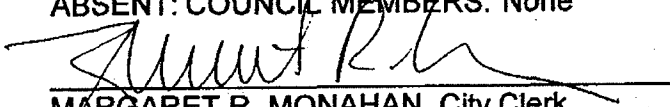


MARGARET R. MONAHAN, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN JUAN CAPISTRANO)

I, MARGARET R. MONAHAN, appointed City Clerk of the City of San Juan Capistrano, do hereby certify that the foregoing is a true and correct copy of **Ordinance No. 921** which was regularly introduced and placed upon its first reading at the Regular Meeting of the City Council on the 17th day of April 2007 and that thereafter, said Ordinance was duly adopted and passed at the Regular Meeting of the City Council on the 15th day of May 2007 by the following vote, to wit:

AYES: COUNCIL MEMBERS: Nielsen, Hribar, Uso, Soto, and Mayor Allevato
NOES COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None



MARGARET R. MONAHAN, City Clerk

STATE OF CALIFORNIA
COUNTY OF ORANGE
CITY OF SAN JUAN CAPISTRANO)

) ss

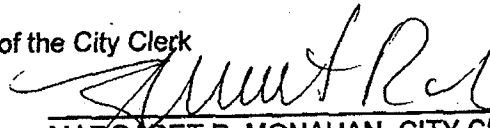
AFFIDAVIT OF POSTING

I, **MARGARET R. MONAHAN**, declares as follows:

That I am the duly appointed and qualified City Clerk of the City of San Juan Capistrano; That in compliance with State laws, Government Code section 36933(1) of the State of California, on the 16th day of April 2007, at least 5 days prior to May 15, 2007, the date of adoption of the ordinance, I caused to be posted a certified copy of the proposed Ordinance entitled:

AN ORDINANCE OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA,
AMENDING THE OFFICIAL ZONING MAP FROM THE "RS-4,000" TO THE "SP"
(SPECIFIC PLAN/PRECISE PLAN) ZONE DISTRICT FOR CERTAIN
PROPERTIES CONSISTING OF HARBOR LANE NEIGHBORHOOD (HARBOR
LANE HOMEOWNERS ASSOCIATION) REZONE 06-02)

This document was posted in the Office of the City Clerk



MARGARET R. MONAHAN, CITY CLERK
San Juan Capistrano, California

STATE OF CALIFORNIA
COUNTY OF ORANGE
CITY OF SAN JUAN CAPISTRANO)

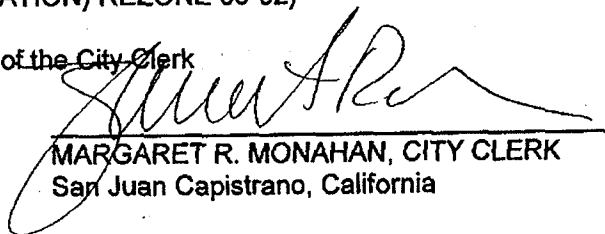
) ss

AFFIDAVIT OF POSTING

I, **MARGARET R. MONAHAN**, declare as follows: That I am the duly appointed and qualified City Clerk of the City of San Juan Capistrano; That in compliance with State laws, Government Code section 36933(1) of the State of California. On the 16th day of May 2007 I caused to be posted a certified copy of Ordinance No. 921, adopted by the City Council on May 15, 2007 entitled:

AN ORDINANCE OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA,
AMENDING THE OFFICIAL ZONING MAP FROM THE "RS-4,000" TO THE "SP"
(SPECIFIC PLAN/PRECISE PLAN) ZONE DISTRICT FOR CERTAIN
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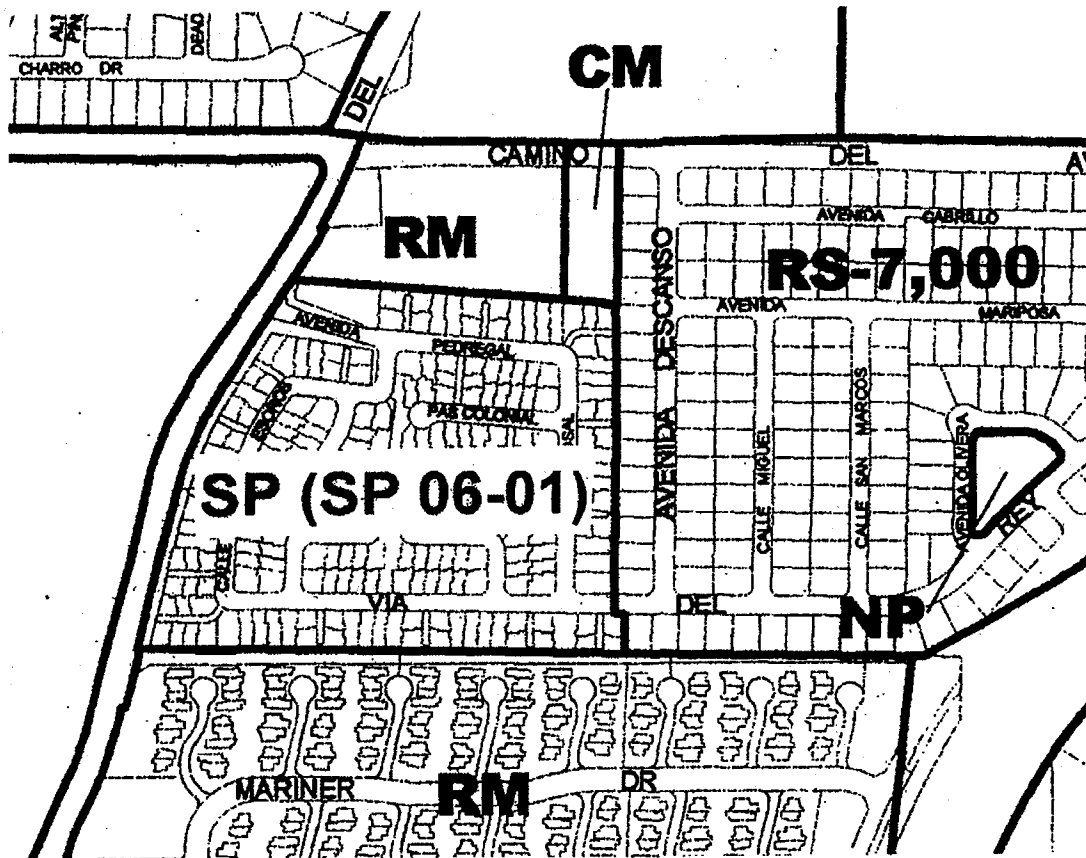
This document was posted in the Office of the City Clerk



MARGARET R. MONAHAN, CITY CLERK
San Juan Capistrano, California

Exhibit A

Rezone 06-02 Harbor Lane Neighborhood Zoning



**SPECIFIC PLAN 06-01
HARBOR LANES HOMES**

Exhibit B to Ordinance 921

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

PLANNING

1. Specific Plan Authority

Section 9-3.317 of the Title 9, Land Use Code establishes the basis for the Specific Plan/Precise Plan (SP/PP) District. The stated purpose and intent of the Specific Plan/Precise Plan (SP/PP) District is to:

- (1) Provide a means for designating certain areas of the City having important aesthetic, cultural, historical, or environmental characteristics as special study areas so that such areas will not be destroyed due to premature or poorly-planned development; and,
- (2) Establish a holding district wherein certain low intensity land uses are permitted while the area in question is studied for the purpose of developing a precise plan for the development of the area.

Harbor Lane Homes possesses unique "environmental characteristics" related to its historical development pattern which makes the Specific Plan/Precise Plan (SP/PP) Zone District an appropriate choice to manage land use and development.

Subsection 9-3.317 provides that the formal review process for establishing Specific or Precise Plans shall only be initiated by the City Council; or, by the City Council following the petition by ten (10) percent or more of the owners of property designated SP/PP. Furthermore, establishing the Specific Plan/Precise Plan (SP/PP) District is subject to the development review process as set forth in Section 9-3.317(d) of the Planned Community (PC) Zone District.

2. Background

The Harbor Lane Homes neighborhood was developed in the early 1970s as a planned residential development with 220 single-family detached (SFD) homes on individual fee-owned parcels. The project area encompasses 24.79 gross acres with an overall density of 8.9 dwelling units per gross acre (du/acre), the Harbor Lane neighborhood has been developed at the upper density limit for single family detached (SFD) housing. However, the use of a modified "zero lot line" (ZLL) house siting pattern and the provision of common open space throughout the neighborhood give the neighborhood a more open character.

The neighborhood has been developed using a "planned community" approach and is served by common open space maintained by the Homeowners Association. Access is provided by both public and private streets and courtyards. The common open space areas have been improved with landscaping and walkways and the association clubhouse, pool, and volleyball area, centrally located on 1.8 acres, is the neighborhood centerpiece. The private streets and private automobile courtyards are also maintained by the Homeowners

Association. A recreational vehicle (RV) storage lot is located on an 0.4 acre parcel located on the north side of Avenida Pedregal at the Del Obispo Street entrance.

Final tract maps 7393 and 7561, recorded in 1971 and 1972, created the Harbor Lane neighborhood. Tract 7393 consists of 12.99 acres developed with 132 lots including 117 residential lots and 15 common area/open space parcels. Tract 7561 consists of 11.8 acres developed with 117 lots including 103 residential lots and 14 common area/open space parcels. While the final tract maps created 220 residential lots, the assessors office lists 218 residential homes.

According to building plans for Harbor Lane, the neighborhood was developed with four models varying in size from 980 square feet (sf) to 1,370 sf. All homes were a combination of one and two-story elements with the two-story portion of the home fronting the street and the one-story element at the rear of the home. This apparent design approach was intended to maintain a more open, unconstrained feel to the private rear yard patio areas by allowing adequate light and air into these areas. This design feature was especially important to the relatively smaller lots in the neighborhood which back up to one another.

3. Residential Development Pattern

Of Harbor Lane Homes 220 developed residential lots, only 22 (10%) met or exceeded the minimum 4,000 square foot lot requirement of the "RS-4000" (Residential Single-family-4,000 sf lot minimum) Zone District established by the November 15, 2002 update to the Official Zoning Map. Of the total developed residential lots, 144 lots are less than 3,000 square feet in area and 14 lots are less than 2,000 square feet in area. The median lot size in Harbor Lane is 2,535 square feet or less than 2/3 the minimum 4,000 sf lot area required by the RS-4,000 District. A distribution of the neighborhood's lot sizes is provided in the following table:

Table 1 - Harbor Lane Homes, Lot Size Distribution.

Lot Size Range	Number of Lots
Less than 2,000 sf	14
2,000-2,999 sf	130
3,000-3,999 sf	52
4,000 or more sf	22
Total	218

(Note: While Final Maps 7393 and 7561 for the Harbor Lanes neighborhood records 220 building lots, the Orange County Assessor's office provides information on 218 lots)

The Harbor Lane neighborhood has been developed with four distinct lot configurations and existing homes and lots generally fall into one of the following four categories:

- Private Courtyard Lots: These lots are clustered around the private courtyards and generally vary between 1,800 and 2,500 square feet (sf) in area. Homes on these types of lots generally provide between 970 and 1,340 square feet (sf) of living area. These lots are generally the smallest, most

constrained lots in terms of potential building additions. Typically, second-story additions would provide the only reasonable opportunity to expand the home's floor area while maintaining adequate outdoor living area.

- Interior Lots Fronting Streets: These lots comprise the majority of properties in Harbor Lane Homes and typically average between 2,200 and 2,500 square feet (sf) in area. Homes on these types of lots generally provide between 1,050 and 1,340 square feet (sf) of living area. Although generally slightly larger than the courtyard lots, these lots are also substantially smaller than the minimum required by the "RS-4,000" zoning. Again, second-story additions would typically provide the only reasonable opportunity to expand the home's floor area while maintaining adequate outdoor living area.
- Perimeter Lots: Although the largest lot in Harbor Lane Homes is a perimeter lot (6,586 sf), perimeter lots generally range between 3,200 and 4,000 square feet (sf) in land area and on average, are slightly smaller than corner lots. Homes on "perimeter lots" generally provide between 1,120 and 1,380 square feet (sf) of living area.
- Corner Lots: Although the largest lot in Harbor Lane Homes is a perimeter lot, corner lots are generally the largest and typically average between 3,500 and 4,500 square feet (sf). Homes on these types of lots generally provide between 1,150 and 1,500 square feet (sf) of living area.

4. General Plan Designation

The General Plan Land Use Element classifies Harbor Lane Homes as "2.4-Medium-High Density Residential (5.1-8.0 du/acre)" while the neighborhood has been developed at a density of 8.9 dwelling units per acre. However, the neighborhood pre-dates the adoption of the current General Plan and "2.4-Medium-High Density Residential (5.1-8.0 du/acre)" classification reflects the most appropriate designation for the neighborhood. While the current density of Harbor Lane Homes is consistent with the Land Use Element's "2.5-High Density Residential (8.1-18.0 du/acre)" designation, that designation would not be appropriate. The designation could potentially result in "spot" intensification of residential development on the largest parcels in the neighborhood thereby altering the character of the neighborhood.

Section 9-2.101 of Title 9, Land Use Code, entitled "*Consistency of Projects with the General Plan*," establishes the basis for determining consistency of zoning district classifications with the General Plan. This section of the Code expressly provides that the Specific Plan/Precise Plan (SP/PP) Zone District is consistent with the "2.4-Medium-High Density Residential (5.1-8.0 du/acre)" General Plan land use designation for the Harbor Lane Homes neighborhood.

LAND USE REGULATIONS & DEVELOPMENT STANDARDS

1. **Purpose and Intent.** The purpose and intent of this Specific Plan is to:
 - (a) manage land use and the physical development of the Harbor Lane Homes neighborhood in a manner consistent with the General Plan's goals, policies, and recommendations especially, the Land Use Element and the Community Design Element; and,
 - (b) manage land use and physical development in the Harbor Lane Home neighborhood which is consistent with the private deed restrictions established as part of the final tract map.
 - (c) manage land uses and development consistent with the medium-high density, planned residential development character of the Harbor Lane Homes neighborhood.
 - (d) establish development standards which provide property owners with the opportunity to construct additions and increase the overall livability of individual homes while maintaining the overall character of development.

2. **Applicability.** The provisions of this "SP" (Specific Plan) shall apply to all real property and lots of record situated within the Harbor Lane Homes neighborhood, as delineated on the Official Zoning Map of the City of San Juan Capistrano.

3. **Land Use Standards.** Land uses within the Harbor Lane Homes neighborhood shall comply with the following use standards consistent with the purpose and intent of the Title 9, Land Use Code residential district standards.

Use	Class	Notes and Exceptions
Accessory uses and structures incidental to the operation of a permitted use	A	
Alcoholism recovery residential facilities (for 6 or fewer persons)	P	
Animal grazing, breeding, boarding, and training	—	
Animal raising (noncommercial)	—	
Apiaries	—	
Boarding and rooming houses	—	
Child day care centers	C	
Family care homes (14 or fewer children)	C	
Home businesses	A	Subject to Section 9-3.523, Home

		Business.
Kennels (commercial or noncommercial)	—	
Manufactured and modular homes on a permanent foundation system	—	
Mining, oil drilling, and other resource extraction	—	
Mobilehome parks	—	
Parks (public and private)	P	
Plant nurseries and storage	—	
Public buildings and facilities	P	a. Includes public schools, museums, libraries, governmental buildings, parks, fire stations, public utility offices and exchanges, bus, and railroad stations. b. Excludes police stations and hospitals.
Recreation and community centers (noncommercial-public and private)	A	a. Must conform to Section 9-3.501, Accessory Uses and Structures, and Section 9-3.529, Lighting Standards. b. Outdoor lighting of sport courts, pools, and fields shall be subject to a conditional use permit.
Recycling facilities	—	
Religious, fraternal, or nonprofit organizations (nonprofit)	C	
Residential care facilities (6 or fewer persons)	C	a. Subject to issuance of required State and/or County license(s).
Residential care facilities (over 6 persons)	—	
Residential dwellings, single family detached (SFD)	P	
Residential dwellings, single family detached (SFD), zero lot line	P	
Residential dwellings, single family attached (SFA)	P	
Residential dwelling units (duplex, two-family)	—	
Residential dwelling units (multiple-family,	—	

apartments and cooperatives)		
Residential dwelling units (multiple-family, townhouses, condos)	—	
Residential dwelling (temporary)	—	
Residential , secondary dwelling unit (single-family)	P	a. Subject to Section 9-3.501, Accessory Uses and Structures. b. Permitted on lots of 4,000 square feet or greater in area.
Swimming schools, tennis clubs and schools, and similar activities	—	
Tennis/sports courts, swimming pools, and similar improvements on individual residential lots	—	

C. Development Standards

The following development standard shall apply to individual residential lots in the Harbor Lane Homes neighborhood:

- (a) Minimum lot size: per the recorded Final Maps 7393 & 7561 or 4,000 square feet, whichever is less
- (b) Minimum lot frontage: per the recorded Final Maps 7393 & 7561
- (c) Minimum front yard
 - public streets: 16 feet, or per the as-built setback for the principal dwelling, whichever is less
 - private streets: 3 feet, or per the as-built setback for the principal dwelling, whichever is less
- (d) Minimum side yards: 5 feet & 0 feet (minimum 5'-0" building separation)
- (e) Minimum rear yard: 5 feet along that part of the rear property line where the principal dwelling is setback from the property line; and, 0 feet along that part of the rear property line where the principal dwelling has been constructed to the property line (zero lot line)
- (f) Maximum lot coverage ratio: 65%
- (g) Maximum building height: 35 feet

¹ Architectural projections may extend into required side yards not more than 40% of the applicable district requirement, or not more than 3 feet, whichever is greater.

- 2 Minimum exterior side yards (side yards adjoining public street right-of-way) shall not be less than 10 feet.
 - 3 On lots with an existing building setback encroachment into a required side or rear yard, building additions maintaining the same setback encroachment shall be permitted without the approval of a Zone Variance (ZV) or Development Standards Adjustment (DSA).
 - 4 Open-covered patios (minimum 50% open) may extend up to a minimum of 5 feet from rear property lines pursuant to Section 9-3.501, Accessory Uses and Structures.
 - 5 All building elevations on the principal structure shall be fully articulated with details and materials consistent with the approved architectural style.
 - 6 Single-family design standards: The principal residential dwelling shall be subject to the following requirements:
 - (a) The minimum width shall be 20 feet (measured between the outside of the side walls);
 - (b) The exterior walls shall be finished with wood, stucco, masonry, or other material of similar texture and durability;
 - (c) Roof material shall be asphalt shingle, wood shingle or shake, slate, tile, or other material of similar appearance, texture, substance, and durability consistent with the approved architecture.
 - (d) Roof eaves and gables shall not be less than 12 inches in depth, measured from the wall of the dwelling to the outside of the fascia.
 - 7 The project shall maintain private common recreational facilities and landscaped open area equal to not less than 250 square feet of land per unit (250 gsf x 220 dwelling units = 1.26 acres). All common recreational facilities, private streets/courtyards, and common area landscaping shall be maintained by the homeowner association. The organization, authority, duties, and obligations of the Homeowners Association are set forth in the Codes, Covenants, and Restrictions (CC&R) approved by the City and recorded with the final tract map.
 - 8 The minimum outdoor private area for individual residential lots shall be determined by the Harbor Lane Homeowners Association's as part of the HOA's design guidelines.
4. Implementation & Administration of the Specific Plan. The Planning Director or his designee shall have the authority to determine consistency of building permit and grading permit 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 the Specific Plan does not address a specific development standard, land use regulation, legal non-conformity, or other issue, the appropriate Title 9 provisions shall apply as determined by the Planning Director.