

ORDINANCE NO. 890

AN ORDINANCE OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, AMENDING SPECIFIC DEVELOPMENT PLAN 92-01 (PLAZA DE LAS GOLONDRINAS) TO ADD TWO PARCELS TOTALING 0.97 ACRE GENERALLY LOCATED, ON THE NORTH SIDE OF ORTEGA HIGHWAY 500 FEET EAST OF RANCHO VIEJO ROAD (APN 650-201-14 & 650-201-15).

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

**SECTION 1.**      Findings.

**WHEREAS**, the proposed amendment to Specific Development Plan (SDP) 92-01, Plaza de Las Golondrinas requests to add 0.97 acres of commercial land to the existing planning area and to establish permitted uses and standards; and,

**WHEREAS**, the subject parcels have received Planning Commission approval of site development and architectural plans for a law office and an animal hospital; and,

**WHEREAS**, the proposed project been processed pursuant to Section 9-2.345, Development Review of the Land Use Code; and,

**WHEREAS**, the Environmental Administrator has reviewed the project in accordance with the provisions of the California Environmental Quality Act and determined that the project, as mitigated, would not have a significant effect on the environment and therefore issued a Mitigated Negative Declaration for the project on January 30, 2004; and, all mitigation measures will be included in the final approving resolution as conditions of approval; and,

**WHEREAS**, the Planning Commission conducted duly-noticed public hearings on March 23, and April 27, 2004 pursuant to the provisions of Section 9-2.335 of the Title 9, Land Use Code, Administrative Policy 409, and Planning Department Policy 510 to consider public testimony; and,

**WHEREAS**, the proposed project is consistent with the policies and objectives of the General Plan Land Use Element because the project will result in the development of a law office and an animal hospital consistent with the land use standards established by the Land Use Element; and,

**WHEREAS**, the proposed project is consistent with the policies and objectives of the General Plan Circulation Element because the project includes provisions for providing adequate vehicle access to commercial development; and,

**WHEREAS**, the amendment to Specific Development Plan (92-01) is consistent with Section 9-2.103 of the San Juan Capistrano Municipal Code and with the General Plan Land Use Map designation, which incorporates Office Research Park

**SECTION 2.**            Amendment.

Based on the findings set forth in Section 1, the City Council ordains that the Specific Development Plan 92-01 (Plaza de Las Golondrinas) is hereby amended as provided by Exhibit A, attached hereto and incorporated herein.

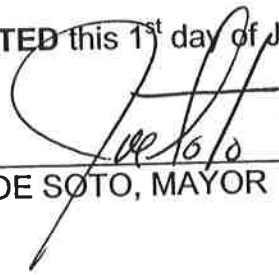
**SECTION 3.**            Effective Date.

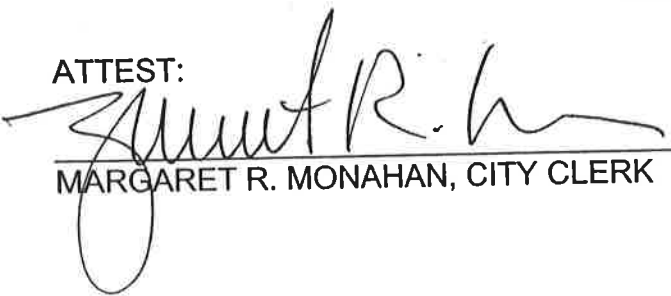
This Ordinance shall take effect and be in force thirty (30) days after its passage.

**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 1<sup>st</sup> day of June 2004.

  
\_\_\_\_\_  
JOE SOTO, MAYOR

ATTEST:  
  
\_\_\_\_\_  
MARGARET R. MONAHAN, CITY CLERK

**EXHIBIT A**  
**SPECIFIC PLAN 92-01, PLAZA DE LAS GOLONDRINAS**

**I. Purpose and Intent**

The purpose and intent of this specific plan district shall be

- A. to provide for small-scale retail and service uses within the area designed to reflect the Spanish heritage and semi-rural character of the community.
- B. to provide for small-scale, convenience retail shopping facilities at the neighborhood level which are compatible with the surrounding residential neighborhoods.
- C. to provide for commercial uses which accommodate most of the personal service needs of the surrounding neighborhoods.
- D. to provide for small-scale development of commercial offices and related uses which are compatible with adjacent properties.

**II. Applicability**

The Specific Plan District shall be applicable to all development within the land area delineated on Figure 1, Specific Plan District Boundary and Planning Sectors.

**III. Use Regulations**

- A. Planning Sector A (27201, 27211, 27221, 27231 Ortega Highway; Assessor Parcel Number 650-211-31, 32, 33, & 34)

1. Permitted Uses

General Office Uses: attorneys, certified public accountants, tax services, architects, bookkeeping, consulting (.e.g. psychologist and psychiatrist), engineers, travel agency, brokers (including real estate, mortgage, commodities, personal property, stock, securities, bonds, etc.) real estate (including consulting, developers, investment lending, escrow and engineering) employment agencies, insurance offices and agents services, property management services, advertising agencies, communications (including answering services, cable services), general contractor's headquarters, graphics services, word processing, desktop publishing, personal agencies, welcoming center and services, visitor center, private investigator, personal property rental, computer and system services, and similar uses.

Financial Services: financial institution branches including banks, savings, and loans, stock brokerages, financial planners.

Personal Services and Retail Uses: liquor store, drug store, photography studios, tailor, interior decorating, shoe shine and repair, florist shop, deli shop, yogurt and ice cream shops, commercial cleaning, gift shop and gift

wrapping, seafood store, meat market, health food and supplies, print shops, appliance and flooring stores, automotive supplies, furniture stores, electronic goods and supplies (including video rentals), food take-out stores, convenience market (maximum 4,500 square feet), mobile phone sales and service, karate studio, computer sales and service, apparel stores, art and music supplies, craft shops, office supplies, book store, pet stores, restaurants (maximum 5,500 square feet dining area including outdoor dining).

Outdoor Dining: restaurants may include outdoor dining areas provided they are located within areas approved for such use by the Planning Commission and shown on the approved plans. Outdoor dining areas shall be counted the same as indoor dining areas in calculating parking or other similar code requirements.

Residential: residential uses with development standards.

Veterinary Offices and Clinics: veterinary services (including animal husbandry).

Medical and Dental Offices: chiropractors, medical doctors (including such specialties as dermatology, diet center, electrolysis, optometrists and eye glasses, pharmacies, dentist, dental lab, orthodontist) physical therapy, x-ray and MRI lab, health maintenance organization, hynotherapists. Medical and dental offices (maximum of 17,000 square feet).

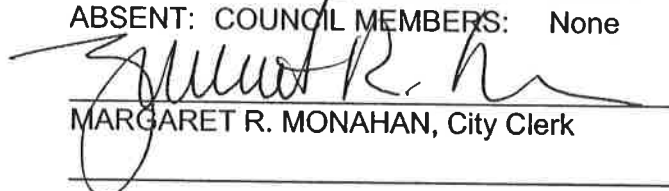
2. Prohibited Uses: bus, taxicab and railroad stations, bowling lanes, ice and roller skating rinks, athletic and health clubs, tire, muffler and brake shops, auto repair shops, service stations, ambulance services, taxicab services, auto rental and leasing agencies with on-site vehicle storage shall be prohibited.
3. Accessory Uses: Uses that are customarily incidental to and a subordinate part of the operation of a permitted principal or conditional use shall be permitted.
4. Conditional Uses: The following uses may be permitted subject to the approval of a conditional use permit:
  - a. Outdoor display, storage or operations.
  - b. General retail uses, other than those listed above, which the Planning Commission determines are appropriate and compatible with the intent and purpose of the District (SD).
  - c. Public and semi-public uses, religion related uses, business, vocational and professional school such as, but not limited to tutoring services, vocational schools and institutes.
  - d. Restaurants exceeding 5,500 net square feet (including the outdoor dining area).

- e. Medical and dental uses exceeding 17,000 gross square feet.
  - f. A convenience market exceeding 4,500 gross square feet.
- B. Planning Sector B (27341 Ortega Highway; Assessor Parcel Number 650-201-15) (27345 Ortega Highway; Assessor Parcel Number 650-201-14)
- 1. Veterinary Offices and Clinics: veterinary services (including animal husbandry).
  - 2. General Office Uses: attorneys, certified public accountants, tax services, architects, bookkeeping, consulting (.e.g. psychologist and psychiatrist), engineers, travel agency, brokers (including real estate, mortgage, commodities, personal property, stock, securities, bonds, etc.) real estate (including consulting, developers, investment lending, escrow and engineering) employment agencies, insurance offices and agents services, property management services, advertising agencies, communications (including answering services, cable services), general contractor's headquarters, graphics services, word processing, desktop publishing, personal agencies, welcoming center and services, visitor center, private investigator, personal property rental, computer and system services, and similar uses.
- IV. Development Standards shall be as established by Section 9-3.303 for the "NC" (neighborhood commercial district) of Title 9, Land Use Code.
- V. Supplementary District Regulations for fencing, lighting, parking, signs, and related standards shall be as established by Sections 9-3.501 through 9-3.559 of Title 9, Land Use Code

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. 890 which was regularly introduced and placed upon its first reading at the Regular Meeting of the City Council on the 18<sup>th</sup> day of May 2004 and that thereafter, said Ordinance was duly adopted and passed at the Regular Meeting of the City Council on the 1<sup>st</sup> day of June 2004 by the following vote, to wit:

AYES: COUNCIL MEMBERS: Allevato, Bathgate, Swerdlin, Hart, and Mayor Soto  
NOES COUNCIL MEMBERS: None  
ABSENT: COUNCIL MEMBERS: None

  
MARGARET R. MONAHAN, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss AFFIDAVIT OF POSTING  
CITY OF SAN JUAN CAPISTRANO )

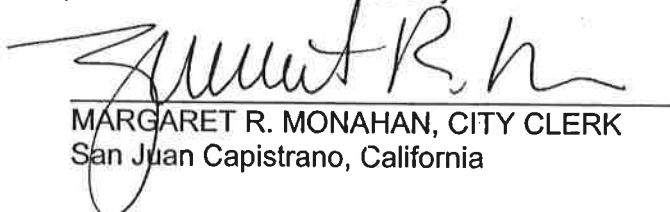
I, MARGARET R. MONAHAN, declare as follows:

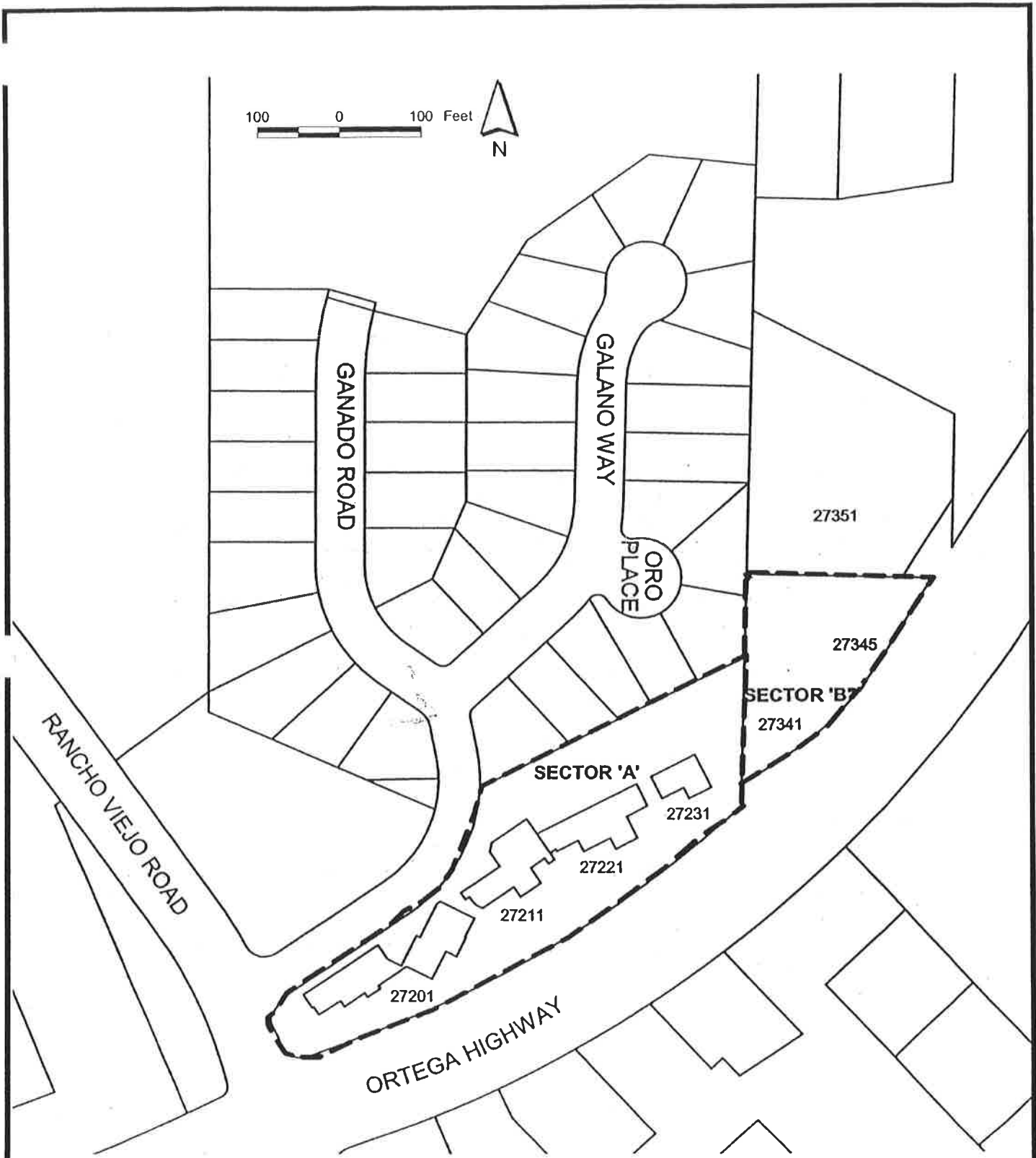
That I am the duly appointed and qualified City Clerk of the City of San Juan Capistrano; That in compliance with State laws, Government Code section 36933(1) of the State of California.

On the 12<sup>th</sup> day of May 2004, at least 5 days prior to 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 SPECIFIC DEVELOPMENT PLAN 92-01 (PLAZA DE LAS GOLONDRINAS) TO ADD TWO PARCELS TOTALING 0.97 ACRE GENERALLY LOCATED, ON THE NORTH SIDE OF ORTEGA HIGHWAY 500 FEET EAST OF RANCHO VIEJO ROAD (APN 650-201-14 & 650-201-15)"

This Ordinance was introduced at the City Council meeting of May 18, 2004 and Adopted at the June 1, 2004 meeting. This document was posted in the Office of the City Clerk

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



**FIGURE 1**  
**SPECIFIC DEVELOPMENT PLAN (SDP) 92-01**  
**PLAZA DE LAS GOLONDRINAS**

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

) ss

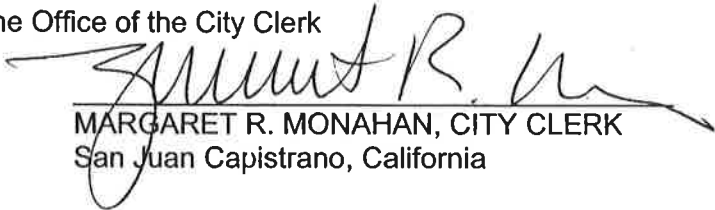
AFFIDAVIT OF POSTING

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 2<sup>nd</sup> day of June 2004, within 15 days after adoption of Ordinance No. 890, I caused to be posted a certified copy of Ordinance 890, adopted at the June 1, 2004 City Council meeting entitled:

"AN ORDINANCE OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, AMENDING SPECIFIC DEVELOPMENT PLAN 92-01 (PLAZA DE LAS GOLONDRINAS) TO ADD TWO PARCELS TOTALING 0.97 ACRE GENERALLY LOCATED, ON THE NORTH SIDE OF ORTEGA HIGHWAY 500 FEET EAST OF RANCHO VIEJO ROAD (APN 650-201-14 & 650-201-15)"

This document was posted in the Office of the City Clerk



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



SPECIFIC DEVELOPMENT PLAN 92-01

PLAZA DE LAS GOLONDRINAS SPECIAL DISTRICT USES

Permitted/Accessory Uses and Structures	Restricted Uses
<p><u>Principal Uses:</u> (Some uses have been removed from chart if similar to ones already listed.)</p> <ul style="list-style-type: none"> <li>* General Office Uses (i.e. attorneys, accountants, tax services, architects, consulting, psychologist/psychiatrist, engineers, travel agencies, brokers, real estate agencies/offices, insurance offices, property mgmt. Services, advertising agencies, graphics services, word processing, visitor center, etc.)</li> <li>* Financial Services (i.e. banks, savings and loans, stock brokerages, financial planners)</li> <li>* Personal Services and Retail Uses (i.e. liquor/drug stores, photography studios, tailors, deli shops, cleaners, yogurt/ice cream shops, health food, gift shops, print shops, automotive supplies, furniture stores, electronics, convenience markets up to 4,500 sq. ft., karate studio, apparel stores, book stores, restaurants up to max. 5,500 sq. ft. Including outdoor dining area, etc.)</li> <li>* Outdoor Dining provided within areas approved by Planning Commission per approved plans. (Outdoor dining counted same as indoor dining in calculating parking and other code requirements).</li> <li>* Residential uses with development standards</li> <li>* Veterinary Offices/Clinics (including animal husbandry)</li> <li>* Medical/Dental Offices (i.e. chiropractors, medical doctors, physical therapy, x-ray/MRI labs, etc. Limited to 17,000 sq. ft. Per center to ensure adequate parking.</li> </ul> <p><u>Accessory Uses:</u></p> <ul style="list-style-type: none"> <li>* Those customarily incidental to permitted or conditional use</li> </ul> <p><u>Conditional Uses:</u></p> <ul style="list-style-type: none"> <li>* Any use that includes outdoor display, storage, or operations</li> <li>* General retail other than those listed, subject to Planning Commission approval</li> <li>* Public/semi-public uses (i.e. religion-related uses, business, vocational &amp; professional schools such as tutoring services, vocational schools, and institutes)</li> <li>* Restaurants over 5,500 sq. ft., including outdoor dining area</li> <li>* Medical/dental uses exceeding 17,000 sq. ft. maximum total</li> <li>* Convenience market exceeding 4,500 sq. ft.</li> <li>* Hand car washes and lube and oil change services</li> </ul>	<ul style="list-style-type: none"> <li>* Bus/taxicab/railroad stations</li> <li>* Bowling lanes</li> <li>* Ice/roller rinks</li> <li>* Athletic/health clubs</li> <li>* Tire/muffler/brake shops</li> <li>* Auto repair shops</li> <li>* Service stations</li> <li>* Ambulance services</li> <li>* Taxicab services</li> <li>* Auto rentals/leasing agencies with on-site storage</li> </ul>

## SPECIFIC DEVELOPMENT PLAN 92-01

### EXHIBIT B

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### PLAZA DE LAS GOLONDRINAS SPECIAL DISTRICT USES

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#### Permitted Uses For Each Phase of the Project:

General Office Uses: such as, but not limited to, attorneys, certified public accountants, tax services, architects, bookkeeping, consulting (e.g., psychologist and psychiatrist), engineers, travel agency, brokers (including real estate, mortgage, commodities, personal property, stock, securities, bonds, etc.) real estate (including consulting, developers, investment, lending, escrow and engineering), employment agencies, insurance offices and agents services, property management services, advertising agencies, communications (including answering services, cable services), general contractor's headquarters, graphics services, word processing, desktop publishing, personnel agencies, welcoming center and services, visitor center, private investigator, personal property rental, computer consulting and system services.

Financial Services: such as, but not limited to, financial institution branches (including banks, savings and loans, stock brokerages, financial planners).

Personal Services and Retail Uses: such as, but not limited to, liquor store, drug store, photography studios, tailor, interior decorating and design, shoe shine and repair, florist shop, deli shop, yogurt and ice cream shops, commercial cleaning, gift shop and gift wrapping, seafood store, meat market, health food and supplies, general retail uses not limited to, print shops, beauty salon & supplies, appliance and flooring stores, automotive supplies, furniture store, electronic goods and supplies (including video rentals), food take out stores, convenience market, mobile phone sales and service, karate studio, computer sales and service, apparel stores, art and music supplies, craft shops, office supplies, book store, pet stores, restaurants (the largest of which may be no more than 5, 500 square feet including outdoor dining area). The convenience market shall be no larger than 4,500 square feet.

Outdoor Dining: Restaurants may include outdoor dining areas provided they are located within areas approved for such use by the Planning Commission and shown on the approved plans. Outdoor dining areas shall be counted the same as indoor dining areas in calculating parking or other similar code requirements.

Residential: Residential uses with development standards.

Veterinary Offices and Clinics: Veterinary services (including animal husbandry).

Medical and Dental Offices: such as, but not limited to, chiropractors, medical doctors (including such specialities as dermatology, diet center, electrolysis, optometrists and eye glasses, pharmacies, dentist, dental lab, orthodontist) physical therapy, x-ray and MRI lab, health maintenance organization hyno-therapists. Medical and dental offices shall be limited to no more than a total of 17,000 square feet in order to ensure adequate parking for the project.

## EXHIBIT B

### DEVELOPMENT CONSTRAINTS FOR PLAZA DE LAS GOLONDRINAS

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1. Archaeology: Given the site's proximity to the downtown area, the Mission cemetery and the Forster mansion, grading should be monitored by a State Certified Archaeologist and a report should be prepared describing the significance of the site in relation to the above described resources and its role in San Juan Capistrano's history.
2. Land Use: This site is at an entryway to the City and is intended to serve as a buffer site between the residential community to the north and the commercial properties across Ortega Highway. Therefore, land uses for the study area should be evaluated in terms of compatibility with adjacent residential uses, landscaping and architectural elevations and as an aesthetic entryway into the City. A list of the principal, conditional and prohibited uses provided as attachment B with Ordinance No. for RZ 91-04 and as attachment A with Resolution 91-10-6 for GPA 92-02.
3. Compatibility With Adjacent Residential Uses: Land uses should be visually pleasing and have operational characteristics which will be compatible with the residential uses adjacent to the study area. Areas of specific concern which must be mitigated to avoid potential impacts to adjacent residences include: noise from outdoor dining areas and trash and delivery trucks; light and glare from parking lot and building lights; odor from trash receptacles and restaurant vents; the architectural design of the buildings and the landscaping of the site should be designed to ensure aesthetically pleasing views of the project from the adjacent residences; cross-sections of the proposed project, including the massing of the buildings and the conceptual landscaping of the site, shall be submitted, along with perspectives of the site from across Ortega Highway and from the residences adjacent to the site. These cross-sections and perspectives will be used to analyze the visual impacts from Ortega Highway and the residences located next to the site.
4. Tree Preservation: The existing mature trees on the site should be preserved and incorporated into the site plan.
5. Landscaping and Architectural Elevations: Landscaping on the perimeter and interior of this site is of particular importance in order to mitigate the linear nature of the site. Parking should not be placed directly adjacent to Ortega Highway and should be screened from this potential scenic highway. Landscaping and the buildings should be used to mask the existing retaining wall as much as possible from Ortega Highway. Landscaping should also serve as a buffer between Ortega Highway and the site and the adjacent residences located to the north of the site. Architectural elevations should be offset or angled to avoid a strip appearance and to minimize the long and

narrow shape of the study area.

6. Signs: A monument sign located at the corner of Rancho Viejo Road and Ortega Highway shall be no more than four-five feet in height. A smaller, secondary directional sign shall be permitted on the most eastern portion of the site to identify the name of the project to vehicles traveling west on Ortega Highway. This sign shall be no more than 3-4 feet in height and shall only contain the name of the project. In order to be as aesthetically unobtrusive as possible, these signs shall be integrated into the landscaping of the site and shall utilize similar building materials as those used in the buildings on the site.

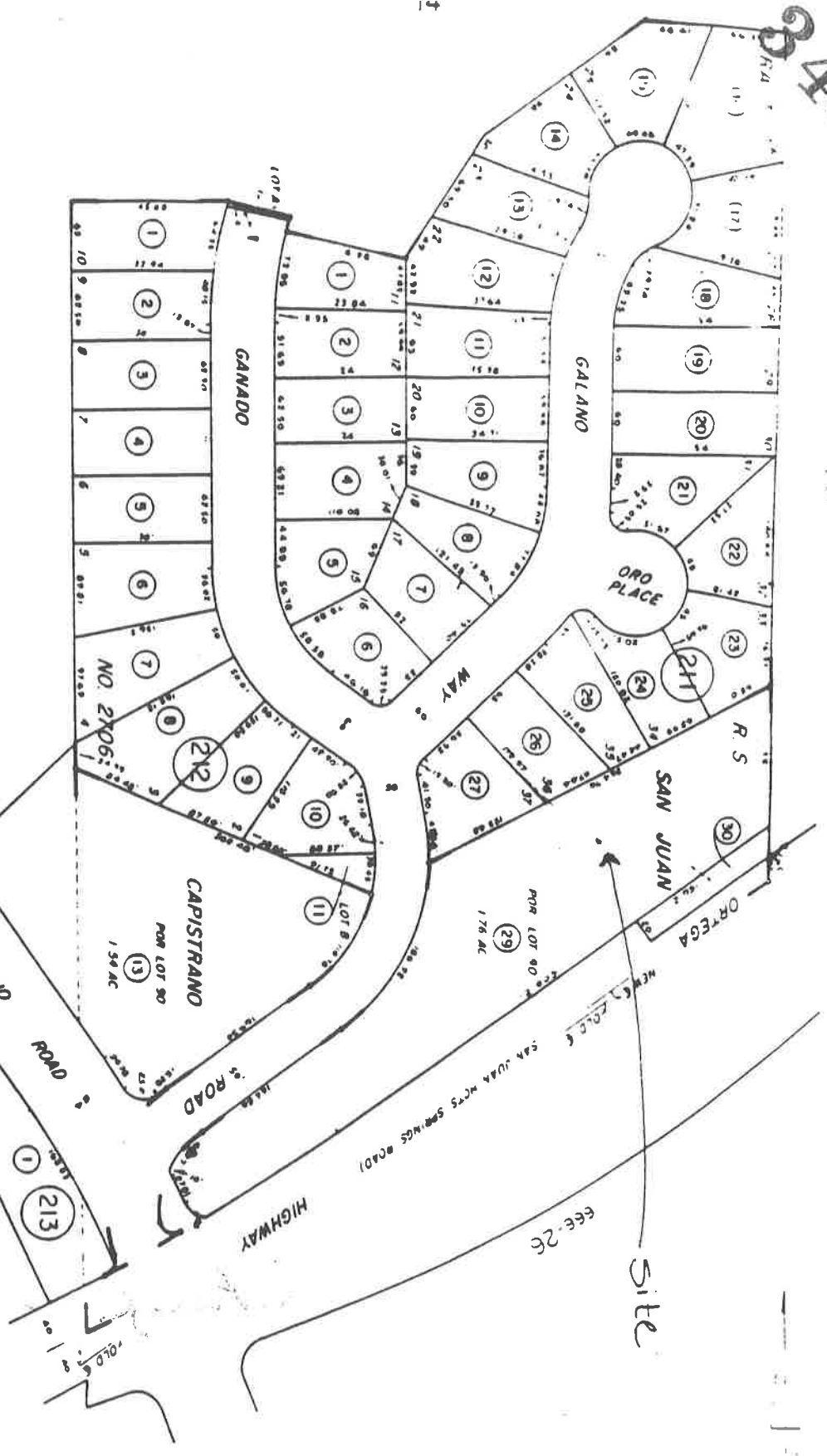
Prohibited Uses: The following uses shall be prohibited: bus, taxicab and railroad stations, bowling lanes, ice and roller skating rinks, athletic and health clubs, tire, muffler and brake shops, auto repair shops, service stations, ambulance services, taxicab services, auto rental and leasing agencies with on-site vehicle storage.

Accessory Uses: Uses that are customarily incidental to and a subordinate part of the operation of a permitted principal or conditional use shall be permitted.

Conditional Uses: The following uses may be permitted subject to the approval of a Conditional Use Permit.

1. Any permitted use which includes outdoor display, storage or operations.
2. General retail uses other than those listed above which the Planning Commission determines are appropriate and compatible with the intent and purpose of the Special District (SP).
3. Public and Semi-Public Uses, Religion Related Uses, Business, Vocational and Professional Schools such as, but not limited to, tutoring services, vocational schools and institutes.
4. Restaurants exceeding 5,500 square feet, including the outdoor dining area.
5. Medical and dental uses which exceed the 17,000 square feet maximum permitted.
6. A convenience market exceeding 4,500 square feet.
7. Hand car washes and lube and oil change services (per PC Resolution 96-5-14-1).

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MARCH 1978

R S SAN JUAN CAPISTRANO  
TRACT NO 2706

R S 2-35  
M M 82-16, 17

NOTE: ASSESSOR'S BLOCK &  
PARCEL NUMBERS  
SHOWN IN CIRCLES

THE DATA  
CONTAINED  
HEREIN IS  
FOR THE  
PROPERTY  
OF THE  
COUNTY OF  
SANTA BARBARA  
AND IS NOT  
TO BE USED  
FOR ANY  
OTHER  
PURPOSE  
WITHOUT  
THE WRITTEN  
CONSENT  
OF THE  
COUNTY CLERK

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Exhibit A