

WHISPERING HILLS ESTATES PLANNED COMMUNITY  
COMPREHENSIVE DEVELOPMENT PLAN (CDP 04-01)

SAN JUAN CAPISTRANO, CALIFORNIA

adopted: August 3, 2004 (Ordinance No. 896 )  
amended:

Planning Department  
City of San Juan Capistrano  
32400 Paseo Adelanto  
San Juan Capistrano, CA 92675  
(949) 443-6331



# **TABLE OF CONTENTS**

<b><u>CHAPTER/SECTION</u></b>	<b><u>PAGE</u></b>
<b>CHAPTER 1: INTRODUCTION</b>	
1.1 Purpose and Intent	1-1
1.2 Size and Location of Property	1-2
1.3 General Plan and Zoning	1-2
1.4 Definitions	1-4
<b>CHAPTER 2: LAND USE AND CIRCULATION</b>	
2.1 Land Use	2-1
2.2 Circulation and Access	2-4
2.3 Parks and Trails	2-4
2.4 Public Utilities	2-5
<b>CHAPTER 3: PERMITTED USES AND DEVELOPMENT STANDARDS</b>	
3.1 Introduction	3-1
3.2 General Provisions	3-1
3.3 Residential Land Uses	3-1
3.4 Nonresidential Land Uses	3-4
<b>CHAPTER 4: PROJECT IMPLEMENTATION</b>	
4.1 Phasing	4-1
4.2 Zoning Conditions	4-1
4.3 Development Review Procedures	4-2

# 1. INTRODUCTION

## 1.1 PURPOSE AND INTENT

This Comprehensive Development Plan (CDP) is intended to implement the PC "Planned Community" zoning for the Whispering Hills Estates Planned Community<sup>1</sup>.

The Planned Community is composed of the following two primary areas:

- Area A: Consisting of Subarea A1: Vesting Tentative Tract Map 16634 (VTTM 16634), under review by the City concurrently with this CDP, and a four-acre "remainder" parcel on the north side of "A" Street near La Pata Avenue (see Exhibit 2); plus Subarea A2: a 34-acre subarea located in unincorporated territory between the City boundary and La Pata Avenue which is to be annexed to the City.
- Area B: The 52-acre± San Juan Hills High School site, which is being purchased from the owner of VTTM 16634 by the Capistrano Unified School District (CUSD). Previously, as allowed by state law, the CUSD Board of Trustees overrode the City zoning on this portion of the Planned Community in order to permit establishment of the High School. Therefore, permitted uses and development standards for this Area are under the authority of CUSD and the Division of the State Architect. Thus, this CDP does not establish zoning regulations for Area B.

Section 9-3.315 of the City's Land Use Code (Title 9 of the Municipal Code) identifies the purpose and intent of the PC District:

- (1) "Encourage the use of modern land planning and design techniques to create developments integrating a mixture of different types of land uses;
- (2) Realize the economic, social, and aesthetic advantages of combining different types of land uses in a coordinated community design, such developments to be of sufficient size to provide related areas for various uses, which may include varying housing types; commercial retail and service activities; industrial uses; recreation, school and other public facilities and other appropriate land uses. The regulations for the Planned Community (PC) District are designed to permit the adoption of a Comprehensive Development Plan (CDP) providing for a diversity of uses, building relationships, and open spaces within planned building groups, while insuring compliance with the General Plan and this Code;

---

<sup>1</sup> For purposes of brevity in this CDP, the Whispering Hills Estates Planned Community is sometimes referred to as "Whispering Hills" or the "Whispering Hills Planned Community".

- “(3) To insure, by means of land use regulations and specific conditions of approval, a more efficient use of open space, the separation of pedestrian and vehicular traffic, increased project amenities and compatibility with surrounding development;
- “(4) To achieve the coordinated planning and orderly development of different contiguous parcels of land by means of an approved Comprehensive Development Plan; and
- “(5) To provide open space, agricultural, and low density residential interim use of property until a Comprehensive Development Plan is approved and implemented”.

## 1.2 SIZE AND LOCATION OF PROPERTY

The Whispering Hills Planned Community is located on 404 acres in the southeastern portion of the City of San Juan Capistrano (see Exhibit 1). Of that, Subarea “A1” consists of 314 acres included in the residential project, VTTM 16634, (see Table 1). and a remainder parcel of about four acres, which is not a part of VTTM 16634. Subarea “A2” consists of a 34-acre property presently located in unincorporated territory between the City boundary and La Pata Avenue (see Exhibit 2). All or part of this territory will be annexed to the City in accordance with a condition of approval on VTTM 16634. Since this property is presently outside the boundaries of the City, the land use and other regulations in this CDP will become active on the property only upon its rezoning and annexation to the City.

Area B is the future public San Juan Hills High School, occupying approximately 52 acres.

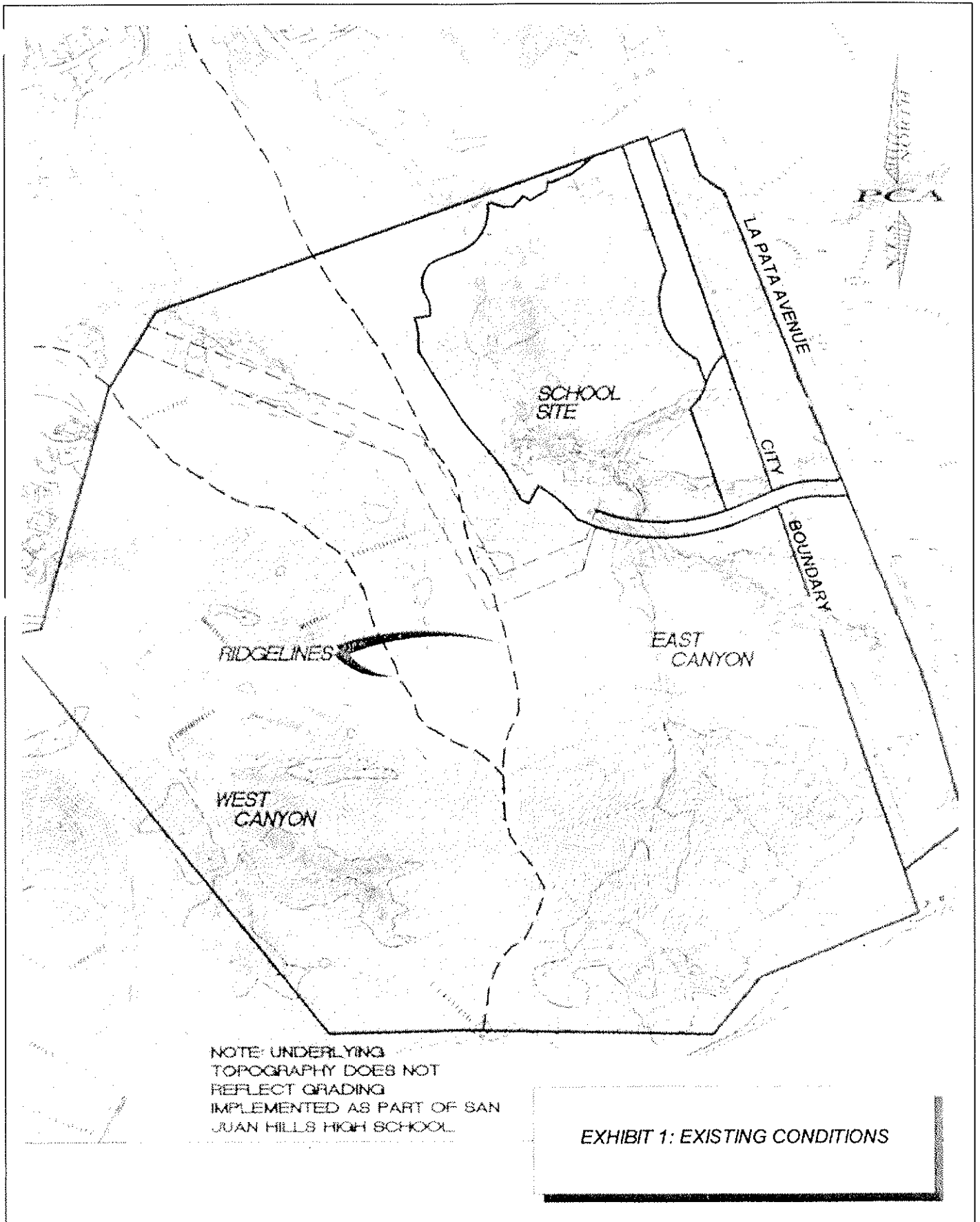
The property has two northwesterly trending ridges (see Exhibit 1). These ridgelines are designated for preservation in the General Plan. The property also contains two electric transmission corridors.

## 1.3 GENERAL PLAN AND ZONING

### 1.3.1 GENERAL PLAN

Land Use Designations - The City’s General Plan designates the property as “Planned Community”, “Very Low Density Residential” (maximum density of one dwelling unit per acre), and “General Open Space” . The General Open Space designation was assigned to the SDG&E transmission line right-of-way extending diagonally through the property. The two ridgelines on the site are designated as “Major Ridgelines”, to be preserved in open space per the Conservation and Open Space Element.

Residential Density - The density of the residential portion of the Planned Community (VTTM 16634) is  $155 \text{ dwelling units} \div 314 \text{ acres} = .49 \text{ du/acre}$ . This is within the maximum General Plan density of one unit per acre.



Transmission Line Open Space Designation - The General Open Space designation is meant to show that the area occupied by the electric transmission lines is to remain in open space. The aboveground portion will remain in open space, with the central portion being realigned to accommodate the undergrounding of the eastern portion. That undergrounded portion will be relocated in the main entry street, "A" street, which is to be flanked by open space on both sides in the form of high school playfields on the north and the detention basins on the south. Thus, the General Plan transmission line open space will be preserved in its undergrounded condition, though with a slightly different alignment. Therefore, this CDP is consistent with the General Open Space designation.

Major Ridgelines - This CDP retains the two major ridgelines in open space (see Exh. 2).

### 1.3.2 ZONING

The property is designated "PC" and "GOS" on the Official Zoning Map. The PC District zoning classification requires that a Comprehensive Development Plan be integrated into the PC zoning in order to establish permitted land uses and development standards on a PC-designated property. This is the Comprehensive Development Plan for the Whispering Hills PC.

The GOS zoning follows the General Plan General Open Space designation for the electric transmission corridor. As discussed above under "General Plan", the preservation of this corridor in open space is achieved in both its aboveground and underground segments. The transmission line corridor is surrounded on both sides by the area zoned "PC" on the Zoning Map. It is also part of, and under common ownership with, VTTM 16634. Therefore, for purposes of coordinated planning, zoning and development and in conformity with the purpose and intent of the PC District, the corridor has been included in this CDP.

## 1.4 DEFINITIONS

For the purposes of this Comprehensive Development Plan, the term "Land Use Code" shall mean Title 9 of the City of San Juan Capistrano's Municipal Code, as last revised. Unless otherwise indicated herein, all terms used in this Comprehensive Development Plan shall have meanings as defined in the Land Use Code.

## 2. LAND USE AND CIRCULATION

### 2.1 LAND USE

#### 2.1.1 SUMMARY

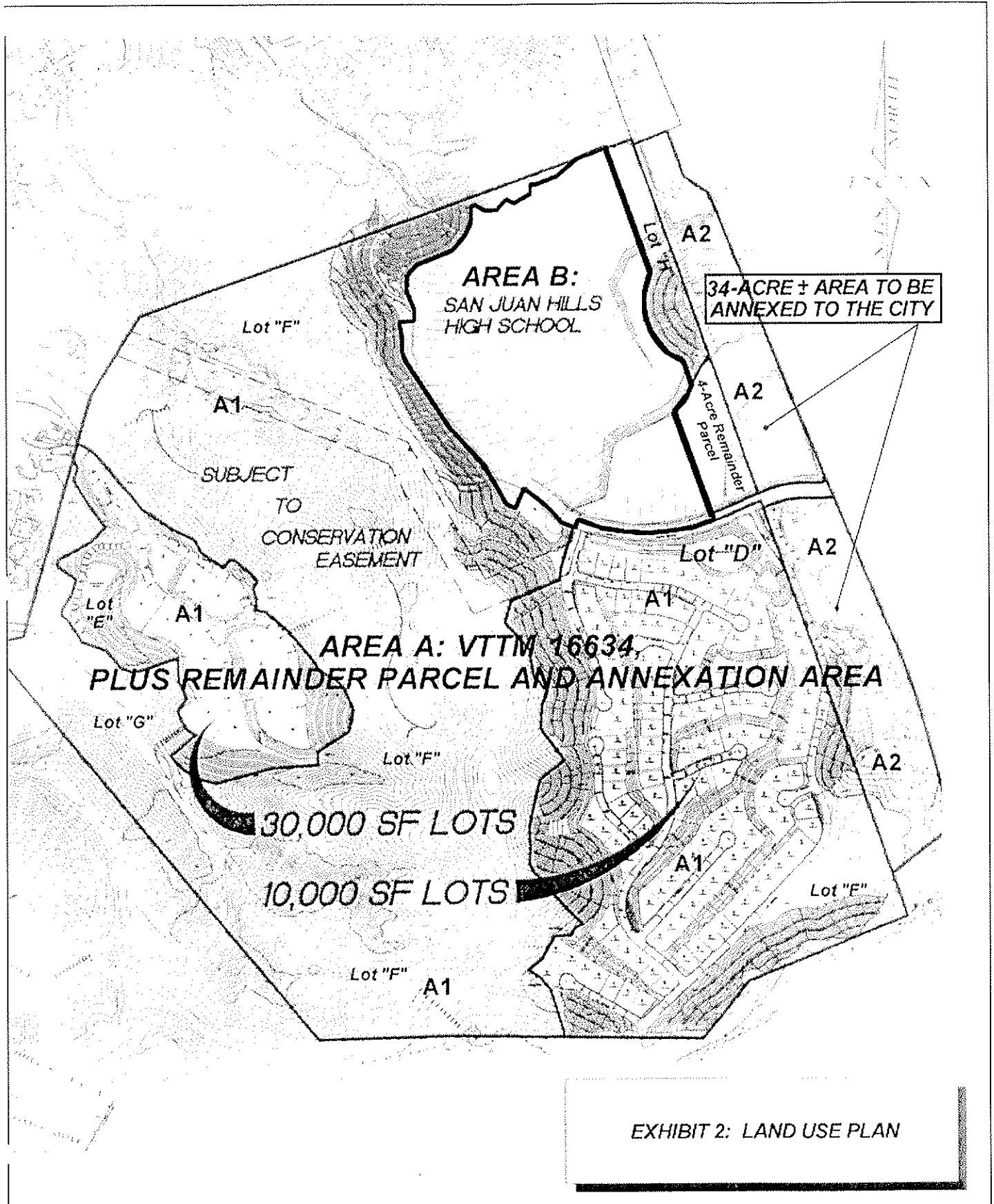
This Comprehensive Development Plan provides for the following land uses and development within the Whispering Hills Planned Community:

1. A public high school.
2. Vesting Tentative Tract Map (VTTM) 16634: A maximum of 155 single family dwelling units, with a maximum of 15 dwelling units in the west canyon area, on minimum 30,000-square-foot lots, and the remaining 140 units in the east canyon area on minimum 10,000-square-foot lots.
3. Open space-oriented uses on Subarea "A2": a 34-acre area located between VTTM 16634 and La Pata Avenue to be annexed to the City. This area will also include a private neighborhood park serving the east canyon residential area.
4. The remainder of the property will be used for permanent open space, trails, detention basins, habitat mitigation/restoration, and utilities, and an electric transmission line corridor.

#### 2.1.2 LAND USE PLAN

Exhibit 2 shows the land use plan for the Whispering Hills Planned Community. Table 1 shows the land use distribution for the various areas shown on Exhibit 2. As shown in Table 1, the gross density of the residential portion of the Planned Community, VTTM 16634, is 0.49 dwelling units per acre (155 dwelling units on 314 acres).

As shown on Exhibit 2, a minimum 500-foot wide open space buffer is established within the west canyon area along its boundary with the existing Hidden Mountain Estates development (Tract 11826). No structures other than fencing and the project entry for the west canyon residential area will be placed in the buffer area.





<b>Table 1: LAND USE DISTRIBUTION</b>	
<b>Land Use</b>	<b>Approximate Acreage</b>
Single Family Residential (East Canyon – 10,000 SF Lots)	110
Single Family Residential (West Canyon – 30,000 SF Lots)	30
Lot "H" Open Space Area	5
Conservation Easement Area – Permanent Open Space	169
<b>Subtotal – VTTM 16634:</b>	<b>314</b>
Remainder Parcel on North Side of "A" Street	4
<b>Subtotal – Subarea "A1"</b>	<b>318</b>
<b>Subarea "A2" – Unincorporated Area to be Annexed to City</b>	<b>34</b>
Total – Area "A"	352
Total – Area "B": San Juan Hills High School	52
<b>TOTAL – Whispering Hills Estates Planned Community:</b>	<b>404 acres</b>

### 2.1.3 OPEN SPACE AND RIDGELINE PRESERVATION

There are two general types of open space within the Whispering Hills PC: Natural open space (including open space that has been returned to a naturalized state after disturbance from grading) and landscaped open space areas. Chapter 3 of this CDP identifies the permitted land uses within open space areas.

The 169-acre "Conservation Easement" area shown on Exhibit 2 is required by the California Department of Fish and Game as part of Streambed Alteration Agreement R5-2002-0115 and the United States Army Corps of Engineers as part of Permit No. 200001593-RLK.

There are two prominent ridgelines running from the northwest to southeast through the middle of the property (see Exhibit 1). These ridgelines, which join and become one near the southern edge of VTTM 16634, are designated in the General Plan as "Major Ridgelines".

Section 9-3.411(c) of the Land Use Code specifies the following:

"No construction activity, including but not limited to grading on any major ridgeline so designated on the General Plan Map shall be allowed; more specifically, no construction activity, including but not limited to grading, shall be permitted within 200 feet (horizontal) of a General Plan designated ridgeline, or as designated on a final City subdivision map in accordance with required development conditions, except at as allowed under subsection (e) Exemptions."

At adoption of this CDP, grading for the San Juan Hills High School was being carried out under the authority of the Capistrano Unified School District's override of City zoning on the property per state law. The grading envelope for the high school extends into the east canyon residential area of VTTM 16634 in order to ensure that stability and other geotechnical considerations are addressed. Future development associated with VTTM 16634 will comply with the ridgeline preservation requirements of Section 9-3.411 of the Land Use Code.

## **2.2 CIRCULATION AND ACCESS**

### **2.2.1 EXISTING ROADWAYS**

The San Diego Freeway (Interstate 5) provides north-south regional access to the Whispering Hills PC. The freeway is located approximately one and one-half miles west of the project site. Freeway access is provided at Ortega Highway (SR-74) via a diamond interchange and by slip ramps south of San Juan Creek Road along Camino Capistrano and along Valle Road.

The local circulation system in the vicinity of the project site includes San Juan Creek Road, which is currently a two-lane secondary roadway east of La Novia Avenue, with sections that have been fully improved to four lanes. La Pata Avenue is a two-lane roadway east of the Planned Community. Antonio Parkway connects with Ortega Highway opposite La Pata. Ortega Highway is a four-lane east-west primary arterial except east of Via Cordova, where it is two lanes.

### **2.2.2 CIRCULATION PLAN**

Primary access to the Planned Community will be provided via La Pata Avenue to the east canyon area and Avenida La Mancha to the west canyon. There will be two points of access onto La Pata; a main access controlled by a traffic signal for both the high school and the east canyon area, and a right-turn in only secondary access for the high school. Exhibit 2 shows the internal circulation system for VTTM 16634.

## **2.3 PARKS AND TRAILS**

### **2.3.1 PARKS**

A private neighborhood park will be provided within the east canyon residential area. The size location and improvements for the park will be determined in conjunction with review of VTTM 16634.

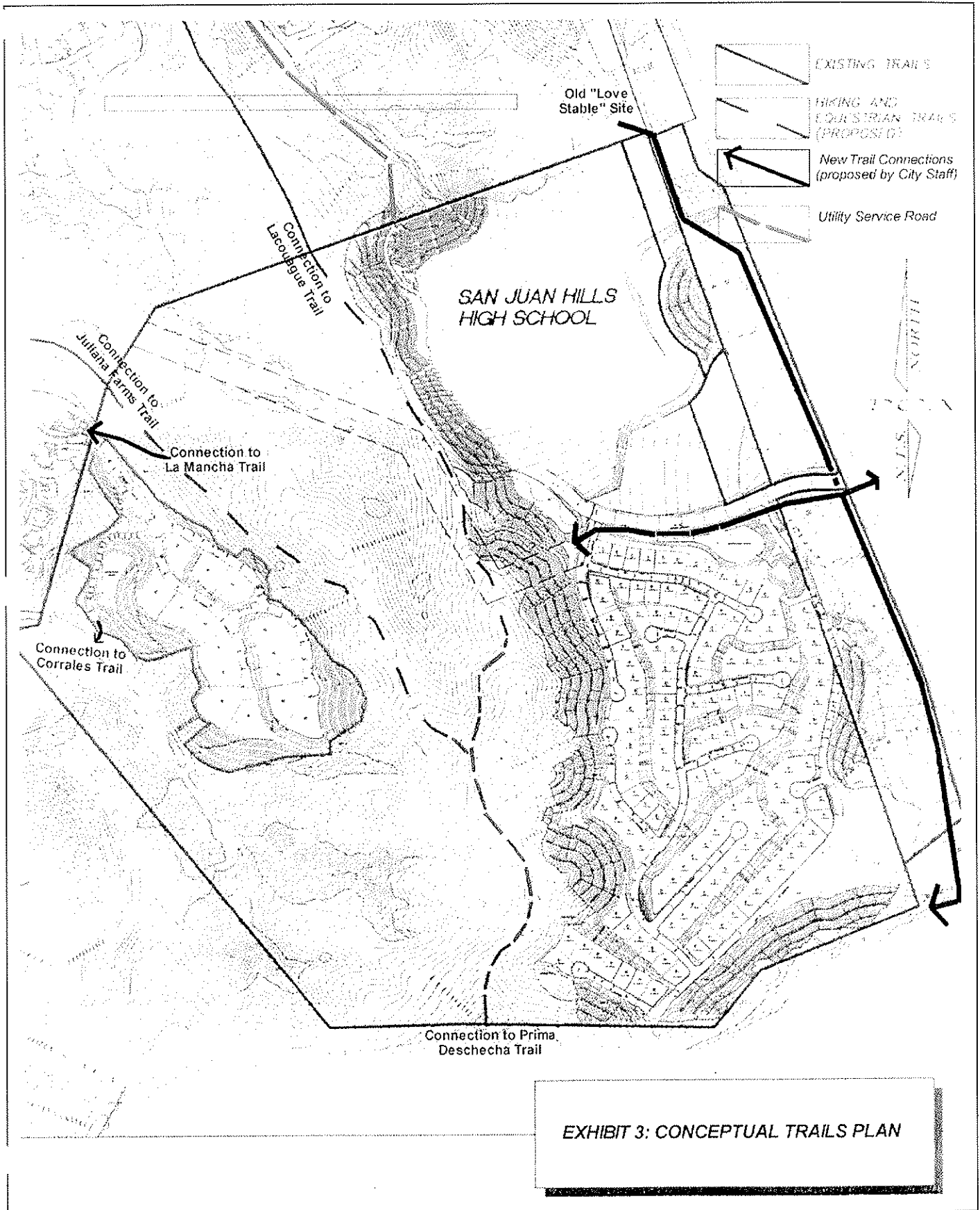
### **2.3.2 TRAILS AND BIKEWAYS**

Recreational trails and bikeways will be provided in general conformity with the conceptual alignments shown on Exhibit 3 and the City's Design Manual for Equestrian and Hiking Trails and City bikeway standards, subject to any restrictions imposed by the conditions of the Conservation Easement Area

(California Department of Fish and Game Streambed Alteration Agreement R5-2002-0115; United States Army Corps of Engineers Permit No. 200001593-RLK).

## **2.4 PUBLIC UTILITIES**

Water and sanitary sewer systems will be provided as shown on VTTM 16634. Storm drain systems will be as provided in the project's Storm Water Pollution Prevention Plan and VTTM 16634, and will be installed in accordance with the Clean Water Act Section 401 Water Quality Certification (File No. 02C-039) for the project.



## **3. PERMITTED USES AND DEVELOPMENT STANDARDS**

### **3.1 INTRODUCTION**

The Planned Community (PC) District regulations included in this Chapter are adopted pursuant to Section 9-3.315 of the Land Use Code. The purpose of the land use regulations is to define the permitted uses, development standards and other zoning regulations for the Whispering Hills Estates Planned Community.

In cases where a land use or a development regulation is not addressed in this Chapter, the appropriate section of the Land Use Code (Title 9 of the City of San Juan Capistrano Municipal Code) shall govern. In cases of conflict between a land use or development regulation in this Chapter and the Land Use Code, this Chapter shall prevail.

### **3.2 GENERAL PROVISIONS**

The following land use regulations specify permitted land uses and development standards related to lot size, setbacks, and building heights.

The Planning Director shall have the authority to review proposed land uses that are not listed in the land use regulations. The Planning Director shall determine that a proposed unlisted use may be permitted if the proposed use:

- Is compatible with the purpose and intent of the subject land use district;
- Is of a nature that is comparable to the principal, temporary or conditional uses permitted in the subject land use district; and
- Will not be detrimental to property in the vicinity of the proposed use.

### **3.3 RESIDENTIAL LAND USES**

#### **3.3.1 APPLICABILITY AND PURPOSE**

The regulations in this Section 3.3 apply to the residential portion of Area "A" in the Whispering Hills Planned Community. The purpose of these regulations is to provide for the development, maintenance and preservation of low density residential development with single family residences on individual lots, plus associated infrastructure and open space consistent with the PC Zoning District, and to comply with the City General Plan Land Use Element that designates the area included in VTTM 16634 as "Very Low Density Residential", allowing up to one dwelling unit per acre.

**3.3.2 PRINCIPAL USES AND STRUCTURES PERMITTED**

1. Single-family detached dwellings.
2. Parks and open space, public or private.
3. Clubhouses, community pools and cabanas.
4. Bicycle, equestrian and hiking trails.
5. Drainage facilities and detention basins.
6. Public facilities and utilities.

**3.3.3 CONDITIONAL USES AND STRUCTURES PERMITTED**

1. Second residential units, as provided for in the California Government Code, subject to the requirements of the applicable section(s) of the Land Use Code.
2. Large family day care homes serving 14 or fewer children, in accordance with Chapter 3.6 of the California Health and Safety Code, subject to the requirements of the applicable section(s) of the Land Use Code.

**3.3.4 ACCESSORY USES AND STRUCTURES PERMITTED**

1. Home occupations, subject to the requirements of the applicable section(s) of the Land Use Code.
2. Unlighted tennis courts and other game courts on individual residential lots, subject to the requirements of the applicable section(s) of the Land Use Code. Night lighting of such courts is prohibited unless a conditional use permit is approved.
3. Non-commercial keeping of household pets customarily incidental and accessory to residential use, subject to the requirements of the applicable section(s) of the Land Use Code. The keeping of wild, exotic, or non-domestic animals is prohibited
4. Swimming pools, spas, fences, patio covers, gazebos, garages and similar structures and facilities customarily incidental and accessory to residential use, subject to the requirements of the applicable section(s) of the Land Use Code.
5. Small family day care homes serving 8 or fewer children, in accordance with Chapter 3.6 of the California Health and Safety Code, subject to the requirements of the applicable section(s) of the Land Use Code.
6. For residences in the west canyon only, the following accessory use is

permitted: the keeping of horses, noncommercial, subject to the requirements of the applicable section(s) of the Land Use Code.

7. Other accessory uses and structures determined by the Planning Director to be incidental to the operation of the permitted use.

### 3.3.5 TEMPORARY USES AND STRUCTURES PERMITTED

1. Model homes, temporary real estates offices and signs within subdivisions, subject to the requirements of the applicable section(s) of the Land Use Code.
2. Temporary construction facilities, including trailers, subject to the requirements of the applicable section(s) of the Land Use Code.
3. A temporary caretaker residence during the construction of a permanent single-family residence on an individual lot, subject to the requirements of the applicable section(s) of the Land Use Code.

### 3.3.6 DEVELOPMENT STANDARDS FOR RESIDENTIAL LAND USES

Table 2 specifies the standards for residential development within the Planned Community.

DEVELOPMENT STANDARD	West Canyon	East Canyon
Max. No. of Residential Lots	15	140
Min. Lot Size	30,000	10,000
Min. Street Frontage <sup>1</sup>	90	60
Max. Structural Height (ft.)	35	35
Min. % of One-Story Units Per District	0	20%
<b>One-Story Homes:</b>		
Min. Front Yard Setback (ft) <sup>2</sup>	30	20
Min. Side Yard Setback (ft.)	15	14/6 <sup>3</sup>
Min. Rear Yard Setback (ft)	25	25
Max. Floor Area Ratio	0.25	0.40
<b>Two-Story Homes:</b>		
All Setbacks:	Same as for One-Story	
Floor Area Ratio (1st floor/lot area)	0.25	0.35
Floor Area Ratio (2 <sup>nd</sup> floor/first floor)	80%	80%

**Table 2:  
RESIDENTIAL DEVELOPMENT STANDARDS**

<sup>1</sup> Minimum street frontages for lots on a cul-de-sac or street "knuckle" shall be 40 percent of the minimum street frontage shown. "Flag" lot street frontages shall be minimum 20', and setbacks shall conform to the requirements of the applicable section of the Land Use Code.

<sup>2</sup> For side-entry type garages, the front setback may be reduced for the garage portion only to 20' in the west canyon area and 12' in the east canyon area.

<sup>3</sup> Min. side setbacks may be distributed within each lot in the east canyon as follows: Min. 6' one side and min. 14' other side. In all cases, however, the min. side setback adjacent to streets shall be 10'.

### 3.3.7 SUPPLEMENTAL RESIDENTIAL REGULATIONS

Signs, parking, fences, swimming pools and other regulations for residences within the Planned Community shall be as provided in the appropriate section(s) of the Land Use Code.

## 3.4 NONRESIDENTIAL LAND USES

### 3.4.1 APPLICABILITY AND PURPOSE

The purpose of the regulations in this Section 3.4 is to provide permitted uses and development standards for the nonresidential areas within the Planned Community. The regulations in this Section shall apply to the open space and other nonresidential areas within Area "A", including Lots D through H on VTTM 16634, the four-acre± remainder parcel outside VTTM 16634 (see Exhibit 2), and the property between VTTM 16634 and La Pata Avenue to be annexed to the City. Permitted uses and development standards for the San Juan Hills High School site (Area "B") shall be determined by the Capistrano Unified School District and the Division of the State Architect, as provided under state law.

### 3.4.2 PRINCIPAL USES AND STRUCTURES PERMITTED

The following permitted uses apply to all of Area "A", including both Subareas "A1" and "A2"; and consisting of all open space and other nonresidential areas within Area "A";

1. Parks, playfields and related facilities.
2. Passive open space.
3. Bicycle, equestrian and hiking trails.
4. Habitat mitigation.



5. Water reservoirs.
6. Electrical, water, sewer and other utility lines.
7. Drainage facilities and detention basins.
8. Fuel modification.
9. Grading necessary to accomplish residential development.

#### **3.4.3 CONDITIONAL USES AND STRUCTURES PERMITTED**

The following conditional uses apply only to Subarea "A2": the property between VTTM 16634 and La Pata Avenue and shall only become applicable upon rezoning and annexation of that area to the City:

1. Recreation vehicle storage
2. Educational facilities
3. Commercial outdoor recreation
4. Commercial horse stables
5. Communication transmitting, receiving and relay facilities
6. Wholesale plant nursery, with no selling to the general public
7. Utility buildings

#### **3.4.4 ACCESSORY USES AND STRUCTURES PERMITTED**

Accessory uses and structures incidental to the operation of a permitted use, such as signage, fences and walls

#### **3.4.5 TEMPORARY USES AND STRUCTURES PERMITTED**

Temporary construction facilities, including trailers, subject to the requirements of the applicable section(s) of the Land Use Code.

#### **3.4.6 DEVELOPMENT STANDARDS FOR NONRESIDENTIAL LAND USES**

For nonresidential portions of Area "A", permitted structures and facilities and development standards shall be determined in conjunction with approval of the structure or facility by the City. For San Juan Hills High School (Area "B"), setbacks, building heights, and other development standards are not regulated by this CDP, and shall instead be determined by the Capistrano Unified School District and the State Architect.

## **4. PROJECT IMPLEMENTATION**

### **4.1 PHASING**

Phasing of development, roadways and utilities serving the residential portion of the Planned Community shall be determined in conjunction with the approval of VTTM 16634. The anticipated phasing of home construction in the residential portion is shown in Exhibit 4. However, this phasing plan is conceptual only and may not occur precisely as shown on the Exhibit as development proceeds.

### **4.2 ZONING CONDITIONS**

#### **4.2.1 ADMINISTRATION OF ZONING CONDITIONS**

The zoning conditions set out herein are incorporated into this CDP approval. Any subdivision map application filed with the City under this CDP shall strictly conform to the CDP plan and the zoning conditions set out in this Section 4.2.

The purpose of the conditions and other requirements in this Section is to ensure consistency of development in the Whispering Hills Planned Community with the General Plan, Land Use Code, this CDP, and the mitigation measures identified in the Environmental Impact Report prepared for the project. The requirements listed in this Section shall be in addition to other conditions of approval on tentative maps, site plans, and other entitlements.

The City Council may modify any of the conditions in this CDP without an amendment to the CDP if it determines that such modification is necessary to ensure appropriate timing and design of required implementation measures or to otherwise advance the Purpose and Intent of the CDP (as set out in Chapter 1).

#### **4.2.2 MITIGATION MEASURES FROM EIR**

The mitigation measures identified in the Mitigation Monitoring Program for the Environmental Impact Report (EIR) shall be imposed by the City Council. The Planning Director may modify such mitigation measures or impose substitute mitigation measures if the Director determines that such modifications or substitute measures are necessary to ensure the feasibility of the mitigation measure and/or to achieve its purpose as identified in the EIR.

#### **4.2.3 BUFFER BETWEEN WEST CANYON AND HIDDEN MOUNTAIN ESTATES**

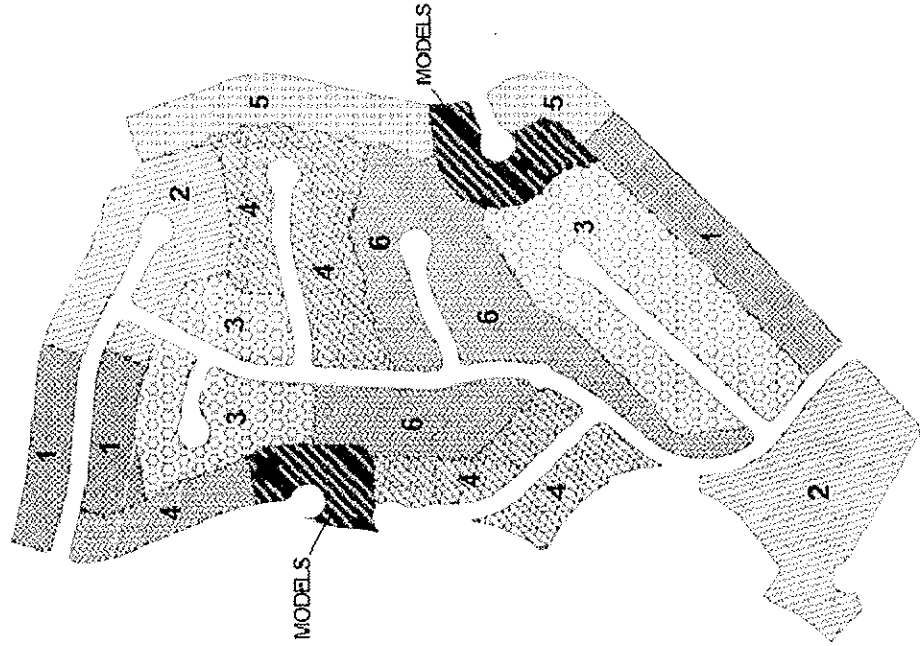
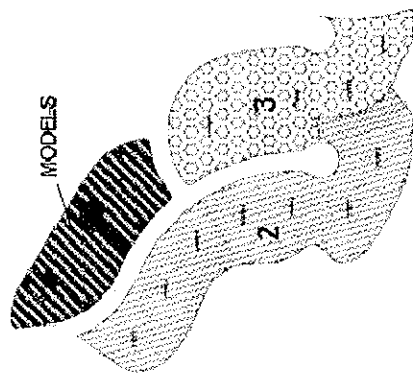
A minimum 500-foot wide open-space buffer area shall be established and maintained within the west canyon area along its boundary with the existing Hidden Mountain Estates development (Tract 11826). No structures other than fencing and the new project entry shall be placed in this buffer area.

### 4.3 DEVELOPMENT REVIEW PROCEDURES

All residential development within the Planned Community, except custom homes on individual lots, shall be subject to review and approval of development plans by the Planning Commission in accordance with the development review process, as set out in the applicable section(s) of the Land Use Code.

Residential building permits allowed in a given year shall be subject to the requirements of Section 9-2.325 of the Land Use Code (*Growth Management*, except as otherwise modified through adoption by the City Council of a Development Agreement for the project.

RESIDENTIAL SEQUENCING PLAN WHISPERING HILLS



SCALE: 1" = 100'

LEGEND

MODELS	[Diagonal hatching pattern]
PHASE 1	[Cross-hatching pattern]
PHASE 2	[Stippled pattern]
PHASE 3	[Horizontal hatching pattern]
PHASE 4	[Vertical hatching pattern]
PHASE 5	[Diagonal hatching pattern]
PHASE 6	[Diagonal hatching pattern]