

**FULL TEXT OF MEASURE Y
CITY OF SAN JUAN CAPISTRANO**

RESOLUTION NO. 06-02-21-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION (MND) AND APPROVING A GENERAL PLAN AMENDMENT (GPA) FOR A 10.5 ACRE PARCEL LOCATED ALONG THE NORTH SIDE OF SAN JUAN CREEK ROAD AND EAST OF CHATEAU SAN JUAN (ASSESSOR PARCEL NUMBER 666-011-27)(CAPISTRANO VALLEY GOLF, LP)

WHEREAS, Capistrano Valley Golf L.P. has requested approval of General Plan Amendment to change the land use designation of a proposed 10.5 acre parcel from the "OSR" (Open Space Recreation) designation to the "2.5, High Density Residential (8.1-18.0 du/acre)" designation for the purpose of future development of senior housing; and,

WHEREAS, the Planning Commission has recommended that the "PC" (Planned Community) General Plan Land Use designation would be the most appropriate designation for managing the future development of senior housing on the subject property; and,

WHEREAS, on March 2, 2004, the City Council initiated consideration of a potential General Plan Amendment (GPA) and directed staff to prepare the necessary analysis of the proposed amendment to determine consistency with the applicable provisions of the General Plan and specifically, the Land Use Element, Circulation Element, Housing Element, and Conservation & Open Space Element; 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 issued a Mitigated Negative Declaration (MND) pursuant to Section 15070 of the California Environmental Quality Act Guidelines; has caused a "Notice of Intent to Adopt a Negative Declaration" to be mailed to all real property owners within 500 feet of the project as listed on the County Assessor's property owner's address database; has caused the Mitigated Negative Declaration (MND) to be posted by the County Clerk and mailed to the State Clearinghouse pursuant to Section 15072 of the CEQA Guidelines, and has otherwise complied with all applicable provisions of the California Environmental Quality Act; and,

WHEREAS, the Planning Commission conducted a duly-noticed public hearing on July 26, August 9, and September 27, 2005 pursuant to Title 9, Land Use Code, Section 9-2.335, City Council Policy 5, and Planning Department Policy 510 to consider the proposed Mitigated Negative Declaration (MND) and to consider public testimony on the proposed project and has considered all relevant public comments; and,

WHEREAS, on September 27, 2005, the Planning Commission adopted a resolution recommending City Council approval of the General Plan Amendment based on findings that the amendment was consistent with the overall goals and policies of the General Plan Land Use Element and Conservation & Open Space Element; and,

WHEREAS, the City Council conducted a duly-noticed public hearing on December 6, 2005; January 17, 2006; and February 21, 2006 pursuant to Title 9, Land Use Code, Section 9-2.335, City Council Policy 5, and Planning Department Policy 510 to consider the proposed Mitigated Negative Declaration (MND) and 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 hereby makes the following findings:

1. The Initial Study and Mitigated Negative Declaration (MND) have been prepared and made available for public review pursuant to the California Environmental Quality Act and the City has reviewed all comments received during the public review period and prepared responses to all comments on the proposed Mitigated Negative Declaration (MND), and has otherwise complied with all applicable provisions of California Environmental Quality Act; and,

This portion of
Resolution No. 06-02-21-03
NOT CONTESTED

2. The proposed project is consistent with the policies and objectives of the San Juan Capistrano General Plan Land Use Element including the following policies:

***Policy 2.2:** Assure that new development is consistent and compatible with the existing character of the City.*

***Policy 3.1:** Confine higher density land uses to the valley areas outside of the floodplain.*

***Policy 7.2:** Ensure that new development is compatible with the physical characteristics of its site, surrounding land uses, and available public infrastructure.*

because proposed residential development would be age-restricted (55 years or older) consistent with the existing senior housing development to the west, south and southeast; would be restricted to residential densities similar to those associated with the existing surrounding residential development; and, would also be situated outside the floodplain through appropriate grading and construction.

3. The proposed project is consistent with the policies and objectives of the San Juan Capistrano General Plan Housing Element including the following policies:

***Policy 2.1:** Consistent with the Land Use Element, encourage the construction of a variety of housing types and sizes of housing throughout the community.*

***Policy 2.3:** To create funding opportunities for the purchase of affordable housing by "very low", "low" and "moderate" income households.*

because the proposed residential development would be required to provide 30% of total number of dwelling units as "affordable" to "very low" and "low" income households and such units would be potentially eligible for the City's rental assistance or first-time homebuyers program.

4. The proposed project is consistent with the policies and objectives of the San Juan Capistrano General Plan Conservation & Open Space Element and specifically "**Policy 4.1** Assure compatible development is avoided in those areas which are designated to be preserved for scenic, historic, conservation, or public safety purposes." Because the proposed residential development will be limited in scale and acreage so as to be compatible with existing golf course open space resources.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of San Juan Capistrano hereby adopts a Mitigated Negative Declaration (MND) subject to those mitigation measures established by Exhibit "A", attached hereto and incorporated herein; and,

This portion of
Resolution No. 06-02-21-03
NOT CONTESTED

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of San Juan Capistrano hereby approves:

- 1) a map amendment to the General Plan, Land Use Element, Figure LU-1, *Land Use Policy Map* designating a 10.5 acre site as "PC" (Planned Community) per Exhibit "B", attached hereto and incorporated herein; and,
- 2) a map amendment to the General Plan, Land Use Element, Figure LU-3, *Planned Communities* designating a 10.5 acre site as "San Juan Golf Senior Housing Planned Community" per Exhibit "C", attached hereto and incorporated herein; and,
- 3) a text amendment to the General Plan, Land Use Element, Table LU-3-3, *Planned Communities, Allowable Use Guidelines* establishing land use parameters for a 10.5 acre site per Exhibit "D", attached hereto and incorporated herein; and,
- 4) a text amendment to the General Plan, Land Use Element, Table LU-4, *Development Capacity* amending the table to reflect the change in the land use designation of 10.5 acres from "1.1, Open Space Recreation" to "Planned Community" per Exhibit "E", attached hereto and incorporated herein; and,
- 5) a map amendment to the General Plan, Conservation & Open Space Element, Figure COS-1, *Open Space Resources* removing the "OSR" (Open Space Recreation) designation from the 10.5 acre site per Exhibit "F", attached hereto and incorporated herein.

PASSED, APPROVED AND ADOPTED this 21st day February, 2006, by the following vote, to wit:

DAVID SWERDLIN, MAYOR

ATTEST:

MARGARET R. MONAHAN, CITY CLERK

Exhibit A: Mitigation Monitoring and Reporting Program.

Exhibit B: General Plan, Land Use Element, Amended Figure LU-1.

Exhibit C: General Plan, Land Use Element, Amended Figure LU-3.

Exhibit D: General Plan, Land Use Element, Amended Table LU-3-3.

Exhibit E: General Plan, Land Use Element, Amended Table LU-4.

Exhibit F: General Plan, Conservation & Open Space Element, Amended Figure COS-1.

**FULL TEXT OF MEASURE Y
CITY OF SAN JUAN CAPISTRANO**

**EXHIBIT A
Final Mitigation Monitoring and Reporting Program
San Juan Hills Golf Course Project-San Juan Capistrano, CA**

No.	Mitigation Measure	Method of Verification	Timing of Implementation	Responsibility
Aesthetics				
MM I-1	Prior to issuance of the building permit, the lighting plan shall be revised to comply with the City's lighting standards prescribed in Section 9.3-529 for maximum permitted illumination within the parking areas and walkways as well as demonstrate to the satisfaction of the Planning Director or their designee that illumination does not create offsite light and glare.	Plan Check	Prior to Issuance of Building Permit	Planning Director
Air Quality				
MM III-1	Limit maximum daily grading area to less than 13 acres per day, and use enhanced dust control measures, including: <ul style="list-style-type: none"> • Water all active construction areas at least twice daily. • Cover all haul trucks or maintain at least 2 feet of freeboard. • Pave or apply water four times daily to all unpaved parking or staging areas. • Sweep or wash any site access points within 30 minutes of any visible dirt deposition on any public roadway. • Cover or water twice daily any on-site stockpiles of debris, dirt or other dusty material. • Suspend all operations on any unpaved surface if winds exceed 25 mph. • Hydroseed or otherwise stabilize any cleared area which is to remain inactive for more than 96 hours after clearing is completed. 	Field Monitoring	During Grading	Planning Director
MM III-2	Use alternative fueled equipment when and where feasible.	Field Monitoring	During Grading and Construction	Planning Director
MM III-3	Require 90-day low-NOx tune-ups for off-road equipment.	Field Monitoring	During Grading and Construction	Planning Director
MM III-4	Limit allowable idling to five (5) minutes for trucks and heavy equipment.	Field Monitoring	During Grading and Construction	Planning Director
MM III-5	The applicant of the senior housing/congregate care facility shall prepare a paint phasing plan stipulating that a maximum of 100 gallons of low VOC paint be applied to the dwelling units per day.	Phasing Plan	Prior to Issuance of Building Permit	Planning Director
MM III-6	Use pre-coated building materials.	Plan Check	Prior to Issuance of Building Permit	Planning Director
MM III-7	Use high pressure-low volume (HPLV) paint applicators with a 50 percent efficiency.	Field Monitoring	During Construction	Planning Director
MM III-8	Use lower volatility flat paint with 100 grams of ROG per liter or less	Field Monitoring	During Construction	Planning Director
Biological Resources				
MM IV-1	The proposed project will be designed to ensure that there is no change in storm water quality, volume, or velocity.	Plan Check	Prior to Issuance of Grading Permit	Public Works Director
MM IV-2	The applicant shall either construct the proposed project outside of the breeding/nesting season (identified as February 15 through August 31) or provide noise attenuation such that noise levels do not exceed 60 dBA Hourly Leq at the margin of potential habitat. In the event construction occurs during breeding/nesting season, the applicant shall retain the services of an acoustical consultant to conduct noise monitoring during grading and construction in order to identify specific methods of noise attenuation. In addition, the applicant shall also retain the services of a biologist to assist in the noise monitoring and methods of attenuation. The biological consultant will also be responsible for coordinating with the applicable regulatory agencies (i.e., U.S. Fish and Wildlife Service and California Department of Fish and Game), as a courtesy, and providing the Planning Director with a brief report summarizing noise attenuation methods/nesting bird survey results.	Plan Check	Prior to Issuance of Grading Permit	Planning Director

No.	Mitigation Measure	Method of Verification	Timing of Implementation	Responsibility
MM IV-3	Clearing of any mature vegetation on the site shall occur outside of the bird-breeding season. If, however, project implementation is necessary during the bird breeding/nesting season (i.e., February 15 through August 31), a qualified biologist shall conduct a survey for nesting birds, within three days prior to the work in the area, and ensure that no nesting birds in the project area would be impacted by the project. If an active nest is identified, a buffer shall be established between the construction activities and the nest so that nesting activities are not interrupted. The buffer shall be a minimum width of 300 feet (500 feet for raptors), shall be delineated by temporary fencing, and shall remain in effect as long as construction is occurring or until the nest is no longer active. No project construction shall occur within the fenced nest zone until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project.	Plan Check	Prior to Issuance of Grading Permit	Planning Director
MM IV-4	The landscape palette shall utilize non-invasive plant species and the palette for the area within 200 feet of the southerly stream bank of San Juan Creek shall be limited to California native plant species.	Plan Check	Prior to Issuance of Grading Permit	Planning Director
Cultural Resources				
MM V-1	Prior to issuance of a grading permit, the applicant shall submit to the Planning Department documentation that a qualified archaeologist has been retained to monitor site clearing, grading, and excavation activities, stating the name, qualifications, and contact information for the archaeologist.	Plan Check	Prior to Issuance of Grading Permit	Planning Director
MM V-2	A qualified archaeologist (defined as an archaeologist on the List of Certified Archaeologists for Orange County) shall be retained (at the applicant's expense) by the City of San Juan Capistrano and shall be present at pre-construction meetings to advise construction contractors about the sensitive nature of cultural monitoring requirements. A qualified monitor (defined as an individual with a bachelors degree in anthropology with archaeological monitoring experience), supervised by the qualified archaeologist, shall observe on- and off-site construction activities that result in grading, and/or excavating on or below the original ground surface (including during project-related off site utility [natural gas, electricity, sewer, water, drainage, communications, etc.] and roadway improvements). Should non-human cultural resources be discovered, the monitor shall have the power to temporarily halt or divert construction activities until the qualified archaeologist can determine if the resources are significant and, if significant, until recovered by the archaeologist. In the event that human remains are discovered, construction activities shall be halted or diverted until the provisions of §7050.5 of the Health and Safety Code and §5097.98 of the Public Resources Code have been implemented.	Letter to City	Prior to Issuance of Grading Permit	Planning Director
MM V-3	During construction/grading activities, a native American monitor shall observe construction/grading activities that result in grading, excavating, and/or trenching on or below the original ground surface (including during project-related off-site utility [e.g., natural gas, electricity, sewer, water, drainage, communications, etc.] and roadway improvements). The Native American monitor shall consult with the archaeological monitor regarding objects and remains encountered during grading that may be considered sacred or important. In the event that evidence of human remains is discovered, the Native American monitor shall verify that the archaeologist has notified the coroner.	Field Monitoring	During Grading and Construction	Planning Director
MM V-4	Prior to issuance of a grading permit, a qualified paleontologist (defined as a paleontologist on the List of Certified Paleontologists for Orange County) shall be retained (at the project applicant's expense) by the City of San Juan Capistrano and shall be present at pre-construction meetings to advise construction contractors about the potential occurrence of paleontological resources located on and/or in the vicinity of the project site, as well as monitoring requirements.	Letter to City	Prior to Issuance of Grading Permit	Planning Director
MM V-5	A qualified monitor (defined as an individual with a bachelors degree in paleontology and monitoring experience), supervised by the qualified paleontologist, shall be on-site during construction activities that result in the grading and/or excavating of current surface material (including during project-related off-site utility [e.g., natural gas, electricity, sewer, water, drainage, communications, etc.] and roadway improvements) to monitor for paleontological resources. Should paleontological resources be discovered, the monitor shall have the authority to temporarily halt or divert construction activities until the qualified paleontologist can determine if the resources are significant. Significant paleontological resources shall be recovered by the qualified paleontologist.	Field Monitoring	During Grading	Planning Director

No.	Mitigation Measure	Method of Verification	Timing of Implementation	Responsibility
MM V-6	In the event grading uncovers paleontological resources on the site, collections of exposed fossils shall be made by the paleontologic supervisor and paleontologic field technician from the lithologic units of high paleontologic importance. All vertebrate and representative samples of mega-invertebrate and plant fossils shall be collected. Productive sites will be excavated and approximately 2,000-pound (lb.) rock samples shall be collected to process for micro-vertebrate fossil remains.	Field Monitoring	During Grading	Planning Director
MM V-7	In the event grading uncovers paleontological resources on the site, during any earth-moving activity associated with the development of this property the paleontologic field technician shall monitor according to the following monitoring schedule, which is based on the paleontologic importance of the rock unit underlying the area of effect: 1) none - 0% (0 days per week) 2) unknown - 40% (2 days per week) 3) low - 20% (1 day per week) 4) high - 60 - 100% (3 to 5 days per week)	Field Monitoring	During Grading	Planning Director
MM V-8	In the event grading uncovers paleontological resources on the site, and if any significant large fossil remains are uncovered during earth-moving activities, the field technician shall divert earth-moving equipment away from the site until he or she has examined the remains. If the remains are determined to be important, the field technician shall remove them. If warranted, a sample of rock shall be collected for processing. The technician shall be equipped to allow for the rapid removal of fossil remains and/or matrix and thus reduce the potential for construction delays.	Field Monitoring	During Grading	Planning Director
MM V-9	In the event grading uncovers paleontological resources on the site, and if significant fossil remains are observed and if safety restrictions permit, the construction contractor shall allow the field technician to safely determine if the material is significant. At the field technician's discretion, the grading contractor may assist in the removal of the fossil remains and rock to reduce any delay in construction.	Field Monitoring	During Grading	Planning Director
MM V-10	In the event grading uncovers paleontological resources on the site, depending upon the paleontologic importance of the rock unit, the rock shall be examined periodically for microfossils by wet or dry screening. If important fossil remains are found as a result of screening, samples of sufficient size to generate a representation of the organisms preserved shall be collected and processed, if warranted, onsite or at a convenient location.	Field Monitoring	During Grading	Planning Director
MM V-11	In the event grading uncovers paleontological resources on the site, fossils recovered from the field or by processing shall be prepared, identified, and along with the accompanying field notes, maps, and photographs accessioned into the collections of a designated, accredited museum.	Field Monitoring	During Grading	Planning Director
Geology and Soils				
MM VI-1	Prior to issuance of any grading permit or building permit, the associated grading or building plans shall be reviewed by the City for conformance with the recommendations established by the Geotechnical Engineering Investigation prepared by Krazan & Associates, Inc., and approved by the City Engineer or his designee, that address liquefaction, seismic ground shaking, erosion, expansive soils, liquefaction, and related secondary seismic impacts.	Plan Check	Prior to Issuance of Grading Permit	City Engineer
Hazards and Hazardous Materials				
MM VII-1	Prior to the issuance of any building permit for the demolition, rehabilitation, and addition to the existing clubhouse structure located along the south side of San Juan Creek Road, that portion of the building subject to such permit shall be tested for the presence of "asbestos containing materials" (ACM). In the event any ACM is found, the removal of ACM shall be performed in accordance with methods specified in 8 CCR 1529, SCAQMD Rule 1403 and any other federal or State-mandated standards and requirements.	Field Testing	Prior to Issuance of Any Building Permit for the Demolition, Rehabilitation and Addition of Existing Clubhouse	City Engineer

No.	Mitigation Measure	Method of Verification	Timing of Implementation	Responsibility
Hydrology and Water Quality				
MM VIII-1	Prior to the issuance of any grading permit, the applicant shall prepare an Erosion Control Plan and submit it for approval by the City Engineer or his designee.	Plan Check	Prior to Issuance of Grading Permit	City Engineer
MM VIII-2	Prior to the issuance of any grading permit, the applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) and submit it for approval by the City Engineer or his designee.	Plan Check	Prior to Issuance of Grading Permit	City Engineer
MM VIII-3	The parking lots and related golf course facilities shall be designed to incorporate porous asphalt, if feasible, or a comparable pervious surface to reduce the amount of surface runoff emanating from the site that will result from development of the proposed project.	Plan Check	Prior to Issuance of Building Permit	City Engineer
MM VIII-4	Future development of the senior housing project could result in post-development runoff volumes that exceed the existing runoff volume by more than 20 percent. Therefore, prior to the issuance of any grading or building permit for the senior housing site, the project applicant of that parcel shall be required to prepare an hydrology/hydraulic study that includes engineering design features that adequately accommodate post-development runoff conditions consistent with the City's Master Plan of Drainage and public facility standards.	Hydrology/Hydraulic Study	Prior to Issuance of Grading Permit	City Engineer
MM VIII-5	All of the structures proposed for the golf course as well for as the future senior housing shall be located at least one foot above the 100-year flood elevation as identified in final the HEC-RAS Hydraulic Analysis prepared for the proposed project and approved by the City Engineer or his designee. Prior to issuance of any grading or building permit for improvements within the Regulatory 100-Year Special Flood Hazard District (SFHD), the applicant shall secure Federal Emergency Management Agency (FEMA) approval of a Letter of Map Amendment (LOMA) or Letter of Map Revision (LOMR), as necessary.	Plan Check	Prior to Issuance of Building Permit	City Engineer
Noise				
MM IX-1	All construction and general maintenance activities, except in an emergency, should be limited to the weekday hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:30 a.m. to 4:30 p.m. on Saturday, and prohibited on Sundays and any federal holiday.	Field Monitoring	During Grading and Construction	Planning Director
MM IX-2	All construction equipment shall use properly operating mufflers, and all construction staging activities shall be performed as far as practical from occupied dwellings and/or sensitive receptors.	Field Monitoring	During Grading and Construction	Planning Director
MM IX-3	Emergency activities requiring the use of combustion-powered equipment (dewatering pumps, traffic advisory signs, generators, etc.) and shall not operate within 500 feet of any occupied residence from 8:00 p.m. to 7:00 a.m. unless a noise protection barrier (wall or berm) is erected within 48 hours after the emergency is discovered.	Field Monitoring	During Grading and Construction	Planning Director
MM IX-4	Prior to the issuance of any building permits for future senior housing-assisted living units with direct exposure to San Juan Creek Road or I-5 traffic, individual balconies, decks, patios or balconies with a view of traffic must be equipped with 5-foot high perimeter barriers. The barriers would need to be solid from the deck surface upward with a solid base and a transparent upper section with a total average area density of 3.5 pounds per square foot for the entire barrier assembly.	Plan Check	Prior to Issuance of Building Permit	City Engineer
MM IX-5	If a common outdoor area is proposed as usable outdoor space for the future senior housing-assisted living project, mitigation through building siting design, and/or a 6-foot wall to break the line-of-sight to any roadway noise source shall be implemented.	Plan Check	Prior to Issuance of Grading Permit	Planning Director
MM IX-6	Prior to issuance of building permits for the future senior housing-assisted living project, the applicant will demonstrate to the satisfaction of the Planning Director or their designee, a design structure that is adequate to isolate noise between adjacent living units and to ensure compliance with the City of San Juan Capistrano's maximum interior noise standard of 45 dBA CNEL.	Plan Check	Prior to issuance of Building Permit	Planning Director

No.	Mitigation Measure	Method of Verification	Timing of Implementation	Responsibility
Transportation/Traffic				
MM XV-1	The project applicant shall be required to participate in the traffic signal improvements required at the Valle Road/I-5 NB/La Novia intersection.	Fee Payment	Prior to Issuance of Building Permit	Public Works Director/City Traffic Engineer
MM XV-2	Both components of the proposed project shall contribute to the Capistrano Circulation Fee Program (CCFP) for the implementation of the Circulation Element for future Citywide roadway and intersection needs. Payments to the CCFP will be used to fund construction to reduce the future project-related impacts to a less than significant level.	Fee Payment	Prior to Issuance of Building Permit	Public Works Director/City Traffic Engineer
MM XV-3	The San Juan Creek Road/Avenida Larga (West) intersection shall be restricted to right-out only operations (i.e., left and right inbound traffic is acceptable). As an alternative, the applicant shall construct a signal, even though warrants are not met for the future condition.	Plan Check	Prior to Issuance of Grading Permit	Public Works Director/City Traffic Engineer

Exhibit B
CC Resolution 06-02-21-03
Amendment to Figure LU-1, Land Use Policy Map
General Plan, Land Use Element
GPA 03-02, San Juan Hills Golf

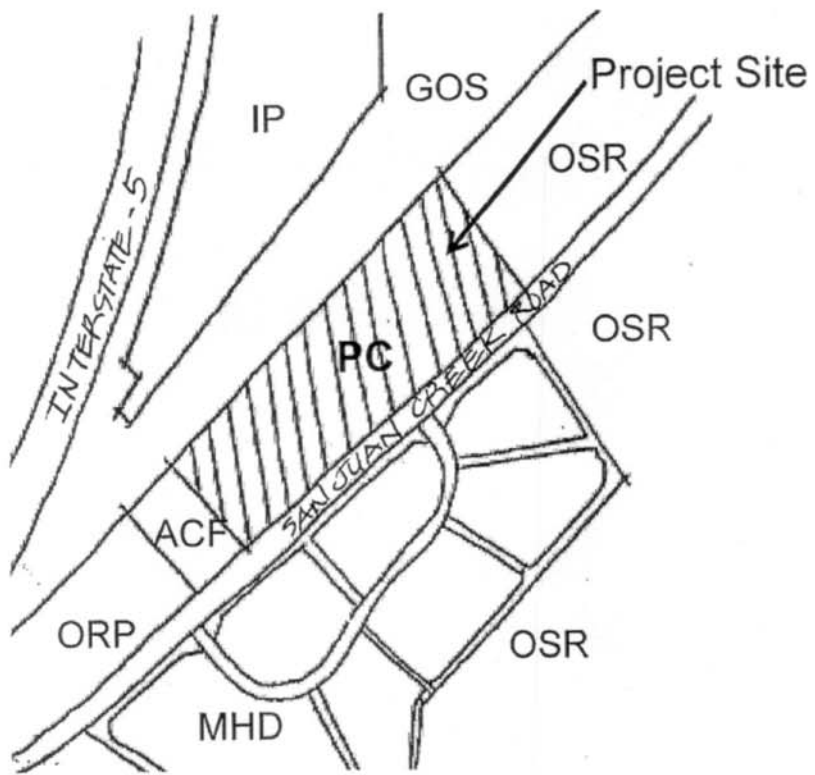


Exhibit C

CC Resolution 06-02-21-03, San Juan Hills Golf

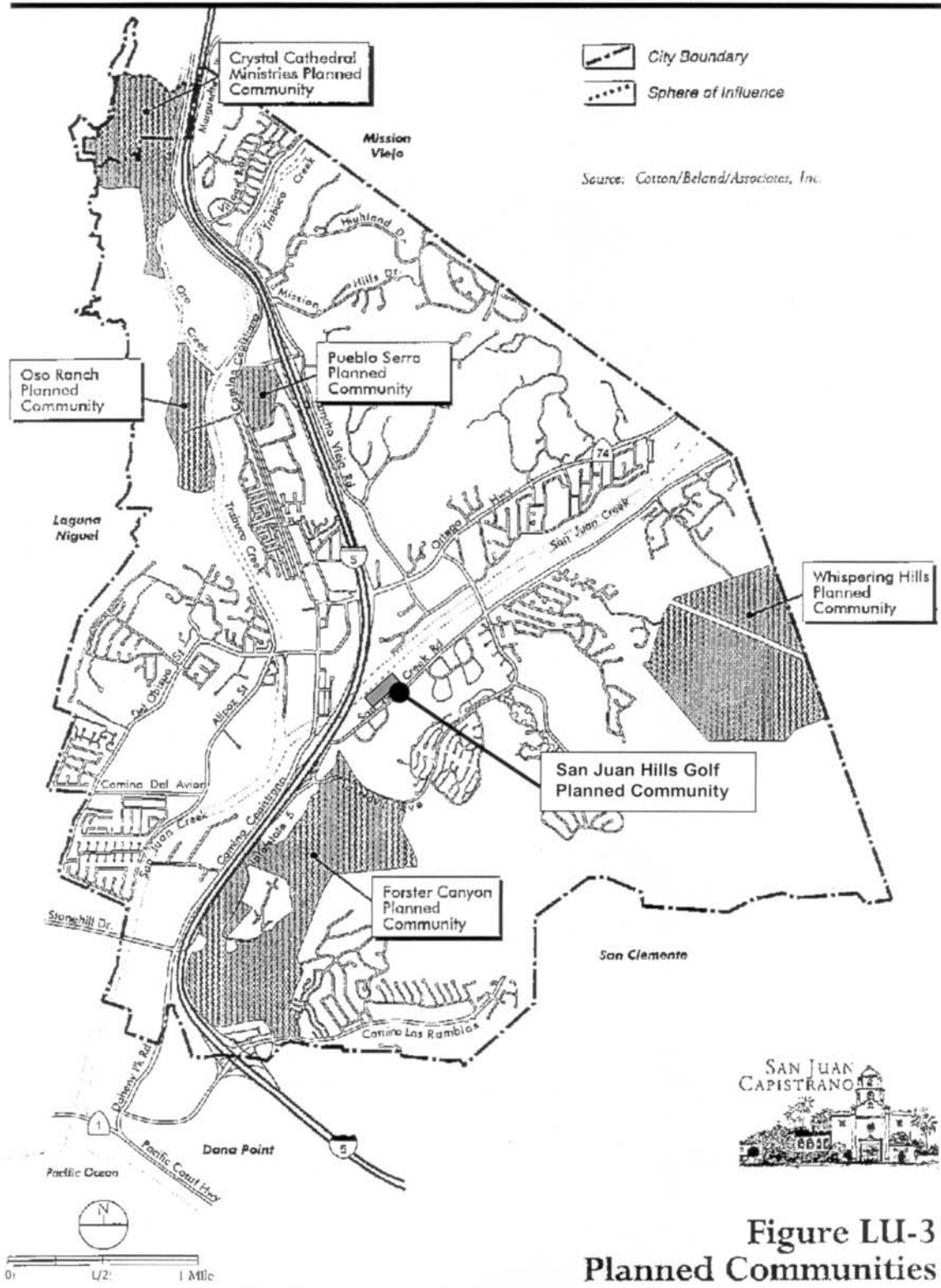


Figure LU-3 Planned Communities

EXHIBIT D
CC Resolution 06-02-21-03
(Note: Added text underlined)

Table LU-3
Planned Communities:
Allowable Uses Guideline

Planned Community	Allowed Land Use Mix Guidelines
Crystal Cathedral Ministries Planned Community	80% Public Institutional (includes retreat center) and 20% Assisted Care Facility (which may include a wellness center). The maximum floor area (FAR) ratio for Public Institutional may only be allowed if the City determines that the project offers exceptional benefits to the community.
Oso Ranch Planned Community	40% Public Institutional, 30% Affordable Family/Senior Housing and 30% Medium Density Residential
Pueblo Serra Planned Community	100% Public Institutional
Whispering Hills Planned Community	100% Very Low Density Residential
Forster Canyon Planned Community	28% Very Low Density Residential, 22% Medium Low Density Residential, 25% Medium Density Residential, 2% High Density Residential, 7% Open Space Recreation, 7% General Open Space, 7% Light Industrial and 2% Public Institutional
<u>San Juan Hills Golf Planned Community</u>	<p><u>100% High Density Residential subject to the following criteria:</u></p> <ul style="list-style-type: none"> • <u>a maximum overall density shall not exceed 18.0 dwelling units per acre (du/ac) on 10.5 acres for a maximum of 189 dwelling units comprised of 15.0 du/ac “market rate” housing (157 du); 1.0 du/ac for “moderate income” housing (11 du); and 2.0 du/ac for “low income” housing (21 du).</u> • <u>affordable units subject to 55 year “affordability covenants”.</u> • <u>age-restricted to age 55 years or older.</u> • <u>a mix of 1 & 2 story structures.</u> • <u>significant buffering at the perimeter of site with landscaped open space.</u> • <u>conceptual site plans and buffer designs shall be subject to Design Review Committee and Planning Commission review and approval prior to the submission of an Architectural Control application for the site.</u>

EXHIBIT E
CC Resolution 06-02-21-03

Table LU-4
Development Capacity

Land Use Designations	Acres	Expected DUs per acre	Dwelling Units	Square Feet	Average Persons per Dwelling Unit Persons	Population ²
Open Space & Recreation						
General Open Space	1,552	0.0001:1 FAR		6,795		
Open Space Recreation	648 637	0.005:1 FAR		138,739		
Neighborhood Park	29	0.005:1 FAR		6,316		
Community Park	134	0.01:1 FAR		58,370		
Specialty Park	3	0.05:1 FAR		6,534		
Regional Park	579	0.001:1 FAR		25,221		
Natural Open Space	449	0.0001:1 FAR		1,956		
Recreation Commercial	10	0.1:1 FAR		43,560		
SUBTOTAL	3,404 3,393			287,491		
Residential						
Very Low Density Residential	1,488	1 du/ac	1,488			4,330
Low Density Residential	408	2 du/ac	816			2,375
Medium Low Density Residential	604	3.3 du/ac	1,993			5,800
Medium Density Residential	438	4.5 du/ac	1,971			5,736
Medium High Density Residential	528	7.5 du/ac	3,960			11,524
High Density Residential	107 118	17 du/ac	2,006			5,293
Affordable Family/Senior Housing	19	25 du/ac	475			1,382
SUBTOTAL	3,592 3,603		12,522 12,709		2.91	36,440 36,983
Non-Residential						
Neighborhood Commercial		0.20:1 FAR		287,496		
General Commercial	33	0.30:1 FAR		1,502,820		
Industrial Park	115	0.30:1 FAR		1,738,044		
Quasi-Industrial	133	0.30:1 FAR		2,195,424		
Agri-Business	168	0.30:1 FAR		2,195,424		
Light Industrial	74	0.05:1 FAR		152,460		
Office/Research Park	36	0.30:1 FAA		470,448		
Public & Institutional	74	0.25:1 Ft1R		805,860		
Existing Public Schools	186	0.25:1 FAR		2,025,540		
Assisted Care Facilities	49	0.25:1. FAR		533,610		
Assisted Care Facilities	25	0.40:1 FAR		435,600		
SUBTOTAL	889			10,147,302		
Special						
Special Study	7	Varies				
Los Rios Specific Plan	31	Varies				
SUBTOTAL	38					
Roadways	787					
Freeway	265					
TOTAL	8,975		12,709	10,434,793		36,440 36,983

Exhibit F
CC Resolution 06-02-21-03, San Juan Hills Golf

Conservation & Open Space Element

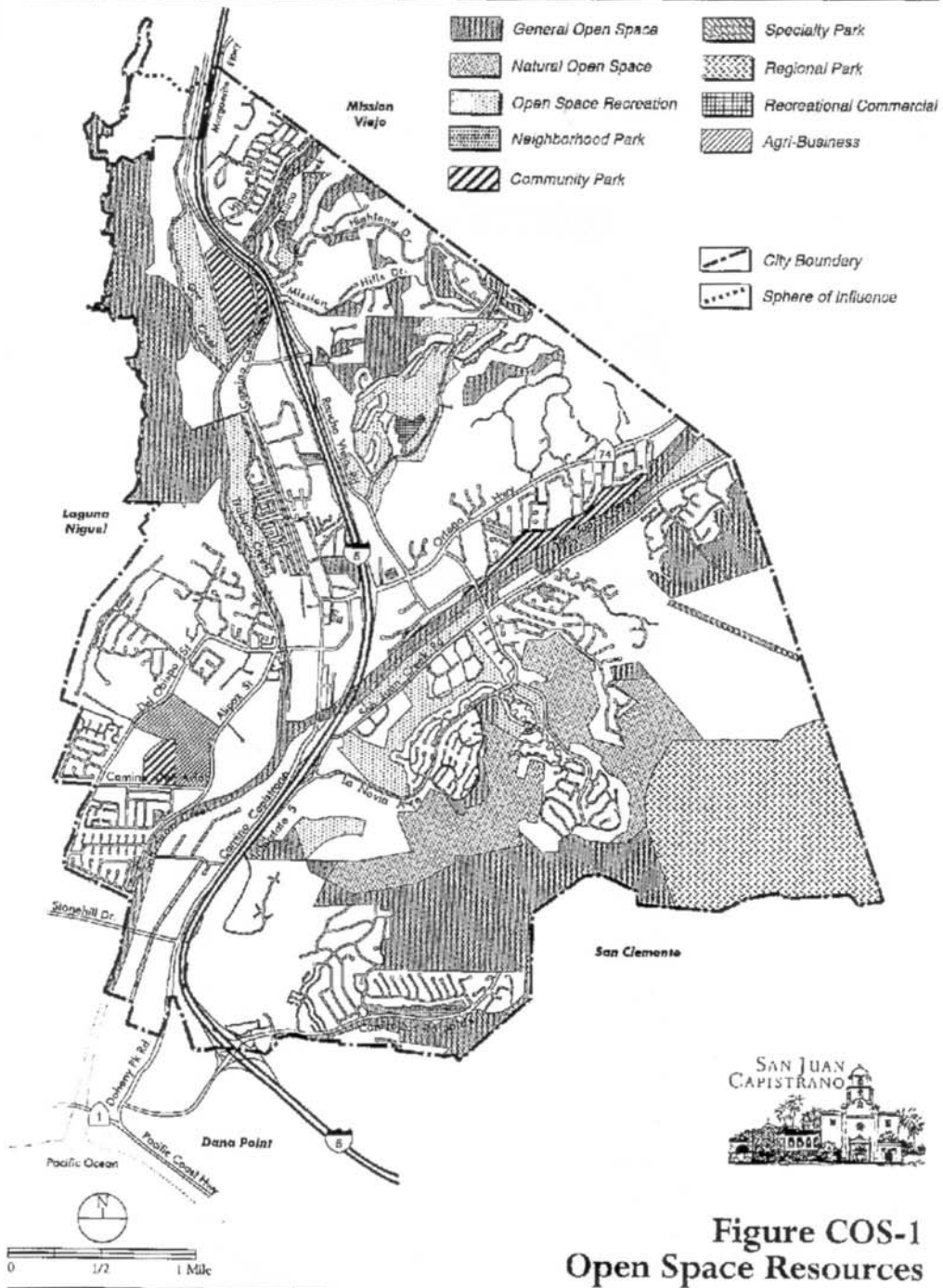


Figure COS-1
Open Space Resources

0 1/2 1 Mile

December 14, 1999

30

San Juan Capistrano General Plan

ARGUMENT IN FAVOR OF MEASURE Y

We want you to know the FACTS about what is proposed at San Juan Hills Golf Course and why you should vote YES on Measure Y.

Following extensive review at numerous public meetings over two years, the City Council, Planning Commission, Transportation Commission, and Parks & Recreation Commission APPROVED **exciting new improvements to the San Juan Hills Public Golf Course and to San Juan Creek Road, at no public expense.**

The plan includes:

- Golf course renovations including a new rustic cart barn, new driving range, as well as enhancements to the 140 acre open space course that will enable the owners to better serve the community and numerous youth and high school golf programs they support.
- Creation of extensive equestrian, biking and hiking trails, and impressive landscaping improvements along San Juan Creek Road – critically needed to complete our trail systems and linkage to Cleveland National Forest.
- A beautiful new clubhouse with an indoor/outdoor restaurant that can be enjoyed by all residents, neighborhood and community service groups.
- **San Juan Creek Road will be beautifully landscaped. It will remain a rural, two lane road and will not be extended to La Pata.**
- Creation of a tranquil passive park on **a portion of** the vacant City-owned property at the corner of La Novia and San Juan Creek Road.
- Creation of up to 189 upscale senior town homes **located only where the driving range is now.** This privately-owned land is presently zoned for many other uses not as compatible with the surrounding neighborhoods.
- Enables the golf course to better preserve 140 acres of open space.
- Most importantly, all these improvements can be completed at no public expense, while maintaining affordable golf rates.

Measure Y is good for San Juan Capistrano. Without spending taxpayer money, it will preserve open space, upgrade our golf course, expand our trail systems and provide senior housing.

Please join with us and vote YES on Measure Y. See www.SanJuanHillsGolf.com

s/ Joe Soto
City Councilmember, San Juan Capistrano

s/ Arturo Galindo, Jr.
CEO Las Golondrinas Mexican Food Products

s/ Jack Heath
Mobile Home Resident

s/ Kathy Hooper
City Commissioner

s/ Ken Friess
Resident

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE Y

The real facts about the project include **a big public expense of lost open space and more traffic with 189 multi-story condominiums (35 feet high) that will block our view corridor. Vote NO on Measure Y!**

This project is NOT about upgrading “our” golf course, but is about a private for profit partnership whose investors will reap huge profits at public expense.

The facts that the proponents don’t tell you:

- The so-called improvements will result in development and permanent loss of 50% of the existing frontage and open space along San Juan Creek Road to La Novia.
- Existing trails can be improved with funds available from City’s recent land sales and other sources. The golf course should improve its property from its own pocket, without rezoning/amending our General Plan.
- Additional **1,000 daily vehicle trips** on San Juan Creek Road **increases likelihood of San Juan Creek Road being widened and extended to La Pata, directly opposite to proponent’s claim.**
- **Building in flood plain** next to a creek is contrary to common sense, recommendations of Regional Water Quality Control Board and our General Plan.
- Other land uses claimed to be allowed require rezoning and permits. NO churches, skateboard parks or other incompatible uses allowed without public approvals.
- What is real cost? Permanent loss of open space, increased traffic and precedent allowing high-density building along creek; **Public expense - PRICELESS! Public Benefit - Woefully Inadequate!**

Don’t allow permanent open space to be rezoned into high-density housing or others will demand the same!

Don’t be fooled by pretty pictures.

Vote NO on Measure Y!

www.saveouopenspace.com

s/ Diane Bathgate
San Juan Capistrano Council Member

s/ Gail Zukow
San Juan Capistrano Park Commissioner

s/ Mark Nielsen
San Juan Capistrano City Council Candidate

s/ Sam Allevato
San Juan Capistrano Council Member

s/ Ilse M. Byrnes
San Juan Capistrano Park Commissioner

ARGUMENT AGAINST MEASURE Y

The General Plan Amendment to benefit the golf course developers should NOT be approved for the following reasons:

- **Over 10 acres of Open Space is lost** by our community
- **Increases traffic** on San Juan Creek Road by around **1,000 car trips per day**
- **189 multi-story condominiums built** along the creek in a “designated scenic view corridor”
- **Terrible precedent set of high-density housing** along the San Juan Creek Corridor
- **Bad public policy** to allow land use changes to finance private property improvements
- City is giving golf course developer **“a gift” of over \$20 million of potential profit at the expense of the public** losing Open Space and gaining more traffic

The General Plan is “our constitution for land use” and we should not change it to give up open space for a private developer’s profit! A few years ago, the golf course investors bought the course at a low per acre price for the very reason that it was zoned as Open Space for all time.

Changing it is no different than one of us asking the City to change a portion of our home’s zoning to allow a restaurant so we can finance improvements to our house. The City would tell us to go to a bank and get our own financing. That is what the golf course developer and its wealthy investors should do.

We support the developer improving the look of the course and its clubhouse. However, we should not pay for it by losing Open Space and adding more traffic to our streets, while special interests profit from the loss to our citizens. The recent ads, mailers and flyers distributed by the San Juan Hills golf course developer fail to tell the real story.

VOTE NO and Save our Open Space!

s/ Mark Nielsen
San Juan Capistrano City Council Candidate

s/ Diane Bathgate
San Juan Capistrano City Council Member

s/ Sam Allevalo
San Juan Capistrano City Council Member

REBUTTAL TO ARGUMENT AGAINST MEASURE Y

We’re glad to read that even the opponents of Measure Y approve of the plans for the San Juan Hills Public Golf Course. **They should be voting Yes on Measure Y.**

- **Green Space will be enhanced, not lost.** Owners of this privately-owned parcel will provide nearly as much NEW ‘green space’ as that used for critical new senior housing. And they are creating extensive new hiking, biking and equestrian trails.
- Opponents mistakenly included golf course traffic and more than twice as many housing units in their traffic projection. The City’s **independent traffic expert** concluded there was **no significant adverse impact on traffic.**
- The upscale senior town homes will **NOT** exceed two stories and will **blend with existing senior housing along San Juan Creek Road.** The project will undergo full City scrutiny to ensure that is the case.
- **There is no “gift” of public monies.** Review the official records on file at City Hall, **including the independent financial study.**
- The City’s general plan is routinely updated to improve the quality of life for all residents. **This improvement is no different and will NOT set an adverse zoning change precedent.**

This project has been carefully designed to enhance our quality of life and help preserve over 140 acres of open space. That’s why the City Council and all City Commissions **approved** this project.

And most importantly, everything will be accomplished at no taxpayer expense while keeping golf rates affordable.

Please join us and VOTE YES on Measure Y. It’s great for everyone in San Juan Capistrano!

s/ Joe Soto
San Juan Capistrano City Council Member

s/ Shigeru Kinoshita
Retired Farmer

s/ Joe Cortese
Veterinarian

s/ Joe Drey
Planning Commissioner

s/ Renée Ritchie
Northwest Open Space Committee Member