

**RESOLUTION 22-09**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MISSION VIEJO DENYING THE APPLICANT REQUESTED FORM OF MIXED-USE ZONING DISTRICT TEXT AS THE PROPOSAL FAILS TO SATISFY BOTH THE CITY'S LEGISLATIVE DISCRETION TO ENACT LAWS AND STANDARDS AS IT DEEMS NECESSARY AND BENEFICIAL AND AS IT FAILS TO SATISFY THE MANDATING CONDITION PRECEDENT FINDINGS AS SET FORTH IN SECTION 9.52.025 OF CHAPTER 9.52 OF TITLE 9 OF THE MISSION VIEJO MUNICIPAL CODE (DCA2021-20).**

**A. INTENT OF THE CITY COUNCIL**

1. The Planning and Transportation Commission is assigned the duties to process, evaluate, adopt, or recommend to the City Council, the planning and land use matters as set forth in this Mission Viejo Municipal Code and under the State of California general law. These duties include, but are not limited to, advising the City Council, which sits in a legislative capacity regarding adopting municipal laws such as zoning districts, amendments to zoning districts, revisions to zoning districts and related regulatory proceedings and actions.
2. Municipal zoning district text is adopted via an ordinance of the City Council of the City of Mission Viejo. The legislative enactment is within the discretion of the City Council and reflects the legislative body's best conclusion after deliberation and both public and professional staff input, as to the best lawful regulation of land in and among the existing and future development and use of the community.
3. The Planning and Transportation Commission, pursuant to City and State law, and the established procedures followed by the City, staff and the Planning and Transportation Commission, has received the proposed mixed-use zoning district, as submitted, by the applicant and thereafter amended by the applicant, ValueRock Realty. The Applicant's amended proposed zone district submittal is Attachment 2 hereto.
4. On April 11, 2022, a property noticed public hearing was conducted by the Planning and Transportation Commission. Written and oral testimony was received from the interested

parties and City staff, and thereafter that body deliberated on the evidence presented and then reached its determination. The Resolution of the Planning and Transportation Commission of the City of Mission Viejo (Attachment 1 hereto) recommends that the City Council deny and not adopt the Applicant requested form of Mixed-Use Zoning District. This recommendation is because the proposal fails to satisfy the condition precedent findings as set forth in Section 9.52.025 of Chapter 9.52 of Title 9 of the Mission Viejo Municipal Code. These findings, as required by law, are and have been transmitted to the City Council of the City of Mission Viejo, California, for the City Council's use and consideration.

5. On May 10, 2022, at a properly noticed regular meeting of this City Council, this City Council held a public hearing pursuant to Section 9.52.020 of Chapter 9.52 of Article IV-Administration of Title 9: Land Use/Zoning/Subdivision Regulations of the Mission Viejo Municipal Code. The body received written notice and oral testimony about DCA2021-2020, from all interested parties and attendees and after receiving the testimony, thereafter, deliberated on all evidence. The City Council thereafter adopted this resolution as its decision on the application for DCA2021-20.

6. All legal preconditions to the public hearing and the adoption of this Resolution have occurred as required by law.

**B. RESOLUTION**

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MISSION VIEJO DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

1. That the City of Mission Viejo Planning and Transportation Commission made findings to the Mission Viejo Municipal code and recommend that this City Council deny DCA2021-20 with the following findings pursuant to the Mission Viejo Municipal Code and State law:

a. That this Resolution of the Planning and Transportation Commission of the City of Mission Viejo, California, has been advertised, deliberated on, and adopted after the lawfully required public hearing process has been completed. The Recitals in Section A of this Resolution are hereby incorporated by reference herein.

- b. That the Planning and Transportation Commission, at its regularly scheduled public meeting held on April 11, 2022, conducted a public hearing, pursuant to law, to consider Development Code Amendment DCA2021-20, as applied for by ValueRock Realty. (Agent, Mr. Patrick Cox). The public hearing involved presentation of both written and oral testimony from interested parties and the public. After receipt of all testimony, that body closed only the public testimony component of the public hearing and deliberated on its statutorily directed findings and analysis, as required by the Mission Viejo Municipal Code Section 9.52.025 (Chapter 9.52 of Title 9). Thereafter, the Planning and Transportation Commission adopted its Resolution 2022-1465, recommending that the City Council deny the DCA2021-20 requested development code amendment (Attached as Attachment No. 1).
2. That the Planning and Transportation Commission's required findings, which would support, but not require the City of Mission Viejo's City Council's adoption of the applicant's DCA2021-20 specified in Mission Viejo Municipal Code Section 9.52.025 cannot be made, based on the evidence. Each subsection's analysis, and this body's conclusions after deliberation on all testimony, are set forth hereafter:

A. *"(a) That proposed amendments consistent with the General Plan."*

This body recognizes that the City's General Plan would need to be amended, by a separate legal process (See Mission Viejo Municipal Code Section Chapter 9.50 of Title 9), to allow this proposed zoning code amendment to be adopted and enforceable. This is because State law requires a zoning district be consistent and compatible with the City's General Plan, including all element comprising the General Plan. As this DCA2021-20 was received separately from the companion land use applications filed by ValueRock Realty, it is, to allow all interest parties to know and understand the characteristics of what a final application package from the applicant may consist of, being considered separately on its own merits, as a City legislative act.

The currently adopted Mission Viejo General Plan provides legislative policy direction which is applicable to the analysis of evaluating this request and which, from a policy direction not a project specific analysis, results in the conclusion that this Development Code Amendment must be denied. While many goals, policies, and directives apply to the City's evaluation, there is focus on key principles in the General Plan land-use element. These are noted hereafter.

A.1. The City's geographic center is broader than this one corner property (northwest corner La Paz Road at Marguerite Parkway) and as such demands a broader comprehensive future land use planning process. The General Plan Land-use element addresses this on page 31 in the discussion of recommended Specific Plans. The second main paragraph (Attachment 3) clearly defines the integrated area to be studied as including all four corners of La Paz Road at Marguerite Parkway and related land. The changed conditions of this geographic core require a full and complete review and new planning goals to reflect the changed conditions in both the City and in the core area. Referencing to this adopted General Plan recommendation makes this proposed significant zoning change in this specific property in the core area appear to be a piecemeal, geographically deficient request. Based on this current General Plan language this body cannot conclude any General Plan consistency is present.

A.2 The City's General Plan recognizes three (3) mixed-use designations (See Land Use Element pages 27 and 28 - Attachment 4). These existing options for mixed-use conform to the entire General Plan and offer valuable use and reuse options for all landowners. The development intensity sought by the applicant via DCA2021-20, as discussed in Subsection 3 hereunder is incompatible with the segment of the core area, which is only a part of what should be considered a larger area Specific

Plan. No actual need or justification, in the context of the Core Area, has been offered to justify this zoning district amendment considering the current mixed-use zoning opportunities.

A.3 The goals and policies in the adopted Land Use Element are inconsistent with this proposed Development Code Amendment. Pages 7 through 10 of the adopted General Plan Land-Use Element (Attachments 5 & 6) clearly specify criteria that the City demands of new development. The proposed DCA2021-20 presents development standards which are inconsistent, and conflict, with the following criteria:

(i) Goal I-page 7: the scale allowed by the proposal is not balanced as regards to location, allowed uses, and intensity of development.

(ii) Policy 1.2 page 8: the potential for damaging impacts to existing residential neighborhoods is not mitigated by proposed standards.

(iii) Policy 1.5: the proposed changes do not offer or maintain a variety of housing types for city-wide application.

(iv) Growth Management: This section addresses the impacts resulting from projects. The greater development standards, in the abstract, and absent integrated comprehensive planning analysis, cannot be addressed on a City-wide basis. As the amended zoning district would apply to the whole of the City, the inconsistency with the General Plan is unquantified and unknown, and hence presents too substantial of a risk to the City's health, safety, and welfare.

(v) Community Identity and Quality Urban Design Goal 3 (Pages 9 and 10, Attachment 6 hereto).

The requested new zoning district does not appear to satisfy the mandatory criteria of preserving community design, and the other specified criteria, on a City-wide basis. The new zone district criteria would be available on a City-wide basis, consistent with all City zone districts. The apparent risk of disrupting community identity is too great,

absent any showing of mitigation, to allow this body to recommend or conclude that this Applicant offered zone district is consistent with the General Plan, and specifically the General Plan Land Use Element.

*B. "(b) The proposed amendment is internally consistent with this code."*

This body concludes and finds that the proposed Development Code Amendment is not consistent with the scope of allowed and prohibited uses because the nature and scope of the mixed-use zones, as specified in the General Plan, present what appear to be either redundancies or inconsistent types of new use. The uses in City's zoning districts are to reflect the policies in the General Plan. As the proposed amendments do not appear to be consistent with the General Plan policies, in turn the zoning is inconsistent with the existing zoning ordinances in the Municipal Code.

*C. "(c) That the proposed amendment would not be detrimental to the public interest, health, safety convenience or welfare of the City. "*

3. The discussion and analysis set forth in Sections B and C above, and after hearing all oral and written testimony, after deliberation, lead this body to conclude that the submitted Development Code Amendment (DCA2021-20) standards would be detrimental to all the public interest, health, safety, convenience, or welfare of the City.
4. Pursuant to the direction in Mission Viejo Municipal Code Sections 9.52.020 and 9.52.025, after consideration of the Planning and Transportation Commission's findings, and after deliberation on all the evidence presented at this May 10, 2022, public hearing, the City Council denies DCA2021-20 based on the findings of this Resolution

**C. ENVIRONMENTAL REVIEW**

The Planning and Transportation Commission has reviewed the contemplated revision amending Title 9 of the Mission Viejo Municipal Code pertaining to creation of a Mixed-Use Zoning District and has determined it is exempt from the provisions of the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Sections 15060 (c)(2) (the activity will not result in a direct or foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of

the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. Further, if the activity is deemed a project, this Commission finds the Ordinance is exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines, because there is no possibility that the activity in question may have a significant effect on the environment. A Notice of Exemption, so stating, will be prepared.

PASSED, APPROVED, AND ADOPTED THIS 10<sup>th</sup> DAY May 2022.

AYES: Bucknum, Goodell, Kelley and Rath  
NOES: None  
ABSENT: Sachs

DocuSigned by:  
*Wendy Bucknum*  
3EDAAACAD408247E  
Wendy Bucknum, Mayor

Attest:

DocuSigned by:  
*Kim Schmitt*  
Kim Schmitt, City Clerk

Approved as to form:

Harper & Burns LLP

*William P. Curley III*

William P. Curley III

**RESOLUTION 2022 -1465**

**A RESOLUTION OF THE PLANNING AND TRANSPORTATION COMMISSION OF THE CITY OF MISSION VIEJO RECOMMENDING THAT PROPOSED DEVELOPMENT CODE AMENDMENT THE CITY COUNCIL DENY THE REQUESTED FORM OF MIXED-USE ZONING DISTRICT AS THE PROPOSED DEVELOPMENT CODE AMENDMENT FAILS TO SATISFY BOTH THE CITY'S LEGISLATIVE DISCRETION TO ENACT LAWS AND STANDARDS AS IT DEEMS NECESSARY AND BENEFICIAL AND AS IT FAILS TO SATISFY THE PREREQUISITE AND NECESSARY FINDINGS THAT ARE SET FORTH IN SECTION 9.52.025 OF CHAPTER 9.52 OF TITLE 9 OF THE MISSION VIEJO MUNICIPAL CODE (DCA 2021-20).**

**A. INTENT OF THE COMMISSION**

1. The Planning and Transportation Commission is assigned the duty to process, evaluate, adopt, or recommend to the City Council, the planning and land use matters as set forth in this Mission Viejo Municipal Code and under the State of California general law. These duties include, but are not limited to, advising the City Council, which sits in a legislative capacity regarding adopting municipal laws such as zoning, districts, amendments to zoning districts, revisions to zoning districts and related regulatory proceedings and actions.
2. Municipal zoning district text is adopted via an ordinance of the City Council of the City of Mission Viejo. The legislative enactment is within the discretion of the City Council and reflects the legislative body's best conclusion after deliberation and both public and professional staff input, as to the best lawful regulation of land in and among the existing and future development and use of the community.
3. This Planning and Transportation Commission, pursuant to City and State law and established procedures followed by the City, staff and this Planning and Transportation Commission, has received the proposed mixed-use zoning district, as submitted, and thereafter amended by the applicant, ValueRock Realty. The Applicant's amended proposed zone district submittal is Attachment 1 hereto.
4. On April 11, 2022, a property noticed public hearing was conducted by the Planning and Transportation Commission. Written and oral testimony was received from the interested parties and City staff, after which the Commission deliberated on the evidence presented. The Commission's findings and its determination are hereby transmitted to the City Council of the City of Mission Viejo, for its use and consideration.
5. All legal preconditions to the public hearing and the adoption of this Resolution have occurred as required by law.



## **B. FINDINGS**

The Planning and Transportation Commission does hereby determine and find as follows:

1. That the proposed amendment is inconsistent with the General Plan (see Attachment 2).
2. That the proposed amendment would constitute an improper, piecemeal approach to the creation of a new zoning designation that would apply Citywide.
3. That the proposed amendment is incompatible with the General Plan's directive that the entire Core Area at the geographic center more appropriately requires a specific plan.
4. That the proposed amendment is internally inconsistent with the Development Code and incongruent with the General Plan, in that it sets forth a mixture of uses that was not contemplated by the General Plan, which clearly allows certain mixed-use zones, and, by implication, does not allow others. (See Attachment 3).
5. That the proposed amendment conflicts with several goals and policies set forth in the Land Use Element of the General Plan, to wit: Goal 1, Policies 1.2, 1.5; Goal 2, Policies 2.8, 2.9; Goal 3, Policies 3.1 – 3.3, 3.5, 3.7.
6. That the proposed amendment does not provide definite standards and contours to ensure that mixed-use projects preserve neighborhood and community identity with regard to size, scale, scope, and design.

## **C. ENVIRONMENTAL REVIEW**

The Planning and Transportation Commission has reviewed the contemplated revision amending Title 9 of the Mission Viejo Municipal Code pertaining to creation of a Mixed-Use Zoning District, and has determined it is exempt from the provisions of the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Sections 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. Further, if the activity is deemed a project, this Commission finds the Ordinance is exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines, because there is no possibility that the activity in question may have a significant effect on the environment. A Notice of Exemption, so stating, will be prepared.

## **D. DETERMINATION**

Now, therefore, the Planning and Transportation Commission does hereby recommend that the City Council deny the requested mixed-use zoning district as contained in proposed Development Code Amendment DCA21-20. This recommendation is founded on the applicant's failure to satisfy the necessary findings set forth in Section 9.52.025 of Chapter 9.52 of Title 9 of the Mission Viejo Municipal Code. This recommendation is based on the evidence presented at the hearing, on the analysis and recommendation made by the Director of Community Development, and on the conclusions set forth herein.

PASSED, APPROVED, AND ADOPTED THIS 11<sup>TH</sup> DAY OF APRIL 2022.

---

Joseph C. Blum, Chairman

---

Elaine Lister, Secretary

G:\CD\WP\reso\DCA\DCA2021-20.docx

## PROPOSED NEW CITY ZONING DISTRICT

### Residential Mixed Use (RMU) Zone

The applicant is proposing a new zoning district designation as part of its entitlement requests. The new zoning district will be called Residential Mixed Use (RMU) Zone. The applicant proposes the following modifications to the Mission Viejo Zoning Code to accommodate this new zoning district. The sections of the Mission Viejo zoning code that are affected are included below with the changes noted in red line.

#### Sec. 9.10.005. - Purpose.

- (a) The purpose of this article is to achieve the following:
- (1) Reserve planned neighborhood areas for residential living with a broad range of dwelling unit densities (i.e., low, medium, and high density detached/attached, multifamily, and housing for special needs), consistent with the general plan and appropriate standards of public health, safety, welfare, and aesthetics.
  - (2) Facilitate the provision of adequate light, air, privacy, and open space for each dwelling.
  - (3) Minimize traffic congestion and avoid the overloading of public services and utilities.
  - (4) Protect residential neighborhoods from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences.
  - (5) Facilitate the provision of public improvements commensurate with the anticipated increase in population, dwelling unit densities, and service requirements.
  - (6) Designate lands to accommodate housing units which meet the diverse economic needs of the residents.
- (b) The purpose of the individual residential zoning districts is as follows:
- (1) RPD 3.5 (Residential Planned Development) Zone. This zone is intended to provide for low density detached single-family dwellings at a density range of 0 to 3.5 units per gross acre. Additional land uses may be allowed when compatible to and in harmony with a low density residential neighborhood.
  - (2) RPD 6.5 (Residential Planned Development) Zone. This zone is intended to provide for low to medium density, detached and attached single-family dwellings at a density range of 3.51 to 6.5 units per gross acre. Additional land uses may be allowed when compatible to and in harmony with a low/medium density residential neighborhood.
  - (3) RPD 14 (Residential Planned Development) Zone. This zone is intended to provide for medium to high density detached and attached single-family dwellings, and multifamily dwellings at a density range of 6.51 to 14 units per gross acre. Additional land uses may be allowed when compatible to and in harmony with a medium/high density residential neighborhood.

(4) RPD 30 (Residential Planned Development) Zone. This zone is intended to provide for high density single-family attached and multifamily dwellings at a density range of 14.1 to 30 units per gross acre. Additional land uses may be allowed when compatible to and in harmony with a high density residential neighborhood.

(5) RMU (Residential Mixed Use) Zone. This zone is intended to provide for medium and high density multifamily housing, at a density range of 20 to 40 units per acre, that may incorporate office and/or retail services. While the predominant use of the development is residential, the city encourages the vertical and/or horizontal integration of retail and/or office uses that are compatible with the residential development.

(Ord. No. 98-193, §§ 1—4, 10-19-98)

## SPECIFIC PLAN STUDY AREA

---

The land use designations described above define the general types of uses allowed and their corresponding intensities or densities. In addition to these designations, State planning law provides methods and approaches to ensure proper planning for important subareas within the City. The Specific Plan is an important planning method which can be utilized to manage development and its associated impacts within areas of the City which warrant special attention. **There are two areas in the City that consideration should be given to future preparation of a Specific Plan.**

The first Specific Plan Study Area is the southerly portion of the City. This area represents the major urban activity center in the City and includes major commercial and employment generating uses, such as the Shops at Mission Viejo mall, auto dealerships along Interstate 5, and office developments along Crown Valley Parkway. In addition, there are significant community facilities like the Saddleback Community College and Mission Hospital Regional Medical Center, and a range of housing types and densities. Generally, the borders of this area include the Southern California Edison Easement (which crosses Crown Valley Parkway) to the north, Via Escolar to the south, the eastern City limits to the east, Interstate 5 Freeway to the west, and an additional portion of the City along Cabot Road located south of Oso Parkway is also included.

The second Specific Plan Study Area is the City's geographic center. This area is a combination of commercial, office, public facility, and recreation uses generally located in vicinity of the intersection of Marguerite Parkway and La Paz Road to the north, and the intersection of Marguerite Parkway and Oso Parkway to the south. This area includes a civic center with a city hall and public library; several large commercial centers with retail stores, offices, restaurants, automobile repair shops, and churches; Avalon Mission Viejo Apartments; Thomas R. Potocki Conference Center; Norman P. Murray Community and Senior Center; Oso Viejo Community Park; Newhart Middle School; World Cup sports fields; and Oso Creek and existing trail system. There has been minimal new development or revitalization of existing properties within the Mission Viejo Village Center area, especially the large commercial center southeasterly of the intersection of Marguerite Parkway and La Paz Road. A fragmented ownership pattern, dated architectural design, an abundance of surface parking lots, minimal landscaping, and the lack of a pedestrian environment are obstacles hindering the establishment of a downtown or town center for this area.

The Land Use Policy Map of the General Plan illustrates the extent of the Specific Plan Study Area.

## GROWTH MANAGEMENT

---

Goal 2 of this Element calls for the establishment of a growth management and development program which avoids adverse public service, environmental, or fiscal effects. A number of policies are identified to implement the growth management goal. These policies describe certain actions, analysis and programs to be undertaken by the City to accomplish the growth

borders of the Commercial Intensive Overlay area include commercial, office, and community facility development along both side of Crown Valley Parkway between the Interstate 5 Freeway and Los Altos, such as Kaleidoscope, the Shops at Mission Viejo mall, and Mission Hospital Regional Medical Center, and an additional portion of office development along Puerta Real to Via Grande. The Land Use Policy Map of the General Plan illustrates the area where the Commercial Intensive Overlay is applied.

### **Office and Industrial Designations**

**Office / Professional:** Office / Professional uses include business activities primarily involved in providing professional or administrative services. These activities include legal and medical services, financial institutions, corporate offices, government offices, cultural and community facilities, and a wide range of similar uses which together may constitute major concentrations of employment or community activity. Some small-scale retail and service commercial activities designed to meet the needs of the employee population are allowed as secondary / supportive uses. Specialized housing designed to meet the physical and social needs of senior citizens is allowed provided the property is situated in the Senior Housing Overlay Zone and subject to a Conditional Use Permit. Office / Professional development is generally located on arterial roadways or near freeways for convenient automobile access and public transit service. The maximum intensity of development for this category is a floor area ratio of 1.5:1.

**Business Park:** This industrial / business designation includes research, light manufacturing, business / professional offices, warehousing / distribution, wholesaling, storage, public utilities and uses, and service commercial activities. The Business Park category provides for major employment concentration and is generally served by arterial roadways and freeways, providing automobile and public transit access. The intensity of development permitted has a maximum floor area ratio of 1.0:1.

### \* **Mixed Use Designations**

**Commercial Neighborhood / Community Facility / Residential 14:** This designation includes three land used designations described elsewhere as single categories of use. This mixed-use designation allows any one of the three categories of use to exist individually on a site, or a combination of any two of the three categories may exist on a site or as a single project to accommodate complementary uses. All uses described for each single land use designation category earlier in the Land Use Element are allowed as described in those individual categories. The maximum intensity of development for this category is a floor area ratio of 1.0:1 and a maximum residential density of 14 dwelling units per gross acre of land.

**Commercial Highway / Office Professional:** This mixed-use designation includes both the Commercial Highway and Office Professional categories, and allows either category to exist individually on a site, or allows both categories to be combined on the same site or as a single project. All uses described for each single land use description category earlier in the Land Use Element are allowed as described in those individual categories. The maximum intensity of development is a floor area ratio of 1.5:1.

**Office Professional / Residential 30 /Business Park:** This mixed-use designation includes the Office Professional and Residential 30 and Business Park categories, and allows either category to exist individually on a site, or allows any one of those categories to exist individually on a site, or to be combined with either or both of the other categories on the same site or as a single project. All uses described for each single land use designation category earlier in the Land Use Element are allowed as described in those individual categories. The maximum intensity of development is a floor area ratio of 1.5:1 for Office Professional, and 1.0:1 for Business Park, and the maximum residential density is 30 dwelling units per gross acre of land.

**Other Designations**

**Community Facility:** The Community Facility designation includes a wide range of public, quasi-public, and private uses, such as school sites, churches, childcare centers, government administrative offices and facilities, public utilities, libraries, museums, art galleries, community theaters, hospitals, and cultural and recreational activities. Included in this category are Saddleback Community College and other institutions of higher learning. A weekend outdoor marketplace in the parking lot is a permissible use under the Community Facility designation for Saddleback College, provided that the use is a secondary use sanctioned by the Board of Trustees and does not conflict with or replace educational activities provided, further, that it does not result in a shortage of parking and that it does not create a nuisance for nearby residential and commercial uses. Community facility uses are distributed throughout the City and have a maximum floor area ratio of 1.0:1.

In addition to the Community Facility designation, community facility uses are allowed under a number of other land use designations. The other designations are identified in the table below, but the precise locations for specific community facility uses will be identified through zoning.

Land Use Designations	Community Facility Uses
<u>Residential</u>	
Residential 3.5	X
Residential 6.5	X
Residential 14	X
Residential 30	X
<u>Office</u>	
Office / Professional	X
<u>Mixed Use</u>	
CN / CF / R14	X
CH / OP	X
OP / R30 / BP	X

**Recreation / Open Space:** The Recreation / Open Space designation includes both public and private recreational uses necessary to meet the active and passive recreational needs of City

**Sec. 9.10.015. - Permitted, planned development permitted, and conditionally permitted uses.**

The following list represents those uses in the residential planned development zones which are permitted (P), subject to a planned development permit (D), a conditional use permit (C), or prohibited (X):

	RPD				RMU
	3.5	6.5	14	30	40
(a) Residential uses:					
(1) Single-family dwellings	D	D	D	D	X
(2) Second dwelling unit/"granny" housing/guest house	P	P	P	P	X
(3) Manufactured housing	D	D	D	D	D
(4) Multifamily dwellings	X	X	D	D	D
(5) Condominium	X	D	D	D	D
(6) Congregate care/senior housing	X	X	C	C	C
(7) Convalescent homes	X	X	C	C	
(8) Density bonus/affordable housing	D	D	D	D	D
(9) Family day care home, large	C	C	C	C	
(10) Family day care home, small	P	P	P	P	D
(b) Recreational accessory uses:					
(1) Clubhouses	D	D	D	D	D
(2) Swimming pool, private	P	P	P	P	P
(3) Swimming pool, public	D	D	D	D	D
(4) Tennis court, private	P	P	P	P	P
(5) Tennis court, public	D	D	D	D	D
(6) Trails (nonvehicular) P	P	P	P		
(c) General Commercial Uses:					
(1) Art/photography shops, studios and galleries	X	X	X	X	P
(2) Bakeries (retail only)	X	X	X	X	P
(3) Barber/beauty Shops	X	X	X	X	P
(4) Book stores	X	X	X	X	P
(5) Copy/fax centers	X	X	X	X	P
(6) Day spa	X	X	X	X	P
(7) Delicatessens	X	X	X	X	P



		RPD				RMU
(8)	Food markets	X	X	X	X	P
(9)	Health/athletic clubs (excluding massage parlors)	X	X	X	X	P
(10)	Music stores	X	X	X	X	P
(11)	Personal services	X	X	X	X	P
(12)	Restaurants (less than 4,000 sq. ft., excluding drive- thrus)					
(13)	Restaurants (greater than 4,000 sq. ft.)	X	X	X	X	P
(14)	Supermarkets	X	X	X	X	C
(15)	Other Retail	X	X	X	X	P
(16)	Veterinary offices/animal hospitals/pet grooming	X	X	X	X	C
(d)	Administrative and professional uses:					
(1)	Administrative offices	X	X	X	X	P
(2)	Counseling services	X	X	X	X	P
(3)	Financial services	X	X	X	X	P
(4)	Medical, dental and related services	X	X	X	X	P
(5)	Other office	X	X	X	X	C
(e)	Accessory uses:					
(1)	Garage	D	D	D	D	D
(2)	Outdoor play/athletic equipment	P	P	P	P	P
(3)	Patio (with/without cover)/gazebo	P	P	P	P	P
(f)	Other:					
(1)	Churches	C	C	C	C	C
(2)	Private schools	C	C	C	C	C
(3)	Public utilities/facilities	D	D	D	D	D
(g)	Home occupations:	Subject to home occupation standards				
(h)	Temporary uses:	Subject to temporary use permit				

Other similar uses which the director finds consistent with the intent and purpose of the zone.

(Ord. No. 98-193, §§ 1—4, 10-19-98; Ord. No. 03-218, § 1, 7-7-03)

**Sec. 9.10.020. - Zoning district development standards.**

- (a) General standards. The standards contained in Figure II-1 (Zoning District Development Standards) relating to density, lot area and configuration, structure setbacks, structural lot coverage and height, accessory structure height, distance between structures, and private outdoor living space, apply to all residential zoning districts, and shall be determined to be minimum requirements, unless stated as maximum by this code. All setbacks shall be measured from the applicable property line. The following standards shall apply unless modified by the planned development permit approved by the commission.

**FIGURE II-1  
ZONING DISTRICT DEVELOPMENT STANDARDS**

Standard	RPD				RMU
	3.5	6.5	14.0	30.0	40.0
Maximum units/acre	3.5	6.5	14.0	30.0	40.0
Maximum floor area ratio					2.0
Lot area (square feet)	5000	5000	5000	5000	5000
Lot width (feet)	50	50	80	100	100
Lot depth (feet)	80	80	120	150	150
Front setback (feet)	20	20	30	30	20
Rear setback (feet)	10	10	30	30	20
Side setback (each, feet)	5	5	10	15	15
Side setback (street side, feet)	7	7	10	30	20
Structural parcel coverage (maximum, percent)	60%	60%	50%	50%	50%
Distance between buildings (feet)	5	5	20	20	20
Private outdoor living space (minimum square feet)	500	450	200	80	80 <sup>1</sup>
Common open space (minimum square feet)					80 <sup>2</sup>

1

2

	<b>RPD</b>	<b>RMU</b>
Main building and structure height (maximum)	35 feet or two stories whichever is less	68 <sup>3</sup>
Levels or stories of residential units (maximum)		4
Accessory building and structure height (maximum)	12 feet or one story whichever is less	
Fences, walls and hedges	[Refer to property development standards cited in section 9.20.015(f)]	

(b) Zone specific standards. In addition to the general development requirements contained in chapter 9.20 (Property Development Standards), the following table identifies specific standards which apply\* to individual zones:

<sup>1</sup> In the RMU zone, at least 25% of the residential units must have balconies that are at least 25 square feet in size. <sup>2</sup> In the RMU zone, there shall be a minimum of 80 square feet of Common Open Space per residential unit. Common Open Space shall include spaces such as amenity decks.

<sup>3</sup> In the RMU zone, the Main building height shall be based on the top of roof. Stairs, elevators, clubhouses and tower elements up to 15 feet above the top of roof shall not be included in determining the height maximum.

**RESIDENTIAL ZONES  
SPECIFIC STANDARDS**

Specific Standards	<b>RPD</b>				<b>RMU</b>
	3.5	6.5	14.0	30.0	40.0
A. Accessory structures	+	+	+	+	+
B. Additional height allowances	—	—	—	+	+
C. Condominium standards	—	+	+	+	+
D. Density bonus/affordable housing	+	+	+	+	+
E. Family day care home	+	+	+	+	+
F. Home occupations	+	+	+	+	
G. Minimum dwelling size	+	+	+	+	
H. Minimum room size	+	+	+	+	

I.	Mobile home/manufactured housing	+	+	+	+	
J.	Private community walls	+	+	+	+	
K.	Private tennis court	+	+	+	+	
L.	Recreational vehicle storage	+	+	+	+	
M.	Second dwelling unit	+	+	+	—	-
N.	Senior citizen/congregate care housing	—	—	+	+	

\*Key: “+” applies and “—” does not apply in the zoning district

- (1) Accessory structures. Accessory structures in residential zones shall be compatible with the materials and architecture of the main dwelling on the property. Accessory structures may be constructed only on a parcel containing a main dwelling unit.

In addition to the above noted changes we also request the noted change in the Section below.

9.25.030 (h) *Location of required parking spaces.* All parking spaces shall be located on the same parcel as the primary structure or use, unless approved otherwise by the review authority. Off-street parking spaces for multifamily residential developments in all but the RMU zone shall be located within 150 feet from the dwelling unit (measured from the front or rear door) for which the parking space is provided. Those in the RMU zone shall be located within 350 feet from the dwelling unit. Unless expressly authorized by this code, no parking space shall be located in the front, side, or rear setback area of a residential zoning district.

---

## LAND USE ELEMENT GOALS AND POLICIES

---

The goals and policies contained in this Element address preservation of major areas of the City, revitalization of others, and guidance of new development in those portions of the City presently undeveloped. The following goals and policies focus on maintaining a balance between residential, commercial and industrial land use, promoting high quality development, and minimizing existing and potential land use conflicts.

### BALANCED DEVELOPMENT IN MISSION VIEJO

---

A well-balanced community may be considered one which provides a broad range of housing and business opportunities, as well as recreational, institutional and cultural activities which enhances the overall living environment. By encouraging such a mix of uses, the City can achieve a balanced inventory of housing which meets the housing needs of all income groups, can enjoy a stable employment and tax base, and can provide residents with suitable recreational opportunities.

\* The community's history of planning for development since the 1960's has, to a large degree, already provided a desirable balance. Residential development in the community offers a wide range of quality housing types and prices. New commercial development and revitalization of existing commercial development results in a variety of destination retail shopping, commercial service, recreational, and business-related opportunities for Mission Viejo residents and residents of surrounding areas. For example, there are highway commercial and regional commercial districts in the southern portion of the City which include the Shops at Mission Viejo mall, a regional shopping center with a broad market area, and boutique automobile dealerships. Also revitalization opportunities exist in the neighborhood commercial districts in the City such as the City's core areas to serve as a local commercial and recreational destination. Employment opportunities exist within the industrial, business park, and office areas located in the westerly portion of the City. Recreational activities, parkland and schools exist throughout the community and are located in close proximity to residential neighborhoods where the needs for such uses originate. Major institutional uses located within the southern regional commercial district of the City consist of the Saddleback Community College and Mission Hospital.

\* **GOAL 1: Maintain a balanced distribution of land uses to meet the needs of residents and the business community.**

**Policy 1.1:** Maintain the existing distribution of land uses within the City, while encouraging nonresidential activities that will provide revenue for the City and employment opportunities for existing and future residents.

\* **Policy 1.2:** Balance revenue and employment opportunity gains from nonresidential development with the protection of existing residential neighborhoods.

**Policy 1.3:** Attract businesses which will contribute to the City's economic growth and employment opportunities by working directly with public agencies and private entities involved in economic development.

**Policy 1.4:** Maintain a land use plan which includes descriptions of allowable uses and levels of intensity reflecting existing and projected development within the City.

\* **Police 1.5:** Maintain a variety of housing types that complements the employment opportunities in the community and encourages a 1 to 1 jobs / housing balance.

## \* **GROWTH MANAGEMENT**

---

As the City continues to grow, additional demands will be placed on infrastructures (e.g. roadways, water lines, sewer lines, and others) and public services. Present infrastructure capacity of major infrastructure components can accommodate projected growth, but secondary components of the infrastructure system must be extended to support new development and all components must be maintained during future years. Continued demands for public services and maintenance of infrastructures must be anticipated, and planning the financing of services and maintenance is essential to assure maintenance of the character and quality of life in the City.

**GOAL 2:** **Maintain a balanced growth management and development program which avoids adverse public service, environmental or fiscal effects.**

**Policy 2.1:** Manage growth at a rate which is commensurate with the ability of the City to provide the desired level of public services and facilities.

**Policy 2.2:** Determine the public services and infrastructure necessary to serve City inhabitants, and identify funding sources and phasing schedules.

**Policy 2.3:** Maintain a capital improvement implementation plan to ensure the proper timing and siting of capital improvements.

**Policy 2.4:** Require development to contribute its share of the cost of providing necessary public services and facilities.

**Policy 2.5:** Limit new development unless demand on services caused by growth would not reduce the availability of services to the City's population.

**Policy 2.6:** Utilize development exactions as a mechanism to support new growth.

**Policy 2.7:** Ensure necessary public facilities are in place prior to or concurrently with new

development.

- \* **Policy 2.8:** Review the fiscal and environmental impacts of proposed major development.
- \* **Policy 2.9:** Designate compatible land uses for environmentally sensitive land areas.
- Policy 2.10:** Provide assistance to area school districts to ensure adequate planning for services and facilities.
- Policy 2.11:** Provide assistance for the continued maintenance and necessary expansion of area educational facilities.
- Policy 2.12:** Work cooperatively with local school districts in providing for the location of future schools as well as use of surplus facilities.
- Policy 2.13:** Coordinate local growth policies with regional growth policies to strengthen local programs and support local needs, and participate in the regional decision making process.
- Policy 2.14:** Solicit community support for proposed land annexations by requiring approval of a majority of the voters of the City before the City Council initiates or supports any annexation of land in excess of 100 acres.
- Policy 2.15:** Prior to consideration of any land annexation to the City, the City Council shall require a complete feasibility study of the area proposed to be annexed which will fully document all revenues to the area and all costs and expenses to provide services to the area. In addition, the study shall document all costs necessary to upgrade any deficiencies in the area including but not limited to: streets, landscaping, traffic signals, under grounding of utilities, parks, athletic fields, greenbelts and any other public facilities.
- Policy 2.16:** Recognize the potential impacts that land uses within the City of Mission Viejo have on adjoining land uses within the surrounding incorporated and unincorporated communities.



## COMMUNITY IDENTITY AND QUALITY URBAN DESIGN

---

Mission Viejo's history of planning and overall quality of development is well-recognized. Its community identity was established through its inception as a planned community more than 20 years before incorporation, and this image is important to maintain as a City matures and as development occurs in adjacent cities and unincorporated communities. The City's open space system and recreational opportunities represent important features of community identity which provide a sense of place and location within its boundaries.

3.1 con.

\* **GOAL 3: Maintain community identity and development quality for the City and its neighborhoods.**

\* **Policy 3.1: Maintain the integrity of residential neighborhoods by preventing the intrusion of incompatible land uses.**

\* **Policy 3.2: Ensure that new development and land uses are architecturally consistent and compatible in scale and style with existing development and identified standards for the various districts within the City.**

\* **Policy 3.3: Ensure that infill development is compatible with community open space areas and existing community character.**

**Policy 3.4: Coordinate the provision of greenbelts and open space within and adjacent to the City to foster and enhance local identity and sense of place.**

\* **Policy 3.5: Emphasize quality of design for new development and rehabilitation of existing development, including the preservation and increase of arterial landscape space.**

**Policy 3.6: Continue ongoing code enforcement efforts and expand code enforcement operation as necessary.**

\* **Policy 3.7: Establish conveniently located and architecturally identifiable public buildings and related public amenities which enhance community identity and meet the service needs of the City's inhabitants.**

**Policy 3.8: Maintain the integrity of the boundaries of the existing City of Mission Viejo unless expansion of those boundaries has been approved as described in policies under Goal 2 of this element.**

**Policy 3.9: Encourage the accessibility and usability of private and public buildings for the disabled.**

**Policy 3.10: Promote revitalization and rehabilitation of older residential, commercial, and industrial properties and buildings to enhance their quality and competitive advantage.**

**PRESERVATION OF OPEN SPACE**

---

Open space within the City not only provides a sense of place, but also serves as a physical buffer to protect persons and property from natural and man-made safety hazards, as well as land area for recreation and the conservation of natural and cultural resources.

**GOAL 4: Maintain open space resources for the purpose of providing recreational opportunities, protecting the public from safety hazards and conserving**



- Policy 2.8:** Review the fiscal and environmental impacts of proposed major development.
- Policy 2.9:** Designate compatible land uses for environmentally sensitive land areas.
- Policy 2.10:** Provide assistance to area school districts to ensure adequate planning for services and facilities.
- Policy 2.11:** Provide assistance for the continued maintenance and necessary expansion of area educational facilities.
- Policy 2.12:** Work cooperatively with local school districts in providing for the location of future schools as well as use of surplus facilities.
- Policy 2.13:** Coordinate local growth policies with regional growth policies to strengthen local programs and support local needs, and participate in the regional decision-making process.
- Policy 2.14:** Solicit community support for proposed land annexations by requiring approval of a majority of the voters of the City before the City Council initiates or supports any annexation of land in excess of 100 acres.
- Policy 2.15:** Prior to consideration of any land annexation to the City, the City Council shall require a complete feasibility study of the area proposed to be annexed which will fully document all revenues to the area and all costs and expenses to provide services to the area. In addition, the study shall document all costs necessary to upgrade any deficiencies in the area including but not limited to: streets, landscaping, traffic signals, under grounding of utilities, parks, athletic fields, greenbelts and any other public facilities.
- Policy 2.16:** Recognize the potential impacts that land uses within the City of Mission Viejo have on adjoining land uses within the surrounding incorporated and unincorporated communities.

## COMMUNITY IDENTITY AND QUALITY URBAN DESIGN

---

Mission Viejo's history of planning and overall quality of development is well-recognized. Its community identity was established through its inception as a planned community more than 20 years before incorporation, and this image is important to maintain as a City matures and as development occurs in adjacent cities and unincorporated communities. The City's open space system and recreational opportunities represent important features of community identity which provide a sense of place and location within its boundaries.

**GOAL 3: Maintain community identity and development quality for the City and its neighborhoods.**

**Policy 3.1:** Maintain the integrity of residential neighborhoods by preventing the intrusion of incompatible land uses.

**Policy 3.2:** Ensure that new development and land uses are architecturally consistent and compatible in scale and style with existing development and identified standards for the various districts within the City.

**Policy 3.3:** Ensure that infill development is compatible with community open space areas and existing community character.

**Policy 3.4:** Coordinate the provision of greenbelts and open space within and adjacent to the City to foster and enhance local identity and sense of place.

**Policy 3.5:** Emphasize quality of design for new development and rehabilitation of existing development, including the preservation and increase of arterial landscape space.

**Policy 3.6:** Continue ongoing code enforcement efforts and expand code enforcement operation as necessary.

**Policy 3.7:** Encourage and implement architectural and landscape improvements including the establishment of community parks and gathering spaces, that are consistent with the City design standards, guidelines, and criteria, including those set forth in the Core Area Vision Plan.

**Policy 3.8:** Maintain the integrity of the boundaries of the existing City of Mission Viejo unless expansion of those boundaries has been approved as described in policies under Goal 2 of this element.

**Policy 3.9:** Encourage the accessibility and usability of private and public buildings for the disabled.

**Policy 3.10:** Promote revitalization and rehabilitation of older residential, commercial, and industrial properties and buildings to enhance their quality and competitive advantage.

~~PRESERVATION OF OPEN SPACE~~

---