

# **SECTION 9.0 ADMINISTRATION**

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## ADMINISTRATION

### Pre-Application Requirements

Upon adoption of the Plan, the land must be annexed to the City. There are a number of implementing documents that must be developed and/or finalized concurrently with annexation in order to further guide detailed aspects of development in the Plan area. Examples of these are:

- infrastructure plans (water, sewer, drainage)
- affordable housing plan
- Specific Plan Design Standards
- Capital Improvement Plan
- Financing Plan and fee mechanisms for funding infrastructure
- Master Illustrative Site Plan (conceptual locations of local streets and subdivision trails)
- Allocation Program
- Agricultural Land Mitigation Program (see Mitigation Measure 2.1)
- Transit Plan (Regulation 4.36) and fees (Regulation 4.35)

Following adoption of the Specific Plan and receipt of funding from the applicant and/or other property owners, these documents will be completed by the City as soon as possible with the intent to make it possible for construction to begin starting in 2002.

### Application Requirements

At the time of annexation, the Specific Plan land use designations (see first column of Table 2.5) would be applied to the land, but not precise zoning (see second column of Table 2.5). Once annexation of the Plan Area has occurred, and the implementing documents are in place, individual developers may submit applications for tentative maps and rezoning.

Applications shall be made in writing on forms provided by the Community Development Department, and accompanied by such data and information as may be prescribed for that purpose. The filing and processing fees shall be as prescribed by action of the City Council.

Each application must include any applicable special studies pursuant to the Mitigation Monitoring Plan and the Specific Plan. Examples of these are:

- biological surveys (for rare plants, valley elderberry longhorn beetles, raptors, and wetlands)

- project-specific traffic and circulation analyses (including timing for installation of signals, timing and installation of other roadway widenings and intersection improvements, recommendations regarding traffic calming (regulation 4.13), and off-site roadway improvements if applicable)
- noise control analysis
- historic/archeological resources survey
- Phase I hazardous waste site assessments.
- transit service (identify locations of shelters/stops and bus turnouts)
- drainage analysis for existing ("residual") 100-year flooding.

A project-specific development agreement is also required to be executed for each application.

## **SPECIFIC PLAN FEES**

Development of this Plan was initiated by Turn of the Century LLC (TOC LLC), a property owner in area. Pursuant to the City's Specific Plan Procedures and Preparation Guide, TOC LLC entered into an agreement with the City to fund costs associated with preparation, processing, and adoption of the Plan. Pursuant to the Guide the City also entered into an agreement with the applicant to compensate them for certain agreed upon ("reimbursable") expenditures at some future date, from fees charged of non-participating property owners. The authority for the City to charge such fees for this purpose is provided in Section 65456 of the Government Code.

The City has identified reimbursable expenditures for this process in the form of an adopted Specific Plan budget. Upon adoption of the Plan, that budget will be reconciled and Specific Plan preparation fees will be established. The City can also charge separate document fees for copies of Specific Plan documents, as well as application processing fees for the cost of processing applications that are submitted. This fee program must be in place before development applications can be processed.

Copies of relevant agreements are attached in the appendices.

## **FINANCING AND OTHER COMMITMENTS**

In addition to the payment of Specific Plan preparation fees, developers within the Specific Plan area will be required to satisfy the following, as applicable to individual properties:

- participate in infrastructure financing (e.g. bond financing)
- share in the costs for construction drawings for backbone infrastructure
- participate in the costs of "short-fall" financing should the bond capacity of the land be insufficient
- participate in the costs of "shortfall" financing for fiscal impacts
- sign indemnification agreements protecting the City from possible legal challenges
- participate in unit allocation program
- execute development agreement
- other requirements for development as may be identified

## **APPLICATION PROCESSING**

Applications will be analyzed by staff for consistency with the Specific Plan and a site plan/design review will be performed. It should be anticipated that most projects will go before the Planning Commission for consideration. This determination will be made by the Community Development Director based on applicable regulations and/or the characteristics or the project. Plan consistency must be demonstrated in several ways:

- Consistency with policy language (goals, policies, objectives, etc.).
- Consistency with land use designations, roadways, and bike paths.
- Consistency with the Land Use Summary and other relevant Plan text throughout the document.
- Consistency with Development Regulations and Design Standards.
- Consistency with figures and tables.

With regard to policy consistency, the Specific Plan policies should be read and applied in the context of the policy framework established by the General Plan. Specific Plan policy interpretations shall be subservient to any relevant policy interpretation of the General Plan, and shall be made in light of the relevant policies of the General Plan. The General Plan pre-empts the authority of the Specific Plan in terms of policy hierarchy.

Consistency is also required with the SLSP MMP and implementing documents of the

SLSP including infrastructure plans, the affordable housing program, the CIP and financing plan, the unit allocation program, and the Agricultural Land Mitigation Program.

Applications for precise zoning will be processed pursuant to Section 25-29-10 of the Zoning Ordinance. Parcels that have already been assigned precise zoning, and for which no other/additional discretionary entitlement or site plan/design review is required, may submit for building permits.

## **ENVIRONMENTAL CLEARANCE**

An Environmental Impact Report (EIR) has been prepared for this Specific Plan and was certified by the City Council on August 15, 2000 (Resolution No. 4215). A CEQA Addendum was subsequently adopted by the City Council on December 18, 2001 (Resolution No. 4330). Section 65457(a) of the California Government Code and Section 15182(a) of the California Environmental Quality Act provides that no EIR or negative declaration is required for any residential project undertaken in conformity with an adopted Specific Plan for which an EIR has been certified. The EIR certified for this project has been written to qualify all residential projects for this exemption, assuming they are consistent with the adopted Specific Plan and fulfill all conditions and CEQA mitigation measures. The commercial, park, and school projects may also be able to rely upon the EIR assuming they are consistent with the adopted Specific Plan and fulfill all conditions and CEQA mitigation measures.

Because of a lack of detail regarding specific future activities on the college and County property, the EIR may not provide an adequate level of detail for development on those properties. That determination would be made on a project-by-project basis depending on the result of an initial environmental study prepared at the time.

## **REVISIONS AND AMENDMENTS**

Amendments to the adopted Specific Plan may be initiated by the City Council, the Planning Commission, the property owner, or any authorized agent of the property owner. Requests to amend the Specific Plan shall be made utilizing the application forms, required documentation, and applicable fee as established by the City Community Development Department, including but not limited to:

1. A statement of consistency with the General Plan policies and land use designations.
2. A statement of consistency with the Specific Plan.
3. Analysis as required by the California Environmental Quality Act (CEQA).

4. Identification of any required modifications of the public infrastructure improvements which are not currently mandated by the Specific Plan; i.e. description, location, timing, funding source and method, etc.

Amendments to the Specific Plan shall be required when a proposal would:

1. Substantively change the boundaries of the Specific Plan.
2. Substantively change the text, figures, or tables of the Specific Plan.
3. Substantially change the location of parks, schools, the Spring Lake Center, and/or the sports park.<sup>1</sup>
4. Substantively change any element of the implementing documents (infrastructure plans, affordable housing plan, Specific Plan Design Standards, Capital Improvement Plan, Financing Plan) such that they would be inconsistent with Specific Plan policy, text, or land use.

## **INTERPRETATIONS**

Section 25-30-20 of the Zoning Ordinance shall apply.

### **Zoning Ordinance**

The Zoning Ordinance will remain the underlying land use authority for the Specific Plan. To the extent that a component or regulation of the Specific Plan differs from a requirement of the Ordinance, the Specific Plan will take precedence. Where the Specific Plan is silent or vague, the Zoning Ordinance will be used for the purposes of interpretation, and/or directly applied as appropriate.

### **Subdivision Ordinance**

The Subdivision Ordinance will regulate individual requests for land divisions within the Specific Plan area, unless otherwise addressed herein. To the extent that a component or regulation of the Specific Plan differs from a requirement of the Ordinance, the Specific Plan will take precedence. Where the Specific Plan is silent or vague, the Subdivision

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<sup>1</sup> The location of these land uses is a fundamental component of the Plan that was specifically debated during the hearing process. They have been carefully located, and as such, are not conceptual. Should relocation be proposed or prove necessary, an amendment of the Specific Plan is required. This is particularly true for the neighborhood elementary school/neighborhood park node in each neighborhood. These have been centrally located within each neighborhood, and so as to remain adjacent to one another, and not be bisected by a busy roadway.

Ordinance will be used for the purposes of interpretation, and/or directly applied as appropriate.

### **Map Interpretations**

The plan exhibits included in this document reflect approximations of property lines, parcel sizes, and road alignments. Minor variations from these schematic representations, based on actual field measurements, engineering, and/or surveying are within the authority of the Community Development Director to accept and interpret as substantially consistent.

To the extent that a proposal would modify a physical component of the Specific Plan, such as an acceptable shift in a roadway or bike path, a minor reconfiguration of the shape of a designated area of land use, or a minor adjustment to a design requirement, the Community Development Director shall make a determination (with input from other relevant department heads as appropriate) as to whether or not said modification is "substantive" thus triggering an amendment of the Specific Plan as described earlier in this Section. To the extent that the original intent and purpose of the Plan are still met, with no adverse effects on connectivity or livability, and with no change in total area or amount of specific land uses, density, number of units, street capacity, amenities, roadway level of service, etc. said modification shall not be interpreted as "substantive".

### **ENFORCEMENT**

Section 25-30-30 of the Zoning Ordinance shall apply.