

CHAPTER 10 IMPLEMENTATION ELEMENT

10.1 GOALS AND OBJECTIVES

The overall implementation goal is to ENSURE THE PROVISION OF ADEQUATE PUBLIC AND PRIVATE FACILITIES AND SERVICES TO MEET COMMUNITY NEEDS CONCURRENTLY WITH THE DEVELOPMENT OF THE SPECIFIC PLAN PROPERTIES. The following objectives further describe this goal:

- Phase development in a rational manner, taking into account the marketplace, available community and transportation facilities, and developments in surrounding communities.
- Ensure the provision of adequate public facilities and services to serve residential and commercial projects in a timely manner.
- Provide for the timely financing of public facilities including street and utilities.
- Provide for the implementation of the physical planning proposals and design guidelines set out in this Specific Plan.
- In implementing this Specific Plan, uphold the goals and principles embodied in the General Plan and City Council policies, as reflected in the objectives and proposals of this Specific Plan.

10.2 PHASING PROGRAM

A phasing program was included in the January 1983 draft of the Specific Plan, in compliance with Council Policy 600-28. Due to the small size of the project, however, the Planning Commission determined at its first public hearing on the Specific Plan, on January 5, 1984 to delete project phasing.

10.3 FACILITIES FINANCING PROGRAM

According to Council Policy 600-28, a facilities financing program is required for approval of development in a planned urbanizing area. The program shall identify the necessary capital improvements including public facilities, streets and utilities, and assure their timely financing.

On November 25, 1985, the City adopted the Via De La Valle Public Facilities Financing Plan by Resolution Number R-264537. This plan is being amended and revised concurrently with this Specific Plan. The Public Facilities Financing Plan sets forth the funding sources for required facilities utilizing a current year of need. Certain improvements may be postponed to future specified years of need by agreement between the City and project developers.

There are a number of financing mechanisms available for funding public facilities. Mechanisms which may be used in the development of the Specific Plan area are described below.

10.3a Development Agreements

The Development Agreement mechanism shall be in accordance with City Council Policy 600-37. The development agreement would be executed between each property owner and the City of each individual project within the Specific Plan, and may be used for the following purposes:

- To augment the City's standard development regulations in selective response to the particular features of each individual project.
- To ensure timely provision of adequate public facilities for each project.
- To streamline the development approval process by coordinating various discretionary approvals.
- Use the enacting ordinance of the Development Agreement to repeal the existing A-1-10 zoning on the property and establish the new zone categories set forth in the Specific Plan.

10.3b Reimbursement Agreements

Reimbursement agreements may be utilized for improvements of communitywide benefit or for area benefit. Such improvements can include important streets, water transmission lines, sewer trunk lines, pumping facilities, permanent drainage facilities, and other major utilities. Under this mechanism, the developer who constructs the improvements arranges a reimbursement agreement with the City. Reimbursement pursuant to that agreement will be generated by subsequent subdividers in areas served by the improvements and which are covered by the agreement.

10.3c Assessment District

An Assessment district may be utilized to finance construction of major facilities of community-wide benefit or for area benefit. Improvements in an assessment district can include important streets, water transmission lines, sewer trunk lines, permanent drainage facilities, and pumping facilities, among others.

An assessment district could be formed early in the development of the benefit area. The distribution of costs would be based on benefit. The probable method would be the 1913 Act assessment district combined with 1915 Act bonds, with the City administering the process.

10.3d School Financing

The method and amount of school financing will be established by a mutual agreement between the San Dieguito and Solana Beach Districts and the area developers. Prior to issuance of any residential building permit, the finalized agreement will be executed to set a fee schedule and/or to establish the extent of developer responsibility for school sites and/or improvements. Phasing and school availability will also be determined.

10.3e Conventional Subdivision Financing

Onsite utilities, facilities, streets and in-lieu park fees will be provided by subdividers under conventional bonded subdivision agreements. These improvements are the responsibility of individual developers on a project basis.

10.3f Maintenance and Operation

Provision for the maintenance and operation of appropriate public facilities and amenities will be made prior to construction. Measures to maintain and operate public facilities include City budget funds; school districts' budget funds; user fees; service charges for public utilities; and assessment districts.

In addition, the mechanism(s) for maintaining designated natural open space areas and landscaped open spaces will be determined as part of the planned development process. This would typically be handled through the Homeowners Association.

10.4 PHYSICAL PLANNING IMPLEMENTATION

The Villa De La Valle Specific Plan sets forth proposals below for the development of the respective properties included in the Specific Plan.

10.4a Specific Plan Advisory Board

This Board may be formed, among the participating owners, to monitor the actual development of their respective properties pursuant to the adopted Specific Plan. The purpose of the Board would be to ensure that the Specific Plan objectives and policies are carried forward into the physical development phases of the plan. The Advisory Board would meet as required to coordinate final development plans, provision of utility services and public facilities, to monitor the adopted financing plan, to ensure equity among owners and to deal with adjacent land owners who were not involved in the Specific Plan process, but subsequently desire to develop their properties.

10.4b Homeowners Association

Homeowners Associations have been formed for the individual properties, for the purpose of maintaining open space areas, private streets, and drives, and other privately owned facilities.

10.4c City of San Diego Progress Guide and General Plan

The Via De La Valle Specific Plan area is shown as Planned Urbanizing in the 1979 General Plan; however, no community plan exists for the area. The Specific Plan serves as the land use policy document.

The objective for Planned Urbanizing areas includes supporting the additional public investment necessary to complete development and allow the growth of communities already served by capital facilities. Land will be opened for urbanization in a staged, contiguous manner through the orderly extension of public facilities and the provision of housing for a variety of income levels.

10.4d City Council Policies

Development of the Specific Plan should conform to the following City Council policies:

- #600-2 Rezoning
- #600-4 Standards for Rights-of-Way and Improvements
- #600-7 General Plan Amendment Procedure
- #600-10 Adequacy of Public Services
- #600-19 Balanced Community
- #600-21 Subdivision Agreements
- #600-23 Open Space Preservation and Maintenance
- #600-25 Undergrounding of Utilities
- #600-28 Requirements for Development Approval in Planned Urbanizing Areas

10.4e Subdivision Map Act and Local Subdivision Ordinance

The subdivision process for projects in the Specific Plan should be conducted in accordance with the Subdivision Map Act and the City of San Diego Subdivision Ordinance.

10.4f Land Use and Development Regulations

The Via De La Valle Specific Plan designates residential land uses and densities for the respective properties. The land uses will be implemented through application of the zoning standards and other development criteria set forth in the Specific Plan. The use of the Planned Residential Development (PRD) process is necessary to implement the Specific Plan. The PRD will permit private drives, the use of cluster development and lot averaging in order to preserve the major hillsides and canyons in the planning area, while at the same time permitting reasonable development of the remaining areas.

The existing Hillside Review (HR) zones shown on **Figure 8** are recommended to remain on the Specific Plan. Approximately 50 percent of the planning area is on slopes of 25 percent or greater. The majority of these slopes, and the coastal bluffs, are proposed to be preserved in the Specific Plan. For development which may encroach into 25 percent or greater slopes which are not considered to be visually significant, the PRD process will enable the City to review the grading concepts for mitigating measures and visual impact. One such mitigation measure is the preservation of significant valuable natural open space areas in excess of the open space requirements of the PRD. In recognition of the visual importance of these properties, the Specific Plan proposes daylight grading and contour grading on the slopes facing south into the San Dieguito River Valley viewshed. A Coastal Development Permit from the State Coastal Commission shall be required to develop within the Specific Plan area until the permitting authority is transferred to the City.

10.4g Environmental Review

Under the terms of the California Environmental Quality Act (CEQA) and the City code, all rezonings, subdivisions, use permits, and other discretionary acts required for implementation of this Specific Plan are subject to environmental review. This review includes City staff analysis of the proposed project and related impacts, as well as a public review period. The supplemental environmental review for specific projects will ensure implementation of the resources management proposals outlined in **Chapter 7**. These proposals reflect the analysis and mitigation measures presented in the master Environmental Impact Report accompanying the Specific Plan.

10.4h Conditions, Covenants, and Restrictions

Although Conditions, Covenants, and Restrictions (CC&Rs) lie outside City enforcement procedures, this plan encourages the use of CC&Rs to enforce design guidelines and to maintain open space and improvements for each development project.

All CC&Rs shall contain the design guidelines contained in the Specific Plan. In addition, provisions for the design and maintenance of fencing, landscaping, drainage facilities, and open space areas within projects shall be set forth in the CC&Rs.

10.4i Development Credits - Transfer of Development Rights

The Specific Plan recognizes the visual significance of the south-facing slopes and canyons of the planning area. The graded areas conform to the existing contours and minimize encroachment onto steep slopes. The use of Transfer of Development Rights, or (TDR), has been established as an acceptable method for preserving open space areas (Mira Mesa), and historic structures (Golden Hill). The use of TDR for the Specific Plan is proposed in order to provide the City and the owners with another tool by which the visual and natural features of the planning area may be preserved, while granting the affected property owner(s) the right to transfer development credits elsewhere, within the planning area, and to preserve areas of open space in perpetuity or outside of the planning area.