

IMPLEMENTATION

The Rancho Encantada Precise Plan is one of several steps in securing City approval of development within the Precise Plan area. The adopted Precise Plan itself becomes the basis for reviewing concurrent or subsequent development plans, subdivision maps and other permits.

Although the City's Municipal Code (CMC) was replaced by the Land Development Code (LDC) on January 1, 2000, the Rancho Encantada Precise Plan is still subject to CMC requirements in effect prior to January 1, 2000, because the Montecito and Sycamore Estates sub-project applications were deemed complete prior to the effective date of the LDC. For this reason, the provisions of the CMC apply to this Precise Plan and its implementing entitlements. Where compliance with the Land Development Code is noted in this Precise Plan, such compliance is considered voluntary by the applicant.

SUBSTANTIAL CONFORMANCE

Minor changes and deviations in development from that described in this adopted Precise Plan will be permitted if such changes or deviations are approved by the Planning Department and substantially conform to the adopted Precise Plan. The following are examples of modifications which will be considered in substantial conformance with this document and do not require additional environmental review:

- a. Minor realignment or modifications of streets which do not affect the basic street pattern, modifications to utility/infrastructure placement, and grading adjustments, if also approved by the City Engineer.
- b. Modification to the configuration of land uses so long as the overall development footprint does not exceed the total acreage on **Table 2**, the open space configuration remains essentially unchanged, and the community center is retained.
- c. Modifications, additions, or deletions to such things as fencing, walls, lighting, entry treatments, and landscaping.
- d. Density transfer of residential units among the planning areas and the school site portions of the Precise Plan area, provided the maximum number of residential units does not exceed 935 units.
- e. Changes to the phasing plan.
- f. Any other modifications of a similar magnitude that the Development Services Department finds to be consistent with this Precise Plan.

PRECISE PLAN AMENDMENTS

Any modifications to this Precise Plan not meeting the definition of substantial conformance shall take place in accordance with the process described in this section. All amendments must be consistent with the goals and objectives of the General Plan, and the goals of this Precise Plan (see Precise Plan Section 1.5). All amendments will comply with the City of San Diego Municipal Code and shall be reviewed for approval by the Planning Commission and the City Council.

The applicant shall satisfy the following minimum criteria for a formal amendment to this Precise Plan:

- a. Demonstrate that the proposed amendment meets the goals and objectives of the City's Progress Guide and General Plan.
- b. Ensure that appropriate environmental review has been conducted in accordance with the California Environmental Quality Act.
- c. Provide revised Precise Plan text, maps and exhibits, as necessary and as required by the City's Development Services Department.
- d. Update Precise Plan technical studies (e.g. traffic, biology, archaeology) and/or provide additional environmental studies upon determination of the City's Development Services Department or City Engineer that they are necessary.

ENVIRONMENTAL REVIEW/RESOURCE PROTECTION ORDINANCE

The Environmental Impact Report (EIR) prepared for consideration of the Rancho Encantada Precise Plan is intended to be a comprehensive review of the impacts associated with development of the Precise Plan area. Due to the degree of analysis provided in the Rancho Encantada Program EIR, if environmental initial studies prepared for future implementing actions of the Rancho Encantada Precise Plan are found to be within the scope of the overall Program EIR, no new environmental documents would be required. Future discretionary actions required to implement the plan that are found not to be within the scope of the EIR would be subject to environmental review pursuant to the California Environmental Quality Act (CEQA).

The Rancho Encantada Precise Plan qualifies as a long-range plan under the City's Resource Protection Ordinance (RPO) and Council Policy 600-40, and implements the City's MSCP. If future project or permit applications within Rancho Encantada are found to be consistent with this Rancho Encantada Precise Plan, then future RPO permits may be approved using the substantial conformance determination referenced in the alternative compliance subsection of the RPO. Additionally, encroachment analysis for project or permit applications is unnecessary, so long as a substantial conformity determination is made by the decision-makers that the projects are consistent with the Rancho Encantada Precise Plan.

FINANCING OF PUBLIC FACILITIES

Streets, Construction, Public and Private

All on-site streets shall be constructed by the developer. The developer therefore will not be subject to Development Impact Fees (DIF) for the construction of on-site streets. Construction may be phased as defined by the relevant tentative maps.

Street Maintenance, Public

All public streets and streetscape trails will be maintained by the City of San Diego. Expanded parkways located on public streets will be maintained by the Master Homeowners Association (HOA) or the Maintenance Assessment District (MAD).

Street Maintenance, Private

All private streets (if provided) and streetscape trails will be maintained by the appropriate Homeowners Association (HOA) or Maintenance Assessment District (MAD).

Parks Construction, Public and Private

It is anticipated that the developers of Rancho Encantada will convey the neighborhood park sites to the City of San Diego. The conveyance obligation may be placed upon the tentative map(s) within which the parks occur. The public neighborhood parks within the Precise Plan must be funded to the satisfaction of the City prior to the submittal of the first final map within the Precise Plan area.

The Mission Trails North Regional Park will be conveyed to the City of San Diego in its existing condition consistent with Section 4.3.4(d).

Park Ownership and Maintenance, Public

The public parks shall be owned and maintained by the City of San Diego.

Park Ownership and Maintenance, Private

Private parks, if any, within residential planning areas shall be owned and maintained by the appropriate HOA.

School Construction and Phasing

The elementary school construction and phasing are subject to negotiation with the Poway Unified School District. Such negotiations will define the construction and availability of the elementary school.

Participation in Maintenance of On-Site Public Facilities

The only participation of this development for maintenance of on-site public facilities will be for landscape within the public rights-of-way. This will be accomplished through a Maintenance Assessment District (MAD). The MAD will either be a newly formed Rancho Encantada MAD or the Precise Plan area will be annexed to an existing, neighboring MAD. In addition, the water and sewer pump stations located on-site will be maintained by the Homeowners Association (HOA).

Participation in Maintenance of Off-Site Public Facilities

This Precise Plan will provide its fair share contribution to off-site public facilities. This will be accomplished through a Public Facilities Financing Plan (PFFP).

Participation in Maintenance of Open Space Areas

The Precise Plan area will provide its fair share contribution to the maintenance of open space areas exclusive of the MHPA within Rancho Encantada. The funding and responsibility assignments will be determined at the Tentative Map (TM).

DENSITY TRANSFER WITHIN PRECISE PLAN

If the total number of dwellings units in any Planning Areas is not accomplished, the “unused” dwelling units may be transferred to any other Planning Area. Density transfers shall be allowed without the need for a Precise Plan Amendment, provided that the following conditions are met:

1. The maximum number of dwelling units allowed by this Precise Plan (935) shall not be exceeded.
2. The density range designated for the receiving planning area shall not be exceeded.

Rural Residential = 0-1 du/ac
Very Low-Density = 1-3 du/ac
Low-Density = 3-5 du/ac
Medium-Density = 15-29 du/ac