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## **CHAPTER EIGHT: IMPLEMENTATION**

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### **GOAL:**

Provide for the comprehensive development of Torrey Highlands consistent with City procedures and assure the provision of adequate public facilities and services to serve residential, commercial and institutional uses in a timely manner.

### **8.1 IMPLEMENTING PRINCIPLES**

- Provide recommendation for the implementation of the land use and development proposals set out in this Plan.
- Phase development in a manner which considers the marketplace, the available community and transportation facilities and the development in surrounding communities.
- Provide for the timely financing of public facilities including buildings, recreational improvements, streets, and utilities, for both capital and operating and maintenance costs.
- In implementing this Plan, uphold the goals and principals embodied in the General Plan and City Council policies, as reflected in the objectives and proposals of this Plan.

### **8.2 REQUIRED APPROVALS**

#### **8.2.1 Subarea Plan**

The Subarea Plan was submitted to the Planning Commission and the San Diego City Council for review and approval. After a recommendation of approval from the Planning Commission, the City Council adopted the Torrey Highlands Subarea Plan as an amendment to the North City Future Urbanizing Area Framework Plan on August 5, 1996.

#### **8.2.2 Phase Shift**

Prior to development in the Torrey Highlands community consistent with the land use plan, a Phase Shift must occur which transfers the land from the General Plan designation of Future Urbanizing Area to Planned Urbanizing Area. According to Council Policy 600-30, the Phase Shift must first be approved by City Council, then submitted to a vote of the people. If the Phase Shift ballot measure is approved by a majority vote of the people, subsequent planning and development in the Subarea may proceed according to the conditions and requirements of the approved Subarea Plan. If the Phase Shift ballot measure is unsuccessful, the Phase Shift applicant may choose to pursue a subsequent Phase Shift effort; in the meantime, property owners within the Subarea may proceed with development applications consistent with the existing zoning.

### **8.2.3 State Route 56 Alignment**

Final selection of the alignment for SR-56 must occur prior to discretionary approval of any development in the Torrey Highlands community which is affected by the final alignment.

## **8.3 FACILITIES**

### **8.3.1 Public Facility Improvement**

A Public Facilities Financing Plan (PFFP) and Development Impact Fee (DIF) has been prepared for the entire Subarea IV. The PFFP identifies infrastructure improvements and other public facilities required to serve the projected population based on ultimate buildout of the Subarea. The timing of the improvements is tied to units constructed. The funding is tied to revenue generated by units constructed, including subdivision exactions, facilities fees and other development fees, by assessment districts, and/or by maintenance districts. Development may occur faster than the time frames anticipated but no faster than the thresholds identified. For instance, if the market allows construction to proceed with 200 units more than is anticipated by the estimates in the PFFP for the year 1997, the units may proceed only so long as the infrastructure and other public facilities are built to accommodate them.

### **8.3.2 School Facilities**

Development projects within Torrey Highlands will be required to comply with school financing and phasing as set forth in a School Facilities and Financing Plan (see **Appendix A**) prepared expressly for Subarea IV, and in concert with the Poway Unified School District (PUSD). No development within Subarea IV may occur prior to inclusion of the School Facilities and Financing Plan. No owner of land in Subarea IV may apply for the rezoning of property or any other permit to increase density entitlements for such property unless such owner has provided for the full mitigation of development impacts on the need for school facilities by (i) the execution of a school mitigation agreement between PUSD and the property owner seeking development approvals and (ii) if such owner has land designated as a school site, the execution of a school site purchase agreement consistent with **Section 8.6.1** between PUSD and the property owner seeking development approvals. The Plan includes elementary school, middle school and high school sites within Torrey Highlands, which are in addition to the elementary school and middle school already located within the area. Provisions for the acquisition of property for the eventual construction of the schools is contained in the School Facilities and Financing Plan consistent with the provisions of the Framework Plan. Further discussions of school facilities are provided in **Chapter 6, Community Facilities**.

### **8.3.3 School Mitigation Condition**

All impacts of development of the Torrey Highlands portion of Subarea IV on the facilities needs of the Poway Unified School District (the “District”) shall be fully mitigated. Prior to processing any application for rezoning or any permit to increase density entitlements within the Subarea, the City shall include as **Appendix A** of this Plan, a School Facility Financing Plan which provides that each property owner within the Subarea shall enter into a mitigation agreement with the District (the “Mitigation Agreement”) setting forth the terms and methods of fully mitigating impacts of development on the District through participation in a community facility district (CFD) pursuant to the Mello-Roos Community Facilities Act of 1982. Any owner of property within the Subarea Plan who seeks a building permit for property at a zoning greater than A-1-10 prior to the inclusion of their property in the CFD shall pay to the District the following amounts for each attached or detached residential unit:

\$18,391 per Detached Residential Unit

\$7,891 per Attached Residential Unit

The amounts shall be increased as of January 1 of each year commencing January 1, 1997 by the percentage change in the “Index” and in the manner provided in the Mitigation Agreement. Such impacts will be fully mitigated only if the Mitigation Agreement is fully performed. Therefore, continued performance under the Mitigation Agreement shall be a condition of approval by the City for any future zoning decision, tentative map, subdivision map, building permit or other development entitlement approval or any portion thereof (collectively, “entitlement”). Within ten (10) days following written request delivered to the District by the City or any applicant, subject to holidays and delays beyond reasonable control of the District, the District shall submit to the certificate indicating the status of the continued performance of the Mitigation Agreement.

## **8.4 FUTURE ACTIONS**

### **8.4.1 Zoning**

At the time of the Plan preparation and approval, the property within the subarea is zoned A-1-10, an agricultural zone permitting one dwelling unit per ten acres. Neither this Plan nor a successful Phase Shift shall constitute a rezoning. Uses at densities higher than A-1-10 shall require a rezoning application. Property owners shall be required to make application for rezoning consistent with the Plan’s land use designations in order to develop at densities greater than allowed in the A-1-10 zone as contemplated by the Plan. Approval of rezoning applications may be granted only if such application is consistent with the policies and requirements of the Framework Plan, this Plan and applicable environmental documents.

In 1991, the City of San Diego began work on a comprehensive revision of its Municipal Code (Zoning Code Update) as it relates to permit processing, land uses and development regulations. The new code, upon adoption, will be known as the Land Development Code. The task of the Zoning Code Update was to make

changes to permit processing procedures, revisions to land uses (the remaining and reformatting of existing zones and the creation of new zones) and establish refined development regulations. The Land Development Code, implemented January 1, 2000, renamed and reformatted zones. The new zones will be applied to property only upon an application by individual property owners to rezone from existing A-1-10 zoning.

#### **8.4.2 Environmental Review/Resource Protection Ordinance**

The Environmental Impact Report (EIR) prepared for consideration of this Plan is intended to be a comprehensive review of the impacts associated with development of the plan area. Future discretionary actions required to implement the Plan would be subject to environmental review pursuant to the California Earthquake Quality Act (CEQA).

The Plan qualifies as alternative compliance with the City Resource Protection Ordinance (RPO) through implementation of the Environmental Tier, the proposed MSCP and other City, state and federal regulations governing resource preservation and project mitigation. Subsequent discretionary actions will be reviewed for consistency with the Environmental Tier and the MSCP as established by the Plan. If consistency with the Plan and RPO or successor regulation, is established by the Planning Commission, future Resource Protection Permits may be reduced or eliminated.

#### **8.4.3 Planned Developments**

The Plan requires approval of Planned Development Permits (PDP) for specific areas of the Plan. The purpose of the additional level of review is to facilitate development toward imaginative and innovative planning to implement the goals and objectives of the Plan. The Local Mixed Use Center will require approval of PDPs concurrent with rezoning of the property, unless a citywide mixed use zone is established that will effectively guide the desired mix of development. In addition, residential areas throughout Torrey Highlands shall develop pursuant to PDPs to achieve clustered housing and concentrated open spaces. The City of San Diego NCFUA Framework Plan describes planned development requirements and processing guidelines which should be used in the Future Urbanizing Area including Torrey Highlands. Subsequent to a Phase Shift, those policies established by the City of San Diego for PDPs within planned urbanizing communities shall apply.

### **8.5 NCFUA CONSISTENCY WITHIN THE FRAMEWORK PLAN**

The NCFUA Framework Plan provides a land use plan and policies, as well as underlying standards and guidelines for the Subarea Plans. The Torrey Highlands Subarea Plan provides more detailed and site-specific information relative to the future development and constitutes a comprehensive amendment to the Framework Plan. Both documents will be used to review proposed development, but in instances where there are conflicts the Torrey Highlands Subarea Plan shall prevail.

## **8.6 PURCHASE AGREEMENTS**

### **8.6.1 School Sites**

Prior to consideration of any application for rezoning or application for approval of any permit to increase density for property, any portion of which is designated as a school site, purchase agreements (each fully executed by the relevant owner and Poway Unified School District) shall be delivered to the City. These purchase agreements (described in **Section 8.3.2** above) shall commit owners of designated school sites to sell those sites to School District and commit the School to buy those sites. The terms of the purchase agreements shall be negotiated between the relevant owner and School District, however, the purchase amount shall not exceed the amount set forth in the School Facilities Financing Plan and the acquisition date shall be no sooner than when the acquisition funding is provided for in the School Facilities Financing Plan.

### **8.6.2 Park Sites**

In order to implement the Subarea Park Plan, purchase agreements shall be offered to the City. These purchase agreements shall commit owners of designated park sites to sell those sites to the City and commit the City to buy those sites. The terms of the purchase agreements shall be negotiated between the relevant owner and the City, however, the purchase amount shall not exceed the amount set forth in the Facilities Financing Plan and the acquisition date shall be no sooner than when the acquisition funding is provided for in the Facilities Financing Plan.