

## ***6. IMPLEMENTATION AND AMENDMENT PROCEDURES***

This chapter establishes the regulatory processing and implementation guidelines for West Coyote Hills. Discretionary approval by the City of Fullerton will be required for the following items:

- General Plan Amendments
- Amend Coyote Hills West Master Specific Plan 2-A with the West Coyote Hills Specific Plan Amendment No. 8
- Zone Change from Oil-Gas to Specific Plan District (SPD)
- Subdivision Maps
- Development Agreement
- EIR Certification

### **6.1 GENERAL PLAN AMENDMENT**

The City of Fullerton General Plan will be amended to incorporate the West Coyote Hills Specific Plan. The proposed specific plan is generally consistent with the General Plan Land Use Element, which designates the site Greenbelt Concept. However, other elements of the General Plan will need to be amended. These may include Open Space and Resource Management and Housing. Other changes may be needed for revisions to statistical and map exhibits.

### **6.2 SPECIFIC PLAN AMENDMENT**

#### **6.2.1 PROCESS**

This amendment to the Coyote Hills West Specific Plan 2-A replaces the current specific plan with this proposed new specific plan. The City of Fullerton Community Development Department, in accordance with the provisions of the City of Fullerton Zoning Ordinance, shall administer the new specific plan. Approval of the new specific plan by City Council is considered acceptance of the general framework and specific development standards for the project. The preparation, review and adoption of this specific plan within a Specific Plan District (SPD) zone shall be in accordance with California Government Code Sections 65450 through 65457.

#### **6.2.2 MODIFICATIONS**

This document anticipates that further modifications to this Specific Plan may occur over time. Proposed modifications must be consistent with the General Plan and the goals, standards and guidelines established in this document. Two forms of modifications are allowed: Minor Modifications and Formal Amendments.

Minor Modifications may be approved by the Director of Community Development. The decision of the Director is subject to appeal to the Planning Commission and subsequently the City Council. The following are examples of minor modifications:

- Adjusting neighborhood boundaries by up to 10 percent of the total acreage of residential neighborhoods. These changes may be due to final engineering plans that adjust road alignments, lot layout, grading and open space boundaries.
- Dwelling unit transfers among neighborhoods provided that the total number of residential units is not increased and that the amount of transfer does not exceed 10 percent of the original allocation of units.
- Reconfiguration of open space areas by up to 10 percent of the total acreage.
- Minor changes in roadway alignments and street sections, provided that changes are consistent with the function and capacity of the roadway, and are approved by the City Engineer.
- Minor changes to the development standards and design guidelines, such as: substitution of plant material or plant species provided the landscape design objectives are met, and reduction of setbacks by not more than 10 percent.

Minor modifications shall be documented, numbered sequentially and kept as part of the administrative record.

### **6.2.3 AMENDMENTS**

As determined by the Director of Community Development, significant deviations from the intent of the specific plan shall require approval by the City Council. These changes are considered Formal Amendments and are required to be reviewed and a recommendation made by the Planning Commission, and reviewed and approved by the City Council.

Any Formal Amendments to the West Coyote Hills Specific Plan shall reflect the comprehensive analysis that has been undertaken in the adoption of the Specific Plan and may require additional environmental review. To have any amendment to the Specific Plan considered, the applicant must:

- Demonstrate that the proposed amendment is compatible with the goals and objectives of the Specific Plan and the General Plan;
- Update any technical studies and/or provide additional environmental studies, upon the determination by the Director of Community Development or City Engineer, and incorporate all mitigation measures into the project design;
- Provide a revised Specific Plan Text and Map, when appropriate, which reflects the requested amendment; and
- Demonstrate that the amendment is compatible with adjacent land uses and will not have any negative effect.

#### **6.2.4 DEVELOPMENT REVIEW PROCESS**

Refer to section 2.6, Development Review Process on page 2-63.

#### **6.3 ZONE CHANGE**

An application for a change of zoning, from Oil-Gas to Specific Plan District (SPD) zone is being processed concurrently with this Specific Plan Amendment. It requires that City Council identify West Coyote Hills as an area of the City where application of the Specific Plan District (SPD) zone is appropriate, and that a specific plan has been prepared for the area, and that such plan will be adopted concurrently with application for Specific Plan District (SPD) zoning. Once adopted, the West Coyote Hills Specific Plan will serve as the development regulations for the property.

#### **6.4 SUBDIVISION MAP**

Tentative tract maps will be submitted either concurrent with or subsequent to the application for specific plan amendment. The City of Fullerton Municipal Code, Title 16 Subdivisions, shall govern the division of the property into individual lots within the Specific Plan area. The Planning Commission and City Council shall review the map for consistency with the West Coyote Hills Specific Plan and approve the map when found to implement the objectives of the plan.

#### **6.5 DEVELOPMENT AGREEMENT**

A Development Agreement between the applicant and the City of Fullerton for the West Coyote Hills Specific Plan has been prepared in accordance with Government Code Sections 65864-65869.5. State law requires that Development Agreements specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The Development Agreement may establish conditions, terms, and requirements for subsequent discretionary actions by the City, but shall not prevent development of the Specific Plan Amendment area for the use, intensity, and density set forth in the Development Agreement. The agreement may provide that construction shall commence within a specified time, and that the project or any phase thereof be completed within a specified time. A phasing plan for the entire project is to be included in the development agreement specifying the general order of development phases, infrastructure improvements both on-site and off-site and other supporting facilities.

Development Agreements are recorded with the County; the terms of the agreement are binding, and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement.

#### **6.6 ENVIRONMENTAL REVIEW**

Environmental review shall be conducted for implementing actions of the West Coyote Hills Specific Plan, in accordance with the California Environmental Quality Act (CEQA).

All implementation actions should also employ sustainable planning and design principles. Therefore, developers and City agencies that will provide buildings and various facilities are encouraged to incorporate green design into their projects. Such policies may be adopted by the City in the future, and shall apply to the implementation of West Coyote Hills.

## **6.7 FINANCING MEASURES**

Infrastructure financing responsibility for the West Coyote Hills development project rests primarily with the master developer. In addition to funding project infrastructure improvements, the master developer is responsible for the payment of fees and assessments to support development of community services such as school, traffic and park improvements. Additional alternative mechanisms are available for financing the required improvements for the project.

As part of any tentative tract map approval within the project area, specific financing mechanisms may be chosen from among the options available at that time. Additional financing mechanisms may also be identified in the Development Agreement with the City and then made a condition of approval of tentative tract maps. Appropriate funding options include the following.

### **Special Assessment District**

Special assessment districts, such as the Lighting and Landscape Maintenance Act of 1972, the Municipal Improvement Act of 1913 and the Improvement Bond act of 1915, provide a method of leveraged financing whereby a public entity determines an area in which the provision of facilities will "benefit real property". This land secured financing can be used for public improvements that directly benefit those properties which are assessed to pay for the improvements at no risk to public agencies' general funds. A lien, based upon a benefit formula derived by an assessment engineer is established against property within a defined area. Municipal bonds which are issued or paid off over a period of time in installments (assessments) are secured by liens against the benefited property, normally collected with the underlying property tax.

### **Developer Funding**

In many cases, certain onsite facilities are tied directly to individual projects. In these cases, it is reasonable to expect the developer (or property owner) to pay the entire costs of the facility in order to secure development rights. Onsite local streets, utility connections from the main trunk lines, and drainage facilities are good examples of facilities that are normally required concurrent with development of an individual parcel and funded by the developer.

Another situation which may require developer funding is the construction of major off-site improvements that may be necessary to serve a larger area outside the project site. These facilities would normally be considered a capital improvement project of the City. If project development is proposed to precede the scheduled improvement date of the major facility, and the project needs the improvements to be completed, the developer may be required to pay their fair share of both the improvement costs to help finance construction and the operating costs to the date the facility would normally have been built. In some cases where a developer pays more than its fair share, the City and developer may enter into a reimbursement agreement whereby the City agrees to pay or reimburse the developer for payments in excess of its fair share as other developments come on line.

**Other Financing Resources**

Other viable financing mechanisms for implementation of the WCH Specific Plan are listed below:

- Conventional subdivision financing
- Land reservation, dedication deeding in fee, or easement
- Capital Improvements District
- Hook Up Charges
- Reimbursement Agreements
- Revenue bonds (water/sewer)
- Bridge Thoroughfare Districts
- Mello-Roos Community Facilities District
- Integrated Financing District