

8.0 IMPLEMENTATION

8.1 OVERVIEW

This section of the Valiano Specific Plan (the “Plan”) describes the mechanisms for implementing the Plan and is to be consulted whenever there is a question concerning the Plan implementation in relation to the subsequent actions that may be proposed within the Plan area boundaries. As the County of San Diego is the public agency responsible for the administration of the Valiano Specific Plan, the tools and procedures described in this section are to be implemented consistent with all County rules, regulations and policies, except where different procedures are described herein, in which case the County has exercised its authority under Government Code 65451 (a)(4) and Government Code 65452 to create different Specific Plan procedures.

8.2 PROJECT REVIEW PROCEDURES AND FUTURE ENTITLEMENTS

This section describes the review and entitlement procedures for development within the Plan area.

Specific Plan Authority

The Valiano Specific Plan is to be adopted by Resolution of the County of San Diego Board of Supervisors and used as the basis for the review of all subsequent discretionary entitlements in the Valiano Specific Plan area. As the regulatory document, the Plan establishes the land use and associated development, design and infrastructure standards that must be met to successfully implement the project.

Through the inclusion of development, design and infrastructure standards and incorporation by reference of the applicable Zoning Ordinance provisions, the Plan creates zoning standards specifically applicable to the Plan area. All design documents and development activities within the Valiano Specific Plan area are required to be consistent with this Plan. In the instances where the requirements of this Plan conflict with the Zoning Ordinance or Subdivision Ordinance, the Valiano Specific Plan shall be the controlling document. Conversely, if the Plan is silent on an issue, regulations within the existing Zoning Ordinance, or other adopted County standards shall prevail.

Administration

The County of San Diego Department of Planning & Development Services is the public agency responsible for the administration, implementation and enforcement of the Valiano Specific Plan. The Homeowner’s Association established in the Plan area is responsible for enforcing private property and

open space easement and agricultural easement maintenance requirements pursuant to the standards identified in the Plan and any separately created Covenants, Conditions and Restrictions (CC&Rs).

8.3 PROJECT PROCESSING

As described in more detail below, concurrent with this Plan, the San Diego County Board of Supervisors is to approve a General Plan Amendment, a Rezone, a Vesting Tentative Map, a Major Use Permit, and a Vesting Site Plan. Examples of subsequent approvals include another Site Plan (“V” Setback Designator and “D” Special Area Designator) when residential architecture is selected, a Final Map or Final Maps, Grading Plans, Improvement Plans, a Park Plan and Building Permits. Any additional development proposed within the Plan area would be subject to review and may require subsequent discretionary permits from the County of San Diego. Application, fee and processing requirements shall be in accordance with the County’s regulations, unless modified by this Plan.

The following discretionary actions are being processed concurrently with the Plan:

General Plan Amendment – A General Plan Amendment is necessary to change the Land Use Designations from SR-1 and SR-2 to SR-0.5. The Amendment is also to provide consistency with the County of San Diego’s General Plan Policy LU-6.3 Conservation-Oriented Project Design which promotes clustered projects utilizing specific plans. The Valiano Specific Plan was developed to provide more precise guidance for the land development, infrastructure, amenities, and resource conservation with the use types and densities specified by the Land Use Designations and the goals and policies of the General Plan.

Rezone – The existing Zoning or Use Regulation is A70, Limited Agricultural. The Rezone is proposed to change the Use Regulation to S88, Specific Plan Area Use Regulation. A portion of the property is proposed to change the Animal Designator “L” to “S”. The Building Type and Height Designators will not change. The Setback Designator is proposed to change from “C” to “V” and will require a subsequent Site Plan to establish the setbacks. The Special Area Regulation will add a “D” and will require a subsequent Site Plan to determine conformance to the Plan.

Vesting Tentative Map - The Vesting Tentative Map includes discretionary review of proposed land subdivisions and grading. The purpose of the Vesting Tentative Map is to show the design and improvements of the proposed major subdivision and the existing conditions in and adjacent to the project pursuant to the county’s Subdivision Ordinance. Upon compliance with the conditions of the approved Vested Tentative Map, the Final Map shall be recorded, allowing for the creation of individual lots within the Specific Plan Area.

Major Use Permit – A wastewater treatment facility is classified by the San Diego County Zoning Ordinance as a Major Impact Service and Utility pursuant to Section 1350 of the Zoning Ordinance and a Major Use Permit is required as a part of this Specific Plan for the wastewater treatment facility site. No revision to the Major Use Permit is required when processing the final engineering of the wastewater facility as long as the facility stays within the identified footprint on the Major Use Permit plot plan.

Site Plan – The Site Plan is required to identify the Tentative Map as vesting throughout the subdivision. Information from the Vesting Tentative Map is depicted on the Vesting Site Plan; including the buildable area on each single-family lot based on the minimum front, side, and rear setbacks. The Vesting Site Plan further establishes the maximum height for each single-family planning area. A subsequent Site Plan is also required by the “D” Special Area Regulation to determine conformance to the Plan and by the “V” Setback Designator to establish the setbacks. This subsequent Site Plan is required when architecture is selected for the single-family residences to demonstrate conformance to the design guidelines of the Plan (Chapter 2).

Future permit applications will be reviewed for consistency with all pertinent development standards, design standards, mitigation measures identified during the environmental review process, and other applicable conditions of approval adopted as part of the Plan. Applications will be reviewed by the Department of Planning & Development Services using established procedures, unless modified by this Plan. All subsequent development permits, public improvements and other activities shall be consistent with this Plan. In acting to approve a subsequent permit, to the extent permitted by law, the County may impose conditions as are reasonably necessary to ensure the project is in compliance with the Plan and all applicable plans/regulations. Either the applicant or County staff may initiate an amendment to the Valiano Specific Plan. Amendment procedures are detailed in Section 8.4, below.

The project processing requirements described within this Plan apply to all development proposed within the Plan area. This description addresses only entitlements that the County of San Diego has authority to grant.

Permits from other governmental agencies may be required prior to project implementation and the County assumes no responsibility for the identification of, or the pursuit of these permits on behalf of any applicant. As appropriate, State, federal and other local agency approvals are required prior to any development activity within the Plan area.

Environmental Review

Consistent with CEQA Guidelines 15162(c), each development project requiring a subsequent discretionary approval shall be reviewed to ensure compliance with the California Environmental Quality

Act (CEQA). The Environmental Impact Report (EIR) certified concurrently with the Valiano Specific Plan serves as the base environmental document for all subsequent discretionary entitlements within the Plan area. Discretionary development applications will be reviewed on a project-by-project basis to determine consistency with the certified EIR. Subsequent ministerial approvals are not subjected to CEQA review because they do not involve the exercise of the County's discretionary powers. (CEQA Guidelines 15060(c)(1).)

Options for Further CEQA Review of Subsequent Discretionary Approvals

Supplemental or Subsequent EIR

No subsequent or supplemental EIR shall be required for future discretionary development projects in the Plan area unless the County of San Diego determines substantial evidence exists that supports findings set forth in CEQA Guidelines Section 15162 or 15163. If the findings of CEQA Guidelines Section 15162 or 15163 are made, a determination will be made by the County of San Diego Department of Planning & Development Services Director as to appropriate subsequent or supplemental environmental document.

EIR Addendum

Pursuant to CEQA Guidelines Section 15164(a), the County of San Diego shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in CEQA Guideline Section 15162 calling for preparation of a subsequent EIR have occurred.

Exemption

Separately, California Government Code Section 65457 and CEQA Guidelines Section 15182 specifically state 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 where there is substantial evidence that none of the events described in CEQA Guidelines Section 15162 have occurred. The County of San Diego may choose to document the applicability of this residential specific plan exemption through a checklist, initial study, or and EIR Addendum.

A mitigation monitoring and reporting program (MMRP) was also adopted in accordance with CEQA Guidelines Section 15097 to ensure implementation of the EIR mitigation measures. As applicable, future developments within the Specific Plan area is required to implement mitigation measures in the MMRP, unless lawfully modified.

8.4 SPECIFIC PLAN MINOR MODIFICATIONS, OTHER REVISIONS AND FORMAL AMENDMENTS

Minor Modifications

Consistent with its authority under Government Code 65452, the County finds it necessary and desirable to implement the Specific Plan in a manner that accounts for market and other changes that may require minor modifications to the Specific Plan and may be approved as consistent with Specific Plan administratively by either the Planning Director or the Planning Commission. Upon application by the Applicant, which may include maps, text, and/or technical studies describing the nature of the minor modification, the Planning Director is presumed to make most minor modification decisions, but the Applicant can apply to the Planning Commission (or the Planning Director can delegate to the Planning Commission) the administrative decision in accordance with the following criteria which the County Board hereby deems to be consistent with the General Plan and the Valiano Specific Plan:

- **Setbacks** – Refer to Section 2.1.2 for a list of minimum front, side, and rear setbacks. This includes setbacks for the secondary dwelling units and animal keeping structures;
- **Architectural Styles** – Section 2.1.3 shall be used as the guideline for architectural styles and features within the community;
- **Walls and Fencing** – Refer to Section 2.1.5 for guidance of the design and character of walls and fences that occur on residential lots;
- **Fuel Modification** – Refer to section 4.5.4.1 of the Valiano Fire Protection Plan (FPP) for a list of lots that will be required to mitigate for reduced Fuel Modification Zones (FMZ);
- **Landscaping** – Refer to Section 2.2.3 for a representation guideline of the plants suitable for the Valiano community;
- Final facility sizing and alignment of water, sewer and storm drain improvements (with concurrence of County Engineer or County Public Works); Changes in utility and/or infrastructure servicing agency or changes in ownership of facilities from public to private;
- Deletion of utility infrastructure deemed redundant or unnecessary (with concurrence of County Engineer or County Public Works);

- Final alignment, width or grade of local public or private streets within the Specific Plan so long as the number and approximate spacing of connections is in general conformance with the Specific Plan Exhibits;
- Final bike and trail alignments;
- Changes in landscaping materials or location, wall materials, wall locations, entry design, fencing, signage, gates, lighting and streetscape design consistent with the conceptual design of the Specific Plan's Design Guidelines;
- Minor architectural changes (i.e. siding, railings, shutters, etc.);
- Addition or moving of accessory structures (i.e. detached garages, guesthouse, sheds) within the appropriate setbacks;
- Changes to the Design Guidelines that the Planning Director finds is reasonably calculated to provide a superior aesthetic design;
- Changes that do not violate any applicable health and safety regulations;
- Changes that realign or modify lot lines, pad levels, grading line adjustments, or changes in overall or per planning area grading quantities (with concurrence of County Engineer);
- Changes that modify brush management boundaries that County Fire concurs provides a functionally equivalent level of protection as the approved Fire Protection Plan;
- Changes in the size and location of the private parks recreation center or Private Central Oak Park (with concurrence of Director of Parks and Recreation);
- So long as the change does not cause a net increase the Specific Plan's total peak hour ADT identified in the Specific Plan's EIR, any change that: (1) expands or contracts the geographic area of a planning area within the outer boundaries of the Specific Plan; (2) changes land uses, including intensity and density changes, height and setback changes, transfers of uses or density (dwelling units) between planning areas, and substitution of uses (so long as the use is one that is allowed somewhere in the Specific Plan); (3) change in housing type (e.g. duplexes to single family units); (4) increases or decreasing in the total number of units; or (5) changes the sequencing or thresholds for development phasing;

- Changes necessary to comply with final conditions of approval in County-issued permits, regulations and approvals issued by other agencies with jurisdiction over the project;
- Changes caused by amendments to permits from other agencies with jurisdiction over the project that are deemed minor modifications under the other agencies' rules and regulations governing such approvals; and
- Any other minor modifications similar to those listed above and deemed minor by the Planning Director, which are in keeping with the intent of the Specific Plan.

The County finds that the minor modification criteria is necessary and desirable given that the Specific Plan is a conceptual land use plan intended to provide general guidance. The land uses and development yield identified in this Specific Plan have been carefully analyzed in the EIR. The analysis results and mitigation requirements reported therein are valid for minor modifications to the land uses and development yields that result in the same or less vehicular trips generated during the critical peak hour travel times. Therefore, minor modifications, including substitutions, density changes, and or transfers between planning areas, are allowed under this Specific Plan as a minor modification provided the identified trip generation for the peak hour travel times is not exceeded. Proposed revisions that exceed these traffic limits may still be processed as a minor modification where new no mitigation measures are required to offset the increased traffic impacts.

Other Revisions

If a proposed revision is determined to not met the above listed minor modification criteria then a Revised Tentative Map, a Minor Deviation to the Major Use Permit, a Modification to the Major Use Permit, a Minor Deviation to the Site Plan, or a Modification to the Site Plan can be processed without concurrently processing a formal Amendment to the Specific Plan. The Director of the Department of Planning and Development Services will determine which process is applicable by referencing these procedures in the Subdivision Ordinance or the Zoning Ordinance.

Formal Amendments

This Specific Plan can be amended anytime through a formal discretionary Specific Plan Amendment pursuant to Government Code Section 65453, which is the same manner as the initial Specific Plan adoption, and is required where the Planning Director (or Planning Commission) determines none of the minor modification factors are present. The County shall process all formal Specific Plan Amendments with additional environmental review or the proposed revision does not call for a revision of the Tentative Map, a minor deviation to the Major Use Permit, a modification to the Major Use Permit, a

minor deviation to the Site Plan, or a modification to the Site Plan, in accordance with the “**Options for Further CEQA Review of Subsequent Discretionary Approvals**” described above in Section 8.3.