

Chapter 10: Implementation

10.1 Introduction

This chapter identifies required public improvements and a phasing and financing plan for those improvements. Operation and maintenance responsibilities of various parks and recreation facilities, public open space areas, public roadways, drainage facilities and other public infrastructure are also provided. The cost revenue fiscal assessment for the proposed community prepared by Development Planning & Financing Group, Inc. (DPFG) was provided to the City in 2018 and peer reviewed by the City's expert, Keyser Marsten Associates, Inc (KMA). (DPFG 2018, KMA 2018.)

10.2 Required Public Improvements

Required public improvements for Fanita Ranch include the following:

- A. **Public Roadways** - Fanita Ranch includes new backbone roadways. A description of roadway improvements, including cross sections, is provided in *Chapter 4: Mobility*. Connection of the on-site circulation system to the off-site circulation system will be achieved by the northward extensions of Fanita Parkway and Cuyamaca Street. The northern terminus of Magnolia Avenue will be extended west to connect to Cuyamaca Street, which will provide another north/south route once offsite.
- B. **Public Infrastructure** - *Chapter 8: Grading, Utilities & Services*, describes infrastructure improvements, other than roads, that will be installed as part of the Fanita Ranch Project. These include water, sewer and storm drain improvements.
- C. **Fire Station** - *Chapter 3: Land Use & Development Regulations* require the provision of a new City Fire Station site within Fanita Commons. The Development Plan also requires the establishment of fuel modification zones and other fire improvements. These improvements are outlined in the Fanita Ranch Fire Protection Plan and are briefly described in *Chapter 8: Grading, Utilities & Services*.

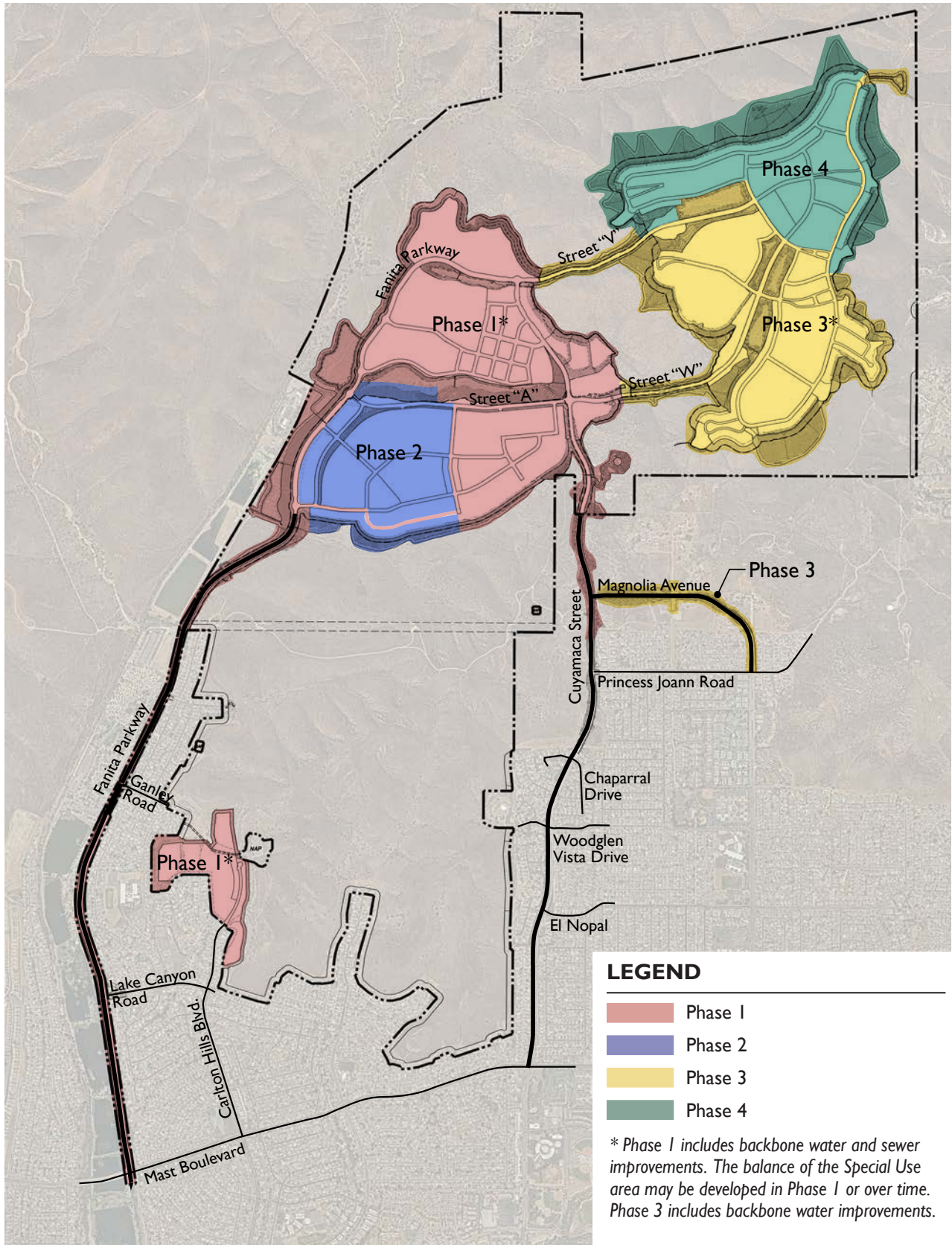
- D. **Parks & Trails** - *Chapter 7: Parks, Recreation & Open Space* describes the parks and trails improvements which include a public community park and a public neighborhood park in Fanita Commons, and private neighborhood parks, mini-parks and trails through the open space areas in the remaining portions of the community.
- E. **School Site** - *Chapter 3: Land Use & Development Regulations* applies a school overlay on a site planned to accommodate a K-8 school (S-1 planning area on *Exhibit 3.2, Site Utilization Plan*). The underlying land use for the school overlay site is MDR. It is the project's goal to implement the K-8 school in concert with Santee School District. Should the school site not be acquired for a public or private school use within two years of approval of the final map for the phase in which the site is located, the site may be developed consistent with the underlying MDR land use designation and the maximum total number of dwelling units in the Development Plan Area shall be 3,008 units. The additional 59 MDR units have been analyzed in the EIR, and additional units may be transferred from other planning areas within Fanita Ranch to this planning area to achieve the required MDR density, subject to the dwelling unit transfer requirements set forth in *Section 10.7.1: Administrative Amendments (Minor Modifications)*.

10.3 Phasing

The objective of the Conceptual Phasing Plan (see *Exhibit 10.1: Conceptual Phasing Plan*) is to coordinate the provision of public facilities and services with the anticipated sequence and pattern of development. The Conceptual Phasing Plan is divided into four phases as described below. The Phasing Plan is conceptual in nature and may change over the development lifetime of Fanita Ranch in response to changing market conditions or other unforeseen conditions. The phasing of development and implementation of public facilities may be modified, provided that the required public improvements are provided at the time of need. Amendments to the Conceptual Phasing Plan are considered administrative in nature. The Conditions of Approval for Fanita Ranch will outline the nature and timing of certain public infrastructure and facility improvements.

- Phase 1: Fanita Commons and the easterly portion of Orchard Village, off-site and on-site partial improvements to Fanita Parkway and Cuyamaca Street, sewer infrastructure through the Phase 2 area and water infrastructure in the Special Use area
- Phase 2: Westerly portion of Orchard Village
- Phase 3: Connections to the southerly half of Vineyard Village, water infrastructure through the Phase 4 area and off-site partial improvements to Magnolia Avenue
- Phase 4: Northerly half of Vineyard Village

These phases are conceptual and non-sequential and may occur concurrently. Phases may overlap or vary depending upon market conditions. They may also be broken down into smaller sub-phases. Each phase will likely take two to four years to complete. Construction is anticipated to begin in 2023 with



Conceptual phasing shown only; subject to future phasing refinements.

⊕ not to scale

Exhibit 10.1: Conceptual Phasing Plan

a build-out of approximately 10 to 15 years. The Special Use area and adjacent mini-park are not tied to the development phasing described above and may be developed anytime during project build-out; however, water infrastructure within the Special Use area will be constructed during Phase 1.

10.4 Public Improvements Financing

The size and scope of Fanita Ranch, as well as its anticipated 10 to 15 year build-out, suggest that a variety of financing measures may be required to finance the construction of required public improvements.

Various alternative financing programs are identified below. They include – but are not limited to – Special Assessment Districts, the Mello-Roos Community Facilities Act, reimbursement agreements, per unit hook-up fees, turnkey financing by individual project builders, State and Federal grants and loans, and various types of impact fees and exactions. The following list of financing programs is not exhaustive and other financing programs or vehicles may also be used to fund public improvements.

10.4.1 Special Assessment Districts

Assessment Districts formed under the Improvement Act of 1911 (Streets and Highway Code Section 5000 et seq.) and the Municipal Improvement Act of 1913 (Street and Highway Code Section 1000 et seq.) are authorized to pay for public infrastructure improvements such as streets, sewers, storm drains, water improvements, streetlights, flood control systems, parks and curbs and gutters. The method of apportionment dictates that direct and special benefit must be received by the properties assessed for the improvements authorized and constructed or acquired. Generally, bonds are issued to finance the improvements through the Improvement Bond Act of 1915 (Streets and Highway Code Section 8500 et seq.). An assessment district is subject to the noticing and majority protest balloting provisions of Proposition 218, with ballots weighted according to financial obligation.

Landscaping and Lighting Districts formed under the Landscape Lighting Act of 1972 (Streets and Highway Code Section 22500 et seq.) can finance the cost of operating, maintaining and servicing landscaping, public lighting, appurtenant facilities including but not limited to curbs, gutters, walls, sidewalks or paving, or water, irrigation, drainage or electrical facilities, park and recreational improvements. The method of apportionment for Assessment Districts applies to Landscaping and Lighting Districts and a direct and special benefit must be received by the properties assessed for the maintenance of the improvement authorized. The noticing and majority protest balloting process that applies to Assessment Districts pursuant to the provisions of Proposition 218 applies to Landscaping and Lighting districts.

10.4.2 Mello-Roos Community Facilities Act of 1982

Community Facilities Districts formed under the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq.) can finance facilities with a useful life of five years or longer, such as street and roadway improvements, water systems, sewers, storm drains and flood control improvements, community improvements and facilities, and finance services relating to law enforcement, fire, parks, parkways and open space maintenance, flood and storm protection. The Community Facilities District is authorized to issue bonds to finance the acquisition or construction of facilities and to levy a special tax to repay the bonds or finance the services authorized. The method of apportionment must be reasonable but cannot be based directly on the value of property. A community facilities district is subject to the voter/Landowner/Master Developer provisions of the Act of a Landowner/Master Developer election if there are less than twelve registered voters in the district.

Benefit Assessment Districts formed under the Benefit Assessment Act of 1982 (Government Code Section 54710 et seq.) can finance the maintenance and operation of drainage services, flood control services, street lighting and street, road or highway maintenance. The method of apportionment requires that for flood control services, the basis of the assessment be based on proportionate storm water runoff; and for street lights, the assessment be a uniform rate. The noticing and majority protest balloting process that applies to Assessment Districts pursuant to the provisions of Proposition 218 applies to Benefit Assessment Districts.

10.4.3 Business Improvement Districts

Business Improvement Districts formed under either the Parking and Business Improvement Law of 1989 (Street and Highway Code Section 36500 et seq.) of the Property and Business Improvement District Law of 1994 (Street and Highways Code Section 36600 et seq.) can acquire, construct, install or maintain parking facilities, benches, trash receptacles, street lighting, decorations, parks and fountains. It can provide services such as promotion of public events, furnishing of music in any public place, promotion of tourism, activities, which benefit businesses in the district. Only businesses in a district can be assessed on the basis of estimated benefit. The noticing and majority protest balloting process required by Proposition 218 is enhanced under the 1944 Act to include both mailing of individual notices to all business owners as well as published public notices.

10.4.4 Community Service Districts

Community Service Districts and County Service Area formed under the Community Services District Law (Government Code Section 16000 et seq.) or the County Service Area Law (Government Code Section 25210.1 et seq.) can provide extended services including but not limited to water service, street lighting, refuse and garbage collection, and road maintenance. The method of apportionment can be on a uniform or benefit basis. The formation of these types of districts include approval of a local agency formation commission and an election process.

10.5 Operation and Maintenance

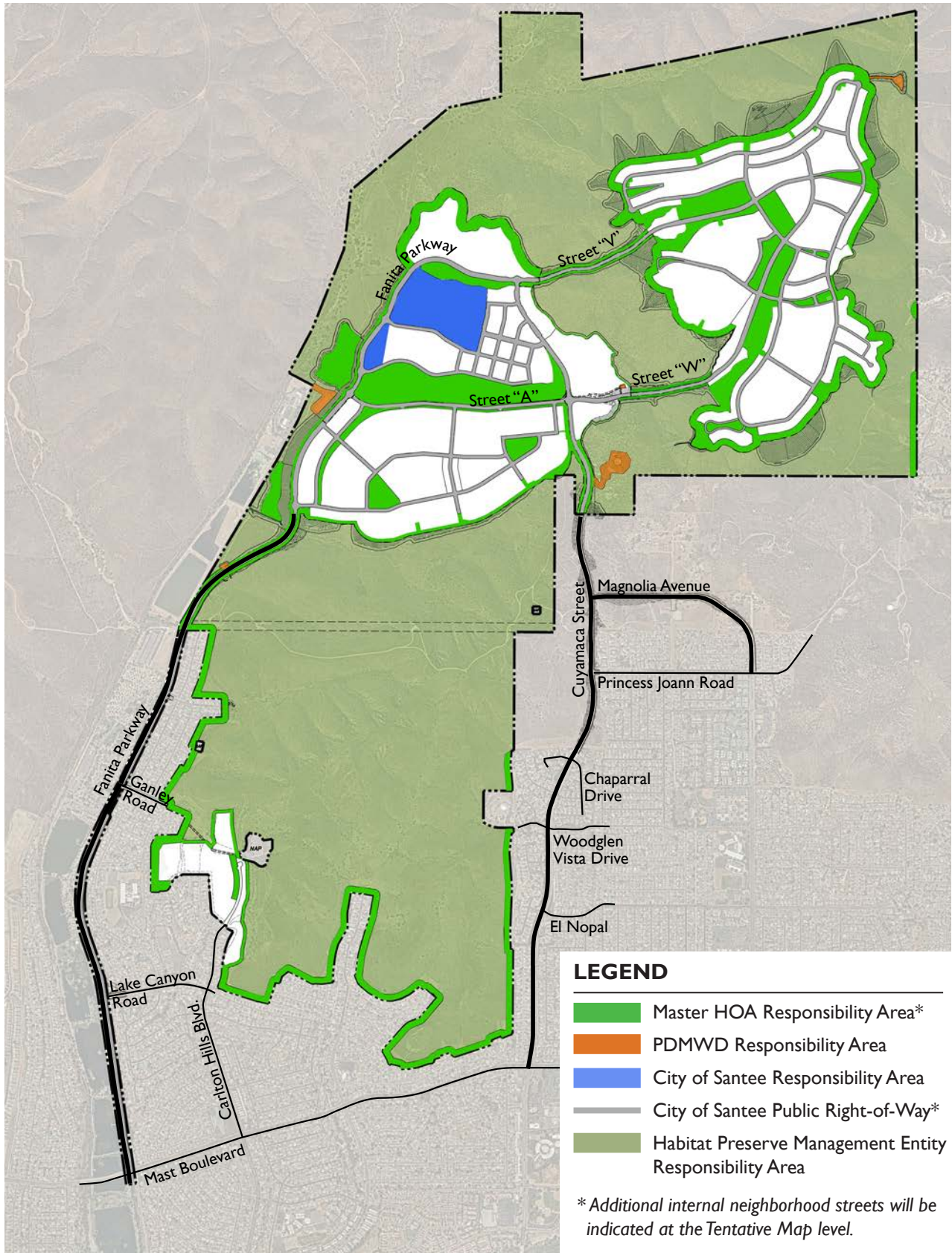
Maintenance responsibilities for public and common area improvements may be addressed in Fanita Ranch's Condition of Approval and/or other agreement(s) between the Landowner/Master Developer and the City of Santee. Those responsibilities will, to the extent they may be different, take precedence over the concepts described in this Development Plan.

It is anticipated that the Landowner/Master Developer will be required to dedicate Conservation Easements over the Santee MSCP Subarea Plan areas and transfer ownership to an entity consistent with the MSCP Plan as applicable. It is also assumed that the accepting entity will become responsible for managing, monitoring and maintaining the property and assuring its sustainable preservation.

Exhibit 10.2: Operation and Maintenance Responsibility Areas shows the distribution of anticipated responsibility areas for the HOA, City of Santee and the Habitat Preserve entity.

Generally, it is also anticipated that:

- A. Private parks, common open space areas and private roads will be maintained by a Homeowners Association(s) (HOA), Property Owners Association(s) and/or a Landscape Maintenance District (LMD) as mutually agreed between the Landowner/Master Developer and City of Santee.
- B. Maintenance of Fuel Modification Zones within private homeowner lots will be the responsibility of the homeowner. Maintenance of Fuel Modification Zones outside the private homeowner lot boundaries will be the responsibility of the HOA or Habitat Preserve management entity, as identified in the Fanita Ranch FPP.
- C. The Community Park and Neighborhood Park 8 (refer to *Exhibit 3.2, Site Utilization Plan*) will be dedicated to the City of the Santee. A mechanism and schedule for constructing and maintaining the parks shall be provided in the Conditions of Approval or other agreement(s) between the Landowner/Master Developer and City.
- D. Water and sewer facilities will be dedicated to the Padre Dam Municipal Water District (PDMWD). PDMWD will be responsible for the operation and maintenance of these areas, including water storage sites and related facilities.



not to scale **Exhibit 10.2: Operation & Maintenance Responsibility Areas**

10.6 Administration and Implementation

The purpose of this section of the Development Plan is to define certain implementation and administrative procedures to provide clear instructions and notice to property owners and developers within Fanita Ranch regarding permit and plan approvals. The general intent of these regulations is to use the prevailing City of Santee procedure(s) to enforce the provisions of the zoning and subdivision codes unless otherwise described herein. The City of Santee Development Services Department shall enforce the site development standards set forth herein, in accordance with the State of California Government Code, Subdivision Map Act, the City of Santee Essential Housing Program, the City of Santee General Plan and the City of Santee Municipal Code (SMC). Pursuant to Urgency Ordinance No. 592 (Fanita Ranch EIR, Appendix R) adopting the Essential Housing Program, the General Plan, and SMC, the development procedures, regulations, standards and specifications contained in this adopted Development Plan shall supersede the relevant provisions of the SMC and development regulations, as they currently exist or may be amended in the future.

10.6.1 Severability

If any section, subsection, sentence, clause, phrase or portion of this Development Plan, or any future amendments or additions hereto, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Development Plan, or any future amendments or additions hereto. The City hereby declares that it would have adopted these requirements and each sentence, subsection, clause, phrase, or portion or any future amendments or additions thereto, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions or any future amendments or additions thereto may be declared invalid or unconstitutional.

10.6.2 Conflicts and Clarifications

If ambiguity exists with respect to matters of height, setback requirements, area requirements, or land use designation or planning area boundaries as set forth herein, it shall be the duty of the Development Services Director to ascertain all pertinent facts and make a determination based upon the proposed uses consistency with the intent of the Development Plan.

To ensure that the Development Plan will permit all similar uses in each land use designation, the Development Services Director, upon his or her own initiative or upon written request, shall determine whether a use not specifically listed as a permitted or temporary use in any land use designation shall be deemed a permitted use in one or more land use designations on the basis of similarity to uses specifically listed.

Application for determination of similar uses shall be made in writing to the Director of Development Services Department (Development Services Director) and shall include a detailed description of the

proposed use and such other information as may be required by the Development Services Director to facilitate the determination. The Development Services Director, or designee, shall compare the proposed use characteristics with the General Plan and Development Plan goals and objectives as well as the purposes of each of the land use designations, and may determine if the proposed use should be a permitted use in any of the land use designations and shall document his or her findings. The Development Services Director shall base his or her decision upon meeting the following findings:

- A. The use in question has similar functional characteristics as, and is compatible with, other permitted or temporary uses in the same land use designation and does not exceed the maximum density or square footage of the land use designation in which it is proposed.
- B. The use in question meets the purpose and intent of the land use designation in which it is proposed.
- C. The use in question meets and conforms to the applicable goals and objectives of the Santee General Plan, which may be shown through demonstrating substantial consistency with the Fanita Ranch Essential Housing Project certification (Fanita Ranch EIR, Appendix R).

10.6.3 Substantial Conformance

The Development Services Director may determine a project or use is in substantial conformance to the adopted Development Plan subject to the findings below. Appeals of the Development Services Director's determination may be made to the City Council in the manner prescribed in Section 13.04.070 of the SMC.

- A. The proposed project or use is substantially consistent with the Santee General Plan (which may be shown through demonstrating substantial consistency with the Fanita Ranch Essential Housing Project certification, Fanita Ranch EIR, Appendix R), and is substantially consistent with the Fanita Ranch Development Plan and other applicable adopted policies of the City.
- B. The proposed project or use is substantially consistent with the Fanita Ranch Development Plan and its purpose and intent. Land use, circulation pattern and community design concepts are generally consistent. Statistical variations such as site area calculations shall be 15% or less.
- C. The proposed project or use meets the provisions of the Development Plan, *Section 3.2: Land Use Designations and Development Regulations* governing the use of land, buildings, structures, building setbacks, building heights and other provisions.

- D. The proposed project or use will not, under circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.
- E. The proposed project or use is substantially consistent with the principles and overall quality of design established for the Fanita Ranch Development Plan.

10.6.4 Subdivisions Standards and Procedures

Tentative maps, parcel maps and final maps shall be consistent with the development standards set forth by the Fanita Ranch Development Plan and shall be processed in accordance with the procedures and submittal requirements set forth Title 12, Division I. Subdivision of Land, of the SMC.

10.6.5 Development Review

10.6.5.1 Applicability

An application for Development Review is required for all projects involving the issuance of a building permit for construction or reconstruction of a structure which meets any of the following criteria:

- A. New construction on vacant property.
- B. One or more structural additions or new buildings, with a total floor area of 1,000 square feet or more.
- C. New construction of residential development which is part of a tentative map or tentative parcel map application.
- D. Reconstruction or alteration of existing buildings on sites when the alteration significantly affects the exterior appearance of the building or traffic circulation of the site. Exceptions are maintenance or improvement of landscaping, parking, exterior re-painting or other common building and property maintenance activities.
- E. The conversion of residential or commercial buildings to condominiums.
- F. A Development Review application for an accessory dwelling unit will be processed administratively and not subject to application fees.

The following describes the administrative processes and procedures for reviewing future Development Review applications within Fanita Ranch.

10.6.5.2 Preliminary Review Procedures

The Landowner/Master Developer shall conduct a preliminary Development Review process prior to application submittal to the City for all applications filed during initial build-out of the Fanita Ranch Development Plan. The preliminary review by the Landowner/Master Developer is for recommendation purposes only and is intended to add an extra level of review in order to ensure compliance with adopted plans. The preliminary Development Review process includes the following:

- A. The Landowner/Master Developer shall provide project applicants/guest builders with submittal requirements for preliminary Development Review; and
- B. Each application filed with the City shall be accompanied by the Landowner/Master Developer written recommendation for approval, modification or denial of the proposed project.

10.6.5.3 Formal Development Review Procedures

The Development Review application process, as defined in SMC Title 13, Zoning, Chapter 13.08, Development Review, is designed to ensure that each new project achieves the intent and purpose of the Fanita Ranch Development Plan. All new development in Fanita Ranch shall be subject to review and approval by the Development Services Director. Development Review is intended to provide sufficient detail in site planning, architectural design and landscape architectural design to enable a specific development project design to be reviewed with respect to compliance with the Fanita Ranch Development Plan. The Development Review shall include the following:

- A. An application for a Development Review Permit shall be submitted to the Department of Development Services on a form provided by the Department and accompanied by a fee as established by the City.
- B. The application shall be accompanied by a site plan, building elevations, landscape plan and other information as may be required to adequately evaluate the proposed project.
- C. Upon receipt of a Development Review application, the Development Services Director shall review the application based upon the following scope:
 1. **Site Adjacencies.** Development Review may be performed on a parcel but may also include a group of buildings or multiple parcels so long as a conceptual design of the entire parcel is provided. Because of the importance of design context and continuity of streetscapes, Development Review submittals shall be required to address relationships to adjacent sites within the Development Plan Area at a conceptual level. This conceptual planning provides assurance that options for the logical build-out can occur but approval of the Development Review application will not constrain future development proposals. Any projects found not to

be in substantial conformance by the Development Services Director may apply for a variance or an amendment to the Development Plan.

2. **Development Plan Compliance.** Because of the wide range of appropriate design options within Fanita Ranch, any Development Review submittal that meets the prescriptive standards of *Chapter 3: Land Use & Development Regulations*, as applicable, shall be deemed to be in conformance with the Development Plan unless substantial evidence is presented to refute the conclusion. Any and all design revisions or conditions applied to a proposed project by the Development Services Director, or other reviewing and approving body, will only be made in order to meet the Development Plan's design objectives. Any determination made by the appropriate decision making authority that the proposed decision is in conflict with the Development Plan shall clearly identify the specific objective, policy or design statement that is found to conflict with said proposed design. The fact that a proposed design is not illustrated in the Development Plan is not evidence of a conflict. The Fanita Ranch Development Plan utilizes multiple examples of building typologies to convey a sense of design character specifically to avoid a requirement for a specific design. Substantial evidence of conflict requires that the design proposal be inconsistent with the design character conveyed by the multiple examples.
 3. **Landscaping and Outdoor Lighting.** Landscaping and outdoor lighting should reflect the design character, framework and criteria established by *Chapter 5: Landscape Architecture, Community Design & Outdoor Lighting Design Plan*. Except within the riparian and fuel modification zones, additional plant material not specifically identified within the Development Plan or the Fanita Ranch Fire Protection Plan but are complementary to the established palette and are non-invasive may be deemed to be in conformance with the Development Plan if approved by the Santee Fire Department.
- D. Applications will be reviewed within 30 days of project submittal to ensure that all of the required information is included.
 - E. Applications shall be reviewed by the Development Services Director for compliance with the Crime Prevention through Environmental Design (CPTED) elements pursuant to the Development Review Criteria stated in SMC Section 13.08.070(I)(7).
 - F. The City shall review projects pursuant to Public Resources Code 21166 for compliance with the Development Plan and the certified Fanita Ranch EIR.
 - G. Projects inconsistent with the Development Plan will be required to pursue a Formal Development Plan Amendment (see *Section 10.7.2* of the Development Plan) or variance as applicable, which may necessitate additional environmental review. Formal Amendments to the Development Plan shall be subject to the requirements of the California Environmental Quality Act (CEQA).

- H. Prior to approving a Development Review application, the Development Services Director shall find that:
1. The proposed development is consistent with the Santee General Plan (which may be shown through demonstrating substantial consistency with the Fanita Ranch Essential Housing Project certification, Fanita Ranch EIR, Appendix R).
 2. The proposed development is consistent with the Fanita Ranch Development Plan.
 3. The proposed development is consistent with the Fanita Ranch Fire Protection Plan.
 4. The potential environmental impacts of the proposed development have been addressed in the certified EIR for the Fanita Ranch Development Plan.
- I. Once a Development Review Application has been deemed complete, the Development Services Director shall approve, conditionally approve or deny the application and issue a letter regarding his or her decision within 30 days.
- J. Appeals of the Development Services Director's determination may be made to the City Council in the manner prescribed in Section 13.04.070 of the SMC.

10.7 Development Plan Modifications and Amendments

Approval of the Fanita Ranch Development Plan signifies acceptance by the City of Santee of a general framework and specific development standards for Fanita Ranch. It is anticipated that certain modifications to the Development Plan text and graphics may be necessary through the life of the project. Any modifications to the Development Plan shall occur in accordance with the amendment process described in this section. Future Administrative Amendments, pursuant to *Section 10.7.1* of this Development Plan, allow for minor changes to the Development Plan and may be approved by the Development Services Director. In all cases the amendments must be found to be consistent with the goals and vision of the Fanita Ranch Development Plan. All other proposed changes are considered Formal Amendments and are required to be reviewed for approval by the City Council.

10.7.1 Administrative Amendments (Minor Modifications)

Upon determination by the Development Services Director, certain minor modifications to the Development Plan text and/or graphics may be considered ministerial and do not require a public hearing. Such decisions shall be memorialized in a form acceptable to the Department of Development Services and made available for public review upon request. The Development Services Director has the authority to approve Administrative Amendments to the Development Plan as follows.

A. Transfer of Dwelling Units and Commercial Square Footage: Transfer of dwelling units and commercial square footage is an administrative process conducted by the Development Services Director to ensure that the Fanita Ranch Development Plan's total maximum numbers of dwelling units and commercial square footage are not exceeded. *Exhibit 3.2: Site Utilization Plan* is intended to provide the general design intent of the Fanita Ranch Development Plan. The Development Plan recognizes the need for flexibility in planning to accommodate potential development constraints and future market demands. Notwithstanding the foregoing, if a proposed project is inconsistent with the target density and/or commercial square footage shown for the respective planning area in *Table 3.2: Site Utilization Plan Statistical Summary*, a transfer of dwelling units and/or commercial square footage shall be required. Any reallocation of dwelling units between planning areas in the same land use designation within the same Village is permitted, provided the resulting densities of the granting and receiving planning areas are consistent with the density ranges specified for the land use designation, and the total dwelling unit count for the respective land use designation within the Village is not exceeded. Up to 15% of the total dwelling units for the VC, MDR, LDR, MDR and AA land use designations may be transferred between these land use designations and between the Villages, and any commercial square footage may be transferred between parcels with a "VC" land use designation and "A" overlay areas as well as between the Villages, provided such transfer is consistent with the Development Plan. The Applicant must demonstrate that the proposed transfer will not impact the major circulation system or infrastructure; the total Average Daily Trips (ADT) does not exceed the total Project Trip Generation¹ identified in the Fanita Ranch Traffic Impact Analysis (see Fanita Ranch EIR Appendix N); and the overall maximum of 2,959 dwelling units and 80,000 square feet of commercial uses in the Development Plan Area is not exceeded¹. Any other type of transfer shall require a Formal Amendment. The Development Services Director shall approve or deny the proposed transfer subject to the following findings and conditions:

1. The resulting density of the granting and receiving planning areas shall be consistent with the density ranges specified for the respective land use designations.
2. The planned identity and character of Fanita Ranch is preserved.

1. *Chapter 3: Land Use & Development Regulations* applies a school overlay on a site reserved for a K-8 school (S-1 planning area on *Exhibit 3.2: Site Utilization Plan*). The underlying land use for the school overlay site is MDR. If the school site is not acquired for a public or private school use within two years of filing of the final map for the phase in which the site is located, the underlying MDR land use designation may be implemented and the maximum total number of dwelling units in the Development Plan Area shall be 3,008 units. Residential units may be transferred from VC, MDR, LDR and AA land use designations and planning areas as set forth in (A) above, provided the total ADT for the Development Plan Area does not exceed the total Project Trip Generation identified in the Fanita Ranch Traffic Impact Analysis under the no-school scenario and the maximum total number of dwelling units in the Development Plan Area does not exceed 3,008. Units transferred into the S-1 planning area shall comply with the development regulations established for the MDR land use designation. Dwelling unit transfers shall be documented and made publicly available upon request, including updates to Development Plan *Table 3.1: Land Use Plan Statistical Summary* and *Table 3.2: Site Utilization Plan Statistical Summary*.

3. The project applicant/guest builder has received a letter of recommendations for approval, modification or denial of the dwelling unit and/or commercial square footage transfer from the Landowner/Master Developer.
4. The project applicant/guest builder has provided supporting technical studies, if necessary, to the satisfaction of the Development Services Director that substantiate adequate infrastructure exists to support the requested transfer.
5. Public facilities and infrastructure, including the school and parks, shall be provided based on the final number of units, and the applicant/guest builder shall pay any additional fees resulting from said transfer.
6. The overall maximum intensity of 2,949 residential units and 80,000 square feet of commercial uses in the Development Plan Area is not exceeded.¹

Transfers of dwelling units and commercial square footage shall be documented and made publicly available upon request, including updates to Development Plan *Table 3.1: Land Use Plan Statistical Summary* and *Table 3.2: Site Utilization Plan Statistical Summary*.

- B. Combining or reconfiguring the individual planning areas within a Village Center shown in *Exhibit 3.2: Site Utilization Plan*, provided supporting plans and/or documentation demonstrating adequacy of access and internal neighborhood circulation, if necessary, are provided to the satisfaction of the Development Services Director. Consolidation or reconfiguration of individual planning areas within a Village Center shall be documented and made publicly available upon request, including updates to Development Plan *Exhibit 3.2: Site Utilization Plan* and *Table 3.2: Site Utilization Plan Statistical Summary*.
- C. Realignment or modification of internal neighborhood streets serving the Development Plan Area, easement locations and grading adjustments outside the Habitat Preserve boundary, if also approved by the City Engineer or his/her designee.
- D. Minor technical refinements to the boundaries and area calculations of the planning areas listed in Development Plan *Table 3.2: Site Utilization Plan Statistical Summary* resulting from the approval of a tentative or final map, provided the maximum density of the land use designation and the total land use designation acreage within the Development Plan Area are not exceeded and the total Habitat Preserve acreage is not reduced. Planning area boundary and acreage adjustments shall be documented and made publicly available upon request, including updates to Development Plan *Table 3.1: Land Use Plan Statistical Summary* and *Table 3.2: Site Utilization Plan Statistical Summary*.

- E. Minor modifications to the Development Plan that do not increase the approved densities of the Development Plan.
- F. Modifications to design criteria such as paving treatments, architectural details and related criteria.
- G. Landscape treatments, fencing, lighting, trails and entry treatments, provided the modifications are in substantial conformance with the purpose and intent of the specified design criteria.

10.7.2 Formal Amendments

All proposed Development Plan Amendments, which do not meet the criteria for an Administrative Amendment as described on *Section 10.7.1: Administrative Amendments (Minor Modifications)*, shall be deemed to require a Formal Amendment of the Development Plan. All Formal Amendments shall be reviewed for approval by the City Council at a public hearing and comply with applicable law. It shall be the applicant's/guest builder's responsibility to update any related technical studies and/or provide additional studies when determined necessary by the Development Services Director.

10.8 Monitoring and Updates

In order to ensure continuing compliance with the adopted Fanita Ranch Development Plan and the provision of certain population based public facilities, the Development Services Director or designee shall at all times maintain an official copy of the Fanita Ranch Development Plan, including all Administrative Amendments (Minor Modifications) and Formal Amendments thereto, as well as each Development Review approval and/or dwelling unit or commercial square footage transfer as an administrative action, including updates to Development Plan *Table 3.1: Land Use Plan Statistical Summary* and *Table 3.2: Site Utilization Plan Statistical Summary* (collectively, "Fanita Ranch Development Plan File"). The current Fanita Ranch Development Plan File and associated changes, if any, shall be provided to the Development Services Director at the time of each Development Review approval and/or dwelling unit or commercial square footage transfer.