

6.1 PURPOSE AND INTENT

This section sets forth the Specific Plan’s implementation procedures.

The section contains procedures to implement the regulatory provisions of the Specific Plan, which are set forth in **Section 4.0, Development Regulations**. Included are provisions unique to the Specific Plan for the implementation of the Transfer Adjustment Regulations in **Section 4.0**.

The section also contains criteria under which the City’s Director of Community Development (Director) may make a determination of whether a proposal is in substantial conformance with the Specific Plan; or whether, an amendment to the Specific Plan is required. In addition, the section provides a discussion of the California Government Code provisions governing the amendment of specific plans.

6.2 IMPLEMENTATION PROCEDURES

The Specific Plan may be implemented primarily through the process of subdivision maps. All land subdivision maps of any type (e.g., tentative or final, vesting or non-vesting, tract or parcel) shall be submitted, reviewed, and approved in accordance with the SCMC and Subdivision Map Act. Where the provisions or procedures of the SCMC conflict with the provisions of this Specific Plan, the Specific Plan shall apply.

6.3 PHASING

Subject to market and economic changes and conditions, the rate of growth in the immediate vicinity and region, and changes in infrastructure/public facilities requirements, conditions and needs, initial construction is estimated to begin in 2022. Subject to market conditions, Buildout of the project is estimated to occur over approximately 5 years ending in 2027. It is anticipated that buildout would occur in three phases: (1) grading, (2) infrastructure improvements, and (3) building and remaining construction. The grading phase and infrastructure improvements phase would each occur over the entire planning area, with the grading phase first, and the infrastructure improvements phase following. The building and remaining construction phase would follow for each Planning Area.

6.4 RELATIONSHIP WITH THE CITY’S UNIFIED DEVELOPMENT CODE

While the Specific Plan includes land use diagrams, additional details regarding subsequent development are required with subsequent application submittals. The Specific Plan includes development and design standards and guidelines but cannot foresee every potential condition requiring decisions within the Use Permit process. Any subsequent discretionary approval or amendment to the Specific Plan must be consistent with the General Plan, as amended and/or

updated. Future development applications will be processed that are in substantial conformance with the Specific Plan or that may require an amendment to the Specific Plan as determined by the Director.

6.4.1 Substantial Conformance for Minor Deviations

The following items may deviate, within specified limitations, from the adopted Specific Plan but shall be considered in substantial conformance with the Specific Plan. Review of such proposed modifications shall occur at staff level, through the Development Review, Administrative Permit, or over the counter review process if so determined by the Director. The Director, however, shall have the discretion to refer any such request for modification to the City Council and/or Planning Commission as a Major Modification to the Specific Plan.

- (a) **Modification to the Approved Building Types, Unit Mix, Unit Size.** Modification to the approved building types, unit mix, and unit size may vary provided the use is permitted under this Specific Plan, the overall 498 unit count is not exceeded, with no new significant environmental impacts. In all cases, the number of restricted affordable senior units within the Specific Plan Area shall not be less than 50 units, inclusive of one manager unit.
- (b) **Residential Development Transfer Option.** As specified in Section 4.9.1, The Specific Plan permits the transfer of residential dwelling units between the Specific Plan Planning Areas, so long as any Planning Area still retains a minimum of 80% of the original units and does not exceed 120% of the number of original units approved under the Specific Plan for any Planning Area, and all other development standards applicable to the Planning Area and associated residential product type are complied with. In no case shall the project site exceed a total of 498 residential units. In all cases, the number of restricted affordable senior units within the Specific Plan Area shall not be less than 50 units, inclusive of one manager unit.
- (c) **Planning Area Boundary and/or Acreage Adjustment.** As specified in Section 4.9.2, a subdivision map, or phased map, submittal may incorporate an adjustment in the gross acreage of each or any Planning Area, as shown on the Land Use Plan Statistical Summary (Table 2.0-2), provided that each Planning Area affected by a boundary or acreage adjustment does not exceed 120% of the original gross acreage approved under the Specific Plan.
- (d) **Landscaping Plan Modifications.** Modifications to the approved Landscaping Plan, or requirements set forth in Sections 4.8.2.2, Landscaping Requirements, and 4.11.2.b, Parking Landscaping Standards, may be permitted, so long as they do not exceed a 10% deviation from total tree and plant species.
- (e) **Open Space Plan or Parks and Recreational Amenities Modifications.** Modifications to the approved Open Space Plan's design and layout, as well as proposed parks and recreational amenities, may be permitted, so long as the amount of open space provided

and the number of recreational amenities remain consistent with the required open space and Conceptual Parks and Recreation Plan approved under the Specific Plan.

- (f) **Alignment, Location and Design of Vehicular and Pedestrian Pathways and/or Parking Spaces.** Modifications to the approved alignment, location, and design of vehicular and pedestrian pathways, and/or layout of the parking, may be permitted, provided that such adjustments do not change the requirement of providing adequate infrastructure and/or public facilities within the Specific Plan.
- (g) **Changes in the Exterior Building Color or Material.** Changes to the approved exterior building color or material, may be permitted, so long as the changes in building material or colors are similar to and have the same general appearance comparable to or of a higher quality as the material approved.
- (h) **Interpretation for Unlisted Uses.** The Director may determine that a use that is not listed in Section 4.7, Allowed Land Uses/Permit Requirements, substantially complies with the land use designation in which the use is requested; and, therefore, is permitted within that land use designation.
- (i) Other administrative items determined to be appropriate by the Director within the scope of authority of the MetroWalk Specific Plan and SCMC.

6.4.2 *Substantial Conformance Procedure; Adjustments, Variances, and Minor Use Permit for Parking Reductions Procedure*

- (a) **Substantial Conformance Determination.** The Director shall review a request for a determination of Substantial Conformance through the Development Review, Administrative Permit, or over the counter review process. The Director, however, shall have the discretion to refer any such request for modification to the City Council and/or Planning Commission as a Major Modification to the Specific Plan.
- (b) **Adjustments and Variances.** Requests for Adjustments or Variances may be granted pursuant to the procedures and requirements of the SCMC provisions set forth in Chapter 17.24, Section 17.24.100 – Adjustments, and Chapter 17.25, Section 17.25.120 – Variances. Adjustments and Variances are considered a form of relief from the development standards identified in Chapter 4 of this Specific Plan and the applicable development standards in the Unified Development Code.
- (c) **Minor Use Permit for Parking Reductions.** Pursuant to the procedures and requirements of the SCMC provisions set forth in Chapter 17, Section 17.51.060(N)(2) – Reduction of Parking. A reduction in the number of parking spaces required by this Specific Plan may be permitted by up to 20% with approval of a minor use permit. Parking reductions greater than 20% may be permitted subject to the approval of a minor use permit by the Planning Commission.

6.4.3 *Specific Plan Amendments and Major Modifications*

Amendments may be requested at any time pursuant to Chapter 17, Section 17.28.110(H) – Adoptions and Amendments, of the SMC. Any proposed modification to the Specific Plan that is deemed major by the Director will be processed as an Amendment to the Specific Plan. Depending upon the nature of the proposed amendment to the Specific Plan, additional environmental analysis may be required, pursuant to Section 15162 of CEQA.

- (a) **Amendment Procedures.** The California Government Code (Sections 65453–65454) sets forth the manner in which Specific Plans are to be prepared, adopted, and amended. Amendment(s) to the Specific Plan shall not require a concurrent General Plan amendment unless it is determined by the Director that the proposed Specific Plan amendment is inconsistent with the General Plan.

- (b) **Major Modifications.** Requests for a Major Modification may be granted pursuant to the procedures and requirements of the SMC provisions for Class VII application set forth in Chapter 17, Section 17.28.030 - Review Authority and Related Procedures. Major Modifications to the Specific Plan shall reflect the same comprehensive analysis which was undertaken in the adoption of the Specific Plan and the application shall demonstrate that the proposed modification meets the goals and objectives of the Specific Plan and General Plan, and ensure that any significant impacts from the amendment can be satisfactorily mitigated.