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## 10.0 IMPLEMENTATION

### 10.1 SPECIFIC PLAN ADMINISTRATION

#### 10.1.1 PURPOSE

The North 101 Corridor Specific Plan provides implementation guidelines for land use and development quality. The purpose of this section is to describe the procedures required for the timely implementation of development within the specific plan area.

A few documents have been prepared and processed concurrently with the adoption of the North 101 Corridor Specific Plan which include a general plan amendment, local coastal program amendment, zoning map and ordinance amendments, and certification of an environmental impact report (EIR) and addendum. These documents will form the basic framework to guide future development within the specific plan area.

#### 10.1.2 PROCESSING AND REVIEW

Future development within the specific plan area will involve obtaining the necessary development permits for the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance, and any use or extension of the use of land. City review of these permit applications will ensure consistency of the proposed improvements with the design recommendations and development regulations outlined in the specific plan.

The specific plan area shall be developed in accordance with the criteria outlined in this specific plan and accompanying documents and in accordance with other land use and zoning regulations of the City of Encinitas. In cases where discrepancies occur between the specific plan and citywide development standards, the development regulations contained in the North 101 Corridor Specific Plan shall prevail. All development within the specific plan boundary shall be consistent with the North 101 Corridor Specific Plan. The development procedures are as follows:

##### **A. Development Applications (except Design Review)**

Development applications shall be processed according to the procedures indicated in Title 30 of the Encinitas Municipal Code.

##### **B. Design Review**

Design Review applications shall be processed according to the procedures indicated in Chapter 23.08 of the Encinitas Municipal Code. Also reference Chapter 4 of the specific plan for additional information on applications subject to or exempt from Design Review.

**C. Specific Plan Amendments**

Amendments to the specific plan shall require a modification to the specific plan and shall be subject to the procedures as indicated in Chapter 30.72 of the Encinitas Municipal Code.

**D. Nonconformities**

With the adoption of the specific plan, any nonconforming use shall be subject to the provisions as indicated in Chapter 30.76 of the Encinitas Municipal Code. A "nonconforming use" is a use that:

1. Is not within the scope, either expressly or implicitly, of the zoning restrictions set forth in this specific plan that announce the purpose, intent, permissible uses, accessory use and prohibited uses for the zone in which the particular use is located;
2. Did comply with the zoning restrictions contained in the zoning ordinance in effect at the time the use was created as was lawfully created; and
3. Has not been terminated in accordance with the provisions of the specific plan.

**10.2 IMPROVEMENTS PROGRAM**

Certain basic financing needs have been identified which include improvements to traffic/circulation, drainage, and utility infrastructure. Other specific capital improvements include streetscape enhancement, community facilities, and community development programs.

The following table summarizes an initial estimate of those capital needs and costs that apply within the North 101 Corridor Specific Plan area. These are preliminary cost estimates based on '96 dollars. The cost estimates for the undergrounding of utilities, drainage, and street improvements can be reduced if these projects are coordinated and implemented at the same time.

**Improvement Projects**

**Undergrounding Utilities**

North Highway 101 (between La Costa Ave. and Encinitas Blvd.)	\$4,400,000
Vulcan Avenue (between La Costa Ave. and Encinitas Blvd.)	2,970,000

**Infrastructure**

North Highway 101 Drainage Improvement Project	4,650,000
Street improvements - curb/gutter, sidewalk, paving, striping, median, landscaping, street furniture, lighting, etc. (North Highway 101, North Vulcan Avenue and side streets)	5,220,000
Alley improvements	555,000

**Community Facilities**

Linear Park/Coastal Rail Trail project	2,000,000
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Leucadia Roadside Park streetscape improvement	60,000
<b><u>Community Development</u></b>	
Facade Grant Program (N. Hwy. 101)	200,000
<b>Total Preliminary Cost Estimate:</b>	<b>20,055,000</b>

### 10.3 FINANCING STRATEGIES

A detailed financing plan should be prepared in order to successfully implement the improvements and programs proposed by the North 101 Corridor Specific Plan. Along with establishing specific goals and policies, the financing plan should analyze a series of methods to finance infrastructure and other improvements, recommend preferred alternatives, and develop a process for enacting financing methods.

The following is a summary of possible methods for financing the specific plan improvements as identified above. Some of these financing methods may be impacted by the passage of Proposition 218 in November of 1996. However, the extent of impact will not be known until Proposition 218 is completely implemented.

#### 10.3.1 SPECIAL ASSESSMENT DISTRICTS (1911, 1913, 1915 ACT)

California law provides procedures to levy assessments against benefiting properties and issue tax exempt bonds to finance public facilities and infrastructure improvements. Assessment districts, also known as improvement districts, are initiated by the legislative body (e.g. city), subject to majority protest of property owners or registered voters. Assessments are distributed in proportion to the benefits received by each property, and represent a lien against property. The assessments are fixed dollar amounts, and may be prepaid. Only improvements with property-specific benefits (e.g. roads, and sewer and water improvements) may be financed with assessments.

#### 10.3.2 AREA OF BENEFIT FEES

Area of benefit fees may be enacted by the legislative body (i.e. city) through adoption of an ordinance, without voter approval. The fee must be directly related to the benefit received. It does not create a lien against property, but must be paid in full as a condition of approval. Its principle use is for encumbering properties that do not voluntarily enter into an assessment of a Community Facilities District (CFD), so that they pay their fair share at the time they are ready to be developed. Proceeds may be used to reimburse property owners who pay up-front cost for facilities benefiting other properties. Benefiting properties may be given the option to finance the fees by entering into an assessment district (1913/1911 Act or Mello-Roos CFD).

**10.3.3 MELLO-ROOS COMMUNITY FACILITIES DISTRICTS**

The Mello-Roos Community Facilities Act of 1982 allows for the creation of special districts authorized to levy a special tax and issue tax exempt bonds to finance public facilities and services. A CFD may be initiated by the legislative body or by property owner petition, and must be approved by a 2/3 majority of either property owners or registered voters (if there are more than 12 registered voters living in the area).

Taxes are collected annually with property taxes, and may be prepaid if prepayment provisions are specified in the tax formula. The levy creates a tax lien against the property. There is no requirement that the tax be apportioned on the basis of benefit. Because there is no requirement to show special benefit, Mello-Roos levies may be used to fund improvements of general benefit, such as fire and police facilities, libraries and parks, as well as improvements that benefit specific properties. The provision also allows for the reallocation of cost burdens to alleviate untenable burdens on specific properties.

**10.3.4 LANDSCAPING AND LIGHTING DISTRICTS**

Landscaping and Lighting Districts (LLD) may be used for installation, maintenance and servicing of landscaping and lighting, through annual assessments on benefiting properties. LLD's also may provide for construction and maintenance of appurtenant features, including curbs, gutters, walls, sidewalks or paving, and irrigation or drainage facilities. They also may be used to fund and maintain parks above normal park standards maintained from general fund revenues.

**10.3.5 STATE COMMUNITY REDEVELOPMENT LAW**

This Act allows communities to utilize tax increment financing to carry out redevelopment activities, by applying tax increments obtained in the project area to finance planning, administrative, acquisition, and improvement activities. The Act permits a redevelopment agency to finance land acquisition for public purposes, construction of public facilities, such as roads, parks, and sewers, and administrative, legal, planning, and engineering costs related to the project.

The agency could issue bonds to finance project area improvements and administrative costs, and could apply the tax increments derived in the project area to pay the debt service on the bonds. Tax increments are those tax revenues produced in an area in excess of the revenues produced at the time the Redevelopment Agency is formed. The excess revenues thus produced can be used to pay off bonds used to finance the expenses of the redevelopment process such as administration, planning, acquisition, and construction of public facilities. Current and projected development could provide a substantial revenue base from which to finance major improvements.

**10.3.6 SDG&E UNDERGROUNDING FUNDS**

Utility companies are required to budget funds each year for undergrounding. These budgets are approved by the Public Utilities Commission and assigned to specific projects in each area based on priorities developed by local government.

**10.3.7 SURFACE TRANSPORTATION PROGRAM (STP) FUNDS**

The passage of the Intermodal Surface Transportation Efficiency Act of 1991 provides funding to strengthen the national transportation system through "enhancement" projects. Transportation enhancement activities include: pedestrian and bicycle facilities, acquisition of scenic and historic sites, scenic and historic highway programs, landscaping, rehabilitation of historic transportation facilities, preservation of abandoned transportation corridors, archeological planning and research, control and removal of outdoor advertising, and mitigation of water quality impacts from roadway runoff. Funding can be obtained through San Diego Association of Governments (SANDAG) on a regional basis and also directly through the State.

**10.3.8 COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG)**

These grants issued from the Federal Housing and Urban Development Department (HUD) are available to areas in which at least 50 percent of the households have a low-moderate income.

**10.3.9 OTHER FUNDING SOURCES**

There may be other sources available to finance improvement projects such as special assessment districts, government grants, or various types of bonds not listed above, that may be used to fund improvements.

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