

4. PHASING AND IMPLEMENTATION

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401 PURPOSE

This Chapter describes implementation measures for this Specific Plan. This Chapter includes a discussion of general development requirements for public improvements and an overview of future planning initiatives to meet goals for the Forster Ranch area.

Forester Ranch is mostly developed with infrastructure capacity and services adequate for planned uses. Therefore, this Chapter does not layout a detailed phasing and implementation plan for specific issues. Moving forward, implementation of this specific plan involves ensuring future projects: 1) are consistent with the General Plan and Local Coastal Program Land Use Plan (LUP), 2) follow design guidelines, 3) comply with development standards, and 4) construct required infrastructure improvements based on programs and funding sources described in this Chapter.

402 PUBLIC IMPROVEMENTS

Each year, the City Council adopts an update of the Capital Improvement Program (CIP) with a budget. The CIP includes public construction projects and purchases of land, equipment, and contract services. The City utilizes “master plans” to guide the development and maintenance of existing public infrastructure, as well as future capital improvements. The plans provide a foundation for the development of goals and priorities for public capital improvement projects. The list of master plans includes:

- Centennial General Plan
- Local Coastal Program
- Climate Action Plan
- Bicycle and Pedestrian Master Plan
- Master Plan for City Facilities
- Park & Recreation Master Plan
- Regional Circulation Financing and Phasing Program (RCFPP)
- Street Improvement Program
- Water Master Plan
- Drainage Master Plan
- Wastewater (Sewer) Master Plan
- Water and Sewer Asset Management Plan
- Recycled Water Master Plan
- Urban Runoff Management Plan

Through a public review process, these plans are developed to provide goals and policies for achieving San Clemente's vision. The plans guide growth and development, including decisions on the maintenance and development of public infrastructure. The plans demonstrate the City's commitment to long-range capital improvement programming by focusing attention on the current and future needs of the community, while balancing the community's needs with its available fiscal resources. The CIP Committee, consisting of members from all City departments, annually prepares and updates a capital improvement plan. Projects are reviewed by the CIP Committee to ensure that the City's priorities are addressed and that staffing levels and funds are adequate to complete the projects. Capital Improvement Program projects are based on the following four categories:

- Replacement. Existing improvements that are deteriorated and need to be replaced and/or upgraded to continue to provide service and to meet current codes and regulations.
- Expansion. New improvements that are growth-related and funded through development fees. These improvements are identified in master plans and/or agreements, and funding sources are in place.
- Growth. New improvements based on projected development. These projects are "development dependent", and the funding source is through future development fees and/or financing by developers.
- Economic Vitality and Diversity. This includes construction of improvements for promotion of economic vitality and diversity and to eliminate and prevent the spread of blight and deterioration in the City.

403 BIKEWAY AND TRAIL PHASING

A. GENERAL REQUIREMENTS

Bikeways and recreation (i.e., equestrian and pedestrian) trails within the Forster Ranch, as shown on Exhibit 4-1, are to be constructed by the developer. Design and general alignment of such bikeways and trails shall be in accordance with Section 206. Recreation trail easements shall be offered for dedication to the City and maintained by the developer until responsibility is assumed by the City.

Construction details, fencing, entry gates, and access limiting features shall be approved by the City prior to construction. Width and surface standards for bikeways and the east-west recreation trail along the northerly boundary of Forster Ranch shall be the same as those of the County of Orange, unless it is determined by the City that there is sufficient cause to deviate from those standards. The construction details for the north-south Primary Ridgeline trail which bisects Sector P shall be determined by the City in accordance with Conditions of Approval for future Tentative Tract maps.

The construction of bikeways and sidewalks shall be the responsibility of the developer and shall be done concurrent with the adjacent highway or street improvements. Construction of the east-west ridgeline trail and the north-south ridgeline trail will be phased in accordance with the issuance of building permits.

B. CLASS I AND II BIKEWAYS

As stated in Section 206, where Class I off-road bikeways are provided, the City may also require the installation of Class II on-road bike lanes along portions of La Pata and Vista Hermosa, if it determines that such bike lanes are needed to ensure safe bicycle access to the adjacent development. Whether bike lanes are present or not, on-street parking shall not be permitted on arterial highways within the Forster Ranch, unless the City determines that unusual circumstances justify such parking. Class I off-road bikeways should be separated from the curb by means of a landscaped parkway averaging at least 8 feet in width plus minimum 2 feet clear on both sides, except within 50 feet of street intersections, where bikeways may be placed adjacent to the curb.

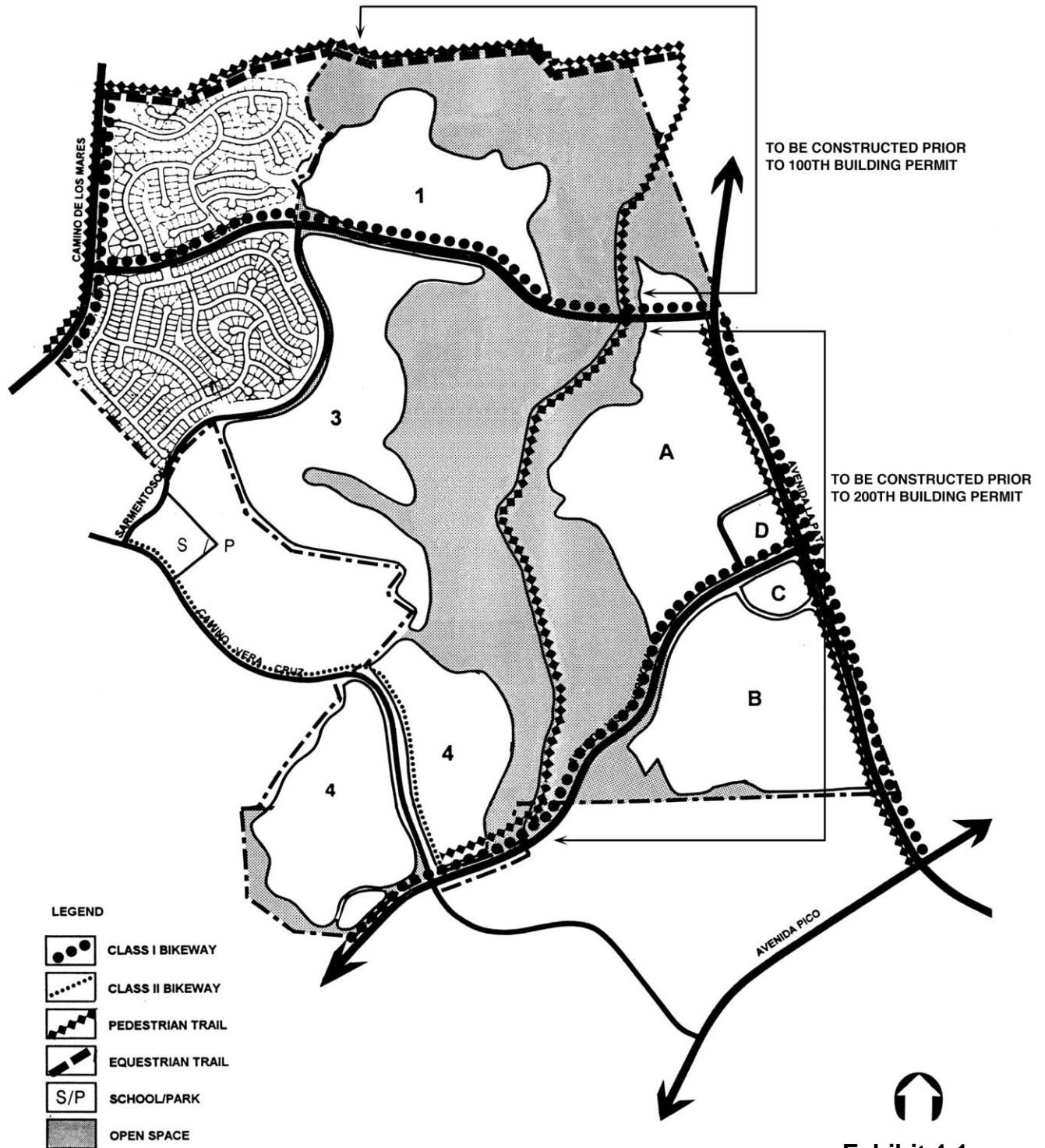


Exhibit 4-1

**FORSTER RANCH
Specific Plan**

Recreation Trail Phasing

404 INFRASTRUCTURE IMPROVEMENTS

Developers of property within the Forster Ranch area will construct required infrastructure improvements, such as streets, water lines, bikeways, trails, sewers, storm drains, etc., in conjunction with their projects. Developers should consult with the City's Public Works and Utilities Departments to determine if utility infrastructure improvements are necessary and required to allow a project. Public improvements must be permitted and completed according to engineering design standards, the Municipal Code, and State and Regional regulations.

In terms of the storm water system, the City Master Plan of Drainage should be used as a general guide for improvements to the drainage system within the Pier Bowl area. Additionally, all related Capital Improvement Program (CIP) Storm Drain and Local Drainage projects identified in the City's 6-year plan should be considered for implementation, as applicable.

When public improvements are required to support a private development, benefiting property owners and/or developers shall reimburse the City for improvements that the City constructs and/or must maintain over time. Reimbursement shall occur through a reimbursement agreement or other mechanism deemed suitable by the City Council by resolution, such as impacts fees. Further guidance on development impact fees may be obtained by contacting staff of the Community Development and the Public Works Departments.

A. Drainage System

Drainage from the Forster Ranch after development will continue to flow through the same general areas as before development. The acreage in each drainage area will be unchanged. No major diversion of drainage is proposed. The Primary Ridgeline which separates the two drainage basins will not be altered in any manner which would significantly affect tributary drainage areas. However, the amount of runoff flowing into each of the two drainage basins will increase due to the proposed development. Along the boundary between Sectors D and P, drainage from the Prima Deshecha basin will be carried in the M01 Prima Deshecha storm drain system, which is located along the easterly side of Camino de los Mares (see Exhibit 4-5). Construction of a box culvert to carry stormwater runoff in the M01 channel has been completed. The portion of Sector P east of the Primary Ridgeline is within the Segunda Deshecha drainage watershed. Instead of the direct construction of the main channel, development in this portion of the Ranch will contribute drainage fees in conformance with the City of San Clemente Master Plan of Drainage. The developer will be responsible for the conveyance of storm runoff to an acceptable point of discharge.

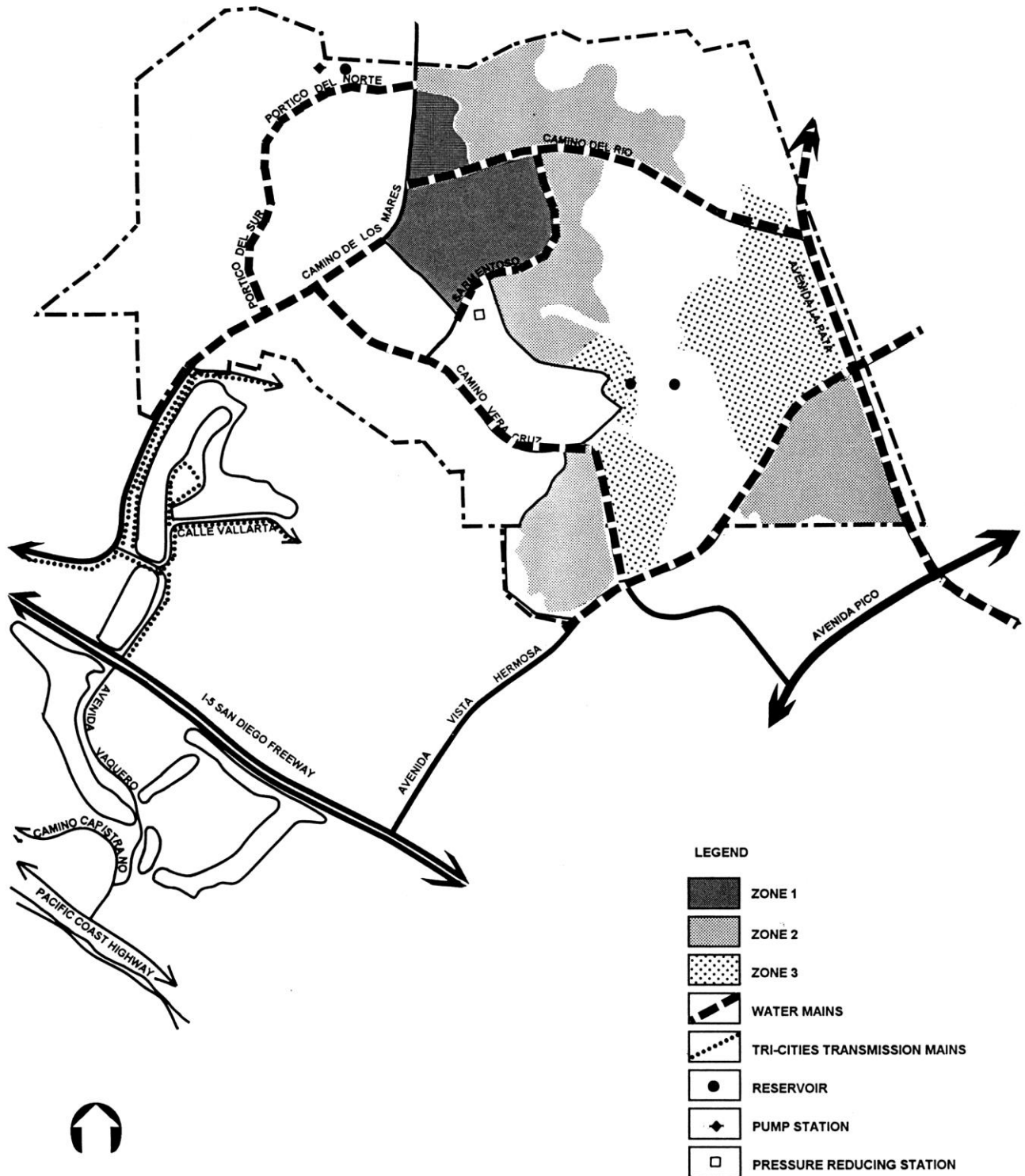


Exhibit 4-2

**FORSTER RANCH
Specific Plan**

Water Distribution Plan

405 FUNDING OF PUBLIC FACILITIES

GENERAL REQUIREMENTS

When improvements are required, the City will require subsequent reimbursement by benefiting property owners and/or developers by means of a reimbursement agreement or other mechanism.


BACKGROUND ON DEVELOPMENT AGREEMENT

Mechanisms established for the funding of public facilities associated with the Forster Ranch development agreement included the following:

1. Regional Circulation Financing and Phasing Program (RCFPP) - Contributions to this program shall be as required per the 1998 Development Agreement between the City and Laing.
2. Transportation Corridor Fee - Flat per-unit fee collected at issuance of building permit.
3. San Clemente Sewer Assessment District - Debt retirement on bonds sold to establish the sewer assessment district as required per the 1998 Development Agreement between the City and Laing.
4. Beach Parking Fee - Flat per-unit fee collected at issuance of building permit as required per the 1998 Development Agreement between the City and Laing.
5. School Impact Fee - Shall be as required in the 1997 School Fee Mitigation Agreement between Laing and the Capistrano Unified School District.
6. Water Acreage Reserve Fee - Fee collected prior to Final Tract Map approval as required per the 1998 Development Agreement between the City and Laing.
7. Park Fees - Park fees and improvements shall be as required per the 1998 Development Agreement between the City and Laing.
8. Segunda Deshecha Drainage Fees - Local drainage fees for development within the Segunda Deshecha Canada basin as required per the 1998 Development Agreement between the City and Laing.



Exhibit 4-3

LEGEND
 DRAINAGE FACILITY
(STORM DRAIN FACILITY IN MAJOR STREETS)

**FORSTER RANCH
Specific Plan**

Drainage Plan

406 MAINTENANCE RESPONSIBILITIES

Facilities to be maintained within Forster Ranch include infrastructure improvements, common areas, public facilities, private residential streets, etc. In order to insure that all of these are well-maintained, this Section sets forth the responsibilities of different persons and other entities for their maintenance. Table 4-1, following, assigns the long-term maintenance responsibilities for each area/facility within Forster Ranch.

Most improvements constructed by developers within Forster Ranch will be maintained by the developer until the improvements are accepted by the City or transferred to the homeowners association, private property owner, or other entity as the case may be. Also, the maintenance responsibilities in Table 4-1 may be amended by means of an administrative adjustment in accordance with the Zoning Ordinance if the City determines, due to receipt of new information, future changes in the Specific Plan's text and/or Master Land Use Plan, or mutual agreement between the entities involved in the maintenance transfer, that such a change is warranted.

**TABLE 4-1
MAINTENANCE RESPONSIBILITIES**

	Homeowners Association	Property Owner	City
Los Mares Greenbelt	M	M	
Public Open Space			M
Forster Community Park			M
Hillside Open Space	M	M	M
Public Streets			M
Private Streets	M		
Public Street Lighting			M
Private Street Lighting	M		
Public Storm Drains			M
Private Drains	M	M	
Private Common Areas	M		
Landscaped Parkways	M	M	
Public Medians and Street Trees			M
Public Recreation Trails			M

(Please Note that the Lighting and Landscape District Column has been deleted from this table)

407 CONDITIONS ON FUTURE ENTITLEMENTS

The conditions and other requirements in this Section 407 shall be imposed on tentative maps, site plans, or other entitlements in conjunction with the development review process as determined applicable by the Planning Commission and/or City Council. The purpose of these requirements is to ensure consistency of development in Forster Ranch with the General Plan, Zoning Ordinance, City policies, and the mitigation measures identified in the environmental impact reports prepared for this Specific Plan. The conditions and requirements listed in this Section shall be in addition to other conditions of approval on tentative maps, site plans, and other entitlements.

GRADING

1. Limits of Grading - Prior to issuance of grading permits, grading limits shall be identified on the approved grading plans in a manner consistent with the Hillside Development Ordinance. Restrictions shall be marked clearly on the ground prior to the commencement of grading operations and identified as off-limits to grading. Adherence to such limits shall be monitored by City inspectors. In order to control grading impacts near ridgelines and in other open space areas resulting from instability conditions uncovered during grading operations, prior approval by the Community Development Director or designee shall be required to permit remedial grading to extend further into open space areas than the conceptual grading limits shown on Exhibit 2-9.
2. Consistency of Grading Plans with Specific Plan Limits - Prior to approval of grading plans in areas adjacent to the Primary Ridgeline (i.e. Planning Areas 3, 4, A, and B), the applicant shall demonstrate that the limits of grading on the grading plan comply with the required minimum 200-foot setback from the ridgetop centerline. Exceptions to this requirement are the grading necessary to construct the trail system, Camino Vista Hermosa and Camino del Rio on the approved alignment where it crosses the ridge and the work necessary to prepare the ground for coastal sage scrub preservation.
3. Final Grading Plan - Prior to issuance of a grading permit, a final grading plan shall be approved by the City. The final grading plan shall be prepared by a civil engineer registered in California and shall be based on site-specific geotechnical studies for each tract. The geotechnical studies shall provide specific feasible recommendations for mitigation of landslides, slope stabilization, liquefaction potential, soils engineering, and appropriate drains and sub-drains in each area.

FUEL MODIFICATION PLAN

4. Requirements - Prior to the issuance of grading permits, a fuel modification plan shall be approved by the Director of Fire Protection Services. The plan shall show special measures necessary to minimize exposure of structures to flammable vegetation. It shall also address the method of removal and installation, mechanical or hand labor to be used, and provisions for continued maintenance. The approved fuel modification plan shall be completed to the

satisfaction of the Director of Fire Protection Services prior to the issuance of applicable use and occupancy permits.

The fuel modification plan shall conform to the following guidelines, except that the Chief of Fire Protection Services may approve modifications in areas where unusual conditions exist.

Wet Zone - The wet zones extend fifty (50) feet from the development edge on the upslope side and one hundred (100) feet from the development edge on the downslope side. When development occurs, these areas should be re-vegetated using irrigated plant materials along with the introduction of fire-resistant and drought-tolerant materials. Plant selection shall comply with the Fuel Modification Standards of the Orange County Fire Authority. Where existing vegetation is retained, a program of thinning, pruning, and select removal (up to 70 percent) of high fuel species should be implemented by the appropriate community maintenance association as identified in the Tentative Tract Map review procedures in a manner meeting the approval of the Chief of Fire Protection Services.

Limited Tree Zone - This zone is defined as an area fifty (50) feet and extending to one hundred (100) feet from the development edge (downslope side). It acts as a buffer between areas of development, and undisturbed open space. Within this zone, the removal of high fuel species and the introduction of fire-resistant materials occurs. The amount of removal and the extent of the transition will depend on the plant material present, prevailing wind patterns, and topography.

PRESERVATION OF HABITAT

5. Requirements - Preservation of habitat areas shall be in accordance with the requirements of the project EIR, U.S. Department of Fish and Wildlife Service, California Department of Fish and Game, and the U.S. Army Corps of Engineers as applicable.

NOISE MITIGATION

6. Project Noise Attenuation - Prior to approval of a final map and/or site plan, a detailed site-specific acoustic analysis shall be prepared based on final building pad locations and elevations for each residential planning area. The study shall specify precise locations and dimensions for acoustic barriers sufficient to achieve attenuation of present and projected noise so as not to exceed an exterior standard of 65 dB CNEL in private outdoor living areas and an interior standard of 45 dB CNEL in all habitable rooms. Evidence that these standards will be attained shall be approved by the City Planner.
7. Building Noise Attenuation - Prior to the issuance of residential building permits within each final tract, building specifications describing the acoustical design features of the homes sufficient to achieve the interior standard of 45 dB CNEL or less, along with evidence showing that the sound attenuation features

specified in the approved acoustical report(s) (per no. 1, preceding) have been incorporated into the design of the project, shall be submitted to the satisfaction of the City Planner.

OPEN SPACE EASEMENTS AND RECREATION TRAILS

8. Open Space Easements - Prior to final tract map approval, all land which is designated as open space, shall be covered by an open space easement dedicated to the City. Title to the land covered by such an open space easement shall remain with the property owner, applicable homeowners association, open space conservancy, or other entity acceptable to the City. The easement shall be recorded by the property owner on the appropriate final map for other than financing purposes within the Planning Area adjacent to the open space in question, or prior to issuance of a project grading permit when there is no final map, in a manner meeting the approval of the City Attorney. The purpose of the easement shall be specifically stated in the recording document as being for the purpose of the preservation of said area in permanent open space as defined by the City.
9. Recreation Trails - Prior to final tract map approval, a minimum width of 16 feet shall be irrevocably offered to the City in the form of a recreation trail easement, in accordance with Exhibit 2-7. In hillside areas, a wider easement may be required to allow room for switchbacks. The land under the recreation easement shall remain in the ownership of the property owner or designated homeowners association. The City, upon acceptance of the offer of the trail easement dedication, shall assume the responsibility of maintenance and liability of said trail. If required by the City, the developer shall be responsible for the initial improvements necessary to establish the trail.

ARCHAEOLOGY

10. Inspections of Grading Operations - A qualified archaeologist, approved by the City Planner, shall be provided with the grading plans and schedule and shall monitor initial grading operations. The archaeologist shall be empowered to divert or redirect grading in the vicinity of the remains in order to evaluate and salvage artifacts. The intensity of the monitoring shall be adjusted according to the likelihood of uncovering resources in the area of grading. Provisions for the archaeological monitoring and possible diversion of grading shall be noted prominently on both the preliminary and final grading plans.

PALEONTOLOGY

11. Inspections of Grading Operations - A qualified paleontologist, approved by the City Planner, shall be provided with the grading plans and schedule and shall perform periodic inspections and salvage fossils which are exposed. Frequency of inspection shall be adjusted according to the rate of excavation and the quality of materials being excavated. In general, in areas of high sensitivity (as defined in the Supplemental EIR), initial inspections shall be on a full-time basis, with a possible decrease to half-time if abundant fossils are not uncovered. Areas of moderate sensitivity shall be investigated initially on a half-time basis. Areas of low sensitivity require only periodic inspection.

12. Evaluation and Salvage of Fossils - The paleontologist shall be empowered to divert or redirect grading in the vicinity of an exposed fossil in order to evaluate and, if necessary, salvage. Some collection of matrix sample may be necessary for laboratory processing through fine screens due to the small size of some of the potential fossils present. Provisions for the paleontological monitoring and possible diversion of grading and collection of matrix samples shall be noted prominently on both the preliminary and final grading plans.

13. Disposition of Fossils - All fossils collected shall be prepared and identified by a qualified paleontologist. They shall then be donated to a suitable institution with a research interest in the materials. Said institution shall be recommended by a qualified paleontologist and approved by the City.