



## CHAPTER SEVEN: IMPLEMENTATION AND ADMINISTRATION

### 7.1 INTRODUCTION

This chapter sets forth the planned strategies and actions to be undertaken by the County and City in order to achieve the proposed high quality Private Purpose Area and Public Purpose Area development envisioned in the Plan.

#### 7.1.1 Purpose of the Plan

As described in Chapter One, this document serves a dual purpose:

- For the County, this document serves as a master plan to guide improvements to the Public Purpose Areas, as shown on Figure 1.2. These areas, consisting of the Fair, Major Roads, Shared Public Parking, Creek Park, Fairgrounds Channel, and Transit/North Parking Center, will be exempt from the City's land use authority as long as they are utilized for a public purposes. These areas will be subject to the provisions of the County's process for development review, as well as approvals required from other agencies as described below.
- For the City, this document serves as a Specific Plan and Planned Development Master Plan within the meaning of Vallejo Municipal Code (VMC) Chapters 16.104 and 16.116 to guide development of the Plan Area. Private Purpose Areas, consisting of the Entertainment Mixed Use and Entertainment Commercial parcels (as shown on Figure 1.2: Public & Private Purpose Areas), are subject to the provisions of this Plan and must be consistent with all City codes, regulations, policies and guidelines.

#### 7.1.2 Definition of Public Purpose Areas

Public Purpose Areas, which are owned by the County and utilized for a public purpose, are exempt from City land use authority. Upon adoption of this Plan, the City and County shall enter into an agreement that will establish a process to categorize future uses not contemplated in this Plan into Public Purpose or Private Purpose Areas.

The County intends to construct the Major Roads according to City standards and intends to dedicate them to the City as public rights-of-way when complete.

Requirements and procedures for development of public and private areas, as well as coordination between the agencies, are outlined below.

### 7.2 DEVELOPMENT STRATEGIES FOR PUBLIC AND PRIVATE AREAS

The County and City intend to take actions to create an environment that is conducive to private investment through by:

- (1) Establishing land use regulations through adoption of the Specific Plan and Master Plan and amendments to the General Plan and City of Vallejo Municipal Code, including specific development standards;
- (2) Certifying environmental review for the proposed project; Approving a financing plan for public infrastructure, and financing / implementing initial public facilities and infrastructure in order to create the high quality character of the area and a sense of place; and
- (3) Vesting of development rights and entitlements through Development Agreement and land use process;

- (4) Establishing a simple and expeditious project approval process for proposed private development consistent with the adopted Plan.

The County and City will also undertake actions outlined in this section to assure that there is an implementation process in place that provides for certainty and consistency related to approval of proposed public and private development actions consistent with the adopted Plan.

In summary, the Solano360 development strategy assumes that the County will have the following Property Owner responsibilities in addition to any set forth in the Conditions of Approval.

- The County and City will enter into a Development Agreement/Implementation MOU.
- The County may issue an RFP for a single Developer or multiple Developers for the site. Such agreement(s) may include a ground lease of land.
- The County, or its Developer(s), will have responsibility for constructing all “horizontal development” (including grading, roads, and utilities) necessary to serve the Plan Area. Major roads will be built by the County and dedicated to the City of Vallejo once constructed to City standards.
- The County, or its Developer(s), will have responsibility for the preparation of finished pads for the EMU and EC parcels.
- The County, or its Developer(s), may seek others to develop the vertical buildings on the EMU and/or EC parcels, or may “build to suit” (develop, maintain and manage).
- The County, or its Developer(s), will sub-lease the EC and EMU parcels.
- EC and EMU end-users will build vertical improvements, or the County, on its own or through its Developer(s), will build-to-suit.

### **7.3 COUNTY-CITY AGREEMENTS**

Subsequent to or concurrent with the certification of the EIR and adoption of the Plan, the County/Fair Association and the City will enter into agreements necessary for successful implementation of the Solano360 Project, including the respective authorities, responsibilities and coordination among the parties regarding proposed public facilities and infrastructure, proposed public and private development and project management responsibilities. It is the intent of the County and City to have these agreements finalized prior to proactively seeking interest from prospective private development interests.

These agreements are expected to include, but are not necessarily limited to the following, which may be combined into one master agreement between the City and the County.

#### **7.3.1 Implementation Memorandum of Understanding (MOU)**

The Implementation MOU will address:

- Planning, design, financing, installation, and maintenance of public facilities and infrastructure.
- Public and private development approval processes, including applicable design review.
- Provision and financing of public services to serve the proposed public and private development.
- Process for solicitation and selection of a private developer (Master Developer) for the Private Purpose Area development, including the disposition of County-owned property.



- Execution of necessary deeds between the City and the County necessary to clear title for the Private Purpose Areas.
- Resolution of disputes between the City and County regarding whether a proposed land use is a private or public use.
- Construction, inspection, maintenance, operation, repair, and process for dedication of public rights-of-way.
- Ongoing project management.

### 7.3.2 Development Agreement

The County and the City intend to enter into a Development Agreement regarding the Plan Area. The terms of that Agreement would be binding upon any Developer with whom the County subsequently contracts.

Section 65864 et seq. of the California Government Code empowers a public agency to enter into a Development Agreement with any entity having control over real property if that entity has an intention to develop that property. Development agreements are contracts established between the agency that approves entitlements for private development (in this case, the City) and the entity proposing the project (in this case, the County). In most situations, a developer or similar interested party negotiates an agreement with the City where both sides commit to a series of actions directly related to a proposed development intended to be implemented or accomplished over a stipulated period of time. Under development agreements, changes in policies governing land uses, intensity of development and the like which occur after approval of a development agreement typically do not affect the property which is the subject of the development agreement. The property owner therefore has a vested right to develop its property in accordance with the provisions of its development agreement.

Development Agreements with property owners and developers may be used to implement the Plan, assure financing and construction of needed public utilities and infrastructure, assure dedication of land for public street right-of-way, public open space and other public purposes, assure compliance with requirements for development pursuant to development constraints, and provide for continuity of implementation of the Plan. Development agreements also may include project phasing and completion schedules, plans for financing of public infrastructure improvements, including any anticipated public financing, adjustments and credits to regulatory fees and development impositions to account for the making of dedications or improvements in excess of the project's "fair share".

Development agreements for projects within the Plan Area must be consistent with the Plan. As required by State Law, the Specific Plan/Master Plan is consistent with the City's General Plan and therefore the development agreements will also be consistent with the General Plan.

Development agreements are subject to approval by an ordinance of the City Council because they are a legislative act. Accordingly, development agreements are subject to the public hearing process, including review and recommendation by the City Planning Commission, prior to being adopted by the City Council.

The Development Agreement between the County and the City may address:

- Vesting of development rights consistent with the provisions of the adopted Plan for the designated Private Purpose Areas. This will provide assurances to the County and end-users that the type and extent of development envisioned in the Plan is vested so that the County can pursue development of the designated Private Purpose Areas consistent with the provisions of the adopted Plan.

- Creation and adoption of specific design standards for the Plan Area.
- Phasing, timing and financing for installation of public infrastructure necessary to serve build-out of the Plan Area.
- Type and extent of development impact fees and other fees to be assessed on proposed Private Purpose Area and Public Purpose Area development.

### **7.3.3 Cost and Revenue Sharing Agreement**

A cost and revenue sharing agreement will be executed by the City and County. The agreement will address:

- Revenues that will be generated by the Plan Area for the benefit of the County, City and Fair Association.
- Costs that will be incurred by the County, Fair and City for public services related to the Plan Area.
- Funding for the Plan Area infrastructure.
- Responsibility for provision of public services to serve the Plan Area.
- Other Plan Area cost and revenue matters.

## **7.4 REGULATORY AND REVIEW PROCESSES – PRIVATE PURPOSE AREAS**

The Plan sets forth the areas which are currently planned to be used for Public Purpose uses as well as those which are planned to be for Private Purpose uses. The Plan sets forth these areas as well as the entitlement process that applies to implementation of Private Purpose uses within the currently planned Private Purpose Areas by the City of Vallejo. In the future, if new or additional uses that have not been considered in this Plan are proposed, City staff and County staff will collaborate in determining whether the proposed use is consistent with this Plan or whether it requires a minor amendment or a major amendment (See VMC 16.116.140). Private uses proposed within an area currently designated as ‘public’ by this Plan will be subject to the City’s land use authority. Any disputes between the County and City will be addressed by a dispute resolution process established in the Implementation MOU.

### **7.4.1 Relationship to General Plan**

The Solano360 Plan establishes policies that will govern future uses and development in the Plan Area and further implement the policies of the City’s General Plan. As required by California Government Code section 65454, the Plan is consistent with the land use policies and objectives contained in the City of Vallejo’s General Plan, as amended to incorporate the Land Use Map and specifications included in this plan.

The following represents a summary of General Plan Amendments required for Solano360 Plan approval by the City of Vallejo. The complete version of the text amendments can be found in Appendix C.

- Amendment to the General Plan Land Use Element and Land Use Map establishing a new Commercial Recreation land use designation for the Plan Area to replace the existing Community Park designation.
- Amendments to the summary section of the General Plan text pertinent to the Solano360 Plan.
- Amendments to various elements of the General Plan text establishing new goals and policies specific to the Solano360 Plan Area for Urban Design, Commercial

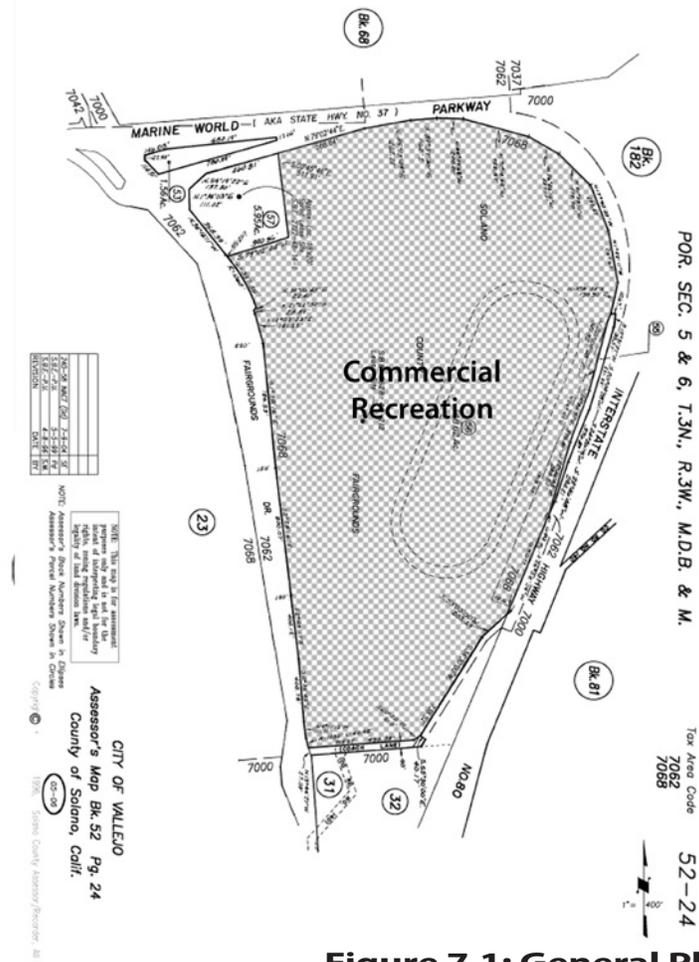


Figure 7.1: General Plan Amendment

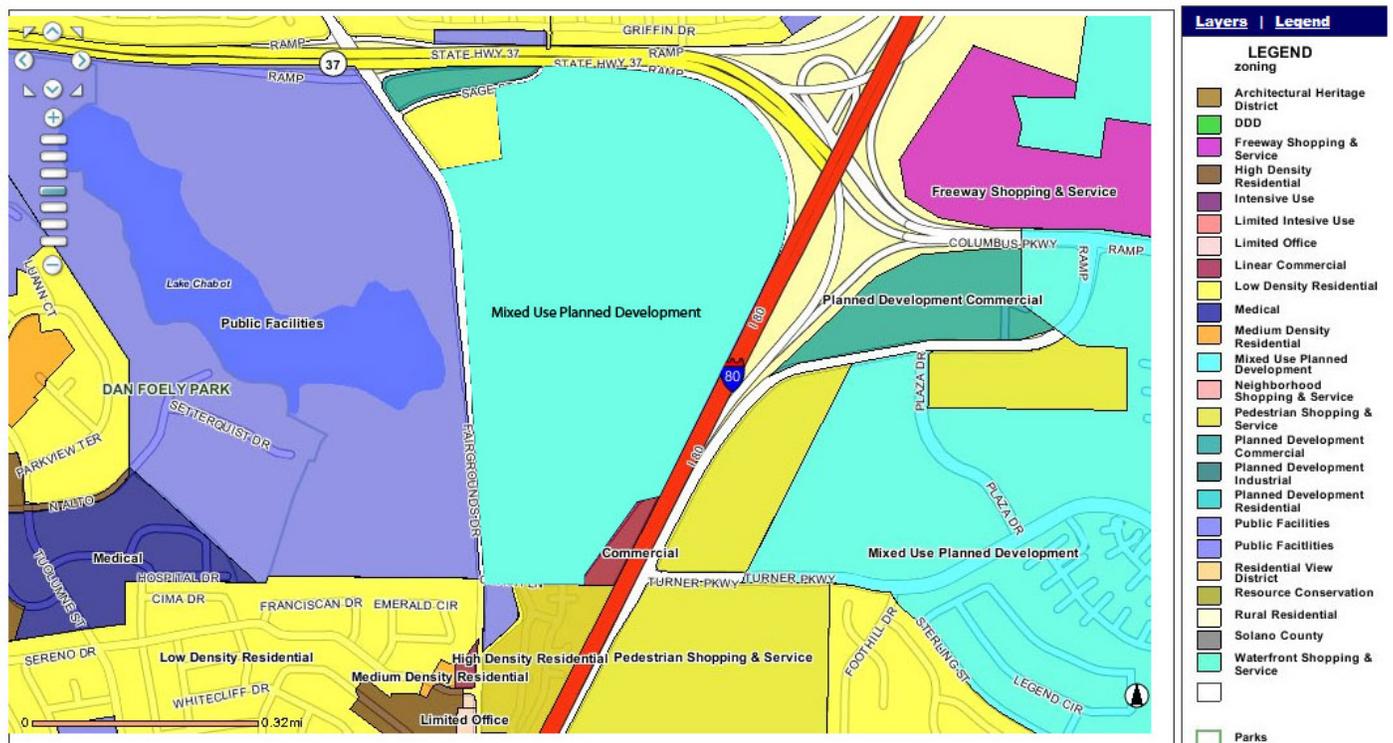


Figure 7.2: Zoning Map Amendment

Development, Transit, Non-Motorized Transportation, and Economic Development.

#### **7.4.2 Zoning**

This Plan serves to convert the existing Solano County Fairgrounds property to the City of Vallejo Zoning Designation of Mixed-Use Planned Development (MUPD). The City's Planned Development (PD) is both a zoning district and project development process that allows for flexible application of zoning regulations. The PD process facilitates the development or redevelopment of land which, because of special circumstances, would be difficult to develop through conventional zoning ordinance regulations.

Where there are conflicts between the Plan and the Vallejo Municipal Code, the Plan policies and regulations will apply. Where the Plan is silent, the VMC will apply.

To ensure consistency between the VMC and this Solano360 Plan, the following will be added to VMC Title 16 - Zoning:

##### **16.116.036 – Solano360 Specific Plan/Master Plan.**

A Specific Plan for the existing Solano County Fairgrounds shall be prepared to serve as the zoning ordinance for these properties. The Specific Plan shall serve as a Master Plan and shall contain the elements described in Section 16.116.040 applicable to the reuse of these properties as well as an implementation program for subsequent zoning actions. Where the Specific Plan is silent, the Vallejo Municipal Code shall apply

##### **16.116.078 – Solano360 Unit Plans.**

Unit plans for reuse and development projects shall be prepared consistent with the policies, standards and implementation program in the Solano360 Specific Plan.

#### **7.4.3 Specific Plan Amendments**

The City's Charter authorizes the City to amend a Specific Plan or Master Plan as often as deemed necessary by the legislative body. Plan amendments will be processed in the same manner as a General Plan amendment pursuant to Title 16 of the Vallejo Municipal Code.

The City may amend the Plan by exercising their land use authority at any time pursuant to 16.116.140 of the City's Code in consultation with the County and as needed for successful implementation of development projects within the Private and Public Purpose Areas. The City and the County may choose to contractually limit this authority by executing a Development Agreement as referenced in Section 7.3.2 above.

#### **7.4.4 Subsequent Project Entitlements**

The Plan has been prepared to include basic land use entitlements and development standards for the Plan Area. Once the Plan has been approved, development of the Plan Area will proceed and further development approvals and design guidelines will be provided as described below.

##### **Unit Plans**

As set forth in Section 16.116.030 of the City of Vallejo's Zoning Ordinance, the Plan serves as a "Master Plan" for each parcel. The Master Plan represents the overall concept for the proposed project and is intended to give the City a comprehensive illustration of the intent and purpose of the Plan Area development.

Master Plans are implemented through Unit Plans which describe the specific design and uses for the project as proposed conceptually in the Master Plan and give the City a more refined and detailed description of structures, landscaping, design features and uses within a particular part of the project.



Accordingly, future private development within the Plan Area will be processed through the City of Vallejo consistent with the following provisions.

- Per Section 16.116 of the City of Vallejo's Zoning Ordinance, a Unit Plan for the development within the Plan Area shall be prepared consistent with this Plan.
- Upon a finding by the Planning Manager that the uses contemplated by a Unit Plan application are substantially consistent with the provisions of the Plan and provided that no subdivision map or major use permit is required for the Unit Plan, such Unit Plan application will be acted upon by the Planning Division. All property owners within 200 feet of a project under administrative review (staff-level) will be notified. The applicant or any party adversely affected by the decisions of the Planning Manager shall have the right of appeal from such decisions within the time and in the manner prescribed by Chapter 16.102 of the City of Vallejo's Zoning Ordinance.
- With respect to Unit Plan applications for parcels that also require action on a tentative or vesting tentative subdivision map or that include action on a major conditional use permit, the Planning Division shall forward the Unit Plan application to the Planning Commission (PC) for final action. All property owners within 500 feet of a project under PC review will be notified of the pending PC action. The applicant or any interested party shall have a right to appeal as prescribed by Chapter 16.102 of the City of Vallejo's Zoning Ordinance.

#### **Subdivision Maps**

- Any proposed subdivision of property within the Private Purpose Area will be subject to applicable City of Vallejo subdivision ordinance provisions, requirements and procedures.
- Tentative Maps or Vesting Tentative Maps for subdivision of property will be reviewed by staff and approved by the Planning Commission.
- Final Maps for subdivision of property will be reviewed by staff and approved by the City Council.

#### **Additional Actions**

Additional future actions may include, but not be limited to, the issuance of:

- Grading and building permits
- Improvement plans
- Landscape and irrigation plans
- Will-serve letters for potable water
- Minor Use Permits
- Sign Permits
- Administrative Permits (accessory structures and temporary activities)
- Any other permits or approvals as required by the VMC.

### **7.5 REGULATORY AND REVIEW PROCESSES – PUBLIC PURPOSE AREAS**

The provisions that apply to implementation of Public Purpose Areas will be the primary responsibility of the County.

### 7.5.1 County Approvals

Upon certification of the Solano360 Specific Plan EIR discussed in Section 7.7 below, no further environmental review of the Public Purpose Areas will be needed, except as may be required under CEQA (see Section 7.7.1).

County will engage the services of necessary design professionals to prepare the plans and specifications for the Public Purpose Areas, including the Fair, Major Roads and Fairgrounds Channel in full compliance with applicable building codes, ordinances and other regulatory authorities. The County's Department of Resource Management - Building Division will oversee plan review and applicable building and grading permits. The County's Building Division will ensure compliance with all applicable laws, codes, ordinances, rules or regulations of affected governmental agencies, such as the City of Vallejo Fire Marshall and Vallejo Flood & Sanitation District, affecting the construction.

- Any future modifications to the land use plan contained in this Plan will be presented to the City for determination of conformity to the City's General Plan in accordance with California Government Code section 65402.

### 7.5.3 Other Agencies

A number of other agencies in addition to the City of Vallejo will serve as Responsible and Trustee Agencies. The EIR will provide environmental information to these agencies and other public agencies, which may be required to grant approvals or coordinate with other agencies, as part of project implementation.

As described in more detail in the EIR, these agencies may include but are not limited to the following.

- U.S. Fish and Wildlife Service (USFWS)
- U.S. Army Corps of Engineers (USACE)
- California Department of Fish and Game (CDFG)
- California Department of Transportation (Caltrans)
- San Francisco Regional Water Quality Control Board (RWQCB)
- Bay Area Air Quality Management District (BAAQMD)
- Greater Vallejo Recreation District (GVRD)
- Vallejo Sanitary and Flood Control District (VSFCD)

## 7.6 INFRASTRUCTURE FINANCING

The Plan studies include a Public Facilities Financing Plan (PFFP) and a Fiscal Impact Analysis. Executive summaries of these reports are provided as Appendices B and C. Full reports are available separately. In summary:

**PFFP:** The Solano360 Specific Plan Public Facilities Financing Plan (PFFP) evaluated the ability of Plan land uses to fund required public facilities. It identified appropriate financing tools and aligned them with those public facility needs, providing a long-term forecast of the financial burdens associated with providing infrastructure to the Solano360 project. The PFFP serves as a blueprint to guide subsequent individual development applications and will ensure that future development conforms to the financial strategies outlined in this plan.

**Fiscal Impact Analysis:** The Solano360 Specific Plan Fiscal Impact Analysis evaluated the potential recurring fiscal impacts to the City and County resulting from development of the Solano360



project. The fiscal impact analysis compared the annual costs associated with providing public services against the annual revenues that will be generated by the proposed development to determine the net fiscal impact.

## **7.7 COMPLIANCE WITH CEQA**

The Solano360 Specific Plan EIR has been prepared in accordance with the California Environmental Quality Act (CEQA) to evaluate the potential environmental impacts associated with implementation of the Specific Plan (State Clearinghouse No. 2011092067). The purpose of the EIR is to inform decision makers, representatives of affected and responsible agencies, the public, and other interested parties of the potential environmental effects that may result from implementation of the proposed project.

The County served as Lead Agency for the EIR. The Solano360 Specific Plan EIR serves for environmental clearance on County and City approvals.

### **7.7.1 Additional Environmental Review**

Proposed private and / or public development may require additional environmental review and documentation in accordance with CEQA depending on the extent of consistency of the specific proposed development to the type / extent of development analyzed in the Specific Plan EIR. The determination as to the need for additional environmental review will be made by the City in the context of the regulatory review process for Private Purpose Area development, and the County in the context of the regulatory review process for Public Purpose Area development.

