



chapter seven

IMPLEMENTATION

Achieving Our Goals

How We Implement Sustainable Community Strategies

This chapter discusses a range of programs and actions that are recommended for the successful implementation of the *Valley Boulevard Neighborhoods Sustainability Plan*. Strategy components, public and private responsibilities and actions, and funding options of projects/programs are discussed.

The *Valley Boulevard Neighborhood Sustainability Plan* is to be implemented through existing and new funding and financing mechanisms, and existing and new regulatory measures. Most importantly, it is to be implemented through active and ongoing cooperation among property owners, business owners, citizens and the City of San Gabriel.

A sustainability plan is adopted by ordinance, and may be amended as often as deemed necessary by the City Council. No local public works project may be approved; no tentative map, final map, or parcel map may be approved; and no zoning ordinance may be adopted or amended within an area covered by a sustainability plan unless they are consistent with the adopted sustainability plan.

Financing

Several financing mechanisms are available to California municipalities for public improvements. These include but are not limited to the following:

General Obligation Bonds

In 1986, California voters approved Proposition 46, restoring the ability of local governments and school districts to issue general obligation (G.O.) bonds. General obligation bonds require approval by 2/3 of the jurisdiction's voters and are used to finance the acquisition and construction of public capital facilities and real estate (see §29900 *et seq.*, 43600 *et seq.*, and Education Code §15100 *et seq.*). G.O. bonds are repaid through an increase in the ad valorem property tax being levied by the issuing jurisdiction.

General Obligation bonds may be used to fund such things as schools, libraries, jails, fire protection, and capital improvements. According to the California Debt and Investment Advisory Commission, twenty-seven G.O. bond measures were placed on local ballots in the November 1996 election. Fourteen passed, thirteen failed, and nine received more than 60 percent approval. Some of these bonds included K–12 school facilities and seismic-safety retrofitting of public buildings.

Public Enterprise Revenue Bonds

Local governments have the ability to issue bonds to finance facilities for revenue producing public enterprises. The enterprises developed under these funds are financed by user charges that, in turn, are applied to bond debt service payments. Revenue bonds do not require approval by two-thirds vote, as they are neither payable from taxes nor from the general fund.

The *Revenue Bond Act of 1941* (§54300 *et seq.*) is the most commonly used bond act. Under this act, bonds may be issued for revenue producing facilities such as airports, harbors, hospitals, parking, and garbage collection. Bonds under this act are adopted by ordinance of the legislative body and subject to approval by a simple majority of the voters voting on the bond measure. One example of a public enterprise revenue bond is the Cambria Community Services District's 1989 bond financing of a wastewater treatment plant.

Business Improvement Districts (BIDs)

There are 2 types of BIDs in California. One is a business owner-based district, referred to as "BID", and the other is a property owner-based district, referred to as "PBID". A "BID" in California is defined as a type of assessment district where business owners, including landlords in many cases, can assess themselves a mandatory fee to fund predetermined business related activities and improvements which will benefit the assessed business. They are formed by active participation and cooperation from the business owners. Local government also participates in this process, and can play an active role in the district's formation.

BIDs are funded by on an annually renewable “pay as you go” basis without incurring long term debt. Related to a BID is a “PBID” or a Property and Business Improvement District. Contrary to a BID where business owners assess themselves for business improvements, a PBID is an assessment district where property owners assess themselves fees to fund predetermined business related activities and improvements which will benefit the assessed properties. The primary difference between a BID and a PBID is that PBIDs assess property owners only, not business owners, and may be established in increments up to five years initially and a maximum of 10 years for future renewals.

Impact Fees and Exactions

Dedications of land and impact fees are exactions which lessen the impacts of new development resulting from increased population or demand on services. Local governments derive their authority to impose exactions from the “police power” granted to them by the California Constitution and/or specific state-enabling statutes such as the *Subdivision Map Act*.

A legally defensible exaction must (a) “advance a legitimate state interest” (such as protection of the public health, safety, and welfare) and (b) mitigate the adverse impacts to that interest that would otherwise result from the project (as held in *Nollan v. California Coastal Commission* (1987) 107 S.Ct.3141). Additionally, in *Dolan v. City of Tigard* (1994) 114S.Ct.2309, the U.S. Supreme Court held that, in addition to the standard for essential nexus established under *Nollan*, there must be a “rough proportionality” between the proposed exactions and the impacts that the project are intended to allay. The California Supreme Court further defined the principals of legal exactions under *Ehrlich v. City of Culver City* (1996)12 Cal. App.4th 854. The Legislature has since amended the Mitigation Fee Act (§66000, *et seq.*) to require the local agency imposing the fee to identify the purpose of the fee and the use to which it will be put. The local agency must also specify the nexus between the development project and the improvement being financed (§66001). It must further establish that the amount of funds being collected will not exceed that needed to pay for the improvement (§66005).

Table 8-1 lists impact fees that will be implemented within the Sustainability Plan area. To fund the improvements identified within the Sustainability Plan, the City will need to determine an estimate of the total cost for all improvements within the Plan area. Applicable fees can then be modified and proportionately assessed to all new development within the Sustainability Plan area.

Table 8-1 Impact Fees: Funding Sources	
Impact Source	Funding Sources
Fire Facility	Residential (per unit)
	Nonresidential (per sf)
Police Facility	Residential (per unit)
	Nonresidential (per sf)
Public Open Space (Parks, plazas, etc.)	Residential (per unit)
	Nonresidential (per sf)
Sewer Impact (Institute a sewer impact/connection fee)	Residential (per unit)
	2nd Unit (per unit based on R-2)
	Senior Unit (per unit based on R-3)
	Room Addition > 800 sf (per unit)
	Commercial (per sf)
Street Improvements (Proposed Fee) (Landscape; street furniture; sidewalk improvements; paved crosswalks, bump-outs, etc.; public art, monuments)	Residential (per unit)
	Non-residential (per sf)
Traffic Impact (Design and adjust signal timing; reduce signal speeds; design drop off zones, etc.)	Residential (per trip)
	2nd Unit (per trip)
	Senior (per trip)
	Commercial (per trip)
Note: Development projects shall also be subject to school fees, NPDES, and street name sign fees.	

Special Assessment Districts

Special assessment districts are defined geographical areas in which local governments levy assessments to pay for public projects such as streets, sewers, storm drains, landscaping, and street lighting. Special assessments pay for projects that are of specific and direct benefit to particular properties. For example, in order to finance the construction of street facilities that provide sole access to an industrial park, a local government may create an assessment district to cover the cost as it relates to the amount of benefit received by each property being assessed. Proposition 218 established common procedures for forming special assessment districts under Section 4, Article XIII D of the California Constitution. Most assessment districts may use their proceeds to secure bonds.

The following are some of the many special assessment and related acts:

- *Improvement Act of 1911* (Streets and Highways Code §5000 *et seq.*)
- *Municipal Improvement Act of 1913* (Streets and Highways Code §10000 *et seq.*)
- *Improvement Bond Act of 1915* (Streets and Highways Code §8500 *et seq.*)
- *Park and Playground Act of 1909* (Government Code §38000 *et seq.*)
- *Tree Planting Act of 1931* (Streets and Highways code §22000 *et seq.*)
- *Landscaping and Lighting Act of 1972* (Streets and Highways Code §22500 *et seq.*)

- *Benefit Assessment Act of 1982* (Government Code §54703 *et seq.*)
- *Integrated Financing District Act* (Government Code §53175 *et seq.*)
- *Street Lighting Act of 1919* (Streets and Highways Code §18000 *et seq.*)
- *Municipal Lighting Maintenance District Act of 1927* (Street and Highways Code §18600 *et seq.*)
- *Street Lighting Act of 1931* (Streets and Highways Code §18300 *et seq.*)
- Parking District Law of 1943 (Streets and Highways Code §31500 *et seq.*)
- Parking District Law of 1951 (Streets and Highways Code §35100 *et seq.*)
- Parking and Business Improvement Area Law of 1989 (Street and Highways Code §36500 *et seq.*)
- Property and Business Improvement District Law of 1994 (Streets and Highways Code §36600 *et seq.*)
- Pedestrian Mall Law of 1960 (Street and Highways Code §11000 *et seq.*)
- Permanent Road Divisions Law (Streets and Highways Code §1160 *et seq.*)
- Community Rehabilitation District Law of 1985 (Government Code §53370 *et seq.*)
- Geologic Hazard Abatement District (Public Resources Code §26500 *et seq.*)
- *Open Space Maintenance Act* (Government Code §50575 *et seq.*)
- Fire Suppression Assessment (Government Code §50078 *et seq.*)

Development Review and Administration

This Plan includes development standards as well as design standards and guidelines but cannot foresee every potential condition requiring decisions within the development review process. Successful implementation of the Plan requires effective and coordinated administration of these standards and guidelines by professional staff on a cooperative basis with property and business owners with the goal of expediting the entitlement/permit process for projects consistent with this Plan. Amendments to the Zoning Ordinance and General Plan, where necessary, are required to make them consistent with the Plan. Specific ordinance amendments should facilitate the project review process, create incentives for property development and improvement, and help recruit and retain healthy businesses in the Valley Boulevard Neighborhoods. Any subsequent discretionary approval or amendment to the Sustainability Plan must be consistent with the General Plan as amended and/or updated.

The following considerations shall apply to development within the Plan area:

Classification of Uses

For all uses or activities not specifically identified in the Plan, it shall be under the direction of the Community Development Director or his designee to classify the use as a permitted or not allowed.

Nonconforming Uses and Buildings

To address non-conforming uses and buildings refer to Municipal Code §§153.420 through 153.426.

Appeals

Appeal of any development proposed within the Plan area will be subject to §153.004 of the Municipal Code and the provisions of this Code section shall apply in the absence of more specific regulations.

Except as specified above, development applications that are not in substantial conformance with this Plan or that may require an amendment to the Plan shall be governed by the following processes under the following four application categories: Minor Modifications, Variances, Sustainability Plan Amendments, and Conditional Use Permits.

Minor Modifications

Minor modifications to specified development standards may be requested as provided in Sections 153.440 through 153.447 of the San Gabriel Municipal Code.

Variances and Amendments

Variances to requirements of the Sustainability Plan may be requested as provided for in Sections 153.260 through 153.269 of the San Gabriel Municipal Code. Amendments to the Sustainability Plan may be requested at any time pursuant to Section 65453(a) of the California Government Code. Depending on the nature of the proposed amendment to the Sustainability Plan, additional environmental analysis may be required, pursuant to Section 15162 of the California Environmental Quality Act.

Conditional Use Permits

Uses subject to a conditional use permit, the process and requirements for review, and either approval or denial shall be in accordance with those set out in the City of San Gabriel Zoning Code.

City- and Community-Based Implementation Programs

Small Business Development Center

Unlike larger cities, San Gabriel does not offer in house loans, tax credits, start-up capital, or manage SBA loans. San Gabriel's business community relies on the Small Business Development Center (SBDC), which offers a full range of programs and services. The SBDC is designed to meet the needs of small business by providing information and guidance towards economic growth. The goal of the SBDC is to provide business owners and operators with management, marketing and financial skills necessary to survive and flourish in today's challenging business environment. One-on-one counseling, coaching and consulting are available, as well as business seminars and SBA loan packaging.

Parking Fees

In order to provide centralized public parking a range of parking programs might be considered including a parking assessment district, parking in lieu fees, and parking development fees. These programs would require City Council action and should be developed in concert with the community.

Neighborhood Improvement Services

Neighborhood Improvement Services (NIS) Division staff conduct both proactive and reactive inspections to ensure compliance. The goal of NIS is to make the property owner aware of existing property maintenance code violations that could have a negative impact on their property.

NIS not only investigates complaints and requests received from citizens but also is proactive in promoting a clean, attractive, and safe community. NIS also oversees the Shopping Cart Retrieval Program, Graffiti Hotline, and Tree Permit process. As part of its focus on neighborhood preservation and revitalization, this division is also the city's liaison for the Rebuilding Together program and the Holiday Decorations Award Program.

Protecting Our Urban Forest. The city of San Gabriel has a tree preservation ordinance that requires approval of a Tree Permit before a tree can be trimmed or removed. Replacement of a tree is necessary whenever a tree is removed. A permit application can be obtained from the Community Development Department.

Sustainable Development Compliance

Monitoring of the Sustainable Development standards found in the Plan will be shared by the Planning and Building Divisions of the Community Development Department. The Planning Division will ensure that the sustainable site and building design standards are followed during the entitlement process. During plan check and construction, the Building Division will take the lead in monitoring implementation of the sustainable energy and green building policies.

Neighborhood Watch and Business Alert Network

The San Gabriel Police Department offers programs for both the residents and the business community. The Neighborhood Watch program involves neighborhood association members and other interested individuals providing additional “pairs of eyes” to watch over a neighborhood. This program fosters a sense of community by bringing residents together and involving them in a mutually beneficial activity.

The Business Alert Network is a crime prevention program of merchants and business owners in San Gabriel. This program increases awareness and cooperation between merchants,

provides information on crime prevention techniques, improves the lines of communication between the merchants and the San Gabriel Police Department, and sends out “Fax Alert” bulletins with information on crimes that may occur in your area.

Green Building Incentives

To meet the objectives of this Sustainability Plan and achieve more sustainable buildings within the Valley Boulevard Neighborhoods, a series of policies are intended to guide new development, followed by sustainable development standards to implement these policies. The broader sustainability approaches contained in the policies are encouraged, but not required of new development, even though there are corresponding standards that are mandatory. In order to encourage greater compliance with the policies and their intent, the City will need to provide incentives to property owners and developers.

Incentives that the City may consider to encourage a higher level of green building within the Plan area include, but are not limited to the following:

- **Density Bonus.** The City may permit a bonus of up to ten (10) percent additional building square footage over and above the FAR permitted by zoning.
- **Fee Waivers.** The City may waive applicable development impact fees or application fees ranging from five to 15 percent of the total project fees in exchange for specified sustainable energy or green building approaches in project design or construction.
- **Expedited Processing.** The City may permit expediting processing of projects that are subject to the development review process so that developers are guaranteed a more expedient entitlement process.

This is not an exclusive list of incentives as there may be other approaches that the City may deem feasible as an incentive to encourage energy or resource conservation and green building development. Application of any or all of these incentives is strictly at the discretion of the City. Their application is to be determined during the development review process subject to the approval of the Community Development Director or his designee.

Scheduling & Phasing

Flexibility will be required throughout Plan implementation. Of special significance will be the ability to respond effectively to private development initiatives while coordinating implementation of planned public improvements.

Mitigation Monitoring

A Mitigation Monitoring and Reporting Program is included in environmental documentation associated with this Plan. All mitigation measures contained in this program shall be implemented as specified by the program.

