

## SECTION 6.0 ADMINISTRATION AND IMPELMENTATION

### 6.1 ADMINISTRATION

#### 6.1.1 Purpose and Overview

The California Government Code (Title 7, Division 1, Chapter 3, Article 8, Sections 65450 et seq.) grants authority to cities to adopt Specific Plans for purposes of implementing the goals and policies of the City’s General Plan. In the City of Duarte Chapter 19.22 and 19.150 of the Development Code establishes the purpose and adoption of Specific Plans. As with General Plans, the Planning Commission must hold a public hearing to consider and provide a recommendation on the Specific Plan to the City Council.

The purpose of this chapter is to provide an outline of the steps necessary to implement the Duarte Station Specific Plan and applicable conditions, mitigation measures and regulations in coordination with the City of Duarte and other relevant public agencies. The approval of this Specific Plan, certification of an Environmental Impact Report, and adoption of conditions of approval and a Mitigation Monitoring and Reporting Program (MMRP) will assure that timely mitigation of project impacts take place at the appropriate milestones and in accordance with project implementation.

#### 6.1.2 Applicability

All development within the Duarte Station Specific Plan area shall comply with the requirements and standards set forth in this Specific Plan document and the accompanying EIR, conditions of approval and Mitigation and Monitoring Report. Where conflicts exist between the standards contained in this Specific Plan and those found in the City of Duarte General Plan, Development Code or Municipal Code, the regulations and standards in this Specific Plan shall take precedence. Any area of site development, administration, review procedures, environmental review, landscaping requirements, sustainability, and regulations not expressly addressed by this Specific Plan document shall be subject to the provisions of the City of Duarte Development Code, using the context and objectives of the Specific Plan as a guide. The regulations, development standards and guidelines as contained in the Specific Plan shall apply in their entirety in the review of development proposals, site plans, and building permits within its boundaries.

The name “Duarte Station Specific Plan” refers to this specific plan document and its supporting information. The final marketing name of the project may differ and will be determined by individual project developers/builders.

#### 6.1.3 Adoption

The Duarte Station Specific Plan will be approved in a manner consistent with California Government Section 65451, as well as Article 7 and Chapters 19.22 and 19.150 of the City’s

Development Code. The Duarte Station Specific Plan will be adopted by ordinance and will serve as the zoning for the Specific Plan project area. The approved Specific Plan project site shall be designated on the City’s General Plan Land Use Diagram and Zoning Map as the Duarte Station Specific Plan (SP 17). The land use and development standards identified in this Specific Plan document supersede all zoning regulations to the extent that they would be in conflict with the sections of this Specific Plan.

**6.1.4 Enforcement**

The Duarte Station Specific Plan serves as the implementation tool for the General Plan and the zoning for the Specific Plan area. The Specific Plan addresses permitted uses, development standards, and project design guidelines.

The City shall enforce the provisions of the Specific Plan in the same manner that the City enforces the provisions of the General Plan, Municipal Code and Development Code.

**6.1.5 Interpretation**

The development standards and regulations contained in this Specific Plan shall supersede the standards contained in the Duarte Municipal and Development Codes, except where specifically provided in the Specific Plan. Whenever the provisions contained in the Specific Plan conflict with the Municipal or Development Codes, the provisions of the Specific Plan shall take precedence. Any ambiguity concerning the content or application of the Duarte Station

Specific Plan shall be resolved in accordance with the provisions of the Duarte Development Code. Such interpretations shall take into account the stated goals and intent of the Specific Plan. If requested, the Planning Commission may review any administrative interpretation, subject to appeal to the City Council.

**6.1.6 Appeals**

An appeal of any determination, decision, or requirement of City staff or the Planning Commission shall be made in conformance with the procedures established by the Development Code.

**6.1.7 Specific Plan Modifications and Amendments**

Final development plans for each area of the project may be adjusted or modified based on final design and engineering and the precise development plans of the planning area developer. Documentation of the proposed project, as modified, to support an implementing map, site plan, or use permit must be submitted for the review and approval of the Community Development Department, its Director or their designee. The Community Development Director or their designee shall have the authority to identify and approve, on behalf of the City, minor adjustments or modifications, as defined herein, which substantially conform to the approved Specific Plan.

### SUBSTANTIAL CONFORMANCE AND MINOR MODIFICATIONS

Minor modifications to the Duarte Station Specific Plan shall not require a Specific Plan Amendment, and shall be subject to a “substantial conformance” determination, an administrative mechanism by which minor modifications to the Specific Plan which do not result in significant impacts and are consistent with the intent of the Plan, shall be permitted without a formal amendment process. The City of Duarte Community Development Director shall make determinations of substantial conformance.

Minor modifications that meet the above Substantial Conformance determination may be warranted to accommodate changes resulting from final design and engineering that cause adjustments in roadway alignments, location of utilities or other infrastructure, development of innovative product design, distribution of permitted uses within the Specific Plan, development of Final Design Guidelines, density transfers, or other similar modifications deemed to be minor and which implement the provisions of the plan. Minor modifications or technical adjustments may include, but are not limited to the following:

- Modifications necessary to comply with final Conditions of Approval or mitigation measures;
- Addition of information to the Specific Plan (including maps or text) for purposes of clarification that does not change the intent of any plan or regulation, as well as correction of any clerical or grammatical errors;
- Adjustments to the alignment, location and sizing of utilities and facilities or a change in utility and/or public service provider may be approved by the City’s Engineering or Public Works Department so long as the adjustments or changes are found to be in compliance with applicable plans and standards of the agency responsible for such utilities and facilities;
- Change in roadway alignment, width, or improvements through the final engineering/improvement plan process so long as minimum rights-of-way meet the standards outlined in the Specific Plan;
- An adjustment of any interior boundary not to exceed 20% of the acreage designated as that land use;
- Variation in the number and type of dwelling units or square footage of non-residential uses within the Specific Plan may occur at the time of design depending on the residential or commercial product identified for development with a particular land use designation;
- Minor adjustments to any of the development standards or regulations such as modification of wall heights for noise attenuation purposes, modification of allowable encroachments into setbacks, etc. that are specifically allowed under the Development Regulations of this Specific Plan;

- Minor changes to the architectural design guidelines, which guidelines are intended to be conceptual in nature and flexible in implementation;
- Modification of any design element in this Specific Plan that improves circulation, reduces grading, improves drainage, improves infrastructure, or provides similar utility and reduces operations and maintenance costs;

The minor modifications described and listed above are not comprehensive. Any modification that is deemed by the Community Development Director to be in substantial conformance with the purpose and intent of the Specific Plan shall be permitted.

The documentation of substantial conformance may include text and/or maps which describe the nature of all proposed modifications or adjustments to the Specific Plan. This application of substantial conformance with the adopted Specific Plan shall undergo any necessary technical review by City agencies and the Community Development Director or their designee deems necessary to provide for updated conditions of project approval.

**AMENDMENTS TO THE SPECIFIC PLAN**

If a project applicant seeks a modification or adjustment to the Specific Plan which is deemed by the Community Development Director to be a substantial modification, the Community Development Director shall have the discretion to

refer any such requests to the City’s Planning Commission for review and consideration. Substantial amendments to the Specific Plan require a public hearing before the City’s Planning Commission which will make a recommendation to the City Council for action. The City Council may approve, deny, or conditionally approve amendments to the Specific Plan.

An amendment to the Specific Plan is required if the following occur:

- Changes to the overall Specific Plan boundaries including an expansion of the Specific Plan area (changes to planning area boundaries within the Specific Plan boundaries are deemed minor as noted above and would not require an amendment);
- A change in any other provision, purpose, or standard of the Specific Plan, which would significantly alter the basic intent, spirit, identity, or concepts of the Specific Plan; or
- An increase in the overall development density thresholds within the Specific Plan.

An applicant may request amendments to the Duarte Station Specific Plan at any time pursuant to Section 65453(a) of the Government Code.

An amendment to the Specific Plan requires public hearings, a recommendation by the City’s Planning Commission and

approval by the City Council. Specific Plan amendments are governed by California Government Code, Section 65456, and require an application and fee to be submitted to the City's Community Development Department. The application shall state in detail the reasons for the proposed amendment.

The Duarte Station Specific Plan shall not be amended unless the following findings are made by the Planning Commission and City Council:

- The Specific Plan or Amendment implements and is consistent with the General Plan in compliance with Government Code Section 65454.
- The Specific Plan amendment allows for a coordinated and cohesive development; and
- The Specific Plan or amendment provides for the construction, improvement, or extension of transportation facilities, public utilities and public services required for the long term needs of the project and/or other area residents, and complement the orderly development of the City of Duarte.

## 6.2 IMPLEMENTATION

### 6.2.1 Certification of Environmental Impact Report

A Project Environmental Impact Report (EIR) has been prepared for the Duarte Station Specific Plan to analyze

environmental impacts of the project, discuss feasible alternatives, and recommend feasible mitigation measures in compliance with the provisions of the California Environmental Quality Act (CEQA). The EIR analyzes the entire Specific Plan area and addresses potential impacts associated with development of the Specific Plan area. The EIR includes a recommended mitigation monitoring program and analyzes implementing actions for development. Preparation of the EIR was done in conformance with the requirements for environmental documentation for many of the subsequent discretionary and ministerial development applications for the Specific Plan.

### 6.2.2 Mixed-Use Implementation Mechanisms

As envisioned in this Specific Plan, any mix of uses allowable in the development standards of this document are permitted within the Mixed Use planning areas of this Specific Plan with no subsequent discretionary review other than Site Plan/Design Review and/or Conditional Use Permit approvals or additional environmental review under CEQA, granted that the mix of uses meets the requirements of the Mixed-Use Implementation Mechanisms established by this Section.

The Mixed-Use Implementation Mechanisms control the ultimate mix of uses within the Specific Plan through Development Regulations including allowable uses, building heights, floor area ratios, density restrictions, and open space standards. These are summarized in Table 6-2.

In the event a specific unlisted permitted or conditionally permitted use is identified for a proposed development, a traffic analysis may be required to be prepared by a licensed traffic engineer and reviewed and approved by the City Engineer.

Proposed projects will be analyzed in terms of: 1) consistency with the allowable uses as outlined in Section 4 of this document; 2) building heights are reviewed and approved by the Community Development Department; 3) a maximum FAR of 2.0 over the entire Specific Plan area; 4) parking standards identified within Section 4, Development Standards, ensure that parking demand, as associated with each specific use of the development, will be met; 5) the density of all residential uses does not exceed 70 dwelling units per gross acre, measured within each planning area over the entire Specific Plan; and 6) complies with open space requirements identified within Section 4 of this document.

Adjustments to the amount, intensity, or mix of uses may occur if consistent with the Specific Plan subject to a traffic analysis.

### COMPLIANCE WITH DEVELOPMENT REGULATIONS

Proof of Compliance with the following regulations (summarized from Section 4) must be submitted as part of any submittal for a project within the Mixed Use planning areas of the Specific Plan.

- Permitted Uses. The ultimate mixture of uses within the Mixed Use planning areas shall consist entirely of land

uses permitted or conditionally permitted in Section 4, *Development Regulations*, of this Specific Plan, and consistent with the Design Guidelines outlined in Section 6, Design Guidelines.

- Building Heights. Building heights within the Mixed-Use planning areas shall be reviewed and approved by the Community Development Department as part of the site plan/design review process.
- Floor Area Ratio (FAR). Development within the Mixed-Use planning areas must be consistent with the Specific Plan's maximum floor area ratio (FAR) of 2.0 over the entire planning area.
- Density Restrictions. Development within the Mixed-Use planning area must not exceed the project's density restrictions of 70 dwelling units per gross acre for all residential uses, measured over the entire Specific Plan area. Refer to Section 4, *Development Regulations*.
- Parking Requirements. Development within the Mixed-Use planning areas must meet the parking standards established in this document's Section 4, *Development Regulations*.
- Open Space Requirements. Development projects must meet the common and private open space standards established in this document's Section 4, *Development Regulations*.

To ensure that development proposals are consistent with the Mixed-Use Implementation Mechanisms described in this section, the following information shall be completed and submitted with proposals for development along with a table that documents the project data to be retained by the Community Development Department (see Appendix B).

**Table 6-1  
Mixed Use Specific Plan Consistency Checklist**

Requirement	Description	Conformance
1. Permitted Uses	Land Uses Permitted or Conditionally Permitted in this document's Section 4, <i>Development Regulations</i> .	✓
2. Building Heights	Building heights shall be reviewed and approved by the Planning Director as part of the site plan review process.	✓
3. FAR	A maximum floor area ratio (FAR) of 2.0 over the entire Planning Area. Refer to Specific Plan Section 4.	✓
4. Density	The density of all residential uses does not exceed 70 dwelling units per gross acre, measured within each planning area over the entire Specific Plan. Refer to Specific Plan Section 4.	✓
5. Parking Requirements	Parking standards, as established in this document's Section 4, <i>Development Regulations</i> are met.	✓
6. Open Space	Open space requirements, as established within the Specific Plan Section 4, <i>Development Regulations</i> , are met.	✓
7. General Building	Signage, materials, loading, lighting,	✓

Requirement	Description	Conformance
Design	fenestration established within Section 5, <i>Design Guidelines</i> .	
8. Substantial Conformance	Per Section 6.2.3 of this Specific Plan	✓
The checklist shall be completed and submitted with the development proposal. Check if the proposed project fully complies with each respective requirement.		

### 6.2.3 Subsequent Approvals and Plans

Several levels of subsequent or concurrent approvals are required to implement the project.

#### SUBDIVISION MAPS

All subdivision maps filed for properties within the Specific Plan area shall be filed and processed in accordance with the Subdivision Map Act and Chapter 19.72 of Article 5 of the City of Duarte Development Code. Tentative Maps shall be consistent with the vision and sustainable community design standards of this Specific Plan. These maps, once recorded, will create buildable parcels and road rights-of-way and/or private streets.

#### LANDSCAPE MASTER PLAN

The first project submitted for Site Plan and Design Review shall be accompanied by a landscape master plan to provide a consistent streetscape concept for the multiple projects within the Specific Plan area. If a single development entity proposes development of the entire Specific Plan area this requirement is superseded by the Design Review requirements which include a landscape plan.

**SITE PLAN AND DESIGN REVIEW**

- 1. Substantial Conformance Determination.** Prior to submittal to site plan submittal to the ARB, the Community Development Director shall make a finding of conformance with the land use and development standards of this Specific Plan consistent with Table 6-3. For projects within the Duarte Station Specific Plan area, review by Department officials shall constitute determination of consistency of the proposed project with the Specific Plan. The City of Duarte shall make findings that the development proposal is in substantial conformance with the Specific Plan.
- 2. Design Review.** Future developers within the Specific Plan are required to submit a completed Site Plan and Design Review Application with completed development and architectural plans for all projects to the Planning, Building and Safety, and Public Works/Engineering Divisions of the City of Duarte Community Development Department. Plans may also be submitted to additional departments such as fire, police, or any other departments where review is deemed necessary by the City.

The standards for approval of the Site Plan and Design Review of projects within the Specific Plan shall be in accordance with Chapter 19.122.040 D. of the Development Code in addition to the following:

- The project implements the overarching intent of this Specific Plan;
- The project adheres to the land use and development standards as outlined in the Development Regulations section of this Specific Plan; and
- The project is in substantial conformance with the site planning and Design Guidelines contained in Sections 5 and 6 of this Specific Plan. Where project design guidelines or criteria conflict with the Standards of Review in Chapter 19.122.040 D. of the Development Code the provisions of the Specific Plan shall prevail.

**Approving Authority.** Approving authority for Site Plan/Design Review shall be as identified in the Duarte Development Code.

**PHASING**

Construction of the Duarte Station Specific Plan, including recordation of final subdivision map(s), site plan and design review, and actual construction of buildings, roads, and infrastructure may be progressively done in stages, provided vehicular access, public facilities, and infrastructure are constructed to adequately service the development, or as needed for public health and safety. The project will be phased to:

- Provide an orderly build-out of the community based upon market demand; and
- Provide adequate infrastructure to service the project.

The Specific Plan will be constructed in phases based on market demand and available infrastructure improvements needed to support development. Table 6-4, Project Phasing, identifies the anticipated phasing for the project. Phases may occur concurrently so long as the associated infrastructure is provided. Ultimate pace and phasing of the development is dependent on a number of internal and external factors. Market forces will determine the timing of landowner decisions to sell or “redevelop” the properties within the Specific Plan area.

As other projects and improvements in the area progress various adjustments and revisions to the project phasing may occur. Revisions to the phasing plan shall be reviewed by the City’s Community Development Department and approved administratively so long as the proposed revisions meet the intent of the Specific Plan and adequately provide for the needs of the community. Any revision to the phasing deemed consistent with the Specific Plan shall not require a specific plan amendment.

**Table 6-2  
Phasing**

Planning Area	Ac.	Non-Residential Intensity/Land Use	Residential Unit Count/Land Use
<b>Phase 1</b>			
A	1.59	Parking only	--
B	1.1	96,000 sf Office Mixed Use	--
D	1.89	--	132 du Residential/Mixed Use
E	0.81	12,000 sf Station Plaza Retail	--
F	1.19	--	83 du Residential
I	3.29	Hotel Mixed Use 250 room Hotel	--
<b>Phase 2</b>			
C	1.84	165,000 sf Office/Mixed Use	--
G	2.35	--	165 du Residential/Mixed Use
H	1.36	--	95 du Residential
<b>Phase 3</b>			
A	1.59	139,000 sf Office/Mixed Use (Parking)	--
<b>Total</b>	<b>19.09</b>	400,000 office 12,000 sf retail 250 room hotel	475 du

## CEQA COMPLIANCE AND MITIGATION MONITORING

A program of measures identified in the project’s EIR shall be prepared of measures to mitigate or avoid significant effects on the environment. An approved Mitigation Monitoring Program shall insure that the Duarte Station Specific Plan complies with all applicable environmental mitigation and permit requirements. The final approved Mitigation Monitoring program shall be established upon EIR certification.

### 6.3 MAINTENANCE RESPONSIBILITY AND PROJECT FINANCING

#### 6.3.1 Maintenance Responsibility

Maintenance responsibility within the Duarte Station project area will be accomplished through a combination of private and public mechanisms. In general, facilities dedicated to public agencies will be maintained by the relevant agency, while private facilities will be maintained by private entities or representative authorized private associations, as discussed below.

#### RESIDENTIAL NEIGHBORHOOD HOMEOWNERS ASSOCIATION

A residential Homeowner’s Association (HOA) shall be formed for the maintenance of private facilities held in common ownership, such as project landscaping lanes, private parks, entries, and lighting within individual projects.

## BUSINESS ASSOCIATION

A Business Association may be formed to address private roads, shared driveways, landscaping, streetscape amenities, signage, and maintenance within the non-residential areas of the Plan, inclusive of commercial or office uses.

### 6.3.2 Financing Mechanisms

It is expected that a range of funding tools will be tapped to finance transit village development, associated infrastructure, and ongoing operation. As noted earlier, responsibility for implementing these tools will fall to the City, other governmental agencies, private entities, and authorized private associations such as a home owners or business associations.

The funding sources identified here are for discussion purposes to determine if the list is complete (and appropriate) and to guide subsequent analytical efforts. The ultimate mix of financing mechanisms will be determined in the implementation process, based on final technical analyses of costs, benefits, and burdens, and on deliberations involving City staff, sponsoring entities, property owners, developers, elected officials, bond counsel, underwriters, finance experts, and others.

Regardless of the financing mechanisms selected, any approach should seek to align the sources, timing, and scope of financing to the specified uses, as described by the following principles:

- There should be assurances that necessary funding will be available at the time specific infrastructure items are required.
- Financial burdens on development should be kept within industry standards and market constraints.
- The plan should be responsive to expected variations in timing, location, and type of development.

The financing tools and their applicability to the Plan Area fall into three distinct categories discussed further below.

### AREA-SPECIFIC FEES, DEDICATIONS, AND EXACTIONS

**Area Development Impact Fees.** Area development impact fees may be enacted by a legislative body (i.e., city or county) through adoption of an ordinance. Such fees do not require a public vote to be enacted, but they do require public hearings. Area development impact fees must be directly related to the benefits received. Specifically, State law requires that impact fees be shown to have a “rational nexus” or relationship between costs and the impact or demand caused by the new development. They do not create a lien against property but must be paid in full as a condition of approval. Fees are established so that these properties pay their fair share at the time they are ready to be developed. Benefiting properties may be given the option to finance the fees by entering into an Assessment District (AD) or Mello-Roos Community Facility Districts (CFD) (see description of these financing mechanisms below).

**Dedications and Exactions.** Under the Subdivision Map Act, developers may be required to dedicate land or make cash payments for public facilities required or affected by their project (e.g., road right-of-way fronting individual properties). Dedications are typically made for road and utility right-of-ways, park sites, and land for other public facilities. Cash contributions are made for other public facilities that are directly required by their projects (e.g., payments for a traffic signal).

**Net New General Fund Revenues.** The City of Duarte may elect to use General Fund revenues to help offset the cost of public infrastructure provision. Such a policy might be justified in light of the fact that the proposed Area Plan will generate significant fiscal benefits, as discussed in the Fiscal Impact Analysis in the Appendix (to come). These benefits may be used to back the issuance of tax-exempt bonds.

**Joint Development.** Metro’s Joint Development Program provides a framework for public-private partnership that guides how private entities may conduct development on Metro-owned land to further the agency’s goals of increasing ridership and reducing auto use by directly linking Metro’s transportation network with retail, commercial and housing opportunities. For the Duarte station area, Metro will require land in the Plan Area for surface parking. This land could not only provide additional developable area for commercial uses and increase development density on the site, it could effectively provide—by means of below-market ground rent—a source of assistance to help catalyze further development.

**ASSESSMENT AND SPECIAL TAX-SECURED FINANCING**

**Infrastructure Financing District.** Qualified entities can create an Infrastructure Financing District (IFD), per the 1990 Infrastructure Financing Act, to pay for the construction of capital facilities that have “communitywide significance and provide significant benefits to an area larger than the area of the district.” Such facilities may include transit, highways, water systems, sewer projects, flood control, child care facilities, libraries, parks, and solid waste facilities.

An IFD provides funding by diverting a portion of property tax increment revenue for 30 years to secure the issuance of bonds to finance qualifying projects. The IFD increment is defined as total annual property tax revenue within the district, less a base year amount, less the portion allocated to schools, less the portion claimed by agencies that did not voluntarily approve the IFD formation. As such, IFD tax increment is less than that once generated as redevelopment tax increment, possibly significantly less depending on the specific conditions of each IFD approval.

To date, the difficulty in implementing an IFD has limited its use in California. To form an IFD, the qualified entity must develop an infrastructure plan, send copies to every land owner, consult with other local governments, and hold a public hearing. The infrastructure plan must be approved by every local agency that will contribute property tax revenue to the IFD. After this agency approval, the applicant must submit for voter approval to form the IFD (by two-thirds majority), to issue bonds (by two-thirds majority), and to

establish an appropriations limit for the IFD (by simple majority).

Even after forming an IFD, bond issuance is difficult. The thirty-year limitation restricts bond capacity. Furthermore, there is no current market for IFD bonds, which have a high-risk profile because tax increment cash flow to service the bond is susceptible to real estate market volatility, and there is no independent real property lien on land within the district to secure the IFD’s obligations.

However, in light of these well-documented challenges in forming and utilizing IFDs, several legislative efforts are under discussion to amend the IFD law with key changes including term extension from 30 to 40 years, elimination of voter approval requirements, and the addition of new qualifying project categories. If successful, these revisions could open up a very significant source of infrastructure financing.

**Special Assessment Districts (1911, 1913, 1915 Acts).**

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 subject to majority vote of property owners. Votes are weighted according to the amount of the proposed assessment on the parcel to which the ballot pertains. Assessments are distributed in proportion to the benefits received by each property as determined by engineering analysis and form a lien against property. Special assessments are fixed dollar

amounts and may be prepaid, although they are typically paid back with interest over time by the assessed property owner. Only public infrastructure improvements with property-specific benefits (e.g., roads, drainage, and sewer and water improvements) may be financed with assessments. In addition, standard public finance underwriting criteria requires that the ratio of improved land value to assessment lien be equal to or greater than three to one.

**Mello-Roos Community Facilities Districts.** California’s Mello-Roos Community Facilities Act of 1982 allows for the creation of a special district 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 two-thirds majority of either property owners or registered voters (if there are more than 12 registered voters living in the area).

Special taxes are collected annually with property taxes and may be prepaid if such provisions are specified in the tax formula. The special tax amount is based upon a special tax lien against the property. There is no requirement that the tax be apportioned on the basis of direct benefit. Because there is no requirement to show direct benefit, Mello-Roos levies may be used to fund improvements of general benefit, such as major utilities, fire and police facilities, and libraries and parks, as well as improvements that benefit specific properties. The provision also allows for the allocation of cost burdens to alleviate burdens on specific classes of development.

The potential for a CFD supporting the Duarte Transit Village Plan Area could be significant if the district boundaries include industrial uses east of the site and City of Hope to the South.

**FEDERAL AND STATE GRANTS**

The City has in the past received funding for public facilities from other levels of government, including the State and Federal government. Funds from these sources, a selection of which is shown in the table below, may be made available for development in the Plan Area, especially as transit is a preferred public use. The availability, amount, and timing of these funds will need to be further evaluated.

**Federal and State Funding Sources**

Program	Description
Moving Ahead for Progress in the Twenty-First Century (MAP-21)	The current iteration of the US DOT Federal-Aid Highway Program, Moving Ahead for Progress in the Twenty-First Century (MAP-21), is in effect through September 2014 (it is re-authorized roughly every six years). Because the process of allocating federal aid is subject to uncertain political outcomes, it is not possible to ascertain what programs will continue through the next version. The California Department of Transportation (Caltrans) and regional planning agencies administer MAP-21 funding. The MAP-21 programs that may be applicable to the Plan Area are discussed briefly below.

Federal and State Funding Sources

Program	Description
Transportation Alternatives (TA)	<ul style="list-style-type: none"> <li>Transportation Alternatives consolidates three separate programs under the prior version of the Federal Aid Highway Program: Transportation Enhancements (TE), Safe Routes to School (SR2S), and the Recreational Trails Program (RTP). Of these, TE and SR2S are particularly relevant to opportunities in the Plan Area. TE funds may be used for the planning, design, and construction of bicycle and pedestrian infrastructure such as bikeways, sidewalks, signaling and signage, traffic management techniques, and improvements designed for ADA compliance. SR2S funds are intended to finance healthy alternative approaches to driving or using the bus to go to school on projects within two miles of primary or middle schools. SR2S funds may be used for a range of engineering, traffic calming, and educational projects.</li> </ul>
Surface Transportation Program (STP)	<ul style="list-style-type: none"> <li>The Surface Transportation Program (STP) allocates funds that can be used for a wide range of projects, including road and transit improvements that include bicycle and pedestrian elements. STP provides flexibility to fund improvements that are outside the Federal-aid highway system, so many streets near the Plan Area may be eligible.</li> </ul>
Congestion Mitigation and Air Quality Improvement (CMAQ) Program	<ul style="list-style-type: none"> <li>The CMAQ program is designed to provide funding to support surface transportation projects and other related efforts that contribute to air quality improvements and provide congestion relief. Eligible projects are intended to lower emissions of ozone, carbon monoxide, and/or particulate matter.</li> </ul>

Federal and State Funding Sources

Program	Description
New Freedom Initiative	<ul style="list-style-type: none"> <li>The New Freedom Initiative is intended to fund improvements that remove barriers to community living for people with disabilities. Among the eligible projects are those that expand transportation options. New Freedom Initiative grants may be used to fund both capital projects and operations and may be applicable for transit and pedestrian infrastructure envisioned for the Plan Area.</li> </ul>
Transit-Oriented Development Planning Pilot	<ul style="list-style-type: none"> <li>This pilot program provides funding to advance planning efforts that support transit-oriented development (TOD) associated with new fixed-guideway and core capacity improvement projects. Eligible recipients include state and local government agencies engaged in comprehensive planning that seeks to enhance economic development and ridership by means of increasing multimodal connectivity and accessibility, enhancing access to transit hubs for pedestrian and bicycle traffic, and promoting and enabling mixed-use development.</li> </ul>
AB 2766 Clean Air Funds	<p>The South Coast Air Quality Management District (AQMD) administers this program to fund air pollution reduction efforts. Funding is drawn from automobile registration surcharges. A 40 percent portion of annual disbursement is automatically allocated to South Coast District member cities in proportion to population. The remaining 60 percent is allocated through a competitive grant program for projects that improve air quality. Nearly all Plan Area initiatives may potentially be eligible for funding from AB 2766 grants.</p>

Federal and State Funding Sources

Program	Description
Bicycle Transportation Account (BTA)	Caltrans administers the Bicycle Transportation Account (BTA), an annual program providing state funds for city and county projects that improve safety and convenience for bicycle commuters. Cities and counties are eligible to apply for BTA funds. Eligibility is based on pre-adoption of a Bicycle Transportation Plan (BTP) that complies with Streets and Highways Code Section 891.4 that has been pre-approved by the appropriate Metropolitan Planning Organization (MPO) or Regional Transportation Planning Agency (RTPA). Eligible uses for the funding include bikeways and related facilities, planning, safety, and education. The BTA is a reimbursement program, which requires allocated funds to be matched by at minimum 10 percent of the total project cost. BTA funds may also be used to apply for and match federal grants or loans. Approximately \$7.2 million is appropriated annually for the program state-wide.
California Transit Oriented Development (TOD) Housing Program	This program, funded by the California Department of Housing and Community Development, makes low-interest loans available as gap financing for rental housing developments that include affordable units, and as mortgage assistance for homeownership developments. Loans and grants are available to qualified public entities for infrastructure improvements supporting TOD residential uses or to enable connections between these developments and the transit station

Federal and State Funding Sources

Program	Description
Community Based Transportation Planning	Caltrans administers a grant program for transportation planning projects to improve mobility and lead to the programming or implementation phase for a community or region. With approximately \$9 million in funding distributed through six grant programs annually, the program may offer the City of Duarte additional funding for planning. Each of these six grant programs may be applicable for the Plan Area: Community-Based Transportation Planning, Environmental Justice, Partnership Planning, Statewide or Urban Transit Planning Studies, Rural or Small Urban Transit Planning Studies, and Transit Planning Student Internships.
Environmental Enhancement and Mitigation Program	Caltrans and the California Natural Resources Agency administer the Environmental Enhancement and Mitigation Program, which offers \$10 million each year in grants for projects that relate to the environmental impact associated with the modification of an existing transportation facility or construction of a new transportation facility. Of the four grant categories available, two may apply to the Plan Area, area, including grants for Highway Landscaping and Urban Forestry Projects to offset vehicular emissions through planting of trees and other suitable plants; and grants for Mitigation Projects Beyond the Scope of the Lead Agency responsible for assessing the environmental impact of the proposed transportation improvement.
Office of Traffic Safety (OTS)	The California Office of Traffic Safety (OTS) was created to award grant dollars to local and state government departments for development of traffic safety programs. The office is in the state Business, Transportation and Housing Agency, and it functions as a conduit for federal grant money, which it allocates to eight separate program areas, of which two, for Pedestrian and Bicycle Safety and Roadway Safety, may be directly applicable to the Plan Area. City agencies are eligible to apply.

Federal and State Funding Sources

Program	Description
State-Local Transportation Partnership Program	The State-Local Transportation Partnership Program (SLTPP), administered by Caltrans, is intended to help local agencies fund and construct transportation improvement projects both on and off the State Highway System. The SLTPP is funded by the State Highway Account and is allocated to projects that increase transportation capacity, extend service to a new area, or extends a roadway's useful life.
Transportation Development Act Article 3 Funds	The Transportation Development Act (TDA) includes two separate public transportation funds—Local Transportation Fund (LTF) and the State Transit Assistance fund—designated for development and support of public transportation needs. Funding is allocated to areas of each county based on population, taxable sales and transit performance. TDA funds may be used for many potential expenses that the transit village may generate, including engineering expenses, right-of-way acquisition, construction, improvements to existing pedestrian infrastructure, ADA compliance, and support facilities, such as transit shelters, bicycle parking, and pedestrian amenities.
Transportation Investment Generating Economic Recovery Program (TIGER)	The original TIGER Grant program, administered by the Department of Transportation (DOT), originated with the American Recovery and Reinvestment Act of 2009 (ARRA) and has been re-authorized for 2013. (If renewed for 2014, the program will likely feature provisions similar to those in 2013.) Through a highly competitive process, \$474 million in discretionary grant money will be awarded to projects that achieve goals set forth in the Sustainable Communities Regional Planning Grant Program. These projects include larger-scale planning efforts that join housing, land use, economic and workforce development, transportation, and infrastructure investments that take into account the principles of sustainability, economic revitalization, social equity, public health, and environmental sustainability.