

RESOLUTION NUMBER R- 286045

ADOPTED ON JUN 27 1995

BE IT RESOLVED, by the Council of The City of San Diego, that proposed changes to the Carmel Valley Transportation Phasing Plan and the attachment (Carmel Valley Building Permit Allocation Method) to Council Policy 600-36, "Requirement for Annual Adjustment of Facilities Benefit Assessments and Prepayment of Assessments," as described in City Manager Report No. 95-129, are hereby approved with the following changes:

The City Manager's recommendations in City Manager's Report No. 95-129 are approved, as amended below:

1. Revise the Transportation Phasing Plan to delete Improvement #12 (Carmel Country Road or Carmel Creek Road from Carmel Valley Road to Carmel Mountain Road) and to raise the dwelling unit threshold for Improvement #13 (4-lane connector through the FUA) from 9,000 to 10,000.

2. Revise the attachment to Council Policy 600-36 to reflect:

a) A revised threshold of 10,000 Dwelling Units for improvement #13;

b) Reservation of 5% of the permits within the Special Category for small and medium-sized owners;

c) Allocation of 50% of the increased permits to a category available on a first-come,

first-served basis and 50% of the increased permits to a category eligible to prepay assessments.

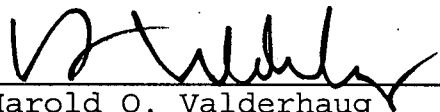
3. Direct staff to work with the property owners toward the goal of performing the studies necessary to reevaluate the threshold for the four-lane road to I-15, and to bring the results of the study back to Council in six months after review and comment by the Carmel Valley Planning Board.

4. Defer a decision on the reallocation of remaining permit allocations to the parties of the Stipulated Judgement until further study of the Transportation Phasing Plan is completed.

5. As part of this effort, staff is directed to address the questions on Transportation Phasing for Carmel Valley contained in the attached letter dated June 20, 1995, from the Carmel Valley Planning Board.

APPROVED: JOHN W. WITT, City Attorney

By

  
Harold O. Valderhaug  
Chief Deputy City Attorney

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05/24/95  
07/07/95 REV.1  
Or.Dept:Plan.  
R-95-1775  
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CARMEL VALLEY COMMUNITY PLANNING BOARD  
12760 HIGH BLUFF DRIVE, SUITE 160  
SAN DIEGO, CA 92130  
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RECEIVED  
JUN 26 1995  
COMMUNITY PLANNING

June 20, 1995

Councilman Harry Mathis  
202 "C" Street  
San Diego, CA 92101

JUL 6 9 43 AM '95  
CITY ATTORNEY

SUBJECT: CARMEL VALLEY TRANSPORTATION PHASING PLAN UPDATE

Dear Councilman Mathis:

At a special meeting on June 20, 1995, the Carmel Valley Community Planning Board (CVCBPB) reviewed the Carmel Valley Transportation Plan (TPP). City Staff made a presentation on the TPP and the proposed revisions to the Black Mountain Ranch development plans and tentative map.

Following discussions amongst the CVCBPB, concerned citizens and city staff, the Board made a motion to approve the staff recommendation with the following conditions:

1. Increase the threshold by 500 units only, making the threshold 9,500 units, rather than 10,500 units.
2. The traffic study, as proposed by city staff should include the effects of the proposed Black Mountain Ranch (BMR) project on the Carmel Valley traffic facilities and the BMR developer should participate in the cost of the study based on their fair share.
3. Upon completion of the traffic report, the CVCBPB will review and make recommendations to the City regarding the TPP related thresholds.
4. Forward to the City Council and staff, concerns regarding the TPP as expressed in letter dated June 20, 1995, with accompanying questions (letter attached).

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6/20/95

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**JUN 26 1995**

**COMMUNITY PLANNING**

The vote on the motion was seven in favor, two against. The CVCPB appreciates the opportunity to have reviewed the TPP and look forward to our continued involvement in this program.

If you have any questions, please call.

Sincerely,



Charles A. Corum  
Secretary

CC:lf

cc: Mayor Susan Golding  
Gary Hess, Project Manager

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CARMEL VALLEY COMMUNITY PLANNING BOARD  
12760 High Bluff Drive, Suite 160  
San Diego, CA 92130  
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June 20, 1995

Councilman Harry Mathis  
202 "C" Street  
San Diego, CA 92101

SUBJECT: TRANSPORTATION PHASING PLAN UPDATE FOR CARMEL VALLEY

Dear Councilman Mathis:

The Transportation Planning Division's (May 5, 1995) recommendation to increase the development level threshold from 9,000 to 10,500 dwelling units raises serious concerns. The board believes this action is premature, given the information available supporting this considerable increase. However, we will support an increase to 9,500, upon completion of the comprehensive traffic study we are requesting. Also, we will be reconsidering our previous positions on requiring construction of a four-lane road through the NCFUA.

Your July 7, 1994 letter to the Board regarding the 1995 Carmel Valley FBA sets the foundation for better analysis of traffic before the phasing guide for this area is amended again:

"Though the phasing items were not eliminated, both were increased from their 1994 level of 8,725 to 9,000 dwelling units. This new threshold will be sufficient to ensure that enough development permits are available to meet the projected needs of the developers and allow continued income for the community's FBA. During the next year, the planning department, in cooperation with the CVCPB, will undertake a complete review of the Carmel Valley facilities phasing plan to ensure its viability." (our emphasis)

Twice previously we supported developers' request to unburden them from the condition of "a four lane road from the Carmel Valley boundary to I-15". Funding even for planning a completed State Route 56 hadn't been found. We reasoned that increasing the threshold to 9,000 would keep developers and our FBA solvent.

Being asked to now bump up this figure to 10,500 is a considerably different request. As "Attachment 1" to our draft 1995 Public Facilities Financing Plan and FBA states, threshold increases must be based upon "demonstrated roadway capacity". The only material provided thus far is a May 5 letter to Jeff Washington from the

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Transportation Planning Division recommending increasing to a 10,500 threshold based on an incomplete analysis provided by USA Consultants, paid for by Pardee.


We believe our responsibilities to this community are to ensure that the original planning principles of the Carmel Valley Community Plan are carried out. The "Development Phasing Principles" state:

"There must be a reasonable and realistic phasing of development.... Forces are already at work to frustrate this orderly development concept. Resisting these pressures requires a strong community will and determined commitment, but, if successfully achieved, can result in sound, stable development and attractive living environments."

The primary goal of the plan's circulation element "is the design of a network which provides mobility, accessibility and safety for residents of the community" and, in order to promote realistic phasing of development "transportation... should be carefully coordinated with land use planning, public facilities and services, and the public investments necessary to support the development of the... community".

We believe a comprehensive analysis of the outcome of an increase in the development threshold needs to be done. To guide this analysis we are attaching questions we believe should be addressed by this Board and the Council before considering any action which substantially changes phasing.

  
Bob Rauch, Chair

  
Jan Fuchs, Vice-Chair

cc: Mayor Susan Golding  
Gary Hess, PFFP/FBA Planner

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QUESTIONS ON TRANSPORTATION PHASING FOR CARMEL VALLEY

- (1) Are the planned roads classified according to our community plans and will they handle the development levels projected?
- (2) The model used to approve what kind of development would occur in Carmel Valley was theoretical when the original community was approved. Since that time enough buildout has occurred to test that model. Was the methodology used accurate? Have the traffic estimates been accurate for the densities and locations allowed? Are the trip generations per unit the same as that projected in the concept?
- (3) Given an updated and realistic look at the model, what differences in traffic occur at the 8,275 and 9,000 levels? What differences between the 8,275 and a 10,500 level?
- (4) Didn't previous phasing plans consider the direct connection of SR 56 ramps and I-5? The transportation planning department's letter to Jeff Washington seems to say there is new information on how this connection fits into the Carmel Valley traffic picture.
- (5) When will the northbound ramps from SR 56 to I-5 be built? Shouldn't any discussion of increases in dwelling units analyze the timing of this critical element of SR 56 for our community?
- (6) The traffic analysis for the revised "Black Mountain Ranch" precise plan should include the project's impacts on Carmel Valley. Project applicant should contribute a fair-share amount toward the cost of the overall traffic study we are requesting on threshold levels in Carmel Valley.

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Attachment to Council Policy 600-36

**CARMEL VALLEY BUILDING PERMIT ALLOCATION METHOD**  
(Revised June 27, 1995)

**A. Applicability**

The following sections are applicable to the Carmel Valley Community only. This policy will become effective upon adoption by the City Council and will supersede and replace the Carmel Valley Building Permit Allocation Program adopted March 7, 1995.

**B. Administration**

The following sections are to be administered by the City Planning Director.

**C. Prepayment of Assessments Without Release of Liens**

1. Prepayment of assessments only (no release of liens) prior to issuance of building permits will be permitted in Carmel Valley, subject to limitations.

2. In the Carmel Valley Community, where public facility thresholds have been reached and the issuance of building permits is therefore prohibited due to the lack of required public facilities, on the first working day thirty (30) days from the adoption date of this allocation method and thereafter until there is a release of building permits except as indicated in C2.1 and C3:

2.1 Those projects which have a Council approved final map including proceedings pursuant to Section 66462.5 of the Subdivision Map Act, or its equivalent as determined by the City Planning Director and have met all the project requirements including but not limited to dedication of public rights of way, guarantee of public improvements and obtaining of all development permits may prepay assessments up to nine (9) months in advance of the project having a valid building permit application, excluding an application for a foundation only permit.

For purposes of this policy "proceedings pursuant to Section 66462.5 of the Subdivision Map Act" shall mean that all conditions of a tentative map have been satisfied except a condition that requires a subdivider to construct or install public improvements on land which neither the City nor the subdivider controls. For purposes of this policy, "dedication of public rights of way and guarantee of public improvements" shall mean an irrevocable offer to dedicate all rights of way to the City has been made and all public improvements associated with the project have been at a minimum bonded for or otherwise financially assured to the satisfaction of the City Planning Director.

At the time of payment of the assessment and agreement to pay a supplemental assessment at the time of subsequent issuance of building permits in an amount equal to the then current assessment, less any credits for the amount of prepayment with respect to such property, the project shall be granted a reservation of a future allocation of the requested number of future building permits.

In the event that requests for reservations of allocation ("Requests") under C2.1 have been



received and the total of such Requests exceeds the amount of allocations subsequently made available by City, allocations shall be made on the basis of first requested. Determination of basis of first requested shall be the date of obtaining a Council approved Final Map as defined in Section C2.1 or its equivalent as determined by the City Planning Director, and having met all project requirements including, but not limited to, dedication of public rights of way, guarantee of public improvements and obtaining of all development permits. The date of obtaining a Final Map shall have no effect, except to distinguish between multiple requests received on the same day.

It is the policy of the City Council that a portion of the dwelling units in the 5,225-8,275 and 8,275-10,000 dwelling unit thresholds will not be available for prepayment of assessments. These units (as identified in Section C2.3) will be considered a Special Category and will be available to any owner/applicant with a complete a building permit application who is ready to pay for and obtain building permits. Within this Special Category, a sub-category of dwelling units will be reserved for small and medium sized property owners. Those owners are defined as those owner/applicants whose development potential does not exceed the following:

- 100 - single family dwelling units, or
- 150 - multi-family dwelling units, or
- 100,000 square feet of non-residential building area.

2.2 The following numbers of building permits in the specific threshold indicated below and contained in the Carmel Valley Transportation Phasing Plan (Revised June 27, 1995) shall be considered in a Special Category not available for prepayment:

Any remaining units from the "Other category" of the 5,225 DU - 8,275 DU thresholds plus 670 DUs in the 8,275 DU - 10,000 DU threshold.

Permits in the Special Category are available to applicants who meet the following conditions:

- If the applicant is a named party to the adopted permit allocation method for the 5,225-8,275 DU threshold (Stipulated Judgment), all such allocations must be secured through prepayment before securing any permits in the 8,275-10,000 DU threshold. If the applicant is not one of the named parties, it must pay for any allocations obtained through assignment or transfer before securing any additional permits.
- The applicant must pull any permits previously reserved in the 8,275 - 10,000 DU threshold prior to pulling permits from the Special Category.

The total number of permits in the Special Category available only to small and medium sized owners as defined in Section 2.1 will be limited to 78 permits. These permits may be secured in the same manner as all others in the Special Category and will be considered a separate Reserved Category.

In the event that applications for building permits from the Special Category exceed the amount of allocations available, they shall be issued on the basis of first paid subsequent to the time and date of adoption of this method.

- 2.3 Nothing in Section C2.3 or Section C2.4 shall preclude a small to medium sized property owner as defined in Section C2.2 from applying for building permits in any category under the provision of Section 2.1, in the event that permits are unavailable in the category specially reserved for small and medium property owners.
- 2.4 In lieu of cash payment at the time of reservation of a future allocation, the reservation may be secured through use of a letter of credit in a form satisfactory to the City Planning Director. The assessment must be paid in cash by the first working day 14 days following the date of permit allocations becoming available. In the event the applicant under Section C2.1 above fails to obtain a valid permit application excluding an application for a foundation only permit within nine (9) months of prepayment, or its equivalent, the reservation of allocation of future building permits shall be canceled. A new reservation, if still available, will be made at such time as the applicant does obtain a valid building permit application excluding an application for a foundation only permit, providing the then applicable assessment has been paid.
3. In the Carmel Valley Community, where public facility thresholds have not been reached and there is thus no restriction to issuing building permits caused by the lack of public facilities, (1) those projects which have a Council approved final map as defined in Section C2.1, or its equivalent as determined by the City Planning Director, and have met all project requirements including, but not limited to, dedication of public rights of way, guarantee of public improvements as defined in Section C2.1, and obtaining of all development permits, may prepay assessments, in cash only, up to nine (9) months in advance of the project having a valid building permit application, excluding an application for a foundation only permit. At the time of payment of the assessment and agreement to pay a supplemental assessment at the time of subsequent issuance of building permits in an amount equal to the then current assessment, less any credits for the amount of prepayment with respect to such property, the project shall be allocated the appropriate number of future building permits from the then existing un-met threshold. In the event that simultaneous requests (requests made on same day) for allocations ("Requests") are received whereby the total of such Requests then exceeds the amount of allocations available at the start of that day for those Requests, allocations to those total Requests shall be made as follows:

First, the total number of such Requests meeting the conditions of C3 shall be determined. Any remaining permits shall be allocated on the basis of first requested as defined in C2.1.

In the event an applicant under C3 above fails to obtain a valid permit application, as described above, within nine (9) months of prepayment, the allocation of future building permits shall be canceled. A new allocation, if still available, will be made at such time as the applicant does obtain a valid building permit application providing the then applicable assessment has been paid. The applicant may thereafter request an allocation only after satisfying the requirements of C3 above.

It is the policy of the City Council that a portion of the dwelling units in the 5,225 to 8,275 and 8,275 to 10,000 dwelling unit thresholds will not be available for prepayment of assessments. These units (as defined in Section C2.2) will be considered a Special Category and will be available to any owner/applicant ready to pay for and obtain a building permit application. Within this Special Category, a sub-category of dwelling units will be reserved for small and medium sized property owners ready to pull permit

applications. Those owners are defined as those owner/applicants whose development potential does not exceed the following:

- 100 - single family dwelling units, or
- 150 - multi-family dwelling units, or
- 100,000 square feet of non-residential building area.

For building permits in the 5,225 to 8,275 and 8,275 to 10,000 dwelling unit thresholds, permits may be issued to small and medium property owners in the manner prescribed in Section C2.2 . These permits may not be prepaid.

- 3.3 Nothing in Section C3.2 shall preclude a small to medium sized property owner as defined in Section C3.1 from applying for building permits in the Special or Unreserved Categories under the provisions of Section C3 in the event that permits are unavailable in the Reserved Category.
4. Once an assessment has been prepaid, no refund or return will be made unless specifically authorized by the Planning Director. Refunds will not include interest, and will be subject to the availability of funds in the fund where deposited. Funds will be considered available only if they have been spent and only if no contract for which such funds are needed has been advertised for bid.
5. If an applicant allows a building permit application to lapse, for reasons other than an inability to obtain a building permit because of an action of a government agency or a public facilities phasing plan threshold, the allocation of future building permits, or the reservation of allocation, whichever is applicable, shall be canceled.

If the lapse is caused by either an action of a government agency or a public facilities phasing plan threshold, the applicant may retain the previously obtained reservation of allocation, by obtaining a subsequent valid building permit application for the same project as determined by the Planned Director, excluding an application for a foundation only permit, with 14 calendar days of the lapse. A new allocation or reservation, as appropriate, if still available, will be made at such time as the applicant once again obtains a valid building permit application, as determined above, providing the then applicable assessment has been paid. No transfer of an allocation, or reservation if allocation, to a different lot or parcel will be permitted, whether under the same or different ownership.

- 5.1 If an applicant's building permit expires, the applicant shall lose its allocation and a new allocation or reservation, if available, will be made according to the procedures described in Sections C2 and C3.
6. Regardless of the prepayment of a lien and payment of any supplemental assessments, at the time of issuance of building permits, the then current assessment shall be due.

#### D. Exceptions

It is recognized that there may be occasions where special circumstances may indicate to staff that an alternative method of allocating building permits may be appropriate. Prior to bringing such an alternative method of allocating building permits to Council for consideration, staff shall advise all involved property owners of record, as well as other interested parties as known to staff, of the

proposed alternative method. Staff shall offer to meet with those interested and shall advise Council of the results of any such meeting or meetings at the time Council considers the proposed alternative method. Staff shall also provide both mailed notice and advertise in a public newspaper regarding any such proposed Council consideration of an alternative method of building permit allocation.

E. Exemptions

It is the policy of the City Council that such an allocation process could impose an unreasonable burden upon very modest sized projects/developers. Accordingly, an applicant shall be entitled to a one-time exemption from this policy, as it relates to issuance of building permits in communities with Public Facility Phasing Plans, but solely with respect to building permit issuance as it pertains to Public Facility Phasing Plan requirements, under the following conditions:

- Only one such exemption shall be granted to property owned or controlled by the same owner or ownership, as determined by the City Planning Director.
- The single exemption shall apply to all property owned/controlled by the owner at the time of request, or subsequently acquired by the owner/applicant, irrespective of ownership status subsequently.
- Building permits so exempted shall not be counted against applicable thresholds.
- Projects entitled to exemption shall not exceed the following
  - 9 Single Family Dwelling Units, or
  - 12 Multiple Family Dwelling Units, or
  - Non-residential property with a total average daily trip ADT of 100 trips
- Owner/applicants who own or control, as determined by the City Planning Director, property within Carmel Valley with a planned development potential exceeding either 25 dwelling units or 5 acres of non-residential property shall not be entitled to this exemption.

F. Development Permits

For purposes of this policy, obtaining of all development permits shall mean the application has obtained all permits required by the City which are subject to an appeal including, but not limited to, a Carmel Valley Planned District development Permit, a Conditional Use Permit, or a Coastal Permit.

G. Phasing Plan

This Allocation Method applies only to the Carmel Valley Transportation Phasing Plan (Revised June 27, 1995). If the current version of the Phasing Plan is revised through Council action, then this allocation method may no longer be valid and may be revised.

H. Amendments

The City Council specifically reserves the right to amend this building permit allocation method at any time. No property owner shall acquire any rights to permits which have not actually been pulled if this allocation method is amended to provide for a reallocation of any such unpulled permits. However, in the event this allocation method is modified to reclaim and provide an amended allocation method for such unpulled permits, any property owner "losing" such permits will be entitled to return of all amounts paid to reserve such permits plus any interest earned by the City on such amounts subject to cash availability as defined in Section C.4.