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DATE ISSUED: January 31, 2001 REPORT NO. 01-018

ATTENTION: Honorable Mayor and City Councilmembers
Docket of February 6, 2001.

SUBJECT: Mule Hill Trail - Appeal of the Planning Commission's Decision to Approve Site Development Permit No. 40-0711. City Council District 5. Process 4.

REFERENCE: Report to the Planning Commission dated January 4, 2001. (Report No. P- 00-221).

OWNER/

APPLICANT: City of San Diego/San Dieguito River Park JPA

SUMMARY:

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Issue: Should the City Council approve an appeal to modify Condition No. 54 and delete Condition 56 of the Site Development Permit approved by the Planning Commission to construct a 9.4-mile hiking trail on 20.5 acres within the San Pasqual-Lake Hodges Planning Area?

Manager's Recommendation: APPROVE the project and the appeal to modify Condition No. 54 for posting of signs and delete Condition No. 56 in Site Development Permit No. 40-0711.

Planning Commission Recommendation: On January 4, 2001, the Planning Commission voted unanimously to APPROVE Site Development Permit No. 40-0711 with conditions.

Community Planning Group Recommendation: The San Pasqual-Lake Hodges Community Planning Committee voted 5-0-0 to recommend approval of the proposed Site Development Permit.

Environmental Impact: On December 14, 2000, the Planning Commission stated for the record that the City of San Diego as Responsible Agency under CEQA has reviewed and considered the Mitigated Negative Declaration (MND) prepared by the San Dieguito River Park Joint Powers Authority (JPA).

Fiscal Impact: All costs associated with processing this project are recovered from a separate deposit provided by the applicant.

Code Enforcement Impact: None.

Housing Affordability Impact: None.

BACKGROUND

This project is located in the San Pasqual Valley to the east of I-15, south of Via Rancho Parkway and Highway 78 and north of Highland Valley and Bandy Canyon Roads in the San

Pasqual - Lake Hodges Planning Area. The project being proposed by the Joint Powers Authority (JPA) is a trail for hikers, bikers, and equestrians on a 20.5 acre site.

The project first appeared at Planning Commission on December 14, 2000, with a recommendation by staff to deny the project. This staff recommendation was based on a lack of basic information from the customer to adequately complete staff review and on unresolved issues with the project design. The project was continued. The staff received the needed information, worked with the JPA to resolve the access issues and subsequently recommended project approval. The Planning Commission approved the project on January 4, 2001, with conditions. The applicant is now appealing the project to delete Condition No. 56 of the permit (requiring the JPA to provide, maintain and store an emergency response vehicle). They also request that the City pay for the JPA's permit processing fees.

DISCUSSION

Appeal:

The applicant's appeal of the Planning Commission's decision (See Attachment No.2) cites two bases for the appeal: 1) Conflict with other matters; and 2) City-wide Significance.

1. Conflict with other matters - The appellant indicates that the permit processing fees and the emergency response Fire Department truck required by Condition No. 56 of the permit are inconsistent with the JPA purpose and with the implementing agreement.
2. City-wide Significance - The appellant indicates that the permit processing fees and the required emergency response vehicle pose undue financial hardship and establish unfavorable precedents for future trail projects for both the City and the JPA.

Staff Analysis:

The following is staff's response to the two appeal issues identified by the JPA.

Condition No. 56 originated from the information in the JPA's environmental document indicating the trail would be accessible for emergency services. Specifically, on Page 22 of the Initial Study for the Mitigated Negative Declaration the document states that "Emergency vehicles could use the trail to access an injured trail user." Upon review of this provision, Fire and Life Safety Services and the EMS Program Manager became concerned about adequate trail access for emergency response.

California Fire Code Section 101.4 identifies Supplemental Rules and Regulations the Fire Chief applies related to requirements for a development project. This code section was utilized by Fire and Life Safety Services to require a solution that addressed fire access to the trail. Since this area is open space and urban wilderness, Fire and Life Safety Services typically responds with engines to grass/brush fires, structure fires, and Emergency Medical Situations (EMS) incidents. The concern on this project was specifically for EMS access, since the trail is off road and at a significant distance from a paved road that would support the minimum of 15 - 20 tons necessary for an engine to respond.

Fire and Life Safety Services has a goal of a 6 minute average response for fire incidents and an 8 minute goal for 90% of EMS incidents. Response times to fires is a Department objective and has not been adopted by the City or previous Councils. Response times for medical emergencies, however, are mandated by contracts approved by City Council and the City Manager. The response time measurement to EMS incidents, located within this project area would be determined when the engine or ambulance reached the accessible paved area. Trail

users risk potentially long delays for emergency responders due to the difficult access by foot.

To address this concern, the JPA met with Fire and Life Safety representatives on December 12, 2000 and agreed to provide a four-wheel drive pickup truck, construct a garage for the truck at Fire Station No. 33, and to develop a contract between the City and JPA for maintenance and future replacement of the vehicle. This agreement was added into the Site Development Permit as Condition No. 56 and approved by the Planning Commission on January 4, 2001.

The Fire Chief has again reviewed the project after the JPA's appeal of the condition for a four-wheel drive pickup truck and can recommend deleting Condition No. 56, provided permit Condition Nos. 52, 53, 54, 55, and 57 are retained. Condition No. 54 must be modified so that posted signs and trail maps include language stating that emergency access is limited on the trail and users are entering an area with limited emergency access, users are responsible for their own safety and for the safety of others, users must obey all park rules for safe trail use and must be self-prepared for wilderness first aid. Condition No. 54 must require the JPA to repair and maintain the signs for the life of the project. Attachment No. 4, Draft Site Development Permit 40-0711 has been revised to reflect this change.

Permit processing fees are not included as grounds for an appeal (Municipal Code Section 112.0508(c) Grounds for Appeal for a Process Four Decision). In addition, the Joint Exercise of Powers Agreement creating the San Dieguito River Valley Joint Powers Authority, states that the JPA is responsible to fund its activities (Section 14). Staff interprets this section of the agreement to indicate that JPA-funded activities include applying for a Site Development Permit for the trail. This is corroborated in the JPA's Mitigated Negative Declaration (MND). In that document, the JPA acknowledges and responds to a City comment, dated May 12, 2000, requiring a Site Development Permit, by indicating that the JPA's MND lists the Site Development Permit as required.

The City does not typically pay processing fees on behalf of project proponents. Should the City Council elect to pay for the JPA's fees as requested in the appeal, alternative funds would need to be identified to do so.

CONCLUSION

Based upon the revised agreement with Fire and Life Safety Services, staff recommends approval of the project appeal to modify Condition 54 for posting of signs and delete Condition No. 56, and recommends that City Council approve the project as revised.

Respectfully submitted,

Tina P. Christiansen, AIA..... Robert E. Osby
Development Services Director Fire Chief

Approved: George I. Loveland
Senior Deputy City Manager

CHRISTIANSEN/MED:446-5201

ATTACHMENTS:..... 1.Location Map.
..... 2.Appeal application from San Dieguito River Park Joint Powers Authority.
..... 3. San Pasqual/Lake Hodges Planning Group letter dated January 1, 2001.
..... 4. Draft Site Development Permit No. 40-0711.
..... 5. Joint Exercise of Powers Agreement
..... 6. Project Review Schedule
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Note: Attachment Nos. 1, 2, 3, and 5 are not available in electronic format. A copy of the attachments is available for review in the Office of the City Clerk.