

DATE ISSUED: December 5, 2001 REPORT NO. 01-273

ATTENTION: Committee on Land Use and Housing  
Agenda of December 12, 2001

SUBJECT: San Dieguito River Park Trail Construction Policy

REFERENCE: City Clerk Route Slip, Item No. 332  
Council Docket of February 6, 2001

SUMMARY

Issues - Should the Committee on Land Use and Housing (LU&H) recommend that City Staff prepare revisions to the Land Development Code; implement a new review process for San Dieguito River Valley Joint Powers Authority (JPA) projects to clarify and simplify the review process for new trails that require City permits; and require that the permit review process for JPA trail projects be fully cost recoverable?

Manager's Recommendations -

- 1) Direct staff to prepare revisions to the Land Development Code (LDC) to eliminate the encroachment area requirement for public trail projects and reduce the decision process for public trail projects.
- 2) Direct that staff implement a new review process for JPA trails projects that better coordinates the JPA's design, environmental review, and approval process with the City's review and permit approval process to make the approval process more timely and predictable.
- 3) Direct the JPA to pay for permit processing fees incurred for the Mule Hill Trail Project (\$36,813), and include future project permit costs in their annual budget submittal to Council for consideration with all other City budget needs annually.

Environmental Impact - Environmental analysis of the proposed revisions to the Land Development Code will be identified when the revisions are prepared and brought forward for approval.

Fiscal Impact - Project review for compliance with modified trails regulations would be fully cost recoverable through deposit accounts provided by the JPA, or through General Fund allocations if requested by the JPA and approved through the City Council budget process.

Housing Affordability Impact - There would be no impact on affordable housing as part of this action.

Code Enforcement Impact - Changes to the Land Development Code and permit review procedure are not anticipated to have any impact on Code Enforcement.

## BACKGROUND

As part of the City Council action to approve the site development permit for construction of a portion of the San Dieguito River Park Trail System (Mule Hill Trail), staff was directed to bring forward a policy discussion on park trail construction to address issues identified by the San Dieguito River Valley Joint Powers Authority (JPA). In addition, the City Manager was asked to respond to the request to waive \$36,813 in project review fees for the JPA project.

City staff met with JPA representatives on April 16, 2001 and again on August 13, 2001 to discuss possible alternatives to improve project processing, improve project coordination between the JPA and the City, and resolve agency conflicts for future trail construction projects.

These discussions identified two issues that could be improved to make the City permit review and approval processes more coordinated and efficient. The first was to look at ways to have regulations in the Land Development Code recognize the nature of linear trail projects. This included consideration of exempting certain types of linear projects from the encroachment limitations contained in the Environmentally Sensitive Lands Regulations. The second issue was to look at ways that the JPA design, environmental review, and approval process could be better sequenced and coordinated with the City permit, environmental review, and approval process.

## DISCUSSION

Following is a discussion on possible changes to the Land Development Code and to staff review procedures to improve the process for future JPA trail projects. A discussion of funding for future trail projects is also included.

### Code Amendments

JPA trail projects are very similar to City linear projects in that they are generally located on very large premises with a large variety of environmentally sensitive resources including sensitive biological habitat, steep hillsides, and sensitive species. The City's Environmentally Sensitive Lands Regulations (ESL) require that JPA trails projects proposing to encroach into any sensitive resource obtain a site development permit (Process 3, 4, or 5 Decision depending on the resource and encroachment proposed). In addition, projects must demonstrate that the amount of resources impacted by a trail project are below the allowable encroachment allowed by the ESL regulations. This requires extensive, time consuming, and costly biological and topographical survey work to be completed in order to identify the total amount of resource on the larger premises and the amount of area without resources (area for development) in order to calculate the maximum encroachment allowed under the regulations.

Like City linear utility projects, the maximum encroachment is seldom if ever exceeded because of the large premises these projects are located on. Unlike City linear utility projects, however, JPA trail projects are not exempt from the encroachment limitation in the ESL, while City linear utility projects are. Staff believes that JPA and other public trail projects should be considered to be the same as City linear utility projects and recommends that the Committee on Land Use and Housing (LU&H) direct staff to bring revisions to the Land Development Code forward in the next 90 days to include public trail projects in the encroachment exemption. All public trail projects, like linear City utility projects, would still be required by ESL regulations to develop in the least sensitive part of the site, to explore alternative designs that would eliminate or reduce impacts, and to mitigate for any resource impacts per City resource mitigation guidelines.

As part of these regulation changes, staff also recommends that LU&H direct staff to explore lowering the decision process for City linear utility projects and public trails projects to a neighborhood development permit (Process 2 Decision). This process would still provide notice to recognized community planning groups and adjacent property owners, would be subject to full environmental review, and would be subject to all of ESL regulations. It would, where projects are in full compliance with the code, simplify the decision process and provide the opportunity to reduce the time for project review. This could reduce costs and make the process more predictable for these types of projects.

#### New Review Procedure

All JPA trail projects that impact sensitive environmental resources must go through two separate review processes. Full design and environmental review must be completed by JPA staff in order for the JPA Board of Directors to approve the proposed project. In addition, a separate development permit and environmental review process with the City must occur in order to comply with the Land Development Code. Both are similar review processes, but with different levels of existing condition documentation and project design detail requirements. In the case of the Mule Hill Trail project the JPA trail project process occurs before and separate from the standard City permit and review process. This differing level of project information, combined with the timing of the two processes can add cost and time to trail projects.

City staff proposes that the JPA approval process and the City permit process occur concurrently. Having the project review for the City development permit process be complete by the same time the project goes to the JPA Board of Directors for approval would save the JPA both time and processing costs. This would allow both approval processes and the environmental review processes to overlap and be coordinated, requiring a single environmental document.

Staff recommends that the City accept a modified submittal from the JPA to begin development permit processing at the same time the JPA is beginning their review process (Attachment No. 1). This would allow City staff to review and give input on a JPA project early in their design process without forcing significant studies or information gathering too early in the process. City staff could also provide direct input on the scope and alternatives covered by the environmental document and determine existing condition documentation and design requirements that are specific to the project. This would allow information to be tailored and insure that one environmental document would be used for both decision processes.

## Funding of City Review and Approval Processes

In addition to the processing issues, the City Manager was directed to review and consider the issue regarding waiving the City's permit processing fees (\$36,813) for the San Pasqual Mule Hill Trail project that was approved by City Council on February 6, 2001. All projects in the City pay permit processing fees (including City projects).

Development Services is an enterprise fund department. Their services are paid for by individual rate payers (permit applicants). Permit applicant's fees cannot be used to pay for work that is unrelated to the services they receive. Therefore, fees for JPA projects cannot be waived (paid for) by the enterprise fund.

If City Council wishes to subsidize these fees, general funds would need to be appropriated to pay for the JPA's permit costs. In order for the City to financially support the permitting activities of the JPA, the City Council has the discretion to allocate funds to the JPA as part of the City's budget process. Staff recommends that the JPA submit fee requests for future projects to the City Council as part of their budget process. Staff also recommends that this request be considered with all other general fund decisions of the City Council during the annual budget process.

## CONCLUSION

Staff recommends that the Committee on Land Use and Housing direct staff to make the suggested changes to the Land Development Code, implement the changes to the development review process. Staff also recommends that the JPA pay for the permit review process for the Mule Hill Trail project and that they secure funding for future trail projects through the City budget process or other revenue sources.

## ALTERNATIVE(S)

1. Direct that staff forward the code, process, and funding revisions to City Council with new changes or other items as identified by LU&H.
2. Recommend that no changes to the LDC, review process, or funding requirements be made.
3. Recommend that the City Council appropriate general funds to pay permit processing fees as a part of the FY 2003 budget deliberations for the Mule Hill Project.

Respectfully submitted,

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Development Services Director

Approved: George I. Loveland  
Senior Deputy City Manager

BROUGHTON:KGB 557-7983

Attachment: 1. Draft Public Trail Project Submittal Requirements

## **Draft Public Trail Project Submittal Requirements**

### **Initial Submittal Requirements:**

1. General Application Package
1. Public Notice Package
2. Location Map on Thomas Bros. showing general location of the project.
3. Narrative project description detailing the following: trail length and width; proposed surface material; description and conceptual drawings of major trail features if any (e.g., staging areas, stream crossings, bridges, etc.); connections to other existing trails; description of land uses and landforms that the trail will traverse; and description of how the trail alignment was chosen including alternative alignments that were considered and reasons why they were eliminated from further consideration.
4. Trail alignment shown on USGS or other topographic map at 1" = 200' scale.
5. Biological resources maps/text/photos describing the habitat that exists along the trail alignment. The report should describe the habitat and sensitive species in the general vicinity and those that would be impacted by the trail project. The resources should be mapped within a 100-foot wide corridor of the trail alignment. Quantification of impacts to existing vegetation should also be provided as well as alternative locations for the trail.
6. Cultural resources report covering 100-foot wide corridor.
7. SanGIS base map of project vicinity depicting MHPA, vegetation, and topography at a scale desired by staff. JPA staff will draw the trail alignment on the map.

### **Other Submittal Requirements:**

Determined as part of the project review process.