

(R-92-149)

RESOLUTION NUMBER R- 282968

ADOPTED ON NOV 09 1993

WHEREAS, on April 6, 1988, Santee Investments submitted an application to the Planning Department for a precise plan; and

WHEREAS, the permit was set for a public hearing to be conducted by the Council of The City of San Diego; and
NOV 09 1993
WHEREAS, the issue was heard by the Council on _____;

and


WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report No. 88-0403; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it is hereby certified that the information contained in ENVIRONMENTAL IMPACT REPORT EQD NO. 88-0403, in connection with the Santee Investments Otay Mesa Precise Plan, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Administrative Code section 15000 et seq.), and that said report has been reviewed and considered by this Council.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and Administrative Code section 15091, the City Council hereby adopts the findings made with respect to the project, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that pursuant to California Administrative Code section 15093, the City Council hereby adopts the Statement of Overriding Considerations, a copy of which is attached hereto and incorporated herein by reference, with respect to the project.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

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Or.Dept:Plan.
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FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act (CEQA) requires that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof unless such public agency makes one or more of the following findings:

- (1) Changes or alterations have been required in, or incorporated into, such project which mitigate or avoid the significant environmental effects thereof as identified in the completed environmental impact report.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.

(Sec. 21081 of the California Environmental Quality Act)

CEQA further requires that, where the decision of the public agency allows the occurrence of significant effects which are identified in the final EIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record (Sec. 15093 of the CEQA Guidelines).

The following Findings and Statement of Overriding Considerations have been submitted by the project applicant as candidate findings to be made by the decisionmaking body. The Development and Environmental Planning Division does not recommend that the discretionary body either adopt or reject these findings. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter.

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**FINDINGS
FOR THE
SANTEE INVESTMENTS PRECISE PLAN**

DEP No. 88-0403

May 10, 1991

The following findings address the Santee Investments Precise Plan located in the Otay Mesa Community Plan area southeast of the intersection of Otay Mesa Road and State Route (SR) 117. The precise plan provides for the development of 591 residential units over a total of 25.7 acres, a 13.2-acre neighborhood commercial center site, a 22.3-acre community park site and a 46.7-acre senior high school site.

Having considered the Final Environmental Impact Report (EIR) for the Santee Investments Precise Plan and the record before it, the decisionmaker has made the following findings pursuant to Sections 15091 and 15093 of Title 14 of the California Administrative Code.

A. The decisionmaker finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental impacts as identified in the Final Environmental Impact Report.

Land Use

Impact: Implementation of the precise plan would result in land use impacts related to compatibility with future adjacent land uses and conflicts with the City of San Diego's Resource Protection Ordinance (RPO) by impacting more biologically sensitive land, wetlands and hillsides than allowed by the ordinance. The project would impact 14.5 acres of biologically sensitive lands and would also result in the loss of 0.6 acres of wetlands. While much of this encroachment is related to providing an adequate site for the high school (approximately 8 acres) and constructing Circulation Element roads (approximately 2.5 acres), no exemptions are permitted under RPO for these uses.

In general, hillsides protected by RPO would be retained under the proposed precise plan; however, the encroachment into 1.6 acres of hillsides would exceed the allowable encroachment.

The land use compatibility impacts would be associated with the proximity of the multi-family residential development proposed in the most easterly portion of the precise plan. This area is adjacent to land which is designated for single-family homes. Additionally, the proximity of residential development within the precise plan area to the proposed high school and commercial center could result in land use compatibility impacts.

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Placement of the school, park and residential areas adjacent to SR-117, Caliente Boulevard and Airway Boulevard would expose people within these areas to noise levels which would exceed the desirable noise standards established by the City of San Diego and State of California.

Finding: The proposed precise plan includes design guidelines which are intended to minimize the conflicts between residential and the school and commercial areas. Implementation of these guidelines will be assured during subsequent review of Planned Development Permits and/or Tentative Maps needed to develop the residential and commercial areas.

The precise plan encourages the use of fencing along the common boundaries of the residential areas with the school and commercial uses to provide spatial and visual separation. In addition to or in combination with fencing, the plan encourages construction of earthen berms and landscaping to further soften the transition between uses.

Siting of uses during final site design would also emphasize the separation of incompatible uses. High activity areas within the school such as sports facilities and parking areas would be located away from residential areas to avoid the impacts of noise and lighting on future residents. Loading docks, parking lots and other high activity areas within the commercial area would be located away from residential units and/or screened from view. The precise plan prohibits direct linkages between the commercial and school areas and calls for orientation of commercial areas away from the high school and requires that a six-foot wall be placed between the school and the commercial area wherever the commercial area is at the same elevation or lower than the high school.

Construction of noise barriers and architectural modifications as discussed below would mitigate potential noise impacts on the residential, school and park areas.

Mitigation of the RPO impacts related to encroachment into biologically sensitive lands and wetlands would be achieved through a mitigation program approved prior to approval of a Final Map or reliance on a Planned Development Permit. This mitigation program will include one or more of the following: (1) purchase of property supporting Maritime Succulent Scrub of equal or greater value, (2) enhancement and/or restoration of Maritime Succulent Scrub on or off-site, and (3) contribution of funds to be used by the City of San Diego for acquisition of open space land or restoration/enhancement of disturbed land.

Mitigation of the excessive encroachment into hillsides can be achieved through a refinement of the grading plans during subsequent Planned Development Permits and/or Tentative Maps.

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Noise

Impact: Traffic noise on future roads within the precise plan area and from SR-117 would exceed levels considered acceptable for planned uses. Substantial portions of the school, park and residential developments would be exposed to noise levels which would exceed City of San Diego and State of California standards. As no actual development plans are proposed, the extent of the impact cannot be determined. Passive recreation areas such as picnicking would be adversely affected by the noise levels over the 65 CNEL. School classrooms would be impacted if located in areas which exceed 65 CNEL. Outdoor recreation areas within the residential development would also be impacted by noise levels over 60 CNEL and residential units within the 65 CNEL contour may not be able to meet interior noise standards of 45 CNEL without architectural modifications.

Findings: Appropriate mitigation can be achieved through a combination of site planning and noise attenuation barriers which would be determined and approved during review of subsequent Planned Development Permits and/or Tentative Maps. Preliminary noise barrier calculations contained in the EIR indicate barriers can be constructed along along Airway Road and Caliente Boulevard to protect the school, park and residential development from noise levels over 65 dBA. Noise impacts can also be avoided through design by locating noise sensitive uses associated with the residential, school and park in areas where noise levels would not exceed allowable levels.

Site plans for planned residential permits will specify noise attenuation barriers needed to protect usable open space areas which would be exposed to noise levels in excess of 65 dBA CNEL. Furthermore, an acoustical analysis will be prepared for residences within the 60 dBA contour to determine what architectural features would be required to meet Title 24 interior noise levels of 45 dBA.

Noise barriers will be included in the park plan based on the sensitivity of proposed recreation uses to noise. Construction of noise barriers on the high school site would be the responsibility of the Sweetwater Union High School District.

Geology/Soils and Erosion

Impact: The western portion of the site is underlain by the Otay Formation, which is associated with slope instability. Therefore, there is the potential for slope instability on-site based on the underlying geologic formations.

The erosion potential of the soils found on the project site range from slight to severe. Implementation of the proposed Santee Investments Precise Plan would disrupt existing soils and would create manufactured slopes onsite, which would increase the potential for erosion both on and offsite.

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Finding: According to the conceptual grading plan, development would not occur within the majority of the canyon areas where the Otay Formation is expected to occur. However, final grading plans would be required to confirm this fact and to develop remedial grading techniques which may be warranted. Prior to issuance of a land development permit, a detailed geotechnical investigation shall be prepared to the satisfaction of the City Engineer to evaluate the engineering characteristics of the Otay Formation and determine necessary grading and construction techniques.

The precise plan contains grading and landscaping guidelines to minimize the potential for onsite erosion. Tentative maps and Planned Development Permits would be reviewed by the City to assure that these standards have been incorporated into subsequent development requests. Cut and fill slopes would not exceed a gradient of 2:1. Surface water crossing slope banks would be reduced by terracing and providing drainage swales above the banks. The precise plan also requires grading to be limited to the dry months or special construction methods to be utilized to minimize erosion and siltation during grading and construction.

Landscaping would be installed as soon as practical and irrigation systems would avoid saturated soil conditions and minimize runoff.

Sedimentation basins would be installed and maintained during grading to remove sediment from runoff water prior to release into the existing drainages. Provisions such as detention basins and energy dissipators would be installed to accommodate increased runoff caused by the change in soil and slope conditions after development.

Paleontology

Impact: The project site possesses a high paleontological resource potential. Development of the project site would potentially result in impacts to significant paleontological resources in the event grading occurs within the San Diego and Otay formations which generally occur between 390 and 510 feet above mean sea level.

Finding: Potential impacts to paleontological resources would be mitigated through monitoring of any grading activities on the property which may extend into either the San Diego or Otay formations. Conditions requiring monitoring will be placed on subsequent Land Development Permits. A qualified paleontologist would be involved in pregrading meetings with grading contractors, observe grading activities and be authorized to stop grading and conduct salvage operations to recover any significant fossil deposits encountered during grading. Fossil remains collected during this salvage program would be cleaned, sorted, and catalogued and deposited in a scientific institution with paleontological collections such as the San Diego Natural History Museum. A report on the results of the

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salvage program would be submitted to the Development and Environmental Planning Division prior to issuance of a building permit.

B. The decisionmaker finds that there are no changes or alterations within the responsibility of another public agency which are necessary to avoid or substantially lessen significant environmental effects.

C. The decisionmaker finds that specific economic, social or other considerations make infeasible the project alternatives identified in the Final EIR to reduce the direct significant impact on biological resources, landform and schools (short-term) as well as the cumulative effects on biological resources, visual quality, hydrology, water quality and schools to a level less than significant.

Impact: Implementation of the project would have direct significant impacts associated with biological resources, landform and schools (short-term).

Based on the preliminary grading plan, 65% (14.5 acres) of Maritime Succulent Scrub, a sensitive vegetation type, would be lost. Grading would also result in the loss of three nesting sites for the Burrowing Owl, a bird species of special concern, and substantial reduction of habitat for the Orange-throated Whiptail lizard, a fully protected species.

Implementation of the proposed precise plan would require grading of approximately 93 percent of the plan area. While most of the grading would consist of leveling out the existing mesa tops, substantial grading would take place within the area of the proposed high school site. In order to maximize the size of the high school site, the upper ends of Moody Canyon would be filled with up to 25 feet of fill. Construction of Caliente Boulevard, Airway Road and North Vista Road would cross through several canyon heads and would result in up to 25 feet of fill. Construction of the commercial center would also fill the upper ends of several canyons although much of the fill would result from construction of Caliente Boulevard and North Vista Road.

In addition to the direct biological impacts, development of the site would have cumulatively significant impact on large raptors which currently nest or forage in the disturbed grasslands found on the property. Although sizable areas exist for raptor foraging, eventual development of this property and others in the project vicinity would eliminate the open grasslands which represent valuable foraging areas for large raptors.

The Otay Mesa community plan area is largely undeveloped at the present time in the vicinity of this project. The natural vegetation, landforms and ongoing agriculture operations combine to create an aesthetic visual character. As the area develops in accordance with the community plan, the project area will lose this visual character. The development of the proposed project in combination with other planned developments

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would have a significant cumulative impact on the visual quality of the area by eliminating natural vegetation, altering landforms and changing the visual character from open space to development.

Increased runoff from the proposed project along with others draining into Spring Canyon would have a cumulative impact on development within Mexico due to the lack of flood control facilities and the proximity of homes to the drainage.

Urban pollutants generated by development of the site would have a significant cumulative impact on water quality in association other development within the drainage basin of the Tijuana River estuary.

Full development of the project would generate 431 elementary and 95 high school-aged children. While the elementary and high school districts have planned for the eventual development of the project site, consistent with the community plan; short-term direct and cumulative impacts would occur until the school facilities are fully developed.

Finding. The EIR addresses three alternatives which would reduce the unmitigated significant environmental impacts associated with the proposed project. The environmental benefits of each of these alternatives and the reason for their rejection are described below. The EIR also addresses specific mitigation measures for the impact to the Burrowing Owl and the cumulative impact on riparian vegetation.

No Project

Implementation of the "no project" alternative would result in no development of the subject property. This alternative would avoid the unmitigated impacts to biological resources and cumulative impacts related to biology, visual quality, and hydrology/water quality. It would also avoid the impact on the local school districts. The biological resources which occur on the property would not be disturbed by development. Without development of the property, this mesa area and associated canyons would remain as a natural landform and continue to provide open space within the Otay Mesa community. Local elementary and junior high schools would not be impacted by additional residential development in the community. No urban runoff would be generated from the site and existing runoff conditions would not be changed.

The "no project" alternative is not considered feasible for social as well as economic reasons. With respect to social considerations, retention of the property in its existing state would eliminate the only high school site within Otay Mesa as well as a planned community park. The subject property is uniquely important to the development of the Otay Mesa community plan because the site is the planned location for both of these essential

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community services. No alternate high school site has been identified in the area and finding an alternate site would prove difficult.

The "no project" alternative would also adversely effect the provision of housing and transportation systems in the Otay Mesa area. The "no project" alternative would eliminate 591 housing units in the Otay Mesa area. The Otay Mesa Community Plan attempts to provide a balance between housing and industrial/commercial uses. The project is located in the area targeted for residential development and development of housing on the property is critical to meeting the needed housing supply in the plan area. Without the proposed project, construction of Caliente Boulevard, North Vista Way and Airway Road would likely be delayed and the portion of the private funding of onsite portions which would normally be paid by the landowner would be eliminated.

Reduced Grading Alternative

This alternative would substantially reduce but not eliminate the adverse impact of the proposed precise plan with respect to the biologically sensitive lands and landform by decreasing the area to be developed. Due to the size requirements of the high school site, parcel 3 of the proposed precise plan would be eliminated along with the 183 residential units proposed for this parcel. As an alternative, the commercial area could be reduced to accommodate the 183 units. An additional 0.6 acres of Maritime Succulent Scrub would be set aside in open space on parcel 5.

The primary benefit of the reduced grading alternative would be to further reduce the impact of the project on the biological resources found on the property. While the reconfiguration of the high school parcel would avoid grading in the Maritime Succulent Scrub along the western boundary, the direct impact to the Burrowing Owl nest would not be avoided. Although grading along the western boundary of the site may be reduced, the filling of canyon heads from road construction and development of the commercial area would still occur with this alternative. Likewise, the cumulative impacts associated with landform/visual quality, hydrology, water quality and schools would remain significant and unmitigated.

The alternative could conform to the Resource Protection Ordinance requirements for biologically sensitive lands and eliminate the need for offsite compensation. This alternative would also lessen the direct impact of development of the property with respect to traffic circulation and public facilities by reducing residential units and/or commercial development. The direct project impacts related to noise, geology, hydrology, air quality, cultural resources and paleontological resources would be essentially the same as the proposed precise plan.

Although this alternative would reduce the environmental impacts associated with developing the property, the potential loss of 183 residential units would represent approximately one-third of the total number of units proposed by the precise plan. The alternative would substantially increase the cost of housing by spreading the per-unit development costs over a smaller number of units. It would also decrease the housing stock within Otay Mesa and diminish the City's goal of providing balanced housing.

As an alternative scenario to eliminating all of the residential development on parcel 3, the reduction in housing could be minimized by reducing the size of the commercial lot (proposed parcel 4) to accommodate a portion of the residential development from parcel 3. Assuming that the commercial center requires a minimum area of 10 acres, this alternative scenario could create about 3 acres of land which could accommodate approximately 75 of the 183 units lost from parcel 3 based on a yield of 25 units per acre. As with the previous scenario, this alternative is rejected because it would decrease needed housing in the area.

Residential Use of High School Site

The precise plan contains an alternate land use for the proposed high school site should a different location for the high school be found. The effects of this alternative would be similar to the reduced grading alternative except in the case of schools. The additional 515 units would increase the impact on the schools by generating more students than the proposed project.

Preservation of Burrowing Owl Nests and Riparian Vegetation

The EIR indicates that mitigation of the direct project impacts on the burrowing owl could be achieved by restricting development in the area of the identified nesting sites which occur on the high school and commercial sites. Preservation of the riparian vegetation located in parcel 3 on the property would avoid the cumulative impact of the project on this riparian habitat.

These mitigation measures are considered infeasible for social reasons. Preservation of the nest itself would not guarantee survival of the owl and although exact acreages are unknown, some portion of the grassland within the high school and commercial sites would have to be preserved as well as the nest site.

Preservation of the burrowing owl nesting sites would require a further reduction in the area of the school site. The size of the proposed school site is crucial. The Sweetwater Union High School District believes that the site must be between 40 and 50 acres to meet its needs. Presently, the site consists of 46.7 acres, a substantial reduction to accommodate the Burrowing Owl would render the site unsuitable. This would create a significant

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problem to the future development of the Otay Mesa Community Plan area because the high school site is the only one in the area and there is no alternate location identified at this time.

Likewise, preservation of the Burrowing Owl and adjacent habitat would severely restrict development of the commercial site since the nest is located in the center of the commercial area. As stated earlier, this commercial site is only one of two sites identified in the community plan to serve the future residential development south of SR-117.

Preservation of the riparian habitat would interfere with the proposed residential and commercial development. Furthermore, as noted in the EIR, the riparian habitat is considered to be of very low quality and importance. The preservation of this small patch of habitat would not be of significant value to warrant protection.

**STATEMENT OF
OVERRIDING CONSIDERATIONS
FOR THE
SANTEE INVESTMENTS PRECISE PLAN**

DEP No. 88-0403

May 10, 1991

The decisionmaker, pursuant to the CEQA Guidelines, after balancing the benefits of the proposed Santee Investments Precise Plan against the unavoidable significant direct impacts on biological resources, landform and schools (short-term) as well as significant cumulative impacts on biological resources, visual quality, hydrology, water quality and schools which remain notwithstanding the mitigation measures incorporated with the project, determines that the impacts are acceptable because the Santee Investments Precise Plan would: (1) facilitate essential public facilities, (2) facilitate affordable housing and (3) expand the community open space system.

(1) Facilitate Essential Public Facilities

Implementation of the Santee Investments Precise Plan is essential to the development of Phase One of the Otay Mesa Community Plan. The community plan proposes three land uses within the precise plan area which are considered critical to the development of the area south of SR-117 and east of I-805: (1) a senior high school, (2) a community park and (3) a neighborhood commercial center. In addition, the project would facilitate the development of three major circulation element roads: Caliente Boulevard, Airway Road and North Vista Road. In fact, 64% of the land area of the Santee Investments Precise Plan is devoted to public facilities including: the high school site (37%), the community park site (17%) and public roads (10%).

One of the principal goals of the Otay Mesa Community Plan is "To assure standard public facilities and services commensurate with development in the planning area" (Otay Mesa Community Plan, page 72). The creation of specific sites for the high school, community park and neighborhood commercial center is the first step in the process of assuring that these facilities are developed concurrent with need. As required in the Otay Mesa Community Plan, development must be concurrent with or preceded by approval of a precise plan. The Santee Investments Precise Plan would satisfy this requirement and establish the site boundaries for these uses and the transportation system needed to serve them.

The senior high school site is the only one proposed within the community plan area and the Sweetwater Union High School District has indicated an unwillingness to support development east of I-805 without a suitable high school site in the area. The majority of the encroachment into the biologically sensitive areas is associated with the high school site along the western boundary of the precise plan. This encroachment is considered essential to providing a usable high school site. The Sweetwater Union High School District believes

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Statement of Overriding Considerations for
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that the high school site must contain between 40 and 50 usable acres. The location shown on the precise plan is the only one which can achieve this goal. Although exhaustive land use studies were undertaken to find configurations for the school site which did not substantially encroach into biologically sensitive areas, no significantly better configurations were identified. In addition to the limitations due to size and configuration requirements for the school and park, the Circulation Element of the community plan and the alignment of Airway Road, in particular, limited the alternative location for the school site by making it impossible to locate the school north of Airway Road.

The community park is one of only two community parks proposed for the community plan area, and the only community park south of SR-117. The provision of community parks is essential to maintaining the quality of life in the Otay Mesa community plan area. The location of the park on the project site offers another benefit because it can incorporate the vernal pool area in a preserve which would protect this important biological resource as well as enhance the overall value of the park.

The neighborhood commercial center is one of only two neighborhood commercial centers intended to provide necessary goods and services to future residents. Like the community park, the neighborhood commercial center is an important component of the community. Its central location will allow residents to obtain needed goods and services without traveling outside their neighborhood which will reduce vehicular trips and miles travelled which in turn will reduce traffic congestion and air pollution.

Three important circulation roads cross through the project area and implementation of the project would provide critical elements of the community plan road network. The project would construct all or portions of Caliente Boulevard, Airway Road and North Vista Road.

(2) Facilitate Affordable Housing

In addition to providing for the senior high school, community park and neighborhood commercial, the Santee Investments Precise Plan will provide 591 multifamily residential units. Residential development is essential to maintain a balanced community by providing housing for persons employed in the planned industrial and commercial areas within the Otay Mesa community plan area. Furthermore, multifamily development is traditionally more affordable than single-family development which will help meet the community plan's goal of maintaining a balance in housing stock and providing opportunities for affordable housing.

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(3) Expand Community Open Space System

The Santee Investments Precise Plan goes beyond the requirements of the Otay Mesa Community Plan with respect to open space. Despite the fact that the sensitive slopes along the west side of the precise plan area are not formally designated as open space by the community plan, the precise plan places 8.1 acres including the upper ends of Moody Canyon and Spring Canyon into permanent open space category to assure their preservation. This area includes the majority of the slopes which exceed a gradient of 25% and the high quality biological resources found within the precise plan area.

334A

Passed and adopted by the Council of The City of San Diego on **NOV 09 1993**
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *Magdalena P. Portuondo*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *R-282968* **NOV 09 1993**
Number Adopted