

RESOLUTION NUMBER R- 307497

DATE OF FINAL PASSAGE JUN 20 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING ACCEPTANCE OF FUNDS
FOR CRESCENT HEIGHTS HABITAT MANAGEMENT
AND COMPLIANCE MONITORING.

WHEREAS, on March 18, 1997, the City Council adopted Resolution R-288455 approving the Subarea Plan for the Multiple Species Conservation Program (MSCP), and the Subarea Plan includes the Multiple Habitat Planning Area (MHPA); and

WHEREAS, on April 7, 1997, the City Council approved Ordinance O-18394, authorizing the execution of an Implementing Agreement with California Fish and Game and United States Fish and Wildlife for the implementation of the MSCP and Subarea Plan; and

WHEREAS, the Implementing Agreement provides that the City of San Diego shall be responsible for managing certain lands within the MHPA in perpetuity, including lands dedicated to the City in fee title, or for which a conservation easement has been granted to the City or for which a covenant of easement has been granted to the City allowing access for management purposes; and

WHEREAS, on July 1, 2003, the City Council adopted Resolution R-298152 approving the Vesting Tentative Map No. 9691 for the Crescent Heights project located at the southeast and northeast intersection of Camino Sante Fe and Calle Cristobal in the Mira Mesa Community Plan area, which contained as conditions of approval the preservation of certain areas in the MHPA through a grant in fee title to the City, or through a conservation easement or covenant of easement; and

WHEREAS, portions of the on-site preserved MHPA areas to be preserved are comprised of a sensitive habitat identified as vernal pools; and

WHEREAS, on March 15, 2010, the City Council authorized a letter to relinquish federal coverage of the seven vernal pool species to the U.S. Fish and Wildlife Service pursuant to Resolution R-305685 and authorized the execution of a Planning Agreement pursuant to Resolution R-305684; and

WHEREAS, the Planning Agreement allows the processing of development projects that have already received discretionary approval, if funding in perpetuity is provided for management and monitoring; and

WHEREAS, the City desires to secure funding from Pardee Homes to implement the Habitat Management Plan for on-site mitigation for the Crescent Heights project and to authorize the acceptance, appropriation and expenditure of these funds; and

WHEREAS, this funding will be used to manage, monitor and preserve vernal pools which support threatened species; and

WHEREAS, the City also desires to secure funding to monitor compliance with the Army Corps of Engineer Permit SPL-2007-00239-MBS for off-site mitigation for the Crescent Heights project, and to authorize the acceptance, appropriation and expenditure of these funds; and

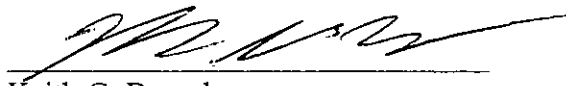
WHEREAS, this funding will be used to monitor compliance with the Army Corps of Engineer Permit SPL-2007-00239-MBS and to ensure that the use of the off-site mitigation area is consistent with the conservation easement required by that permit; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, as follows:

1. That the Mayor is authorized to take all necessary actions to secure funding from Pardee Homes in an amount not to exceed \$122,189 to be placed in a non-wasting endowment fund to implement the Habitat Management Plan for the Crescent Heights project, on file in the Office of the City Clerk as Document No. RR- 307497.
2. That the Comptroller is authorized to establish a special interest-bearing fund for Crescent Heights Habitat Management Plan and transfer an amount not to exceed \$122,189 plus interest from Fund No. 100000, Cost Center 1714150001, Park and Recreation Open Space Division Management, GL 418075 to the new non-wasting endowment fund.
3. That the Mayor is authorized to accept and appropriate and the Comptroller to expend interest income generated from the non-wasting endowment fund, principle amount of \$122,189 being retained.
4. That the Mayor is authorized to take all necessary actions to secure funding from Pardee Homes in an amount not to exceed \$8,400 for compliance monitoring related to the Crescent Heights project, for a period not to exceed five years.
5. That the Comptroller is authorized to establish a special fund for Crescent Heights Compliance Monitoring and transfer an amount not to exceed \$8,400 from Fund No. 100000, Cost Center 1714150001, Park and Recreation Open Space Division Management, GL 418075 to the new non-wasting endowment fund.

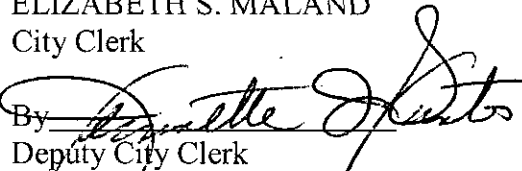
6. That the Mayor is authorized to accept and appropriate and the Comptroller to expend funds to ensure monitoring in accordance with Army Corps of Engineer Permit SPL-2007-00239-MBS, for a period not to exceed five years, in an amount not to exceed \$8,400.

APPROVED: JAN I. GOLDSMITH, City Attorney


By 
Keith G. Bauerle
Deputy City Attorney

KGB:als
05/30/12
05/31/12 Cor.Copy
Or.Dept:DSD
Doc. No. 378391

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 12 2012

ELIZABETH S. MALAND
City Clerk
By 
Deputy City Clerk

Approved: 6-20-12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor