

RESOLUTION NUMBER R- 311258

DATE OF FINAL PASSAGE JUL 31 2017

ITEM # 100  
7/25/17

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF THAT CERTAIN AGREEMENT ESTABLISHING MAINTENANCE FUND FOR CONSERVED LAND BY AND BETWEEN THE CITY OF SAN DIEGO AND THE STATE OF CALIFORNIA, AND AUTHORIZING THE ACCEPTANCE OF \$916,106.00 FROM THE STATE OF CALIFORNIA TO CREATE AN ENDOWMENT FOR THE MANAGEMENT, MAINTENANCE AND MONITORING OF THE DEER CANYON MITIGATION PROPERTY.

WHEREAS, the goal of the Multiple Species Conservation Program (MSCP) is to minimize the need for future Endangered Species Act listings by conserving viable populations of sensitive species and their habitats, while simultaneously supporting economic growth in the region through stream-lined development processing pursuant to Resolution Number R-288455; and

WHEREAS, the City of San Diego (City) implements the MSCP in coordination with the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW), along with other regional entities such as the San Diego Association of Governments (SANDAG), the County of San Diego and various non-profit entities; and

WHEREAS, one of the City's obligations under the MSCP is to set aside and manage in perpetuity 52,727 acres for conservation purposes within a regionally connected area of high quality habitat designated as the Multi-Habitat Planning Area (MHPA); and

WHEREAS, at this time, nearly 95% of the City's obligation has been fulfilled through various methods such as direct land purchases and dedication of mitigation parcels from both government and private development projects; and

WHEREAS, in order to assist the City with fulfilling its obligation, USFWS required the State of California, by and through its Department of Transportation (Caltrans), to purchase mitigation credits, and restore and dedicate for conservation purposes, property (Deer Canyon Mitigation Property) currently owned by Pardee Homes (formerly known as Pardee Construction Company), all as mitigation for the following Caltrans projects: Interstate 5/Genesee Avenue Interchange Reconstruction Project, the I-805 North Managed Lanes Project, the Carroll Canyon road Extension and Direct Access Ramp Project, the double-tracking of the Los Angeles to San Diego (LOSSAN) Corridor Project, and the North Coast Corridor Project; and

WHEREAS, the Deer Canyon Mitigation Property is anticipated to be conveyed to the City pursuant to that certain Development Agreement Between the City of San Diego and Pardee Construction Company, Pacific Highlands Ranch Subarea III, North City Future Urbanizing Area, which is on file with the Office of the City Clerk as Document Number OO-18571; and

WHEREAS, the Deer Canyon Mitigation Property consists of two parcels (APNs 305-040-39 and 305-031-32) totaling 46.17 acres within the City's MHPA boundaries, and is adjacent to over 500 acres located in Del Mar Mesa currently owned and managed by the City's Park & Recreation Department Open Space Division; and

WHEREAS, the required restoration work on the Deer Canyon Mitigation Property by Caltrans is currently underway and is expected to be completed by 2019; and

WHEREAS, Caltrans' federal permits require establishment of an endowment of \$916,106.00 to fund management, maintenance and monitoring, in perpetuity, of the Deer Canyon Mitigation Property prior to the start of construction for the North Coast Corridor Project; NOW, THEREFORE,

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


1. That the Mayor, or his designee, is hereby authorized and directed to execute that certain Agreement Establishing Maintenance Fund For Conserved Land, which is on file in the Office of the City Clerk as Document Number RR- 311258.

2. That the Chief Financial Officer is hereby authorized and directed to accept from the State of California, by and through its Department of Transportation, funds in the amount not to exceed \$916,106.00 and establish a permanent, special interest-bearing fund, with only the interest therefrom being used to fund the management, maintenance and monitoring of the Deer Canyon Mitigation Property, in perpetuity, and leaving the principal amount in tact so that it can continue to accrue interest in perpetuity.

3. That the Chief Financial Officer is hereby authorized and directed to deposit funds in the amount not to exceed \$916,106.00 into the special interest-bearing fund established to support the management, maintenance and monitoring of the Deer Canyon Mitigation Property.

4. That the Chief Financial Officer is hereby authorized and directed to appropriate and expend interest only from the special interest-bearing fund established for the management, maintenance and monitoring of the Deer Canyon Mitigation Property.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Hilda R. Mendoza  
Deputy City Attorney


HRM:als  
06/30/2017  
Or.Dept: Park & Rec.  
Doc. No.: 1532460

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 25 2017.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 7/31/17  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUL 25 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

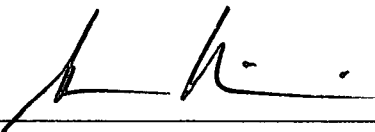
Date of final passage JUL 31 2017.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By , Deputy

(Seal)

Office of the City Clerk, San Diego, California  
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