

DATE ISSUED: October 24, 2001

REPORT NO: 01-229

ATTENTION: Honorable Mayor and City Council
Docket of October 30, 2001

SUBJECT: State Route 56 Project - Middle Segment (Carmel Country Road to Black Mountain Road)

SUMMARY

Issue - Should the City Council authorize amendments to the prior authorization of condemnation for acquisition of property for State Route 56?

Manager's -Recommendation - Authorize the amendment to the prior authorization of condemnation for acquisition of the properties.

Other Recommendations - None

Fiscal Impact - The funds have been previously identified in the June 20, 2001 Manager's Report. There will be no additional fiscal impact.

BACKGROUND

On July 24, 2001, the City Council adopted Resolution Number R-295205, determining the public interest and necessity required the acquisition of certain land and directing the filing of eminent domain proceedings. It has been subsequently determined that for certain parcels, the City needs to acquire less property than previously anticipated. Accordingly, the City seeks an amendment to Resolution No. R-295205 to address those parcels for which the City needs to acquire less property. Thus, the City now seeks to amend certain legal description in Resolution No. R-295205 for those parcels which the City has not yet commenced eminent domain proceedings; and to amend certain legal description in Resolution No. R-295205 and amend the legal descriptions in the complaints in eminent domain for those parcels which the City has commenced proceedings. The affected Project Parcels Numbers are: 31498; 32275:1-2; 32277:1-4; 32278:1-9; 32276: 1-2; 32268:1-2; 32363; 32268; 32281:1-3; 32284; 32285:1-2; 32269:103; 32270:1-4, 8-13; 32271; 32272:1-3; 32279:1-11; 32280:1-6; 32288:1-2.

SR 56 was adopted by the California Highway Commission in 1965 as a 4-lane freeway, extending from Interstate 5 (I-5) to SR 67 in central San Diego County. Construction of this route would connect the I-15 corridor communities with the I-5 coastal route. SR 56 is the only proposed east-west freeway in the 22-mile gap between SR-78 and SR 52. At this time (1996) two segments of SR 56 have been constructed: a segment located in Rancho Penasquitos, from Black Mountain Road to I-15, and a segment located in Carmel Valley, from El Camino Real to east of Carmel Country Road. The subject of this report is the segment of SR 56 located primarily in the North City Future Urbanizing Area of the City of San Diego between Carmel

Country Road and Black Mountain Road. (Final Environmental Impact Report for State Route 56 Between SR 56 West and SR 56 East, Appendix I, Socioeconomics Technical Report dated December 1996, p. 1, Section 1, "Introduction and Summary.") An interchange at I-5 and a segment between I-5 and El Camino Real has been constructed.

The project is to construct approximately 5 miles of SR 56 from 0.4 miles east of Carmel Country Road to Black Mountain Road. Most of the project would be located in what was the North City Future Urbanizing Area (NCFUA) of the City of San Diego, and has since become the planned urbanizing areas of Pacific Highlands Ranch and Torrey Highlands (Subareas 3 and 4, respectively). Small segments of the project would be located in the communities of Carmel Valley and Rancho Penasquitos.

When completed, SR 56 would connect the I-15 corridor communities with the I-5 coastal route. Currently, there are two east-west freeways in Central San Diego County: SR 78 from Oceanside to Escondido and SR 52 from I-5 to Santee. Within the 22-mile gap between the two freeways, there are four arterial roads providing east-west access: County Road S6 (Via De La Valle - Del Dios Highway - Valley Parkway); Sorrento Valley Boulevard - Calle Cristobal; Mira Mesa Boulevard; and La Jolla Village Drive - Miramar Road. (*Id.*, p. 12, Section 2 "Project Description.")

The project will provide an essential transportation connection between I-5 and I-15. The completion of SR-56 will improve mobility for local and regional traffic and reduce circuitous travel by completing the only east-west freeway linkage between I-5 and I-15 in the 25 mile gap between SR-52 and SR-78 in north San Diego County.

This requested authority relates to those properties within the project area (approved State Route 56 Middle Segment alignment), for which the City needs to acquire less property than previously anticipated. This request affects seven ownerships, for a total overall decrease in acquisition of approximately 21 acres. This decrease is a result of tentative map requirements for certain properties and changes in CalTrans' requirements.

The Real Estate Assets Department will continue to negotiate with the property owners, however, condemnation is requested over all impacted properties to insure acquisition of the land prior to award of the construction contract for the project.

DISCUSSION

The City of San Diego is vested with the power of eminent domain to acquire real property for this Project by virtue of Article 1, Section 19, of the Constitution of the State of California; Sections 1240.010-050, 1240.110-120, 1240.150, 1240.410, 1240.610, 1240.690-700 of the California Code of Civil Procedure; Sections 100.1, 102, 103.65, 104, 104.6, 113, 113.5, 116, 130, 356, 5023.1 and 5102 of the California Streets & Highway Code; Sections 37350.5 and 40404 of the California Government Code; and Charter of The City of San Diego, Section 220. Pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last San Diego County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard

before the City Council of the City of San Diego on the following matters:

1. Does the public interest and necessity require the proposed project?

Yes. Approval of the eminent domain action serves the public interest and is necessary for development of State Route 56. The project will provide an essential transportation connection between I-5 and I-15. The completion of SR-56 will improve mobility for local and regional traffic and reduce circuitous travel by completing the only east-west freeway linkage between I-5 and I-15 in the 25-mile gap between SR-52 and SR-78 in north San Diego County. It would also relieve congestion on local arterial streets, thereby decreasing travel time and increasing motorist safety, and provide capacity for projected traffic in accordance with local and regional circulation plans.

2. Is the proposed project planned or located in a manner that will be most compatible with the greatest public good and the least private impact ?

Yes. Twenty six (26) project alternatives have been evaluated for the purpose of identifying the most environmentally preferred route. The approved alignment achieves this goal by avoiding the City of San Diego's Multiple Habitat Planning Area (MHPA), while concurrently minimizing or mitigating impacts to existing and planned land uses. The Environmental Impact Report, LDR File No. 95-0099, dated May 14, 1998, covering this project was Adopted June 16, 1998, by Resolution No. R-290286 and R-290467.

3. Is the property sought to be acquired necessary for the proposed project ?

Yes. The property sought along the State Route 56 corridor is required so that State Route 56 can be constructed along the alignment previously selected by the City Council.

ALTERNATIVE

1. Do not condemn for the land and require that the project be redesigned.

Respectfully submitted,

William T. Griffith
Real Estate Assets Director

Approved: Bruce Herring
Deputy City Manager

GRIFFITH/RAG

