EXHIBIT NO. 1

THE HILLCREST NEWS

JAMES E. PARSONS, Editor and Publisher

OFFICE, 3918 Fourth St., San Diego, Cal. PHONE Hillcrest 5889-J.

A Community Newspaper Devoted to the Interests of the Hillcrest, Mission Hills, University Avenue, Washington Street, Fifth Avenue and Park Boulevard Districts. Distributed Free Every Friday Morning to 6,000 Homes. Read Each Week by 30,000 People.

GIVE SAN DIEGO A NEW DEAL

On another page of this issue will be found an article explaining the actual working of the proposed new city charter as compared with the present document, which was drawn more than 40 years ago. All voters should inform themselves carefully on this important question.

Under our present charter, regardless of the personnel of our municipal offices, the taxpayers' increasing business in our city cannot be handled to the best advantage. The proposed charter centralizes responsibility, eliminates duplication, offers improved and efficient service and will annually save taxpayers hundreds of thousands of dollars.

The Hillcrest News is for the adoption of the new charter for the following reasons:

1. Its business-like features will result in savings in operation that will bring an estimated 17-cent reduction in the city tax rate.

2. Entire responsibility for success of the city government is placed on the shoulders of one man—the city manager—eliminating the dodging of issues and "buck-passing."

3. Taxpayers will be in full control of the city government, for the manager holds office only so long as he produces the goods.

4. A water development department has been created to provide equitable rates to consumers, and accurate development and operating costs to taxpayers.

5. City employees are given protection through the right of a public trial.

6. The budget officer is given power to investigate and report on conditions and operations in all municipal departments, thus making padded payrolls an impossibility.

7. The charter provides that the city shall not be liable for costs and fees of outside engineers and attorneys who promote improvement work.

8. Commissions are advisory only, the actual administration and operation of these units being in the hands of the manager, council and budget officer. (This does not apply to the harbor department, for which special provision is made.)

9. Equitable representation of all the people will be secured through nomination of two councilmen from each district and the election of one of them at large.

10. The city attorney is to be elected by the people as a guarantee that the legal head of the city will be able to fearlessly protect our interests and not be an attorney appointed to carry out the wishes of council or manager.

11. The charter provides that San Diego industries and San Diego labor shall be given preference on all public works.

EXHIBIT NO. 2

Section 42: Membership Selection

The appointing authority in selecting appointees to commissions, boards, committees or panels shall take into consideration sex, race and geographical area so the membership of such commissions, boards, committees or panels shall reflect the entire community.
(Amendment voted 04-15-1947; effective 05-01-1947.)
(Amendment voted 09-17-1963; effective 02-11-1964.)
(Repeal voted 11-04-1969; effective 01-29-1970, language was moved to Section 41.)
(Addition voted 11-6-1973; effective 12-7-1973.)

Section 43: Advisory Boards and Committees

(a) The City Council may by ordinance create and establish advisory boards. Such boards shall be advisory to the Mayor, Council or City Manager as may be designated by ordinance. All members of such boards shall be appointed by the Mayor with Council confirmation, and the terms of office of such members may extend beyond the elective term of the appointing Mayor. The members of such boards shall serve without compensation and it shall be their duty to consult and advise with the Mayor, Council or City Manager, as the case may be, but not to direct the conduct of any Department or Division. Members of such advisory boards shall be limited to a maximum of eight (8) consecutive years in office and an interval of four (4) years must pass before such persons can be reappointed.

(b) The Mayor, City Council or City Manager may create and establish citizens' committees. Such committees shall be created and established only for the purpose of advising on questions with clearly defined objectives, and shall be temporary in nature, and shall be dissolved upon the completion of the objectives for which they were created. Committee members shall serve without compensation.

(c) Whenever under the provisions of this Charter or ordinance the Mayor is vested with authority to appoint the members of boards or committees and does not take such action within forty-five (45) days after the board or committee has been established or a vacancy occurs, then the Council shall make such appointments. The Council may remove committee and board members by vote of a majority of the members of the Council.

(d) Citizens' Review Board on Police Practices. Notwithstanding any other provision of this Charter, the City Manager shall have the exclusive authority to create and establish a citizens' review board on police practices to review and evaluate citizens' complaints against members of the San Diego Police Department and the San Diego Police Department's administration of discipline arising from such complaints. The City Manager shall establish such rules and regulations as may

be necessary for this board to carry out its functions; provided, however, that such rules and regulations shall be consistent with the laws of the State of California concerning citizens' complaints against peace officers. Nothing in such rules and regulations shall interfere with the board's authority to independently refer a completed citizen complaint investigation to the grand jury, district attorney, or any other governmental agency authorized by law to investigate the activities of a law enforcement agency. The board shall submit semiannual reports to the City Manager and City Council concerning its evaluation of the San Diego Police Department's investigation of citizens' complaints; provided, however, that such reports shall not disclose any information required to be kept confidential by law.

(Amendment voted 09-17-1963; effective 02-11-1964.)
(Amendment voted 11-04-1969; effective 01-29-1970.)
(Portions of this section formerly in Section 43.1.)
(Amendment voted 11-08-1988; effective 04-03-1989.)

Section 43.1: Commissions, Boards, Committees - Appointments

(Addition voted 09-17-1963: effective 02-11-1964.)
(Repeal voted 11-04-1969; effective 01-29-1970.)
(Language moved to Section 43.)

Section 44: Directors of Departments

(Repeal voted 09-17-1963; effective 02-11-1964.)

Section 45: City Treasurer

The Manager shall appoint a Treasurer subject to confirmation by a majority of the members of the Council. He shall perform duties imposed upon City Treasurers by general law, the City Charter, or ordinances of the Council.

The office of the Treasurer shall consist of the Treasurer and such subordinate officers and employees as shall be authorized by ordinance.

The Treasurer shall receive, have the custody of, and disburse City moneys upon the warrant or check-warrant of the Auditor and Comptroller under the provisions of Section 53911 of the Government Code of the State of California. He shall keep such books and records as are necessary for the recording of all receipts and expenditures, together with a record of money in City depositories. Every Department officer, or institution which receives money directly from the public, shall deposit the same daily with the Treasurer, unless otherwise authorized by ordinance. The Treasurer shall demand and receive from the County Tax Collector moneys collected by him for use of the City. And it shall be the duty of such County official to deposit such money monthly with the City Treasurer.

EXHIBIT NO. 3

The City Of San Diego
Councilmember Jim Madaffer
City Council District 7

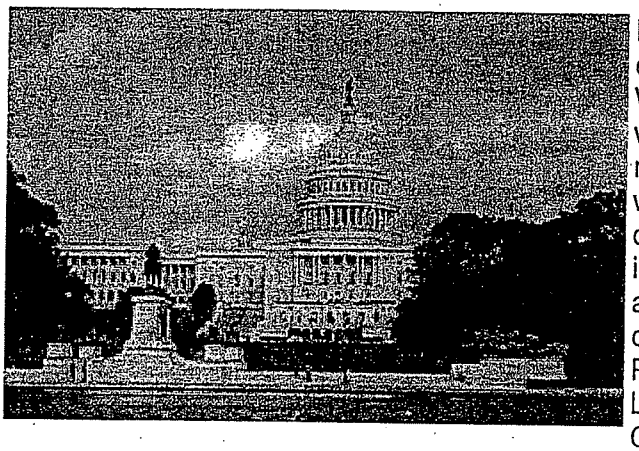
View Previous e-Newsletters

Certain City issues you want to know about? Click here to update your preferences.

With so much going on, keeping you up to date with my eNewsletter is a chance for me to tell you about issues and events and more importantly, for you to send me your thoughts and comments. You can write me by clicking on this link. If you are new to our eNewsletter, welcome! People are regularly added to the list by contacting our

Dear Friend:

In Washington D.C.



I'm sending this eNewsletter from Washington D.C. where I've been meeting this week with federal officials on several important issues for San Diego and the State in my capacity as 2nd Vice President for the League of California Cities. The National League of Cities is holding their annual conference here advocating on behalf of all cities. The proposed federal budget threatens CDBG (Community Development Block Grant) funding which has been so important to revitalizing our older neighborhoods in San Diego. In my own City Council district over the last several years, I have leveraged CDBG monies to create many new projects that instill economic development for the region. CDBG funds have been used to build libraries, parks and roads not to mention other projects that will reap returns back into the community for many years to come.

Another area of major concern is the City of San Diego being removed from UASI (Urban Area Security Initiative) funding from the Department of Homeland Security. We are not alone here as the DHS also removed the City of Sacramento. How the Feds can remove San Diego – a major border City and home to the largest naval base in the world – and Sacramento, our state's capitol is beyond logic. Needless to say, our local Congressional delegation is not happy about this and my colleagues including Council President Scott Peters, Mayor Jerry Sanders and I are doing what we can to make our case heard here in the nation's capitol. Yesterday I met with Senator Dianne Feinstein and Senator Barbara Boxer along with several other members of Congress advocating on behalf of San Diego and our state. Today I am meeting with

ATTACHMENT 4

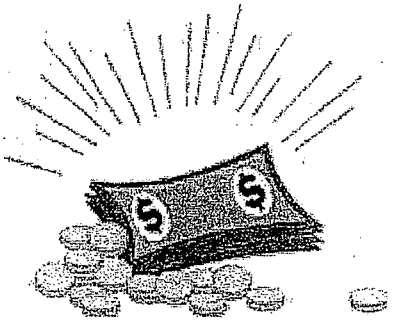
office or having joined from our website. Do we have your correct zip code on file? Having your zip code on file is important when we have updates specific for your area only. Are you able to view all the photos? (select HTML in preferences) Please click this link and update your preferences so we can send you the most relevant information.

And please share this eNewsletter with your friends and neighbors - you can send them their own copy. It's best if you use the "forward" feature by clicking this link - that way all the photos and formatting stays the same along with a special message from you.

Our email list

congressional members of the House Energy and Commerce Committee to discuss reforms to the Telecommunications Act of 1996. Local governments are threatened financially and one of the areas this has impacted San Diego is with our utilities undergrounding program. Some of our neighborhoods have been undergrounded – but not completely due to the Telecomm Act of 1996. Where SDG&E and the cable companies have placed their utilities underground, in some areas, the phone company has refused, leaving their unsightly wires and cut-in-half telephone poles above ground.

Fiscal Priorities



There is no question that it will be another difficult year and I am disappointed that the City does not have its 2003 audit completed. The City's Independent Auditors say it will be later this spring. Once the audits are complete we can get on track in remedying the city's finances.

I have a long list of budget priorities for the upcoming fiscal year including: 1) fully funding the City's pension obligations 2) restoring the City's credit rating in order to leverage City dollars 3) fully funding state and federal compliance orders of water and sewer infrastructures 4) funding to keep recreation centers open longer and 5) year-round pool hours and continued funding to replace fire truck and police fleet vehicles. To see a complete list of my priorities and that of my City Council colleagues, please click here on this link.

The Paseo and San Diego State University

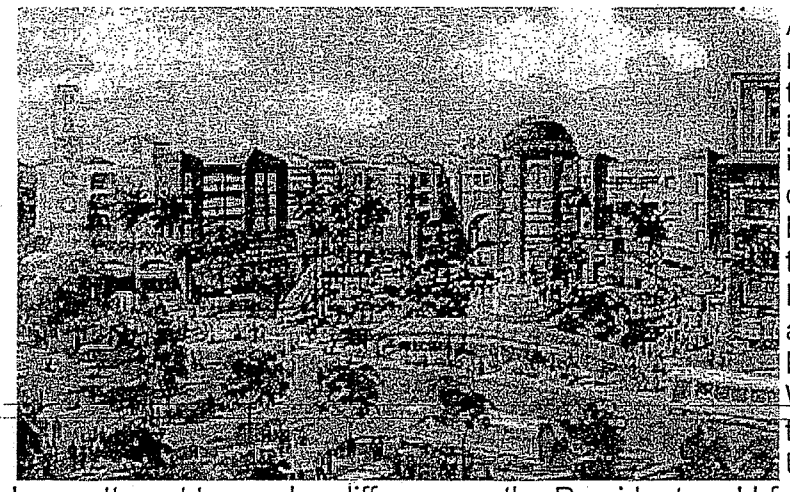
SAN DIEGO STATE UNIVERSITY

The news coming off Montezuma Mesa has not been very good as of late with more and more people expressing concern over the long-planned Paseo project. Folks in the College Area have been working on the Paseo project for nearly 18 years and last year President Weber halted the project over a dispute on who should build it: the University or

has tremendously grown in size this past year - not just with folks in my City Council District, but around the city and beyond. It's a great way to stay up to date with some of the many important issues going on in and around San Diego.

Thanks for reading the eNewsletter!

the SDSU Foundation. In response to President Weber's actions, numerous community organizations withdrew their support of the Paseo. The Paseo is a spectacular mixed-use project that will provide relief for traffic and housing issues affecting the community. With planned and desperately needed housing for over 1,300 students, 1,900 parking spaces, retail space, movie theaters, religious space, services and office space for the University, this is a project designed by the SDSU Foundation with the community's interests taken into consideration. With the Paseo project, students won't need to leave campus. And residents will have new amenities conveniently nearby.



As I mentioned, the dispute is really an internal one – between the SDSU Foundation and the President Weber of the University. In an attempt to resolve differences, the President and I formed a Task Force last year to look at options to move forward. The conclusions were simple: the Redevelopment Agency of the City of San Diego announced it would proceed forward and issue an RFP (request for proposals) to find a new builder for the Paseo. The RFP will preserve what the community and Foundation designed over the past 18 years and it will offer the University to participate as well, should it desire. As you'll see from the articles below, things aren't going too well right now at SDSU.

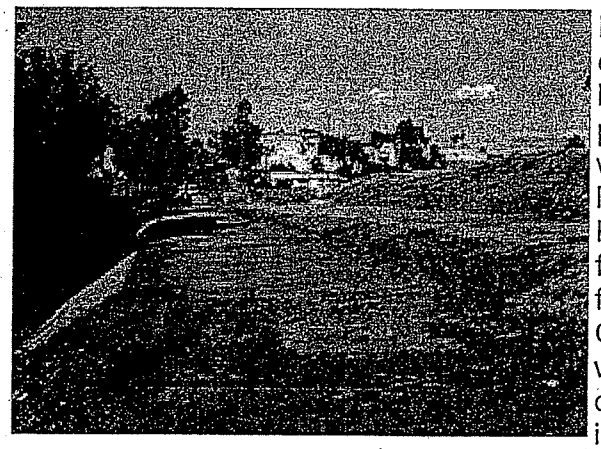
Several recent articles about the Paseo have made the local media. SDSU's Daily Aztec wrote an investigatory piece reaffirming what I and the community have been saying for many months now – and I understand more articles are on the way. See these article links:

The Daily Aztec, March 9, 2006

Union Tribune, March 7, 2006

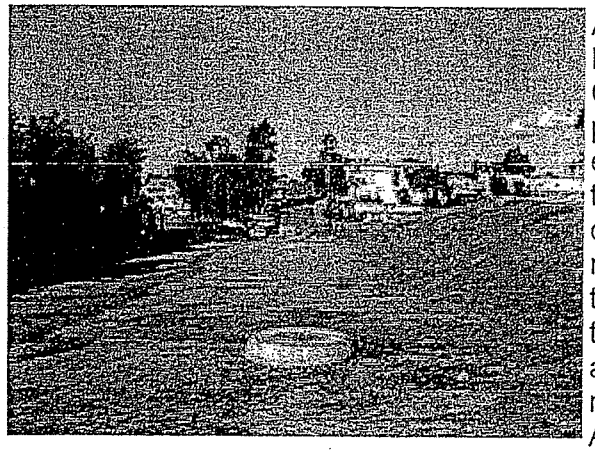
The Daily Aztec, March 7, 2006

New Park and Road for a Deserving Community



I share the community's excitement about building a much needed park in Fox Canyon as well as completing the long planned Ontario Road connection. In fact, back in 2000 when I first looked at connecting Ontario Road to help with traffic and to reduce crime, I broached the idea to the community of building a neighborhood park adjacent to the new road. With the strong support of residents, my staff and I went to work along with an incredible City Park and Recreation staff both in acquiring land and initiating design. The road came first, the park followed.

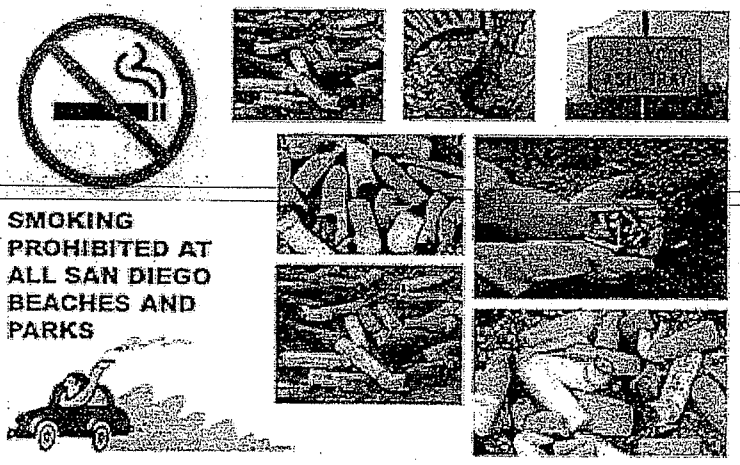
In previous eNewsletters, I have described our success in securing a $2.3 million state grant that has made the dream of building the park possible. One of my goals in creating the Crossroads Redevelopment Area was to help provide funding for public infrastructure needs, such as the needed road connection in this long forgotten area of our City. We were set – funding for the road through Crossroads and funding for the park thanks to a state grant.



As everyone who lives in Fox Canyon and Chollas Creek knows, there is no place for children to play except parking lots. And there is no road connecting the neighborhoods. It is at the bottom of a canyon that severely limits access to the area. As a recent major fire on Altadena Avenue amply demonstrated, there is a real need for this "paper street" to actually exist. In an emergency, response vehicles need a way in and trapped residents need a way out. There is a strong consensus in

the community – especially from those who actually live in the area – to move forward on creating a park and building this long planned road. I have received a petition with over 400 signatures supporting the connection of the road adjacent to the park. Sadly, there are a few people who don't like the idea of the road – but they do want an isolated park without adequate fire and police access and with out any parking. In order to create community consensus, I committed to creating a task force that met to discuss the merits of the road connection and try to work things out. The task force includes neighborhood residents and community leaders. It seems just about every project these days has people who are against something no matter what. The Fox Canyon Park project is no exception. While I respect the opponent's opinion, I support the greater community in what they envision for their own neighborhood and their efforts to create it.

Note to Smokers – Keep our Beaches and Parks Clean



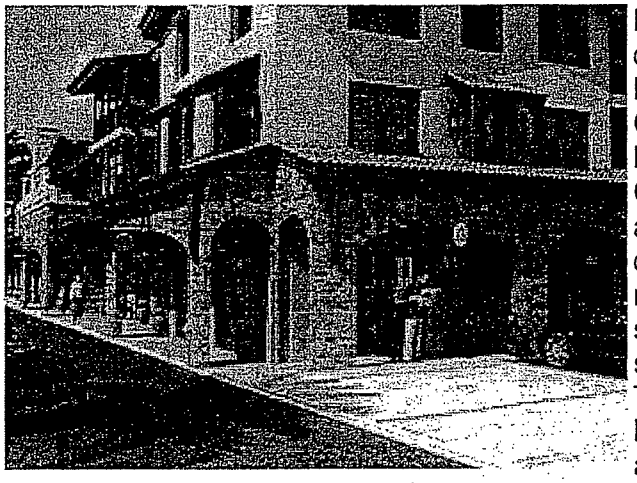
I'm not singling out smokers or preventing them from smoking. What I want is for them to stop littering our beautiful beaches and parks.

I asked Council President Scott Peters to partner with me in proposing a smoking ban at all City parks and beaches.

There are numerous reasons why a ban makes sense for San Diego – from a public health, environmental protection and fire safety standpoint and because of the incredible litter and maintenance expense caused by smokers who are irresponsible in throwing away cigarette butts. The City of San Diego is committed to keeping its beaches and parks clean, safe, healthy and pleasant for everyone. In addition to secondhand smoke being a health hazard, discarding cigarette butts onto the ground in City parks and beaches is unsightly, unclean and particularly hazardous to small children who may handle or ingest them. Also, discarded tobacco products may be washed away by storm water directly into the ocean.

Many organizations have stepped forward in their support. They include San Diego Coastkeeper, The Surfrider Foundation, The American Lung Association, The American Heart Association, Tobacco Free Communities Coalition, La Jolla Shores Association, California League of Cities San Diego Division, and Friends of Lake Murray. The next step is for the issue to be heard at the City Council's Natural Resources and Culture (NR&C) Committee and after that brought forward to the full City Council. I will keep you posted. See more on this below in my "From the In-Box" section.

Around the Corner



For more than a decade the corner of Navajo Road and Cowles Mountain Boulevard in San Carlos stood vacant and abandoned. The once gas station and never-to-be 7-Eleven sat vacant for what seemed an eternity. The property became host to a coffee hut and dry cleaning business for a short while – but finally this community eyesore will be torn down and a mixed use project called Vizcaya will begin construction this summer.

It will include office space, services and amenities and 18 high-end residential units built in a Tuscany style. Change sometimes takes some getting used to and it will definitely be a change for the community. I support this use at this site: higher density in a small area along a major thoroughfare.

Disaster Preparedness

Our panel of experts gave excellent presentations at our recent District 7 forum on disaster preparedness. Police Chief William Lansdowne, Fire Chief Jeff Bowman, Barbara Ayers, program manager for the City's Community Emergency Response Team (CERT), the former director of the City's Office of Homeland Security August Ghio and Jeff Wiemann, CEO of the local American Red Cross chapter gave sobering statistics and vital information on what to expect during a disaster and how best to be prepared.

CERT Volunteer

I was pleased to introduce a dozen or more of

my fellow CERT volunteers who attended. They are ordinary citizens who have completed special training in order to help their community when a disaster strikes. As our speakers pointed out, major disasters could result in residents being without City services for three or more days. I encourage you to consider taking CERT training. For more information, visit the web site at http://www.sandiego.gov/fireandems/cert/index.shtml.

City TV24 taped the forum and is showing it over the next few months.

Chollas Parkway

If you want to see the impact volunteers have, just look at these photos!

What a difference our group of hard workers made at a recent clean up of Chollas Parkway. They removed sofas and shopping carts, painted out graffiti, removed weeds and shrubs and picked up litter and debris filling six industrial size dumpster bins.

A big thank you to our

many volunteers including members of the City Heights Community Development Corporation as well as our wonderful partners: Alpha Project, Teen Challenge, Waste Management of San Diego and KGTV 10News. In fact, Marti Emerald of KGTV did a story about our clean up as part of her on-going campaign "Come Clean San Diego."

Our goal was to see an immediate improvement with this cleanup. It paves the way for the removal of some vacant businesses that a property owner plans to complete by this spring. Of course the long term solution will be to completely revitalize the area in ways that best fit the needs of the community. More on that in a future issue.

Boards and Commissions

The City of San Diego relies on the expertise of citizens who serve on the City's Boards and Commissions. These unpaid positions are a way for people to donate their time and talent in a significant way. The types of boards and commissions are as varied as the people who serve. There are a few that currently have openings or will soon: Citizens Equal Opportunity Commission, Civil Service Commission, Local Enforcement Agency Hearing Panel, Funds Commission, Housing Commission, Planning Commission, City Public Utilities Advisory Commission, Qualcomm Stadium Advisory Board, Balboa Park Committee, Board of Building Appeals & Advisors, Historical Resources Board, International Affairs Board, Board of Library Commissioners, Mission Bay Park Committee, Old Town San Diego Planned District, Park and Recreation Board, Sustainable Energy Advisory Board and La Jolla Shores Planned District. To find out more about the Boards and Commissions, please click here http://www.sandiego.gov/city-clerk/boards-commissions/. If you would like to be considered for nomination, please send me your bio and a brief letter of interest via email or mail, which are listed at the end of this newsletter.

From the In-Box

I receive many emails daily commenting on every conceivable topic. Some focus on what's happening in our City, or issues of the day, or projects and events in the District, or comments about the latest eNewsletter. And some just defy description (or don't fit into any category). Many of the emails are from writers commenting on an issue (which I appreciate very much) and don't need a response and others we follow-up to address a particular issue or constituent concern. Usually I receive upwards of 50 to 100 emails or more each day. I thought it might be useful to share a sampling of what the residents of San Diego are thinking --- and sending me. I will also share my thoughts in response.

Please do not waste money on a new main library. We need to improve the branch libraries!!!!!!!!!!!
J.

In San Diego, we are focused on building a library system – that is both branches and the main library – and I strongly support both.

Right now we are under construction on four branch libraries – 3 completely new branches: Serra Mesa-Kearny Mesa Branch on Aero Drive, North University Community at I-805 & Nobel and Logan Heights Branch on 28th Street. The Otay Mesa-Nestor Branch will soon reopen after an extensive remodeling project and the expansion of the La Jolla/Riford Brach Library was completed in 2004. Late last year we opened the beautiful new College-Rolando Branch which joined both the new Mission Valley Branch and Point Loma/Hervey Branch as the newest additions to our library system. Other branches are in designnow including San Carlos, North Park, Mission Hills and soon Ocean Beach. There are other branch libraries on our list we look forward to starting on once the City gets back into the bonding business.

We are fortunate that the main library downtown will be funded through several sources that would not be available for branches in any event. Funding sources include a $20 million state library grant and $80 million from downtown redevelopment tax increment funds. Funding plans for the main library include reliance on the generosity of the philanthropic community and other donations to help make San Diego's main library a reality.

I was simply outraged when I read about your support of the measure to ban smoking from public beaches and parks. This is

Regional Park (MTRP) will take place from 10:00 until 11:00 a.m. Learn about the history of the dam, the ecology of the park and the wildlife that live there. Meet at the Old Mission Dam parking lot in MTRP located at One Father Juniper Serra Trail between Mission Gorge Road and Santee. For more information, call the Mission Trails Regional Park Visitor Center at (619) 668-3275 or visit their web site at www.mtrp.org.

April 29 – The 7th annual SpringFest and Parade takes place on Saturday, April 29th from 10:00 a.m. until 5:00 p.m. and the parade begins at 11:00 a.m. at the Allied Gardens Recreation Center located at 5155 Greenbrier Avenue. The festivities include a pancake breakfast, retail and craft booths, classic car show, art show, live entertainment, refreshments and activities for the family. For more information, visit the website at www.navajoevents.com.

April 29 – From 9:00 a.m. until 1:00 p.m. the City of San Diego's Environmental Services Department will hold an Auto Product Recycling Event. City of San Diego residents are encouraged to bring their used or leftover auto products for disposal and recycling at the Metropolitan Wastewater Operations Center located in Kearny Mesa at 5571 Topaz Way at the corner of Kearny Villa Road and Topaz Way. Only used motor oil, oil filters, contaminated oil, antifreeze and auto batteries are accepted. The service is free to City of San Diego residents and there is a 10 gallon limit. For more information, visit their web site at www.sandiego.gov/environmental-services/recycling/autoproducts.shtml

I wish I could include every single community event but unfortunately I have to limit it to a few each issue. We welcome submissions. For upcoming events you would like to see in the next eNewsletter, please email information to lwebb@sandiego.gov.

Thanks for reading the eNewsletter.
Regards,

Jim

Neighborhood E-Watch Keeps You Informed

The City of San Diego's Neighborhood eWatch provides information about crime incidents in the City of San Diego to the public for free via the Internet and is updated every 24 hours. I introduced this popular service last year and encourage you to use it. The web site address is: http://ewatch.sandiego.gov.

Thanks for reading the eNewsletter.

In the meantime, please don't hesitate to send me your thoughts on issues by sending email to jmadaffer@sandiego.gov and please forward this email to your friends who might enjoy reading it. They can always visit JimMadaffer.com/email to sign up themselves.

Questions? Comments?
SEND EMAIL

I welcome hearing from you at any time and rely on your opinion.

Regards,

Jim

Forward this email

If you know someone who might enjoy receiving this email, you can send them their own copy - **simply click on this link**.

Do we have your email, name, zip code and other information up to date? **Please click on this link to update your information** so we can send you items of interest to you for your specific area.

If this email was forwarded to you, you can **join our email list by clicking here**.

We value your privacy. It is our intention to only send this email to those who want timely updates on issues of interest from Councilmember Jim Madaffer. Your email address is shared with nobody. If you would like to be removed from our list, please click on the remove link in the copy below.

EXHIBIT NO. 4

ATTACHMENT City 2

CITY OF SAN DIEGO
MEMORANDUM

Ron ... Is it 400,000 ?

FILE NO.: TR 241,250

DATE: January 26th, 2000

Paul 1.26

TO: Siavash Pazargadi, Senior Traffic Engineer, Transportation Planning, Planning and Development Review

FROM: Allen Holden, Jr., Deputy Director, Transportation Department, Traffic Engineering Division

SUBJECT: Ontario Avenue Connection

The following information is provided for the memo to Councilmember McCarty.

The existing volume on Auburn Drive (between Louis Street and Ontario Avenue) is 1,300 ADT, based on weekday counts during the week of January 3, 2000. Based on this, opening day traffic on the proposed Ontario Avenue connection would be somewhat less than this volume.

The cost of the 600' connection is about $400,000, based on our preliminary engineering study, would be constructed within available right-of-way, and would go from Auburn Drive to Winona Avenue.

The Ontario Avenue connection would improve local circulation by providing people in this neighborhood with another way to get to and from University Avenue (via Winona Avenue), without needing to use Auburn Drive or Wightman Street, and then Euclid Avenue, all of which are not as wide as would be desirable.

We recommend that if constructed, Ontario Avenue be an additional connection to this neighborhood, and that Auburn Drive north of Ontario Avenue remain open to traffic, in order to maximize access for the residents of the neighborhood, and for emergency vehicles.

Allen Holden Jr.

Allen Holden, Jr.

AQH:m

cc: D. Cruz Gonzalez, Director, Transportation Department
Tom Story, Deputy Director, Transportation Planning, MSCP
Paul Toomey, Senior Traffic Engineer, Traffic Engineering Division
Steve Zeniker, Senior Traffic Engineer, Traffic Engineering Division
Walt Huffman, Senior Traffic Engineer, Traffic Engineering Division

PDF created with pdfFactory trial version www.pdffactory.com

EXHIBIT NO. 5

From: Tracy Reed
To: Elyse Olson; Gary DeBusschere
Date: 11/21/02 2:39PM
Subject: Re: Fwd: Ontario Avenue

Elyse .....
We know of a way. Within the Crossroads redevelopment plan on page 2 there is has a list of project objectives and number 7 addresses Chollas Park. The recommendation from CACC requests that we add additional language to this Item which would stated that the plan/project will try and address park deficiencies throughout the project area. This revised language would address the neighborhood park issue for this area.

Within the first 5-years the project might not have enough funds to build the park but there should be funding available to acquire property etc. and if the 3rd or 4th year the project the Agency issues revenue bonds there would then be more funding to complete it quicker.

There is always an issue about defining a park location because after it as be designated it becomes a taking issue. The community plan should support the need and location of park. The property's land use designation is important.

Regarding affordable housing in this location. I believe it would be inconsistent with existing city policies about placing new affordable housing. The policy or guideline is to not built new affordable housing in an area with a high concentration of affordable housing this area already has enough.

..... Tracy

>>> Elyse Olson 11/21/02 12:11PM >>>
So, do I understand correctly that we can specify the necessity for a Community Park in the Crossroads 5 year plan, but that we should be general about where it could be located?

I received a call from Park Planning today that said they want to know where we envision the park location, so that they can identity what the possible acquisition costs would be, for the purpose of applying for CDBG funds for a Fox Canyon Park project.

I am wondering if you have any insight on how I can finesse these two possible fund sources together (1. Crossroads- assuming it can help provide funds for a community park, and 2. CDBG) to help make this park a reality. I think we have some issues now that the property Jim originally identified has changed hands, and now, more then one group is eyeballing it for future affordable housing development.

There are many details that I don't know right now, but if you have any general thoughts that you can share on how to approach this, I would appreciate it.

Thanks!
Elyse

Elyse Olson
District 7
Councilmember Jim Madaffer
202 C St. MS 10A
San Diego, CA 92101

(619) 236-6677

>>> Gary DeBusschere 11/18/02 10:18AM >>>

Got Ya. We understand the value of Ontario. I pick up negatives on the Ontario road are coming from J Varadore and M Sprague. Their rationial... Don't want to dump traffic on the Winona folks?? They are strong park building avocates.

Is their a traffic study regarding estimated volumes if the road is implemented? Specifically, how much traffic would this remove from Euclid? How much traffic would it take off the Fox Canyon streets? What do we have as a base to start with? Share with us history so we can start the process.

Soon we will bring forward a Crossroads document called the 5 year implemetation plan. The community, recreatonial, and planning groups will have this document high on their radar screen since it will establish policy on where Crossroads funds will be spent.

The City Heights groups are experienced with redevelopment and way ahead of the other communities. They are ready all over this document.

Community groups will desire to see specific projects identified in the 5 year plan. However, the plan must be more general in nature and not oriented toward a specific project list because it may create legal challenges. It's a too edge sword... We need to be both general and specific... It will take 36 months for Crossroads have the capacity to bond then the specific project priorities will be implemented.

Gary

Gary DeBusschere
Manager of Special Projects Group, Economic Development Division
Community and Economic Development Department (CED)
City of San Diego

"Improving the Quality of Life
and Ensuring a Healthy Economy for All San Diegans"

Contact Information:
600 B Street (Comerica Bank Building - Downtown)
4th Floor, MS904
San Diego CA 92101-4506
telephone: 619-533-4260 e-mail: GDebusschere@sandiego.gov

>>> Jim Madaffer 11/16/02 10:02AM >>>
I support this road connection 100%

Jim.

Street Lights

EXHIBIT NO. 6

CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 1
FOR THE REGULAR MEETING OF
MONDAY, JUNE 21, 2004 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101

SPECIAL ORDER OF BUSINESS

ITEM-S400: Gary DeBusschere Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1387)

Proclaiming June 18, 2004 to be "Gary DeBusschere Day" in the City of San Diego.

(R-2004-1387)

RESOLUTION NUMBER R-299372

ADOPTED ON JUNE 21, 2004

WHEREAS, before coming to the City of San Diego, Gary DeBusschere worked for a corporation; and

WHEREAS, Gary is a graduate of Western Washington University near the Canadian border; and

WHEREAS, Gary has worked in the City of San Diego since 1994 starting as a Council Representative to former Councilmember Judy McCarty; and

WHEREAS, Gary and his wife, BJ, have 2 daughters, Krista and Jessie; and

WHEREAS, a high point in Gary's life was when Colin Powell swore Gary's daughter into the Foreign Service; and

WHEREAS, Gary has worked in the Community and Economic Development Department for the last five years using his excellent skills of bringing a neighborhood together for a common goal or purpose; and

WHEREAS, for relaxation Gary will often be seen Kayaking 20 miles or more around San Diego's beaches and bays; and

WHEREAS, Gary, a former president of the College Area Community Council, played a crucial role in that area, helping establish guidelines for events at Cox Arena; and

WHEREAS, Gary formed CEAPER (College Eastern Area Planning Economic Review) which helps set the model for economic revitalization in Council District 7, south of the I-8; and

WHEREAS, Gary was instrumental in the formation of the Crossroads and Grantville Redevelopment Area projects; and

WHEREAS, Gary plans on spending his retirement working in the College Neighborhoods Foundation, a non-profit he helped form that works on promoting the neighborhoods surrounding San Diego State University; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that this Council, for and on behalf of the citizens of San Diego, does hereby proclaim June 18, 2004, to be **"GARY DEBUSSCHERE DAY"** in the City of San Diego.

APPROVED: CASEY GWINN, City Attorney

By _____
Lisa A. Foster
Deputy City Attorney

LAF:jab
06/15/2004
Or.Dept: Council-Madaffer
R-2004-1387

EXHIBIT NO. 7

REDEVELOPMENT AGENCY MEETING
SEPTEMBER 25, 2001

The meeting called to order as the City Council at 10:08 a.m. by Mayor Murphy.

Roll Call Peters, Wear, Atkins, Stevens, Maienschein
Fyre, Madaffer, Inzunza, and Mayor Murphy

Michael T. Uberuaga, City Manager
Casey Gwinn, City Attorney
Leslie Devaney
Charles Abdelnour, City Clerk
Jack Fishkin, City Clerk

The meeting adjourned as the City Council at 10:26 a.m.

The meeting reconvened as the City Council at 10:27 a.m.

The meeting adjourned as the City Council at 10:53 a.m.

The meeting reconvened as the Redevelopment Agency at 10:53 a.m.

1. **Approval of minutes of:**

June 12, 2001, special
June 19, 2001
June 26, 2001, special
July 10, 2001
July 24, 2001
August 7, 2001
September 11, 2001, rescheduled

Motion by Member Wear to approve
Second by Member Stevens
Vote: 9-0

Adoption

4. **Budget Amendment/City Loan Repayment (Neil Good Day Center).**

(RA 2002-28)
Amending the Annual Program Budget previously adopted for FY 2001-2002.

(RA 2002-29)
Authorizing an advance loan repayment in the amount of $85,000 from the Agency to support the continuation of weekend operating hours to install a security system at the Neil Good Day Center.

See Centre City Development report dated August 7, 2001.

Council Companion Item No. 331.

Auditor Certificate Number: AC 2200236

No one spoke in opposition to this item.

Motion by Member Stevens to approve
Second by Member Wear
Vote: 9-0

Redevelopment Agency Resolution numbers R-03375 and R-03376.; and City Council Resolution number R-295510.

2 **Amendment to the FY 2002 Budget for City Heights Urban Village Townhomes and Office Project.**

(RA 2002-31)
Amend the Fiscal Year 2002 Redevelopment Agency Budget to increases appropriations and authorize expenditure of $3 million in developer contributions from City Heights Revitalization L.P. (San Diego Revitalization Corporation) for the City Heights Urban Village Town Homes and Office Project in the City Heights Redevelopment Project Area.

See Redevelopment Agency report dated August 27, 2001.

Auditor Certificate Number: AC2200301

Adoption

2. **Amendment to the FY 2002 Budget for City Heights Urban Village Townhomes and Office Project.** (Continued)

   No one spoke in opposition to this item.

   Motion by Member Atkins to approve
   Second by Member Stevens
   Vote: 9-0

   Redevelopment Agency Resolution number R-03377.

5. **Approval of the First Amendment to the Second Amended and Restated Disposition and Development with 252 Joint Venture.**

   (RA 2002-26)
   That the Redevelopment of the City of San Diego approve the First Amendment to the Second Amended and Restated Disposition and Development Agreement with the 252 Joint Venture.

   See Southeastern Economic Development Corporation report no. 01-012.

   No one spoke in opposition to this item.

   Motion by Member Stevens to approve
   Second by Member Wear
   Vote: 9-0

   Redevelopment Agency Resolution and Document numbers R-03378 and D-03378.

Adoption

3. **Agency Budget Amendment for the Crossroads Redevelopment Survey Area.**

(RA 2002-30)

1. Amend the Fiscal Year 2002 Agency budget to: a) reduce the appropriations of the College Grove Project Fund 98001 by $215,000; b) increase the appropriations of the College Grove City Loan Repayment Fund 98005 in the amount of $215,000 to allow for a loan repayment to the City (Fund 10227) from the College Grove Redevelopment Project Area; c) accept the loan of $215,000 from the City from Fund 10227 (Contributions to the Redevelopment Agency) and the loan of $100,000 from CDBG Funds - District 7 Special Projects to provide funds for the Crossroad Redevelopment Survey Area with the loans to be recorded as debt of the Agency to be repaid as soon as practicable from tax increment or other revenues; and d) establish necessary accounts and appropriate funds in the amount of $315,000 for Agency and consultant staff costs and related expenses for the feasibility study of the Crossroads Redevelopment Survey Area.
2. Authorize the Executive Director to negotiate and execute consultant agreements with Rosenow Spevacek Group, Inc. (RSG) in an amount not to exceed $146,000 and with Cotton Bridges Associates (CBA) in an amount not to exceed $130,000 for purposes of studying the feasibility of the Crossroads Redevelopment Survey Area.

See Redevelopment Agency report dated September 10, 2001.

Council Companion Item No. S-500.

Auditor Certificate Numbers: AC 2200310, AC 2200311, AC 2200312

Gary DeBusschere, project manager, presented staff report and a slide presentation of the survey area.

Public testimony in opposition by Mair Rathburn, Natalia Moorhead, Michael Williams, Scott Lewis, Patrick Shannon, Laura Riebau, Diane Hochstetler, Gary Hochstetler, Barbara Hutchinson, Russ Levitan, Marlene Shannon, Paul Hastie, Liberty Dimitriou, and Rino Sclippa.

Public testimony in favor by Sandra Buehner.

The meeting adjourned as the Redevelopment Agency at 12:00 p.m.

The meeting reconvened as the Redevelopment Agency at 2:05 p.m.

Adoption

3. **Agency Budget Amendment for the Crossroads Redevelopment Survey Area.** (Continued)

   Public testimony in favor by Johaine Harris, Danielle Laman, Don Mullen, Doris Perry, Jose Lopez, Steve Laub, Ronald Gortney, Josh Weislberg, and Donald Spear.

   Motion by Member Stevens to approve
   Second by Member Wear
   Vote: 9-0

   Redevelopment Agency Resolution number R-03379; and City Council Resolution numbers R-295512 and R-295513.

Adjournment

The meeting adjourned as the Redevelopment Agency at 3:25 p.m.

_____

Secretary of The Redevelopment Agency
of the City of San Diego, California

EXHIBIT NO. 8

FINAL

REDEVELOPMENT PLAN FOR THE

CROSSROADS REDEVELOPMENT PROJECT

Revised by: Crossroads PAC
Date: November 14, and December 12, 2002

Approved by: Crossroads PAC
Date: January 23, 2003

Approved & Revised by: Planning Commission
Date: January 30, 2003

Revised & Adopted by: City Council
Date: April 22, and May 6, 2003
Ordinance No.: 19174

Prepared by:
THE REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO, CALIFORNIA

TABLE OF CONTENTS

ARTICLE I
PAGE

INTRODUCTION 1
SEC. 100 Legal Foundation 1
SEC. 110 Project Objectives 2

ARTICLE II

GENERAL DEFINITIONS 3
SEC. 200 Definitions 3

ARTICLE III

PROJECT AREA BOUNDARIES AND LEGAL DESCRIPTION 3
SEC. 300. Description of Project Area 3

ARTICLE IV

PROPOSED REDEVELOPMENT ACTIVITIES 4
SEC. 400 General Redevelopment Actions 4
SEC. 410 Acquisition of Property 5
SEC. 420 Demolition, Clearance, Public Improvements, Building and Site Preparation 6
SEC. 430 Rehabilitation and Moving of Structures 6
SEC. 440 Participation by Property Owners and Preferences for Business Occupants 7
SEC. 450 Disposition and Redevelopment of Property for Uses in Accordance With This Plan 8
SEC. 460 Relocation and Assistance of Occupants Displaced as a Result of Agency Programs or Projects 10
SEC. 470 Provision for Low and Moderate Income Housing 11
SEC. 480 Participation of Project Area Committee and Area Planning Committees 12
SEC. 490 Other Actions as Appropriate 14

ARTICLE V

USES PERMITTED AND PLANNING CONSIDERATIONS 15
SEC. 500 Land Use and Plan Development Considerations 15
SEC. 510 General Controls and Limitations 17
SEC. 520 Circulation, Transit and Parking 19
SEC. 530 Building Permits 19
SEC. 540 Buildings of Architectural and Historic Significance 20

ARTICLE VI

METHODS FOR FINANCING THE PROJECT 20
SEC. 600 General Description of the Proposed Financing Methods 20
SEC. 610 Tax Increment 21
SEC. 620 Bonds, Advances and Indebtedness 22

ARTICLE VII

ACTIONS BY THE CITY 23
SEC. 700 Actions by the City 23

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT OF THE PLAN 24
SEC. 800 Administration and Enforcement of the Plan 24

ARTICLE IX

DURATION OF THIS PLAN 24
SEC. 900 Duration of this Plan 24

ARTICLE X

PROCEDURE FOR AMENDMENT 25
SEC. 1000 ..... Procedure for Amendment 25

EXHIBITS

EXHIBIT No. 1 Crossroads Redevelopment Project Area Map (Redevelopment Plan Map)
EXHIBIT No. 2 Crossroads Redevelopment Project Area Geographic Description (Legal Description of Project Area Boundaries)
EXHIBIT No. 3 Proposed Public Improvements and Facilities Projects
EXHIBIT No. 4 Planned Land Use Map
EXHIBIT No. 5 Diagram Illustrating Limitations on Type, Size and Height of Buildings
EXHIBIT No. 6 Diagram Illustrating Approximate Amount of Building Space, including Open Space

ARTICLE I

INTRODUCTION

SEC. 100 LEGAL FOUNDATION

100.1 This is the Redevelopment Plan (the "Plan") for the Crossroads Redevelopment Project (the "Project") in the City of San Diego (the "City"), County of San Diego. This Plan consists of text (§§100-1000), the Redevelopment Plan Map (attached as Exhibit No. 1), the Legal Description of Project Area Boundaries (attached as Exhibit No. 2), the Proposed Public Improvements and Facilities Projects (attached as Exhibit No. 3), the map Illustrating Planned Land Uses (attached as Exhibit No._4), the Diagram Illustrating Limitations on Type, Size, and Height of Buildings (attached as Exhibit No. 5), and the Diagram Illustrating Approximate Amount of Building, including Open Space (attached as Exhibit No. 6). This Plan was prepared by The Community Redevelopment Agency of the City of San Diego (the "Agency") pursuant to the Community Redevelopment Law of the State of California (Health & Safety Code §§33000 et seq.) (the "Redevelopment Law"), the California Constitution, and all applicable local codes and ordinances. The area covered by this Plan is referred to as the Crossroads Redevelopment Project Area or the "Project Area." The Project Area includes all properties within the Project boundary shown on the Redevelopment Plan Map.

100.2 The Proposed redevelopment of the Project Area as described in this Plan is consistent with the General Plan for the City of San Diego adopted by Resolution No. 276563 of the City Council on February 26, 1979, as amended, and the College Area Community Plan adopted by the City Council on May 2, 1989 by Resolution No. R-273373 and amended by the City Council on October 12, 1993 by Resolution No. R-282800 and the Mid-City Communities Plan adopted by the City Council on August 4, 1998 by Resolution No. R-290608. This Plan is also consistent with the programs and strategies developed pursuant to the College Eastern Area Planning Economic Revitalization ("CEAPER") program based on the conclusions and recommendations contained in report prepared by the Community and Economic Development on August 12, 1997.

100.3 This Plan is based upon a Preliminary Plan formulated and adopted by the Planning Commission of the City of San Diego on February 7, 2002 by Resolution No. 3230-PC.

100.4 This Plan describes particular Agency powers, duties and obligations in implementing and furthering the program generally formulated in this Plan for the redevelopment, rehabilitation and revitalization of the Project Area. This Plan presents a process and basic framework within which specific redevelopment activities will be presented and priorities established. This Plan contains some provisions that are based upon the Redevelopment Law in effect on the adoption date of the Plan. This shall not be construed to limit the powers or duties of the Agency under the Redevelopment Law, which powers and duties shall be governed by the Redevelopment Law in effect at the applicable time, for the action taken, obligation incurred and/or requirement imposed.

SEC. 110 PROJECT OBJECTIVES

110.1 The objectives of the Crossroads Redevelopment Project are as follows:

1. Eliminate and prevent the spread of blight and deterioration, and redevelop the proposed Redevelopment Project Area in accordance with the General Plan, applicable community plans, this Plan, and local codes and ordinances;

2. Enhance economic growth within the Project Area by continuing ongoing efforts to revitalize commercial areas, particularly the commercial corridor along El Cajon Boulevard and University Avenue, and establishing one or more Business Improvement Districts;

3. Improve the flow of traffic, relieve congestion on residential streets located within the Project Area and otherwise enhance the quality of pedestrian and vehicular mobility, and improve transportation facilities, which support the vitality, safety and viability of the Project Area;

4. Alleviate the shortage of commercial and residential parking while avoiding negative impacts on residential neighborhoods by implementing a coordinated and comprehensive plan for the proportional distribution and proper configuration of parking spaces and facilities;

5. Expand employment opportunities for Project Area residents by encouraging the development of manufacturing enterprises and improving accessibility of employment centers within and outside the Project Area;

6. Improve public infrastructure and undertake other public improvements in, and of benefit to, the Project Area, such as undergrounding electrical distribution lines and telephone lines along major streets, widening, reducing or otherwise modifying existing roadways or creating additional streets, walkways, and paths for proper pedestrian, bicycle, and/or vehicular circulation;

7. Expand recreational opportunities of Project Area residents by developing facilities such as a sports field south of Chollas Lake and an urban resource-based parks in the North Chollas Canyon area and by identifying, acquiring, and developing neighborhood parks and green spaces where there is a deficiency in local parks and landscape buffer zones;

8. Preserve existing housing stock and provide choice for a variety of new and rehabilitated housing opportunities.

9. Create an attractive and pleasant environment within the Project Area.

10. Focus on the retention and expansion of existing neighborhood supporting businesses.

ARTICLE II

GENERAL DEFINITIONS

SEC. 200 DEFINITIONS

200.1 The following definitions are used in this Plan unless otherwise indicated by the text:

1. "Affected Taxing Entities" means any governmental taxing entity (sometimes referred to as "taxing agency") that levies property taxes on all or a portion of property located within the Project Area in the fiscal year prior to the adoption of the Plan.

2. "Agency" means The Redevelopment Agency of the City of San Diego, California.

3. "City" means the City of San Diego, California.

4. "City Council" means the City Council of the City of San Diego, California.

5. "County" means the County of San Diego, California.

6. "Plan" means the Redevelopment Plan for the Crossroads Redevelopment Project.

7. "Planning Commission" means the Planning Commission of the City of San Diego, California.

8. "Project" means the Crossroads Redevelopment Project.

9. "Project Area" means the area included within the boundaries of the Crossroads Redevelopment Project.

10. "Redevelopment Law" means the Community Redevelopment Law of the State of California (§§33000 et seq. of the California Health & Safety Code).

11. "State" means the State of California.

ARTICLE III

PROJECT AREA BOUNDARIES AND LEGAL DESCRIPTION

SEC. 300 DESCRIPTION OF PROJECT AREA

300.1 The boundaries of the Project Area are shown on the "Redevelopment Plan Map," attached hereto as Exhibit No. 1 and described in the "Legal Description of Project Area Boundaries," attached hereto as Exhibit No. 2.

ARTICLE IV

PROPOSED REDEVELOPMENT ACTIVITIES

SEC. 400 GENERAL REDEVELOPMENT ACTIONS

400.1 To accomplish the objectives of this Plan as set forth in §110, the Agency proposes to implement this Plan by:

1. Providing for participation in the redevelopment process by owners and tenants located in the Project Area and reasonable preferences for business occupants to re-enter into business in the redeveloped Project Area, subject to the limitations and requirements provided by law and established Owner Participation Rules;

2. Acquisition and disposition of property acquired for use in accordance with this Plan;

3. Management of property under the ownership and control of the Agency;

4. Providing relocation assistance to displaced occupants of acquired property;

5. Demolition or removal of buildings and improvements, and in appropriate cases, rehabilitation of structures and improvements or development of vacant land by present owners, their successors, and the Agency for uses in accordance with this Plan;

6. Acquisition, installation, construction, reconstruction, redesign or reuse of streets, public transit facilities, park and recreation facilities, traffic controls public parking and other public facilities and improvements;

7. Rehabilitation, development or construction of commercial, residential, industrial, or other uses in accordance with this Plan;

8. Financing of the construction of residential and commercial buildings and the permanent mortgage financing of residential and commercial buildings, to the extent permitted by applicable State and local laws, to increase the residential and commercial base of the City and the number of temporary and permanent jobs within the Project Area;

9. Comply with City ordinances and rules, including the balanced community guidelines, and provide for low- and moderate-income housing, including where applicable very low-income housing, ensuring there is infrastructure in place to support the new housing;

10. Redevelopment of land by private enterprise, non-profit organizations, and public agencies for uses in accordance with this Plan; and

11. Other actions as appropriate.

400.2 In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by law.

SEC. 410 ACQUISITION OF PROPERTY

410.1 Except as specifically exempted herein, the Agency may acquire, but is not required to acquire, any real property located in the Project Area, by gift, devise, exchange, purchase, lease, eminent domain or any other means authorized by law.

410.2 It is in the public interest and is necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be employed by the Agency to acquire property in the Project Area, subject to the limitations set forth in this Section and applicable law. The Agency shall make every reasonable effort to acquire real property by negotiation.

410.3 The Agency shall not exercise the power of eminent domain to acquire any parcel of real property within the Project Area for which proceedings in eminent domain have not commenced within twelve (12) years after the adoption of this Plan. This time limitation may be extended only by amendment of this Plan, unless otherwise provided for by law.

410.4 The Agency shall not exercise the power of eminent domain to acquire any of the following:

1. Single-family dwelling units located in areas zoned and designated in the community plan for single-family residential use.

2. All other property designated as exempt from acquisition by eminent domain as indicated in the Crossroads Redevelopment Project Area Map attached hereto as Exhibit No. 1.

3. Residential condominium units located on residentially zoned property for which a condominium map was recorded prior to February 7, 2002 and for which a certificate of occupancy was issued prior to February 7, 2002.

410.5 The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in property less than a fee.

410.6 Property already devoted to a public use may be acquired by the Agency through eminent domain, but the Agency is not authorized to acquire property owned by a public body that does not consent to such acquisition.

410.7 Without the consent of an owner, the Agency shall not acquire any real property on which an existing building is to be continued on its present site and in its present form and use unless such building requires structural alteration, improvement, modernization or rehabilitation, or the site or lot on which the building is situated requires modification in size, shape or use, or it is necessary to impose upon such property any of the standards, restrictions and controls of this Plan and the owner
fails or refuses to agree to participate in this Plan pursuant to §§ 33339, 33380, 33381, and the Agency's Owner Participation Rules adopted pursuant to §33345.

410.8 Where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means.

SEC. 420 DEMOLITION, CLEARANCE, PUBLIC IMPROVEMENTS, BUILDING AND SITE PREPARATION

420.1 The Agency is authorized to demolish and clear buildings, structures and other improvements from any real property in the Project Area owned or acquired by the Agency as necessary to carry out the purposes and objectives of this Plan. However, dwelling units housing persons and families of low- or moderate-income shall not be removed or destroyed until the conditions set forth in the Agency's Plan and Method of Relocation (as described in Section 460 hereunder) have been satisfied.

420.2 To the extent and in the manner permitted by law, the Agency is authorized to install and construct, or to cause to be installed and constructed, the public improvements and facilities and public utilities (within or outside the Project Area) necessary to carry out this Plan. Such public improvements and facilities include, but are not limited to, over- or underpasses, bridges, streets, curbs, gutters, sidewalks, streetlights, water distribution systems, sewers, storm drains, traffic signals, electrical distribution systems, parks, plazas, playgrounds, motor vehicle parking facilities, landscaped areas, street furnishings and transportation facilities, and as set forth in attached Exhibit No. 3, "Proposed Public Improvements and Facilities Projects," which is incorporated herein by this reference.

420.3 To the extent and in the manner permitted by law, the Agency is authorized to prepare, or cause to be prepared, as building sites any real property in the Project Area owned or acquired by the Agency. The Agency is also authorized (to such extent and in such manner permitted by law) to construct foundations, platforms and other structural forms

necessary for the provision or utilization of air rights sites for buildings to be used for residential, commercial, industrial, public and other uses provided in this Plan.

SEC. 430 REHABILITATION AND MOVING OF STRUCTURES

430.1 The Agency is authorized to rehabilitate or to cause to be rehabilitated any building or structure in the Project Area owned or acquired by the Agency. The Agency is also authorized and directed to advise, encourage and assist in the rehabilitation of property in the Project Area not owned or acquired by the Agency.

430.2 To the extent funds are available, the Agency may establish a program under which it loans funds at low interest or market rate to owners or tenants for the purpose of rehabilitating commercial, residential, and industrial buildings and structures within the Project Area.

430.3 As necessary in carrying out this Plan, the Agency is authorized to move or to cause to be moved any structure or building from real property owned or acquired by the Agency.

SEC. 440 PARTICIPATION BY PROPERTY OWNERS AND PREFERENCES FOR BUSINESS OCCUPANTS

440.1 In accordance with this Plan and the "Rules Governing Participation by Property Owners and Preferences for Business Occupants to Re-enter Into Business Within the Crossroads Redevelopment Project Area" adopted by the Agency pursuant to this Plan and the Redevelopment Law, as amended and/or supplemented from time to time ("Owner Participation Rules"), persons who are owners of residential, business and other types of real property in the Project Area shall be given the opportunity to participate in redevelopment by rehabilitation, retention of improvements, re-entry into business in redeveloped areas, or new development, by retaining all or a portion of their properties, acquiring and developing adjacent or other properties in the Project Area, or selling their properties to the Agency and purchasing and developing other properties in the Project Area.

440.2 In accordance with this Plan and the Owner Participation Rules, the Agency shall extend reasonable preferences to persons who are engaged in business in the Project Area to re-enter into business within the redeveloped area if they otherwise meet the requirements prescribed by this Plan and the Owner Participation Rules.

440.3 Participation opportunities are necessarily subject to and limited by factors described in the Owner Participation Rules, including, but not limited to, the following:

A. Elimination and/or modification of some land uses;

B. Construction, realignment, widening, or abandonment of some streets and public rights-of-way or portions thereof;

C. Ability of participants to finance proposed improvements;

D. Need to change the size of individual parcels in the Project Area to accommodate development contemplated by this Plan;

E. Construction or expansion of public facilities;

F. Change in orientation and character of portions of the Project Area;

G. Preservation and/or rehabilitation of existing buildings, which have historical and/or architectural qualities that will enhance the Project.

H. Minimize the displacement of residents.

440.4 The Agency shall promulgate and, as appropriate, amend the Owner Participation Rules.

440.5 If conflicts develop between the desires of participants for particular sites or land uses, the Agency is authorized to establish reasonable priorities and preferences among the owners and tenants.

440.6 In addition to opportunities for participation by individual persons and firms, to the extent it is feasible, opportunities for participation shall be available for two or more persons, firms or institutions, to join together in partnerships, corporations or other joint ventures as described in the Owner Participation Rules.

440.7 The Agency may require that, as a condition to participation in redevelopment, each participant who has submitted an acceptable proposal to the Agency shall enter into a binding agreement with the Agency by which the participant agrees to rehabilitate, develop or use and maintain the property in conformance with this Plan and to be subject to the provisions hereof. In such agreements, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of this Plan applicable to their properties.

440.8 In the event a participant fails or refuses to maintain, or rehabilitate or newly develop their real property pursuant to this Plan and an owner participation agreement, the real property or any interest therein may be acquired by the Agency.

440.9 Whether or not a participant enters into an owner participation agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

SEC. 450 DISPOSITION AND REDEVELOPMENT OF PROPERTY FOR USES IN ACCORDANCE WITH THIS PLAN

450.1 For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property.

450.2 To the extent and in the manner permitted by law, the Agency is authorized to dispose of real property by negotiated lease, sale or transfer without public bidding.

450.3 All real property acquired, in whole or in part, directly or indirectly, by the Agency in the Project Area with tax increment monies, shall be sold or leased for development for consideration which shall not be less than fair market value for the highest and best use in accordance with this Plan; or for consideration not less than the fair reuse value at the use and with the covenants and conditions and development costs authorized by the sale or lease. Real property acquired by the Agency may be conveyed without charge by the Agency to the City; and where beneficial to the Project, without charge to any other public body. Property acquired by the Agency for rehabilitation and resale shall be offered for resale within one (1) year after completion of rehabilitation or an annual report concerning such property shall be published by the Agency as required by law.

450.4 Pursuant to the provisions of this Plan and the Owner Participation Rules adopted by the Agency, the Agency may offer real property acquired by the Agency in the Project Area for purchase and development by owner participants.

450.5 Pursuant to the provisions of §33444.6 of the Redevelopment Law, as part of an agreement that provides for the development or rehabilitation of property in the Project Area to be used for industrial or manufacturing purposes, the Agency may assist with the financing of facilities or
capital equipment, including, but not necessarily limited to, pollution control devices. Prior to entering into such an agreement for development that will be assisted, the Agency shall find, after public hearing, that the assistance is necessary for the economic feasibility of the development and that the assistance cannot be obtained on economically feasible terms in the private market.

450.6 The Agency shall reserve such powers and controls in the disposition and development documents as may be necessary to prevent transfer, retention or use of property for speculative purposes and to insure that developments are carried out pursuant to this Plan.

450.7 All purchasers or lessees of property acquired from the Agency shall be made obligated to use the property for the purposes designated in this Plan, to begin and complete development of the property within a period of time which the Agency fixes as reasonable, and to comply with other conditions which the Agency deems necessary to carry out the purposes of this Plan.

450.8 To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased or conveyed by the Agency, as well as all property subject to participation agreements, shall be made subject to the provisions of this Plan by appropriate documentation. Where appropriate, as determined by the Agency, such documents or portions thereof shall be recorded in the Office of the Recorder of the County.

450.9 The leases, deeds, contracts, agreements and declarations of restrictions may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provision necessary to carry out this Plan.

450.10 All property in the Project is hereby subject to the restriction that there shall be no discrimination or segregation based upon age, race, color, creed, religion, sex, sexual orientation, marital status, disability, national origin or ancestry, in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of property in the Project Area. All property sold, leased, conveyed or subject to documents including but not limited to an Owner Participation Agreement or Disposition and Development Agreement shall be made expressly subject by appropriate documents to the restriction that all deeds, leases or contracts for the sale, lease, sublease or other transfer of land in the Project Area shall contain such nondiscrimination and non-segregation clauses as are required by law, including but not limited to the clauses required by §33436 of the Redevelopment Law.

450.11 To the extent and in the manner now or hereafter permitted by law, the Agency is authorized to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure, or other improvement which is publicly owned either within or without the Project Area, if the City Council determines that the buildings, facilities, structures, or other improvements are of benefit to the Project Area or the immediate neighborhood in which the Project is located, and that no other reasonable means of financing such buildings, facilities, structures, or other improvements are available to the community, and that the payment of funds involved will assist in the elimination of one or more blighting conditions inside the Project Area or will provide housing for low- or moderate-income persons, and is consistent with the implementation plan adopted pursuant to §33490 of the Redevelopment Law. The Agency may enter into contracts, leases and agreements with the City or other public body or entity pursuant to Section 33445 of the Redevelopment Law, and the obligation of the Agency under such contract, lease or agreement shall constitute an indebtedness of the Agency which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under subdivision (b) of §33670 of the Redevelopment Law and under § 610.2 of this Plan, or out of any other available funds. The acquisition of property and installation or construction of each facility referred to in the "Proposed Public Improvements and Facilities Projects," attached hereto as Exhibit No. 4 and incorporated herein by reference, is provided for in this Plan.

450.12 All development plans (whether public or private) shall be submitted to the Agency. All development in the Project Area must conform to this Plan and all applicable federal, State, and local laws and must receive the approval of the appropriate public agencies.

450.13 During the period of development in the Project, the Agency shall insure that the provisions of this Plan and of other documents formulated pursuant to this Plan are being observed, and that development in the Project Area is proceeding in accordance with disposition and development documents and time schedules.

450.14 For the purposes of this Plan, the Agency is authorized to sell, lease, exchange, transfer, assign, pledge, encumber or otherwise dispose of personal property.

450.15 For the purpose of this Plan, a goal of the Agency will be to be creative, especially with mixed-use projects, to reserve the neighborhood character.

SEC. 460 RELOCATION AND ASSISTANCE OF OCCUPANTS DISPLACED AS A RESULT OF AGENCY PROGRAMS OR PROJECTS

460.1 The Agency shall assist all eligible persons (including individuals and families), business concerns and others displaced as a direct result of programs or projects undertaken by the Agency with monetary and advisory relocation assistance consistent with the California Relocation Assistance and Real Property Acquisition Law (Government Code, Sections 7260, et seq.), the State Guidelines adopted and promulgated pursuant thereto, the Relocation Rules and Regulations adopted by the Agency, the Plan and Method of Relocation adopted by the Agency specifically for this Project, and the provisions of this Plan.

460.2 The Agency shall implement a relocation assistance advisory program which satisfies the requirements of applicable laws as described in the Plan and Method of Relocation. Such program shall be administered so as to provide advisory services which offer maximum assistance to minimize the hardship of displacement and to ensure that (a) all persons displaced from their places of business are assisted in reestablishing with a minimum of delay and loss of earnings (if reasonably possible), and (b) in the event that displacement involves housing, all persons and families displaced from their dwellings are relocated into housing meeting the criteria for comparable replacement housing contained in the State Guidelines and the Agency Relocation Rules and Regulations. No eligible person shall be required to move from his/her dwelling unless within a reasonable period of time prior to displacement a comparable replacement dwelling or, in the case of a temporary move, an adequate replacement dwelling is available to such person.

460.3 The Agency shall make relocation payments to or on behalf of eligible displaced persons (including individuals and families) and businesses in accordance with applicable laws and
Agency rules and regulations adopted pursuant thereto, as set forth in the Plan and Method of Relocation. The obligations for relocation payments are in addition to any acquisition payments made pursuant to the Agency's real property acquisition guidelines, which are set forth in the Agency Relocation Rules and Regulations.

460.4 In the event that displacement involves housing, no persons or families of low- and moderate-income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by the displaced person or family at rents comparable to those at the time of their displacement. The housing units shall be suitable to the needs of the displaced persons or families and must be decent, safe, sanitary, and otherwise standard dwellings. If insufficient suitable housing units are available in the City for low- and moderate-income persons and families to be displaced from the Project Area, the Agency shall assure that sufficient land be made available for suitable housing for rental or purchase by low- and moderate-income persons and families. Additionally, if insufficient suitable housing units are available in the City for use by the persons and families of low- and moderate-income displaced by the Project, the Agency may, to the extent of that deficiency, expend funds or take such other actions as necessary to provide, rehabilitate or construct, or cause the provision, rehabilitation or construction of housing units within the City as provided

in the Agency's adopted Plan and Method of Relocation. Permanent housing facilities shall be made available within three (3) years from the time occupants are displaced and pending the development of permanent housing facilities there shall be available to the displaced occupants adequate temporary housing facilities at rents comparable to those in the City at the time of their displacement.

460.5 Whenever all or any portion of the Project Area is developed with low- or moderate-income housing units, the Agency shall require by contract, or other appropriate means, that such housing units shall be made available for rent or purchase to the persons and families of low- or moderate-income displaced by the Project. Such persons and families shall be given priority in renting or purchasing such housing; provided, however, failure to give such priority shall not affect the validity of title to the real property upon which such housing units have been developed.

SEC. 470 PROVISION FOR LOW AND MODERATE INCOME HOUSING

470.1 The Agency may, inside or outside the Project Area, acquire land, improve sites, or construct or rehabilitate structures in order to provide housing for persons and families of low- or moderate-income. The Agency may also provide subsidies to, or for the benefit of, such persons and families or households to assist them in obtaining housing.

470.2 The Agency shall comply with all of the low and moderate income housing requirements of the Redevelopment Law which are applicable to this Plan, including but not limited to applicable expenditure, replacement, and inclusionary housing requirements, and in connection therewith, the Agency shall have all of the powers and authorization to act as may, from time to time, be provided by the Redevelopment Law and other applicable law.

470.3 Subject to any limitations and exceptions authorized by law and exercised by the Agency, not less than twenty percent (20%) of all taxes that are allocated pursuant to §33670 of the Redevelopment Law to the Agency for the Project shall be used by the Agency for the purposes of increasing, improving and preserving the community's supply of low- and moderate-income housing available at affordable housing cost, as defined by Health & Safety Code §50052.5, to persons and families of low- or moderate-income, as defined in Health & Safety Code §50093, and very low-income households, as defined in Health & Safety Code §50105. These funds shall be deposited by the Agency into a Low- and Moderate-Income Housing Fund established pursuant to §33334.3 of the Redevelopment Law, and held in such Fund until used. The Agency shall use the moneys in the fund as required and authorized by the Redevelopment Law.

470.4 Assistance provided by the Agency to preserve the availability to lower income households of affordable housing units, which are assisted or subsidized by public entities and which are threatened with imminent conversion to market rates, may be credited and offset against the Agency's obligations under §33334.2 of the Redevelopment Law.

470.5 Whenever dwelling units housing persons and families of low- or moderate-income are destroyed or removed from the low- and moderate-income housing market as a part of the Project, the Agency shall, within four (4) years of the destruction or removal, rehabilitate, develop or construct, or cause to be rehabilitated, developed or constructed, for

rental or sale to persons and families of low- or moderate-income, an equal number of replacement dwelling units at affordable housing costs, as defined by Health & Safety Code §50052.5, within the Project Area and/or the City. One hundred percent (100%) of the replacement dwelling units shall be available at affordable housing cost to persons in the same or a lower income category (low, very low or moderate), as the persons displaced from those destroyed or removed units.

SEC. 480 PARTICIPATION OF PROJECT AREA COMMITTEE AND AREA PLANNING COMMITTEES

480.1 The Agency shall encourage participation in the planning and review of Agency plans, policies, procedures, agreements and proposed projects and programs by the Project Area Committee, Area Planning Committees and other community organizations, provided and as long as said organizations are in existence. The Agency shall provide an opportunity, within a reasonable time period, for the Project Area Committee and Area Planning Committees to review and comment on discretionary actions pertaining to the Project prior to their consideration by the Agency Board or City Council. These actions may include, but are not limited to the following:

A. Adoption or amendment of design guidelines;

B. Adoption or amendment of a transportation plan;

C. Adoption of property rehabilitation standards;

D. Approval of exemptions from design guidelines adoption of property rehabilitation standards for development or rehabilitation projects;

E. Approval to modify locations of proposed land uses, streets or easements;

F. Approvals to exempt low or moderate income housing projects from Agency or City parking requirements;

G. Approvals of public property development plans;

H. Approvals to move or demolish structures and/or improvements;

I. Approval of replacement housing plans;

J. Determinations that property considered for development, redevelopment or rehabilitation is or is not of historic significance;

K. Approval of exploration or extraction of oil, gas or other minerals;

L. Approval of open space or landscaping plans for proposed development or redevelopment projects.

480.2 In addition, the Agency shall provide an opportunity for the Project Area Committee, provided and as long as it is in existence, to review and comment on the following discretionary actions pertaining to the Project prior to consideration by the Agency Board and/or City Council:

A. Adoption or amendment of participation agreement rules and regulations;

B. Adoption or amendment of relocation assistance rules and regulations;

C. Adoption of property management policies and procedures;

D. Approval of implementation and/or phasing plans;

E. Approval of the use of eminent domain to acquire property;

F. Approval of owner or tenant participation agreements

G. Approval of disposition and development agreements;

H. Approval of exclusive negotiating agreements

I. Approvals to dispose of Agency-owned real property for development;

I. Approval to dispose of Agency-owned real property without a public bidding

J. Approval of agreements with taxing agencies providing for payment of funds in lieu of taxes or for alleviation of financial burden or detriment;

K. Approvals to finance and/or implement public improvement projects;

L. Approvals to spend Agency funds outside of the Project Area;

M. Approvals to acquire real property;

N. Approvals to sell, lease, exchange, transfer or otherwise dispose of personal property;

O. Approval of annual budgets for the Project.

480.3 In addition, the Agency shall provide an opportunity for Area Planning Committees(s), as appropriate by jurisdiction, provided and as long as it/they is/are in existence, to review and comment on the following discretionary actions pertaining to the Project prior to consideration by the Agency Board and/or City Council:

A. Approval of additions, alterations, repairs or other improvements for uses not in conformance with this Plan or the Mid-City Community Plan;

B. Approval of interim uses, which are not in conformance with uses permitted by this Plan, for a period longer than one year;

C. Approval of developments not in conformity with the Mid-City Community Plan;

D. Approval of amendments to the City Zoning Ordinance, Central Urbanized Planned District Ordinance and the Mid-City Community Plan;

480.4 Nothing in this section shall limit the Agency's ability to provide opportunities for other organizations or bodies to review and comment on proposed discretionary actions pertaining to this Project of the Agency Board or City Council.

SEC. 490 OTHER ACTIONS AS APPROPRIATE

490.1 Certain public bodies are authorized by State law to aid and cooperate, with or without consideration, in the planning, undertaking, construction or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

490.2 The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency, however, will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. The Agency shall impose on all public bodies the planning and design controls contained in this Plan to insure that present uses and any future development by public bodies will conform to the requirements of this Plan. Any public body which owns property in the Project Area will be afforded all the privileges of owner participation if such public body is willing to enter into a participation agreement with the Agency. Public bodies will also be given a reasonable preference to re-enter into the redeveloped Project Area. All plans for development of property in the Project Area by a public body shall be subject to Agency approval. The Agency is authorized to assist in the development of publicly owned buildings, facilities, structures or other improvements as provided in §504 of this Plan.

490.3 Pursuant to § 33401 of the Redevelopment Law, the Agency is authorized, but not required, in any year during which it owns property in the Project Area that is tax exempt, to pay directly to any City, County, City and County, District, including but not limited to, a School District, or other public corporation for whose benefit a tax would have been levied upon such property had it not been exempt, an amount of money in lieu of taxes that may not exceed the amount of money the public entity would have received if the property had not been tax exempt.

490.4 During such time as property in the Project Area is owned by the Agency, if any, such property shall be under the management, maintenance and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for

redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

ARTICLE V

USES PERMITTED AND PLANNING CONSIDERATIONS

SEC. 500 LAND USE AND PLAN DEVELOPMENT CONSIDERATIONS

500.1 The Planned Land Use Map, attached hereto as Exhibit No. 4 and incorporated herein, illustrates the location of the Project Area boundaries, the immediately adjacent streets, the proposed public rights-of-way and public easements, and the land uses currently permitted in the Project Area for all public, semi-public and private land. Notwithstanding anything to the contrary in this Plan, the land uses permitted in the Project Area shall be those permitted by the General Plan, the applicable Community Plan, and any applicable City zoning ordinance, all as they now exist or are hereafter amended and/or supplemented from time to time. In the event the General Plan, the applicable Community Plan, or any applicable City zoning ordinance is amended or supplemented with regard to any land use in the Project Area, the land use provisions of this Plan, including without limitation, all Exhibits attached hereto, shall be automatically amended or modified accordingly without the need for any formal plan amendment process.

500.2 The land uses permitted in the Project Area as illustrated on Exhibit No.4 , shall be as provided in this Section 500.2.

A. Residential

Areas shown on the Planned Land Use Map as Residential shall be maintained, developed or used for single or multiple family housing, consistent with the applicable Community Plan as it now reads or as it may be amended from time to time in the future.

B. Commercial/Retail/Office

Areas shown on the Planned Land Use Map as Commercial shall be maintained, developed, or used for Commercial uses, consistent with the applicable Community Plan as it now reads or as it may be amended from time to time in the future.

C. Industrial

Areas shown on the Planned Land Use Map as Industrial shall be maintained, developed or used for Industrial uses, consistent with the applicable Community Plan as it now reads or as it may be amended from time to time in the future.

D. Public/ Parking/Open Space

Areas shown on the Planned Land Use Map as Public shall be used for public facilities, including school sites, training facilities and other public services.

Areas shown on the Planned Land Use Map as Open Space shall be used for parkland and other recreational facilities or used for Open Space uses, consistent with the applicable Community Plan as it now reads or as it may be amended from time to time in the future.

The Agency may, at the request of the public body owning a site, and after public hearing, re-designate the site for a use other than Public provided that:

1. After a review of the environmental effects of the proposed use and the proposed development concept, the Agency finds that the change in use is consistent with the goals of the Redevelopment Plan;

2. The change in use shall be subject to all required City approvals and shall conform to the applicable Community Plan as it may be amended from time to time in the future.

E. Multiple Use

The Agency may permit appropriately designed and properly located residential and mixed use development within Commercial and Industrial areas, consistent with the applicable Community Plan as it now reads or as it may be amended from time to time in the future, provided that the proposed use shall conform to the following criteria:

1. Promote community revitalization;

2. Promote the goals and objectives of the Plan;

3. Be compatible with and appropriate for the Commercial uses in the vicinity;

4. Include amenities which are appropriate to the size and type of housing units proposed; and

5. Meet design and location criteria required by the Agency.

500.3 The street layout in the Project Area is illustrated on the Redevelopment Plan Map (Exhibit No. 1) and shall remain substantially in its existing configuration. Streets and alleys may be widened, altered, realigned, abandoned, depressed, decked or closed as necessary for proper redevelopment of the Project. Additional public streets, rights-of-way and easements may be created in the Project Area as needed for development and circulation. Any changes in the existing street layout shall conform to the Progress Guide and General Plan, the applicable Community Plan, and the objectives of this Plan. Such changes shall be effectuated in the manner prescribed by State and local law, and shall be guided by the following criteria:

A. A balancing of needs of any proposed and potential new, rehabilitated, or remodeled developments for adequate pedestrian and vehicular access,

vehicular parking, and delivery loading docks with the similar needs of existing developments permitted to remain;

B. The requirements imposed by such factors as topography, traffic safety, and aesthetics; and

C. The potential need to serve not only the Project Area and new or existing developments, but also areas outside the Project Area by providing convenient and efficient vehicular access and movement.

500.4 The air rights over or under public rights-of-way may be used for private uses, buildings, platforms, decks and other uses subject to Agency approval. The public rights-of-way may
further be used for transportation systems, vehicular and/or pedestrian traffic as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way.

500.5 In any area of the Project, the Agency is authorized to permit the establishment, alteration or enlargement of public, semi-public, institutional or nonprofit uses, including park and recreational facilities, libraries, hospitals, educational, fraternal, employee, religious and charitable institutions, and facilities of other similar associations or organizations. All such uses shall conform, so far as possible, to the provisions of this Plan applicable to the uses in the specific area involved. The Agency may impose such other reasonable restrictions upon such uses as are necessary to protect the development and use of the Project Area. The Agency shall give special consideration to participation in such projects by qualified nonprofit organizations which have a special understanding of the needs and concerns of the community.

SEC. 510 GENERAL CONTROLS AND LIMITATIONS

510.1 All real property in the Project Area is hereby made subject to the controls and requirements of this Plan and all applicable State laws and City ordinances and regulations. All new construction and/or rehabilitation of existing structures within the Project Area shall comply with all applicable State and local laws in effect from time to time, including without limitation, the Building, Electrical, Heating and Ventilating, Housing and Plumbing Codes of the City and the City Zoning Ordinance.

510.2 Except as set forth in this Plan, the type, size and height of buildings shall be limited by applicable federal, State and local statutes, codes, ordinances and regulations and as generally diagramed in Exhibit No. 5 attached hereto and incorporated herein by this reference.

510.3 In addition to, and subject to the limits of restrictions and controls established by this Plan and such applicable statutes, codes and ordinances, the Agency is authorized to establish land use, heights of buildings, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area (collectively, the "Design for Development"). Among the purposes of the Design for Development is to: (a) duly consider good design, open space and other amenities to enhance the aesthetic quality of

the Project; (b) ensure that new residential and commercial development shall be consistent with the scale and character of the existing development of the surrounding areas and that every conscious attempt shall be made to achieve balance and compatibility in design between old and new buildings; (c) generally, to elevate the quality and character of future Project Area development and create an attractive and pleasant environment by restricting land use and development standards within the parameters set by the General Plan and all other applicable codes and ordinances. Except as otherwise provided in this Plan, no real property in the Project Area shall be subdivided, developed, rehabilitated or otherwise changed after the adoption of this Plan, except in conformance with the provisions of this Plan or the Design for Development adopted pursuant to this Plan.

510.4 The number of buildings in the Project Area shall not exceed approximately two thousand seven hundred (2,700).

510.5 All signs shall conform to City sign and billboard standards as they now exist or are hereafter amended, as well as any applicable design standards adopted by the Agency. Design of all signage is subject to Agency approval prior to installation.

510.6 The Agency is authorized to permit an existing use to remain in an existing building in good condition, which use does not conform to this Plan, provided that such use is generally compatible with the developments and uses in the Project. The owner of such property must be willing to enter into a participation agreement and agree to the imposition of such reasonable restrictions as are necessary to protect the development and use of the Project Area.

510.7 Pending the ultimate development of land by developers and participants, the Agency is authorized to temporarily use or permit the temporary use of any land in the Project Area for interim uses which are uses permitted in this Plan, and provided that the use is permitted and consistent with the applicable Community Plan or existing zoning of the property.

510.8 The approximate amount of open space to be provided in the Project Area is the total of all area which will be in the public rights-of-way, the public grounds, spaces around buildings, and all other outdoor areas not permitted to be covered by buildings as generally diagramed in Exhibit No. 6 of this Plan attached hereto and incorporated herein by this reference. In all areas, sufficient space shall be maintained between buildings to provide adequate light, air and privacy. Landscaping shall be developed in the Project Area to ensure optimum use of living plant material.

510.9 The Agency shall require that all utilities be placed underground when physically and economically feasible, as determined by the Agency.

510.10 No use or structure, which by reason of appearance, traffic, smoke, glare, noise, odor or similar factors that would be incompatible with the surrounding areas or structures, shall be permitted in any part of the Project Area. Within the Project Area, except with the approval of the Agency, there shall be no extraction of oil, gas or other mineral substances, nor any opening or penetration for any purpose connected therewith within 500 feet of the surface.

510.11 After rehabilitation and/or development pursuant to this Plan, no parcel, including any parcel retained by a conforming owner or participant, shall be resubdivided without Agency approval.

510.12 The Agency is authorized to permit a variation from the limits, restrictions and controls established by this Plan. In order to permit such variation, the Agency must determine that:

1. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships which would make development inconsistent with the general purpose and intent of this Plan; or

2. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions and controls; and

3. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area or contrary to the objectives of this Plan or the applicable Community Plan.

510.13 No variation shall be granted which changes a basic land use or which permits other than a minor departure from the provisions of this Plan. In permitting any such variation, the Agency shall impose such conditions as are necessary to protect the public health, safety or welfare, and to assure compliance with the purposes of this Plan. Any variation permitted by the Agency hereunder shall not supersede any other approval required under City codes and ordinances.

510.14 There shall be no discrimination or segregation based upon age, race, color, creed, religion, sex, sexual orientation, marital status, disability, national origin or ancestry permitted in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of property in the Project Area.

SEC. 520 CIRCULATION, TRANSIT AND PARKING

520.1 Improve operability of local motor vehicle circulation systems (e.g.: traffic calming techniques, widen narrow streets, make streets narrower to slow traffic, traffic signal interconnection)

520.2 Reduce negative impacts of motor vehicle traffic (e.g.: traffic calming techniques, cul-de-sacs, improve pedestrian amenities on major streets, alleys)

520.3 Improve and increase availability of locally serving public transportation (e.g.: trolley lines, bus service, enhanced bus stops, senior and disabled transportation programs)

520.4 Increase the supply of parking in commercial areas.

520.5 Increase and improve bike lanes and supporting facilities (e.g.: north/south and east/west Class II bike lanes)

SEC. 530 BUILDING PERMITS

530.1 No permit shall be issued for the construction of any new building or for any construction on an existing building in the Project Area from the date of adoption of this Plan until the application for such permit has been processed and, in the case of property which is the subject of a disposition and development or participation agreement with the Agency and any other property in the discretion of the Agency Board, unless and until the application for such permit has been approved by the chief executive officer or his/her designee. Any such permit that is issued must be in conformance with the provisions of this Plan and any applicable disposition and development agreement or participation agreement.

530.2 Within the limits, restrictions and controls established in the Plan, the Agency is authorized to establish traffic circulation, traffic access, mitigation measures and other development controls necessary for proper development of both private and public areas within the Project Area which are consistent with the Street Design Manual and the Manual as it may be amended from time to time in the future.

530.3 New improvements in this area shall be reviewed in accordance with all of the City's zoning, building, planning and environmental ordinances, rules, regulations and requirements. The Agency's review and approval of development within the Project Area shall be undertaken in accordance with guidelines and procedures adopted from time to time by the Agency. Agency guidelines shall define the types of projects and/or plans that will be reviewed by the Agency Board or delegated to the Executive Director (or his/her designee).

530.4 No permits shall be issued for the construction of any new building or any addition to or rehabilitation of an existing building in the Project Area until the application for such permit has been processed in the manner provided. Any permit issued hereunder must be in conformance with the provisions and intent of this Plan.

530.5 Upon receipt of such an application, the City shall request the Agency to review the application to determine what effect, if any, the issuance thereof would have upon the Plan for the Project. Within forty-five (45) days thereafter, the Agency shall notify the City of its approval or disapproval, taking into consideration the following:

A. Whether the applicant has entered into an agreement with the Agency for the development of said improvements and has previously submitted the architectural, landscape and site plans to the Agency; and

B. Whether the proposed improvements would be compatible with the standards and requirements set forth in the Plan; and

C. Whether modifications, if any, in the proposed improvements would be necessary in order to meet the requirements of the Plan.

530.6 The City shall withhold the issuance of the permit if the proposed improvements do not meet the requirements of the Plan as determined by the Agency.

530.7 No new improvement shall be constructed and no existing improvement shall be substantially altered, repaired or rehabilitated except in accordance with architectural, landscape and site plans submitted to and approved in writing by the Agency.

SEC. 540 BUILDINGS OF ARCHITECTURAL AND HISTORIC SIGNIFICANCE

540.1 Historical Buildings shall be considered for restoration and rehabilitation in conformance with this Plan, if feasible. Historical buildings shall be referred to the Historical Site Board for evaluation as appropriate.

ARTICLE VI

METHODS FOR FINANCING THE PROJECT

SEC. 600 GENERAL DESCRIPTION OF THE PROPOSED FINANCING METHODS

600.1 The Agency is authorized to finance the Project with financial assistance from the City, State and federal governments of the United States of America, property tax increments, special assessment districts, sales and transient occupancy tax funds, donations, interest income, Agency bonds, loans from private financial institutions, the lease of Agency-owned property, the sale of Agency-owned property and/or any other legally available source.

600.2 As available, funds from the City's capital improvement program derived from gas tax funds from the State and County may be used for street improvements and public transit facilities. The Agency may enter into joint powers authorities and other mechanisms for cooperative development of public facilities or arrange for other public entities to provide the facilities.

600.3 It is estimated that the total Project costs will not exceed revenues derived from the Project or obtained by the Agency on behalf of the Project. Revenues may be received from the following sources, without limitation: sale of land, tax increments, revenue from the lease or sale of
Agency-owned lands and buildings, participation agreements, repayments of loans and interest earned thereon, capital improvement funds from the City, transient occupancy tax funds, and other special use taxes and other sources which are now or may become legally available to the Agency.

600.4 Any other loans, grants or financial assistance from the United States federal government, or any other public or private source, will be utilized if available.

SEC. 610 TAX INCREMENT

610.1 The Project assessed valuation base for the Project Area will be established in accordance with State Law as described herein. Any tax increments will be used to defray

Project Expenses to the extent allowable from the tax increment itself or from the sale of tax allocation bonds and/or notes.

610.2 All taxes levied upon taxable property within the Project Area each year by or for the benefit of the State of California, the County of San Diego, the City of San Diego, and any district or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving this Plan shall be divided as follows:

(1) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the Project as shown upon the assessment roll used in connection with the taxation of that property by the taxing agency, last equalized prior to the effective date of the ordinance, shall be allocated to and when collected shall be paid to the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in the Project on the effective date of the ordinance but to which that territory has been annexed or otherwise included after that effective date, the assessment roll of the County of San Diego last equalized on the effective date of the ordinance shall be used in determining the assessed valuation of the taxable property in the Project on the effective date); and

(2) Except as provided in paragraph (3) below, that portion of the levied taxes each year in excess of that amount shall be allocated to and when collected shall be paid into a special fund of the Agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Agency to finance or refinance, in whole or in part, the Project. Unless and until the total assessed valuation of the taxable property in the Project exceeds the total assessed value of the taxable property in the Project as shown by the last equalized assessment roll referred to in paragraph (1) hereof, all of the taxes levied and collected upon the taxable property in the Project shall be paid to the respective taxing agencies. When the loans, advances, and indebtedness, if any, and interest thereon, have been paid, all moneys thereafter received from taxes upon the taxable property in the Project shall be paid to the respective taxing agencies as taxes on all other property are paid.

(3) That portion of the taxes in excess of the amount identified in paragraph (1) above which are attributable to a tax rate levied by a taxing agency for the purpose of producing revenues in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness for the acquisition or improvement of real property shall be allocated to, and when collected shall be paid to that taxing agency. This paragraph shall only apply to taxes levied to repay bonded indebtedness approved by the voters of the taxing agency on or after January 1, 1989.

610.3 The portion of taxes allocated to the Agency in paragraph (2) of §610.2 above, are hereby irrevocably pledged for the payment of the principal of and interest on the advance of monies, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the Agency to finance or refinance the Project in whole or in part.

610.4 The Agency is authorized to make such pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project.

SEC. 620 BONDS, ADVANCES AND INDEBTEDNESS

620.1 The Agency is authorized to issue bonds if appropriate and feasible in an amount sufficient to finance all or any part of the Project.

620.2 The Agency is authorized to obtain advances, borrow funds and create indebtedness in carrying out this Plan. The principal and interest on such advances, funds and indebtedness may be paid from tax increments or any other funds available to the Agency.

620.3 Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

620.4 The bonds and other obligations of the Agency are not a debt of the City or the State, nor shall any of its political subdivisions be liable for them, nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Agency; and such bonds and other obligations shall so state on their face. The bonds do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

620.5 No loan, advance or other indebtedness to finance, in whole or in part, the Project and to be repaid from the division and allocation of taxes to the Agency shall be established or incurred by the Agency after a period of twenty (20) years from the date of the adoption of this Plan, except by amendment of this Plan as authorized by applicable law. This limit shall not prevent the Agency from refinancing, refunding or reconstructing indebtedness after the time limit if no increase in indebtedness is involved and the time to repay is not increased. This limit shall not prevent the Agency from incurring debt to be paid from the Agency's Low- and Moderate-Income Housing Fund or establishing more debt in order to fulfill the Agency's housing obligations under Section 33333.8 of the Redevelopment Law. The loans, advances or indebtedness may be repaid over a period of time longer than this time limit as provided in this Section. The Agency may not repay indebtedness with the proceeds of property taxes received pursuant to Section 33670 of the Redevelopment Law beyond a period of forty-five (45) years from the date of adoption of this Plan, except by amendment of this Plan
as authorized by applicable law. At the end of the 45-year period, the Agency may not receive property taxes pursuant to Section 33670 of the Redevelopment Law, except as necessary to comply with subdivision (a) of Section 33333.8 of the Redevelopment Law or except by amendment of this Plan as authorized by applicable law.

620.6 The amount of bonded indebtedness to be repaid in whole or in part from the allocation of taxes described in paragraph (2) of § 610.2 above, which can be outstanding at any one time shall not exceed One Hundred Million Dollars ($ 100,000,000.00) in principal amount, adjusted annually in accordance with the Consumer Price Index (CPI), or an acceptable replacement index in the event the CPI ceases to be published, except by amendment of this Plan.

620.7 Any other loans, grants, guarantees, or financial assistance from the United States, the State of California, or any other public or private source will be utilized if available as appropriate in carrying out the Project.

ARTICLE VII

ACTIONS BY THE CITY

SEC. 700 ACTIONS BY THE CITY

700.1 The City shall aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing blight. Action by the City shall include, but not be limited to, the following:

A. Institution and completion of proceedings for opening, closing, vacating, widening or changing the grades of streets, alleys and other public rights-of-way, and for other necessary modifications of the streets, the street layout and other public rights-of-way in the Project. Such action by the City shall include causing the abandonment and relocation by public utility companies of their operations in the public rights-of-way as appropriate to carry out this Plan and as required by law.

B. Institution and completion of proceedings necessary for changes and improvements in private and public-owned public utilities within or affecting the Project.

C. Imposition wherever necessary (by conditional use permits or other means) of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.

D. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency shall develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project throughout the duration of this Plan.

E. Encourage the provision of a variety of housing types, both in terms of income and construction, using federal and State assistance as appropriate.

F. Encourage historic preservation, including the use of federal and State assistance.

G. Performance of the above, and of all other functions and services relating to public health, safety and physical development which will permit the redevelopment of the Project to be commenced and carried to completion without unnecessary delays.

H. The expenditure of money.

I. The undertaking and completing of any other proceedings necessary to carry out the Project.

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT OF THE PLAN

SEC. 800 ADMINISTRATION AND ENFORCEMENT OF THE PLAN

800.1 The administration and enforcement of this Plan, or other documents formulated pursuant to this Plan, shall be performed by the Agency and/or the City.

800.2 The provisions of this Plan or other documents formulated pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions or any other remedies appropriate to the purposes of this Plan. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project may be enforced by such owners.

ARTICLE IX

DURATION OF THIS PLAN

SEC. 900 DURATION

900.1 The provisions of this Plan or other documents formulated pursuant to this Plan may also be enforced by court litigation instituted by either the Agency or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry, injunctions or any other remedies appropriate to the purposes of this Plan. Except for the nondiscrimination and non-segregation provisions which shall run in perpetuity, and except as otherwise provided by applicable law, the provisions of this Plan shall be effective and the provisions of other documents formulated pursuant to this Plan may be made effective for the period ending 30 years from the date of adoption of this Plan.

900.2 After the time limit on the effectiveness of the Redevelopment Plan, the Agency shall have no authority to act pursuant to the Redevelopment Plan except to pay previously
incurred indebtedness and to enforce existing covenants or contracts, unless the Agency has not completed its housing obligations pursuant to subdivision

(a) of §33333.8 of the Redevelopment Law, in which case the Agency shall retain its authority to implement requirements under subdivision (a) of §33333.8 of the Redevelopment Law, including its ability to incur and pay indebtedness for this purpose, and shall use this authority to complete these housing obligations as soon as is reasonably possible.

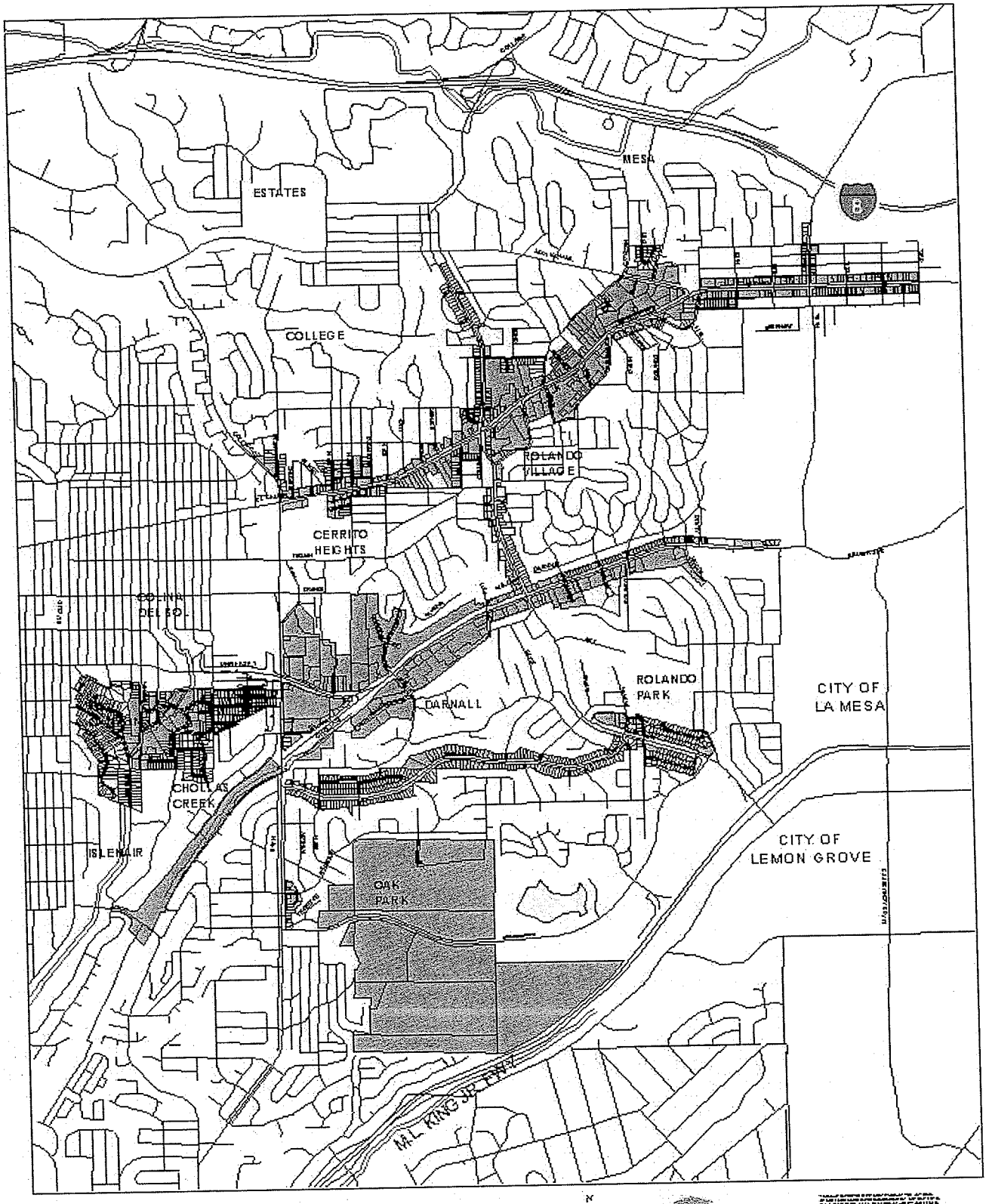
ARTICLE X

PROCEDURE FOR AMENDMENT

SEC. 1000 PROCEDURE FOR AMENDMENT

1000.1 This Plan may be amended by means of the procedure established in the Redevelopment Law or by any other procedure hereinafter established by law.

CROSSROADS PROJECT AREA MAP



LEGEND

Eminent Domain Authorized

Eminent Domain Not-Authorized

Ordinance Number O-18174 (New Series), City Clerk Document No. OO-18174, Adopted by City Council May 8, 2002

Exhibit 1

EXHIBIT NO. 9

EA - I would suggest we get a rough idea on how much of the property we would need for park.

Then I'll arrange us to meet w/ new owners and share w/ them my interest in a park on part of their property. From there, we'll see where things lead us.

RECEIVED
MAY 16 2002
COUNCILMEMBER
JIM MADAFFER

CITY OF SAN DIEGO
MEMORANDUM

DATE: May 16, 2002

TO: Councilmember Jim Madaffer

FROM: William T. Griffith, Real Estate Assets Director

SUBJECT: Acquisition of Property for Park Space in Fox Canyon

REFERENCE: District Seven Memorandum No. M02-04-17, dated April 29, 2002

This is in response to your above-referenced memorandum regarding the subject acquisition. The parcel in question (APN 471-810-29-00), which has a situs address of 5036-60 Sterling Ct. and is generally located to the east of Winona Ave., south of Landis St. and north of Sterling Ct. (please see Attachment 1), in fact was sold nearly one year ago. The Grant Deed, which was recorded May 25, 2001 as Document No. 2001-341689, conveyed the property from the Hale Family Trust et al (Seller), as Grantor, to Zajonc, Larry W. and Janice A. Smith (Buyer), as Grantee/new Owners; the sale price was $510,000.00 (please see Attachments 2 and 3).

The property comprises a gross area of 3.34 acres (145,490 square feet) and lies within one of the Mid-City Community Plan area multi-family residential zones; the current use is multi-family residential. The property's specific zoning, MR1500B, allows for increased-density multi-family development. Presently, the parcel is improved with 3 structures, which comprise a total building area of approximately 18,500 square feet. Built in 1975, they include two, 1-story Single Family Residence dwellings and one, 2-story Multi-Family apartment building, which supply 5 residential units (please see Attachments 4 and 5). While the new owners' long term plans for the future of the property are unknown, based on the price paid and the site's potential for multi-family residential development, it's unlikely the owners acquired the property solely for the existing improvements or the income they generate (the Listing Agent reported Gross Scheduled Income to be $50,400.00 at the time of sale – Attachment 6). It is equally unlikely the owners would sell the property unless a sale price that generated a substantial profit to them could be negotiated.

Insofar as a lot split is concerned, this again would depend on the owners' willingness to sell the vacant, unimproved portion of the parcel. Attached for your information is a copy of a memorandum report prepared by the Real Estate Assets Department, Valuation Division, in

CITY ATTORNEY
07 FEB 26 AM 11:41
CIVIL DIVISION

January of this year (please see Attachment 6). It provides an "Estimated Range of Cost to Acquire" only the vacant, unimproved portion of this parcel (it also addresses acquisition cost estimates for 3 other parcels also located in the Mid-City Community Plan area).

William T. Griffith

WTG/FLR/cdj

Attachments:
1. Assessor's Parcel Map 471-81
2. County of San Diego Recorder - Grantor/Grantee Index Search Result
3. County of San Diego Assessor - Sales Listing Search Result
4. Win2Data 2000 Property Information Report for: 5036-60 Sterling Ct.
5. CoStar Comps Full Sale Comps Report for 5036 Sterling Ct.
6. Real Estate Assets Dept., Valuation Division Memorandum dated January 9, 2002

cc: Tim C. Rothans, Deputy Director, Real Estate Assets Department
Madison F. Wiggins, Supervising Property Agent, Real Estate Assets Department
Frederick L. Reale, Property Agent, Real Estate Assets Department
Tracking System Coordinator, MS 9A

I:\WPO\2002\Reale\M-MADAFFER.doc

File No.: Fox Canyon - J. Madaffer, Dist. 7

AIM # 02-0147

Gregory J. Smith
ASSESSOR/RECORDER/COUNTY CLERK

Grantor/Grantee Index Search

Search Result

Doc. No.: 2001-341689 Reel: 20972	Rec. Date: 5/25/2001 Image: 31294	Pages: 3

Order Copy By Mail: Certified ($7) Add To Cart

Document Type: **DEED**
Grantor(s)
HALE KENNETH G TR
HALE GLADYS L TR
HALE FAMILY TRUST
Grantee(s)
ZAJONC LARRY W & JANICE A SMITH

Find It!
Need to search again? Enter name or document number: 2001-341689
Search

Questions? Problems?
Call us at **(619) 685-2455** (8am - 5pm PST) or e-mail us at arcc@co.san-diego.ca.us.

DISCLAIMER:
The Grantor/Grantee index is provided as a public service for your convenience. Updates and corrections occur on a daily basis; however, neither the County nor the Assessor/Recorder Clerk shall incur any liability for errors or omissions with respect to the information provided in this index.

Gregory J. Smith
ASSESSOR/RECORDER/COUNTY CLERK

SALES LISTING FOR APPEALS APPLICANTS

Parcel Number: 471 810 29 00

Purchase Price: $510,000

Living Area: N/A

Document Number/Date: 341689 / 05-25-2001

No. BR. N/A

No. BA: N/A

Property Location: 05036-60 STERLING CT

Use Back Button for previous page

Sales Search | Property Info | Grantor/Grantee | Fictitious Business Names

GO TO TOP OF PAGE

Chief Admin Office	Financial / General Govt	Community Services	Health & Human Services	Land Use & Environment
Public Safety	San Diego County	Table Of Contents	Search	Help

Please send any suggestions to: arcc@co.san-diego.ca.us

PROPERTY INFORMATION

1) Property: 5036-60 STERLING CT, SAN DIEGO CA 92105-3633 C002

N: 471-810-29-00

Card#: 0 of 3

County: SAN DIEGO, CA

Map Page: 61-D4

New Page: 1270-A5

Census: 27.04

Subdiv:

Owner: ZAJONC LARRY W & JANICE A S

Property Tax: $3,020.06

Tax Year: 2001 Delinq:

Tax Rate Area: 08001

Exemptions:

Use: APARTMENT

Total Value: $264,971

Land Value: $87,074

Imprv Value: $177,897

Taxable Val: $259,776

Assd Year: 2001

% Improved: 67%

Phone: 858/274-6148

Owner Vest: / / JT

Mail: 5036-60 STERLING CT; SAN DIEGO CA 92105-3633 C002

Owner Transfer = Date: Price: Doc#: Type:

SALE & FINANCE INFORMATION

	LAST SALE	PRIOR SALE
Recording/Sale Date:	05/25/2001	03/19/2001
Sale Price/Type:	$510,000	FULL
Document #:	341689	
Deed Type:	GRANT DEED	
1st Mtg Amt/Type:		
1st Mtg Rt/Type/Trm:	/ /	
Mtg Lender:		
2nd Mtg Amt/Type:		
2nd Mtg Rt/Type/Trm:	/ /	
Title Company:	CHICAGO TITLE CO.	
Seller:	HALE TRUST	
New Construction:		

Other Last Sale Info = # Parcels: Type 2: Pend:

IMPROVEMENTS

Bldg/Liv Area:	18,474	
Gross Area:	18,474	
Ground Flr:		
Bsmnt Area:		
$/SqFt:	$3.50	
Yrblt/Eff:	1975	1975
# Stories:	1.00	
Rooms:		
Bedrooms:	9	
Full/Half Bath:	6	
Ttl Baths/Fixt:	6.00	
Fireplace:		
Pool:		
Porch Type:		
Patio Type:		
Construct:		
Foundation:		
Ext Wall:		
Roof Shape:		
Roof Type:		
Roof Matl:		
Floor Type:		
Floor Cover:		
Heat Type:		
Heat Fuel:		
Air Cond:		
Quality:		
Condition:		
Style:		
Equipment:		
Other Rms:		

SITE INFORMATION

# Res. Units:	5	County Use:	414	Acres:	3.34
# Comm Units:		Zoning:	MR15B	Lot Area:	145,490
# Buildings:	3	Flood Panel:		Lot Width:	697
Bldg Class:		Sewer Type:		Lot Depth:	
Parking Sqft:		Water Type:		Usable Lot:	
Park Spaces:					
Garage Cap#:		Site Influence:			
Park Type:		Amenities:			
Other Impvs:					

Legal Blk/Bldg:

Legal Lot/Unit:

Legal: PAR 1 TR 12636

© 1996 Win2Data 2000

50?? Sterling Ct *Published*

San Diego, CA 92105 -3633
I ' Family - 5 Units of 6,380 SF Sold for **$510,000**

buyer

M/M Larry W. & Janice A. Smith Zajonc
5036-60 Sterling Ct
San Diego, CA 92105
(408) 297-3730

seller

Kenneth G. Hale , Tr. (et al)
11062 Vivaracho Way
San Diego, CA 92124
(858) 268-3054

vital data

Recording Date:	05/25/2001	Sale Price:	$510,000
Escrow/Contract:	45 days	Status:	Confirmed
Days on Market:	45 days	Building SF:	6,380 Gross
Exchange:	Tax Dfrrd	Price/SF:	$79.94
Conditions:	None	Price/Unit:	$102,000
0 Bedroom:	0	No Units:	5
1 Bedroom:	0	GRM:	10.12
2 Bedroom:	2/ 40% (2+1)	Down Pmnt:	$510,000
3 Bedroom:	3/ 60% (3+3) (3+2) (3+1)	Pct Down:	100%
Other:	0	Doc No:	341689
Year Built:	1975 Age 26	Trans Tax:	($561.00 F)
rking Spaces:	4	Corner:	No
Parking Ratio:	0.80/Unit	Zoning:	MR15B, San Diego
Lot Dim:	Irregular	Improv Ratio:	67%
Land Area SF:	145,490	Submarket:	Mission Gorge
Acres:	3.340		
Comp No:	SDA-57176-06-0120	Property Type:	Apartment

income/expense

GSI of $50,400 was derived from rents at time of sale as reported by listing broker. See description for rent roll. Vacancy rate of 3% and pro forma expenses of 30% per year estimated by COMPS. There were no vacancies at time of sale. The units are separately metered for gas and electric.

Gross Income Multiplier:	10.12		
Gross Scheduled Income:		$50,400	
Vacancy 3%:	<	$1,512	>
Effective Gross Income:		$48,888	
Property Tax 1.113620%:		$5,679	
Other Expenses:		$8,987	
Total Expenses 30%:	<	$14,666	>
($2,933/Unit)			
($2.30/SF)			
Net Annual Income:		$34,222	
Cap Rate:	6.71%		

listing broker

Century 21 Award
1133 Avocado Ave
El Cajon, CA 92020 -7702
(619) 593-4300
Eddy Roepke

selling broker

Welcome Home Realty
2425 Camino Del Rio S #101
San Diego, CA 92108
(619) 297-4600
Adriano Oliveira

financing

N plicable - all cash sale
Net spendable (rate): **$34,222 (6.71%)**

Copyright© 1999-2002 CoStar Realty Information, Inc. All rights reserved. Information obtained from sources deemed reliable but not guaranteed. Phone 800.821.1573

pror ~y characteristics

uni. x

's	Type/Description	Bath	Min Rent	Max Rent	Min SF	Max SF	Remarks	Vacant
2	2 Bedroom	1		$650 atos				
1	3 Bedroom	3		$1,000 atos				
1	3 Bedroom	2		$950 atos				
1	3 Bedroom	1		$950 atos				

Total Units: **5**

building

Yr Built	Bldgs	Stories	Construction	Roof	Foundation	Condition	Comments
1975	3	1	Frame/wood	Comp shingle	Conc pier	Fair	

Total Buildings: **3**

Building Class: **C**

parking

Composition	Open	Open Tandem	Covered	Covered Tandem	Total Spaces	Condition
Asphalt	4				4	Fair

Garages, 1-car:

2-car:

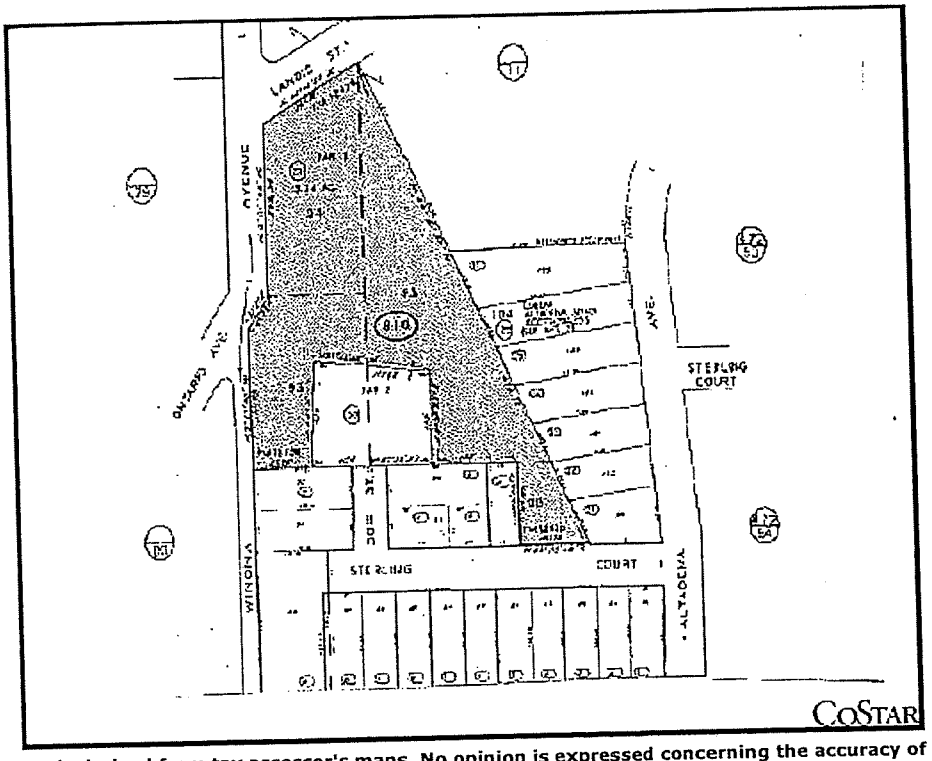
Total Parking including Garages: **4**

Parking Ratio: **0.80/Unit**

plat map

Map: **1270-A/5** Legal: **Par 1 PM 12636**

Comps No: **SDA-57176-06-0120** Parcel Number: **471-810-29** Title Co: **Chicago Title**



This plat map is derived from tax assessor's maps. No opinion is expressed concerning the accuracy of any information contained herein.

CITY OF SAN DIEGO
MEMORANDUM

DATE: January 9, 2002

TO: Lane B. MacKenzie, Supervisor, Acquisition and Relocation Services

FROM: Valuation Division

SUBJECT: AP 2844 - Acquisition Estimate - Park Site - 4 Parcels - Lantana, Auburn, & Landis Avenue

---

Per your request we prepared an estimated range of market value for the four parcels proposed for acquisition for the project indicated above.

The proposed acquisitions are located in the Mid-City Community Plan area of the City of San Diego in a neighborhood known as Chollas Creek. The subject parcels are generally found within the boundaries of University Avenue on the North, Euclid Avenue on the West and South, and Altadena Avenue on the East.

The following tables summarizes salient data for each property proposed for acquisition:

Proposed Acquisitions

Parcel No.	Address	Owner/APN	Description Improvements/ Lot Size
1	Adjacent South of 4988 Lantana Drive	Burger et al 476-081-11	Vacant Lot 9,801 Sq. Ft.
2	Between 4849 & 4863 Lantana Drive	German et ux 471-781-43	Vacant Lot 6,251Sq. Ft.
3	Between 4991 & 4979 Auburn Drive	Bellows et al 471-800-11	Vacant Lot 16,379 Sq. Ft.
4	5036-60 Sterling Court	Zajonc et ux 471-810-29	Six Units & Vacant Land* Assumed +/- Two Acres

*Per instructions, only the vacant, unimproved portion of the subject parcel is valued. It is assumed that the six units are severed and are the remainder from the proposed acquisition.

We conducted a search of the market for recent sales of properties similar in character to the subject parcels. Based on our research we concluded an estimated range of cost to acquire each subject property as follows:

Estimated Range of Cost to Acquire

Parcel No.	Location	Zoning	LOW	HIGH
1	Adjacent South of 4988 Lantana Drive	Multi-Family	$30,000	$40,000
2	Between 4849 & 4863 Lantana Drive	Multi-Family	$30,000	$40,000
3	Between 4991 & 4979 Auburn Drive	Multi-Family	$65,000	$85,000
4	5036-60 Sterling Court	Multi-Family	$340,000	$425,000

The lot size and building size information was obtained from County Assessor records and is presumed to be correct. All of the estimates include a preliminary estimate of value of the parcels sought plus the cost of staff time, escrow fees, appraisal fees, and other miscellaneous costs of acquisition.

Preliminary title reports for the subject properties were not provided; we assumed that there are no easements that would negatively impact value. A toxic waste and hazardous materials survey of the properties were not conducted. We are not experts in the field, so we assumed for these estimates that there is no contamination of the proposed acquisition parcels.

Please keep in mind that this estimate is preliminary in nature, is not to be construed as an appraisal, is not the result of an in-depth analysis, and is to be used for planning purposes only.

If you have any further questions, or if we can be of additional assistance, please contact me at Ext. 66724.

Patric D. Chavez

PATRIC D. CHAVEZ
Property Agent

Attachments

cc: Michael Steffen

H:\WPWDATA\2844.wpd

Tim's copy

[redacted]

AIM Assignment Information Manager

City of San Diego, Office of the City Manager

Action Assignment Form

District Concerned
District 7

To be completed by the Tracking System Coordinator (TSC) only

Assignment No.	Originator	Assigned to
02-0147	District 7 Jim Madaffer	Will Griffith Real Estate Assets

Date Assigned April 30, 2002	Due Date May 14, 2002

Description
Request by Councilmember Madaffer to research acquisition of property for park space at Fox Canyon and immediately address his concern of the Hale Family Trust property and if it has been sold or not.

Comments
Attn: Tim Rothans

Supervised By Bruce Herring

[ ] Prepare response for _____ signature

[Yes] Reply directly to originator and copy TSC at MS 9A or fax AIM to 236-6067

[ ] Prepare response (your signature)

[ ] Take necessary action

[ ] _____

Additional Instructions

To be completed below by department and returned to TSC at M.S. 9A or faxed at 236-6067

[X] Response attached (date completed) 5/16/02

[ ] Handled by phone/e-mail/in person by (name)_____ (date)_____ (phone) _____

[ ] Unable to complete response by due date request extension from TSC at 236-5943

Comments _____

Unfunded [ ] Project cost [ ]

For City Manager's Office use, do not fill in

Completed [redacted]	Extension requested	Returned to assignee	Committee follow-up	Council follow-up Yes
[redacted]	Previous due date	Previous due date	Which Committee	Who raised the item Madaffer
			Date generated	Date generated April 29, 2002

AIM

RECEIVED
APR 30 2002
City Manager

City of San Diego
COUNCILMEMBER JIM MADAFFER
DISTRICT SEVEN

MEMORANDUM

M02-04-17 *Please refer to this number when responding to this memo*

DATE: April 29, 2002

TO: City Manager Michael Uberuaga

FROM: Councilmember Jim Madaffer

SUBJECT: Acquisition of Property for Park Space in Fox Canyon

---

I have been working for some time with Park and Recreation Staff and Community leaders to come up with a plan for a system of parks in the Fox Canyon neighborhood of City Heights. City Heights as a whole is so park deficient, and it is one of my goals to add park space here, improving the quality of life for the people who live there.

There is a parcel located at the end of Ontario Avenue which I believe is a wonderful place for a park. It is near several multi-family housing units, and the many children need a clean, safe place to play. Right now, they play in the filthy, graffiti-ridden drainage ditch that runs through the neighborhood.

I would like to request that comprehensive research be done on parcel number 47181029 (please see attached map) with regard to ownership and possible acquisition by the City of San Diego for this much needed park project. In addition, I would like to inquire as to whether the City would purchase the entire lot, or if the idea of a lot split should be entertained.

I understand that the Hale Family Trust may have recently sold the property, but I would like to know immediately if this is not the case. If the parcel was, in fact, recently sold, I would like to find out what the intentions of the new owner are for the land.

As this one of my goals for District Seven, I appreciate your prompt attention to the matter.

JM/ea
ATTACHMENT

47181029
N 3700ft

PROPERTY INFORMATION

1)	Property:	5036-60 STERLING CT, SAN DIEGO CA 92105-3633 C002					
N:	471-810-29-00		Card#:	0 of 3		Use:	APARTMENT
County:	SAN DIEGO, CA		Prop Tax:	$3,020.06		Total Value:	$264,971
MapPg/Grid:	1270-A5	Old Map: 61-D4	Tax Year:	2001	Delinq:	Land Value:	$87,074
Census:	27.04	Tract #: 12636	Tax Area:	08001		Imprv Value:	$177,897
High School:	SAN DIEGO UNIF		Elem School:			Taxable Val:	$259,776
Comm Coll:			Exemptions:			Assd Year:	2001
Subdivision:						% Improved:	67%
Owner:	ZAJONC LARRY W & JANICE A S					Phone:	858/274-6148
						Owner Vest:	/ / JT

Mail: 5036-60 STERLING CT; SAN DIEGO CA 92105-3633 C002

Owner Transfer = Rec Dt: Price: Doc#: Type:
Sale Dt:

SALE & FINANCE INFORMATION

	LAST SALE	PRIOR SALE
Recording/Sale Date:	05/25/2001	03/19/2001
Sale Price/Type:	$510,000	FULL
Document #:	341689	
Deed Type:	GRANT DEED	
1st Mtg Amt/Type:		
1st Mtg Rt/Type/Trm:	/	/
Mtg Lender:		
2nd Mtg Amt/Type:		
2nd Mtg Rt/Type/Trm:	/	/
Title Company:	CHICAGO TITLE CO.	
Seller:	HALE TRUST	
New Construction:		

Previous Owner

Other Last Sale Info = # Parcels: Type 2:

SITE INFORMATION

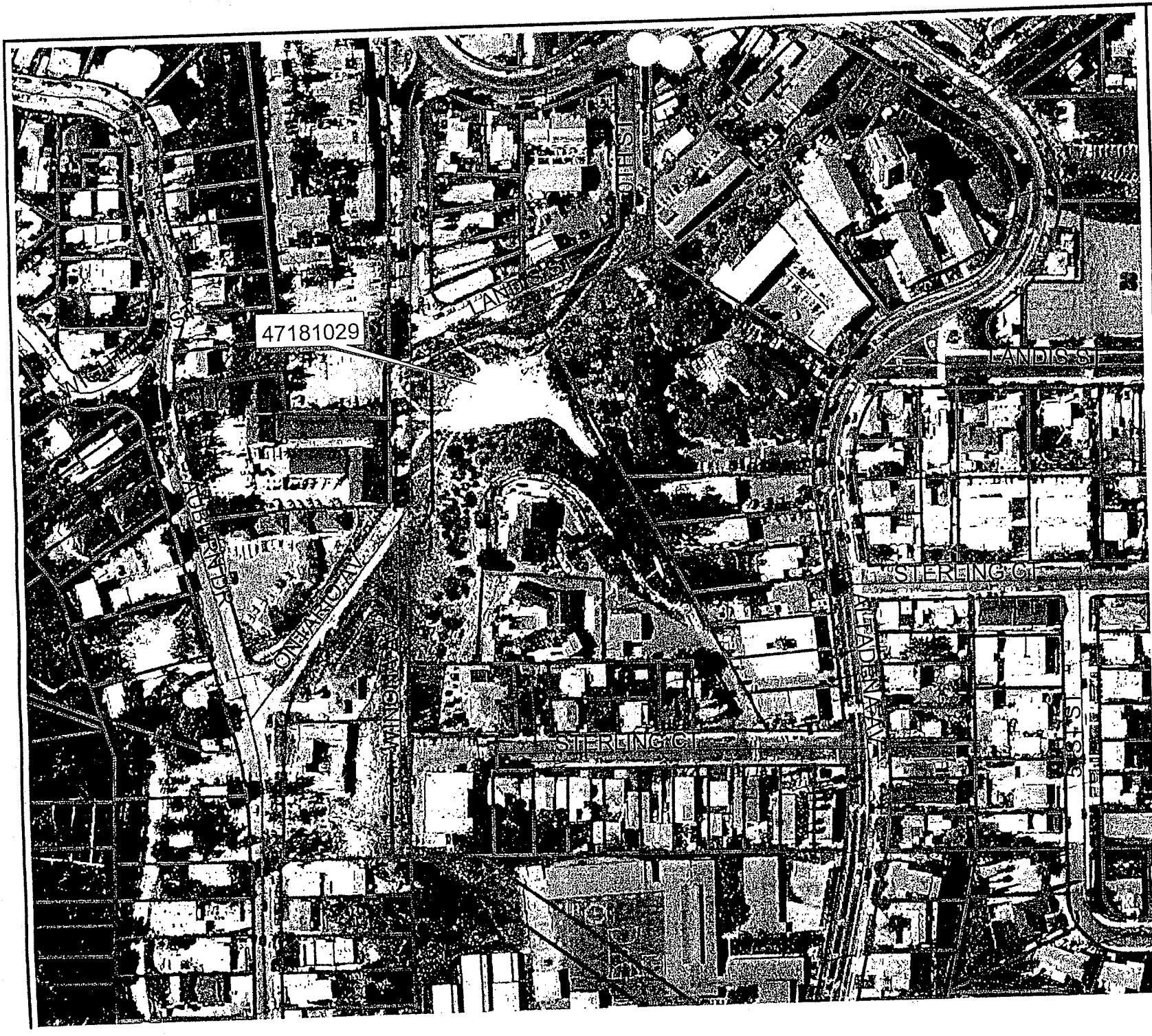
# Res. Units:	5	County Use:	414	Acres:	3.34
# Comm Units:		Zoning:	MR15B	Lot Area:	145,490
# Buildings:	3	Flood Panel:		Lot Width:	697
Bldg Class:		Panel Date:		Lot Depth:	
Parking Sqft:		Flood Zone:		Usable Lot:	
Park Spaces:		Sewer Type:			
Garage Cap#:		Water Type:			
Park Type:					
Other Impvs:					

Legal Blk/Bldg: Site Influence:
Legal Lot/Unit: Amenities:
Legal: PAR 1 TR 12636

IMPROVEMENTS

Bldg/Liv Area:	18,474	
Gross Area:	18,474	
Ground Flr:		
Bsmnt Area:		
$/SqFt:	$3.50	
Yrblt/Eff:	1975	1975
# Stories:	1.00	
Rooms:		
Bedrooms:	9	
Full/Half Bath:	6	
Ttl Baths/Fixt:	6.00	
Fireplace:		
Pool:		
Porch Type:		
Patio Type:		
Construct:		
Foundation:		
Ext Wall:		
Roof Shape:		
Roof Type:		
Roof Matl:		
Floor Type:		
Floor Cover:		
Heat Type:		
Heat Fuel:		
Air Cond:		
Quality:		
Condition:		
Style:		
Equipment:		
Other Rms:		

Win2Data®



Parcels
Roads

N

1:2090

Vicinity Map

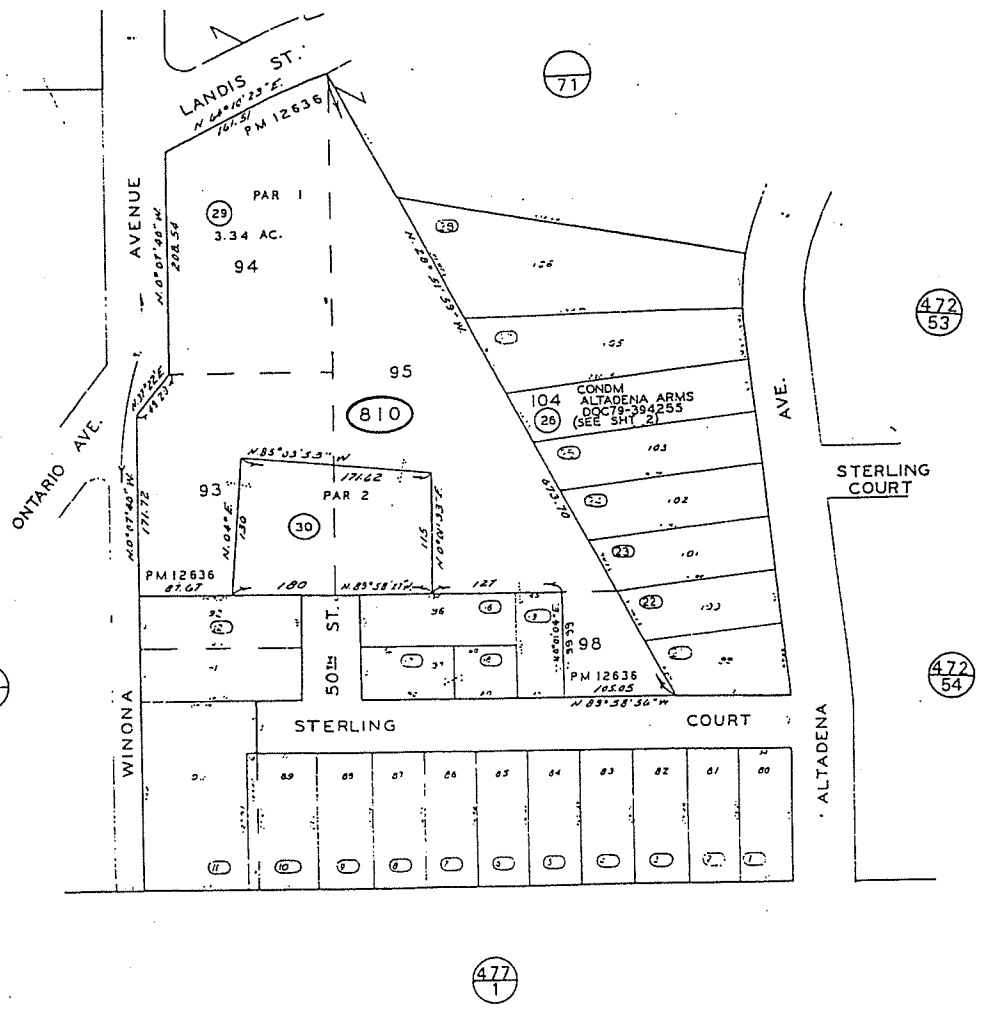
SanGIS
We Have San Diego Covered!

Plot Date: 05/01/02

471-810

471 - 81
SHT 1 OF 2

1" = 100'
N



7-15-85 [illegible]

CHANGES				
BLK	OLD	NEW	YR	CUT
810	26	CONDM	80	553
810	13,14,15,20	29,30	83	2919

MAP 1764 - OAK PARK A

B-T
10-16-74

SAN DIEGO COUNTY
ASSESSOR'S MAP
BOOK 471 PAGE 81 MAPPED FOR ASSESSMENT PURPOSES ONLY
SHT 1 OF 2

EXHIBIT NO. 10

Mark:

Lane MacKenzie

Please request a real estate assessment / valuation for Fox Canyon

Parcel #471-810-29-00

next to 3621 Ontario.

Carol Wood / Carole Hogan need it by early Jan. to put in a request for C.D.B.G. funds.

We originally thought it was <$600,000

Thanks, Joey

1/6/03 left message for Lane

1/7/03 check w/ planning is it developable property?
Are they willing sellers?
Figure out property split, what is the S.F.
READ would meet with them.
Don't have to [illegible] subdivision process

2002

1/10/03 site visit w/Elyse & Jose

Lara Evans - plan for Chollas Creek restoration - Fox Canyon - Ph IV

Sue Reynolds - low income house advocate
1 bdrm - $50 2 - $60

Tim Dewey City Eng/Planning who prepared proposed street 28' wide -

Time Line
Flow chart on Tot Lot

ADA.
SCRAB > everything must go
FARB > thru?
Vista Grande?

A - Scope Serv
B - Compensation
C - Fee Sched
D - Time Sched

12/5/02 Acquire property

Murray Hayden - (Prop 40) - for park development
not acquisition

CDBG. -
Ontario Park #5
CIP # for park

listed in book CIP 2003
unfunded 1,675,000 does not list as street improvemt
Chollas creek on edge
Real Estate Assets appraisal
how much
No approach of owners

early January

7/2/03 Elyse, Joey, Lane McKenzie

To make a project.
- not subject to Map act - easier to subdivide

Approximate lot ~~split~~ value - 340 - 400,000 (does not inc. house on lot) they spent

Facilities Requirement - for every new unit require 750 sf of landscaped open space

If vacate the street: ownership gets split to the two adj. ~~lot~~ owners thus we get half street

If keep as paper street then we can build park on full width of street.

Brush management, steep slopes

Lane to send letter to San Jose

→ Funding: Elyse to identify name of fund
~~Mid City Dev. Impact Fund.~~ Mid City Park Dev. Fund
Park Dev. Fund.
Janice Smith - Zajonc Larry W. Zajonc

5/22/03 Special Park Fund # 39094

Mid City ~~Div~~ DIF

Dev. Impact Fees

Mid City Special Park Fees

potential for $1 mill for Acquisition

Find out ownership name of Fox Canyon property

Regulatory code: to increase density in City Heights - must provide add. park space.

Dan Weinburg - City Mgr's Office

Urban Corp doing Construction - legality

9/4/03 Fox Canyon

~~hire a designer~~

~~convene a community mtg.~~

Madaffer committed to new road

Consider it funded? Go ahead need schedule

Mtg w/ Heidi

10/15

call Elyse confirm name of park

Lane - cost of land

send pg 38 to him

what about the street vacation do we have to buy

Who is going to pay for road improvement for Ontario? what about

EAS.

Regulatory Permits?

June ~~[illegible]~~ begin design selection

Year 2003

EXHIBIT NO. 11

JoEllen Jacoby - fox canyon

From: April Penera
To: Lane MacKenzie
Date: 7/25/2003 5:23 PM
Subject: fox canyon

lane,
did you get a chance, now that we have 1 mil in funding to purchase the land, to find out about sellers and stuff... cd7 is asking me.
a

EXHIBIT NO. 12

THE CITY OF SAN DIEGO

January 15, 2004

Mr. Joshua Brady
Project Officer
State of California
Department of Parks and Recreation
Office of Grants and Local Services
1416 9th Street, Room 918
Sacramento, CA 95814

Re: Urban Park Act Grant Application

Dear Mr. Brady:

Attached please find one of the City of San Diego's grant applications for the Urban Park Grant Program. The attached application is for the acquisition and development of Fox Canyon Park. The total project budget is $3,292,500, and the grant request is $2,362,500. The City of San Diego is committing a match of $930,000 to this project.

You are welcome to visit this neighborhood and the site proposed for Fox Canyon Park. If you have any questions, please call me at (619) 525-8218.

Cordially,

Heidi Lang
Assistant Grants Administrator

Attachments

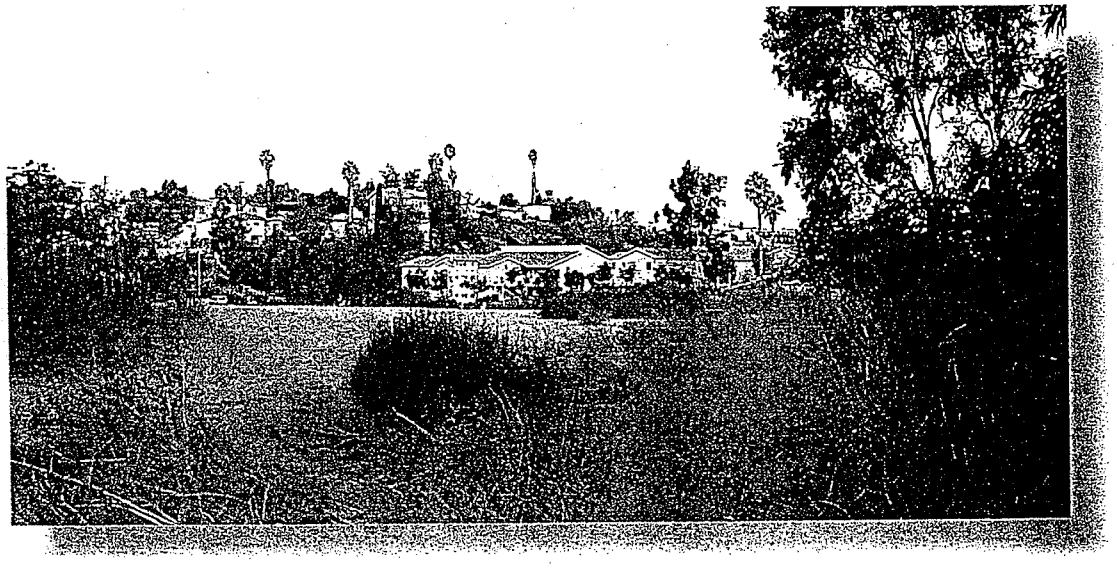
Joshua Cover Letter.doc

Park Planning and Development Division
Park and Recreation • Balboa Park • San Diego, CA 92101
Tel (619) 525-8213 Fax (619) 525-8220
Mailing Address: 202 C Street, MS 37C • San Diego, CA 92101-3860

DIVERSITY

Fox Canyon Park

Application to the
Urban Park Act of 2001
2002 Resources Bond Act



Submitted by the
City of San Diego
Park and Recreation Department

January 2004

Fox Canyon Park

Table of Contents

Project Application Form 1
Resolution ..... 2 - 5
Project Summary 6
Project Selection Criteria ..... 7 - 20
Cost Estimate ..... 21 - 23
Source of Additional Funds 24
Memorandum to City Manager Re: Additional Funds 25
Acquisition Schedule 26
CEQA (Initial Study) ..... 27 - 48
Land Tenure 49
Land Acquisition Legal Property Description 50
Land Acquisition Parcel Map 51
Leases or Agreements 52
Site Plan 53
Site Plan Plant Palette 54
Topographic Map (Service Area) 55
Topographic Map (Proposed Site) 56
Project Location Map (Regional) 57
Site Photographs (Main Parcel) 58
Site Photographs (South Entrance and Auburn Creek) 59
Required Regulatory Permits 60
Non-Profit Requirements 61
Fox Canyon Service Area Population and Park Acreage 62
Invitation to Community Workshop on Park Design 63
Community Workshop Summary ..... 64 - 65
Julian's Dream, a Child's Drawing of the Park 66
Bilingual Invitation to School Workshop on the Park 67

Fox Canyon Park

Table of Contents
(continued)

Census Tracts Eligible for CDBG - Map 68
Census Tracts Eligible for CDBG - Table 69
Crime Rate per 1,000 Population - 2003 70
Crime Rate per 1,000 Population - 2001 and 2002 71
Actual Crimes - 2001 and 2002 72
Photographs of Blight and Building Code Violations 73
Map of Building Code Violations, FY 2003 74
Photographs of Illegal Dumping in Auburn Creek 75
Photographs of Illegal Dumping on Site Proposed for Park 76

Letters of Support

State Senator Dede Alpert, District 39 77
Assemblywoman Shirley Horton, District 78 78
Speaker Pro Tempore Christine Kehoe, District 76 79
Councilmember Jim Madaffer, City of San Diego, District 7 80
Mr. Alan Bersin, Superintendent, San Diego City Schools 81
Ms. Jois Mickowski, Principal, Marshall Elementary School 82
Ms. Doris Perry, Vice Chair, Colina del Sol Recreation Council 83
Mr. Jose Lopez, President, Fox Canyon Neighborhood Association 84
Mr. Sam Duran, Chief Executive Officer, Urban Corps of San Diego 85
Mr. Matthew Hervey, San Diego Revitalization Corporation 86
Lieutenant Kevin Rooney, San Diego Police Department 87

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PROJECT APPLICATION
2002 Resources Bond Act

URBAN PARK ACT OF 2001 GRANT PROGRAM

(Each Project must have its own Application)

PROJECT NAME
Fox Canyon Park – Acquisition and Development

Grant Applicant (*Agency, address, and zip code*)
City of San Diego
Park and Recreation Department
202 "C" Street, MS-37C
San Diego, CA 92101

Amount of Grant Request $ 2,362,500
Amount of Matching Funds $ 930,000
Estimated Total Project Cost $ 3,292,500

COUNTY	NEAREST CITY
San Diego	San Diego

PROJECT LATITUDE AND LONGITUDE
32° 44' 46" N 117° 5' 15" W

WILL THE PROJECT AFFECT A HISTORICAL RESOURCE? ___YES _X_NO

PROJECT ADDRESS (including zip code)
Ontario Avenue at Winona Avenue & Landis Street
San Diego CA 92105

Grant Applicant's Representative Authorized in Resolution

Name *(typed or printed)* and Title	Email address	Phone
Ellen Oppenheim, Park and Recreation Director	eoppenheim@sandiego.gov	(619) 236-6643

Person with day-to-day responsibility for Project *(if different from authorized representative)*

Name *(typed or printed)* and Title	Email address	Phone
Heidi Lang, Assistant Grants Administrator	hlang@sandiego.gov	(619) 525-8218

Brief description of Project

This project will acquire and develop Fox Canyon Park which will include a playground, hard courts, grassy area, picnic area, shade structure, interpretive kiosks, drinking fountains, sidewalks and landscaping. The City of San Diego, Urban Corps of San Diego, Fox Canyon Neighborhood Association, and San Diego City Schools are partners in this proposal. The development of this park will greatly enhance the quality of life, and provide a beautiful public space for this multicultural, park-deficient neighborhood.

For Dev. Projects, Project Land Tenure is _____ acres

_____ Acres owned in fee simple by Grant Applicant

_____ Acres available under a _____ year lease

_X_ Acres other interest *(explain)* Negotiations are underway; property to be acquired by 08/04.

For Acquisition Projects, Project land will be _1.9_ acres

_X_ Acres to be acquired in fee simple by Grant Applicant

_____ Acres to be acquired in other than fee simple *(explain)*

I c .y that the information contained in this Application, including required attachments, is accurate.

Signed _____ 1/14/04
Grant Applicant's Authorized Representative as shown in Resolution Date

120
Klep

(R-2004-620)

RESOLUTION NUMBER R- 298701

ADOPTED ON DEC 0 8 2003

WHEREAS, the State of California Department of Parks and Recreation administers the Urban Park Act of 2001 Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 [UPA] and awards grants to local public agencies for the acquisition and development of parks, recreation areas, and facilities in neighborhoods currently least served by park and recreation providers, to provide safe recreational opportunities for children, positive outlets for youth, the special recreational and social needs of senior citizens, and other urban population groups [Grant Program]; and

WHEREAS, the City desires to apply for the grants pursuant to the Grant Program [Grants] to provide for the 39th Street Park Development, Fox Canyon Park Acquisition and Development, and 252 Corridor Park Development [Project]; NOW, THEREFORE,

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

1. That the City Manager or his representative is authorized to apply to the UPA for the Grants for the Project.

2. That the City Manager or his representative is authorized to take all necessary actions to secure the Grants and to negotiate and execute all agreements necessary to comply with the UPA's grant requirements.

3. That the City Manager is authorized to accept the Grants if they are secured.

4. That the City Auditor and Comptroller is authorized to establish special interest-bearing funds for the Grants.

5. That upon receipt of fully executed grant agreements, an increase of $3,000,000 to the Fiscal Year 2004 Capital Improvement Program Budget, CIP No. 29-702.0, Normal Heights Community Park – Development, is authorized.

6. That the City Auditor and Comptroller is authorized to appropriate and expend an amount not to exceed $3,000,000 from CIP No. 29-702.0, Normal Heights Community Park – Development, for the Project, upon receipt of fully executed grant agreements.

7. That upon receipt of fully executed grant agreements, an increase of $3,000,000 to the Fiscal Year 2004 Capital Improvement Program Budget, CIP No. 29-596.0, Fox Canyon Park, is authorized.

8. That the City Auditor and Comptroller is authorized to appropriate and expend an amount not to exceed $3,000,000 from CIP No. 29-596.0, Fox Canyon Park, for the Project, upon receipt of fully executed grant agreements.

9. That upon receipt of fully executed grant agreements, an increase of $3,000,000 to the Fiscal Year 2004 Capital Improvement Program Budget, CIP No. 29-458.0, 252 Corridor Park - North, is authorized.

10. That the City Auditor and Comptroller is authorized to appropriate and expend an amount not to exceed $3,000,000 from CIP No. 29-458.0, 252 Corridor Park - North, for the Project, upon receipt of fully executed grant agreements.

11. That the Council certifies that it has, or will have, prior to commencement of work on these Projects, the proportional match and sufficient maintenance funds.

12. That the Council has reviewed and understands the special and general provisions contained in the sample project agreement shown in the procedural guide.

13. That the Council certifies that the Project conforms to the recreation element of the City's General Plan.

APPROVED: CASEY GWINN, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:cdk
11/21/03
Or.Dept: P&R
R-2004-620

I, CHARLES G. ABDELNOUR, Clerk of the City of San Diego, California, hereby certify that this is a true copy of papers on file and of record in the office of the Clerk of said City.

CHARLES G. ABDELNOUR, City Clerk
By Irma D. Rivas, Deputy
Dated 12-30-03

Passed and adopted by the Council of The City of San Diego on DEC 0 8 2003, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	☑	☐	☐	☐
Michael Zucchet	☑	☐	☐	☐
Toni Atkins	☑	☐	☐	☐
Charles L. Lewis	☑	☐	☐	☐
Brian Maienschein	☑	☐	☐	☐
Donna Frye	☑	☐	☐	☐
Jim Madaffer	☑	☐	☐	☐
Ralph Inzunza	☐	☐	☑	☐
Mayor Dick Murphy	☑	☐	☐	☐

AUTHENTICATED BY:

DICK MURPHY
Mayor of The City of San Diego, California.

(Seal)

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

By _____, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 298701 Adopted DEC 0 8 2003

This information is available in alternative formats upon request.

CC-1276 (Rev. 11-02) Printed on Recycled Paper

Project Summary

Fox Canyon Park
Acquisition and Development

"Our children play in open storm drain ditches and on the streets."

-- Jose Lopez, President, Fox Canyon Neighborhood Association, Inc.

The Project: This proposal will acquire and develop a park in Fox Canyon, located in the City Heights East section of the City of San Diego. The park will be a total of 1.9 acres located next to Auburn Creek. The new park will include a children's playground, picnic area, shade structure, basketball court, a walkway, interpretive kiosks and a grassy area for play.

The Need: The Fox Canyon community is a cultural crossroads, a landing point for many immigrants to America. Many residents have immigrated from Eritrea, Somali, Kenya, Camodia, Vietnam, Mexico and Central American countries.

Per 2000 census data, the project service area is low-to-moderate income households, with 18 out of 20 census tracts in the service area eligible for Community Development Block Grant. Crime and poverty are serious issues. For the past four years, 100% of the children in the nearest elementary school have been eligible for the free lunch program based on household income. Almost 75% of the children are considered English learners, as they do not speak English or are very limited in English proficiency.

This area is grossly deficient in park acreage. The ratio of park land to population is .6 acres per 1,000 residents, far below the park standards recommended by the City of San Diego Park and Recreation Department of 2.8 acres per 1,000 residents. Furthermore, recreational opportunities are extremely limited.

The Partnerships: This project is supported by strong partnerships. The City of San Diego, Fox Canyon Neighborhood Association, Colina del Sol Recreation Council, San Diego City Schools, and the Urban Corps of San Diego will combine resources to bring this project from concept to creation. The City is committing a significant match of $930,000 and will oversee construction, maintenance, and recreational programming. The Fox Canyon Neighborhood Association helped plan the development of this park and provides the impetus for this proposal. The Urban Corps will hire youth from the area for work on site preparation, building a sense of pride and ownership. Staff from the schools will develop curriculum for students for field trips to the park to learn about Auburn Creek, habitat restoration and water quality, and to supervise children for free play in the playground. The Colina del Sol Recreation Council will assist with recommendations for recreational activities. Once the park is completed, the partnership will continue for on-going operations, Neighborhood Watch and special events.

The Future: Fox Canyon Park will provide a positive place for recreation. The children won't need to play in the drainage ditches and streets anymore.

Fox Canyon Park Acquisition and Development

City of San Diego

Project Selection Criteria

1. Residents' Park Needs

This proposal fully meets the intent of the Urban Park Act of 2001 to finance the acquisition and development of parks, recreation areas, and facilities in neighborhoods currently least served by park and recreation providers. By ***any*** measure, Fox Canyon is in dire need of parks and the associated educational and recreational opportunities that come with them.

Local residents have been working for years to create a park in this particular area. The community has a vision of a series of parks, trails and interpretive facilities along Auburn Creek and Chollas Creek, and this proposed site will be the first in that chain of parks.

A number of city and neighborhood plans document the lack of park space and call for the creation of additional parks in this high-density area of City Heights East. This proposal will create new parkland as recommended in the following plans:

- City of San Diego Mid City Community Plan of 1998
- Euclid Avenue Revitalization Action Plan, 2000
- CROSSROADS Redevelopment Project, 2003
- Fox Canyon Neighborhood Association Parks Subcommittee Report of 2003

To take one example, the City of San Diego's Mid City Community Plan sites that this area has few park or recreation facilities, stating, "By current City of San Diego Progress Guide and General Plan standards, the Mid City is grossly deficient in park acreage. The most conspicuous needs are in the older neighborhoods, generally west of 54th Street. These same areas suffer from undersized, overcrowded school sites, limiting their use for recreational purposes." This

community plan calls for a "a full range of park and recreation facilities and services convenient to all Mid City residents and visitors."

Colina del Sol Community Park is the closest park to Fox Canyon; however, this site poses several barriers to access. The topography itself discourages travel, especially on foot, as the walk is uphill through a canyon system. Due to crime and safety concerns, many parents do not want their children to walk alone or to cross University Avenue, a busy street and commercial corridor. It's far too busy a street for young children to cross without adult supervision. Last, Colina del Sol Community Park is a highly utilized, perhaps over-utilized, park with various groups and teams competing (and even turned away) for access to the recreation center, facilities and athletic fields.

2. Park Deficiency

Within a one-mile radius, the total service area population is 56,558, and there are two parks with a total of 36 park acres. Colina del Sol Community Park has 33 acres and City Heights Community Park has three acres. The ratio of park land to population is .6 acres per 1,000 residents. This is far below the park standards established by the City of San Diego Park and Recreation Department of 2.8 acres per 1,000 residents. (Please see page 62 for table.)

3. Community Involvement in Planning Process

This proposal is not simply consistent with the residents' plan, it is driven by it. The community is actively involved in park planning, providing the very impetus for this proposal. The Fox Canyon Neighborhood Association, Inc. (FCNA), founded in 1997, is a grass-roots organization working to revitalize the community. This group is committed to fighting crime,

noise and graffiti, and to improving the physical surroundings and the quality of life in Fox Canyon. The FCNA meets monthly, publishes a newsletter, and posts updates on the website: www.neighborhoodlink.com. The group has organized mural painting, graffiti deterrent projects, urban reforestation, sidewalk improvements, neighborhood clean-ups, and police problem solving meetings.

From the start, FCNA members realized that the future of their neighborhood was closely related to meeting its urgent needs for parks. The FCNA created the policy statement: "We need to strongly pursue the development and implementation of the Fox Canyon system of parks so one day, our children will play in developed parks with green grass, secure and protected, and not in storm-drain ditches, bowls of mud, clouds of dust and seas of garbage and trash, risking their health and lives as they do now." (Parks Subcommittee Report, page 11.)

The FCNA formed the Fox Canyon Parks Subcommittee (Parks Subcommittee) to focus on park planning. The group worked for two years and formalized its research and recommendations in the Parks Subcommittee Report published in 2003. The community mission is the following statement: "The vision of this Parks Subcommittee of residents and members of the Fox Canyon Neighborhood Association is the creation of a Fox Canyon system of parks and dedicated green spaces, in an effort to conserve and restore a threatened ecological treasure. This system of parks should coincide with the restoration of the wetlands and watersheds of Auburn Creek in order to protect habitat for wildlife and native vegetation. In addition, the project will provide better flood control, and improve the downstream water quality discharged into the San Diego Bay, via the greater Chollas Creek." (Parks Subcommittee Report, page 3.)

The Parks Subcommittee also identified the particular parcel of this grant request, calling it the Ontario parcel as it is next to Ontario Avenue. The Parks Subcommittee recommends: "This park will be the central and most vital part of the entire Auburn Creek system. It should contain a restored creek with water pools, picnic areas, vista/observation points and educational/art trails. Students from Marshall Elementary School could use the restored creek for outdoor, first-hand studies of ecology and of Southern California indigenous flora and fauna." (Parks Subcommittee Report, pages 5 and 6.)

4. Customer Satisfaction

This project will meet the needs of the residents by creating a park based directly on their input from the FCNA Parks Subcommittee Report, a public workshop held last summer, and a community meeting with parents of students and teachers at the nearest elementary school held on December 15, 2003.

The public workshop on general park design was held on June 28, 2003 and was sponsored by the San Diego Chapter of the American Society of Landscape Architects and FCNA. An inclusive workshop invitation was printed in English and Spanish and distributed throughout the area via a mass mailing and website posting. Furthermore, community and workshop leaders walked door-to-door personally inviting people to attend. The workshop had about 30 participants, including professional landscape architects, city staff, neighborhood leaders, community residents and their children. Residents recommended the following park components: children's playground, basketball court, shade structure, walking or bike path and a grassy area for free play. The park should be a safe place for youth for education, recreation and after-school activities. The park design and landscaping should focus on a natural component as

the park is next to Auburn Creek. In terms of style, the community would like the park design to feel alive with vibrant colors. (Please see pages 63 through 66 for workshop invitation, discussion summary, and Julian's, Dream, a child's drawing of a new park. Also, please note the conceptual site plan and plant palette on pages 53 and 54.)

Another public meeting was held in December 2003 and included parents of students and the teachers at Marshall Elementary School. Participants were enthusiastic about the proposal and look forward to the students using the park as an open-air classroom. (See flyer on page 67.)

This grant proposal will meet the residents' needs as stated in the community workshop, school meeting, and the FCNA Parks Subcommittee Report.

5. Outdoor Learning Opportunities

This site will have many outdoor learning opportunities that will be sponsored by the City of San Diego, Urban Corps of San Diego, San Diego City Schools and the Sierra Club. These activities will focus on the environment, education and recreation.

The City of San Diego Park and Recreation Department will maintain and operate this park. Staff will provide a variety of supervised activities and sports clinics such as basketball, football and soccer practice skills. (The area will not be large enough for competition.)

Urban Corps will conduct conservation awareness classes on-site and at local schools nearby. Classes will cover recycling, habitat restoration, tree planting, wildlife identification and other related topics. Senior members of Urban Corps teams will conduct classes including PowerPoint presentations, discussion and hands-on training.

The San Diego Sierra Club and the FCNA are partnering already on canyon activities and hikes. Projects in development for the future include an education campaign to encourage local

residents to clean up the canyon, clear brush for fire prevention, and to preserve the creek. Additional activities will be planned for both adults and children.

Auburn Creek, a tributary to Chollas Creek, borders the proposed park, and this setting is part of the Chollas Creek Enhancement Program adopted by the City of San Diego in 2002. The plan envisions a linear park encompassing the multiple branches of Chollas Creek. The plan's goal is to restore the creek and improve water quality. The specific plan for Fox Canyon calls for habitat restoration, channel reconstruction, trails, landscaping and interpretive programs. The education and interpretive program will include informal exhibits, interpretive kiosks and signs. It recommends the design of curriculum for local schools concentrating on watershed protection, natural habitat, paleontology and Native American history.

The State of California has announced a $2.4 million grant from the Phase II Costa-Machado Water Act of 2000 (Proposition 13) to the City of San Diego for water quality improvement. This grant includes $1.4 million for habitat restoration along Chollas Creek and its tributaries. In 2004, city staff and a consulting firm will evaluate Auburn Creek bordering this park site for a potential creek restoration project as part of the Proposition 13 grant.

6. Use by Students from Local Schools

The FCNA Parks Subcommittee Report recommends the use of this new park as an open-air classroom, stating, "The environment of our five-finger canyon lends itself perfectly for local fauna and flora studies with open, unpaved trails for access, art, interpretive centers and educational facilities placed along the creek." (pages 10 and 11.)

Fox Canyon Park will be open for recreation and environmental programs for the youth at local schools, including Euclid, Marshall, and Rosa Parks elementary schools; Mann, Monroe Clark and Wilson middle schools; and also Crawford and Hoover high schools.

The proposed park site is about two blocks from Marshall Elementary School, located at 3550 Altadena Avenue. Students will be able to visit the park for field trips and outdoor educational classes. The park and playground could be used for educational and/or recreational activities on a regular or even daily basis. This school has over 700 students in kindergarten through fifth grade. The diverse ethnic composition is about 50% Hispanic, 33% African American, 12% Indochinese, 1% Asian, 1% White and 3% other races. For four years, 100% of the students have been certified eligible for the free meals program based on family/household income levels. Almost 75% of the students are English learners. San Diego City Schools defines English learners as students with a home language other than English who have been identified as having no or limited English proficiency via a State approved test. (In stark contrast, the citywide average in San Diego City Schools is 56.2% of students eligible for the meals program and 29.6 % of all students as English learners for 2001-02, the latest year with full data.)

7. Community Revitalization

The Neighborhood: Come take a drive and experience this section of inner city San Diego, this cultural crossroads. Driving along the commercial corridor on University Avenue, one spots a tattoo parlor, a boarded up shop, an Ethiopian restaurant, and an auto repair business, its yard surrounded by razor wire. Continue the drive down into the canyons, and the residential section is characterized by remarkable diversity. A Somali woman, swathed in orange clothes, walks her child to school. An unemployed young man lounges on an apartment stoop, the

building's windows covered with bars. A radio somewhere blasts out music, the lyrics in a foreign language. An elderly Vietnamese woman tends her tiny, colorful garden. On the site proposed for the new park, three young Hispanic children slide down a grassy canyon hill on a worn-out mattress. This community is a landing place for immigrants to America.

Community Development Block Grant: Most of the people in this area live in incredible poverty. Eighteen of the 20 census tracts that fall within the service area are eligible for Community Development Block Grant. On average, 70.83% of all residents have low to moderate incomes levels. (Please see pages 68 and 69 for a map and detailed table.)

Poverty: Throughout the State of California, 14% of households are below the poverty level. However, 34% of the residents in the City Heights East/Fox Canyon zip code of 92105 are below the poverty level. This is almost 2.5 times the statewide rate. (Per the U.S. Census Bureau, the poverty level for a one-person household is an annual income below $8,501; the poverty level for a family of four is an annual income below $17,209.)

Building code and other code compliance issues: Code violations are rampant in this service area. The City of San Diego Neighborhood Code Compliance Division opened 1,283 active cases in fiscal year 2002 and 1,409 in fiscal year 2003. Types of violations include, but are not limited to: businesses in residential areas, noise, inoperable vehicles parked in front yards, farm animals, adult entertainment, illegal housing units, unpermitted building occupancy, and structural deficiency. (Please note pages 73 and 74 for photographs and a map.)

Residential overcrowding: One of the most striking features of this neighborhood is the extreme residential overcrowding. In many cases, families share apartments or very old "single family" homes with 1,000 square feet or less. Children pour out and around the homes, with no place to play or do school work. They sit on the front steps doing homework assignments.

High crime rate: The City Heights East/Fox Canyon area has an extraordinarily high crime rate. Per Rick Castro, Mid City Community Service Police Officer, this area has some of the highest crime, especially violent crime, in the city. He said that crime has gone down somewhat in 2003 due to a number of apprehensions and convictions, along with certain individuals moving out of the area. The crime rates for 2003 (January through November) show that violent crime is 1.7 times the citywide average. (Note crime statistics on pages 70 through 72 and letter of support from the San Diego Police Department on page 87.)

Youth violence and gangs: Gang activity is common in this area according to Officer Castro. Gang members tag areas with graffiti to mark boundaries. More significantly, gangs contribute to the high number of assaults. In calendar year 2002, 387 cases of aggravated assault were reported, and 483 cases were reported in 2001. If anything, the statistics are underreported due to cultural influences and because people are afraid to call the police and/or press charges, especially with gang-on-gang warfare.

Brown fields: At present, the site proposed for this park ***is*** a brown field covered with weeds and some sparse native vegetation. Once the park is developed, this will no longer be an issue as an irrigation system will keep the grassy areas green year-round.

Unauthorized dumping areas: This neighborhood and canyon system is plagued by illegal dumping. According to records from the City of San Diego Environmental Services Department Waste Reduction and Enforcement Division, there were 4,975 verified cases of illegal dumping in the service area within the past two years. (Note pages 75 and 76 for photographs of illegal dumping on the project site itself and the bordering Auburn Creek.)

Homelessness: According to Officer Castro, many homeless people live in this area, especially in the dry season. Shopping carts, mattresses, and other items are scattered around the

creek bed and canyons, evidence of homeless encampments. On a site visit in December 2003, city staff noted a homeless encampment partly hidden under the trees on the proposed park site's eastern edge.

Revitalization: Fox Canyon Park will contribute significantly to the area's revitalization. Once the park is developed, it won't be a brown field anymore, an empty area that once invited illegal dumping and homeless encampments. In the future, the park will be an inviting place for children to play. Completion of this project will be tangible evidence that the years of planning paid off, and this community will take great pride in the park that they helped plan and create.

8. Employment Opportunities

This project will expand an ongoing partnership among the City of San Diego, Urban Corps of San Diego and the FCNA. The Urban Corps is actively involved in projects in this community. In 2003, crews removed a total of 150,000 square feet of graffiti, planted over 150 trees and held two community restoration events. The Urban Corps has established recycling programs at two local middle schools, two high schools and three businesses. Overall, the Urban Corps collected over 1,000 pounds of recyclable materials from the greater Fox Canyon neighborhood in 2003.

Under this grant proposal, the Urban Corps will recruit team members from the local neighborhood to assist with this project. The Urban Corps currently employs 50 youth from this service area. Of these, 80% are high school drop-outs who have re-enrolled in the Urban Corps charter school to study for their high school diploma. Recruitment methods for the Fox Canyon Park site preparation will include word of mouth from current Corps members living in that neighborhood and an advertisement in the local Penny Saver magazine.

Recruitment may also be through the International Rescue Committee (IRC). The IRC has been resettling refugees in San Diego County and Orange County since 1975. It has resettled over 17,000 refugees and is the largest refugee assistance organization in California. In the past few years, the IRC has assisted refugees mainly from Bosnia, Kosovo, Eritrea, Ethiopia, Somalia, Sudan, Russia, Iraq and Vietnam to start their lives in San Diego. The IRC collaborates with a host of San Diego agencies to help refugees in successful resettlement. As Fox Canyon has a number of immigrants from Asia and Africa, this organization would be a helpful group to announce work opportunities.

Once members are recruited from Fox Canyon and trained, then the Urban Corps will start site preparation, including the removal of debris, brush and non-native plants. The labor is based on a crew size of 15 people working 60 days, at eight hours per day. The hourly rate is $20.68, and the total labor cost is just under $150,000. The project also includes dumpsters and disposal fees, approximately 15 loads, along with equipment rental of a bob-cat over the course of three months. The total budget for site preparation done by the Urban Corps will be $162,000.

The Urban Corps will provide employment training, education and job search skills training to youth hired from Fox Canyon, as it does with all its Corps members. They will be required to attend the charter high school or pursue higher education such as community college or vocational training. Furthermore, the Urban Corps will tutor the youth in job search skills such as resume writing, how to fill out job applications and computer skills. While some of the hands-on education will be conducted on-site, the Urban Corps will provide vans to the neighborhood, pick up participants, and bring them to the Urban Corps' new headquarters near Old Town San Diego for training in the classroom and computer lab.

9. Joint-Use Plan

This joint-use partnership will include the City of San Diego, Urban Corps, Fox Canyon Neighborhood Association (FCNA), and the Colina del Sol Recreation Council. Furthermore, it will include San Diego City Schools, especially Marshall Elementary School.

The City of San Diego Park and Recreation Department will acquire and develop the property and have lead responsibility for operation and maintenance. It will also provide park programming and supervised activities once the park is open.

The Urban Corps will be responsible for site preparation, including brush clearance, removal of non-native plants and canyon clean-up. Given the condition of this site, this effort will be significant.

The FCNA provided the initial planning for this project. Its members will work with the Urban Corps during site preparation to clean and clear the site. Also, the FCNA will provide the eyes and ears for the San Diego Police Department and the Park and Recreation Department to ensure the safety and good condition of this park. Residents want the park to be a safe haven for their children, and they are willing to participate in this endeavor. The FCNA's Neighborhood Watch program has been active for four years, and members will report any suspicious activity in the park to the police. Once the park is completed, FCNA members will participate in special events at the park, such as graffiti abatement, tree planting, murals and clean-up days. This sense of community participation and stewardship will be a critical element of this park's success.

The Colina del Sol Recreation Council will assist with recommendations for recreational activities. This input will help staff prepare and offer programming best suited to the residents.

San Diego City Schools will be responsible for preparing education materials for field trips to this open-air classroom. Teachers will be responsible for supervision of the children during educational visits and playtime in the tot lot.

This proposal has widespread community support; please note pages 77 through 87. This project is supported by Speaker Pro Tempore Kehoe, Senator Alpert, Assemblymember Horton, Councilmember Madaffer of the Seventh District, and San Diego City Schools Superintendent Bersin. It is also supported by the following: Fox Canyon Neighborhood Association, Urban Corps of San Diego, Colina del Sol Recreation Council, Marshall Elementary School, San Diego Revitalization Corporation, and the San Diego Police Department.

10. Completion within Performance Period

The city's match and requested grant amount will meet all project costs including acquisition, design and construction. In terms of key milestones, the City of San Diego intends to purchase the property between February and August 2004. After acquisition, the city will immediately begin the detailed project design and environmental review which will be done by the fall of 2005. Since the city is budgeting $100,000 in its local match for design, the consultant can be hired without delay. Regulatory permits will be obtained in 2005 and 2006. Construction will start by late 2006 and the park will open in January 2008. It will be fully operational and usable at that time.

The City of San Diego's employees have extensive experience in project management, grants administration and completing grant-funded projects on schedule. The Park Planning and Development Division will oversee the project. This division includes 47 staff members and oversees 300 capital improvement projects with a budget of approximately

$300,000,000. A project manager has already been assigned to manage Fox Canyon Park acquisition and development. The Development Office is also within this division. The five-member section is dedicated to raising funds via corporate sponsorships, donations and grants. At the start of fiscal year 2004, the Development Office managed 107 active grants with a value of $33.3 million. The grant administrator and project manager will work together closely to ensure that the project is completed on time, within budget and according to grant requirements.

11. Match

The city's match for this project is $930,000. The project is funded by an initial allocation of $30,000 in Community Development Block Grant. The main source will be $900,000 from the City of San Diego's Mid City Special Park Fees, local development fees. This total contribution is a large match, and a significant commitment of the city's resources. (Note memorandum of commitment from Council Offices to the City Manager on page 25.) Only on rare occasions can the city identify and allocate such a high amount of funds toward park acquisition and development. Fox Canyon Park is one of those extremely rare projects.

12. The Future

Residents look forward to the time when children will be playing in a tot lot; students learning about environmental issues and Auburn Creek; teenagers shooting hoops in the basketball court. One day, seniors, adults and children will hold barbecues at the picnic area, the smells of sizzling hamburgers mixing with exotic scents of recipes brought from foreign lands.

Today, children play in the streets, dodging cars as they pass by. When Fox Canyon Park is complete, they will play safely in the park.

Fox Canyon Park
Cost Estimate

estimate prepared by: JoEllen Jacoby 1/12/04

Item	quantity	unit	unit cost	cost
Preliminary Planning				
Research Deed Restrictions (READ)	1	LS	6000.00	6,000
Research As Builts (PP&D)	1	LS	750.00	750
Infrastructure Markout & Topo (E&CP) ($3,000-$15,000)	1	LS	5000.00	5,000
Preliminary Planning Subtotal				**11,750**
CEQA / NEPA (does not include technical studies)				
CEQA / NEPA Mitigated Neg. Dec. (DSD)	1	LS	25000.00	25,000
CEQA / NEPA Subtotal				**25,000**
Environmental Technical Studies				
Storm Water Quality Technical Report	1	LS	7000.00	7,000
Bio Study	1	LS	8000.00	8,000
Geo Study	1	LS	4000.00	4,000
Archeao Study	1	LS	2000.00	2,000
Paleo Monitoring	1	LS	2000.00	2,000
Traffic Study	1	LS	3000.00	3,000
Phase 1 site assessment	1	LS	3000.00	3,000
Environmental Technical Studies Subtotal				**29,000**
Property Acquisition				
Lump sum payment	1	LS	800000.00	800,000
Property Acquisition Costs Subtotal				800,000
Permits				
Site Development Permit	1	LS	50000.00	50,000
Army Corps	1	LS	500.00	500
State Fish and Game	1	LS	3000.00	3,000
RWQ Control Board	1	LS	1500.00	1,500
Permits Subtotal				**55,000**
City and Outside Agency Review, Coordination, and Approval				
Record of Survey (E&CP)	1	LS	10000.00	10,000
Traffic Control Plan Review (Transportation)	1	LS	1000.00	1,000
Agency Coordination & Design Approval Subtotal				**11,000**
Water and Sewer fees (see also Information Bulletin 104)				
SDCWA Water Capacity charges 1" meter	1	LS	3206.00	3,206
City install 1" meter, 1" water service, capacity charge, and permit (2% of capacity charge)	1	LS	7578.00	7,578
1" water service over 40'		LF	57.00	0
Water and Sewer fees Subtotal				10,784
Other Fees and Charges				
Utility mark out (E&CP)	2	AC	1000.00	2,000
Survey Staking (E&CP)	2	AC	1000.00	2,000
Independent Playground Audit	1	LS	1000.00	1,000
Other Fees and Charges Subtotal				5,000

Costs in far right column rounded to whole numbers.

Fox Canyon Park
Cost Estimate

estimate prepared by: JoEllen Jacoby 1/12/04

Item	quantity	unit	unit cost	cost
Construction				
Demolition				
Temporary construction fencing (120 days)	2400	LF	10.00	24,000
Clear and grub - turf, irrigation, ground cover, shrubs (no trees) trash removal (Urban Corp)	1	LS	162000.00	162,000
Grading and Drainage				
Grading	2	AC	2000.00	4,000
finish grading (+/- 0.10ft.)	107570	SF	0.20	21,514
Storm drainage	2	AC	7500.00	15,000
Retaining wall - concrete block, split face	300	SF	10.00	3,000
Soil Import	0	CY	26.00	0
Topsoil import and place (1' depth)	810	CY	32.00	25,920
State Water Resources Control Board Notice of Intent	1	LS	700.00	700
Construction Storm Water Polution Prevention	1	AC	4000.00	4,000
Hardscape				
Curb and gutter - 6" curb, 18" gutter	162	LF	15.00	2,430
bicycle rack	2	EA	750.00	1,500
skateboard stoppers - install 3' o.c. ($20-$30 ea)	50	EA	20.00	1,000
Concrete walkway (6" thick, w/ wire mesh & base)	4500	SF	6.00	27,000
Concrete walkway (4" thick)	6100	SF	3.60	21,960
handrail and guardrail	34	LF	20.00	680
concrete steps	240	SF	12.00	2,880
Playground (overall budget number w/o scope)	1	LS	225000.00	225,000
Basketball court w/ fencing & lighting	1	LS	50000.00	50,000
Lighting - walkway security - 18' w/ base	10	EA	2300.00	23,000
Electrical mobilization and trenching	1	LS	5000.00	5,000
Concrete trash receptacle w/o pad	6	EA	650.00	3,900
Concrete benches (basic) w/o pad	6	EA	1050.00	6,300
Hot ash container w/o pad	1	EA	650.00	650
Picnic table w/o pad	4	EA	1100.00	4,400
Bar-b-que w/o pad	1	EA	550.00	550
Bridge for maintenance trucks & ped. 12'wx15'l	1	EA	75000.00	75,000
Picnic shade structure - large	1	EA	50000.00	50,000
Drinking fountain w/ french drain	2	EA	4500.00	9,000
Drinking fountain pressure regulator	1	EA	165.00	165
1" copper water line from meter to drinking fountain	400	LF	30.00	12,000
Park monument sign	1	EA	7000.00	7,000
Interpretive signage	4	LS	4000.00	16,000
Irrigation				
Irrigation (less than 3 Acres, intricate design)	87,120	SF	1.00	87,120

Costs in far right column rounded to whole numbers.

Fox Canyon Park
Cost Estimate

estimate prepared by: JoEllen Jacoby 1/12/04

Item	*quantity*	*unit*	*unit cost*	*cost*
Planting				
Agricultural soil testing - per sample	2	EA	65.00	130
Tree - 15 gallon	15	EA	100.00	1,500
Tree - 24" box	28	EA	250.00	7,000
On slope 5-6' on center Shrub - 1 gallon	605	EA	6.00	3,630
Between turf and stream Shrub - 5 gallon	1000	EA	18.00	18,000
ground cover - seeded	43560	SF	0.15	6,534
Turf - seeded	43560	SF	0.10	4,356
Root barrier	100	LF	10.00	1,000
Soil preparation	87120	SF	0.25	21,780
Mulch - 4" deep recycled green waste	10890	SF	0.35	3,812
Plant / turf establishment & maint. - 120 calendar days	87120	SF	0.08	6,534
Habitat Restoration				
Coastal sage scrub / Coastal dune revegetation	1	LS	20000.00	20,000
Subtotal				**986,945**
Misc. Construction Costs				
Prevailing Wage (20% of Subtotal)	1	LS	0.00	197,389
Mobilization (2.5% of Subtotal + Prevailing Wage)	1	LS	0.00	29,608
Field Orders (5% of Subtotal + Prevailing wage)	1	LS	0.00	59,217
Bonds & Ins. (10%of subtotal + Prevailing wage)	1	LS	0.00	118,433
Construction Subtotal				**1,391,592**
Contingency and Inflation (choose one level of Contingency only)				
Contingency (Project inception - 35% Const. Subtotal)	1	LS	487057.11	487,057
Inflation - (4% per year Const. Subtotal)	2	YR	55663.67	111,327
Project Management				
Consultant Selection and Award - EOC	1	LS	2000.00	2,000
Consultant / Professional Services (6% - 10% Const. Subtotal)	1	LS	0.00	83,496
Publicly noticed meeting(s) beyond Council Policy	1	EA	3000.00	3,000
Construction Contracts Processing - plan check, bid, & award ($2000 - 2% of Const. Subtotal)	$ 1,391,591.75	LS	0.02	27,832
Construction Contracts review & award - EOCP / SCOP	1	LS	2000.00	2,092
Park Planning & Dev. Project Admin. (5% Const. Subtotal)	$ 1,391,591.75	LS	0.05	69,580
Field Engineering (E&CP)(9%-15% of Const. Subtotal)	$ 1,391,591.75	LS	0.12	166,991

Total Project Cost $ **3,292,500**

Amount of Grant Match from City $ **930,000**

Total Grant Request $ **2,362,500**

Costs in far right column rounded to whole numbers.

Fox Canyon Park
SOURCES OF ALL ADDITIONAL FUNDS
2002 Resources Bond Act

URBAN PARK ACT OF 2001 GRANT PROGRAM

The Applicant, the City of San Diego, shall provide to the Department a list of proposed sources of all additional funds.

Project Name: **Fox Canyon Park -Acquisition and Development**

(Please Round All Figures to the Nearest Dollar)

Total Grant Amount Requested	$ 2,362,500
Sources of Additional Funds	
Community Development Block Grant	$ 30,000
Local Funds (Mid City Special Park Fees, Fund #39094)	$ 900,000
	$
	$
	$
	$
	$
TOTAL	$ 930,000

Printed or Typed Name of Authorized Representative	**Date**
Ellen Oppenheim, Park and Recreation Director	January 14, 2004

Signature of Authorized Representative	**Date**
Ellen O	1/14/04

City Of San Diego
COUNCILMEMBER JIM MADAFFER
DISTRICT SEVEN

MEMORANDUM

M-04-01-03	Please refer to this number when responding to this memo
DATE:	January 13, 2004
TO:	City Manager Michael Uberuaga
FROM:	Deputy Mayor Toni Atkins Councilmember Jim Madaffer Councilmember Charles Lewis
SUBJECT:	Mid-City Park Development Fund 39094

The Mid City Park Development Fund (Fund 39094) is shared between Council Districts 3, 4 and 7. We would like to designate from Fund 39094 to District 7 the amount of $800,000 for the acquisition and $100,000 for preliminary design of the Fox Canyon Neighborhood Park. This park will serve residents from all three Council districts, and will greatly improve the aesthetics and livability of the Fox Canyon/Chollas Creek Neighborhoods.

The Park and Recreation Department is submitting a highly competitive application on January 15 for grants funds from the State of California Urban Parks Grant. It is the intention to designate the $900,000 from Fund 39094 as matching funds toward this grant application. The City is currently in active negotiations with the seller on the proposed parcel to be acquired.

It is our understanding that a portion of the remaining funds in the Mid City Park Development Fund would be used for the design and development of the recently acquired Home Avenue Park in Council District 4. Additionally, it is our intention that new contributions to Fund 39094 from this date forward would be appropriately distributed between the three Council Districts.

Thank you for your assistance with this matter.

JM/eo

cc: Ellen Oppenheim, Park and Recreation Department Director
Heidi Lang, Park and Recreation Grants Administrator

Fox Canyon Park

ACQUISITION SCHEDULE

Assesor's Parcel No.	Acreage	Est. Date of Acquisition	Est. Value of Land to be Acquired	Est. Cost of Relocation	Est. Value of Improvements to be Acquired	Total Est. Cost
471-810-29	1.9 acres	August 2004	$800,000	N/A	N/A	$800,000
					Subtotal	$800,000
					Administration of relocation program	$ 0
Total Acreage	1.9 acres				**Grand Total**	$ 800,000

Environmental Checklist Form

1. Project title: FOX CANYONPARK

2. Lead agency name and address:

   CITY OF SAN DIEGO
   DEVELOPMENT SERVICES DEPARTMENT
   1222 1ST AVENUE, MS 501
   SAN DIEGO, CA 92101

3. Contact person and phone number: MYRA HERRMANN, SENIOR PLANNER, 619-446-5372

4. Project location: 3623 50TH STREET, BETWEEN ONTARIO AVENUE & WINONA AVENUE IN THE EASTERN AREA NEIGHBORHOOD WITHIN THE MID-CITY COMMUNITY PLANNING AREA

5. Project sponsor's name and address:
   CITY OF SAN DIEGO, PARK AND RECREATION DEPARTMENT
   202 "C" STREET, MS 35
   SAN DIEGO, CA 92101

6. General plan designation: MULTI-FAMILY RESIDENTIAL

7. Zoning: MR-1500-B

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.). The proposed is the acquisition of land and development of the site into a community park with tot lot, passive play area, a hardcourt play area, barbecue, and picnic area. The project also includes a bridge with public art element.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:
Residential development surrounds the site; Auburn Creek is adjacent to and runs through the site.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

Possible permitting requirements from Army Corps of Engineers and/or California Department of Fish and Game.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☑ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☑ Biological Resources	⇒ Cultural Resources	☑ Geology /Soils
☑ Hazards & Hazardous Materials	☑ Hydrology / Water Quality	☑ Land Use / Planning
☐ Mineral Resources	☐ Noise	☐ Population / Housing
☐ Public Services	☑ Recreation	☑ Transportation/Traffic
☐ Utilities / Service Systems	☐ Mandatory Findings of Significance	

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

⇒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature _____ January 8, 2004
Date

Signature _____ _____
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site,

cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance

Issues:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? The project would create a new park in an area where a previous residentially zoned vacant parcel exists.	☐	☐	⇛	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? No such resources have been identified within the project boundaries.	☐	☐	☐	⇛
c) Substantially degrade the existing visual character or quality of the site and its surroundings? See I.a. above. The project would improve the visual character of an existing, vacant disturbed site.	☐	☐	☐	⇛
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? Lighting for the proposed park would be directed down and shielded away from sensitive receptors.	☐	☐	☐	⇛
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? The project site does not support Prime Farmland, nor has it been used for agricultural purposes. See also I.a. above.	☐	☐	☐	⇛

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? The proposed park use is supported by the community and City of San Diego Planning Department.	☐	☐	☐	⇛
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? No farmland on project site; no conflict. See II.a.	☐	☐	☐	⇛
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? Proposed park would not conflict with County of San Diego air quality plans or standards.	☐	☐	☐	⇛
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? See III.a.	☐	☐	☐	⇛
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? Community park use only. On-site parking is not proposed.	☐	☐	☐	⇛
d) Expose sensitive receptors to substantial pollutant concentrations? See III.c.	☐	☐	☐	⇛
e) Create objectionable odors affecting a substantial number of people? Development of park would not result in objectionable odors.	☐	☐	☐	⇛
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California	☐	⇛	☐	☐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
Department of Fish and Game or U.S. Fish and Wildlife Service? Grading for site development would result in impacts to biological resources. A biology survey would be required to determine extent of impacts and appropriate mitigation measures to reduce impact to below a level of significance.				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? See IV.a. A biological survey would be required with mitigation recommendations.	❐	⇛	❐	❐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Biology survey and report would identify any wetlands and incorporate measures to avoid impacts pursuant to City, State and federal regulations.	❐	⇛	❐	❐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Potential impacts would be identified in the biology survey.	❐	⇛	❐	❐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Applicant would be required to comply with the City's Environmentally Sensitive Lands Regulation by providing mitigation for any impacts resulting from project implementation. Site is not within the City's MHPA.	❐	⇛	❐	❐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? See IV.e.	❐	⇛	❐	❐

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in ∋15064.5? Vacant land. No historic buildings have been identified within the project site.	❐	❐	❐	⇛
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to ∋15064.5? The site is currently vacant, but is in an area which has a high potential for archaeological resources. Therefore an archaeology survey and/or monitoring during grading would be required.	❐	⇛	❐	❐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Paleontological monitoring would be required during grading for project implementation if thresholds of excavation are exceeded in high and moderate sensitivity formations.	❐	⇛	❐	❐
d) Disturb any human remains, including those interred outside of formal cemeteries? High sensitivity area for archeology. Monitoring would be required during grading and protocol under the City of San Diego, Mitigation, Monitoring and Reporting Program (MMRP) and the Public Resources Code would be implemented if human remains are discovered.	❐	⇛	❐	❐

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	❐	❐	❐	❐
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. Geologic Hazard category 53. Level areas; gently sloping to steep terrain. Low potential. No impacts anticipated.	❐	❐	❐	⇛
ii) Strong seismic ground shaking? The far southeastern corner of the project site is 100 feet from a mapped/concealed fault. Proper design	❐	❐	⇛	❐

and engineering of the site would be required to ensure public health under safety pursuant to State building codes. A geotechnical Reconnaissance may be required.				
iii) Seismic-related ground failure, including liquefaction? Site is located above the Auburn Creek flood channel within low potential area for geologic hazards. No impacts anticipated.	❐	❐	⇛	❐
iv) Landslides? See previous responses above.	❐	❐	⇛	❐
b) Result in substantial soil erosion or the loss of topsoil? Site is currently vacant and may require remedial grading to remove unstable soils.	❐	❐	⇛	❐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? See previous responses. Geo recon may be required.	❐	❐	⇛	❐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? Site is currently vacant and may require remedial grading to remove unstable soils.	❐	❐	⇛	❐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? See VI.d.	❐	❐	❐	⇛
VII. HAZARDS AND HAZARDOUS MATERIALS B Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Proposed project is a park use. No hazardous materials would be stored or transported from the site.	❐	❐	❐	⇛
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Potential during grading. Unsure at this time what household waste and/or hazardous materials may exist from continued dumping on the vacant site. A Phase I site assessment may be required to evaluate potential on-site hazards.	❐	⇛	❐	❐

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? Marshall Elementary School is within ¼ mile from project site, uphill across one public roadway and behind a residential development. Site assessment may be required. Low potential	☐	☐	⇒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? Project site has not been identified on the list maintained by the County of San Diego.	☐	☐	☐	⇒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? Site not within an airport land use plan	☐	☐	☐	⇒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? Site not w/in vicinity of private airstrip.	☐	☐	☐	⇒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Emergency access to the project site will be provided to fire and police. No interference with adopted plans.	☐	☐	☐	⇒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? Vacant disturbed, undeveloped site Remaining native vegetation w/b either impacted or preserved but would not increase fire risk to residential development surrounding the project site.	☐	☐	☐	⇒
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements? Project is required to comply with the City if San Diego Stormwater Regulations and incorporate Best Management Practices into the final design.	☐	☐	⇒	☐

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Groundwater supplies would not be depleted with implementation of the project	❐	❐	❐	⇛
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Although existing drainage patterns would be altered through cut and fill grading, no water course would be altered and no substantial erosion would occur.	❐	❐	⇛	❐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? The Auburn Creek segment of Chollas Creek runs adjacent to and through the project site. With proper landscape design, wetland revegetation can be used to filter stormwater run-off prior to discharge into the adjacent channel. These BMP design feature would be consistent with the City Stormwater Regulations. This will need to be addressed at final design.	❐	❐	⇛	❐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? See VIIIa-d. Public projects are required to comply with the adopted Stormwater Regulations which are intended to reduce water quality impacts in compliance with the City's Municipal Permit.	❐	❐	⇛	❐
f) Otherwise substantially degrade water quality? See VIIIa-e above.	❐	❐	⇛	❐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Park site is within FEMA Zone X. Housing is not part of the proposed park project.	❐	❐	❐	⇛

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? According to FEMA mapping, the project site is within Zone X; more information is required to determine the location of the project site in relation to the floodplain or floodway.	❐	❐	⇛	❐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? See VIII.h above.	❐	❐	⇛	❐
j) Inundation by seiche, tsunami, or mudflow? No such threat exists within the project site.	❐	❐	❐	⇛
IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community? Project is located within one community planning area.	❐	❐	❐	⇛
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? While the proposal to create community park is supported by the Planning Department, the land use is inconsistent with the Mid-City Communities Plan and would require a community plan amendment to address the inconsistency.	❐	⇛	❐	❐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? The project is not within the City's MSCP Subarea Plan.	❐	❐	❐	⇛
X. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? The site is vacant undeveloped residentially zoned land. No known mineral resources exist.	❐	❐	❐	⇛
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? The site is vacant undeveloped residentially zoned land. See X.a.	❐	❐	❐	⇛

XI. NOISE B Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Project is a community park and would not generate excessive noise levels.	❐	❐	❐	⇒
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? Refer to XI.a above.	❐	❐	❐	⇒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? Refer to XI.a above.	❐	❐	❐	⇒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? Refer to XI.a above.	❐	❐	❐	⇒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? Project is not located within an airport land use plan for a public or private airport.	❐	❐	❐	⇒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? Refer to XI.e above.	❐	❐	❐	⇒

XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Park project would not induce substantial growth in surrounding community.	❐	❐	❐	⇒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Development of community park on land zoned residential. Community plan amendment req'd. Park proposal is supported by community.	❐	❐	❐	⇒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? See XII a & b.	❐	❐	❐	⇒

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection? Adequate services are available to support proposed park project.	☐	☐	☐	⇒
Police protection? Adequate services are available to support proposed park project.	☐	☐	☐	⇒
Schools? Marshall Elementary School is located within proximity of project site. No new schools w/b required to support this park project.	☐	☐	☐	⇒
Parks? Project is the creation of a community park supported by the City and residents.	☐	☐	☐	⇒
Other public facilities? Adequate services are available to support proposed park project.	☐	☐	☐	⇒

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Project is the creation of a community park supported by the City and residents.	☐	☐	☐	⇒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? Construction of the park facilities and supporting infrastructure would result in significant but mitigable impacts as identified in the checklist.	☐	⇒	☐	☐

XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? Park project would not cause an increase in traffic over existing.	☐	☐	☐	⇒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? Existing LOS for street w/in the vicinity would not be exceeded	☐	☐	☐	⇒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location thatresults in substantial safety risks? Existing traffic patterns would not be impacted to accommodate proposed project.	☐	☐	☐	⇒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? Project does not propose any such traffic features.	☐	☐	☐	⇒
e) Result in inadequate emergency access? The project incorporates measures to allow adequate fire and police emergency access to the site.	☐	☐	☐	⇒
f) Result in inadequate parking capacity? Adequate parking for the new park would be on existing street surrounding the site. No ons-ie parking provided.	☐	☐	☐	⇒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? Avvess to the park is available from existing streets; however, paper streets within the project site that are included in the Community Plan as circulation elements must be vacated in order to create the park. No significant impact anticipated from this action.	☐	☐	⇒	☐
XVI. UTILITIES AND SERVICE SYSTEMS B Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Project is required to comply with the City's Stormwater Regulations.	☐	☐	⇒	☐

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? The project site would be served by the existing City sewer system.	❐	❐	⇛	❐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? See XVI.a and b above.	❐	❐	⇛	❐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Water service would be provided to the park, but trenching for any pipelines could result in significant but mitigable impacts to archaeological, biological or paleontological resources.	❐	⇛	❐	❐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? See XVI.b.	❐	❐	⇛	❐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project=s solid waste disposal needs? Disposal of construction related materials, as applicable would be directed to the appropriate City landfill after consultation with Environmental Services Department.	❐	❐	❐	⇛
g) Comply with federal, state, and local statutes and regulations related to solid waste? Project would be required to reduce solid waste and reclaim for on-site purposes in accordance with applicable regulations.	❐	❐	❐	⇛

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? The project has a potential to result in impacts to archaeological, biological and paleontological resources; however, all impacts can be mitigated to below a level of significance.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? Based on review of the conceptual plan it doesn't appear that the project would result in cumulatively considerable impacts to archaeological, biological or paleontological resources.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Any potential environmental effects on human beings resulting from this project could be reduced or eliminated through project redesign, mitigation measures and/or compliance with applicable local, state or federal regulations.

A:\FOX CANYON ISCKLST.doc1/12/2004 2:15 PM

INITIAL STUDY CHECKLIST

REFERENCES

I. Aesthetics / Neighborhood Character

✓ City of San Diego Progress Guide and General Plan.

✓ Community Plan.

___ Local Coastal Plan.

II. Agricultural Resources / Natural Resources / Mineral Resources

___ City of San Diego Progress Guide and General Plan.

___ U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.

___ California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.

___ Division of Mines and Geology, Special Report 153 - Significant Resources Maps.

___

III. Air - N/A

___ California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.

___ Regional Air Quality Strategies (RAQS) - APCD.

___ Site Specific Report:

IV. Biology

✓ City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997

___ City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" maps, 1996.

✓ City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.

✓ Community Plan - Resource Element.

___ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.

___ California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.

✓ City of San Diego Land Development Code Biology Guidelines.

___ Site Specific Report:

✓ Site visit with Park & Recreation staff September 2003.

V. Energy - N/A

___

VI. Geology/Soils

✓ City of San Diego Seismic Safety Study.

___ U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.

___ Site Specific Reports:

VII. Historical Resources

✓ City of San Diego Historical Resources Guidelines.

✓ City of San Diego Archaeology Library.

___ Historical Resources Board List.

___ Community Historical Survey:

___ Site Specific Report

VIII. Human Health / Public Safety / Hazardous Materials

✓ San Diego County Hazardous Materials Environmental Assessment Listing (website)

___ San Diego County Hazardous Materials Management Division

___ FAA Determination

___ State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized

___ Airport Comprehensive Land Use Plan.

___ Site Specific Report:

IX. Hydrology/Water Quality

✓ Flood Insurance Rate Map (FIRM).

✓ Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.

___ Clean Water Act Section 303(b) list, dated May 19, 1999, http://www.swrcb.ca.gov/tmdl/303d_lists.html).

X. Land Use

___ City of San Diego Progress Guide and General Plan.

✓ Community Plan - Otay Mesa-Nestor Community Plan.

___ Airport Comprehensive Land Use Plan

✓ City of San Diego Zoning Maps

___ FAA Determination

XI. Noise

✓ Community Plan

___ San Diego International Airport - Lindbergh Field CNEL Maps.

___ Brown Field Airport Master Plan CNEL Maps.

___ Montgomery Field CNEL Maps.

✓ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.

✓ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

___ City of San Diego Progress Guide and General Plan.

___ Site Specific Report:

XII. Paleontological Resources

✓ City of San Diego Paleontological Guidelines.

___ Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.

___ Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.

✓ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.

___ Site Specific Report:

XIII. Population / Housing N/A

___ City of San Diego Progress Guide and General Plan.

✓ Community Plan.

___ Series 8 Population Forecasts, SANDAG.

___ Other:

XIV. Public Services

___ City of San Diego Progress Guide and General Plan.

✓ Community Plan.

XV. Recreational Resources

___ City of San Diego Progress Guide and General Plan.

✓ Community Plan.

___ Department of Park and Recreation

___ City of San Diego - San Diego Regional Bicycling Map

___ Additional Resources

XVI. Transportation / Circulation

___ City of San Diego Progress Guide and General Plan.

✓ Community Plan.

✓ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

✓ San Diego Region Weekday Traffic Volumes, SANDAG.

___ Site Specific Report:

XVII. Utilities

✓ Consultation with water and wastewater reviewing staff.

XVIII. Water Conservation

___ Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.

A:\FOX CANYON ISchklst_references.doc1/12/2004 2:33 PM

Fox Canyon Park

Land Tenure

This grant proposal is for acquisition and development. The City of San Diego is currently negotiating the acquisition of the site from a willing seller. Please note attached legal site description and parcel map.

EXHIBIT "A"

LAND ACQUISITION

APN # 471-810-29

Being a portion of Parcel 1 of Parcel Map No. 12636, filed in the office of the County Recorder of San Diego County, March 25th, 1983, File No. 83-094925, described as follows:

Commencing at the Southeast corner of said Parcel 1; Thence North 27°24'54" West 166.07 feet, along the Easterly line of said Parcel 1, to the TRUE POINT OF BEGINNING, being an intersection with a curve, concave Northerly, having a radius of 50.00 feet, a radial line bears South 05°39'18" East; Thence Northwesterly along the arc of said curve a distance of 38.20 feet, through a central angle of 43°46'17"; Thence tangent to said curve North 51°53'01" West 117.17 feet; Thence North 24°50'56" West 103.18 feet; Thence North 32°48'59" West 21.91 feet; Thence North 53°51'29" West 35.42 feet; Thence North 78°11'18" West 40.26 feet, to the beginning of a tangent curve, concave Southerly, having a radius of 40.00 feet; Thence Westerly and Southwesterly along the arc of said curve a distance of 49.91 feet, through a central angle of 71°29'04; Thence non-tangent to said curve South 05°27'05" West 114.83 feet to the North line of Parcel 2 of said Parcel Map 12636; Thence North 83°36'48" West 17.49 feet to the Northwest corner of said Parcel 2; Thence South 05°27'05" West 130.00 feet, along the West line of said Parcel 2, to the South line of Said Parcel 1; Thence North 88°31'22" West 87.67 feet to the Southwest corner of said Parcel 1; Thence North 01°34'45" East 171.72 feet along the West line of said Parcel 1, also being the East line of Winona Avenue as dedicated per Map 1764, filed in the office of the County Recorder of San Diego County, 11 September 1923; Thence North 38°49'05" East 49.29 feet, along said West line; Thence North 01°34'45" East 208.54 feet, along said West line, to the North line of said Parcel 1; Thence along said North line North 65°37'28" East 161.51 feet, also being the Southerly Right of Way line of Landis Street (formerly Manzanita Avenue) as Dedicated per said Map 1764; Thence South 27°24'54" East 507.63 feet, along the East line of said Parcel 1, to the TRUE POINT OF BEGINNING.

Above described parcel of land contains 84,165.52 Sq. Feet, 1.93217 Acres.

See City of San Diego Drawing No. 20164-B.

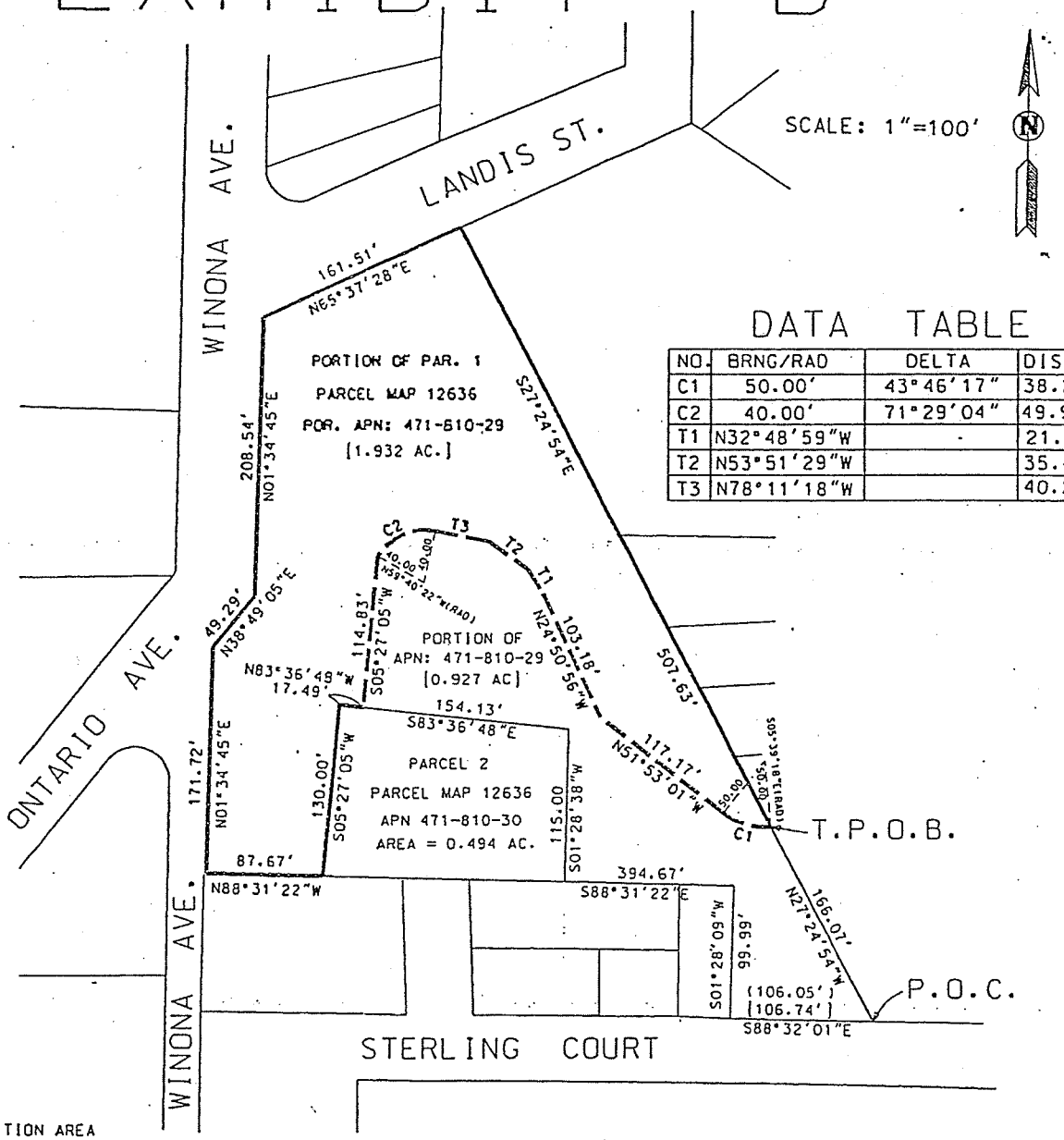
11/25/2003

Lester E. Carter Jr., PLS No.6148 Date
Sr. Land Surveyor, Field Engineering
My Registration Expires: 3/31/2006

LICENSED LAND SURVEYOR
L.E. CARTER JR.
Exp. 03-31-06
No. 6148
STATE OF CALIFORNIA

File: 20164B.LGL - W.O. 295960, 11/25/2003 - lec

EXHIBIT "B"



DATA TABLE

NO.	BRNG/RAD	DELTA	DIST.
C1	50.00'	43°46'17"	38.20'
C2	40.00'	71°29'04"	49.91'
T1	N32°48'59"W	-	21.91'
T2	N53°51'29"W		35.42'
T3	N78°11'18"W		40.26'

LEGEND:

- = ACQUISITION AREA
- = LINE SUBJECT TO CHANGE
- P.O.C. = POINT OF COMMENCEMENT
- T.P.O.B. = TRUE POINT OF BEGINNING
- ( ) = RECORD DATA PER PM 12636
- [ ] = CALCULATED DATA PER PM 12636

REFERENCES:

PARCEL MAP 12636
ASSESSOR'S MAP 471-08
GRANT DEED DOC #341689, 5-25-01

SURVEYOR'S NOTES:

1. ALL DISTANCES SHOWN HEREON ARE RECORD DATA PER PARCEL MAP 12636, UNLESS OTHERWISE NOTED.
2. AREA OF ACQUISITION: 84,165.52 SQ.FT., 1.932 ACRES.
3. THE ACQUISITION BOUNDARY NOTED WITH A DASHED LINE IS SUBJECT TO CHANGE UPON FIELD VERIFICATION OF RET. WALLS.

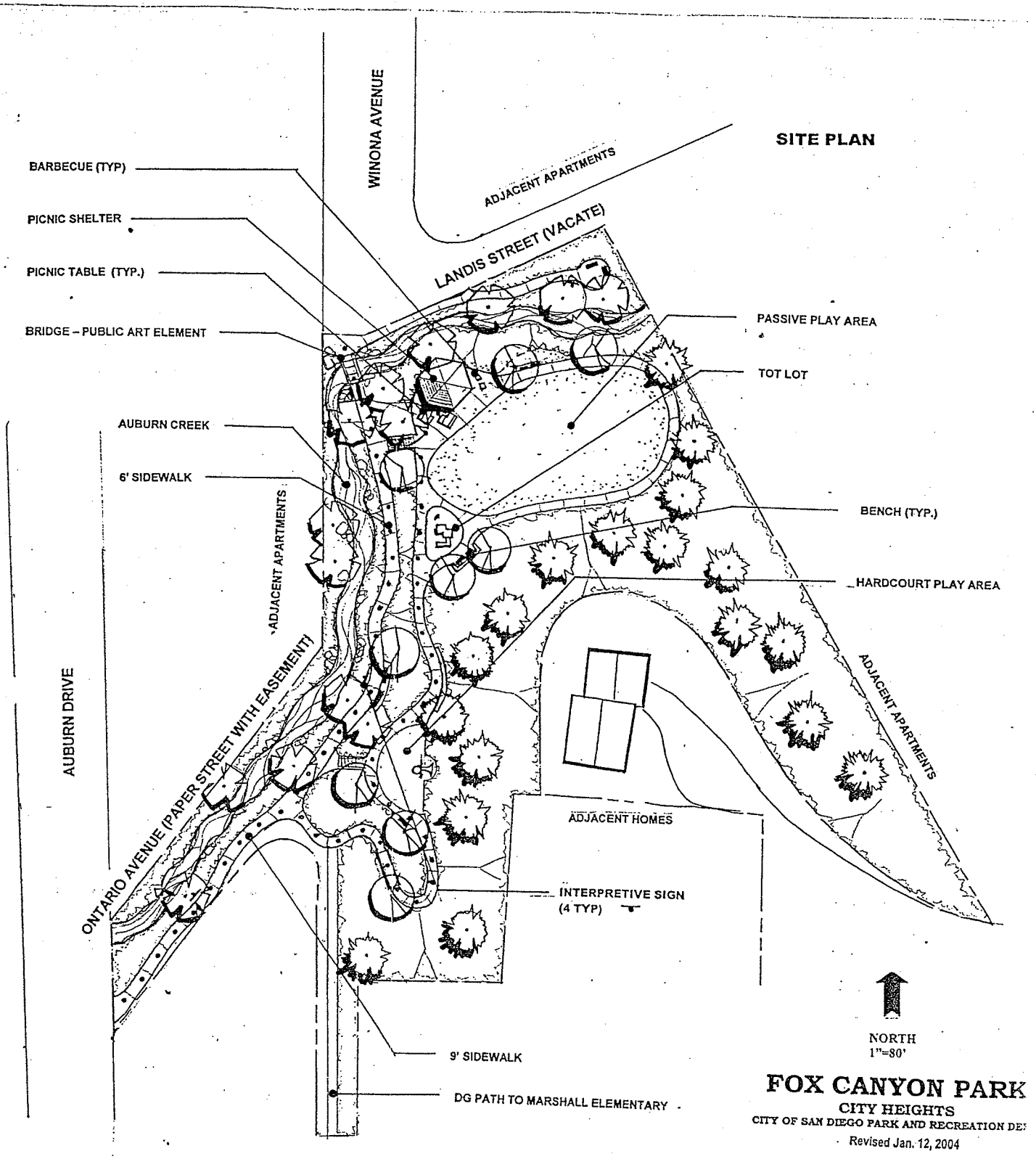
BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE CALIF. COORINATE SYSTEM NAD83, ZONE 6, AS DETERMINED LOCALLY ALONG THE NORTHEASTERLY LINE OF PM 12636 I.E., S 27° 24' 54" E (S 28° 51' 59" E)

Fox Canyon Park

Leases and Agreements

This grant proposal is for acquisition and development of Fox Canyon Park. There are no leases or agreements related to this project.


SITE PLAN
WINONA AVENUE
ADJACENT APARTMENTS
LANDIS STREET (VACATE)
BARBECUE (TYP)
PICNIC SHELTER
PICNIC TABLE (TYP.)
BRIDGE – PUBLIC ART ELEMENT
PASSIVE PLAY AREA
TOT LOT
AUBURN CREEK
6' SIDEWALK
ADJACENT APARTMENTS
BENCH (TYP.)
HARDCOURT PLAY AREA
AUBURN DRIVE
ONTARIO AVENUE (PAPER STREET WITH EASEMENT)
ADJACENT APARTMENTS
ADJACENT HOMES
INTERPRETIVE SIGN
(4 TYP)
9' SIDEWALK
DG PATH TO MARSHALL ELEMENTARY
NORTH
1"=80'
FOX CANYON PARK
CITY HEIGHTS
CITY OF SAN DIEGO PARK AND RECREATION DE
Revised Jan. 12, 2004

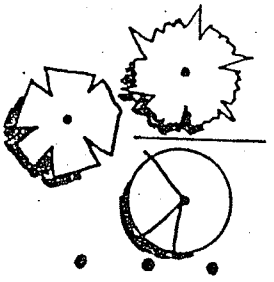
PLANT PALETTE AND LEGEND

CREEKSIDE PLANT PALETTE

Scientific Name	*Common Name*
Trees	
Platanus racemosa	Sycamore
Alnus rhombifolia	Alder
Populus species	Poplar
Salix species	Willow
Betula pendula	Birch
Shrubs	
Artemisia douglasiana	Artemisia
Baccaris solicifolia	Baccaris
Epilabium califoniaca	California Fuschia
Mimulus cardinales	Monkey Flower
Ribes speciosum	Fuschia-flowering Gooseberry
Rosa californica	California Rose
Sambucus mexicana	Blue Elderberry
Rhus laurina	Laurel Sumac
Ground Cover	
Ceanothus Horizontalis	Ceanothus
Arctostaphylis Edmunsii	Arctostaphylis
Baccaris Pilaris	Baccaris

SLOPE PLANT PALETTE

Scientific Name	*Common Name*
Trees	
Platanus racemosa	Sycamore
Alnus rhombifolia	Alder
Quercus agrifolia	Coast Live Oak
Shrubs	
Artemisia californica	Artemisia
Baccaris pilularis	Baccaria
Heteromeles arbutifolia	Toyon
Ribes speciosum	Fuschia-flowering Gooseberry
Rosa californica	California Rose
Sambucus mexicana	Blue Elderberry
Rhus laurina	Laurel Sumac
Ground Cover	
Acacia redolens	Acacia
Ceanothus Horizontalis	Ceanothus
Arctostaphylis Edmunsii	Arctostaphylis



LEGEND

SLOPE TREES (TYP.)

RIPARIAN TREES (TYP.)

SHADE TREES (TYP.)

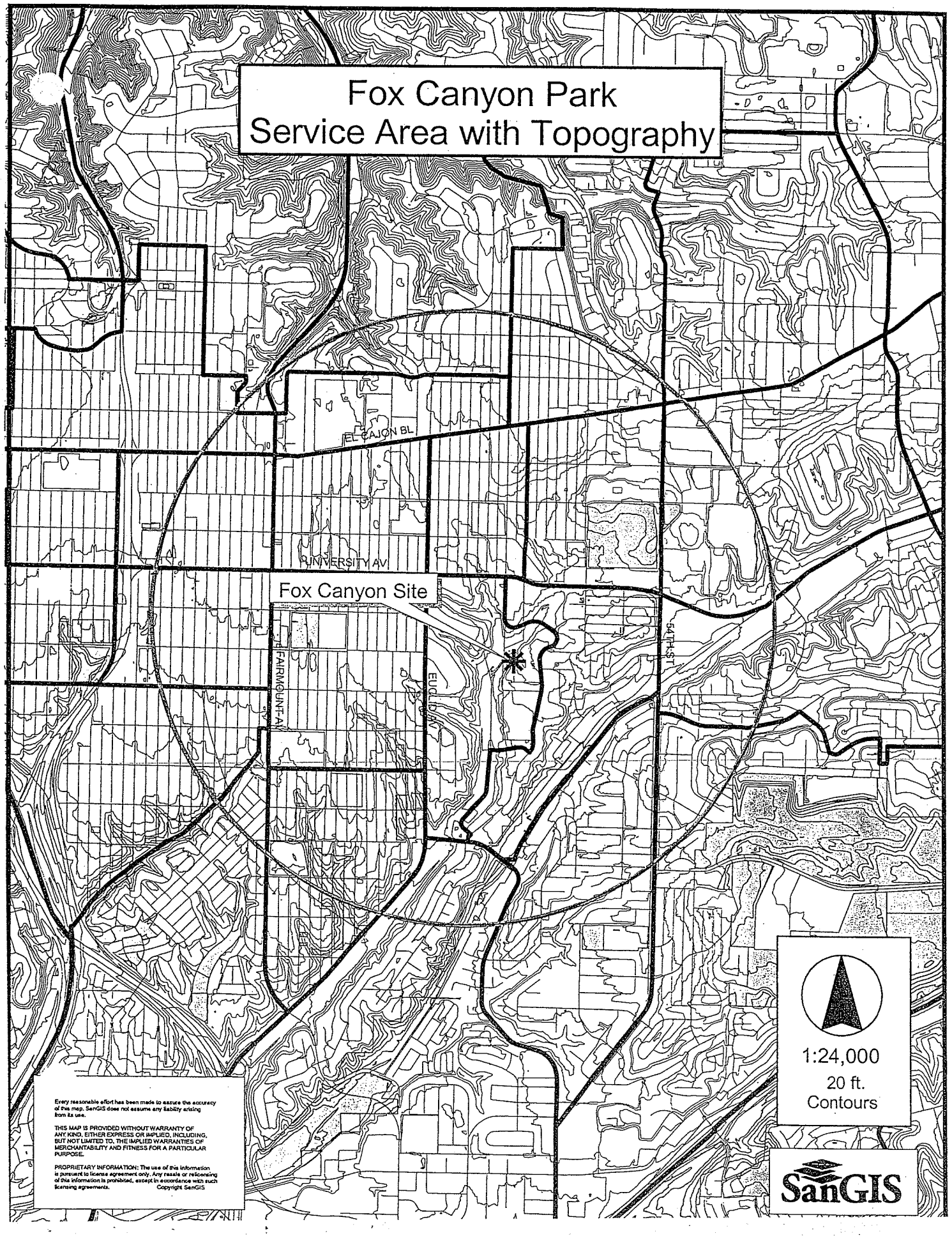
ADA PATH OF TRAVEL

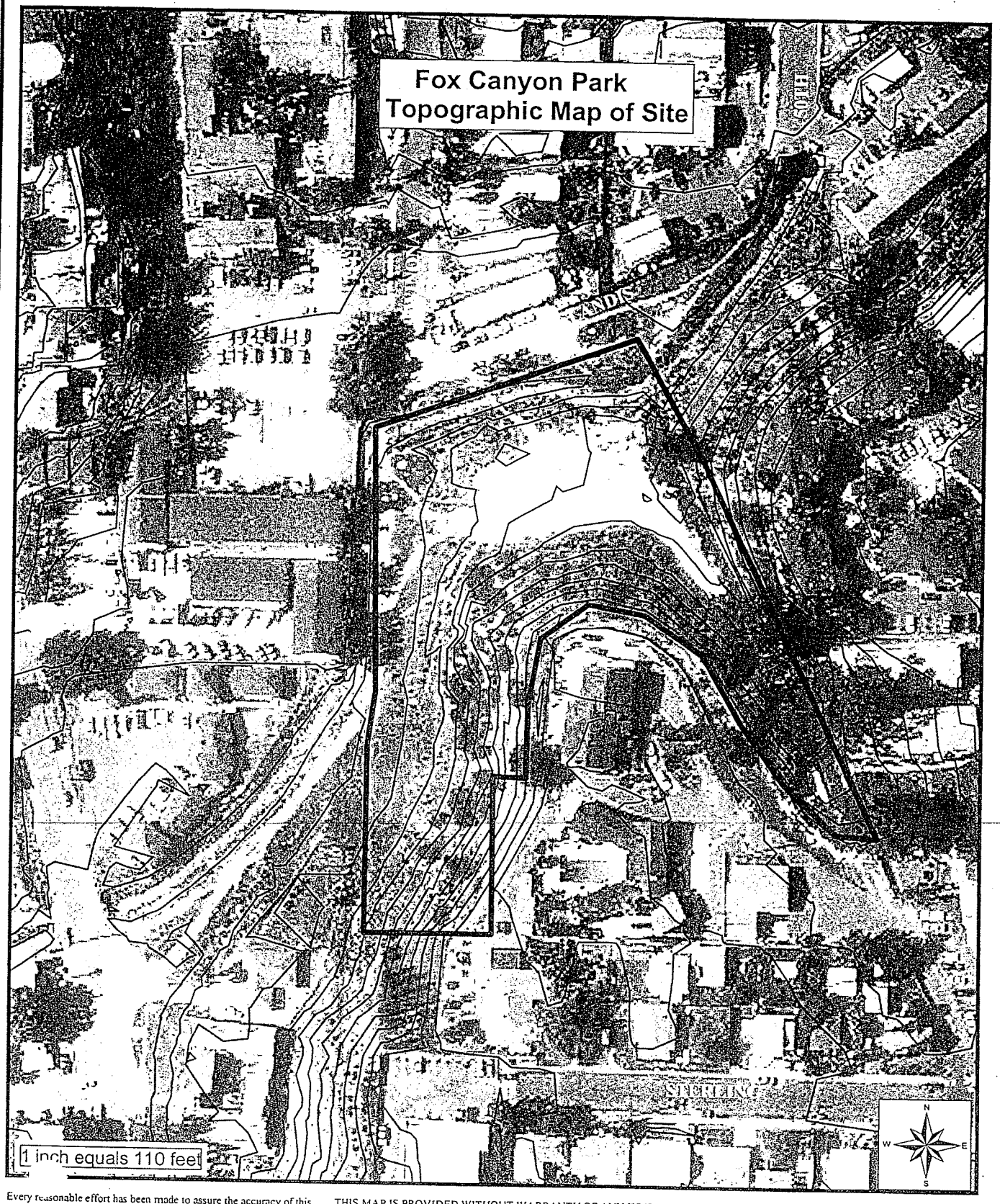
FOX CANYON PARK

CITY HEIGHTS

CITY OF SAN DIEGO PARK AND RECREATION DEPT.

Revised Jan. 12, 2004


Fox Canyon Park
Service Area with Topography
EL CAJON BL
UNIVERSITY AV
Fox Canyon Site
FAIRMOUNT AV
EUCLID AV
54TH ST
1:24,000
20 ft.
Contours
SanGIS
Every reasonable effort has been made to assure the accuracy of this map. SanGIS does not assume any liability arising from its use.
THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.
PROPRIETARY INFORMATION: The use of this information is pursuant to license agreement only. Any resale or relicensing of this information is prohibited, except in accordance with such licensing agreements. Copyright SanGIS



Every reasonable effort has been made to assure the accuracy of this map. However, neither the SanGIS participants nor San Diego Data Processing Corporation assume any liability arising from its use.

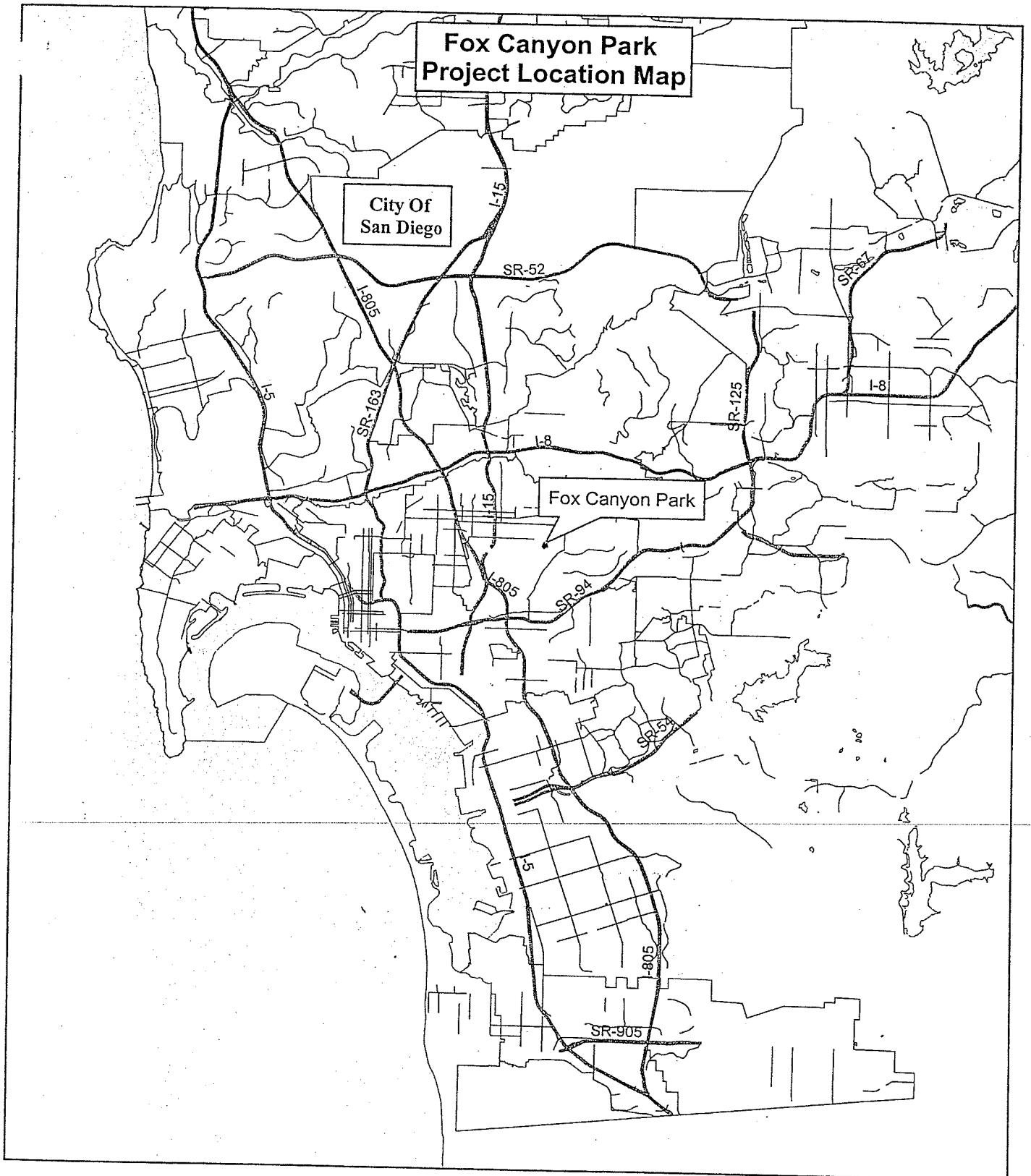
This map contains infomation from the San Diego Association of Governments (SANDAG) Regional Information System. This map cannot be reproduced without the written permission of SANDAG

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PUPOSE.

This map contains information which has been reproduced with permission granted by Thomas Brothers Map Company

PROPRIETARY INFORMATION: The use of this information is pursuant to sublicense agreement only. Any resale or relicensing of this information is prohibited, except in accordance with such sublicensing agreements.

SanGIS
We Have San Diego Covered!



Ever able effort has been made to assure the accuracy of this map. ever, neither the SanGIS participants nor San Diego Data Processing Corporation assume any liability arising from its use.

This map contains infomation from the San Diego Association of Governments (SANDAG) Regional Information System. This map cannot be reproduced without the written permission of SANDAG

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PUPOSE.

This map contains information which has been reproduced with permission granted by Thomas Brothers Map Company

PROPRIETARY INFORMATION: The use of this information is pursuant to sublicense agreement only. Any resale or relicensing of this information is prohibited, except in accordance with such sublicensing agreements.

SanGIS
We Have San Diego Covered!

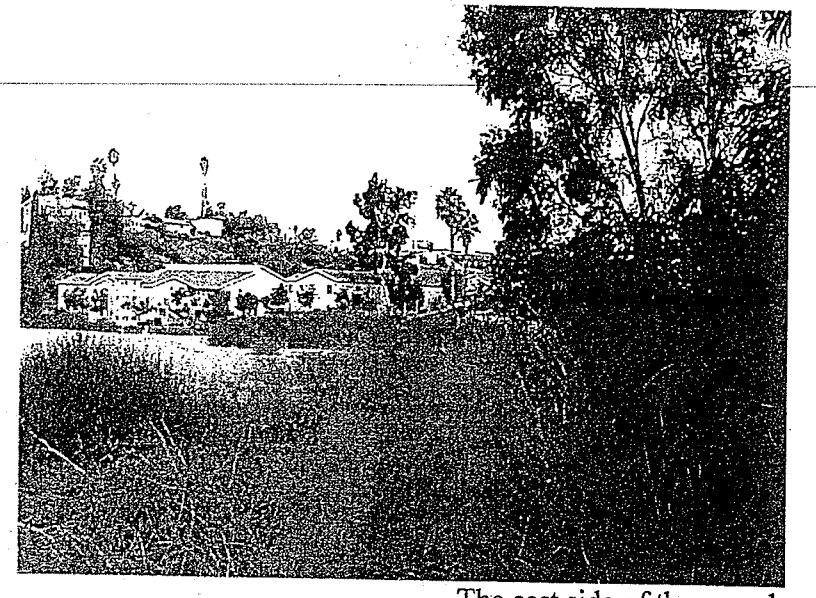
1 inch equals 1,395 feet

N
W E
S

Fox Canyon Park

Site Photographs
Main Area in Parcel

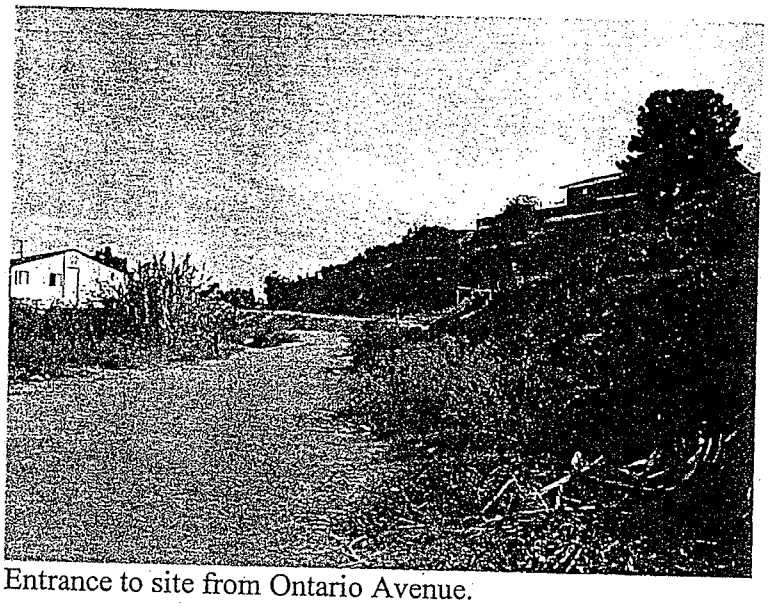
Site for proposed park, facing west.



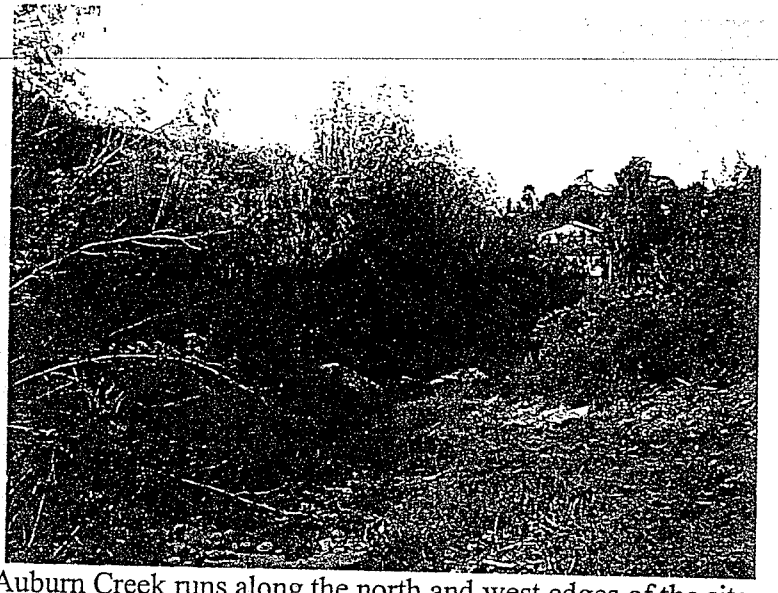
The east side of the parcel.

Fox Canyon Park

Site Photographs
South Entrance and Auburn Creek



Entrance to site from Ontario Avenue.



Auburn Creek runs along the north and west edges of the site.
This seasonal creek is usually dry in the summer.

Fox Canyon Park

Required Permits

Type	*Responsible Agency*	*Description*
Streambed Alteration Nationwide Permit	Army Corp of Engineers	This federal permit is required for any streambed alteration. The north entrance to Fox Canyon Park will be a pedestrian bridge over the creek.
Streambed Alteration Agreement	California Dept. of Fish and Game	This state permit is required for any streambed alteration. The north entrance to Fox Canyon Park will be a pedestrian bridge over the creek.
National Pollution Discharge Elimination Permit	California Regional Water Quality Control Board	This permit is required for regulation and monitoring of grading adjacent to Auburn Creek and includes the SWPPP.
Water Quality Certification Permit	California Regional Water Quality Control Board	This permit regulates water quality.
Site Development Permit	City of San Diego	This permit is required for grading and engineering to regulate erosion.

Fox Canyon Park

Non-Profit Requirements

The applicant is the City of San Diego. Non-profit requirements are not applicable.

Fox Canyon Neighborhood Park
Service Area Population and Park Acreage
Census Tracts within One-Mile Radius (2000 Census Data)

Population

Census Tract	Population	Percentage in the Service Area	Population in the Service Area
20.02	2,569	25%	642
21.00	5,588	7%	391
22.02	5,075	64%	3,248
23.01	3,023	100%	3,023
23.02	6,709	100%	6,709
24.02	5,102	74%	3,775
25.01	6,107	18%	1,099
25.02	5,854	4%	234
26.01	6,293	100%	6,293
26.02	4,649	67%	3,115
27.02	4,723	35%	1,653
27.03	6,447	17%	1,096
27.05	4,071	44%	1,791
27.06	8,096	6%	486
27.07	6,618	100%	6,618
27.08	7,093	100%	7,093
27.09	4,212	100%	4,212
27.10	4,174	100%	4,174
28.03	5,448	28%	1,525
34.01	5,890	7%	412
		Total Population:	**56,558**

Park Acres in Service Area

Colina del Sol Community Park	33.0
City Heights Community Park	3.0
Total Park Acres:	**36.0**

Park Acreage per 1,000 Residents

56,558/36	=	1,000/x acres
36,000	=	56,558x acres
x	=	**0.6 acres per 1,000 residents**

Fox Canyon Neighborhood Association, Inc.

Happiness is a Park for the Neighborhood!

SDASLA Community Design Workshop

Fox Canyon Neighborhood Parks

Saturday, June 28, 2003

8:30 AM to 2:00 PM.

Christ Church Unity

Wrigley Hall

3770 Altadena Avenue

(Our voting place)

The Fox Canyon Neighborhood Association and the San Diego Chapter of the American Society of Landscape Architects are honored to cordially invite you to participate in a community workshop to develop and design a network of parks in Fox Canyon.

Come and Join Us! Be a part of the design process and influence the future of YOUR neighborhood. Attend we need your support.

ASOCIACION DE VECINOS

Fox Canyon LA BARRANCA DEL ZORRO

Con un parque en el vecindario se Vive Mejor!

Su presencia es requerida y esta usted cordialmente Invitado a asistir al Taller Comunitario para diseñar un parque en Fox Canyon.

Dia Sabado, 28 de Junio del 2003,

8:30 de la mañana a 2:00 de la tarde.

3770 Altadena Avenue

Directions: *(como llegar)*

From the **South** -- Euclid (Loris) to Altadena (north), pass Marshall, Church on your left.
om the **North** - Euclid to ® on University, right on Winona, left on Wightman (up hill), Church on your right.
*Por el **Sur** -- Home, Euclid (Loris) a la Altadena (tome hasia el Norte), pase la escuela Marshall, Iglecia a su izquierda.*
*Por el **Norte** -- Euclid (derecha en) University, derecha en Winona, izquierda en Wightman. Igresia a su derecha.*
PARKING -- There's suffient parking across the street on **LANDIS** Street.
***ESTACIONAMIENTO** -- Al crusar la calle de la Iglesia, sobre la **LANDIS**.*

(Summary of Workshop Discussions)

SD- ASLA COMMUNITY DESIGN WORKSHOP 2003 TOGETHER WITH FOX CANYON NEIGHBOURHOOD ASSOCIATION PARK BRAINSTORMING SESSION

06-28-03

Attendees:
Reverend Blair Tabor – Christ Church Unity Minister
Jose Lopez – Fox Canyon Neighborhood Association
Laurel Hunter – Vice President of Community Design, SD-ASLA,
Natalie Lees-Shepard – Treasurer of SD-ASLA
Jo Ellen Jacoby – SDASLA
(See sign-in sheet for additional attendees)

Introduction:
Given by Reverend Tabor
Jose Lopez
Laurel Hunter, Jo Ellen Jacoby, and Natalie Lees-Shepard – Opportunity to provide a brainstorming session to discuss what Fox Canyon wants a park to be

What Do We Want a Park to Be/Provide:
- Sense of Community
- A Park as a place of beauty
  - Water Elements/Possibly Stream
  - Wildlife
  - Nature/ Terrain
- Peace, A peaceful place
- A place for recreation

SWOC Brainstorming Session:

Strengths
- The community
- Topography
- Vacant land available
- Political Support
- Strong sense of place
- Ethnic community gathering
- Sense of Community

Weaknesses
- Funding
- Safety
- Maintenance
- Purchasing Property

Opportunity
- Youth gathering
- Possibility to utilize creek
- After school activities
- Topography of Canyon
- Case studies – LA county

Concerns
- Maintenance
- Safety
- Gangs
- Purchasing Property

Possible Park Elements/Uses:

- Native/Drought Tolerant Plants
- Grass
- Water Fountain
- Sand
- Swing
- Cultural Gathering / Gazebo Area or Shade Structure
- Shadow / Shade
- Playground – Age separated
- Playground - Basketball
- Lighting
- Bike Path / Scooter
- Water Element
- Vibrant Colors / Alive
- Native
- Youth gathering
- If architecture, architecture as art/craft
- Landscape as art

Style:

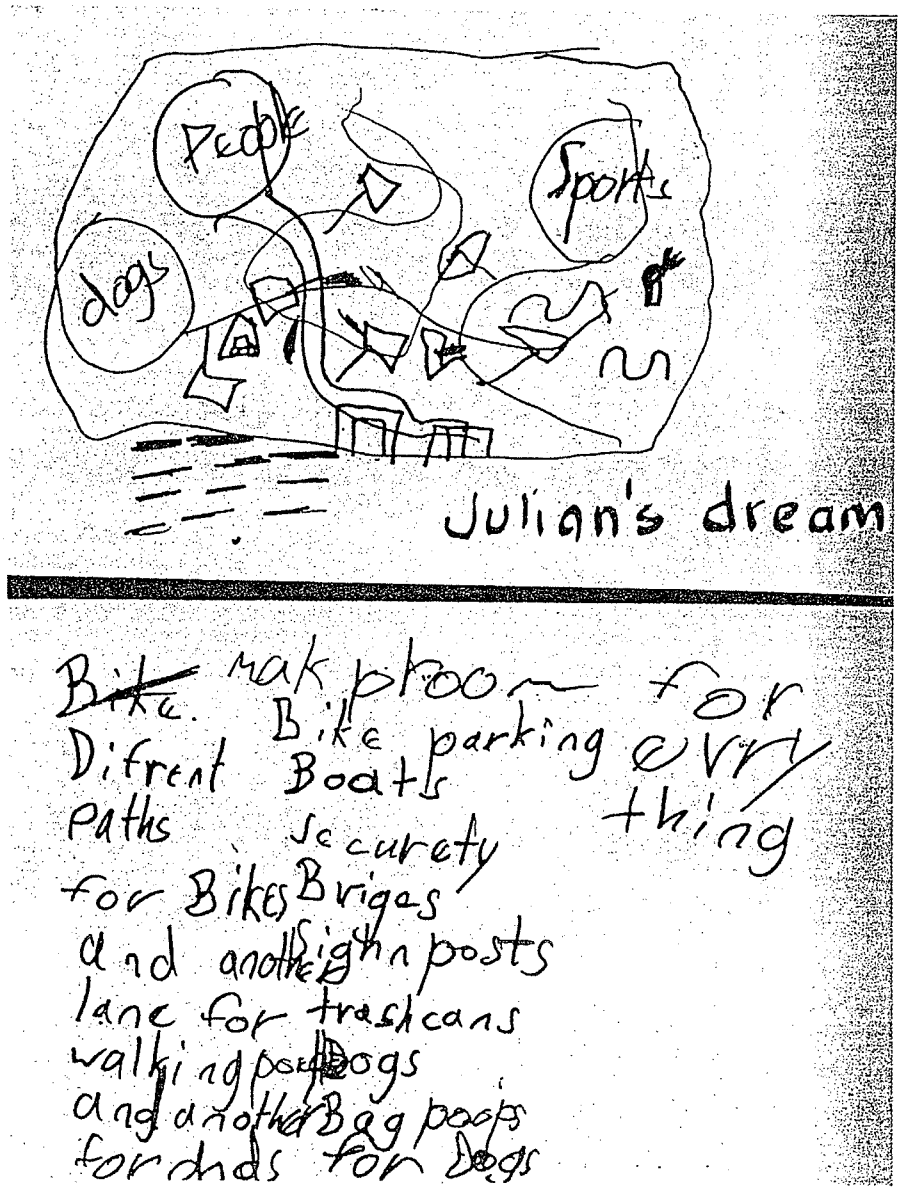
- Vibrant Colors / Alive
- Native / Natural
- Have a sense of place
- Safe haven with areas and elements
  (see LA county for case studies)
- Fitting with the environment

Conclusion:

Information to be sent out regarding next meeting.
Thank you to those participating.

Fox Canyon Park

Julian's Dream
Child's Picture of Park
From Public Workshop



COME SUPPORT ! A Park for the Community.

FOX CANYON COMMUNITY PARK PROJECT

Would you like a **park** behind **Marshall Elementary** equipped with a playground, proper night lighting and an educational trail to walk through?

Join Us on Monday, December 15, 2003 at
8:00 a.m. in Room 1
Meeting Organizer Ms. Granados (P. A. L.)

Marshall Elementary 3550 Altadena, San Diego, CA (619) 283-5924

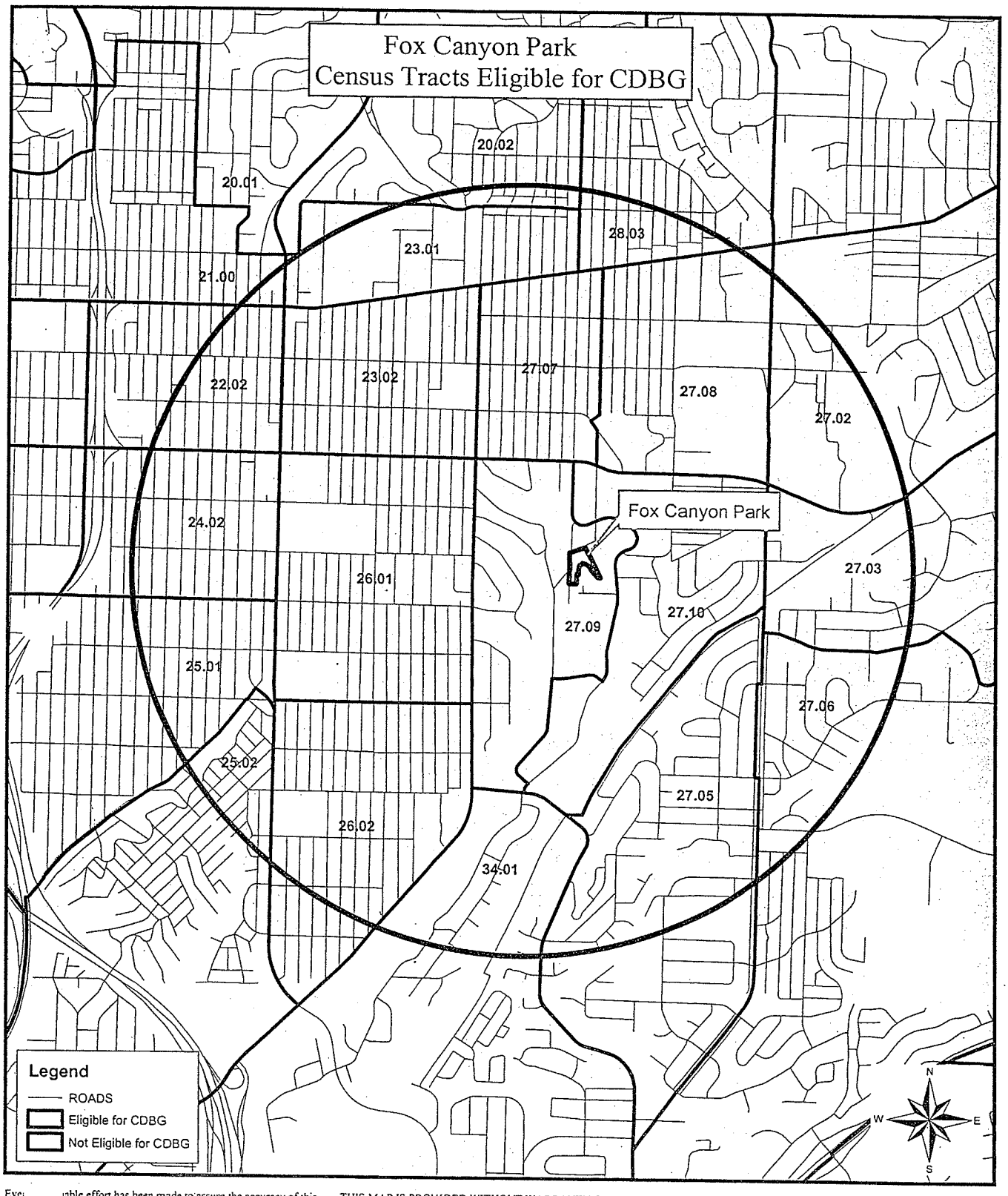
EL PROYECTO CAÑON DE FOX

Vengan y apoyen un PARQUE para la comunidad!.

¿Le gustaría ver un **PARQUE** detras de la escuela Primaria Marshall equipada con juegos, buen alubramiento, un camino pavimentado lleno de información educativa?

Acompañenos el **LUNES 15 de diciembre del** 2003
a las 8:00 a.m. de la mañana en el Salón 1
Organizadora de la junta Ms. Granados (P.A.L.)

Marshall Elementary 3550 Altadena, San Diego, CA. (619) 283-5924



Eve ıable effort has been made to assure the accuracy of this map. ver, neither the SanGIS participants nor San Diego Data Processing Corporation assume any liability arising from its use.

This map contains infomation from the San Diego Association of Governments (SANDAG) Regional Information System. This map cannot be reproduced without the written permission of SANDAG

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PUPOSE.

This map contains information which has been reproduced with permission granted by Thomas Brothers Map Company

PROPRIETARY INFORMATION: The use of this information is pursuant to sublicense agreement only. Any resale or relicensing of this information is prohibited, except in accordance with such sublicensing agreements.

SanGIS
We Have San Diego Covered!

12/24/2003

Fox Canyon Neighborhood Park

Census Tracts Determined as Low/Moderate Income per HUD Regulations for Community Development Block Grant

Census Tracts within One-Mile Radius

Census Tract	Eligible for CDBG	Percent of Population Low/Moderate Income
20.02	No	31.47
21.00	Yes	67.21
22.02	Yes	86.43
23.01	Yes	76.68
23.02	Yes	82.52
24.02	Yes	82.83
25.01	Yes	77.25
25.02	Yes	60.29
26.01	Yes	80.84
26.02	Yes	77.90
27.02	Yes	58.12
27.03	Yes	57.87
27.05	No	50.90
27.06	Yes	66.69
27.07	Yes	87.14
27.08	Yes	87.72
27.09	Yes	88.65
27.10	Yes	77.49
28.03	Yes	61.04
34.01	Yes	57.62
		1,416.66
	Number of Census Tracts:	20.00
	Average % of Low to Moderate Residents:	**70.83**

Eighteen of the twenty census tracts in the service area qualify for CDBG.

Crime ıtistics
City Heights East Neighborhoods within Service Area
Crime Rate per 1,000 Population

Calendar Year 2003

Calendar Year 2003 Jan. through Nov.	Murder	Rape	Armed Robbery	St. Arm Robbery	Agg Assault	Total Violent	Burglary Res.	Burglary Com.	Theft	Vehicle Theft	Total Property
Teralta West	0.21	0.86	1.93	2.36	6.02	11.39	5.80	1.72	13.33	15.69	36.54
Teralta East	0.00	0.65	1.46	2.11	8.78	13.01	3.58	0.81	12.36	13.33	30.08
Colina del Sol	0.08	0.32	0.24	2.15	8.35	11.14	4.14	1.59	9.39	10.34	25.46
El Cerrito	0.00	2.05	1.59	2.05	9.54	15.22	10.68	5.68	37.95	21.36	75.67
Castle	0.10	0.10	0.31	0.72	5.63	6.86	3.07	0.51	9.21	14.53	27.33
Talmadge	0.00	0.71	0.47	1.18	5.78	8.14	7.66	1.18	23.82	11.79	44.45
Fox Canyon	0.00	1.09	1.09	2.17	8.15	12.49	2.72	1.09	11.40	4.89	20.09
Islenair	0.00	0.00	0.00	0.00	14.84	14.84	14.84	0.00	14.84	7.42	37.11
Chollas Creek	0.18	0.88	0.18	0.53	7.88	9.63	3.15	1.75	6.48	10.86	22.24
Swan Canyon	0.23	0.23	1.41	0.47	7.74	10.09	3.52	1.17	7.74	14.31	26.75
Oak Park	0.08	0.47	0.39	0.93	3.96	5.82	6.20	3.18	22.42	10.55	42.35
Darnall	0.00	0.00	0.53	0.53	4.13	5.20	7.60	1.73	15.47	10.53	35.33
Area Average	**0.07**	**0.61**	**0.80**	**1.27**	**7.57**	10.32	**6.08**	**1.70**	**15.37**	**12.13**	**35.28**
City Average	**0.05**	**0.34**	**0.53**	**0.80**	**4.31**	6.04	**4.00**	**2.57**	**20.72**	**10.23**	**37.52**

The service area's average crime rate is comparable with the citywide average for property crimes,
but it is **1.7 times higher** than the citywide average for violent crimes.
Compared with the citywide figures, the crime rates for murder, rape, robbery and assault are significantly higher within the proposed park's service area.

Note: In calendar year 2003, the Police Department divided the City Heights East beat into a number of smaller beats listed above.
Note: Figures for total crime rate and actual crimes for calendar year 2003 (Jan. - Dec.) will be available as of March 2004.

Crime S stics
City Heights East Neighborhoods within Service Area
Crime Rate per 1,000 Population

Calendar Years 2002 and 2001

Calendar Year 2002 Jan. through Dec.	Murder	Rape	Robbery Armed	Robbery St Arm	Agg Assault	Total Violent	Burglary Res	Burglary Comm	Theft	Vehicle Theft	Total Property
City Heights East	0.11	0.53	0.84	1.17	7.66	10.30	5.21	1.17	12.95	11.33	30.66
Oak Park	0.00	0.15	0.77	0.92	4.78	6.63	3.85	1.93	15.64	7.94	29.36
Talmadge	0.00	0.34	0.92	0.92	5.74	7.91	9.06	1.84	28.22	11.36	50.47
Area Average	**0.04**	**0.34**	**0.84**	**1.00**	**6.06**	8.28	**6.04**	**1.65**	**18.94**	**10.21**	**36.83**
City Average	**0.04**	**0.26**	**0.51**	**0.78**	**4.13**	**5.73**	**3.66**	**2.42**	**19.57**	**8.53**	**34.19**

Calendar Year 2001 Jan. through Dec.	Murder	Rape	Robbery (Combined)	Agg Assault	Total Violent	Burglary Res	Burglary Comm	Theft	Vehicle Theft	Total Property
City Heights East	0.00	0.45	2.14	13.45	13.45	3.42	0.64	12.00	10.41	26.48
Oak Park	0.00	0.23	1.15	3.85	5.24	5.01	3.47	11.56	7.24	27.28
Talmadge	0.00	0.34	2.29	4.93	7.57	6.19	0.80	23.74	12.04	42.79
Area Average	**0.00**	**0.34**	**1.86**	**7.41**	8.75	**4.87**	**1.64**	**15.77**	**9.90**	**32.18**
City Average	**0.04**	**0.26**	**0.51** **0.78**	**4.13**	**5.73**	**3.66**	**2.42**	**19.57**	**8.53**	**34.19**

The service area average crime rate is comparable with the citywide average for property crimes, but it is significantly higher for violent crimes such as murder, rape, robbery and assault.

Note: In calendar year 2003, the City Heights East beat was divided into a number of smaller beats for data collection purposes. Also, statistics on robbery were changed between 2001 and 2002, defining armed robbery and strong armed robbery.

Crime tistics
City Heights East Neighborhoods within Service Area
Actual Crimes

Calendar Years 2002 and 2001

Calendar Year 2002 Jan. through Dec.	Murder	Rape	Armed	Robbery St Arm	Agg Assault	Total Violent	Res	Burglary Comm	Theft	Vehicle Theft	Total Property
City Heights East	4	19	30	42	275	370	187	42	465	407	1,101
Oak Park	0	2	10	12	62	86	50	25	203	103	381
Talmadge	0	3	8	8	50	69	79	16	246	99	440
2002 Total Crimes	**4**	**24**	**48**	**62**	**387**	**525**	**316**	**83**	**914**	**609**	**1,922**

Calendar Year 2001 Jan. through Dec.	Murder	Rape	Robbery (Combined)	Agg Assault	Total Violent	Res	Burglary Comm	Theft	Vehicle Theft	Total Property
City Heights East	0	16	77	390	483	123	23	431	374	951
Oak Park	0	3	15	50	68	65	45	150	94	354
Talmadge	0	3	20	43	66	54	7	207	105	373
2001 Total Crimes	**0**	**22**	**0** **112**	**483**	**617**	**242**	**75**	**788**	**573**	**1,678**

The service area average crime rate is comparable with the citywide average for property crimes, but it is significantly higher for violent crimes such as murder, rape, robbery and assault.

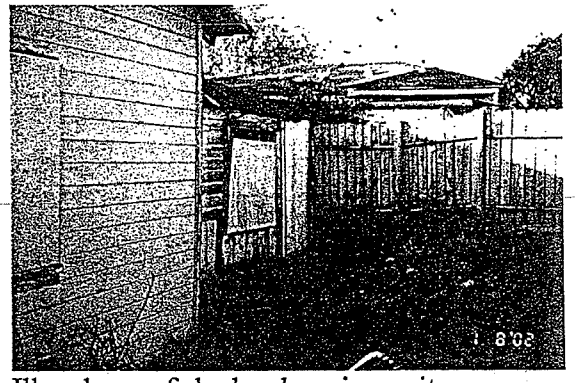
Note: In calendar year 2003, the City Heights East area was divided into a number of smaller areas for data collection purposes. Also, statistics on robbery were changed between 2001 and 2002, clarifying armed robbery and strong armed robbery.

Fox Canyon Area

Blight and Code Violations

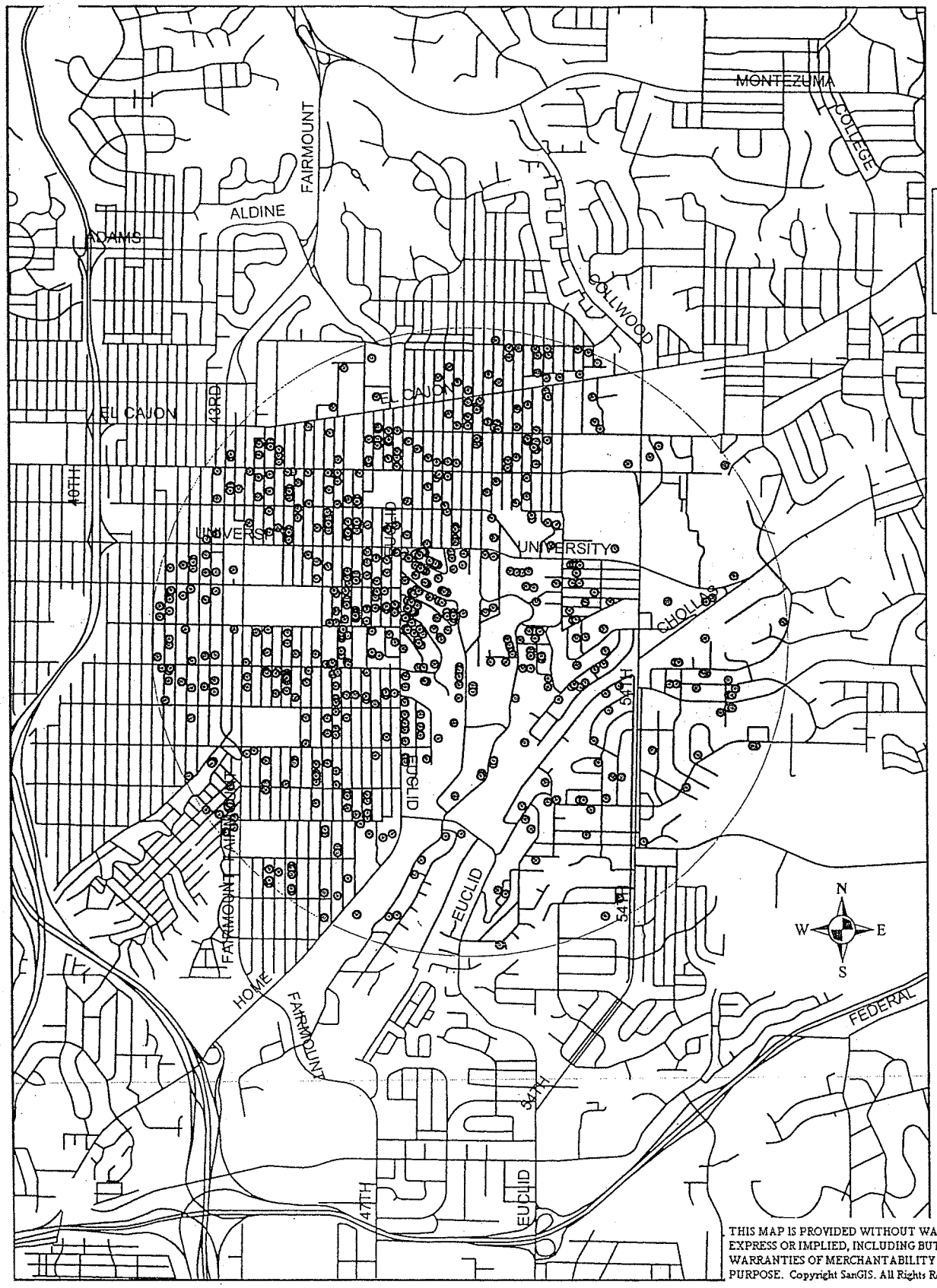
Boarded and vacant residential home.

Boarded and vacant business.



Illegal use of shed as housing unit.

FY2003 Building Violations



Legend

- Actual Violations FY 2003
- SANGIS.RD_MAJOR
- SANGIS.RD_ALL_SD
- One Mile Radius

0 2,150 4,300 8,600 Feet

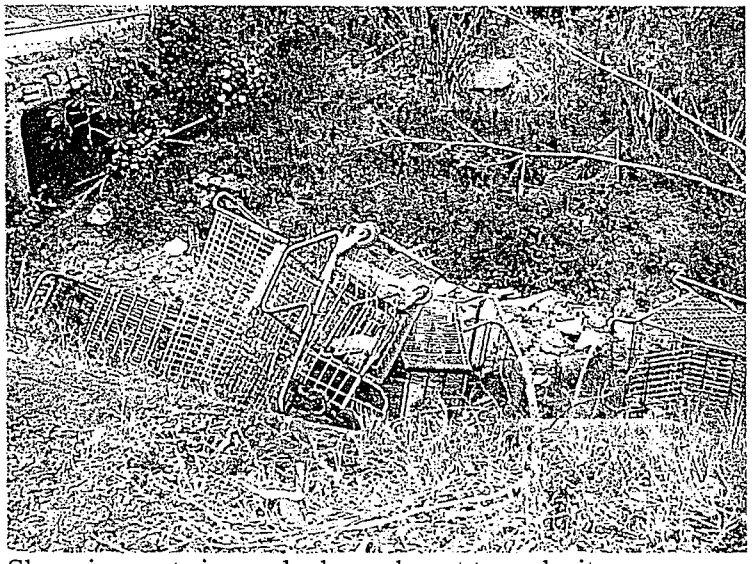
THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. Copyright SanGIS. All Rights Reserved.

This product may contain information from the SANDAG Regional Information System that cannot be reproduced without the written permission of SANDAG.

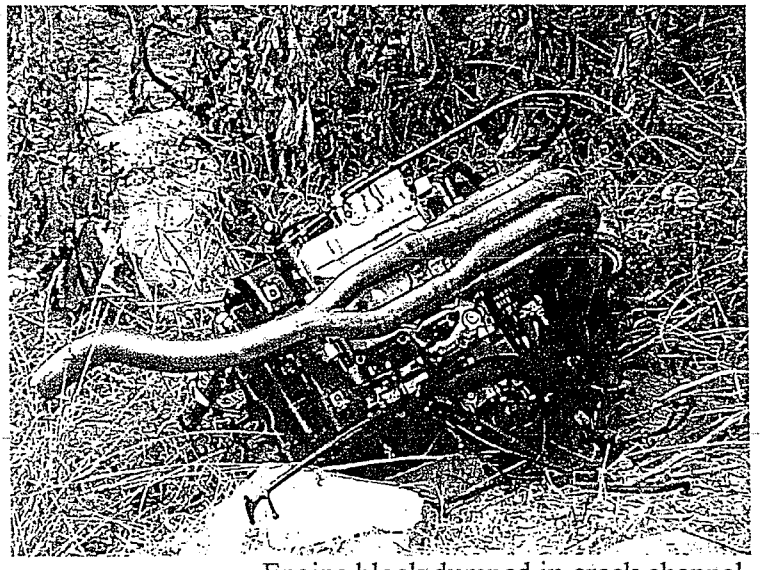
This product may contain information that has been reproduced with permission

Fox Canyon Park

Blight - Illegal Dumping in Auburn Creek



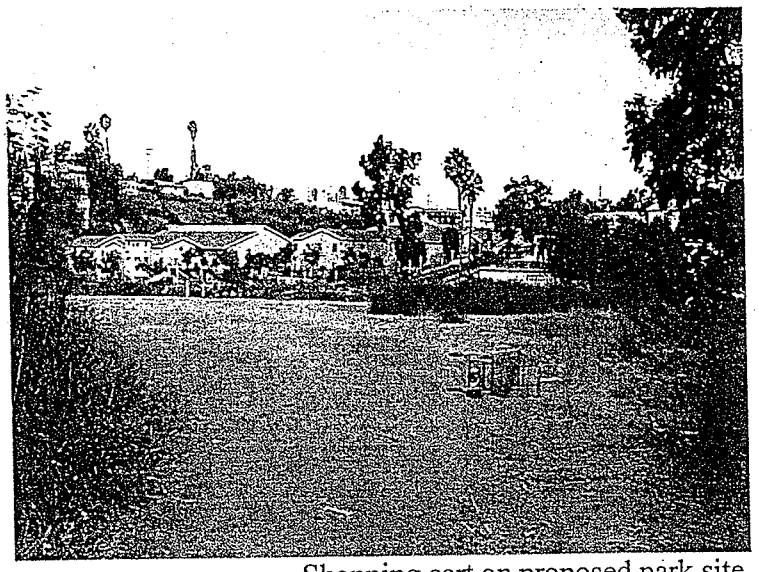
Shopping carts in creek channel next to park site.



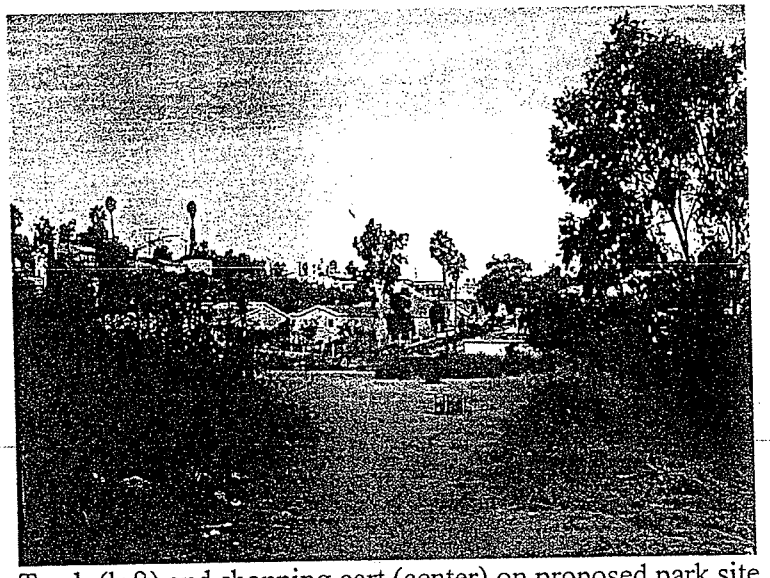
Engine block dumped in creek channel.

Fox Canyon Park

Blight - Illegal Dumping on Proposed Site



Shopping cart on proposed park site.



Trash (left) and shopping cart (center) on proposed park site.

STATE CAPITOL, ROOM 5050
SACRAMENTO, CA 95814-4900
TEL (916) 445-3952
FAX (916) 327-2188

DISTRICT OFFICE
1557 COLUMBIA STREET
DIEGO, CA 92101-2934
EL (619) 645-3090
FAX (619) 645-3094

SENATOR.ALPERT@SEN.CA.GOV

California State Senate

SENATOR
DEDE ALPERT
THIRTY-NINTH SENATORIAL DISTRICT
CHAIR
SENATE APPROPRIATIONS COMMITTEE

COMMITTEES
CHAIR, APPROPRIATIONS
AGRICULTURE AND WATER RESOURCES
EDUCATION
NATURAL RESOURCES AND WILDLIFE
REVENUE AND TAXATION

SELECT COMMITTEES
CHAIR, FAMILY, CHILD AND YOUTH DEVELOPMENT

JOINT COMMITTEES
CHAIR, MASTER PLAN FOR EDUCATION
VICE CHAIR, FISHERIES AND AQUACULTURE

December 9, 2003

Ellen Oppenheim, Director
Park and Recreation Department
City of San Diego
202 C Street, MS 9B
San Diego, CA 92101

RE: Grant Proposal for Fox Canyon Park

Dear Ms. Oppenheim:

This letter is in support of the City of San Diego's application for a new park in Fox Canyon. This proposal is submitted to the State Parks and Recreation Department for consideration under the Urban Park Act of 2001.

It is my understanding that the City of San Diego will acquire property located near Ontario Avenue and Landis Street for park development. Park space and structured activities will provide local residents and their children with positive recreational opportunities. The park plans include a playground, basketball court, picnic area, shade structure and grassy area for free play. The design of the park will reflect the vibrant character of this neighborhood.

I urge your favorable consideration of this application.

Sincerely,

Dede Alpert

SENATOR DEDE ALPERT
39th District

DA: jo

Printed on Recycled Paper

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0078
(916) 319-2078
FAX (916) 319-2178

DISTRICT OFFICE
7144 BROADWAY AVENUE
LEMON GROVE, CA 91945
(619) 462-7878
FAX (619) 462-0078

Assembly
California Legislature

SHIRLEY HORTON
ASSEMBLYMEMBER, SEVENTY-EIGHTH DISTRICT

COMMITTEES:
VICE CHAIR
BUSINESS & PROFESSIONS
MEMBER
HIGHER EDUCATION
WATER, PARKS & WILDLIFE
LABOR & EMPLOYMENT
JOBS, ECONOMIC DEVELOPMENT & THE ECONOMY

December 5, 2003

Ms. Ellen Oppenheim
Director
Park and Recreation Department
City of San Diego
202 C Street, MS 9B
San Diego, CA 92101

Re: Urban Park Act of 2001 Grant Application

Dear Ms. Oppenheim:

This letter is to express my support for the City of San Diego's grant application to the Urban Park Act of 2001 for a park in the Fox Canyon neighborhood. This area is located in the 78th Assembly District.

Fox Canyon can be described as an under served neighborhood. A number of city planning documents identify this high-density area as deficient in park acreage. Also, children and young adults are at-risk. Crime, juvenile violence and gang activity are high.

Residents of this community would like parks and recreation opportunities for their children. The Fox Canyon Neighborhood Association has been working for over two years on a report detailing the creation of a system of parks. Residents have participated in park planning, including a workshop last summer. The community is extremely enthusiastic about the acquisition and development of a park in Fox Canyon.

I strongly encourage the City of San Diego and the State of California to support this worthwhile proposal.

Sincerely,

Shirley Horton

SHIRLEY HORTON
Assemblywoman, 78th District

Printed on Recycled Paper

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0076
(916) 319-2076
Fax: (916) 319-2176

DISTRICT OFFICE
1010 UNIVERSITY AVE., STE. C-207
SAN DIEGO, CA 92103
(619) 294-7600
Fax: (619) 294-2348

RECEIVED
JAN 6 2004
PARK & RECREATION DIRECTOR

Assembly California Legislature

CHRISTINE KEHOE
ASSEMBLYMEMBER, SEVENTY-SIXTH DISTRICT
SPEAKER PRO TEMPORE

COMMITTEES:
ARTS, ENTERTAINMENT, SPORTS, TOURISM & INTERNET MEDIA
HOUSING & COMMUNITY DEVELOPMENT
PUBLIC EMPLOYEES, RETIREMENT AND SOCIAL SECURITY
TRANSPORTATION
WATER, PARKS AND WILDLIFE
VETERANS AFFAIRS

JOINT COMMITTEES:
JOINT LEGISLATIVE AUDIT

SELECT COMMITTEES:
CHAIR, PARK AND RIVER RESTORATION
CHAIR, WETLANDS
BIOTECHNOLOGY
CALIFORNIA AND LATIN AMERICAN AFFAIRS
COMMUNITY COLLEGES
EQUAL ACCESS TO PRESCHOOL
HIGHWAY PATROL
TITLE IX

MEMBER:
CHAIR, CALIFORNIA LEGISLATIVE LESBIAN, GAY, BISEXUAL AND TRANSGENDER CAUCUS
MILTON MARKS COMMISSION ON CALIFORNIA STATE GOVERNMENTAL ORGANIZATION AND ECONOMY (LITTLE HOOVER COMMISSION)

December 18, 2003

Ms. Ellen Oppenheim, Director
Park and Recreation Department
City of San Diego
202 C Street, MS 9B
San Diego, CA 92101

Re: Urban Park Grant Application for Fox Canyon Park

Dear Ms. Oppenheim:

It is my pleasure to support the City of San Diego's grant application to the State of California for the Urban Park Act. The proposal calls for the acquisition and development of a park in Fox Canyon, a severely park-deficient neighborhood.

The City of San Diego is currently negotiating with a willing seller to purchase a parcel at Ontario Avenue and Landis Street in Fox Canyon. As planned, the new park will include a playground, hard court play area, and grassy area for free play. It will also include a picnic area and shade structure, drinking fountains, sidewalk and landscaping.

The development of this park will greatly enhance the quality of life, and provide a beautiful public space for this multi-cultural, park-deficient neighborhood. Completion of these park improvements will create a positive and active environment for recreation, social gatherings and educational opportunities.

I hope you will join me in supporting the development of this important park land, and I urge your favorable consideration of this application.

Sincerely,

Christine Kehoe

Christine Kehoe
Speaker Pro Tempore
Assemblymember, 76th District

FAXED
1-6-04
to Sandy in April

CK:jw

Web address: http://democrats.assembly.ca.gov/members/a76/default.htm
e-mail: Assemblymember.Kehoe@assembly.ca.gov

THE CITY OF SAN DIEGO

JIM MADAFFER
COUNCILMEMBER
SEVENTH DISTRICT

RECEIVED
DEC - 4 2003
PARK & RECREATION DIRECTOR

December 19, 2003

Ms. Ellen Oppenheim, Director
Park and Recreation Department
City of San Diego
202 C Street, MS 9B
San Diego, CA 92101

Re: Fox Canyon Park

Dear Ms. Oppenheim:

I would like to express my strongest support for the acquisition and development of a park in the Fox Canyon neighborhood. This grant proposal is being submitted to the State of California Parks and Recreation Department for funding consideration under the Urban Park Act. At present, the City of San Diego is negotiating with a willing seller for the acquisition of this property, and the City is committing a significant financial match to create the Fox Canyon Park.

This proposal embodies the intent of the Urban Park Act: to provide park facilities in least-served communities. According to the City of San Diego's Mid-City Plan, this high-density area is grossly deficient in park acreage. While this area faces many challenges, the Fox Canyon Neighborhood Association is actively involved with a number of community improvement projects. This group has prepared a report on parks, a critical priority for this area. The residents envision a series of parks, trails and habitat restoration along Auburn Creek. Fox Canyon Park will be the first major step toward this goal.

I would like to invite staff from the State Parks and Recreation Department to visit this community and to assess the merits of this proposal. I urge the State of California to approve this grant request which will help transform the residents' dream into reality.

Sincerely,

Jim Madaffer
Councilmember

CITY ADMINISTRATION BUILDING • 202 "C" STREET • SAN DIEGO • CALIFORNIA 92101
Tel. (619) 236-6677 • Fax: (619) 238-1360 • Website: www.jimmadaffer.com

SAN DIEGO CITY SCHOOLS

EUGENE BRUCKER EDUCATION CENTER ◆
4100 Normal Street, San Diego, CA 92103-2682 ◆

(619) 725-5506
Fax: (619) 291-7182
E-mail: abersin@mail.sandi.net

Alan D. Bersin
Superintendent of Public Education

December 10, 2003

Ms. Ellen Oppenheim, Director
Park and Recreation Department
City of San Diego
202 C Street, MS 37C
San Diego, CA 92101

Re: Fox Canyon Park

Dear Ms. Oppenheim:

I am writing on behalf of the San Diego City Schools in support of the City of San Diego's grant application to the Urban Park Act of 2001 for a park in Fox Canyon. The city is currently negotiating with a willing seller for the acquisition of a parcel near Ontario Avenue.

The proposed park site is very close to Marshall Elementary School located at 3550 Altadena Avenue. This school has an enrollment of over 700 students in kindergarten through fifth grade. Of these students, 100 percent are certified eligible for the meals program.

A new park will provide opportunities for educational and recreational activities. The site is next to Auburn Creek, which provides inspiration for education on such topics as water quality, native plants and animals, habitat restoration, and Native American history. Fox Canyon Park will be available to students from Marshall Elementary School on a regular basis for field trips, open-air classroom and recreation.

A park in Fox Canyon will benefit the students during school hours and after school as well. I hope you will join us in supporting this proposal.

For our students,

Alan D. Bersin
Superintendent of Public Education

John Marshall Elementary School

3550 Altadena Avenue
San Diego, CA 92105
(619) 283-5954 voice
(619) 563- 4762 fax

December 15, 2003

Ms. Ellen Oppenheim, Director,
Park and Recreation Department,
City of San Diego
202 'C' Street, MS-9B
San Diego, CA 92101

Re: Letter of Support for Fox Canyon Park

Dear Ms. Oppenheim:

This letter is in support of the grant application to the Urban Parks Act. Approval of the grant by the State Park and Recreation Department would allow our community a park in Fox Canyon.

Marshall Elementary School is right at the edge of the proposed site of this park. In addition, Marshall is highly diverse as students come from many different ethnic and racial backgrounds such as Hispanic, African-American, and Indo-Chinese. Almost 75% of the alumni are English learners; these are students with a home language other than English who have been identified as having no or limited English proficiency.

The new park will include a playground, hard court play and grassy areas for free play. It will also include a trail, uniting the school to the park, a picnic area and shade structure, drinking fountains, sidewalks, and landscaping. The park will be available to the students of John Marshall Elementary School on regular basis for educational purposes as an open-air classroom for field trips.

We would like to encourage the State to fund this grant request. A park for Fox Canyon will benefit the students greatly and expand their recreational and educational opportunities.

Sincerely,

Jois Mickowski,
Principal

Arcelia Granados,
Parent Academic Liaison

San Diego Park and Recreation Department
Colina del Sol Recreation Council
5319 Orange Ave.
San Diego, CA 92115

December 19, 2003

Ms. Ellen Oppenheim
Director
Park and Recreation Department
City of San Diego
202 C Street, MS 9B
San Diego, CA 92101

Re: Fox Canyon Park Grant Application

Dear Ms. Ellen Oppenheim:

This letter is in support of the City of San Diego's grant application to the Urban Park Act of 2001 for the acquisition and development of a park in Fox Canyon.

The Colina del Sol Recreation Council is an advisory board to the City of San Diego Park and Recreation Department in regard to park facilities and sports programming.

There are very few parks in our high-density area. The children and young adults are at risk, and they need more park facilities and positive activities. The creation of a new park will help meet the recreational needs of our community, especially the young people.

Thank you for the opportunity to express our support for this project. We encourage your favorable consideration of the Fox Canyon Park.

Sincerely,

Doris M. Perry

Vice Chair, Colina del Sol Recreation Council

4916 Lantana Drive
San Diego, Ca 92105-2941
(619) 282-2788, Fax 640-5310
FoxCanyonN@aol.com

Fox Canyon Neighborhood Association, Inc. A Nonprofit Corporation

January 8, 2004

Ms. Ellen Oppenheim, Director
Park and Recreation Department
City of San Diego
202 C Street, MS 9B
San Diego, CA 92101

RE: LETTER TO SUPPORT A PARK IN FOX CANYON

Dear Ms. Oppenheim:

With a great deal of hope and enthusiasm, I am writing to support the City of San Diego's grant application for funding through the Urban Park Act. This proposal will acquire and develop a park in the Fox Canyon neighborhood.

Fox Canyon is a landlocked and densely built neighborhood, in urgent need of parks and open spaces for its inhabitants to take refuge from daily pressures and to enhance the beauty of our community's topography. Today, our children play in open drain ditches and on the streets, putting in danger their lives and the security of drivers and pedestrians, as well. With the approval of this grant, the day is fast approaching, in which, our children will play in a set apart and well developed park, with green grass, secure and protected. And not in storm-drain ditches, bowls of mud, clouds of dust and seas of garbage and trash, risking their health and lives, as they do now.

The City of San Diego is currently negotiating with a willing seller to purchase a parcel located at Ontario, Winona Avenues, and Landis Street. As planned, the new park will include a playground, hard Court play area and grassy fields for free play. It will also include a picnic area and a shade structure, drinking fountains, sidewalk and landscaping. An educational trail will link the park to John Marshall Elementary School.

In addition, the development of this park will greatly enhance the quality of life, and provide a beautiful public space for my multi-cultural, park-deficient community. Completion of these park improvements will bring to fruition a four-year community dream to create a positive and active environment for recreation, social gatherings, and educational opportunities.

I sincerely hope that you will join my community and me in supporting the development of this vitally important parkland. Therefore, I urge your favorable consideration of this application.

Respectfully,

Jose Lopez, President

URBAN CORPS SAN DIEGO

BOARD OF DIRECTORS

MICHAEL STERNS, President
Vice President of Marketing
and Quality Service
First Future Credit Union

JUDY McCARTY, Vice-president
Former City Councilwoman
City of San Diego

DANIEL MORALES, Secretary
Community Services Liaison
San Diego Housing Commission

NICK STAMOS, Treasurer
President and
Chief Executive Officer (retired)
San Francisco Bay Area Council,
Boy Scouts of America

JESS HARO
President, Haro Lumber Company

LEON BROOKS
Principal
Leon Brooks and Associates

TONY GOMES
Purchasing, Stores Supervisor
C. P. KELCO

CLARICE GAYLORD
Senior Policy Analyst
Environmental Protection Agency
(retired)

RALPH "WIL" WILLIAMS
Vice President
Corporate Communications
Titan Corporation

CHARLOTTE NIELSEN
Community Volunteer

Chief Executive Officer
SAM M. DURAN

PAST DIRECTORS

MARION WILBUR
Founding Member

MANNY AGUILAR • FOREST W. BREHM
ROGER CAZARES • GITFON CHEUNG • BARRY C.
COLLINS • GWEN COPELAND • GLEN ESTELL •
RICHARD HAACK • JIM HANSEN • JUDGE NAPOLEON
JONES, JR. • TIM LARRICK • LINDA LeGERRETTE •
JAQUELINE LOAIZA • ART LUJAN • TONY MAURICIO •
MARK K. NELSON • STEPHEN NOTTOLI • RAZIA
RICHTER • DR. BERTHA PENDLETON • DONA PORRECA
• LYNN A. SCHENK • DR. FRANK TILL
ROSALIND A. WINSTEAD • JON WRIGHT

December 22, 2003

Ellen Oppenheim, Director
Park and Recreation Department
City of San Diego
202 C Street, MS 37C
San Diego, CA 92101

Re: Letter of Support for Fox Canyon Park

Dear Ms. Oppenheim:

I am writing to support the City of San Diego's grant application for funding through the Urban Park Act of 2001 for the acquisition and development of Fox Canyon Park. The development of this site will provide a beautiful public space for this multi-cultural neighborhood. Completion of this park will create a positive and active environment for recreation, social gatherings and educational opportunities. The development of this park will also help mitigate the larger community issues of significant poverty, property blight, high youth unemployment, shortage of youth services, and high youth drop out.

As a partner organization, Urban Corps directly benefits from collaborative relationships with the City of San Diego Park and Recreation Department. Our organization is a non-profit job-training program for at-risk young adults. We have devised a recruitment structure that will specifically target young men and women from the Fox Canyon neighborhood. Recruits will receive formal education, job skills, as well as community pride and ownership through the creation of these recreational facilities. This partnership opportunity will greatly expand our capacity to bring educational and occupational success to youth throughout the city and county of San Diego.

I believe this project fully meets the intent of the Urban Park Act of 2001, and hope that the Grant Review Committee will give the City of San Diego every consideration to be awarded funding for this worthwhile project.

Sincerely,

Sam Duran
Chief Executive Officer

85

SAN DIEGO REVITALIZATION CORPORATION
4305 University Avenue, Suite 600
San Diego, CA 92105
(619)795-2000 FAX (619)255-2799

RECEIVED
DEC 15 2003
PARK & RECREATION DIRECTOR

December 11, 2003

Ms. Ellen Oppenheim, Director
Park and Recreation Department
City of San Diego
202 "C" Street, MS 9B
San Diego, CA 92101

Re: Support for Fox Canyon Park

Dear Ms. Oppenheim:

I am writing on behalf of San Diego Revitalization Corporation, a branch of Price Charities. We focus our philanthropic efforts on building a City Heights community which allows people to transform their neighborhood into a safe, spirited and opportunity rich place to live and thrive. We support the City of San Diego's grant application for funding a Fox Canyon Park through the Urban Park Act. This proposal will acquire and develop a park in the Fox Canyon neighborhood near University Avenue and Euclid Avenue.

The City of San Diego is currently negotiating with a willing seller to purchase a parcel at Ontario Avenue and Landis Street. As planned, the new park will include a playground, hard-court play area, and grassy area for free play. It will also include a picnic area and shade structure, drinking fountains, sidewalk and landscaping.

The development of this park will greatly enhance the quality of life, and provide a beautiful public space for this multi-cultural, park-deficient neighborhood. Completion of these park improvements will create a positive and active environment for recreation, social gatherings and educational opportunities.

Regards,

Matthew Hervey
Community Development Director

MH:llh

12/11/2003
1:38 PM
P:\Matthew\Oppenheim-FoxCynSup.doc

December 18, 2003

Mr. Joshua Brady
Project Officer
CA Department of Parks & Recreation
Office of Grants and Local Services
P. O. Box 942896
Sacramento, CA 94296-0001

Dear Mr. Brady:

I am a service area lieutenant for the San Diego Police Department. I supervise the neighborhoods of City Heights East, which includes the neighborhood of Fox Canyon. My purpose in writing is to encourage funding of a grant to establish a park in Fox Canyon.

Fox Canyon is an extremely diverse and densely populated neighborhood. Some 86 languages are spoken in City Heights East, reflecting the immigration of people from East Africa, Southeast Asia, and Mexico. What these people have in common is the desire to raise their children in a safe neighborhood with safe places to play. Unfortunately, City Heights East does not have enough parks to accommodate the number of young families who live here. If designed properly (i.e. giving equal attention to aesthetics and environmental factors that discourage loitering and ensure safety), parks are an excellent outlet for children and can keep them from trouble and harmful influences.

If the City of San Diego's application is favorably reviewed, I look forward to working with planners to design a park that meets the needs of the community and the police department. Thank you for your consideration of this application.

Sincerely,

Kevin Rooney, Lieutenant
Mid-City Division.

AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, DECEMBER 8, 2003 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

LEGISLATIVE SCHEDULE

Special Orders of Business

ITEM-30: Kids Can Do Day.
COUNCILMEMBER PETERS' RECOMMENDATION: Adopt the resolution.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to Ordinance O-18939 adopted on September 24, 2001

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items (Continued)

ITEM-119: Grant Applications for Murray-Hayden Urban Parks and Youth Service Program (MHUPYS) – Paradise Hills Community Park Skate Park & Improvements and Bay Terraces Community Center & Joint-Use Facility. Skyline and Paradise Hills Community Areas. (Dist. 4)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

ITEM-120: Urban Park Act of 2001 Competitive Grant Program Grant Applications for the 39th Street Park Development, Fox Canyon Park Acquisition and Development, and 252 Corridor Park Development Projects. Normal Heights, City Heights, and Southeastern San Diego Community Areas. (Dists. 3, 7, and 8)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

ITEM-121: Five actions related to Amendments to the Formation Procedures for the Crossroads, Barrio Logan, and North Park Project Area Committees (PACs) and Other Related Actions. Barrio Logan Harbor 101, College Area, Mid-City, and North Park Community Areas. (Dists. 3, 4, and 7)
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.

ITEM-122: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (Dist. 8)
TODAY'S ACTION IS: Adopt the resolution.

ITEM-123: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region. (Dist. 8)
TODAY'S ACTION IS: Adopt the resolution.

ITEM-124: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).
TODAY'S ACTION IS: Adopt the resolution.

ITEM-125: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.
TODAY'S ACTION IS: Adopt the resolution.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-120: Urban Park Act of 2001 Competitive Grant Program Grant Applications for the 39th Street Park Development, Fox Canyon Park Acquisition and Development, and 252 Corridor Park Development Projects.

(Normal Heights, City Heights, and Southeastern San Diego Community Areas. Districts-3, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-620)

Authorizing the City Manager, or his representative, to apply to the Urban Park Act of 2001 Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 (UPA), for the grants for 39th Street Park Development, Fox Canyon Park Acquisition and Development, and 252 Corridor Park Development (Project);

Authorizing the City Manager, or his representative, to take all necessary actions to secure the Grants and to negotiate and execute all agreements necessary to comply with the UPA's grant requirements;

Authorizing the City Manager to accept the grants, if they are secured;

Authorizing the City Auditor and Comptroller to establish special interest-bearing funds for the grants;

Authorizing, upon receipt of fully executed grant agreements, an increase of $3,000,000 to the Fiscal Year 2004 Capital Improvement Program Budget, CIP-29-702.0, Normal Heights Community Park – Development;

Authorizing the City Auditor and Comptroller, upon receipt of fully executed grant agreements, to appropriate and expend an amount not to exceed $3,000,000 from CIP-29-702.0, Normal Heights Community Park – Development, for the Project;

Authorizing, upon receipt of fully executed grant agreements, an increase of $3,000,000 to the Fiscal Year 2004 Capital Improvement Program Budget, CIP-29-596.0, Fox Canyon Park;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-120: (Continued)

Authorizing the City Auditor and Comptroller, upon receipt of fully executed grant agreements, to appropriate and expend an amount not to exceed $3,000,000 from CIP-29-596.0, Fox Canyon Park, for the Project;

Authorizing, upon receipt of fully executed grant agreements, an increase of $3,000,000 to the Fiscal Year 2004 Capital Improvement Program Budget, CIP-29-458.0, 252 Corridor Park – North;

Authorizing the City Auditor and Comptroller, upon receipt of fully executed grant agreements, to appropriate and expend an amount not to exceed $3,000,000 from CIP-29-458.0, 252 Corridor Park – North, for the Project;

Certifying that the City Council has, or will have, prior to commencement of work on these Projects, the proportional match and sufficient maintenance funds;

Declaring that the City Council has reviewed and understands the special and general provisions contained in the sample project agreement shown in the procedural guide;

Certifying that the Project conforms to the recreation element of the City's General Plan.

CITY MANAGER SUPPORTING INFORMATION:

The State of California Department of Parks and Recreation administers the Urban Park Act of 2001 Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002. The intent of this program is to provide grant funding for the acquisition and development of parks, recreation areas, and facilities in neighborhoods currently least served by park and recreation providers, to provide safe recreational opportunities for children, positive outlets for youth, the special recreational and social needs of senior citizens, and other urban population groups.

This action authorizes the City Manager to submit three competitive grant proposals to the State of California department of Parks and Recreation, for 1) Normal Heights Community Park - Development: construct a community center in the park and increase park acreage by vacation of a portion of 40th Street; 2) Fox Canyon Park: acquire property, design and construct neighborhood park; and 3) 252 Corridor Park: design and construct neighborhood park. Each of these park sites is in a park deficient neighborhood.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-120: (Continued)

FISCAL IMPACT:

If the grants are secured, the City could receive up to $9,000,000 to complete three park projects. The funding request along with funds currently appropriated to each project will completely construct proposed improvements. No additional City funds are required for these grant proposals. Matching funds proportional to each grant proposal are already appropriated to each Capital Improvement Project.

Herring/Oppenheim/AP

EXHIBIT NO. 13

Copy to April. cc Patty
E-8/12

FAXED 8-12-03

RECEIVED
AUG 11 2003
PARK & RECREATION DIRECTOR

City Of San Diego
COUNCILMEMBER JIM MADAFFER
DISTRICT SEVEN

MEMORANDUM

M-03-08-03 **Please refer to this number when responding to this memo**

DATE: **August 8, 2003**

TO: **City Manager Michael Uberuaga**

FROM: **Councilmember Jim Madaffer**

SUBJECT: **Creation of a Cost Accumulation Account**

I would like to request that a cost accumulation account be created for CIP 295960, Fox Canyon Park. It is my intention that City departments (Real Estate Assets, Park and Recreation and Transportation-Streets Division) will be able to charge staff time into this account for the purpose of staff time necessary for acquiring land for a new neighborhood park in District 7.

Charges up to $30,000 to this Code 50 account will be paid by District 7 CDBG Special Project Funds. I would like to request that each department that will be billing to this account submit a summary of their proposed activities associated with this action (i.e. general information- surveys, maps, permits etc.) in order to keep my staff informed about the actions associated with this type of project. I would also like to request that if there is need to spend more then the allocated $30,000, that it be submitted to my office in writing as a proposal by the requesting department.

If you have any questions please feel free to contact my office. Thank you for your assistance with this matter.

JM/co

cc: Ellen Oppenheim, Park and Recreation Director
William Griffith, Real Estate Assets Director
Cruz Gonzalez, Transportation Director
Ed Ryan, City Auditor and Comptroller

EXHIBIT NO. 14

CITY OF SAN DIEGO
MEMORANDUM

DATE: September 29, 2003

TO: Councilmember Jim Madaffer

FROM: April Penera, Deputy Director, Park and Recreation Department
Park Planning and Development Division

SUBJECT: Creation of a Cost Accumulation Account

This is in response to your memo (M-03-08-03) dated August 8, 2003 requesting a cost accumulation account be created for CIP 295960, Fox Canyon Park- Acquisition and Development, for the purpose of tracking the cost of staff time for land acquisition activities.

Park and Recreation Department processed a job order request to open CIP 295960 as a cost accumulation account. The following departments are currently authorized to use the job order number: Park and Recreation, Real Estate Assets and Transportation-Streets Division. Project Manager JoEllen Jacoby will coordinate the provision of a summary of each charging Department's proposed activities associated with the land acquisition and justification of any request for funding above $30,000 to your office as you request. It may be necessary to open the cost accumulation account to additional departments. If so we will include that information on the summary. Park Planning and Development Division will proceed with processing a request for council action to fund CIP 295960 as follows: CDBG ($30,000); Mid-City Park Development Fees (amount to be determined).

Your interest and assistance with this project is appreciated. Please call me, 525-8223, or JoEllen Jacoby, 533-4017, if you have any questions.

April Penera

cc: Ellen Oppenheim, Park and Recreation Director
William Griffith, Real Estate Assets Director
Cruz Gonzalez, Transportation Director
Ed Ryan, City Auditor and Comptroller
Elyse Olson, Council Representative, Council District 7
JoEllen Jacoby, Project Manager, Park and Recreation Department
Park Planning and Development Division
Judy Stone, Acting AIM Coordinator

AIM # 03-0258

EXHIBIT NO. 15

Assembly Bill No. 1481

CHAPTER 876

An act to add Chapter 3.3 (commencing with Section 5640) to Division 5 of the Public Resources Code, relating to parks and recreation.

[Approved by Governor October 13, 2001. Filed with Secretary of State October 14, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1481, Frommer. Urban Park Act of 2001.

The existing Roberti-Z'Berg-Harris Urban Open-Space and Recreation Program Act provides for annual grants to cities, counties, and districts, as defined, for recreational and open-space purposes and for block grants for the rehabilitation of historic structures within a park or recreational area.

This bill would enact the Urban Park Act of 2001, which would require the Department of Parks and Recreation to establish a local assistance program under which the department would offer grants, on a competitive basis, to various local entities and nonprofit organizations, as defined, for the acquisition or development, or both, of urban parks and recreational areas and facilities.

The bill would require the department, in evaluating applications for grants, to assign priority to applications for projects that meet specified criteria. The bill would authorize the department to adopt guidelines to amplify or clarify the criteria, and to propose additional criteria to provide guidance in selecting projects in areas that have the greatest deficiencies in parks and recreation facilities.

The bill would allow a grant recipient to use grant funds to pay for any portion of the cost of cleaning up, removing, or remediating any toxic materials or hazardous substances, if the amount used for cleanup, removal, or remediation does not exceed a specified amount. The bill would require the department, by April 30, 2003, and on or before April 30 annually thereafter, to submit a report to the Legislature on the status of each grant made pursuant to the act. The bill would provide that provisions of the act shall only be implemented during those fiscal years for which funding is appropriated for that purpose in the annual Budget Act.

The people of the State of California do enact as follows:

SECTION 1. Chapter 3.3 (commencing with Section 5640) is added to Division 5 of the Public Resources Code, to read:

CHAPTER 3.3. THE URBAN PARK ACT OF 2001

5640. This chapter shall be known, and may be cited, as the Urban Park Act of 2001 or the Urban Parks Initiative.

5641. The Legislature hereby finds and declares as follows:

(a) The program created by this chapter will finance the acquisition and development of parks and recreation areas and facilities in the neighborhoods that are currently least served by park and recreation providers. These neighborhoods are often the same areas that suffer most from high unemployment and destructive or unlawful conduct by youth.

(b) The program established by the chapter will encourage community participation in, and a greater sense of responsibility toward, new parks and recreation areas and facilities, which will help keep them clean and safe and which will enhance community pride and sustain neighborhood vitality.

(c) New parks and facilities will provide safe recreational opportunities for children and positive outlets for youth, and will meet the special recreational and social needs of senior citizens and other urban population groups.

5642. As used in this article, the following terms shall have the following meanings:

(a) "City" means a city or a city and county.

(b) "District" means a regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3, or a recreation and park district formed pursuant to Chapter 4 (commencing with Section 5780).

(c) "Facilities" includes, but is not limited to, places for organized team sports, outdoor recreation, and informal turf play; nonmotorized recreational trails; permanent play structures; landscaping; places for passive recreation, enjoyment of scenic open space, nature appreciation and study, and outdoor education; multipurpose structures designed to meet the special recreational, educational, vocational, and social needs of youth, senior citizens, and other urban population groups; and infrastructure and other improvements that support these facilities.

(d) "Heavily urbanized county" means a county with a population of 500,000 or more, and a density of at least 1,100 persons per square mile, based on the most recent verifiable census data.

(e) "Nonprofit organization" means any nonprofit public benefit corporation formed pursuant to the Nonprofit Corporation Law (Division 2 (commencing with Section 5000) of the Corporations Code), qualified to do business in California, qualified under Section 501(c)(3) of Title 26 of the United States Code, and that has among its primary purposes the preservation, protection, or enhancement of land or water resources in their natural, scenic, historical, agricultural, forested, or open space condition or use, or the provision of conservation and environmental education and other recreational, vocational, and educational services to urban youth.

5643. The Department of Parks and Recreation shall establish a local assistance program to offer grants, on a competitive basis, to eligible cities, counties, joint powers authorities, any district except a school district authorized to provide park, recreational, or open-space services, or a combination of those services, and nonprofit organizations for the acquisition or development, or both, of property for urban parks and recreation areas and facilities.

5644. The following entities are eligible to apply for grants pursuant to this chapter:

(a) A heavily urbanized county.

(b) Any city or district, or joint powers authority that includes a city or district, irrespective of population, in a heavily urbanized county.

(c) Any city with a population of 100,000 or more, based on the most recent verifiable census data, which is not in a heavily urbanized county.

(d) A nonprofit organization that is applying for a grant for a project located within the jurisdiction of an entity that meets the requirements of subdivision (a), (b), or (c).

5645. The department may award a grant pursuant to this chapter only for a project that meets all of the following requirements:

(a) The proposed project is within the jurisdiction of an eligible applicant, as specified in Section 5644.

(b) The project will result in the creation of a new urban park or new recreational or multipurpose facility.

5646. In evaluating applications for grants that meet the requirements of Section 5645, the department shall assign higher priority to applications, for each of the following criteria satisfied:

(a) The amount of the grant applied for, together with any matching contribution, will meet all the costs of acquiring or developing, or both, the new urban park or facilities, and when construction of the project is completed, the new urban park or facility will be fully usable by the residents of the project's service area.

(b) The project's service area has significant deficiencies in parks and facilities relative to other areas of the applicant's jurisdiction.

(c) The project will enhance employment opportunities for residents, including at-risk youth, of the project's service area, or of members of the California Conservation Corps or certified local conservation corps.

(d) The project will accommodate outdoor learning opportunities for school pupils or at-risk youth from the project's service area, or of members of the California Conservation Corps or certified conservation corps.

(e) The project will be usable by pupils from one or more public schools in the project's service area.

(f) The application includes a commitment for a matching contribution. The matching contributions may be in the form of money from any source, including funds from other state local assistance programs; gifts of real property, equipment, and consumable supplies; volunteer services; free or reduced-cost use of land, facilities, or equipment; and bequests and income from wills, estates, and trusts. The department shall evaluate the amount of the matching contribution in terms of its proportionality in relation to the economic resources of the applicant.

(g) The project will wholly or partly replace an area of blight, or will contribute significantly to the economic revitalization of the area in the project's service area.

(h) The development phase of the project was planned with public input from the affected community.

(i) The project is a joint-use project between two or more agencies that share responsibility for ownership, development, and maintenance of the project.

5647. (a) The department may adopt guidelines to amplify or clarify the criteria specified in Section 5646, and may adopt additional criteria, to supplement those criteria, but the scope of the additional criteria shall be limited to providing additional guidance in selecting projects in areas that have the greatest deficiencies in parks and facilities.

(b) The department may develop a procedural guide for the administration of this chapter and the guidance of applicants.

(c) The department shall solicit written comments and hold public hearings at convenient locations throughout the state on any guideline or procedural guide that is proposed to be adopted or developed pursuant to this section.

(d) If the department determines to adopt guidelines or to develop a procedural guide pursuant to this section, the department shall adopt the guidelines or develop the procedural guide on or before April 1, 2002.

(e) Any regulation or procedural guide adopted or developed pursuant to this section shall not be subject to the review or approval of the Office of Administrative Law or to any other requirement of Chapter

3.5 (commencing with Section 11340) of Division 3 of Title 2 of the Government Code.

(f) The department may not expend more than 5 percent of the amount annually appropriated for the purposes of this chapter for administrative costs.

5648. (a) The local assistance program created by this chapter is intended to include grants for the acquisition or development, or both, of parcels of property of any size that will serve urban residents and otherwise meet the requirements of this chapter. The department shall not assign an application a lower priority on the basis that the application proposes the acquisition of a city lot or other small parcel.

(b) A grant may be expended to acquire the fee title, a leasehold, or other interest in real property. If an application proposes to acquire less than fee title, the applicant shall demonstrate in the application, to the satisfaction of the department, that the proposed project will provide public benefits that are commensurate with the type and duration of the interest in real property to be acquired.

5649. Any eligible nonprofit organization may apply for a grant on its own behalf or on behalf of an eligible city, county, or district pursuant to a contract with that city, county, or district to acquire and develop the urban park or recreation area. The application shall include a copy of the contract and the resolution or other authorization for the contract. The contract shall specify arrangements for the long-term management and operation of the urban park or recreation area.

5650. (a) Every applicant for a grant pursuant to this chapter and the entity that will operate and maintain the property, if that entity is different than the applicant, shall agree to comply with all of the following requirements:

(1) To operate and maintain the property developed pursuant to this chapter so that it is usable by residents of the project's service area. With the approval of the department, the grant recipient, or its successor in interest in the property, may transfer its property interest and the responsibility to operate and maintain the property, in accordance with the terms of the grant and any applicable law, to a public agency or nonprofit organization that is able to operate and maintain the property in perpetuity. Any attempt to make a transfer in violation of this subdivision is void.

(2) To use the property only for the purposes for which the grant was made and to make no other use or sale or other disposition of the property, except as authorized by specific act of the Legislature. If the use of the property is changed to a use that is not permitted by the terms of the grant, or if the property is sold or otherwise disposed of, the grant recipient shall reimburse the state an amount equal to the amount of the

grant, the fair market value of the land and any improvements constructed with the grant, or the proceeds from the sale or other disposition, whichever amount is greatest. If the property that is sold or otherwise disposed of is less than the entire interest in the property funded with the grant, the grant recipient shall reimburse the state an amount equal to either the proceeds from the sale or other disposition of the interest or the fair market value of the interest sold or otherwise disposed of, whichever amount is greater.

(b) In lieu of seeking reimbursement pursuant to paragraph (2) of subdivision (a), the department may impose restrictions on the use of public park property identical to the requirements for the preservation of public parks set forth in the Public Park Preservation Act of 1971 (Chapter 2.5 (commencing with Section 5400)) with respect to any property used, sold, or otherwise disposed of in a manner not permitted by the terms of the grant.

5651. The recipient of a grant pursuant to this chapter may use the grant funds to pay for any portion of the cost of cleaning up, removing, or remediating any toxic materials or hazardous substances, if the amount used for cleanup, removal, or remediation does not exceed the lesser of 20 percent of the grant allocated to the project or one hundred thousand dollars ($100,000).

5652. A grant recipient shall encumber grant moneys within three years of the date of the approval of the grant.

5653. On or before April 30, 2003, and on or before April 30 annually thereafter, the department shall submit a report to the Legislature on the status of each grant made pursuant to this chapter.

5654. The provisions of this chapter shall be implemented only in a fiscal year for which funding is provided for that purpose in the annual Budget Act.

O

EXHIBIT NO. 16

JoEllen Jacoby - Fox Canyon

From: JoEllen Jacoby
To: MacKenzie, Lane
Date: 12/2/2003 8:51 AM
Subject: Fox Canyon

Hello Lane,
I need to report on the sched. for Fox Canyon this afternoon. When do you see the appraisal complete? When do you see the 1472 going to council?
I have completed a conceptual design for the site. This was necessary for my Public Project Assessment submittal to DSD. FYI April Penera wanted to show the park with Landis St. vacated and the full width of Ontario Ave. developed (I am not sure how we are going to accomplish that - keep the paper street and get an encroachment removal permit?) but it is necessary in order to reroute Auburn Creek which is required as part of the Chollas Creek Enhancement Plan.
Please let me know your projected schedule.
Joey

JoEllen Jacoby
Park Designer, Park Planning
City of San Diego
619 533-4017 FAX 525-8224 Mail Station:35
"We enrich lives through quality parks and programs"

12/2 10:[illegible]
Lane [illegible]
[illegible]

site info

JoEllen Jacoby - Fox Canyon and Lane

From: JoEllen Jacoby
To: Rodgers, Kelly
Date: 12/8/2003 10:31 AM
Subject: Fox Canyon and Lane

Kelly, In case I don't have a chance to tell you in person....Lane MacKenzie just called and gave me an update on Fox. He will be meeting with the owner of the land on Wed. He is working out a price, (starting at $800.000) and determining if he needs an appraisal.
I told him I would let you know that he called...
Joey

EXHIBIT NO. 17

's n plan does not pen
Ontario, Wynoma connect

Fox Canyon Park
December 22, 2003

$15 - $30,000 unit relocation money

urban $ parks Grant - Hedelang
- SW - Lara Ball
- Chollas - Bryan
- Redwood Area
- matching - mid-City

Scope of Work

Entire Project

Urban Park Grant Application (May be smaller than the entire project)

leave Lands

Main Issues

Chollas Creek Enhancement Plan

as-in

Ontario Ave and Landis Street Configurations

Vacate Part of Land - not part w/ creek

Alan Wake FED

Items Eligible for Grant
- **Active Parks (CEQA, design, construct)**
- **Trails, Interpretive Kiosks, Etc.**

Vacate acq to join

Items Not Eligible for Grant
- **Channel Reconfiguration (may be eligible, but not really competitive)**
- **Roads (not eligible)**

Grant Funding
- **Urban Park program has $130 million available Statewide. This is HUGE.**
- **Minimum grant request: $100,000**
- **Maximum grant request: $3,000,000**
- **Match is highly recommended**

6-9 months subdivide vacate take to council

need letter from seller + price

Cost Estimate for Grant Application
- **Acquisition**
- **CEQA** - MND
- **Design**
- **Construction**

$1.3 million

Grant Timeline
- **Applications due Jan. 15, 2004**
- **Announcements in summer July 2004**
- **Grant contracts in fall 2004**
- **CEQA must be done within one year from grant announcement** / EAST
- **Projects must be completed in spring 2010, all invoices in by May 1, 2010**

Ph 1 enhance Chollas Park
Ph 2 Street Chollas & West

Elyse

NAME	Dept
LARA EVANS	PLANNING
Marlon Pangilinan	Planning
Brian Schoenfisch	Planning
Stan Wake	D.S.D.
JoEllen Jacoby	Park Planning Dev.
April Penera	" " "
Heidi Lang	" " "
Mary Wright	Planning
Laura Ball	[illegible] Water
Kelly Rodgers	Park + Rec - Park Planning
Blake MacKenzie	READ

April's Notes

Ph 1 - park + Chollas Creek.

Fox Canyon Park
December 22, 2003

Scope of Work

Ph 2 - [Ontario Landis Wyman] going thru

Entire Project

Urban Park Grant Application (May be smaller than the entire project)

Main Issues

Chollas Creek Enhancement Plan / 2 or three years.

Ontario Ave and Landis Street Configurations

Items Eligible for Grant
- **Active Parks (CEQA, design, construct)** mit neg Dec.
- **Trails, Interpretive Kiosks, Etc.**

Items Not Eligible for Grant
- **Channel Reconfiguration (may be eligible, but not really competitive)**
- **Roads (not eligible)**

Grant Funding
- **Urban Park program has $130 million available Statewide. This is HUGE.**
- **Minimum grant request: $100,000**
- **Maximum grant request: $3,000,000**
- **Match is highly recommended**

Cost Estimate for Grant Application
- **Acquisition**
- **CEQA**
- **Design**
- **Construction**

Grant Timeline
- **Applications due Jan. 15, 2004**
- **Announcements in summer July 2004**
- **Grant contracts in fall 2004**
- **CEQA must be done within one year from grant announcement**
- **Projects must be completed in spring 2010, all invoices in by May 1, 2010**

Active
1. READ underlying zone / ownership.
2. appraisal est.. (800K) - est.
3. 9 months to review subdivision & take to Council.
4. acquisition — 12 months
5. Myra Herman — Keep it simple.
6. Hydrology — $100K (KH)
7.

Next week <

Walter Jeffrom - would be very hard to
have creek & street together is

Need to include MWWD - $ to upgrade Community
Task Force
Mitigated Neg. Dec.

Plans/Permits < 250,000 we think hydro study 100,000

Lane - will tell us underlying zones for vacation
Cost for redevelopment
Need civil for street vacation
Street vacation required to go to City Council

Ph I - park w/ Ontario Ave.

Ph II - road & adj. land

+ Tracy Reed - CrossRoads Dev.
Todd Hooks - " " "

+ Laura Ball
Marlon Pangl—
Kelly Broughton
Heidi
Carol W.
Ellie
Joey
Elyse
Hank —

Gail Goldberg - Planning

On Planning Website
Redevelopment
Crossroads

Lane - Prescriptive Easement Rights
Part of Project - Buy land.
Nothing spent prior to agreement

Priorities - Jim - wants Ontario Ave built. safety, traffic congestion
Gail Goldberg - discussed Chellas Creek requirements - requiring developers & City to comply.
- Safe Access to Schools - Prop 13 - Cross Rds T.I.
Todd — considers it Blighted

Come back in month
Discuss at Dec 22nd mtg. who needs accts open to?
Make a list of W

Mtg General Services
Patti / Staff
Streets

Fox Canyon Park
December 22, 2003

Scope of Work

Entire Project

Urban Park Grant Application (May be smaller than the entire project)

Main Issues

Chollas Creek Enhancement Plan

Ontario Ave and Landis Street Configurations

Items Eligible for Grant
- Active Parks (CEQA, design, construct)
- Trails, Interpretive Kiosks, Etc.

Items Not Eligible for Grant
- Channel Reconfiguration (may be eligible, but not really competitive)
- Roads (not eligible)

Grant Funding
- Urban Park program has $130 million available Statewide. This is HUGE.
- Minimum grant request: $100,000
- Maximum grant request: $3,000,000
- Match is highly recommended

Cost Estimate for Grant Application
- Acquisition
- CEQA
- Design
- Construction

Grant Timeline
- Applications due Jan. 15, 2004
- Announcements in summer July 2004
- Grant contracts in fall 2004
- CEQA must be done within one year from grant announcement
- Projects must be completed in spring 2010, all invoices in by May 1, 2010

EXHIBIT NO. 18

EXHIBIT NO. 19

City of San Diego
Development Services

Land Development
Review Division
(619) 446-5460

Mitigated Negative Declaration

Project No. 70422
SCH No. 2005081130

SUBJECT: **Fox Canyon Neighborhood Park.** CITY MANAGER APPROVAL OF A SITE DEVELOPMENT PERMIT. The proposed project consists of the development of an approximately 1.9 park acre passive park, which includes enhancements to the north and south side of Auburn Creek adjacent to the undeveloped portion of Landis Street. The project also proposes the development and realignment of an existing paper street (Ontario Avenue) as well as enhancements to the east side of Auburn Creek adjacent to the existing undeveloped portion of Ontario Avenue. The total project area is ~~3.34~~ 2.7 acres. The proposed project site is bounded by Landis Street and Sterling Court on the north and south and Altadena Avenue and Winona Avenue on the east and west, within the City Heights Neighborhood of the Mid-City Communities Planning Area Applicant: City of San Diego, Park and Recreation Department.

UPDATE:

Minor revisions have been made to this Mitigated Negative Declaration subsequent to the distribution of the draft document for public review and comment. Revisions are denoted by ~~strikeout~~ and underline.

I. PROJECT DESCRIPTION: See attached Initial Study.

II. ENVIRONMENTAL SETTING: See attached Initial Study.

III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): **Biological Resources and Historical Resources (Archaeology).** Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

GENERAL

The following mitigation measures shall be noted on the submitted construction/grading documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.

BIOLGICAL RESOURCES

A. Prior to Permit Issuance or Bid Opening/Bid Award

1. Land Development Review (LDR) Plan Check
   a. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Biological Monitoring have been noted on the appropriate construction documents.
2. Letters of Qualification have been submitted to ADD
   a. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the biological monitoring program, as defined in the City of San Diego Biological Resources Guidelines (BRG).
   b. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the biological monitoring of the project.
   c. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.
3. Payment into the Habitat Acquisition Fund for Biological Impacts
   a. Prior to permit issuance Bid Opening/Bid Award, whichever is applicable, direct impacts to 0.05-acre of disturbed Southern Maritime Chaparral (SMC) and 0.10-acres of Non-native Grassland (NNGL) habitat totaling 0.15-acre of direct upland impacts shall be mitigated to the satisfaction of the City Manager through payment into the City's Habitat Acquisition Fund as described below:
      (1) The applicant department shall pay into the City's Habitat Acquisition Fund the amount necessary to purchase 0.05-acre of Tier I and 0.05-acre of Tier IIIB habitat ($25,000/acre) within the City's MHPA, which would satisfy the 1:1 (Tier I) and 0.5:1 (Tier IIIB) mitigation acreage requirements for impacts outside the MHPA that would be mitigated inside the MHPA.

B. Prior to Start of Construction

1. PI Shall Attend Precon Meetings
   a. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that includes the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Biologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Biological Monitoring program with the Construction Manager and/or Grading Contractor.

(1) If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.

2. Identify Areas to Be Monitored
   a. Prior to the start of any work that requires monitoring, the PI shall submit a Biological Monitoring Exhibit (BME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval, identifying the areas to be monitored including the delineation of grading/excavation limits.
      (1) The Biologist shall identify pertinent information concerning protection of sensitive resources, such as but not limited to, flagging of individual plants or small plant groups, limits of grade fencing and limits of silt fencing (locations may include 10-foot or less inside the limits of grading, or up against and just inside of the limits of the grade fencing).
3. When Monitoring Will Occur
   a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
   b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as changes to the limits of grading in sensitive areas which may reduce or increase the potential for resources to be impacted.
4. Approval of BME and Construction Schedule
   After approval of the BME by MMC, the PI shall submit to MMC written authorization of the BME and Construction Schedule from the CM.

C. **During Construction**
1. Biological Monitor Shall Be Present During Grading/Excavation
   a. The Biological Monitor shall be on site to ensure that grading limits are observed and shall document activity via the Consultant Site Visit Record. This record shall be sent to the RE or BI, as appropriate, each month. The RE, or BI as appropriate, will forward copies to MMC. The biological monitor shall have the authority to divert work or temporarily stop operations to avoid significant impacts. It is the Construction Manager's responsibility to keep the monitors up-to-date with current plans.
   b. No staging/storage areas for equipment and materials shall be located within or adjacent to habitat retained in open space area; no equipment maintenance shall be conducted within or near adjacent open space.
   c. Natural drainage patterns shall be maintained as much as possible during construction. Erosion control techniques, including the use of sandbags, hay bales, and/or the installation of sediment traps, shall be used to control erosion and deter drainage during construction activities into the adjacent open space.

d. No trash, oil, parking or other construction related activities shall be allowed outside the established limits of grading. All construction related debris shall be removed off site to an approved disposal facility.

2. Unforseen Biological Impacts During Construction
For any unforeseen additional biological resources impacted during monitoring, the rehabilitation, revegetation or other such follow up action plans shall be included as part of the Final Biological Monitoring Report. Additional mitigation measures may also be required if additional impacts to the adjacent wetland habitat occur as a result of project construction.

D. Post Construction

1. Submittal of Draft Monitoring Report
   a. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases of the Biological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring,
   b. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
   c. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
   d. MMC shall provide written verification to the PI of the approved report.
   e. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
2. Final Monitoring Report(s)
   a. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
   b. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC.

HISTORICAL RESOURCES (ARCHAEOLOGY)

A. Prior to Permit Issuance or Bid Opening/Bid Award

1. Land Development Review (LDR) Plan Check
   a. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring, if applicable, have been noted on the appropriate construction documents.
2. Letters of Qualification have been submitted to ADD
   a. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego

Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.

b. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project.
c. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

B. Prior to Start of Construction

1. Verification of Records Search
   a. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coast Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
   b. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
   c. The PI may submit a detailed letter to MMC requesting a reduction to the ¼ mile radius.

2. PI Shall Attend Precon Meetings
   a. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
      (1) If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
   b. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
      The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.
   c. Identify Areas to be Monitored
      (1) Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits.
      (2) The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or

formation).

(3) MMC shall notify the PI that the AME has been approved.

d. When Monitoring Will Occur

(1) Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.

(2) The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

e. Approval of AME and Construction Schedule

(1) After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

C. During Construction

1. Monitor Shall be Present During Grading/Excavation/Trenching

a. The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the AME and as authorized by the CM. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.**

b. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

c. The PI may submit a detailed letter to the CM and/or RE for concurrence and forwarding to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present.

2. Discovery Notification Process

a. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.

b. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.

c. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

3. Determination of Significance
   a. The PI and Native American representative, if applicable, shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
      (1) The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
      (2) If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
         (a) Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
      (3) If resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
         (a) Note: For Pipeline Trenching Projects Only. If the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
         (b) Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.
4. Discovery Process for Significant Resources - Pipeline Trenching Projects
   The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:
   a. Procedures for documentation, curation and reporting
      (1) One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
      (2) The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
      (3) The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B)

the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.

(4) The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

D. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and the following procedures set forth in the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

1. Notification
   a. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS).
   b. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
2. Isolate discovery site
   a. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
   b. The Medical Examiner, in consultation with the PI, shall determine the need for a field examination to determine the provenience.
   c. If a field examination is not warranted, the Medical Examiner shall determine with input from the PI, if the remains are or are most likely to be of Native American origin.
3. If Human Remains **ARE** determined to be Native American
   a. The Medical Examiner shall notify the Native American Heritage Commission (NAHC). By law, **ONLY** the Medical Examiner can make this call.
   b. The NAHC shall contact the PI within 24 hours or sooner, after Medical Examiner has completed coordination.
   c. NAHC shall identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information..
   d. The PI shall coordinate with the MLD for additional consultation.
   e. Disposition of Native American Human Remains shall be determined between the MLD and the PI, IF:
      (1) The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 24 hours after being notified by the Commission; OR;
      (2) The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC

5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner.

4. If Human Remains are **NOT** Native American
   a. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
   b. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
   c. If the remains are of historic origin, they shall be appropriately removed and conveyed to the Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant department and/or Real Estate Assets Department (READ) and the Museum of Man.

E. Night Work

1. If night work is included in the contract
   a. When night work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
   b. The following procedures shall be followed.
      (1) No Discoveries
      In the event that no discoveries were encountered during night work, The PI shall record the information on the CSVR and submit to MMC via the RE by fax by 9am the following morning, if possible.
      (2) Discoveries
      All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains.
      (3) Potentially Significant Discoveries
      If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
      (4) Notification to RE and MMC
      The PI shall immediately contact the RE and MMC, or by 8AM the following morning to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
2. If night work becomes necessary during the course of construction
   a. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
   b. The RE, or BI, as appropriate, shall notify MMC immediately.
3. All other procedures described above shall apply, as appropriate.

F. Post Construction

1. Submittal of Draft Monitoring Report
   a. The PI shall submit two copies of the Draft Monitoring Report (even if negative) which describes the results, analysis, and conclusions of all phases

of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring,

(1) For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.

(2) Recording Sites with State of California Department of Parks and Recreation

The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

b. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
c. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
d. MMC shall provide written verification to the PI of the approved report.
e. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

2. Handling of Artifacts
   a. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
   b. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
3. Curation of artifacts: Accession Agreement and Acceptance Verification
   a. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
   b. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
   c. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
   d. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

4. Final Monitoring Report(s)
   a. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.

b. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

United States Government
- U.S. Environmental Protection Agency (19)
- U.S. Fish and Wildlife Service (23)
- U.S. Army Corps of Engineers (26)

State of California
- State Clearinghouse (46)
- California Department of Fish and Game (32A)
- California Regional Water Quality Control Board (44)

San Diego County
- Department of Environmental Health (75)

City of San Diego
- Councilmember Madaffer, District 7
- Planning Department
  - MSCP, Betsy Miller (5A)
  - Long Range Planning, Marlon Pangilinan (4A)
- Development Services Department
- Local Enforcement Agency (MS 606L)
- Library Government Documents (81)
- Mid City Community Service Center (MS 94)
- Park and Recreation Department (MS 35)
- Wetland Advisory Board (171)
- Historical Resources Board (87)

Others
- City Heights Area Planning Committee (287)
- Mid City Business Improvement District (285)
- Fairmount Park Neighborhood Association (303)
- SD Transit (112)
- SDGE (114)
- MTDB (115)
- San Diego Unified School District (125)
- San Diego City Schools (132)
- Sierra Club, San Diego Chapter (165)
- San Diego Audubon Society (167)
- California Native Plant Society (170)
- Center for Biological Diversity (176)
- Endangered Habitats League (182)
- Jerry Schaefer, PhD. (209)
- South Coastal Information Center (210)
- San Diego Historical Society (211)
- San Diego Archaeological Center (212)
- Save Our Heritage Organisation (214)
- Ron Christman (215)
- Louie Guassac (215A)

San Diego County Archaeological Society (218)
Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution (225A-R) **Public Notice Only**
Barona Group of Capitan Grande Band of Mission Indians (225A)
Campo Band of Mission Indians (225B)
Cuyapaipe Band of Mission Indians (225C)
Inaja and Cosmit Band of Mission Indians (225D)
Jamul Band of Mission Indians (225E)
La Posta Band of Mission Indians (225F)
Manzanita Band of Mission Indians (225G)
Sycuan Band of Mission Indians (225H)
Viejas Group of Capitan Grande Band of Mission Indians (225I)
Mesa Grande Band of Mission Indians (225J)
San Pasqual Band of Mission Indians (225K)
Santa Ysabel Band of Diegueño Indians (225L)
La Jolla Band of Mission Indians (225M)
Pala Band of Mission Indians (225N)
Pauma Band of Mission Indians (225O)
Pechanga Band of Mission Indians (225P)
Rincon Band of Luiseno Mission Indians (225Q)
Los Coyotes Band of Mission Indians (225R)

VII. RESULTS OF PUBLIC REVIEW:

( ) No comments were received during the public input period.

( ) Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.

(X) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Land Development Review Division for review, or for purchase at the cost of reproduction.

Myra Herrmann, Senior Planner
Development Services Department

August 22, 2005
Date of Draft Report

September 26, 2005
Date of Final Report

Analyst: M. Herrmann

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

Arnold Schwarzenegger
Governor

Sean Walsh
Director

September 23, 2005

Myra Herrmann
City of San Diego
1222 First Avenue, MS-501
San Diego, CA 92101

Subject: Fox Canyon Neighborhood Park
SCH#: 2005081130

Dear Myra Herrmann:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review.. The review period closed on September 22, 2005, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. 1.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

RESPONSE TO COMMENTS

STATE CLEARINGHOUSE (9/23/05)

1. Comment noted.

San Diego County Archaeological Society, Inc.

Environmental Review Committee

10 September 2005

To: Ms. Myra Herrmann
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration
Fox Canyon Neighborhood Park
Project No. 70422

Dear Ms. Herrmann:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

2. Based on the information contained in the DMND and initial study, we agree with the impact analysis and mitigation measures as presented.

Thank you for affording us this opportunity to participate in the environmental review process for this project.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

RESPONSE TO COMMENTS

SAN DIEGO ARCHAEOLOGICAL SOCIETY (9/10/05)

2. Comment noted.

From: Fairmount Park Association" <fairmountpark92105@yahoo.com>
To: <dsdeas@sandiego.gov>
Date: 8/31/2005 10:42:45 AM
Subject: DMND-Project 70422 Fox Canyon Park JO 295960

Myra,

3. There appears to be an error in the inital study checklist for the Draft Mitigated Negative Declaration. On page three it lists under section X, Land Use, that the community plan used for this report was the Otay Mesa-Nestor Community Plan. This project is actually within the Mid City Community Plan.

Please make sure that the correct community plan was used in the assembly of this report.

Thank you for your attention.

Russ Connelly
Vice Chair, City Heights Area Planning Committee

Do You Yahoo!?
Tired of spam? Yahoo! Mail has the best spam protection around
http://mail.yahoo.com

CC: "Jim Varnadore" <chapc_chairman@yahoo.com>

RESPONSE TO COMMENTS

CITY HEIGHTS AREA PLANNING COMMITTEE (8/31/05)

3. The error to the Initial Study Checklist References has been corrected to read "Mid City Community Planning Area."

From: <Tershia@aol.com>
To: <DSDEAS@sandiego.gov>
Date: Mon, Sep 19, 2005 9:34 AM
Subject: attn: Myra Herrmann, re: Fox Cyn

> Dear Ms. Herrmann:
>
> RE: Project No 70422, Fox Canyon Neighborhood Park
>
> As you are aware, Chollas Creek neighborhoods are in the process of
> reclaiming their natural resources, and the Fox Canyon rejuvenation is one of several
4. > worthy and critically needed projects. Mitigation by buying into the Habitat
> Conservation Fund is only an option, and not the best option. I request
> that mitigation be remanded to Fox Canyon, where the damage will occur. If
> mitigation in Fox Canyon is not a possibility, another location in the Chollas
> Creek system should benefit from the mitigation.
>
> As a representative to the City of San Diego's Community Forest Advisory
> Board, I am concerned about the paucity of green infrastructure in the
> watersheds leading to San Diego Bay and that lack of vegetation's negative impact on
> air and water quality, as well as energy conservation. The City's predilection
5. > for arbitrarily consigning mitigation dollars to the Habitat Acquisition
> Fund is robbing very needy communities of natural resources. Council District 3,
> in which Fox Canyon lies, has the highest degree of impervious surface in
> the city, 56%. Clearly, this is an opportunity to increase shrubland in the
> area that most needs it.
>
> Thank you sincerely,
>
> Tershia d'Elgin 619/239-6120
> Community Forest Advisory Board
> 32nd Street Canyon Task Force, Project Manager
> Groundwork Chollas, Steering Committee

RESPONSE TO COMMENTS

TERSHIA d'ELGIN (9/19/2005)

4. Project impacts to native upland habitat s require mitigation in accordance with the City's Biological Resources Guidelines (July 2002). Because the project area is located outside of the MHPA, mitigation for impacts to the 0.05-acres of southern maritime chaparral requires mitigation at a 1:1 ratio; impacts to the 0.10-acre of non-native grassland requires mitigation at a 0:5 ratio. As indicated on Page 23 of the City's Biological Guidelines, projects with small impacts (less than 5 acres that are isolated sites with lower long-term conservation value) may compensate through a contribution to the City's Habitat Acquisition Fund. As such, the applicant department has opted to pay into the Habitat Acquisition Fund. In addition, the project must still comply with the Chollas Creek Enhancement Plan (CCEP) and has incorporated specific features into the project, consistent with the CCEP that serve to improve the riparian corridor of Auburn Creek. This element however, is not considered "mitigation," as no impact to the creek or riparian corridor would result from the project.

5. This comment does not address the adequacy or accuracy of the environmental document and therefore no further response is required.

From: DSDEAS DSDEAS
To: Herrmann, Myra
Date: 8/31/2005 1:26:55 PM
Subject: Fwd: Re: Fox Canyon Neighborhood Park, Project 70422

>>> <FoxCanyonN@aol.com> 8/31/2005 9:25 AM >>>

Dear Ms. Lower and Ms. Hermann:

6. As the proponents and supporters of the Fox Canyon Neighborhood Park, the Fox Canyon Neighborhood Association was extremely SHOCKED to find out that the Negative Mitigated Declaration [NMD] for the park has been sent out for comments as of August 26 and this organization was completely LEFT OUT of the mailing list. Therefore, with the urgency required, respectfully, I am REQUESTING that this organization be added to the comment distribution list and that the association be sent a copy of the document [NMD] ASAP, returned mail, as previously requested. How to impress on the system that this class of omissions only sets the proponents back, at great disadvantage and at risk.

7. For future reference, In projects of this nature, it will be strongly advisable to add to the distribution list all neighboring communities and schools surrounding such projects and major City Heights neighborhood improvement organizations like the City Heights Community Development Corporation and The City Heights Redevelopment Corporation.

8. Please respond to these comments in writing, and notice me of all public hearings by first class mail. In addition, I will reserve the right to provide additional comments during the comment period, which ends September 29, 2005. That is if, the NMD copy is delivered to us on time and with all due diligence.

Jose

Jose Lopez, President
Fox Canyon Neighborhood Association, Inc.
A Public 501c3 Nonprofit Corporation
4916 Lantana Drive
San Diego, CA 92105-2941
(619) 282-2788

FoxCanyonN@aol.com

www.FoxCanyon.Org (http://www.foxcanyon.org/)

RESPONSE TO COMMENTS

FOX CANYON NEIGHBORHOOD ASSOCIATION, INC. (FCNA)

6. The Fox Canyon Neighborhood Association has been added to the environmental document distribution list for projects within the Mid City Community Planning Area.

7. As noted on Pages 11 and 12 of the Mitigated Negative Declaration (MND), the following groups were sent copies of the Draft MND: City Heights Area Planning Committee; Mid City Business Improvement District, Fairmount Park Neighborhood Association; San Diego Unified School District and San Diego City Schools. Unfortunately, the groups identified in your comment letter are not on our list and/or have not indicated an interest in receiving copies of environmental documents.

8. The comment period for the draft MND was from August 22, 2005 through September 20, 2005.

From: DSDEAS DSDEAS
To: Herrmann, Myra
Date: 8/31/2005 1:26:37 PM
Subject: Fwd: Fox Canyon Neighborhood Park, Projject 70422

>>> "JohnStump" <jwstump@cox.net> 8/30/2005 1:11 PM >>>
Dear Ms. Lower and Ms. Herrmann 619-466-5372,

9. I am commenting on the Fox Canyon Neighborhood Park and request that a full EIR under CEQA be performed as the consequences of this project can not be adequately mitigated as proposed or known by the limited nature of your initial study. Further, I believe that you must apply Federal standards of review - NEPA- to this project.

10. I am always concerned about a rushed environmental document done on a sensitive stream that leads directly into San Diego Bay less than two miles away. The City knows that the Auburn Creek supports listed plant and animal species that have already have required significant mitigation efforts. For example, California Gnat Catchers were found to forage at the Auburn Creek Police Garage site

11. I am always a little curious about why to the quick and fast document when the City has little or no money to build or develop this Park. Doing the study right will allow the City to build up Redevelopment funds while they study the Environmental challenges and opportunities.

12. Federal NEPA standards must be applied because the City of San Diego knows or reasonable should anticipate that it will use Federal funds to develop this park. Federal Community Development Block Grant (CDBG) funds have been used to develop every other park in the area; so it is reasonable to believe that this park will have that Federal character.

13. I was very pleased to see the large number of Native American bands that you included on the circulation. This is important; since the last Negative Mitigated Declaration (NMD) on the Auburn Branch of the Chollas Creek , again, disturbed Native American sites that you were warned existed. The Police Garage was unnecessarily delayed because the City rushed instead of doing proper studies.

14. The last NMD, at the Home Avenue Police Garage on Auburn Creek, also identified endanger and listed species.
The extent of the endanger habitat founded in urban San Diego around the Police Central Garage force the City into costly mitigation measures and delays. The City had to set up and maintain an "Environmental Preserve" and relocate plants. How much more money did the City spend to rush?

15. I want to reference for the record the recent studies on the headwater of this Auburn Creek. The City of San Diego has required that the developer obtain a stream permit before construction begins. It appears that just north of the proposed project there is a continuous source of water or a spring. Also, the City has recently done extensive stormwater and sewer main and water line replacements in this area. These studies should be referenced added to the record of this project study.

16. I concerned about the types of water and soils testing that the City is doing before they use this area as a Park. Auburn Creek is a short branch all in the City of San Diego. All of it is under control of the City . All of the Creek's Water leads to the San Diego Bay. The City has at least 3 or 4 parks facilities on the Creek ; so it would want to get control of the water quality. The City has an opportunity to use this park as part of its storm water program; so that water flowing down to the Bay is slowed and filtered.

17. I also would have felt more positively inclined towards this project had staff included me in the comment distribution list; as I had requested. Now I have to work a bit harder catch up

18. Finally, I note that the mailed copy of the notice I received was posted one day latter than the day written on published notice.

19. I intend to provide additional comments during the comment period, which ends September 29, 2005.

RESPONSE TO COMMENTS

JOHN STUMP (8/31/05)

9. An EIR is required when the project would result in significant impacts that cannot be mitigated to below a level of significance. Previously allocated CDGB Funds were utilized in the early planning stages for this project. However, the current proposal does not include federal funding and therefore, NEPA does not apply. The current project is funded through grant allocations from the State of California Park and Recreation Department Urban Park Act of 2001 and City park development fees.

10. This comment does not address the adequacy or accuracy of the environmental document and therefore no further response is required.

11. This comment does not address the adequacy or accuracy of the environmental document and therefore no further response is required.

12. Previously allocated CDGB Funds were utilized in the early planning stages for this project. However, the current proposal does not include federal funding and therefore, NEPA does not apply. The current project is funded through grant allocations from the State of California Park and Recreation Department Urban Park Act of 2001 and City park development fees.

13. This comment does not address the adequacy or accuracy of the environmental document and therefore no further response is required.

14. This comment does not address the adequacy or accuracy of the environmental document and therefore no further response is required.

15. Headwaters are by definition the source and upper part of a stream. The proposed project would not impede the flow of the Auburn Creek Branch of Chollas Creek; runoff into the stream from the proposed park and roadway project would be diverted and filtered prior to discharge into the creek consistent with the City's Stormwater Regulations. As noted on Page 9 of the Initial Study, the project is required to comply with the City of San Diego's Stormwater Regulations by incorporating pre- and post construction best management practices (BMPs). These BMPs would ensure that treated runoff enters the creek.

16. See Response to Comment 15.

17. Your name has been added to the environmental document distribution list for projects within the Mid City Community Planning Area.

18. This comment does not address the adequacy or accuracy of the environmental document and therefore no further response is required.

19. Please see Response to Comment No. 8.

From: DSDEAS DSDEAS
To: Herrmann, Myra
Date: 9/6/2005 9:38:34 AM
Subject: Fwd: Re: Fox Canyon Neighborhood Park, Project 70422

>>> <FoxCanyonN@aol.com> 9/5/2005 8:32 PM >>>

Dear Ms. Herrmann:
Feeling the pressure on the Fox Canyon Neighborhood Park NMD deadline soon
20 approaching, I am sending this email, as comment, ahead of time in receiving
the hard copy promised over surface mail. With this, I also reserve the
right to additional comment by September 29, 2005, if more are needed and/or
generated when reading the NMD.
Attached, you will find a PDF of the Fox Canyon Parks Subcommittee Report
[March 18, 2003] to be attached and published as additional written comment and
21. project conformance to this NMD. In reading the report, please keep in mind
that, then mentioned Ontario Park site is now named the Fox Canyon
Neighborhood Park.
Sensitive and diverse habitat with great bio-diversity is provided by the
entire Fox Canyon system of five finger-canyons converging upon the main
gathering canyon carved by historical "Rio Castaño" [Hispanic settler's name] now
known as Auburn Creek [a tributary to greater Chollas Creek].
For the NMD, Fox Canyon community bird watchers have seen and identified
the following, so far:
A. The Fox Canyon east facing slope and the finger canyons
bordering the west of the project site and formed by Reno Drive/upper Auburn
Drive, Wightman Street/Lantana Drive and Dwight Street/Isla Vista Drive
[Islenair] are known rookeries/nursery/nesting sites to Hooper's Hawks, making a
comeback from DDT problems in the 1940-1950's. And choosing the perfect
habitat provided by Fox Canyon and the denser and more private, off the main,
smaller finger canyons, to make a come back. Please, see map of Fox Canyon,
attachment one [1].
22. B. Endangered Bell's Vireo and California Gnatcatcher have
being seen and known to forage and perch on the east-facing slops of Fox
Canyon.
C. Fox Canyon bird watchers Damon Hitchcock, Jill Van Cleve,
Sebastian Martinez, Susan Gloudeman, Ronald Gonzales, Jesus Robles and many
others have identified the above mentioned and the following list of casually
seen and known [to nest] Fox Canyon birds, up to date, so far:

1. Rock Doves [pigeons]
2. Mourning Doves
3. Barn Owls
4. White-throated Swifts
5. Anna's Hummingbirds
6. Nuttall's Woodpecker
7. Black Phoebe
8. Vermilion Flycatcher
9. California Towhee
10. Bullock 's Orioles
11. Purple Finch
12. Northern Mockingbirds
13. House Finches
14. Western Scrub-Jays

RESPONSE TO COMMENTS

FOX CANYON NEIGHBORHOOD ASSOCIATION (FCNA) (9/06/05)

20. Please see Response to Comment No. 8.

21. Comment noted.

22. Comment acknowledged.

23. Please see Response to Comment No. 4

24. The project Landscape Plan is required to comply with the Chollas Creek Enhancement Plan which includes a plant pallete consisting of native riparian vegetation.

25. The Landscape Plan for the slope planting includes a native seed mix consisting of Sagebrush, Toyon, Coyote Brush and Blue Elderberry which would eb intermixed with the existing Coastal Sagescrub habitat.

26. Please see Response to Comment No. 24.

27. Lighting within the proposed park would be shielded and directed away from the riparian corridor of Auburn Creek consistent with City Lighting Standards. In addition, roadway lighting along the Ontario Road alignment would be designed to comply with the City's Lighting Standards.

28. Comment noted.

29. Four to five off-site parking spaces are required for the proposed project. The proposed parallel spaces would be located along the Ontario Road Right-of-Way. One of the five spaces would be designated for ADA parking and be delineated with appropriate signage and blue painted curb.

30. Roadbed materials for the proposed alignment would be consistent with standards set forth in the City's Street Design Manual.

31. Comment noted.

32. Comment noted.

15. Wre
16. Bre Blackbirds
17. American Crows
18. House Sparrows
19. All brown birds

22. D. Also widely known and therefore the name; Fox Canyon is home to a healthy California Gray FOX population able to sustain an active pack [group] of COYOTEES. In addition to those, there is wide knowledge that opossums, skunks, rats and other smaller mammals; snakes and a great variety of lizards, other reptiles, dragon flies and other insects inhabit Fox Canyon.

E. That the project site is NOT particularly inhabited now but expected to be and visited by at least two species of protected California birds.

23. We propose and support that all necessary and mandated mitigation to sensitive habitat disturbed by this project be done within the confines of the Fox Canyon – canyon, ONLY! Let us notice that in the neighborhood of Fox Canyon, alone, there are three available vacant parcels that could be used for this purpose. One of those, Parcel # 1 [Fox Canyon Parks Subcommittee Report], could be study to provide necessary habitat in mitigation to this entire project, if any is required.

24. We propose and support the planting of tall PALM trees within the project area to provide appropriate perching, nesting and habitat to known Fox Canyon's Barn Owls.

· We propose and support that old telephone poles be planted and maintained within the project site to provide perching and food storage to woodpeckers historically known to store food around the rim of Fox Canyon.

· We propose and support that as part of the mitigation to sensitive habitat, TALL trees [up to 70 ft. high when mature] be planted and maintained within the project's area; as nesting and surveillance of hunting grounds potential and to maintain and expand appropriate protection to Cooper's Hawk habitat.

· We propose and support that California Oaks and other native [fire resistant] plants be planted throughout the project site. California Oaks could provide shade for picnic and resting areas as well as habit for nesting birds and food for woodpeckers.

25. We propose and support that as mitigation, California Costal Sage be planted on the steep slopes, to improve and provide habitat to the endangered California Gnatcatcher known to visit and forage in Fox Canyon.

26. We propose and support, that as part of the mitigation, the restoration of riparian habitat, to help facilitate some recovery to the Bell's Vireo within the project site, be done.

27. We propose and support that motion-censored-security solar lighting be installed in the park area per say and along the restored Auburn Creek's meandering trail [west of the Ontario extension] to provide cover to sensitive nocturnal wildlife, known to hunt, den/nest-in and visit Fox Canyon.

· We proposed and support that appropriate street lighting [high sodium] be install on the east-side, only, of the Ontario extension, to illuminate the only desired sidewalk and ADA parking, on this location and along the entire project site.

28. We propose and strongly support that a restored Auburn Creek be the spine to witch nodal parks should continued to be added, build and attached to provide connectivity and purpose along the entire length of the Auburn Creek Branch [Phase IV, CCEP] from University Avenue to the MLK [I-94] freeway. As we know, the Police Central Garage facility rests next to Auburn Creek at Home/Federal Blvd. In the pipeline, the Home Avenue Park [Ridgeview] is traversed by Auburn Creek and the park and creek restoration element at

28 Auburn Par[illegible] be developed at University and 52nd Street. Therefore, this project is the first of its kind along Auburn Creek needing to be a showcase to display the vision proposed. Water flowing down Auburn Creek immediately ends in the San Diego Bay after a short trip down stream with garbage, litter and all. Water quality through appropriate filtration and management of storm and urban run-off is important to control through creek restoration soft-bottom design and maintenance.

29 We propose and strongly support that PARKING be severely controlled and/or none existent [red painted] along the east side of the Ontario extension as much as possible to avoid residential overflow parking and beer-partying while parked at this location; and the walling-off effect in front of the park. The proponents of this project want to maintain the sense of open space as much as possible and the view and connectivity between the park and the Auburn Creek at all times. In addition, walk-ability to the park and beyond [bus stops and business along University/Winona] needs to be emphasized and encouraged at all times and through design.

- ADA parking needs to be clearly demarcated and painted blue, even the pavement, like a swim pool wall.
- We propose and support NO PARKING at all [except for that required by ADA accessibility] in even exchange for such space to be used for Class II and/or II Bike Lanes. We need to make sure that such are included in this project from the get-go.

30. We proposed and support that in considering appropriate surface for the Ontario road extension, that some sections before/after the proposed bridge at Winona and right after the entrance from lower Auburn Drive be surfaced with cobblestone sections spanning all the way across the entire width of the street as traffic calming and a speed reducing mechanism. Also this will provide variety of surfaces and a more appealing somewhat more beautiful street.

31. We propose and support that in referencing this Project No. 70422, the entire subject name be used at all times to avoid confusion, i.e. Fox Canyon Neighborhood Park.

32. We propose and support that in referencing this Project No. 70422 the name of Auburn Creek be used in all instances to provide consistency in all blue prints, charts/maps and graphics to avoid confusion. The Auburn Creek is a tributary to greater Chollas Creek. Therefore, the names are NOT interchangeable.

Ms. Herrmann, please respond to my comments in witting and notice me of all meetings/hearings by first class mail.

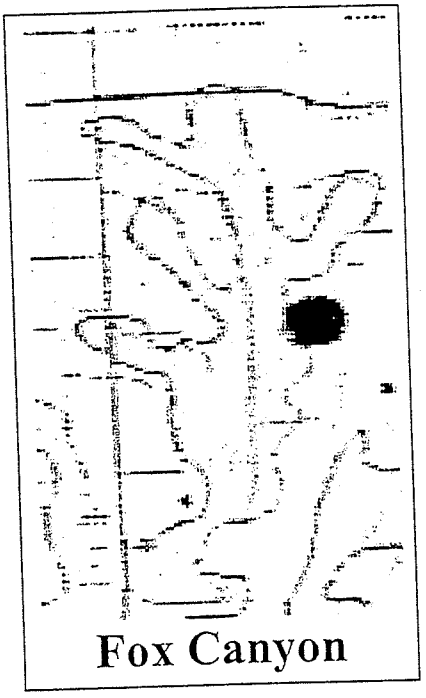
Respectfully submitted,

Jose
Jose Lopez, President
Fox Canyon Neighborhood Association, Inc.
A Public 501c3 Nonprofit Corporation
4916 Lantana Drive
San Diego, CA 92105-2941
(619) 282-2788

FoxCanyonN@aol.com

www.FoxCanyon.Org (http://www.FoxCanyon.Org)

ATTACHEMENT No. 1



The Fox Canyon – canyon is shared by **two** communities almost in half in a north/south axis: to the north/west, west and south, the community and neighborhood of **FOX CANYON** and to the north east, east and south, the community and neighborhood of **Chollas Creek.**

PDF created with pdfFactory trial version www.pdffactory.com

Fox Canyon PARKS Subcommittee Report

Fox Canyon
And
[Chollas Creek]

Report Prepared by:
Susan Gloudeman, Boardmember, FCNA
Sandra Gloudeman, Boardmember, FCNA
Jose Jesus Chavez, Boardmember, FCNA
Rogelio Perez, Association Member, FCNA

Jose Lopez
Subcommittee Facilitator and Fox Canyon
Neighborhood Association President
March 18, 2003

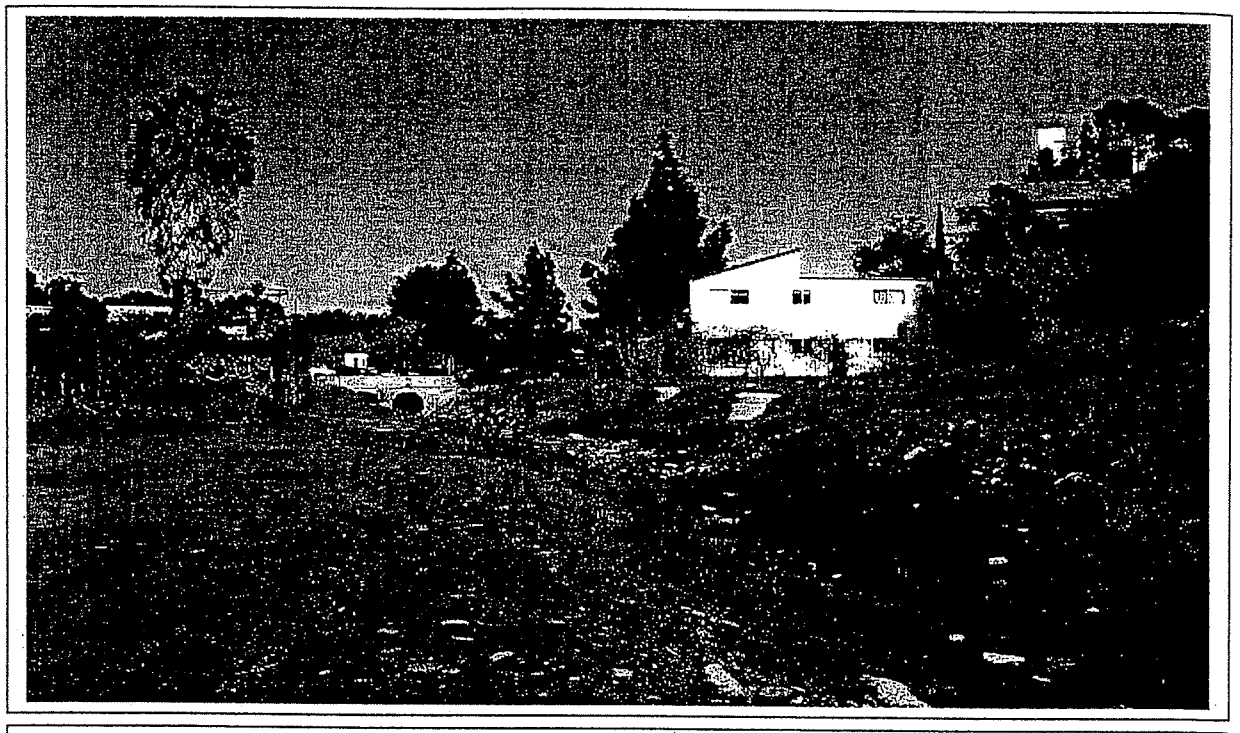
Revised Edition by
Juliana Maxim, Association Member
November 3, 2003

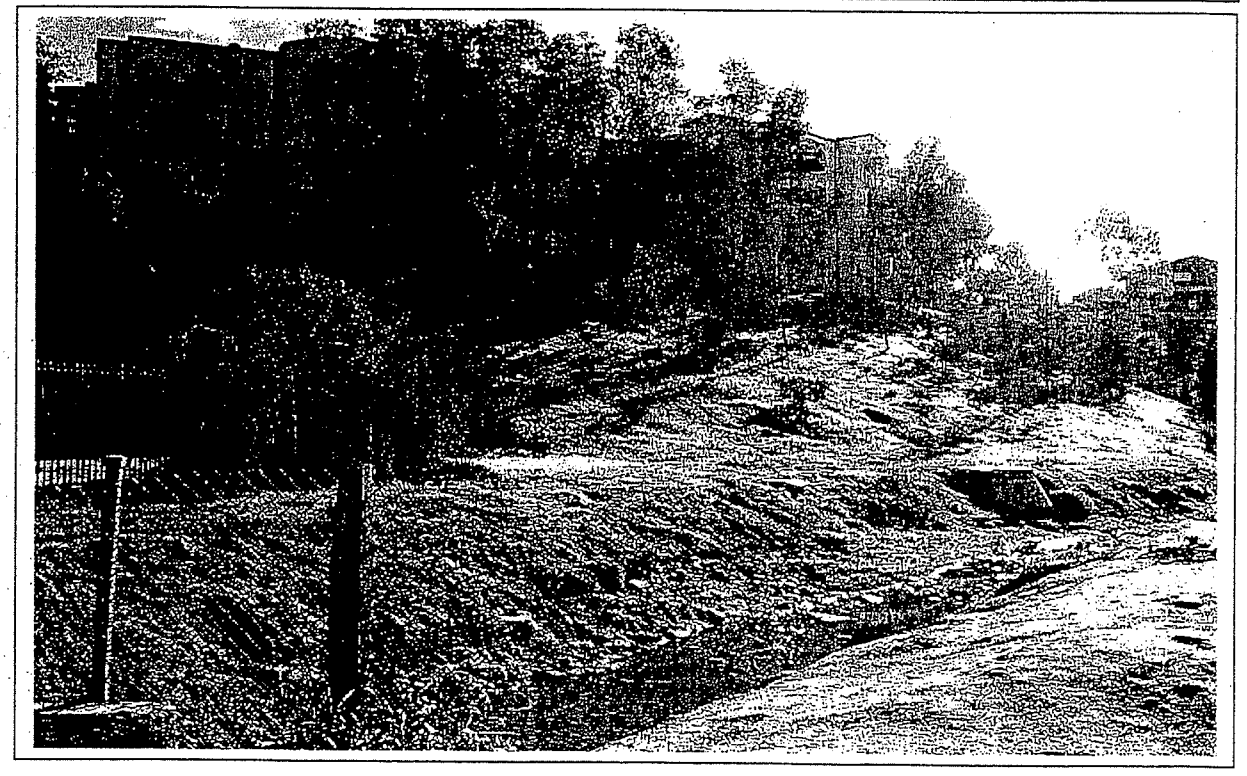
Revised [Grammatical/Content] Edition by
JoEllen Jacoby
November 4, 2004

Fox Canyon Neighborhood Association, Inc
A 501(c)(3) Nonprofit Public Benefit Corporation
4916 Lantana Drive
City Heights, CA 92105-2941
(619) **282-2788**
FoxCanyonN@aol.com
www.FoxCanyon.org

PDF created with pdfFactory trial version www.pdffactory.com

PARKS





PDF created with pdfFactory trial version www.pdffactory.com

THE ECOLOGY OF THE FOX CANYON NEIGHBORHOOD

A **five-finger** canyon shapes the topology of the Fox Canyon neighborhood. At the heart of this canyon stands the Auburn Creek, which traverses the eastern part of City Heights and extends from University Avenue to Euclid Avenue, and goes further to the South. Auburn Creek passes through Fox Canyon and links to the greater Chollas Creek. Together, the canyons and the creek constitute a natural wetland *[flood plain]* and drainage system that has been, until now, only partially disrupted by the intense pressures of urbanization.

The Fox Canyon section of the Auburn Creek is one of the few sections of Chollas Creek to have conserved, over most of its course, a soft bottom creek-bed. Because most of its channels have not been armored nor set in concrete, projects to restore the creek's natural state and to reinstate its capacities for water reclamation are significantly less costly and invasive than in any other part of the Chollas Creek System.

VISION

The vision of this Subcommittee of residents and members of the Fox Canyon Neighborhood Association is the creation of a **Fox Canyon System of Parks and dedicated green spaces,** in an effort to conserve and restore a threatened **ecological treasure**. This system of parks should coincide with the restoration of the wetlands and watersheds of the Auburn Creek in order to protect existing **habitat for wildlife and native vegetation**. In addition, this project will provide better **flood control**, and improve the **downstream water quality** discharged into the San Diego bay, via the greater Chollas Creek.

GOALS

The primary goal of this vision is to claim and integrate the vacant parcels *[abutting Auburn Creek]*, to the Creek in order to turn them into nodal parks and/or protected open spaces.

For this purpose, lots have been identified in the Fox Canyon ***inventory of available parkland*** (see annex I.)

The creation of a system of parks will bring the following **benefits**:

> A system of parks will provide much needed recreation space to a densely populated neighborhood that entirely lacks access to green public space and parks.
>
> A system of parks will safeguard precious remaining natural topology and habitat from ongoing urban intrusion and mismanagement.

PDF created with pdfFactory trial version www.pdffactory.com

A system of parks and open spaces will restore native habitat for indigenous fauna and flora.

A system of parks will link existing open space through pedestrian and bicycle trails. This will dramatically increase mobility while reducing the reliance on cars in a neighborhood that is now severely traffic-ridden.

A system of parks will have an important educational impact on a community that traditionally has had little political and economical means of transforming its physical surroundings. A park system will only increase the residents' sense of responsibility for, and stewardship of, the natural environment.

IMPROVEMENTS

This subcommittee report should be read as a continuation and complement of the **Chollas Creek Enhancement Program** that has been adopted by the City of San Diego on **May 14, 2002**. This report endorses the design and development guidelines established in the Program, and seeks their implementation by proposing the improvements detailed in this section.

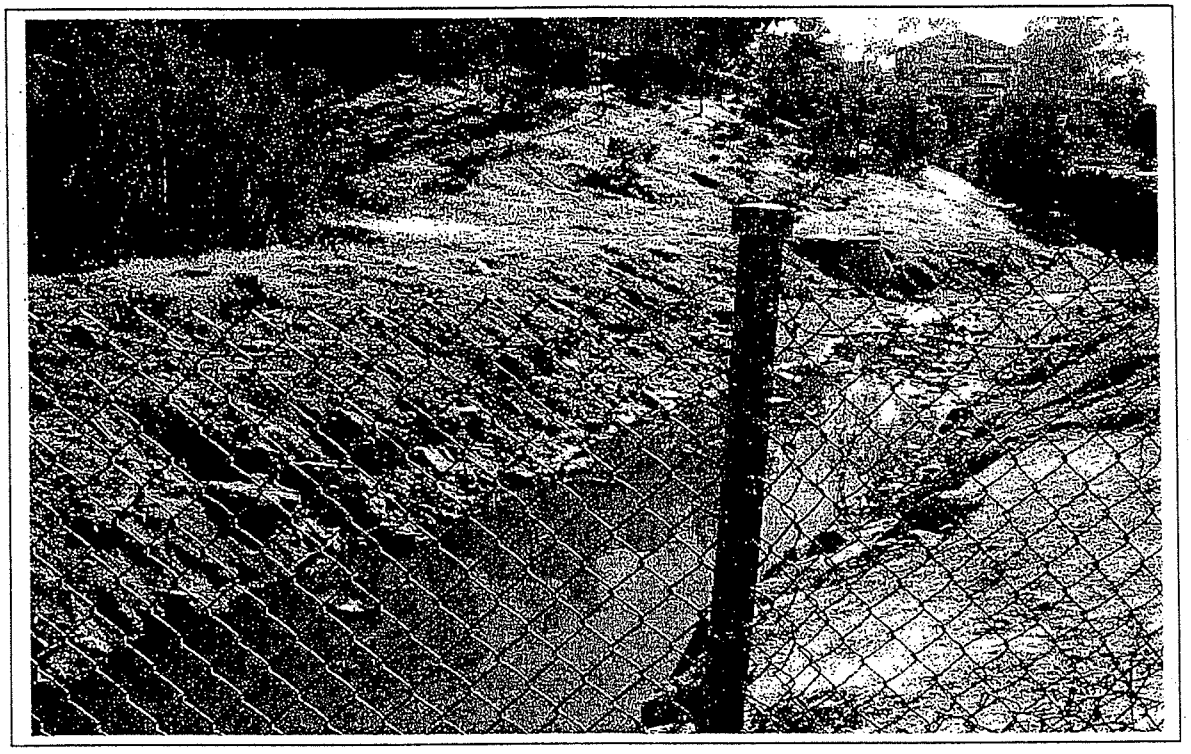
In addition, the Committee recommends that the following improvements be incorporated as an amendment to the **Chollas Creek Enhancement Program**:

1. **The Chollas Creek Visitor and Educational Center at University Avenue**
   (**Lot 6** of the inventory, the southwest corner of University Avenue and 52nd Street)

PDF created with pdfFactory trial version www.pdffactory.com

This Center will mark the northernmost entrance to the Fox Canyon Park System and walking trails; and ultimately to the entire Chollas Creek System of tributaries. This visitor and educational center could include space for temporary exhibitions showcasing different aspects of the encounter between the natural and urban processes. The center could become a tourist attraction, charging a nominal fee for **tours**. The fees will be dedicated to facilities and creek maintenance.

2) **The Ontario Park**
(**Lot 5** on the inventory, Parcel # **471-810-29-00**)

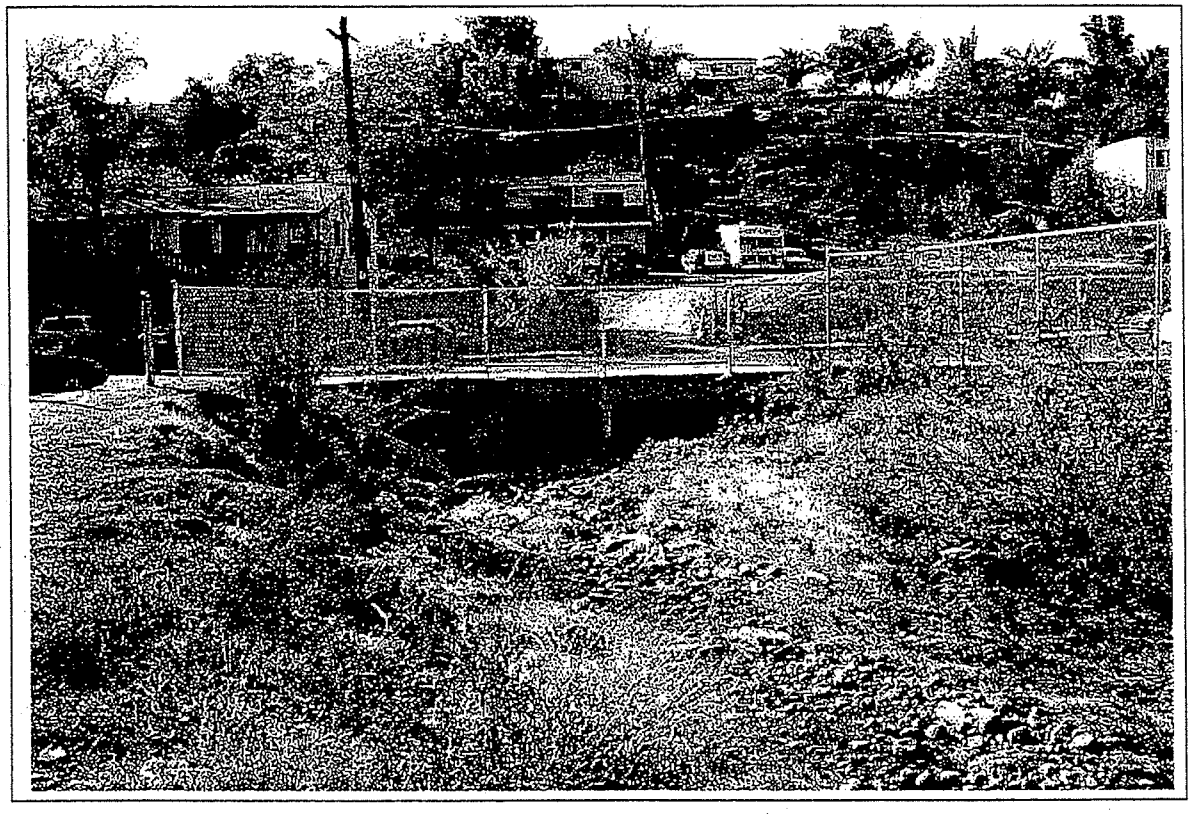


This park will be the central and most vital part of the entire **Auburn Creek sub-system.** It should contain a restored creek with water pools, picnic areas, vista/observation points, and educational/art trails. Vehicular access should be provided through the proposed **Ontario Avenue** connection (future **Fox Canyon Parkway**). Culverts at Ontario/Auburn and Ontario/Winona should be made to appear as bridges, with semi-curved tops to provide speed control. The south part of Winona Avenue (now a paper street) should be developed into a skateboarding park and should include a trail linking **Marshall Elementary School** to the park system. Students from Marshall could use the restored creek for outdoor, first-hand, studies of ecology and of Southern California indigenous flora and fauna. The proximity of the creek and the park will also provide the school with an

PDF created with pdfFactory trial version www.pdffactory.com

opportunity to involve the students in the maintenance of the creek and park under the form of a community outreach program.

3) **The Fox Canyon Visitor and Community Center**
(**Lots 3 & 4** of the inventory, Parcels # **471-781-43-00** and **471-800-11-00**)



Together, these two parcels are perfect for a linear park. Because of the immediate proximity of the creek, its connectivity, and because it offers one of the best vistas of the creek and the entire region, these parcels could host a permanent structure such as a Visitor and Community Center.

4) **Leaders and Founders' Grove**
(The creek facing back of 4932 Lantana Drive
[See picture on the following page]

This is the most pristine part of the old creek with large pepper trees lining the old creek's bed (now a concrete channel). A trail could border its west side. Along it, one can imagine finding art, seating, and resting-places among the statues of City Heights' leaders and benefactors placed here and there under the pepper trees. Figures and episodes that marked the history of City Heights could be represented here with sculptures or small educational panels.

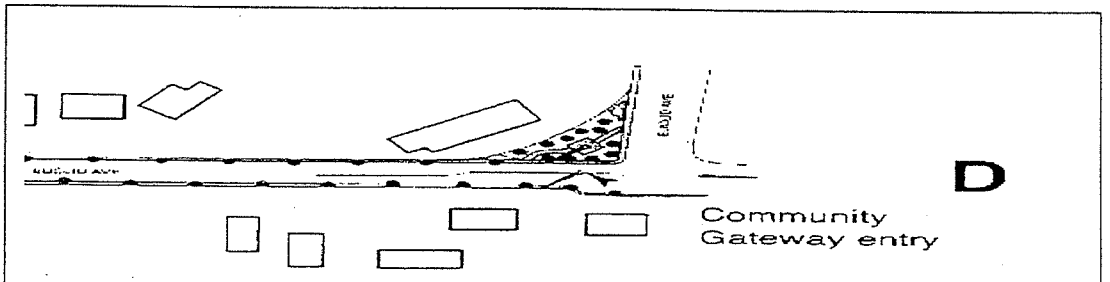
PDF created with pdfFactory trial version www.pdffactory.com

5) **The End of Lantana Park**
(**Lot 1** of the inventory, Parcel # **476-081-11-00**)

This parcel is an oasis in the middle of a concrete desert, and it is ready to be united to a restored creek. This nodal park can provide another entrance to the trail system, an amphitheater and a Learning Center for the children of **Rosa Parks** Elementary School.

6) **The Corner Mini-park at Home and Euclid/Euclid**

Under the auspices of the Euclid Avenue Revitalization Action Program (RAP), this corner mini-park will be soon built, as it is a funded project. This mini-park is only half a block away from the southernmost part of the **Fox Canyon Phase of the Auburn Creek Phase IVA** of the **Chollas Creek Enhancement Program** *[Auburn Creek Branch]*, of **May 14, 2002.** It should contain information about the Chollas Creek System and provide a point of entry to the trail system, the street-walking urban trail, and the bike route.



Source: Euclid Avenue Revitalization Action Plan -- Figure 5

PDF created with pdfFactory trial version www.pdffactory.com

7) **A Restored Auburn Creek**

(Although the Auburn Creek extends all the way to the MLK freeway *[I-94]*, this report concerns only the Fox Canyon section between University and Euclid Avenues.)

Auburn Creek should be restored to its natural state, including re-energizing it with **water reclamation** projects in accordance with the Chollas Creek Enhancement Program and the Federal Clean Water Act guidelines.

8) **A Trail System:**

Walking trails should meander all along the restored Auburn Creek.
Jogging trails should meander alongside the walking trail, when possible.
Bike lanes/paths and routes on side streets, near to, and following the restored creek should be developed.

This entire system of pedestrian and cyclist trails should unify the several sections of the park system and link it to the surrounding neighborhoods and the San Diego Bay.

9) **A Joint Use Agreement (JUA)**

a) A **JUA** between Marshall Elementary School and the City should be created to take advantage of underutilized facilities, such as sharing of basketball and other courts at Marshall Elementary School, after school hours and

PDF created with pdfFactory trial version www.pdffactory.com

weekends, to provide **active** recreation. In exchange, Marshall Elementary students will use the park and open spaces as open-air classrooms.

b) A paved trail/walkway should be constructed to unite Marshall Elementary School with the park system.

FUNDING STRATEGIES

The status of the Fox Canyon Neighborhood Association as a Public Benefit nonprofit organization [**501(c)(3)**] allows us to solicit grants and private donations in order to acquire land, develop and maintain the future Fox Canyon system of parks, and green spaces. Grants will be sought to supplement the funding provided for implementation planning through the Chollas Creek Enhancement Program, under Phase **IV-A** -- Fox Canyon.
Fox Canyon residents constitute an important source for volunteer labor, during the planning phase as well as for future maintenance needs.

a) **Grants**:
Grants at all levels of Government (City, County, State and Federal) will be explored and requested. Those include but are not limited to: Community Development Block Grant, Proposition 40 funding, Safe Routes to School, Rivers and Waterways, Clean Water Act, Commissions for Art and Culture, Restoration of Wetlands funding, etc.

b) **Donations:**
Donations from public and private individuals, foundations, other nonprofit organizations, and in-kind donations will be actively pursued to fund our vision.

PARTNERS:

a. **The Sierra Club, the National Wild Life Federation** and other environmental organizations with greater funding, knowledge, and experience could and will be invited to participate in building/guiding our vision.

b. **The Environmental Protection Agency, The Department of Civil Works, The EPA Office of Water, the National Academy of Science, The Army Corps of Engineers,** and other State and Federal Offices will be invited to participate, either by providing grants, or regulatory guidelines to restore the wetlands of Auburn Creek and to maintain the Fox Canyon Park System.

c. **The Kiwanis Club of City Heights** and their **K-Kids Clubs** will be invited to participate and to form an environmental branch of the club to enhance consciousness about maintenance and protection of disappearing wetlands and watersheds.

PDF created with pdfFactory trial version www.pdffactory.com

d. **The Alpha Project, San Diego Urban Corps** and **Habitat for Humanity** will be invited to provide construction labor, tree plantings, and cleaning efforts to build and, thereafter, maintain the Creek and Park System.

e. **Price Charities, Cox Communications, The San Diego Foundation** and other Charitable Organizations, in conjunction with local High Schools, Colleges, and Universities will be solicited to provide funding, and to give scholarships to those students participating in building and maintaining the Park System and restored creek.

BRIEF HISTORY of the FOX CANYON NEIGHBORHOOD ASSOCIATION (FCNA) *[See Appendix-A, for service area]*

The **FCNA** was founded on **October 23, 1997**, by a group of **forty-four** residents and guests under the leadership of Jose Lopez and Carol Sullinger. This group of residents pledged their commitment to work hard to fight neighborhood crime, noise, graffiti, and general **environmental decay**, and to improve the physical surroundings and the quality of life in what is now known as Fox Canyon, with the goal to make it the community of choice within City Heights.

From the beginning, the residents of Fox Canyon realized that the future of their neighborhood was intimately related to meeting its urgent need for parks. The residents pledged their support, and petitioned to convert all available vacant lots into neighborhood parks when possible, as well as, preserve the rest as open spaces.

On **December 07, 1997**, the Association gained recognition as the principal instrument for change in Fox Canyon, from the City Heights Area Planning Committee.

A collective letter containing a list of needed and wanted improvements in the Fox Canyon neighborhood was incorporated in the **MID-CITY COMMUNITIES PLAN**, approved by the City Council on **August 04, 1998** (Pages 15, 27, and 39 of the plan). Our entire **VISION** statement is on page **27** and our Natural Urban Preserve proposal is on page **39, "Friends of Mid-City Canyons"**.

On **March 18, 1998**, the Association released the following statement of policy in conformity with the DRAFT of the Mid-City Communities Plan.

> "The canyons provide a unique home and habitat to indigenous species of birds, reptiles, and small mammals among which the following have been observed: Foxes, Coyotes, opossums, skunks, rats; Falcons, Hamming, woodpeckers, finches, jays and other birds; lizards and other animals. All these animals urgently need the protection of a recognized ecological preserve and open-

PDF created with pdfFactory trial version www.pdffactory.com

spaces. In addition, native botanical species and flora need the same extended protection, as well."

"The State University and the City Heights area schools in conjunction with Park & Rec. Department, and the Fox Canyon Neighborhood Association could, would, and should use the preserve and the parks systems, as open-air classrooms. The environment of our five-finger canyon lends itself perfectly for botanical, local fauna, and flora studies with open unpaved trails for access, Art, Interpretive Centers and Educational Facilities placed along the creek."

On **October 12, 1998**, the association issued the following statement of policy in conformity with the Euclid Avenue Revitalization Action Program.

NEIGHBORHOOD PARKS

"Such landlocked and densely built neighborhood, as Fox Canyon is, needs a system of parks and open spaces for its inhabitants to take refuge from daily pressures and to enhance the beauty of our community's topography. Our children now play in open drain ditches and on the streets, putting in danger their lives and the security of drivers and pedestrians, as well. We are working hard to bring to fruition the following proposed system of Fox Canyon Parks: **1**) The End of Lantana Park, **2**) The Auburn/Lantana Linear Park *[containing three vacant lots]* and **3**) The Ontario Park."

Late 1999, the association successfully petitions to incorporate at least **one** Park in the Euclid Avenue Revitalization Action Program.

On **September 2001, Delfina Wooley** from the Chollas Creek Neighborhood Association *[see appendix-B, for service area]* circulated a petition to identify the parcel bounded by University Avenue and 52nd Street as a neighborhood park *(Inventory Parcel # 6)*. The petition, signed by a majority of residents, was sent to Councilmember **JIM MADAFFER**, CD7, via **Ellen Agey**, his Council Rep.

Late 2001, Ms. **Marcia McClatchy**, Director of the Park and Recreation Department, an entourage of City officials, Council Rep **Ellen Agey** and **Jose Lopez** toured the Fox Canyon/Chollas Creek areas identified as ideal for neighborhood parks and cataloged vacant parcels as possible park sites and created the inventory attached as **Annex I**.

On **February 12, 2002**, The **FCNA** released the following statement of policy at the ***Third Annual President's Report.***

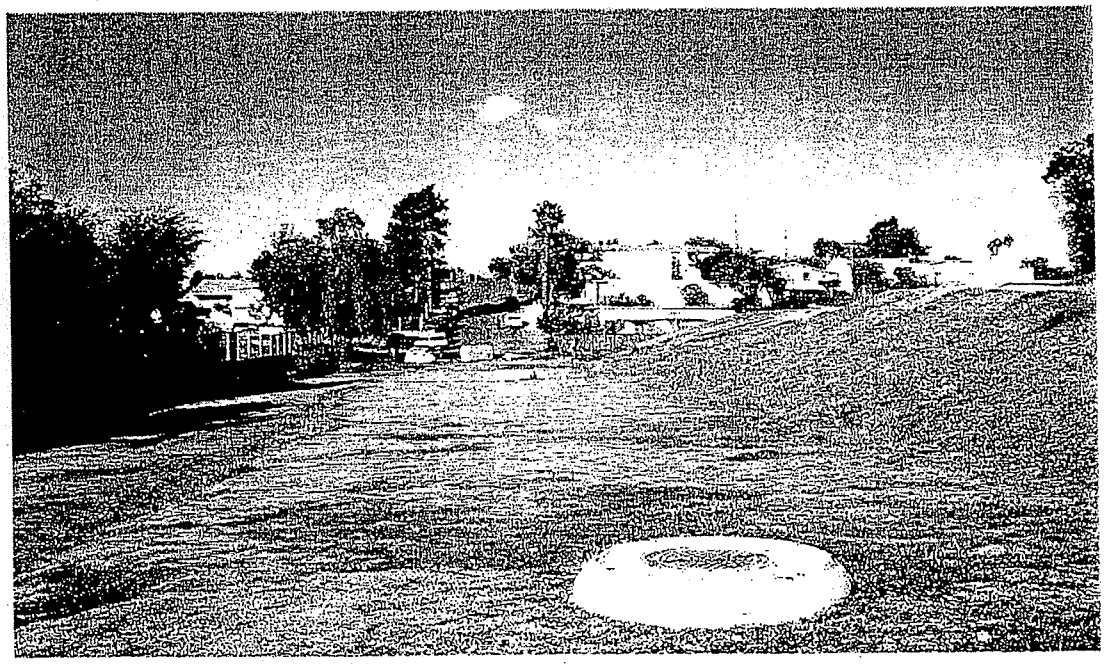
"We need to strongly pursuit the development and implementation of the Fox Canyon System of Parks. So one day, our children will play in set apart and well developed parks, with green grass, secure and protected. And not in

PDF created with pdfFactory trial version www.pdffactory.com

storm-drain ditches, bowls of mud, clouds of dust and seas of garbage and trash, risking their health and lives, as they do now."

On **March 28, 2002**, the Fox Canyon community, local landowners, representatives from Elected Officials, City Department Directors, and local nonprofit organizations attended a Community Forum on the mission and work assigned to the **FCNA Parks Subcommittee**. Strong community support was established to continue the work of the Fox Canyon Parks System and the Chollas Creek Restoration Plan.

On **December 03, 2002**, City Engineer **Timothy Dewey** prepares a City of San Diego Preliminary Project Cost Estimate Summary Sheet/report regarding the **"Ontario Avenue Connector" (Fox Canyon Parkway)** that aims at providing a future park with much needed traffic control, service and security. The cost estimate (2002) was **$760.000.00** for the entire project.



On **December 12, 2002**, the **FCN.A** receives a grant from the **American Society of Landscape Architects** *[A.S.L.A]* for a Community Parks Design Workshop, and appoints **Laurel Hunter** (Vice President, Community Outreach) to form a committee of chapter members to assist the Fox Canyon Parks Subcommittee in planning the workshop.

On **January 14, 2003**, The Fox Canyon Park is assigned a **CIP number 29-596.0**

On **Saturday, June 28, 2003**, The San Diego Society of Landscape Architects conducted the first conceptual Design Workshop at **Wrigley Hall, Christ Church Unity, 3770 Altadena Avenue** (see appendix-C).

PDF created with pdfFactory trial version www.pdffactory.com

THE FOX CANYON PARKS AND THE MUNICIPAL PLANS:

Our needs, vision and petition for an organized plan to develop our vacant lots into neighborhood parks [to set aside and dedicate our open spaces, to realize the Auburn Creek Restoration according to the Chollas Creek Enhancement Program], illustrates and implements the statements of policy contained on the following municipal plans and action programs.

The **Mid-City Communities Plan of 1998**, page **96**: "By current City of San Diego Progress Guide and General Plan standards, the Mid-City is **grossly deficient** in park acreage. The most conspicuous needs are in the older neighborhoods, generally west of 54th Street."

The **Euclid Avenue Revitalization Action Program (RAP) of April 2000**, Prioritized Recommendations: "Develop a public park in the vicinity of Auburn Drive and Winona Avenue." Under Implementations: "Evaluate opportunities to develop a neighborhood park in conjunction with the Chollas Creek Preservation project and street improvements mitigation for development of a street linking Ontario and Winona Avenues."

The **Chollas Creek Enhancement Program of May 14, 2002**, phase IV-A, Fox Canyon and Auburn Creek phase I, will restore that portion of Auburn Creek from University Avenue to I-94, the Martin Luther King Freeway, all along 50th Street, Auburn Drive and Home Avenue. This creek phase crosses through the neighborhoods of **Chollas Creek, Fox Canyon, Islenair** (**CD7**), and **Ridge View** (**CD4**). The Plan reads on the following pages: Phrase IV-A - Fox Canyon, Funding and phasing schedule, page 5. Auburn Creek Phrase 1 *[Maps on pages 17, 20 and 30]*. The legend describing the Auburn Creek Branch - Phase IV-A is on page 68.

The **CROSSROADS Redevelopment Project, 2003,** calls for a Park on the north part of Chollas Creek within the redevelopment area.

PDF created with pdfFactory trial version www.pdffactory.com

ANNEX I

PARK LAND INVENTORY

(Available land for possible and potential parks)

In compliance with the vision and mission of all **four** Municipal Plans, the residents of Fox Canyon under the leadership of the neighborhood association have identified the following parcels (unimproved and vacant lots), as potential and suitable park sites:

1. Parcel # **476-081-11-00**, The end of Lantana (between 4980 & 4997 Lantana)
2. Parcel # **471-781-43-00**, The west of Lantana (between 4863 &4849 Lantana) **(Parcel # 2 is NO longer available for a park; it was lost to aggressive URBANIZATION)**
3. Parcel # **471-800-21-00**, The east of Lantana (between 4880 &4890 Lantana)
4. Parcel # **471-800-11-00**, The west of Auburn (between 4979 & 4991 Auburn)
5. Parcel # **471-810-29-00**, The Ontario Park (parcel **ONE**, next to 3621 Ontario)
6. The parcel to the **south** of University Avenue, corner with the **west** of 52nd Street

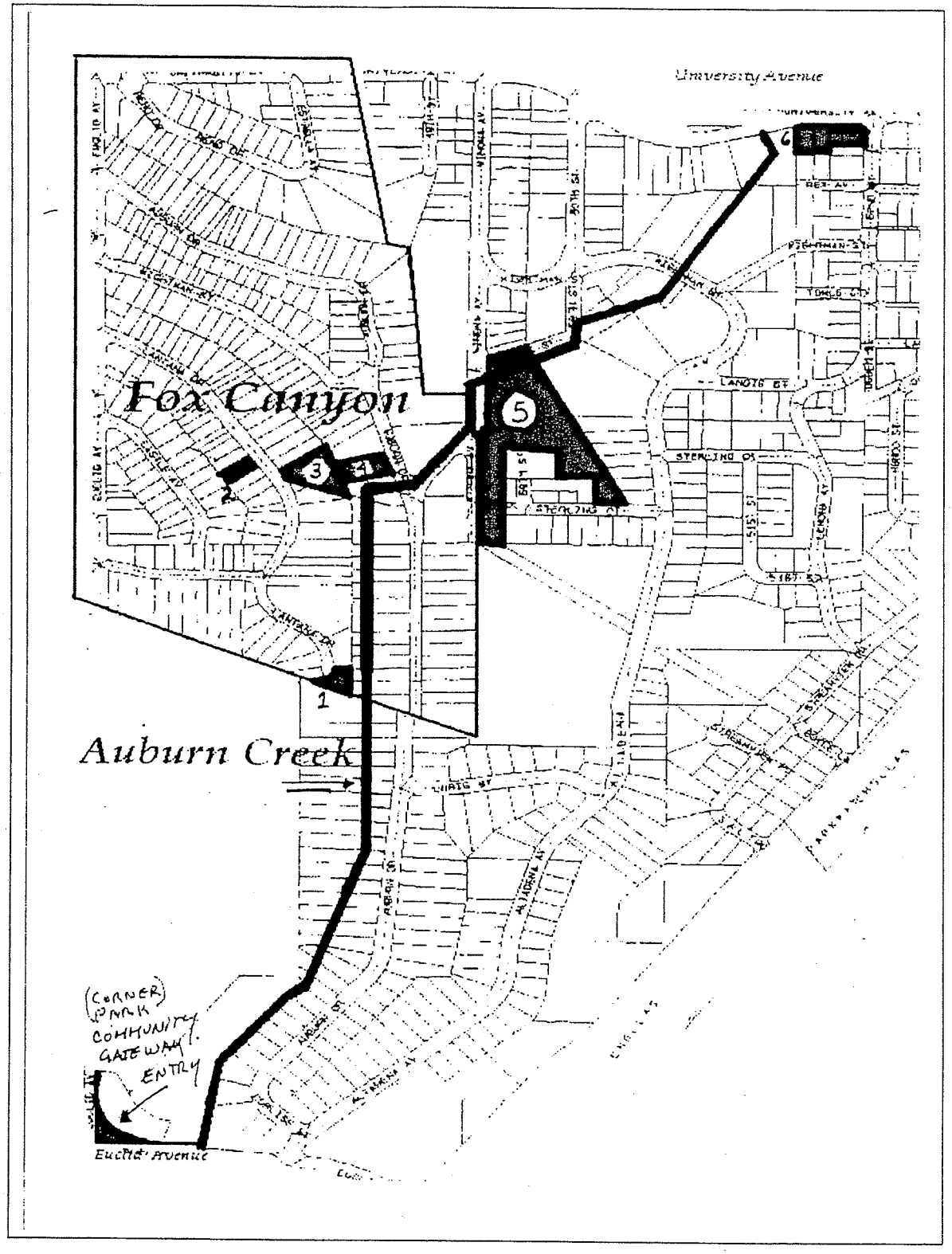
(See map following page)

OPEN SPACE

The five-finger canyons molding the Fox Canyon neighborhood most be dedicated and preserved for posterity in **OPEN SPACE EASEMENTS**, as follow:

1. The canyon between Estrella Avenue and 49th Street/Winona Avenue.
2. The canyon between Reno Drive and *[upper]* Auburn Drive.
3. The canyon between Wightman Street and Lantana Drive.
4. The canyon between Dwight Street and Isla Vista *[the south part of this canyon is on the **Islenair** neighborhood]*
5. The canyon between Lantana Drive and *[lower]* Auburn Drive *[forming the Auburn Creek bed, and running along the west of Auburn from University Avenue (north/south) to Euclid Avenue].*

PDF created with pdfFactory trial version www.pdffactory.com

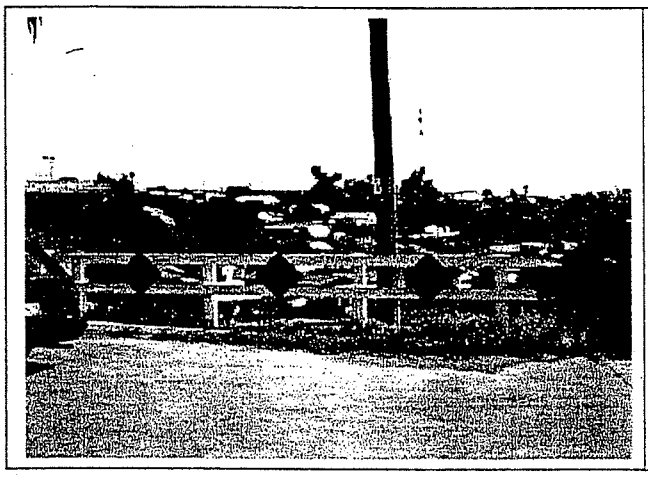


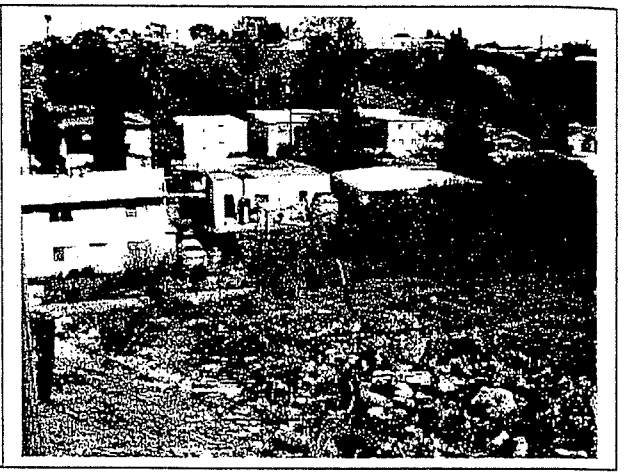
ANNEX I

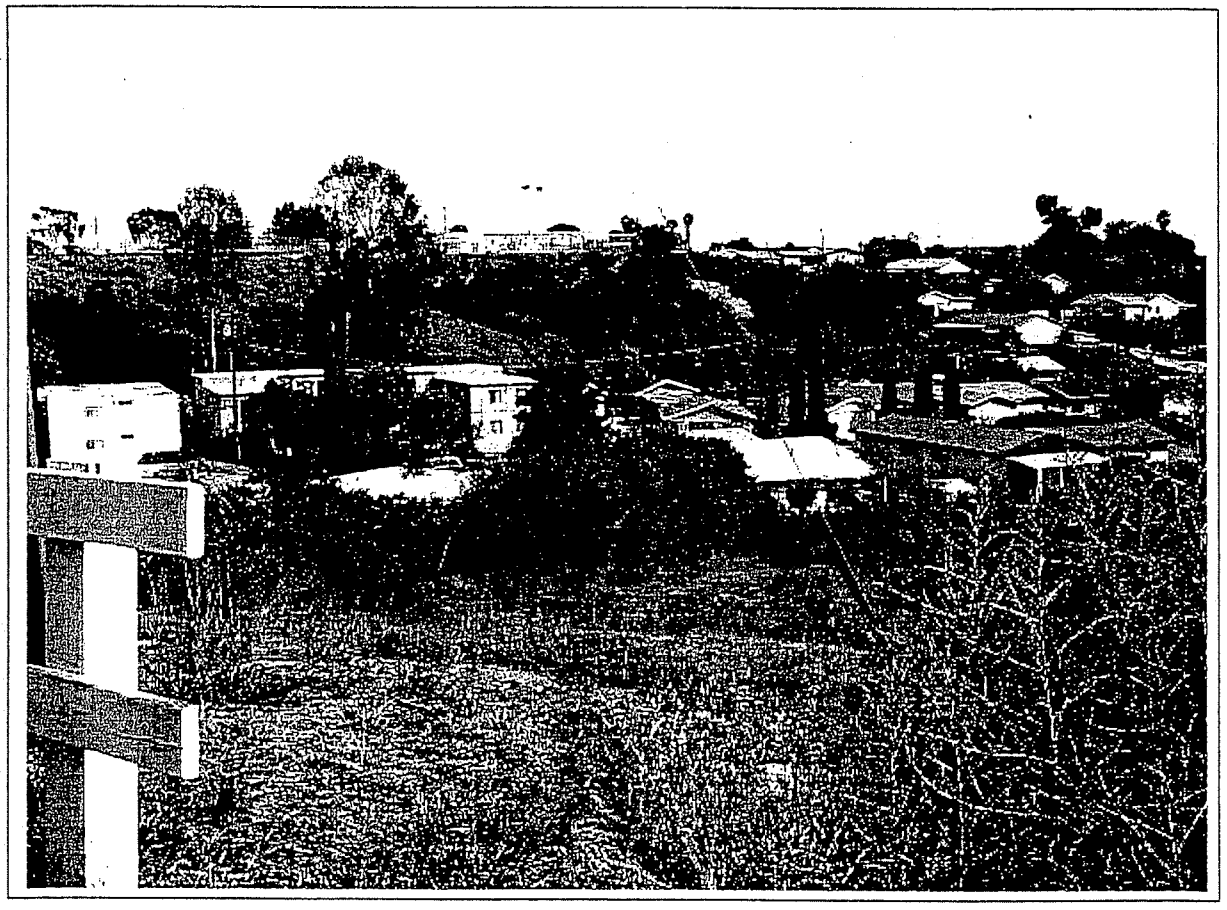
PDF created with pdfFactory trial version www.pdffactory.com

The End of Lantana Park

Inventory # 1 (Parcel # **476-081-11-00**), between 4980 & 4997 Lantana



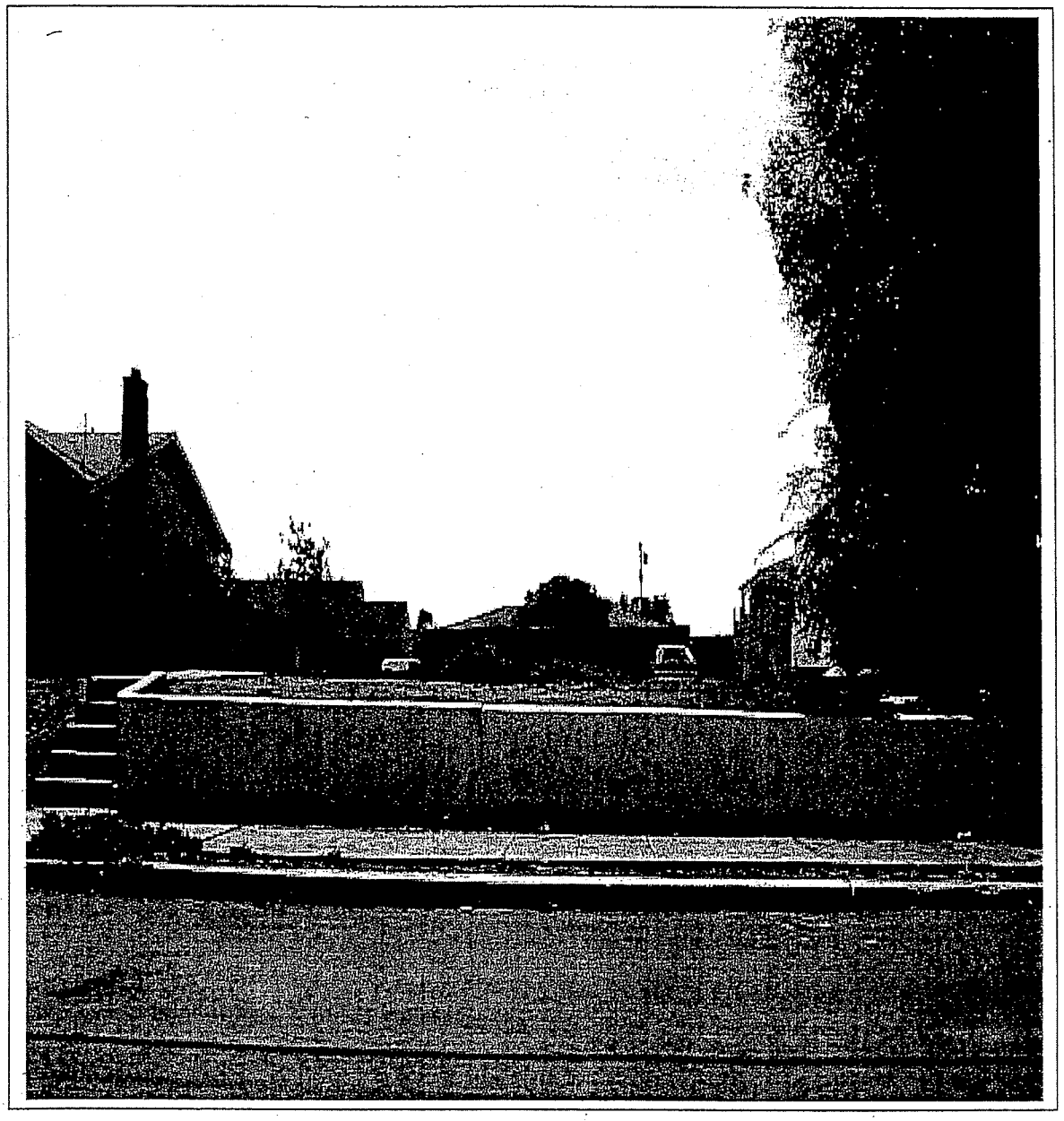




PDF created with pdfFactory trial version www.pdffactory.com

The West of Lantana Park

Inventory # 2 (Parcel # **471-781-43-00**), between 4863 & 4849 Lantana

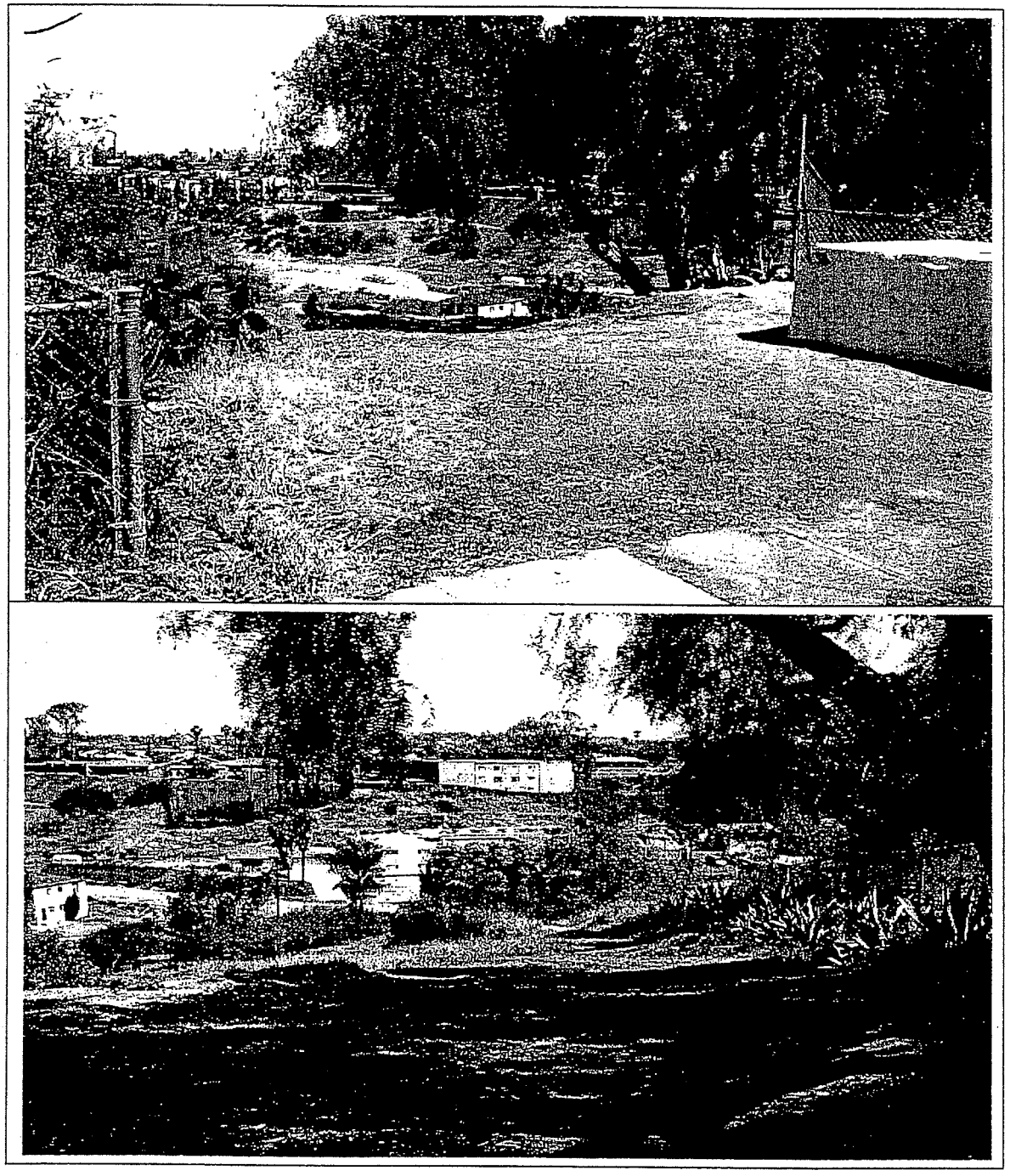


(The pictured parcel is now LOST to aggressive URBANIZATION)

PDF created with pdfFactory trial version www.pdffactory.com

The East of Lantana Park

Inventory # 3 (Parcel # **471-800-21-00**), between 4880 & 4890 Lantana



PDF created with pdfFactory trial version www.pdffactory.com

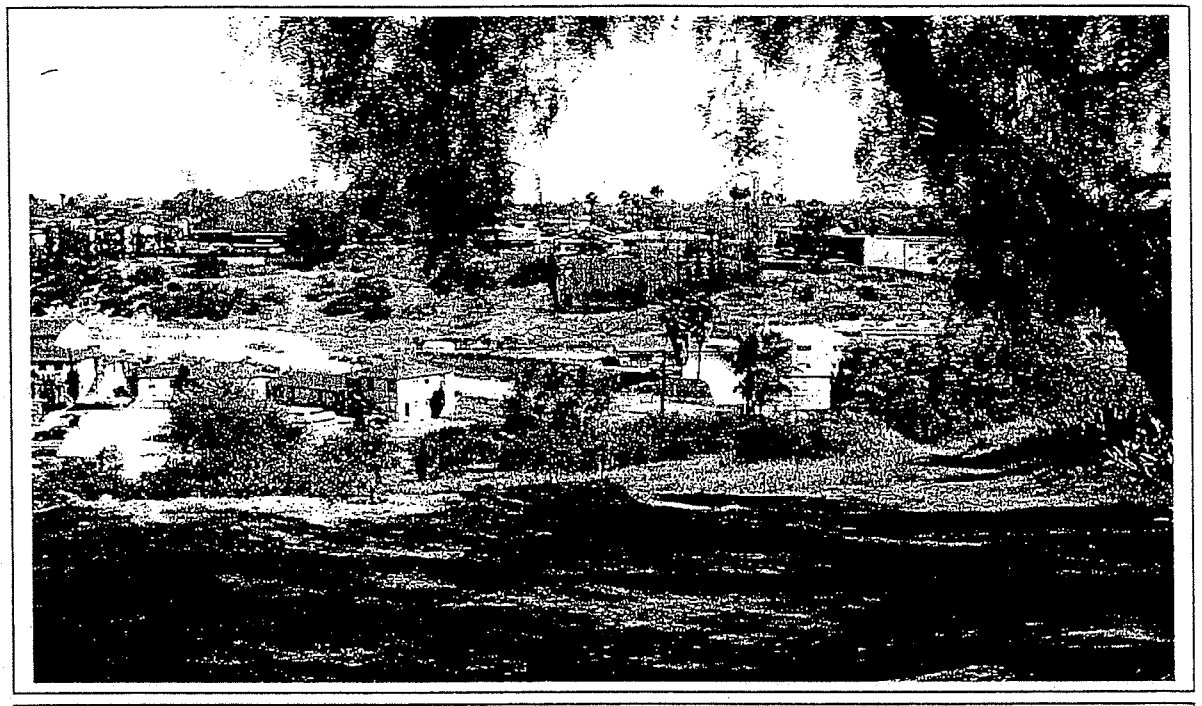
The West of Auburn Park

Inventory # 4 (Parcel # **471-800-11-00**), between 4979 & 4991 Auburn Dr

PDF created with pdfFactory trial version www.pdffactory.com

The Ontario Park

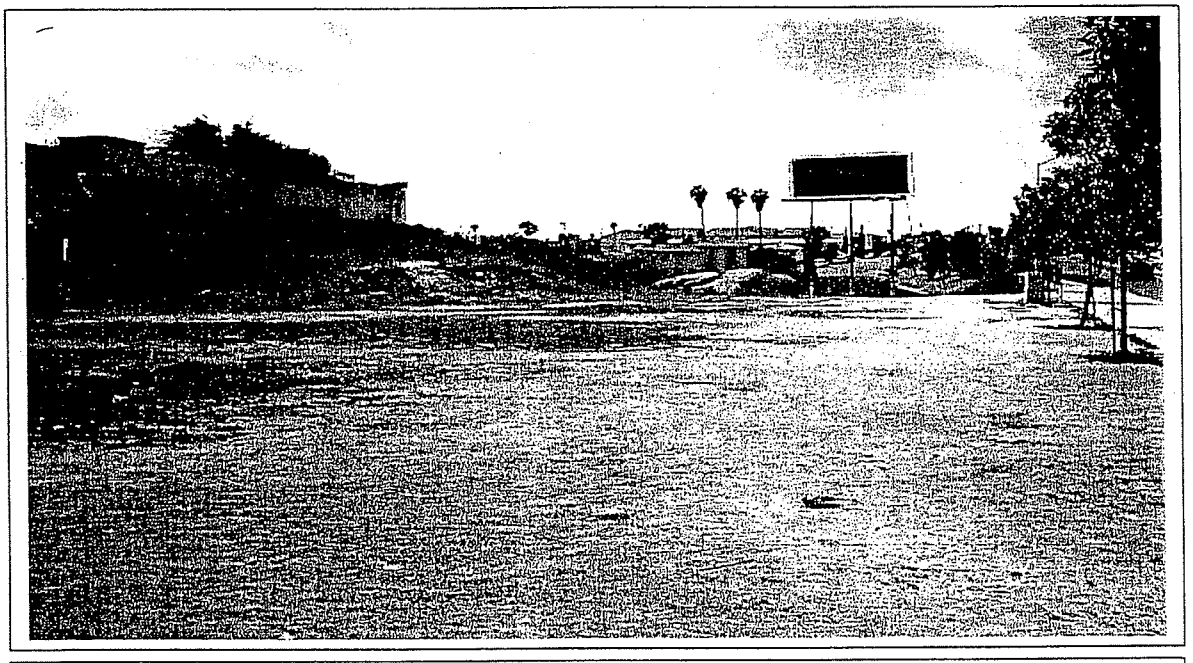
Inventory # 5 (Parcel # 471-810-29-00), parcel ONE, next to 3621 Ontario

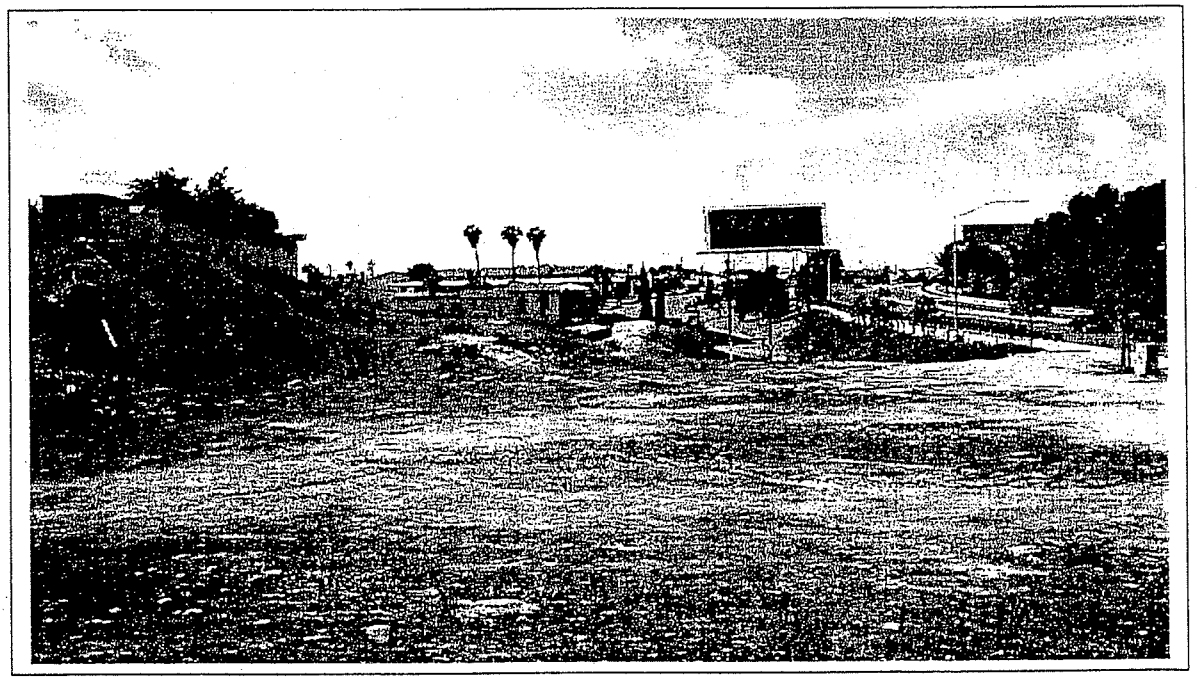


PDF created with pdfFactory trial version www.pdffactory.com

The CHOLLAS CREEK Visitor and Educational Center

Inventory # 6, the parcel to the **south** of University Avenue, corner with the **west** of 52nd Street



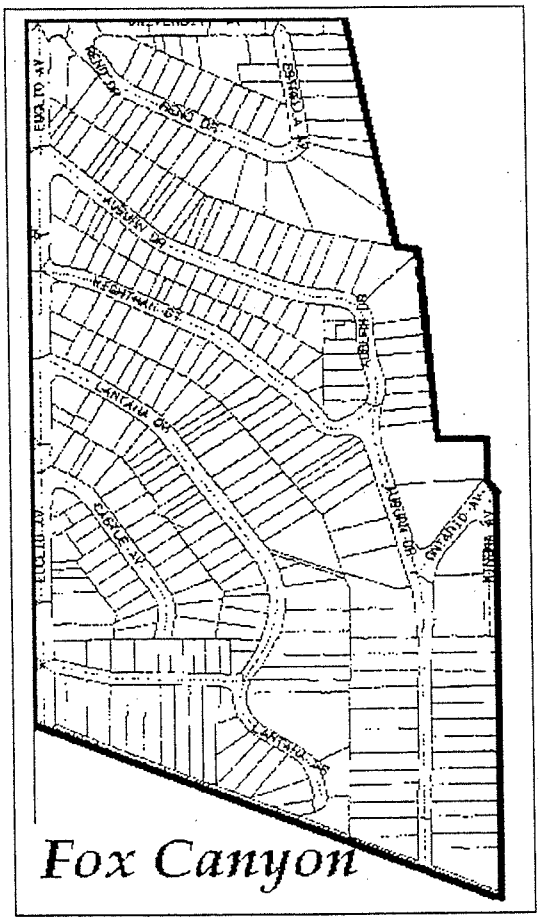


PDF created with pdfFactory trial version www.pdffactory.com

FOX CANYON NEIGHBORHOOD ASSOCIATION SERVICE AREA

The FCNA's service area is bound by University Avenue to the North, by the property lines of Dwight Street to the South, by Euclid Avenue to the West and by the property lines of Estrella and Auburn Drive to the East.

The area encompasses the following streets: All of Lantana, Reno and Auburn (4758-5160) Drives; all of Ontario and Castle Avenues; the South side of University Avenue between 4749-4849; the East side of Euclid Avenue between 3611-3889; Estrella Avenue between 3803-3857; Dwight Street between 4759-4792; and Wightman Street between 4750-4871.



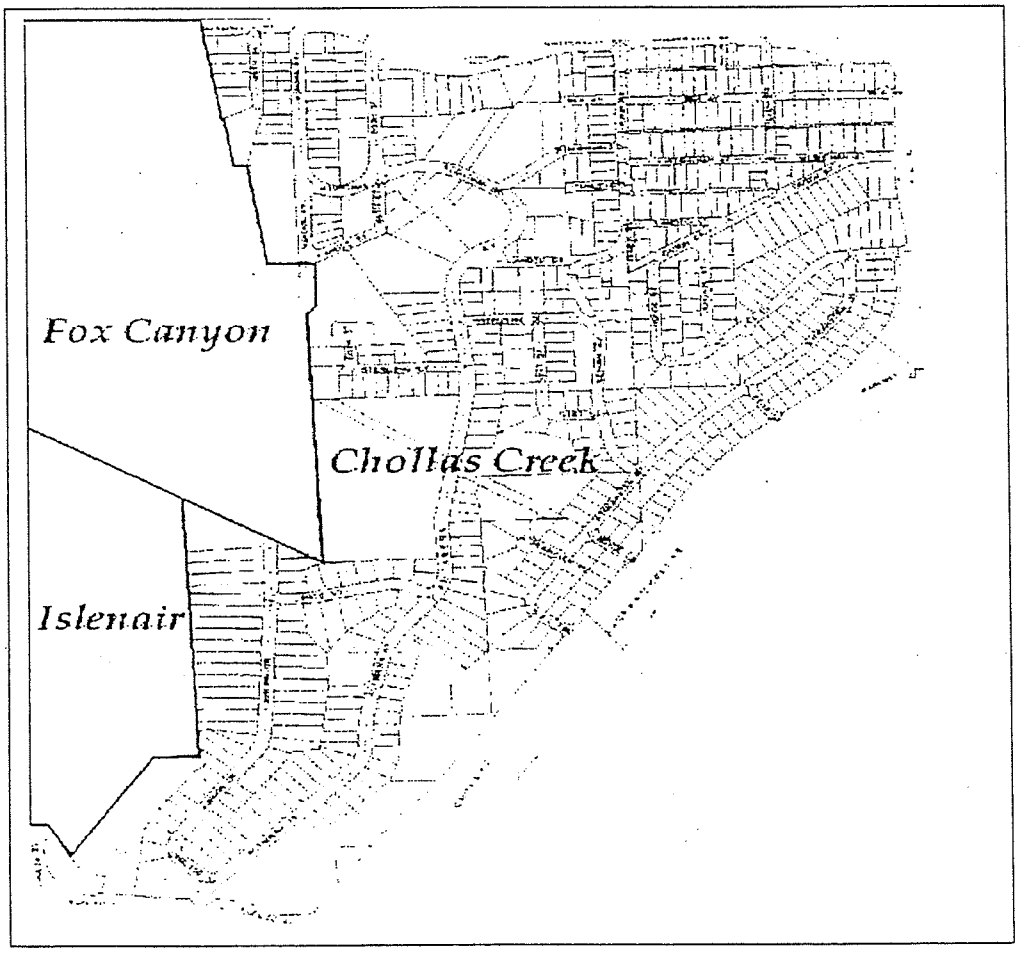
PDF created with pdfFactory trial version www.pdffactory.com

APPENDIX B:

CHOLLAS CREEK NEIGHBORHOOD ASSOCIATION HISTORY AND SERVICE AREA

The Chollas Creek Neighborhood Association (CCNA) was founded on **December 14, 2001**, when a group of Somali, Hispanic, Sudanese and Vietnamese residents gathered at the **Bandar Salaam** Community Room, under the leadership of **Shukri Adams, Delfina Wooley**, the **Police Solving meetings** and the **FCNA**.

The CCNA's Service area encompasses the following boundaries: The South of University Avenue from 49th to 54th Streets to the North; the west of 54th Street from University Avenue to Chollas Parkway; to the East; the southwest of Chollas Parkway from 54th Street to Euclid Avenue to the Southwest; the north of Euclid Avenue from Chollas Parkway to Euclid Avenue to the South; to that point which borders the Islenair and the Fox Canyon Neighborhoods.

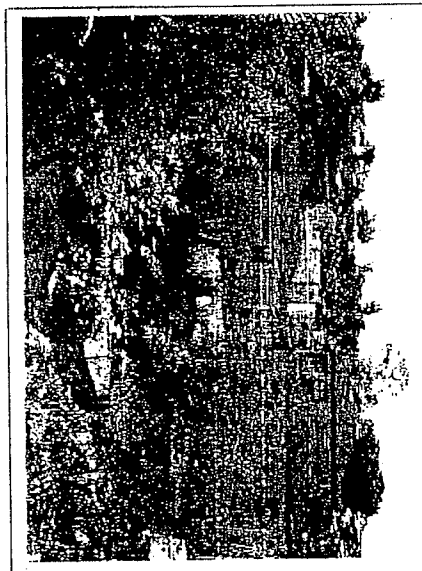


Appendix B

PDF created with pdfFactory trial version www.pdffactory.com

FOX CANYON NEIGHBORHOOD PARKS

PARTICIPATE! PARTICIPATE!



PARTICIPE! PARTICIPE!

NESECITAMOS EL APOLLO DE SU PARTICIPACIÓN!

CONTACTS: BETTY PHARRIS: (619) 283-8818 -- Jose Lopez: (619) 282-2788 -- LAUREL HUNTER: lhunter@cd-p.com
www.neighborhoodlink.com/sandiego/foxcan

PDF created with pdfFactory trial version www.pdffactory.com

Fox Canyon Neighborhood Association, Inc.

Happiness is a Park for the Neighborhood!

SDASLA Community Design Workshop

Fox Canyon Neighborhood Parks

Saturday, June 28, 2003

8:30 AM to 2:00 PM.

Christ Church Unity

Wrigley Hall

3770 Altadena Avenue

(Our voting place)

The Fox Canyon Neighborhood Association and the San Diego Chapter of the American Society of Landscape Architects are honored to cordially invite you to participate in a community workshop to develop and design a network of parks in Fox Canyon.

Come and Join Us! Be a part of the design process and influence the future of YOUR neighborhood. Attend we need your support.

ASOCIACION DE VECINOS

Fox Canyon LA BARRANCA DEL ZORRO

Con un parque en el vecindario se Vive Mejor!

Su presencia es requerida y esta usted cordialmente Invitado a asistir al Taller Comunitario para diseñar un parque en Fox Canyon.

Dia Sabado, 28 de Junio del 2003,

8:30 de la mañana a 2:00 de la tarde.

3770 Altadena Avenue

Directions: *(como llegar)*

From the **South** – Euclid (Lons) to Altadena (north), pass Marshall, Church on your left.
From the **North** - Euclid to @ on University, right on Winona, left on Wightman (up hill), Church on your right.
*Por el **Sur** - Home, Euclid (Lons) a la Altadena (tome hasta el Norte), pase la escuela Marshall, Iglecia a su izquierda. Por el **Norte** -- Euclid (derecha en.) University, derecha en Winona, izquierda en Wightman. La iglesia esta a su derecha.*

PARKING -- There's suffient parking across the street on **LANDIS** Street.
***ESTACIONAMIENTO** -- Al cruzar la calle de la iglesia, sobre la **LANDIS**.*

PDF created with pdfFactory trial version www.pdffactory.com

From: uiroz" <quiroz@cox.net>
To: <dsdeas@sandiego.gov>
Date: 9/8/2005 10:02:46 AM
Subject: MND Fox Canyon Park Project # 70422

Ms. Hermann,

Please find below my response to the Mitigated Negative Declaration for the Fox Canyon Neighborhood Park, Project 70422. Please let me know that you have received this response.

Thank you.

Theresa Quiroz

Response to the Mitigated Negative Declaration for the Fox Canyon Neighborhood Park, Project 70422,

Environmental Checklist Form:

33 In 2003, when the City applied for the grant to build the 1.9-acre park, they were required to do an Environmental Checklist Form. Since the grant was for urban parks, the City was not willing to discuss the road that was proposed to be built through the park. So when the Environmental Checklist Form was completed, it was done as if the road were not to be built. This bait and switch caused the Initial Study to be inaccurate because it was based on the inaccurate Environmental Checklist Form (ECF). The description of the project in the ECF is "the acquisition of land and development of the site into a community park with tot lot, passive play area, a hard court play area, barbecue and picnic area. The project also includes a bridge with a public art element". There is no mention of a street.

34. Some issues such as noise and lighting are not addressed because the MND is based on the inaccurate ECF. But the ECF also helps us to understand some other points that are relevant and should have been discussed in the MND.

35. Under aesthetics on page 5, the question is asked whether the project would degrade the visual quality or character of the site. The answer from the city is clear that a park is better than what is there now. But would a road be better than what is there now? The environmental assessment doesn't mention that. Experience in the community shows us that roadways in the area are traditionally strewn with trash and debris. It is very important to have a frank discussion of the environmental effect a road would have on the visual quality and character of this site.

36. The question is also asked whether a new source of light will affect nighttime views. The city replies that all lighting will be projected downward and shielded. But how is it possible to direct and shield car headlights? As is discussed later in this letter, this road will be highly used by "cut-through" traffic, which will create all kinds of problems related to the headlights disturbing the animals and plants in the Auburn Creek. As the cars move uphill on Ontario, their headlights will disturb the residents above and vice versa. The street requires an environmental assessment.

RESPONSE TO COMMENTS

THERESA QUIROZ (9/08/05)

33. Comment acknowledged. At the time the Initial Study Checklist was prepared for the grant application, the project did not include a future alignment for the paper street known as Ontario Road through the park. It was anticipated at that time, that the road would be vacated through a subsequent City Council action. However, based on comments received from other City staff it was determined that the park proposal would include the provision for a future roadway alignment adjacent to the park as anticipated in the Euclid Avenue Revitalization Action Plan. This park project has been designed to accommodate the future alignment of Ontario Avenue, but construction would not be funded through the Urban Park Grant.

34. Potential lighting and noise issues were evaluated as a part of the project once it was determined that the paper street known as Ontario Road would be required. Lighting for the project would be in compliance with City standards. It is not anticipated that traffic noise along the future alignment for Ontario Road (approximately 2,585 ADT) would exceed the City's adopted noise ordinance or established threshold for adjacent park uses of 65 dBA.

35. The future roadway alignment would be designed to meet City standards and include sidewalks, curbs, gutters, pedestrian ramps and street lighting. These roadway elements would not constitute a significant visual quality impact under the City's Significance Thresholds. Therefore, no mitigation is required.

36. The future roadway alignment would be designed to meet City standards and would not necessarily be able to avoid the effects of car headlights toward northern or southern residences. In addition, all roadway lighting would be shielded and directed away from adjacent residential uses consistent with City standards. This effect does not constitute a significant visual quality impact under the City's Significance Thresholds.

37. The proposed future roadway alignment, which would generate approximately 2,585 ADTs would not expose sensitive receptors to substantial pollutant concentrations including air toxins such as diesel particulates.

38. The proposed parking would not be located within the area dedicated for park use. The four to five parallel parking spaces would be located within the future Right-of –Way for Ontario Road.

39. This comment does not address the adequacy or accuracy of the environmental document. Therefore, no response is required.

40. Please see Response to Comment No. 34.

41. Please see Response to Comment No. 34.

37. Under Air Quality (page 6), the question is asked whether the park would affect the air quality. The answer is that a park would not conflict. But when a road is introduced to the project, the answer has to change. Having so many cars moving so close to a gathering place for children is a real concern in a place that has been shown to have a disproportionately high level of child asthma. As the community battles with the asthma problems, especially childhood asthma, it is unconscionable to build a busy road next to an area specifically created for the recreation and education of children, especially when we have yet to be given a good reason for the road.

38. The response also states that there will be no on-site parking. Under the current project, there will indeed be parking along the new Ontario Avenue for the new park so the question needs to be looked at again. All of the responses to the air quality questions were based on a project with no street through it. So there was no further study on this issue, when the MND was prepared. The MND needs to be done again with the street clearly covered in the review.

39. In the question of hazardous materials (page 9), as before, the road was not considered in the response. Although the hazardous waste in the park is discussed in the MND, it does not discuss the possibility of hazardous waste being transported along the proposed road.

40. Under land use (page 12), the question is asked whether the project would conflict with any land use plan. The zoning would have to be changed to allow the park. But since the Community Plan makes Park Space one of its top priorities, there would be no problem. The specific plan speaks to the opening of the road which the community has not approved. In fact, the elected land-use body voted to not permit the road through the park. The Planning Department may support the road, but that does not mean that they can violate the community plan, the specific plan and the recommendation of the planning committee without a very good reason. No good reason has yet been given why the road should go in.

41. Under the questions about noise (page 13), every answer is "No Impact" because "project is a community park and would not generate excessive noise levels". This project is not a park; it is a park with a road that will be highly used as a short cut for vehicles wishing to avoid any congestion on University Avenue and Euclid Avenue. The subject of noise is not considered in the MND. Since this road will be adjacent to the highly sensitive Auburn Creek, and will be built through a canyon that currently is home to all kinds of wildlife, the subject of noise has to be reviewed and if necessary, mitigations made. The environmental assessment is inadequate in respect to noise impacts.

42. Both the park and the creek are areas where any ambient noise necessarily is a problem. The grant application for the Urban Parks Funds states "The environment of our five-finger canyon lends itself perfectly for local fauna and flora studies with open, unpaved trails for access". It describes the need for the park, one of which is the noise in the surrounding overcrowded neighborhoods. It is clear that within our community, the number of cars that illegally play loud music in their cars is higher than average for the city. Since the road will be used as a "short-cut", the sheer number of cars, especially during rush hour, will create a high level of noise that will adversely affect the park, its uses, and the wildlife of the creek. In addition, the question has to be discussed of whether the "pre-cast bridge" would cause a higher level of ambient noise than a cast-in-place bridge.

RESPONSE TO COMMENTS

42. A pre-fabricated concrete bridge would not result in roadway noise that is greater than a cast in-place concrete bridge.

43. According to Long Range Planning Staff, the paper street known as Ontario Road is not a circulation element road in the Mid City Community Plan. Additionally, the future alignment for Ontario Road is not located within the park. Rather, the project accommodates the future alignment adjacent to the park.

44. An alternative analysis is generally required with preparation of an Environmental Impact Report when the proposed project would result in significant impacts that cannot be mitigated. The proposed project has been designed to comply with all the requirements of CEQA and any significant impacts can be mitigated to below a level of significance. Therefore, an alternatives analysis would not be warranted.

45. The comment does not address the adequacy or accuracy of the environmental document and therefore, so response is required.

46. Please see Response to Comment No. 4.

47. The Euclid Avenue Revitalization Action Program (RAP) was adopted by the City Council on July 31, 2000. The RAP identifies revitalization strategies for a portion of Euclid Avenue and surrounding neighborhoods located between El Cajon Boulevard and Home Avenue. The RAP has several recommendations involving the creation of a road connection between Auburn Drive and Winona Avenue. Under traffic improvements, it recommends a Winona-Ontario Avenue road connection, should the closure of Auburn Drive, south of Wightman, be implemented as part of the effort to reduce cut-through traffic on Auburn Drive. At this time, no closure of Auburn Drive, south of Wightman has been completed or proposed. The proposed connection between Winona Avenue and Auburn Drive is supported because it would provide police, fire and life safety access where it does not currently exits. It is also supported because it meets a goal in the community plan for maintaining a high level of police, fire and life safety access throughout the community. The provision of this street connection would also provide improved pedestrian access that would consist of a 5-foot sidewalk, street trees, and landscaping where none currently exist.

47. RAP also recommends developing a neighborhood park on Auburn Drive, in conjunction with any future roadway construction linking Winona Avenue and Ontario Avenue. Under its land use section, it states that, opportunities for developing a park in the vicinity of Auburn Drive and Winona Avenue should be done in conjunction with Chollas Creek preservation and the development of a street linking Ontario and Winona Avenue.

48. This comment does not address the adequacy or accuracy of the environmental document and therefore, no response is required.

43. Under the transportation section (page 15), the city makes it absolutely clear that the park-only project is suitable without this road. The comments, made under the project without a road are "The project incorporates measures to allow adequate fire and police emergency access to the site", "adequate parking for the new park would be on existing streets surrounding the site", and "paper streets within the project site that are included in the Community Plan as circulation elements MUST (my emphasis) be vacated in order to create the park. No significant impact anticipated from this action". With these statements in mind, it is impossible to understand the environmental assessment being based on a park that has no street through it, when in fact, the city intends to put a street through the park area. The City has already determined that the vacation of the street would not create negative impacts. The mitigated negative declaration should recommend the park-only alternative as the preferred method.

Initial Study:

Alternatives:

44. The most obvious missing piece is the discussion of other alternatives. Since the proposed road included in the Site Development Permit will be creating a negative impact, the other alternatives must be looked at in detail. The 'No Project' alternative would not be acceptable, since the area is strongly deficient in park space. However, since the City has concluded there would be no impact if the paper street were vacated, the alternative of a park without a road is an obvious answer to the intended mitigation. The mitigated negative declaration should recommend this.

45. The road will have only one purpose; to take traffic off the main roads and move it onto our quiet, neighborhood streets. To quote the person backing this road, he supports this road for "emergency vehicle transit" and "avoidance of Euclid Avenue". At this time, there is no problem for emergency vehicle transit and it is a policy of the City of San Diego not to take congestion off our main roads to add to the problems in our quiet, neighborhood streets. The only traffic problem currently in these neighborhood areas is too much traffic. In fact, the affected neighbors on the lower portion of Auburn Drive, south of the park site, requested that speed humps be installed to slow and reduce the traffic. The Fox Canyon Neighborhood Association earlier chose to make one-way streets of upper Auburn Drive and Wightman Street, instead of opening the Ontario cut-through. Obviously, the surrounding community does not want the added traffic that this road would create.

Biological Resources

46. The Initial Study (page 5/6) discussed the mitigation for the loss of southern maritime chaparral. The mitigation will be a deposit into the City's Habitat Acquisition Fund. This is not an acceptable mitigation. This park project was brought to life because the community is vastly deficient in park areas. City Heights is one of the densest areas in the City of San Diego, and getting denser every day, and the community is desperately in need of open areas, natural and sensitive biological resources. Because of the

RESPONSE TO COMMENTS

49.: Please see Response to Comment No 33.

50. This comment does not address the adequacy or accuracy of the environmental document and therefore, no response is required.

51. The traffic study prepared for this project considered congestion of other local roads as part of the analysis.

52. While the traffic study prepared for this project anticipated local through traffic on the future Ontario Road, there is no evidence to support this assumption.

53. The future roadway alignment would be designed to meet City standards.

54. Although illegal dumping of hazardous materials were identified within the creek, there is no evidence to support the assumption that construction of a future roadway adjacent to the proposed park would increase this activity. Additionally, the project is required to comply with all local, state and federal regulations regarding the handling of hazardous materials that could be encountered during construction activities.

55. Environmental Justice is not an issue area evaluated and/or analyzed under the CEQA process.

56. The proposed project is an approximately 1.9-acre park located within an approximately 3-acre site.

57. This comment does not address the adequacy or accuracy of the environmental document and therefore, no response is required.

46. overwhelm. .ild-up in the area in the form of "in-fill" development, it would be unlikely that the City would be able to mitigate this issue by creating habitat in the same community. The grant application for the funds to build the park stated clearly that it is for the creation of these types of areas in the park, so that our children can play and learn there. If the wildlife is simply mitigated by purchasing a piece of land somewhere else, then a reason for the park is lost. The Community Plan makes these areas of natural and sensitive wildlife one of its top priorities, as do several other official land-use documents for the area. To remove one of the few environmental assets this community has and mitigate it by replacing it in another community is not acceptable.

Land Use:

The Initial Study found Land Use Impact to be not significant. However, the area in question is covered by the Euclid Avenue Revitalization Action Plan (ERAP), which is the specific plan to the Mid-City Community Plan (MCCP). It states that the following are the top priority:

"Reduce the volume of cut-through traffic on Auburn Drive". This is not open to interpretation. By opening Ontario Avenue, the city will be increasing the volume of cut-through traffic.

47. "Open a connection between Winona and Ontario Avenue as part of the closing of Auburn Drive". Again, this is not open to interpretation. "As part of" means together, in conjunction with, and one cannot occur without the other. The community of Fox Canyon chose not to close Auburn Drive, when they made the decision to make their streets one-way. The CHAPC and the City Council concurred with their decision. In that case the ERAP put forward an either/or - either make the streets one-way or close Upper Auburn Drive.

"A more detailed study of the proposed opening of a connection between Ontario and Winona should be conducted to evaluate the project's potential impacts and effectiveness in resolving neighborhood traffic concerns". The Deputy Director of Park and Rec said that she didn't "think" there would be any impacts, so a study was never done. An unsubstantiated opinion of a park employee regarding a transportation issue is not a detailed study, and until one is done, the land-use requirements are not being met.

48. The City Heights Area Planning Committee (CHAPC) is the duly elected body that represents and makes land-use decisions on behalf of the community. They held a properly noticed meeting to discuss this park and the road, and then voted unanimously that the road should not be put in.

49. Additionally, the MCCP is clear that "the lack of public facilities, and in particular schools and parks, is the community's most pressing need". Here we have the opportunity to build a park with 1.9 acres of useable park space, but instead, the bulk of the useable space is being used for the proposed road, the sidewalk and parking spaces. The MCCP also requires that the City "Evaluate all vacant and publicly owned land - including streets and unimproved rights-of-way for potential use as park facilities". That was the original concept for this park - vacating Ontario Avenue into the park - and that concept should be respected.

50. As you can see, the land use documents and the elected representatives for the community are in agreement that the use of this land should be park space, not roadway.

Transportation:

51. Under Item II of the initial study the statement is made that the canyon can be accessed from University Avenue via Winona Avenue. The obvious problem is not discussed in any way. By opening the Ontario Road, a short cut is created from University Avenue to Euclid Avenue, south of Home Avenue. Euclid and University are congested during rush hour and the purposeful creation of a short cut to take traffic off our major streets at the expense of our neighborhood, residential areas will create a negative impact that is not even considered in this report. That short-cut will create a much larger average daily trip than this document discusses, and the MND needs to be revised to show the correct number of cars that will be tempted to avoid the congestion, and instead use the quiet, residential streets as the quick way around the problem.

52. Neighbors in the general area have already spoken of the major negative impact that traffic has had in their community, and the city put in speed humps along part of Altadena. Opening the Ontario link will allow vehicles to avoid the speed humps on Altadena Avenue and cut through the Winona-Ontario-Auburn pathway. In an e-mail to the community, the President of the Fox Canyon Neighborhood stated, with the concurrence of the District 7 office, that the reason for creating this road is the "avoidance of Euclid Avenue" (see e-mail dated July 16, 2005).

53. The MND does not discuss the inherent danger that this road will create. The proposed Ontario Avenue curves as it crosses the park area. The curve, along with the necessary landscaping that will be done to enhance the creek, will create an area where children will be crossing the street to get to the other side of the park, and an area where the drivers will be unable to see those children until it is too late. The curve takes away any possibility of creating a safe pedestrian crosswalk, since the vehicles will be unable to see the crosswalk until it is too late and they are upon it. As the road slopes downhill, it will cause the southbound vehicles to speed up as they reach the curve making a feature within the park that is not just a hazard, but life-threatening to the young school children who are expected to use this as their "outdoor learning environment".

Hazardous Waste

54. It is most disturbing that this study finds that an REC of a 10' x 5' area of discarded automotive waste needs no mitigation on an area declared a park for our children to play. The hazard was caused by an adjacent property dumping its waste into the canyon. It is obvious that this will continue until measures are taken to stop it. The MND should discuss the possibility of future contamination, and the hazard to the children playing in the park of the current and future hazardous waste. This area has been a dumping ground for decades and a more in-depth review of the hazards below the surface needs to be conducted before this project moves forward.

Environmental Justice:

Perhaps the most egregious negative impact of this proposed project is not even touched upon by this report. The park is being funded by the Urban Parks Act of 2001. As such, environmental justice must be a part of the planning of the facility, especially the road. The City told the residents that they would be receiving a park, and they encouraged input on that basis. The city then changed the project, once it was funded, to one that is specifically rejected by the community because of the huge negative impacts the creation of this road will have on their quality of life, and the usefulness of the desperately needed park. There were no attempts to get public input on the addition of a road before the decisions were made. When it was brought before the community's duly elected representatives on land-use planning it was rejected by a 12/0/1 vote. The elected representative to CHAPC for the Fox Canyon Neighborhood could not bring himself to vote to allow the road to be built and cast the lone abstention. Thus the veracity of the claim that the people of Fox Canyon back this road must be questioned. According to the July 16, 2005 e-mail substantiated by the Council member's office, there was an agreement between the Council member and the president of Fox Canyon Neighborhood Association, for paving the Ontario Avenue right-of-way, before the grant was written and before this project was taken out to the public for review as a simple park, with no roads.

55. This underhanded abuse of the low-income and minority citizens of the area has caused this project to move forward when it has obvious, large negative impacts to the community and when it does not have the support of the people most affected by it. The neighborhood of Chollas Creek, where the project is located, has yet to be told that the park they planned will no longer be built because the city is demanding a road. On reviewing documents of the community meetings, you will find no mention of the road. And many of the persons who wrote letters backing the grant application for the park have been shocked to find that the road has been added.

Environmental Justice is required by the fact that this is a state-funded project. But an ethical city government should also require it as they oversee such underhanded methods of pushing adverse impacts onto our low-income and minority citizens. There is yet to be a valid reason for this road to be given, and yet the city demands that its poorer citizens deal with even more adverse impacts, without justification. That is not Environmental Justice and this project should be brought back to the drawing board so that a real park, clarified in the Urban Parks Act Grant Application, can be built to increase the quality of life of our poorest citizens.

Misleading Statements:

56. The document describes this as a 1.9-acre park. That is misleading. It is the City's policy to describe only the area that is useable as parkland in neighborhood parks - not to include unusable, steep canyon grades as part of the park area. Please look at the description of the in-progress Home Avenue Park for reference. It discusses the approximately 2 acres park on a 6-acre lot. The Fox Canyon Park is, in fact, a 0.4-acre park on a 3.34 acres lot. This is a disparity that should be corrected.

57. There is no question that this project, dedicated to a park as was promised in the Urban Parks Grant Application, would increase the quality of life of the residents, create the least negative environmental impacts, and put into place all of the land-use document recommendations. With the addition of Ontario Avenue, this becomes a project that will create enormous adverse impacts on a community already suffering from neglect, and a project that makes our children's safety secondary to political ambition.

From "JohnStump" <jwstump@cox.net>
To: <DSDEAS@sandiego.gov>
Date: Mon, Sep 19, 2005 4:40 PM
Subject: Mitigation for Environmental Harm Should Occur In Chollas Valley

Dear Sir / Madam :

RE: Fox Canyon Neighborhood Park

58 Your proposed Migrated Negative Declaration is flawed as it does not consider alternatives when less harmful alternatives are known and it proposes mitigation measures in distant and remote ecosystems when mitigation is possible in adjacent lands.

The Applicant, the City of San Diego, had considered alternate less intrusive plans for this park. The less intrusive plans for this park did not include a road, as an alternative. Alternative analysis is one of the benefits of a full Environmental Study.

59 The Applicant has rejected this approach and declared that even though there is will be damage to the environment its single approach is the best.

60 Further, applicant has determined that mitigation of harm to the environment would be best mitigated by remote preservation of a reserve in a different watershed and ecosystem. The applicant should provide some scientific or economic basses for this decision. The Applicant already has a working environmental reserve on this watershed that could be expanded, as an alternative.

Please respond to this and all my comments in writing. My address for responses and notices is John w. Stump, 4133 Poplar, City Heights, CA 92105

All the Best John Stump

CC: "quiroz" <quiroz@cox.net>, "City Heights Canyons Project" <info@cityheightscanyons.org>, "Kim Herbstritt" <kherbstritt@publicstrategies.org>, "Katt Eaton" <kattleaton@cox.net>, "Carolyn Chase" <cdchase@sdearthtimes.com>, <Tershia@aol.com>, "Jose Lopez" <FoxCanyonN@aol.com>

DSDEAS DSDEAS - Federal NEPA Study Standards Should Apply Page 1

From: "JohnStump" <jwstump@cox.net>
To: <DSDEAS@sandiego.gov>
Date: Mon, Sep 19, 2005 3:59 PM
Subject: Federal NEPA Study Standards Should Apply

Dear Sir/ Madam

61 I have attached 512 of the City of San Diego CIP Budget which demonstrates that you have already expended some $30,000. of federal CDBG funds on this Fox Canyon project. In earlier comments I suggested that a complete study needed to be done using federal NEPA standards because I believed that this project could or would require federal funding.

It appears that it has already involved Federal funding. Further the Budget page shows a "Unidentified" shortfall of some 5 million dollars for the total project which will eventually need some future CDBG funding.

Please do a complete federal NEPA study

All the best JWS

RESPONSE TO COMMENTS

JOHN STUMP (9/19/05)

58. Please see Response to Comment No. 44.

59. This comment does not address the adequacy or accuracy of the environmental document and therefore, no response is required.

60. Please see Response to Comment No. 4.

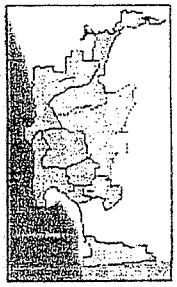
61. Please see Responses to Comment 9 & 12.

Park & Recreation

Other Parks

29-596.0 Fox Canyon Park - Acquisition and Development

Council District: 7 **Community Plan:** Mid-City



Description: This project provides for the acquisition and development of an approximately three gross-acre park, creek enhancements, street improvements and other recreational amenities in the Mid-City neighborhood of Fox Canyon

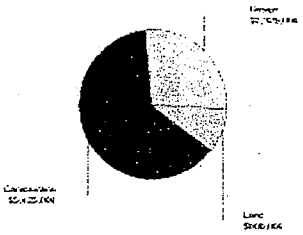
Justification: This project will contribute to satisfying the population-based park acreage requirements set forth in the City's Progress Guide and General Plan

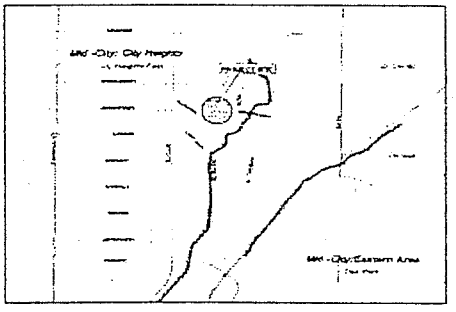
Operating Budget Effect: The operating budget effect will be determined upon completion of the project.

Relationship to General and Community Plans: This project implements the recommendations found in the Mid-City Community Plan, and it is in conformance with the City's Progress Guide and General Plan.

Scheduling: Land acquisition activities were scheduled in Fiscal Years 2004 and 2005. Design is scheduled to begin in Fiscal Year 2006. Construction will be scheduled contingent upon identification of funding.

Expenditure by Work Code
Project Life





Expenditures by Revenue Source							
Revenue Source/Tag	Exp/Enc	Ten/Appr	FY2006	FY2007	FY2008	FY2009	FY2010
CDBG	30,000						
PRKDIF MC	18,536	881,464					
STATE FC		2,363,000					
Unidentified Funding				5,257,000			
Total	18,536	2,244,464		5,257,000			
Work Codes	DL	CDL		C			

Revenue Source/Tag	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	Total
CDBG							30,000
PRKDIF MC							900,000
STATE FC							2,363,000
Unidentified Funding							5,257,000
Total							8,550,000
Work Codes							

Contact: Kelly Rodgers E-Mail: krodgers@sandiego.gov Phone: 619-235-5242

From: <FoxCanyonN@aol.com>
To: <DSDEAS@sandiego.gov>
Date: 9/20/2005 11:17:34 AM
Subject: Re: Fox Canyon Neighborhood Park, Project 70422

Dear Ms. Herrmann:
Attached you will find a PDF report named "Evidentiary History of Community Support for the Dirt Street Connection, Ontario/Winona". Will you please
62. include the report into the public record and also attach it as an addendum [along with the Fox Canyon Parks Subcommittee Report submitted previously] to the Fox Canyon Neighborhood Park [FCNP] Mitigated Negative Declaration [MND] final document? THANKS.
As mentioned before, below, you will find additional comment to be included in the FCNP-MND within the limits permitted for public comment, right reserved when first commented on this matter via email.
63. On page ten, 2nd paragraph, line 9, reads: "from Altadena to Auburn Creek Drive". It should read correctly: from Altadena to Auburn Drive, strikeout 'Creek', please. In any case, the residents of the area have long supported to rename the Ontario Avenue extension, "Fox Canyon Parkway".
Let it be said that the Ontario Avenue dirt-road connection is a vital necessity, a matter of serious public health/safety, good and convenience to the inhabitants of Winona Avenue, Wightman Street and upper/lower Auburn Drive. In addition, the road connection is an integral part for the perfect recreational environment, function-ability and accessibility to the Fox Canyon Neighborhood Park for the following reasons:
a. The Ontario Avenue extension will mitigate the immediate access required by ADA requirements and it will provide ADA parking/access right-up to the front and heart of the park, where's needed.
b. The Ontario Avenue extension will mitigate, now existing vandalism [graffiti], criminal [drugs/gang] activity [now rampant and unabate d]; illegal camping [out-of-doors sex and indecent exposure]; out-of-doors human waste disposal and gun discharge right into the air out and off the
64. future park per say and surrounding residential areas. Thus, providing an adequate facility for proper and required police patrol and quick action enforcement [one-point multi-directional deep surveillance]. With the road connection, fronting the park, quality-of-life crimes will be more easily controlled and peace-and-quiet will return to the area while providing an adequate facility with the right environment for human recreation, entertainment and transport.

The Ontario Avenue extension runs parallel to the park frontage and NOT through it. To the far-left, high density residential developments; to the left, notice [the green vegetation line running parallel to the wall, the extra and set apart land provided to restore the Auburn Creek in accordance with the Chollas Creek Enhancement Plan [CCEP], at the center, the much needed Ontario Avenue extension and to the right, the park frontage. Adding the dedicated street-land to the park will not significantly add more parkland and the impact will be negligible, but, in comparison, it will significantly ADD more, severe and detrimental environmental and service problems.
c. The Ontario Avenue extension will help mitigate the apprehension and pursuit of law/code breakers at this location. Whereas now, the entire area is void of proper and befitting enforcement due to the inaccessibility and off-limits nature of the terrain, and due to the absence of appropriate and well maintained roads and streets, and the isolation in which this

RESPONSE TO COMMENTS

FOX CANYON NEIGHBORHOOD ASSOCIATION (9/20/05)

62. The report attached to your comment letter has been included as a reference as requested.

63. The correction has been made to the MND as noted. The request for a street name change is not a part of this project and would be addressed by the General Services Department..

64. The remaining comments do not address the adequacy or accuracy of the environmental document and therefore no response is required.

area now rests.

d. The Ontario Avenue extension will mitigate the great environmental damage, now being done by the illegal dumping of pollutants on the soil, all along and into the Auburn creek, at this location. Beneficial and appropriate community, State Assemblywoman Horton's and/or City organized cleanups are very difficult, if not impossible, to do, due to the lack of vehicular access to where discards are illegally dumped, for appropriate disposal. Now, volunteers and/or City crews have to hand-carry debris for long distances to the nearest vehicular access, provided only, at the entrance of Ontario/lower Auburn Drive, at the end of Winona and at 50th Street, crossing and traversing private lands, extremely difficult terrain and the deep slops and banks of the Auburn Creek at two locations. An ever increasing amount of car batteries, tires, automobile fluids, dismantled car parts, broken TV's, computer parts, construction rubble, supermarket carts, discarded furniture, carpeting, cloths, debris, trash, litter and prophylactics are now being dumped everywhere, with impunity, and deposited at locations such as Landis Street, the beginning of Ontario Avenue and at the end of Winona [now a Culls-de-Sac] and at the blighted area [parcel] that will become the Fox Canyon Neighborhood Park. Such great frequency of dumping makes it very difficult for the State office of Shirley Horton, any City department and/or the Fox Canyon Neighborhood Association to keep the cleaning-up. In addition, the lack of access for appropriate surveillance and cleanup of pollutants dumped into the Auburn Creek creates now an environmental disaster at this location and down stream, all the way to the San Diego Bay as well. Thus, the environmental benefits of building the Ontario road extension by far outweighs the impact that it may have on building the park and parkland, and mitigates all wrongs now being done.

A.

Please, notice the Auburn Creek's high-water mark and the items discarded into it, as a matter of fact.

e. The Ontario Avenue extension will mitigate the damage done to this entire area by the use and access to the dirt road as an outdoors race track for off-road and all-terrain/road vehicles. The new City Street will block and separate the park area and canyon slops from off-roaders.

f. The Ontario Avenue extension will mitigate the severe lack of walk-ability now existent in Fox Canyon. Now inhabitants of this area have to walk all around the Fox Canyon rim to access schools, commerce, services and public transportation [bus stops]. A pedestrian now needs to walk [let's say] from lower Auburn Drive [one city block] pass Ontario Avenue, now a dirt-road, going north, up a very step hill [one city block length] to upper Auburn [four-city block lengths], going west, to Euclid Avenue and then right turn, to University Avenue [one more block], going north, just to reach the bus stops at Euclid/University. At the contrary, factoring in the Ontario road extension, such walk is shorten to about half the distance with no turns, i.e., Ontario Avenue [600 ft], the proposed road fronting the future park, going north/east one block of Winona to Wightman Street [same step hill], going north, and one block [the length of two City blocks] of Winona Avenue to University Avenue [straight line, no turns] to reach same route bus stops at Winona/University, and the same needs to be said, to reach commerce and services at these locations. For pedestrians carrying food, goods and/or pushing children in baby carriages completely unprotected and under the elements, shorting the walking distance in such way is significant, of supreme importance, and an urgent public necessity.

64

Now pedestrian have to walk the distance of the YELLOW line to access services, commerce and bus stops at Euclid/University. With the benefit of future Ontario Avenue road connection, pedestrians will walk the BLUE line to access the same type of services at Winona/University.

g. The Ontario road extension will mitigate the discharge of tons of carbon monoxide [co2] into the environment, due to the extra and unnecessary consumption of fossil fuels. Whereas to reach John Marshall Elementary School, services and commerce on University Avenue and beyond, motorist now have to drive all around the Fox Canyon rim, through the Loop [upper Auburn Drive/Wightman Street], Euclid, University, Winona, Wightman, Altadena just to reach the school [200 ft up hill, west facing slop from lower Auburn Drive]. Considerable idling periods and time wasted fighting traffic congestion at Euclid/University will be mitigated with the Ontario Avenue extension. In addition, other transportation means are a great possibility within the road extension, appropriate bus, bike lanes, walking and other means of alternative transportation are a great possibility to move land lacked lower Auburn Drive residents in/out of the Fox Canyon valley.

h. The Ontario road extension will mitigate the social, cultural and physical division/separation of two existing and greatly diverse communities creating a public meeting/mingling place [the park] in between them, and the new street will facilitate mobility within these two socially divided and dislocated communities of Chollas Creek and Fox Canyon.

Respectfully submitted,

Jose Lopez, President
Fox Canyon Neighborhood Association, Inc.
A Public 501c3 Nonprofit Corporation
4916 Lantana Drive
San Diego, CA 92105-2941
(619) 282-2788

FoxCanyonN@aol.com

www.FoxCanyon.Org (http://www.foxcanyon.org/)

4916 Lantana Drive
San Diego, Ca 92105-2941
(619) 282-2788, Fax 640-5310
FoxCanyonN@aol.com
www.FoxCanyon.Org

Fox Canyon **Neighborhood Association**

Evidentiary History of Community Support for the Dirt Street Connection, Ontario/Winona

[Future Fox Canyon Parkway]

July 27, 2005

Based on the principle that: "***all those people must immediately affected by the proposed developments have the greatest say on such matters***," the peoples of Fox Canyon and Chollas Creek have spent many long, long years diligently working to achieve, expressing need and supporting the evolution in design for public amenities desired at the Fox Canyon – canyon, including the Ontario *street* connection, now an unimproved dirt road. Through many long meetings and workshops, the **Fox Canyon Neighborhood Park** ***Bundle*** *[the neighborhood park,* ***future*** *Fox Canyon Parkway, and the restoration of Auburn Creek]* in its present proposed form, is an urgently needed and wanted capital improvement project strongly supported by all residents of the area to benefit our neighbors. **Weary** of waiting and not seeing the needed/desired tangible developments proposed, the residents immediately affected by this project once more present to you the following evidence to make their case for a speedy process to achieve our neighborhoods' goals. Let us **NOT** be mistaken, humbly and quietly the peoples of Chollas Creek and Fox Canyon have always expressed their input, as affected neighborhoods in support of this street connection. If our softer voices have not been heard by others, here we go again with a **LOUDER** voice: Therefore, hereby notice is given; we want the street connection within the park bundle, at all cost!

1. HISTORICAL TRAIL:

This part of Chollas Creek and Fox Canyon has been the crossroads to urgent and constantly used transportation nods; dictated by geography and waterways, since early historical times. At their time, Spanish settlers encountered first Americans' well established system of trails along the banks of "**Rio Castaño,**" as they named the, still today, brown waters of this creek. Later, present Americans translated the Spanish name to "**Auburn Creek**" *[Eng.* ***Auburn*** *= color = Sp.* ***Castaño*** *= Chestnut Brown].* In modern times *[1950/60]* as the frequently used trail became a developed City street, it inherited/translated the name to present **Auburn Drive**. As the area was subdivided, the remaining, and still used, part of the trail became

PDF created with pdfFactory trial version www.pdffactory.com

Ontario Avenue, and parts of **Winona** Avenue, now paper streets also. We have the first modern and historical evidence of the existence of such trails in **1928** when present Winona Avenue and 50th Street first started to be developed. In **1951**, the first signs of development begin translating the trail along the creek into a paved street. Please notice the yellow highlights,

ATTACHEMENT 1

2. **THE LOOP** *[upper Auburn Drive, Wightman Street]:*
Early development created a **closed** Loop, at this location. Later development opened the bottom of the Loop ***[the pork-chop]*** to connect upper/lower Auburn *[then another culls-de-sac]* and provided new planned housing developments with direct access to Euclid Avenue, toward the north/west. Then residents of the Loop were highly upset and felt dumped-upon with added, unnecessary and cut-through traffic, started advocating to close the Loop again and to connect **Ontario** to provide the needed entrance/exit from lower Auburn to University, via Ontario/Winona. **Mr. Greg Dietrich** *[former resident at 4871 **Wightman**]* was the lead to this **strong** movement, then.

3. **THE FOX CANYON NEIGHBORHOOD ASSOCIATION** *[FCNA]*:
The **FCNA** started soliciting members *[summer of 1997]* and was founded on **October 23, 1997**. Residents of the Loop gladly joined-in with the hope that added numbers and voices could provide a larger platform to express their needs of a closed Loop and an opened Ontario/Landis.

- **On 1998**, with unanimous consent, under the auspices of the **FCNA** and due to our strong community pressure, Councilmember **JUDY McCARTY** *[retired]* on/or around the summer of **1998**, petitioned **SANDAG/TransNet** for funds to finish building Ontario Avenue into a fully developed City Street. A **CIP #** was assigned then.

- **On Tuesday, February 9, 1999**, the association noticed the community and called all residents to a workshop-type meeting to consider several issues important to the neighborhood, the **Ontario road connection** included. Please, see **ATTACHEMENT 2, 2A** and **2B.**

- **On March 1999**, *[as published in the Fox Canyon Voice, March issue]* with unanimous consent, the community voted to support all the questions presented to the residents at the **February 9, 1999** meeting.
Please, see **ATTACHEMENT 3.**

- **On August 13, 1999**, The City of San Diego Capital Improvement Department issued a **Preliminary Project Cost Estimate.** Please, see
ATTACHMENTS City 1 and 1A

PDF created with pdfFactory trial version www.pdffactory.com

- **On Tuesday, November 9, 1999,** in a workshop-type meeting, the association considered the questions and issues published on the **December 1999**, newsletter. Please, notice that some of the issues that the Euclid Avenue RAP group claims as their own were first thought, considered and implemented by the **FCNA**, i.e. *"do not block intersection," legends, the parks, the **Dwight Street** pedestrian plaza to the west of Euclid [CD3] and the "T" intersection at Euclid/Home.*

  Please, see ATTACHMENT 4 and picture below.

- **On November 30, 1999**, The City Traffic Engineering Department issued a Memorandum on the subject of the Euclid Avenue Rezoning Traffic Study and Ontario Avenue Connection Traffic Study, as a direct result of **TR No.**: 235593-1; **Slip**: T-0372; **assigned** on 06/23/1999; **at Location**: Ontario/Winona; **Request**: Extend to connect W/Winona.

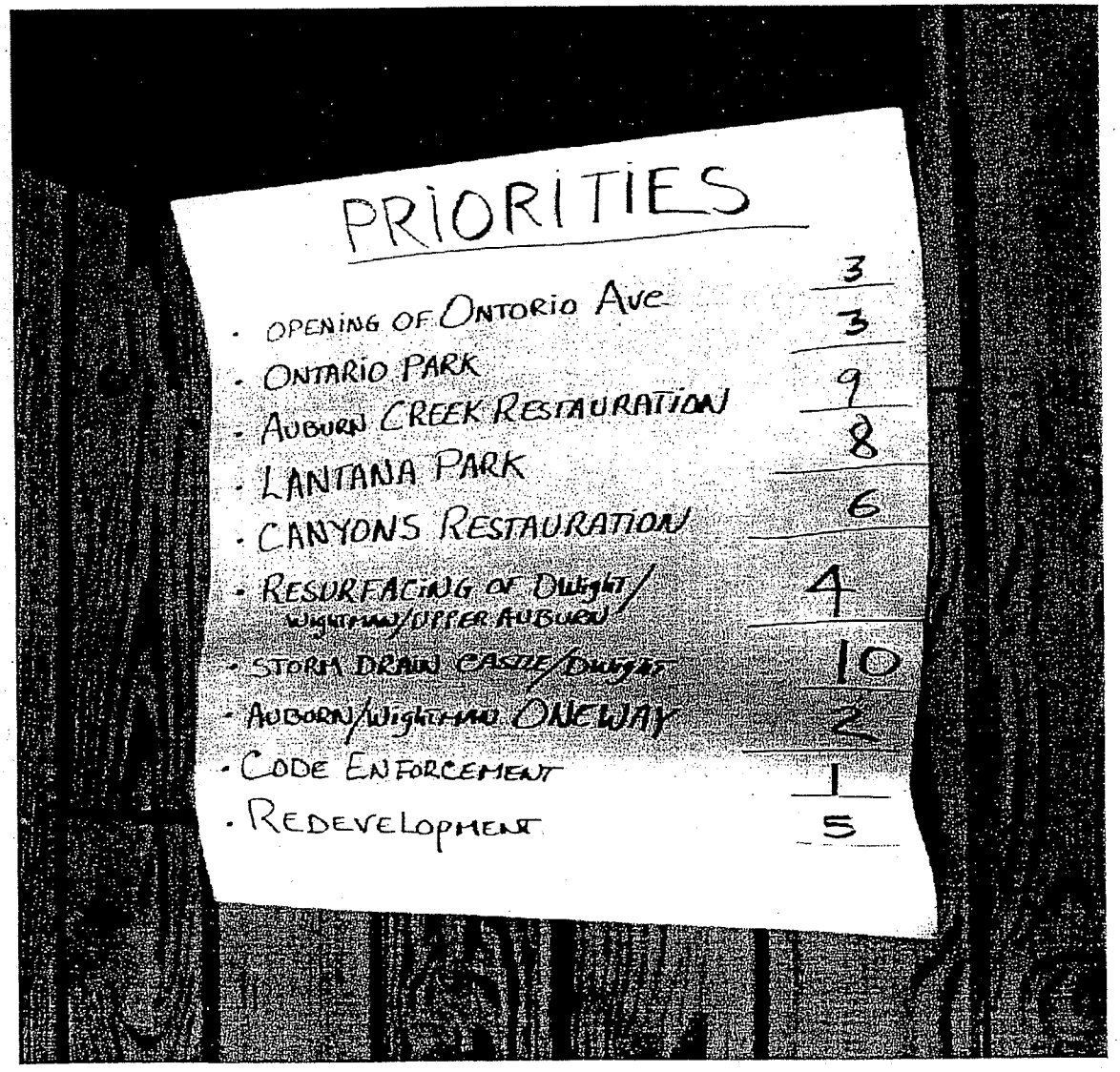
- **On January 26, 2000**, a City of San Diego Memorandum, **File No.: TR 241,250** identifies the cost estimate on the subject of the Ontario Avenue Connection. Please, see **ATTACHMENT City 2 and 2A**

PDF created with pdfFactory trial version www.pdffactory.com

- **April 2000,** The **Euclid Avenue Revitalization Action Program** is approved by City Council. The Fox Canyon community recommendations are included in the Plan pages **15** and **26,**

  Please, see **ATTACHMENTS 5** and **6.**

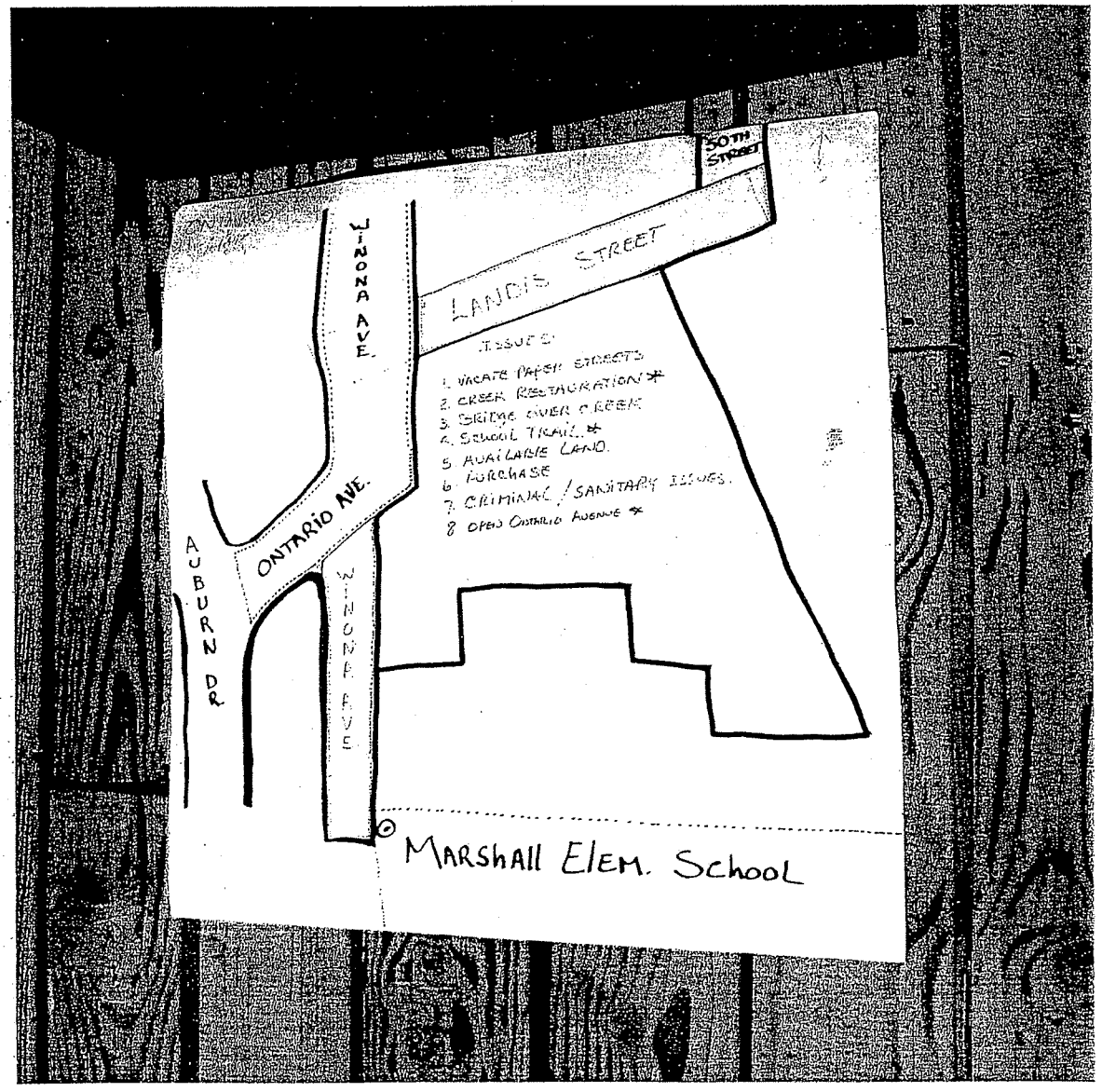
- **On January, 2001,** at the workshop-type meeting of January 2001, the association considered to focus on the listed neighborhood **priorities** for the year ahead, Code Enforcement was picked as number **1**. The Auburn/Wightman **ONEWAY** was picked as number **2**. And the **Ontario Avenue Street connection** *[future Fox Canyon Parkway]* was picked as number **3**, along with the **Ontario** *[now Fox Canyon Neighborhood]* Park, in equal standing, as number **3**. The Auburn Creek restoration was picked as number **9**. At this meeting, the community **BUNDLED** the park project as one containing the three elements now known to everyone as the **Park Bundle**, i.e. The Park, the street connection and a restored Auburn Creek.



PDF created with pdfFactory trial version www.pdffactory.com

- **On Tuesday, July 11, 2001**, all residents of the Loop and the community in general are called to a workshop type meeting, to consider the issue of the **One Way Loop,** as strongly recommended by Traffic Engineering, Mr. **Allen Holden**, Jr. At this meeting, the community agreed to **One-Way** the **Loop** only with the **condition** that in conjunction **Ontario is to be connected.** Also at this meeting, the residents, of both Chollas Creek and Fox Canyon abandoned the idea and support for Culls-de-sacking the Loop and opening Landis *[the paper street to be added to park land in conjunction with the south part of Winona, from Ontario]*. The south part of Winona is then identified as a possible/potential/safer **trail** leading to *Marshall Elementary School*, black dots in the illustration. The association president is authorized to circulate petitions in favor of the One-Way Loop.

Please, see **ATTACHMENT 7**, and picture below.

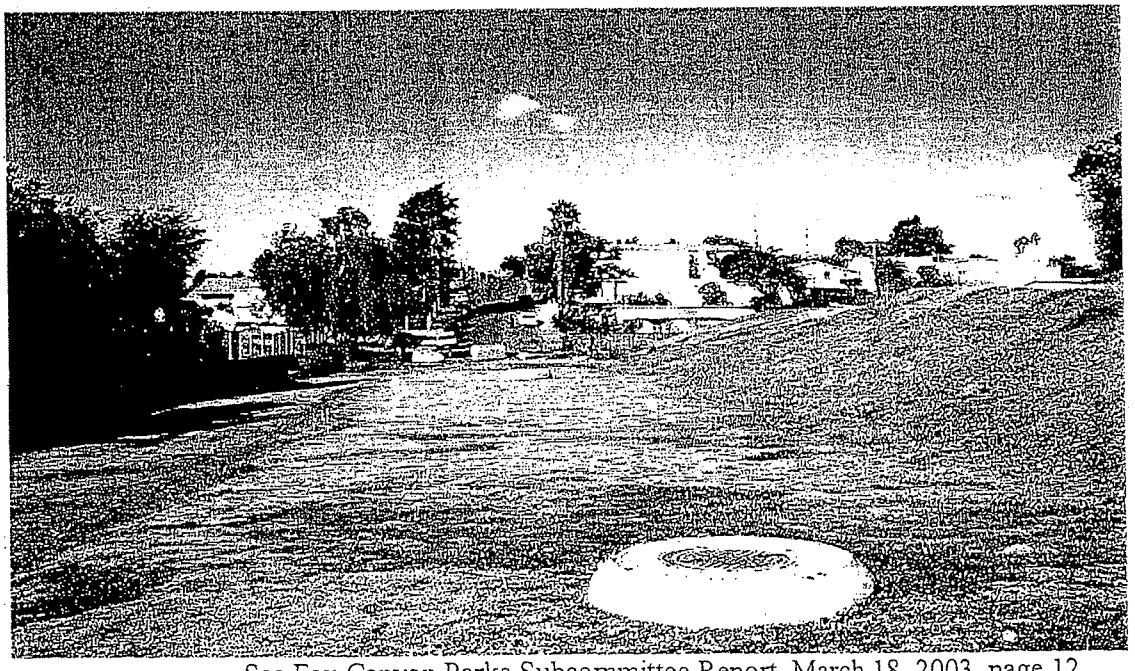


PDF created with pdfFactory trial version www.pdffactory.com

- On **February 13, 2001**, it's announced that the petition drive is completed and sent to Mr. **Allen Holden**, JR, Deputy Director – Transportation.
  Please, see **ATTACHMENT 8.**

- On **March 28, 2002**, the Fox Canyon community, local landowners, representatives from Elected Officials, City Department Directors, and local nonprofit organizations attended a **Community Forum** on the mission and work assigned to the **FCNA Parks Subcommittee**. Strong community support was established to continue the work on the Fox Canyon Parks System, The Auburn Creek/Chollas Creek Restoration Plan and the **Ontario Street Connection**.

- On **December 03, 2002**, for the second time, City Engineer **Timothy Dewey** prepares a City of San Diego ***Preliminary Project Cost Estimate Summary Sheet/report*** regarding the "**Ontario Avenue Connector**" *[Fox Canyon Parkway]* that aims at providing the future park with much needed traffic control, service and security. The cost estimate (2002) was **$760.000.00** for the entire project.



See Fox Canyon Parks Subcommittee Report, March 18, 2003, page 12.

"Vehicular access *[to the new park]* should be provided through the proposed **Ontario Avenue** connection" (**Fox Canyon Parkway**).
See Fox Canyon Parks Subcommittee Report, March 18, 2003, page 5.

- On **Tuesday, May 10, 2005**, the **FCNA** vacates its regularly scheduled meeting in favor of the Fox Canyon Park Meeting organized by the Office of Councilmember **JIM MADAFFER**, CD7. The Honorable Madaffer, himself, conducted such meeting. In the flyer announcing the meeting,

PDF created with pdfFactory trial version www.pdffactory.com

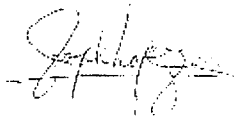
FOUR *[4]* City Heights sub-neighborhoods were noticed; Chollas Creek, Islenair, Colina del Sol and Fox Canyon. At this meeting, with a softer voice and acting on behalf of all those residents must immediately affected by these proposals, Mr. **MARIA PAYAN**, a **FCNA** member responded to a statement: "***You can express that point, but remember, WE live next to the proposed street and we need and want the street open for our own safety and security.***" Please see **ATTACHMENTS 9** and **10**

- In addition, this meeting was videotaped and Ms. Elyse Lowe, Council Rep, CD7, was presented with a copy. Any or all of you are welcome to a copy of the tape upon your request to the **FCNA**.

In presenting this evidence to you, let it be said that each step of this long way has been marked with a democratically competitive vote and complete support from the Communities of Chollas Creek and Fox Canyon. "**Input from all affected neighborhoods**" has been the principal element to the mentioned proposals, always. With this evidence of long years of work, we hope to achieve a different vision, and dispel the misinterpretation of **NO** community review, oversight and support. We couldn't have taken the first step without the strong support and involvement of **all** residents of Fox Canyon – Canyon and Chollas Creek living around the affected area and all stakeholders with interest in these proposals. We take particular exception with the **CHAPC** that **DON'T** seem to want to knowledge the voice of its constituents in Fox Canyon.

In addition, we are well known to the community-at-large for our open mind, process and complete disclosure, even if it harm us. Then, City Heights Area Planning Committee *[CHAPC]*, Chair Mr. **James Varnadore,** attended the **March 28, 2002,** Community Forum, along with Ms. **Ellen Agey**, Council Rep; Ms. **Carol Wood**, Parks & Rec, Landlords and other community stake-holders and supported the process. Subsequently and short-after its issuance, the Fox Canyon Parks Subcommittee Report was presented to **City Council** and **THREE TIMES** to the City Heights Area Planning Committee and now it is posted in our website @ www.FoxCanyon.Org Moreover, the **Fox Canyon Voice Newsletter** *[with all notices and announcements]* is delivered to 1,350 surface and e-mail addresses, including CHAPC members every single month.

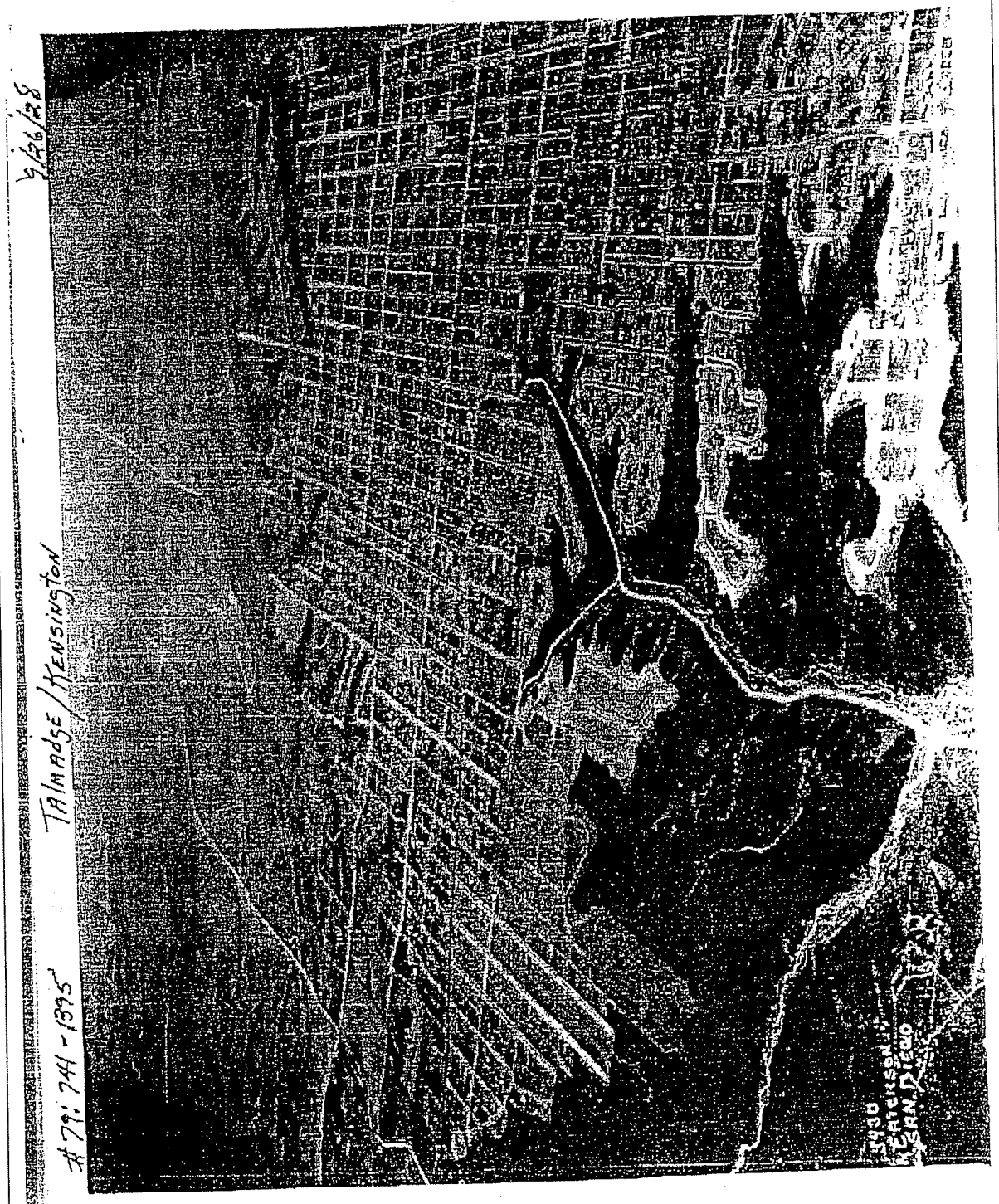
Respectfully submitted by executive privilege and with the Board of Director's consent,



Jose Lopez, President

- Attachments 1 through 10
- ANNEX – A: Fox Canyon Neighborhood Park Bundled area and geography.

PDF created with pdfFactory trial version www.pdffactory.com



This historical picture is placed in this report with permission and consent from the SAN DIEGO HISTORICAL SOCIETY. This picture is NOT to be reproduced by any means or ways to which is NOT intended. The picture proprietor IS the San Diego Historical Society. Please contact the Society to ask permission to reproduce, use and questions, THANKS.

PDF created with pdfFactory trial version www.pdffactory.com

ATTACHEMENT 2

Fox Canyon Neighborhood Association

All residents and Business of: all of LANTANA, RENO, AUBURN (4758-4963) DRIVES: all of CASTLE, South side of UNIVERSITY (4749-4849) East side of EUCLID (3613-3884), ESTRELLA (3803-3857) AVENUES and DWIGHT (4755-4792), WIGHTMAN (4750-4871) STREETS.

Many of our Association members are concerned with the traffic conditions at the bend of Auburn Drive and Wightman Street.

For years, the residents of the area have been trying to do something about it. One more time they have asked the Association to consider the issues and solutions to the problem.

Come to the meeting prepare to share your ideas to solve the problem. Does the bend needs to be close to vehicular traffic at Wightman? Does Ontario needs to be open to vehicular traffic to diminish the flow through Auburn and to provide a faster exit from the area towards University Ave? Does a NO right turn on Wightman solve the problem?

We need you to come and join your ideas for solutions with that of your neighbors.

NEIGHBORHOOD THAT WORKS TOGETHER STAYS TOGETHER!

Other Agenda Items.

a. Presentation of Association's Officials
b. Explore the needs for sidewalks at the Ex-Sosa's Site and other issues.

Tuesday, February 9, 1999

6:30-7:30 PM

3782 EUCLID Avenue

Bible Way Temple Church's Hall. X street from the new UNIX 99c Store, where you can park, and or a short walking distance from the [illegible]

Come and Join us!!!

ASSOCIATION FOR A BEAUTIFUL AND RENEWED NEIGHBORHOOD

PDF created with pdfFactory trial version www.pdffactory.com

ATTACHEMENT 2-A

ASOCIACION DE VECINOS

LA BARRANCA DEL ZORRO

Fox Canyon

Todos los residentes y dueños de negocios de Todo LANTANA, RENO, AUBURN (4758 a 4993) DRIVES, todo CASTLE (lado SUR de UNIVERSITY 4749 a 4849) (lado ESTE de EUCLID (3611 a 3889), ESTRELLA (3703-3757) AVENUES, DWIGHT (4759 a 4792), WIGHTMAN (4750 a 4871), STREETS.

Miembros the la Asociación the viven en Auburn Drive, están preocupados por las condiciones del trafico en la curva de Auburn Drive a la altura de la Calle Wightman.

Por muchos años, los residentes de esa area han tratado de hacer algo al respecto. Le han pedido a la Asociación que considere soluciones para este problema.

Venga a la junta preparado para compartir sus ideas y soluciones **Considere:** Sera la solución, cerrar y cortar el trafico de vehiculos que vienen de la parte baja de Auburn a la altura y unión the Wightman? Sera la solucion, el habrir ál trafico vehicular la Calle **Ontario** para compartir y proveher una salida más rapida hacia la Avenida Universidad? Sera la solucion. solo poner un signo de NO vuelta a la derecha al final de Wightman?

NESECITAMOS SU PRESENCIA PARA QUE COMPARTA SUS IDEAS Y UNA SUS SOLUCIONES CON LAS DE SUS VECINOS.

Otros puntos a tratar:

a Presentacion de los oficiales de la Mesa Directiva
b. posibilidad de que se construllan banqueta en el prodio de Sosa's

VECINDARIO QUE TRABAJA UNIDO, SE MANTIENE UNIDO!

Día Martes, 9 de Febrero de 1999.

De 6:30 a 7:30 pm.

3782 EUCLID Avenue

[illegible] de [illegible] BIBLE WAY TEMPLE. Contra esquina del [illegible] UNIX 99c donde se puede estacionar [illegible]

VENGA Y REUNASE con nosotros!!!

ASOCIESE PARA HACER DEL NUESTRO, UN MUY BONITO VECINDARIO!

PDF created with pdfFactory trial version www.pdffactory.com

ATTACHEMENT 2-B

FOX Canyon
Neighborhood Association
4916 LANTANA DRIVE
SAN DIEGO CA 92105-2941

REMOVE OUR NAME AND ADDRESS FROM YOUR MAILING LIST NOW!

ADDRESS CORRECTION REQUESTED

RETURN TO SENDER

Ken & Elizabeth Goff
4977 Lantana Drive
San Diego CA 92105

92105-2930 03

INSIDE THIS ISSUE		
1	THANKS	PAGE 1
2	CITY HEIGTHS	PAGE 2
3	FROM OUR MAILBOX	PAGE 3
4	NUESTRO BUZON	PAGE 4
5	LDS Social Services	PAGE 4
6	FOX CANYON ISSUES	PAGE 5
7	PRESIDENT'S CORNER	PAGE 6
8	INTERNAL AFFAIRS	PAGE 7
9	RESOURCE DIRECTORY	PAGE 10
10	REMEMBER	PAGE 10
11	CLASSIFIEDS	PAGE 11
12	YOUR ACTION	PAGE 11

TALK TO YOUR NEIGHBOR FIRST

WHAT'S HAPPENING!
DATES FOR YOUR CALENDAR

1. Tuesday, Feb. 9. Fox Canyon N.A meeting 6:30 PM
3782 Euclid Avenue (Bible Way Temple Church)
Community Meeting. Everyone is invited to attend - Refreshments
AGENDA: Sidewalks for 4757 Dwight (Goss's Place) Traffic Issues at Auburn and Wightman. Problems/solutions. Closure of Auburn? Opening of Ontario? Other issues Info. Call @ 282-2788

2. Monday, Feb. 22. City Heights Long-range Planning 6:30 PM
Back of the City Heights Weingart Library, 2nd floor
Euclid's Zoning Info. Call Mr. Dunn @ 280-4340

3. Tuesday, Feb. 23. The FCNA Board meets at 6:30 PM
3782 Euclid Avenue (Bible Way Temple Church)
Members and residents are welcome. Info @ 282-2788

The FOX CANYON Neighborhood Association welcomes items for the AGENDAS. The Association's President fixes the Board of Directors meeting agenda. Address those items to the President. The Board of Directors Fixes the Association Members meeting agenda. Address those items to the Board of Directors. Mail to 4916 Lantana Drive, SD CA 92105-2941, by the 15th or call @ 282-2788

FOX CANYON VOICE 12

PDF created with pdfFactory trial version www.pdffactory.com

INTERNAL AFFAIRS

PRESIDENT'S REPORT

(February 9, 1999 member's meeting)

- The President announced to the members the Special Circumstances Program.
- Corporation's Officers were sustained by a unanimous vote with no opposition.

QUESTIONS TO THE MEMBERS:

A. To consider The Church of JESUS CHRIST of Latter-day Saints offer to use the cannery as an emergency preparedness program.
Consensus:
   a. To investigate further and to get more information from the church, a presentation?
   b. Good for our Neighborhood Association by all means, but best if it goes along a Community Garden.
   c. Extend the offer to the City Heights Town Council. Possibility to integrate their Community Garden in the project.

B. Sidewalk/Hydrant protection for 4757 Dwight St. (Old Sosa's place)
Consensus:
   a. Tabled until re-zoning of Euclid Avenue is settled.

C. Traffic issues at the corner of Landis and Euclid.
Consensus:
   a. Get in touch with Rosa Parks' Principal to find all of the information and needed help.
   b. Find out how many kids, if any have been hit by cars at this interception, as reported
   c. To support the Principal and the parents (Mothers) from Fox Canyon in their effort to solve this serious safety problem
   d. Suggestions:
      1. Students crossing monitors
      2. Parents/volunteer traffic coordinators
      3. STOP LIGHT

D. Traffic issues at the corner of Auburn Drive and Wightman Street:
Consensus
   a. Badly designed and DANGEROUS corner to handle pedestrians and vehicular traffic at the same time.
   b. Corner not suited to handle present traffic volume and flow.
   c. Corner extremely dangerous to handicapped people in wheel chairs, as there is no sidewalks at all, in either side of the street upon which they can transport themselves in complete safety, resorting to use the middle of the street.
   d. An urgent solution to this DANGEROUS corner is needed immediately.
   e. Strong support needed from all organizations in the City Heights and a call to all residents of the area to get actively involved in the solutions to this problem by all necessary means.
   f. Proposed Solutions
      1. Open to vehicular traffic the paper streets of ONTARIO/LANDIS, to provide a second more direct exit/entrance to/from the lower part of Auburn Drive to University Avenue and from the Winona Gardens area, north to I-94 (S) N-S route and as a relief of traffic volume, flow and density on Euclid Avenue.
      1. To change from a two way to a ONE WAY, only the portion southbound from Auburn/Wightman to Auburn/Ontario.
      2. To close Auburn at Wightman first as leverage and incentive to the city to make an effort to open Auburn/Ontario/Landis to vehicular traffic.
      3. NOT to request a NO Right Turn Sign at the corner of Wightman and Auburn.

E. Fifteen (15) members present, including Greg Dietrich who did not signed the roll.

Our Deepest Sympathy to John and Abby Richards for the passing away of John's Grandmother and to Fidad and Olivia Barrera and their family for the passing away of Fadad's Grandfather.

PDF created with pdfFactory trial version www.pdffactory.com

CITY OF SAN DIEGO
PRELIMINARY PROJECT COST ESTIMATE
SUMMARY SHEET

DATE: 09/13/99 ESTIMATE TYPE (A, B, or C): C W. O. NO

PROJECT NAME: ONTARIO AVENUE EXTENSION TO WINONA AVENUE CIP NO.:

PROJECT LIMITS: Auburn Dr to s'ly end of Winona ave. L= approx 600'

PROJECT DESCRIP.: Construct full improvement street including drainage, slope cover, streetlights, fencing & sidewalk.

ASSUMPTIONS:
1) Street width to be 40'.
2) No additional right-of-way needed.
3)

CONSTRUCTION COSTS (from page 4)		$216,200
CONTINGENCIES	@ ** 30%	$64,850
MOBILIZATION (if const.> $200,000)	@ 2%	$4,324
CONSTRUCTION TOTAL (C)		$285,384
ADMIN. & ENG. DESIGN TOTAL (D)	@ ** 35%	$99,884
PROPERTY ACQUISITION TOTAL (L) (from page 4)		$0
PRELIMINARY ENGINEERING TOTAL (P)		$5,000
ENVIRONMENTAL DOCUMENT & MITIGATION (from page 4)		$5,000
TOTAL PROJECT COST		$395,268
ROUNDED PROJECT COST		$400,000

FIELD CHECK

PREPARED BY: Ron D'Argento X

APPROVED BY:

* 20% FOR TYPE A, 25% FOR TYPE B 30% FOR TYPE C
** C > 1M --> 25% 1M > C > 100K --> 35% C < 100K --> 50%

ONTAR SUM

(From Revised 10/99)

PDF created with pdfFactory trial version www.pdffactory.com

CITY OF SAN DIEGO

ESTIMATING SHEETS

SUBJECT ONTARIO AVE EXTENSION TO WINONA AVE.

By [illegible]

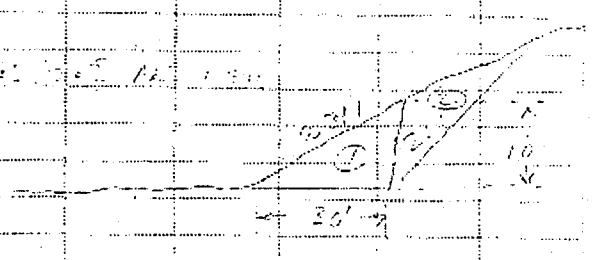
Date [illegible] 19[illegible]

No.

UNCLAS EXC.

ASSUME [illegible]

$\left(500' \times \frac{30 \times 10}{2}\right) \times 2 \times 1/27$



5600 CY

SLOPE COVER

500' x 60' w → [illegible] SF

CAP

600' x 2 → 1,200 SF

SW

600' x [illegible] → [illegible] SF

[illegible]

600' x 40' w → [illegible] SF

[illegible]

[illegible] x 10 w → [illegible] SF

FORM CE-231

PDF created with pdfFactory trial version www.pdffactory.com

FOX CANYON

INTERNAL AFFAIRS

PRESIDENT'S REPORT

(Members Meeting Minutes, November 9, 1999)

- **Meeting call to order by Association President at 6:31 PM**
- **We WELCOMED *Seven new* members: Judy Barrera, Marisol Cortes, *Buff Clark*, Jose Moralos, Karen Richards, James Burrell, and Sergio Martinez.**
- **Attendance, Twenty-four (24) members including guests.**

Guests:

Jennifer Diethrich, Fox Canyon and Islenair Neighborhoods in Partnership
Greg Diethrich, Fox Canyon and Islenair Neighborhoods in Partnership

Announcements:

- The "Do not Block Intersection" legends were painted on Euclid Avenue. Immediately, traffic improved.
- **TONI ATKINS, Candidate** for **City Council, 3rd District** (Kristine Kehoe's seat) announces her confirmation to be the keynote speaker to the Association's meeting on December 14, 1999.
- ***The Department of Animal Control*** is asking for used towel donations. The animals at the shelters will use the towels. The towels can be dropped at our meetings and Marilyn Kingsley of Rainbow ARK will deliver them to Animal Control.

Flyers and printed information was distributed on the above mentioned items.

QUESTIONS TO THE MEMBERS: (housekeeping items)

1. **Should we continue to support the directives to open Ontario/Landis and the Culls-de-sac at Auburn at Wightman?**
2. **Should we collect/sign petitions to the express our consensus?**

   - **Consensus:**
     Answers to both questions: a unanimous YES!

- ***Neighborhood Concerns:***

A. Street to narrow, curvy and substandard to handle its on traffic
B. Lots of accidents, especially at the bend (juncture) Auburn and Wightman, hit and run accidents
C. Dangerous, high rate of speed
D. Dangerous to get in/pull out of driveways
E. Traffic congestion at Euclid/Wightman/Auburn/University
F. Time wasted sitting on heavy traffic
G. Traffic that is more aggressive comes from lower Auburn Drive
H. Drivers can not manage the S curbs at this intersection and plow in park cars, fences, and retaining walls or go into driveways

- ***Solutions:***

A. To Culls-de-sac the juncture of Auburn at Wightman to keep only local traffic within the Narrow, Curvy and substandard street. This action will not shift traffic life into another neighborhood, nor will allow traffic from outside to continue to impose its ill effects on the residents of upper Auburn Drive.
B. Petition and strongly support the opening of Ontario/Landis, north, to reach Winona/University to provide access N/S to Winona Gardens and N/S to lower Auburn Drive, in conjunction with the pull-de-sac of Auburn/Wightman.
C. Petition and strongly support the opening of Ontario/Landis to provide a shorter and safer access to bus stops and business along University/Winona, and safer pedestrian traffic.
D. Petition and strongly support the setting aside of the leftover land immediately adjacent to the right-of-way of the newly open streets, and other vacant parcels, in and immediately around Fox Canyon, as **Neighborhood PARK lands**. Parks proposed: **Auburn Creek Park, Fox Canyon Park, and Fairmount Village Park.**
E. Petition and strongly support the entire Chollas Creek system Restoration to which the Auburn Creek is a tributary.
F. Petition and support the Auburn Creek Restoration from the south of University Avenue to the North of Euclid Avenue.
G. Petition and strongly support the conversion into a pedestrian plaza (Fairmount Village Park) the land immediately west of Euclid Avenue, and of **Dwight**, (a paper street) within the right-of-way of the street. Such plaza to contain statuary (art), a water fountain, and a suspension bridge over the canyon. The bridge is imperative to unite both ends of Dwight Street and to provide a second and safer way to cross the street for children who walk on their way to Rosa Parks Elementary and Monroe Clark Middle School.
H. Forty-one persons signed the petition.

The questions were sent to the Association President for its implementation. With the directive to present the consensus, petitions, and signatures of the members to the **Euclid Revitalization Action Plan Group** and the appropriate City Officials.

Presentation:

"A TALK ON PROPERTY MANAGEMENT MATTERS"
Mr. James Burrell, Owner
I&A Property Management
3358-30th Street
299-2272

Meeting Adjourned at **8:40 PM**, to **December 14, 1999**
Jose Lopez, President

SECRETARY'S REPORT

(Board meeting minutes)

☐ The Board is out on vacations for the months of **November** and **December**. Therefore, there is **NO REPORT**.

Olivia Barrera, Secretary

PDF created with pdfFactory trial version www.pdffactory.com

ATTACHMENT City 2

CITY OF SAN DIEGO
MEMORANDUM

Ron ... Is it 400,000 ?

FILE NO.: TR 241,250

DATE: January 26th, 2000

TO: Siavash Pazargadi, Senior Traffic Engineer, Transportation Planning, Planning and Development Review

FROM: Allen Holden, Jr., Deputy Director, Transportation Department, Traffic Engineering Division

SUBJECT: Ontario Avenue Connection

The following information is provided for the memo to Councilmember McCarty.

The existing volume on Auburn Drive (between Louis Street and Ontario Avenue) is 1,300 ADT, based on weekday counts during the week of January 3, 2000. Based on this, opening day traffic on the proposed Ontario Avenue connection would be somewhat less than this volume.

The cost of the 600' connection is about $400,000, based on our preliminary engineering study, would be constructed within available right-of-way, and would go from Auburn Drive to Winona Avenue.

The Ontario Avenue connection would improve local circulation by providing people in this neighborhood with another way to get to and from University Avenue (via Winona Avenue), without needing to use Auburn Drive or Wightman Street, and then Euclid Avenue, all of which are not as wide as would be desirable.

We recommend that if constructed, Ontario Avenue be an additional connection to this neighborhood, and that Auburn Drive north of Ontario Avenue remain open to traffic, in order to maximize access for the residents of the neighborhood, and for emergency vehicles.

Allen Holden, Jr.

AQH:mm

cc: D. Cruz Gonzalez, Director, Transportation Department
Tom Story, Deputy Director, Transportation Planning, MSCP
Paul Toomey, Senior Traffic Engineer, Traffic Engineering Division
Steve Zeniker, Senior Traffic Engineer, Traffic Engineering Division
Walt Huffman, Senior Traffic Engineer, Traffic Engineering Division

PDF created with pdfFactory trial version www.pdffactory.com

INTERSECTION OF ONTARIO & AUBURN DR.

LOOKING UP ONTARIO FROM AUBURN DR.

PDF created with pdfFactory trial version www.pdffactory.com

EUCLID AVENUE REVITALIZATION ACTION PROGRAM

TRAFFIC IMPROVEMENTS: Prioritized Recommendations

Recommendation	Implementation	Lead	Schedule	Status	Cost
Improve visibility/ stopping sight distance at intersections	1) Evaluate sight distance and restrict parking as needed at the intersections of Euclid Ave. at Lantana Dr.	City	FY 2001	Traffic Engineering analysis indicates that stopping sight distance is adequate at these locations	Nominal
	2) Evaluate sight distance and restrict parking as needed at the intersection of Euclid Ave. and Auburn Ave., Wightman St., Isla Vista Dr., Dwight St., and Thorn St.	City	FY 2001	Traffic Engineering analysis indicates that stopping sight distance is adequate at these locations *	$ 1,000
	3) Evaluate sight distance, restrict parking as needed, and install sidewalk bulb-outs with appropriate landscaping at the intersection of Euclid Ave. and Thorn St.	City	FY 2002-FY 2003	Traffic Engineering analysis indicates that stopping sight distance is adequate at this location *	Sidewalk bulb-outs on the east side of Euclid Ave. $2,000
Improve unpaved portion of Dwight St. immediately west of Euclid Ave., providing pedestrian access to the Swan Canyon neighborhood.	1) Install a barricade with reflectorized signs to prevent access to the unimproved portion of Dwight St.	City	FY 2001	Traffic Engineering analysis* indicates that barricades are not warranted. "No Parking Off Pavement" signs will be installed *	$ 600
	2) Landscape excess right-of-way and consider installation of a pedestrian bridge connecting Euclid Ave. to Dwight St. to the west.			Has been referred to Traffic Engineering staff for review and response	More study needed.
Create ninety degree intersection at Home Ave. to better control traffic movement. Reclaim unused right-of-way for gateway improvements	1) Realign intersection. Remove excess pavement. Install new curb, gutter and sidewalk. Turf remaining area. Install gateway monument.	City	FY 2004-2005	Signal modification and roadway work is in FY 2001. CIP 68-011.0. "Modernize Top Prioritized Signals" *	$ 46,000 (not including gateway monument or landscaping)
Reduce the volume of "cut-through" traffic on Auburn Dr.	1) Close Auburn Dr. to through-traffic south of Wightman St.	City	FY 2003	Traffic Engineering analysis indicates street closure is not warranted.	Barricades: $ 2,000
	2) Examine alternatives, such as one-way traffic flow on Wightman St. and upper Auburn Dr., for those in favor and opposed to closure of Auburn Drive			Installation of road humps between Ontario Ave. and Lions St. may reduce the volume of cut-through traffic *	Additional engineering study of the alternative one-way traffic is necessary
Provide connection between Winona Ave. and Ontario Ave.	Open a connection between Winona and Ontario Ave.s as part of the closing of Auburn Dr.	City, CHAPC, (input of effected neighborhoods needed.)	FY 2005	Traffic Engineering analysis has concluded that 600 feet of roadway would have to be constructed within the available right-of-way	$ 400,000+

PDF created with pdfFactory trial version www.pdffactory.com

EUCLID AVENUE REVITALIZATION ACTION PROGRAM

LAND USE:
Prioritized Recommendations

Recommendation	Implementation	Lead	Schedule	Status	Cost
Develop a public park in the vicinity of Auburn Dr and Winona Ave	Evaluate opportunities to develop a neighborhood park in conjunction with the Chollas Creek preservation project and street improvement mitigation for development of a street linking Ontario Ave. and Winona Ave.	City/ Planning Group/ Neighborhood Associations	FY 2003	Refer to Park & Recreation	$ 100,000
Identify additional park sites	Review Public Facilities element of the Community Plan and make recommendations for additional sites.	Community Planning Group/City	FY 2001 - FY 2005	On-going	Budgeted
Consider designation of the Islenah Neighborhood as an Historic District.	Coordinate documentation with the City for consideration of the area by the Historic Resources Board	City/ Neighborhood Association	FY 2002	To be initiated	Budgeted
Restore Chollas Creek	Create an environmental rehabilitation program to facilitate the restoration of Chollas Creek.	City/ Community Planning Group	FY 2002 FY 2005	On-going	$100,000/year
Restore canyon habitats	Adopt preservation program to enhance and promote area canyons.	City/ Neighborhood Association	FY 2002 - FY 2005	On-going	Budgeted
Consider revision of regulations governing home occupations to include a wider variety of activities.	In cooperation with neighborhood groups, review revise regulations as needed to accomodate more home-based businesses in neighborhoods	City/ Community Group	FY 2001	On-going	Budgeted
Promote neighborhood rehabilitation events	Create an on-going neighborhood "clean-up" calendar	Housing Commission/ NHS/ CDC	FY 2001 - FY 2005	On-going	Budgeted
Oppose the development of a public school on Euclid Ave.	Communicate with the school district regarding the community's concerns and objection to the placement of a school on Euclid Ave	Community Planning Group	FY 2002	N/A	N/A

PDF created with pdfFactory trial version www.pdffactory.com

FOX CANYON

Association Meeting

¡Venga a la Junta de la Asociación!

Be an active participant in solving your neighborhood's problems and be a planner of future events.

*Sea un participante **activo** y contribuya a resolver los problemas de su vecindario, y a planear los eventos del futuro, **ASOCIESE!***

Tuesday, July 11, 2000
6:30 PM
3782 Euclid Avenue
Please, DO NOT SMOKE in/or around church grounds. Thanks!

The Fox Canyon community will gather to consider the important issue of the **one way loop** direction for upper **Auburn** Drive and **Wightman** Street.

La comunidad de La Barranca del Zorro se reúne para considerar la importante decisión de convertir Auburn Drive y **Wightman** Street en trafico de un solo sentido.

Come to sign-up for your street trees!

Come to Join Us!

Please bring any concerns that you may have about the neighborhood to the Association meeting.
And
EXPRESS YOURSELF!
Mail in your problem/resolution needs, suggestions, ideas and/or commentaries to

Fox Canyon Voice
4916 Lantana Drive
San Diego CA 92105-2941
Call (619) 282-2788
Fax (619) 640-5310
E-mail: FoxCanyonN@aol.com
Website: //groups.sandiegoinsider.com/FoxCanyon

THE HOOD

*Fox Canyon a vibrant and involved neighborhood in which there is **NEVER** a dull moment!*

JUNE

In June, we logged **NINE** loud music and talking **noise** complaints; **four** at Dwight, **two** at lower Lantana, **one** at Castle, **one** at Wightman, and **one** at lower Auburn. **THREE** loud partying reports **two** from Lantana/Dwight and **one** from Dwight. **THREE** reports of unruly juveniles passed curfew time, **two** at Lantana/Dwight and one at lower Auburn. **THREE** reports of adults loitering and drinking in public sight at **two hot spots** on Dwight and **ONE** report of Juveniles loitering at the vacant lot between 4839/4863 Lantana, and **ONE** report of a scavenger going through trashcans on Thursday mornings.

Moreover, **one canyon fire** at the empty lot between 4880/90 Lantana, set-up by a neighborhood child. **ONE near collision** with an unsupervised four-year old kid from 4833 Lantana was reported. **TWO mothers fighting** over the misbehavior of their kids was reported and **ONE arm robbery** to a business on Wightman.

In addition, **TWO** reports of **females** and **ONE male** prostitute turning tricks at the entrance of Reno/University. **ONE assault** on a male at the same spot and **ONE** report of a female prostitute turning tricks at Castle/Euclid made it to our logs.

BE READY, SOMETHING GOOD IS COMING TO THE 'HOOD!!!

GOING, GOING, GONE!

Be happy the *END* is near! The temporary water supply pipes are gone from Lantana. That means that the completion of **City Project 606 is near.**

COMING SOON... VERY SOON!

On Saturday, June 24, 2000, the Water and Wastewater Department will film the alignment of Euclid Avenue in preparation for **City Project 605a** sewer/water main replacement and to memorialized the street.

PDF created with pdfFactory trial version www.pdffactory.com

FOX CANYON

INTERNAL AFFAIRS

PRESIDENT'S REPORT

(Members meeting minutes, February 13, 2001)

- **Meeting** call to order at 6:30 PM
- **Attendance, Twenty-three (23)** members including guests.
- We welcomed **FOUR (4) NEW** members: **Mamba Valdez, Matilde Sanchez, Leslie Jackson,** and **Juan Perez.**

Guests:

- Mr. **Robert Young**, Assistant to *Mayor Dick Murphy* for Community Relations.
- Ms. **Ellen Fornwalt**, Council Rep, Councilmember ***Jim Madaffer's*** Office, CD7.
- Mr. **Davis Tos**, Police Officer, Community Relations, City Heights, East. Colina Park Store Front.
- Ms. **Elyse W. Olson**, Recycling Specialist City of San Diego Environmental Services Department.

ANNOUCEMENTS:

- The one-way loop (Auburn/Wightman) signatures were gathered. Paperwork to Mr. **Allen Holden**, JR Deputy Director-Transportation, will be on its way by the end of this week. Residents on upper Auburn Drive are adamant about a turning lane into Auburn from Euclid for this one-way loop to work.
- **Mid-City Community Court Initiative** Community Court Steering Committee, Date: Wednesday, March 28, 2001, Time: 3:00p.m. - 5:00p.m. Place: Rolando Methodist Church, 4799 Seminole Drive, San Diego, CA 92115

Update(s):

- The City has finished checking the laterals at 4950-60 Lantana and 4787 Dwight and found that those properties are properly connected to the wastewater main.
- City Project 606 is completing lower **Auburn Drive**.
- We need to finish collecting the applications for our trees and schedule a planting soon.

Public Comment:

Mr. Robert Young: I am among you today, because Mayor Dick Murphy thinks that it is very important to develop a close working relationship between the City and its neighborhoods. The Mayor thinks very highly of Fox Canyon. The Mayor is very concern about the shooting on Santana High and has developed the following **HELPLINE: 1-800-499-1119** and the **Campus Crime Stoppers Program and Reward Fund: (619) 236-TIPS (8477).** In addition, the Mayor encourages dialog among the community to find ways to solve this troublesome problem.

Mrs. Barrientos: On that subject, I would like to propose that good hearted adults, parents and grandparents be allowed to conference with the kids in the schools about the consequences of their actions and to instill in them the motion that they are loved and appreciated by the community.

Mrs. Payan: In addition, I would like to point out that teachers, school security and other adults in school campuses now treat kids in a very despotic manner. That has to change and I recommend that kids be treated with love and with special kindness by all.

Elder Williams: Moreover, I would like to say that we need to put **GOD** in the center of our lives. It is not enough to say that we love our neighbors but with the love of God, we need help our neighbors and teach our kids to do the same.

NEIGHBORHOOD CONCERNS:

- The traffic light at Euclid and Wightman is to quick when crossing Euclid.
- Cars continue to park on curbs.
- Loitering and drinking in public sight is going on at the entrance of Auburn Drive.

PRESENTATIONS:

What goes into your recycling bin

By

Ms. **Elyse W. Olson**, Recycling Specialists
City of San Diego Environmental Services Department

Meeting adjourned at **8:15 PM.**, to April 10, 2001

Jose Lopez, President

====

COUNCILMEMBER JIM MADAFFER, CD7
202 'C' Street, MS-10A
San Diego, CA 92101
(619) 236-3377
JVM@cd7.sannet.gov

PDF created with pdfFactory trial version www.pdffactory.com

Fox Canyon VOICE

We're Just Wild About Our Neighborhood!

Volume 7, Issue 6 **MAY 2005**

All **RESIDENTS** and **BUSINESSES** of: all of **LANTANA, RENO, AUBURN** (4758-5160) **DRIVES**; all of **ONTARIO, CASTLE**, South side of **UNIVERSITY** (4749-4849), East side of **EUCLID** (3611-3889), **ESTRELLA** (3803-3857) **AVENUES**; **DWIGHT** (4759-4792), **WIGHTMAN** (4750-4871) **STREETS**.

Super Mercado MURPHY'S Ribbon Cutting

City Heights -- A large gathering of Community Leaders, Elected Official Reps and customers joined District Three Councilmember **TONI ATKINS** and the **Kassab Family** in the ribbon cutting at Super Mercado Murphy's, today *[05/25/05]*, at noon.

NEWS FROM COUNCILMEMBER MADAFFER

Fox Canyon Park Meeting

Residents of the Fox Canyon, Chollas Creek and Islenair neighborhoods are very enthusiastic about our plans for a new park --- in fact, the only park in the neighborhood. I was pleased to host a community meeting on May 10th to talk about plans to move forward on the Fox Canyon Neighborhood Park. In the meeting, we discussed where we are in the planning process and where we're headed. It was the first community input meeting and the Colina Park Recreation Council will host several in the future.

We had representatives from the Park and Recreation Department on hand to answer questions about the location and preliminary design. We are also working hard to implement the Chollas Creek Improvement Plan. The Auburn tributary runs parallel to the Fox Canyon Park.

The City's Park and Recreation Department received a state grant in the amount of **$2,363,000** to build this new park in the City Heights area.

PDF created with pdfFactory trial version www.pdffactory.com

ATTACHMENT 10

City Of San Diego
COUNCILMEMBER JIM MADAFFER
DISTRICT SEVEN

MEETING ANNOUNCEMENT

Fox Canyon Park Meeting

Tuesday, May 10 from 6:00pm to 8:00pm
4085 52nd St. (Pro-Kids Golf Academy)

Exciting news for City Height's residents of
Fox Canyon, Chollas Creek, Islenair and Colina Del Sol!!!
A New Park is headed for City Heights.

Councilmember Jim Madaffer will announce plans for a new park project - the Fox Canyon Neighborhood Park. You are invited to attend the first of several community input meetings.

The Fox Canyon Park project is being funded by a State of California grant. Ideas for the park include a play area, outdoor basketball court, picnic area, walking paths, irrigated turf and landscaping, and security lighting.

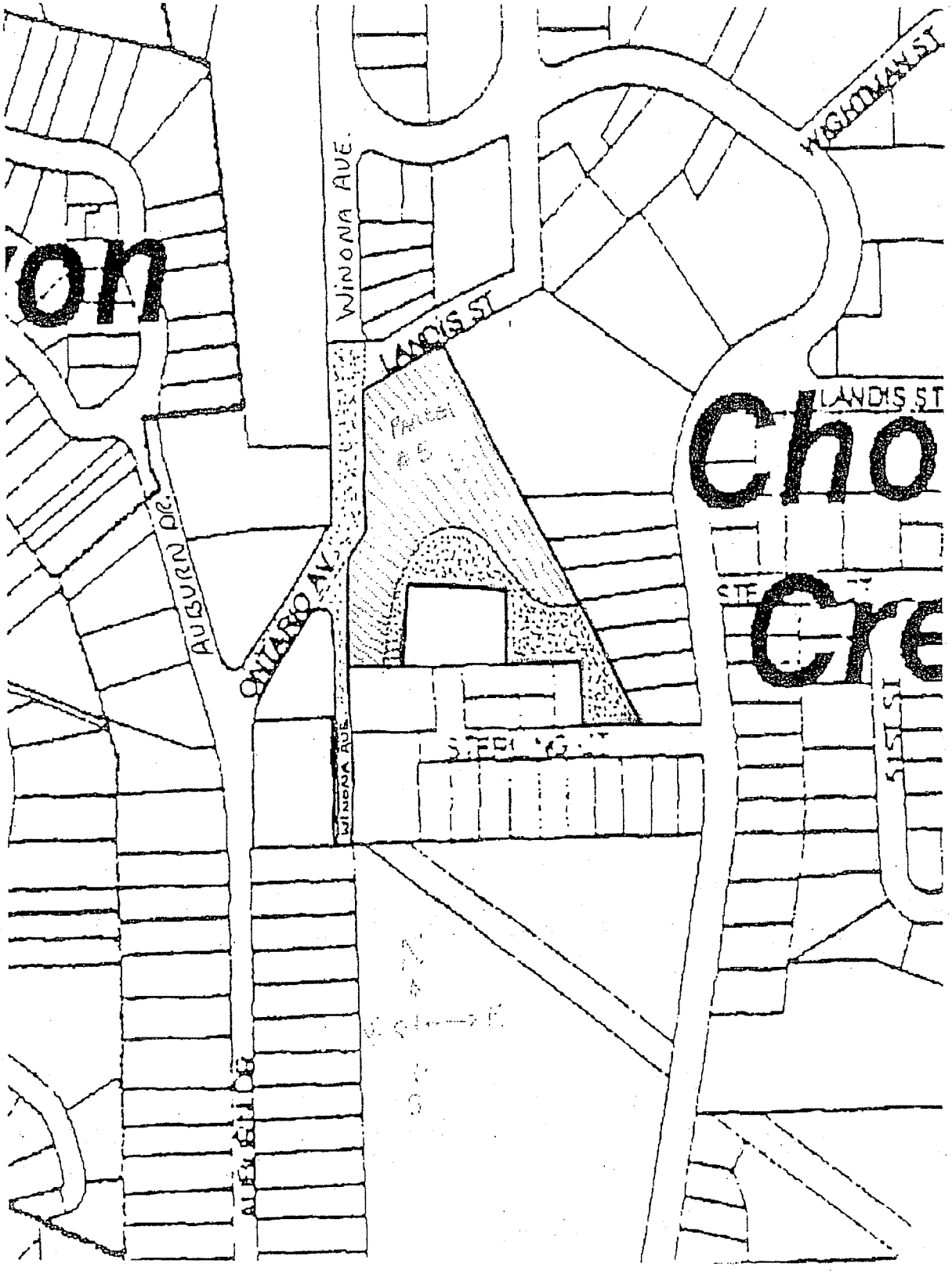
Representatives of the City of San Diego Park and Recreation Department and the Crossroads Redevelopment Project Area will be there to answer questions about the location and preliminary design of the park project. We will also discuss connection of the Ontario Ave. dirt road at Winona Ave. to a permanently paved two-way city street.

For more information, please call (619) 236-6677.

Refreshments will be provided.

PDF created with pdfFactory trial version www.pdffactory.com

ANNEX -- A



PDF created with pdfFactory trial version www.pdffactory.com

City of San Diego
Development Services Department
LAND DEVELOPMENT REVIEW DIVISION
1222 First Avenue, Mail Station 501
San Diego, CA 92101
(619) 446-5460

INITIAL STUDY
Project No. 70422
SCH No. 2005081130

SUBJECT: **Fox Canyon Neighborhood Park.** CITY MANAGER APPROVAL OF A SITE DEVELOPMENT PERMIT. The proposed project consists of the development of an approximately 1.9 park acre passive park, which includes enhancements to the north and south side of Auburn Creek adjacent to the undeveloped portion of Landis Street. The project also proposes the development and realignment of an existing paper street (Ontario Avenue) as well as enhancements to the east side of Auburn Creek adjacent to the existing undeveloped portion of Ontario Avenue. The total project area is ~~3.34~~ 2.7 acres. The proposed project site is bounded by Landis Street and Sterling Court on the north and south and Altadena Avenue and Winona Avenue on the east and west, within the City Heights Neighborhood of the Mid-City Communities Planning Area. Applicant: City of San Diego, Park and Recreation Department.

I. PURPOSE AND MAIN FEATURES:

Implementation of the proposed project consists of the development of an approximately 1.9 park acre passive park, located in the City Heights neighborhood within the Mid City Communities Planning Area (Figure 1). The proposed project includes enhancements to the north and south side of Auburn Creek adjacent to the undeveloped portion of Landis Street and the construction and realignment of an existing paper street (Ontario Avenue). This proposal requires the approval of a Site Development Permit (Process 3). The park project construction is tentatively scheduled for Spring 2008 with road construction scheduled as funding becomes available.

Fox Canyon Neighborhood Park would consist of several facilities, including a turf area approximately 0.4 acre in size, safety lighting, picnic tables, and a small hard court (Figure 2). The park would provide accessibility in accordance with all applicable State and Federal guidelines. An unpaved road exists on the area proposed for the construction of Ontario Avenue, which is currently a paper street. Construction of Ontario Avenue would require crossing Auburn Creek in order to connect Winona Avenue and Auburn Drive which would be achieved by constructing a prefabricated vehicular bridge. The proposed bridge abutments would be ~~cited~~ sited outside of the existing creek channel in order to avoid potential impacts to the existing wetland area, and would not effect the flow of urban runoff during a storm event.

Ontario Avenue would be approximately ~~28~~ 29 feet in width and include a 5-foot wide sidewalk constructed on the eastern side of Ontario Avenue. Enhancements to Auburn Creek would include planting of a 20-foot wide buffer area adjacent to the creek. A 20-foot wide buffer would also be maintained on the east side of the creek adjacent to Ontario Avenue and on the north and south sides of the creek adjacent to Landis Street. Plants would be selected from the plant palettes identified in the Chollas Creek Enhancement Plan (CCEP). Additionally, in accordance with the CCEP, a decomposed granite trail would be constructed on the east side of the portion of the creek adjacent to Ontario Avenue within the 20-foot buffer area, and Landis Street (an existing paper street on the northern property boundary) would serve as the trail on the north side of the creek.

Implementation of the proposed project requires approximately 1.63 acres of the site to be graded (~~94%~~ 60% of the project site). Site grading would include approximately 700 cubic yards of cut, 1,000 cubic yards of fill and 300 cubic yards of import/export. Approximately 180 feet of retaining walls would be required for the project, with a maximum height of 3 feet. No grading would be required within any portion of Auburn Creek, and construction staging areas would be located in areas devoid of sensitive vegetation; specifically, in the flat, disturbed area where the turf and picnic areas will be located and at the entrance to the western boundary along the future realignment of Ontario Avenue.

A portion of Auburn Creek is the site of a City habitat restoration project. This habitat restoration project serves as mitigation for impacts resulting from a sewer main emergency repair completed in July 2001. A small part of the restoration area occurs within the northeastern boundary of the project site. Vegetation occurring along un-restored portions of the drainage banks and channel bottom consists of exotic plant species. Restored portions of the drainage support native wetland vegetation. The habitat restoration area would not be impacted as a result of implementing the currently proposed park project.

II. ENVIRONMENTAL SETTING:

The entire ~~City-owned~~ site is located within the City Heights Community of the Mid-City Communities Planning Area, east of Euclid Avenue, west of Altadena Drive, and south of University Avenue. The proposed project site is adjacent to Auburn Creek and would provide approximately 1.9 acres of passive use park, along with creek enhancements, in accordance with the Chollas Creek Enhancement Plan (CCEP). The project area can be described as a small undeveloped urban canyon area that is surrounded by residential development. The entire project area occurs within the boundaries of the City of San Diego Multiple Species Conservation Program (MSCP), but is located outside of the City's Multi-Habitat Planning Area (MHPA).

Fox Canyon can be accessed from University Avenue via Winona Avenue. This area consists of a small southeast-northwest-trending finger canyon, a north facing slope, and a relatively flat disturbed area. With the exception of a few scattered patches of exotic plant species, this area is devoid of vegetation. Due to its proximity to developed areas, the project site supports disturbed native and exotic vegetation communities. The finger canyon is roughly southeast-to-northwest trending and is narrow with moderately steep slopes. These slopes are vegetated with native and exotic plant species. The north-facing slope supports native and exotic plant species. Elevation within this section ranges from approximately 280 to 320 feet above mean sea level (AMSL). Auburn Creek, is a roughly northeast-to-southwest trending blueline stream which occurs within the project area. In addition, a second unnamed blueline ephemeral drainage exists within the canyon finger on the eastern boundary of the project area. Auburn Creek is contained within deeply incised channels approximately 20 to 25 feet wide and 4 to 5 feet deep with a rocky substrate.

A total of four unpaved roads exist within the project area. One service road, approximately 4 to 6 feet in width, occurs along the eastern boundary of the project area. This road is parallel to the second drainage and ends at the flat, unvegetated area. Two unpaved service roads, approximately 7 feet wide lead into the project area and cross the drainage in the north. A fourth road, approximately 10 to 15 feet in width, extends northeast from Ontario Avenue terminating at the proposed community park/staging area.

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study Checklist.

IV. DISCUSSION:

The following environmental issues were analyzed and determined to be significant: **BIOLOGICAL RESOURCES, HISTORICAL RESOURCES (ARCHAEOLOGY).**

BIOLOGICAL RESOURCES

Implementation of the proposed project has the potential to impact biological resources. Therefore, a biological survey was required which evaluated potential project related impacts and provide measures necessary to mitigate those impacts to below a level of significance. A biological survey of the project area was conducted for an unrelated project by M. Alfaro and E. Alfaro of Tierra Environmental Services (Tierra) on August 16, 2004, and a second survey was conducted by M. Alfaro of Tierra on February 14, 2005. The purpose of the second survey was to include portions of the project area not surveyed in the previous survey and to confirm the accuracy of the existing habitat map. The biological report is available for review at the offices of the Land Development Review Division and is summarized below.

The report indicated that three vegetation communities were observed on-site during the 2004 and 2005 surveys, including southern willow scrub, disturbed southern maritime chaparral (0.74 acres), and non-native grassland (0.50). Southern maritime chaparral is described by Holland (1986) as a low, fairly open chaparral dominated by wart-stem-lilac (Ceanothus verrucosus) and thick-leaved Eastwood's manzanita (Arctostaphylos tomentosa ssp. eastwoodiana). Other plant species characteristic of southern maritime chaparral include toyon (Heteromeles arbutifolia), chamise (Adenostoma fasciculatum), scrub oak, lemonadeberry (Rhus integrifolia), and laurel sumac. Low plant diversity and density as well as the presence of non-native species are characteristics that differentiate disturbed southern maritime chaparral from southern maritime chaparral. With the exception of Eastwood's manzanita, all of the above-mentioned plant species were observed on-site. Other plant species observed include mission manzanita (Xylococcus bicolor), and black sage (Salvia mellifera). Exotic plant species observed in this plant community included Hottentot fig (Carpobrotus edulis), sweet fennel (Foeniculum vulgare) and eucalyptus (Eucalyptus sp.). This vegetation community occurs on the north and west facing slopes within the western area. The non-native grassland within the project site consists of areas dominated by rip-gut (Bromus diandrus), oat (Avena sp.), and wild raddish (Raphanus sativus).

The southern willow scrub habitat identified on-site was planted as part of a City wetland restoration project and would not be impacted with implementation of the proposed project. The wetland restoration project serves as mitigation for impacts to disturbed wetland habitat resulting from a sewer main emergency repair completed in July 2001. The wetland restoration site begins at the southeastern corner of the project area and extends eastward along Auburn Creek. The restoration project is in its second year. Consequently, planted willows and mule-fat are saplings and a canopy has not developed. Plant species observed in this community include arroyo willow, mule-fat, and Douglas mugwort (Artemisia douglasiana). However, only arroyo willow was observed within the eastern limits of the project area.

In addition to the above sensitive habitats, ruderal (0.74 acres), ornamental (0.46 acres) and developed (0.82 acres) areas were observed within the proposed project area.

The project area also supports Auburn Creek, a roughly northeast-to-southwest trending blueline stream and a second unnamed blueline ephemeral drainage within the finger canyon on the eastern boundary of the project area. Auburn Creek is contained within well-defined channel banks for the entire length of the property. These well-defined banks are earthen with rubble reinforcement where the creek crosses the northern portion of the site; a trapezoidal concrete channel along a north-south section of the stream on the western boundary of the property; and, earthen with rubble for the remaining southwest trending portion of the creek on-site. Vegetation is dominated by non-native plant species including giant reed (Arundo donax) and fennel (Feoniculum vulgare), neither of which are obligate wetland species. The bottom of the creek is devoid of vegetation and consists of cobble. Based on these observations, it was determined that Auburn Creek as it crosses the property constitutes ACOE jurisdictional waters of the U.S. and wetlands as defined by the CDFG and City of San Diego. The ordinary high water line occurs between the channel bottom and the top of the channel banks. However, both the CDFG and City claim jurisdiction from the top of bank to the top of bank. Therefore, in terms of project constraints, the project may not encroach past the present top of each bank without requiring a CDFG Section 1602 Streambed Alteration Agreement. Any action that would result in placement of fill or removal of material dredged below the ordinary high water line would require a Section 404 Clean Water permit from the ACOE. As a result, a pre-cast bridge was chosen for this project over a cast-in-place bridge in order to avoid installation of abutments in the creek bed and therefore eliminating impacts to the wetland habitat and removal of materials or placement of fill within the creek.

The City's Biology Guidelines require an analysis of project alternatives that fully/substantially avoid wetland impacts and require that a sufficient buffer be maintained to protect resource function and values. The 100-foot buffer standard only applies within the coastal zone, and the proposed project site does not lie within the coastal zone. Presently, there is no existing buffer between the undeveloped right-of-ways for the existing paper streets (Ontario Avenue and Landis Street) and the top of channel. The proposed plans for the development and realignment of Ontario Avenue were designed to accommodate a 20-foot buffer in accordance with the Chollas Creek Enhancement Plan. This buffer area would include plants selected from the palette identified in the Chollas Creek Enhancement Plan (CCEP) and include a decomposed granite trail. In addition, a 20-foot buffer would be developed on both sides of the creek adjacent to Landis Street.

Southern willow scrub, which is located within Auburn Creek is considered sensitive wetland habitat by the City, CDFG and ACOE (City of San Diego 2001). The two cobble bottom channels on-site would be considered waters of the U.S. and thus fall within ACOE jurisdiction and are also considered sensitive wetland habitat by the City. These drainages convey seasonal flows during the rainy season and urban runoff resulting from irrigation in adjacent residential areas. However, the wetland habitat is considered of low ecological value, with vegetation primarily composed of exotic species and channel bottoms composed of cobble and rubble. Therefore, because the project has been redesigned to avoid impacts to sensitive wetland habitat, no mitigation is required.

Rare and/or endangered or sensitive species with the potential to occur in the project area include: federally and state endangered least Bell's vireo (Vireo bellii pusillus), San Diego mesa mint (Pogogyne abramsii), San Diego button celery (Eryngium aristulatum var. parishii); federally threatened and state endangered San Diego thornmint (Acanthomintha ilicifolia); federally threatened coastal California gnatcatcher (Polioptila californica californica); federally endangered San Diego ambrosia (Ambrosia pumila) and

San Diego fairy shrimp (Branchinecta sandiegonensis). Dense southern willow scrub and vernal pool habitat do not occur on the project site, therefore, least Bell's vireo, San Diego mesa mint, San Diego button celery and San Diego fairy shrimp are not expected to occur on-site. However, the only sensitive plant species identified on-site was Wart-stemmed lilac, a CNPS list 2 species, which was observed within southern maritime chaparral on site. This plant species is covered by the City's MSCP and impacts would be mitigated at the required Tier I ratio.

Several native bird species, including California towhee and northern mockingbird, were observed nesting within the project area. In addition, eucalyptus trees occurring on-site provide potential nesting habitat for raptors. Impacts to eucalyptus are not anticipated. While nesting birds may be present during construction, compliance with the Migratory Bird Treaty Act (MBTA)/Section 3503 would preclude the potential for impacts to these bird species. No surveys for nesting birds would be required.

Although the proposed project would not result in impacts to sensitive wetland habitat, implementation of the project would result in impacts from construction to Upland habitats as indicated in the following table:

ANTICIPATED PROJECT IMPACTS TO UPLAND HABITATS

Habitat Type	Existing Conditions (Acres)	Impacts (Acres)
Disturbed Southern Maritime Chaparral	0.74	0.05
Non-Native Grassland	0.50	0.10
Ruderal	0.74	0.60
Ornamental	0.46	0.00
Developed	0.82	0.82
Total	**3.18**	**1.57**

Project impacts to native upland habitats require mitigation in accordance with the City's Biological Resources Guidelines (July 2002). Ornamental habitat, ruderal habitat and developed areas are not of significant biological value, and therefore, do not require mitigation for impacts resulting from project implementation. Sensitive habitats include those communities considered unique because they host many species of plants and animals that are rare or substantially depleted. Disturbed southern maritime chaparral occurring in the study area is considered a rare (Tier I) upland habitat by the City, while non-native grassland is considered a common (Tier IIIB) upland habitat.

Impact mitigation ratios are calculated based the location of the impacted habitat and where the mitigation would occur (e.g. inside the MHPA vs. outside the MHPA). Because the project area is located outside of the MHPA, as indicated in the table below, mitigation for impacts to 0.05 acres of southern maritime chaparral requires mitigation at a 1:1 ratio within the MHPA or at a 2:1 ratio if outside the MHPA; impacts to 0.10 acre of non-native grassland requires mitigation at a 0.5:1 ratio within the MHPA or at a 1:1 ratio if outside of the MHPA. Additionally, in accordance with the City's Biological Guidelines, projects with small impacts (generally less than 5 acres, isolated sites with

lower long-term conservation value) may also compensate through a contribution to the City's Habitat Acquisition Fund which is used to acquire, maintain and administer the preservation of sensitive biological resources. Therefore, the project applicant has agreed to provide mitigation in form of payment into the Habitat Acquisition Fund as indicated in Section V - Mitigation, Monitoring and Reporting Program (MMRP) of the Mitigated Negative Declaration. Implementation of the biological monitoring program would reduce potential impacts to below a level of significance.

Required Mitigation for Upland Habitat (No Wetland Impacts)

Habitat Type	Impacts (Acres) Outside MHPA	Mitigation Within MHPA (Acres)	Mitigation Outside MHPA (Acres)
Disturbed Southern Maritime Chaparral	0.05	1:1 = 0.05	2:1 = 0.10
Non-Native Grassland	0.10	0.5:1=0.05	1:1 = 0.10
Ruderal	0.60	0	0
Ornamental	0	0	0
Developed	0.82	0	0
Total	**1.57**	**0.10**	**0.20**

HISTORICAL RESOURCES

The purpose and intent of the Historical Resources Regulations of the Land Development Code (Chapter 14, Division 3, Article 2) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City of San Diego when historical resources are present on the premises. CEQA requires that before approving discretionary projects the Lead Agency must identify and examine the significant adverse environmental effects which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment (Sections 15064.5(b) and 21084). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities which would impair historical significance (Sections 15064.5(b)(1) and 5020.1). Any historical resource listed in or eligible to be listed in the California Register of Historical Resources, including archaeological resources, is considered to be historically or culturally significant.

The project site is located in area of San Diego which has a high potential for prehistoric and historic archaeological resources. Review of site records and archaeological survey reports from the project area resulted in the identification of several known archaeological sites within a one-mile radius; however none were mapped within the project boundaries or in close proximity. Because the project site is undeveloped and surrounded by urban development with a seasonal drainage running through it, the project

area was surveyed by qualified City staff in January 2004 in order to visually inspect for any surface component or archaeological resources. Although the field survey was negative, because of existing vegetation 100% visibility was not achieved. Therefore, since the potential for an archaeological deposit cannot be confirmed unless features are exposed, monitoring would be required during vegetation removal and during all grading and excavation activities for the proposed project. In addition, prior to the preconstruction meeting, the approved archaeological consultant would have the opportunity to review geotechnical soil boring logs, and final engineering /construction drawings to further define the areas requiring monitoring. Therefore, implementation of the archaeological monitoring program identified in Section V of the Mitigated Negative Declaration, would reduce potential historical resource impacts to below a level of significance.

The following environmental issues were analyzed and determined not to be significant: **LAND USE, HUMAN HEALTH/PUBLIC SAFETY/HAZARDOUS MATERIALS TRANSPORTATION/CIRCULATION, AND WATER QUALITY.**

LAND USE (APPLICABLE PLANS AND POLICIES)

The Mid-City Communities Plan (MCCP) is designed to supplement the Progress Guide and General Plan policies. This is accomplished through the identification of specific community issues and specific policies that build on those embodied in the General Plan. The MCCP is a policy document which includes an implementation strategy that establishes the timing and financing required to implement the policies and vision of the plan. The MCCP is intended to provide a vision for the future development of the four Mid-City communities of Normal Heights, Kensington-Talmadge, City Heights, and Eastern Area.

Chollas Creek Enhancement Program (CCEP)

Because the proposed project sites includes the Auburn Branch of Chollas Creek, the project must be consistent and/or meet the intent of the Chollas Creek Enhancement Program (CCEP). One goal of the Natural and Cultural Resources Element of the Plan is to improve and enhance the riparian habitat in Chollas Creek. Additionally the CCEP calls for the incorporation of pedestrian trails, an interpretive/educational component, and opportunities for public art through the implementation of a master plan. The CCEP (May 14, 2002) states that development is to be setback at a minimum of 20 feet from the edge of the urban creek channel in order to accommodate linear park opportunities and provide for an 8-10 foot pedestrian trail which should interconnect with pedestrian pathways throughout the proposed park project. According to the CCEP, an 8 to 10-foot trail should be developed wherever existing width allows.

A wetland buffer is an area that surrounds an identified wetland and helps to protect the functions and values of the adjacent wetland reducing physical disturbance from noise, activity and domestic animals and provides a transition zone where one habitat phases into another. The buffer also protects other functions and values of wetland areas, including absorption and flowing of flood waters for flood and erosion control, sediment filtration, water purification, ground water surcharge and the need for upland transitional habitat. Within the coastal overlay zone, the buffer would be 100 feet, typically (City of San Diego Biology Guidelines 2001). The project site does not lie in the coastal overlay zone. Currently there is no existing buffer between the undeveloped street right of way and the top of channel. The proposed project would provide a 20 foot buffer adjacent

both the portions of the creek parallel to Ontario Avenue and Landis Street, in accordance with the CCEP.

A five foot stabilized, accessible, decomposed granite trail would be installed in the buffer area adjacent Ontario Avenue. As allowed by CCEP, the existing Landis Street would serve as the trail adjacent to the channel that parallels Landis Street, as topography does not allow for a trail between the proposed mini park and the creek. The CCEP recommends an eight to ten foot meandering trail. The proposed buffer would not accommodate a trail larger than five feet, without the inclusion of retaining walls, due to the steep topography. Given that that an 8-10-foot trail could result in erosion due to the sloping gradient of the landscape buffer; that a reduced trail width to 5 feet would leave more landscape buffer area for planting; and that a 5-foot wide trail would still provide interconnected access within the neighborhood and visual access of the creek, City staff have determined that the proposed 5-foot wide pedestrian trail, as designed meets the goals and intent of the CCEP. In addition, the plant palette for the buffer area would be selected from those listed in the CCEP and interpretive signage would be included along the trail to identify special natural features, as well as adjacent cultural, historical and paleontological resources in accordance with the CCEP.

Multiple Species Conservation Program (MSCP)

The Multiple Species Conservation Program (MSCP) is a conservation program designed to facilitate the implementation of a regional habitat preserve while allowing "take" of endangered species or habitats at the individual project level (City of San Diego 1997). This habitat preserve is known as the Multi-Habitat Planning Area (MHPA) and lands within it have been designated for conservation. The MHPA was designed to conserve biological resources considered sensitive by the resource agencies and by the City of San Diego.

Although the project area exists within the urban area of the MSCP, it is located outside of the City's MHPA boundaries. Thus, the proposed project would not conflict with the conservation of vegetation communities inside the MHPA. Furthermore, the project would not conflict with the Land Use Adjacency Guidelines established in Section 1.4.3 of the City's MSCP subarea plan. As previously discussed, the proposed project area lies in an undeveloped canyon area that is isolated from other undeveloped areas as a result of residential development. Consequently, the canyon is separated from Conserved Vegetation Communities occurring in the Urban Area MHPA by housing and roads. Therefore, proposed activities in the project area would not have any direct or indirect impacts to habitat in the MHPA.

Because the project lies outside of the MHPA, encroachment into sensitive biological resources is not restricted, with the exception of wetlands and waters of the U.S., federal and state-listed species and narrow endemic species. Impacts to sensitive biological resources have been evaluated and mitigation provided in accordance with the City's Land Development Code Biology Guidelines (July 2002) as detailed in the Biological Resources discussion above.

HUMAN HEALTH/PUBLIC SAFETY/HAZARDOUS MATERIALS

The County of San Diego Department of Environmental Health (DEH) Hazardous Materials Establishment Listing database identifies potentially hazardous material release sites throughout the City of San Diego. As a result, a regulatory database review was conducted for the proposed project. Although the project site was not listed on any searchable databases, a total of twenty-two sites were listed on the Federal, State or Local

jurisdiction databases, the closest being within approximately ¼ mile from the project site. However, discarded automotive waste was encountered during an initial site visit resulting in the need for a Phase I Site Assessment. As such, a Phase I Site Assessment was prepared by GEOCON Consultants, Inc. (May 2005) which characterized the hazardous materials as trash and debris, primarily consisting of general refuse and sewer manholes throughout the site and apparent automotive fluids covering an approximately 10-foot by 5-foot area of corroded concrete at the northern portion of the north-south trending concrete drainage ditch.

The study concluded that the fluids appeared to be the result of unauthorized disposal practices from the adjacent property to the west and represents a potential Recognized Environmental Potential (REC), and therefore should be removed. No other potential public safety hazards were identified or observed at the site, and the properties listed on the regulatory databases would not result in a significant adverse impact to the project site. An Amendment to the Phase I Site Assessment (June 2005) was subsequently prepared to clarify the recommendations from the May 2005 report. Although ~~Gecon~~ GEOCON provided recommendations for the removal of the disposed fluids, City staff provided further clarification that the area where the fluids were encountered is outside the area to be graded and will not be disturbed with implementation of the project. In addition, the City of San Diego will implement a County approved health and safety work plan which addresses the handling and removal of hazardous materials as identified and recommended in the Phase I Site Assessment. This work plan will be incorporated into the Specifications and Contract Documents which address Compliance with the County (DEH) Hazardous Materials permitting requirements. The approved health and safety plan would reduce potentially significant impacts for the identified (near term) and future (long term) projects to below a level of significance; therefore, no mitigation is required.

WATER QUALITY

Best Management Practices (BMPs) are required during construction activities which would include (but is not limited to) features such as storm drain inlet protection, catch basin inlet protection, stabilized construction entrance/exit areas, and silt fencing. Storm drain inlet protection consisting of gravel bags and filter fabric such as polyethylene or polypropylene would be placed around curb inlets. Catch basin inlet protection would be specified in paved areas by using filter fabric over catch basin grates. Specifications for stabilized construction entrance/exit areas would be provided to minimize transport of sediment off-site. Silt fences and fiber rolls would be specified to minimize surface transport of sediments. The construction contractor would be required to prepare and use a Sewer Spill Prevention and Response Plan. The implementation of BMP's as stated in the contract documents in accordance with the City's Stormwater Regulations would reduce water quality impacts to a below level of significance.

TRANSPORTATION/CIRCULATION

A trip generation and associated parking demand analysis was submitted by the project applicant to estimate the average daily traffic volumes for the extension of Ontario Avenue which would occur with development of the proposed 0.40 acre park. According to the City of San Diego's Trip Generation Manual, vehicle trip rates for parks range from 5/acre for undeveloped neighborhood parks to 50/acre for larger developed parks with active recreational activities. The proposed Auburn Park would support a combination of passive and minor recreational uses such as children's playground facilities, ~~and~~ picnic areas and hard ~~basketball~~ courts. As such, the trip rate of 50/acre was used to determine the anticipated trip generation for the proposed project. The analysis concluded that the

proposed project would result in a trip generation of 20 daily vehicle trips, which is reasonable given the size of the park, proposed improvements and the existing multi-family residential nature of the surrounding neighborhood. Parking for the proposed project would be required at a ratio of 5 spaces per acre, resulting in the need for 2 parking spaces (0.4 acres x 5 spaces/acre = 2 spaces). However, the project would provide 4 to 5 on-street spaces along the frontage on Ontario Avenue which adequately addresses the parking requirements for a park of this size and use.

Extension of Ontario Avenue would provide for a through connection to Winona Avenue. Existing volumes range from a low of 525 on Winona Avenue to 4,200 on Altadena Avenue. The estimated traffic that would utilize the new roadway extension was based upon an estimation of the existing through traffic utilizing the neighborhood roadways, in addition to identifying the neighborhood trips that would likely use the new extension. With the Ontario Avenue connection, the daily traffic volumes for Ontario Avenue/Winona Avenue are estimated at 2,585 (an increase from 525 daily trips without the roadway extension). The through traffic utilizing the new roadway connection represents volumes which would be redistributed from Altadena Avenue to Auburn ~~Creek~~ Drive as well as the local neighborhood traffic that would utilize the Ontario Avenue extension.

Altadena Avenue/Wightman Street, which currently operate above the desirable capacity for a local street (LOS C = 2,200 ADT) would have a reduction in daily volumes over existing conditions with the extension of Ontario Avenue, and would therefore operate at a better level of service. Auburn Drive, Ontario Avenue and Winona Avenue would operate slightly over the desirable capacity (LOS C) for local streets. Overall, the a shift in traffic volumes with the extension of Ontario Avenue would not result in any potentially significant traffic impacts. Therefore, no mitigation is required.

V. RECOMMENDATION:

On the basis of this initial evaluation:

[ ] The proposed project would not have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.

[x] Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.

[ ] The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

PROJECT ANALYST: Herrmann

Attachments: Location Map (Figure 1)
Site Plan (Figure 2)
Initial Study Checklist

Environmental Checklist Form

1. Project title: FOX CANYONPARK

2. Lead agency name and address:

   CITY OF SAN DIEGO
   DEVELOPMENT SERVICES DEPARTMENT
   1222 1ST AVENUE, MS 501
   SAN DIEGO, CA 92101

3. Contact person and phone number: MYRA HERRMANN, SENIOR PLANNER, 619-446-5372

4. Project location: 3623 50TH STREET, BETWEEN ONTARIO AVENUE & WINONA AVENUE IN THE EASTERN AREA NEIGHBORHOOD WITHIN THE MID-CITY COMMUNITY PLANNING AREA

5. Project sponsor's name and address:
   CITY OF SAN DIEGO, PARK AND RECREATION DEPARTMENT
   202 "C" STREET, MS 35
   SAN DIEGO, CA 92101

6. General plan designation: MULTI-FAMILY RESIDENTIAL

7. Zoning: MR-1500-B

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.). The proposed is the acquisition of land and development of the site into a community park with tot lot, passive play area, a hardcourt play area, barbecue, and picnic area. The project also includes a bridge with public art element.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:
Residential development surrounds the site; Auburn Creek is adjacent to and runs through the site.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

Possible permitting requirements from Army Corps of Engineers and/or California Department of Fish and Game.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☑ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☑ Biological Resources	⇒ Cultural Resources	☑ Geology /Soils
☑ Hazards & Hazardous Materials	☑ Hydrology / Water Quality	☑ Land Use / Planning
☐ Mineral Resources	☐ Noise	☐ Population / Housing
☐ Public Services	☑ Recreation	☑ Transportation/Traffic
☐ Utilities / Service Systems	☐ Mandatory Findings of Significance	

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

⇛ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature _____ Date January 8, 2004

Signature _____ Date _____

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site,

cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance

Issues:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? The project would create a new park in an area where a previous residentially zoned vacant parcel exists.	❐	❐	⇛	❐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? No such resources have been identified within the project boundaries.	❐	❐	❐	⇛
c) Substantially degrade the existing visual character or quality of the site and its surroundings? See I.a. above. The project would improve the visual character of an existing, vacant disturbed site.	❐	❐	❐	⇛
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? Lighting for the proposed park would be directed down and shielded away from sensitive receptors.	❐	❐	❐	⇛
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? The project site does not support Prime Farmland, nor has it been used for agricultural purposes. See also I.a. above.	❐	❐	❐	⇛

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? The proposed park use is supported by the community and City of San Diego Planning Department.	❐	❐	❐	⇛
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? No farmland on project site; no conflict. See II.a.	❐	❐	❐	⇛
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? Proposed park would not conflict with County of San Diego air quality plans or standards.	❐	❐	❐	⇛
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? See III.a.	❐	❐	❐	⇛
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? Community park use only. On-site parking is not proposed.	❐	❐	❐	⇛
d) Expose sensitive receptors to substantial pollutant concentrations? See III.c.	❐	❐	❐	⇛
e) Create objectionable odors affecting a substantial number of people? Development of park would not result in objectionable odors.	❐	❐	❐	⇛
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California	❐	⇛	❐	❐

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
Department of Fish and Game or U.S. Fish and Wildlife Service? Grading for site development would result in impacts to biological resources. A biology survey would be required to determine extent of impacts and appropriate mitigation measures to reduce impact to below a level of significance.				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? See IV.a. A biological survey would be required with mitigation recommendations.	❐	⇒	❐	❐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Biology survey and report would identify any wetlands and incorporate measures to avoid impacts pursuant to City, State and federal regulations.	❐	⇒	❐	❐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Potential impacts would be identified in the biology survey.	❐	⇒	❐	❐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Applicant would be required to comply with the City's Environmentally Sensitive Lands Regulation by providing mitigation for any impacts resulting from project implementation. Site is not within the City's MHPA.	❐	⇒	❐	❐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? See IV.e.	❐	⇒	❐	❐

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in ∋15064.5? Vacant land. No historic buildings have been identified within the project site.	❐	❐	❐	⇛
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to ∋15064.5? The site is currently vacant, but is in an area which has a high potential for archaeological resources. Therefore an archaeology survey and/or monitoring during grading would be required.	❐	⇛	❐	❐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Paleontological monitoring would be required during grading for project implementation if thresholds of excavation are exceeded in high and moderate sensitivity formations.	❐	⇛	❐	❐
d) Disturb any human remains, including those interred outside of formal cemeteries? High sensitivity area for archeology. Monitoring would be required during grading and protocol under the City of San Diego, Mitigation, Monitoring and Reporting Program (MMRP) and the Public Resources Code would be implemented if human remains are discovered.	❐	⇛	❐	❐

VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	❐	❐	❐	❐
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. Geologic Hazard category 53. Level areas; gently sloping to steep terrain. Low potential. No impacts anticipated.	❐	❐	❐	⇛
ii) Strong seismic ground shaking? The far southeastern corner of the project site is 100 feet from a mapped/concealed fault. Proper design	❐	❐	⇛	❐

and engineering of the site would be required to ensure public health under safety pursuant to State building codes. A geotechnical Reconnaissance may be required.				
iii) Seismic-related ground failure, including liquefaction? Site is located above the Auburn Creek flood channel within low potential area for geologic hazards. No impacts anticipated.	❐	❐	⇛	❐
iv) Landslides? See previous responses above.	❐	❐	⇛	❐
b) Result in substantial soil erosion or the loss of topsoil? Site is currently vacant and may require remedial grading to remove unstable soils.	❐	❐	⇛	❐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? See previous responses. Geo recon may be required.	❐	❐	⇛	❐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? Site is currently vacant and may require remedial grading to remove unstable soils.	❐	❐	⇛	❐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? See VI.d.	❐	❐	❐	⇛
VII. HAZARDS AND HAZARDOUS MATERIALS B Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? Proposed project is a park use. No hazardous materials would be stored or transported from the site.	❐	❐	❐	⇛
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Potential during grading. Unsure at this time what household waste and/or hazardous materials may exist from continued dumping on the vacant site. A Phase I site assessment may be required to evaluate potential on-site hazards.	❐	⇛	❐	❐

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? Marshall Elementary School is within ¼ mile from project site, uphill across one public roadway and behind a residential development. Site assessment may be required. Low potential	❐	❐	⇛	❐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? Project site has not been identified on the list maintained by the County of San Diego.	❐	❐	❐	⇛
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? Site not within an airport land use plan	❐	❐	❐	⇛
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? Site not w/in vicinity of private airstrip.	❐	❐	❐	⇛
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Emergency access to the project site will be provided to fire and police. No interference with adopted plans.	❐	❐	❐	⇛
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? Vacant disturbed, undeveloped site Remaining native vegetation w/b either impacted or preserved but would not increase fire risk to residential development surrounding the project site.	❐	❐	❐	⇛
VIII. HYDROLOGY AND WATER QUALITY -- Would the project:				
a) Violate any water quality standards or waste discharge requirements? Project is required to comply with the City if San Diego Stormwater Regulations and incorporate Best Management Practices into the final design.	❐	❐	⇛	❐

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Groundwater supplies would not be depleted with implementation of the project	❐	❐	❐	⇛
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Although existing drainage patterns would be altered through cut and fill grading, no water course would be altered and no substantial erosion would occur.	❐	❐	⇛	❐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? The Auburn Creek segment of Chollas Creek runs adjacent to and through the project site. With proper landscape design, wetland revegetation can be used to filter stormwater run-off prior to discharge into the adjacent channel. These BMP design feature would be consistent with the City Stormwater Regulations. This will need to be addressed at final design.	❐	❐	⇛	❐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? See VIIIa-d. Public projects are required to comply with the adopted Stormwater Regulations which are intended to reduce water quality impacts in compliance with the City's Municipal Permit.	❐	❐	⇛	❐
f) Otherwise substantially degrade water quality? See VIIIa-e above.	❐	❐	⇛	❐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Park site is within FEMA Zone X. Housing is not part of the proposed park project.	❐	❐	❐	⇛

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? According to FEMA mapping, the project site is within Zone X; more information is required to determine the location of the project site in relation to the floodplain or floodway.	❐	❐	⇛	❐
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? See VIII.h above.	❐	❐	⇛	❐
j) Inundation by seiche, tsunami, or mudflow? No such threat exists within the project site.	❐	❐	❐	⇛
IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community? Project is located within one community planning area.	❐	❐	❐	⇛
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? While the proposal to create community park is supported by the Planning Department, the land use is inconsistent with the Mid-City Communities Plan and would require a community plan amendment to address the inconsistency.	❐	⇛	❐	❐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? The project is not within the City's MSCP Subarea Plan.	❐	❐	❐	⇛
X. MINERAL RESOURCES -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? The site is vacant undeveloped residentially zoned land. No known mineral resources exist.	❐	❐	❐	⇛
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? The site is vacant undeveloped residentially zoned land. See X.a.	❐	❐	❐	⇛

XI. NOISE B Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Project is a community park and would not generate excessive noise levels.	❐	❐	❐	⇛
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? Refer to XI.a above.	❐	❐	❐	⇛
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? Refer to XI.a above.	❐	❐	❐	⇛
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? Refer to XI.a above.	❐	❐	❐	⇛
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? Project is not located within an airport land use plan for a public or private airport.	❐	❐	❐	⇛
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? Refer to XI.e above.	❐	❐	❐	⇛

XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Park project would not induce substantial growth in surrounding community.	❐	❐	❐	⇛
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Development of community park on land zoned residential. Community plan amendment req'd. Park proposal is supported by community.	❐	❐	❐	⇛
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? See XII a & b.	❐	❐	❐	⇛

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection? Adequate services are available to support proposed park project.	❒	❒	❒	⇛
Police protection? Adequate services are available to support proposed park project.	❒	❒	❒	⇛
Schools? Marshall Elementary School is located within proximity of project site. No new schools w/b required to support this park project.	❒	❒	❒	⇛
Parks? Project is the creation of a community park supported by the City and residents.	❒	❒	❒	⇛
Other public facilities? Adequate services are available to support proposed park project.	❒	❒	❒	⇛

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Project is the creation of a community park supported by the City and residents.	❒	❒	❒	⇛
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? Construction of the park facilities and supporting infrastructure would result in significant but mitigable impacts as identified in the checklist.	❒	⇛	❒	❒

XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? Park project would not cause an increase in traffic over existing.	❐	❐	❐	⇛
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? Existing LOS for street w/in the vicinity would not be exceeded	❐	❐	❐	⇛
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location thatresults in substantial safety risks? Existing traffic patterns would not be impacted to accommodate proposed project.	❐	❐	❐	⇛
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? Project does not propose any such traffic features.	❐	❐	❐	⇛
e) Result in inadequate emergency access? The project incorporates measures to allow adequate fire and police emergency access to the site.	❐	❐	❐	⇛
f) Result in inadequate parking capacity? Adequate parking for the new park would be on existing street surrounding the site. No ons-ie parking provided.	❐	❐	❐	⇛
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? Avvess to the park is available from existing streets; however, paper streets within the project site that are included in the Community Plan as circulation elements must be vacated in order to create the park. No significant impact anticipated from this action.	❐	❐	⇛	❐
XVI. UTILITIES AND SERVICE SYSTEMS B Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Project is required to comply with the City's Stormwater Regulations.	❐	❐	⇛	❐

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? The project site would be served by the existing City sewer system.	❐	❐	⇛	❐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? See XVI.a and b above.	❐	❐	⇛	❐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Water service would be provided to the park, but trenching for any pipelines could result in significant but mitigable impacts to archaeological, biological or paleontological resources.	❐	⇛	❐	❐
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? See XVI.b.	❐	❐	⇛	❐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project=s solid waste disposal needs? Disposal of construction related materials, as applicable would be directed to the appropriate City landfill after consultation with Environmental Services Department.	❐	❐	❐	⇛
g) Comply with federal, state, and local statutes and regulations related to solid waste? Project would be required to reduce solid waste and reclaim for on-site purposes in accordance with applicable regulations.	❐	❐	❐	⇛

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? The project has a potential to result in impacts to archaeological, biological and paleontological resources; however, all impacts can be mitigated to below a level of significance.	❐	⇛	❐	❐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? Based on review of the conceptual plan it doesn't appear that the project would result in cumulatively considerable impacts to archaeological, biological or paleontological resources.	❐	❐	⇛	❐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Any potential environmental effects on human beings resulting from this project could be reduced or eliminated through project redesign, mitigation measures and/or compliance with applicable local, state or federal regulations.	❐	❐	⇛	❐

A:\FOX CANYON ISCKLST.doc1/12/2004 2:15 PM

INITIAL STUDY CHECKLIST

REFERENCES

I. Aesthetics / Neighborhood Character

✓ City of San Diego Progress Guide and General Plan.

✓ Community Plan.

___ Local Coastal Plan.

II. Agricultural Resources / Natural Resources / Mineral Resources

___ City of San Diego Progress Guide and General Plan.

___ U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973.

___ California Department of Conservation - Division of Mines and Geology, Mineral Land Classification.

___ Division of Mines and Geology, Special Report 153 - Significant Resources Maps.

___

III. Air - N/A

___ California Clean Air Act Guidelines (Indirect Source Control Programs) 1990.

___ Regional Air Quality Strategies (RAQS) - APCD.

___ Site Specific Report:

IV. Biology

✓ City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997

___ City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" maps, 1996.

✓ City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997.

✓ Community Plan - Resource Element.

___ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001.

___ California Department of Fish & Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001.

✓ City of San Diego Land Development Code Biology Guidelines.

___ Site Specific Report:

✓ Site visit with Park & Recreation staff September 2003.

V. Energy - N/A

___

VI. Geology/Soils

✓ City of San Diego Seismic Safety Study.

___ U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975.

___ Site Specific Reports:

VII. Historical Resources

✓ City of San Diego Historical Resources Guidelines.

✓ City of San Diego Archaeology Library.

___ Historical Resources Board List.

___ Community Historical Survey:

___ Site Specific Report

VIII. Human Health / Public Safety / Hazardous Materials

✓ San Diego County Hazardous Materials Environmental Assessment Listing (website)

___ San Diego County Hazardous Materials Management Division

___ FAA Determination

___ State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized

___ Airport Comprehensive Land Use Plan.

___ Site Specific Report:

IX. Hydrology/Water Quality

✓ Flood Insurance Rate Map (FIRM).

✓ Federal Emergency Management Agency (FEMA), National Flood Insurance Program - Flood Boundary and Floodway Map.

___ Clean Water Act Section 303(b) list, dated May 19, 1999, http://www.swrcb.ca.gov/tmdl/303d_lists.html).

X. Land Use

___ City of San Diego Progress Guide and General Plan.

✓ Community Plan - ~~Otay Mesa-Nestor~~ Mid-City Community Plan.

___ Airport Comprehensive Land Use Plan

✓ City of San Diego Zoning Maps

___ FAA Determination

XI. Noise

✓ Community Plan

___ San Diego International Airport - Lindbergh Field CNEL Maps.

___ Brown Field Airport Master Plan CNEL Maps.

___ Montgomery Field CNEL Maps.

✓ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes.

✓ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

___ City of San Diego Progress Guide and General Plan.

___ Site Specific Report:

XII. Paleontological Resources

✓ City of San Diego Paleontological Guidelines.

___ Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996.

___ Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," California Division of Mines and Geology Bulletin 200, Sacramento, 1975.

✓ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977.

___ Site Specific Report:

XIII. Population / Housing N/A

___ City of San Diego Progress Guide and General Plan.

✓ Community Plan.

___ Series 8 Population Forecasts, SANDAG.

___ Other:

XIV. Public Services

___ City of San Diego Progress Guide and General Plan.

✓ Community Plan.

XV. Recreational Resources

___ City of San Diego Progress Guide and General Plan.

✓ Community Plan.

___ Department of Park and Recreation

___ City of San Diego - San Diego Regional Bicycling Map

___ Additional Resources

XVI. Transportation / Circulation

___ City of San Diego Progress Guide and General Plan.

✓ Community Plan.

✓ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

✓ San Diego Region Weekday Traffic Volumes, SANDAG.

___ Site Specific Report:

XVII. Utilities

✓ Consultation with water and wastewater reviewing staff.

XVIII. Water Conservation

___ Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.

A:\FOX CANYON ISchklst_references.doc1/12/2004 2:33 PM

EXHIBIT NO. 20

Agenda
Fox Canyon Neighborhood Park
1/14/04

Park and Rec. - schedule
- Heidi Lang- Grant
- Joey Jacoby – immediate steps
  - SPSD – 800,000 land
    - 100,000 design

READ
- Lane MacKenzie - Land acquisition -
  - Underlying zones

Stormwater
- Stormwater funding

Water and Wastewater Facilities
- Amy Romero Utilities in Ontario Street

Planning
- Adjacent housing
- Relocation of street
- Auburn Creek enhancement

Funding Sources
- Urban Parks Grant
- Prop 13 Stormwater
- Crossroads
- Safe Access to Schools
- Congresswoman Davis – Inter Government Relations

Next steps:

Group Job 781 Water & Sewer – Est. Const date 2008
Email schedule to Amy Romero take adv. to grading & stagging
MWW Will be doing a Bio study w/in the fiscal year (July 2004)
Get the old enviro. docs from ~~Dick Rol~~ Myra for trunk sewer
Lane – will be doing Ph I enviro. get back to me
Brian – could Karen Henry pay for a hydrology study?

We should do a Parcel Map

Agenda
Fox Canyon Neighborhood Park
1/14/04

Park and Rec. - schedule
- Heidi Lang- Grant
- Joey Jacoby – immediate steps
  - $PSD – 800,000 land
    - 100,000 design

GF 701
W+S
accelerate schedule
to GF?
2 acres

READ
- Lane MacKenzie - Land acquisition
  - Underlying zones

Stormwater
- Stormwater funding

Water and Wastewater Facilities
- Amy Romero Utilities in Ontario Street

Planning
- Adjacent housing
- Relocation of street
- Auburn Creek enhancement

Funding Sources
- Urban Parks Grant
- Prop 13 Stormwater
- Crossroads
- Safe Access to Schools
- Congresswoman Davis – Inter Government Relations

Next steps:

City Not Subject to Map Act - No need to subdivide - do Parcel map

Helix
Dudek

EXHIBIT NO. 21

Procedural Guide

for the

2002 Resources Bond Act

URBAN PARK ACT OF 2001

California Clean Water, Clean Air, Safe Neighborhood Parks,
and Coastal Protection Act of 2002

July 2003

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

"Creating Community through People, Parks and Programs"

OFFICE OF GRANTS AND LOCAL SERVICES CONTACT INFORMATION:

Telephone: **(916) 653-7423**

Facsimile: **(916) 653-6511**

INQUIRIES

Direct all inquiries, correspondence, and grant Applications to individual Project Officers.

Project Officers' names, phone numbers, and geographic assignments can be found on the Department's web site at http://www.parks.ca.gov/ by following related links to the "Grants and Bond Acts", and the "Resources Bond Act of 2002".

MAILING ADDRESS:

Project Officer (Name)
California Dept. of Parks and Recreation
Office of Grants and Local Services
P.O. Box 942896
Sacramento, CA 94296-0001

HAND DELIVERY OR OVERNIGHT CARRIER:

Project Officer (Name)
California Dept. of Parks and Recreation
Office of Grants and Local Services
1416 9th Street, Room 918
Sacramento, CA 95814

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

DEPARTMENT MISSION

The mission of the California Department of Parks and Recreation is to provide for the health, inspiration and education of the people of California by helping to preserve the State's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

THE OFFICE OF GRANTS AND LOCAL SERVICES (OGALS) MISSION STATEMENT

The Mission of the Office of Grants and Local Services is to address California's diverse recreational, cultural and historical resource needs by developing grant programs, administering funds, offering technical assistance, building partnerships and providing leadership through quality customer service.

OGALS VISION GOALS

To Be:

- A leader among park and recreation professionals.
- Proactive in anticipating public park and recreation needs and how new legislation and grant programs could best meet these needs.
- Honest, knowledgeable and experienced grant administration facilitators.
- Sensitive to local concerns while mindful of prevailing laws, rules and regulations.
- Perceptive to opportunities for partnerships, growth and renewal where few existed before.
- Committed to providing quality customer service in every interaction and transaction.
- Responsive to the needs of Applicants, grantees, Nonprofit Organizations, local governments, legislative members, and department employees.

INTRODUCTION

The intent of this guide is to assist with the Application and administration process for the Urban Park Act of 2001 Grant Program. The following guidelines contain elements of the Resources Bond Act of 2002 programs administered by the Department of Parks and Recreation, Office of Grants and Local Services.

TABLE OF CONTENTS

I. DEFINITIONS 1

II. GENERAL INFORMATION 5

Bond Act Intent. 5
Re-use of Existing Buildings 5
Funds Reverting to the Legislature 5
Legal Requirements 5
Site Visits 5
Accounting Requirements 5
State Audit 5

III. URBAN PARK ACT OF 2001 PROGRAM DESCRIPTION 7

Urban Park Act of 2001 Program Intent 7
Key Dates 7
Amount of Funds Available: $130,690,000 7
Minimum and Maximum Grant Amounts 7
Matching Contribution 7
Eligible Applicants 8
Eligible Projects. 8
Ineligible Projects 9
Competitive Process Overview 9
How to Submit an Application 10
Application Requirements and Checklist 11

IV. PROJECT SELECTION CRITERIA 13

Project Summary 13
Project Selection Criteria Introduction: 13
Project Selection Criteria 13

V. ADMINISTRATIVE PROVISIONS 20

Match Description 20
Calculating Volunteer Labor as a Match Source 20
Land Tenure Requirements 20
Changes to Project Scope 21
Fidelity Bond 21
Three-Bid Process 22
Project Withdrawals 22
CEQA Compensation 22
Loss of Funding 22
Public Access 22

VI. PAYMENT PROCESS 23

Grant Fund Availability 23
Interest Earned From an Advance 23
Payment Request Process – Development Projects 23
Payment Request Process – For Projects Involving Acquisition 24
Eligible Costs 25

VII. APPENDICES 27

APPENDIX A – Application Form 28
APPENDIX B – Resolution 30
APPENDIX C – Sources of All Additional Funds 33
APPENDIX D – Sample Cost Estimate 35
APPENDIX E – Sample Acquisition Schedule 37
APPENDIX F – Sample Grant Contract 39
APPENDIX G – Payment Request Form 47
APPENDIX H – Project Completion Packet 49

I. DEFINITIONS

Capitalized words and terms, other than the first word of each sentence, appear in these guidelines. Unless otherwise stated, the terms used in this Procedural Guide shall have the following meanings:

Acquisition- a grant may be expended to acquire the fee title, leasehold, or other interest in real property. If an Applicant proposes to acquire less than fee title, the Applicant shall demonstrate in the Application to the satisfaction of the Department that the proposed Project will provide public benefits that are commensurate with the type and duration of the interest in real property to be acquired. Land or interests in land acquired with Bond Act funds shall be acquired from a willing seller. All acquisitions shall be in perpetuity.

Acquisition and Development- a Project that combines Acquisition of real property with Development for a New Park, New Recreational, or New Multipurpose Facility.

Applicant- an agency or organization requesting funding from a grant program administered by the Department.

Application- the individual Application form and its required attachments for grants pursuant to the enabling legislation and/or program.

Appropriation- a Legislative budget authorization from a specific fund to a specific agency or program to make expenditures or incur obligations for a specific purpose and period of time.

Area of Blight- all or part of the Project service area is generally physically dilapidated, and the Project service area is characterized by the following social and physical attributes including, but not limited to:

- Serious building code violations
- Inadequate utilities
- Evidence of gang or other types of criminal activity
- Economically depressed due to abnormally high business vacancies
- Residential overcrowding
- High crime rate
- Environmental hazards
- Brown fields
- Unauthorized dumping areas
- Neglected vacant lots
- Homelessness
- Community Development Block Grant areas

At-Risk Youth - persons who have not attained the age of 24 years, and are at high risk of being affected by criminal activity, adolescent pregnancy, school failure or dropout, juvenile delinquency, gangs, or substance abuse.

Bond Act- the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, also known as the Resources Bond Act of 2002.

Capital Improvement- Projects that utilize expenditures for Acquisition, Development, or both, of land and/or Facilities to improve the property's usage and access for park and recreation purposes. Funds for Development shall be used only for permanent or fixed features of the property.

CEQA- the California Environmental Quality Act as stated in the Public Resources Code Section 21000 et seq.; Title 14 California Code of Regulations Section 15000 et seq. CEQA is a law establishing policies and procedures that require agencies to identify, disclose to decision makers and the public, and attempt to lessen significant impacts to environmental and historical resources that may occur as a result of the agency's proposed Project.

City- a city or a city and county.

Competitive- a grant process whereby Projects are ranked and selected based upon program-specific criteria.

Contract- an agreement between the Department and the Grantee specifying the payment of funds by the Department for the performance of the Project Scope within the Project Performance Period by the Grantee.

Department- the California Department of Parks and Recreation.

Development- capital improvements to real property by construction for a New Park, New Recreational, or New Multipurpose Facility using Bond Act funds.

Director- the Director of the California Department of Parks and Recreation.

District- any regional park District, regional park and open-space District, or regional open-space District formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of the *Public Resources Code*, or a recreation and park district formed pursuant to Chapter 4 (commencing with Section 5780) of the *Public Resources Code*.

Economic Revitalization- the Project will create Employment Opportunities, increase sales tax revenue and property values, and/or improve the physical appearance of the Project service area.

Employment Opportunities- the employment or employment training, paid or unpaid, during the inception, construction, or subsequent operation of the Project that will be available for residents, including but not limited to At-Risk Youth from the Project service area, or members of the California Conservation Corps, certified conservation corps, or other youth employment programs.

Facilities- includes, but is not limited to, places for organized team sports, outdoor recreation, and informal turf play; non-motorized recreational trails; permanent play structures; landscaping; places for passive recreation, enjoyment of scenic open space,

nature appreciation and study, and outdoor education; multipurpose structures designed to meet the special recreational, educational, vocational, and social needs of youth, senior citizens, and other urban population groups; and infrastructure and other improvements that support these Facilities.

Fidelity Bond- an insurance policy that protects the Nonprofit Grantee in case of intentional loss of money or property due to employee theft, forgery, larceny, or embezzlement.

Force Account- Project work performed by a Grantee's own work force. Force Account expenses are eligible costs for reimbursement or Match.

Fully Usable- after expenditure of grant funds and Matching funds, the Project will be open and available to the public for the full range of use as stated in the Project Scope section of the Project Application form.

Grantee- an entity that has a Contract for grant funds.

Heavily Urbanized County- a county with a population of 500,000 or more, and with a density of at least 1,100 persons per square mile, based on the most recent verifiable census data.

Historical Resource- includes, but is not limited to, any building, structure, site, area, place, artifact, or collection of artifacts that is historically or archaeologically significant in the cultural annals of California.

In-Kind- those funds and/or donations, which may be from a non-state source, and which may include local or private funds, as well as materials and services. These expenses shall be eligible only as Match.

Joint Powers Authority- an agreement for operation and management of lands between any eligible City or District that includes a City or District, irrespective of population in a Heavily Urbanized County, to undertake a Project.

Joint-Use Project- two or more agencies or organizations that will share responsibility for ownership (Acquisition), Development, operation, and/or maintenance of the Project.

Match- contributions to the Project, in addition to grant funds, which may be in the form of money from any source, including funds from other state local assistance programs; gifts of real property, equipment, and consumable supplies; volunteer services; free or reduced-cost use of land, Facilities, or equipment; and bequests and income from wills, estates, and trusts.

New Urban Park, New Recreational Facility, or New Multipurpose Facility- the Acquisition, Development, or Acquisition <u>and</u> Development, of property for the creation of a park, recreational, or multipurpose Facility where none currently exists, or the substantial improvement of an existing park, recreational or multipurpose Facility which allows for use beyond the Facility's original purpose.

Nonprofit Organization- any nonprofit public benefit corporation formed pursuant to the Nonprofit Corporation Law (Division 2 (commencing with Section 5000) of the Corporations Code), qualified to do business in California, qualified under Section 501(c)(3) of Title 26 of the United States Code, and that has among its primary purposes the preservation, protection, or enhancement of land or water resources in their natural, scenic, historical, agricultural, forested, or open space condition or use, or the provision of conservation and environmental education and other recreational, vocational, and educational services to urban youth.

Outdoor Learning Opportunities- the Project is designed to accommodate recreational and educational activities for school pupils or At-Risk Youth from the Project service area, neighborhood residents, or members of the California Conservation Corps, certified conservation corps or other youth employment programs.

Project- the Acquisition, Development, or Acquisition and Development, of real property for a New Urban Park, New Recreational Facility, or New Multipurpose Facility to be accomplished with grant funds and Match.

Project Officer- an employee of the Department who acts as a liaison with the Applicants or Grantees, administers grant funds, and ensures compliance with guidelines and grant contracts.

Project Performance Period- the period of time that the grant funds are available, the time in which all costs must be incurred, and the Project must be completed, billed and paid. Only eligible costs incurred during the Project Performance Period will be paid.

Project Scope- the description or activity of work to be accomplished on the Project, as described in the Application form, utilizing grant funds and required Match, as applicable.

Rehabilitation- renovation to a park and recreation Facility to return it to its original or 'near' original purpose. Rehabilitation Projects are not eligible under this program.

State Grant Amount- the amount of grant funds assigned to a specific Project.

Note: Authority cited: Sections 5003 and 5647, Public Resources Code. Reference: Sections 5096.605, 5642 and 5643, Public Resources Code.

II. General Information

Bond Act Intent
The California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 is intended to acquire and develop properties of the state park system, to acquire and develop neighborhood, community, and regional parks and recreational areas, for land, air, and water conservation programs, including acquisition for those purposes, and to acquire, restore, preserve and interpret California's historical and cultural resources.

Re-use of Existing Buildings
The Department recommends that grant recipients consider refurbishing existing buildings for new uses appropriate to this grant program.

Funds Reverting to the Legislature
Any grant funds that are not encumbered within three years and expended by the Grantee within eight years from the date of Appropriation shall revert to the fund and be available for Appropriation by the Legislature for one or more of the local assistance programs that the Legislature determines to be the highest priority statewide.

Legal Requirements
The Grantee shall comply with all applicable current laws and regulations affecting Acquisition and Development Projects, including, but not limited to, legal requirements for construction contracts, building codes, health and safety codes, and laws and codes pertaining to individuals with disabilities.

Site Visits
The Grantee shall permit site visits, including a final inspection of the Project lands or Facilities acquired or developed using Bond Act funds, to determine if the work performed is in accordance with the approved Project Scope.

Accounting Requirements
Grantees shall maintain an accounting system that does the following:

- Accurately reflects fiscal transactions, with the necessary controls and safeguards
- Provides good audit trails, especially the source documents (purchase orders, receipts, progress payments, invoices, time cards, canceled warrants, warrant numbers, etc.)
- Provides accounting data so the total cost of each individual Project can be readily determined

State Audit
Projects are subject to audit by the Department for three years following the final payment of grant funds. The audit shall include all books, papers, accounts, documents, or other records of the Grantee as they relate to the Project for which the funds were granted. The Grantee shall provide the following:

- Project records, including the source documents and cancelled warrants, readily available to the Department

- An employee having knowledge of the Project to assist the Department's auditor
- A copy of any document, paper, record, or the like requested by the Department
- All Project records must be retained for at least three years following the final payment of grant funds or for one year following an audit, whichever is later

Note: Authority cited: Sections 5003 and 5647, Public Resources Code. Reference: Sections 5096.620, 5096.633, 5641, and 5643, Public Resources Code.

III. URBAN PARK ACT OF 2001 PROGRAM DESCRIPTION

Urban Park Act of 2001 Program Intent

The Urban Park Act of 2001 will finance the Acquisition and Development of parks, recreation areas, and Facilities in neighborhoods currently least served by park and recreation providers. These neighborhoods are often the same areas that suffer most from high unemployment and destructive or unlawful conduct by youth. The Urban Park Act program will also encourage community participation in, and responsibility for, New Urban Parks, New Recreational Facilities, or New Multipurpose Facilities. These Facilities will provide safe recreational opportunities for children, positive outlets for youth, the special recreational and social needs of senior citizens, and other urban population groups.

Key Dates	Milestones
July 1, 2002	**Appropriation Date**
January 15, 2004	**Application Deadline**
June 30, 2005	**Grantee must have a fully-executed Contract**
June 30, 2010	**Grantee must have completed the Project and received the final grant payment from the Department**

Amount of Funds Available: $130,690,000

The State costs of administering the Bond Act shall be paid out of the bond proceeds. These costs shall be shared proportionately by each program funded through this Bond Act. The amount of funds available reflects the state administrative costs deduction.

Minimum and Maximum Grant Amounts

The minimum grant amount is: $100,000
The maximum grant amount is: $3,000,000

Matching Contribution

When evaluating Applications for grants, the Department shall assign higher priority to Applications that include a commitment for Match. The Department shall evaluate the amount of the Matching contribution in terms of its proportionality in relation to the economic resources of the Applicant. See page 20 for further information.

Note: Authority cited: Sections 5003 and 5647, Public Resources Code. Reference: Section 5646, Public Resources Code

Eligible Applicants
Heavily Urbanized Counties with a population of 500,000 or more and with a density of at least 1,100 persons per sq. mile, based on the 2000 United States Census, and Cities, Districts, Nonprofit Organizations, and Joint Powers Authorities located in the Heavily Urbanized Counties. These counties are:

- ~ Alameda
- ~ Contra Costa
- ~ Los Angeles
- ~ Orange
- ~ Sacramento
- ~ San Francisco
- ~ Santa Clara
- ~ San Mateo

Cities with a population of 100,000 or more that are not in a Heavily Urbanized County, and Districts, Nonprofit Organizations, and Joint Power Authorities within these cities. These cities are:

- ~ Bakersfield
- ~ Chula Vista
- ~ Corona
- ~ Escondido
- ~ Fairfield
- ~ Fontana
- ~ Fresno
- ~ Modesto
- ~ Moreno Valley
- ~ Oceanside
- ~ Ontario
- ~ Oxnard
- ~ Rancho Cucamonga
- ~ Riverside
- ~ Salinas
- ~ San Bernardino
- ~ San Buenaventura
- ~ San Diego
- ~ Santa Rosa
- ~ Simi Valley
- ~ Stockton
- ~ Thousand Oaks
- ~ Vallejo

Eligible Projects
Acquisition (willing seller only) or Development, or both, of property for New Urban Parks, New Recreational Facilities, or New Multipurpose Facilities, **including, but not limited to**:

- Places for organized team sports
- Indoor and outdoor recreation
- Informal turf play
- Non-motorized recreational trails
- Permanent play structures
- Landscaping
- Places for passive recreation
- Enjoyment of scenic open space
- Nature appreciation, study, and education
- Multipurpose structures (indoor or outdoor) designed to meet the special recreational, educational, vocational and social needs of youth, senior citizens, and other urban population groups
- Infrastructure and other improvements that support these facilities

Ineligible Projects
The Rehabilitation of an existing park or recreational Facility is not eligible under this program.

Competitive Process Overview

1. The Applicant prepares and submits a Grant Application package to the Department, as per the Application Requirements and Checklist on page 11.

2. The Department reviews the Application package to determine whether the Application is complete.

3. The Department sends a letter to the Applicant notifying the Applicant whether the Application is complete or if more information is needed.

4. The Department evaluates all Applications based on eligibility and ranking criteria.

5. The Department selects the Projects for funding.

6. The Department informs the Applicants of approval/disapproval of grant award.

7. If approved, the Applicant receives instructions to initiate the grant award process from the Department.

8. The Department sends the Contract to the successful Applicant (hereinafter referred to as Grantee) for signature.

9. The Grantee returns a signed copy of the Contract to the Department.

10. The Department returns a fully executed Contract to the Grantee. After the Contract is executed, the Grantee may request payments for the Project. See page 23, Payment Process.

11. A Nonprofit Grantee shall submit a Fidelity Bond before a payment request can be processed.

12. The Grantee completes the Project and submits the Project completion packet.

13. The Department Project Officer makes a final on-site Project inspection.

14. The Department processes the final payment.

15. The Department may perform an audit of the completed Project.

How to Submit an Application

Applications must be received by 4:30 p.m., or postmarked by January 15, 2004, at the following mailing address:

Project Officer (Name)
California Dept. of Parks and Recreation
Office of Grants and Local Services
P.O. Box 942896
Sacramento, CA 94296-0001

If submitting an Application by hand delivery or overnight carrier:

Project Officer (Name)
California Dept. of Parks and Recreation
Office of Grants and Local Services
1416 9th Street, Room 918
Sacramento, CA 95814

All Applicants are required to submit **one** unbound, original copy of the Application package. Do not submit Applications in binders. Each Application must include a Table of Contents with documents submitted in the order listed in the Application Requirements and Checklist. All pages shall be numbered (handwritten numbers are acceptable).

NOTE: An Applicant may submit an Application for more than one Project. Each Project must have its own Application.

Letters of support from the Legislature or other entities should be directed to the Applicant. Applicants may include these letters with the Project Application.

Application Requirements and Checklist

The Project Application shall consist of one copy of each of the following items, in the order they are listed below:

1. ☐ Project Application Form. The Project Application Form must be completed and signed by the Applicant's authorized representative and the representative from the Applicant's planning agency (see page 29).

2. ☐ Resolution. The Applicant submits the authorizing Resolution from the Applicant's governing body, using the required language in the Sample Resolution (see page 31).

3. ☐ Project Summary. Provide a one page maximum summary that clearly explains the Project and any additional enhancement or Development plans to be made to the Project site (see page 13).

4. ☐ Project Selection Criteria.

5. ☐ Cost Estimate (Development Projects only). Provide details on non-construction costs and construction costs. Refer to the Eligible Costs Chart (see page 26) and Sample Cost Estimate (see page 36) when formulating a cost estimate.

6. ☐ Sources of All Additional Funds. Provide a list of all Matching funds and other sources of additional funds for the Project (if applicable).

7. ☐ Acquisition Schedule. For Projects involving Acquisition, provide a schedule and an Acquisition map outlining the acreage and parcel number(s) to be acquired (see page 38).

8. ☐ CEQA. The Applicant is required to comply with CEQA. The Applicant should check with its local city or county planning agency for more information on how to complete CEQA.

   The Department encourages CEQA compliance at the time of Application. However, the Applicant may choose an alternate process outlined below to postpone final CEQA compliance until one year from the grant award announcement. In either case, CEQA compliance is required prior to commencement of construction or Acquisition. Complete CEQA documentation must include one of the following:

   a) A Notice of Exemption filed with, and stamped by, the county clerk, or
   b) An Initial Study with a Negative Declaration, with the response from the State Clearinghouse, and a copy of the Notice of Determination filed with, and stamped by the county clerk, or
   c) An Initial Study and an Environmental Impact Report, with the response from the State Clearinghouse, and a copy of the Notice of Determination filed with, and stamped by the county clerk.

Complete CEQA Documentation at the time of Application:

- Submit the items required in either item (a), (b), or (c) above

Alternate CEQA process

- At the time of Application:

  Submit an Initial Study and a description of how the Applicant will complete the CEQA process within one year from the grant award announcement.

- If grant is selected:

  Complete CEQA process and submit items required in either item (a), (b), or (c) above within one year from the grant award announcement.

9. ☐ Land Tenure (Development Projects only). Provide documentation (lease, agreements, etc.) verifying that land tenure requirements have been met (see page 20).

10. ☐ Leases or Agreements. Provide a list of all *other* leases, agreements, etc., affecting Project lands or the operation and maintenance thereof, excluding those relevant to land tenure (if applicable).

11. ☐ Site Plan. For Projects involving Development, provide a drawing or depiction indicating what improvements the Applicant will make, where the improvements will be located on the property, and the approximate square footage of the improvements.

12. ☐ Topographic Map. Provide a 8 ½" X 11" topographic map indicating: the Project site location; the Project's service area referenced in Project Selection Criteria #1, 5, 6, 7 & 8; and the circle with a one-mile radius referenced in Project Selection Criteria #2. This map should be a 7.5-Minute Series (1:24,000 scale).

13. ☐ Project Location Map. Provide a map (city or county) with enough detail to allow a person unfamiliar with the area to locate the Project. The map should indicate access points to the site.

14. ☐ Photos of the Project Site.

15. ☐ Required Regulatory Permits. Provide a list of existing and additional required permits, if applicable, the status of each, and indicate when permit approval would occur. Examples include:
    - State Lands Commission
    - San Francisco Bay Conservation and Development Commission
    - Regional Coastal Zone Protection Commission
    - Corps of Engineers

16. ☐ Nonprofit Requirements. If the Applicant is a Nonprofit Organization, please provide the following:
    - Articles of incorporation
    - Mission statement
    - Most recent annual report and budget
    - Verification of 501(C)(3) status

Note: Authority Cited: Sections 5003 and 5647, Public Resources Code. Reference: Sections 5096.610, 5096.620, 5096.625, 5641, 5642, 5643, 5644, 5645 and 5646, Public Resources Code

IV. Project Selection Criteria

Project Summary
To facilitate the Department's understanding of the proposed Project, provide a one-page maximum summary that clearly explains the Project and any additional enhancement or Development plans to be made to the Project site. The one-page summary will not be scored.

Project Selection Criteria Introduction:
- The Applicant must respond to the following criteria in the order in which they appear.
- Please respond to each criterion separately.
- Limit the written response to no more than 15 pages, 8½" x 11" paper, single-sided, double-spaced, with 12-point font. Attachments do not count as part of the 15 pages.
- The meanings of capitalized words and phrases used below can be found in the definitions section on page 1.

Project Selection Criteria
The Department will use the following criteria to evaluate your Project:

1. Explain why the existing parks, park land, or park and recreation Facilities in the Applicant's Project service area do not adequately meet the needs of the Project's service area residents. The Applicant shall define the Project's service area consistent with the type of Project. The Project's service area, once defined by the Applicant, must be the same for Project Selection Criteria numbers 1, 5, 6, 7 & 8. **(20 Points)**

20-14 Points: The Applicant provides a *well-supported explanation* as to why residents' needs are not adequately met. **13-7 Points:** The Applicant provides a *reasonably well-supported explanation*.

6-0 Points:
The Applicant provides a *minimally supported explanation* or does not respond to the criterion.

2. Provide information about significant deficiencies of parks, park land, or park and recreation Facilities within a circle with a one-mile radius (the Project site may be anywhere within the circle) by answering the following: **(10 Points)**

   - How many acres of usable park land are currently found within the circle with a one-mile radius? If appropriate, Applicants must substantiate why existing park land is not usable.
   - What is the population within the circle with a one-mile radius? (based on the 2000 U.S. Census).
   - If the Applicant has high park acreage relative to the population within the circle with a one-mile radius, 2 additional points may be awarded, up to the maximum score of 10 points, if it is demonstrated that the Facility will draw high visitation from a larger service area. Please include in the narrative a short, concise statement explaining why the Project should receive the 2 additional points.

   The scale below will determine the maximum number of points given to the area that has the lowest ratio of parkland per 1000 residents.

Points:	10	From 0 to less than 1 acres per 1,000 residents
	8	From 1 to less than 2 acres per 1,000 residents
	6	From 2 to less than 3 acres per 1,000 residents
	4	From 3 to less than 4 acres per 1,000 residents
	2	From 4 to less than 5 acres per 1,000 residents
	0	More than 5 acres per 1,000 residents, or no information

3. What methods were used to include the affected community residents in the Project planning process? **(10 Points)**

   The maximum number of points will be given to a Project that includes participation by the broadest representation of the affected community residents.

10-8 Points:
The Applicant has made a *concerted effort* to involve the *broadest representation* of the affected community residents in the Project planning process.

7-5 Points:
The Applicant has made a *moderate effort* to involve the *broadest representation* of the affected community residents in the Project planning process.

4-0 Points:
The Applicant has made *limited effort* to involve the *broadest representation* of the affected community residents in the Project planning process or does not respond to the criterion.

4. How will the Project meet the needs of the affected community residents? **(15 Points)**

   - What are the affected community residents' opinions about parks, park land, or park and recreation Facility needs?
   - How did the affected community residents' involvement in the Project planning process affect the Project Scope?

   The maximum number of points will be given to a Project that implements a variety of ideas expressed by the affected community residents, considering the size and Project Scope.

15-12 Points:
The Project will include an *extensive use* of ideas from the affected community area residents, considering the size and type of the Project.

11-8 Points:
The Project will include a *moderate use* of ideas from the affected community area residents, considering the size and type of the Project.

7-4 Points:
The Project will include *limited use* of ideas from the affected community area residents, considering the size and type of the Project.

3-0 Points:
The Project will *not include* ideas from the affected community area residents or the Applicant does not respond to the criterion.

5. Describe how the Project will accommodate Outdoor Learning Opportunities for school pupils or At-Risk Youth from the Project's service area, or members of the California Conservation Corps, certified conservation corps or other youth employment programs. **(5 Points)**

   - If the Project is for Development, describe by using a chart or narrative showing the proposed Project's features and type of activities.
   - If the Project is for Acquisition, describe the Outdoor Learning Opportunities that are expected to occur at the site.

   The maximum number of points will be given to a Project that will accommodate a variety of activities.

5-4 Points:
The Applicant has designed the Project to include a *broad range* of Outdoor Learning Opportunities.

3-2 Points:
The Applicant has designed the Project to include a *limited range* of Outdoor Learning Opportunities.

1-0 Points:
The Applicant has designed the Project to include a *minimal range* of Outdoor Learning Opportunities or does not respond to the criterion.

6. How will the Project be usable by pupils from one or more public schools in the Project's service area? **(5 Points)**

   The maximum number of points will be given to Projects that will be usable by pupils from one or more public schools in the Project's service area.

5 Points:
The Project will be usable by pupils from one or more public schools in the Project's service area.

0 Points:
There are no public schools in the Project's service area or the Project will not be usable by pupils, or the Applicant does not respond to the criterion.

7. Describe how the Project will wholly or partly replace an Area of Blight or how the Project will significantly contribute to the Economic Revitalization in the Project's service area. **(10 Points)**

   - Describe how the area is blighted and/or needs Economic Revitalization. Provide a maximum of 4 photographs.
   - How will the Project wholly or partly replace blight and/or contribute to the Economic Revitalization of the Project's service area?

   The maximum number of points will be given to a Project that will wholly or partly replace blight and/or significantly contribute to the Economic Revitalization of the Project's service area.

10-7 Points:
The Applicant provides a *clear description* of how the Project's service area has an Area of Blight and/or how the Project *will significantly contribute* to the Economic Revitalization of the Project's service area.

6-4 Points:
The Applicant provides a *reasonably clear description* of how the Project's service area has an Area of Blight and/or how the Project *will contribute* to the Economic Revitalization of the Project's service area.

3-0 Points:
The Applicant provides a *poor description* of how the Project's service area has an Area of Blight and/or how the Project *might contribute* to the Economic Revitalization of the Project's service area or does not respond to the criterion.

8. Describe the plan for employment or employment training for the residents, including At-Risk Youth, from the Project's service area, or members of the California Conservation Corps, certified conservation corps, or other youth employment programs, during the planning, construction, or long-term operation of the Project, by answering the following: **(5 Points)**

   - What types of employment or employment training will be available?
   - How long will the employment or employment training be available?
   - Who will provide the employment or employment training?
   - How will the Project's service area residents, At-Risk Youth, members of the California Conservation Corps, certified conservation corps, or other youth employment programs be recruited for the employment or employment training?

   The maximum number of points will be given to a Project that provides a clearly developed plan for Employment Opportunities or training.

5-4 Points:
The Applicant provides a *well-developed plan, which has specific details* about the types, duration, entities, and recruitment strategy to employ or provide employment training.

3-2 Points:
The Applicant provides a *reasonably developed plan, which lacks specific details* about the types, duration, entities, or recruitment strategy to employ or provide employment training.

1-0 Points:
The Applicant provides a *poorly developed plan, which has few details* about the types, duration, entities, or recruitment strategy to employ or provide employment training or does not respond to the criterion.

9. Provide a plan for a Joint-Use Project that describes the agencies or organizations shared responsibilities for ownership, (Acquisition, if applicable), Development, operation, or maintenance of the Project. **(10 Points)**

The maximum number of points will be given to a Joint-Use Project having a clearly defined plan showing how each Project partner will contribute to the long-term sustainability of the Project.

10-8 Points:
The Joint-Use plan is *clearly defined*, and there is *strong evidence* of long-term sustainability.

7-5 Points:
The Joint-Use plan is *less clearly defined*, and there is *some evidence* of long-term sustainability.

4-0 Points:
The Joint-Use plan is *poorly defined*, and there is *little or no evidence* of long-term sustainability, or the Applicant did not submit a Joint-Use plan.

10. To demonstrate that the Project will be Fully Usable on or before the end of the Project Performance Period (June 30, 2010), describe how the requested grant amount and Match will result in a completed Project. **(5 Points)**

- Will the requested grant amount and Match meet all Project costs?
- Provide a timeline that describes the key milestones of the proposed Project.
- Describe how the Project will be Fully Usable when construction is completed.

The maximum number of points will be given if the Match is committed and, combined with the requested grant amount, will result in a Fully Usable Project.

5-4 Points:
The Applicant provides *clear evidence* that grant and Match will meet all Project costs. Grant, Match, and timeline, when evaluated, indicate a satisfactory conclusion to the Project.

3-2 Points:
The Applicant provides *less clear evidence* that grant and Match will meet all Project costs. Grant, Match, and timeline, when evaluated, indicate a less than satisfactory conclusion to the Project.

1-0 Points:
The Applicant provides *little or no evidence* that grant and Match will meet all Project costs. Project completion is less than certain.

11. Explain why the Match contribution is proportional to the Applicant's economic resources by answering the following: **(5 Points)**

- What economic resources does the Applicant have available to address deficiencies in parks and recreation Facilities? How does the Match compare to the Applicant's economic resources?

- What is or are the source(s), amount(s), and type(s) of Match?
- What has the Applicant done to secure other funds?

The maximum number of points will be given to an Applicant with a Match contribution that is proportional to the Applicant's economic resources.

5-4 Points:
The Applicant *clearly demonstrates* that the Match contribution is in reasonable proportion to available economic resources.

3-2 Points:
The Applicant *reasonably demonstrates* that the Match contribution is in reasonable proportion to available economic resources.

1-0 Points:
The Applicant *does not demonstrate* that the Match contribution is in reasonable proportion to available economic resources or does not respond to the criterion.

Note: Authority Cited: Sections 5003 and 5647, Public Resources Code. Reference: Sections 5641, 5643, 5645, 5646 and 5647, Public Resources Code.

V. ADMINISTRATIVE PROVISIONS

Match Description
In evaluating Applications for grants, the Department shall assign higher priority to Applications that include a commitment for Match. The Department shall evaluate the amount of the Matching contribution in terms of its proportionality in relation to the economic resources of the Applicant. All costs used for Match must meet eligibility requirements on the Eligible Cost Chart (see page 26). Matching contributions may be in the form of money from any source, including:

- Funds from other state local assistance programs
- Gifts of real property
- Equipment and consumable supplies
- Volunteer services
- Free or reduced-cost use of lands, Facilities or equipment
- Bequests and income from wills, estates, and trusts
- Federal funds
- Force Account labor

Any land used as Match must be acquired after the Appropriation date. The Applicant must use any Match for the Project after the Appropriation date.

Calculating Volunteer Labor as a Match Source
Volunteer labor is an eligible Match source. To determine the Match, the hours worked must be multiplied times the prevailing wage, plus benefits, for the type of labor that was done.

The prevailing wage applied to volunteer labor must:

- Reflect the work that was actually done, (i.e., journey-level carpenter versus carpenter's helper)
- Reflect differences in wages based on location
- Be reasonable (i.e., for a first-time carpenter's helper, use entry level wages)
- Be defensible. The simplest and most defensible way is to use minimum wage for all volunteer work.

The Grantee can also use prevailing wage scales developed by governmental agencies, labor unions, or other organizations that research and publish prevailing wages. One of the governmental sources is the California Employment Development Department (EDD). EDD maintains hourly and annual wage data for 770 occupations for every geographic area of the state.

Land Tenure Requirements
For Development Projects, Applicants must certify to the Department that they have adequate tenure to, and site control of, properties to be improved.
Tenure includes, but is not limited to:

- Ownership
- Lease
- Easement
- Joint powers or similar agreement

Adequate site control is the power or authority to:

- Manage, direct, superintend, restrict, regulate, govern, administer, or oversee a plot of ground suitable or set apart for some specific recreational use.

For property not owned in fee simple, tenure must include a level of site control commensurate with the activities proposed in the Project Scope section of the Application Form.

The Department requires that the Grantee agree to use the property for public recreation for the length of time stated below. The land tenure agreement only applies if the Grantee does not have fee title. All less than fee title agreements must have a renewal clause. A lease or other agreement can only be revocable by mutual consent or for cause.

- All grants require at least 20 years of land tenure and public recreation operation

If the Project is selected for funding, the Grantee shall:

1. Use the property only for the purpose for which the grant was made and to make no other use, sale or other disposition of the property, except as authorized by a specific act of the Legislature.

2. Maintain and operate the property funded for a period that is commensurate with the type of Project and the proportion of state funds and local Matching funds or property allocated to the capital costs of the Project.

The Department recognizes that specific recreation activities may change over time; however, the property must remain available for public recreation use.

Changes to Project Scope

The Department will not approve changes in Project Scope unless the scope meets the exact need cited in the original Application.

Fidelity Bond

All Nonprofit Grantees shall submit evidence of Fidelity Bond insurance to the Department, Office of Grants and Local Services, prior to processing a payment request. This insurance must include coverage that is equal to or greater than the grant amount. Coverage must apply to all employees and volunteers who handle checks, cash, or securities. It is the Grantee's responsibility to ensure that its Fidelity Bond insurance is kept current throughout the duration of the Project.

In the event that an employee or volunteer engages in the theft, forgery, larceny or embezzlement of any portion of the State Grant Amount, the Grantee is responsible for notifying the appropriate law enforcement authorities and the Department within 30 days of discovery.

Three-Bid Process

All Nonprofit Grantees shall obtain three bids for work on the Project and review these bids with their governing body prior to awarding a contract. Grantees may request a waiver for this process when there are less than three qualified bidders. Waiver requests must be submitted in writing to the Project Officer. Evidence of the three-bid process must be retained for audit.

Project Withdrawals

The Grantee may unilaterally rescind the Contract at any time prior to the commencement of the Project. After Project commencement the Contract may be rescinded, modified or amended only by mutual agreement in writing between the Grantee and the State.

CEQA Compensation

If the Grantee has made a full-faith effort to complete CEQA, but is unable to complete CEQA or otherwise proceed with the Project due to issues related to the CEQA process, costs incurred by the Grantee directly related to the CEQA process are eligible costs to a maximum of 25% of the State Grant Amount.

Loss of Funding

The following actions may result in a Grantee's loss of funding

- A Grantee fails to obtain a Contract within three years of Appropriation of program funds
- A Grantee withdraws from the grant program
- A Grantee fails to complete the Project and/or fails to submit all documentation within eight years from the Appropriation date of program funds

Public Access

The Grantee shall provide for public access to the Project lands and/or Facilities in accordance with the intent and provisions of the enabling legislation and/or program.

Note: Authority cited: Sections 5003 and 5647; Public Resources Code, Reference: Sections 5096.310, 5096.620, 5096.633, 5643, 5646, and 5648, Public Resources Code.

VI. Payment Process

Grant Fund Availability
Grant funds are available for expenditure after they are appropriated in the State budget. The Grantee must have a fully executed Contract with the Department within **three years** from the Appropriation date of the grant Program. The Grantee must complete the Projects, and receive final payment within **eight years** from the Appropriation date.

Interest Earned From an Advance
If grant monies are advanced, the Grantee shall place these monies in a separate interest bearing account, setting up and identifying such account prior to the advance. Interest earned on grant monies shall be used on the Project, as approved by the State. If grant monies are advanced and not expended, the unused portion of the grant shall be returned to the State within 60 days of completion of the Project or end of the Project Performance Period, whichever is earlier.

Payment Request Process – Development Projects

1. After the grant Contract has been fully executed, the Grantee may request a 10% advance of the State Grant Amount, as specified in the approved Application, to be spent on non-construction costs such as plans, specifications, or CEQA compliance.

2. If CEQA is complete, and the Grantee has requested a 10% advance, the Grantee may request up to an additional 70% of the State Grant Amount for a total of 80% of the State Grant Amount, or up to 80% of the amount of the construction contract award, whichever is less. The Grantee may request an advance after submitting evidence that the construction contract has been awarded and a Notice to Proceed has been issued or evidence that the Project is ready to proceed using Force Account labor.

3. If CEQA is complete, and the Grantee has not requested a 10% advance, the Grantee may request up to 80% of the State Grant Amount, or up to 80% of the amount of the construction contract award, whichever is less. The Grantee may request an advance after submitting evidence that the construction contract has been awarded and a Notice to Proceed has been issued or evidence that the Project is ready to proceed using Force Account labor.

4. The Grantee may submit multiple Payment Request Forms as necessary, but is encouraged to group costs together to avoid frequent requests. Generally, payment requests of less than $10,000 are discouraged.

5. After the Grantee completes the Project, the Grantee submits the Project Completion Packet and supporting documents for the final payment.

6. Please allow six weeks for payment. Final grant payment must be processed by June 30, 2010.

Payment Request Process – Development Projects

Payment Type	When to submit it	Supporting Documentation to Send to Project Officer
10% Advance	After the grant Contract has been fully executed	• Payment Request Form
80% Advance	After the grant Contract has been fully executed and CEQA is complete	• Evidence of signed construction contract and a Notice to Proceed • Evidence that Project is ready to proceed utilizing Force Account labor • Evidence of completed CEQA
Payment Request Reimbursement Up to 80%	After Grantee has spent funds to implement the Project	• Payment Request Form • Project Cost Summary Form • Labor Cost Summary Form (if applicable) • Equipment/Rental Cost Summary Form (if applicable)
Final	After the Grantee has completed the Project	• Project Completion Packet

Payment Request Process – For Projects Involving Acquisition

All real property shall be acquired from a willing seller and in compliance with current laws governing relocation and Acquisition of real property.

1. After the grant Contract has been fully executed, the Grantee may request a 10% advance of the State Grant Amount. These funds may be spent on pre-Acquisition costs such as plans, appraisals, CEQA compliance, etc.

2. If CEQA is complete, and the Grantee has requested a 10% advance, the Grantee may request up to an additional 70% of the State Grant Amount (for a total of 80% of the State Grant Amount) upon submission of evidence that escrow is open, or up to 100% of the Acquisition cost, whichever is less. The Grantee shall immediately place these funds in escrow.

3. If CEQA is complete, and the Grantee has not requested a 10% advance, the Grantee may request up to 80% of the State Grant Amount upon submission of evidence that escrow is open, or up to 100% of the Acquisition cost, whichever is less. The Grantee shall immediately place these funds in escrow.

4. The Grantee may submit multiple Payment Request Forms as necessary, but is encouraged to group costs together to avoid frequent requests. Generally, payment requests of less than $10,000 are discouraged.

5. After the Grantee completes the Project, the Grantee submits the Project Completion Packet and supporting documents for the final payment.

6. Please allow six weeks for payment. Final grant payment must be processed by June 30, 2010.

Payment Request Process – For Projects Involving Acquisition

Payment Type	When to submit it	Supporting Documentation to Send to Project Officer
10% Advance	After the grant Contract has been fully executed	• Payment Request Form
80% Advance	After the grant Contract has been fully executed and CEQA is complete	• Evidence of completed CEQA • Evidence of open escrow • Payment Request Form
Payment Request Reimbursement Up to 80%	After Grantee has spent funds to implement the Project	• Payment Request Form • Project Cost Summary Form • Labor Cost Summary Form (if applicable)
Final	After the Grantee has completed the Project	• Project Completion Packet • Recorded Grant Deed • Final Title document • Relocation Plan, where occupants were provided eligibility for relocation assistance, if applicable

Eligible Costs

- Only costs incurred during the Project Performance Period, as indicated in the Contract are eligible.
- A Grantee may use the grant funds, if the amount does not exceed the lesser of 2.0% of the State Grant Amount, or $100,000, to pay for any portion of the cost of cleaning up, removing, or remediating any toxic materials or hazardous substances. For the purpose of this grant program, these costs shall be considered construction costs.
- See the following Eligible Costs Chart for more information.

Eligible Costs Chart

COSTS	EXPLANATION	EXAMPLES
	Non-Construction Costs (cannot exceed 25% of the total requested State Grant Amount)	
Non-Construction Costs	• Costs including Project planning (excluding grant writing costs), appraisals, negotiations, and Fidelity Bonds (for Nonprofit Organizations only)	• CEQA compliance • Plans and specifications • Permits
	Construction Costs	
Personnel or Employee Services	• Must be computed according to the Grantee's normal wage or salary scales, and on the actual time spent on Project • Must not exceed Grantee's established rates for similar positions	• Wages and benefits • Work performed by another department
Construction and Construction Management	• All necessary construction activities	• Facility Development • Inspection & construction management
Construction Equipment	• The Grantee may only charge the cost of the actual use of the equipment during the time it is being used for Project purposes • The Grantee may use the California Department of Transportation's equipment rental rates as a guide • The Grantee shall prorate the value of the purchased equipment toward the Project based on hours of usage • The equipment use charges must be made in accordance with the Grantee's normal accounting practices • The Grantee must describe the work performed, the hours used, and related use to Project	• Rental equipment
Fixed Equipment	• Equipment permanently fixed to Project Facility	• Play equipment • Fixed benches • Signs/interpretive aids
Construction Supplies/Materials	• May be purchased for specific Project, or may be drawn from central stock if claimed costs are no higher than those the Grantee would pay • The Grantee may only claim those costs directly related to the Project	Materials and Supplies: • Concrete • Lumber
Relocation Costs	• Costs resulting in displacement of a person/business • The Grantee shall comply with State Relocation Act	• Relocation costs
Acquisition Costs	• Costs of acquiring real property	• Purchase price • Title/escrow fees
Miscellaneous	• Other Project-related costs	• Communications expenses • Insurance

Note: Authority Cited: Sections 5003 and 5647, Public Resources Code. Reference: Sections 5096.620, 5096.633,5643,5651, 5652, Public Resources Code.

VII. APPENDICES

APPENDIX A – Application Form

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PROJECT APPLICATION
2002 Resources Bond Act

URBAN PARK ACT OF 2001 GRANT PROGRAM

(Each Project must have its own Application)

PROJECT NAME

Amount of Grant Request $_____

Grant Applicant ***(Agency, address, and zip code)***

Amount of Matching Funds $_____

Estimated Total Project Cost $_____

COUNTY	NEAREST CITY

PROJECT LATITUDE AND LONGITUDE

WILL THE PROJECT AFFECT A HISTORICAL RESOURCE? ____YES ____NO

PROJECT ADDRESS (including zip code)

Grant Applicant's Representative Authorized in Resolution

_____ _____ _____
Name *(typed or printed)* and Title | Email address | Phone

Person with day-to-day responsibility for Project *(if different from authorized representative)*

_____ _____ _____
Name *(typed or printed)* and Title | Email address | Phone

Brief description of Project

For Dev. Projects, Project Land Tenure is _____ acres

_____Acres owned in fee simple by Grant Applicant

_____Acres available under a _____ year lease

_____Acres other interest *(explain)* _____

_____

For Acquisition Projects, Project land will be _____ acres

_____Acres to be acquired in fee simple by Grant Applicant

_____Acres to be acquired in other than fee simple *(explain)*

_____

_____

I certify that the information contained in this Application, including required attachments, is accurate.

Signed _____ _____
Grant Applicant's Authorized Representative as shown in Resolution | Date

DPR 632 (6/03)

APPENDIX B – Resolution

RESOLUTION
2002 Resources Bond Act

URBAN PARK ACT OF 2001 PROGRAM

Resolution No:_____

RESOLUTION OF THE

_____
(Title of Governing Body, City Council, Board of Supervisors)

APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE URBAN PARK ACT OF 2001 PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002

For

_____
(Project)

WHEREAS, the people of the State of California have enacted the CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002, which provides funds to the State of California for grants to eligible Applicants; and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the Urban Park Act of 2001 Program and the grant Project shown above within the State, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Applicant's Governing Body to certify by resolution the approval of the Application before submission of said Application to the State, and

WHEREAS, the Applicant will enter into a Contract with the State of California for the Project;

NOW, THEREFORE, BE IT RESOLVED that the_____ hereby:
(Applicant's Governing Body)

1. Approves the filing of an Application for local assistance funds from the Urban Park Act of 2001 Program under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002; and

2. Certifies that the Applicant has or will have sufficient funds to operate and maintain the Project; and

3. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and

4. Certifies that the Grantee has or will have available, prior to commencement of any work on the Project, the proportional Match; and

5. Certifies that the Project conforms to the recreation element of any applicable city or county general plan; and

6. Appoints the (designated position) _____ as agent to conduct all negotiations, execute and submit all documents including, but not limited to, Applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

Approved and Adopted on the _____day of _____, 20____

I, the undersigned, hereby certify that the foregoing Resolution Number _____ was duly adopted by _____following a roll call vote:
(Applicant's Governing Body)

Ayes

Noes

Absent

_____
(Clerk)

APPENDIX C – Sources of All Additional Funds

SOURCES OF ALL ADDITIONAL FUNDS
2002 Resources Bond Act

URBAN PARK ACT OF 2001 GRANT PROGRAM

The Applicant, _____,
shall provide to the Department a list of proposed sources of all additional funds.

Project Name _____

(Please Round All Figures to the Nearest Dollar)

Total Grant Amount Requested $ _____

Sources of Additional Funds

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

_____ $ _____

TOTAL

$ _____

Printed or Typed Name of Authorized Representative	**Date**

Signature of Authorized Representative	**Date**

APPENDIX D – Sample Cost Estimate

The sample cost estimate below is to assist you in developing a cost estimate for your Project. You may reformat and change the content as needed to accommodate each Project's scope. The items listed are illustrative only and are not intended to direct you in determining the scope of your Project, but merely to let you know the level of detail preferred.

SAMPLE COST ESTIMATE

CAPITAL IMPROVEMENTS		AMOUNT
		$
		$
		$
		$
		$
	SUBTOTAL	$

OTHER PROJECT-RELATED COSTS		AMOUNT
Design		$
Administration		$
Contingencies		$
	SUBTOTAL	$
	GRAND TOTAL	**$**

FUNDING SOURCES

Per Capita	$
_____	$
_____	$

APPENDIX E – Sample Acquisition Schedule

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

SAMPLE ACQUISITION SCHEDULE

Assesor's Parcel No.	Acreage	Estimated Date of Acquisition	Estimated value of Land to be Acquired	Estimated Cost of Relocation	Estimated value of Improvements to be Acquired	Total Estimated Cost
					Subtotal	$
				Administration of relocation program		$
Total Acreage					**Grand Total**	$

APPENDIX F – Sample Grant Contract

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

GRANT CONTRACT
2002 Resources Bond Act

Urban Park Act of 2001 Grant Program

GRANTEE _____

PROJECT TITLE _____ PROJECT NUMBER_____

PROJECT PERFORMANCE PERIOD is from _____ through _____

Under the terms and conditions of this Contract, the Grantee agrees to complete the Project as described in the Project description, and the State of California, acting through its Director of Parks and Recreation, pursuant to the Urban Park Act of 2001 Grant Program in the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002, agrees to fund the Project up to the total State Grant Amount indicated.

PROJECT DESCRIPTION:

Total State Grant Amount not to exceed $ _____

_____
Grantee

By _____
(Typed or Printed Name of Authorized Representative)

_____
(Signature of Authorized Representative)

Title _____

Date_____

The General and Special Provisions attached are made a part of and incorporated into the Contract.

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

By _____

Date _____

CERTIFICATION OF FUNDING (FOR STATE USE ONLY)

AMOUNT OF ESTIMATE $		CONTRACT NUMBER	FUND	
ADJ. INCREASING ENCUMBRANCE $		APPROPRIATION		
ADJ. DECREASING ENCUMBRANCE $		ITEM CALSTARS VENDOR NUMBER		
UNENCUMBERED BALANCE $		LINE ITEM ALLOTMENT	CHAPTER / STATUTE	FISCAL YEAR
T.B.A. NO.	B.R. NO.	INDEX	PCA	OBJ. EXPEND
I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance.				
SIGNATURE OF ACCOUNTING OFFICER			DATE	

SAMPLE

Grant Contract
Special Provisions

General Provisions

A. Definitions

1. The term "Act" as used herein means the Appropriation for the Program.

2. The term "Application" as used herein means the individual Application and its required attachments for grants pursuant to the enabling legislation and/or Program.

3. The term "Acquisition" means to obtain fee title or a lesser interest in real property, specifically, conservation easement or conservation rights. Leases or rentals do not constitute Acquisition.

4. The term "Acquisition and Development" means a Project that combines Acquisition of real property with Development for a New Park, New Recreational, or New Multipurpose Facility.

5. The term "Department" means the California Department of Parks and Recreation.

6. The term "Development" means capital improvements to real property by construction for a New Park, New Recreational, or New Multipurpose Facility using Bond Act funds.

7. The term "Grantee" as used herein means the party described as the Grantee on page 1 of this Contract. The term "Project" as used herein means the Project described on page 1 of this Contract.

8. The term "State" as used herein means the State of California Department of Parks and Recreation.

B. Project Execution

1. Subject to the availability of grant monies in the Act, the State hereby grants to the Grantee a sum of money (grant monies) not to exceed the amount stated on page 1, in consideration of, and on condition that, the sum be expended in carrying out the purposes as set forth in the Description of Project on page 1, and under the terms and conditions set forth in this Contract.

   The Grantee shall assume any obligation to furnish any additional funds that may be necessary to complete the Project. Any modification or alteration in the Project as set forth in the Application on file with the State must be submitted to the State for approval.

2. The Grantee shall complete the Project in accordance with the time of Project Performance set forth on page 1, and under the terms and conditions of this Contract.

3. The Grantee shall comply as lead agency with the California Environmental Quality Act (Public Resources Code, Section 21000, et. seq., Title 14, California Code of Regulations, Section 15000 et. seq.)

4. The Grantee shall comply with all applicable current laws and regulations affecting Development Projects, including, but not limited to, legal requirements for construction Contracts, building codes, health and safety codes, and laws and codes pertaining to individuals with disabilities.

5. The Grantee shall permit periodic site visits, including a final inspection upon Project completion by the State, to determine if Development work is in accordance with the approved Project Scope.

6. Prior to the commencement of any work, the Grantee agrees to submit any significant deviation from the original Project Scope in writing to the State for prior approval. Changes in the Project Scope must be approved in writing by the State and must meet the exact need described in the original Project Application.

7. If the Project includes Acquisition of real property, the Grantee agrees to comply with all applicable state and local laws or ordinances affecting relocation and real property Acquisition.

8. The Grantee shall provide for public access to Project facilities in accordance with the intent and provisions of the enabling legislation and/or Program.

9. Grantees shall have (1) fee title, (2) lease hold or (3) other interest to the Project lands and demonstrate to the satisfaction of the State that the proposed Project will provide public benefits that are commensurate with the type and duration of the interest in land, as determined by the State, that is held by the Grantee.

10. Every Grantee for a grant pursuant to this chapter and the entity that will operate and maintain the property, if that entity is different than the Grantee, shall agree to comply with all of the following requirements: (1) To operate and maintain the property developed pursuant to this chapter so that it is usable by residents of the project's service area. With the approval of the department, the grant recipient, or its successor in interest in the property, may transfer its property interest and the responsibility to operate and maintain the property, in accordance with the terms of the grant and any applicable law, to an eligible public agency or nonprofit organization that is able to operate and maintain the property in perpetuity. Any attempt to make a transfer in violation of this subdivision is void. (2) To use the property only for the purposes for which the grant was made and to make no other use or sale or other disposition of the property, except as authorized by specific act of the Legislature. If the use of the property is changed to a use that is not permitted by the terms of the grant, or if the property is sold or otherwise disposed of, the grant recipient shall reimburse the state an amount equal to the amount of the grant, the fair market value of the land and any improvements constructed with the grant, or the proceeds from the sale or other disposition, whichever amount is greatest. If the property that is sold or otherwise disposed of is less than the entire interest in the property funded with the grant, the grant recipient shall reimburse the state an amount equal to either the proceeds from the sale or other disposition of the interest or the fair market value of the interest sold or otherwise disposed of, whichever amount is greater. (b) In lieu of seeking reimbursement pursuant to paragraph (2) of subdivision (a), the department may impose restrictions on the use of public park property identical to the requirements for the preservation of public parks set forth in the Public Park Preservation Act of 1971 (Chapter 2.5 (commencing with Section 5400)) with respect to any property used, sold, or otherwise disposed of in a manner not permitted by the terms of the grant.

11. Lands or interests in land acquired with grant funds shall be acquired from a willing seller.

C. Project Costs

The Grant monies to be provided to the Grantee under this Contract may be disbursed as follows:

1. If the Project includes Acquisition of real property, the State may disburse to the Grantee the grant monies as follows, but not to exceed, in any event, the total State Grant Amount set forth on page 1 of this Contract:

   a. Up to a 10% advance of the total State Grant Amount

b. After the property is in escrow, the Grantee may request up to 80% of the total State Grant Amount as specified in the approved Application, or 100% of the actual Acquisition cost, whichever is less. The Grantee shall immediately place these funds in escrow.

c. The remaining State grant funds shall be paid up to the amount of the grant or the actual Project cost, whichever is less, on completion of the Project and receipt of a detailed summary of Project costs from the Grantee.

2. If the Project includes Development, the State may disburse to the Grantee the grant monies as follows, but not to exceed in any event the total State Grant Amount set forth of page 1 of this Contract:

a. Up to a 10% advance of the total State Grant Amount.

b. On proof of award of a construction contract or commencement of construction by force account, up to 80% of the total State Grant Amount, not to exceed 80% of the total dollar amount of any or all awarded construction contracts.

c. The remaining State grant funds shall be paid up to the amount of the grant or the actual Project cost, whichever is less, on completion of the Project and receipt of a detailed summary of Project costs from the Grantee.

D. Project Administration

1. The Grantee shall promptly submit written Project reports as the State may request. In any event, the Grantee shall provide the State a report showing total final Project expenditures.

2. The Grantee shall make property and facilities developed pursuant to this Contract available for inspection upon request by the State.

3. The Grantee shall use any monies advanced by the State under the terms of this Contract solely for the Project herein described.

4. If grant monies are advanced, the Grantee shall place these monies in a separate interest bearing account, setting up and identifying such account prior to the advance. Interest earned on grant monies shall be used on the Project, as approved by the State. If grant monies are advanced and not expended, the unused portion of the grant shall be returned to the State within 60 days of completion of the Project or end of the Project Performance Period, whichever is earlier.

5. The Grantee shall use income earned by the Grantee from use of the Project to further Project purposes, or, if approved by the State, for related purposes within the Grantee's jurisdiction.

E. Project Termination

1. Any Grant funds that have not been expended by the Grantee shall revert to the fund and be available for Appropriation by the Legislature for one or more of the local assistance programs that the Legislature determines to be the highest priority statewide.

2. The Grantee may unilaterally rescind this Contract at any time prior to the commencement of the Project. After Project commencement this Contract may be rescinded, modified or amended only by mutual agreement in writing between the Grantee and the State.

3. Failure by the Grantee to comply with the terms of this Contract or any other Contract under the Act may be cause for suspension of all obligations of the State hereunder. However, such

failure shall not be cause for the suspension of all obligations of the State hereunder if in the judgment of the State such failure was due to no fault of the Grantee. In such case, any amount required to settle at minimum cost any irrevocable obligations properly incurred shall be eligible for reimbursement under this Contract.

4. Because the benefit to be derived by the State, from the full compliance by the Grantee with the terms of this Contract, is the Preservation, protection and net increase in the quantity and quality of parks, public recreation facilities and/or historical resources available to the people of the State of California and because such benefit exceeds to an immeasurable and unascertainable extent, the amount of money furnished by the State by way of grant monies under the provisions of this Contract, the Grantee agrees that payment by the Grantee to the State of an amount equal to the amount of the grant monies disbursed under this Contract by the State would be inadequate compensation to the State for any breach by the Grantee of this Contract. The Grantee further agrees therefore, that the appropriate remedy in the event of a breach by the Grantee of this Contract shall be the specific performance of this Contract, unless otherwise agreed to by the State.

5. The Grantee and the State agree that if the Project includes Development, final payment may not be made until the Project conforms substantially to this Contract.

F. Hold Harmless

1. The Grantee shall waive all claims and recourse against the State including the right to contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to this Contract except claims arising from the concurrent or sole negligence of the State, its officers, agents, and employees.

2. The Grantee shall indemnify, hold harmless and defend the State, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability costs arising out of the Acquisition, Development, construction, operation or maintenance of the property described as the Project which claims, demands or causes of action arise under Government Code Section 895.2 or otherwise except for liability arising out of the concurrent or sole negligence of the State, its officers, agents, or employees.

3. The Grantee agrees that in the event the State is named as codefendant under the provisions of Government Code Section 895 et. seq., the Grantee shall notify the State of such fact and shall represent the State in the legal action unless the State undertakes to represent itself as codefendant in such legal action in which event the State shall bear its own litigation costs, expenses, and attorney's fees.

4. The Grantee and the State agree that in the event of judgment entered against the State and the Grantee because of the concurrent negligence of the State and the Grantee, their officers, agents, or employees, an apportionment of liability to pay such judgment shall be made by a court of competent jurisdiction. Neither party shall request a jury apportionment.

5. The Grantee shall indemnify, hold harmless and defend the State, its officers, agents and employees against any and all claims, demands, costs, expenses or liability costs arising out of legal actions pursuant to items to which the Grantee has certified. The Grantee acknowledges that it is solely responsible for compliance with items to which it has certified.

G. Financial Records

1. The Grantee shall maintain satisfactory financial accounts, documents and records for the Project and to make them available to the State for auditing at reasonable times. The Grantee also agrees to retain such financial accounts, documents and records for three years following Project termination or final payment.

The Grantee and the State agree that during regular office hours each of the parties hereto and their duly authorized representatives shall have the right to inspect and make copies of any books, records or reports of the other party pertaining to this Contract or matters related thereto. The Grantee shall maintain and make available for inspection by the State accurate records of all of its costs, disbursements and receipts with respect to its activities under this Contract.

2. The Grantee shall use a generally accepted accounting system.

H. Use of Facilities

1. The Grantee agrees that the Grantee shall use the property developed with grant monies under this Contract only for the purposes for which the State grant monies were requested and no other use of the area shall be permitted except by specific Act of the Legislature.

2. The Grantee shall maintain and operate the property developed for a period commensurate with the type of Project and the proportion of State grant funds and local funds allocated to the capital costs of the Project, as determined by the State.

I. Nondiscrimination

1. The Grantee shall not discriminate against any person on the basis of sex, race, color, national origin, age, religion, ancestry, sexual orientation, or disability in the use of any property or Facility developed pursuant to this Contract.

2. The Grantee shall not discriminate against any person on the basis of residence except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence and pursuant to law.

3. All facilities shall be open to members of the public generally, except as noted under the special provisions of this Project Contract or under provisions of the enabling legislation and/or Program.

J. Application Incorporation

The Application and any subsequent change or addition approved by the State is hereby incorporated in this Contract as though set forth in full in this Contract.

K. Severability

If any provision of this Contract or the Application thereof is held invalid, that invalidity shall not affect other provisions or Applications of the Contract which can be given effect without the invalid provision or Application, and to this end the provisions of this Contract are severable.

APPENDIX G – Payment Request Form

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PAYMENT REQUEST FORM
Grant Programs

This form is out-of-date. Please use the revised copy of this form by following the link below:
http://www.parks.ca.gov/pages/1008/files/payment_request.xls

1. PAYMENT INFORMATION
(ROUND ALL FIGURES TO THE NEAREST DOLLAR)

a. State Grant Amount $ _____

b. Funds Received to Date $ _____

c. Available (a. minus b.) $ _____

d. Amount of This Request $ _____

e. Remaining Funds After This Payment (c. minus d.) $ _____

2. SEND WARRANT TO:

GRANTEE NAME _____

STREET ADDRESS _____

CITY, STATE, ZIP CODE _____

ATTENTION _____

3. TYPED OR PRINTED NAME OF PERSON AUTHORIZED IN RESOLUTION	TITLE	DATE
4. SIGNATURE OF PERSON AUTHORIZED IN RESOLUTION		

FOR DEPARTMENT OF PARKS AND RECREATION USE ONLY

PAYMENT APPROVAL SIGNATURE	DATE

DPR 212 (Rev.5/01)

PAYMENT REQUEST FORM INSTRUCTIONS

- Type all entries
- Round off all amounts to the nearest dollar
- See Procedural Guide, page 26, for Eligible Costs examples

The following instructions correspond to items on the Payment Request Form:

1. Project Number - The number assigned by the state to this Project

2. Contract Number - As shown in Certification of Funding section of the Project Contract

3. Grantee - GRANTEE name as shown on the Project Contract

4. Project Title - Title of Project for which payment is requested

5. Type Of Payment - Check appropriate box, and submit this form:

   Advance – When an advance is needed, and after the Grant Contract has been fully executed;

   Reimbursement – When the Grantee has periodically spent funds to implement the Project, and is requesting reimbursement; or

   Final – When the Grantee has completed the Project, and is requesting the final payment.

6. Payment Information

   a) State Grant Amount - The amount of state grant funds allocated to this Project

   b) Funds Received to Date - Total amount already received for this Project

   c) Available - (a. minus b.)

   d) Amount of This Payment Request - Amount that is requested

   e) Remaining Funds after This Payment - (c. minus d.)

7. Send Warrant To - Grantee name, address and contact person

8. Typed or printed name of Authorized Representative in Resolution

9. Signature of Authorized Representative in Resolution

APPENDIX H – Project Completion Packet

PROJECT COMPLETION PACKET

The Grantee must submit the following forms after the Project is complete and the final payment is requested. Any questions should be directed to the Project Officer.

- Payment Request Form (see page 46)
- Project Certification Form (see page 51)
- Project Cost Summary Form (see page 52)
- Labor Costs Summary Form (if applicable. See page 53)
- Equipment Cost Summary Form (if applicable. See page 54)

1. **READ ALL FORMS.** Share them with individuals who will be preparing the financial documents. Make copies of the forms as needed.

2. The forms have been designed for convenience. The Grantee may elect to use another format, provided that all requested information is presented in a clear and concise manner.

3. Remember, the Grantee is required to keep source documents for all expenditures related to each grant for at least three years following Project completion and at least one year following an audit. A Project is considered complete upon receipt of final grant payment from the State.

PROJECT CERTIFICATION FORM

This form is out-of-date. Please use the revised copy of this form by following the link below:
http://www.parks.ca.gov/pages/1008/files/project_cert_form.pdf

PHONE: (__)_____ EMAIL:_____

PROJECT DESCRIPTION – List facilities developed and/or property acquired (use additional pages, as required):

LIST OTHER FUNDS ON PROJECT (SOURCES AND AMOUNTS) (use additional pages, as required):

INTEREST EARNED ON ADVANCE GRANT FUNDS: $_____

HAS A NOTICE OF COMPLETION BEEN FILED? YES_____NO_____
IF NO, PLEASE EXPLAIN:

CERTIFICATION:

I hereby certify that all grant funds were expended on the above named Project(s) and that the Project(s) is complete and we have made final payment for all work done.

_____
Grantee's Fiscal Representative
(Printed or Typed name)

_____ _____
Grantee's Fiscal Representative Date
(Signature)

PROJECT COSTS SUMMARY FORM

Project Number_____

Warrant/Check Number	Date	Recipient	Purpose	Amount

Total Labor Costs (from attached form) $_____

Total Equipment Costs (from attached form) $_____

Subtotal $_____

Grand Total $_____

LABOR COSTS SUMMARY FORM

Project Number_____

Work Authorization Number	Unit Performing Work	Dates/ Pay Period	Purpose	Amount

Subtotal $_____

(Carry Total forward to Project Costs Summary Form) **Grand Total $**_____

EQUIPMENT (RENTAL) COSTS SUMMARY FORM

Project Number_____

Type of Equipment	Dates	Work Performed	Amount

Subtotal $_____

(Carry Total forward to Project Costs Summary Form) **Grand Total $**_____

EXHIBIT NO. 22

THE CITY OF SAN DIEGO

JIM MADAFFER
COUNCILMEMBER
SEVENTH DISTRICT

RECEIVED
DEC - 4 2003
PARK & RECREATION DIRECTOR

December 19, 2003

Ms. Ellen Oppenheim, Director
Park and Recreation Department
City of San Diego
202 C Street, MS 9B
San Diego, CA 92101

Re: Fox Canyon Park

Dear Ms. Oppenheim:

I would like to express my strongest support for the acquisition and development of a park in the Fox Canyon neighborhood. This grant proposal is being submitted to the State of California Parks and Recreation Department for funding consideration under the Urban Park Act. At present, the City of San Diego is negotiating with a willing seller for the acquisition of this property, and the City is committing a significant financial match to create the Fox Canyon Park.

This proposal embodies the intent of the Urban Park Act: to provide park facilities in least-served communities. According to the City of San Diego's Mid-City Plan, this high-density area is grossly deficient in park acreage. While this area faces many challenges, the Fox Canyon Neighborhood Association is actively involved with a number of community improvement projects. This group has prepared a report on parks, a critical priority for this area. The residents envision a series of parks, trails and habitat restoration along Auburn Creek. Fox Canyon Park will be the first major step toward this goal.

I would like to invite staff from the State Parks and Recreation Department to visit this community and to assess the merits of this proposal. I urge the State of California to approve this grant request which will help transform the residents' dream into reality.

Sincerely,

Jim Madaffer
Councilmember

CITY ADMINISTRATION BUILDING • 202 "C" STREET • SAN DIEGO • CALIFORNIA 92101
Tel. (619) 236-6677 • Fax: (619) 236-1360 • Website: www.jimmadaffer.com

Printed on recycled paper

EXHIBIT NO. 23

AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, DECEMBER 1, 2003 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

ITEM-30: Judge Susan P. Finlay Day.
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.

ITEM-31: Approval of Council Minutes.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to Ordinance O-18939 adopted on September 24, 2001

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-102: Fox Canyon Park Pre-Acquisition Services.

(Mid City Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-493)

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2004 Capital Improvements Program budget by $30,000 in CIP-29-596.0, Fox Canyon Park Acquisition and Development;

Authorizing the City Auditor and Comptroller to transfer $30,000 from Fund No. 18539, Community Development Block Grant Fund, to CIP-29-596.0, Fox Canyon Park Acquisition and Development, for the purpose of obtaining pre-acquisition services;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed $30,000 from CIP-29-596.0, Fox Canyon Park Acquisition and Development, for the purpose of obtaining pre-acquisition services, including, but not limited to appraisals, surveying and mapping, property split and project management.

CITY MANAGER SUPPORTING INFORMATION:

Authorizing the City Manager to transfer $30,000 from Community Development Block Grant Fund 18539 to CIP-29.596.0, Fox Canyon Park Acquisition and Development. This initial transfer will allow for initial services required for the acquisition of property for the proposed Fox Canyon Park. The specified property requires a survey, appraisal, property split, and acquisition. This activity does not include improvements or construction to the property.

FISCAL IMPACT:
Total estimated cost is $30,000 to cover services from Real Estate Assets Department (Appraisal), E&CP Department (Survey and Mapping), Development Services Department (Property Split), Park and Recreation Department, Park Planning and Development (Project Management). Funds for future Property Acquisition are available in the Mid City Special Park Fund No. 39094.

Herring/Oppenheim/AP

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

Aud. Cert. 2400466.

EXHIBIT NO. 24

City Of San Diego
COUNCILMEMBER JIM MADAFFER
DISTRICT SEVEN

RECEIVED
1 3 2004
City Manager

MEMORANDUM

M-04-01-03 Please refer to this number when responding to this memo

DATE: January 13, 2004

TO: City Manager Michael Uberuaga

FROM: Deputy Mayor Toni Atkins
Councilmember Jim Madaffer
Councilmember Charles Lewis

SUBJECT: Mid-City Park Development Fund 39094

The Mid City Park Development Fund (Fund 39094) is shared between Council Districts 3, 4 and 7. We would like to designate from Fund 39094 to District 7 the amount of $800,000 for the acquisition and $100,000 for preliminary design of the Fox Canyon Neighborhood Park. This park will serve residents from all three Council districts, and will greatly improve the aesthetics and livability of the Fox Canyon/Chollas Creek Neighborhoods.

The Park and Recreation Department is submitting a highly competitive application on January 15 for grants funds from the State of California Urban Parks Grant. It is the intention to designate the $900,000 from Fund 39094 as matching funds toward this grant application. The City is currently in active negotiations with the seller on the proposed parcel to be acquired.

It is our understanding that a portion of the remaining funds in the Mid City Park Development Fund would be used for the design and development of the recently acquired Home Avenue Park in Council District 4. Additionally, it is our intention that new contributions to Fund 39094 from this date forward would be appropriately distributed between the three Council Districts.

Thank you for your assistance with this matter.

JM/eo

cc: Ellen Oppenheim, Park and Recreation Department Director
Heidi Lang, Park and Recreation Grants Administrator

EXHIBIT NO. 25

AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, JUNE 7, 2004 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101

OTHER LEGISLATIVE MEETINGS

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

=== LEGISLATIVE SCHEDULE ===

Special Orders of Business

ITEM-30: Suzuki Rock 'n' Roll Marathon Day.
MAYOR MURPHY'S RECOMMENDATION: Adopt the resolution.

ITEM-31: Explorer Elementary Charter School Day.
COUNCILMEMBER PETERS' RECOMMENDATION: Adopt the resolution.

ITEM-32: Stan Miller Day.
COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.

=== LEGISLATIVE SCHEDULE (Continued) ===

Adoption Agenda, Consent Items (Continued)

ITEM-103: Awarding a Contract to Pierce Manufacturing Inc., for the Lease Purchase of Two 105 Foot Quint Aerial Ladder Apparatus.
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

ITEM-104: La Jolla Cove Wall Replacement and Bluff Improvements – Funding of Additional Slope. La Jolla Community Area. (Dist. 1)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

ITEM-105: MTS Station Improvement Project – Preliminary Design Funding. Encanto Community Area. (Dist. 3)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

ITEM-106: Funding for Fox Canyon Park and Home Avenue Park from Mid-City Park Development Fund. Mid-City Community Area. (Dists. 4 and 7)
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

ITEM-107: Funding for Legal Services of Paul, Plevin, Sullivan & Connaughton Regarding San Diego Police Officers Association (SDPOA) v. City of San Diego.
CITY ATTORNEY'S RECOMMENDATION: Adopt the resolution.

ITEM-108: Relocation and Replacement of 12-inch Water Mains at Highland Valley Road and Duenda Road Bridges. Rancho Bernardo Community Area. (Dist. 5)
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 5/12/2004, NR&C voted 3 to 0 to approve the Project.

ITEM-109: Agreement with HDR Engineering, Inc., for Environmental Planning and Design Services.
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 5/12/2004, NR&C voted 3 to 0 to approve the Project.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: Funding for Fox Canyon Park and Home Avenue Park from Mid-City Park Development Fund.

(Mid-City Community Area. Districts-4 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1151)

Amending the Fiscal Year 2004 Capital Improvements Program Budget by adding CIP-29-865.0, Home Avenue Park;

Amending the Fiscal Year 2004 Capital Improvements Program Budget for Fund No. 39094, Mid-City Special Park Fees, CIP-29-865.0, Home Avenue Park, by increasing the budget amount by $600,000;

Authorizing the appropriation and expenditure of an amount not to exceed $600,000 from Fund No. 39094, Mid-City Special Park Fees, CIP-29-865.0, Home Avenue Park, solely and exclusively, for the purpose of providing funds for design contracts and initial environmental studies of Home Avenue Park;

Amending the Fiscal Year 2004 Capital Improvements Program Budget by adding CIP-29-596.0, Fox Canyon Park – Acquisition and Development;

Amending the Fiscal Year 2004 Capital Improvements Program Budget for Fund No. 39094, Mid-City Special Park Fees, CIP-29-596.0, Fox Canyon Park – Acquisition and Development, by increasing the budget amount by $900,000;

Authorizing the appropriation and expenditure of an amount not to exceed $900,000 from Fund No. 39094, Mid-City Special Park Fees, CIP-29-596.0, Fox Canyon Park – Acquisition and Initial Studies, solely and exclusively, for the purpose of providing funds for the purposes of acquisition, design contracts, and environmental studies of Fox Canyon Park, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

* ITEM-106: (Continued)

CITY MANAGER SUPPORTING INFORMATION:

The purpose of this request for Council Action is to provide initial funding for two new parks: Fox Canyon Park ($900,000) and Home Avenue Park ($600,000). The funding source is the Mid-City Park Development Fund (#39094).

Fox Canyon Park is located east of Euclid Avenue, west of Altadena Drive, and south of University Avenue, in the Fox Canyon Neighborhood. The proposed land is adjacent to Auburn Creek and will provide an approximately 2-acre passive use park. This community is park deficient and the proposed park will provide a highly needed recreational outlet.

Home Avenue Park is located on the east side of Home Avenue, near the intersection with 47th Street, in the Mid-City area. The proposed park is adjacent to Chollas Creek and the six-acre site will provide approximately two-acres of passive use parkland. The Mid-City Community is park deficient based on General Plan Standards and this project will provide much needed park land. It is envisioned that this site will serve communities in Council Districts 3, 4, and 7. Its design and construction will also enhance a portion of Chollas Creek.

FISCAL IMPACT:

Funds in the amount of $600,000 are available for CIP-29-865.0, Home Avenue Park, from the Mid-City Park Development Fund, Fund No. 39094. Funds in the amount of $900,000 are available for CIP-29-596.0, Fox Canyon Park - Acquisition and Development, from the Mid-City Park Development Fund, Fund No. 39094. The proposed new facilities will require funding for operation and maintenance when they are completed.

Herring/Penera/KR

Aud. Cert. 2401080.

EXHIBIT NO. 26

ORDINANCE NUMBER O-16192 (New Series)

Adopted on April 23, 1984

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 102.0406.06.7 RELATING TO PARK FEES IN THE MID-CITY COMMUNITY PLANNING AREA.

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

Section 1. That Chapter X, Article 2, Division 4 of the San Diego Municipal Code be, and it is hereby amended by adding Section 102.0406.06.7 to read as follows: SEC. 102.0406.06.7 PARK FEES IN THE MID-CITY COMMUNITY PLANNING AREA. A. PURPOSE AND INTENT

The Council hereby finds that the MID-CITY Community Plan area has conditions regarding financing for park and recreational facilities which do not reflect circumstances in the City as a whole. This ordinance is, therefore, not intended as a precedent for the application of the terms of this ordinance to the balance of the City of San Diego.

In order to furnish adequate park and recreational facilities needed to serve new development in the MID-CITY Community Planning area, it is necessary for anyone who obtains building permits within the MID-CITY Community Plan area for residential dwelling units to contribute fees identified in this ordinance in lieu of those fees presently assessed generally within the City of San Diego.

The MID-CITY Community Planning area to which this ordinance applies is more completely described in the Community Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-687681 as amended by Documents RR-733783 and RR-746880.

At the discretion of the City Council, anyone who obtains building permits may contribute land designated for park acquisition and/or contribute complete park development on land acquired for that purpose in the MID-CITY Community Planning area. Valuation of

land contributions will be in accordance with the procedures in Section 102.0406.06.

The fees in this section are assessed in lieu of the fees required in Section 102.0406.06 and Section 96.0403. The fees set forth in this section are assessed in order to recover the cost of acquiring land and developing population based park and recreational facilities to serve the future inhabitants of the subdivision and community.

If sufficient funds are not generated by these park fees to provide needed park and recreation facilities, the Council will schedule any remaining needed facilities in the City Capital Improvements Program as funds are available. B. ASSESSMENT

Notwithstanding any other section of the Municipal Code to the contrary, no park fees other than those provided in this section shall be assessed against subdivided property within the MID-CITY Community Planning area. A party pursuing building permits for residential dwelling unit purposes in the MID-CITY Community Planning area shall be assessed a fee of $880.00 per single family dwelling unit and $660.00 per unit of multi-family construction. These fees shall be increased annually on July 1st at a rate of 9 percent per year beginning July 1, 1985.

The provisions of this section shall apply to all residential development including that on property zoned for commerical use which allows residential development as well.

1. Method of Computation: The assessment amount shall be determined initially by multiplying $880.00 times the total number of single family dwelling units and $660.00 times the total number of dwelling units of multi-family construction for which building permits are requested.

2. Time for Collection: The assessed fees, pursuant to this subsection shall be paid in cash prior to, and as a condition of, obtaining building permits. If any park fees have been paid in conjunction with subdivision map approval, those amounts will be credited against the full fee amounts set for collection during the building permit request process.

3. Special Park Fund: All park fees collected shall be deposited in a special park fund for the MID-CITY Community. These funds and their interest earnings may be expended only

for park and recreation projects for this community.

4. Review and Modification: As the result of periodic reviews, at intervals decided by Council and as a consequence of inflation and interest earning factor variations, the actual rates of development occuring in the MID-CITY Community and the park facilities experience, the City Council may exercise its authority to modify the park fee structure.

C. The fees collected pursuant to this ordinance shall be applicable only to building permit applications which are initially filed after the effective date of this ordinance.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By John K. Riess, Deputy

JKR:mem:645

4/3/84:Rev.4/4/84

O-84-198

Or.Dept:E&D

Form=o.none

3. Special Park Fund: All park fees collected shall be deposited in a special park fund for the Penasquitos East Community. These funds and their interest earnings may be expanded only for park and recreation projects identified for this community in its approved Financing Plan.

4. Review and Modification: As the result of periodic reviews, at intervals decided by Council and as a consequence of inflation and interest earning factor variations, the actual rates of development occurring in the Penasquitos East Community Plan Area and the park facilities experience, the City Council may exercise its authority to modify the park fee structure.

C. FEE COLLECTION

The fees collected pursuant to this ordinance shall be applicable only to building permit applications which are initially filed after the effective date of this ordinance.

(Added 3-5-84 by O-16176 N.S.)
(Amended 8-6-84 by O-16257 N.S.)
(Amended 6-30-86 by O-16680 N.S.)
(Amended 5-16-88 by O-17094 N.S.)
(Renumbered from 102.0406.06.6 on 9-19-88 by O-17142 N.S.)

SEC. 102.0406.0671 PARK FEES IN THE MID-CITY COMMUNITY PLANNING AREA

A. PURPOSE AND INTENT

The Council hereby finds tha the Mid-City Community Planning area has conditions regarding financing for park and recreational facilities which do not reflect circumstances in the City as a whole. This ordinance is, therefore, not intended as a precedent for the application of the terms of this ordinance to the balance of the City of San Diego.

In order to furnish adequate park and recreational facilities needed to serve new development in the Mid-City Community Planning area, it is necessary for anyone who obtains building permits within the Mid-City Community Planning area for residential dwelling units to contribute fees identified in this ordinance in lieu of those fees presently assessed generally within the City of San Diego.

The Mid-City Community Planning area to which this ordinance applies is more completely described in the Community Plan, a copy of which is on file in the office of the City Clerk as Document No. RR-687681 as amended by Documents RR-733783 and RR-746880.

At the discretion of the City Council, anyone who obtains building permits may contribute land designated for park acquisition and/or contribute complete park development on land acquired for that purpose in the Mid-City Community Planning area. Valuation of land contributions will be in accordance with the procedures in Section 102.0406.06.

The fees in this section are assessed in lieu of the fees required in Section 102.0406.06 and Section 96.0403. The fees set forth in this section are assessed in order to recover the cost of acquiring land and developing population based park and recreational facilities to serve the future inhabitants of the subdivision and community and to provide for the rehabilitation of exsiting park or recreational facilities, only when such rehabilitation would serve expanded needs or demographic changes at existing parks or provide new additional equipment allowing expanded use of the park.

If sufficient funds are not generated by these park fees to provide needed park and recreation facilities, the Council will schedule any remaining needed facilities in the City Capital Improvements Program as funds are available.

B. ASSESSMENT

Notwithstanding any other section of the Municipal Code to the contrary, no park fees other than those provided in this section shall be assessed against subdivided property within the Mid-City Community Planning area. A party pursuing building permits for residential dwelling unit purposes in the Mid-City Community Planning area shall be assessed a fee of $880.00 per single family dwelling unit and $660.00 per unit of multi-family construction. These fees shall be increased annually on July 1st at a rate of 9 percent per year beginning July 1, 1985.

The provisions of this section shall apply to all residential development including that on property zoned for commercial use which allows residential development as well.

1. Method of Computation: The assessment amount shall be determined initially by multiplying $880.00 times the total number of single family dwelling units and $660.00 times the total number of dwelling units of multi-family construction for which building permits are requested.

2. Time for Collection: The assessed fees, pursuant to this subsection shall be paid in cash prior to, and as a condition of, obtaining building permits. If any park fees have been paid in conjunction with subdivision map approval, those amounts will be credited against the full fee amounts set for collection during the building permit request process.

3. Special Park Fund: All park fees collected shall be deposited in a special park fund for the Mid-City Community. These funds and their interest earnings may be expended only for park and recreation projects for this community.

4. Review and Modification: As the result of periodic reviews, at intervals decided by Council and as a consequence of inflation and interest earning factor variations, the actual rates of development occurring in the Mid-City Community and the park facilities experience, the City Council may exercise its authority to modify the park fee structure.

C. FEE COLLECTION

The fees collected pursuant to this ordinance shall be applicable only to building permit applications which are initially filed after the effective date of this ordinance.

(Added 4-23-84 by O-16192 N.S.)
(Amended 5-16-88 by O-17094 N.S.)
(Renumbered from 102.0406.06.7 on 9-19-88 by O-17142 N.S.)

§ 102.0406.0641 Park Fees in the Rancho Bernardo Community Planning Area
("Park Fees in the Rancho Bernardo Community Planning Area" added as Sec. 102.0406.06.4 on 1–23–1984 by O–16128 N.S.; amended 5–16–1988 by O–17094 N.S.)
(Renumbered from Sec. 102.0406.06.4 on 9–19–1988 by O–17142 N.S.)
(Repealed 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§ 102.0406.0651 Park Fees in the Mira Mesa Community Planning Area
("Park Fees in the Mira Mesa Community Planning Area" added as Sec. 102.0406.06.5 on 3–5–1984 by O–16177 N.S.; amended 8–6–1984 by O–16258 N.S.; amended 11–10–1986 by O–16746 N.S.; amended 5–16–1988 by O–17094 N.S.)
(Renumbered from Sec. 102.0406.06.5 on 9–19–1988 by O–17142 N.S.)
(Repealed 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§ 102.0406.0661 Park Fees in the Penasquitos East Community Planning Area.
("Park Fees in the Penasquitos East Community Planning Area" added as Sec. 102.0406.06.6 on 3–5–1984 by O–16176 N.S.; amended 8–6–1984 by O–16257 N.S.; amended 6–30–1986 by O–16680 N.S.; amended 5–16–1988 by O–17094 N.S.)
(Renumbered from Sec. 102.0406.06.6 on 9–19–1988 by O–17142 N.S.)
(Repealed 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§ 102.0406.0671 Park Fees in the Mid–City Community Planning Area
("Park Fees in the Mid–City Community Planning Area" added as Sec. 102.0406.06.7 on 4–23–1984 by O–16192 N.S.; amended 5–16–1988 by O–17094 N.S.)
(Renumbered from Sec. 102.0406.06.7 on 9–19–1988 by O–17142 N.S.)
(Repealed 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§ 102.0406.0681 Park Fees in the Park — Northeast Community Planning Area
("Park Fees in the Park— Northeast Community Planning Area" added as Sec. 102.0406.06.8 on 4–23–1984 by O–16193 N.S.; amended 5–16–1988 by O–17094 N.S.)
(Renumbered from 102.0406.06.8 on 9–19–1988 by O–17142 N.S.)
(Repealed 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§ 102.0406.0691 Park Fees in North City West Phase I, North University City, Sabre Springs and Miramar Ranch North Communities
("Park Fees in North City West Phase I, North University City and Sabre Springs Community Planning Area" added as Sec. 102.0406.06.9 on 2–25–1985 by O–16375 N.S.)
(Renumbered from Sec. 102.0406.06.9; retitled and amended 9–19–1988 by O–17142 N.S.)
(Repealed 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§ 102.0406.0701 Park Fees in the Carmel Mountain Ranch Community Planning Area
("Park Fees in the Carmel Mountain Ranch Community Planning Area" added as Sec. 102.0406.06.10 on 6–3–1985 by O–16437 N.S.; amended 5–16–1988 by O–17094 N.S.)
(Renumbered from Sec. 102.0406.06.10 on 9–19–1988 by O–17142 N.S.)
(Repealed 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

EXHIBIT NO. 27

3/28/02	Jose's Park Inventory
11/16/02	Madaffer supports road
11/18/02	G. DeBusshcere "negatives on road"
11/21/02	talk of 2 roads connecting
1/10/03	J. Jacoby toured sites with Elyse and Jose
7/_/03	Elyse and Lane and Joey discuss vacating the road
11/19/03	determine that we cannot comply with CCEP & have road. Decided to show road as vacated in graphic for Grant
11/28/03	Park graphic prepared and delivered to DSD / for myra for EAS initial Study
12/1/03	$30K CDBG for Pre-Acquisition services (approved at City Council?)
12/31?/03	Initial Environmental Study completed by Myra
1/15/04	Grant submitted
1/14/04	Met with staff to discuss adjacent utilities, proposed utility improvements and alternate funding sources to fund the park
4/04	**Developed four alternate design options**
4/26/04	**Met to discuss extension of road.**
5/3/04	Met with Dept. Directors to review alternate park layouts
5/04	Prepared an analysis of alternatives
6/1/04	Council Office update – reviewed analysis of 4 alternatives
6/21/04	Special Park Fees added to project $900,000
7/12/04	Submittal of Multi Family Preliminary Review Package to Development Services.
7/26/04	Meeting with Council Office and Dept. Heads
8/24/04	Comments received from Development Services.
9/6/04	Meeting with Council office and Development Services staff to discuss environmental issues and Agency reviews.

Redev. keep project on track

10/04	Cost Estimate refined
11/1/04	Grant Award Announced
11/10/04	Meeting to discuss technical studies required and finalize road layout, review cost estimate. Discuss community notification.
11/04	Met with consultant to discuss scope of work and schedule
12/15/04	Met with Dept. Directors to discuss funding and possible purchase of additional property
12/24/04	Fully executed grant contract received
1/05	Survey completed for site
1/25/05	Meeting with council office staff and Dept. Director staff. Request approval to hire consultant, discussed environmental requirements and DSD submittal Rd introduced
1/28/05	Presented project at Quarterly Agency Meeting (Army Corp, California Department of Fish and Game)
2/05	Hired Consultant to prepare preliminary civil and landscape plans
2/11/05	Biology Report completed.
3/9/05	Soil samples taken for Geotechnical report
3/10/05	Meet with Development Services Project Mgr. to discuss schedule and early submittal.
3/14/05	Meeting with staff to review Site Development Permit requirements and road vacation issues.
3/17/05	Meet with Development Services staff to discuss the road width, bridge, FEMA, and need for street vacation.
3/18/05	Preliminary Review Application and Single Discipline Submittal to Development Services.
3/30/05	Meet with Development Services Staff to discuss proposed roadway design options, sensitive resources and Preliminary Review

4/6/05	Meet with Development Services Department staff to discuss Site Development Permit and road layout
4/7/05	Meet with Development Services Staff to review road width, alignment, driveway alignment, underlying property ownership for street vacation issues.
4/19/05	Meet with CD7 and Dept.. Heads
4/20/05	Submittal of Site Development Permit to Development Services Division
5/10/05	Fox Canyon Community Input at Pro Kids Golf with Madafer
5/26/05	First response received from Development Services
6/6/05	City Heights Planning Group (Jim Varnadore did not put project as an action item – so info. only)
6/9/05	Presentation to Euclid Revitalization Committee
6/13/05	Council authorizes land purchases
6/27/05	Second submittal to DSD
7/6/05	City Heights Planning Group votes for park without street
8/22/05	Public Notice of Draft Mitigated Negative Declaration
9/20/05	End of Public Review (State Clearing House 9/21/05)
10/7/05	Coordination Meeting with Dep. City Manager, CD 7, Redevelopment, Traffic engineering, Real Estates Assets and Development Services
10/12/05	Planning Commission Hearing Officer: certified MND and approved site Development Permit
10/20/05	Hearing decision appealed

Grant expires June 30 2010 (Notice of completion must be in by March 1, 2010)

EXHIBIT NO. 28

GOVERNMENT CODE SECTION 66000-66008

66000. As used in this chapter, the following terms have the following meanings:

(a) "Development project" means any project undertaken for the purpose of development. "Development project" includes a project involving the issuance of a permit for construction or reconstruction, but not a permit to operate.

(b) "Fee" means a monetary exaction other than a tax or special assessment, whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, but does not include fees specified in Section 66477, fees for processing applications for governmental regulatory actions or approvals, fees collected under development agreements adopted pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4, or fees collected pursuant to agreements with redevelopment agencies that provide for the redevelopment of property in furtherance or for the benefit of a redevelopment project for which a redevelopment plan has been adopted pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code).

(c) "Local agency" means a county, city, whether general law or chartered, city and county, school district, special district, authority, agency, any other municipal public corporation or district, or other political subdivision of the state.

(d) "Public facilities" includes public improvements, public services, and community amenities.

66000.5. This chapter, Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020) shall be known and may be cited as the Mitigation Fee Act.

66001. (a) In any action establishing, increasing, or imposing a fee as a condition of approval of a development project by a local agency, the local agency shall do all of the following:

(1) Identify the purpose of the fee.

(2) Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirements, or may be made in other public documents that identify the public facilities for which the fee is charged.

(3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

(4) Determine how there is a reasonable relationship between the

need for the public facility and the type of development project on which the fee is imposed.

(b) In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

(c) Upon receipt of a fee subject to this section, the local agency shall deposit, invest, account for, and expend the fees pursuant to Section 66006.

(d) (1) For the fifth fiscal year following the first deposit into the account or fund, and every five years thereafter, the local agency shall make all of the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

(A) Identify the purpose to which the fee is to be put.

(B) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.

(C) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in paragraph (2) of subdivision (a).

(D) Designate the approximate dates on which the funding referred to in subparagraph (C) is expected to be deposited into the appropriate account or fund.

(2) When findings are required by this subdivision, they shall be made in connection with the public information required by subdivision (b) of Section 66006. The findings required by this subdivision need only be made for moneys in possession of the local agency, and need not be made with respect to letters of credit, bonds, or other instruments taken to secure payment of the fee at a future date. If the findings are not made as required by this subdivision, the local agency shall refund the moneys in the account or fund as provided in subdivision (e).

(e) Except as provided in subdivision (f), when sufficient funds have been collected, as determined pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 66006, to complete financing on incomplete public improvements identified in paragraph (2) of subdivision (a), and the public improvements remain incomplete, the local agency shall identify, within 180 days of the determination that sufficient funds have been collected, an approximate date by which the construction of the public improvement will be commenced, or shall refund to the then current record owner or owners of the lots or units, as identified on the last equalized assessment roll, of the development project or projects on a prorated basis, the unexpended portion of the fee, and any interest accrued thereon. By means consistent with the intent of this section, a local agency may refund the unexpended revenues by direct payment, by providing a temporary suspension of fees, or by any other reasonable means. The determination by the governing body of the local agency of the means by which those revenues are to be refunded is a legislative act.

(f) If the administrative costs of refunding unexpended revenues pursuant to subdivision (e) exceed the amount to be refunded, the local agency, after a public hearing, notice of which has been published pursuant to Section 6061 and posted in three prominent places within the area of the development project, may determine that the revenues shall be allocated for some other purpose for which fees are collected subject to this chapter and which serves the project on which the fee was originally imposed.

(g) A fee shall not include the costs attributable to existing deficiencies in public facilities, but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan.

66002. (a) Any local agency which levies a fee subject to Section 66001 may adopt a capital improvement plan, which shall indicate the approximate location, size, time of availability, and estimates of cost for all facilities or improvements to be financed with the fees.

(b) The capital improvement plan shall be adopted by, and shall be annually updated by, a resolution of the governing body of the local agency adopted at a noticed public hearing. Notice of the hearing shall be given pursuant to Section 65090. In addition, mailed notice shall be given to any city or county which may be significantly affected by the capital improvement plan. This notice shall be given no later than the date the local agency notices the public hearing pursuant to Section 65090. The information in the notice shall be not less than the information contained in the notice of public hearing and shall be given by first-class mail or personal delivery.

(c) "Facility" or "improvement," as used in this section, means any of the following:

(1) Public buildings, including schools and related facilities; provided that school facilities shall not be included if Senate Bill 97 of the 1987 -88 Regular Session is enacted and becomes effective on or before January 1, 1988.

(2) Facilities for the storage, treatment, and distribution of nonagricultural water.

(3) Facilities for the collection, treatment, reclamation, and disposal of sewage.

(4) Facilities for the collection and disposal of storm waters and for flood control purposes.

(5) Facilities for the generation of electricity and the distribution of gas and electricity.

(6) Transportation and transit facilities, including but not limited to streets and supporting improvements, roads, overpasses, bridges, harbors, ports, airports, and related facilities.

(7) Parks and recreation facilities.

(8) Any other capital project identified in the capital facilities plan adopted pursuant to Section 66002.

66003. Sections 66001 and 66002 do not apply to a fee imposed pursuant to a reimbursement agreement by and between a local agency and a property owner or developer for that portion of the cost of a public facility paid by the property owner or developer which exceeds the need for the public facility attributable to and reasonably related to the development. This chapter shall become operative on January 1, 1989.

66004. The establishment or increase of any fee pursuant to this

chapter shall be subject to the requirements of Section 66018.

66005. (a) When a local agency imposes any fee or exaction as a condition of approval of a proposed development, as defined by Section 65927, or development project, those fees or exactions shall not exceed the estimated reasonable cost of providing the service or facility for which the fee or exaction is imposed.

(b) This section does not apply to fees or monetary exactions expressly authorized to be imposed under Sections 66475.1 and 66477.

(c) It is the intent of the Legislature in adding this section to codify existing constitutional and decisional law with respect to the imposition of development fees and monetary exactions on developments by local agencies. This section is declaratory of existing law and shall not be construed or interpreted as creating new law or as modifying or changing existing law.

66006. (a) If a local agency requires the payment of a fee specified in subdivision (c) in connection with the approval of a development project, the local agency receiving the fee shall deposit it with the other fees for the improvement in a separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the local agency, except for temporary investments, and expend those fees solely for the purpose for which the fee was collected. Any interest income earned by moneys in the capital facilities account or fund shall also be deposited in that account or fund and shall be expended only for the purpose for which the fee was originally collected.

(b) (1) For each separate account or fund established pursuant to subdivision (a), the local agency shall, within 180 days after the last day of each fiscal year, make available to the public the following information for the fiscal year:

(A) A brief description of the type of fee in the account or fund.

(B) The amount of the fee.

(C) The beginning and ending balance of the account or fund.

(D) The amount of the fees collected and the interest earned.

(E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.

(F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.

(G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.

(H) The amount of refunds made pursuant to subdivision (e) of Section 66001 and any allocations pursuant to subdivision (f) of Section 66001.

(2) The local agency shall review the information made available

to the public pursuant to paragraph (1) at the next regularly scheduled public meeting not less than 15 days after this information is made available to the public, as required by this subdivision. Notice of the time and place of the meeting, including the address where this information may be reviewed, shall be mailed, at least 15 days prior to the meeting, to any interested party who files a written request with the local agency for mailed notice of the meeting. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

(c) For purposes of this section, "fee" means any fee imposed to provide for an improvement to be constructed to serve a development project, or which is a fee for public improvements within the meaning of subdivision (b) of Section 66000, and that is imposed by the local agency as a condition of approving the development project.

(d) Any person may request an audit of any local agency fee or charge that is subject to Section 66023, including fees or charges of school districts, in accordance with that section.

(e) The Legislature finds and declares that untimely or improper allocation of development fees hinders economic growth and is, therefore, a matter of statewide interest and concern. It is, therefore, the intent of the Legislature that this section shall supersede all conflicting local laws and shall apply in charter cities.

(f) At the time the local agency imposes a fee for public improvements on a specific development project, it shall identify the public improvement that the fee will be used to finance.

66006.5. (a) A city or county which imposes an assessment, fee, or charge, other than a tax, for transportation purposes may, by ordinance, prescribe conditions and procedures allowing real property which is needed by the city or county for local transportation purposes, or by the state for transportation projects which will not receive any federal funds, to be donated by the obligor in satisfaction or partial satisfaction of the assessment, fee, or charge.

(b) To facilitate the implementation of subdivision (a), the Department of Transportation shall do all of the following:

(1) Give priority to the refinement, modification, and enhancement of procedures and policies dealing with right-of-way donations in order to encourage and facilitate those donations.

(2) Reduce or simplify paperwork requirements involving right-of-way procurement.

(3) Increase communication and education efforts as a means to solicit and encourage voluntary right-of-way donations.

(4) Enhance communication and coordination with local public entities through agreements of understanding that address state acceptance of right-of-way donations.

66007. (a) Except as otherwise provided in subdivision (b), any local agency that imposes any fees or charges on a residential development for the construction of public improvements or facilities shall not require the payment of those fees or charges,

notwithstanding any other provision of law, until the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first. However, utility service fees may be collected at the time an application for utility service is received.

If the residential development contains more than one dwelling, the local agency may determine whether the fees or charges shall be paid on a pro rata basis for each dwelling when it receives its final inspection or certificate of occupancy, whichever occurs first; on a pro rata basis when a certain percentage of the dwellings have received their final inspection or certificate of occupancy, whichever occurs first; or on a lump-sum basis when the first dwelling in the development receives its final inspection or certificate of occupancy, whichever occurs first.

(b) Notwithstanding subdivision (a), the local agency may require the payment of those fees or charges at an earlier time if (1) the local agency determines that the fees or charges will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the local agency has adopted a proposed construction schedule or plan prior to final inspection or issuance of the certificate of occupancy or (2) the fees or charges are to reimburse the local agency for expenditures previously made. "Appropriated," as used in this subdivision, means authorization by the governing body of the local agency for which the fee is collected to make expenditures and incur obligations for specific purposes.

(c) (1) If any fee or charge specified in subdivision (a) is not fully paid prior to issuance of a building permit for construction of any portion of the residential development encumbered thereby, the local agency issuing the building permit may require the property owner, or lessee if the lessee's interest appears of record, as a condition of issuance of the building permit, to execute a contract to pay the fee or charge, or applicable portion thereof, within the time specified in subdivision (a). If the fee or charge is prorated pursuant to subdivision (a), the obligation under the contract shall be similarly prorated.

(2) The obligation to pay the fee or charge shall inure to the benefit of, and be enforceable by, the local agency that imposed the fee or charge, regardless of whether it is a party to the contract. The contract shall contain a legal description of the property affected, shall be recorded in the office of the county recorder of the county and, from the date of recordation, shall constitute a lien for the payment of the fee or charge, which shall be enforceable against successors in interest to the property owner or lessee at the time of issuance of the building permit. The contract shall be recorded in the grantor-grantee index in the name of the public agency issuing the building permit as grantee and in the name of the property owner or lessee as grantor. The local agency shall record a release of the obligation, containing a legal description of the property, in the event the obligation is paid in full, or a partial release in the event the fee or charge is prorated pursuant to subdivision (a).

(3) The contract may require the property owner or lessee to provide appropriate notification of the opening of any escrow for the sale of the property for which the building permit was issued and to provide in the escrow instructions that the fee or charge be paid to the local agency imposing the same from the sale proceeds in escrow prior to disbursing proceeds to the seller.

(d) This section applies only to fees collected by a local agency to fund the construction of public improvements or facilities. It does not apply to fees collected to cover the cost of code

enforcement or inspection services, or to other fees collected to pay for the cost of enforcement of local ordinances or state law.

(e) "Final inspection" or "certificate of occupancy," as used in this section, have the same meaning as described in Sections 305 and 307 of the Uniform Building Code, International Conference of Building Officials, 1985 edition.

(f) Methods of complying with the requirement in subdivision (b) that a proposed construction schedule or plan be adopted, include, but are not limited to, (1) the adoption of the capital improvement plan described in Section 66002, or (2) the submittal of a five-year plan for construction and rehabilitation of school facilities pursuant to subdivision (c) of Section 17017.5 of the Education Code.

66008. A local agency shall expend a fee for public improvements, as accounted for pursuant to Section 66006, solely and exclusively for the purpose or purposes, as identified in subdivision (f) of Section 66006, for which the fee was collected. The fee shall not be levied, collected, or imposed for general revenue purposes.

GOVERNMENT CODE SECTION 66012-66014

66012. (a) Notwithstanding any other provision of law which prescribes an amount or otherwise limits the amount of a fee or charge which may be levied by a city, county, or city and county, a city, county, or city and county shall have the authority to levy any fee or charge in connection with the operation of an aerial tramway within its jurisdiction.

(b) If any person disputes whether a fee or charge levied pursuant to subdivision (a) is reasonable, the auditor, or if there is no auditor, the fiscal officer, of the city, county, or city and county shall, upon request of the legislative body of the city, county, or city and county, conduct a study and determine whether the fee or charge is reasonable.

66013. (a) Notwithstanding any other provision of law, when a local agency imposes fees for water connections or sewer connections, or imposes capacity charges, those fees or charges shall not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed, unless a question regarding the amount of the fee or charge imposed in excess of the estimated reasonable cost of providing the services or materials is submitted to, and approved by, a popular vote of two-thirds of those electors voting on the issue.

(b) As used in this section:

(1) "Sewer connection" means the connection of a structure or project to a public sewer system.

(2) "Water connection" means the connection of a structure or project to a public water system, as defined in subdivision (f) of Section 116275 of the Health and Safety Code.

(3) "Capacity charge" means a charge for facilities in existence at the time a charge is imposed or charges for new facilities to be constructed in the future that are of benefit to the person or property being charged.

(4) "Local agency" means a local agency as defined in Section 66000.

(5) "Fee" means a fee for the physical facilities necessary to make a water connection or sewer connection, including, but not limited to, meters, meter boxes, and pipelines from the structure or project to a water distribution line or sewer main, and that does not exceed the estimated reasonable cost of labor and materials for installation of those facilities.

(c) A local agency receiving payment of a charge as specified in paragraph (3) of subdivision (b) shall deposit it in a separate capital facilities fund with other charges received, and account for the charges in a manner to avoid any commingling with other moneys of the local agency, except for investments, and shall expend those charges solely for the purposes for which the charges were collected. Any interest income earned from the investment of moneys in the capital facilities fund shall be deposited in that fund.

(d) For a fund established pursuant to subdivision (c), a local agency shall make available to the public, within 180 days after the last day of each fiscal year, the following information for that

fiscal year:

(1) A description of the charges deposited in the fund.

(2) The beginning and ending balance of the fund and the interest earned from investment of moneys in the fund.

(3) The amount of charges collected in that fiscal year.

(4) An identification of all of the following:

(A) Each public improvement on which charges were expended and the amount of the expenditure for each improvement, including the percentage of the total cost of the public improvement that was funded with those charges if more than one source of funding was used.

(B) Each public improvement on which charges were expended that was completed during that fiscal year.

(C) Each public improvement that is anticipated to be undertaken in the following fiscal year.

(5) A description of each interfund transfer or loan made from the capital facilities fund. The information provided, in the case of an interfund transfer, shall identify the public improvements on which the transferred moneys are, or will be, expended. The information, in the case of an interfund loan, shall include the date on which the loan will be repaid, and the rate of interest that the fund will receive on the loan.

(e) The information required pursuant to subdivision (d) may be included in the local agency's annual financial report.

(f) The provisions of subdivisions (c) and (d) shall not apply to any of the following:

(1) Moneys received to construct public facilities pursuant to a contract between a local agency and a person or entity, including, but not limited to, a reimbursement agreement pursuant to Section 66003.

(2) Charges that are used to pay existing debt service or which are subject to a contract with a trustee for bondholders that requires a different accounting of the charges, or charges that are used to reimburse the local agency or to reimburse a person or entity who advanced funds under a reimbursement agreement or contract for facilities in existence at the time the charges are collected.

(3) Charges collected on or before December 31, 1998.

(g) Any judicial action or proceeding to attack, review, set aside, void, or annul the ordinance, resolution, or motion imposing a fee or capacity charge subject to this section shall be brought pursuant to Section 66022.

(h) Fees and charges subject to this section are not subject to the provisions of Chapter 5 (commencing with Section 66000), but are subject to the provisions of Sections 66016, 66022, and 66023.

(i) The provisions of subdivisions (c) and (d) shall only apply to capacity charges levied pursuant to this section.

66014. (a) Notwithstanding any other provision of law, when a local agency charges fees for zoning variances; zoning changes; use permits; building inspections; building permits; filing and processing applications and petitions filed with the local agency formation commission or conducting preliminary proceedings or proceedings under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3 (commencing with Section 56000) of Title 5; the processing of maps under the provisions of the Subdivision Map Act, Division 2 (commencing with Section 66410) of Title 7; or planning services under the authority of Chapter 3 (commencing with Section 65100) of Division 1 of Title 7 or under any

other authority; those fees may not exceed the estimated reasonable cost of providing the service for which the fee is charged, unless a question regarding the amount of the fee charged in excess of the estimated reasonable cost of providing the services or materials is submitted to, and approved by, a popular vote of two-thirds of those electors voting on the issue.

(b) The fees charged pursuant to subdivision (a) may include the costs reasonably necessary to prepare and revise the plans and policies that a local agency is required to adopt before it can make any necessary findings and determinations.

(c) Any judicial action or proceeding to attack, review, set aside, void, or annul the ordinance, resolution, or motion authorizing the charge of a fee subject to this section shall be brought pursuant to Section 66022.

GOVERNMENT CODE SECTION 66016-66018.5

66016. (a) Prior to levying a new fee or service charge, or prior to approving an increase in an existing fee or service charge, a local agency shall hold at least one open and public meeting, at which oral or written presentations can be made, as part of a regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, and a statement that the data required by this section is available, shall be mailed at least 14 days prior to the meeting to any interested party who files a written request with the local agency for mailed notice of the meeting on new or increased fees or service charges. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service. At least 10 days prior to the meeting, the local agency shall make available to the public data indicating the amount of cost, or estimated cost, required to provide the service for which the fee or service charge is levied and the revenue sources anticipated to provide the service, including General Fund revenues. Unless there has been voter approval, as prescribed by Section 66013 or 66014, no local agency shall levy a new fee or service charge or increase an existing fee or service charge to an amount which exceeds the estimated amount required to provide the service for which the fee or service charge is levied. If, however, the fees or service charges create revenues in excess of actual cost, those revenues shall be used to reduce the fee or service charge creating the excess.

(b) Any action by a local agency to levy a new fee or service charge or to approve an increase in an existing fee or service charge shall be taken only by ordinance or resolution. The legislative body of a local agency shall not delegate the authority to adopt a new fee or service charge, or to increase a fee or service charge.

(c) Any costs incurred by a local agency in conducting the meeting or meetings required pursuant to subdivision (a) may be recovered from fees charged for the services which were the subject of the meeting.

(d) This section shall apply only to fees and charges as described in Sections 51287, 56383, 65104, 65456, 65584.1, 65863.7, 65909.5, 66013, 66014, and 66451.2 of this code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section 41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code.

(e) Any judicial action or proceeding to attack, review, set aside, void, or annul the ordinance, resolution, or motion levying a fee or service charge subject to this section shall be brought pursuant to Section 66022.

66017. (a) Any action adopting a fee or charge, or increasing a fee or charge adopted, upon a development project, as defined in Section 66000, which applies to the filing, accepting, reviewing, approving, or issuing of an application, permit, or entitlement to use shall be

enacted in accordance with the notice and public hearing procedures specified in Section 54986 or 66016 and shall be effective no sooner than 60 days following the final action on the adoption of the fee or charge or increase in the fee or charge.

(b) Without following the procedure otherwise required for the adoption of a fee or charge, or increasing a fee or charge, the legislative body of a local agency may adopt an urgency measure as an interim authorization for a fee or charge, or increase in a fee or charge, to protect the public health, welfare and safety. The interim authorization shall require four-fifths vote of the legislative body for adoption. The interim authorization shall have no force or effect 30 days after its adoption. The interim authority shall contain findings describing the current and immediate threat to the public health, welfare, and safety. After notice and public hearing pursuant to Section 54986 or 66016, the legislative body may extend the interim authority for an additional 30 days. Not more than two extensions may be granted. Any extension shall also require a four-fifths vote of the legislative body.

66018. (a) Prior to adopting an ordinance, resolution, or other legislative enactment adopting a new fee or approving an increase in an existing fee to which this section applies, a local agency shall hold a public hearing, at which oral or written presentations can be made, as part of a regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, shall be published in accordance with Section 6062a.

(b) Any costs incurred by a local agency in conducting the hearing required pursuant to subdivision (a) may be recovered as part of the fees which were the subject of the hearing.

(c) This section applies only to the adopting or increasing of fees to which a specific statutory notice requirement, other than Section 54954.2, does not apply.

(d) As used in this section, "fees" do not include rates or charges for water, sewer, or electrical service.

66018.5. "Local agency," as used in this chapter, has the same meaning as provided in Section 66000.

EXHIBIT NO. 29

Article 6: Refrigeration Code

Division 4: Miscellaneous Fees
Fees Relating to Park and Recreational Facilities

("Miscellaneous Fees, Fees Relating to Park and Recreational Facilities" added 9–3–1975 by O–11672 N.S.)

§96.0401 Statement of Policy

The Council hereby finds that in order to furnish adequate park and recreational facilities needed to serve development resulting from building construction within the City, it is necessary for the City to exercise the powers it has by virtue of being a home rule city and establish a procedure for the collection of fees incident to the issuance of building permits for the purpose of financing these facilities. It is the intent of this Article that the cost of the acquisition and improvement of park and recreational facilities required to serve new or replacement development be borne by the owners of such development.
("Statement of Policy" added 9–3–1975 by O–11672 N.S. formerly Sec. 99.0101.)

§96.0402 Application

The provisions of this Division shall apply to all building permits issued which create dwelling units for human habitation or add to the number of such units in any structure. The provisions of this Division shall not apply to a building permit issued for the purpose of reconstructing, repairing or replacing a building which has been or is hereafter damaged or destroyed by fire, explosion, act of God, or act of the public enemy, provided the number of dwelling units on the lot or parcel is not increased by the reconstruction, repair or replacement to a number that exceeds the number of dwelling units that legally existed on the lot or parcel prior to the event that damaged or destroyed the building. The provisions of this paragraph shall apply to park fees which are required to be paid by this Division or any other section of this Code.

Fees prescribed herein are in addition to those required by Section 91.0107, Section 102.0805 and other sections of this Code.
(Amended 1–8–1996 by O–18245 N.S.)

§96.0403 Payment of Fees

Prior to the issuance of any building permit, the Building Official shall assure that fees are paid to the City for park and recreational facilities in accordance with the following schedule:

1. Construction of new single-family dwelling units, $100.00 per including modular housing and mobile homes dwelling unit

2. Construction of new multi-family dwelling units, $ 75.00 per dwelling unit

Fees collected shall be refunded to the individual making payment in event the building permit expires, within the meaning of Section 302(d) of the California Building Code. Requests for a refund of fees shall be in writing and shall set forth in full the facts showing that such permit has expired.
(Amended 7-19-1999 by O-18656 N.S.)

§96.0404 Use of Fees Collected

Fees collected pursuant to the provisions of this Article, together with any earned interest thereon, shall be deposited in a special fund with a separate revenue and expense account established for park and recreational purposes. Expenditures from said fund shall be made only for park and recreational facilities within areas from which they were collected. Expenditures may be for: (1) the City purchase of land and the construction of facilities, (2) the purchase of already constructed facilities from public agencies or private parties, (3) the rehabilitation of existing park or recreational facilities only when such rehabilitation would serve expanded needs or demographic changes at existing parks or provide new additional equipment allowing expanded use of the park or (4) to reimburse those who may have donated land and constructed improvements to the extent of the value of such land and improvements in excess of their proportionate responsibility.
(Amended 5–16–1988 by O–17093 N.S.)

§96.0405 Adoption of Park and Recreational Building Permit Fee Utilization Areas Map

The City Council does hereby adopt a map entitled "Park and Recreational Building Permit Fee Utilization Areas," showing the areas within which building permit fees collected shall be allocated. This map will be superimposed on the existing Park Service Districts Map and shall be presented to the City Council annually for review and possible modification along with the Park Service Districts review.
("Adoption of Park and Recreational Building Permit Fee Utilization Areas Map" added 9–3–1975 by O–11672 N.S. formerly Sec. 99.0105.)

§96.0406 Severability

If any section, sentence, clause or phrase of this Article or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of this Article or the application of such provisions to other persons or

circumstances shall not be affected thereby.
("Severability" added 9–3–1975 by O–11672 N.S. formerly Sec. 99.0106.)

(O-88-146)

ORDINANCE NUMBER O-17093 (NEW SERIES)

ADOPTED ON MAY 16 1988

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 6, DIVISION 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 96.0404 RELATING TO USE OF FEES COLLECTED.

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

Section 1. That Chapter IX, Article 6, Division 4, of the San Diego Municipal Code be and the same is hereby amended by amending Section 96.0404, to read as follows:

SEC. 96.0404 USE OF FEES COLLECTED

Fees collected pursuant to the provisions of this Article, together with any earned interest thereon, shall be deposited in a special fund with a separate revenue and expense account established for park and recreational purposes. Expenditures from said fund shall be made only for park and recreational facilities within areas from which they were collected. Expenditures may be for: (1) the City purchase of land and the construction of facilities, (2) the purchase of already constructed facilities from public agencies or private parties, (3) the rehabilitation of existing park or recreational facilities only when such rehabilitation would serve expanded needs or demographic changes at existing parks or provide new additional equipment

expanded use of the park or (4) to reimburse those who may have donated land and constructed improvements to the extent of the value of such land and improvements in excess of their proportionate responsibility.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By Mary Kay Jackson
Mary Kay Jackson
Deputy City Attorney

MKJ:mrh
03/24/88
Or.Dept:Pk.&Rec.
O-88-146
Form=o.none

Passed and adopted by the Council of The City of San Diego on MAY 2 1988, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	☐	☐	☑	☐
Ron Roberts	☑	☐	☐	☐
Gloria McColl	☐	☐	☑	☐
H. Wes Pratt	☑	☐	☐	☐
Ed Struiksma	☑	☐	☐	☐
J. Bruce Henderson	☑	☐	☐	☐
Judy McCarty	☑	☐	☐	☐
Bob Filner	☑	☐	☐	☐
Mayor Maureen O'Connor	☑	☐	☐	☐

AUTHENTICATED BY:

MAUREEN O'CONNOR,
Mayor of The City of San Diego, California.

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

(Seal)

By Ellen Bovard, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on MAY 2 1988, and on MAY 16 1988.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

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

(Seal)

By Ellen Bovard, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number O-17093 Adopted MAY 16 1988

CC-1255-A (Rev. 12-87)

fire resistance, durability, and safety, so that such structures are satisfactory and safe to occupy for residential purposes and are not conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime because of any one or more of the following factors:

1. Defective design and character of physical construction.

2. Faulty interior arrangement and exterior spacing.

3. Inadequate provisions for ventilation, lighting and sanitation.

4. Obsolescence, deterioration and dilapidation.

T. "Residential rehabilitation area" means the geographical area determined pursuant to the provisions of Division 5 hereof. It may also be referred to as the "designated area" or the "Code enforcement area."

U. "Residential rehabilitation loan fund" means the fund established with the proceeds of bonds issued pursuant to the provisions of this chapter.

V. "Revenues" means all amounts received as repayment of principal, interest, and all other charges received for, and all other income and receipts derived by, the City of San Diego from the financing of residential rehabilitation, including monies deposited in a sinking, redemption or reserve fund, or other fund, to secure the bonds or to provide for the payment of the principal of, or interest on, the bonds, and such other monies as the City Council may, in its discretion, make available therefor.

(New Sec. 99.0102 — Definitions — added 1-23-75 by O-11483 N.S.)

§ 99.0103 References to Public Officials and Public Agencies

A. Unless otherwise indicated, all public officials and public agencies named in this chapter are officials and agencies of the City.

B. Whenever a City official is referred to in this chapter, the reference includes that official and his or her designee or designees.

C. All references to the Charter or to ordinances are references to the Charter or ordinances of the City.

D. Under direction and review of the City Manager, the managerial, the planning, and legal departments should appropriately participate in the RAP Program.

(New Sec. 99.0103 — References to Public Officials and Public Agencies — added 1-23-75 by O-11483 N.S.)

§ 99.0104 Use of Fees Collected

(Repealed by renumbering to Sec. 96.0404 9-3-75 by O-11672 N.S.)

99.0105 Adoption of Park and Recreational Building Permit Fee Utilization Areas Map

(Repealed by renumbering to Sec. 96.0405 9-3-75 by O-11672 N.S.)

§ 99.0106 Severability

(Repealed by renumbering to Sec. 96.0406 9-3-75 by O-11672 N.S.)

CLERK'S OFFICE COPY
DO NOT GIVE OUT

ORDINANCE NO. 11672

(New Series)

AN ORDINANCE AMENDING CHAPTER IX OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING ARTICLE 9, SECTIONS 99.0101 THROUGH 99.0106, RELATING TO FEES FOR PARK AND RECREATIONAL FACILITIES, AND BY ADDING ARTICLE 6, DIVISION 4, SECTIONS 96.0401 THROUGH 96.0406, RELATING TO MISCELLANEOUS FEES AND FEES FOR PARK AND RECREATIONAL FACILITIES.

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

Section 1. That Chapter IX, Article 9, of the San Diego Municipal Code be, and it is hereby amended by repealing Article 9, Sections 99.0101 through 99.0106, and all titles and subtitles thereof, indicated as follows:

ARTICLE 9
FEES FOR PARK AND RECREATIONAL FACILITIES

SEC. 99.0101 STATEMENT OF POLICY
SEC. 99.0102 APPLICATION
SEC. 99.0103 PAYMENT OF FEES
SEC. 99.0104 USE OF FEES COLLECTED
SEC. 99.0105 ADOPTION OF PARK AND RECREATIONAL BUILDING PERMIT FEE UTILIZATION AREAS MAP
SEC. 99.0106 SEVERABILITY

Section 2. That Chapter IX of the San Diego Municipal Code be, and it is hereby amended by adding Article 6, Division 4, Sections 96.0401 through 96.0406 to read as follows:

ARTICLE 6
MISCELLANEOUS FEES
DIVISION 4
FEES RELATING TO PARK AND RECREATIONAL FACILITIES

SEC. 96.0401 STATEMENT OF POLICY

The Council hereby finds that in order to furnish adequate park and recreational facilities needed to serve development resulting from building construction within the City, it is necessary for the City to exercise the powers it has by virtue of being a home rule city and establish a procedure for the collection of fees incident to the issuance of building permits for the purpose of financing these facilities. It is the intent of this Article that the cost of the acquisition and improvement of park and recreational facilities required to serve new or replacement development be borne by the owners of such development.

SEC. 96.0402 APPLICATION

The provisions of this Article shall apply to all building permits issued which create dwelling units for human habitation or add to the number of such units in any structure.

Fees prescribed herein are in addition to those required by Section 91.02.0303 (Section 303(a) of the Uniform Building Code), Section 102.0805 and other sections of this Code.

SEC. 96.0403 PAYMENT OF FEES

Prior to the issuance of any building permit, the Building Official shall assure that fees are paid to the City for park and recreational facilities in accordance with the following schedule:

1. Construction of new single-family dwelling units, including modular housing and mobile homes	$100.00 per dwelling unit
2. Construction of new multi-family dwelling units	$75.00 per dwelling unit

Fees collected shall be refunded to the individual making payment in event the building permit expires, within the meaning of Section 302(d) of the Uniform Building Code. Requests for a refund of fees shall be in writing and shall set forth in full the facts showing that such permit has expired.

SEC. 96.0404 USE OF FEES COLLECTED

Fees collected pursuant to the provisions of this Article, together with any earned interest thereon, shall be deposited in a special fund with a separate revenue and expense account established for park and recreational purposes. Expenditures from said fund shall be made only for park and recreational facilities within areas from which they were collected. Expenditures may be for: (1) the City purchase of land and the construction of facilities, (2) the purchase of already constructed facilities from public agencies or private parties, or (3) to reimburse those who may have donated land and constructed improvements to the extent of the value of such land and improvements in excess of their proportionate responsibility.

SEC. 96.0405 ADOPTION OF PARK AND RECREATIONAL BUILDING PERMIT FEE UTILIZATION AREAS MAP

The City Council does hereby adopt a map entitled "Park and Recreational Building Permit Fee Utilization Areas," showing the areas within which building permit fees collected shall be allocated. This map will be superimposed on the existing Park Service Districts Map and shall be presented to the City Council annually for review and possible modification along with the Park Service Districts review.

SEC. 96.0406 SEVERABILITY

If any section, sentence, clause or phrase of this Article or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of this Article or the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on August 20, 1975.

Passed and adopted by the Council of The City of San Diego on September 3, 1975.

AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of
San Diego, California.
EDWARD NIELSEN,
City Clerk of The City of
San Diego, California.
By KATHLEEN MARTINEZ,
Deputy.
(SEAL)

Pub. Sept. 12, 1975 LS 4502

O. 74-41

ORDINANCE NO. 11341 (New Series) JUN 27 1974

AN ORDINANCE AMENDING CHAPTER IX OF THE SAN DIEGO MUNICIPAL CODE BY ADDING THERETO ARTICLE 9, FEES FOR PARK AND RECREATIONAL FACILITIES AND SECTIONS 99.0101 THROUGH 99.0106.

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

Section 1. That Chapter IX of the San Diego Municipal Code be amended by adding thereto Article 9 to read as follows:

ARTICLE 9

FEES FOR PARK AND RECREATIONAL FACILITIES

SEC. 99.0101 STATEMENT OF POLICY

The Council hereby finds that in order to furnish adequate park and recreational facilities needed to serve development resulting from building construction within the City, it is necessary for the City to exercise the powers it has by virtue of being a home rule city and establish a procedure for the collection of fees incident to the issuance of building permits for the purpose of financing these facilities. It is the intent of this Article that the cost of the acquisition and improvement of park and recreational facilities required to serve new or replacement development be borne by the owners of such development.

SEC. 99.0102 APPLICATION

The provisions of this Article shall apply to all building permits issued which create dwelling units for human habitation

MICROFILMED

01220 MAY 2 1978

or add to the number of such units in any structure.

Fees prescribed herein are in addition to those required by Section 91.02.0303 (Section 303(a) of the Uniform Building Code), Section 102.0805 and other sections of this Code.

SEC. 99.0103 PAYMENT OF FEES

Prior to the issuance of any building permit, the Building Official shall assure that fees are paid to the City for park and recreational facilities in accordance with the following schedule:

1.	Construction of new single-family dwelling units, including modular housing and mobile homes	$100.00 per dwelling unit
2.	Construction of new multi-family dwelling units	$75.00 per dwelling unit

Fees collected shall be refunded to the individual making payment in event the building permit expires, within the meaning of Section 302(d) of the Uniform Building Code. Requests for a refund of fees shall be in writing and shall set forth in full the facts showing that such permit has expired.

SEC. 99.0104 USE OF FEES COLLECTED

Fees collected pursuant to the provisions of this Article, together with any earned interest thereon, shall be deposited in a special fund with a separate revenue and expense account established for park and recreational purposes. Expenditures from said fund shall be made only for park and recreational facilities within areas from which they were collected.

MICROFILMED
MAY 2 1978

01221 11341

Expenditures may be for: (1) the City purchase of land and the construction of facilities, (2) the purchase of already constructed facilities from public agencies or private parties, or (3) to reimburse those who may have donated land and constructed improvements to the extent of the value of such land and improvements in excess of their proportionate responsibility.

SEC. 99.0105 ADOPTION OF PARK AND RECREATIONAL BUILDING PERMIT FEE UTILIZATION AREAS MAP

The City Council does hereby adopt a map entitled "Park and Recreational Building Permit Fee Utilization Areas," showing the areas within which building permit fees collected shall be allocated. This map will be superimposed on the existing Park Service Districts Map and shall be presented to the City Council annually for review and possible modification along with the Park Service Districts review.

SEC. 99.0106 SEVERABILITY

If any section, sentence, clause or phrase of this Article or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of this Article or the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad
Frederick C. Conrad, Chief Deputy

FCC:mmb
5-10-74

MICROFILMED
MAY 2 1973

01222 11241

Passed and adopted by the Council of The City of San Diego on JUN 27 1974 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	☑	☐	☐	☐
Maureen F. O'Connor	☑	☐	☐	☐
Lee Hubbard	☑	☐	☐	☐
Leon L. Williams	☑	☐	☐	☐
Floyd L. Morrow	☑	☐	☐	☐
Bob Martinez	☑	☐	☐	☐
Jim Ellis	☑	☐	☐	☐
Jim Bates	☑	☐	☐	☐
Mayor Pete Wilson	☑	☐	☐	☐

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

EDWA D NIELSEN
City Clerk of The City of San Diego, California.

(Seal)

By LaVerne E Miller, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on JUN 13 1974, and on JUN 27 1974.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

(Seal)

By LaVerne E Miller, Deputy.

RECEIVED
CITY CLERK'S OFFICE
1974 NOV 15 PM 2:20
SAN DIEGO, CALIF.

MICROFILMED
MAY 8 1979
Office of the City Clerk, San Diego, California

Ordinance Number 11341 Adopted JUN 27 1974

CC-1285-A (REV. 11-73)

ORDINANCE NO. 11341

(New Series)

AN ORDINANCE AMENDING CHAPTER IX OF THE SAN DIEGO MUNICIPAL CODE BY ADDING THERETO ARTICLE 8 FEES FOR PARKS AND RECREATIONAL FACILITIES AND SECTIONS 98.0101 THROUGH 98.0104.

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

Section 1: That Chapter IX of the San Diego Municipal Code be amended by adding thereto Article 8 to read as follows:

ARTICLE 8

FEES FOR PARK AND RECREATIONAL FACILITIES

SEC. 98.0101 STATEMENT OF POLICY

The Council hereby finds that in order to provide adequate park and recreational facilities to serve development resulting from building construction within the City, it is necessary for the City to exercise the powers delegated to it by using its home rule city and establish a procedure for the collection of fees incident to the issuance of building permits for the purpose of financing these facilities. It is the intent of this Article that the cost of the acquisition and improvement of park and recreational facilities be borne by the owners of such development.

SEC. 98.0102 APPLICATION

The provisions of this Article shall apply to all building permits issued which create dwelling units for human habitation, or add to the number of such units in any structure.

Fees prescribed herein are in addition to those required by Section 91.0103(f) (Section 903.1) of the Uniform Building Code, Section 102.0903 and other sections of this Code.

SEC. 98.0103 PAYMENT OF FEES

Prior to the issuance of any building permit, the Building Official shall assure that fees are paid to the City for park and recreational facilities in accordance with the following schedule:

1. Construction of new single family dwelling units, including modular homes and mobile homes — $100.00 per dwelling unit

2. Construction of new multi-family dwelling units — $75.00 per dwelling unit

Fees collected shall be refunded to the individual making payment in event the building permit expires within the meaning of Section 303(d) of the Uniform Building Code. Refunds are to be made upon the expiration of the permit and shall set forth in full the facts showing that such permit has expired.

SEC. 98.0104 USE OF FEES COLLECTED

Fees collected under the provisions of this Article, together with interest thereon, shall be maintained in a special fund with a separate revenue and expense account established for park and recreational purposes. Expenditures from said fund shall be made only for park and recreational facilities within areas from which they were collected. Expenditures may include: (1) the purchase of land and the construction of facilities, (2) the purchase of already completed facilities from public agencies or private parties, or (3) reimbursement to persons who may have donated land and constructed improvements to the extent of the value of such land and improvements in excess of their proportionate responsibility.

SEC. 98.0105 ADOPTION OF PARK AND RECREATIONAL BUILDING PERMIT FEE UTILIZATION AREAS MAP

The City Council does hereby adopt a map entitled "Park and Recreational Building Permit Fee Utilization Areas" showing the areas within which building permit fees collected shall be allocated. This map will be superimposed on the existing Park Service Districts Map and shall be presented to the City Council annually for review and possible modification by private Park Service District review.

SEC. 98.0106 SEVERABILITY

If any section, clause, or part of this Article or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of this Article or the application of such provision to other persons or circumstances shall not be affected thereby.

Section 2: This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Passed and adopted by the Council of The City of San Diego on June 27, 1974.

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

EDWARD WHITSENT
City Clerk of The City of San Diego, California.

By: VERNITA SMITH, Deputy

(Seal)

Approved: July 5, 1974

01225

RECEIVED
CITY CLERK'S OFFICE
1974 JUL 31 AM 8:07
SAN DIEGO, CALIF.

ATTORNEY (S)

City of San Diego
12th Floor 202 C St.
San Diego, Ca 92101

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXO~~

CERTIFICATE OF PUBLICATION

No. 11341

IN THE MATTER OF

PARK AND RECREATIONAL FACILITIES

I, Patricia M. Applestill hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; that the

ORDINANCE NO. 11341

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

July 5, 1974

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

July 19, 1974

Patricia M. Applestill

(Signature)

14½" @ 4.42 = $64.09

L-11—8M-4-74

01224

EXHIBIT NO. 30

Fox Canyon Neighborhood Improvements
Coordination Meeting
4/26/04

Goals of the meeting:
Discuss roles, responsibilities and feasibility of the four options for development of the Fox Canyon Neighborhood Park and Ontario Road.

Identify issues that require further research. Assign action items.

Leave with a plan for presenting the four options at the May 3rd meeting.

1) Project overview (CD 7 priority)

2) Option A
Pros
Cons

3) Option B
Pros
Cons

4) Option C
Pros
Cons

5) Option D
Pros
Cons

Action Items:

CITY OF SAN DIEGO
FOX CANYON NEIGHBORHOOD IMPROVEMENTS
COORDINATION MEETING

April 26, 2004
1:00 P.M.
Palisades

Attendees: April Penera, Park & Rec., Park Planning
Tracy Reed, Community and Economic Development
Jerry McKee, Engineering and Capital Projects
Kelly Rodgers, Park & Rec., Park Planning
Lane MacKenzie, Real Estate Assets
Joey Jacoby, Park & Rec., Park Planning

The following is a brief summary of discussion and action items for Fox Canyon Neighborhood Park and surrounding development:

- **Introduction**
  The council office has asked us to look at extending the redevelopment plan to include extension of Ontario Avenue, development of Auburn Creek per the Chollas Creek Enhancement Plan and possible redevelopment of adjacent properties. Four options will be presented to Dir. Ellie Oppenheim or Park and Recreation and Dir. Hank Cunningham of Community Development on May 3rd. The purpose of the April 26th meeting was to identify possible issues associated with the options and designate action items for attendees to complete prior to May 3rd.

- **The four options are as follows:**

  A) Develop Park on purchased land. Enhance creek in area now designated as the paper street for Ontario Ave.,

  B) Develop park on purchased land. Construct Ontario Ave. with a 20' buffer from the Northwest property (to accommodate Auburn Creek Enhancement). This would entail taking a single family property on the south side, and losing some park land to road alignment.

  C) Develop park on purchased land. Construct Ontario Ave. in original alignment and realigning the southern portion of Auburn Creek through the multi family property at the corner of Ontario Ave. and Auburn Ave. This would create additional park land on the north west side of Ontario Ave.

  D) Develop park on purchased land. Construct Ontario Ave. with a new orientation that swings through a portion of three multi family properties on the west side of its

existing alignment. This would maximize park space and unite the Auburn Creek enhancement with the park.

- **Action items that were identified:**

1) Kelly Rodgers to contact Jamal Batta Regarding CIP 12-106.0 Auburn Drive Channel.

2) Tracy Reed to check project area boundaries, zoning and eligibility for redevelopment funds.

3) Lane to prepare an estimate for acquiring proposed properties.

4) Joey to check the Community Plan regarding the Ontario Ave. extension and determine the classification of the street.

5) Joey to confirm that a culvert can be used to cross Auburn Creek

- **Comments:**

J. McKee has a memo from Jan. 28, 2000 advocating the extension of Ontario Ave. At that time the ADT was estimated to be 1,300 vehicles per day.

J. McKee has an $800,000 estimate for constructing a 28' wide street at Ontario from 2002. Given the lapse of time and likelihood that the road would be at least 30' wide the estimate is expected to be $1 million.

T. Reed feels that the ADT would be greatly increased and put traffic through a single family neighborhood to the south. He suggested a one way street or a sidewalk that would accommodate police cars.

J. Mckee says that the road shown in Plan D would need to be more of a compound curve as it comes from Winona.

These meeting minutes were prepared by Joey Jacoby. Please contact Joey at (619) 533-4017, by May 5, 2004 should you have any revisions or additions. Otherwise, these minutes shall be deemed final.

EXHIBIT NO. 31

- Shortlisted [illegible]
- Ball is in owner's court
Community Plan amend ???

AGENDA
FOX CANYON COORDINATION MEETING
June 1, 2004
9:30 A.M.

GOAL OF MEETING: To discuss the feasibility of each alternative.
DELIVERABLE: Recommendation of preferred alternative/alternatives for presentation to CD 7.

1) Introductions

2) Description – Joey

a) Alternative A — Can we use street vacation for creek enhance

b) Alternative B — has eminent domain (condem)

c) Alternative C — Replace $7c^K - $8c^K per dw

d) Alternative D

3) Update on Proposed Land Purchase – Lane

4) Update – April 26, 2004 Meeting Action Items

5) Next Steps — A phase 1

6) Assign Action Items

7) Next Meeting

move creek near park?

Improve Afford Housing

[illegible] move creek
3 afford housing
[illegible]
street vacation
acreage loss
w/ road

try [illegible]
[illegible]

City Hty for afford housing
against project + against road.

my [illegible], [illegible], [illegible]
[illegible]

C:\#1 Fox Canyon May 3, 2004.doc
May 3, 2004

AGENDA
FOX CANYON COORDINATION MEETING
June 1, 2004
9:30 A.M.

GOAL OF MEETING: To discuss the feasibility of each alternative.
DELIVERABLE: Recommendation of preferred alternative/alternatives for presentation to CD 7.

1) Introductions

2) Description – Joey
   a) Alternative A
   b) Alternative B
   c) Alternative C
   d) Alternative D

3) Update on Proposed Land Purchase – Lane

4) Update – April 26, 2004 Meeting Action Items

5) Next Steps

6) Assign Action Items

7) Next Meeting

Joey & Kelly -
Excellent Mtg Guys.
Thanks for being fully prepared & ready to go!
It looked great respective of the matrix & informati.

C:\#1 Fox Canyon May 3, 2004.doc
May 3, 2004

CITY OF SAN DIEGO
FOX CANYON NEIGHBORHOOD IMPROVEMENTS
COORDINATION MEETING

June 1, 2004
9:30 A.M.
CAB 9

Attendees: Ellie Oppenheim, Director Park and Recreation Department
Hank Cunningham, Director Community and Economic Development
Bill Deloatch, Park & Rec., Community Parks II
April Penera, Park & Rec., Park Planning
Tracy Reed, Community and Economic Development
Kelly Rodgers, Park & Rec., Park Planning
Carol Wood, Park & Rec., Park Planning
Lane MacKenzie, Real Estate Assets
Joey Jacoby, Park & Rec., Park Planning

The following is a brief summary of discussion and action items from the June 1 meeting for Fox Canyon Neighborhood Park and surrounding development:

- **The four options are as follows:**

A) Develop Park on purchased land. Enhance creek in area now designated as the paper street for Ontario Ave.,

B) Develop park on purchased land. Construct Ontario Ave. with a 20' buffer from the Northwest property (to accommodate Auburn Creek Enhancement). This would entail taking a single family property on the south side, and losing some park land to road alignment. The single family property does provide opportunity for additional park land.

C) Develop park on purchased land. Construct Ontario Ave. in original alignment and realign the southern portion of Auburn Creek through the multi family property at the corner of Ontario Ave. and Auburn Ave. This would create additional park land on the northwest side of Ontario Ave.

D) Develop park on purchased land. Construct Ontario Ave. with a new orientation that swings through a portion of three multi family properties on the west side of its existing alignment. This would maximize park space and unite the Auburn Creek enhancement with the park.

- **Discussion Items:**
  Plans A and B are the best candidates in terms of park funding, and accomplishment within a reasonable time period. Plans C and D involve loss of affordable housing, relocation, and the greatest expense.

  A possible Plan B2 was proposed: moving the road adjacent to the apartments and relocating the stream adjacent to the park.

  Can we use the street for creek enhancement without vacation?*(J. Jacoby subsequently contacted Allan Wake in Development Services and was told that the street must be vacated and the land purchased from the underlying owners, before it can be used for anything other than a street.)*

  We need to create two rows on the matrix that identify the issues and advantages of the four alternatives and also indicate the acreage and expand phasing.

  The City Heights Community Planning Group is against the Ontario Ave. extension. Fox Canyon Neighborhood favors the extension.

- **Action items that were identified:**

  1) Ellie Oppenheim to set up a meeting with Council District 7, Hank Cunningham, Lane MacKenzie, Lara Evans and Karen Henry

  2) Kelly Rodgers and Joey Jacoby to add 'issues' and 'advantages' rows to Matrix, also acreage, and expand phasing.

  3) Lane to determine if the single family property involved in Plan B is owner occupied. *(L. Mackenzie subsequently confirmed that it is owner occupied)*

  5) Joey and Kelly to develop plan B2 and look into the hydraulics of stream relocation

These meeting minutes were prepared by Joey Jacoby. Please contact Joey at (619) 533-4017, by June 11, 2004 should you have any revisions or additions. Otherwise, these minutes shall be deemed final.

EXHIBIT NO. 32

Copy to April + return EO 6/22

Team - FYI TX - Kelly

RECEIVED JUN 22 2004 PARK & RECREATION DIRECTOR

City of San Diego

MEMORANDUM

DATE: June 17, 2004

TO: City Manager Lamont Ewell

FROM: Deputy Mayor Toni Atkins
Councilmember Jim Madaffer
Councilmember Charles Lewis

SUBJECT: Use of future Mid-City Park Development Funds

The purpose of this memo is to address ongoing issues with the allocation of the Mid City Park Development Fund (Fund No. 39094). As you are aware, the fund is shared by Council Districts Three, Four and Seven. In past years, it has been the practice of the Councilmembers to decide among themselves, on a project by project basis, how the funds would be allocated. This has resulted in an uncoordinated system that has created some inequities in the allocation of the funds.

In response, we would like to see the allocation of future funds be based on the percentage of population served in each council district by the fund. City Staff has provided our offices with a breakdown and we would like to see the future allocation of funds distributed accordingly:

Council District Three 60%
Council District Four 10%
Council District Seven 30%

In addition we would request that Council District Seven be given special consideration and priority in funding in order to bring that district up to their allocation percentage of 30 percent of the total funds allocated.

Thank you for your attention to this matter. If you should have any further questions regarding this request please do not hesitate to contact us.

cc: Ellen Oppenheim, Director, Park and Recreation Department

EXHIBIT NO. 33

OFFICIAL DOCUMENT
)FFICE OF THE CITY CLERK
CITY OF SAN DIEGO

NOTICE

This document is not to be removed from the Office of the City Clerk without written authorization.

While in your possession you are PERSONALLY RESPONSIBLE for the safe-keeping of this public document at all times. Stealing, destroying, defacing, altering, etc., this document is punishable by law.
(Calif. Govt. Code Sections 6200 and 6201)

Immediately notify the City Clerk (telephone (619) 533-4000) if this document is damaged or lost.

Return this document IMMEDIATELY when not in actual use to the City Clerk.

R- 299371 JUN 21 2004 #200

JUN 2004

R- 299371 JUN 21 2004 #200

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

OTHERS RESO

* ITEM-106: Funding for Fox Canyon Park and Home Avenue Park from Mid-City Park Development Fund.

(Mid-City Community Area. Districts-4 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1151)

Amending the Fiscal Year 2004 Capital Improvements Program Budget by adding CIP-29-865.0, Home Avenue Park;

Amending the Fiscal Year 2004 Capital Improvements Program Budget for Fund No. 39094, Mid-City Special Park Fees, CIP-29-865.0, Home Avenue Park, by increasing the budget amount by $600,000;

Authorizing the appropriation and expenditure of an amount not to exceed $600,000 from Fund No. 39094, Mid-City Special Park Fees, CIP-29-865.0, Home Avenue Park, solely and exclusively, for the purpose of providing funds for design contracts and initial environmental studies of Home Avenue Park;

Amending the Fiscal Year 2004 Capital Improvements Program Budget by adding CIP-29-596.0, Fox Canyon Park – Acquisition and Development;

Amending the Fiscal Year 2004 Capital Improvements Program Budget for Fund No. 39094, Mid-City Special Park Fees, CIP-29-596.0, Fox Canyon Park – Acquisition and Development, by increasing the budget amount by $900,000;

Authorizing the appropriation and expenditure of an amount not to exceed $900,000 from Fund No. 39094, Mid-City Special Park Fees, CIP-29-596.0, Fox Canyon Park – Acquisition and Initial Studies, solely and exclusively, for the purpose of providing funds for the purposes of acquisition, design contracts, and environmental studies of Fox Canyon Park, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

R-299371

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

* ITEM-106: (Continued)

CITY MANAGER SUPPORTING INFORMATION:

The purpose of this request for Council Action is to provide initial funding for two new parks: Fox Canyon Park ($900,000) and Home Avenue Park ($600,000). The funding source is the Mid-City Park Development Fund (#39094).

Fox Canyon Park is located east of Euclid Avenue, west of Altadena Drive, and south of University Avenue, in the Fox Canyon Neighborhood. The proposed land is adjacent to Auburn Creek and will provide an approximately 2-acre passive use park. This community is park deficient and the proposed park will provide a highly needed recreational outlet.

Home Avenue Park is located on the east side of Home Avenue, near the intersection with 47th Street, in the Mid-City area. The proposed park is adjacent to Chollas Creek and the six-acre site will provide approximately two-acres of passive use parkland. The Mid-City Community is park deficient based on General Plan Standards and this project will provide much needed park land. It is envisioned that this site will serve communities in Council Districts 3, 4, and 7. Its design and construction will also enhance a portion of Chollas Creek.

FISCAL IMPACT:

Funds in the amount of $600,000 are available for CIP-29-865.0, Home Avenue Park, from the Mid-City Park Development Fund, Fund No. 39094. Funds in the amount of $900,000 are available for CIP-29-596.0, Fox Canyon Park - Acquisition and Development, from the Mid-City Park Development Fund, Fund No. 39094. The proposed new facilities will require funding for operation and maintenance when they are completed.

Herring/Penera/KR

Aud. Cert. 2401080.

CLERK'S FILE COPY

200

(R-2004-1151)

RESOLUTION NUMBER R-299371

ADOPTED ON JUN 21 2004

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING FUNDING FOR TWO NEW CITY PARKS; NAMELY, FOX CANYON PARK AND HOME AVENUE PARK.

WHEREAS, the proposed Fox Canyon Park is located east of Euclid Avenue, west of Altadena Drive, and south of University Avenue, in the Fox Canyon Neighborhood, adjacent to Auburn Creek, and will provide an approximately two-acre passive use park, which is highly needed in the community as a recreational outlet; and

WHEREAS, the proposed Home Avenue Park is located on the east side of Home Avenue, near the intersection with 47th Street, in the Mid-City area, adjacent to Chollas Creek, and the six acre site will provide approximately two-acres of much needed passive use park land, as well as enhancing a portion of Chollas Creek; NOW, THEREFORE,

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

1. That the Fiscal Year 2004 Capital Improvements Program Budget is amended by adding CIP No. 298650, Home Avenue Park.

2. That the Fiscal Year 2004 Capital Improvements Program Budget for Fund No. 39094, Mid-City Special Park Fees, CIP No. 298650, Home Avenue Park, is amended by increasing the budget amount by $600,000.

3. That the appropriation and expenditure of an amount not to exceed $600,000 from Fund No. 39094, Mid-City Special Park Fees, CIP No. 298650, Home Avenue Park, is

authorized solely and exclusively for the purpose of providing funds for design contracts and initial environmental studies of Home Avenue Park.

4. That the Fiscal Year 2004 Capital Improvements Program Budget is amended by adding CIP No. 295960, Fox Canyon Park – Acquisition and Development.

5. That the Fiscal Year 2004 Capital Improvements Program Budget for Fund No. 39094, Mid-City Special Park Fees, CIP No. 295960, Fox Canyon Park – Acquisition and Development, is amended by increasing the budget amount by $900,000.

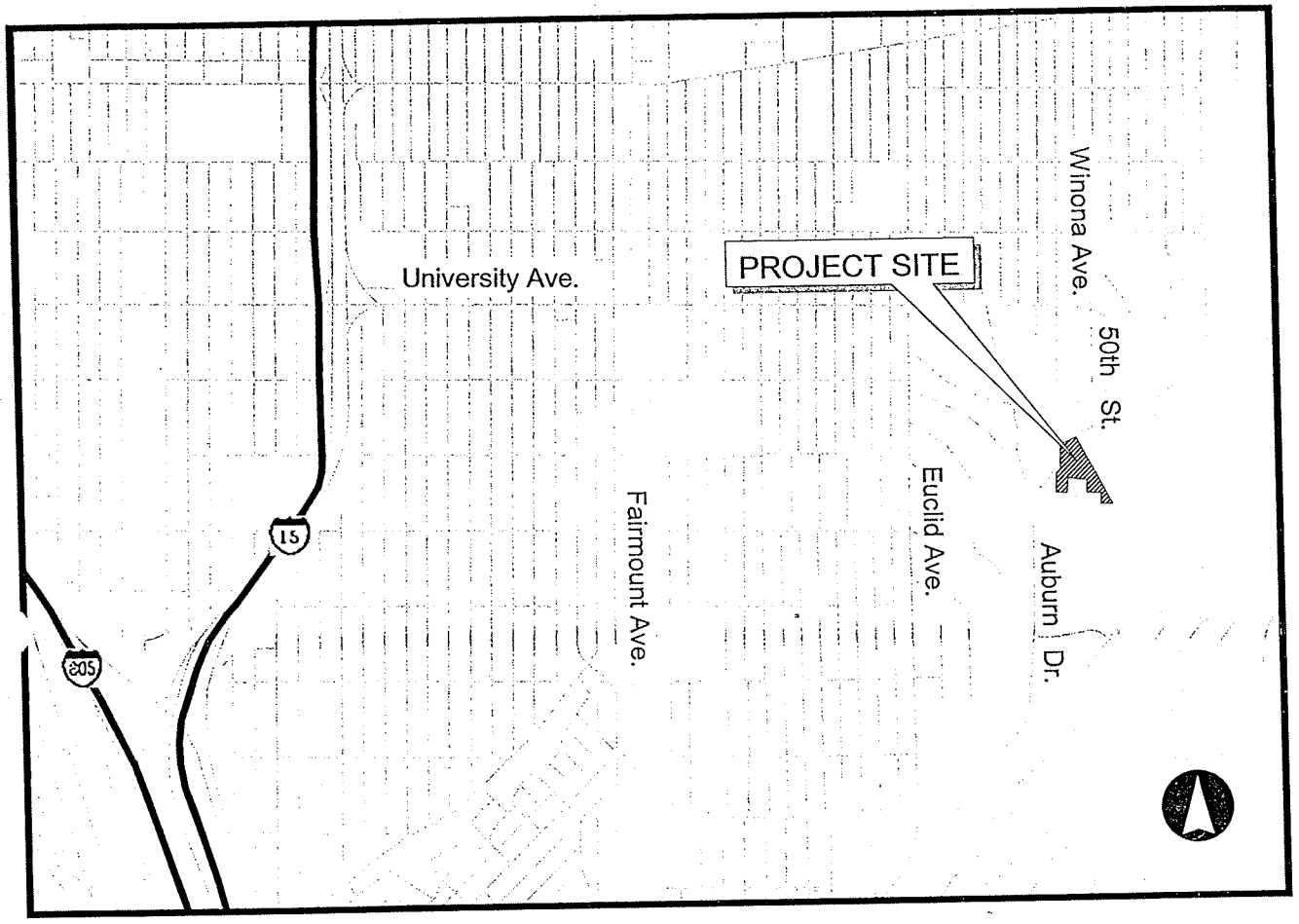
6. That the appropriation and expenditure of an amount not to exceed $900,000 from Fund No. 39094, Mid-City Special Park Fees, CIP No. 295960, Fox Canyon Park - Acquisition and Initial Studies, is authorized solely and exclusively for the purpose of providing funds for the purposes of acquisition, design contracts, and environmental studies of Fox Canyon Park, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

7. That the City Auditor and Comptroller, upon advice from the administering department, is authorized to transfer excess budgeted funds, if any, to the appropriate reserves.

APPROVED: CASEY GWINN, City Attorney

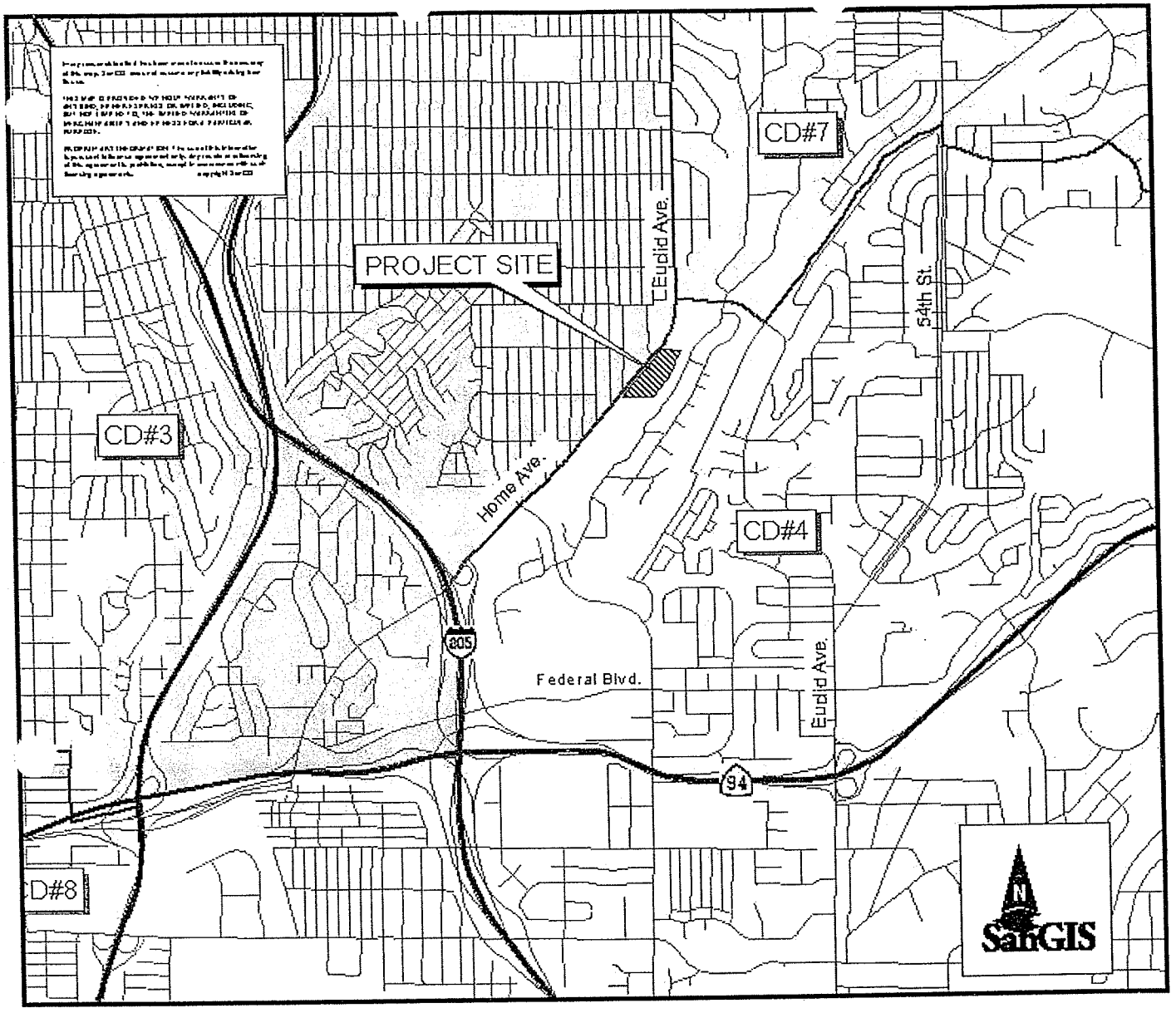
By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als:cdk
05/12/04
Or.Dept: Park&Rec.
A/C #2401080
R-2004-1151



Vicinity Map for Fox Canyon Neighborhood Park

R- 299771



Vicinity Map for Home Avenue Park Site

R- 200171

200

ENTERED IN RED BOOK ☐

CONTINUED ITEM
(Attach to Docket Sheet)

ITEM NO. 106

CONTINUED TO 6/21/04

DOCKET DATE 6/7/04

AT ——— TIME CERTAIN ———

IDENTIFYING NO. O- ———

RECORDER'S INITIALS SH

R- 2004-1151

MOTION BY: 3 SECOND BY 4

COUNCIL VOTED: 9 TO 0 FOR CONTINUANCE

YEAS 12345678M NAYS Ø NOT PRESENT Ø

INELIGIBLE Ø DISTRICT VACANCY Ø

~~FOR NOTICED HEARINGS ONLY~~

~~☐ HEARING OPEN~~ ~~☐ TESTIMONY TAKEN~~

~~☐ HEARING CLOSED~~ ~~☐ NO TESTIMONY TAKEN~~

~~*List absenses of Mayor and Council members on docket for *each* and *every* meeting at which testimony was taken on a Noticed Hearing. Those absent will need to listen to tape(s).~~

REASON(S) FOR CONTINUANCE

AT THE REQUEST OF Atkins

☐ DUE TO LACK OF TIME

☐ FOR FULL COUNCIL

☐ FOR REPORT FROM f-299371

OTHER For Further Review

CC-1626 (10-90)

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY): 2401080

TO: CITY ATTORNEY | PARK AND RECREATION | MARCH 30, 2004

FOX CANYON AND HOME AVENUE PARKS FUNDING FROM MID-CITY PARK DEVELOPMENT FUND

K. RODGERS/A. PENERA MS-35 | 23-55242/52-58223 | 7. CHECK HERE IF BOX 1472A "DOCKET" SUPPORTING INFORMATION" HAS BEEN COMPLETED ON PAGE 2: X

8.COMPLETE FOR ACCOUNTING PURPOSES

FUND	39094	39094		
DEPT.				
ORGANIZATION				
OBJECT ACCOUNT	9544	9544		
JOB ORDER				
C.I.P. NUMBER				
AMOUNT	$900,000.00	$600,000.00		

9. ADDITIONAL INFORMATION / ESTIMATED COST:

FOX CANYON / HOME AVENUE
Project Cost Estimate:
$3,500,000.00 / $3,000,000.00
This Request:
$ 900,000.00 / $ 600,000.00

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	DEPARTMENT DIRECTOR	OPPENHEIM	4/29/04	5	CITY MANAGER	HERRING	5-6-04
2	EOCP	STEVENS	5/5/04	6	AUDITOR	BEZUNEH	5/10/04
3	EAS	KELLEHER	4/28/04	7	CITY ATTORNEY	THOMAS	5/13/04
4	FINANCIAL MANAGEMENT	BLACKWOOD	4/30/04	8	ORIGINATING DEPARTMENT	OPPENHEIM	5/14/04
	20010950						

MGR. DOCKET COORD: KW 5/25/04 COUNCIL REP.

RULES COMMITTEE ✓ ☒ CONSENT ☐ ADOPTION ☐ REFER TO: _____ DATE: 6/7

11. PREPARATION OF: ☒RESOLUTIONS ☐ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

1. Authorizing the addition of CIP #298650, Home Avenue Park, to the Fiscal Year 2004 Capital Improvements Program.
2. Authorizing a $600,000.00 increase in the Fiscal Year 2004 Capital Improvements Program Budget in CIP #298650, Home Avenue Park, in Fund #39094, Mid-City Special Park Fees.
3. Authorizing the Auditor and Comptroller to appropriate and expend $600,000 from CIP #298650, Home Avenue Park, Fund #39094, Mid-City Special Park Fees, for the purpose of design contracts and initial environmental studies of the park.

11A. MANAGER'S RECOMMENTATIONS: Approve the Resolutions

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

JUN 21 2004

COUNCIL DISTRICT(S): 3, 4 · Lewis, and 7 (Madaffer)

COMMUNITY AREA(S): Mid-City Area

CITY CLERK INSTRUCTIONS: Please send resolutions to Barbara Chipps, MS-35.

ENVIRONMENTAL IMPACT: This action is exempt from the California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines, Section 15061(b)(3) (General Rule). There is no environmental impact with this action.

OTHER ISSUES: None

ATTACHMENTS: Maps

DOCKET SUPPORTING INFORMATION
CITY OF SAN DIEGO

DATE: MARCH 30, 2004

SUBJECT:
FC CANYON AND HOME AVENUE PARKS FUNDING FROM MID-CITY PARK DEVELOPMENT FUND

BACKGROUND:

The purpose of this request for Council Action is to provide initial funding for two new parks: Fox Canyon Park ($900,000.00) and Home Avenue Park ($600,000.00). The funding source is the Mid-City Park Development Fund (#39094).

Fox Canyon Park is located east of Euclid Avenue, west of Altadena Drive, and south of University Avenue, in the Fox Canyon Neighborhood. The proposed land is adjacent to Auburn Creek and will provide an approximately 2-acre passive use park. This community is park deficient and the proposed park will provide a highly needed recreational outlet.

Home Avenue Park is located on the east side of Home Avenue, near the intersection with 47th Street, in the Mid-City area. The proposed park is adjacent to Chollas Creek and the six-acre site will provide approximately two-acres of passive use parkland. The Mid-City Community is park deficient based on General Plan Standards and this project will provide much needed park land. It is envisioned that this site will serve communities in Council Districts 3, 4, and 7. It's design and construction will also enhance a portion of Chollas Creek.

FI. AL IMPACT: Funds in the amount of $600,000.00 are available for CIP #298650, Home Avenue Park, from the Mid-City Park Development Fund, Fund No. 39094. Funds in the amount of $900,000.00 are available for CIP #295960, Fox Canyon Park – Acquisition and Development, from the Mid-City Park Development Fund, Fund No. 39094. The proposed new facilities will require funding for operation and maintenance when they are completed.

R- 299171

BY LINE: (CITY MANAGER / DEPT. HEAD / AUTHOR INITIALS)
HERRING/PENERA/KR

SIGNATURES:

ORIGINATING DEPT. HEAD

CITY MANAGER
(FOR MANAGERIAL DEPARTMENTS ONLY)

4. Authorizing the addition of CIP #295960, Fox Canyon Park – Acquisition and Development to the Fiscal Year 2004 Capital Improvements Program.
5. Authorizing a $900,000.00 increase in the Fiscal Year 2004 Capital Improvement Program Budget in CIP #295960, Fox Canyon Park – Acquisition and Development, in Fund #39094, Mid-City Special Park Fees.
6. Authorizing the Auditor and comptroller to appropriate and expend $900,000.00 from CIP #295960, Fox Canyon Park – Acquisition and Initial Studies, in Fund #39094, Mid-City Special Park Fees, for the purpose of acquisition, design contracts, and environmental studies of the park.

R 299371

EXHIBIT NO. 34

AGENDA
FOX CANYON CD 7 UPDATE MEETING
July 26, 2004
12:00 P.M.

GOAL OF MEETING: Present each alternative.
DELIVERABLE: Input from CD 7 on preferred alternative.

1) Project Introduction – Ellie/April

2) Update on Property Acquisition - Lane

3) Description – Kelly/Joey

   a) Alternative A

   b) Alternative B1

   c) Alternative B2

   d) Alternative C

   e) Alternative D

4) Next Steps

5) Assign Action Items

6) Next Meeting

7/26/2004

EXHIBIT NO. 35

From: Elyse Lowe
To: Kelly Rodgers
Date: Tue, Aug 3, 2004 10:27 AM
Subject: Re: Fox Canyon Brown Bag Lunch Meeting w/Councilmember Jim Madaffer

Thanks for this recap Kelly.

Sincerely,
Elyse

Elyse Lowe
elowe@sandiego.gov

Councilmember Jim Madaffer- District 7
202 C St. MS 10A
San Diego, CA 92101

(619) 236-6677
(619) 238-1360 fax

www.JimMadaffer.com

>>> Kelly Rodgers 08/02/04 09:59AM >>>

Hi Everyone:

Thank you for getting together to review our alternatives for the development of Fox Canyon. The following is a recap of the subject meeting on July 26, 2004.

Thanks,
Kelly

A. Mr. Madaffer provided the following comments.
- He prefers the options that include the road.
- He would like to see a study that would analyze the flow in the culvert at Auburn Drive.
- PP&D should eliminate alternatives that include major creek realignment. - PP&D should look at options to address property flooding issues at Auburn and Ontario.

B. PP&D staff included relocation costs in their estimates. Estimates are based on assumed land prices and assumed number of units.

C. Taking all of the above into consideration, the options that are most viable are B1, C and D. Note - D is the most complicated and requires the most relocation.

Action Items:
1. Kelly and Joey will evaluate options that will combine the single family, multi-family on the corner of Auburn and Ontario and include a road. They will present findings at next meeting.
2. Ellie to schedule a follow up meeting after Labor Day.
3. Kelly and Joey will provide handouts of the graphics at next meeting.
4. Tracy Reed will provide PP&D number of units per property and age of property for the multi-family.

EXHIBIT NO. 36

AGENDA
FOX CANYON COUNCIL DISTRICT 7 UPDATE MEETING
September 14, 2004
12:00 P.M.

- GOAL OF MEETING: Provide update on land acquisition. Present new alternative.
- DELIVERABLE: Input from CD 7 on preferred alternative.

---

1) Introduction – Ellie/April

2) Update on Property Acquisition and DSD review – Lane ✓

3) Revised Matrix and Handouts – Kelly/Joey

   a) Highlight previous alternatives/Recap last meeting

   b) Present new Alternative E

   c) Updated cost estimates and breakdown

4) Next Steps

5) Assign Action Items

6) Next Meeting

* break out cost staff
* prelim env
* proceed - w/ bio - hydr.

need hydr. bio SWPPP

✓ approval of E

* meet w/ resource agency / Army Corp
nationwide permits for restoration

AGENDA
FOX CANYON COUNCIL DISTRICT 7 UPDATE MEETING
September 14, 2004
12:00 P.M.

- GOAL OF MEETING: Provide update on land acquisition. Present new alternative.
- DELIVERABLE: Input from CD 7 on preferred alternative.

---

1) Introduction – Ellie/April

2) Update on Property Acquisition and DSD review – Lane
   * partial acq / partial donation

3) Revised Matrix and Handouts – Kelly/Joey

   a) Highlight previous alternatives/Recap last meeting

   b) Present new Alternative E

   Entirely w/in Crossroads Redevelopment (Tracy Reed)
   remove 15 units from
   - 17 acre parcel.
   - transfer density rights

   c) Updated cost estimates and breakdown

4) Next Steps

5) Assign Action Items

6) Next Meeting

Nationwide vs 404 permit
↓
Keep o/s creek

EXHIBIT NO. 37

	FOX CANYON ALTERNATIVES ANALYSIS - SEPTEMBER 14, 2004 (Note 4)					
	No Road	Road + Single Family Lot	Road+Single Family + Creek Realign	Road + Creek Realign + Multi Family Corner	Re-routes Road + Creek Realign + Numerous Properties	Road + Single Family + Corner Multi Family
	A	B1	B2	C	D	E
Phase 1	Park & Creek	Park & Creek	Park & Creek	Park	Park	Park
Phase 2	N/A	Additional Park	Land Acq & Add'l Park	Creek & Land Acq	Creek & Land Acq	Creek & Land Acq
Phase 3	N/A	Road	Road	Road & Add'l Park	Road & Add'l Park	Road & Add'l Park
Park Acreage (Note 3)	Total 3.0	Total 2.8	Total 2.8	Total 3.3	Total 3.9	Total 3.5
	Level 0.9	Level 0.9	Level 0.7	Level 1.1	Level 1.1	Level 1.2
Cost (Notes1, 3)	$3,300,000	$5,660,000	$6,370,000	$8,460,000	$16,825,000	$8,550,000
Schedule (Note 2)	4 Years	6 Years	7 Years	7 Years	8 Years	7 Years
ISSUES						
May be conducive to Chollas Creek Grant	✔	✔				
Improves security & maintenance access		✔	✔	✔	✔	✔
Includes road + parallel parking		✔	✔	✔	✔	✔
Potential for parking lot				✔	✔	✔
Requires traffic analysis		✔	✔	✔	✔	✔
Realigns creek			✔	✔	✔	
Requires hydraulic analysis		✔	✔	✔	✔	✔
Separates park from creek		✔	✔	✔		✔
Possible creek widening		✔	✔	✔	✔	✔
Enhances only one side of creek	✔	✔				
Requires street vacation/legal issues who owns creek	✔	✔	✔	✔	✔	✔
Requires pedestrian bridge	✔	✔	✔	✔	✔	✔
Requires vehicle bridge with sidewalk		✔	✔	✔		✔
Requires add'l single family purchase (zoned multi)		✔				✔
Requires one add'l multi-family purchase (one with flood problems)			✔	✔		✔
Requires two+ add'l multi-family purchase					✔	
Decreases affordable housing			✔	✔	✔	✔
Utility conflict with creek realignment			✔			

NOTES:

1. Costs shown in table are preliminary cost estimates and are for planning purposes only. Costs include Construction, Project Administration, Resident Relocation and Land Acquisition. Inflation not included or modification to the existing culvert at Auburn Drive is not included.
2. Schedules are approximate and are for planning purposes only.
3. Costs do not include retaining walls which would be an option to increase usable acreage.
4. Gray dotted areas indicate previously considered and eliminated alternatives.

	FOX CANYON COST ANALYSIS - SEPTEMBER 14, 2004					
	No Road	Road + Single Family	Road+Single Family + Creek Realign	Road + Creek Realign + Corner Multi Family	Re-routes Road + Creek Realign + Numerous Properties	Road + Single Family + Corner Multi Family
ITEMS	A	B1	B2	C	D	E
Original Park & Creek Enhancement	$3,220,000	$3,220,000	$3,220,000	$3,220,000	$3,220,000	$3,220,000
Add'l Park Due to Property Purchase		$160,000	$300,000	$300,000	$540,000	$460,000
Road		$1,500,000	$1,500,000	$1,500,000	$1,500,000	$1,500,000
Vehicle Bridge		$200,000	$200,000	$200,000		$200,000
Pedestrian Bridge	$50,000	$50,000	$50,000	$50,000	$50,000	$50,000
Creek Realignment			$500,000	$500,000	$500,000	
MND/Site Dev Permit	$30,000	$30,000				$30,000
EIR/Site Dev Permit			$100,000	$100,000	$100,000	
Land Acq. - Single		$500,000	$500,000			$500,000
Land Acq. Multi 1 (Corner) (14 Units/0.7 Acre) 1945				$1,400,000	$1,400,000	$1,400,000
Relocation 1 ($10,000/Unit)				$140,000	$140,000	$140,000
Replacement Cost 1 ($75,000/Unit)				$1,050,000	$1,050,000	$1,050,000
Land Acq. Multi 2 (45 Units/1.1 Acres) 1985					$4,500,000	
Relocation 2 ($10,000/Unit)					$450,000	
Replacement Cost 2 ($75,000/Unit)					$3,375,000	
Total	$3,300,000	$5,660,000	$6,370,000	$8,460,000	$16,825,000	$8,550,000

POSSIBLE FUNDING SOURCES						
State Grant (Urban Park)	✔	✔	✔	✔	✔	✔
Prop 40 Per Capita RZH(CD 7)	✔	✔	✔	✔	✔	✔
Redevelopment	✔	✔	✔	✔	✔	✔
PSD (Future)	✔	✔	✔	✔	✔	✔
CDBG	✔	✔	✔	✔	✔	✔
Chollas Creek Grant	✔	✔				

NOTES:

1. Costs shown in table are preliminary cost estimates and are for planning purposes only. Costs include Construction, Project Administration, Resident Relocation and Land Acquisition. Inflation not included or modification to the existing culvert at Auburn Drive is not included.
2. Schedules are approximate and are for planning purposes only.
3. Costs do not include retaining walls which would be an option to increase usable acreage.
4. Gray dotted areas indicate previously considered and eliminated alternatives.

EXHIBIT NO. 38

Information from Tracy Reed regarding funding sources for Fox Canyon:
12/8/04

Crossroads to generate 1 million first year (and presumed for the next ? years)
Min. 20%, by law, must go to affordable housing.
The first two years (2004 and 2005) of the fund are obligated to El Cajon medians.
Interest paid on anticipated HUD 108 loan must also be paid out of Crossroads revenue ($30-50,000).

So, starting in 2006 about $500,000 could be available for ____ years.

Redw EDC
Bond if Bond passed, Crossroads area would have about 7 million. 1/3 (approx.) available for public facilities. Among possible projects are North Chollas, South Chollas, Joint Use, and Fox Canyon.

Fiscal Year 2007 About $2.9 million would go to public facilities if bond approved

Park Development Fees
This year (2005) 90 units should be built in this area bringing in $315,000 in Park Development Fees. It is anticipated that additional fees will come in each year (however developers state that the lack of parks is a deterrent to building)

Fiscal Year 2006 $315,000, with similar funds available in the future

(Possible revenue from College Grove might be available to supplement the Chollas Creek projects in the year 2007)

Info. From Heidi
Urban Streams Restoration
Annual State Program dedicated to prevention of flooding and creek side upgrade. Including non native plant removal. Might be used for creek portion adjacent to the road?

EXHIBIT NO. 39

From: Kelly Rodgers
To: Aimee Faucett; April Penera; Bill Deloatch; Brian Schoenfisch; Chris Zirkle; Ellen Oppenheim; Elyse Lowe; Hank Cunningham; JoEllen Jacoby; Karen Henry; Lane MacKenzie; Lara Evans; Myra Herrmann; Sally Pearson; Tracy Reed; Will Griffith
Date: 9/14/04 3:25PM
Subject: **Re: Fox Canyon Follow-up Brown Bag Lunch Meeting with Councilmember Jim Madaffer (Confirmation)**

Good Afternoon:

I would like to thank everyone for taking the time to meet today and a special thanks to Joey for all of her hard work preparing for today's presentation. The following is a recap of the meeting.

1. We will proceed with Alternative E, as shown in the matrix.
2. Joey and Kelly will proceed with a bio report and with submitting the proposed plan for Alt E to DSD for a preliminary environmental review.
3. Joey and Kelly will pursue a hydraulic report to determine any impacts to the channel with respect to widening and also the existing down stream culvert. Chris mentioned that an Army Corps of Engineers Nationwide permit may possibly cover the creek enhancement.
4. Joey and Kelly will attend a resource agency monthly meeting to gather input on permits required.
5. Tracy will research density transfers.
6. Lane forwarded DSD's comments on the owner's development plans to the owner. Lane will continue with negotiations to secure parcel.
7. Joey and Kelly will schedule a follow up meeting once the preliminary environmental review is complete for Alt E.

Please let me know if I missed anything.

Thanks,
Kelly

>>> Sally Pearson 8/3/04 01:18:50 PM >>>
August 3, 2004

Thanks, everyone, for holding this date as well as Sept 16 (9 - 10:00 and 12:00 - 1:00) - you may delete these times on Sept 16. At the request of the Council office, this meeting will begin at 12:15 instead of noon in case the Council meeting runs late. I apologize for any inconvenience this may have caused.

Sally Pearson
Executive Secretary
City of San Diego
Office of the Director
Park & Recreation Department
(619) 236-7257

EXHIBIT NO. 40

State of California • The Resources Agency
Arnold Schwarzenegger, *Governor*
DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001
(916) 653-7423
Ruth Coleman, *Director*

2004

RECEIVED
NOV 01 2004
PARK & RECREATION DEPT.
MANAGEMENT DIVISION

Ellen Oppenheim, Director
City of San Diego, Parks
202 C Street, MS-37C
San Diego, CA 92101

Dear Ellen Oppenheim,

Re: FOX CANYON PARK $2,363,000

Congratulations! We are pleased to inform you that the above application was selected for funding from the Urban Parks Act of 2001 Grant Program (UPA). This was a very competitive program and after careful review, your project was selected. We appreciate all the time and effort you expended on your application.

The Office of Grants and Local Services (OGALS) will be presenting a workshop open to all grant recipients to address the California Department of Park and Recreation's fiscal management standards. Since your organization has previously completed a grant administered by the California Department of Parks and Recreation, Office of Grants and Local Services, your organization's attendance is optional. Your project manager and accounting manager are welcome to attend if you desire.

The purpose of this training is to help your organization avoid accounting issues that may result in your organization either not being reimbursed for ineligible expenses or having to reimburse the Department if reimbursements or advances have been made. Dates and times of the workshops will be announced shortly.

If you have any questions about your project or the UPA Program, you can contact your project officer, Joshua Brady, by phone at (916) 651-8459, or by email at jbrady@parks.ca.gov. You can also obtain updates and other valuable information on our website at http://www.parks.ca.gov/ and use the link "Grants and Bond Acts".

Again, congratulations on your grant, and we look forward to working with you!

Sincerely,

Sedrick V. Mitchell
Deputy Director
Department of Parks and Recreation

EXHIBIT NO. 41

From: "Bonnie Morse-West" <BWEST@parks.ca.gov>
To: <HLang@sandiego.gov>
Date: 12/14/2004 8:52:39 AM
Subject: Re: Urban Park Act of 2001

You are correct. Imminent Domain is not an option for use of the Urban Park Act grant money.

>>> "Heidi Lang" <HLang@sandiego.gov> 12/13/2004 10:53:33 AM >>>
Hi Bonnie,

The City of San Diego applied for the Urban Park Act of 2001 for Fox Canyon Park - Acquisition and Development. The grant award is $2,362,500. Total project cost: $3,292,500. As part of the project we specified $930,000 would be our grant match, including $800,000 for acquisition.

We've been in negotiations with the seller for a year. The seller is asking for much higher amounts than a year ago when we applied. The question of imminent domain has arisen. I have reviewed the procedural
guidelines to see if this would be an option. On page 24, the guidelines state, "All property shall be acquired from a willing seller..."

Carol Wood, my supervisor, and I interpret this to mean that we cannot use imminent domain on this project. What is your assessment?

Heidi Lang
Assistant Grants Administrator
Park Planning & Development
Park and Recreation, City of San Diego
(619) 525-8218

From: "Bonnie Morse-West" <BWEST@parks.ca.gov>
To: <HLang@sandiego.gov>
Date: 12/14/2004 3:05:46 PM
Subject: Fox Canyon Park

Hi Heidi,

Here are the answers to your questions regarding this project and the use of the bond money the City of San Diego was awarded under the Urban Park Act:

1) Would imminent domain be an option in acquiring this property?

As outlined in the UPA Procedural Guide, page 24, ALL REAL PROPERTY SHALL BE ACQUIRED FROM A WILLING SELLER....so, the answer to your question is NO.

2) If the City pays more money than what was listed in the cost estimate for the acquisition of this land, can the cost estimate on the project be adjusted, with less money going to development?

The answer to this question is YES. However, what is important is that everything listed in the project scope be completed as a part of this project, as that was part of the criteria used in awarding this competitive grant to the City in the first place. Therefore, you might need to scale down the development in one area or another.

Your project scope reads:
This project will acquire and develop Fox Canyon Park which will include a playground, hard courts, grassy area, picnic area, shade structure, interpretive kiosks, drinking fountains, sidewalks and landscaping. The City of San Diego, Urban Corps of San Diego, Fox Canyon Neighborhood Association, and San Diego City Schools are partners in this proposal. The development of this park will greatly enhance the quality of life, and provide a beautiful pbulic space for this multicultural, park-deficient neighborhood.

I hope this answers your questions Heidi. Good luck with the project - feel free to contact me if you have any further questions.

Bonnie Morse West, Project Officer
Office of Grants & Local Services
California State Parks
(916) 651-7740

EXHIBIT NO. 42

AGENDA
FOX CANYON COORDINATION MEETING
December 15, 2004
4:00 P.M.

- GOAL OF MEETING: To discuss funding and phasing of Preferred Alternative E.
- DELIVERABLE: Update on land acquisition and funding/phasing strategy.

---

1. Introduction – Ellie/April

2. Update on Property Acquisition – Will/Lane

3. Brief Description of Alternative E - Joey

4. Description of Proposed Financing and Phasing Plan - Kelly/Joey

Lane acquire

5. Redevelopment – Hank/Tracy

*environmental

mid Jan

6. Next Steps

meet w/ CD7

7. Assign Action Items

8. Next Meeting

AGENDA
FOX CANYON COORDINATION MEETING
December 15, 2004
4:00 P.M.

- GOAL OF MEETING: To discuss funding and phasing of Preferred Alternative E.
- DELIVERABLE: Update on land acquisition and funding/phasing strategy.

---

1. Introduction – Ellie/April

2. Update on Property Acquisition – Will/Lane
   bought total for $500K

3. Brief Description of Alternative E - Joey

4. Description of Proposed Financing and Phasing Plan - Kelly/Joey
   Could get park fees too (more SPF)
   In ball park

5. Redevelopment – Hank/Tracy

6. Next Steps

7. Assign Action Items

8. Next Meeting

EXHIBIT NO. 43

State of California • The Resources Agency
Arnold Schwarzenegger, Governor
DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001
Ruth Coleman, Director

December 24, 2004

Ellen Oppenheim
Director
City of San Diego, Parks
202 C Street, MS-37C
San Diego, CA 92101

Re: DPR Contract Number: C0201036
Fox Canyon Park

Dear Ellen Oppenheim:

Enclosed is your fully executed contract for the above named project. This letter is to remind you that all requirements under the California Environmental Quality Act must be completed and a copy of the environmental documents sent to this office within one year of the grant award. Thus, these documents are due on or before October 26, 2005.

The required Environmental Documents include either a:

Notice of Exemption filed and stamped with the County Clerk

OR

Environmental Impact Report or a Negative Declaration, along with the response from the State Clearinghouse, and a copy of the Notice of Determination filed with, and stamped by, the County Clerk

Please refer to your program guidelines for further information. If you have any questions, please contact me at (916) 651-7740 or by e-mail at bwest@parks.ca.gov.

Sincerely,

Bonnie Morse West

Bonnie Morse West
Project Officer

Enclosures

cc: Project File

State of California - The Resources Agency

Department of Parks and Recreation

GRANT CONTRACT

2002 Resources Bond Act

Urban Park Act of 2001

GRANTEE City of San Diego

PROJECT TITLE FOX CANYON PARK PROJECT NUMBER UP-37-002

PROJECT PERFORMANCE PERIOD is from July 01, 2002 thru June 30, 2010

Under the terms and conditions of this agreement, the applicant agrees to complete the project as described in the project description, and the State of California, acting through its Director of Parks and Recreation pursuant to the program named above, agrees to fund the project up to the total grant amount indicated.

PROJECT DESCRIPTION:

An acquisition and development project in the City of San Diego to construct a playground, hard courts, grassy area, picnic area, shade structure, interpretive kiosks, drinking fountains, sidewalk, and landscaping.

Total State Grant not to exceed $2,363,000.00

City of San Diego
Grantee

By Ellen Oppenheim
Typed or printed name of Authorized Representative

Signature of Authorized Representative

Title Park & Recreation Dept. Director

Date 12/1/04

The General Provisions attached are made a part of and incorporated into the Contract.

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

By

Date 12/10/04

CERTIFICATION OF FUNDING

AMOUNT OF ESTIMATE $2,363,000.00	CONTRACT NUMBER C0201036	PROJECT NO. UP-37-002			FUND. CA CLEAN WATERAIRSAFE NGHBORHD PKSCOASTL PROTCT
ADJ. INCREASING ENCUMBRANCE $	APPROPRIATION BUDGET ACT - LOCAL ASSIST				
ADJ. DECREASING ENCUMBRANCE $	CALSTARS VENDOR NO. ~~400000912300~~ 4000000076-08				
UNENCUMBERED BALANCE $	LINE ITEM ALLOTMENT 3790-101-6029	CHAPTER 379	STATUTE 02	FISCAL YEAR 2004/05	
T.B.A. NO. / B.R.. NO.	INDEX. 1091	OBJ. EXPEND 702	PCA. 66000	PROJECT / WORK PHASE.	

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance.

ATURE OF ACCOUNTING OFFICER Lisa Ortega

DATE. 12/21/04

Grant Contract
Special Provisions

General Provisions

A. Definitions

1. The term "Act" as used herein means the Appropriation for the Program.

2. The term "Application" as used herein means the individual Application and its required attachments for grants pursuant to the enabling legislation and/or Program.

3. The term "Acquisition" means to obtain fee title or a lesser interest in real property, specifically, conservation easement or conservation rights. Leases or rentals do not constitute Acquisition.

4. The term "Acquisition and Development" means a Project that combines Acquisition of real property with Development for a New Park, New Recreational, or New Multipurpose Facility.

5. The term "Department" means the California Department of Parks and Recreation.

6. The term "Development" means capital improvements to real property by construction for a New Park, New Recreational, or New Multipurpose Facility using Bond Act funds.

7. The term "Grantee" as used herein means the party described as the Grantee on page 1 of this Contract. The term "Project" as used herein means the Project described on page 1 of this Contract.

8. The term "State" as used herein means the State of California Department of Parks and Recreation.

B. Project Execution

1. Subject to the availability of grant monies in the Act, the State hereby grants to the Grantee a sum of money (grant monies) not to exceed the amount stated on page 1, in consideration of, and on condition that, the sum be expended in carrying out the purposes as set forth in the Description of Project on page 1, and under the terms and conditions set forth in this Contract.

   The Grantee shall assume any obligation to furnish any additional funds that may be necessary to complete the Project. Any modification or alteration in the Project as set forth in the Application on file with the State must be submitted to the State for approval.

2. The Grantee shall complete the Project in accordance with the time of Project Performance set forth on page 1, and under the terms and conditions of this Contract.

3. The Grantee shall comply as lead agency with the California Environmental Quality Act (Public Resources Code, Section 21000, et. seq., Title 14, California Code of Regulations, Section 15000 et. seq.)

4. The Grantee shall comply with all applicable current laws and regulations affecting Development Projects, including, but not limited to, legal requirements for construction Contracts, building codes, health and safety codes, and laws and codes pertaining to individuals with disabilities.

5. The Grantee shall permit periodic site visits, including a final inspection upon Project completion by the State, to determine if Development work is in accordance with the approved Project Scope.

6. Prior to the commencement of any work, the Grantee agrees to submit any significant deviation from the original Project Scope in writing to the State for prior approval. Changes in the Project Scope must be approved in writing by the State and must meet the exact need described in the original Project Application.

7. If the Project includes Acquisition of real property, the Grantee agrees to comply with all applicable state and local laws or ordinances affecting relocation and real property Acquisition.

8. The Grantee shall provide for public access to Project facilities in accordance with the intent and provisions of the enabling legislation and/or Program.

9. Grantees shall have (1) fee title, (2) lease hold or (3) other interest to the Project lands and demonstrate to the satisfaction of the State that the proposed Project will provide public benefits that are commensurate with the type and duration of the interest in land, as determined by the State, that is held by the Grantee.

10. Every Grantee for a grant pursuant to this chapter and the entity that will operate and maintain the property, if that entity is different than the Grantee, shall agree to comply with all of the following requirements: (1) To operate and maintain the property developed pursuant to this chapter so that it is usable by residents of the project's service area. With the approval of the department, the grant recipient, or its successor in interest in the property, may transfer its property interest and the responsibility to operate and maintain the property, in accordance with the terms of the grant and any applicable law, to an eligible public agency or nonprofit organization that is able to operate and maintain the property in perpetuity. Any attempt to make a transfer in violation of this subdivision is void. (2) To use the property only for the purposes for which the grant was made and to make no other use or sale or other disposition of the property, except as authorized by specific act of the Legislature. If the use of the property is changed to a use that is not permitted by the terms of the grant, or if the property is sold or otherwise disposed of, the grant recipient shall reimburse the state an amount equal to the amount of the grant, the fair market value of the land and any improvements constructed with the grant, or the proceeds from the sale or other disposition, whichever amount is greatest. If the property that is sold or otherwise disposed of is less than the entire interest in the property funded with the grant, the grant recipient shall reimburse the state an amount equal to either the proceeds from the sale or other disposition of the interest or the fair market value of the interest sold or otherwise disposed of, whichever amount is greater. (b) In lieu of seeking reimbursement pursuant to paragraph (2) of subdivision (a), the department may impose restrictions on the use of public park property identical to the requirements for the preservation of public parks set forth in the Public Park Preservation Act of 1971 (Chapter 2.5 (commencing with Section 5400)) with respect to any property used, sold, or otherwise disposed of in a manner not permitted by the terms of the grant.

11. Lands or interests in land acquired with grant funds shall be acquired from a willing seller.

C. Project Costs

The Grant monies to be provided to the Grantee under this Contract may be disbursed as follows:

1. If the Project includes Acquisition of real property, the State may disburse to the Grantee the grant monies as follows, but not to exceed, in any event, the total State Grant Amount set forth on page 1 of this Contract:

   a. Up to a 10% advance of the total State Grant Amount

b. After the property is in escrow, the Grantee may request up to 80% of the total State Grant Amount as specified in the approved Application, or 100% of the actual Acquisition cost, whichever is less. The Grantee shall immediately place these funds in escrow.

c. The remaining State grant funds shall be paid up to the amount of the grant or the actual Project cost, whichever is less, on completion of the Project and receipt of a detailed summary of Project costs from the Grantee.

2. If the Project includes Development, the State may disburse to the Grantee the grant monies as follows, but not to exceed in any event the total State Grant Amount set forth of page 1 of this Contract:

a. Up to a 10% advance of the total State Grant Amount.

b. On proof of award of a construction contract or commencement of construction by force account, up to 80% of the total State Grant Amount, not to exceed 80% of the total dollar amount of any or all awarded construction contracts.

c. The remaining State grant funds shall be paid up to the amount of the grant or the actual Project cost, whichever is less, on completion of the Project and receipt of a detailed summary of Project costs from the Grantee.

D. Project Administration

1. The Grantee shall promptly submit written Project reports as the State may request. In any event, the Grantee shall provide the State a report showing total final Project expenditures.

2. The Grantee shall make property and facilities developed pursuant to this Contract available for inspection upon request by the State.

3. The Grantee shall use any monies advanced by the State under the terms of this Contract solely for the Project herein described.

4. If grant monies are advanced, the Grantee shall place these monies in a separate interest bearing account, setting up and identifying such account prior to the advance. Interest earned on grant monies shall be used on the Project, as approved by the State. If grant monies are advanced and not expended, the unused portion of the grant shall be returned to the State within 60 days of completion of the Project or end of the Project Performance Period, whichever is earlier.

5. The Grantee shall use income earned by the Grantee from use of the Project to further Project purposes, or, if approved by the State, for related purposes within the Grantee's jurisdiction.

E. Project Termination

1. Any Grant funds that have not been expended by the Grantee shall revert to the fund and be available for Appropriation by the Legislature for one or more of the local assistance programs that the Legislature determines to be the highest priority statewide.

2. The Grantee may unilaterally rescind this Contract at any time prior to the commencement of the Project. After Project commencement this Contract may be rescinded, modified or amended only by mutual agreement in writing between the Grantee and the State.

3. Failure by the Grantee to comply with the terms of this Contract or any other Contract under the Act may be cause for suspension of all obligations of the State hereunder. However, such

failure shall not be cause for the suspension of all obligations of the State hereunder if in the judgment of the State such failure was due to no fault of the Grantee. In such case, any amount required to settle at minimum cost any irrevocable obligations properly incurred shall be eligible for reimbursement under this Contract.

4. Because the benefit to be derived by the State, from the full compliance by the Grantee with the terms of this Contract, is the Preservation, protection and net increase in the quantity and quality of parks, public recreation facilities and/or historical resources available to the people of the State of California and because such benefit exceeds to an immeasurable and unascertainable extent, the amount of money furnished by the State by way of grant monies under the provisions of this Contract, the Grantee agrees that payment by the Grantee to the State of an amount equal to the amount of the grant monies disbursed under this Contract by the State would be inadequate compensation to the State for any breach by the Grantee of this Contract. The Grantee further agrees therefore, that the appropriate remedy in the event of a breach by the Grantee of this Contract shall be the specific performance of this Contract, unless otherwise agreed to by the State.

5. The Grantee and the State agree that if the Project includes Development, final payment may not be made until the Project conforms substantially to this Contract.

F. Hold Harmless

1. The Grantee shall waive all claims and recourse against the State including the right to contribution for loss or damage to persons or property arising from, growing out of or in any way connected with or incident to this Contract except claims arising from the concurrent or sole negligence of the State, its officers, agents, and employees.

2. The Grantee shall indemnify, hold harmless and defend the State, its officers, agents and employees against any and all claims, demands, damages, costs, expenses or liability costs arising out of the Acquisition, Development, construction, operation or maintenance of the property described as the Project which claims, demands or causes of action arise under Government Code Section 895.2 or otherwise except for liability arising out of the concurrent or sole negligence of the State, its officers, agents, or employees.

3. The Grantee agrees that in the event the State is named as codefendant under the provisions of Government Code Section 895 et. seq., the Grantee shall notify the State of such fact and shall represent the State in the legal action unless the State undertakes to represent itself as codefendant in such legal action in which event the State shall bear its own litigation costs, expenses, and attorney's fees.

4. The Grantee and the State agree that in the event of judgment entered against the State and the Grantee because of the concurrent negligence of the State and the Grantee, their officers, agents, or employees, an apportionment of liability to pay such judgment shall be made by a court of competent jurisdiction. Neither party shall request a jury apportionment.

5. The Grantee shall indemnify, hold harmless and defend the State, its officers, agents and employees against any and all claims, demands, costs, expenses or liability costs arising out of legal actions pursuant to items to which the Grantee has certified. The Grantee acknowledges that it is solely responsible for compliance with items to which it has certified.

G. Financial Records

1. The Grantee shall maintain satisfactory financial accounts, documents and records for the Project and to make them available to the State for auditing at reasonable times. The Grantee also agrees to retain such financial accounts, documents and records for three years following Project termination or final payment.

The Grantee and the State agree that during regular office hours each of the parties hereto and their duly authorized representatives shall have the right to inspect and make copies of any books, records or reports of the other party pertaining to this Contract or matters related thereto. The Grantee shall maintain and make available for inspection by the State accurate records of all of its costs, disbursements and receipts with respect to its activities under this Contract.

2. The Grantee shall use a generally accepted accounting system.

H. Use of Facilities

1. The Grantee agrees that the Grantee shall use the property developed with grant monies under this Contract only for the purposes for which the State grant monies were requested and no other use of the area shall be permitted except by specific Act of the Legislature.

2. The Grantee shall maintain and operate the property developed for a period commensurate with the type of Project and the proportion of State grant funds and local funds allocated to the capital costs of the Project, as determined by the State.

I. Nondiscrimination

1. The Grantee shall not discriminate against any person on the basis of sex, race, color, national origin, age, religion, ancestry, sexual orientation, or disability in the use of any property or Facility developed pursuant to this Contract.

2. The Grantee shall not discriminate against any person on the basis of residence except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence and pursuant to law.

3. All facilities shall be open to members of the public generally, except as noted under the special provisions of this Project Contract or under provisions of the enabling legislation and/or Program.

J. Application Incorporation

The Application and any subsequent change or addition approved by the State is hereby incorporated in this Contract as though set forth in full in this Contract.

K. Severability

If any provision of this Contract or the Application thereof is held invalid, that invalidity shall not affect other provisions or Applications of the Contract which can be given effect without the invalid provision or Application, and to this end the provisions of this Contract are severable.

AUDIT CHECKLIST

The California Department of Parks and Recreation (DPR) Audit Office may conduct an independent audit up to three years after the project is completed. Listed below are some of the items the auditor will examine during the review of the records as applicable. It is the responsibility of the grantee to have these records available in a central location ready for r[illegible]ew once an audit date has been confirmed. If you have any questions regarding these documents, you may contact the L[illegible]k Audits Office at (916) 445-8999.

CONTRACTS

_____ Summary list of bidders (including individual bid packages)

_____ Recommendation by reviewer of bids

_____ Awarding by governing body (minutes of the meeting/resolution)

_____ Construction contract agreement

_____ Contract bonds (bid, performance, payment)

_____ Contract change orders

_____ Contractor's progress billings

_____ Payments to contractor (cancelled checks/warrants**)

_____ Stop Notices (filed by sub-contractors and release if applicable)

_____ Liquidated damages (claimed against the contractor)

_____ Notice of completion (recorded)

F[illegible]CE LABOR*

_____ Authorization/work order identifying project

_____ Daily time sheets signed by employee and supervisor

_____ Hourly rate (salary schedules/payroll register)

_____ Fringe benefits (provide breakdown)

_____ Indirect costs (approved by Federal Government)

MATERIALS

_____ Purchase orders

_____ Invoices

_____ Payments (actual cancelled checks/warrants**)

EQUIPMENT*

_____ Authorization/work order

_____ Daily time records identifying the project site

_____ Hourly rate related backup documents)

ACQUISITION

_____ Appraisal Report

_____ Owner inspection certification

_____ 10 year history

_____ Statement of just compensation (signed by seller)

_____ Statement of difference (if purchased above appraisal)

_____ Waiver of just compensation (signed by seller)

_____ Cancelled checks/warrants (payment(s) to seller(s))

_____ Grant deed (vested to the participant) or final order of condemnation

_____ Title insurance policy (issued to participant)

_____ Relocation documents

_____ Income (rental, grazing, sale of improvements, etc.)

_____ Land agent approval (internal)

INTEREST

_____ Schedule of interest earned on State funds advanced
*Note: Interest on grant advances is accountable, even if commingled in a pooled fund account and/or interest was never allocated back to the grant fund.

AGREEMENT/CONTRACTS

_____ Leases, agreements, etc., pertaining to developed/acquired property

* Estimated time expended on the projects is not acceptable. Actual hours expended on the project must be properly recorded and available for verification at the time of audit.

** Front and back if copied.

State of California - The Resources Agency

Department of Parks and Recreation

GRANT CONTRACT

2002 Resources Bond Act

Urban Park Act of 2001

GRANTEE City of San Diego

PROJECT TITLE FOX CANYON PARK PROJECT NUMBER UP-37-002

PROJECT PERFORMANCE PERIOD is from July 01, 2002 thru June 30, 2010

Under the terms and conditions of this agreement, the applicant agrees to complete the project as described in the project description, and the State of California, acting through its Director of Parks and Recreation pursuant to the program named above, agrees to fund the project up to the total grant amount indicated.

PROJECT DESCRIPTION:

An acquisition and development project in the City of San Diego to construct a playground, hard courts, grassy area, picnic area, shade structure, interpretive kiosks, drinking fountains, sidewalk, and landscaping.

Total State Grant not to exceed $2,363,000.00

City of San Diego
Grantee

By Ellen Oppenheim
Typed or printed name of Authorized Representative

Signature of Authorized Representative

Title Park & Recreation Dept. Director

Date 12/1/04

The General Provisions attached are made a part of and incorporated into the Contract.

STATE OF CALIFORNIA
DEPARTMENT OF PARKS AND RECREATION

By

Date 12/10/04

CERTIFICATION OF FUNDING

AMOUNT OF ESTIMATE $2,363,000.00	CONTRACT NUMBER C0201036		PROJECT NO. UP-37-002		FUND. CA CLEAN WATERAIRSAFE NGHBORHD PKSCOASTL PROTCT
ADJ. INCREASING ENCUMBRANCE $	APPROPRIATION BUDGET ACT - LOCAL ASSIST				
ADJ. DECREASING ENCUMBRANCE $	CALSTARS VENDOR NO. ~~400000312300~~ 400000076-08				
UNENCUMBERED BALANCE $	LINE ITEM ALLOTMENT 3790-101-6029		CHAPTER 379	STATUTE 02	FISCAL YEAR 2004/05
T.B.A. NO. / B.R. NO.	INDEX. 1091	OBJ. EXPEND 702	PCA. 66000	PROJECT / WORK PHASE.	
I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance.					
SIGNATURE OF ACCOUNTING OFFICER Lisa Ortega				DATE. 12/21/04	

EXHIBIT NO. 44

Agenda
Fox Canyon Neighborhood Park
1/25/05

GOAL OF MEETING:	Present phasing for Option E
DELIVERABLE:	Input from CD 7 on phasing and direction on hiring consultants. Commitment from Team on schedule to meet grant deadline for environmental

READ:

Lane MacKenzie - Land acquisition status – no need to subdivide just dedicate
Cost
Schedule
– 1472 within 30 days

Park Planning:

Heidi Lang — Grant Requirements – environmental — 10/26/2005 MND

Joey Jacoby — Phasing
Kelly Rodgers — Schedule
Financing Plan

All — What option should we follow?
Next steps:
Submit to DSD
Hire consultant

Future meeting

* Jim wants road + park done together.

– Local Roads do not need to be addressed in the community plan.
– Auburn made one way.

From: Heidi Lang
To: Sichel, Chris; Wood, Carol
Date: 1/25/2005 2:48:04 PM
Subject: Fox Canyon Meeting

Quick summary on Fox Canyon today:

Meeting included Councilmember Madaffer, Elyse, Olson, Tracy, Will, Lane, Myrra, Gary, Ellie, April, Kelly, Joey, Heidi. Lane reported he made another offer to the land owner and there on negotiations underway. Heidi reported on grant schedule and CEQA requirements. The grant requires that the EIR or mitigated neg. dec. be completed by Ocober 2005. The project will in all likelihood by a mitigated neg. dec. The group discussed scope of environmental studies and decided to include the park ***and the road.*** Heidi brought up issue of schedule several times, and read the part of the State's memo about the schedule & requirements. Heidi said that if the env. can be completed by October 2005 it will meet the grant. If the traffic studies and street section make the schedule slip past October, we could lose the grant. Madaffer said the env. should be completed by end of July. Myrra said that is possible if she gets the various studies (traffic, bio, etc. etc.) quickly from Park and Recreation. At this time, the env. studies will regard Ontario as a one-way street. If that changes in the future, then the env. doc could be amended. (As opposed to doing two completely different env. documents.)

Once the owner agrees on the price, there will be Council action to purchase the property. Also, Council will certify the mitigated neg. dec. when it is done. There will be further research on a change to the Community Plan regarding the streets. If it isn't needed, then no action from Planning Commission needed.

Heidi Lang
Assistant Grants Administrator
Park Planning & Development
Park and Recreation, City of San Diego
(619) 525-8218

Agenda
Fox Canyon Neighborhood Park
1/25/05

GOAL OF MEETING:	Present phasing for Option E
DELIVERABLE:	Input from CD 7 on phasing and direction on hiring consultants. Commitment from Team on schedule to meet grant deadline for environmental

READ:

Lane MacKenzie - Land acquisition status Counter offer
Cost checking w/ planning
Schedule options. density transfer or waive park fee
Buy a portion of the property (not sublease)

Park Planning:

Heidi Lang 1/26/05 Grant Requirements – environmental
Needs N of D which means the Council 1472 could be w/in 30 days
Joey Jacoby Phasing
Kelly Rodgers Schedule
Financing Plan

All

What option should we follow?
Next steps:
Submit to DSD
Hire consultant

Future meeting

April: MND w/
If we can get the road
we should do it but
can we make the date

Jim:
should be all done together
speed bump - slow road

One way

Gary: Park access
If a 2 lane road - he says no traffic issues?
28'

Gary Halbert
Lane Mackenzie
April
Will Griffin
Heidi L
Kelly
JoEllen
Jim Madaffer
Tracy
Michelle St. Bernard
Myra Herrmann
Elyse
Ellie

Will:
have council initiate the Com. Plan Amendment
when approving N.O.D.

Have $ prop.
Go Council for prop GSAP.
Need Certify MND

See if no Plan Amend necessary

Can use Mid City Plan

Agenda
Fox Canyon Neighborhood Park
1/25/05

GOAL OF MEETING:	Present phasing for Option E
DELIVERABLE:	Input from CD 7 on phasing and direction on hiring consultants. Commitment from Team on schedule to meet grant deadline for environmental

READ:

Lane MacKenzie -	Land acquisition status Cost Schedule

Park Planning:

Heidi Lang	Grant Requirements – environmental
Joey Jacoby Kelly Rodgers	Phasing Schedule Financing Plan

All	What option should we follow? Next steps: Submit to DSD Hire consultant

Future meeting

CITY OF SAN DIEGO
FOX CANYON NEIGHBORHOOD IMPROVEMENTS
COORDINATION MEETING

January 25, 2005
12:15 P.M.
CAB 3

Attendees: Jim Madaffer, Councilmember District 7
Elyse Lowe, Coucil District 7
Ellie Oppenheim, Director Park and Recreation Department
Gary Halbert, Director of Development Services
Will Griffith, Director, Real Estate Assets
April Penera, Park & Rec., Park Planning
Tracy Reed, Community and Economic Development
Michelle St. Bernard, Community and Economic Development
Kelly Rodgers, Park & Rec., Park Planning
Heidi Lang, Park & Rec., Park Planning
Lane MacKenzie, Real Estate Assets
Joey Jacoby, Park & Rec., Park Planning
Myra Hermann, Development Services

The following is a brief summary of discussion and action items from the January 25, 2005 meeting for Fox Canyon Neighborhood Park and surrounding development:

- **Real Estate Assets is close to an agreement for purchase of the land**

- **Property acquisition should go to Council as soon as possible (do not hold for environmental)**
  Action: **Lane to proceed with 1472 for property acquisition**

- **The park and road must be evaluated as one project for Environmental review**

- **We must have a certified MND by October 26, 2005 to meet State requirements for our State Grant money.**
  Action: **Joey to work with Myra and Patricia Grabski to determine all documents needed and critical deadlines to meet October 26 completion.**
  Action: **Joey to proceed with Technical Reports**

- **Proceed with a road design that fits within the footprint that we currently have.**
  Action: **Joey to hire a consultant to provide conceptual road design.**

- **Regarding the road, the following items were discussed: a one way road, speed humps to slow traffic, parking along one side.**

- **The Community Plan Amendment is not needed for a Local Road per Gary Halbert. Community Plan Amendment is not needed for a park less than 2 acres per A.R. 1.6.**

- **Site Development Permit Process 5 required due to street vacation.**

- **Follow up meeting to be scheduled before Public Review.**

These meeting minutes were prepared by Joey Jacoby. Please contact Joey at (619) 533-4017, by Feb. 4 should you have any revisions or additions. Otherwise, these minutes shall be deemed final.

EXHIBIT NO. 45

From: Elyse Lowe
To: April Penera; JoEllen Jacoby; Kelly Rodgers
Date: 2/8/2005 2:32:47 PM
Subject: Re: Funding for Road portion of Park Project

Fox Canyon Park

Ladies-
Can you please help me identify what funds will be needed between now and June 30th for the Fox Canyon park/Road project? I have told Jim that charges associated with the road can't be charged to the park. Thus, I must ask for $$ to help deign the road.

Things that come to mind:
Road consultant- $100k
hydrology- park and road?
wetlands consultant- park and road?
etc....

Please advise ASAP for anything that can't be covered under park money that you foresee for the next six months.

THANK YOU

Elyse Lowe
elowe@sandiego.gov

Councilmember Jim Madaffer- District 7
202 C St. MS 10A
San Diego, CA 92101

(619) 236-6677
(619) 238-1360 fax

www.JimMadaffer.com

>>> Jim Madaffer 02/08/05 11:33AM >>>
How much do they need between now and June 30th?

>>> Elyse Lowe Monday, February 07, 2005 2:37:12 PM >>>
They need real money now.

>>> Jim Madaffer 02/07/05 02:25PM >>>
See if we cannot pledge future Crossroads TI for this. Or, part of next year's CDBG $$ as a loan to be repaid by future Crossroads TI.

>>> Elyse Lowe Monday, February 07, 2005 1:34:14 PM >>>

Jim-
P&R asked that you provide funding for the road consultant. The $30,000 you initially authorized for this project has been expended and they are now charging from the $900k that came from the Mid City park Fund- all allocated for the park design/allocation.

They asked that we fund up to $100,000 for the consultant to design the road. I am checking on funding sources and we can use CDBG and D7 Public Infrastructure. According to P&R we can't use money from

the $900k intended for the park to fund the road, because its matching funds to the $2.3 million grant.

You have available:
CDBG- $65,904
Pub Infrastructure- $108,000

I am checking to see if this needs a 1472 or if this hits the ceiling on hiring a consultant without going out to bid.

Elyse

CC: Heidi Lang

EXHIBIT NO. 46

REQUEST No.

CITY OF SAN DIEGO
AUDITOR AND COMPTROLLER

JOB ORDER REQUEST

JOB ORDER No. 295960

A. TO BE COMPLETED BY THE COORDINATING DEPARTMENT

JOB ORDER TITLE (LIMIT OF 75 SPACES)

Fox Canyon Neighborhood Park - Road Extension

PROJECT DESCRIPTION (INCLUDE LIMITS AND/OR LOCATION)

A sublet project of CIP No. 29-596.0, Fox Canyon Park Acquisition & Development is requested to distinguish Ontario Ave. design & construction expenses from park expenses.

REQUESTING DEPT.		PROJECT DATA			AUTHORITY (IF NOT SCHEDULED)
DEPT. NO.	PROGRAM NO.	CIP NO.	YR. PROGRAM	FINANCING FUND(S)	
446	44650	29-596.1	2005	39094 PRKDIF	

ESTIMATED COST OF PROJECT

Participating Engr. Functions:

Dept. Name and Number	Program No.	
P&R 446	44650	$
DSD 1316	13603	$
DSD 1317	13703	$
DSD 1315	13503	$
Eng. Field 543	54310	$
Other Engr. or Architectural cost		$ 100,000
Total estimated Engr. cost.		$
Estimated property cost		$
Estimated construction cost		$
Other cost ( )		$
Total estimated project cost		$ 100,000

PROPOSED SCHEDULE

Dates:

Start design
Completed design
Start property acq.
Completed property acq.
Start construction
Project completion

Additional financing comments:

CD: 7
CPA: Mid-City

DATE REQUESTED:	REQUEST PREPARED BY:	TELEPHONE NO.:	DIVISION APPROVAL:
3/1/05	Teresa Hovland	525-8241	

B. TO BE COMPLETED BY THE CAPITAL IMPROVEMENTS PROGRAM COORDINATOR

CLEARED: (SIGNATURE) DATE: 3/4/05

C. TO BE COMPLETED BY THE AUDITOR'S OFFICE

ACCOUNTING FOR BILLING PURPOSES

I.C.	FUND	DEPT.	ORG.	JOB ORDER	OBJ. ACCT.	DOC. REF/REQ. NO.	REV. ACCT.	O.H. %	BEN. DEPT.
10	39249	3244	105	295961					

JOB ORDER ASSIGNED BY: DATE: 3/10/05 JOB ORDER APPROVED BY: DATE: 3/9/05

D. COORDINATING DEPARTMENT FILLS IN UPON COMPLETION, OR ABANDONMENT OF PROJECT

DATE PROJECT: ____ / ____ / ____ REPORTED BY: AUDITING OFFICER'S APPROVAL:

COMPLETED ☐ ABANDONED ☐

Dept 1315
Object Acc 49265
Revenue Acc 79238
3/10/05 Per Teresa Hovland, use above information

INSTRUCTIONS:

1. THIS FORM IS TO BE COMPLETED BY ANY ENGINEERING FUNCTION REQUESTING A JOB ORDER NUMBER TO BE ASSIGNED TO A PROJECT.
2. THE COORDINATING DEPARTMENT (ENGINEERING FUNCTION MAINTAINING CONTROL OF THE PROJECT) SHALL PREPARE ORIGINAL AND TWO COPIES, FILLING IN SECTION A. IF THE PROJECT IS A CIP PROJECT SEND ALL COPIES TO THE CIP ENGINEER FOR APPROVAL AFTER APPROVAL IS RECEIVED, OR IF NOT A CIP PROJECT, SEND ALL COPIES TO THE AUDITOR'S OFFICE.
3. ASSIGNING A JOB ORDER ON C, WILL SEND WHITE DINATING DEPARTMENT
4. WILL COMPLETE SECTION THE AUDITOR'S OFFICE ETED, OR ABANDONED AND THE JOB ORDER IS TO BE CLOSED.

AC-256 (REV. 8-82)
594358

EXHIBIT NO. 47

CITY OF SAN DIEGO
MEMORANDUM

DATE: March 4, 2005

TO: Carol Wood, Grants Administrator, Park Planning and Development

FROM: Heidi Lang, Assistant Grants Administrator, Park Planning and Development

SUBJECT: Grant in Jeopardy: Fox Canyon Park – Acquisition and Development

---

At the meeting of January 25, 2005 (notes attached), the roadways were added to the scope of work to the environmental review of Fox Canyon Park. I raised concerns about meeting the grant deadline. The group agreed to include the roads ***as long as the project would meet the grant deadline of October 26, 2005 for completion of CEQA.*** I do not believe that we will meet that deadline; thus the $2.3 million dollar grant for Fox Canyon Park is in jeopardy.

Since that meeting, team members have been working diligently to hire consultants for specific studies needed environmental review of the park – and the roadways. (Please note that at this time, there is no funding for the roads' environmental review, design or construction.) The Primavera schedule is optimistic, and there has been some slippage in it already.

Please consider the following options/recommendations:

1. Remove or modify the Site Development Permit. This process is internal; the State Parks and Recreation Department and CEQA do not require it.
2. Allocate funding for the roads' environmental review. The State grant cannot be used to cover any part of the roads. It can only be used for the park.
3. Remove the roads from the environmental review process. Work on this ***after*** the park's CEQA is complete.
4. Bring all parties to the table to discuss other ways that the park's environmental review can be completed on time so we keep $2,363,000 – and Fox Canyon Park.
5. Consider funding the park and roadways with local funds if we cannot retain the grant.

Please raise this up through the chain of command. We all make better decisions with more complete information. Working together, I hope we can find a way to retain the Fox Canyon Park grant.

Heidi Lang

Heidi Lang

Attachments

cc: Chris Sichel, Development Officer, Park Planning and Development

EXHIBIT NO. 48

CITY OF SAN DIEGO
MEMORANDUM

Date: 02/08/05

To: Joan Talbert, Accountant III, Auditor and Comptroller's Office

From: Development Office, Park and Recreation Department

Subject: Request for Grant Payment Invoice

Please issue an invoice for the following Park and Recreation grant funded project:

Project Title:	Fox Canyon Park Acquisition and Development
CIP#:	295960
Grant fund #:	38215
Invoice Amount:	$236,300.00
Agency:	State Department of Parks and Recreation
Agency Contact:	Bonnie West

Please send the original invoice to the Park and Recreation Department, MS 37C. This office will forward the payment request package to the granting agency.

If you have any questions, please call me at (619) 533-6518

Thanks!

Barbara Chipps
Assistant Grants Administrator

*Action: A - ADD
M - MODIFY
D - DELETE

City of San Diego
Auditor and comptroller's Department

ACCOUNTS RECEIVABLE INVOICE ENTRY

INVOICE NUMBER _____
ENTER INVOICE NUMBER IF ACTIONIS OTHER THAN "A"

	CUSTOMER DATA+		BILLING DEPARTMENT DATA			
A*	CUST ACCOUNT NO	CUSTOMER NAME	DEPT NUMBER	CONTACT NAME	TELEPHONE NUMBER	DEPT REF NUMBER
A	035932	State of California-Dept of Parks	050	Barbara Chipps	(619) 533-6518	446

CUSTOMER ACCOUNT MUST BE ESTABLISHED PRIOR TO SUBMISSION OF INVOICE DATA ENTRY FORM

INVOICE BILLING DATA

DAYS DUE	INV TYPE	TYPE CHG	NOTICES	TREAS-REF.	ENCLOSURES	PD COVERED	EXCEPT CODE	ACCRUAL CODE	TIME PAYM CODE	STD DESC CODE	INVOICE TOTAL AMOUNT
180	G		N	Y	Y						$236,300.00

INVOICE DESCRIPTION DATA

	DESCRIPTION OF CHARGES	AMOUNT		DESCRIPTION OF CHARGES	AMOUNT
1.	Fox Canyon Park Acquisition and Development		5.	2002 Resources Bond Act, Urban Park Act of 2001	
2.	Project #- UP-37-002		6.		
3.	Contract # C0201036		7.		
4.	Grant Fund number 38215		8.		
				TOTAL DUE	$236,300.00

LATE CHARGE #1 DATA			LATE CHARGE #2 DATA		
DAYS DUE	AMOUNT	(AND/OR)PCT CODE	DAYS DUE	AMOUNT	(AND/OR)PCT CODE

AUDITOR'S USE ONLY	
INVOICE NUMBER	
INVOICE DATE	

ACCOUNTING DATA

FUND	DEPT	ORG	ACCOUNT	JOB ORDER	OPER	BN / EQ	FACILITY	AMOUNT
38215			76410	295960				$236,300.00

AUTHORIZATIONS

	NAME	DATE
PREPARED BY:	B. Chipps	02/08/05
APPROVED BY:	J Talbert	02/08/05
KEYED:		

REMARKS

AUDITOR'S FORM

DO NOT KEY IN BLUE OR SHADED AREAS
KEY in GREEN or Pink shaded

Barbara Chipps
Assistant Grants Administrator
(619) 533-6518

38215
295960

2002 Resources Bond Act, Urban Park Act of 2001

UP-37-002

C0201036

Fox Canyon Park Acquisition and Development

x

Notice

n

INVOICE #
Agency:
Agency Contact:

State Department of Parks and Recreation
Bonnie West

[redacted] 916-651-7740

[redacted]

$2,363,000.00

0.00
0.00

035932
State of California-Dept of Parks

EXHIBIT NO. 49

CITY OF SAN DIEGO, CALIFORNIA
GOVERNMENT AGENCY INVOICE

WHITE - CUSTOMER

YELLOW - RETURN WITH PAYMENT

EDI REF NO: C415807

MAKE REMITTANCE PAYABLE TO CITY TREASURER,
P.O.BOX 122289
SAN DIEGO, CALIFORNIA 92112
PLEASE RETURN YELLOW COPY OF INVOICE WITH YOUR PAYMENT.

STATE OF CALIFORNIA
P O BOX 924896
SACRAMENTO CA 94299 0001

ACCT NO
035932

TREASURERS USE ONLY

PAYMENT
DATE: _____
BY: CA CK IF ED
PAYMENT REF NO _____ AMT PAID: _____

INVOICE DATE	PAYMENT DUE	PERIOD COVERED
03/08/05	09/04/05	

FOR INFORMATION CONCERNING YOUR BILLING CONTACT:
TALBERT/CHIPPS REF NO: FD38215
DEPT: AUDITOR AND COMPTROLLER 619 533 6518

DESCRIPTION OF CHARGES	AMOUNT
FOX CANYON PARK ACQUISITION AND DEVELOPMENT PROJECT# UP-37-002 CONTRACT# C0201036 FUND # 38215 2002 RESOURCES BOND ACT, URBAN PARK ACT 2001	236,300.00

ENCLOSURE TOTAL DUE 236,300.00

NOTICE: PLEASE REMIT PAYMENT PROMPTLY. PAYMENT MUST BE RECEIVED BY THE DUE DATE LISTED ABOVE TO AVOID ADDITIONAL CHARGES. UNPAID BILLS WILL BE SUBJECT TO A COLLECTION FEE OF 10% OR $10, WHICHEVER IS GREATER, INTEREST OF 1% PER MONTH ON THE UNPAID BALANCE, AND APPLICABLE PENALTIES. ANY QUESTIONS SHOULD BE DIRECTED TO THE CONTACT LISTED ABOVE.

CUSTOMER COPY INV NO. 415807

AC-22 (REV 10/00)

STREAMLINE FORMS & GRAPHICS (619) 390-7007

EXHIBIT NO. 50

From: "Heidi Lang" <HLang@sandiego.gov>
To: <BWEST@parks.ca.gov>
Date: 4/3/2006 12:08:38 PM
Subject: Progress Reports Clarification

Hi Bonnie,

I am reviewing the Fox Canyon financial documents and files today. As we discussed briefly this morning, the progress reports sent June 2005 and February 2006 need to be clarified. The reports inadvertently show total project costs spent to date, not grant funds spent to date.

To date, the expenses for preliminary design and CEQA for the park have been charged to City funds, not the grant fund. As of today, only $1,275 has been charged directly to the park grant.

We also keep separate accounting on charges spent for preliminary design and CEQA for the road - not a part of the park CIP.

Heidi Lang
Assistant Grants Administrator
Park Planning & Development
Park and Recreation, City of San Diego
(619) 525-8218

CC: "Carol Wood" <CWood@sandiego.gov>, "JoEllen Jacoby" <JJacoby@sandiego.gov>, "Samir Mahmalji" <SMahmalji@sandiego.gov>

Project Status Report

OGALS Management System

Project Number: UP-37-002
Project Officer: Bonnie Morse West
(916) 651-7740

Subagency: City of San Diego, Parks

Project Contact: Carol Wood
(619) 5258217
Contact Address: 202 C Street, MS-9B
San Diego, CA 92101

Project Status: Active

Fiscal Year: 02/03

Project Name: FOX CANYON PARK

Project Type: COMBINATION

Project Location: ONTARIO AVENUE AT WINONA & LANDIS ST.

Project Address: Ontario Avenue
San Diego, CA 92105

Related Projects:

Project Scope: An acquisition and development project in the City of San Diego to construct a playground, hard courts, grassy area, picnic area, shade structure, interpretive kiosks, drinking fountains, sidewalk, and landscaping.

Grant Amount: $2,363,000.00

Project Start Date: 07/01/2002

Payments to Date: $236,300.00

Project End Date: 06/30/2010

Grant Balance: $2,126,700.00

Contract Number: C0201036

Payments:

Payment Date	Payment Type	Payment Amount
03/28/2005	Advance	$236,300.00

Open Diaries:

Date Posted	Date Due	Date Complete	Diary Text	
08/31/2006			The City of S.D. has purchased a piece of property located 650 feet from the Fox Canyon Park Site. They have requested to move the project site from Fox Canyon to a site on Wightman Street. The park is being referred to as Wightman Park. The City will be putting in approx. $3,000,000 (compare to the original $930,000 match), making the project close to $6,000,000 (originally $3,292,500). The project manager requested information on documentation required to move the site. Advised them they will need to review the total application package and provide information on everything within the application that will change with the moving of the park site. Heidi advised that the property has small cabins on it that will be demolished (sub-standard housing) and relocation expenses for the remaining residences will be paid. She also advised the site plan will be submitted as concepual, as they will be meeting with the Fox Canyon Neighborhood to obtain input ammenties for the park. After meeting with Patty, Josh and Steve, advised the project contact (Heidi Lang) they will also need a new resolution from City Council. Once they have the information prepared, we also requested they provide a cover letter from their authorized representative requesting the project site location change.	Bonnie Morse West 8/31/2006 2:24:25 PM

Project Status Report

OGALS Grant Management System

Project Number: UP-37-002
Project Officer: Bonnie Morse West
(916) 651-7740

06/27/2006			Received GPSR dated 6/14/06. City Council approved the mitigated neg. dec. in April, 2006. A community group has filed a lawsuit against the City of San Diego in regard to the environmental report. The acquisition is still pending.	Bonnie Morse West 6/27/2006 10:56:11 AM
06/01/2006			Met with City of S.D. on 5/31/06. Options regarding this project are being explored. City will keep us advised to the their plans as they develop.	Bonnie Morse West 6/1/2006 11:17:33 AM
05/17/2006	06/16/2006	06/14/2006	05/17/2006 - Grant Progress Status Report Printed Heidi Lang Assistant Grants Administrator City of San Diego, Parks 202 C Street, MS 37C San Diego, CA 92101	Scott Spitzer 6/27/2006 10:54:09 AM
05/16/2006			Received a call from Theresa Quiroz asking if we had been informed by the City of a possible change in the acquisition costs, and I told her that I believe we have not.	Steve Radosevich 5/16/2006 10:56:14 AM
05/11/2006			Approved letter making project active, signed it for PO who was in the field, and mailed.	Steve Radosevich 5/11/2006 2:49:59 PM
05/11/2006			On 5/9/06 emailed response to Theresa Quiroz, a resident concerned with the possiblity of a road going thru the park. On 5/10 received a response. Email in project file.	Steve Radosevich 5/11/2006 2:24:24 PM
05/08/2006	05/08/2006	05/08/2006	Complete Project Application letter sent.	Bonnie Morse West 5/8/2006 8:25:37 AM
05/02/2006			On 4/27/06 received letter dated 4/24/06. The letter advised that the CEQA for Fox Canyon was complete. Included with the letter was the Notice of Determination stamped by the County Clerk and the letter from the State Clearinghouse. The submital of these documents meet the extension of the CEQA requiements deadline, requested by the City and approved by OGALS, of May 1, 2006. On 4/28/06 San Diego Project Contact Heidi Lang called and advised that a group called "The Friends of Fox Canyon Park" had filed a lawsuit against the City of S.D. regarding the environmental review for the park and the road. The group requested the Mitigated Neg. Dec. be set aside and a full EIR done. E-mail regarding the lawsuite sent 5/1/06.	Bonnie Morse West 5/2/2006 7:25:43 AM
04/07/2006			Office Chief, Manager, PO and myself phoned Heidi and advised her to have their legal staff review the Park Preservation Act and how it relates to the potential roadway through the park.	Steve Radosevich 4/7/2006 9:02:36 AM
03/29/2006			Received letter dated 3/22/06 from City of S.D. outlining the outcome of the 3/21/06 San Diego City Council meeting regarding the appeal and certification of the MND that allows the park to be built. NOD to be filed with the County Clerk and forwarded in approx. 1 month. City Council directed staff to provide additional environmental analysis on road alternatives before returning to City Council for any subsecquent decisions to fund the road.	Bonnie Morse West 3/29/2006 1:07:12 PM

EXHIBIT NO. 51

From: Jim Madaffer
To: Elyse Lowe
Date: 3/30/2005 5:19:08 PM
Subject: Re: Update on Fox Canyon park/road/house

2 weeks ago I personally chatted with Will G and asked him to begin pursuing the house. Please confirm this with him directly. Buy the house now - any and all ways possible using any and all funds possible. Thanks.

>>> Elyse Lowe Wednesday, March 30, 2005 5:07:19 PM >>>
Jim-
Update on the park/Road for Fox Canyon. Park Planning and DSD met today to confer on the issues.

DSD- Traffic circulation reviewers will **not** approve a one lane "park" road- they are requiring the project to include a two way city street.

This would require a standard road 30 feet across. Currently, they can fit two lanes into 24 feet but we can't get 30 feet unless *we reduce the size of the park*. P&R will ask for deviation on the road width, but DSD won't tell them if they will allow the deviation or not because they have to see the plans first.

Ann Gonsalves is a DSD Senior traffic engineer- she said she'd be willing to speak with you and clarify any info for you- 619-446-5294.

We could solve this by reducing the size of the park, buts its already only .4 acres, and we don't want to see it reduced to .3 acre or even .25 acre. I don't like this idea.

DSD is also requiring a circulation study- this will be approx. $5,000.

We will need to purchase part of the property on the corner in order to make the road work. Don't know yet if we need the whole house or part of the parcel. ***Do we have your permission to have Lane Makenzie start discussions with the owner of the house?*** The ballpark estimate on the house is $400-$500,000.

The only $$ we have to buy the house would be $180,000 out of the Mid City Special Park funds (which D4 thinks they have a hold on but according to the memo- wee have first rights to it) and a loan as you suggested (in your email below) from HUD 108 to be repaid by Crossroads TI.

On top of this all, we still have very tight grant deadline issues for an env, doc for October. Staff is already mentioning that this is going to be hard for them to meet.

Please let me know your thoughts at this point. I have calls into CED about the 108 loan to be repaid with TI to see what loops we need to go through to get it.

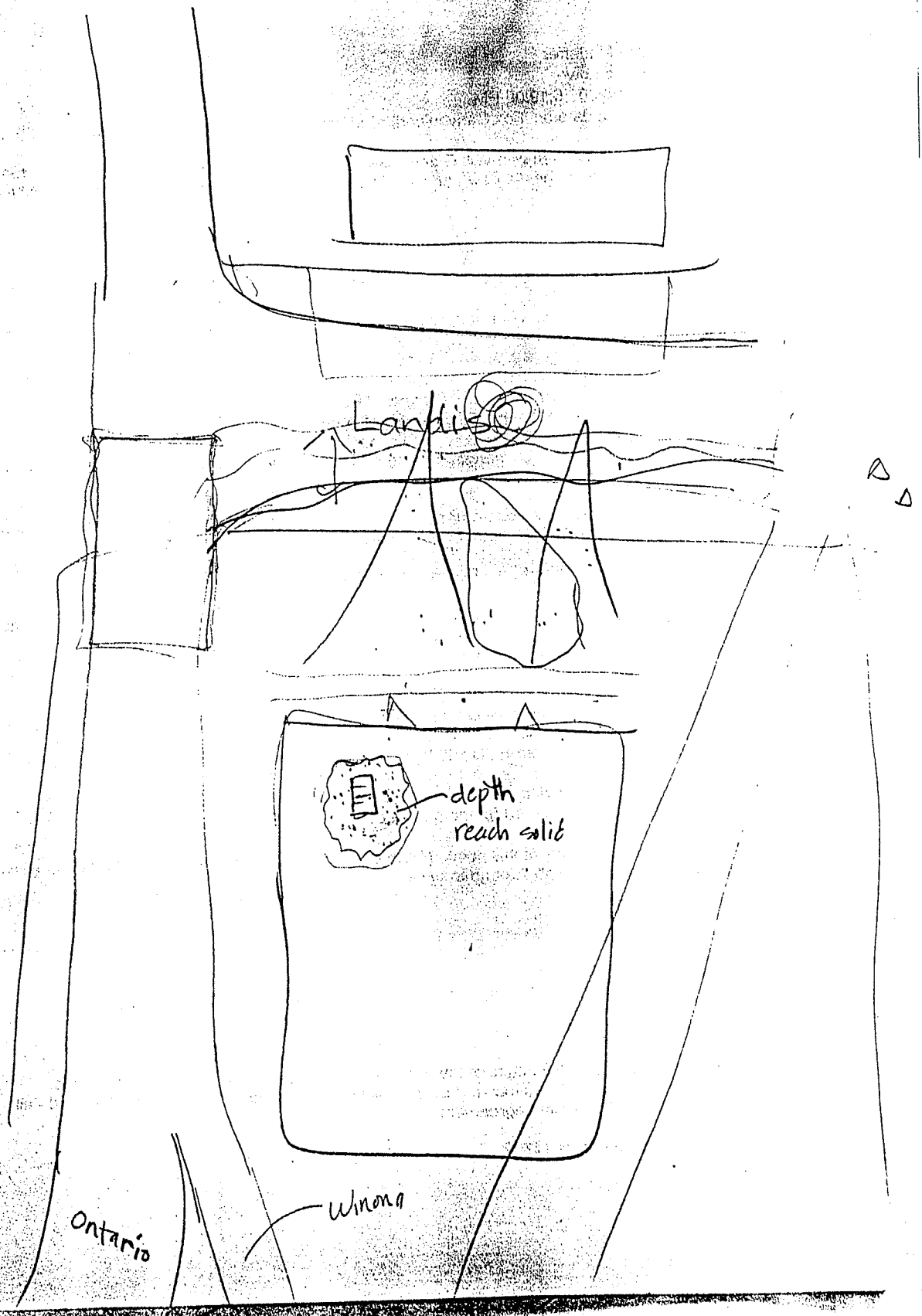
Elyse

>>> April Penera 03/16/05 10:23AM >>>
I believe there is money left in the Mid City Special Park funds.... wouldnt we just use that? A

>>> Elyse Lowe 3/16/2005 10:22:07 AM >>>

Jim wants to investigate buying the house at the corner of Auburn/Ontario to build a two lane road. He suggests using a "temporary" 108 loan to fund portions of the park including things for the road - all with a Crossroads TI reimbursement agreement.

Should that be included in Lane's 1472?


Landis
depth
reach solid
Ontario
Winona

Elyse Lowe
elowe@sandiego.gov

Councilmember Jim Madaffer- District 7
202 C St. MS 10A
San Diego, CA 92101

(619) 236-6677
(619) 238-1360 fax

www.JimMadaffer.com

>>> Jim Madaffer 03/16/05 05:15AM >>>

now it looks like we may need to buy that other house - please get an estimate from READ on that one as well. We may need to do a "temporary" 108 loan to fund portions of the park including things for the road - all with a Crossroads TI reimbursement agreement. Feel free to throw that into the mix as an option to keep things moving quickly. Thanks.

>>> Elyse Lowe 3/15/2005 3:09:46 PM >>>

Lane is writing the 1472 for the Fox Canyon Land acquisition- the seller finally agreed on a price. Lane does not have in writing yet from the seller, but should have it soon.

The advance copy of the 1472 should come out way the beginning of next week.

Elyse

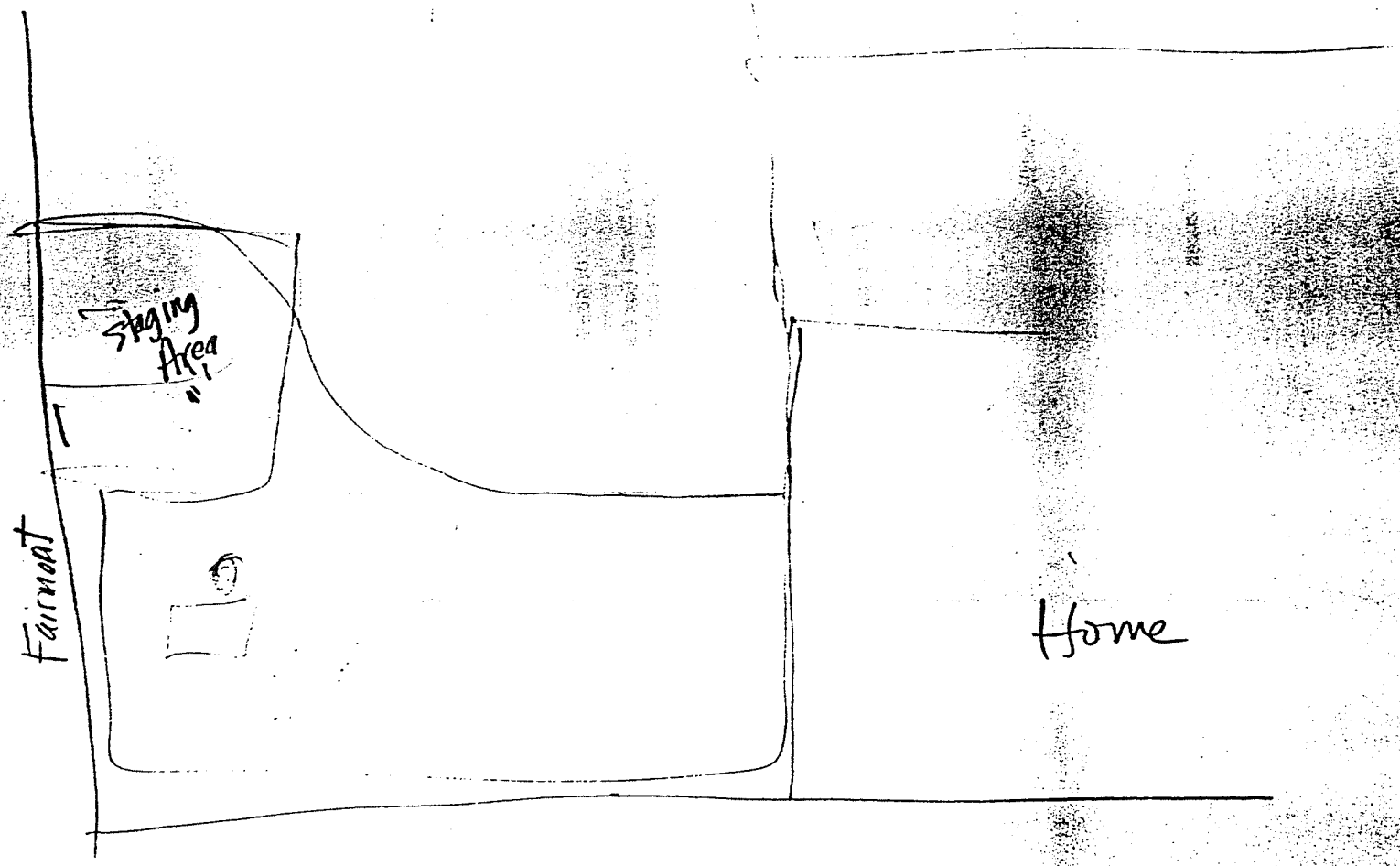
Elyse Lowe
elowe@sandiego.gov

Councilmember Jim Madaffer- District 7
202 C St. MS 10A
San Diego, CA 92101

(619) 236-6677
(619) 238-1360 fax

www.JimMadaffer.com

CC: Aimee Faucett


Staging Area
Fairmont
Home

From: April Penera
To: Carol Wood; Elyse Lowe; Kelly Rodgers; Margaret May
Date: 4/6/2005 9:13:40 AM
Subject: Re: Fox Canyon park/road/house

Kelly,
pls give elyse a breakdown of the project costs to date. include everything including dsd stuff, consultant stuff, etc... so she knows what would be left after obligations are met. the grant did not mention the road..., but may be able to buy the house as part of the park discussion.... they have to be willing sellers.. let me ask carol and heidi.

carol, can you weigh in on the grant and being able to buy the house with the money... it isnt only for the road, it is the entrance to the park.... can we make that nexus?

a

>>> Elyse Lowe 4/5/2005 4:13:18 PM >>>
April:
$900,000 from Mid City Special Park Fee
$ 30,000 from CDBG has been allocated and spent on staff costs (according to Joey)

It is my understanding we have burned through the $30,000 CDBG and have now started spending the $900,000 for staff costs.

Parkland acquisition cost: $480,000 per Lane M. as of today.

$900,000
-$480,000
=$420,000 remaining
-$ amount used up to date in staff costs. Do you have an accurate figure on what has been spent to date?

The estimated cost for the house is $450,000, per my conversation with Lane today.

Our office needs to get the other Council members in agreement that we can use the $180,000 Special park fee remaining- I know Tony Young is eyeing it, even though we have a memo signed by all three that D7 has first take on it.

I do not know what part of the $2.3 million could be used to build the road (and/or buy the house needed for the road). Heidi would know this. I believe its none, but we need confirmation.

Thanks,
Elyse

Elyse Lowe
elowe@sandiego.gov

Councilmember Jim Madaffer- District 7
202 C St. MS 10A
San Diego, CA 92101

(619) 236-6677
(619) 238-1360 fax

www.JimMadaffer.com

>>> April Penera 04/05/05 02:18PM >>>
I want to make sure we are all saying the same thing.

We have $930,000 in the project. It is my understanding that $30,000 was CDBG and $900,000 was Mid City Special Park Fee. Then, on top of that, we will get the $2.5 mil of grant money. In addition to that, there is $180,000 in the Mid City SPF...

Agreed?

April

>>> Margaret May 4/5/2005 1:09:43 PM >>>
Hi Elyse,
I agree that the amount available in Mid City Special Park Fee funds is about $180,000.
Margaret

>>> Elyse Lowe 3/30/2005 4:51:54 PM >>>
A-
Can you pretty please confirm the amount that is left? Kelly thinks its only $180,000 in Mid City Special Park funds.

THANKS!
E

>>> April Penera 03/16/05 10:23AM >>>
I believe there is money left in the Mid City Special Park funds.... wouldnt we just use that? A

>>> Elyse Lowe 3/16/2005 10:22:07 AM >>>

Jim wants to investigate buying the house at the corner of Auburn/Ontario to build a two lane road. He suggests using a "temporary" 108 loan to fund portions of the park including things for the road - all with a Crossroads TI reimbursement agreement.

Should that be included in Lane's 1472?

Elyse Lowe
elowe@sandiego.gov

Councilmember Jim Madaffer- District 7
202 C St. MS 10A
San Diego, CA 92101

(619) 236-6677
(619) 238-1360 fax

www.JimMadaffer.com

>>> Jim Madaffer 03/16/05 05:15AM >>>

EXHIBIT NO. 52

CITY OF SAN DIEGO
FOX CANYON NEIGHBORHOOD IMPROVEMENTS
DSD COORDINATION MEETING

April 7, 2005
10:00 A.M.
DSD 4

Attendees: Kelly Rodgers, Park & Rec., Park Planning
Lane MacKenzie, Real Estate Assets
Joey Jacoby, Park & Rec., Park Planning
Patricia Grabski, Development Services
Ann French Gonsalves, Development Services
Lee Hennes, Development Services
Bob Medan, Fire
Robert Negrete, Development Services
Eric Brennecke, Development Services

The following is a brief summary of discussion and action items from the April 6, 2005 meeting for Fox Canyon Neighborhood Park and surrounding development:

The road must be two way.

If the road does not have parking it can be a minimum of 24' wide, this deviation in width would be accepted if appropriate documentation and reason for the deviation can be provided to Engineering Review, Transportation Development and the Subdivision Engineer.

If the road has parking on one side it must be a minimum of 28' wide

The road can be a combination of 24' width (no parking) and 28' including parking (one side) as long as an appropriate transition can be provided.

Need to provide base traffic information including traffic counts 3 days in a row in several locations.

Show the flood plain and flood way on plans

Show property lines of adjacent properties on plan.

If the singlefamily property stays, then we have to relocate the driveway to meet street standards. (If we purchase the whole lot - no driveway problems.)

The design must accommodate access to Winona Street (no wall across the entry to Winona St. paper street)

Show all geometry of the road on plans.

Intersection of Ontario and Auburn should be 90 degrees or close, reduce curb returns at Ontario and Auburn intersection from what is shown on plans submitted March 18, 2005

Water quality technical report needed

No street vacations are required:

Landis will not be vacated. We will apply for a Encroachment Removal Maintenance Agreement to do some landscaping (no trail). A small piece of the upper portion of the park is within the street right of way and will have to be deleted.

Winona will not be vacated. We will apply for a Encroachment Removal Maintenance Agreement permit to do some landscaping.

Ontario will require a dedication which does not require a City Council action

If the road is designed to city standards (even if only 24' wide), it should meet fire requirements, however, Bob would like to see less 'dip' and provided a diagram of vertical control. – if dip can not be reduced we should provide a note to reviewers explaining constraint.

These meeting minutes were prepared by Joey Jacoby. Please contact Joey at (619) 533-4017, by April 14 should you have any revisions or additions. Otherwise, these minutes shall be deemed final.

CITY OF SAN DIEGO
FOX CANYON NEIGHBORHOOD IMPROVEMENTS
DSD COORDINATION MEETING

April 7, 2005
10:00 A.M.
DSD 4

Attendees: Kelly Rodgers, Park & Rec., Park Planning
Lane MacKenzie, Real Estate Assets
Joey Jacoby, Park & Rec., Park Planning
Patricia Grabski, Development Services
Ann French Gonsalves, Development Services
Lee Hennes, Development Services
Bob Medan, Fire
Robert Negrete, Development Services
Eric Brennecke, Development Services

The following is a brief summary of discussion and action items from the April 6, 2005 meeting for Fox Canyon Neighborhood Park and surrounding development:

The road must be two way.

If the road does not have parking it can be 24' wide, this deviation in width would be accepted

If the road has parking on one side it must be 28' wide

The road can be a combination of 24' width (no parking) and 28' including parking (one side).

Need to provide base traffic information including traffic counts 3 days in a row in several locations.

Show the flood plain and flood way on plans

Show property lines of adjacent properties on plan.

If the single property stays, then we have to relocate the driveway to meet street standards. (If we purchase the whole lot - no driveway problems.)

The design will accommodate access to Winona Street (no wall across the entry to Winona St. paper street)

Show all geometry of the road on plans.

Intersection of Ontario and Auburn should be 90 degrees or close, reduce size of Ontario and Auburn intersection.

Water quality technical report needed

No street vacations are required:

Landis will not be vacated. We will apply for a Encroachment Removal permit to do some landscaping (no trail). A small piece of the upper portion of the park is within the street right of way and will have to be deleted.

Winona will not be vacated. We will apply for a Encroachment Removal permit to do some landscaping.

Ontario will require a rededication which does not require a City Council action

If the road is designed to city standards (even if only 24' wide), it should meet fire requirements, however, Bob would like to see less 'dip' and provided a diagram of vertical control. – if dip can not be reduced we should provide a note to reviewers explaining constraint.

These meeting minutes were prepared by Joey Jacoby. Please contact Joey at (619) 533-4017, by April 14 should you have any revisions or additions. Otherwise, these minutes shall be deemed final.

CITY OF SAN DIEGO
FOX CANYON NEIGHBORHOOD IMPROVEMENTS
DSD COORDINATION MEETING

April 7, 2005
10:00 A.M.
CAB 4

Attendees: Kelly Rodgers, Park & Rec., Park Planning
Lane MacKenzie, Real Estate Assets
Joey Jacoby, Park & Rec., Park Planning
Patricia Grabski, Development Services
Ann French Gonsalves, Development Services
Lee Hennes, Development Services
Bob Medan, Fire
Robert Negrete, Development Services
Eric Brennecke, Development Services

The following is a brief summary of discussion and action items from the April 6, 2005 meeting for Fox Canyon Neighborhood Park and surrounding development:

The road must be two way. A deviation ~~from~~ on width is acceptable

If it has parking it must be 28' wide, where there is parking (Parking would be 1 side only)

If it does not have parking it can be 24' wide.

It can be a combination of 24' width and 28' including with parking.

Need to provide base traffic information including traffic counts 3 days in a row several times, including one way street
re a circulation study to substantiate road width.

Show the flood plain and flood way. on plan

If the single property ~~ays~~ stays, then we have to address the driveway.
(If we purchase the whole lot - no driveway problems.)

Can not have a wall across the Winona St. paper street Design will accommodate

Show all geometry of road on plans, horiz curve needs to be adjusted to street standards

Intersection of Ontario and Auburn should be 90 degrees or close.

Water quality technical report needed
No vacations are required, ~~[illegible]~~.
Landis will not be vacated. We will apply for a Encroachment Removal permit to do some landscaping (no trail)

make Auburn + Ontario intersection tighter
Delete small part of Landis Row from Park

Winona will not be vacated We will apply for a Encroachment Removal permit to do some landscaping
show prop lines on plan
Ontario will require a rededication which does not require a City Council action

- If the road is designed to city standards (even if only 24' wide), it should meet fire requirements, however, Bob would like to see less 'dip' and provided a diagram of vertical control. – if not provide a note to reviewers explaining constraint.

These meeting minutes were prepared by Joey Jacoby. Please contact Joey at (619) 533-4017, by April 14 should you have any revisions or additions. Otherwise, these minutes shall be deemed final.

EXHIBIT NO. 53

PARKS & RECREATION

APR 2 6 2005

PARK PLANNING & DEVELOPMENT DIVISION

City Of San Diego
COUNCILMEMBER JIM MADAFFER
DISTRICT SEVEN

MEMORANDUM

M-05-04-04 Please refer to this number when responding to this memo

DATE: April 11, 2005

TO: City Manager Lamont Ewell

FROM: Councilmember Jim Madaffer

SUBJECT: Mid City Special Park Fees

It is come to my attention that the Fox Canyon park project and corresponding Ontario road connection is in need of funds in order to make an additional private property parcel acquisition. I would like to allocate $150,000 in Mid City Special Park Fees for this purpose. If you have any questions please feel free to contact my office. Thank you for your assistance with this matter.

JM/el

cc: April Penera, Park Planning Deputy Director, Park and Recreation Department
Lane MacKenzie, Supervising Property Agent, Real Estate Assets Department

Post-it® Fax Note 7671	Date 11/21/05 # of pages ▶ 1
To Carol W	From Margaret
Co./Dept.	Co.
Phone #	Phone #
Fax # 58220	Fax #

(Poor Original)

City of San Diego

Capital Improvements Program
Fiscal Year 2006 Change Letter

[redacted]

...port to AMRIS

29-596.0 Fox Canyon Park - Acquisition and Development TH

This revision reflects changes in funding availability. It is proposed to transfer Mid-City Special Park Fees in the amount of $150,000 to this project through the Fiscal Year 2006 Budget Process. The amount previously unidentified ($5,257,000) has been reduced by a corresponding amount. The total project cost is $8,550,000.

Fiscal Year / Revenue Source			Budget Change	FY2006 Change	Total Project Cost
				150,000	8,550,000
N FY2006	Park Development Impact Fees	39094	150,000		
FY2007	Unidentified Funding		(150,000)		

29-858.0 Highland Ranch Neighborhood Park - Comfort Station TH

This revision provides for changes as a result of City Council Resolution R-300151. 2000 Park Bond per Capita funding in the amount of $20,000 has been transferred to this project from CIP 29-586.0, Forestview Mini Park - Play Area Upgrade ($10,000), and CIP 29-588.0, Semillon Mini Park - Play Area Upgrade ($10,000). The total project cost increased to $215,252. This project is funded.

Fiscal Year / Revenue Source		Budget Change	FY2006 Change	Total Project Cost
				215,252
Exp/Enc	Public/Private Partnership	692		
Exp/Enc	State Grant	47,000		
Exp/Enc	State Grant	17,728		
Cont. Appn.	Public/Private Partnership	(692)		
Cont. Appn.	State Grant	(47,000)		
Cont. Appn.	State Grant	2,272		

(Poor Original)

APP09I DEPT: 30244 ORG LEVEL: 105 JO: 295961 PY: PRINT: N PG 1
PRIOR PD: FY: 07 CY SPECIAL FUND FINANCIAL STATUS
DEPT: CAPITAL IMPROVEMENT PROGRAM ORG: OTHER PARKS

OBJECT	TITLE	APPROPRIATION	EXPENDITURE	ENCUMBRANCE	UNENC BAL APP
4114	PRELIM ENG-CITY.		5714.33		5714.33-
4118	ENGINEERING SERV	66470.00	65891.00	79.00	500.00
4926	DEVEL SVCS CHGS	10000.00	17519.43		7519.43-
4942	PARK DEPT CHGS	73530.00	26114.80		47415.20
4967	E&D TRANSP PLAN		1248.39		1248.39-
4975	PRIOR YEAR'S CST		30565.78		30565.78-
TOTAL	SUPPL/SERV/OTHER	150000.00	147053.73	79.00	2867.27
TOTAL	OTHER PARKS	150000.00	147053.73	79.00	2867.27

MESSAGE: THAT IS ALL OF THE OBJECT ACCOUNTS AND CLASSES.

Date: 10/23/2006 Time: 12:50:51 PM

(Poor Original)

JOB08I CIP SOURCE OF FUND INQUIRY ACTION: L PG 1

DEPT/ORG NO: 30244105 PROJECT NO: 295961 (L=LOOK, B=BROWSE)

TOTAL APPROP FOR CIP PROJECT: PTD: 150,000.00 YTD: 20,444.17

.Y MTD	INDEX NO.	J.O.	ALLOTTED	P-T-D EXPENDED	ENCUMBERED	Y-T-D EXPENDED
01	39094	295961	150000.00	147053.73	79.00	17497.90

MESSAGE: THAT IS ALL OF THE CIP FUNDS FOR THIS PROJECT NUMBER

Date: 10/23/2006 Time: 12:50:23 PM

(Poor Original)

EXHIBIT NO. 54

CITY OF SAN DIEGO
FOX CANYON NEIGHBORHOOD IMPROVEMENTS
DSD COORDINATION MEETING

May 2, 2005
3:00 P.M.
DSD 5C

Attendees: Kelly Rodgers, Park & Rec., Park Planning
Lane MacKenzie, Real Estate Assets
Joey Jacoby, Park & Rec., Park Planning
Patricia Grabski, Development Services
Ann French Gonsalves, Development Services
Lee Hennes, Development Services
Robert Negrete, Development Services
Eric Brennecke, Development Services
Myra Herrmann, Development Services
Darab Bouzacrjomchri, Project Design Consultants
Steve Lindsay, Development Services

The following is a brief summary of discussion and action items from the May 2, 2005 meeting for Fox Canyon Neighborhood Park and surrounding development:

The single family property at Ontario Ave. and Auburn Dr. will not be purchased outright by the City. The City will purchase a narrow portion of the property to accommodate Ontario Ave. Eminent domain could b used.

Bob Medan, Fire Department, prefers that the drive to the Single Family property remain on Auburn Avenue.

The standard requirement calls for a driveway apron no closer than 4' from the property line. Since the right of way is set back quite a distance from the proposed curb, the driveway should be able to meet the standard. However, this does mean that the drive is fairly close to the intersection. We may wish to get an easement and align the driveway through a small portion of the adjacent apartments.

The current plans (distributed to Development Services) show a driveway on Ontario Avenue. A new driveway layout will be prepared and given to Patricia Grabski to replace the current drawing

The bridge is designed to accommodate the 100 year flood flow. It has 0' freeboard at the 100 year flood level. Steve Lindsey stated that the bridge can not obstruct passage of the 100 year event, however, a freeboard is not required.

The plan shows the curved portion of Ontario Avenue with a superelevation. This is intended to direct any water that should overtop the bridge (100 year + event) to the creek side of the road

where it will be collected and filtered prior to reentry to the creek. Steve Lindsey stated that super elevation is not normal in a local road.

These meeting minutes were prepared by Joey Jacoby. Please contact Joey at (619) 533-4017, by May 10 should you have any revisions or additions. Otherwise, these minutes shall be deemed final.

Thank you

EXHIBIT NO. 55

From: Jim Madaffer
To: Penera, April
Date: 5/6/2005 7:41:51 AM
Subject: Re: Fox Canyon, Mid-City Special Park Fee, $150,000

Thanks for all your help in building this new park.

Jim.

>>> April Penera Thursday, May 05, 2005 5:14:54 PM >>>
Dear Councilmember Madaffer,

I am in receipt of your AIM #05-0137, dated April 27, 2005, which requests that the Park and Recreation Department allocate $150,000 from the Mid-City Special Park Fees for the purpose of developing the Fox Canyon project and the corresponding Ontario Road connection.

This Email is to inform you that we will oblige this request and do so as part of the June Revision memo. This funding is in keeping with a previously signed memo between Councilmember Atkins, Councilmember Lewis and yourself about the funding distribution.

If you have any concerns with this approach or wish to discuss it further, please let me know.

Respectfully,
April Penera

April S. Penera, P.E.
Park Planning Deputy Director
City of San Diego
Park & Recreation Department
"We enrich lives through quality parks and programs"

CC: Jacoby, JoEllen; Lowe, Elyse; May, Margaret; Oppenheim, Ellen; Rodgers, Kelly; Smiley, Vonne

CDBG, 30,000
Spec Pk Fee 900,000
Park Grt. 2,400,000
Spec Pk Fee 150,000

EXHIBIT NO. 56

From: Heidi Lang
To: Jacoby, JoEllen
Date: 6/29/2005 10:01:28 AM
Subject: Fox Funding

Hi Joey,

I'm reviewing the June revision change letter which includes an addition of $150,000 from park development impact fees. Is that to cover the funds that were used earlier from the park grant to cover studies on the road?

Just checking!

Heidi Lang
Assistant Grants Administrator
Park Planning & Development
Park and Recreation, City of San Diego
(619) 525-8218

From: Heidi Lang
To: Jacoby, JoEllen; Rodgers, Kelly
Date: 7/29/2005 10:27:27 AM
Subject: Fox Canyon and Mid City Special Park Fees

Hi Joey and Kelly,

You probably know this already, but just a reminder: the Mid City Park Fees used for the Fox Canyon property acquisition can only be used for parks, not for roads.

Heidi Lang
Assistant Grants Administrator
Park Planning & Development
Park and Recreation, City of San Diego
(619) 525-8218

CC: May, Margaret; Penera, April; Wood, Carol

EXHIBIT NO. 57

City Of San Diego
COUNCILMEMBER JIM MADAFFER
DISTRICT SEVEN

MEMORANDUM

M-05-11-10	**Please refer to this number when responding to this memo**
DATE:	**November 18, 2005**
TO:	**City Manager Lamont Ewell**
FROM:	**Councilmember Jim Madaffer**
SUBJECT:	**Allocation of DIF for Fox Canyon Park**

Please allocate $100,000 of Mid City DIF (Fund 39094) to the Fox Canyon Park Project CIP 29-596.0. This funding will be used to supplement the matching funds used by the City for the Urban Park Act of 2001 grant awarded to the Fox Canyon Park Project. If you have any questions, please feel free to contact my office.

JM/el

Cc: Deputy Mayor Toni Atkins
Councilmember Tony Young
Charlene Gabriel, Planning Department, Program Manager
Kelly Rogers, Park and Recreation Department Sr. Civil Engineer
Heidi Lang, Park and Recreation Department Grants Administrator

EXHIBIT NO. 58

From: Elyse Lowe
To: April Penera
Date: 3/8/2006 4:38:39 PM
Subject: Revision to past memo

April- the memo sent by Councilmember Madaffer back in Nov. 2005 should have been allocated to the sub-CIP. Please revise the memo to read:

Please allocate $100,000 of Mid City DIF (Fund 39094) to the Fox Canyon Park Project CIP 29-596.1.

Thanks,
Elyse Lowe

Elyse Lowe
elowe@sandiego.gov

Crossroads Redevelopment Area Project Coordinator
Councilmember Jim Madaffer- District 7
202 C St. MS 10A
San Diego, CA 92101

(619) 236-6677
(619) 238-1360 fax

www.JimMadaffer.com

CC: Aimee Faucett; JoEllen Jacoby

EXHIBIT NO. 59

KR &
JS

CITY OF SAN DIEGO
MEMORANDUM

PARK & RECREATION

DEC 15 2005

PARK PLANNING &
DEVELOPMENT DIVISION

DATE: December 14, 2005

TO: Councilmember Jim Madaffer, Council District 7

FROM: Charlene M. Gabriel, Facilities Financing Manager, Planning Department

SUBJECT: Response to AIM 05-0330 Fox Canyon Park Project – Mid-City Park Development Fund Allocation

---

Per your November 18, 2005 memorandum authorizing the appropriation of $100,000 from Mid-City Park Development Fund 39094 to CIP 29-596.0, "Fox Canyon Park – Acquisition and Development", staff has set aside $100,000 pending Council docketing and approval of this item. Additionally, staff has received confirmation of Council District 3's support for the request and anticipates receipt of confirmation from Council District 4.

Should you have any questions, please call either Pam Bernasconi (619) 533-3677 or Vicki Burgess (619) 533-3684.

Charlene M. Gabriel

Charlene M. Gabriel

CMG:PEB

cc: Ellen Oppenheim, Deputy City Manager
S. Gail Goldberg, AICP, Planning Director
Ted Medina, Park & Recreation Director
Keith Greer, Deputy Planning Director
✓April Penera, Park Planning & Development Deputy Director
Judy Stone, Manager's Office
Elyse Lowe, Council District 7
Jeffery Tom, Council District 3
Derrick White, Council District 4

AIM # 05-0330

EXHIBIT NO. 60

CITY OF SAN DIEGO
PARK AND RECREATION DEPARTMENT
Development Office

FAX MESSAGE

DATE : 11/29/05

TO : Joan Tulbert

FAX # :

FROM : Heidi Lang, Assistant Grants Administrator, (619) 525-8218
hlang@sandiego.gov

TOTAL PAGES INCLUDING THIS PAGE: 3

SUBJECT: Fox Canyon, 29-596.0

ADDITIONAL COMMENTS:

Please appropriate $150,000 of Park Development Impact Fees per the attached CIP Fiscal Year 2006 Change Letter by close of business today. This matter is extremely important.

Thank You.

Heidi

City of San Diego, Park and Recreation Department
Development Office
202 C Street, MS 37-C, San Diego, CA 92101
VOICE: (619) 525-8213
FAX: (619) 525-8220

"We enrich lives through quality parks and programs"

SAN DIEGO PARK & RECREATION DEPARTMENT
AMERICA'S FINEST

CITY OF SAN DIEGO
MEMORANDUM

DATE: July 27, 2005

TO: John Torell, Auditor and Comptroller

FROM: April S. Penera, Deputy Director, P&R, Park Planning and Development Division
via Ted Medina, Park and Recreation Department Director 7/27/05

SUBJECT: Fiscal Year 2006 Park and Recreation Department Capital Improvements Program Budget

---

The Fiscal Year 2006 Capital Improvements Program budget was approved on July 25, 2005 per the Fiscal Year 2005-2006 Appropriation Ordinance, No. 0-19396. In order to assist with updating Park and Recreation Department's projects in the City's Accounting System (AMRIS) I am providing information on all Park and Recreation Department projects that include a budgeted amount in Fiscal Year 2006.

Projects are budgeted through the Fiscal Year 2006 Proposed Budget or the Fiscal Year 2006 Change Letter. I am including the project pages that contain Fiscal Year 2006 budgeted amounts from the Proposed Budget and the Change Letter, annotated with fund status (whether or not the information will be exported from FMIS to AMRIS) and fund numbers in order to clarify individual project budget changes for Fiscal Year 2006. The initials of the P&R analyst assigned to each individual project are included also. Analysts and their phone numbers are: Teresa Hovland (TH), 525-8241 and Elvira Ricafort (ER), 533-6433. Your assistance in processing these changes will help us to maintain our project schedules.

In addition Park and Recreation Department has budgeted funding, in Fiscal Year 2006, for a number of completed projects in order to satisfy grant contract requirements. Carol Wood, Park and Recreation Department's grants administrator has been coordinating with Joan Talbert of your office on these projects.

Please call me at 525-8223, Margaret May at 235-5205 or Carol Wood (grants projects) at 525-8217 if you have any questions. Thank you for your help. It is greatly appreciated.

April S. Penera

Attachments

ort to AMAIS

29-596.0 **Fox Canyon Park - Acquisition and Development** TH

This revision reflects changes in funding availability. It is proposed to transfer Mid-City Special Park Fees in the amount of $150,000 to this project through the Fiscal Year 2006 Budget Process. The amount previously unidentified ($5,257,000) has been reduced by a corresponding amount. The total project cost is $8,550,000.

Fiscal Year / Revenue Source			Budget Change	FY2006 Change	Total Project Cost
				150,000	8,550,000
FY2006	Park Development Impact Fees	39094	150,000		
FY2007	Unidentified Funding		(150,000)		

9-858.0 **Highland Ranch Neighborhood Park - Comfort Station** TH

This revision provides for changes as a result of City Council Resolution R-300151. 2000 Park Bond per Capita funding in the amount of $20,000 has been transferred to this project from CIP 29-586.0, Forestview Mini Park - Play Area Upgrade ($10,000), and CIP 29-588.0, Semillon Mini Park - Play Area Upgrade ($10,000). The total project cost increased to $215,252. This project is funded.

Fiscal Year / Revenue Source		Budget Change	FY2006 Change	Total Project Cost
				215,252
Exp/Enc	Public/Private Partnership	692		
Exp/Enc	State Grant	47,000		
Exp/Enc	State Grant	17,728		
Cont. Appn.	Public/Private Partnership	(692)		
Cont. Appn.	State Grant	(47,000)		
Cont. Appn.	State Grant	2,272		

EXHIBIT NO. 61

From: Teresa Hovland
To: Yeshi Bezuneh
Date: 6/26/2006 4:17:24 PM
Subject: JV for Fox Canyon - CIP no. 295960

Hi Yeshi,

Please process attached JV that will back out labor charges from Fox Canyon Park project (JO #295960) and transferred to Fox Canyon Park - Road (295961). Per the project manager, charges from #295960 from 01/01/04 to 12/31/04 were labor hours spent on the road (#295961), however, there was no funding at that time for the road so the hours were charged to Fox Canyon Park JO# 295960. The total amount to be transferred from job order no. 295960 to job order no. 295961 is $30,565.78.

Thanks,
Teresa

CC: JoEllen Jacoby

CITY SAN DIEGO

CITY AUDITOR & COMPTROLLER

JOURNAL VOUCHER

Batch No	B	Type	Batch Date	Batch Period	CY/PY	Batch FY	Instant
27726		E	06/27/06	13	0	2006	BH

Amount
0.00

Batch Mode

Fund	Dept	Org	Account	Job Order	Document Reference	Oper Acct	Bene Dept	Facility	Q T R	Units Warr. No.	Equip. No.	Amount
	30244	105	4975	295960	TO 295961		39094					-30,565.78
	30244	105	4975	295961	FR 295960		39094					30,565.78

	Prepared By	Approved By	Keyed By
Date	6/27/2006	6/28/06	6/27/2006
Initials	YZB	TNJ	AutoJV
			09:31 AM

Explanation
To transfer expenditure for CIP 295960 to 295961 per dept memo

Distribution
File

AC-1480 (Rev. Feb-02) etn

EXHIBIT NO. 62

From: Elyse Lowe
To: April Penera; JoEllen Jacoby
Date: 1/20/2006 10:35:03 AM
Subject: Re: Preliminary info for Task Force

Jim is sending a memo to allocate more CDBG to the road. I will copy you on it.

Elys

Elyse Lowe
elowe@sandiego.gov

Crossroads Redevelopment Area Project Coordinator
Councilmember Jim Madaffer- District 7
202 C St. MS 10A
San Diego, CA 92101

(619) 236-6677
(619) 238-1360 fax

www.JimMadaffer.com

e
>>> JoEllen Jacoby 01/20/06 10:30 AM >>>
Elyse,

The road was designed by Project Design Consultants, but the width and requirements were determined by Ann French Gonsalves group (Development Services). I have already asked Ann if she could attend the first meeting. She may be needed at all of the meetings.

The consultant, did preliminary sketches of various ideas. A cul de sac. a park road etc. We may want them there or at least the sketches.

Of course all of this time needs to be charged to 295961 - road. After Project Design Consultants sends me corrected billings, I anticipate no extra money in this account....
Joey

JoEllen Jacoby
City of San Diego, Park Planning
619 533-4017 FAX 525-8224
Mailing address:
202 C Street, Mail Station 35
San Diego, CA 92101
Office location:
2130 Pan American Plaza, Balboa Park

"We enrich lives through quality parks and programs"

>>> Elyse Lowe 01/20/06 9:59 AM >>>
OEP is not charging for this, per Danell Scarbrough.

I'd love for P&R to present at the first one, but I do not think you need to go to all three of them. I have not done this before , so I do not know if it is necessary for either of you to be at each of them. My gut tells me that having some City staff available to answer questions is good.

Who should I contact from E&CP as a reference for the street design part of it? Did you work with anyone specific over there, or did your engineers design it? I am thinking it would be good to have them involved.

Elyse

>>> April Penera 01/19/06 4:27 PM >>>
elsye,
are we to pay oep? i dont have a problem with that, just wanted to know if we need to do any money transfer.

also, do you want me and/or joey at all of these or certain ones? let me know.

a

>>> Elyse Lowe 01/19/06 3:54 PM >>>
Hi ladies-
Here is the draft letter that is going out to you and the participants for the Task Force . Also, as an FYI, here is what OEP gave me as to their role in the Task Force.

Sincerely,
Elyse Lowe

Elyse Lowe
elowe@sandiego.gov

Crossroads Redevelopment Area Project Coordinator
Councilmember Jim Madaffer- District 7
202 C St. MS 10A
San Diego, CA 92101

(619) 236-6677
(619) 238-1360 fax

www.JimMadaffer.com

EXHIBIT NO. 63

CITY OF SAN DIEGO
FOX CANYON NEIGHBORHOOD IMPROVEMENTS
COORDINATION MEETING

March 7, 2006
11:00 A.M.
CAB 10

Attendees:

April Penera, Park & Rec., Park Planning
Tracy Reed, Community and Economic Development
Melissa Garcia, Community and Economic Development
Samir Mahmalji, Park & Rec. Project Officer II
Joey Jacoby, Park & Rec., Park Planning
Elyse Lowe, Coucil District 7

The following is a brief summary of discussion and action items from the March 7, 2006 meeting for Fox Canyon Neighborhood Park and surrounding development:

Additional funds in the amount of $275,000 is needed to cover the Road design. $100,000 will be Special Park Fees – see above

April to look into transferring CDBG money into Central Ave. project and releasing Mid City Fees for the road.

The Ontario Avenue Task Force Report was discussed. Various ideas were suggested to meet the concerns of the committee. (see attached sheet) These ideas must be reviewed by Transportation (Ann Gonsalves and Kamran Khaligh)

An Alternative design strategy was discussed if road is not funded. The Bridge would be constructed and half of the road (no curb, gutter or sidewalk)

Discussed a fence along creek side of Ontario to prevent people for crossing over to park. Elyse suggested something with art that could be funded by Art Funds.

Park Planning will be going to Park and Rec. Board on March 16 for an action item regarding the road.

ACTION ITEMS:

Elyse will email Joey a statement that the $100,000 Special Park Fees can be used for the road CIP# 29596.1

Tracy to provide an email outlining potential funding timeline for construction of the road from PAC. PAC meets every 4th Thursday of the month.

Joey to incorporate PAC meeting schedule into P3 after receiving timeline from Tracy.

Elyse to check on status of property north east of site that may be purchased by Risk Management.

These meeting minutes were prepared by Joey Jacoby. Please contact Joey at (619) 533-4017, by March 17, 2006 should you have any revisions or additions. Otherwise, these minutes shall be deemed final.

See attached

EXHIBIT NO. 64

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

THE CITY OF SAN DIEGO

Ownership Disclosure Statement

Approval Type: *Check appropriate box for type of approval (s) requested:* ☐ Neighborhood Use Permit ☐ Coastal Development Permit ☐ Neighborhood Development Permit ☒ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit ☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other _____

Project Title: Fox Canyon Neighborhood Park

Project No. *For City Use Only*: 70422

Project Address: Landis St. & Winona Ave. San Diego

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☐ No

Name of Individual (type or print): 3621 Ontario Ave.	Name of Individual (type or print):
☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency	☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
KANHKONG SOURYAMATH	
Street Address: 1433 Autumn Hills Dr	Street Address:
City/State/Zip: Chula Vista CA 91913	City/State/Zip:
Phone No: 619 397-7975 Fax No:	Phone No: Fax No:
Signature: Date: 9-29-2005	Signature: Date:
Name of Individual (type or print):	Name of Individual (type or print):
☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency	☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
Street Address:	Street Address:
City/State/Zip:	City/State/Zip:
Phone No: Fax No:	Phone No: Fax No:
Signature: Date:	Signature: Date:

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

THE CITY OF SAN DIEGO

Ownership Disclosure Statement

Approval Type: *Check appropriate box for type of approval (s) requested:* ☐ Neighborhood Use Permit ☐ Coastal Development Permit ☐ Neighborhood Development Permit ☑ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit ☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other _____

Project Title: Fox Canyon Neighborhood Park

Project No. *For City Use Only*: 70422

Project Address:

Landis St. and Winona Ave San Diego, CA

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☑ No

Name of Individual (type or print): LARRY ZAJONC
☑ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
Street Address: P.O. BOX 157
City/State/Zip: IMPERIAL BEACH, CA. 91933
Phone No: (408) 205-3939 Fax No:
Signature: Date: 9/28/05

Name of Individual (type or print):
☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
Street Address:
City/State/Zip:
Phone No: Fax No:
Signature: Date:

Name of Individual (type or print): JANICE SMITH-ZAJONC
☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
Street Address: SAME
City/State/Zip:
Phone No: Fax No:
Signature: Date:

Name of Individual (type or print):
☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency
Street Address:
City/State/Zip:
Phone No: Fax No:
Signature: Date:

EXHIBIT NO. 65

CITY OF SAN DIEGO
MEMORANDUM

DATE: May 24, 2006

TO: Yeshi Bezuneh, Accountant, Auditor & Comptroller's Office

FROM: Elvi Ricafort, Associate Management Analyst, Park & Recreation Department, Park Planning & Development Division

SUBJECT: Transfer to a sublet (CIP No. 29-596.1)

It is requested that the Auditor's Office transfer funding in the amount of $50,000 from main CIP No. 29-596.0, Fox Canyon Park, Fund 39094, Mid-City Park Development to a **sublet CIP No. 29-596.1,** Fox Canyon Park – Ontario Avenue Design and Construction, Fund 39094, Mid-City Park Development.

If you have any questions please call me at 619)533-6433.

Elvi Ricafort

cc: Samir Mahmalji, Project Officer II, Park & Recreation Department, Park Planning & Development Division
Margaret May, Senior Management Analyst, Park & Recreation Department, Park Planning & Development Division
Joey Jacoby, Project Manager, Park & Recreation Department, Park Planning & Development Division
Teresa Hovland, Associate Management Analyst, Park & Recreation Department, Park Planning & Development Division
Project File

JOB08I CIP SOURCE OF FUND INQUIRY ACTION: L PG 1

DEPT/ORG NO: 30244105 PROJECT NO: 295961 (L=LOOK, B=BROWSE)

TOTAL APPROP FOR CIP PROJECT: PTD: 100,000.00 YTD: 80,375.39

PAY MTD	INDEX NO.	J.O.	ALLOTTED	P-T-D EXPENDED	ENCUMBERED	Y-T-D EXPENDED
	39094	295961	100000.00	98990.05	76.90	79365.

MESSAGE: THAT IS ALL OF THE CIP FUNDS FOR THIS PROJECT NUMBER

CITY OF SAN DIEGO

CITY AUDITOR & COMPTROLLER

JOURNAL VOUCHER

Batch No	Batch Type	Batch Date	Batch Period	CY/PY	Batch FY	Constant
26599	B	05/24/06	12	0	2006	BH

Amount
0.00

Batch Mode

Fund	Dept	Org	Account	Job Order	Document Reference	Oper Acct	Bene Dept	Facility	QTR	Units Warr. No.	Equip. No.	Amount
	30244	105	4279	295960	TO 295961		39094					50,000.00
	30244	105	3000	295960	TO 295961		39094		1			50,000.00
	30244	105	4279	295961	FR 295960		39094					-50,000.00
	30244	105	3000	295961	FR 295960		39094		1			-50,000.00
	39094		4279	295960	TO 295961							50,000.00
	39094		3000	295960	TO 295961				1			50,000.00
	39094		4279	295961	FR 295960							-50,000.00
	39094		3000	295961	FR 295960				1			-50,000.00

	Prepared By	Approved By	Keyed By
Date	5/24/2006		5/24/2006
Initials	YZB		AutoJV
			03:00 PM

Explanation
To transfer fund to sublet per dept memo

Distribution
File

AC-1480 (Rev. Feb-02) etn

EXHIBIT NO. 66

AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, MARCH 21, 2006 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432.

ITEM-300: ROLL CALL.

==== LEGISLATIVE SCHEDULE (Continued) ====

Noticed Hearings, Discussion (Continued)

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-331: Fox Canyon Neighborhood Park. (Mid-City Communities Plan Area City Heights. District 7.)

Matter of the appeal by J.W. Stump, Esquire, et al, for Friends of Fox Canyon Park from the decision dated December 2, 2005, by City of San Diego Development Services Department Staff in the Environmental Determination certifying Mitigated Negative Declaration, Project No. 70422, SCH No. 2005081130, in the matter of a request for a Site Development Permit for the development of a passive park, which includes enhancements to the north and south side of Auburn Creek adjacent to the undeveloped portion of Landis Street. The project also proposes the development and realignment of an existing paper street (Ontario Avenue) as well as enhancements to the east side of Auburn Creek adjacent to the existing undeveloped portion of Ontario Avenue. The proposed project site is bounded by Landis Street and Sterling Court on the north and south and Altadena Avenue and Winona Avenue on the east and west, within the City Heights Neighborhood of the Mid-City Communities Planning Area.
STAFF'S RECOMMENDATION: Adopt the resolution to deny the appeal and uphold the Environmental Determination.

ITEM-332: 5540 Lindo Paseo Tentative Map. (College Community Plan Area. District 7.)

Matter of the appeal by 5540 Lindo Paseo, LLC c/o Robin Munro regarding the Planning Commissions' decision to deny an application for a Tentative Map to convert twenty one existing apartment units to condominium ownership and a waiver from the requirement to underground existing adjacent overhead utilities. The project is located on an 11,935 square foot site at 5540 Lindo Paseo between Hardy Avenue and Montezuma Road, in the RM-3-9 zone within the College Community Plan Area.
STAFF'S RECOMMENDATION: Adopt the resolution to deny the appeal and uphold the decision of the Planning Commission.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-331: Fox Canyon Neighborhood Park.

Matter of the appeal by J.W. Stump, Esquire, et al, for Friends of Fox Canyon Park from the decision dated December 2, 2005, by City of San Diego Development Services Department Staff in the Environmental Determination certifying Mitigated Negative Declaration, Project No. 70422, SCH No. 2005081130, in the matter of a request for a Site Development Permit for the development of a passive park, which includes enhancements to the north and south side of Auburn Creek adjacent to the undeveloped portion of Landis Street. The project also proposes the development and realignment of an existing paper street (Ontario Avenue) as well as enhancements to the east side of Auburn Creek adjacent to the existing undeveloped portion of Ontario Avenue. The proposed project site is bounded by Landis Street and Sterling Court on the north and south and Altadena Avenue and Winona Avenue on the east and west, within the City Heights Neighborhood of the Mid-City Communities Planning Area.

Statement Supporting Reason For Environmental Determination: The finding that the project will not have a significant effect on the environment is based on an Initial Study, technical reports and project revisions/conditions which now mitigate potentially significant environmental impacts in the following area(s); **Biology and Historical Resources (Archaeology).**

(See Report to the City Council No. 06-029. MND/MMRP/Project No. 70422. Mid-City Communities Plan Area City Heights. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and uphold the Environmental Determination:

(R-2006-)

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by City of San Diego City Staff in the Environmental Determination of Mitigated Negative Declaration for this project, with appropriate findings to support Council Action.

OTHER RECOMMENDATIONS:

The Planning Group does not vote on this appeal of the environmental determination.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

STAFF SUPPORTING INFORMATION:
The subject site is bounded by Landis Street and Sterling Court on the north and south and Altadena Avenue and Ontario Avenue on the east and west (Attachments 1 and 2). The site is zoned RM 2-5 and is designated in the Mid-City Communities Plan for multi-family residential development (Attachment 3). The site is not designated as open space. The site consists of a small undeveloped canyon, a north facing slope, and a relatively flat disturbed area (Attachment 4). The site is surrounded by residential development. With the exception of a few scattered patches of exotic plant species, this area is devoid of vegetation.

The site can be accessed from University Avenue via Winona Avenue. A total of four unpaved roads exist within the project area. One service road, approximately 4 to 6 feet in width, exists along the eastern boundary of the project area. Two unpaved service roads, approximately 7-feet wide lead into the project area. A fourth service road, approximately 10 to 15 feet in width, extends northeast from Ontario Avenue terminating at the proposed community park/staging area.

The project site is not within and/or adjacent to the Multi-Habitat Planning Area (MHPA). However, a portion of Auburn Creek is the site of a City habitat restoration project. This habitat restoration project serves as mitigation for impacts resulting from a sewer main emergency repair completed in July, 2001. A small part of the restoration area occurs within the northeastern boundary of the project site. The habitat restoration area would not be impacted as a result of implementing the proposed park project.

The proposal is subject to the Environmentally Sensitive Lands (ESL) regulations per San Diego Municipal Code (SDMC) Section 143.0110(a)(1) because the site contains "sensitive biological resources" as defined per the SDMC, Section 113.0102. Therefore, a Site Development Permit (Process 3) was required.

Hearing Officer Decision
On October 12, 2005, the Hearing Officer approved a Site Development Permit to develop a 1.9-acre passive park plus the Ontario Avenue connection for a total of 2.7-acres. At the hearing, the Hearing Officer expressed his strong concern that staff had received two different recommendations from the community; the Fox Canyon group which wanted the park and the road to go through, and the City Heights Area Committee which also wants the park, but does not want the road. He noted that while the Ontario Avenue connection could possibly be used for park purposes or even emergency access, given the configuration of the lot, the right-of-way usability for park purposes would be limited given the width of it. He asked staff if the right-of-way for the Ontario Avenue connection had been set aside as part of a subdivision. If it was, he stated that it would confirm the fact that the connection was envisioned. At the time of the hearing, staff was unable to answer the question. Subsequent to the hearing, it has been confirmed that the right-of-way was established as early as 1911.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

Planning Commission Appeal Decision
On December 1, 2005, the Planning Commission heard an appeal of the Hearing Officer's decision to approve the Fox Canyon Park project. At that hearing the Planning Commission upheld the Hearing Officer's decision to approve the project and denied the appeal with the condition that Councilmember Madaffer's Office takes the lead in coordinating a Task Force prior to construction of the road to evaluate alternatives.

Delegation of Responsibilities
In keeping with Section 15025 of CEQA Section 128.0103 of the City's Land Development Code assigns the responsibility for implementation of the California Environmental Quality Act (CEQA) to the Development Services Department (DSD). The Environmental Analysis Section (EAS) of DSD evaluates all discretionary project proposals to determine whether there is a potential for such actions to result in physical impacts on the environment. Anyone can submit information to EAS to assist in its evaluation; but by law, the evaluation must be impartial and independent of any outside influences.

On December 15, 2005, the environmental determination for the project was appealed to the City Council by the Friends of Fox Canyon Park, J. W. Stump (Attachment 10). This appeal is before the City Council because of an amendment to the California Environmental Quality Act (CEQA). Effective January 1, 2003, Section 21151(c) CEQA has been amended as follows: *If a non-elected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or a mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any.*

Pursuant to this amended legislation, the Friends of Fox Canyon Park, J. W. Stump, filed an appeal of the City of San Diego staff's determination of the Mitigated Negative Declaration for the project. This appeal applies only to the environmental determination.

FISCAL IMPACT:

There is no fiscal impact. The project is processed through a deposit account paid for by the applicant which is the Park and Recreation Department.

Halbert/Halbert/PXG

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

LEGAL DESCRIPTION:

The proposed project site is bounded by Landis Street and Sterling Court on the north and south and Altadena Avenue and Winona Avenue on the east and west, within the City Heights Neighborhood of the Mid-City Communities Planning Area.

Staff: Patricia Grabski – (619) 446-5277

NOTE: This item is not subject to Mayor's veto.

EXHIBIT NO. 67

ATTORNEY TO CLIENT CORRESPONDENCE

FOR CONFIDENTIAL USE ONLY

Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 236-6220

DATE: March 16, 2006

TO: Park and Recreation Board Members

FROM: Hilda Mendoza, Deputy City Attorney

SUBJECT: Item 102 – Fox Canyon Neighborhood Park Project on the City of San Diego Park and Recreation Board agenda for March 16, 2006

At the request of members of the Park and Recreation Board [Board] at its meeting set for February 16, 2006, Item 102 was included as an action item on the agenda for the Board's meeting set for March 16, 2006. Item 102 is noticed to allow the Board to recommend the park with the extension of Ontario Avenue, recommend the park without the extension of Ontario Avenue, or recommend the park with modifications. The result of the Board's action on Item 102 is intended to be conveyed to the San Diego City Council on March 21, 2006, in relation to Item 331 – Fox Canyon Neighborhood Park.

Item 331 is an appeal to the San Diego City Council, pursuant to California Public Resources Code section 21151(c), of the Development Services Department certifying Mitigated Negative Declaration, Project No. 70422, SCH No. 2005081130, in the matter of a request for a Site Development Permit for the Fox Canyon Neighborhood Park. The Site Development Permit, No 267281, was approved by the Hearing Officer pursuant to the Process Three decision process required by San Diego Municipal Code section 143.0110(b). Pursuant to the Process Three decision process the hearing officer's approval of the Site Development Permit is final, subject to an appeal to (in this particular case) the Planning Commission. Upon the timely and proper filing of an appeal, the Planning Commission may hear the appeal of the hearing officer's decision and may either affirm, reverse or modify the decision being appealed. On December 1, 2005, the Planning Commission heard and denied the appeal of the Site Development Permit. The Process Three decision process does not include the Park and Recreation Board, and therefore this project has not been brought to this Board to vote on a recommendation to the City Council.

(Poor Original)

As stated in San Diego Municipal Code section 26.31, the Board's powers and duties are, among others, to advise the City Council, through the Mayor, on public policy matters relating to the "acquisition, development, maintenance and operation of parks, beaches, playgrounds and recreational activities in the City of San Diego." The construction of Ontario Avenue is not the development of a park, beach, playground or recreational activity, and therefore outside of the purview of this Board. As the Park and Recreation Department staff has repeatedly advised this Board, the opportunity for this Board to make a recommendation to the City Council regarding the park project is with the General Development Plan process. Until such time as the General Development Plan process has begun, it is premature for this Board to hear an agenda item regarding the Fox Canyon Neighborhood Park.

In light of the discussion above, I recommend that this Board return Item 102 on its agenda for March 16, 2006, to the Park and Recreation Department staff. To hear and discuss Item 102 would not only be premature, but it could lead to inadvertent discussions of this Board's actions at the City Council hearing on March 21, 2006, which could be a violation of the Ralph M. Brown Act and possibly deny the due process rights of the parties to the appeal of Item 331 before the City Council.

MICHAEL J. AGUIRRE, City Attorney

By Hilda Ramirez Mendoza

Hilda Ramirez Mendoza
Deputy City Attorney

(Poor Original)

EXHIBIT NO. 68

EXHIBIT NO. 69

ADA RAMIREZ MENDOZA
DEPUTY CITY ATTORNEY

OFFICE OF
THE CITY ATTORNEY
CITY OF SAN DIEGO
MICHAEL J. AGUIRRE
CITY ATTORNEY

CIVIL DIVISION
1200 THIRD AVENUE, SUITE 1100
SAN DIEGO, CALIFORNIA 92101-4100
TELEPHONE (619) 533-5800
FAX (619) 533-5856

April 21, 2006

Robert P. Ottilie
550 West "C" Street, Suite 1350
San Diego, CA 92101-3568

Re: Mission Bay Park Committee and Park and Recreation Board Issues

I am in receipt of your letters dated February 1, 2006, February 2, 2006, and March 29, 2006, in which you request responses to the two previous cited letters, regarding several issues for which you are requesting legal input from this office. Additionally, at the March 16, 2006, Park and Recreation Board meeting you inquired as to whether the monies used to fund the construction of Ontario Avenue are an appropriate expense.

In your letter dated February 1, 2006, you inquire as to two leases: The Mission Bay Aquatic Center and the Mission Bay Sports Center. You ask whether the Department of Real Estate Assets is authorized to allow a lessee to remain on the property after the expiration of the lease without a new lease. Section 22.0220 of the San Diego Municipal Code confers "all of the administrative functions and duties which relate to the activities of the City in connection with City-owned real estate" upon the Real Estate Assets Department. You also inquire as to the authority of a subcommittee of the San Diego City Council to authorize sole source negotiations with the current tenant. I will refer these questions to the Real Estate Assets Department so that they may respond to your specific questions. Lastly, you inquire regarding permissible uses by non-profit organizations of the Mission Bay Park. Attached please find a copy of Policy 700-08 of the San Diego City Council which addresses what non-commercial and non-profit leases and agreements are permissible.

In your letter dated February 2, 2006, you inquire whether the members of the Mission Bay Park Committee have to file statements of economic interest, possible conflict issues and whether subcommittee's of this committee are subject to the Brown Act. I have requested from City staff the documents needed to complete the analysis of this issue of the filing of statements of economic interest, but I have yet to receive them. I will notify you if the members are required to file these forms if upon my receipt of the necessary documents my research leads to that conclusion. You also inquire whether the provision of a meeting room, food and beverages for the committee's meetings is a gift and reportable. Based on the information you provide in your letter, the items may be a reportable gift for those individuals that are required to file statements of economic interest.[1] Additionally, these refreshments and meeting rooms are provided by entities that sometimes have an interest in items that do come before this Committee

[1] Food, drink and meeting room space worth $50 or more per year is a reportable gift of the individual member.

and therefore could give an appearance of conflict, even if it does not rise to the level of a conflict of interest. Therefore, my recommendation is that this practice stop. Finally, you inquire whether subcommittee's of the committee are subject to the Brown Act. California Government Code section 54952(b) does require a standing subcommittee to comply with the Brown Act, even if comprised of less than a quorum of the committee. On the other hand, as we discussed over the phone on April 4, 2006, "ad hoc" subcommittees that are comprised of less than a quorum of the committee, and are limited in purpose and time are not subject to the Brown Act.

At the Park and Recreation Board Meeting of March 16, 2006, you requested the information as to the source of monies for the construction of Ontario Avenue. I confirmed with City staff that the monies are development impact fees. Pursuant to California Government Code section 66001, the fees may finance a public facility. California Government Code section 66002(c) defines a "facility" to include "streets and supporting improvements, [and] roads." I will refer to the Park and Recreation Department your question as to the amount of the fees that will finance the construction of Ontario Avenue.

If you have any questions, please contact me at (619) 533-5800.

MICHAEL J. AGUIRRE, City Attorney

By

Hilda Ramirez Mendoza
Deputy City Attorney

HRM:cq
Cc: Michael A. Aguirre, City Attorney
Leslie Fitzgerald, Chief Deputy City Attorney
Michael Boyle, Acting Director, Real Estate Assets Department
Ted Medina, Director, Park and Recreation Department
April Penera, Deputy Director, Park and Recreation Department

EXHIBIT NO. 70

Larry W. Zajonc
Janice Smith-Zajonc
114 N. 17th Street
San Jose, CA 95112
Telephone: 408-297-3730 • Facsimile: 408-297-3730

January 20, 2004

City of San Diego
Attn.: B. Lane McKenzie
[NEED ADDRESS OF PERSON HANDLING FOR THE CITY.]

Re: APN: 471-810-29
5036-60 Sterling Court, San Diego, California 92105

Dear Mr. or Mrs. McKenzie:

This letter is provided in response to the request of the City of San Diego (the "City") and shall serve to confirm that the undersigned are the fee owners of the real property commonly known as 5036-60 Sterling Court, San Diego, California 92105 (the "Property") Furthermore, please be advised that we are willing sellers if a mutual arrangement can be reached, and we are currently in negotiations to sell a portion of the Property to the City.

Our continued negotiations are based on assurances from the City that the transaction will qualify and that we will be afforded the ability to accomplish a transaction which will be recognized as complying with the provisions of Section 1033 of the Internal Revenue Code and the applicable similar provisions of the Revenue and Taxation Code of the State of California.

This letter is not to be construed in any way as a binding commitment on either the undersigned or the City.

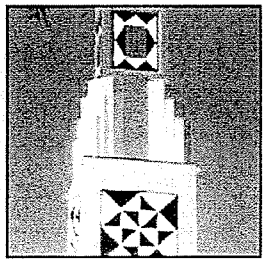
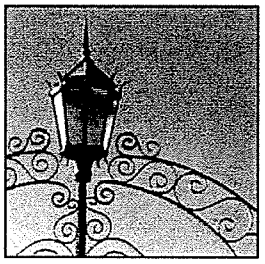
Sincerely,

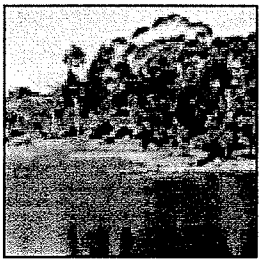
Larry W. Zajonc

Janice Smith-Zajonc

LWZ/
cc: Jim Taylor

EXHIBIT NO. 71



Mid-City Communities Plan

FINAL

AUGUST 4, 1998

Mid-City
COMMUNITIES PLAN

Prepared by

City of San Diego Planning Department
202 C Street, MS 4A
San Diego, CA 92101

Printed on recycled paper.

This information, or this document (or portions thereof), will be made available in alternative formats upon request.

MID-CITY COMMUNITIES PLAN AMENDMENTS

The following amendments have been incorporated into this May 2005 posting of this Plan:

Amendment	Date Approved by Planning Commission	Resolution Number	Date Adopted by City Council	Resolution Number
Mid-City Communities Plan approved			August 4, 1998	R-290608
Redesignates 6 acres from Residential (11-15 du/ac) to Open Space, 5.36 acres from Park to Institutional, and 2 acres from Open Space to Institutional associated with the Central Police Facility in City Heights	July 24, 2003		September 23, 2003	R-298418

MID-CITY COMMUNITIES PLAN

MID-CITY PLAN UPDATE COMMITTEE

Ed Gergosian, Chair
Stephen Boeh, - Eastern Area Planning Group
Bob Forsythe – Normal Heights Planning Group
Allard Jensen – Kensington-Talmadge Planning Group
Johannes Long – Eastern Area Planning Group
David Nelson – City Heights Planning Group
Steve Russell – The Boulevard Planning Group
Gary Weber – Normal Heights Planning Group
David Wilson – Kensington-Talmadge Planning Group
Michael Sprague – City Heights Planning Group
Karen Busey – City Heights Planning Group

CONSULTING STAFF

Angeles Leira, Principal Planner
John Wilhoit, Senior Planner
Tom Romstad, Associate Planner

SUPPORT STAFF

Siavash Pazargadi, Senior Traffic Engineer
Siprian Sandu, Associate Traffic Engineer
Anne Lowry, Environmental Review

PRODUCTION STAFF

Michelle McCartt, Planning Intern
Janet Atha, Senior Drafting Aide
Victoria Charfauros, Word Processing Operator

CITY OF SAN DIEGO

Community and Economic Development Department
Community Planning and Development Division
Kurt Chilcott, Community and Economic Development Manager
Betsy McCullough, Director, Neighborhood Planning and Development
City Administration Building, M.S. 4A
San Diego, CA 92101

Table of Contents

I. PLAN SUMMARY 1

II. VISION 2020 5

III. INTRODUCTION 7

The Community 9
Scope and Purpose 9
Legislative Framework 11
Ancillary Documents 12

IV. PLAN ELEMENTS 13

IV-A Neighborhoods Element 15
Normal Heights 19
Kensington Talmadge 23
City Heights 27
Eastern Area 32

IV-B Natural and Cultural Resources Element 37
Geotechnical Conditions 39
Environmental Quality 41
Open Space 44
Visual Resources 48
Cultural Resources 49

IV-C Urban Design Element 51
Open Space and Parks 54
The Great Streets of Mid-City 57
Gateways 66
Crossroads 68
Other Neighborhood Links 69
Civic Spaces and Buildings 71
Traffic Calming for Neighborhood Streets 73

IV-D Land Use Element 75
Residential 77
Commercial 83
Industrial 88

IV-E Economic Development Element 91
Community Organization 94
Physical Design and Development 94
Development Regulations 95
Economic Restructuring and Reinvestment 95
Promotion 96
Urban Nodes 98

IV-F Public Facilities and Services Element 101
Schools 103
Parks 107
Libraries 112
Police and Public Safety 114
Fire and Life Safety 115
Community Service Center 116
Utilities 117
Water and Sewer 119

IV-G Transportation Element 121
Traffic Circulation 123
Parking 132
Mass Transit 133
Pedestrian Circulation 135
Bicycle System 136

V. IMPLEMENTATION 139
Monitoring 142
Development Regulations 142
Public Transit 144
Financing Plan 144
Redevelopment 145
Revitalization 146

APPENDICES

Appendix A – Ancillary Documents 153

Appendix B – Bikeway Facilities Clasifications 155

Appendix D – Traffic Calming Devices 157

List of Tables

Table 1. School Enrollment 106

Table 2. Acreage of Park Needs 109

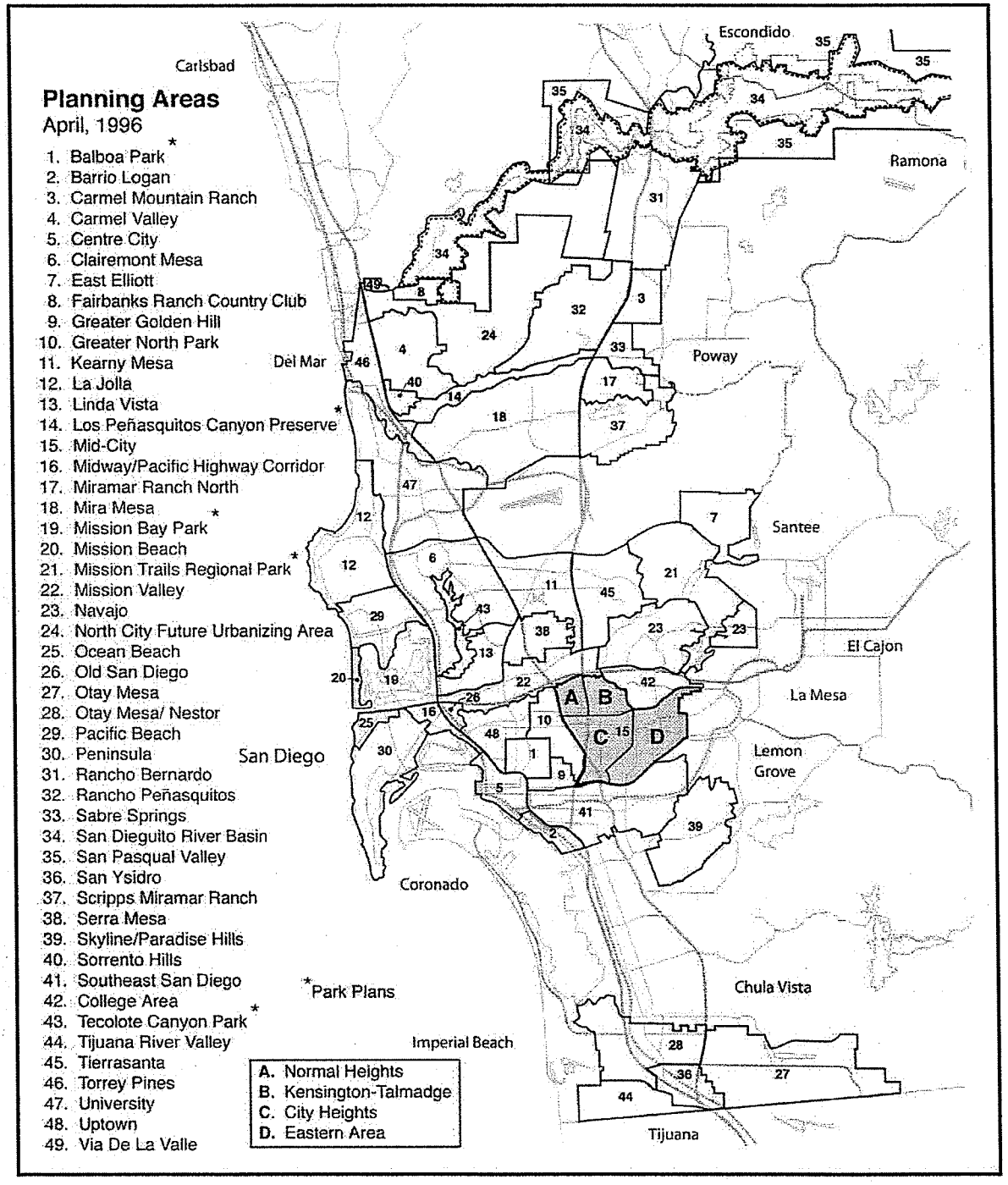
Table 3. Library Needs 113

Table 4. Facility Cost Summary 144

List of Figures

Figure 1. Vicinity Map x
Figure 2. Conceptual Land Use Plan 3
Figure 3. Mid-City Vision Map 6
Figure 4. Mid-Cities Communities 10
Figure 5. Mid-City Neighborhoods 18
Figure 6. Normal Heights Community Vision Map 21
Figure 7. Normal Heights Community Map 22
Figure 8. Kensington-Talmadge Vision Map 24
Figure 9. Kensington-Talmadge Community Plan Map 26
Figure 10. City Heights Vision Map 30
Figure 11. City Heights Community Plan Map 31
Figure 12. Eastern Area Vision Map 34
Figure 13. Eastern Area Community Plan Map 35
Figure 14. Open Space and Parks 47
Figure 15. Community-wide Street System 74
Figure 16. Conceptual Residential Element 82
Figure 17. Conceptual Commercial Element 87
Figure 18. Conceptual Industrial Element 90
Figure 19. Economic Development Element 97
Figure 20. Existing and Proposed Schools 105
Figure 21. Park Recommendations 111
Figure 22. Existing Daily Traffic Volumes 123
Figure 23. Existing Congested Street Segments and Intersections 124
Figure 24. Future Recommended Street Network 126
Figure 25. Future Daily Volumes 128
Figure 26. Traffic Improvements 129
Figure 27. Future Congestion 131
Figure 28. Bus Routes 134
Figure 29. Bikeways 137
Figure 30. Mid-City Redevelopment Areas 147
Figure 31. Mid-City Communities Plan Map 148
Figure 32. Mid-City Communities Existing Zoning 149

Figure 1
Vicinity Map



I. PLAN SUMMARY

The Mid-City Communities Plan (Plan) represents the second update to one of the first community plans in San Diego: the 1965 "Mid-City Development Plan." This update was prepared by the City of San Diego Community and Economic Development staff who were hired by the four Mid-City Communities Planning Groups as their technical consultants. With this update, the Plan has taken on a look quite different from its predecessors, and in fact quite different from all other City of San Diego community plans.

COMMUNITIES WITHIN A COMMUNITY

Mid-City is a cluster of four communities: Normal Heights, Kensington-Talmadge, City Heights, and Eastern, each with its own distinctive character, and its own community planning group. Probably the bond that ties these communities together the strongest is El Cajon Boulevard—Old Highway 80—which in earlier days tied the region to points east.

THE NEIGHBORHOODS

The Plan focuses on the neighborhoods of Mid-City in formulating its goals and recommendations. A Neighborhoods Element gives an overview of each of 27 identified neighborhoods, summarizes the major issues of concern that resulted in the Plan's recommendations, and shows the land use recommendations for the four communities of Mid-City.

LAND USE

The most significant change to the land use map from the 1984 community plan is the reduction of residential densities. Permitted multifamily residential densities range up to 29 units per acre in residentially zoned areas and up to 73 units per acre for mixed-use projects in commercially zoned areas. The previous density maximums were 55 units per acre and 108 units per acre, respectively. Density reductions are triggered by the lack of adequate community facilities.

Changes to the land use map for commercial areas include the deletion of several neighborhood commercial areas where little or no commercial activity exists, and the restoration of commercial zoning on portions of University Avenue, Euclid Avenue, 43rd Street, and Fairmount Avenue where commercial activity is healthy even though it has been rezoned residential after adoption of the previous community plan.

There is presently very little in the way of industrial development in Mid-City. To help provide jobs for local residents, the addition of light manufacturing designated land in City Heights and the Eastern Area is recommended. These industries would be clean and compatible with the community, and would be encouraged to sell their wares from street front shops.

Small cottage industries are also recommended in some commercial and residential areas, with appropriate limitations.

ECONOMIC DEVELOPMENT

Mid-City has never fully recovered from the loss of business since the construction of Interstate 8 (I-8) and suburban shopping centers in the 1950s. Business Improvement Districts have been very active and will continue to work to improve the business climate.

This Plan recommends a number of changes to the land use map to facilitate the addition and expansion of businesses along its commercial strips, which at present are too narrow to accommodate many modern enterprises along with the off-street parking needed to make them competitive.

A pedestrian orientation is recommended with storefronts and display windows near the sidewalk for most commercial areas.

Also recommended is an emphasis on capturing the local community's spending dollars by focusing on community goods and services.

Capitalizing on the community's diversity is recommended by fostering an International Marketplace.

A mixed-use "Mid-City Center" is recommended as a new hub for the community at the interchange of El Cajon Boulevard with the new State Route 15 (SR-15).

PUBLIC FACILITIES

The lack of adequate public facilities, and in particular schools and parks, is the community's most pressing need. In addition to expanding many existing facilities, recommended new facilities include nine elementary schools, a community and neighborhood park, and a number of mini-parks. The Plan includes a financing plan to address those needs, and both interim and permanent restrictions on development to assure attainment of adequate facilities as quickly as possible.

TRANSPORTATION

The demand for transit service is extremely high, taxing even the relatively high level of service provided. While there is frequent bus service, service to many areas outside of Mid-City, including most employment areas, is poor, and is recommended for improvement.

To better meet the communities' transit needs, trolley service is recommended on SR-15 and should be re-evaluated for its feasibility on El Cajon Boulevard. A trolley-shuttle system along University Avenue is also recommended for study.

IMPLEMENTATION

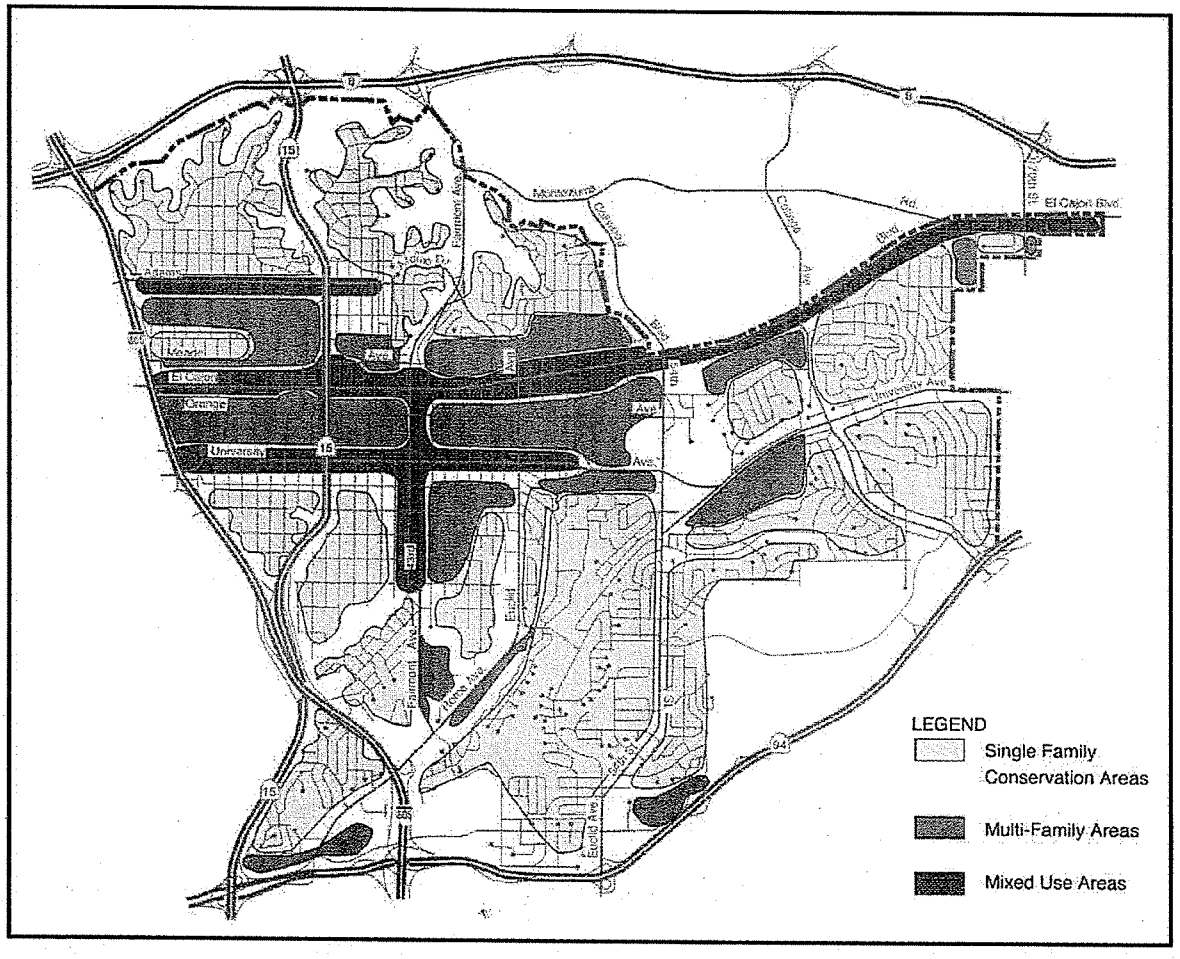
This communities plan is accompanied by a Facilities Financing Plan that identifies the number of facilities required by the Plan's projected population, their cost, financing by new development, and grants and other financing proposals required to make up the cost of existing public facility deficiencies. The projects included in the Facilities Financing Plan will be incorporated into the City's Capital Improvements Program.

PLAN FORMAT

The Plan format attempts to focus directly on the issues and recommendations by using primarily a bullet format with only brief background statements. Existing and future revitalization action plans will supplement this communities plan and are intended to bring about immediate implementation of both long-range and short-range efforts.

Figure 2

Conceptual Land Use Plan



II. VISION 2020

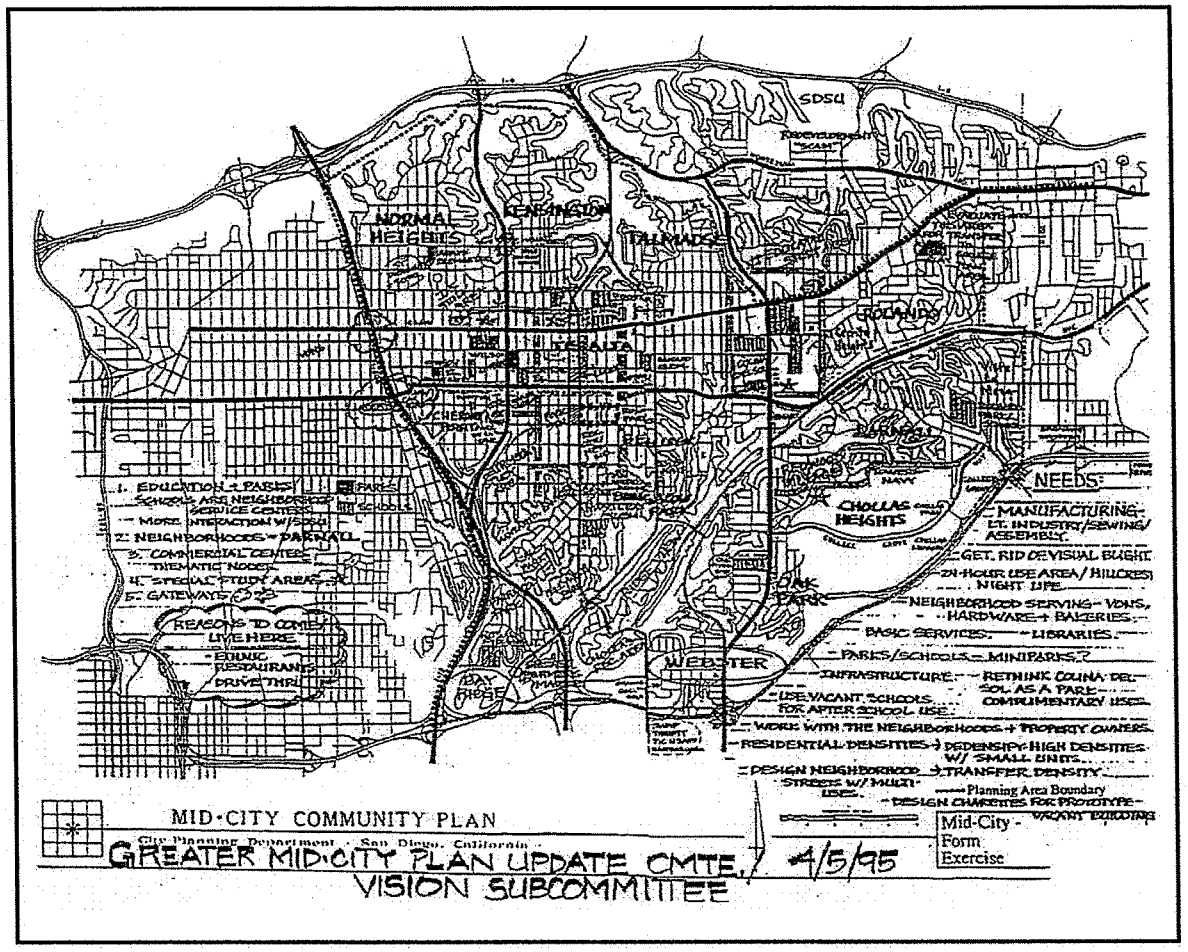
Our vision is for the re-establishment of a deep-rooted community: one that attracts new residents and whose inhabitants are planning to stay. We envision a stable community close to everything within San Diego's urban core that offers a high quality of life and is characterized by the following:

- Neighborhoods that are safe
- Neighborhoods that recognize, maintain, and enhance their unique identity and provide an excellent environment for family living
- A community, in partnership with local government and surrounding communities, that sees its physical, economic, and social evolution as a continuing process of planning and development activity oversight that endures beyond the completion of this planning stage
- An integrated open space system of natural canyons, park grounds, urban plazas, and landscaped streets
- Preserved environmental, cultural, and historic resources
- A diverse array of attractive and affordable housing types that cater to a full range of family and living styles
- First class schools, educational and recreational facilities
- Buildings of excellent design within the framework of a community order of appropriately arranged land uses
- Vital commercial, business, and employment centers
- A functioning transportation system that connects to the larger regional system and features landscaped streets, fixed rail, electric buses and trolleys, and intra-community shuttles
- Streets, businesses, and public gathering spaces that promote interaction among residents of Mid-City and that will draw people from elsewhere to discover Mid-City
- We believe that the Mid-City is a vibrant and important part of the larger urbanized core of the City of San Diego. The area shares opportunities and constraints with surrounding communities, including: a defining system of mesas, hills and canyons; cultural and economic diversity; superior access to freeways; and a maturing stock of residential and commercial structures.

The map in **Figure 3** was one of the early products of interactive community involvement that identified home grown ideas for improvement. Many of these are included as recommendations for implementation of this Plan.

Figure 3

Mid-City Vision Map



III. INTRODUCTION

Mid-City is a land area located in the heart of the City of San Diego and with a population in excess of 130,000 people it is as large as a moderate size city. Its numerous neighborhoods—as diverse as all of the San Diego Region—have been categorized into four communities: Normal Heights, Kensington-Talmadge, City Heights, and Eastern Area.

The westernmost communities began their development in the early part of the twentieth century. They feature a "grid" street pattern and strip commercial development typical of the era. The easternmost area developed after the Second World War with a curvilinear street system, and with commercial development clustered into shopping centers.

From north to south, the community reveals a social gradient: Kensington and Talmadge have a history connected with early California movie making, while other communities such as City Heights were working class communities. More recently, immigrants from around the world have found Mid-City neighborhoods to be their first home in the United States, creating a very special international flavor in the central portion of Mid-City.

The Community

Scope and Purpose

Legislative Framework

Ancillary Documents

THE COMMUNITY

The Mid-City communities are centrally located in the San Diego metropolitan area, northeast of Centre City, south of Mission Valley, and west of the City of La Mesa. It is a gently rolling mesa divided by canyons on both the north and south edges of the community. Hills and canyons in the eastern portion of the community feed into the Chollas Valley system, which bisects the area from northeast to southwest.

Mid-City includes some of the older communities in the City of San Diego, with an estimated 52,510 dwelling units and 132,466 residents in 1997. Much of the westerly portion of the community was originally developed in the 1910-1930 era, before the Second World War, while development east of 54th Street generally occurred in the post World War II period. Overall, residential development is predominantly of single-family homes, with pockets of varying multifamily densities ranging from duplex development, to early century apartment courts, garden apartments and high-density three-story plus apartment development.

Commercial and other business development has been concentrated along the major traffic arterials. El Cajon Boulevard was once the main east-west highway for the region (Highway 80) until Interstate 8 (I-8) was built in the late 1950s. The Boulevard still serves as Mid-City's main thoroughfare. Other major streets that provide business services in Mid-City are: University Avenue, another east-west thoroughfare parallel to the Boulevard; and, Adams Avenue, the site of early neighborhood commercial activity. Land uses along these transportation corridors are characterized by strip commercial development servicing a variety of residential neighborhoods, ranging from high-density apartments near the corridors, to single-family dwellings to the north and south along canyons.

SCOPE AND PURPOSE

This Mid-City Communities Plan is designed to supplement the City of San Diego Progress Guide and General Plan (General Plan) policies. It accomplishes this by identifying specific community issues and specific policies that build on those already embodied in the General Plan. This Mid-City Communities Plan once approved will become a part of the City's General Plan document.

It is the intent of this communities plan to identify a "vision" for the future development of the four Mid-City communities of Normal Heights, Kensington-Talmadge, City Heights, and Eastern. The Plan contains policies that implement that vision, and an implementation strategy that establishes the timing and financing required to implement the policies and vision.

While this Plan sets forth many proposals for implementation, it does not establish new regulations nor does it rezone property. It does however put the policies in motion that will be followed by public hearings to rezone property in accordance with the Plan's recommendations. This Plan also incorporates a financing program that will be subject to

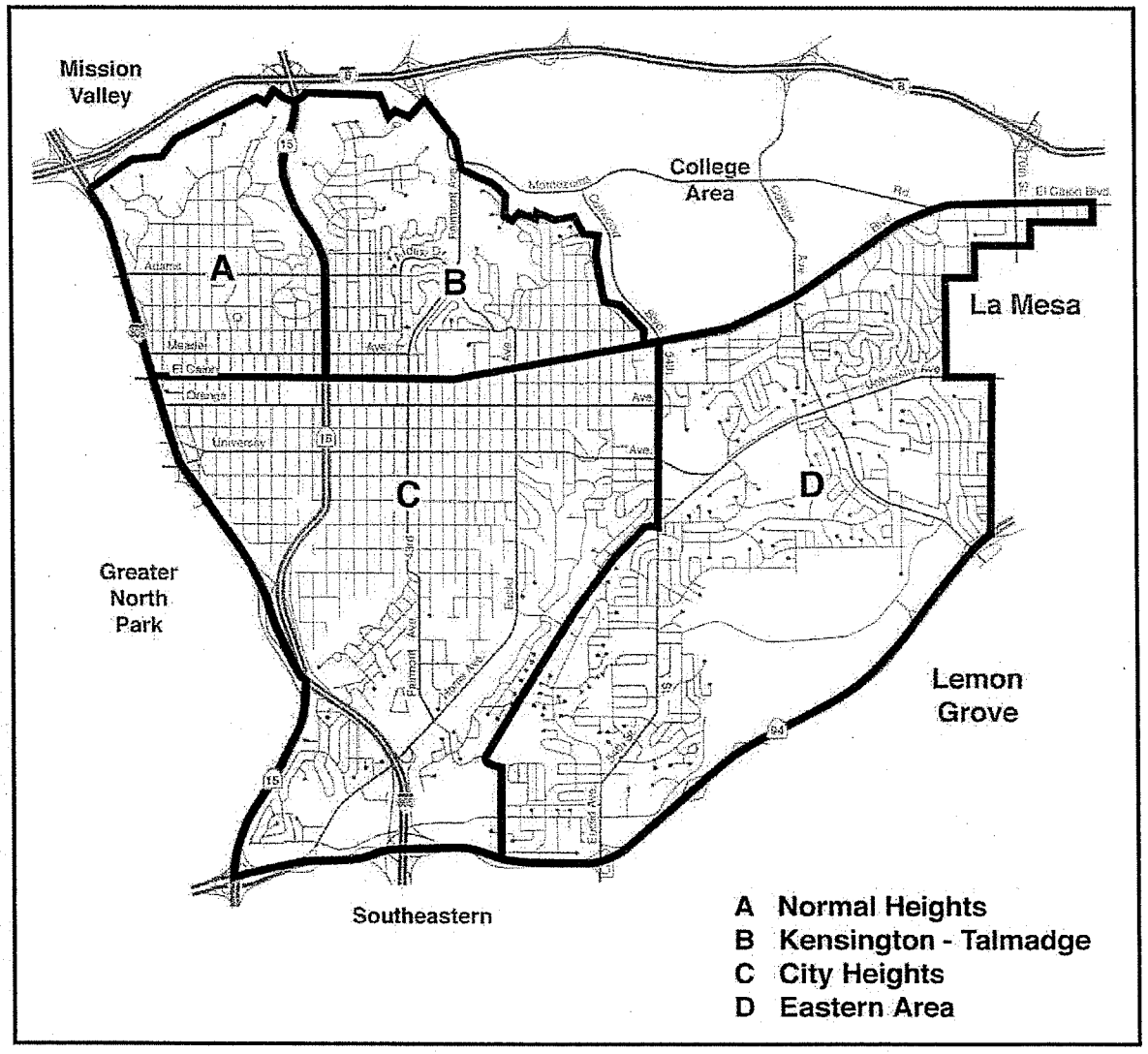
subsequent City Council actions, incorporating the recommendations into the City's Capital Improvements Program.

This Mid-City Communities Plan replaces the previous community plan originally adopted on December 4, 1984 by resolutions Number R-262091. This 1984 community plan in turn replaced the original Mid-City Development plan adopted on August 5, 1965.

Adoption of this Plan requires an amendment to the General Plan for the City of San Diego, consistent with Council Policy 600-7.

Figure 4

Mid-City Communities



LEGISLATIVE FRAMEWORK

As stated earlier, the Mid-City Communities Plan is an element of the City's General Plan, providing tailored policies that more clearly implement General Plan Policies and purpose. As such, this Plan is enabled by legislative framework on federal, state and local levels. Some of the more significant legislation applicable to this Plan is described below:

- California Government Code Section 65800 (State Planning and Zoning Law) gives Local Government the right to regulate land use within its jurisdictional boundaries. Such regulation in turn requires that a citywide land use plan be established.

- California Government Code Section 65350 (State Planning and Zoning Law) gives authority to local government for the preparation of general plans. The Code further specifies required and optional elements that must appear in every plan. The legislation also provides means for adopting and administering these plans. This Mid-City Community Plan meets the state requirements.

- Federal legislation and California Government Code Chapter 4.3 require that local government agencies provide affordable housing and ready access to it through housing programs and development incentives. This Plan identifies such programs and incentives consistent with the General Plan's Housing Element.

- California Environmental Quality Act (CEQA) requires that all government actions be subject to environmental review. The environmental review process identifies areas where environmental quality is affected, and requires that appropriate environmental mitigation be identified. This Plan is subject to such environmental review.

- Federal and state regulations such as the U.S. Clean Air Act and the California Regional Air Quality Strategy recommend that air quality issues be considered in all land use and transportation plans. The environmental review to this Plan addresses these impacts.

- Federal and State Water Quality legislation require that impacts on water quality, both surface and subsurface be addressed. The environmental review to this Plan addresses these impacts.

- The City's Municipal Code regulates the development of land and other policies contained in this Plan. The Plan's implementation will require that rezonings be undertaken to better match land use policy recommendations to regulatory controls.

- In addition to legislation, the City Council has adopted a number of policies that are used as guidelines for implementation of numerous community plan recommendations.

ANCILLARY DOCUMENTS

A number of background documents prepared over the years were used as reference in the preparation of this Plan. In a few cases, comprehensive studies were made as part of this planning program, which, for the sake of brevity, are also referenced. While these documents are not adopted as part of this Plan, they provide essential information that was used in the development of its policies.

Documents include economic development studies, business enhancement studies, residential improvement studies, traffic studies, transit studies, open space and park studies, environmental, redevelopment and financial studies. An annotated bibliography of these documents is provided in **Appendix A**.

IV. PLAN ELEMENTS

IV-A Neighborhoods Element

IV-B Natural and Cultural Resources Element

IV-C Urban Design Element

IV-D Land Use Element

IV-E Economic Development Element

IV-F Public Facilities and Services Element

IV-G Transportation Element

IV-A NEIGHBORHOODS ELEMENT

The communities of Mid-City are a collection of diverse neighborhoods, each with its own look, feel, history, and culture. Each neighborhood's assets and opportunities can be used to enhance the area's overall character and add to the health and vitality of the entire Mid-City.

Normal Heights

Adams North
Adams Park
Cherokee Park

Kensington-Talmadge

Kensington
Talmadge

City Heights

Corridor
Teralta West
Teralta East
Colina Park
Cherokee Point
Castle
Azalea Park
Hollywood Park
Fairmount Park
Bayridge
Fairmount Village
Swan Canyon
Chollas Creek
Fox Canyon
Islenair
Ridgeview

Eastern Area

Darnall
El Cerrito Heights
Oak Park
Rolando
Rolando Park
Webster

BACKGROUND

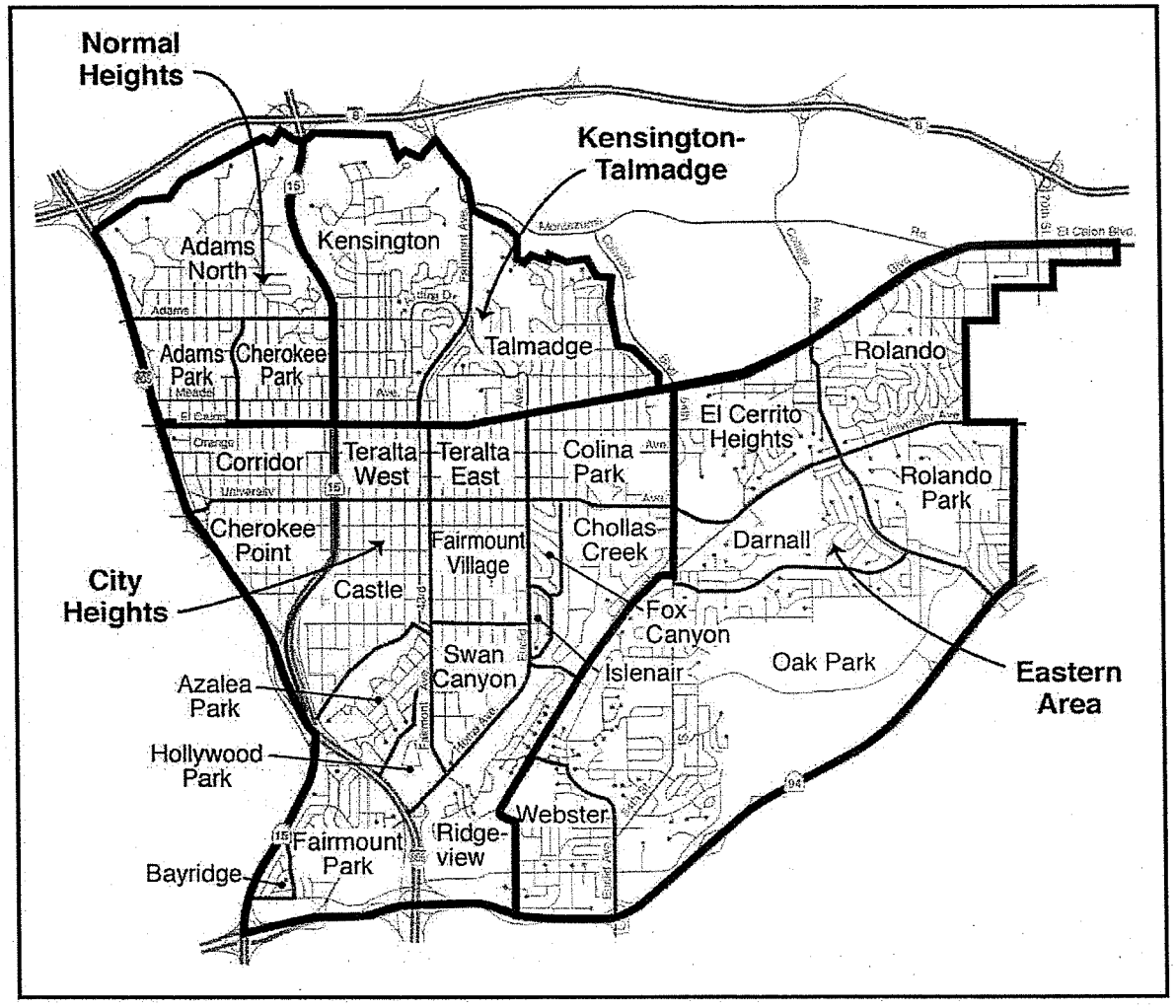
Twenty-seven neighborhoods have been identified within the four communities of Mid-City: Normal Heights, Kensington-Talmadge, City Heights, and Eastern Area. While neighborhood boundaries are not hard and fast, a major determinant of the boundaries and neighborhoods illustrated in this Plan was the existence of active community associations. These organizations help neighborhoods focus on their needs and improvement opportunities, greatly enhancing their chances of success. These neighborhood organizations exist in addition to the recognized community planning groups that represent each of the four subareas.

The following is a brief description of each neighborhood and a list of some of the more dominant issues confronted by each. These issues were identified by the community in the development of this Plan, and are addressed in its various elements.

Some neighborhoods have developed their own action plans to address neighborhood concerns, in some cases looking at long range planning issues and others focusing also on short-term physical and social needs. More such action plans—or RAPs (Revitalization Action Plans)—are anticipated in the future.

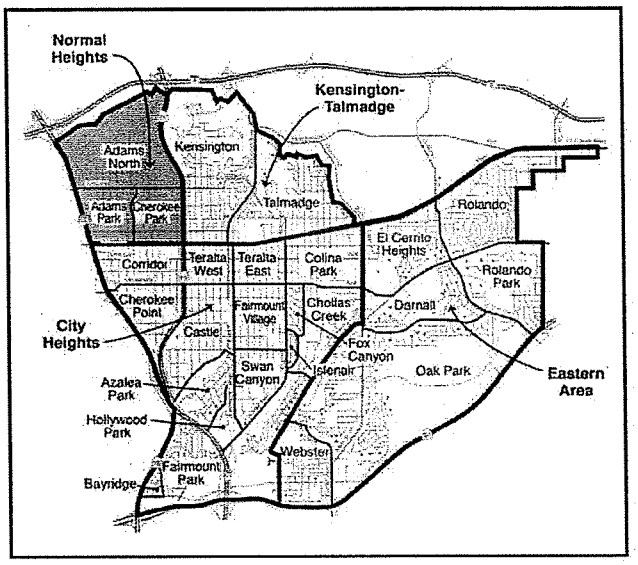
Figure 5

Mid-City Neighborhoods



NORMAL HEIGHTS

Normal Heights was named for the San Diego Normal School, a teacher's college that was the forerunner to San Diego State University. A major early influence on the community was Bertram J. Carteri, who arrived in 1916 and began to build single-family bungalows. With the restoration of the trolley line in the early 1920s, Carteri began to build what is now known as the Carteri Center on Adams Avenue between 33rd and 34th Streets, which has been declared a potential historic district. The most significant structure is the Louis L. Gill designed bungalow court first named El Sueño, now known as Santa Rosa Court.



POPULATION AND HOUSING PROFILE
1990 CENSUS

	Normal Heights	San Diego
Population	15,575	1,110,549
Single Dwelling Units	39%	56%
Multiple Dwelling Units	60%	42%
Household Size	2.08	2.6
Owner Occupied Dwellings	24%	48%
Households Below Poverty	19%	13%

Adams North

Mountain View is best characterized by the steep slopes of Mission Valley along its northern boundary and the Adams Avenue business district at its southern edge. Single-family homes near the valley rim give way to duplex development and apartments near Adams Avenue. This area was the subject of an urban design plan after the 1985 fire.

Adams Park and Cherokee Park

These neighborhoods are bounded by the commercial development of Adams Avenue on the north and El Cajon Boulevard on the south. Both neighborhoods have a mixture of single-family, older apartment courts, with larger apartment development scattered throughout the area. Activity in Adams Park includes the recent and anticipated expansion of Adams

Elementary School and park. Cherokee Park is planning improvements in conjunction with the construction of SR-15, including the construction of the 39th Street Park at Adams Avenue.

Normal Heights Issues

- Public facilities are seriously deficient.
- Adams School is seriously overcrowded.
- The community is deficient in the number of parks and park space needed.
- There is no library in this community.
- The construction of SR-15 has presented problems to address, such as noise, visual impact, and traffic circulation. Opportunities are also presented, such as for new parks, freeway and transit access, and a new "Mid-City Center" at the SR-15 and El Cajon Boulevard interchange.
- Some residential properties are deteriorating and commercial properties need further revitalization.
- Speeding and cut-through traffic is disrupting residential neighborhoods.
- Commercial parking is deficient with on-street parking overflowing into the neighborhoods.
- The Mission Valley slopes are both an asset to be preserved in their natural passive state, and a potential fire hazard.
- Water and sewer lines are deteriorating.
- Street trees and streetlights are inadequate.
- Sidewalks, curbs, and gutters are in need of repair.
- A combined pedestrian and bicycle linkage over SR-15 at Monroe Street is needed, with a minimum 12-foot width.

Figure 6

Normal Heights Community Vision Map

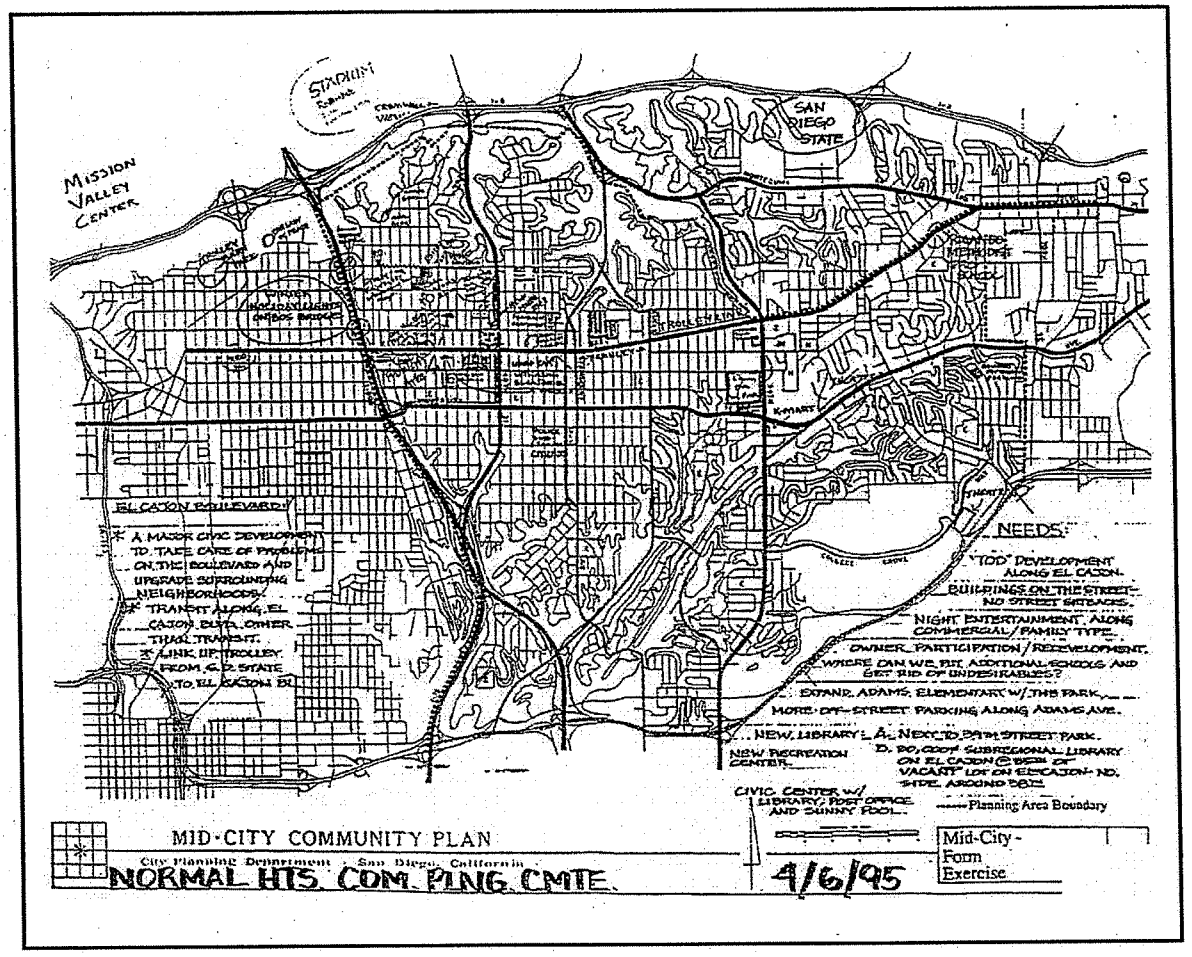
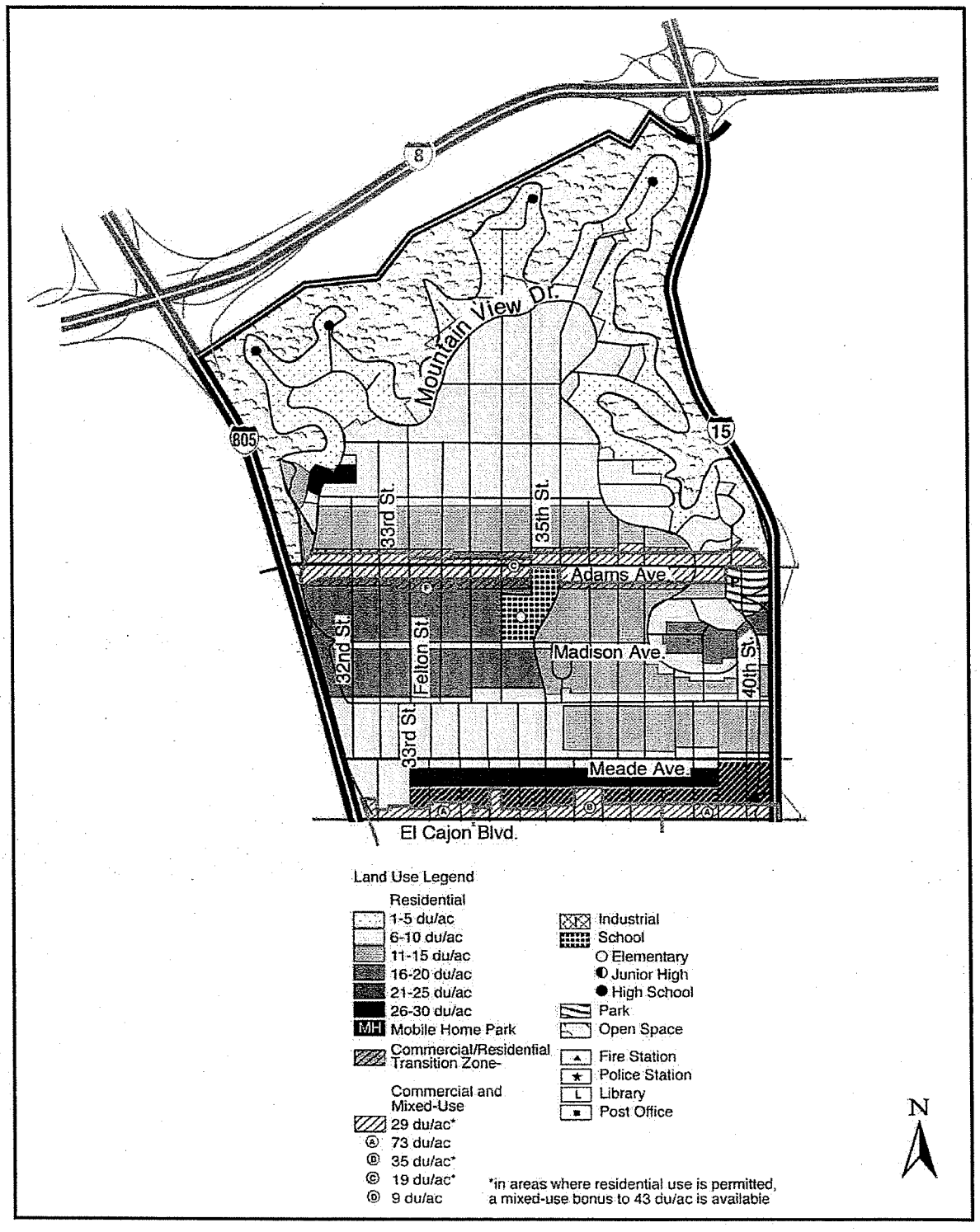


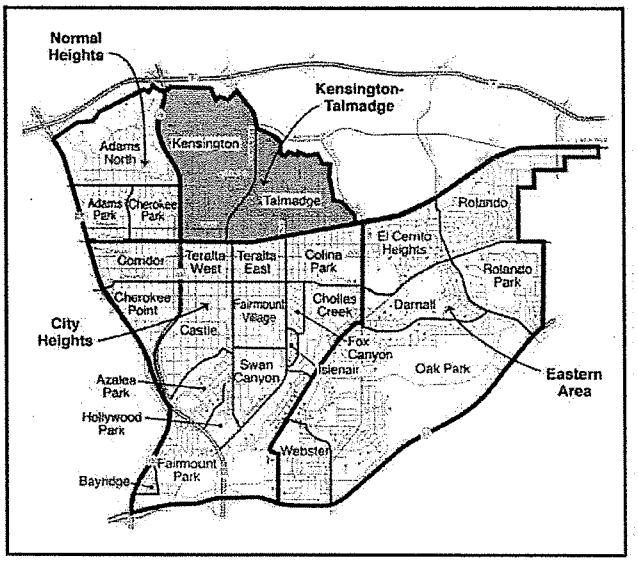
Figure 7

Normal Heights Community Plan Map



KENSINGTON-TALMADGE

Kensington



Kensington is a unique neighborhood due to its geography and the non-standard layout designed by its developers. Because it is a narrow peninsula isolated on three sides by steep slopes, much of which is dedicated open space, it has the ambience of a small town. Its winding streets contain mostly owner occupied, custom single-family homes. Kensington extends north, along tree-lined streets to the southern rim of Mission Valley.

Kensington has a small business district consisting of five blocks on Adams Avenue. Its central feature is the compact Kensington Park on which is centered the public library, considered the heart of the community.

Named for a borough in London, England, Kensington is a pioneering subdivision dating to 1910. With its stone gateways, ornamental lighting, and curving streets, the neighborhood is a strong candidate for designation as a historic district.

POPULATION AND HOUSING PROFILE
1990 CENSUS

	Kensington-Talmadge	San Diego
Population	13,120	1,110,549
Single Dwelling Units	57%	56%
Multiple Dwelling Units	42%	42%
Household Size	2.13	2.6
Owner Occupied Dwellings	46%	48%
Households Below Poverty	14%	13%

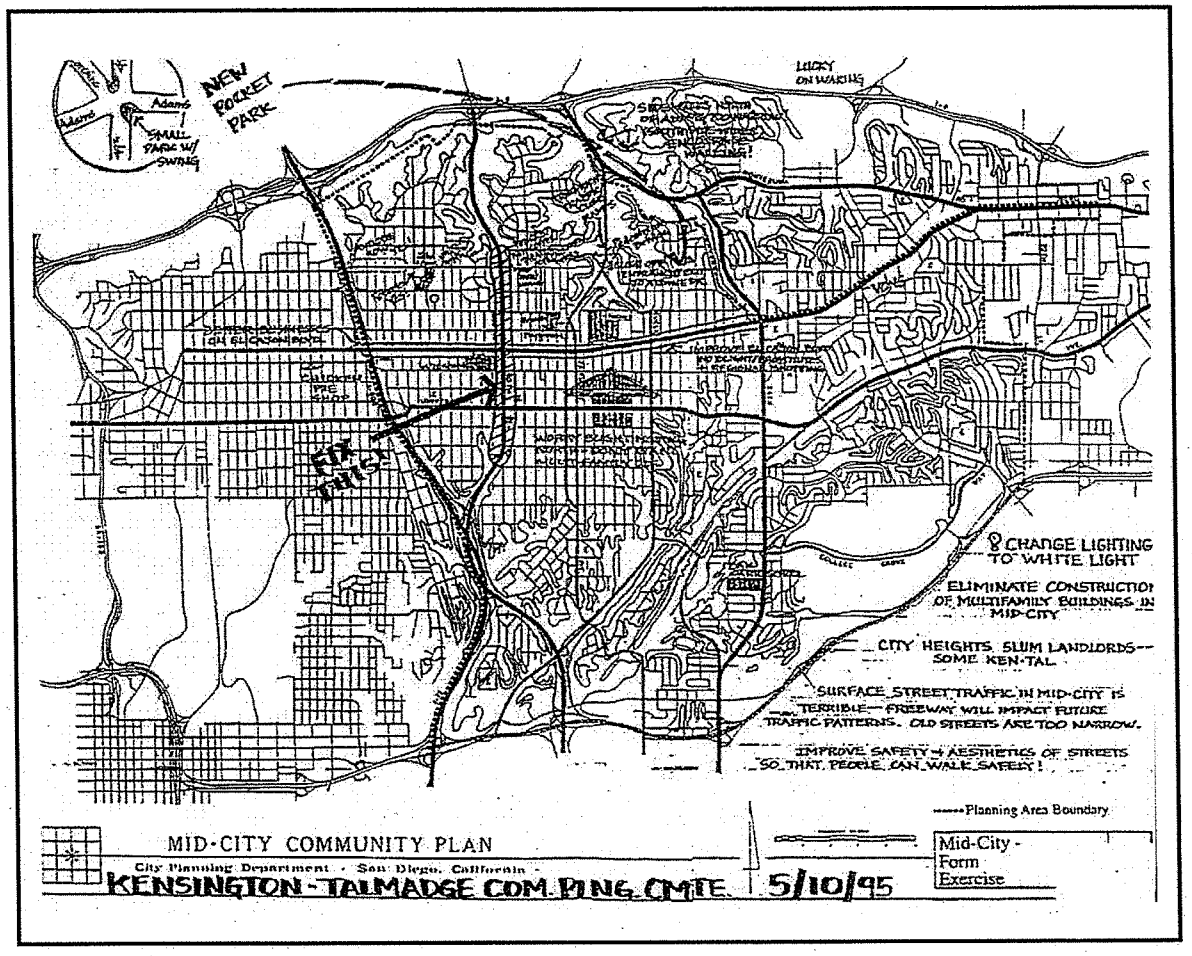
Talmadge

Talmadge is a special hidden neighborhood, the cousin of Kensington and surrounded by beautiful canyons. Iron gates with ornamental lights mark the gateways of Talmadge. Known as the "Movie Girl" tract, some of the streets are named after the Talmadge sisters, famous silent screen movie stars who dedicated the neighborhood in January 1926.

The homes are all unique and all with a distinctive individuality acquired over generations of proud home ownership. Homes are located on narrow streets with the garages placed at the rear of the lot or off alleys. This creates a wonderful pedestrian-oriented community where everyone walks and knows their neighbors.

Figure 8

Kensington-Talmadge Vision Map



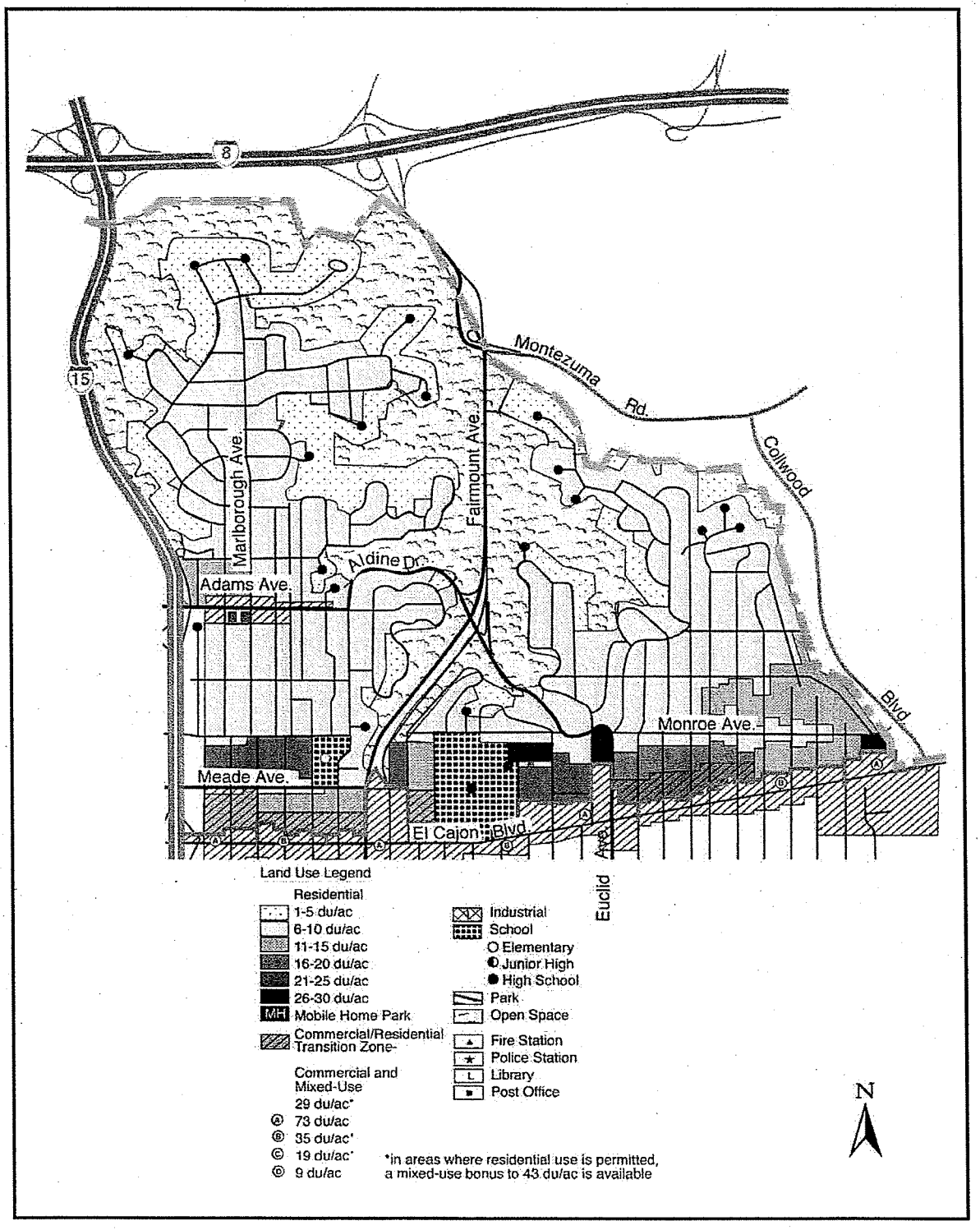
KENSINGTON-TALMADGE ISSUES

- Schools are overcrowded and park space is deficient.
- The library does not meet General Plan standards but maintenance of the existing library site and the surrounding park is preferred.
- The construction of SR-15 has presented both problems to address, such as noise, visual impact, and traffic circulation; and opportunities, such as developing new parking areas, freeway and transit access, and a new "Mid-City Center" at the SR-15 and El Cajon Boulevard interchange.

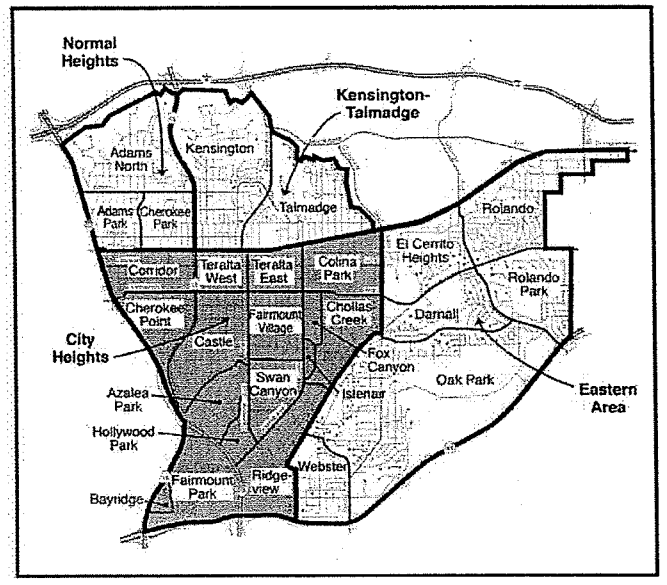
- Some residential properties south of Monroe Avenue are deteriorating, and commercial properties on El Cajon Boulevard are in need of revitalization.
- Speeding and cut-through traffic is disrupting portions of residential neighborhood streets.
- Commercial parking is deficient with on-street parking overflowing into the neighborhoods.
- The slopes surrounding Kensington-Talmadge are both an asset to be preserved in their natural passive state without intrusion, and a potential fire hazard.
- Sidewalks and water and sewer lines are deteriorated.
- Street trees and streetlights are inadequate.

Figure 9

Kensington-Talmadge Community Plan Map



CITY HEIGHTS



City Heights is located in the central Mid-City plateau, and is indented by a number of smaller canyons. The major canyon systems that once existed have been replaced by North/South freeways (I-805, SR-15). The community's southern boundary is State Route 94 (SR-94) freeway. The Chollas Creek is located in the southern reaches of the community.

Within City Heights there are a number of neighborhoods, all having their own unique identities, ranging from the very urban higher-density, to low-density, somewhat rural character with small single-family bungalows. In the past few years, neighbors have joined together to work towards their neighborhoods' "renaissance" with a great deal of success. Their first objective has been addressing public and personal safety issues, successfully turning the tide of crime.

An outgrowth of a City Heights Economic and Crime summit in 1994, a Revitalization Action Plan (RAP) has been completed for City Heights, making specific recommendations for short-term and long-term actions. These recommendations look at a full range of social, economic, and facility needs.

POPULATION AND HOUSING PROFILE
1990 CENSUS

	City Heights	San Diego
Population	70,064	1,110,549
Single Dwelling Units	41%	56%
Multiple Dwelling Units	58%	42%
Household Size	2.94	2.6
Owner Occupied Dwellings	23%	48%
Households Below Poverty	30%	13%

The Corridor, Teralta West, and Teralta East

The Corridor, Teralta West, and Teralta East are linear neighborhoods located in the middle strip of the Mid-City plateau. They were originally developed with single-family housing as

the suburban addition to San Diego, and located along the east trolley corridor and the original Highway 80 (El Cajon Boulevard) route. The area has been developing since World War II with higher-density apartments and condominium development.

These neighborhoods now contain the highest population density in Mid-City. Much of the housing is multifamily combined with older single-family development and some older apartment courts, which are still the best maintained areas.

Commercial needs are served by The Boulevard and University Avenue commercial corridors. All residences are within a walking radius of commercial services and potential employment areas.

Colina Park

Colina Park is located just east of Teralta East. The neighborhood's single-family residential areas have been encroached upon by large lower income apartment complexes. It is distinguished by hilly terrain, giving the area outstanding views. A large community park—Colina Del Sol Park—includes Colina Park Golf Course, a recently rejuvenated par 3 course that features a very successful Pro Kids Golf Academy for local youth.

Cherokee Point

With the exception of the University Avenue commercial frontage, Cherokee Point is a residential neighborhood, with primarily single-family homes. Park de La Cruz is being developed as part of the SR-15 construction. Remnant hillsides indent the neighborhood from the freeways which have replaced some of the natural canyon areas.

Castle

Castle is primarily a single-family home residential neighborhood with the exception of the University Avenue commercial frontage and a few older stores scattered along Fairmount Avenue. Some multifamily development is located along 43rd Street and Fairmount Avenue. The northern rim of Azalea Canyon bounds the residential neighborhood, providing a potential resource for open space and recreation enhancements.

Azalea Park and Hollywood Park

Azalea Park is a primarily single-family residential home neighborhood with a few sprinkled low-density multifamily complexes. Poplar Avenue bisects Azalea Park and provides some neighborhood commercial services to the area. Azalea Park is one of the most active residential neighborhoods in City Heights and one of the first in the City of San Diego to implement the neighborhood policing program. Local craftsmen and artists have created unique wood crafted street signs representing the flower names of many of the streets in the neighborhood. The neighborhood of Hollywood Park is bound to the south by Hollywood Park and Canyon.

On December 13 and 14, 1996, the Azalea Park neighborhood Association co-sponsored a "Village Charrette" with Hollywood Park neighborhood, to identify neighborhood

improvements for revitalization. The vision reached during the event was: the establishment of a "Village in a Park" creating cohesion and place for the two neighborhoods; using the canyon open space and existing Azalea Park and Hollywood Park as a resource to attract business and shops; and the establishment of gateway entrances featuring artwork. Along with these ideas would go improvement of public infrastructure and services, amendments to zoning to permit "live work" artist and commercial space, improved parking and development of a unique village design.

Fairmount Park and Bayridge

Fairmount Park is located in a promontory surrounded on all sides by hillsides and freeways. Home Avenue bisects it diagonally, linking the neighborhood to both I-805 and SR-94. Chollas Creek runs through it on a southwestern direction towards San Diego Bay. The neighborhood is predominantly single-family homes, with some auto-oriented commercial and industrial uses along Home Avenue. Bayridge is a small neighborhood contained within Fairmount Park on its westernmost knoll, identifiable for its outstanding views and well maintained duplex development.

Fairmount Village and Swan Canyon

Fairmount Village is located on the mesa south of University Avenue and east of Fairmount Avenue. The area is predominantly single-family homes, with some duplex development and apartment development predominantly near University Avenue. Commercial development is concentrated along University with scattered businesses on Fairmount Avenue and Euclid Avenue. The recent development of the City Links Project, along with the Rosa Parks Elementary School, have brought new life into Fairmount Village. Swan Canyon, located south of Fairmount Village, is predominantly single-family uphill from canyons facing Home Avenue. Monroe-Clarke Middle School was recently constructed in this neighborhood.

Islenair

Islenair is an isolated neighborhood just east of Euclid Avenue and bounded on all other sides by hillside remnants of canyons. It is also an island in the sense that it is entirely single-family homes in an otherwise mixed-use area; a very small and tightly knit community.

Ridgeview

The northern portion of Ridgeview is predominantly single-family residential, with the southern section dedicated to industrial use. Chollas Creek runs through it in a southwesterly direction.

Chollas Creek and Fox Canyon

Chollas Creek is predominantly single-family homes with some multifamily development in areas off University Avenue. The Fox Canyon neighborhood has developed as its vision a well-integrated residential and business community sensitive to preserving natural, artistic, and historical developments within a well maintained, safe, and friendly environment.

City Heights Issues

- In spite of the addition of new facilities, schools remain severely overcrowded and parks are deficient.
- While presenting some problems, the construction of SR-15 presents the opportunity for new business development surrounding the University Avenue interchange.
- The very high demand for public transit outstrips the available service.
- Residential rehabilitation and commercial revitalization are needed.
- Commercial parking is deficient with on-street parking overflowing into the neighborhoods.
- Sidewalks and water and sewer lines are deteriorated.
- Street trees are lacking.
- The social and cultural needs of the culturally diverse sectors of the population need to be addressed.

Figure 10

City Heights Vision Map

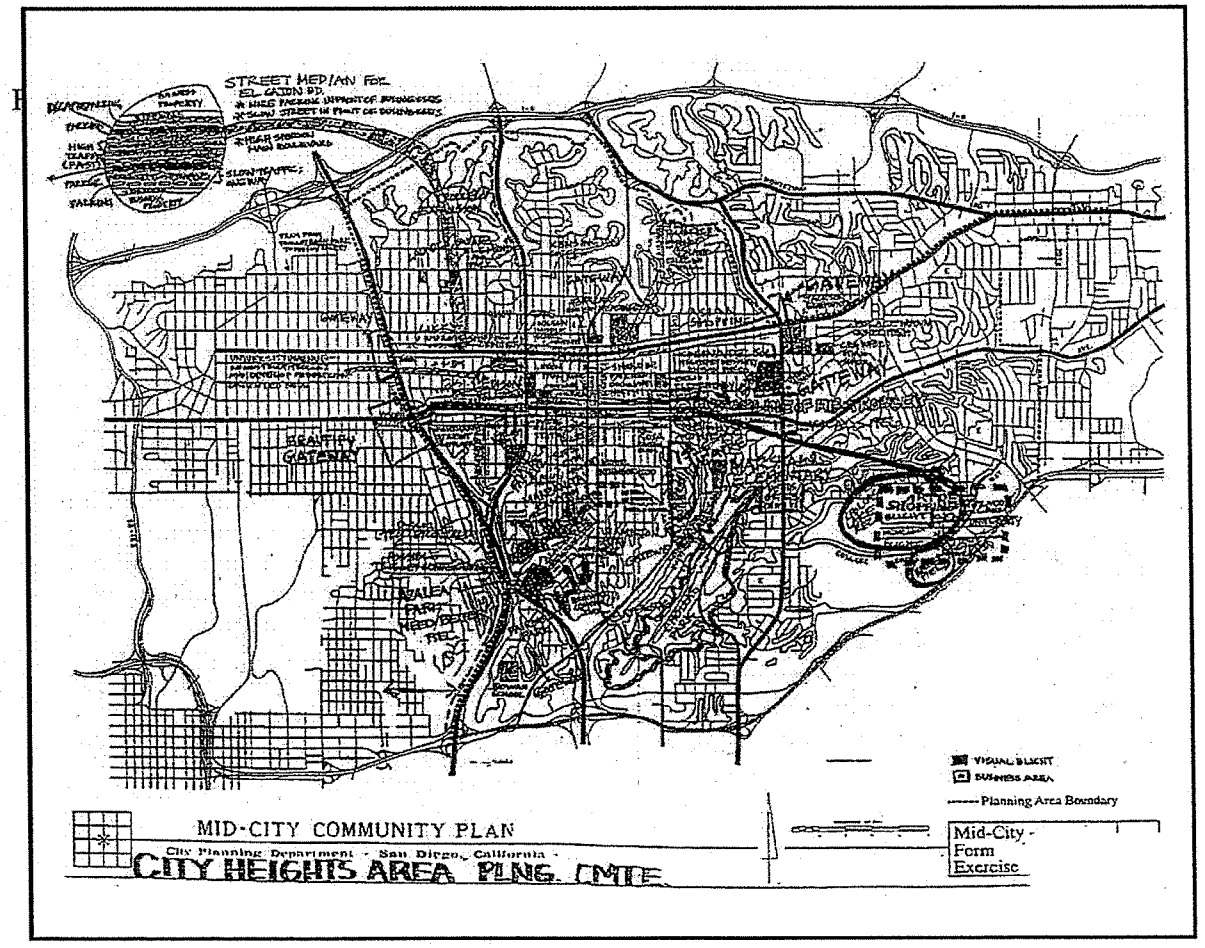
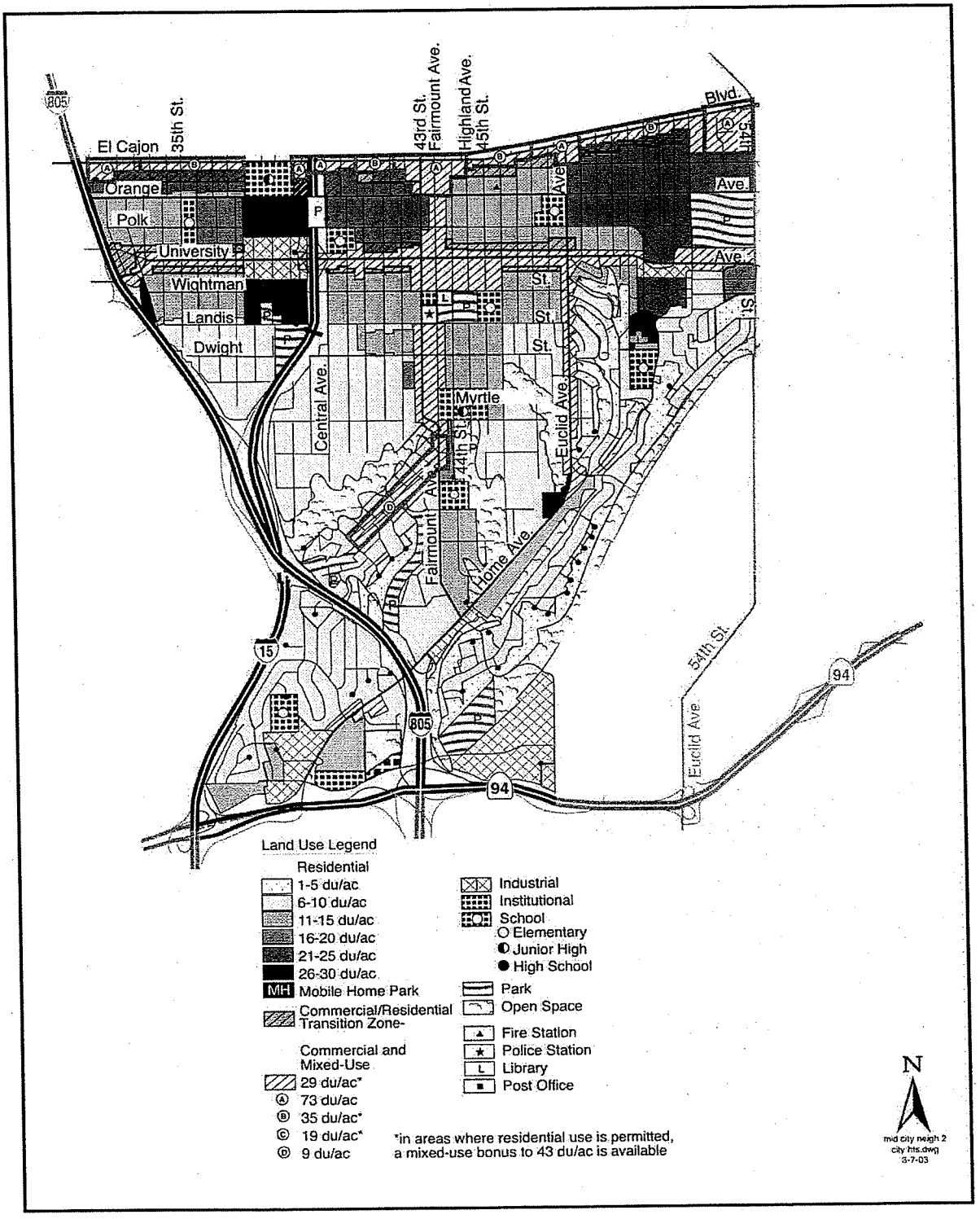


Figure 11

City Heights Community Plan Map



EASTERN AREA

While the Eastern Area shares many of the same issues with Mid-City's other three communities, it is distinguished by its hilly topography and more recent development. But in spite of its age, this area finds itself in need of revitalization as well. In a recent effort to address these needs, most of this subarea along with the College area and portions of City Heights was the subject of the College and Eastern Area Planning and Economic Review (CEAPER), which recommended a series of strategies aimed at attracting business and residents.

POPULATION AND HOUSING PROFILE
1990 CENSUS

	Eastern Area	San Diego
Population	29,176	1,110,549
Single Dwelling Units	59%	56%
Multiple Dwelling Units	38%	42%
Household Size	2.50	2.6
Owner Occupied Dwellings	54%	48%
Households Below Poverty	18%	13%

El Cerrito Heights

As its name describes, El Cerrito Heights is a hilly neighborhood. El Cerrito Heights is a predominantly single-family homes neighborhood with some multifamily development off the commercial corridors of El Cajon Boulevard and University Avenue. The 54th street corridor contains a substantial acreage of schools with Jackson Elementary, Mann Middle School, and Crawford Senior High School. There is a Jewish Community Center with recreational and meeting facilities, and a convalescent home. A small hospital, Villa View, is located on a knoll overlooking University Avenue and 54th Street.

Rolando

The rolling hills of Rolando began to develop in the 1930s, as evidenced by the style of the custom single-family homes and the "acorn" style post-top streetlights. The grid street pattern south of the strip commercial development along El Cajon Boulevard gives way to a curvilinear pattern in the hilly southern portions of the neighborhood. While predominantly single-family, some pockets of multifamily development are found adjacent to El Cajon Boulevard. San Diego State University strongly influences commercial uses in this area.

Rolando Park

Rolando Park is one of the more recently developed neighborhoods of Mid-City, beginning development in the 1950s with predominantly tract housing. Rolando Park shares Rolando's

hilly environment and the commercial services along University Avenue. Open space hillsides largely separate University Avenue from the single-family homes, with only a small pocket of multifamily development along College Avenue.

Darnall, Oak Park and Webster

These neighborhoods are of recent development in predominantly single-family homes, but also include some large multifamily complexes and a mobile home park in both Oak Park and Webster. Scattered commercial development is found along University Avenue, College Avenue, 54th Street, Euclid Avenue, and Federal Boulevard. Oak Park is home to Chollas Lake Park, with plans in the works for significant expansion as a resource-based park.

The area of Streamview Drive, located in a canyon which is the boundary between Darnall and Oak Park, is currently the subject of a revitalization study.

Eastern Area Issues

- Most schools are overcrowded, some seriously.
- Commercial revitalization is needed, in the area surrounding 54th Street and Federal Boulevard, and the Marketplace at the Grove regional center on College Avenue.
- Residential deterioration is spreading.
- Traffic, parking, and structural deterioration along Streamview Drive need to be addressed.

Figure 12

Eastern Area Vision Map

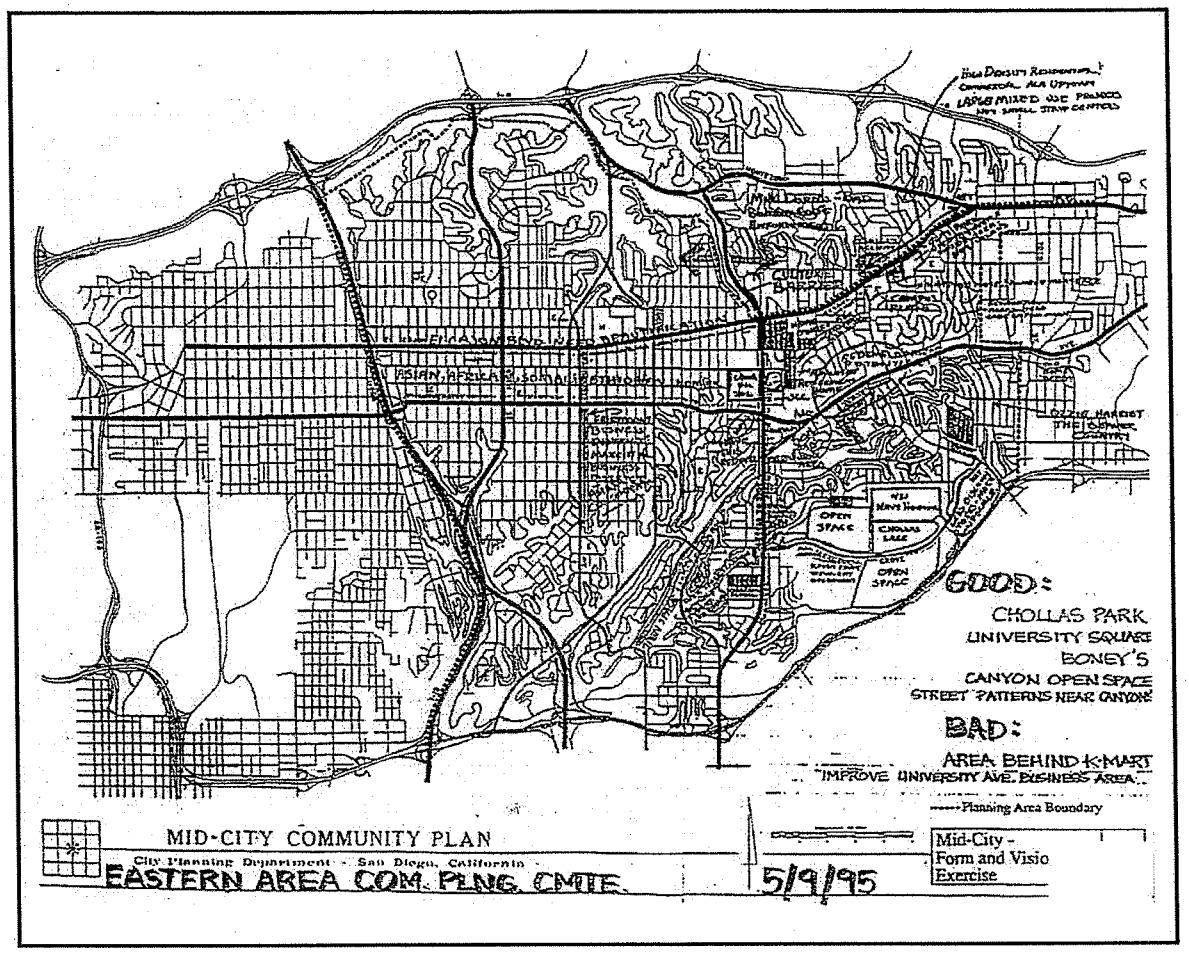
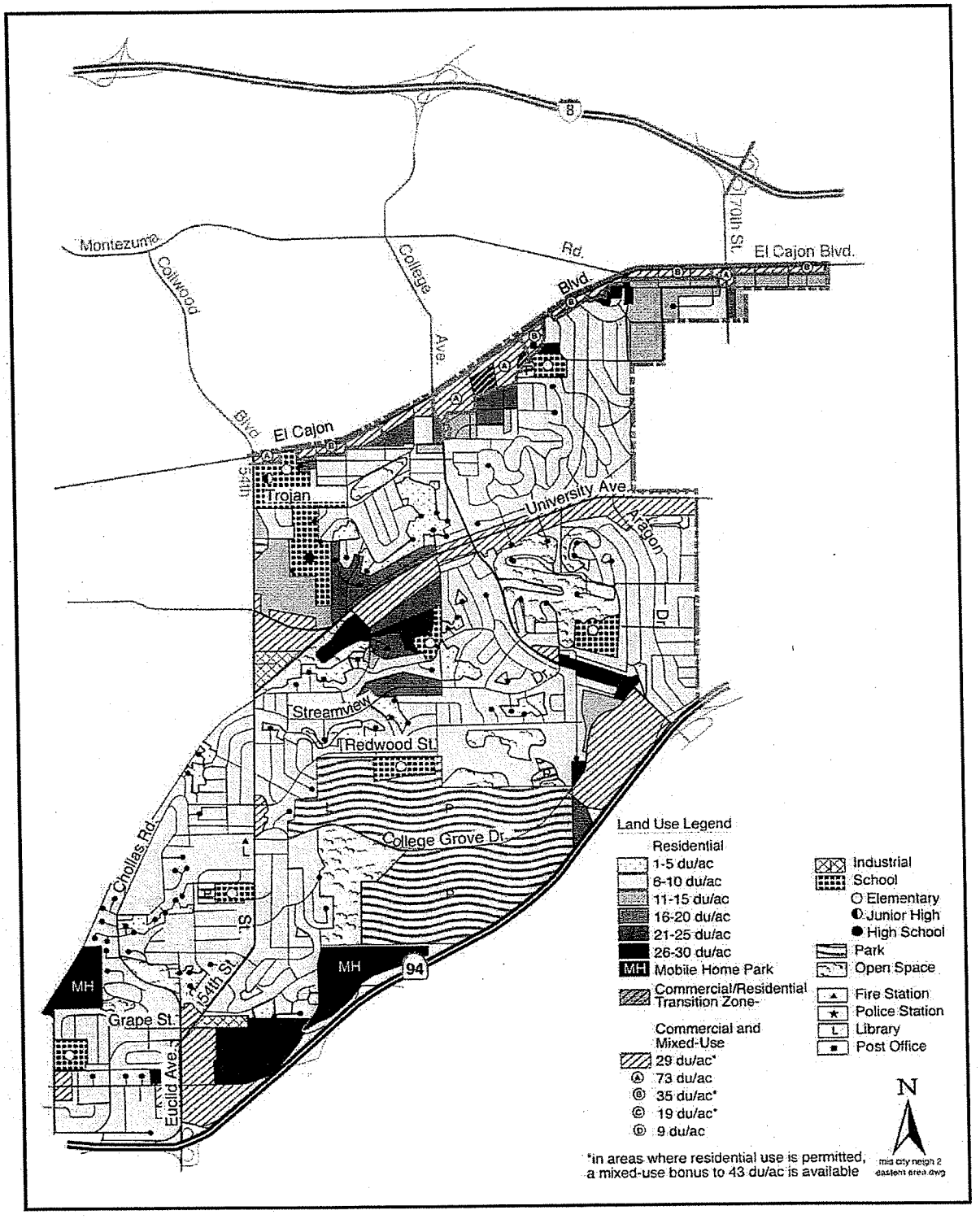


Figure 13

Eastern Area Community Plan Map



IV-B NATURAL AND CULTURAL RESOURCES ELEMENT

Although considered an urban environment, the Greater Mid-City area has many natural features that contribute to the quality of the area. These include open space resources such as canyons and floodplains, as well as historic and prehistoric resources. Visual resources too, contribute to the urban environment including panoramic views of San Diego's mountains and coastline. Preservation of the quality of the environment is important to residents of the area as is respecting geological constraints associated with the natural environment.

Geotechnical Conditions

Environmental Quality

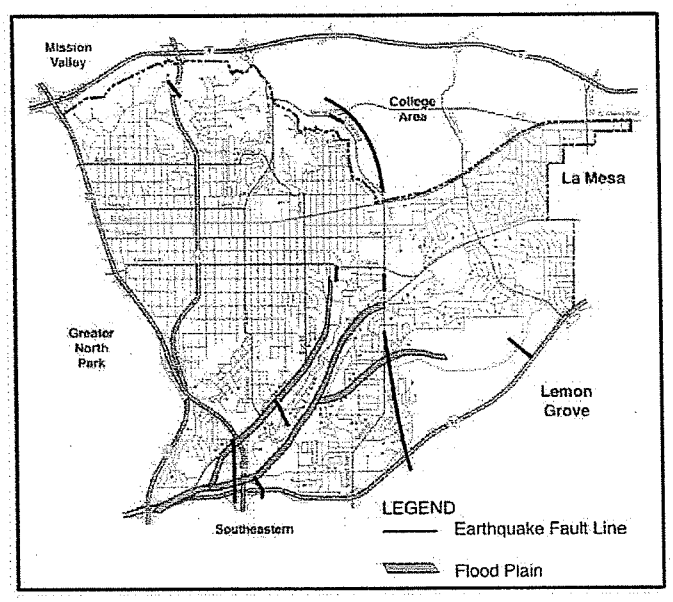
Open Space

Visual Resources

Cultural Resources

GEOTECHNICAL CONDITIONS

Although urbanized, the Greater Mid-City area possesses geotechnical conditions which represent potential safety hazards. These include expansive soils and areas of potential liquefaction and landslide. In addition, the La Nacion and lesser faults exist in the community and represent a potential geotechnical hazard in the event of earthquake.



Vision: Development which avoids or mitigates potential geotechnical hazards.

FAULTS AND LIQUEFACTION

Goals

- Consider the use of fault areas as linear open space areas or linkages to open space resources.
- Minimize development in areas prone to liquefaction. Ensure adequate building measures when development of liquefaction areas is unavoidable.

Recommendations

- Provide an adequate building setback from all known faults.
- Utilize development controls, dedications and easements to minimize potential earthquake hazards to private property.
- Utilize appropriate building techniques and site planning in areas of known geotechnical hazard.

SOIL STRUCTURE, LANDSLIDES, SHRINK AND SWELL CHARACTERISTICS

Goal

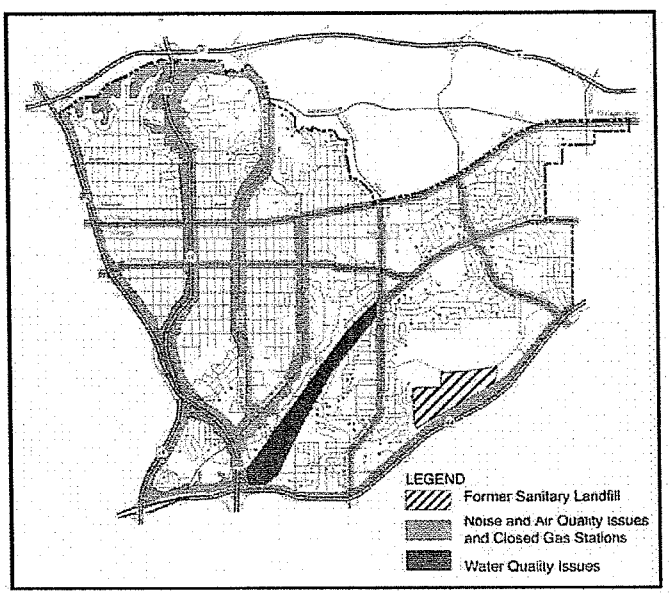
- Avoid building construction in areas with inadequate soil conditions.

Recommendations

- Utilize appropriate building techniques in areas of known geotechnical hazard.
- Cluster building construction in areas not affected by geotechnical hazard conditions.

ENVIRONMENTAL QUALITY

Myriad issues affect the environmental quality of the Greater Mid-City area. Biological resources, air, and water quality are threatened by development and motorized vehicle emissions. Former sanitary landfills and closed service stations in Mid-City can bring hazardous materials in close proximity to residents.



Vision: A community where natural resources are preserved and development contributes to the environmental quality of the area.

BIOLOGICAL RESOURCES

Goals

- Protect canyon, hillside, and creek-side natural wildlife habitats from urban encroachment and conflicting uses.
- Improve and enhance riparian habitat in Chollas Creek (City Heights and Eastern Area).

Recommendations

- Apply the appropriate development restrictions to riparian areas along Chollas Creek.
- Prepare and implement a master plan for the enhancement of Chollas Creek which protects natural wildlife and riparian habitat.
- Form "Friends of Mid-City Canyons" to focus funding and effort toward the maintenance and enhancement of Chollas Creek, and the area's natural canyons.
- Apply appropriate zoning restrictions to all steep slopes in Mid-City to ensure that sensitive slopes and natural habitats are protected from erosion and other impacts of urban encroachment.

AIR QUALITY

Goal

- Improve air quality throughout Mid-City through local monitoring, awareness and the promotion of non-polluting forms of transportation.

Recommendations

- Utilize public relations techniques and physical improvements to promote non-polluting pedestrian access and bicycling as primary intra-community modes of transportation.
- Pursue the expansion of trolley service both north-south and east-west to link the community to regional employment opportunities, as well as to link the community internally to provide less-polluting mass transportation options.

WATER QUALITY

Goal

- Improve and enhance riparian habitat in Chollas Creek as a means of improving water quality.

Recommendations

- Form "Friends of Mid-City Canyons" to focus funding and effort toward the maintenance and enhancement of Chollas Creek.
- Encourage use of reclaimed water for landscaping and encourage low water demand landscaping.

HAZARDOUS MATERIALS AND SOIL QUALITY

Goal

- Clean up former landfill areas for public use.

Recommendations

- Utilize grants, bonds or other public funding to clean-up "brownfields" and landfill areas and convert them to an appropriate use.
- Encourage use of reclaimed water for landscaping and encourage low water demand landscaping.
- Continue to provide locations for the safe disposal of hazardous materials within the community, using the fire stations as a possible resource for such facilities.
- Alternatives for the timely reclamation and reuse of the Chollas landfill should be identified.

NOISE

Goal

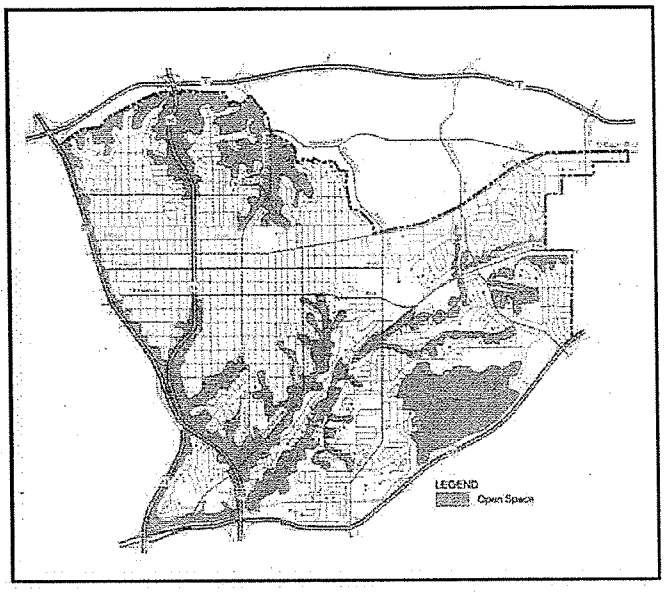
- Maintain adequate sound levels in residential neighborhoods.

Recommendations

- Mitigate sound pollution conditions created along major transportation corridors and certain businesses.
- Encourage the use of "noise masking" techniques when appropriate.

OPEN SPACE

With close to 6,000 acres, the central and western portions of the Mid-City Community occupy a relatively level, developed mesa bisected by a series of canyons, particularly along Chollas Creek and the southern rim of Mission Valley. Together with parks, trails and publicly owned lands, these canyons represent an open space resource for the community. The Eastern Area is urbanized on rolling hillsides, where large lot development enjoys its private views and open space, but where few interconnected open space areas exist.



Vision: An integrated open space system of linked natural canyons, creeks, parks, trails and joint use areas.

LAND FORM – CANYONS AND CREEKS

Goals

- Permanently link and preserve all canyons, slopes and floodways, designated as such in this Plan, as open space.
- Develop passive recreational space in undeveloped canyons, where the natural integrity of the canyon can be preserved.
- Preserve sensitive hillside areas.
- Preserve areas of native vegetation.

Chollas Creek

- Preserve and enhance Chollas Creek as a linear open space system to provide passive recreational opportunities, visual relief and biological habitat preservation.
- Where acquisition of Chollas Creek is not feasible, explore other means of preservation such as open space easements, development restrictions and other means.
- Develop a Master Plan for the enhancement of Chollas Creek as a passive linear park.

Recommendations

- Preserve sensitive slopes, canyons, floodways and other areas designated as open space through acquisition, zoning, resource regulation or other available methods.
- Within areas zoned for single-family development and designated for open space preservation, limit further subdivisions and development to one dwelling unit per lot.
- When development occurs, obtain open space easements in privately owned canyon areas.
- Form "Friends of Mid-City Canyons" to focus funding and effort toward the preservation and maintenance of open space areas.

PARKS AND OPEN SPACE

Goals

- Protect biological, visual, and topographic resources.
- Ensure the preservation of an open space system through appropriate designation and protection.
- Give highest priority to the acquisition of open spaces susceptible to development.
- Provide access to usable public open space systems in order to increase passive recreational opportunities.

Recommendations

- Paper streets or paper alleys should not be vacated if they are located in an open space canyon and the retention of undeveloped paper streets or alleys would assist in the preservation of the area as open space.
- Utilize easements and appropriate open space zoning to maintain and enlarge parks and open space.
- Revise and prioritize the City's open space acquisition list, assigning highest priority to acquisition of the Chollas Creek open space system and other systems susceptible to development.
- Property acquired by the City for open space preservation should be officially dedicated for that purpose.
- Create a system of linkages between Mid-City parks and open space.

TRAILS

Goals

- Provide limited non-vehicular access to open space areas within the community.
- Enhance links between park and open space areas within and outside the community.

Recommendations

- Limit trails within open space areas to those that provide designated linkages. Trails should be located to minimize impacts to sensitive slopes and vegetation. Security, fire risk, and maintenance should also be considered in the location of trails.
- Due to their environmental sensitivity and steepness, public access should be restricted along hillsides facing Mission Valley and within Kensington-Talmadge.
- Identify design concepts, routes, and funding for the development and maintenance of a non-vehicular trail system.
- Identify and improve key streets that link open space resources and community facilities.
- A ranger program should be established to ensure compliance with established park and open space policies.

JOINT USE AREAS

Goal

- Provide recreational facilities open to the community on all government owned lands (refer to **Public Facilities and Services Element** and **Urban Design Element**).

Recommendations

- Joint use agreements between the City of San Diego and San Diego Unified School District should be adopted to make all public school sites available for recreational use and open space support.
- The City of San Diego should work with other governmental agencies to access possible use of other agency facilities for open space support.

OPEN SPACE DESIGN AND DEVELOPMENT GUIDELINES

While some of the open space described in the Public Domain section of this element has been acquired for preservation or has an open space easement placed on it, a significant portion remains under private control. These areas are typically the lower portions of hillside lots with a single-family dwelling on the upper portion of the lot, although some vacant lots still remain. The potential exists in some areas for additional development to disturb this open space.

Recommendations

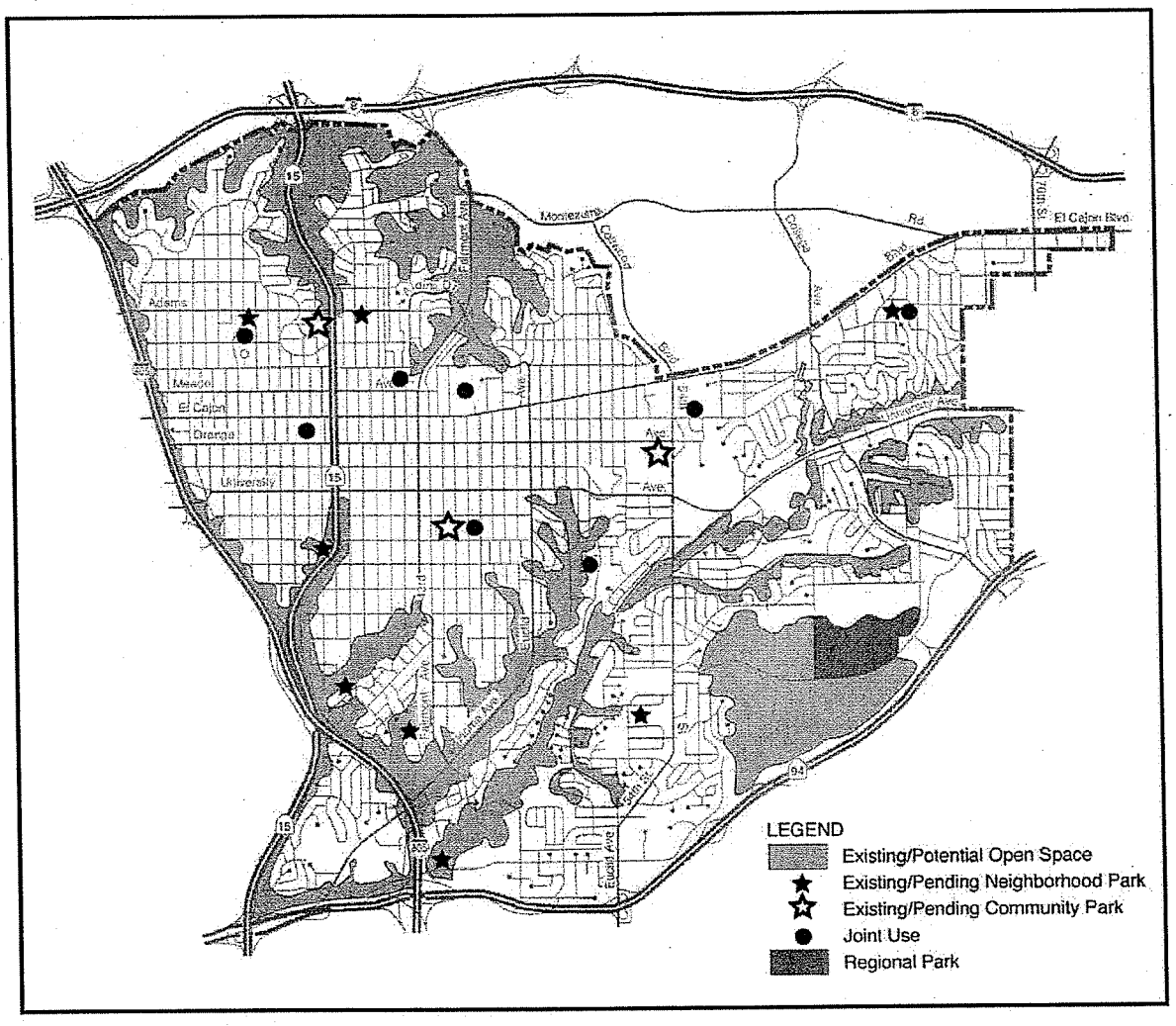
- Within residentially designated areas, apply open space zones (ten-acre minimum) to all properties containing slopes of 25 percent or greater.
- A maximum of one dwelling unit per lot should be permitted.
- Establish building setback and landscaping requirements for properties along the edge of designated open space hillsides. Such a restriction would protect slopes from erosion and

intrusive vegetation, and would protect buildings from fire hazard and slide damage. Public views from upland and lowland areas would also be preserved and enhanced.

- Development within or adjacent to a designated Multiple Habitat Planning Area should be consistent with the policies and guidelines for development found in the Multiple Species Conservation Program Subarea Plan.

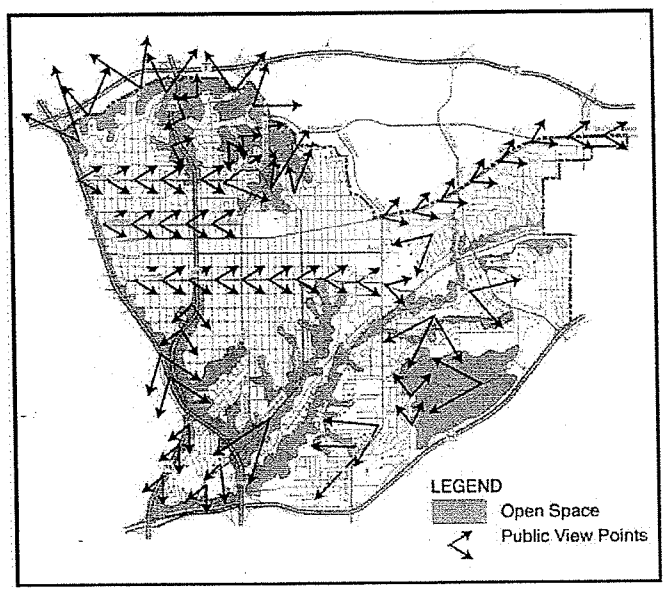
Figure 14

Open Space and Parks



VISUAL RESOURCES

Several streets and other public areas offer framed public views of panoramic aesthetic features such as open space areas or significant architecture. In addition, many of the streets on the Mid-City mesa top afford panoramic views of the mountains to the east and the bay and coastline to the west and south.



Vision: Development that preserves and enhances significant views within and outside the greater Mid-City area.

VIEWS

Goals

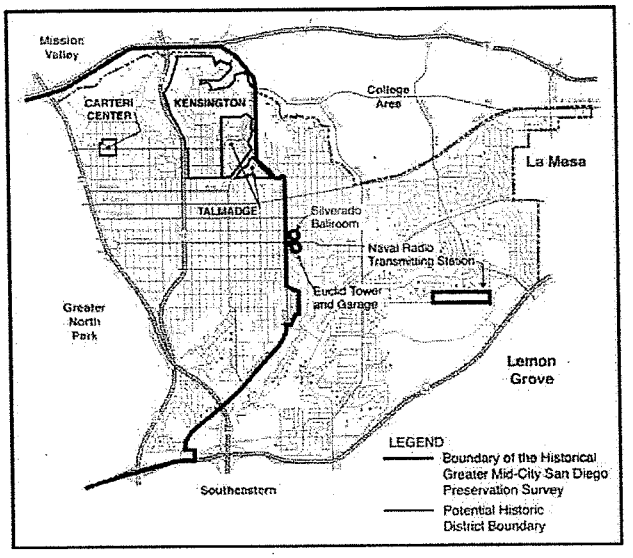
- Ensure that new development preserves and enhances framed public views of existing aesthetic resources such as parks and community landmarks.
- Preserve and enhance panoramic public views of the bay, open spaces, and mountains from street rights-of-way and other public areas.

Recommendations

- Review development proposals to protect and preserve significant framed and panoramic public views within the community.
- Undertake a study to identify key sites with significant panoramic public views for potential acquisition as public viewing areas.
- Preserve and enhance privately owned local landmarks offering framed views from public vantage points.
- Work with the City to identify sites with significant panoramic public views for potential public acquisition.
- Continue undergrounding utilities on view corridors.

CULTURAL RESOURCES

Evidence of prehistoric occupation exists within Mid-City, primarily within or adjacent to Chollas Creek. In addition, there are several historic structures and districts which are eligible for historic designation, including the Carteri Center Historic District in Normal Heights, the Kensington & Talmadge Historic District in Kensington, and the Egyptian Revival Euclid Tower, Garage, and Silverado Ballroom in City Heights. In addition, the Chollas Heights Navy housing project in the Eastern Area includes a museum and historic district with structures from a 1917 era Naval Radio Transmitting Station. Numerous other structures remain from the first half of the 20th Century which, although they do not qualify for historic designation, contribute to the character of Mid-City's neighborhoods.



Vision: A community where prehistoric and historic resources are celebrated, preserved, and enhanced.

ARCHAEOLOGIC AND PALEONTOLOGIC RESOURCES

Goal

- Preserve areas of Mid-City possessing significant archaeologic and paleontologic interest.

Recommendation

- Identify and preserve significant prehistoric sites through zoning, development review or other regulatory means.

HISTORIC SITES AND DISTRICTS

Goals

- Preserve and upgrade all land and structures having significant historical interest.
- Preserve and enhance historic resources by means of acquisition, easements, agreements, assessment districts or other means.
- Preserve and enhance areas identified as historic districts.

- Encourage the retention and enhancement of non-historic structures which contribute to the character of Mid-City.

Recommendations

- Encourage the preservation of historic structures through identification, designation, tax relief, tax breaks and other neighborhood physical improvement and financing measures.
- Apply zoning that will act to conserve older areas of Mid-City which, although they are not historic, contain structures contributing to the overall character of the area.
- Expand the Greater Mid-City Historic Oversight Program to encourage and ensure the identification and designation of all eligible historic sites and districts in Mid-City to implement the 1987 Historical Greater Mid-City San Diego Preservation Strategy that surveyed that portion of the Mid-City communities west of Euclid Avenue and Home Avenue.
- Private owners of historic structures and those with property in historic districts are responsible for maintaining and enhancing their structures, in partnership with the community and the City.
- Economic incentives such as the Mills Act tax incentive should be identified and developed to assist property owners to maintain historic properties.
- Coordinate the continued evaluation and designation of historic resources within Mid-City.

IV-C URBAN DESIGN ELEMENT

Mid-City has an outstanding urban design character with its remaining natural canyons; public views to Mission Valley, downtown, and San Diego Bay; and its walkable neighborhoods; all within easy walking distance to a school or shopping area. Urban design should strive to maintain and provide much needed awareness and enhancement to these community features.

Open Space and Parks

The Great Streets of Mid-City

Gateways and Crossroads

Other Neighborhood Links

Civic Spaces and Buildings

Traffic Calming for Neighborhood Streets

BACKGROUND

The western neighborhoods of Mid-City are located on a large central mesa indented by a number of inner City canyons and small creeks. Growing out of the central business district and facilitated by the introduction of streetcar service, these neighborhoods developed during the first half of the century. The varied topography and changing real estate market of the post war years are reflected in the curvilinear street system, cul-de-sacs, and auto-oriented shopping centers of the neighborhoods generally east of Euclid Avenue and south of Home Avenue and I-805.

The character of Mid-City has also been significantly affected by the construction of a number of freeways that crisscross the central mesa, isolating many Mid-City neighborhoods.

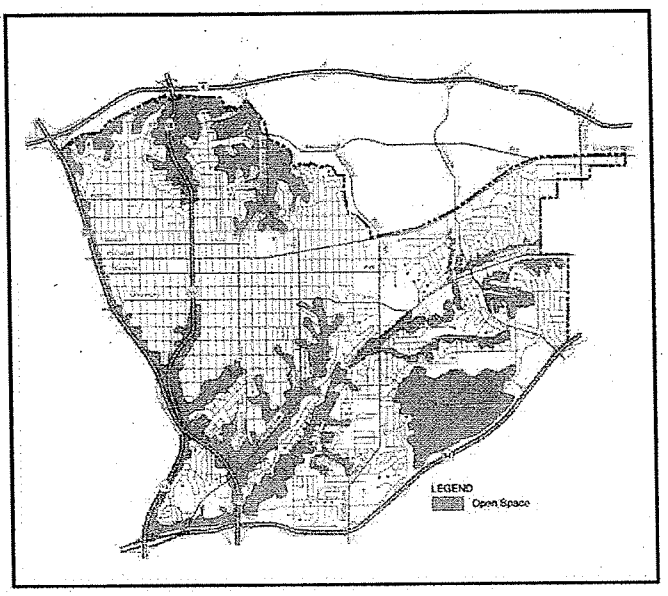
Mid-City's 132,466 residents live in 24 neighborhoods of distinctive character and amenities. Over the last several decades of rapid suburbanization, Mid-City, like other urbanized areas, has not enjoyed sustained public investment in infrastructure. Sustained efforts on the part of the City Council to reinvest in urban San Diego need to be strengthened to overcome the existing deficiencies and once again make Mid-City a most desirable community in which to live and invest.

Vision: A community that is more desirable than suburbia as a place to be in, raise families, invest, work, and do business.

This **Urban Design Element** addresses the public realm—the area that is owned in common by the citizens. Such lands are commonly administered by government or other public agencies. The public domain includes open space, parks, public buildings, joint use properties, streets and any other property or facility owned or controlled by a public agency. The guidelines that follow are intended to be implemented through public projects.

OPEN SPACE AND PARKS

Mid-City is bounded to the north by steep hillsides that rim Mission Valley. A coastal plain, extending from the San Diego Bayfront foothills, it rises slowly and extends inland several miles. This coastal plain is indented by smaller canyons and a large creek which once upon a time linked the Mid-City plains to San Diego Bay itself. The Open Space section of the Natural and Cultural Resources Element includes City-owned hillsides, wetlands and regional resource based park areas.



Vision: An interconnected system of improved parks and natural hillsides, canyons and wetlands.

Hillsides and canyons help to define the form of the Mid-City communities. Even after a century of development and urbanization, much of the original landform is identifiable. Particularly significant hillside and canyon areas include those slopes framing the southern face of Mission Valley, Talmadge Canyon, Fairmount Canyon, Chollas Creek and a number of smaller Mid-City canyons such as Manzanita, Swan, Hollywood and other canyons.

Goal

- To recognize and enhance the influence these significant landforms have on urban form and function.

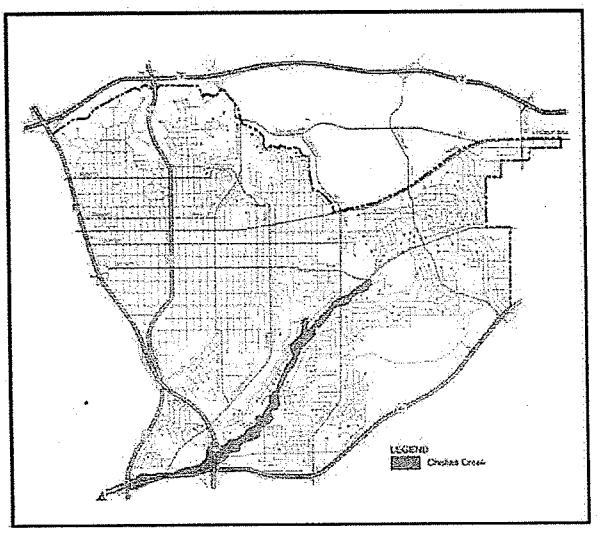
Recommendations

- Revegetate natural hillsides with native or naturalized plant material according to the performance standards found in the Landscape Technical Manual.
- Develop nature trails and interpretive programs that all residents, young and old, can use and refer to as they walk and enjoy the trails.
- Develop small view areas along the rim, where people can sit and enjoy the native landscape and take advantage of the excellent panoramic and framed views.

- Design open space signage and safety fencing in a manner that is visually compatible with, and enhances, the surrounding environment.
- Restrict street closures in areas designated for open space preservation. All public rights-of-way should be maintained under public control.
- All publicly owned open space shall be managed by an open space district which will provide natural habitat management, weed and trash abatement, and safety patrols.

Chollas Creek

Chollas Creek is a seasonal waterway that crosses the Eastern and City Heights communities, flowing diagonally from northeast to southwest. The creek continues through the neighborhoods of Southeast San Diego, finally reaching the San Diego Bay at the 32nd Street Naval Station. Much of the land bordering the creek is undeveloped and unused, due to intermittent flooding.



Goal

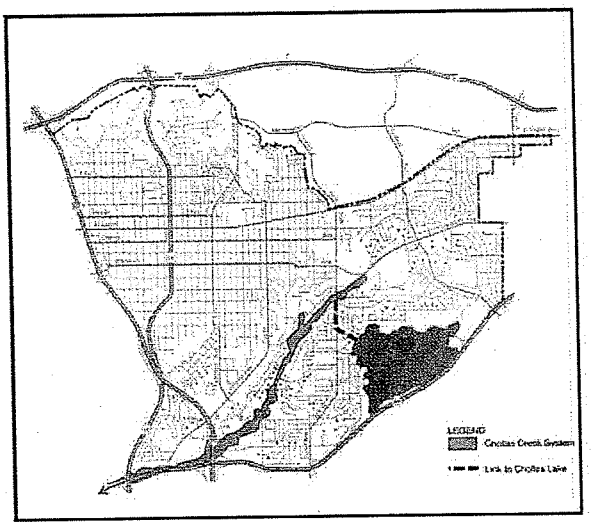
- To preserve and enhance Chollas Creek, making it accessible, while maintaining and rehabilitating its habitat values.

Recommendations

- Revegetate the wetland areas with native wetland habitat. (see **Appendix C**)
- Provide soil erosion and flood protection in a manner sensitive to the park's habitat values, using natural materials that blend with the surrounding environment.
- Provide a pedestrian and bicycle linkage from Chollas Park to the Mid-City athletic area and other parks via the Chollas Creek canyon.
- More intensive uses within the Chollas Creek canyon, if recommended through a Chollas Creek Master Planning process, should strive to maintain the natural character and quality of the canyon and limit points of access.
- Properties along the rim of the park should provide setbacks with landscaping materials consistent with the wetland habitat and ambiance.
- Incorporate publicly owned properties adjacent to Chollas Creek into an open space/park maintenance district.
- Fully improve the Mid-City Athletic Area with soccer and baseball fields.

Chollas Lake Park

The Chollas Lake Park is a resource-based park which includes Chollas Community Park, the Chollas Reservoir and its attendant land, some of which is part of an old abandoned dump which has been capped, and provides an excellent opportunity for park development. Although identified as a resource-based park, the area is not a pristine natural environment, and lends itself to development as a traditional large urban park.



Goal

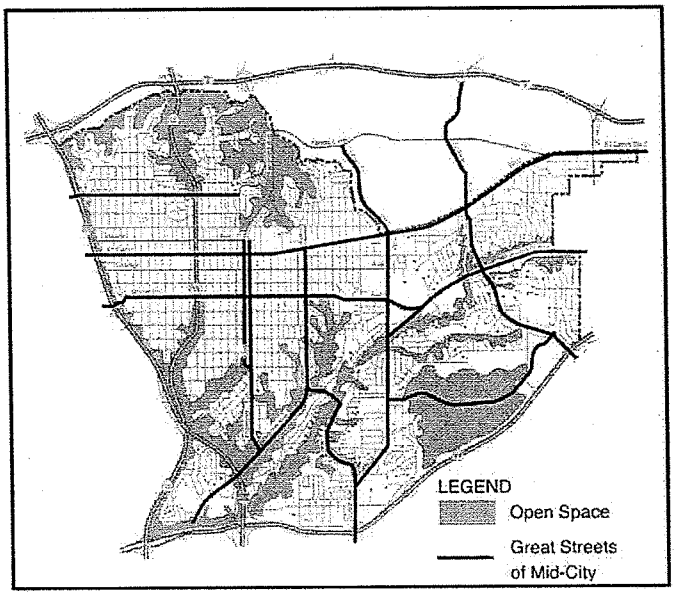
- To develop an urban resource-based park for Mid-City to service the area's 132,466 population and complement Balboa Park.

Recommendations

- Develop the North Chollas Canyon area as per the North Chollas Park Plan.
- Pursue relocation of the City's Chollas Operations Station.
- Develop large sports field areas south of Chollas Lake to support the active population of Mid-City. Sports fields should accommodate a variety of games popular with the various ethnic groups of Mid-City.
- The South Chollas Park could also include an ethnic and artistic village area similar to Balboa Park's Spanish Village. This anchor of cultural activity would complement the 54th Street Cultural Center and tie in 54th Street and College Grove Drive as an important cultural and recreational nucleus of the Mid-City Community.
- Fences and gates where necessary should be provided in a manner that enhances and frames the park setting, not detract from it.
- Chollas Lake Park should be incorporated into the open space/parks maintenance district.
- Develop a park-use work program and elicit the services of artists to develop the park as a showcase for the Mid-City communities.

THE GREAT STREETS OF MID-CITY

The flatter mesa of Mid-City west of Euclid Avenue has been developed in a grid pattern, bisected from north to south by freeways set below the elevation of the mesa in natural and man made canyons. East of Euclid Avenue, a curvilinear street pattern reflecting the varied topography of this area predominates. Both the central mesa and rolling eastern area are bisected east to west by major streets that, in the first half of the 1900s, served as the major transportation corridors between the center city and its suburban and rural settlements to the east.



Vision: Reestablish Mid-City's major streets as great boulevards where vehicular circulation complements, rather than dominates, other activities such as strolling, shopping, living and working.

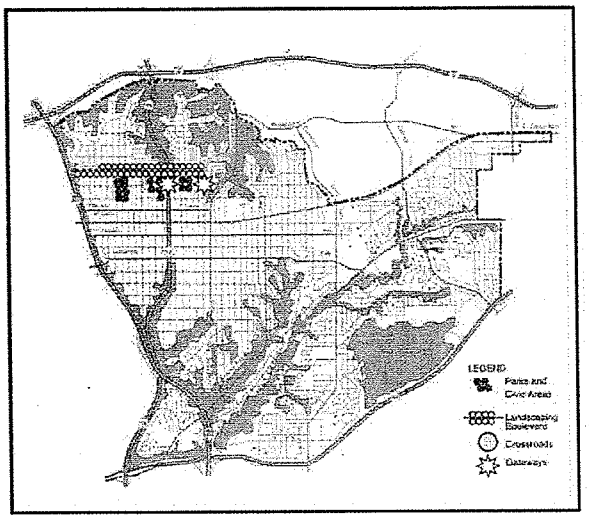
Recommendations

- Encourage the planting and maintenance of street trees and landscaped medians.
- Encourage patterned crosswalks at intersections to reduce vehicle speeds.
- Repair and improve sidewalks including pop-outs at selected intersections.
- Provide adequate lighting for vehicles and pedestrians. Pedestrian-oriented acorn lights should be provided in very active pedestrian areas. Mid-block lighting programs should be expanded.
- Enhance freeway ramps as gateways to the community. Their design and landscaping should reflect their significance. Sponsor art competitions to design and improve at least one freeway interchange per year.
- Provide increased parking where demand is high by re-orienting streets for diagonal parking.
- Institute traffic calming improvements to establish a more efficient vehicular and pedestrian transportation system and more livable neighborhoods.

The following streets are identified as The Great Streets of Mid-City and, as such, their design should reflect their significance:

Adams Avenue

Significant development along this trolley route began in the 1920s, forming the core of Normal Heights and Kensington. While there are a variety of businesses, most establishments offer neighborhood serving goods and services, along with a concentration of antique dealers. The Adams Avenue Business Improvement Association now includes the Kensington area to help it continue to pursue streetscape improvements, promotional efforts, and other programs.



Goal

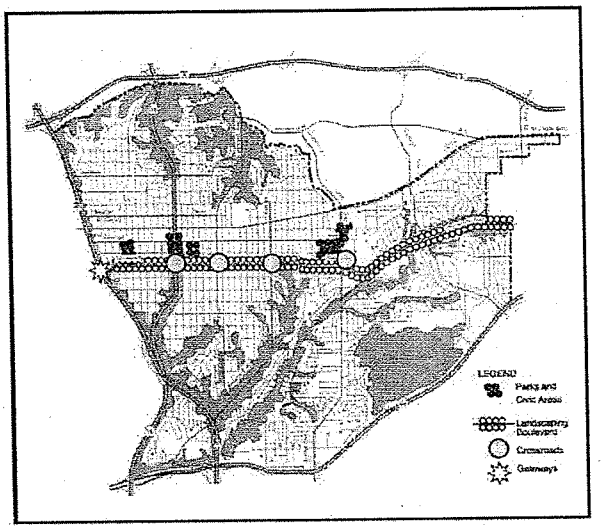
- To reinforce and enhance the historic, pedestrian-oriented urban village accommodating commerce, cottage industry and higher-density residential uses.

Recommendations

- Continue with public streetscape improvements, including street trees, historic pedestrian street lamps, sidewalk repairs and enhancement, bus shelters, and other appropriate street furniture.
- Commercial expansion should attempt to use existing structures or their historic character.
- Provide parking to the rear of businesses. In Normal Heights, parking may be located across the abutting alleys.
- Encourage lower scale, two- to three-story mixed-use development with residential units over retail.
- Expand parks and provide public plazas.
- Maintain or increase the width of sidewalks.
- Maintain on-street parking for the convenience of shoppers and the protection and comfort of pedestrians.

University Avenue

University Avenue is an older commercial strip that developed along the trolley route that serviced it prior to 1950. The street today continues to be the hub of community commercial activity, with commercial storefronts throughout its length. A business improvement district has been formed and, in collaboration with other community organizations, has successfully sought public improvements to University Avenue.



Goal

- To create a pedestrian-oriented urban village accommodating commerce, cottage industry and higher-density residential uses.

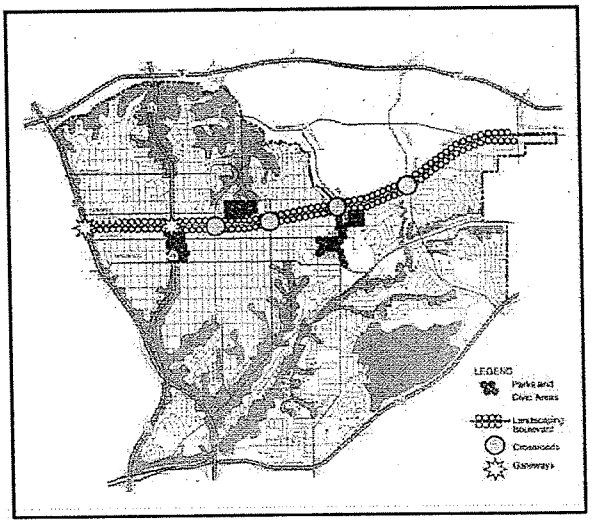
Recommendations

- Design the street to reinforce a strong commercial corridor and its multi-cultural character.
- Provide improved traffic circulation and angle parking.
- Restore the historic trolley from downtown San Diego to the Euclid Tower.
- Improve the pedestrian experience with street trees, attractive bus stops, and specially designed directional signage.
- Pave alleys and develop mini-parks or urban plazas as settings for seating, eating, and people watching.
- Enhance building facades consistent with the historic and ethnic character of the area. Uniform signage and setbacks should be promoted.
- New development should be compatible with the historic ethnic character of the neighborhood.
- Buildings west of 54th Street should not exceed three stories and should conform to pre-determined colors and materials.
- Buildings east of 54th Street should not exceed two stories.
- Encourage new development to provide plazas and public seating areas at major intersections.
- Encourage public acquisition of vacant or under-used land for park or recreation development along the street.

- Locate parking to the rear of buildings off the side streets to reduce curb cuts and traffic conflicts on University Avenue,
- Preserving the street for wider pedestrian sidewalks and/or angled parking.
- Convert vacant lots into parking lots that serve various stores and initiate the formation of a small-scale parking district.

The Boulevard

El Cajon Boulevard is a major regional East/West corridor linking San Diego's central area to La Mesa, El Cajon and other cities to the east. It was the original highway prior to the development of I-8 along Mission Valley in the 1960s.



Goal

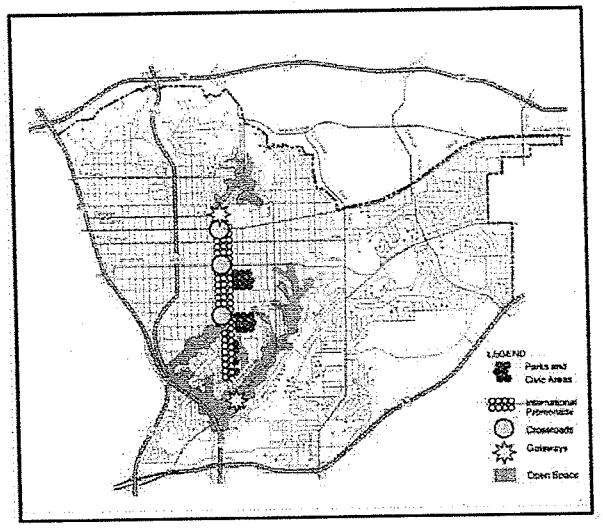
- To create a grand boulevard setting where larger new commercial, light manufacturing, residential and mixed-use development can locate.

Recommendations

- Establish light rail transit service from downtown to San Diego State University.
- Create a strong commercial corridor with regional significance.
- Provide streetscape features to improve vehicular, public transit and the pedestrian experience for public transportation users. Features include street trees, paving patterns, landscape buffer, attractive bus and trolley stops, directional signage, a new neighborhood park, off-street parking.
- Encourage commercial facade improvements focusing on rehabilitating historic facades and improved signage, colors and materials as identified in the Boulevard Revitalization Program.
- Provide street furniture in contemporary styles that complement the character of the boulevard as identified in the Boulevard Revitalization Program.
- Encourage large multi-level buildings that conform to the color and material palette given in the revitalization program.
- Encourage new development to provide public plazas and seating space at major intersections.
- Off-street parking should be confined to the rear of buildings, with access from the side streets to reduce driveway conflicts with Boulevard traffic.
- Convert vacant lots for parking and link them so they may be used by various users.

43rd Street and Fairmount Avenue

The International Promenade is located along the 43rd Street and Fairmount Avenue couplet, which links Mid-City to I-8 and Mission Valley to the north, and Interstate 805 (I-805) and SR-94 to the south. A number of ethnic enterprises have located near this area and it is one of the heaviest pedestrian-use areas in the community. Development opportunities make this area a natural site for the clustering of businesses catering to a regional clientele interested in buying imported products or locally made products and services reflective of the many ethnic groups in the Mid-City communities.



Goal

- To provide the setting for the development of an international trade center where ethnically oriented goods and services could be offered to regional markets.

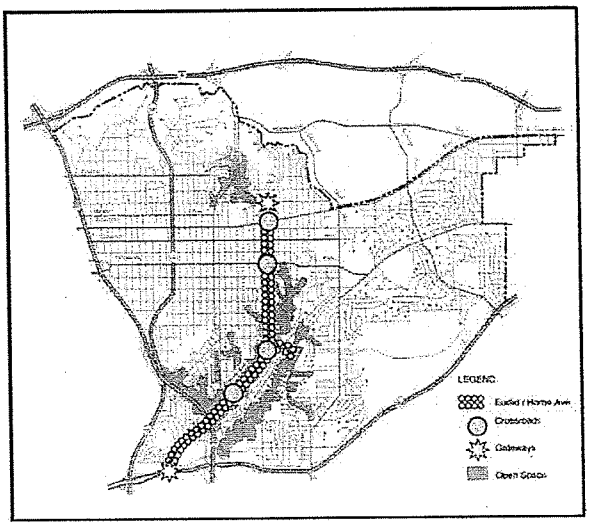
Recommendations

- Encourage the consolidation of ethnically oriented businesses including retail, commercial recreation, restaurants, arts and crafts, imports, services, and light manufacturing of custom made items.
- Encourage mixed-use development, with retail or light manufacturing on the ground floor, services, office development and housing on upper floors.
- Foster pedestrian orientation and smaller scale commercial and light industrial development.
- Encourage building facade designs that include architectural detailing reflective of the various cultures in the community.
- Promote consistent design and function of 43rd Street and Fairmount Avenue. Public improvements, parking layouts, and eventually one-way traffic, should be engineered to encourage pedestrian movement. Encourage wider sidewalks, outdoor eating and sales areas, and banners advertising the area's international and ethnic assets.
- Plant additional street trees to mitigate heat gain resulting from paved surfaces.
- Establish angled parking bays to narrow the street travel way, reduce speed and increase parking capacity for businesses.
- Provide pedestrian-oriented "acorn" streetlights south of Meade Avenue.
- Provide enhanced paving intersections to encourage pedestrian crossings, and discourage vehicle speeding, through greater pavement "friction."

- Provide gateway structures to enhance the International Promenade at its entrances from the north and south.

Euclid Avenue

Euclid Avenue is one of the oldest streets in the community. The terminus of the streetcar service area for many year, it was the boundary between urban and rural San Diego for much of the 1900s.



Goal

- To build on to the existing street scale, a more efficient traffic flow supplemented by walk-in convenience services to surrounding neighborhoods.

Recommendations

- Maintain the mix of small-scale neighborhood commercial and low- to moderate-density residential.
- Do not permit large curb cuts. Instead, encourage no curb cuts or single-loaded one-way curb cuts linking the street with the alley, where most of the parking should be accessed.
- Plant street trees to provide shade and reduce heat island effects.
- Install pedestrian-oriented "acorn" lights to provide pedestrian safety and light up the street.
- Maintain on-street parallel parking.
- Enhance pedestrian crosswalks with patterned pavers to more clearly designate pedestrian movement and street crossings.

Home Avenue

Home Avenue is a wide auto-oriented street linking Euclid and Fairmount to the freeway (SR-94) to the South. Located in the middle of a canyon, the area has limited street frontage with miscellaneous commercial and residential development. A number of inland canyons spring from the street.

Goal

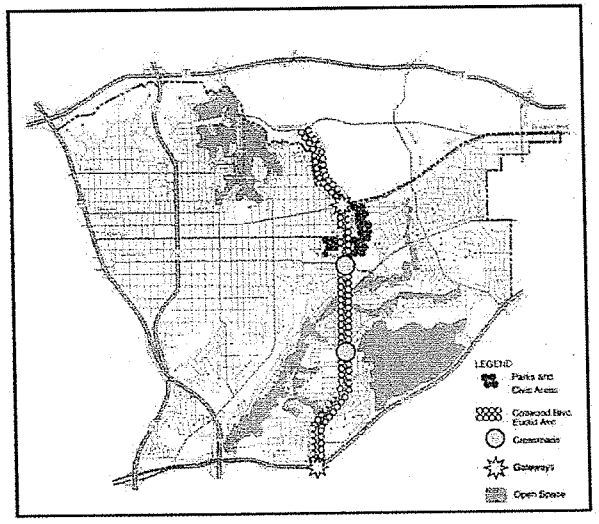
- To provide an auto-oriented community commercial area set in a canyon.

Recommendations

- Maintain the commercial and residential mix in the area. Enhance auto-related commercial uses through perimeter landscaping and walls that buffer such uses from the street.
- Maintain the open residential atmosphere and predominant building height to preserve views of the hilly backdrop to the southeast.
- Enhance the streetscape through sidewalk landscaping and street median landscaping.
- Provide a combination of auto- and pedestrian-oriented lighting.
- Enhance crosswalks with patterned paving at key areas where there is an opportunity to link the east and west side of the streets.
- Establish a gateway at Home Avenue and SR-94 providing an identifiable entrance to Mid-City and the International Promenade district.
- Provide sidewalks where missing.

54th Street/Euclid Avenue

54th Street passes through three distinct districts between El Cajon Boulevard and SR-94. To the north, a center of cultural and institutional facilities lies between El Cajon Boulevard and University Avenue. Among these are Elementary, Middle, and Senior High schools, the Jewish Community Center, a small hospital and convalescent home, senior housing, and a community park. Between University Avenue and Euclid Avenue, 54th Street traverses Chollas Creek and several stable single-family neighborhoods. Euclid Avenue to SR-94 is characterized by community-serving commercial activity.



Goals

- To foster further development of a civic area between El Cajon Boulevard and University Avenue including cultural, educational, and public health facilities serving the Mid-city population.
- To preserve and enhance single-family development between University Avenue and Euclid Avenue.
- To reinvigorate commercial activity on Euclid Avenue from 54th Street to SR-94.

Recommendations

- Line the street with street trees to encourage walking and reduce heat gain.
- Install pedestrian-oriented acorn lights to enhance the sidewalk and pedestrian environment.
- Enhance paving at crosswalks to encourage pedestrian movement and reduce vehicle speed.
- Erect gateway signs on 54th Street at El Cajon Boulevard and Euclid Avenue at SR-94 identifying the Mid-City communities.

At El Cajon Boulevard and University Avenue

- Educational facilities should be the hub of a major cultural area with theaters, art galleries, with arts and craft shops complimenting the more commercial development a few blocks to the west at 43rd and Fairmount.
- Focus the location of social service facilities such as senior housing and convalescent homes, clinics, doctors' offices and other supportive uses in the area.
- Improve visual access to Colina Del Sol Park, perhaps by grading the slope along 54th Street. This will improve the street environment and enhance security within the park.

At University Avenue to Euclid Avenue

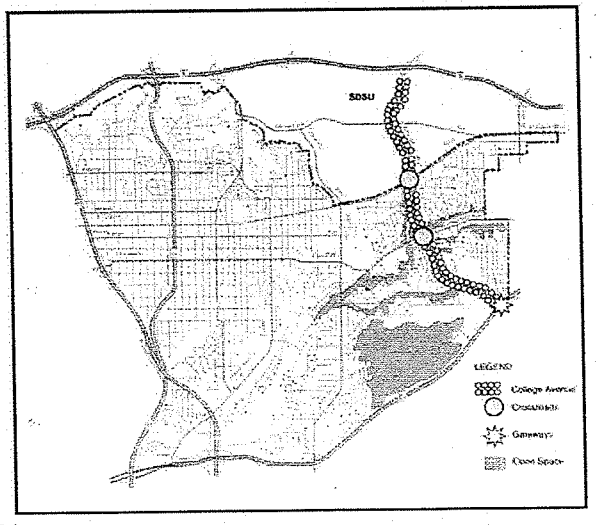
- Improve medians and landscaped buffers to create a boulevard through residential neighborhoods.
- Foster development of a "village center" between Redwood Street and College Grove Drive.
- Provide a pedestrian/bicycle bridge over 54th Street at Chollas Station Road to establish a safe and convenient link between Chollas Lake Park and Chollas Creek.

<u>College Avenue</u>

College Avenue provides convenient access between the eastern neighborhoods and I-8 to the north and SR-94 to the south.

Goal

- To enhance the visual character of College Avenue consistent with its significance to community circulation and reinforce the link between Mid-City's eastern neighborhoods and the San Diego State University campus.

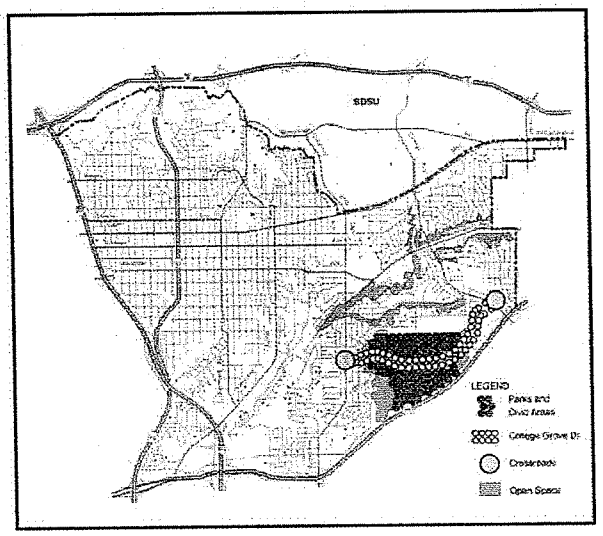


Recommendation

- Improve medians and landscaped buffers to create a boulevard through residential neighborhoods.

College Grove Drive

College Grove Drive links College Avenue to 54th Street through the Chollas Reservoir area, a developing regional park. The College Grove shopping center anchors the eastern end of the street at College Avenue. A village center is contemplated at the west on 54th Street. A City of San Diego physical operations facility generates significant large vehicle traffic.



Goal

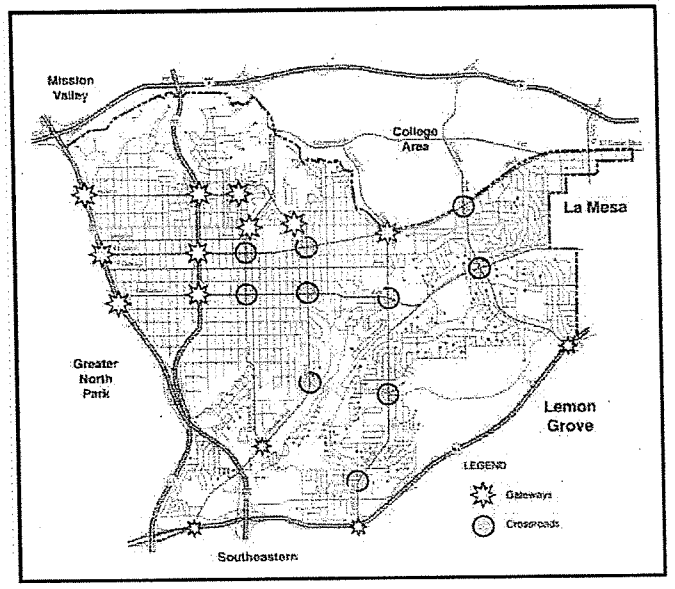
- To develop a quality roadway through a major resource-based park

Recommendations

- Public improvements should be consistent with the College Grove Drive Improvement Plan, incorporating landscaped buffers and island landscaping complementary to that planned for the new Chollas Park area.
- Incorporate a Class I pedestrian-biking promenade under landscaping to provide biking and walking alternatives to an otherwise auto-oriented development area.

GATEWAYS

Community gateways are structures or other improvements designed to establish a sense of place. Gateways can create a welcoming environment and help to establish neighborhood pride. Entry monuments, special landscaping, identification signs, urban plazas or other places that enhance pedestrian movement can be used to establish gateways.



Vision: A community of welcoming features celebrating each urban node and neighborhood.

Goal

- To establish gateways at freeway interchanges.

Recommendations

- Gateways should be established at the following locations:

Freeway Interchanges

I-805 and El Cajon Boulevard
I-805 and University Avenue
I-805/Fairmount and Home Avenue
I-805 and Madison Avenue
SR-15 and El Cajon Boulevard
SR-15 and University Avenue
SR-15 at Adams Avenue
SR-15 at Landis Street
SR-94 and Home Avenue
SR-94 and Euclid Avenue

SR-94 and College Avenue
SR-94 and 47th Avenue
Van Dyke Avenue and Adams Avenue
Aldine Drive and Euclid Avenue

Freeway-related gateways can be designed with landscaping, lighting, and identification signs or monuments.

Streets

Fairmount Avenue at Meade Avenue
54th Street and El Cajon

Street gateways can be designed with landscaping features, monuments and/or urban places.

CROSSROADS

Crossroads are main street intersections. Crossroad treatments focus on creating urban places designed for pedestrian use. This typically involves establishing larger building setbacks, providing space for a landscaped urban plaza.

Often building design at the corners hugging a crossroads is very important since buildings can create excellent settings and provide a sense of place and landmark that people can use for orientation purposes.

Goal

- To enhance crossroads as important places of pedestrian interchange.

Recommendations

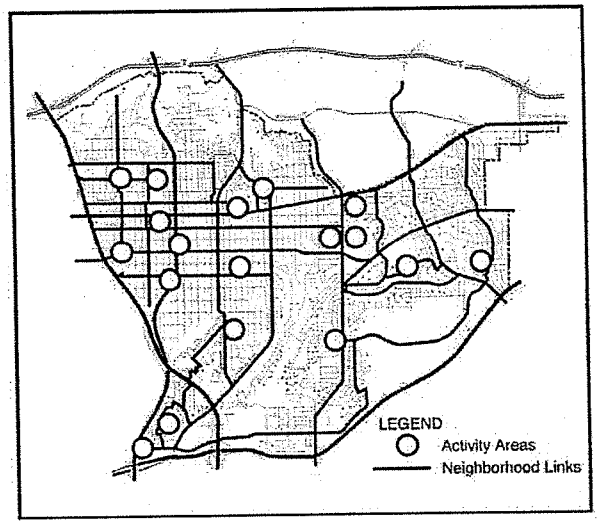
- The following locations have been identified as natural "crossroads" locations:

  43rd Street at El Cajon Boulevard
  43rd Street at University Avenue
  43rd Street at Fairmount Avenue
  Fairmount Avenue at El Cajon Boulevard
  Fairmount Avenue at University
  Fairmount Avenue at Poplar Street
  Euclid Avenue at El Cajon Boulevard
  Euclid Avenue at University Avenue
  Euclid Avenue at Home Avenue
  Euclid Avenue at 54th Street
  College Avenue at El Cajon Boulevard
  College Avenue at University Avenue
  College Avenue at College Grove Drive
  54th Street at University Avenue
  54th Street at College Grove Drive

- In commercial areas, the first floor of buildings should be carefully set back from intersections to create large public areas at the corner. Restaurants, flower shops, and similar enterprises should be encouraged to help blur the transition between interior and exterior spaces.
- In residential areas, building setbacks at intersections should be maintained to allow for greater visibility. Setbacks should be landscaped.
- Sidewalk pop-outs should be created to give greater space protection to the pedestrian, and reduce the actual vehicular crossing.
- The vehicular intersection should be staked-out with permanent markings such as patterned paving, painted pedestrian crossings, etc.
- Good lighting conditions have to be provided to enhance vehicular and pedestrian visibility.

OTHER NEIGHBORHOOD LINKS

A number of secondary streets provide important links between neighborhood activity areas or neighborhood civic centers. These streets are traditional neighborhood pathways, many well maintained with mature street trees, historic pedestrian lighting, and ceremonial gates that reinforce neighborhood identity. Too often, however, the importance of these neighborhood links has been lost and the streets need major repair and enhancement.

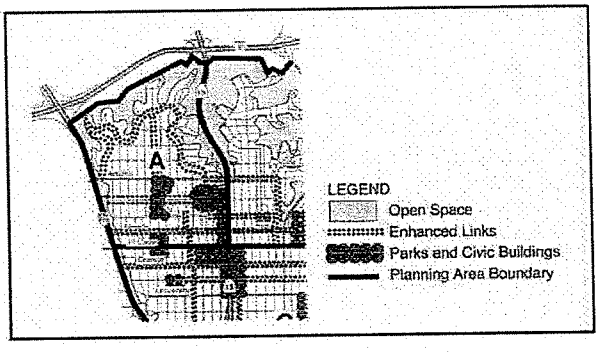


Vision: A system of neighborhood links that promote pride in community by providing a beautiful and healthy setting for both pedestrian and driver.

Recommendations

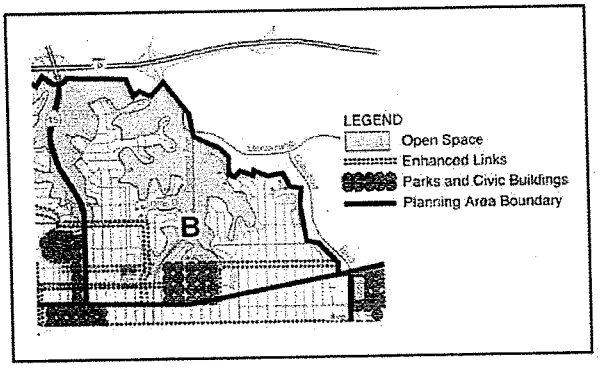
Normal Heights

The following streets should be improved by adding street trees, providing pedestrian-oriented streetlights and enhancing crosswalks at key intersections as shown in the map below.



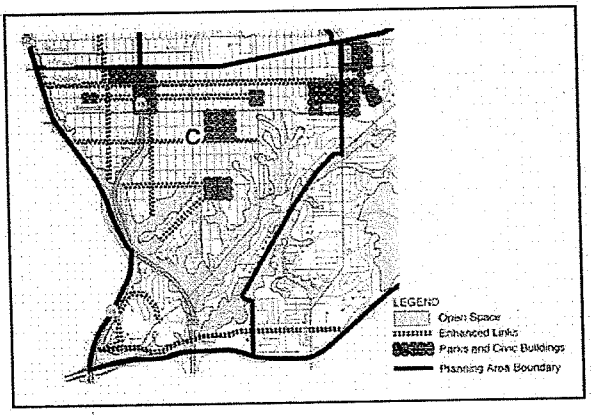
Kensington/Talmadge

The following streets should be improved by adding street trees, providing pedestrian-oriented streetlights and enhancing crosswalks at key intersections as shown in the map below.



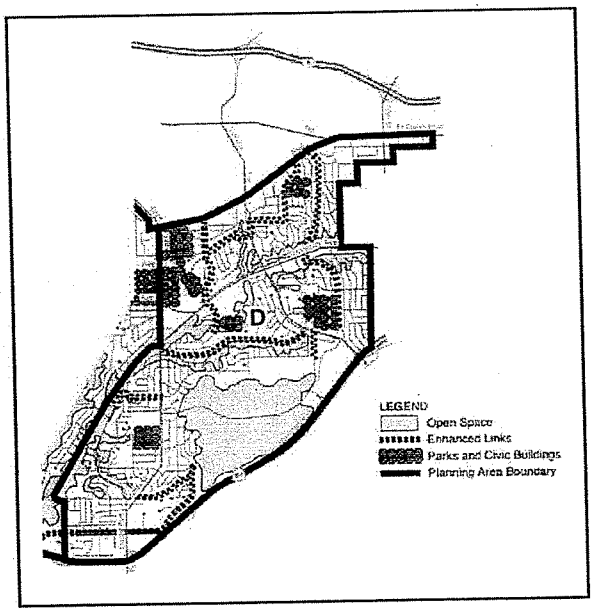
City Heights

The following streets should be improved by adding street trees, providing pedestrian-oriented streetlights and enhancing crosswalks at key intersections as shown in the map below.



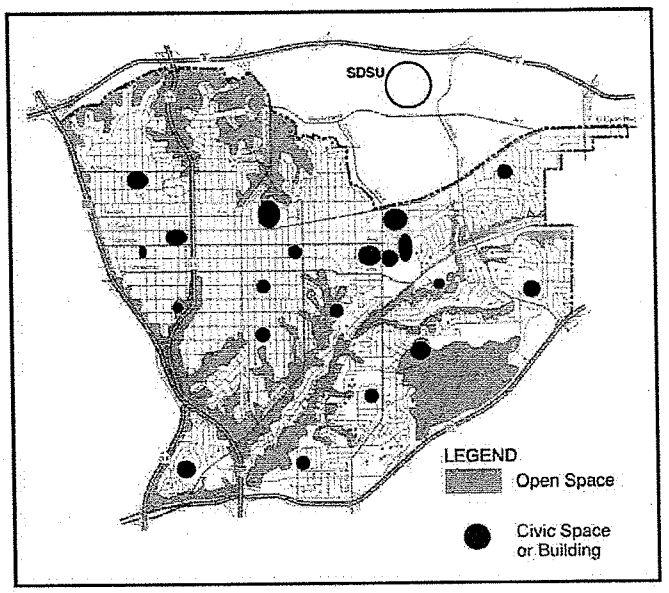
Eastern Community

The following streets should be improved by adding street trees, providing pedestrian-oriented streetlights and enhancing crosswalks at key intersections as shown in the map below.



CIVIC SPACES AND BUILDINGS

One of the keystones of this Plan is the extensive use of joint use civic facilities, where various government, school, and non-profit community agencies make use of facilities available to them at various times of the day.



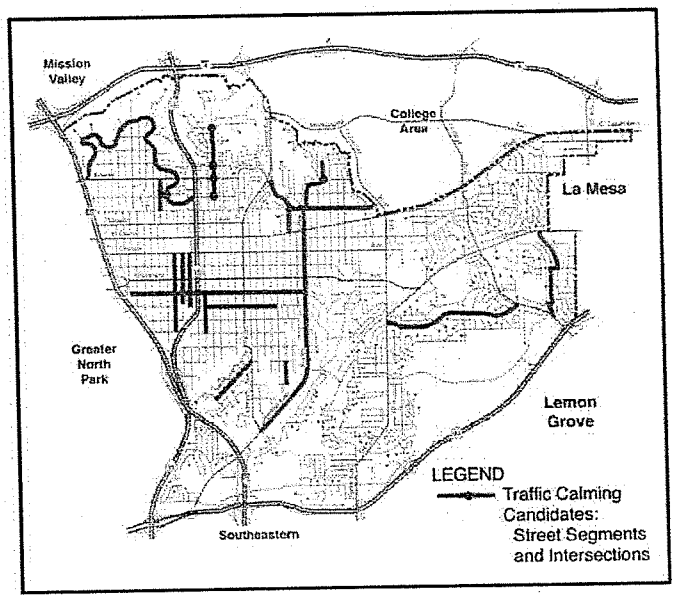
Vision: Schools and other civic destinations that are centrally located, provide needed open space and are accessible as neighborhood civic centers.

Recommendations

- Create more neighborhood parks by obtaining vacant land. Consider utilizing open space occupied by streets and alleys. Sections of under-used streets can be closed to create mini-parks, bike trails or landscaped pedestrian walkways.
- Bus stops and seating areas can be set back from sidewalks and planted with trees and shrubs.
- School grounds should be enhanced to serve the dual purpose of school playground and neighborhood park, including turf, landscaped buffers between streets and playing areas, tot lots and other amenities.
- New building or remodeling projects in the commercial zones should contribute landscaped areas. Major projects should include permanent public seating areas or mini-plazas.
- Improve existing undeveloped or partially developed parks. Facilities should meet neighborhood needs for seniors with safe and comfortable seating and walking areas. Residents use parks for family gatherings, requiring picnic tables, barbecues, etc.
- Standard active parks of two or more acres should be collocated with other public facilities such as schools, libraries, fire stations, etc., in order to assure good maintenance and security.

- Joint use facilities should be designed to open into the community's other public areas, such as streets or parks.
- Entrances to facilities should be prominent and consciously designed so visitors feel at ease and welcome as they enter.
- Gates and fences should be carefully designed as a feature in themselves, a work of art, rather than an afterthought.
- Buildings should have prominent features that are viewed from far away, such as towers and clocks that can be used as orientation beacons.
- Public facilities should be clustered so they have greater use over time. For example, two elementary schools side by side can be converted, as needed, into middle and senior high schools. When the population warrants, they could become local college sites in the neighborhood, or other civic building needed at the time.
- Encourage development of park areas at street ends where additional land can be consolidated by street closures combined with land acquisition.
- Provide public art.

TRAFFIC CALMING FOR NEIGHBORHOOD STREETS



The Mid-City street system exhibits both grid and curvilinear street patterns. While such a system provides traffic with many alternate routes, often diminishing traffic congestion along the major corridors, many potential homeowners are deterred by the noise and danger of through-traffic. Further, existing residents turn their living environments, attention and eyes away from the street, leaving the neighborhood street as a no-man's land with little or no security. Residents have approached the City with numerous petitions for four-way stops, hoping to regulate vehicle speeds. Unfortunately, many drivers fail to observe these stop signs, increasing the threat to pedestrians, bicyclists and other motorists. One way to address neighborhood traffic problems and reduce excessive vehicle speeds in the residential neighborhoods is to enhance the roadway for improved non-vehicular circulation. Such "traffic calming" programs have shown that slower vehicular speeds are achievable, and acceptable to many drivers, when the environment is improved. This, in turn, will help make Mid-City neighborhoods competitive with suburban neighborhoods.

Vision: Streets that are neighborhood centers of activity for walking, bicycling, visiting with the neighbors, and experiencing a pleasant drive.

Goal

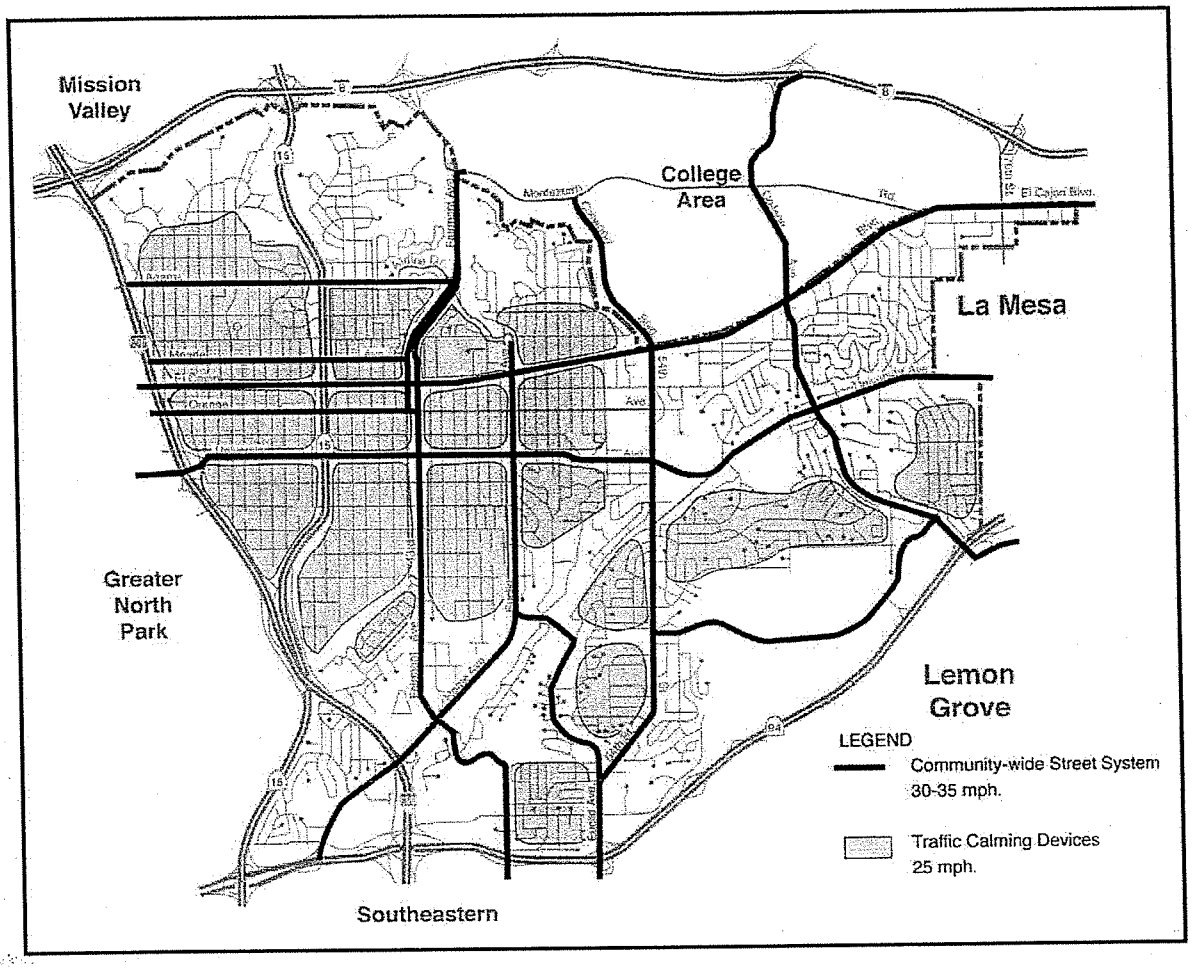
- To improve the livability of neighborhoods by reducing inappropriate neighborhood traffic and vehicle speeds.

Recommendations

- Apply traffic calming methods as described in **Appendix D** to reestablish the purpose and function of neighborhood streets.

Figure 15

Community-wide Street System



IV-D LAND USE ELEMENT

A cluster of communities that rivals many incorporated cities in size, Mid-City accommodates residential, office, commercial, industrial and institutional land uses. Residential densities in the community range from one to 75 dwelling units per acre. A variety of housing types, including Craftsman-style bungalows, single-family tract home development, apartment courts, six- and eight-plex apartment buildings, and multi-story senior housing centers are represented. Commercial developments take the form of neighborhood centers and districts, strip centers and regional shopping centers. Limited industrial development is concentrated in the southern portion of the City Heights and Eastern Area Communities. Institutional land use ranges from the City's Operations Center to Navy Housing to the Police Shooting Range and the Mid-City Police Substation. Critical issues related to institutional uses are addressed in the Public Facilities and Services Element. A deficiency of parks, schools, and other public facilities limit the ability of the Mid-City communities to effectively accommodate population growth forecast for the area.

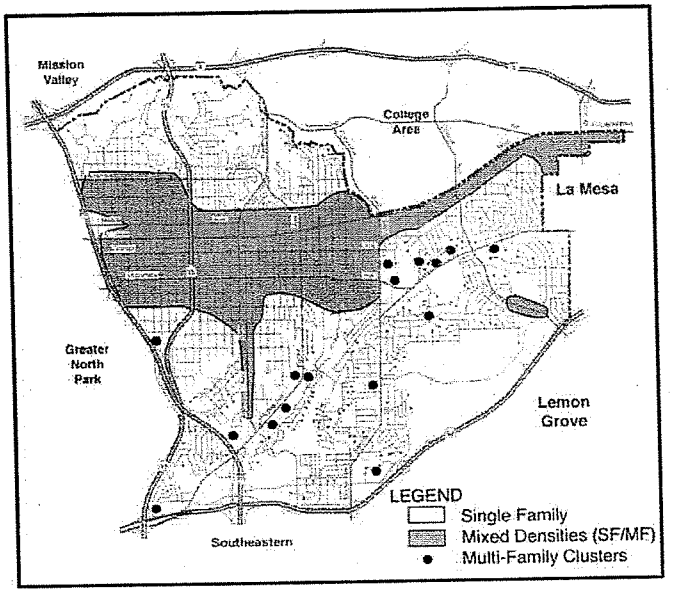
Residential

Commercial

Industrial

RESIDENTIAL

Development in the older communities of Kensington-Talmadge, Normal Heights and City Heights was begun near the beginning of the Twentieth Century, spurred by the introduction of streetcar (trolley) service along Adams Avenue and University Avenue.



This development was characterized by single-family neighborhoods centered around commercial strips. Craftsman and Spanish Colonial Revival styles dominated single-family construction prior to the Second World War.

More recent development of the Eastern Area is also characterized by single-family development. Here, the varied topography and economic advantages of tract home development are reflected in curvilinear streets, cul-de-sacs and auto-oriented shopping centers.

Many single-family neighborhoods have been altered physically and demographically by the introduction of often ill-designed multifamily housing units during the 1970s and 1980s. This intensification in land use occurred disproportionately in the southern areas of Normal Heights and Kensington-Talmadge, and northern area of City Heights. While providing an abundance of lower cost housing opportunities, this development has exacerbated the existing shortage of parks, libraries, schools and other public facilities. Growth management policies, subsequently adopted to address these deficiencies, have not substantially reduced deficiencies in public facilities.

Vision: A stable community, characterized by a diverse array of well designed and maintained neighborhoods with affordable housing that caters to a full range of family and living styles.

HOUSING BALANCE

The 1991 Housing Element of the General Plan established a low-income housing fair share goal for Mid-City of 100 dwelling units, compared to a citywide goal of 9,300 units. The goal was minimal due to the concentration of lower income households already living in Mid-City, which the communities have more than met with the construction of several subsidized projects. While the satisfaction of this goal points to the need to attract more

market rate housing, an ongoing effort is needed to maintain the existing supply of affordable units, which may revert to market rate under certain subsidy programs.

Goal

- To foster the development of an economically and socially balanced residential community.

Recommendations

- Encourage new housing construction in a variety of types and sizes in order to meet the needs of future residents in all socio-economic brackets. In view of the abundance of low- and moderate-income housing, encourage new construction of market rate housing and home ownership in Mid-City's lower income areas in order to upgrade the overall value of the housing stock in those areas.
- Stop the concentration of subsidized housing, social services, and residential care facilities in the Mid-City communities. Locate any additional facilities along transportation corridors.
- Encourage quality family and senior citizen housing projects designed to accommodate the needs of these populations, including the conversion of existing high-density apartment projects to fewer units with more bedrooms to house the concentration of large households in City Heights.

NEIGHBORHOOD CONSERVATION

Goal

- To protect and enhance the quality of Mid-City neighborhoods.

Recommendations

- Encourage new market rate housing construction in a variety of types, sizes and costs to meet the needs of residents in all socio-economic brackets.
- Preserve existing affordable housing units, particularly where rent subsidies may be expiring.
- Provide and expand assisted home ownership opportunities and cooperative housing projects to afford renters a mechanism to achieve ownership.
- Establish and support an organization dedicated to providing training in good property management practices to owners of multifamily properties.
- Continue to expand housing rehabilitation programs in all residential subareas, especially for owner occupied units.
- Preserve well-designed existing housing stock that might be the source of low and moderate income housing in the future through adequate maintenance and rehabilitation.
- Protect existing low to moderate income housing by rehabilitating single-family and multifamily units, both rental and owner occupied.

- Retain, to the maximum feasible extent, single-family and two-family low- and low-medium-density residential areas and preserve existing two-family districts as the prevailing housing pattern in the neighborhoods.
- Regulate building size to maintain neighborhood scale and character.
- Retrofit existing older six to eight unit apartment complexes located in the midst of single-family neighborhoods by increasing unit size and decreasing density to provide needed larger units and a better integration into the neighborhood.
- Eliminate illegal non-conforming uses through code enforcement or code changes.
- Adopt and enforce minimum property maintenance standards.
- Explore newly developed multifamily housing designs such as row housing that blur the distinction between multifamily and single-family products to achieve greater density while maintaining neighborhood character and fostering home ownership.

OWNERSHIP

Goal

- To foster residential ownership in Mid-City.

Recommendations

- Provide and expand assisted home ownership opportunities.
- Provide a marketing program to encourage business owners, managers, and employees to live in Mid-City.
- Develop cooperative housing projects to afford renters a mechanism to achieve ownership.

DESIGN AND DEVELOPMENT GUIDELINES

Goals

- To foster well-designed and maintained development in existing neighborhoods.
- To ensure that new development is consistent with neighborhood vision.
- To minimize obstacles to the rehabilitation or expansion of older residential structures.
- To maintain and enhance open spaces within residential areas.
- To ensure proper maintenance and security in residential development.

Recommendations

- Apply urban design criteria to single-family and multifamily development by incorporating design guidelines into new ordinances and applying them to appropriate areas. These criteria will include standards for parking, height and bulk considerations, siting of structures, creative landscaping, open space preservation, family-oriented development and exceptional architectural detailing.
- Implement incentives for the removal of blight.

- Establish and apply standards for improvements of the building facade, yard areas and landscaping to older six to eight multifamily apartment buildings with parking in the front yard.
- Establish and support an organization dedicated to providing training in good property management practices to owners of multifamily properties.
- Limit encroachment of residential development into designated open space.
- Minimize obstacles to expansion of older residential structures with desirable design qualities.
- Encourage adherence to the principles of crime prevention through environmental design.
- Ensure that new development reflects neighborhood character in such characteristics as height, setbacks, massing, landscaping, roofs, windows, front porches, street facade, and architectural details.
- Encourage onsite management of multifamily developments.
- Establish a maintenance pool for smaller rental developments, minimizing the cost of professional apartment management services.
- Ensure that single-family development in down-zoned multifamily areas is appropriately scaled and oriented. Use Re-building Plan for Normal Heights (1985) as an example of the issues to be considered in the development of regulations applicable to this unique circumstance.
- Rehabilitate apartment courts and encourage development of new ones, perhaps providing reductions in on-site parking where on-street parking is sufficient.

TYPE AND LOCATION OF DEVELOPMENT

Goal

- To concentrate new higher-density development along transportation corridors with the highest densities at nodes.

Recommendations

- Within areas zoned for single-family development and designated for open space preservation, limit development to one dwelling unit per lot.
- Restrict development in areas that are predominantly low-density, including those lots fronting on many east-west oriented streets, as shown in **Figure 10** above, to single dwelling units.
- Special development regulations should be applied to areas with single dwelling units on small lots to allow reduced or zero yard setbacks.
- Consider the use of companion units or "granny flats," as defined and regulated by the Municipal Code, as a method of meeting affordable housing goals.
- Permit moderate-density residential uses as infill development and between nodes along transportation corridors.

- Permit higher-density residential development (one unit/600-1000 square feet) in the nodes along El Cajon Boulevard through a discretionary review process when special design features and community enhancements are provided.
- Encourage mixed-use development (retail or other commercial uses on the ground floor and residential on upper floors) along the commercial strips in transportation corridors.

SUPPORT USES AND FACILITIES

Goal

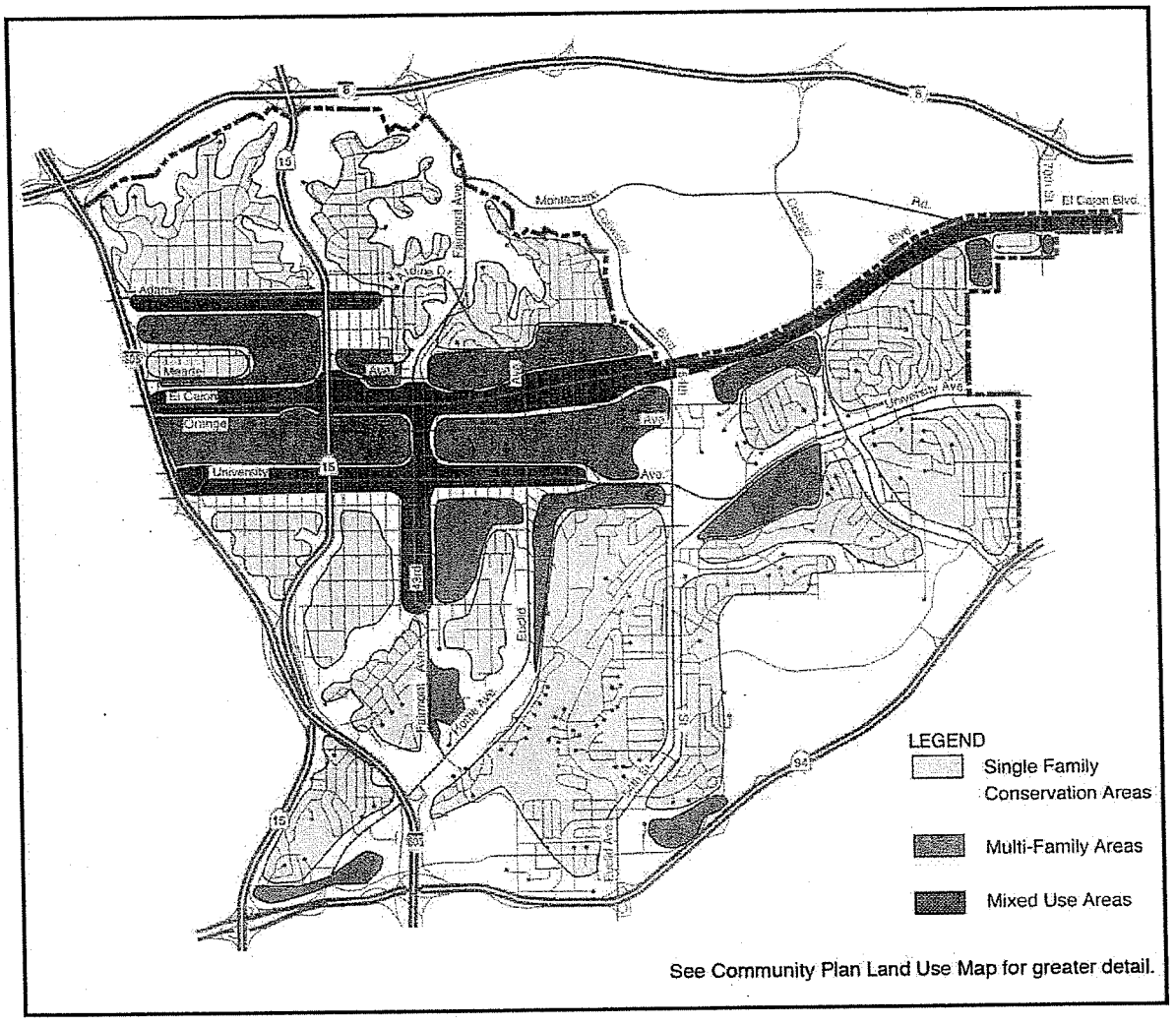
- To foster development of schools, recreational centers, employment centers and parking reservoirs to support high quality residential development.

Recommendations

- Ensure that adequate public facilities and infrastructure are in place prior to the construction of additional multifamily dwellings. Restrict new multifamily development within the service boundaries of schools where the local student population exceeds the following standards:
  - Elementary Schools: 100 students per acre, or the design capacity of permanent structures on existing school sites (500 students per school preferred)
  - Middle Schools: 70 students per acre, or the design capacity of permanent structures on existing school sites (1,000 students per school preferred)
  - High Schools: 70 students per acre, or the design capacity of permanent structures on existing school sites (1,500 students per school preferred)
- Enhance school and other public facilities to entice families to live in Mid-City rather than moving to other communities.
- Establish employment centers to provide jobs for residents.
- Provide adequate off-street parking.
- Locate private off-street parking to the rear of multifamily structure

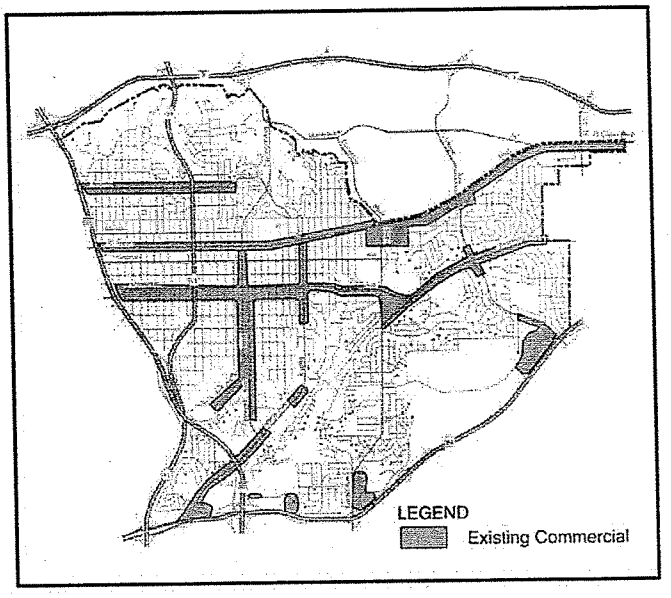
Figure 16

Conceptual Residential Element



COMMERCIAL

Commercial activity within Mid-City ranges from auto-oriented El Cajon Boulevard to neighborhood-oriented Adams Avenue, with University Avenue reflecting characteristics of both. These major commercial corridors are supplemented by several shopping centers, assorted pockets of strip commercial and neighborhood-serving convenience stores. Retail sales represent the dominant commercial activity in the Mid-City. Office, wholesale, personal and commercial services and visitor-commercial enterprises are also present.



Vision: Commercial corridors and centers providing vibrant shopping and business opportunities.

TYPE AND DISTRIBUTION OF USES

Goal

- To provide a full range of commercial goods and services to the Mid-City population.

Recommendations

- Restructure the commercial sector to take full advantage of Mid-City's population density and shopping patterns (refer to the Economic Development Element).
- Focus new commercial and mixed-use development in nodes to create strong centers of complementary activity. Such nodes should be centered around the intersection of major transportation corridors. These may include the intersections of El Cajon Boulevard and University Avenue with I-805.
- 35th Street, SR-15, 43rd/Fairmount, Euclid, and 54th Street. Lower-intensity, commercial, mixed-use, or residential use should be accommodated along designated linear areas between nodes.
- Increase the depth of commercial-residential transition zoning west of 54th Street. The transition zone should extend generally 300 feet from El Cajon Boulevard and up to 250

feet from University Avenue. Within these zones, property may be developed according to the designated residential zone, or, if lots are consolidated such that the property fronts on the commercial corridor, they may be developed with those commercial and/or residential uses permitted in the abutting commercial zone. With the exception of development within the node surrounding the interchange of El Cajon Boulevard and State Route 15, a discretionary permit should be required for development proposals that do not include a residential component.

- Along that portion of Adams Avenue west of East Mountain View Drive and 39th Street, a transition zone should generally extend 50 feet from the commercial zone. Use of this transition zone should be limited to commercial parking.
- Residential-only projects should not be permitted in commercially designated areas along Adams Avenue and should be restricted in other commercial areas.
- Concentrate commercial enterprises serving regional markets reliant on freeway access along I-805, Highway 94, and State Route 15.
- The Grove Shopping Center on SR-94 should be redeveloped to provide regional shopping and entertainment opportunities.
- The commercial nodes at the I-805 and State Route 15 gateways (University Avenue and El Cajon Boulevard) should accommodate hotels, restaurants, retailers requiring large structures and parcels, and gasoline stations with auto repair.
- Light manufacturing and assembly activities, such as bakeries and garment manufacturing, should be accommodated along selected major commercial corridors.
- Concentrate medium- to high-intensity mixed-use commercial, light manufacturing and medium-density residential development along the west side of State Route 15. Ground floor street elevations should be reserved for retail, entertainment and recreational uses. Residential, hotel and office uses should be encouraged on upper floors.
- All manufacturing facilities that occupy commercial street frontage should observe transparency requirements consistent with guidelines applicable to commercial development, perhaps by incorporating retail outlets for the sale of products manufactured onsite.
- A commercial revitalization program should be undertaken to foster redevelopment along Euclid Avenue, south of Westover Place.
- A center of ethnically oriented commercial activities should be encouraged within an "International Marketplace" bounded by El Cajon Boulevard and University Avenue at Fairmount Avenue and 43rd Street. In addition to restaurants and retail outlets, small- to medium-scale food processing and craft-oriented manufacturing facilities should also be accommodated. Special regulations should be considered to accommodate cultural needs, such as in the processing and sales of food products.
- Establish a center of civic and recreational activity in the 54th Street corridor between El Cajon Boulevard and University Avenue. Encourage cultural and non-profit organizations, artisans, hotels, professional offices and art galleries to locate in this area. Consolidate schools, playground and park areas, clustering building areas for most efficient mixed-use.

- Similar to the envisioned Cultural Center Complex, consideration should be given to educational, recreational, spiritual, and/or entertainment uses for the large site at the southeast corner of University Avenue and Aragon Drive.

  Note: This recommendation was not reviewed by the Planning Commission.
- Provide for the establishment and continuation of neighborhood businesses such as corner stores at appropriate crossroad locations in the neighborhoods. Such establishments may not necessarily be required to be shown on the community plan map, and should be granted relaxed processing and parking requirements to establish, continue, or expand the use, under the following circumstances:
  1. The establishment provides desired neighborhood goods or services;
  2. The establishment has had an historical presence in the neighborhood or, for new and expanded establishments, is compatible with the style and character of the neighborhood; and
  3. There are no significant impacts related to traffic, parking, noise, or other environmental impacts.
- Provide incentives such as residential density or commercial floor area bonuses for mixed-use infill development along established commercial corridors.
- Encourage reuse of existing commercial structures for non-retail activities (e.g., entertainment, manufacturing, etc.)
- Promote nighttime pedestrian activity in the commercial corridors by accommodating entertainment facilities, religious institutions and other enterprises that attract significant numbers of people during the evening hours.
- Provide an expanded array of commercial goods and services in neighborhoods that lack them, through appropriate regulatory and promotional activities.
- Develop specific regulations for the outdoor display of merchandise and signage, particularly within the public right-of-way.
- Accommodate expanded home occupation activities in varying [degrees for] pre-designated neighborhood areas.

DESIGN AND DEVELOPMENT GUIDELINES

Goals

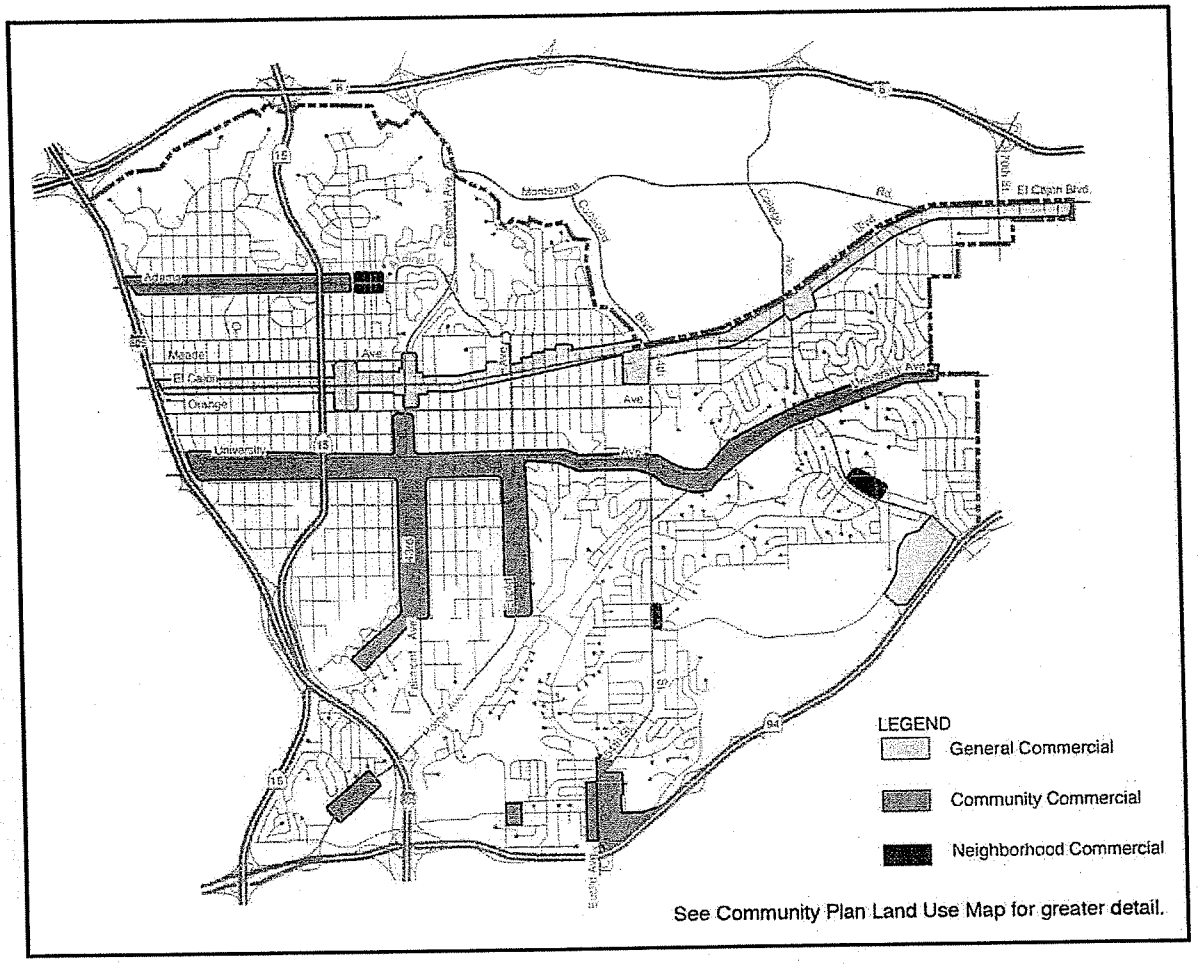
- To provide attractive and functional commercial corridors and centers.
- To restore and enhance the appearance and function of existing commercial development.
- To maintain and strengthen the pedestrian orientation of commercial areas.
- To reflect the desirable historic character of commercial areas in form and function of new development.
- To foster a safer and more interactive community through the controlled mingling of uses, including commercial, residential, and industrial.

Recommendations

- Revise development regulations as necessary to ensure quality design consistent with community character and to reduce visual clutter in commercial districts.
- Development within and adjacent to community gateways (see the **Urban Design Element**) should incorporate design elements (massing, landscaping) that reflect and reinforce the established design theme for the area.
- Historic structures should be rehabilitated for reuse.
- Storefronts should open up by providing ample display windows that are free of obstructions. Any security bars should be carefully designed to be unobtrusive, using dark colors and/or bar systems that can roll or accordion out of the way.
- Facade rehabilitation is encouraged. A professional designer should be involved to help maintain or restore the architectural intensity of the structure.
- Revise development regulations as needed to accommodate floor area requirements of modern commercial tenants.
- Revise development regulations as needed to establish pedestrian orientation in new development.
- Establish a residential density bonus for mixed-use development.
- Allow on-street parking bays to provide additional parking for small-scale businesses, especially neighborhood convenience centers, in exchange for better building design, street landscaping and lighting

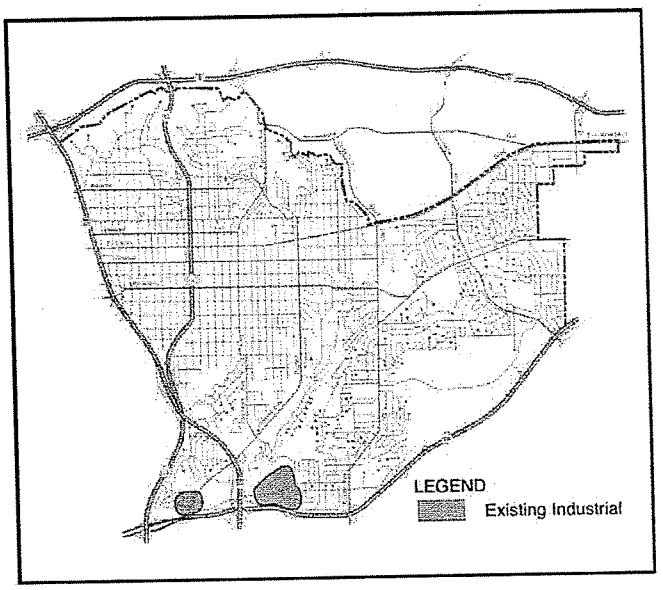
Figure 17

Conceptual Commercial Element



INDUSTRIAL

Employment in the manufacturing sector is a necessary component to sustainable economic development. Base sector employment opportunities in Mid-City are limited by the price and availability of property zoned for industry. Due to the lack of large sites available for industrial development, strategies for the expansion of employment opportunities in Mid-City should focus on accommodating smaller scale employers.



Vision: Provide a multiplicity of accessible base sector employment opportunities.

TYPE AND DISTRIBUTION OF USES

Goal

- To provide a wide range of employment opportunities complementary to the skills and aspirations of the community's workforce.

Recommendations

- Maintain industrial designation along Federal Boulevard, Home Avenue and 47th Street for employers requiring larger parcels and immediate freeway access. Examples of such enterprises include parts suppliers, machine shops, cleaning and dyeing works, boat and motorcycle manufacturers, building contractors, and beverage bottlers and distributors.
- Accommodate appropriately regulated apparel manufacture, electronic assembly, bakeries and other low-intensity light manufacturing situated behind commercial storefronts along major commercial corridors through the designation of additional industrial areas and the modification of commercial zone regulations.
- Designate areas for light manufacturing as shown on **Figure 18**. If portions of the Chollas Parkway right-of-way east of 54th Street are vacated, this area and any developable area abutting Chollas Creek should also be made available for commercial or industrial/light manufacturing use.

  Note: This recommendation was not reviewed by the Planning Commission.
- Accommodate home industry and incubator facilities in the International Marketplace.

DESIGN AND DEVELOPMENT GUIDELINES

Goals

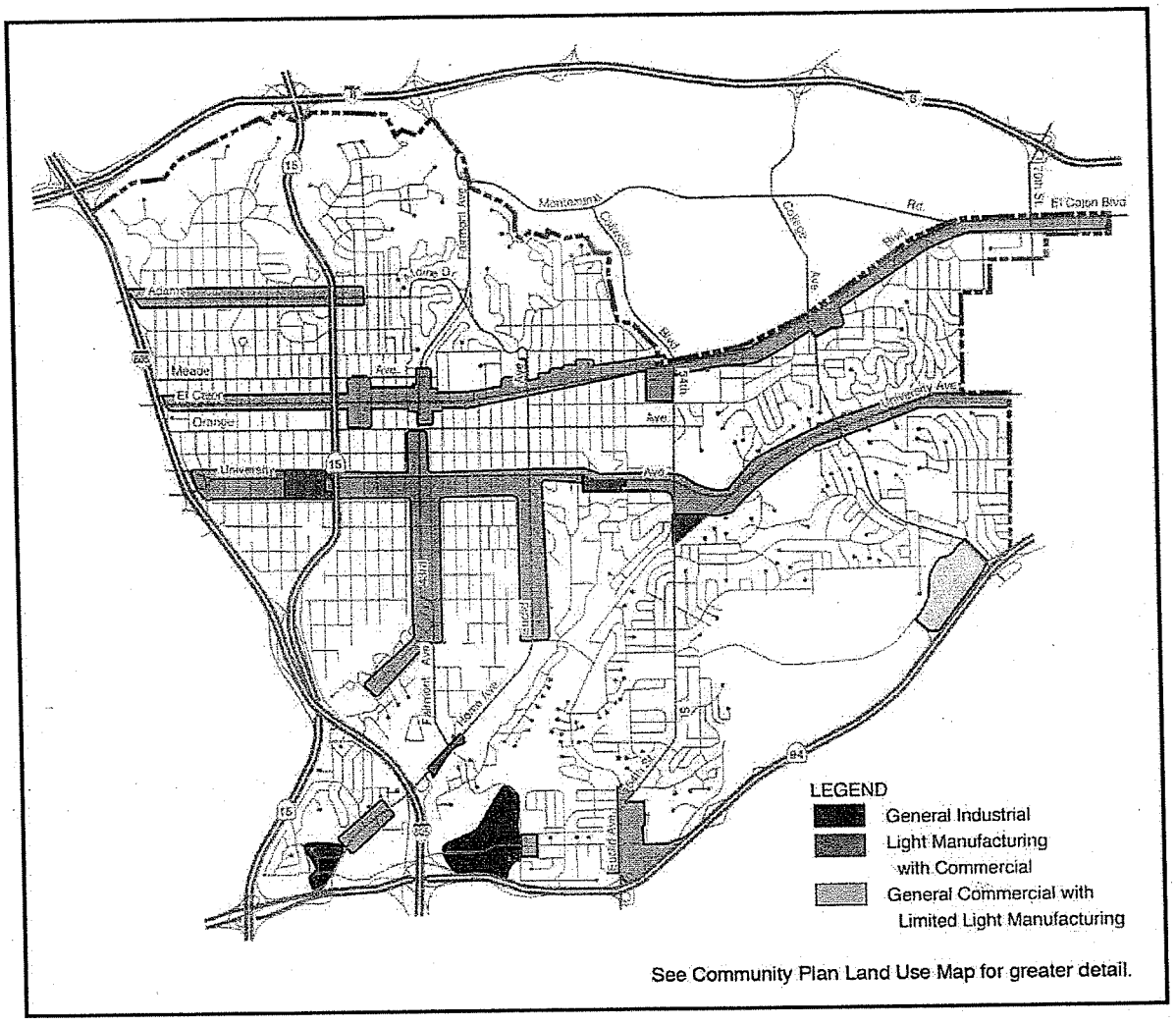
- To provide employment centers which contribute positively to the character of the community.
- To add compatible light manufacturing and assembly development to Mid-City, bringing more jobs and affordable goods to the community.

Recommendations

- Review development regulations, as necessary, to minimize potential conflicts between uses and to ensure consistency with neighborhood character.
- Ensure compliance with development regulations through vigilant code enforcement.
- Require that new industrial and light manufacturing development be adequately buffered from existing land uses through design features such as solid walls and enhanced landscaping.
- Provide for limited light manufacturing and assembly development of a scale and character compatible with existing commercial structures. New industrial structures should comply with streetscape requirements applicable to commercial establishments in the same zone including front setback, pedestrian entrances, transparency, landscaping and lighting. The display and sale of goods manufactured on the premises should be encouraged.

Figure 18

Conceptual Industrial Element



IV-E ECONOMIC DEVELOPMENT ELEMENT

The Mid-City communities stand at economic, as well as geographic crossroads. Regional retailing, the engine of Mid-City's economic success in the post-war years, is today dominated by shopping malls located on large tracts of land in suburban communities along the City's freeway system. A new strategy for economic growth is needed; one that builds upon the community's contemporary attributes.

Community Organization

Physical Design and Development

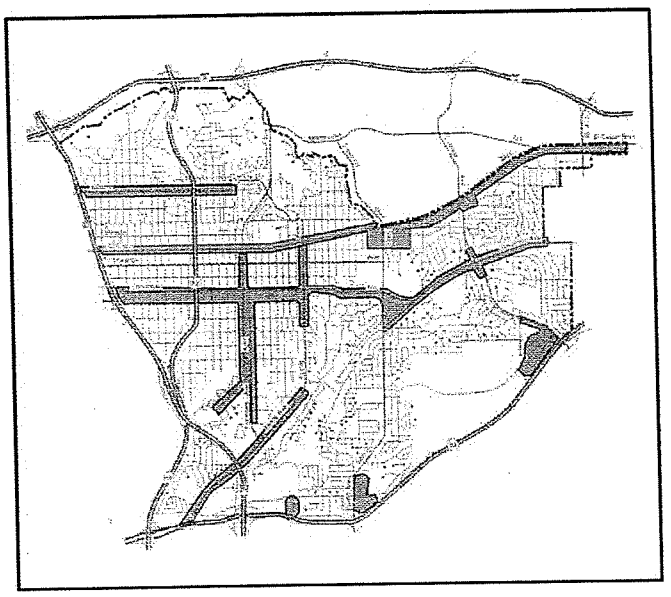
Development Regulations

Economic Restructuring and Reinvestment

Promotion

Urban Nodes

BACKGROUND



Throughout their history, the communities of Mid-City have provided San Diegans with suburban housing and shopping opportunities with easy access to downtown employment centers. Local employment was not a key component of Mid-City's development.

Between 1910 and 1960, Mid-City's population of residents and commuters supported thriving neighborhood- and region-serving commercial enterprises, particularly along the major east/west corridors. Following the Second World War, freeway construction, shopping center development, and further suburbanization resulted in a redirection of economic activity away from San Diego's older communities, including Mid-City.

Today, Mid-City's aging infrastructure lacks focus in the form of anchor businesses or defined districts and there remain few employment opportunities in the manufacture of goods for sale.

The following economic development goals and recommendations have been organized to correspond with the four tenets of the "Main Street" community revitalization strategy established by the National Trust for Historic Preservation and adopted by the business improvement associations active in the Mid-City.

Vision: A vital "City within a City," providing a wide range of housing, employment and shopping opportunities accessible to all residents of the Mid-City, will be realized.

COMMUNITY ORGANIZATION

Goal

- To improve communication and cooperation both within the business and residential communities.

Recommendations

- Establish and expand property- and tenant-based business improvement districts.
- Support business incubators with financial assistance and other incentives.
- Support efforts to establish benefit assessments for maintenance along commercial corridors.

PHYSICAL DESIGN AND DEVELOPMENT

Goals

- To enhance the image of local commercial districts.
- To establish an atmosphere conducive to district shopping.

Recommendations

- Accentuate nodes and gateways with tree plantings and community identifying landmarks, and the placement of high-intensity development near the street.
- Establish recognizable gateways and districts within the Mid-City communities as described in the **Urban Design Element**.
- Design infrastructure and lighting in keeping with district themes where possible.
- Encourage pedestrian activity and the use of public transit through public and private investment in quality streetscape improvements including landscaping, crosswalk paving, lighting and other pedestrian-oriented enhancements. The City's storefront improvement program should be maintained and expanded.
- Maintain and expand storefront improvement and other programs, such as landscaping rebates, which provide matching funds to business owners who enhance their properties.
- Increase business district parking through the acquisition of property for parking reservoirs located behind existing businesses and the creative redesign of existing on-street parking.
- Enhance the character and security of alleys through public and private investment in lighting, landscaping, and litter control.
- Create incentives for builders and remodelers to incorporate architectural elements that reflect the ethnic diversity of the community.

DEVELOPMENT REGULATIONS

Goal

- To preserve and enhance the character of the Mid-City by those regulatory measures least detrimental to the economic viability of the community.

Recommendations

- Expand the use of the transition zone to allow the expansion of commercial uses. The transition zone should extend from a maximum of one-half to one block off of El Cajon Boulevard to as little as fifty feet past the commercial zoning on Adams Avenue. Some restrictions may be appropriate in some areas, such as limiting the use to parking or requiring a discretionary permit.
- Actively monitor and enforce the provisions of conditional use permits, but do not apply sunset provisions that unduly diminish business viability.
- Develop varying levels of home occupation including live/work lofts, to encourage incubator business development out of the home.
- Develop simple regulations for street vendor activity.
- Develop regulations to permit local food production.

ECONOMIC RESTRUCTURING AND REINVESTMENT

Goals

- To recast Mid-City's commercial corridors as neighborhood- and community-oriented shopping and employment centers.
- To improve accessibility of employment centers within and outside the community.
- To encourage development of manufacturing enterprises to expand employment opportunities for the residents of Mid-City.

Recommendations

- Partner with area schools to improve the quality and accessibility of educational opportunities.
- Develop and implement a comprehensive revitalization strategy based on the National Trust For Historic Preservation's Main Street model. Such a program would address community participation, economic restructuring, physical improvement of commercial areas and promotion of the community's attributes and businesses.
- Develop and maintain a database providing immediate access to commercial real estate market information.
- Provide the public infrastructure necessary to leverage private capital investment.

- Introduce light manufacturing, and other employment generating uses, along major transportation corridors. Ensure that employment generating land uses are compatible with neighborhood character through revisions in development regulations and permit review requirements.
- Increase the rate of owner occupancy of residential and commercial property.
- Provide incentives for business persons to own their business properties.
- Expand opportunities for home-based businesses, including the ability to have a limited number of employees and customers on the property. A range of activity levels, from home offices in single-family zones to more intense uses perhaps including apparel assembly in multifamily zones, should be defined and appropriately regulated.
- Establish opportunities for live/work lofts and other developments designed to accommodate a combination living and working environment.
- Support local food production by providing locations and support for persons who grow and market their own food crops.
- Address failures of the credit delivery system by cooperating in the establishment of new Community Development Financial Institutions (CDFI).

PROMOTION

Goal

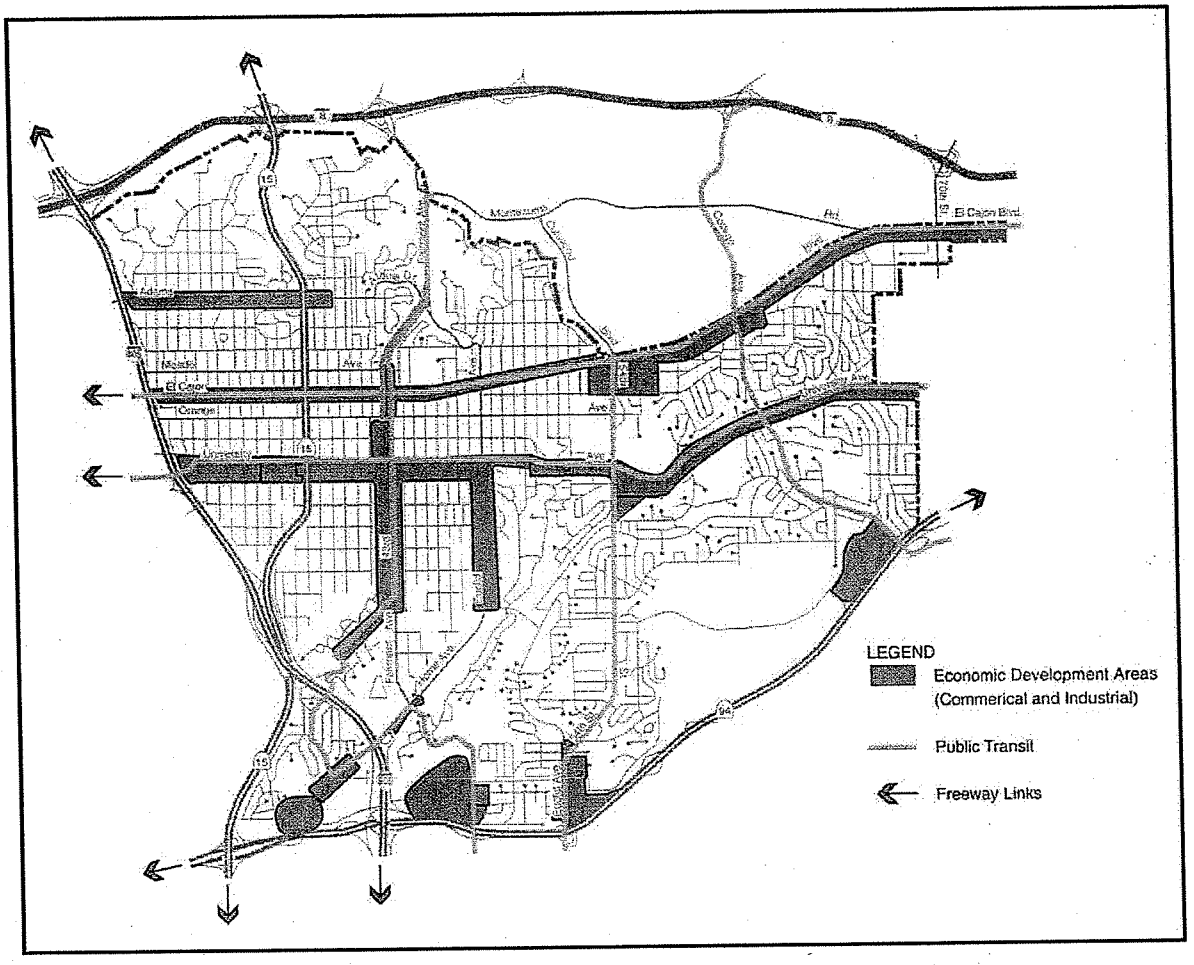
- To enhance the image of the Mid-City communities as desirable locations for living, working and shopping.

Recommendations

- Increase positive media exposure.
- Market Mid-City as a desirable alternative to distant suburbs.
- Widely publicize community fairs and festivals to showcase the assets of Mid-City.
- Take advantage of ethnic investment in the Mid-City area by promoting it as a theme. City Heights Village could be a focus for the celebration of ethnic festivities (e.g., Lunar New Year) and parades.

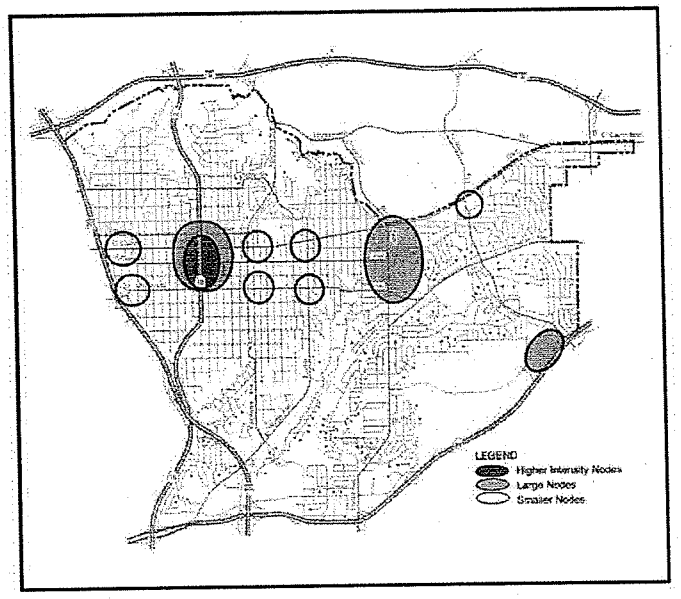
Figure 19

Economic Development Element



URBAN NODES

Urban nodes area locations identified for higher-density mixed-use development. Urban nodes are designated at "Mid-City Center," at the intersections of El Cajon Boulevard and State Route 15, and University Avenue and State Route 15, and the "Cultural Center" at the intersections of El Cajon Boulevard and 54th Street, and University Avenue and 54th Street.



Vision: Urban nodes that have vitality, high quality design, a combination of uses, and are the places where community members interact.

Mid-City Center

The completion of State Route 15 provides significant opportunities for new development, both from the perspective of land availability and improved regional accessibility. The nodes designated at the intersections of El Cajon Boulevard and State Route 15, and University Avenue and State Route 15, should be developed as transit-oriented town centers, accommodating the highest development densities in the Mid-City communities.

Goal

- To establish a major urban center at these regional "crossroads."

Recommendations

- A major subregional transit station should be established.
- A large retail and office development, possibly hotels and theaters, should be promoted to take advantage of excellent regional vehicular access and transit.
- Selected light manufacturing activities should be accommodated.
- Major joint-use public facilities should be focused around these intersections.

- Building walls should be located at the property line. In those areas where the sidewalk is less than eight feet wide, pedestrian arcades along the street should be encouraged.
- Residential, office and hotel uses should be located on upper floors, taking advantage of views to the surrounding area.

The Cultural Center

An urban node south of the intersection of 54th Street and El Cajon Boulevard designed to foster a concentration of institutional or "cultural" uses, providing convenient access to amenities such as schools, parks, medical facilities, community buildings and other uses that have a strong cultural component, and will help to strengthen links between Mid-City neighborhoods and San Diego State University.

Goal

- To provide convenient access to an expanded variety of "cultural" and institutional services and amenities and extend the benefits of proximity to a major urban university.

Recommendations

- Maintain and enhance the existing educational facilities.
- Market the adjacent commercial corridors for retail and commercial recreation facilities, including theaters, hotels, and art galleries.
- Encourage light manufacturing, emphasizing arts and crafts.
- Foster the rehabilitation and growth of existing health facilities.
- Foster development of moderate-density senior housing near health centers.
- Accentuate the rolling terrain by accommodating taller buildings on hilltops, thereby creating recognizable landmarks that provide orientation and identify this unique area.
- Create a park-like atmosphere around the perimeter of the node by enhancing visual access to Colina Del Sol Park and various school playgrounds.

IV-F PUBLIC FACILITIES AND SERVICES ELEMENT

Among the most serious issues in Mid-City is the deficiency of public facilities, most notably schools and parks. This deficiency has become more critical with the infill development of apartments and condominiums, beginning in the 1960s and continuing to the present. While facility fees are now in place to partially mitigate the impact of new development, existing deficiencies in public facilities are not addressed by adopted financing mechanisms.

Schools

Parks

Libraries

Police and Public Safety

Fire and Life Safety

Community Service Center

Utilities

Water and Sewer

SCHOOLS

In spite of the recent addition of two new schools, persistent enrollment growth in combination with older schools in Mid-City on extremely small sites continues to aggravate overcrowding in most schools (**Table 1**). Until new facilities are built, San Diego Unified School District is attempting to alleviate the overcrowding on an interim basis with portable classrooms, busing, modifying attendance boundaries, and the restructuring of grade levels. For planning purposes, it should be noted that the large number of students enrolled in local private schools, and public school students attending facilities outside the community through voluntary busing and choice, also serve as a relief valve.

With the recent addition of Rosa Parks Elementary School and Monroe-Clarke Middle School, public school facilities in Mid-City now include 16 elementary schools, three middle schools, and two high schools.

Vision: School facilities serving as a focal point for the neighborhoods, providing a quality physical environment and a high standard of elementary and secondary education.

Goals

- To provide adequate school facilities for all residents of Mid-City, including the opportunity for those enrolled elsewhere to attend local public schools.
- To ensure that all existing and proposed school facilities meet the following enrollment standards:
  - Elementary Schools: 100 students per acre, or the design capacity of permanent structures on existing school sites (500 students per school preferred)
  - Middle Schools: 70 students per acre, or the design capacity of permanent structures on existing school sites (1,000 students per school preferred)
  - High Schools: 70 students per acre, or the design capacity of permanent structures on existing school sites (1,500 students per school preferred)
- To provide for the maximum utilization of school facilities during non-school hours for educational, cultural, recreational, and community support purposes.

Recommendations

- Coordinate with the San Diego Unified School District and the community to accomplish the following:
  - Ensure that adequate public facilities and infrastructure are in place, and compliance with maximum school enrollments achieved, prior to the construction of additional multifamily dwellings.
  - Expand existing school sites, as shown in **Figure 20**, and construct new elementary school facilities in the neighborhoods of Cherokee Park, Talmadge, Colina Park (two

elementary schools), Teralta East, Teralta West, Castle, Cherokee Point and El Cerrito Heights. The number of school sites needed may vary depending upon the extent to which existing school sites can be expanded and/or and restructured as twin schools.

- In the selection of sites for new elementary schools, consideration should be given to development of twin schools designed so that they provide functional flexibility in the grades taught. New School sites should avoid well-maintained single-family areas.
- Joint use of facilities by City and School District should be encouraged.
- Consideration should also be given to linkages between schools, other neighborhood facilities and activity centers, and natural amenities.
- Explore other options for the provision of needed educational facilities, including the establishment of charter schools, the involvement of the business community, and locating alternative resources
- Explore the establishment of a mutually beneficial teaching program in conjunction with San Diego State University, University of California - San Diego, and other advanced educational institutions.
- To leverage public investment in scarce land and facilities, implement the joint use of school facilities with other public and private interests, particularly libraries and parks and recreation facilities.
- Establish an ongoing school oversight committee to include representatives of the City Council, the School Board, and the community to coordinate the development, management, and maintenance of joint efforts.

Figure 20

Existing and Proposed Schools

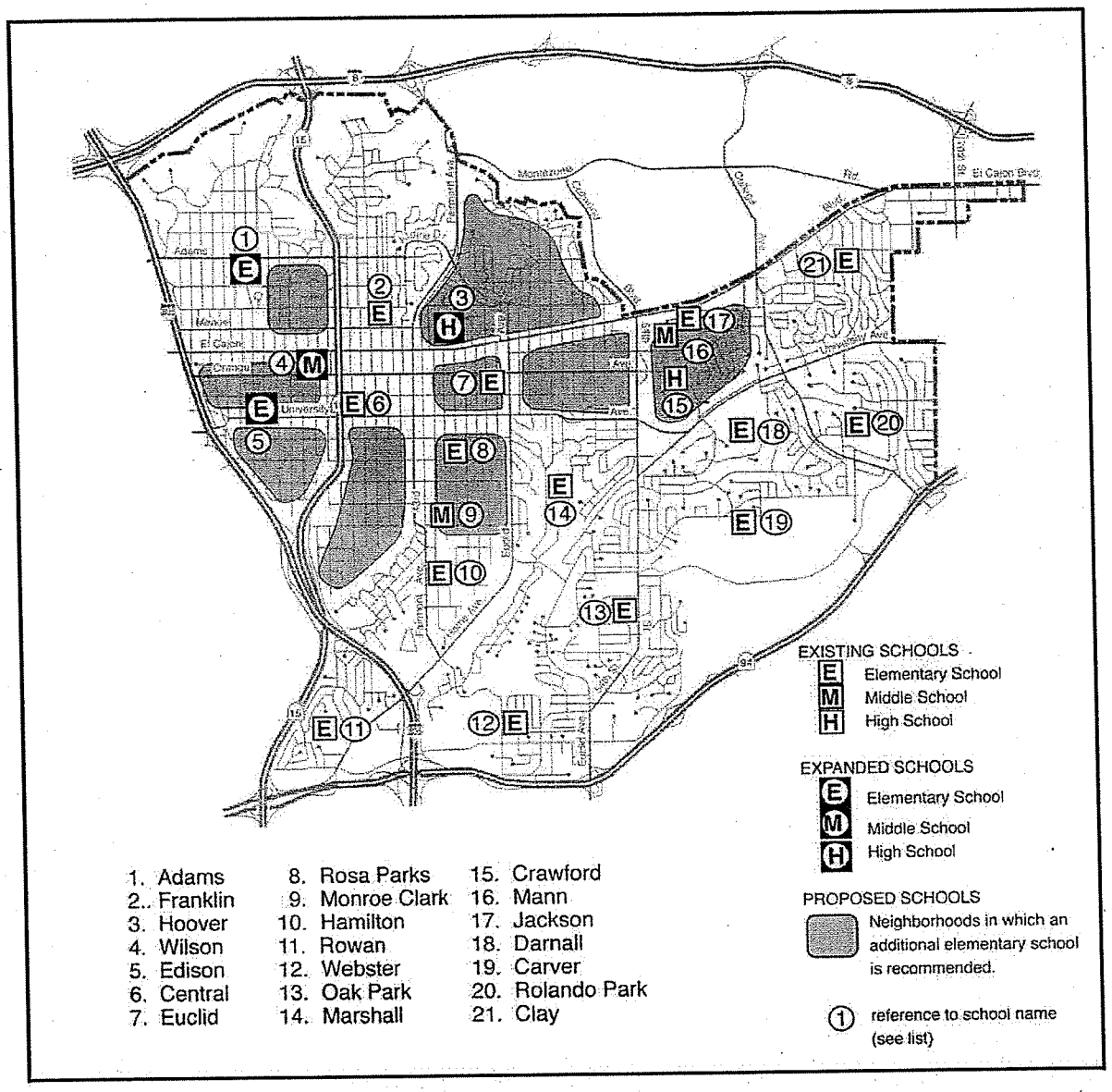
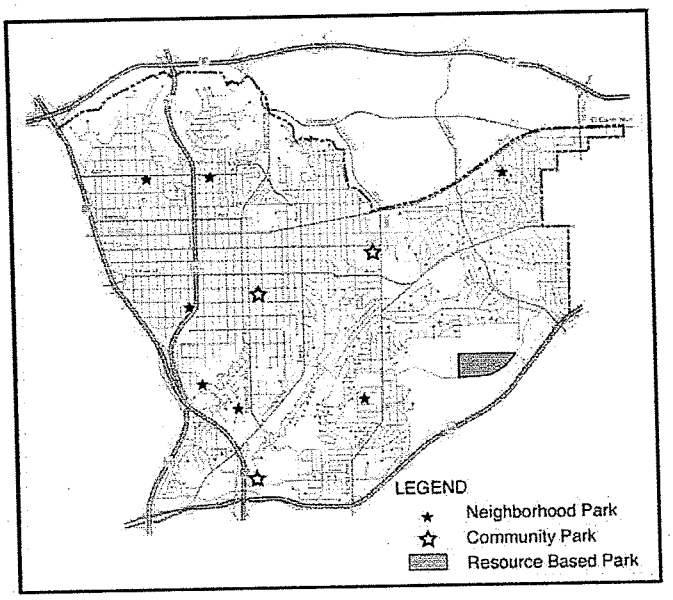


TABLE 1
SCHOOL ENROLLMENT

	Site Size (acres)	Enrollment 1980	Enrollment 1990	Enrollment 2000 (est.)	Students Per Acre (2000)	Percent of Site Capacity (see text)
ELEMENTARY SCHOOLS						
(General Plan Standard: 10 acres, 500 students)						
CITY HEIGHTS						
Central	4.43	616	1,049	1,331	300	300%
Edison	3.32	482	800	953	287	287%
Euclid	5.66	872	1,269	1,169	207	207%
Hamilton	6.70	528	1,202	1,227	183	183%
Marshall	7.05	457	822	818	116	116%
Rowan	6.80	244	319	330	49	49%
Rosa Parks	6.26	—	—	1,409	225	225%
EASTERN AREA						
Carver	8.91	221	382	568	64	64%
Clay	6.90	230	416	457	66	66%
Darnall	8.03	281	Closed	474	59	59%
Jackson	6.54	371	970	1,209	185	185%
Oak Park	7.61	564	758	769	101	101%
Rolando Park	11.52	355	371	350	30	30%
Webster	7.60	452	552	630	83	83%
KENSINGTON-TALMADGE						
Franklin	4.04	306	524	634	157	157%
NORMAL HEIGHTS						
Adams	4.64	819	773	939	202	202%
MIDDLE SCHOOLS						
(General Plan Standard: 30 acres, 1,000 students)						
CITY HEIGHTS						
Wilson	11.85	1,256	1,880	1,237	104	149%
Monroe Clark	12.42	—	—	1,641	132	189%
EASTERN AREA						
Mann	16.99	135	1,423	1,325	78	111%
HIGH SCHOOLS						
(General Plan Standard: 45 acres, 1,500 students)						
KENSINGTON-TALMADGE						
Hoover	24.91	1,244	2,032	2,070	83	119%
EASTERN AREA						
Crawford	26.91	1,532	1,561	1,924	71	102%

PARKS



By current City of San Diego General Plan standards, the Mid-City is grossly deficient in park acreage. The most conspicuous needs are in the older neighborhoods, generally west of 54th Street. These same areas suffer from undersized, overcrowded school sites, limiting their use for recreational purposes.

There are currently seven neighborhood parks and three community parks within Mid-City. A number of pocket parks and mini-parks have been added to assist with the overall deficiencies. Joint use agreements for the use of school grounds for park purposes, including the turfing of school play fields, has also helped to alleviate the deficiencies. City Heights Community Park has recently been expanded and improved in conjunction with the City Heights Urban Village Project, and design is underway for improvements in the undeveloped area of Chollas Park west of the lake.

Vision: A full range of park and recreation facilities and services convenient to all Mid-City residents and visitors.

Goal

- To provide park facilities and services consistent with City of San Diego General Plan standards.

Recommendations

- Provide new and expanded park facilities in accordance with the following standards:
  - One neighborhood park, of no less than ten acres, should be provided for every 5,000 residents; neighborhood parks should serve an area no greater than one-half mile in radius;
  - One community park, of no less than 20 acres in size, should be provided for every 25,000 residents; community parks should serve an area no greater than one and one-half mile in radius;
  - One resource-based park should be provided for the residents of Mid-City. By General Plan Standards, resource-based parks should be located at the site of

distinctive scenic or natural or cultural features. They are intended for citywide use. Size and development should be determined by the specific resource involved, expected use, available land, and location. **Table 2** summarizes existing and proposed park facilities.

- Provide mini-parks at scattered locations to help meet park standards. Such parks must be carefully designed and located to avoid negative impacts and to reflect the character, interests, and nature of the neighborhood. They should provide for a variety of uses and should allow for modification at a later date to reflect changing community needs. Locations adjacent to schools, community facilities, canyons, or in conjunction with redevelopment projects should be considered. Sites not meeting the above description should preferably be at a corner location. Multi-purpose mini-parks, perhaps including community gardens, should be a minimum of 15,000 square feet in size. Tot lots and other limited-use park areas may be a minimum of 5,000 square feet, subject to adequacy of access and security.
- Mini-parks should serve a population of 500 to 1,000 persons within an effective walking distance of one-quarter mile.
- Evaluate all vacant and publicly owned land, including streets and unimproved rights-of-way, for potential use as park or recreation facilities.
- Establish a new resource-based park system at the Chollas Reservoir linking to the Chollas Creek and other Mid-City canyon areas.
- Finalize and implement the improvement plans for North Chollas Lake Park west of the lake.
- Pursue joint use agreements for all public school sites, existing and proposed, to provide public recreational use of the facilities. High school campuses that typically do not have joint use agreements should remain open for public use during non-school hours.
- Fencing around school facilities should be designed to allow public access to the playground facilities during non-school hours while protecting school buildings from unwanted intrusions.

TABLE 2
ACREAGE OF PARK NEEDS

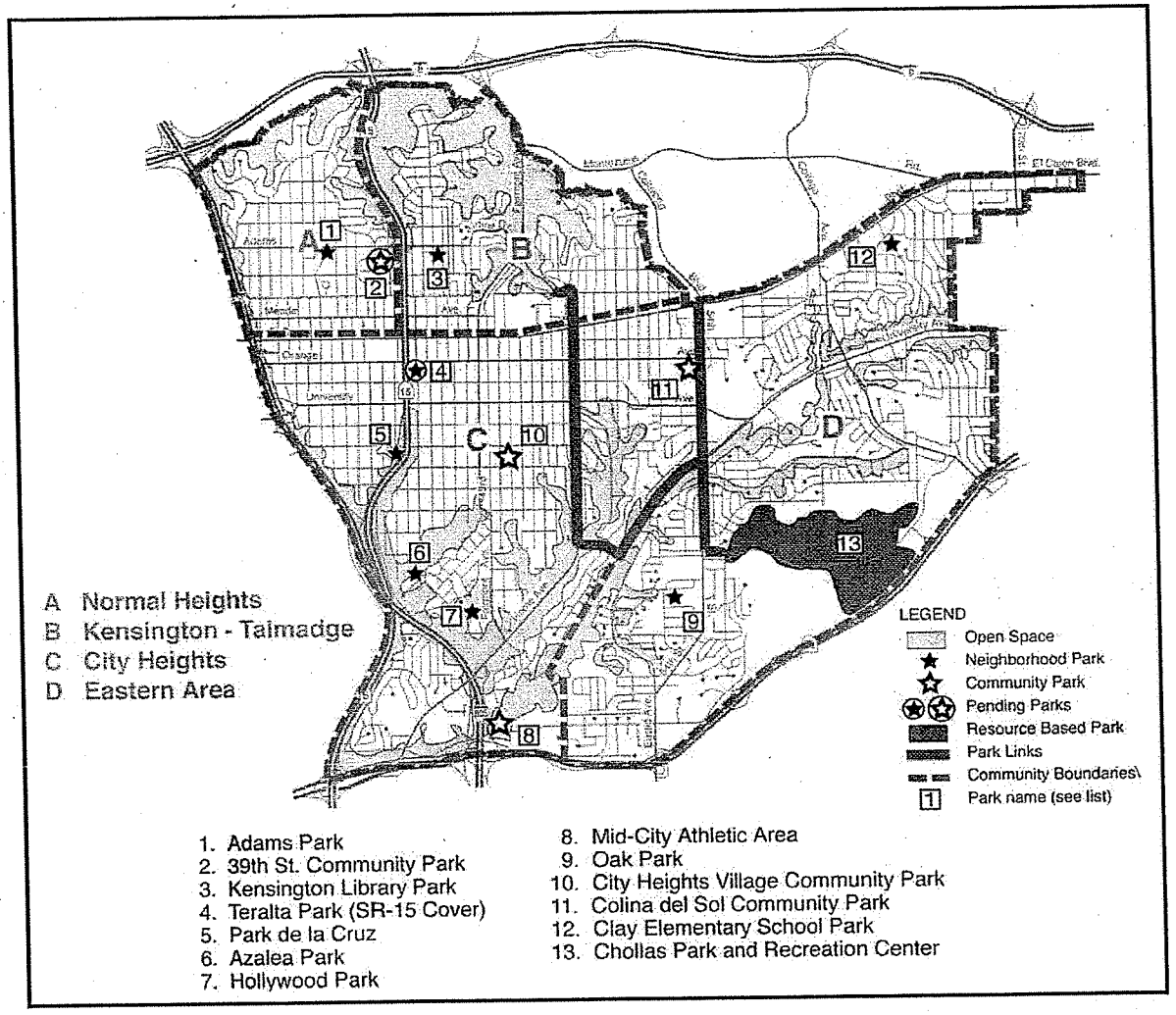
	Existing/ Programmed (acres)	Proposed (acres)	General Plan Standard (acres)	Deficiency (acres)
CITY HEIGHTS				
Mini-Parks				
Central Elementary School	0.56	0.56		
City Heights (39th Street)	0.32	0.32		
Edison Elementary	0.68	0.68		
Euclid	0.00	3.00		
Wabash (Wabash & University)	0.17	0.17		
Proposed	0.00	22.50		
Neighborhood Parks				
Azalea	9.00	9.00		
Hollywood	13.19	13.19		
Monroe Clark Middle School	0.00	4.00		
Park DeLa Cruz	6.93	12.00		
Rosa Parks Elementary School	2.30	2.30		
Teralta (SR-15 cover)	4.00	4.00		
Wilson Middle School	4.00	4.00		
Other Existing Schools (est.)	0.00	18.00		
Proposed Schools (est.)	0.00	30.00		
Subtotal	**41.15**	**119.72**	**159.93**	**40.21**
Community Parks				
City Heights Village	6.93	6.93		
Colina Del Sol	33.84	33.84		
Fairmount Village	0.00	14.60		
Mid-City Athletic Area	40.88	40.88		
Subtotal	**81.65**	**96.25**	**63.97**	**-32.28**
Total (City Heights)	**122.80**	**215.97**	**223.90**	**7.93**
EASTERN AREA				
Mini-Parks				
East San Diego Adult Rec. Club	0.25	0.25		
Rolando	0.07	0.07		
Rolando Park School	0.06	0.06		
Proposed	0.00	9.50		
Neighborhood Parks				
50th Street	0.00	0.66		
Clay Elementary School	2.30	2.30		
Clay Park	2.48	2.48		
Kalmia Street	0.00	8.20		
Mann Middle School	3.90	3.90		
Oak Park	3.46	3.46		
Other Existing Schools (est.)	0.00	18.00		
Proposed Schools (est.)	0.00	5.00		
Subtotal	**12.52**	**53.88**	**64.31**	**10.43**

TABLE 2
ACREAGE OF PARK NEEDS (continued)

	Existing/ Programmed (acres)	Proposed (acres)	General Plan Standard (acres)	Deficiency (acres)
Community Parks				
(see Resource-Based Parks below)	0.00	0.00		
Subtotal	**0.00**	**0.00**	**25.72**	**25.72**
Total (Eastern)	**12.52**	**53.88**	**9.03**	**36.15**
KENSINGTON-TALMADGE				
Mini-Parks				
Proposed	0.00	4.00		
Neighborhood Parks				
Franklin Elementary School	1.42	1.42		
Kensington Library	0.57	0.57		
Kensington-Talmadge Park	0.00	5.00		
Proposed Schools (est.)	0.00	5.00		
Subtotal	**1.99**	**15.99**	**28.98**	**12.99**
Community Parks				
(none)	0.00	0.00		
Subtotal	**0.00**	**0.00**	**11.59**	**11.59**
Total (Kensington-Talmadge)	**1.99**	**15.99**	**40.57**	**24.58**
NORMAL HEIGHTS				
Mini-Parks				
Kenmore Terrace	0.16	0.16		
North Mountain View	0.25	0.25		
Proposed	0.00	5.00		
Neighborhood Parks				
34th Street	0.05	5.10		
40th Street (est.)	0.00	5.00		
Adams Park	1.47	6.50		
Adams Elementary School	2.13	2.13		
Proposed Schools (est.)	0.00	5.00		
Subtotal	**4.06**	**29.14**	**34.28**	**5.14**
Community Parks				
39th Street	4.00	9.00		
Subtotal	**4.00**	**9.00**	**13.71**	**4.71**
Total (Normal Heights)	**8.06**	**38.14**	**47.99**	**9.85**
TOTAL (MID-CITY)				
Mini/Neighborhood/Community Parks	145.37	323.98	402.49	78.51
Chollas Lake Park System	12.00	95.00		
Resource-Based Parks				
Chollas Lake Park System	134.06	187.18		
	146.06	**282.18**	**2,156.19**	**1,874.01**

Figure 21

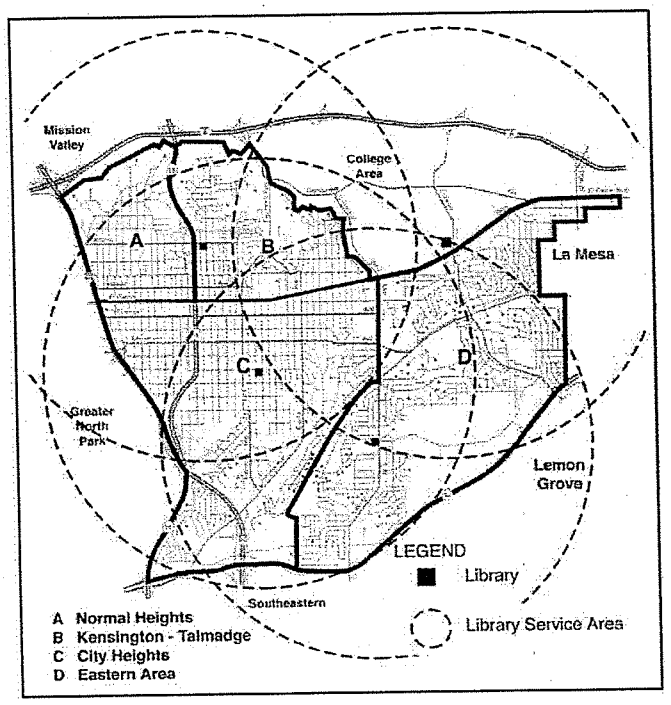
Park Recommendations



1. Adams Park
2. 39th St. Community Park
3. Kensington Library Park
4. Teralta Park (SR-15 Cover)
5. Park de la Cruz
6. Azalea Park
7. Hollywood Park
8. Mid-City Athletic Area
9. Oak Park
10. City Heights Village Community Park
11. Colina del Sol Community Park
12. Clay Elementary School Park
13. Chollas Park and Recreation Center

LIBRARIES

There are currently branch libraries in Kensington, Oak Park, and the recently expanded and relocated City Heights branch. General Plan standards call for a minimum of one branch library per 30,000 residents, with a typical size of 10,000 to 15,000 square feet. Given Mid-City's 1990 population of 132,466, and considering the small size of the existing facilities, the expansion of at least one of the three existing branches is needed, along with the addition of a fourth branch.



Vision: A high level of library service providing residents with a convenient, comprehensive selection of printed and electronic resources.

Goal

- To provide additional facilities and services to meet General Plan standards.

Recommendations

- Expand library facilities as shown in **Table 3.**
- Maintain the Kensington-Normal Heights Library at its central location in Kensington and expand at that site to the extent feasible without significantly impacting the surrounding park. In spite of its substandard size by General Plan standards, this branch should remain open after the addition of the Normal Heights branch due to Mid-City's high-density, overcrowded schools, and inadequate parks. This branch also has a high level of pedestrian access and strong neighborhood support both in volunteers and private funding. Due to its size constraints, consideration may be given to adding unique library services at this facility.
- Provide an additional branch library in Normal Heights or the northern area of City Heights. The location and size of the facility should be planned in conjunction with the

potential for expansion of the Kensington branch, so that the two libraries together adequately serve the western and central portion of the Mid-City community.

- Expand the Oak Park Library to meet General Plan standards.

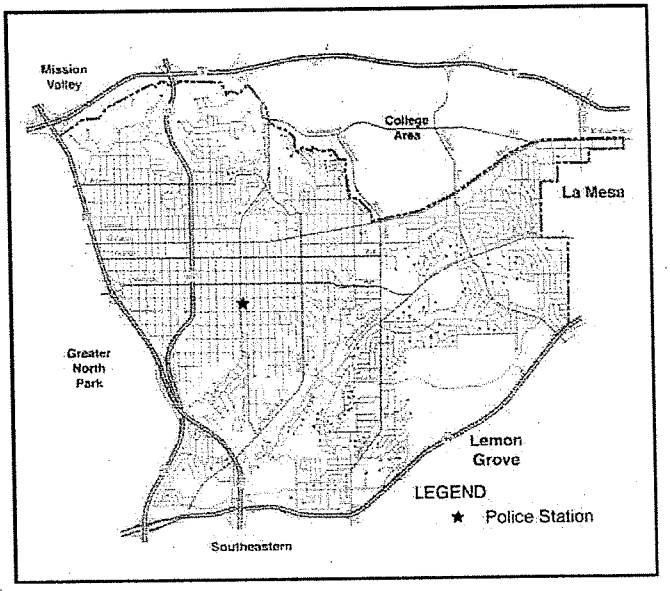
TABLE 3
LIBRARY NEEDS

	Existing Facilities (square feet)	Proposed Facilities (square feet)
Normal Heights	—	15,000
Kensington/Talmadge	2,318	5,000
City Heights	15,000	15,000
Eastern Area (Oak Park)	5,200	15,000
Total	**22,518**	**50,000**

POLICE AND PUBLIC SAFETY

The Mid-City Police Substation recently opened in City Heights, adding to Mid-City's two police storefronts and several neighborhood satellite offices.

Police officers are involved in community projects such as environmental design to help make neighborhoods safer, security conferences, a prostitution task force, community forums to diffuse racial tensions, and juvenile programs. Ongoing neighborhood watch programs are also helping to reduce what had become a serious crime problem in some Mid-City neighborhoods.



Vision: A community where residents and visitors are safe and can feel secure in their everyday activities.

Goal

- To reduce criminal activity significantly, especially violent crimes, to below the City average.

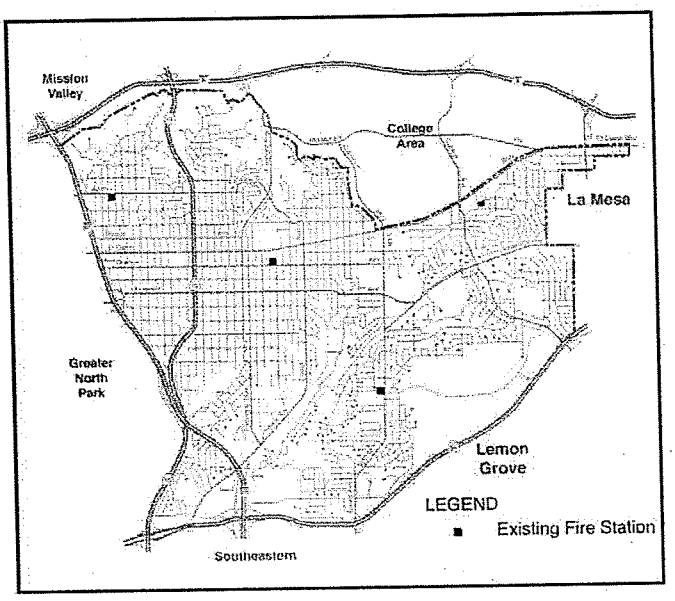
Recommendations

- Maintain a high level of police presence, including the expansion of foot patrols.
- Extend Neighborhood Watch activities to all areas.
- Establish additional satellite and storefront locations to better understand and serve the changing populations of Mid-City.
- Continue conversion of "yellow" (low-pressure sodium) streetlights to "white" (white low-energy consumption street lighting).
- Expand opportunities for citizen participation in the improvement of neighborhood security.

FIRE AND LIFE SAFETY

There are four fire stations serving Mid-City:

- Station 10 in Rolando at 4605 62nd Street;
- Station 17 in City Heights at 4206 Chamoune Avenue;
- Station 18 in Normal Heights at 4676 Felton Street; and
- Station 26 in Oak Park at 2850 54th Street



There are four additional stations near Mid-City to the west and south. Response time for all four Mid-City stations is less than eight minutes for 85 percent of fire engine responses and twelve minutes for 94 percent of paramedic ambulances. The City performance measures are for the Fire Department to arrive at non-medical incidents within an average time of six minutes and for medical emergencies within eight minutes 90 percent of the time. Neither of these performance measures is being met at this time.

Vision: A high level of fire protection and life safety services.

Goals

- To achieve and maintain a high level of fire and life safety services throughout the community.
- To eliminate fire dangers, particularly in canyon areas.

Recommendations

- Provide fire prevention programs at all Mid-City schools.
- Enforce weed and litter abatement and brush management on vacant lots and canyons.
- Upgrade facilities for fire and life safety as needed.
- Continue to monitor water pressure and upgrade as needed.

COMMUNITY SERVICE CENTER

Community Service Centers provide convenient location for residents to obtain a variety of City services, and support other neighborhood programs, including meeting space for community groups.

The Mid-City Community Service Center will be located in the City Heights Urban Village. Another Community Service Center, serving the eastern neighborhoods, is located at 2850 54th Street.

Vision: A centrally located civic center facility providing all needed City-related services.

Goal

- To determine and provide as many needed services as feasible.

Recommendations

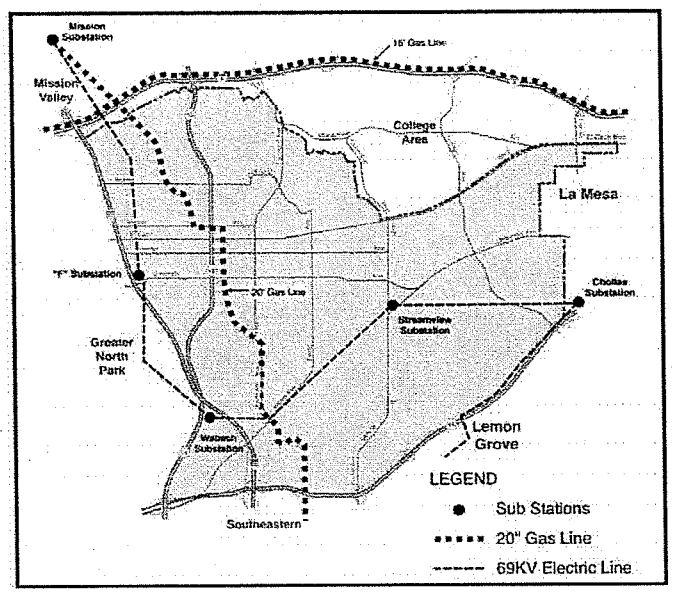
- A new Community Service Center should be established to serve the Eastern Area. The Oak Park Branch Library should be considered as a location if the library is relocated.
- Monitor community needs and adjust services as appropriate.
- Community Service Center activities should be coordinated and, to the extent possible, co-located with the offices of other public agencies active in the Mid-City.

UTILITIES

Deregulation of the public utilities industry has introduced competition in the provision of telephone, gas and electricity services.

Existing gas and electric distribution facilities include three electric distribution substations, two gas transmission mains, and several major electric transmission lines.

Local telephone infrastructure includes three wire centers. Expanding wireless telephone service providers continue to develop analog and digital wireless transmission infrastructure.



Undergrounding of electrical distribution lines and telephone lines along major streets is jointly financed by the City and SDG&E. Priorities for undergrounding are based upon amount of traffic, congestion of wires, and major scenic routes. Mid-City streets currently programmed for undergrounding include the City Heights Urban Village project and portions of College Grove Drive, Fairmount Avenue, and Federal Boulevard.

Vision: A continued high level of service from facilities which are compatible with surrounding development.

Goal

- To provide adequate and reliable utility service while ensuring that public utilities facilities are not disruptive to the community.

Recommendations

- Consider impacts of energy and communication facilities on adjacent uses.
- Continue the undergrounding of overhead lines. Establish guidelines for the timely removal of utility poles once underground facilities are in place.
- Use all available means to conceal communication antennas from view.
- Co-locate public utility infrastructure to the maximum extent possible.

- Provide SDG&E, the City, and the community the opportunity to review projects that may impact SDG&E facilities, including drainage impacts and encroachment on rights-of-way, to identify and resolve potential conflicts.
- Establish a project review process whereby the community and all agencies responsible for the development and maintenance of facilities in, or beneath, the public right-of-way have the opportunity to coordinate activities and identify and resolve potential conflicts.
- Establish fiber-optic and cable services for digital networks.

WATER AND SEWER

Water and sewer facilities west of 54th Street were built in the early part of the 20th century and are becoming obsolete. Blockages and breaks are aggravated by inadequate slopes, inhibiting efficient drainage. Sewer lines and water mains in the Eastern Area are considered adequate, although low water pressure is frequently reported in the neighborhoods south of University Avenue. A main replacement program which will improve water pressure and reliability of service in Mid-City is currently underway.

Vision: Consistent and adequate water and sewer service.

Goal

- To provide a water and sewer system that has been upgraded to meet current standards.

Recommendations

- Aggressively pursue the main replacement program.
- Upgrade and make corrections to address existing problems of low water pressure.
- Address recurrent roadway flooding problems by improving surface and/or subsurface drainage facilities.

IV-G TRANSPORTATION ELEMENT

The transportation network of Mid-City consists of vehicular, bicycle, pedestrian and mass transit components. The transportation network services the internal community with links to the adjacent communities, and the regional freeway system.

Since the adoption of the last community plan in December of 1984, the Mid-City community has experienced many changes in traffic and transportation characteristics. The construction of SR-15 in particular will result in significant changes to traffic circulation and improvements to transit access.

Traffic Circulation

Parking

Mass Transit

Bikeways

Pedestrian Circulation

Bikeways

TRAFFIC CIRCULATION

BACKGROUND

STREET SEGMENTS

About half of the Mid-City planning area has been developed on a rectilinear grid of streets. The portion which does not have a grid pattern at the block level does have a grid system of major streets.

In some locations, based on existing roadway classifications and daily traffic volumes, these roadway segments exceed the maximum desirable traffic volumes that are derived from the City's Traffic Impact Study Manual. **Figure 23** illustrates the existing congested street segments and intersections in Mid-City.

Figure 22

Existing Daily Traffic Volumes

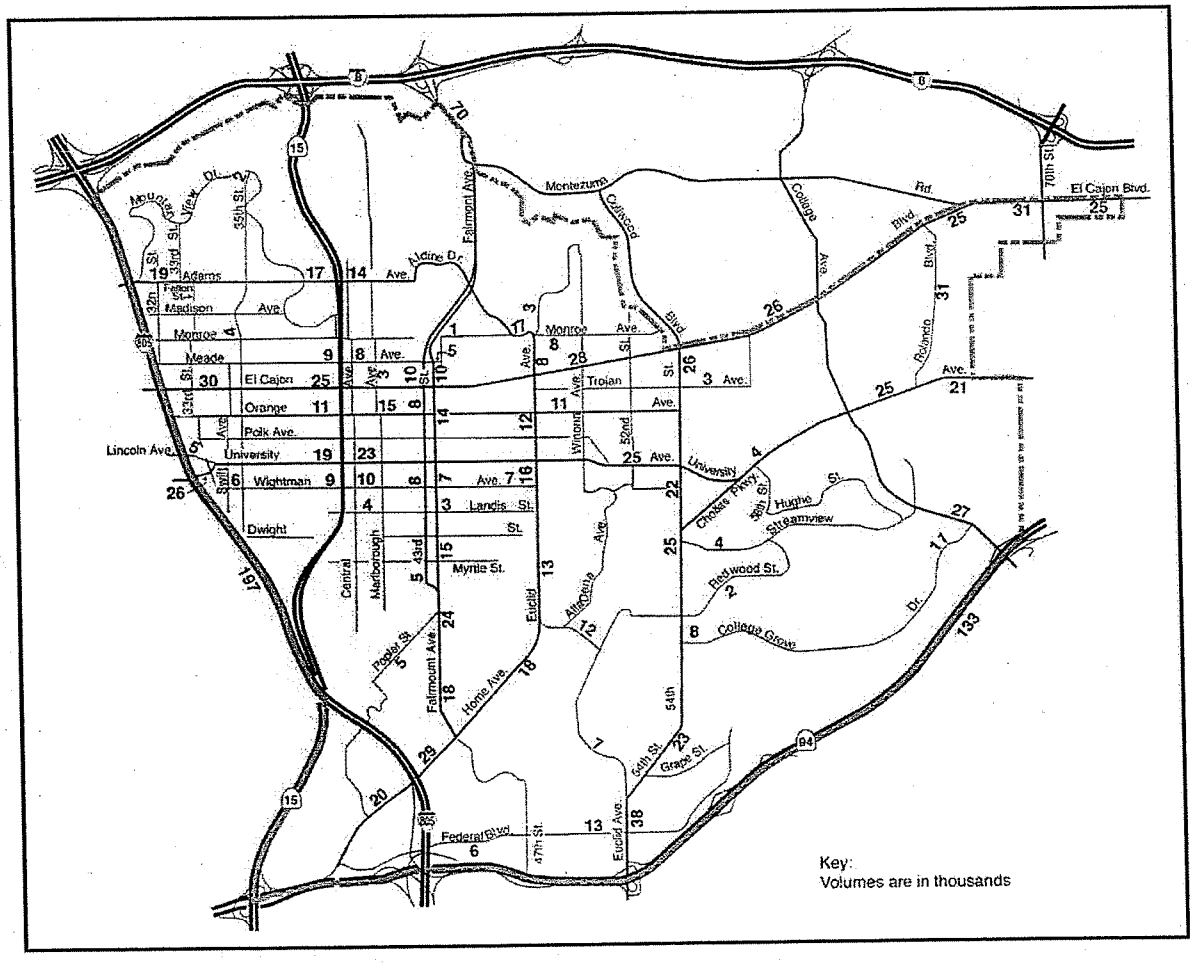
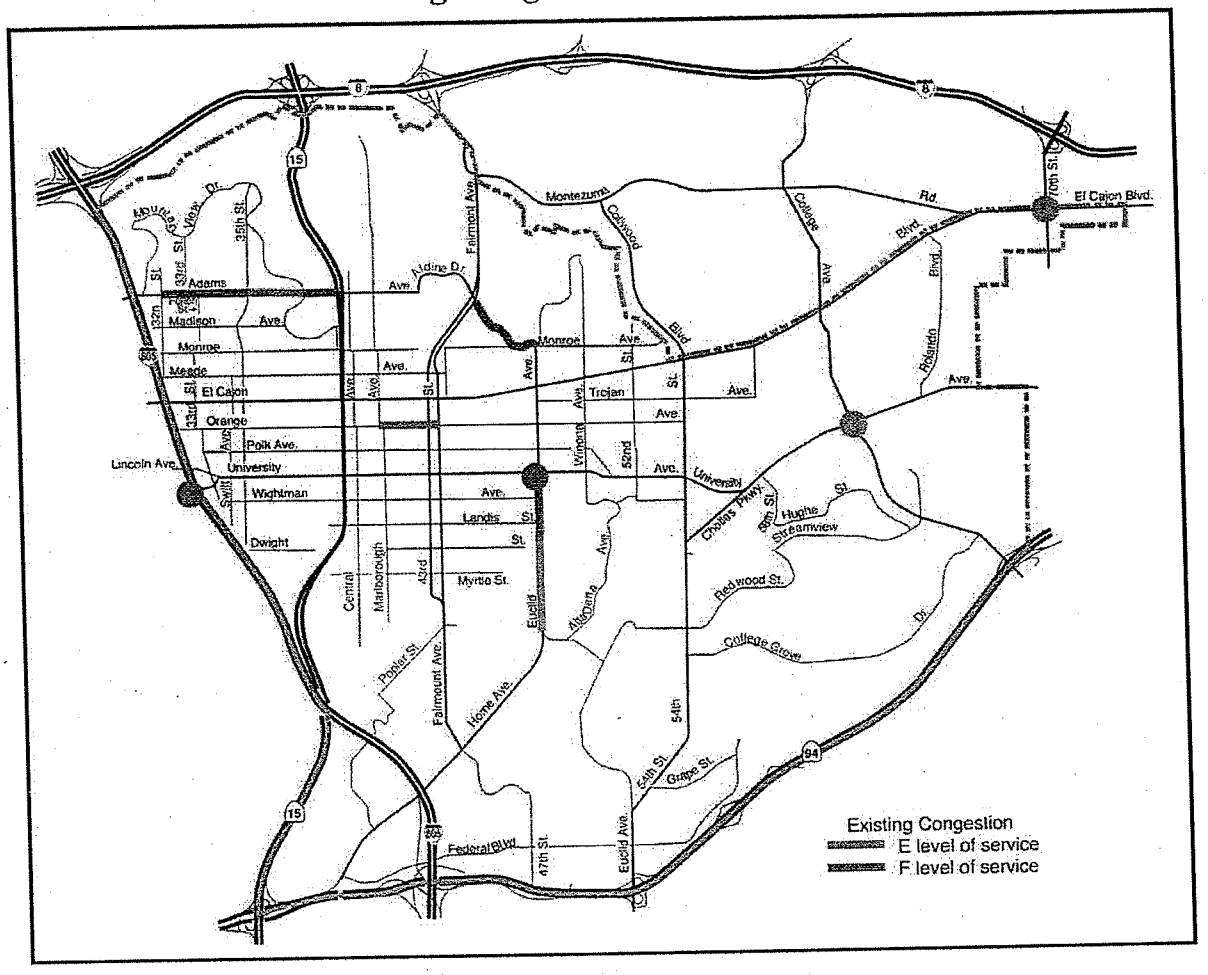


Figure 23

Existing Congested Street Segments and Intersections



INTERSECTIONS

Traffic signals are devices that assign right-of-way for the orderly movement of motorists and pedestrians, increase traffic handling capacity of an intersection, reduce the frequency of certain types of accidents, and can be used to stop the heavy traffic at specified intervals to allow other vehicular and pedestrian traffic to enter the intersection. In addition, under favorable conditions, traffic signals may be coordinated to provide a more efficient continuous traffic movement along a street.

Intersection conditions are measured by the concept of "level of service" (LOS) which is a qualitative measure describing operating conditions within a traffic stream and their perception by the motorists. They are ranked from "A" to "F" with level "A" representing the best operating conditions and level of service "F" the worst. In urbanized areas of this City such as the Mid-City Community Planning area levels of service E and F are considered congested and are undesirable.

The intersections shown below presently have a level of service (LOS) D or worse during the PM peak hour.

- University Avenue and College Avenue (LOS: E)
- El Cajon Boulevard and 70th Street (LOS: E)
- University Avenue and Euclid Avenue (LOS: F)
- University Avenue and Boundary Street (LOS: F)

The intersections that have LOS E or F are considered congested and undesirable. **Figure 23** depicts the existing congested intersections in Mid-City.

Vision: A functioning multi-modal transportation system that connects to the larger regional system and a sensible traffic plan that enhances neighborhood quality and cohesiveness.

FUTURE CONDITIONS

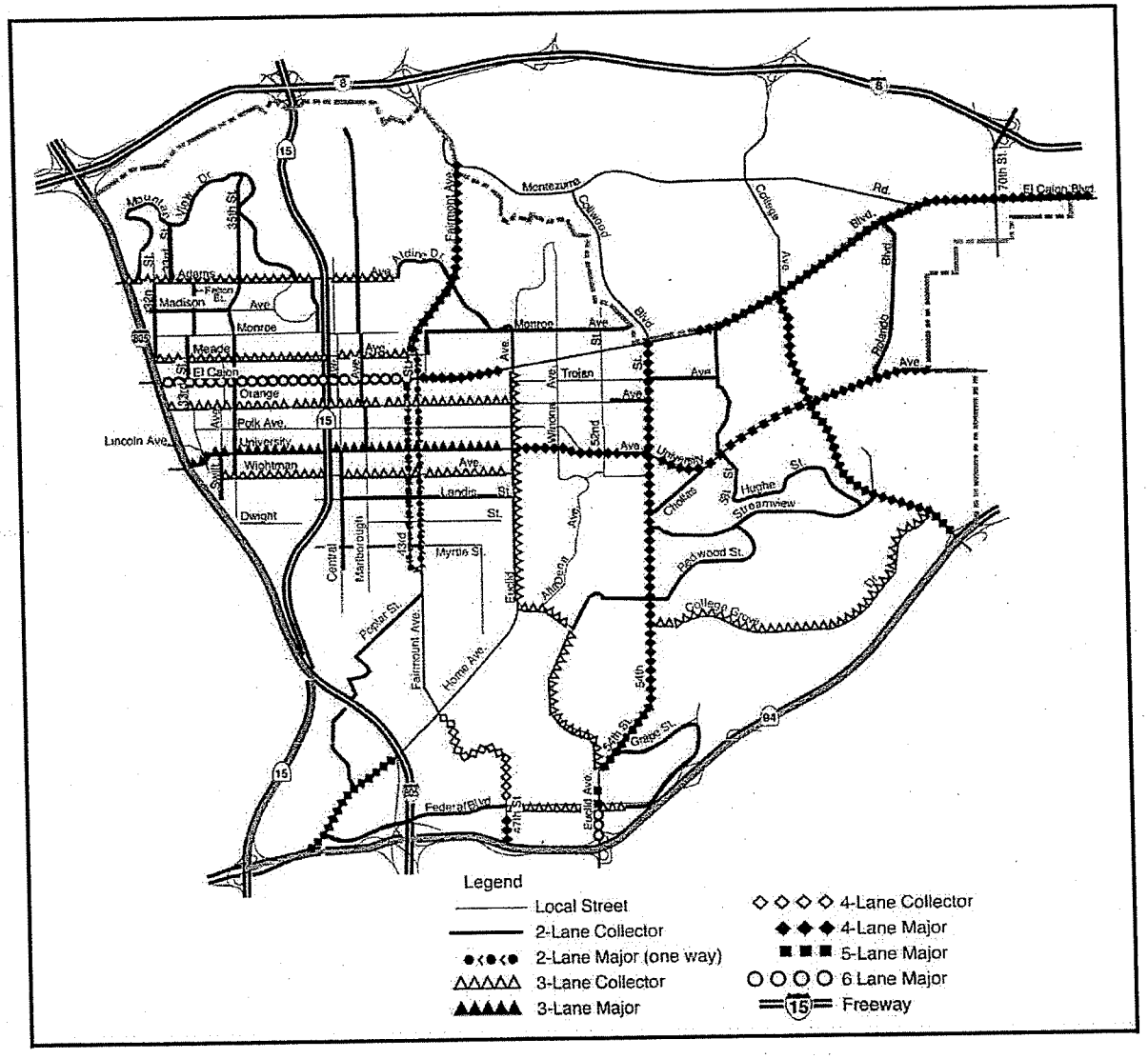
In order to analyze future traffic, two sets of capacity analysis were conducted:

1. Street segment capacity analysis
2. Intersection capacity analysis

The future daily traffic volumes for each street network alternatives were compared to the carrying capacities of the adopted community plan street classifications based on the City's level of service criteria for street segments. For urbanized areas of the City, including the Mid-City Community Plan area, street segments with levels of service worse than D (i.e., E and F) are considered congested and undesirable.

Figure 24

Future Recommended Street Network



Streets and Highways

With the exception of State Route 15, which is to be completed, the existing system should be maintained and operational improvements made. Recommendations are based on a proven need to increase efficiency and accommodate planned growth.

The recommended future street network is shown on **Figure 24**. The future daily volumes are shown on **Figure 25**.

Goal

- To provide an adequate traffic circulation system that is balanced with the character and multi-modal tendencies of the community.

Recommendations

Recommended transportation improvements are shown on **Figure 26**.

33rd Street

- Upgrade to a two-lane collector street between North Mountain View Drive and Adams Avenue.
- Upgrade to a two-lane collector street between El Cajon Boulevard and Monroe Avenue.

40th Street

- Downgrade to a two-lane collector street between North Mountain View Drive and Adams Avenue.
- Terminate at intersection with Monroe Avenue and vacate between Monroe Avenue and Meade Avenue when feasible.

43rd Street

- Maintain as a two-lane collector street one-way southbound.

Chollas Parkway

- Reduce width to a two-lane collector street between 54th Street and University Avenue. As an alternative, consider closing all or part of Chollas Parkway between 54th Street and University Avenue, possibly using Lea Street as the connection between 54th Street and Chollas Parkway east of Lea Street. This closure would be subject to environmental review and a traffic analysis of the impact on the 54th Street and University Avenue intersection and the implementation of any needed improvements as a condition of that closure.

  Note: This recommendation was not reviewed by the Planning Commission

College Grove Drive

- Reduce width to a three-lane collector street (one lane in each direction with a continuous center left-turn lane) between 54th Street and College Grove Way.

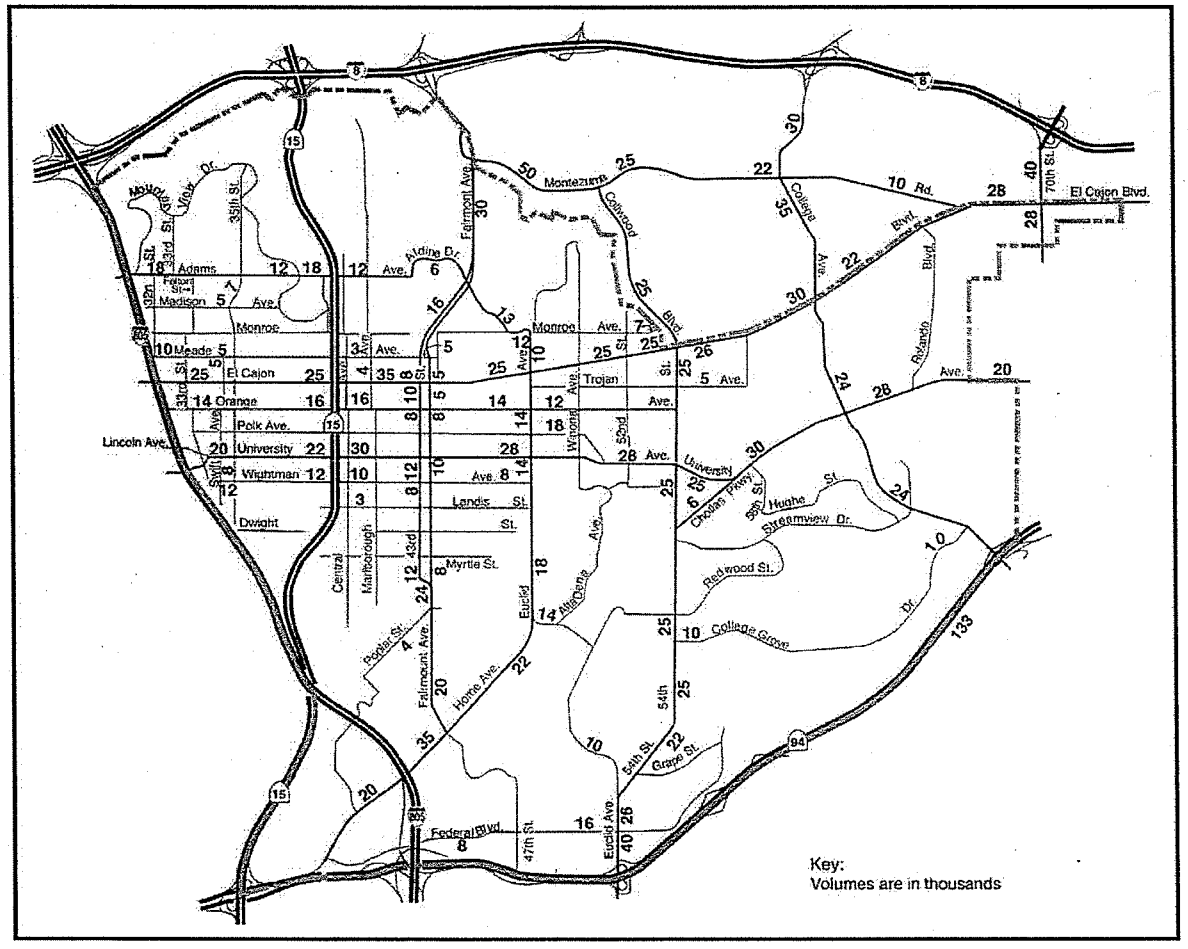
College Grove Way

- Work with Caltrans on the proposed eastbound on- and off-ramps from SR-94 to College Grove Drive as recommended in the College Grove Redevelopment Area Plan.

Euclid Avenue

- High future volumes necessitate upgrading to a three-lane collector street from Monroe Avenue to Westover Place. Widening is necessary south of El Cajon Boulevard but it should not be undertaken until redevelopment occurs and there should be no narrowing of sidewalks. There should be no street vacations or loss of right-of-way.
- Widen to a six-lane major street south of Federal Boulevard.

Figure 25
Future Daily Volumes



Fairmount Avenue

- Change to a two-lane, one-way street northbound between El Cajon Boulevard and the intersection of 43rd Street and Fairmount Avenue.

Home Avenue

- Widen to a four-lane collector street between Euclid Avenue and Fairmount Avenue as adjacent properties develop.
- Improve the median and length of left-turn pockets between 54th Street and Federal Boulevard.

Hughes Street

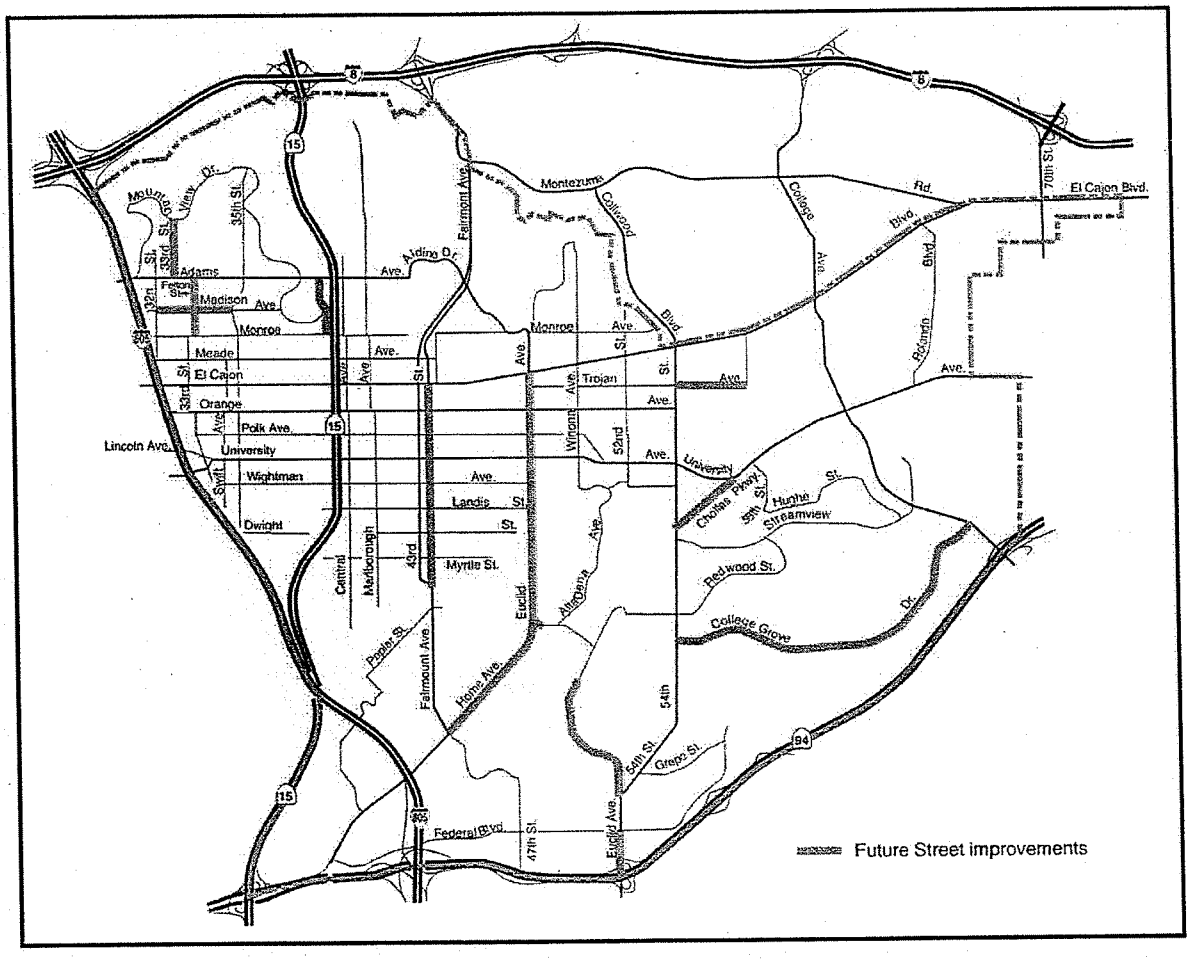
- Identify as a two-lane collector street between 58th Street and Streamview Drive.

Madison Avenue

- Upgrade to a two-lane collector street between I-805 On-Ramp to 35th Street.

Figure 26

Transportation Improvements



University Avenue

- Maintain University Avenue as a three-lane major street between I-805 and Euclid Avenue.

Other additional roadway improvements may be necessary to reduce congestion as shown on **Figure 27**.

INTERSECTIONS

Required intersection improvements to bring intersection levels of service to D or better are as follows:

Federal Boulevard/Euclid Avenue

- Widen southbound Euclid Avenue to provide one left-turn, two through, and a shared right and through lane. Widen eastbound Federal Boulevard to provide two left-turn, one through, and one shared right and through lane.

I-805 Southbound On-Off Ramps/Home Avenue

- Widen westbound approach (Home Avenue) by narrowing and relocating the median, to provide two left-turn and two existing through lanes.

El Cajon Boulevard/70th Street

- Widen El Cajon Boulevard to provide two eastbound left-turn lanes.

University Avenue/Euclid Avenue

- Widen eastbound University Avenue to provide one left-turn, two through, and one right-turn lane as redevelopment occurs.
- There should be no narrowing of sidewalks. Widen northbound Euclid Avenue to provide one left-turn, one through, and one right-turn lane.

University Avenue/Boundary Street

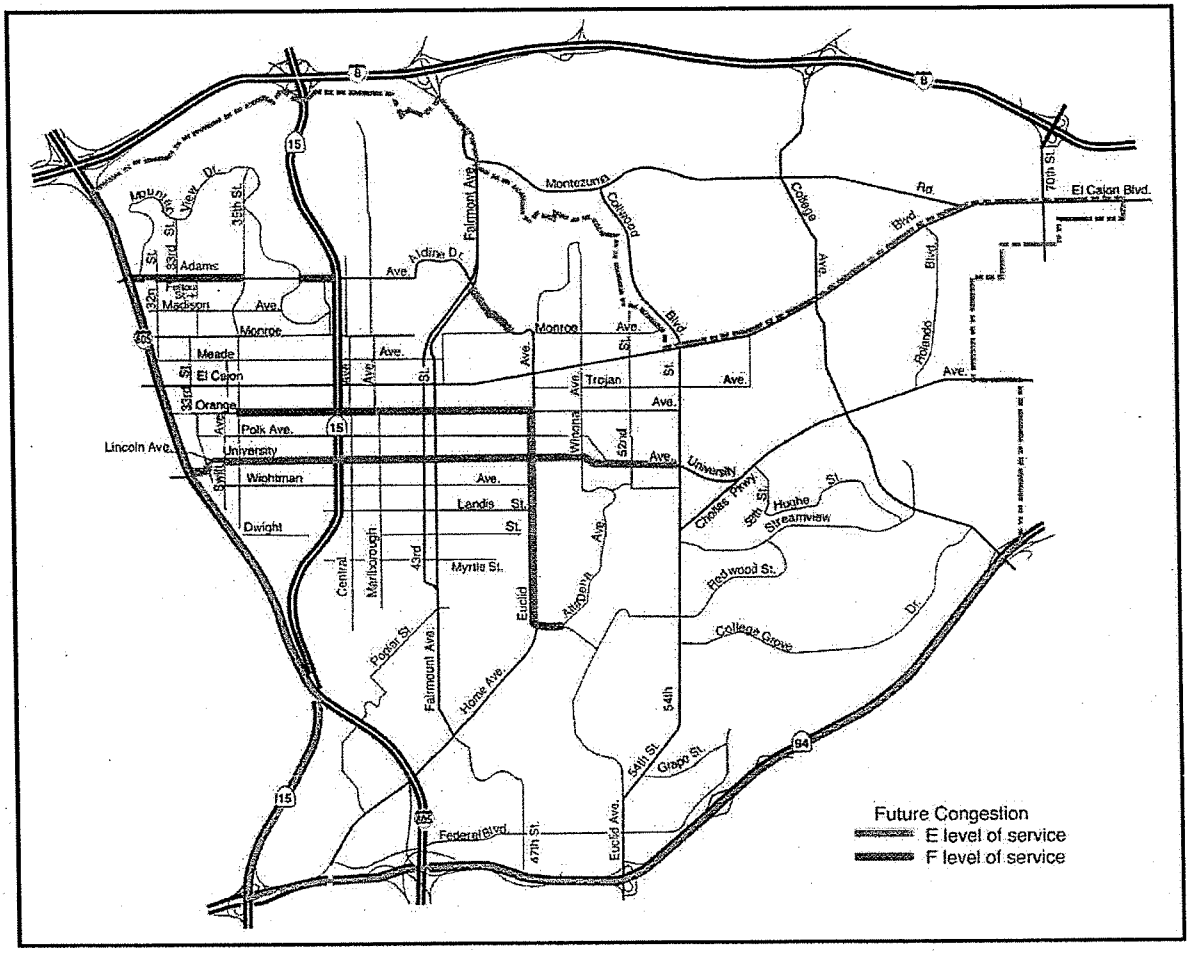
- Widen the northbound Boundary Street to provide one left-turn lane, one through lane and one right-turn lane.

FUTURE CONGESTION

At the buildout of the community, after implementation of the plan recommendations, several streets would still operate at levels of service E and F, as shown on **Figure 27**.

Figure 27

Future Congestion



PARKING

As a result of historical development patterns, changed demographics and current parking needs, the Mid-City community faces problems with the quantity, location and safety of its existing parking supply. The older, predominantly single-family areas were developed with parking standards that were appropriate for the early 20th Century, but do not meet current demands, even in areas that have remained single-family neighborhoods.

Furthermore, the widespread introduction of multifamily development in single-family dwelling neighborhoods and increases in the average number of residents per multifamily dwelling unit exacerbated the already insufficient supply of parking.

Although commercial areas have an adequate supply of parking, its location and configuration is unsuited to the needs of current businesses. Moreover, security is compromised by large, empty areas devoid of activity in the evening and off-peak hours.

Vision: Adequate, appropriately located and safe parking to service Mid-City.

Goal

- To provide parking that is adequate for its intended use, but that does not produce negative impacts on community character by providing an oversupply of parking.

Recommendations

- The character and viability of commercial development should be considered in the development and application of parking requirements.
- Locate parking so as to minimize impacts on pedestrians.
- Encourage opportunities to share parking among various uses.
- Pursue the establishment of parking districts to provide public parking facilities and services, financed by such devices as in-lieu fees, parking meters and parking permits.
- Where private off-street parking is inadequate, consider the provision of diagonal on-street parking to increase the total supply of parking spaces.
- Locate larger parking areas strategically in relation to transit stops to enhance transit usage.

MASS TRANSIT

BACKGROUND

The San Diego Metropolitan Transit System (MTS) operates the system of buses and the trolley or Light Rail Transit (LRT). They are overseen by the Metropolitan Transit Development Board (MTDB).

The Mid-City community is considered a high-density population center. Many major activity centers are located nearby, including Centre City, Balboa Park, Qualcomm Stadium, Mission Valley, and San Diego State University. A large percentage of the Mid-City population is transit-dependent, especially senior citizens and low-income residents. This is especially true in the higher population density areas, where up to 24 percent of households are without a vehicle compared to ten percent citywide, and over ten percent use transit to get to work, versus four percent citywide.

Public transit is presently provided at levels equivalent to or better than elsewhere in the City.

Vision: An efficient transit system that features fixed rail, electric buses and intracommunity shuttles.

BUS

Mid-City has a very high level of bus transit service as shown on **Figure 28**. Bus service is provided on three major east-west corridors: El Cajon Boulevard, University Avenue, and Adams Street. North-south service is provided on: Fairmount Avenue, 54th Street, and College Avenue.

RAIL

Fixed rail transit has been studied in the past for El Cajon Boulevard and has not been found to be viable.

Goals

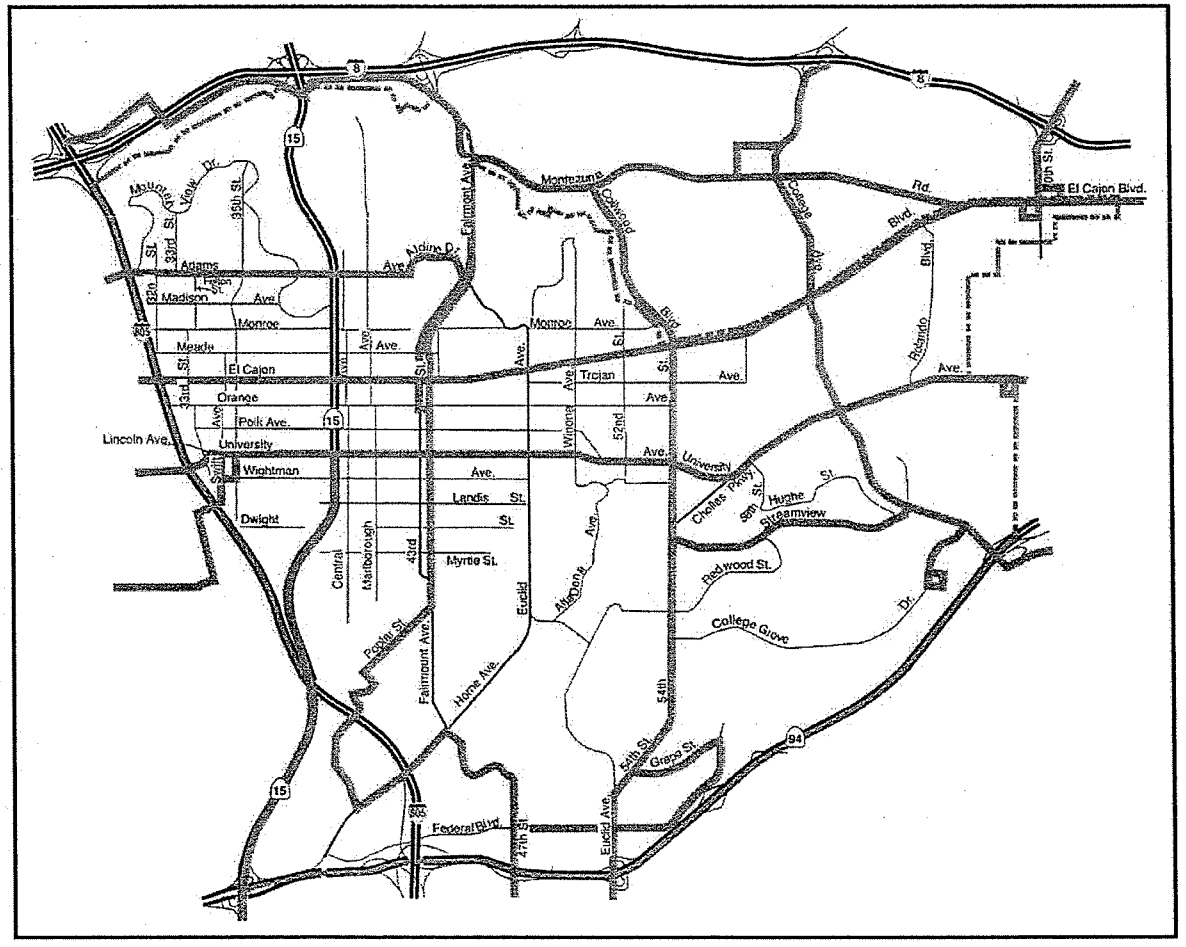
- To provide accessible public transit service for all residents, employees, shoppers and visitors to Mid-City.
- To provide a high level of public transit service along major corridors.
- To provide direct public transit access to major regional employment centers.

Recommendations

- Provide fixed rail transit on I-15 as soon as possible (currently under study by MTDB).

- Reevaluate the feasibility of a fixed rail transit corridor along El Cajon Boulevard or adjacent east-west streets.
- Consider the expansion of express bus service in Mid-City, linking the population centers to major activity centers in San Diego.
- Enhance existing urban level bus service to the extent possible by increasing the frequency of service, adding express service, reducing headway between buses, allowing buses to preempt traffic signals, and improving transit stops and surfacing of streets along bus routes.
- Consider the feasibility of restoring the fixed rail service on University Avenue between I-805 and Euclid Avenue, or provide a "rubber tire trolley" service.
- Provide bus shelters on all transit corridors.
- As a major north-south transit route, there should be no reduction in service along 54th Street.

Figure 28
Bus Routes



PEDESTRIAN CIRCULATION

BACKGROUND

The density and mixture of land uses put residents in close proximity to multiple destinations, allowing walking to be a significant mode of transportation. Pedestrian activity also contributes to the viability of public transit in Mid-City.

Pedestrian travel is accommodated by a sidewalk system along most streets in the community.

Vision: Encourage and enhance pedestrian and bicycling as effective modes of personal transportation.

Goal

- To provide adequate sidewalks and paths.

Recommendations

- Sidewalks should be provided along all street frontages except in steep hillside areas where there is no access to adjoining properties.
- Sidewalks in commercial areas should be paved to the curb with trees spaced along the curb, and extend from the curb to the property line, generally ten feet to 14 feet wide.
- Sidewalks that are replaced in residential areas should maintain the same location with respect to the curb.
- Sidewalks should not be reduced in width through street widening, encroachments, or by other means.
- Provide a sidewalk on the Euclid Avenue bridge over Chollas Creek.
- Cover the curb returns at the drainage channel outlets on Chollas Road and Chollas Parkway.
- All sidewalks with high pedestrian usage should be lighted with pedestrian-oriented streetlights.
- Provide adequate security for pedestrians with lighting and design of landscaped walkways to ensure visibility.
- Street trees should provide maximum shade and be equally spaced.
- Closing streets is discouraged. If a street is closed, to the extent possible, pedestrian and bicycle access should be maintained.
- Garages should face alleys where available or should be set back from the front of the principal structure.
- Private streets and gated developments are discouraged.

- Provide direct pedestrian access from sidewalks to storefronts and residential units where feasible.
- Provide a pedestrian orientation in commercial areas with storefronts and display windows close to sidewalk.
- To the extent possible, encourage implementation of traffic calming programs to reduce vehicle speeds through residential neighborhoods.
- Systematically upgrade deteriorating sidewalks, curbs, and gutters.
- Historic scoring patterns and ID stamps should be retained or duplicated when sidewalks are replaced.

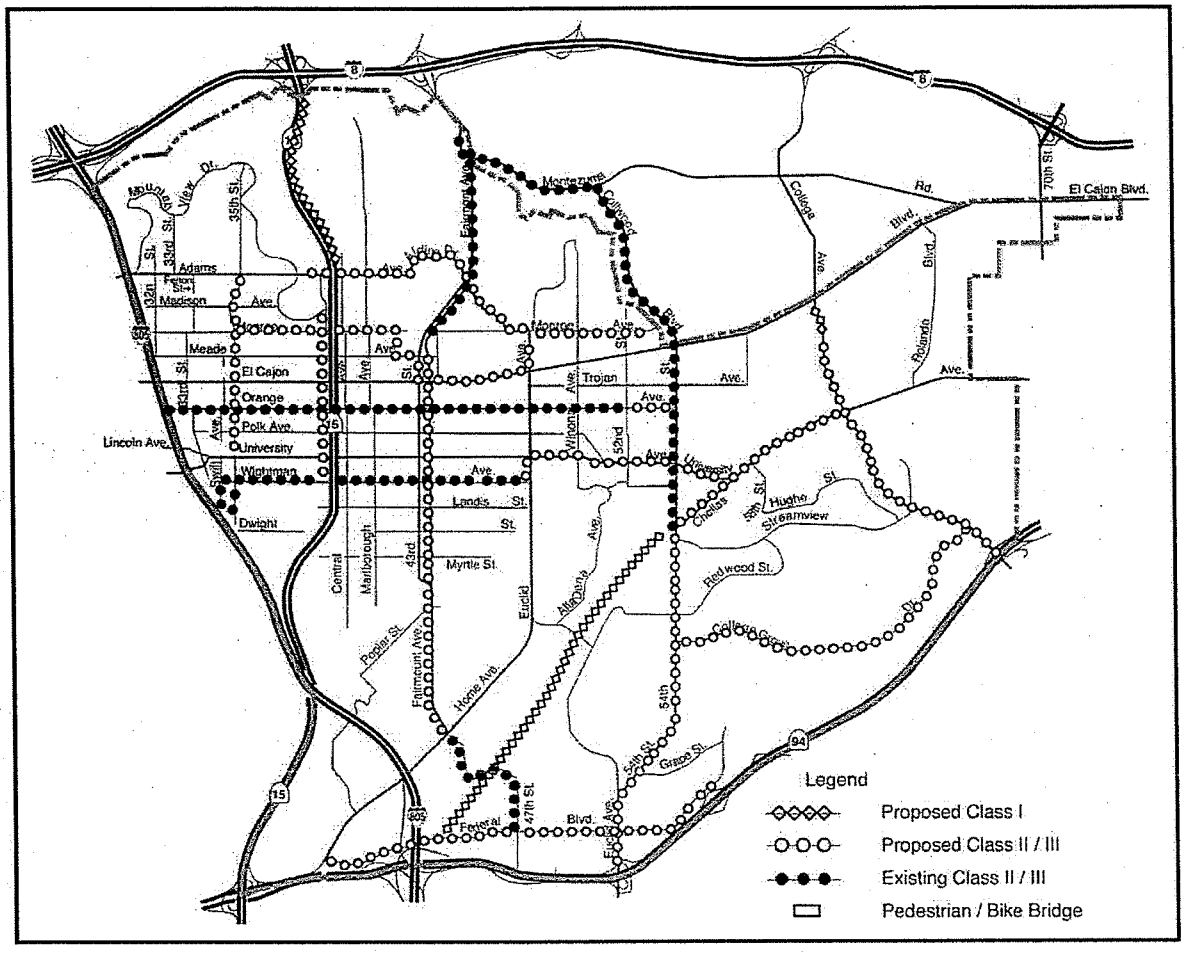
BICYCLE SYSTEM

The existing and proposed bicycle system within the Mid-City Community Plan area is shown in **Figure 29**.

The City has three classifications of bikeways.

The bikeway types and bicycle facilities classifications are shown in **Appendix B**. The pedestrian/bikeway bridge over SR-15 at Monroe Avenue should be a minimum of 12 feet wide.

Figure 29
Bikeways



V. IMPLEMENTATION

Several significant short- and long-term efforts are necessary to ensure implementation of this community plan. These will involve continuing commitment on the part of the City, other governmental agencies, local residents and businesses to enhance and market the Mid-City communities as dynamic 21st Century models. Significant public investments will be required to correct existing public facility deficiencies, and major new funding resources must be sought and created to make up for the present financial shortfall. In addition, regulatory changes will be needed to stabilize neighborhoods and balance population-to-public resource availability, building on existing positive features of the communities.

Monitoring

Development Regulations

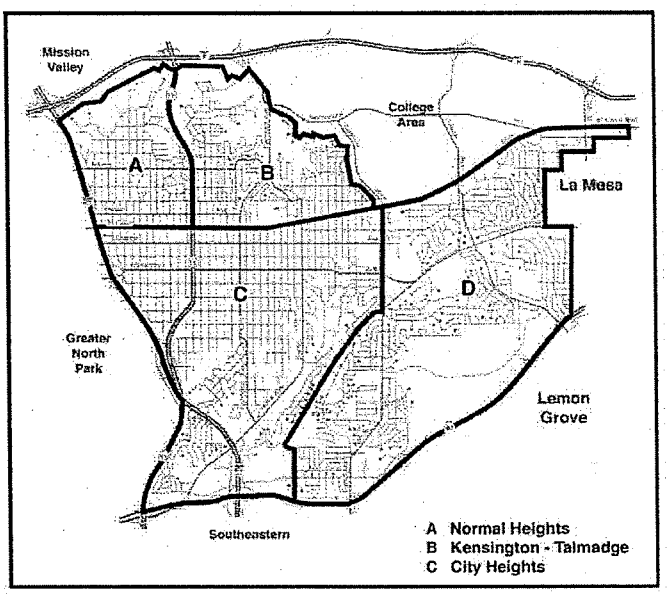
Public Transit

Financing Plan

Redevelopment

Revitalization

BACKGROUND



Mid-City has historically had a shortage of public facilities, especially schools, parks, libraries, and regional transit. This shortage has been exacerbated by high levels of growth in the 1970s and 1980s, prompting the community to initiate this Plan update effort. The challenge is to stabilize growth in both the short-term and long-term to the point that facility needs can be fully addressed. The result can be a community that is very desirable to live in and in which to do business, a community that is competitive in all respects with suburban communities for business development and job growth. Existing efforts such as community involvement in Business Improvement Districts and school improvements need to continue and expand into all areas of need and to include all elements of the pubic and private sector.

Vision: A community that provides a complete range of activities, facilities, and economic development for families, and is competitive with the best suburban neighborhoods in the region.

MONITORING

The four recognized Mid-City community planning groups—Normal Heights, Kensington-Talmadge, City Heights, and the Eastern Area—should continue to oversee the implementation of the Mid-City Community Plan.

Recommendations

- Working together, the recognized community planning groups and City staff should:
  - Initiate actions to implement Plan proposals.
  - Monitor development activity for conformance to the Plan.
  - Ensure that the City's Capital Improvements Program is consistent with the goals and recommendations of this Plan.
  - Ensure that this Plan is reviewed and updated periodically, and amended as necessary.

DEVELOPMENT REGULATIONS

The Mid-City Communities Planned District Ordinance provides the regulations for all multifamily development and most commercial development in Mid-City. These regulations were first put in place in 1986, when it was determined that citywide zoning regulations were inadequate to address a number of development issues facing the community. Principal among these were to improve the design of multiple dwelling unit projects, upgrade parking and landscaping requirements, and maintain the pedestrian orientation of commercial nodes. Variations of these standards have since been applied to surrounding communities and incorporated into the 1997 update of the City's zoning code.

Vision: Development that addresses the individual needs of the neighborhoods and is an asset to the community.

Goals

- To ensure that adequate public facilities are available prior to the issuance of building permits for additional multifamily residential development.
- To provide development regulations that achieve the goals of this community plan while minimizing processing costs.

Recommendations

- Ensure that adequate public facilities and infrastructure are in place prior to the construction of significant additional multifamily construction by identifying those

neighborhoods where significant deficiencies exist and restricting development until the facilities are available.

- Restrict new multifamily development within the service boundaries of schools where the local student population exceeds the following standards:
  - Elementary Schools: 100 students per acre, or the design capacity of permanent structures on existing school sites (500 students per school preferred)
  - Middle Schools: 70 students per acre, or the design capacity of permanent structures on existing school sites (1,000 students per school preferred)
  - High Schools: 70 students per acre, or the design capacity of permanent structures on existing school sites (1,500 students per school preferred)
- Modify development regulations to address the goals and recommendations of this plan. Changes to consider include the following:
  - To encourage home ownership, allow lot splits on developed properties that result in one dwelling unit per lot on small lots.
  - To allow the upgrading of residential units on small lots, provide for flexibility in the expansion and improvement of structures that do not conform to current requirements.
- To facilitate commercial development, while limiting high-density residential development, provide incentives for mixed-use developments through residential density bonuses, rather than bonuses in commercial Floor Area Ratio. This could be accomplished by raising the base FAR (eliminating the need for the lot area and mixed-use bonuses) and conditioning higher densities in commercial and/or transition zone areas on the provision of mixed-use.
- To provide for development more fitting to the character of the commercial streets, restrict future automobile sales establishments on University Avenue, Adams Avenue, 43rd Street, Fairmount Avenue, and Euclid Avenue.
- Improve the appearance of automobile sales establishments with ample landscaping, including rows of street trees both at the curb and the street yard areas.
- Consider tailored commercial zoning for the small lots on the north side of University Avenue east of College Avenue.
- Consider methods to ensure the maintenance of landscaping, including limiting the use of manufactured slopes.
- Apply open space zoning to areas designated for open space.
- Assure that public improvements, including street trees and pedestrian-oriented lighting, are provided in conjunction with street encroachment permits.
- Consider replacing the current planned district regulations with the 1997 zoning code update upon demonstration that it addresses community specific needs.

PUBLIC TRANSIT

The demand for bus service is extremely high, taxing even the relatively high level of service already provided. While there is frequent local bus service, service to many areas outside of Mid-City—including most employment areas—is poor, and is recommended for improvement. This can be accomplished in part by building upon the new freeway linkages provided by SR-15. To better meet the community's transit needs, trolley service is recommended on SR-15 and should be re-evaluated for its feasibility on El Cajon Boulevard and University Avenue.

Further information is found in the **Transportation Element**.

Vision: A multi-modal public transit system that is a catalyst to quality redevelopment.

Recommendations

- MTDB should work with the City, community groups, and business groups to develop a financing and phasing program for the implementation of the SR-15 trolley corridor.
- MTDB should work with the City, community groups, and business groups to re-assess the feasibility of the El Cajon Boulevard corridor trolley line.
- MTDB should work with North Park, City Heights, and Eastern Area communities and business groups to assess the viability of a "Shuttle Trolley" along University Avenue.

FINANCING PLAN

A separate Financing Plan will be adopted concurrent with this communities plan. This plan will identify funding sources and a schedule for all public facilities identified in this Plan.

Table 4 shows a summary of preliminary cost estimates for needed facilities.

TABLE 4
FACILITY COST SUMMARY

Transportation Costs	$20,017,726
Streetscape Costs	$46,450,000
Library Costs	$13,175,000
Park & Recreation Costs	$221,025,000
City Total	**$300,667,726**
Schools	$117,000,000
Grand Total	**$417,667,726**

A significant source of financing available until at least 2004 is the Federal Enterprise Community Program, which in San Diego applies to most of City Heights and Oak Park, as well as to surrounding communities. This program makes available tax-exempt bond financing for businesses and the potential for other federal funds for community revitalization, including the rehabilitation and expansion of public facilities. Additional benefits, including grant funds, may become available with the potential designation of the area as an Empowerment Zone, and/or with the implementation of Educational Academy Zone Bonds, which make available interest-free bonds for the repair and expansion of school facilities and for school training programs.

Much of the area of City Heights is a Redevelopment Area. Projected tax increment could be used to bond for necessary public facilities.

Vision: A creative financing program that leverages multiple funding resources to expeditiously finance the existing public facilities gap.

Recommendations

- On an annual basis, the four community planning groups should review the status of the Financing Plan, including a review of the Capital Improvement Program, should be updated.
- Annually, City staff and community planning groups should identify potential sources of revenue and grant requests that should be initiated to obtain funds to finance the public facility short fall.
- Development impact fees should be updated annually to better assess the funding requirements for new public facilities required by new development.
- Neighborhood-based, community-based, or community-wide assessment districts may need to be organized and voted on to supplement public facility funding or maintenance.
- Redevelopment Area tax increment financing should be used to bond future necessary public facilities within the Redevelopment Plan Area.
- School facility deficiencies of $117.0 million should be financed through a school bond, to supplement state and federal funding available. The communities should work with the City and School District to develop a sensible school facilities/joint use financial package that is well coordinated.

REDEVELOPMENT

Two Redevelopment Project Areas have been established in Mid-City: College Grove and City Heights. The College Grove project area was created to assist in the redevelopment of the Marketplace at the Grove shopping center, including the addition of freeway ramps at SR-94. **Figure 30** shows the general project area boundaries; see the redevelopment plan

documents for the precise boundaries. The City Heights project area was intended to improve the overall community of City Heights, establishing as its goals the following:

The desire to revitalize and upgrade the existing residential and commercial properties within the Project Area in order to provide adequate infrastructure, create jobs and increase housing opportunities for Project Area residents, assure social and economic stability, and promote aesthetic and environmental improvements which would, collectively, enhance the quality of life for Project Area residents, visitors, property owners and business owners. (Redevelopment Agency Report to the City Council for the City Heights Redevelopment Project [April 8, 1992], page II-2)

The Urban Village project surrounding 44th Street and Wightman Street is currently under construction, eventually to add commercial development to the public facilities already built.

Recommendations

- Developer Impact Fees should be charged within the redevelopment project areas, with exemptions granted on a case-by-case basis according to established criteria.
- Tax increment should be used to finance existing public facilities gaps.

REVITALIZATION

A number of revitalization efforts are underway to help improve Mid-City. These short-term, multi-disciplinary improvement programs are sponsored by both public and private entities, and are addressing various areas of need, including commercial revitalization, housing rehabilitation, historic preservation, open space acquisition, street tree planting, public improvements and services, and the social needs of residents. A Revitalization Action Plan for City Heights is being implemented to address these issues.

Other revitalization programs are underway in Normal Heights, Azalea Park, and Hollywood Park and along University Avenue east of 54th Street (College and Eastern Area Planning and Economic Review). A Neighborhood Refurbishment Plan is underway on Streamview Drive. Similar programs were developed in the past for commercial strip areas of Adams Avenue, University Avenue, and El Cajon Boulevard.

Vision: A revitalized sense of neighborhoods within a short period of time.

Goal

- To obtain available resources needed to ensure full implementation of the Mid-City Action Program.

Recommendations

- Develop and implement comprehensive neighborhood revitalization programs.
- Use Revitalization Action Plans to more effectively coordinate City and other government agency, non-profit institution, business and community volunteer efforts, and investment in communities.
- Continue and expand as necessary all revitalization programs, including the significant efforts of the Normal Heights Community Development Corporation, City Heights Community Development Corporation, Business Improvement Associations, Neighborhood Housing Services, community associations, town councils, City staff, City Schools, and other agencies.
- Expand the development impact fee system as a financing tool to provide for recreation space, upgraded adjacent public rights-of-way and improved public transit.
- Explore other financing sources, including grants, private donations and tax bonding to support public improvement enhancements.

Figure 30

Mid-City Redevelopment Areas

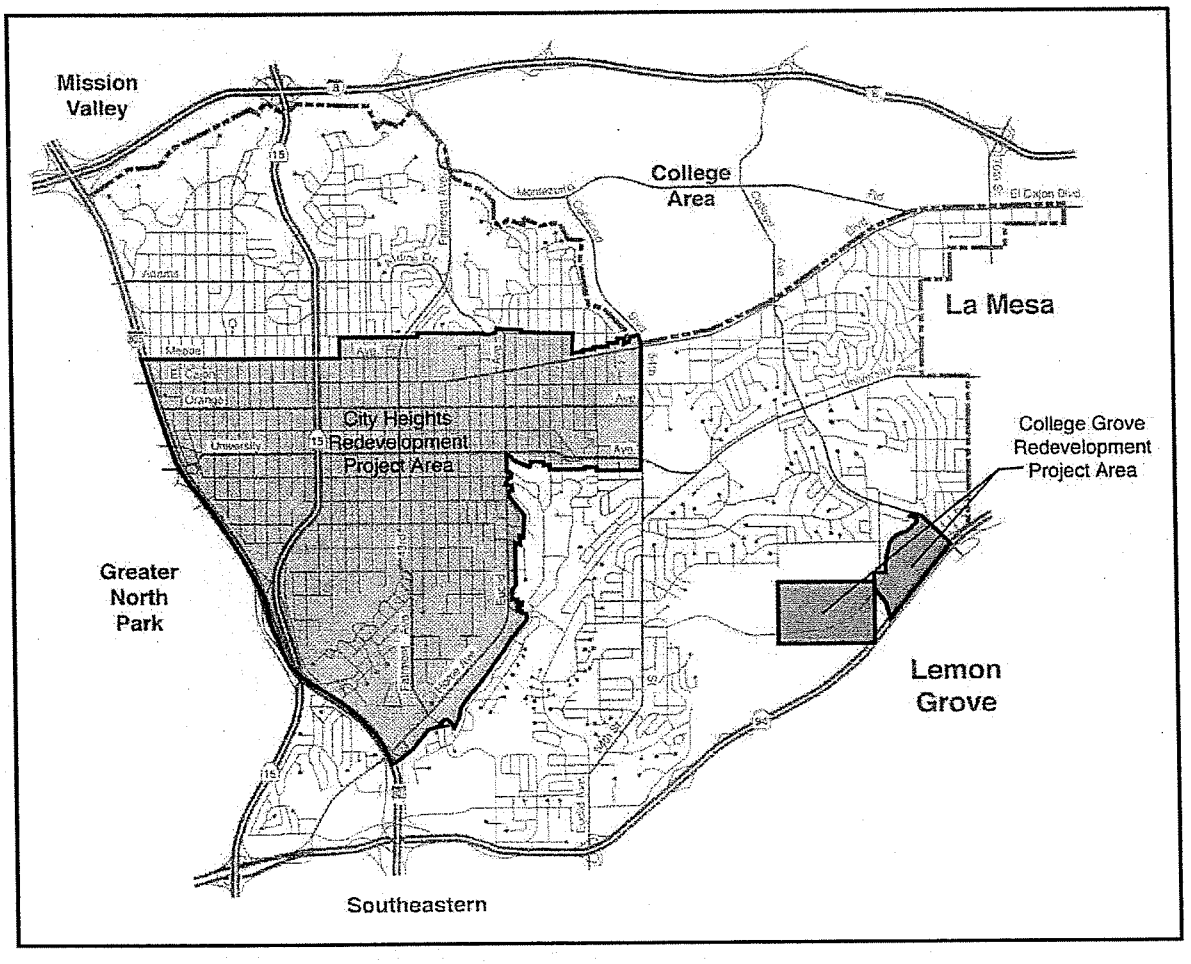


Figure 31

Mid-City Communities Plan Map

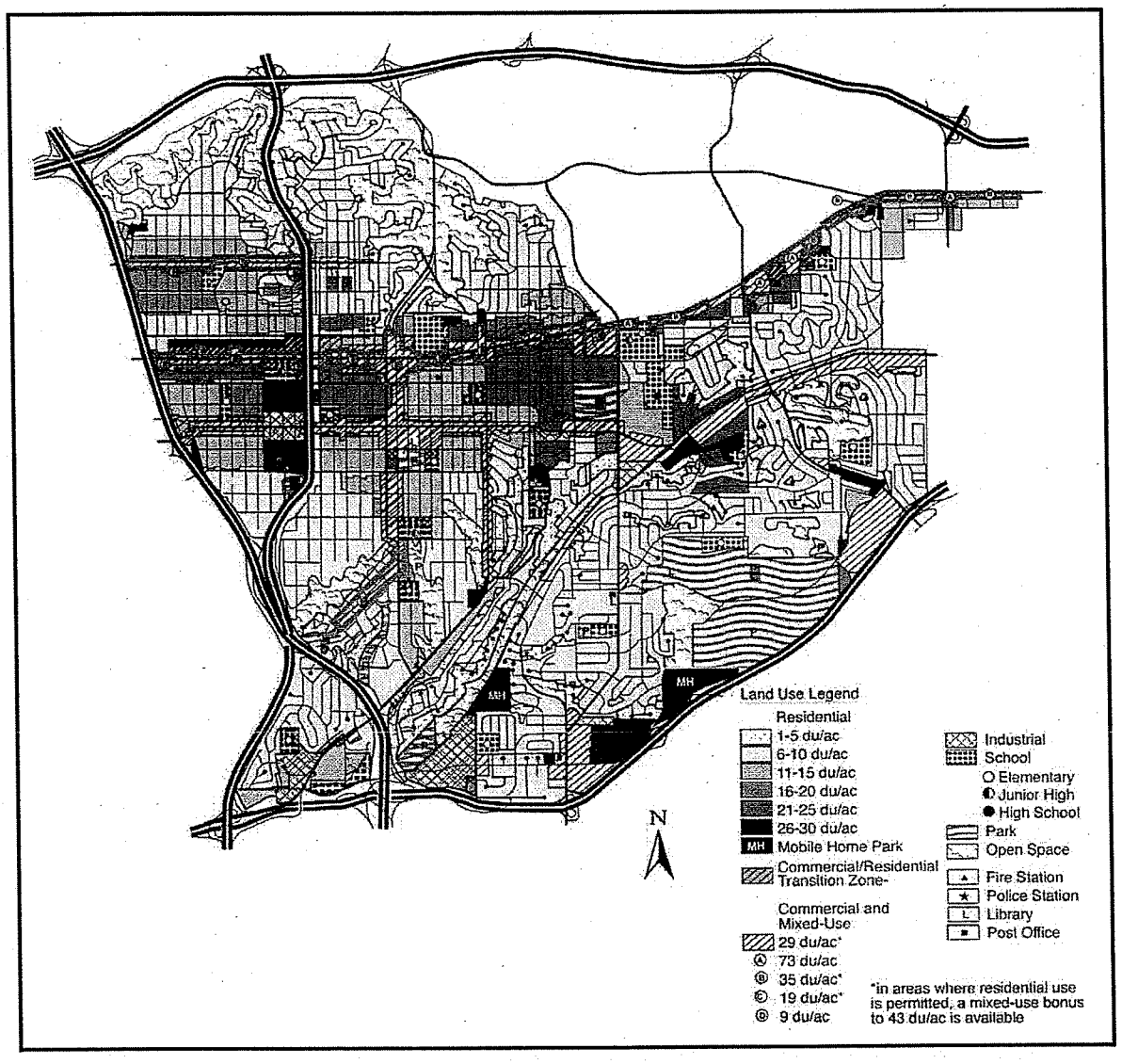
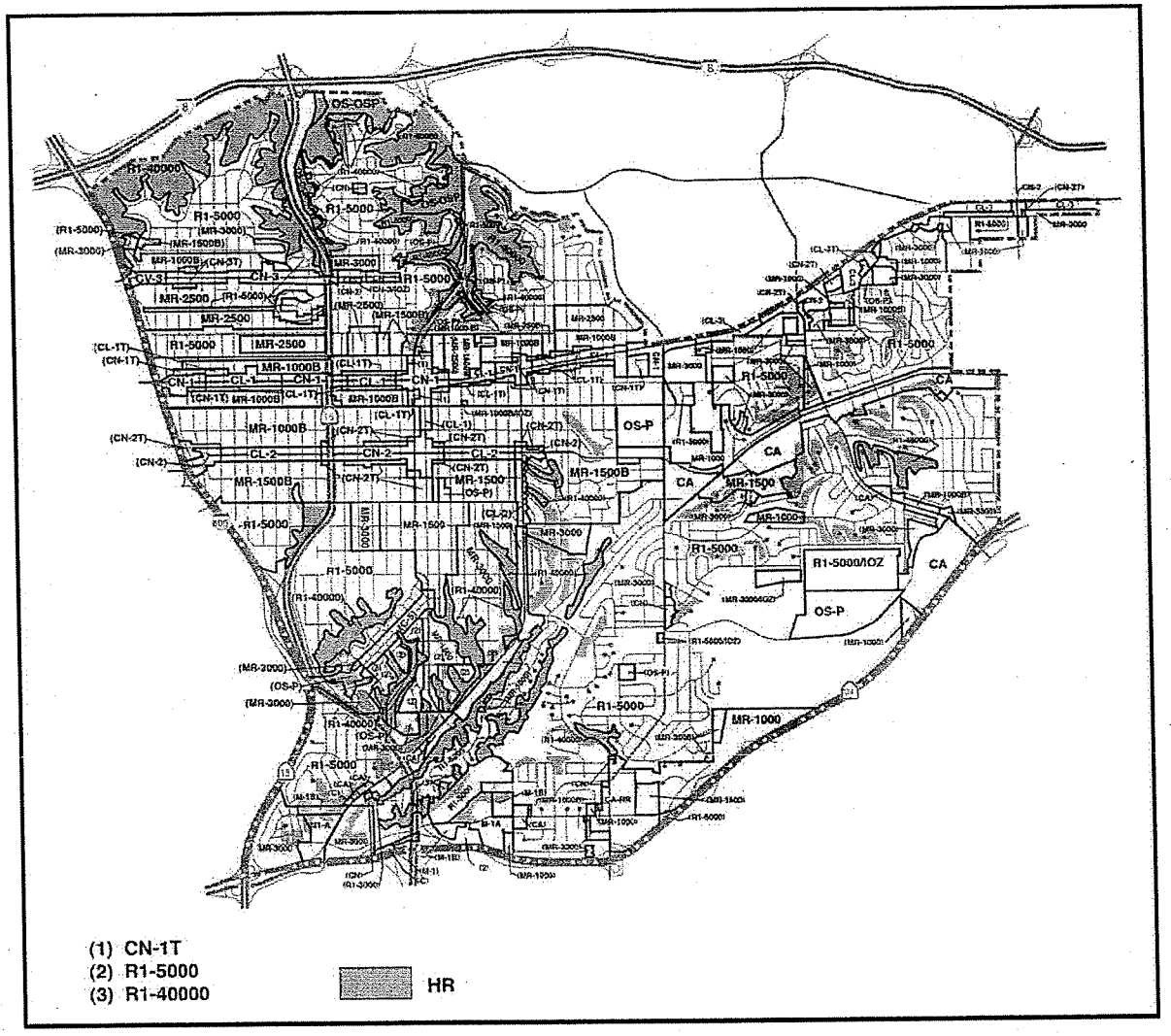


Figure 32

Mid-City Communities Existing Zoning



APPENDICES

Appendix A – Ancillary Documents

Appendix B – Bikeway Facilities Classifications

Appendix D – Traffic Calming Devices

APPENDIX A – ANCILLARY DOCUMENTS

Adams Avenue Master Plan - Master Plan for Commercial Revitalization of Adams Avenue, Barret Consulting/Marum Associates, 1992.

Adams Avenue Parking Study, Adams Avenue Business Association, August 1985.

Affordable Housing: Creating More Livable Communities, Report on Conference Proceedings, San Diego Housing Commission and Others, March 1, 1991.

An Economic Development Strategy for the City Heights Commercial Area, Michael Jenkins, MPA, JD, March 1986.

(Draft) Chollas Canyon Improvement Project Master Plan Summary, PELA Landscape Architects, February 1994.

Chollas Creek Engineering Report, Barry Consulting Group, October 15, 1993.

City Heights Redevelopment Plan, Redevelopment Agency of the City of San Diego, April 28, 1992.

Creating Affordable Housing for San Diegans, The San Diego Housing Trust Fund Task Force, September 1989.

Crime Prevention Through Environmental Design.

The Design Study for the Commercial Revitalization of El Cajon Boulevard, Land Studio, no date.

Design Manual for the Normal Heights Demonstration Area and the City Heights Demonstration Area, HCH Associates/Gary Coad, April 1984.

Economic Analysis of the Mid-City Community, Goodkin/Criterion, October 1983.

Historical Greater Mid-City San Diego Preservation Strategy, Milford Wayne Donaldson, FAIA, Inc., January 8, 1997

Master Plan Report for the University Avenue Improvement Project, Estrada Land Planning, September 1993.

Mid-City Business Survey, Williams-Kuelbelbeck & Associates, Inc. June 14, 1983.

Mid-City & North Park Revitalization Plan, Gary Rose Weber for the City of San Diego Planning Department, November 1988.

Mid-City Redevelopment Feasibility Study, Economic Research Associates, April 1988.

Mountain View District: A Re-Building Plan for Normal Heights, Community Design Assistance Team, July 30, 1985.

Oak Park/Webster Commercial Area Revitalization Study, Volumes 1, 2 & 3, Quinney & Associates/Estrada Land Planning, March 1988.

Parking Analysis for the Mid-City Revitalization Study, Land Studio/Stephen George and Associates, April 1987.

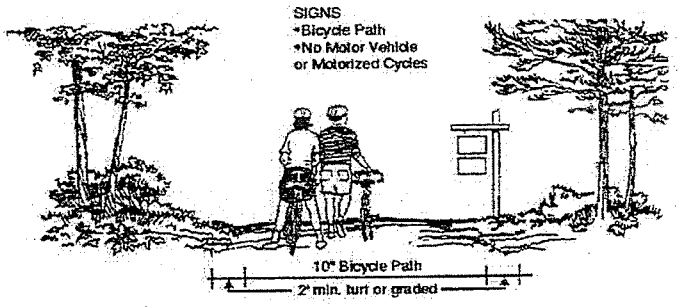
Problem Properties – A Profile of Residential Deterioration in the City Heights Community, JoEllen Anderson for San Diego Neighborhood Housing Services, Inc. March 1988.

Physical Rehabilitation Guidelines, Gary Rose Weber for the City of San Diego Planning Department, 1989.

Report on the Village Charette: Azalea and Hollywood Park Neighborhoods, Mrs. Myrtle Akili, REDD Coordinating and Consulting, January 1997.

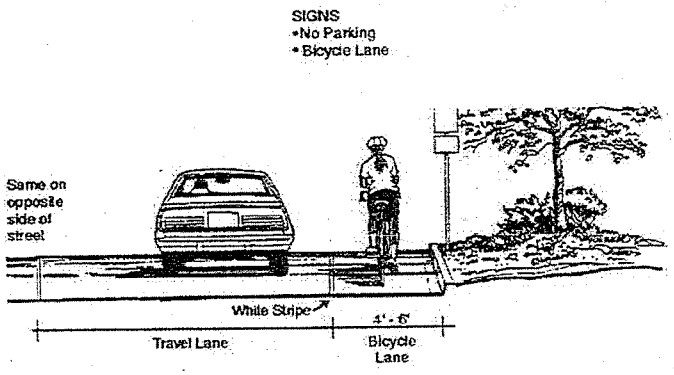
Zoning & Land Use in One of San Diego's Older Urban Areas, JoEllen Anderson for San Diego Neighborhood Housing Services and the City Heights Community Development Corporation, July 1988.

APPENDIX B – BIKEWAY FACILITIES CLASSIFICATIONS



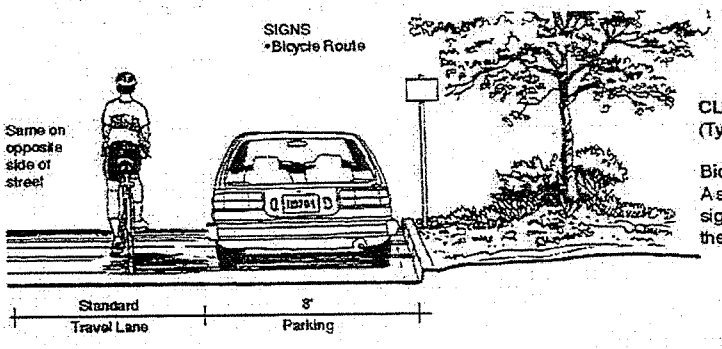
CLASS I
(Typical location - open space)

Bicycle Path
A completely separate right-of-way for the exclusive use of non-motorized vehicles.



CLASS II
(Typical location - major street)

Bicycle Lane
A restricted right-of-way located on the paved road surface alongside the traffic lane nearest the curb, and identified by special signs, lane striping, and other pavement marking.



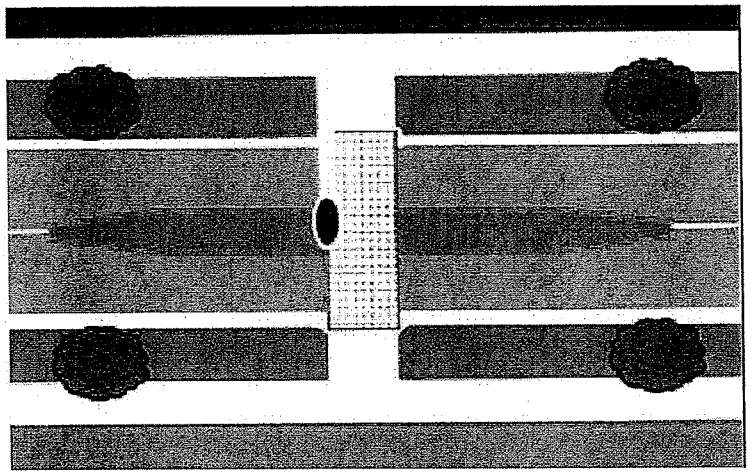
CLASS III
(Typical location - neighborhood street)

Bicycle Lane
A shared right-of-way designated by signs only, with bicycle traffic sharing the readway with motor vehicles.

The dimensions illustrated on this page are subject to change

APPENDIX D – TRAFFIC CALMING DEVICES

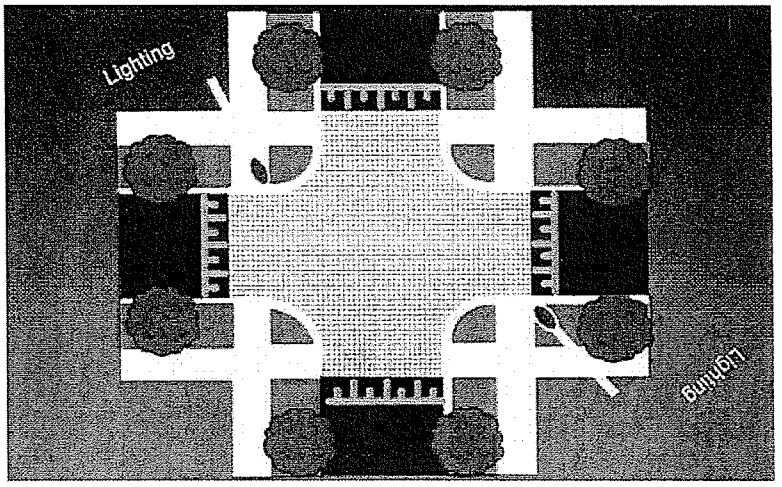
By Michael Wallwork, P.E., and Dan Burden



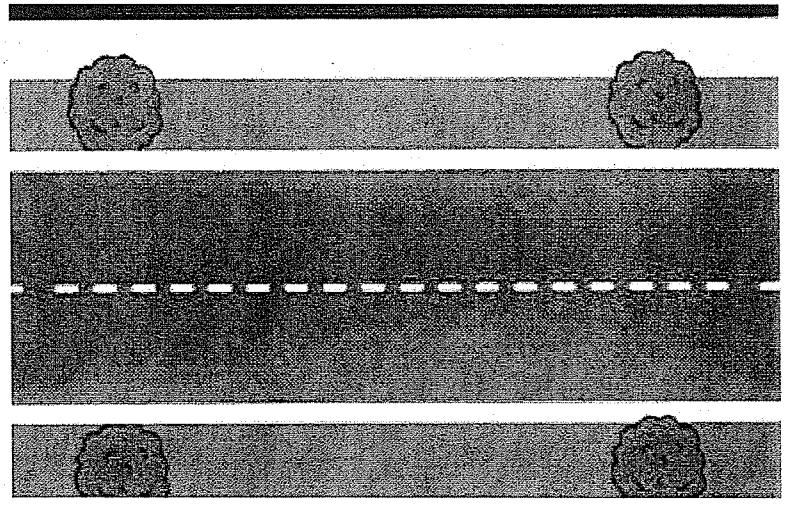
TRAFFIC CALMING DEVICES

Often, neighborhood traffic control problems are solved by relatively low-cost devices. A range of devices is available. Their benefits and effectiveness depend on their frequency of application, where they are used and the problem they are intended to reduce. Often a single device is not adequate to solve a problem and a series of devices are usually necessary.

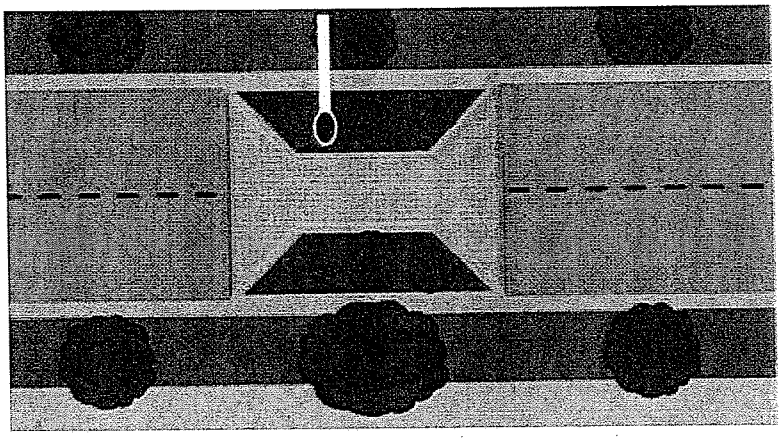
INTERSECTION HUMP



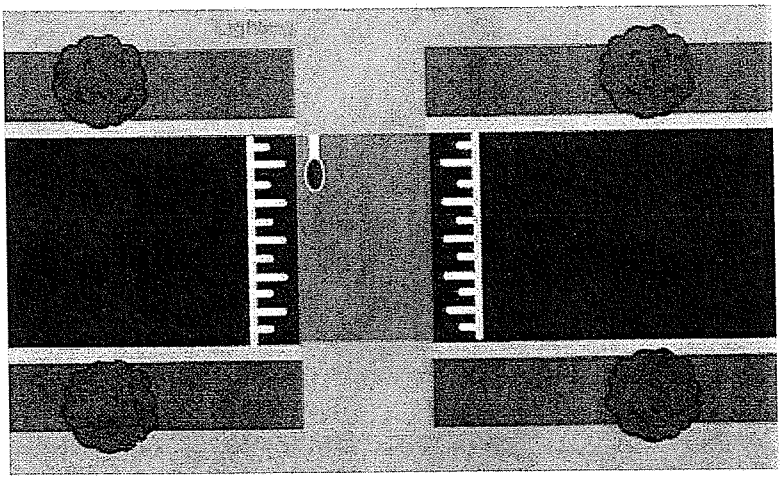
LANDSCAPED ROADWAY



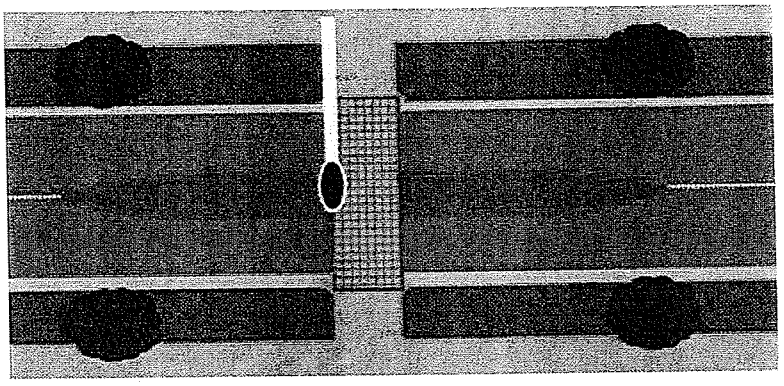
ONE-WAY SPEED HUMP, SLOW POINT



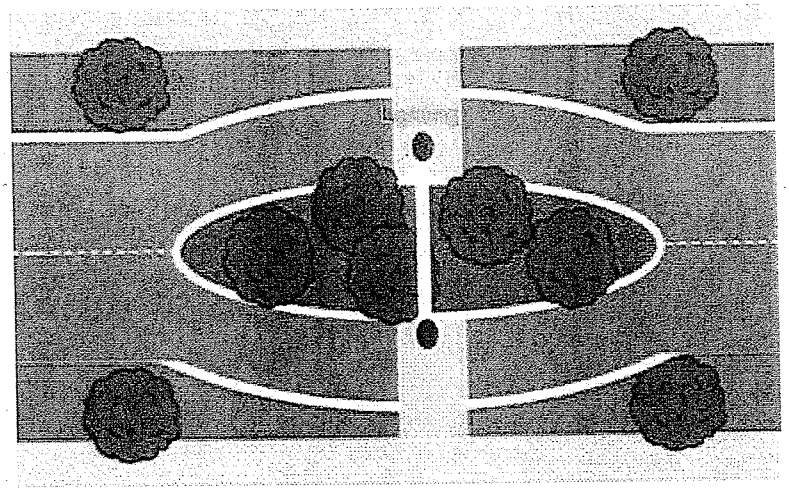
SPEED TABLE



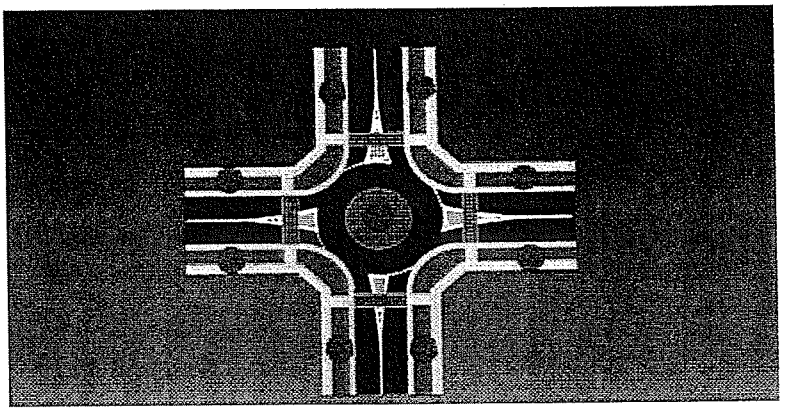
PEDESTRIAN SPEED TABLE AND MEDIAN REFUGE



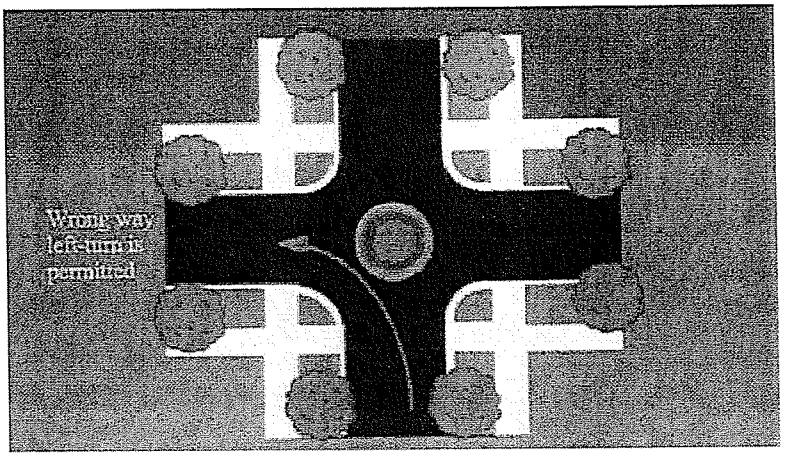
SHORT MEDIAN



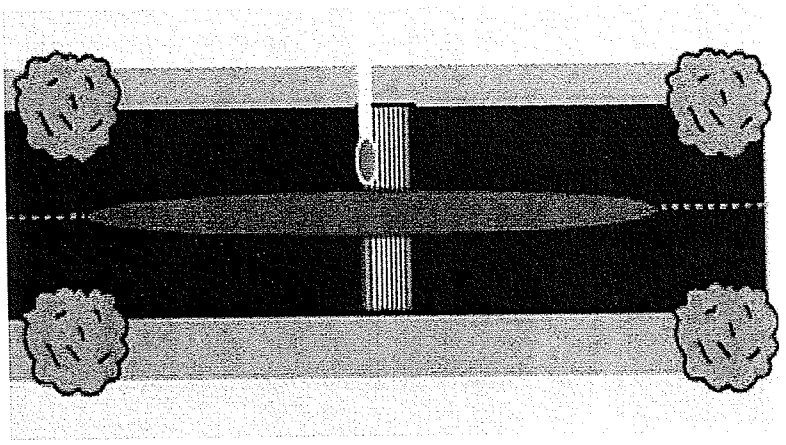
ROUNDABOUT



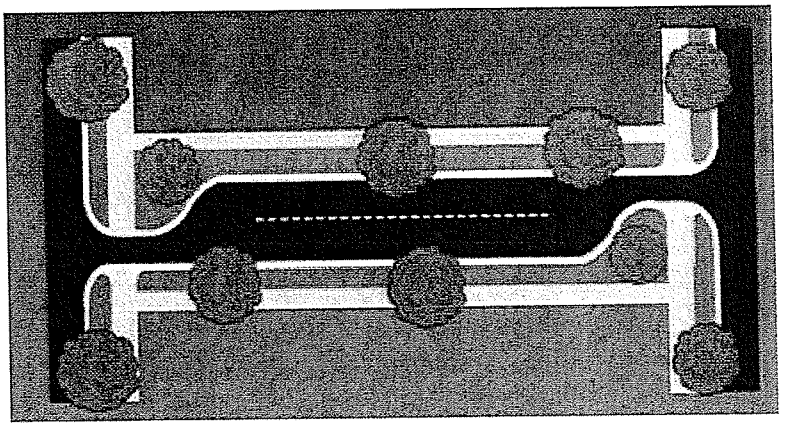
MINI-TRAFFIC CIRCLE



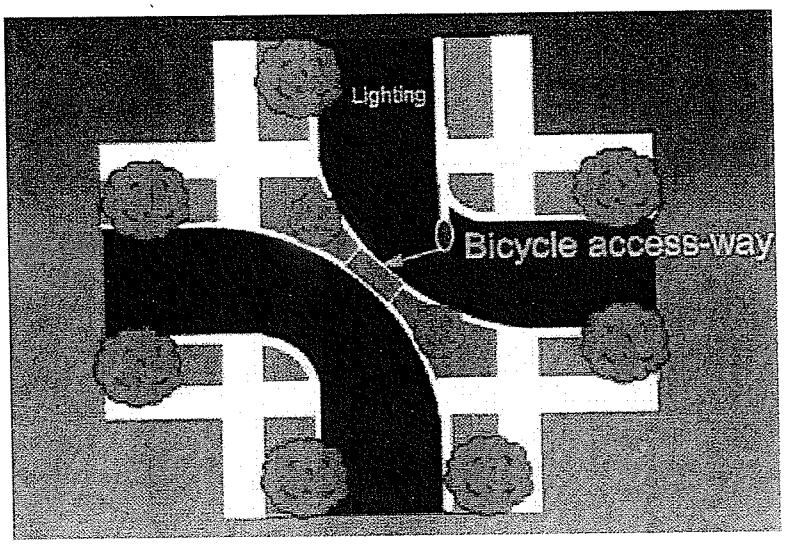
SLOW POINT WITH SPEED HUMP



MODIFIED STREET DESIGN



DIAGONAL DIVERTER



STAR DIVERTER

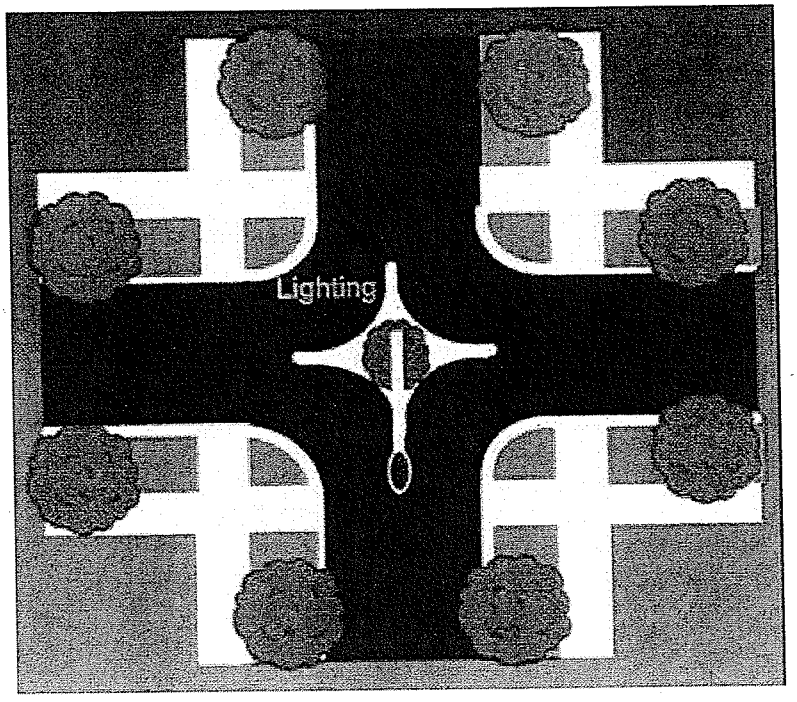


EXHIBIT NO. 72

April 5, 2005

File: Acq. 530029

Mr. Larry W. Zajonc
114 N. 17th Street
San Jose, CA 95112

Re: Fox Canyon Park

Dear Mr. Zajonc :

The City of San Diego is prepared to make an offer to acquire that portion of your property located at 5036-60 Sterling Court, and more particularly described on the enclosed Exhibits "A" & "B". This property is required for the proposed Fox Canyon Park.

Our offer for the purchase of this portion of your property is $ 475,000 THIS OFFER IS SUBJECT TO THE CITY COUNCIL'S APPROVAL AT ITS SOLE DISCRETION OF THE PROPOSED PURCHASE PRICE AND OF THE ACCEPTANCE OF A DEED TO THE PROPERTY, FREE AND CLEAR OF ALL ENCUMBRANCES. If this contingent offer is acceptable to you, we will prepare the necessary documents for your execution and we will open an escrow at Chicago Title Company.

The City has made every effort to establish a fair price for the property. We would appreciate hearing from you by April 15, 2005. Should you require additional time in which to consider our offer, or if you have any questions, please do not hesitate to call me at 236-6050.

Sincerely,

BLM

B. Lane MacKenzie, Supervisor
Acquisition/Valuation Division

EXHIBIT NO. 73

From: Heidi Lang
To: Jacoby, JoEllen
Date: 5/17/2005 11:35:15 AM
Subject: Escrow?

Hi Joey,
What is the status of the land acquisition of the Fox Canyon property? Is it in escrow yet? If the State staff person asks, I'd like to be tell them the status. Hopefully something with forward momentum. Thanks.

Heidi Lang
Assistant Grants Administrator
Park Planning & Development
Park and Recreation, City of San Diego
(619) 525-8218

EXHIBIT NO. 74

THE CITY OF SAN DIEGO

MANAGER'S REPORT

DATE ISSUED: June 8, 2005 REPORT NO. 05-130

ATTENTION: Honorable Mayor and City Council
Agenda of June 13, 2005

SUBJECT: Authorization for Acquisition of Fox Canyon Park Site

SUMMARY

Issue – Should the City Manager authorize the expenditure of funds for the acquisition of a 1.9 acre parcel of land located at the southeast corner of Landis Street and Winona Avenue?

Manager's Recommendation – Authorize the acquisition of the 1.9 acre parcel.

Fiscal Impact – Funds in the amount of $480,000 are available in CIP 29-5960, Fox Canyon Park, Mid-City Special par Fees Fund #39094.

BACKGROUND

This action authorizes the acquisition of a parcel of land located in the Mid-City Community of City Heights Plan Area in the neighborhood of Fox Canyon, east of Euclid Avenue, west of Altadena Drive, and south of University Avenue. The proposed land is adjacent to Auburn Creek and will provide an approximately 1.9 acre passive use park, along with creek enhancements, in accordance with the Chollas Creek Enhancement Program.

Due to the scarcity of undeveloped land, the area is grossly park deficient. The ratio of parkland to population is 0.6 acres per 1,000 residents. This is far below the park standards established by the City of San Diego Park and Recreation Department of 3 acres per 1,000 residents. Furthermore, recreational opportunities are extremely limited. Therefore, this proposed park will provide a highly needed recreational outlet and will contribute to satisfying the population based park acreage requirements set forth in the City of San Diego's Progress Guide and General Plan.

DISCUSSION

The Park and Recreation Department is working towards designing and permitting Fox Canyon Park by October in order to obtain funding from the state to build the park. To that end, Park and Recreation has developed conceptual plans and prepared technical reports regarding the likely environmental impacts of the proposed park and has submitted those plans and reports to Development Services for review.

The Real Estate Assets Department has negotiated a voluntary sale by seller and acquisition by the City of the park site. An escrow has been opened and will be able to close upon approval of the funding for the acquisition. Immediate funding would be from Fox Canyon Park Fund # 39094, with reimbursement after October by the State grant. State funding cannot be used for property obtained via forced sale via condemnation.

Delays in the acquisition could
1) cause the seller to find another buyer and cancel the existing escrow;
2) a different owner may not agree to sell, costing a) the City the time and expense of condemnation proceedings as well as b) not being able to be reimbursed for the sales price by the state grant;
3) the price of land in San Diego is increasing at a rate of 10% per year. An offer made six months from now would likely have to reflect an approximate $23,000 increase on the current $475,000 sales price.

CEQA Guidelines Section 15004 states that: "CEQA compliance should be completed prior to acquisition of a site for a public project". CEQA Guidelines Section 15005 indicates that "should" means that: "Public agencies are advised to follow this guidance in the absence of compelling, countervailing considerations". Items 1-3 above represent such considerations.

Guidelines Section 15004(2) also indicates that agencies shall not undertake actions concerning the proposed public project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures before completion of CEQA compliance; for example, agencies shall not formally make a decision to proceed with the use of a site or otherwise take any action which gives impetus to a planned project in a manner that forecloses alternatives or mitigation measures.

In terms of this action resulting in a significant effect or limiting the choice of alternatives or mitigation measures, this action merely transfers ownership of the property and does not result in any physical change to the environment. In terms of foreclosing mitigation measures or alternatives, this action does not affect the ability of City designers or decision makers to design the park in a certain way or add mitigation measures/conditions to the project to mitigate any impacts.

Moreover, approval of the acquisition does not foreclose the ability of the City to choose a different park alternative by building the park in a different location. If a different site is

selected, this site could be sold by the City in its existing condition with sales proceeds going toward reimbursing the Park and Recreation fund.

In terms of "formally making a decision", CEQA was written with an appreciation for the fact that a city must have a use or purpose in mind to justify the purchase of land. The initial funding source for the acquisition is a Park and Recreation Fund which can likely be used only for park purposes. However, using this fund does not cross the threshold of formally making a decision to use a site, particularly since use of the site cannot occur until certain entitlements are granted in conjunction with CEQA compliance. If the funding source were considered to constitute a formal decision, then no agency would be allowed to take advantage of the "should" language provided in Section 15004.

While a generalized intent of CEQA includes looking at environmental impacts at the earliest point in the planning process, CEQA does include provisions for acquiring property without CEQA compliance. This situation, given the compelling, countervailing considerations, does seem to warrant taking advantage of the provisions in Section 15004 of the CEQA Guidelines. Of course, CEQA compliance would occur prior to any formal decision to proceed with park development.

Respectfully Submitted,

William T. Griffith Real Estate Assets Director	Approved: Bruce Herring Deputy City Manager

ATTACHMENTS

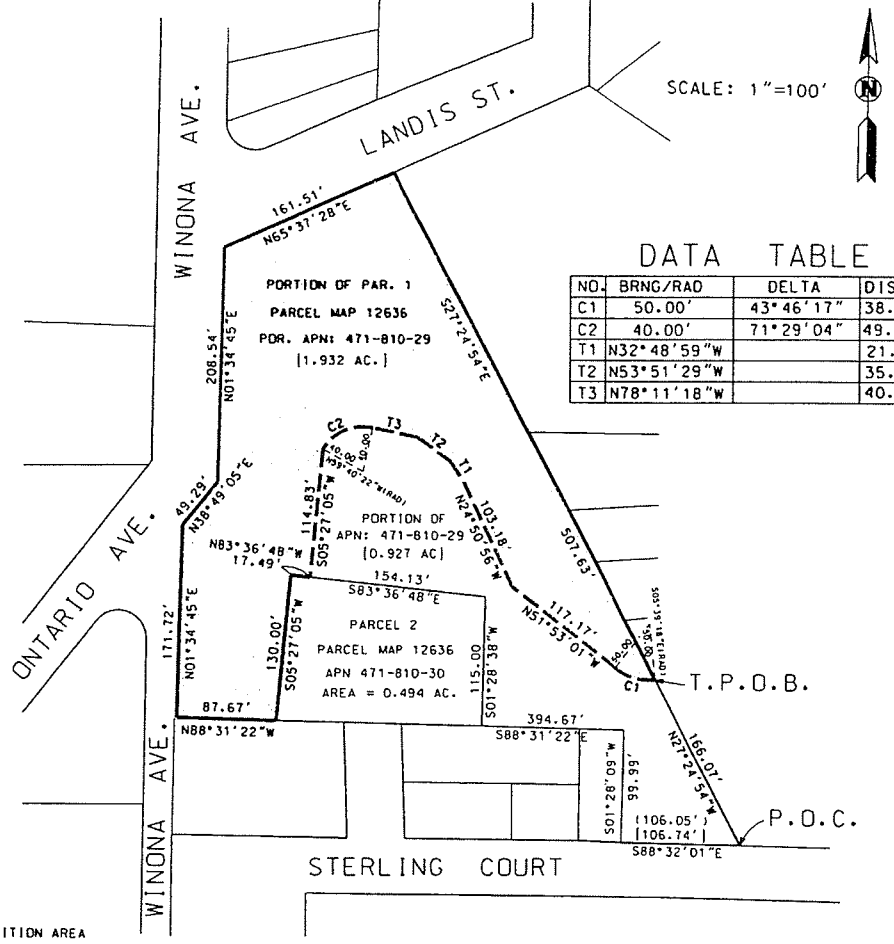
1. Location Map
2. Plat Map

I:\WPO\2005\MACKENZIE\Managers Report-Mid City.doc

1270

SEE 1250 MAP
SEE 1269 MAP
SEE 1290 MAP
FRWY
SAN DIEGO
ROLANDO
OAK PARK
SAN DIEGO STATE UNIVERSITY
ALVARADO HOSPITAL
UNIVERSITY COMMUNITY MEDICAL CENTER
CHOLLAS COMMUNITY PARK
CHOLLAS HEIGHTS RESERVOIR
MARTIN LUTHER KING
SITE
© 2005 Thomas Bros. Maps®

EXHIBIT "B"



DATA TABLE

NO.	BRNG/RAD	DELTA	DIST.
C1	50.00'	43°46'17"	38.20'
C2	40.00'	71°29'04"	49.91'
T1	N32°48'59"W		21.91'
T2	N53°51'29"W		35.42'
T3	N78°11'18"W		40.26'

LEGEND:

- = ACQUISITION AREA
- = LINE SUBJECT TO CHANGE
- P.O.C. = POINT OF COMMENCEMENT
- T.P.O.B. = TRUE POINT OF BEGINNING
- ( ) = RECORD DATA PER PM 12636
- [ ] = CALCULATED DATA PER PM 12636

REFERENCES:

PARCEL MAP 12636
ASSESSOR'S MAP 471-08
GRANT DEED DOC #341689, 5-25-01

SURVEYOR'S NOTES:

1. ALL DISTANCES SHOWN HEREON ARE RECORD DATA PER PARCEL MAP 12636, UNLESS OTHERWISE NOTED.
2. AREA OF ACQUISITION: 84,165.52 SQ.FT., 1.932 ACRES.
3. THE ACQUISITION BOUNDARY NOTED WITH A DASHED LINE IS SUBJECT TO CHANGE UPON FIELD VERIFICATION OF RET. WALLS.

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE CALIF. COORINATE SYSTEM NAD83, ZONE 6, AS DETERMINED LOCALLY ALONG THE NORTHEASTERLY LINE OF PM 12636 I.E., S 27° 24' 54" E (S 28° 51' 59" E)

APN: 471-810-29 & APN: 471-810-30 TOTAL AREA: (3.341 AC.) / [3.353 AC.]

PREPARED BY:
CITY OF SAN DIEGO ENGINEERING AND CAPITAL PROJECTS DEPARTMENT, FIELD DIVISION, SURVEY SECTION, UNDER THE DIRECTION OF L.E. CARTER JR. PLS 6148, SR. LAND SURVEYOR

LICENSED LAND SURVEYOR
L.E. CARTER JR.
EXP. 3-31-06
NO. 6148
STATE OF CALIFORNIA

RESOLUTION NO.: _____
ADOPTED: _____
F/P: _____
RECORDED: _____

PROPERTY ACQUISITION, PORTION OF PARCEL NO.1 OF PARCEL MAP 12636

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL	LEC		11-25-03	
STATUS				

CITY OF SAN DIEGO, CALIFORNIA
SHEET 1 OF 1 SHEETS

FOR CITY ENGINEER _____ DATE _____

T.M. _____
W.O. 295960

1850-6302
NAD 83 COORDINATES

210-1741
LAMBERT COORDINATES

20164-B

20164b.dgn 12/02/2003 12:19:11 PM

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Fox Canyon Park Acquisition.

(See City Manager Report CMR-05-130. Mid-City/City Heights Community Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1229) ADOPTED AS RESOLUTION R-300516

Authorizing the City Manager to acquire said property rights for the proposed Fox Canyon Park;

Authorizing and approving the expenditure of $480,000 from CIP-29-596.0, Fox Canyon Park, Mid-City Special Park Fees Fund No. 39094, to purchase approximate 1.9 acre parcel, located in the Mid-City Community of City Heights Plan Area in the neighborhood of Fox Canyon (east of Euclid Avenue, west of Altadena Drive and south of University Avenue).

Aud. Cert. 2500944.

Staff: Carol Chiodo – (619) 236-6725
Debra J. Bevier – Deputy City Attorney

FILE LOCATION: DEED F-9912

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:30 p.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Fox Canyon Park Acquisition.

(See City Manager Report CMR-05-130. Mid-City/City Heights Community Area. District 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-1229) ADOPTED AS RESOLUTION R-300516

Authorizing the City Manager to acquire said property rights for the proposed Fox Canyon Park;

Authorizing and approving the expenditure of $480,000 from CIP-29-596.0, Fox Canyon Park, Mid-City Special Park Fees Fund No. 39094, to purchase approximate 1.9 acre parcel, located in the Mid-City Community of City Heights Plan Area in the neighborhood of Fox Canyon (east of Euclid Avenue, west of Altadena Drive and south of University Avenue).

Aud. Cert. 2500944.

Staff: Carol Chiodo – (619) 236-6725
Debra J. Bevier – Deputy City Attorney

FILE LOCATION: DEED F-9912

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:30 p.m.)

CONSENT MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

EXHIBIT NO. 75

(R-2005-1229)

RESOLUTION NUMBER R-300516

ADOPTED ON JUNE 13, 2005

WHEREAS, an approximate 1.9 acre parcel, located in the Mid-City Community of City Heights Plan Area in the neighborhood of Fox Canyon (east of Euclid Avenue, west of Altadena Drive and south of University Avenue) has been offered for sale to the City of San Diego. The 1.9 acre parcel is adjacent to Auburn Creek and will provide an approximate 1.9 acre passive-use park, along with enhancements, in accordance with the Chollas Creek Enhancement Program; and

WHEREAS, due to the scarcity of undeveloped land, the Fox Canyon area is grossly park deficient. The ratio of parkland to population is 0.6 acres per 1,000 residents. This ratio is far below park standards established by the City of San Diego Park and Recreation Department which current approach three acres per 1,000 residents. The proposed park will provide a needed recreational outlet and will contribute to satisfying the population-based park acreage requirements set forth in the City of San Diego's Progress Guide and General Plan; and

WHEREAS, the Park and Recreation Department was successful in obtaining a $2.4 million dollar California Urban Park Act 2001 competitive grant and therefore development of the park would be funded. The community has a vision of a series of parks, trails and interpretive facilities along Auburn Creek and Chollas Creek, and this proposed site will be the first in that chain of parks; and

WHEREAS, the Park and Recreation Department is working towards designing and permitting the proposed Fox Canyon Park by October 2005 in order to obtain the grant funds

from the State. To that end, Park and Recreation has developed conceptual plans and prepared technical reports regarding the likely environmental impacts of the park and has submitted those plans and reports to Development Services for review. The property is currently in escrow and that escrow will close as soon as the city funds the acquisition. Immediate funding would be from existing money in a City Park and Recreation account, with reimbursement after October 2005 via the State grant funds. State funding cannot be used for property obtained via condemnation; and

WHEREAS, delays in the acquisition of this property could cause the seller to seek another buyer and cancel the existing escrow. If the property is sold to a different buyer, that new owner may not agree to sell the property to the City. So, if the property is still sought in the future, the city would have to consider expending the time and expense necessary for condemnation proceedings, as well as not being able to utilize the State grant funds for the acquisition costs. Additionally, the price of land in San Diego is increasing at a rate of 10% per year - - meaning that an offer made six months from now would likely have to reflect an approximate $23,000 increase on the current $475,000 sales price; and

WHEREAS, CEQA guidelines section 15004 states that: "CEQA compliance should be completed prior to acquisition of a site for a public project". CEQA guidelines section 15005 indicates that "should" means that: "Public agencies are advised to follow this guidance in the absence of compelling, countervailing considerations". This Resolution sets forth factors that represent such compelling, countervailing considerations; and

WHEREAS, Guidelines section 15004(2) also indicates that agencies shall not undertake actions concerning the proposed public project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures before completion of CEQA compliance;

for example, agencies shall not formally make a decision to proceed with the use of a site or otherwise take any action which gives impetus to a planned project in a manner that forecloses alternatives or mitigation measures. In terms of this action resulting in a significant effect or limiting the choice of alternatives or mitigation measures, this action merely transfers ownership of the property and does not result in any physical change to the environment. In terms of foreclosing mitigation measures or alternatives, this action does not affect the ability of City designers or decision makers to design the park in a certain way or add mitigation measures/conditions to the project to mitigate any impacts. Moreover, approval of the acquisition does not foreclose the ability of the City to choose a different park alternative by building the park in a different location. If a different site is selected, this proposed site could be sold by the City in its existing condition with the sales proceeds going toward reimbursing the Park and Recreation fund. In terms of "formally making a decision", CEQA was written with an appreciation for the fact that a city must have a use or purpose in mind to justify the purchase of land. The initial funding source for the acquisition is a Park and Recreation Fund which can likely be used only for park purposes. However, using this fund does not cross the threshold of formally making a decision to use a site, particularly since use of the site cannot occur until certain entitlements are granted in conjunction with CEQA compliance. If the funding source were considered to constitute a formal decision, then no agency would be allowed to take advantage of the "should" language provided in section 15004. While a generalized intent of CEQA includes looking at environmental impacts at the earliest point in the planning process, CEQA does include provisions for acquiring property without CEQA compliance. This situation, given the compelling, countervailing considerations, does seem to warrant taking advantage of

the provisions in section 15004 of the CEQA guidelines. Future CEQA compliance will occur prior to any formal decision to proceed with park development; and

WHEREAS, this action requests authorization for the expenditure of an amount not to exceed $480,000, to allow the City to purchase the approximate 1.9 acre parcel. Funds in the amount of $480,000 are available in CIP 295960, Fox Canyon Park, Mid-City Special Park Fees Fund No. 39094; NOW, THEREFORE,

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

1. That the City Manager, or his designee, is hereby authorized to acquire said property rights for the proposed Fox Canyon Park.

2. That the expenditure of $480,000 from CIP 295960, Fox Canyon Park, Mid-City Special Park Fees Fund No. 39094, is authorized and approved.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Debra J. Bevier
Deputy City Attorney

DJB:mm
05/24/05
Or.Dept:READ
Aud.Cert:No. 2500944
R-2005-1229
MMS#2024

EXHIBIT NO. 76

Sullivan Wertz McDade & Wallace

A PROFESSIONAL CORPORATION

LAWYERS

LYNN M. BEEKMAN
SANDRA J. BROWER
JULIE A. DELAHUNT
RICHARD T. FORSYTH
JENNY K. GOODMAN
LESLIE F. KEEHN
JOSEPH C. LAVELLE
LARRY L. MARSHALL
J. MICHAEL MCDADE
KATHLEEN J. MCKEE
JOHN B. MOOT
ELAINE A. ROGERS
JOHN H. STEPHENS
ROBERT A. VACCHI
BRUCE R. WALLACE
JOHN ROSS WERTZ
PAMELA LAWTON WILSON

945 FOURTH AVENUE
SAN DIEGO, CALIFORNIA 92101

TELEPHONE (619) 233-1888
FACSIMILE (619) 696-9476

sbrower@swmw.com

OF COUNSEL
REBECCA MICHAEL
EVAN S. RAVICH
LEO SULLIVAN

JERI L. O'KEEFE
ADMINISTRATOR

September 29, 2005

PERSONALLY DELIVERED

Jo Ellen Jocoby
City of San Diego
Department of Park and Recreation
202 C Street
San Diego, CA 92101

Re: Fox Canyon Neighborhood Park

Dear Ms. Jocoby:

This is to advise you that my clients, Larry Zajonc and Janice A. Smith-Zajonc, are completing your requested Owner Disclosure Statement for the Fox Canyon Neighborhood Park only as an accommodation for you, considering the short notice provided to my clients and your expressed need to have it today. My clients have not yet agreed to sell the subject property to the City of San Diego and they have not signed a contract or entered into an escrow to do so. My clients continue to reserve the right to decide whether to sell the subject property to the City of San Diego at a later date.

Very truly yours,

Sandra J. Brower
of
SULLIVAN WERTZ McDADE & WALLACE
A Professional Corporation

cc: Clients

154270v1/5327.002

City of San Diego
Development Services
1222 First Ave., MS-302
San Diego, CA 92101
(619) 446-5000

Ownership Disclosure Statement

Approval Type: *Check appropriate box for type of approval (s) requested:* ☐ Neighborhood Use Permit ☐ Coastal Development Permit ☐ Neighborhood Development Permit ☒ Site Development Permit ☐ Planned Development Permit ☐ Conditional Use Permit ☐ Variance ☐ Tentative Map ☐ Vesting Tentative Map ☐ Map Waiver ☐ Land Use Plan Amendment • ☐ Other

Project Title: Fox Canyon Neighborhood Park

Project No. *For City Use Only*: 70422

Project Address: Landis St. and Winona Ave San Diego, CA

Part I - To be completed when property is held by individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached ☐ Yes ☒ No

Name of Individual (type or print): LARRY JASONC ☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency Street Address: P.O. BOX 157 City/State/Zip: EMPERIAL BEACH, CA 91933 Phone No: (619) 205-3939 Fax No: Signature: X Date: 9/28/06	Name of Individual (type or print): ☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency Street Address: City/State/Zip: Phone No: Fax No: Signature: Date:
Name of Individual (type or print): FRANCES SOUTH-JASONC ☒ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency Street Address: City/State/Zip: SAME Phone No: Fax No: Signature: Date:	Name of Individual (type or print): ☐ Owner ☐ Tenant/Lessee ☐ Redevelopment Agency Street Address: City/State/Zip: Phone No: Fax No: Signature: Date:

This information is available in alternative formats for persons with disabilities.
Be sure to see us on the World Wide Web at www.sandiego.gov/development-services

EXHIBIT NO. 77

Pat Grabski

AGENDA
FOX CANYON COORDINATION MEETING
October 6, 2005
3:00 P.M.

- GOAL OF MEETING: Update on status and coordination.

A. Introduction (Park and Rec/CD 7)

B. Update on Property Acquisition (READ)
   1. Multi-Family
   2. Single Family (portion) willing seller on the side for street

Mr Zajack 1.9 acres agreed upon value, held like to sell upper & lower escrow opened, but not signed by seller top to developer "letter of intent to sell"

C. Update on Hearing (DSD,P Planning, Park and Rec)
   1. Site Development Permit Wed. 12th 830 Myrra at Chi
   2. Final MND and Certification
   3. Community Issues
      a. MND Distribution
      b. Grant Scope
      c. Road
      d. Use of Project Funding (CDBG, Grant, Special Park Fees)

D. Project Funding (See Financing Plan)
   1. Redevelopment for Road
   2. Special Parks Fees and Grant

Rd - Transnet

E. Next Steps after Hearing (Park and Rec)
   1. Land Purchase Final
   2. Consultant Procurement
   3. General Development Plan Process (Park Amenities)
   4. Construction Documents (Park and Road)

F. Assign Action Items

G. Next Meeting

Do april & Elke know
about Donna Frye's request
for info from the attorneys
re: Theresa?

CITY OF SAN DIEGO
FOX CANYON NEIGHBORHOOD IMPROVEMENTS
COORDINATION MEETING

October 7, 2005
3:00 P.M.
CAB 3

Attendees:

Ellie Oppenheim, Deputy City Manager
Ted Medina, Director of Park and Recreation
Maureen Ostrye, Executive Director Redevelopment Agency
April Penera, Park & Rec., Park Planning
Ann Gonsalves, Senior Traffic Engineer
Tracy Reed, Community and Economic Development
Heidi Lang, Park & Rec., Park Planning
Lane MacKenzie, Real Estate Assets
Joey Jacoby, Park & Rec., Park Planning
Patricia Grabski, Development Services
Elyse Lowe, Coucil District 7

The following is a brief summary of discussion and action items from the October 6, 2005 meeting for Fox Canyon Neighborhood Park and surrounding development:

- **Real Estate Assets has an agreement for purchase of a portion of the single family property necessary to put the road in. The survey was just completed.**

- **The main parcel is still not purchased. The owner is dealing with a developer, Duane Betty, for the upper parcel. The owner wants to make sure that the developer is agreeable to purchasing the upper portion before the owner splits the lot. Duane Betty wants certain clearances from Development Services, before he commits to the upper portion.**
  ***Action:* Lane to request that Duane Betty proceed with a Preliminary Review Submittal to Development Services, so that issues can be quickly identified and resolved.**
  Patricia Grabski agreed to expedite a review for zoning purposes to move this along

- **The Site Development Permit will be reviewed by a Hearing Officer on Wednesday October 12, 2005**

- **If the MND is certified by the Hearing Officer, we will be able to meet our October 26, 2005 deadline for State requirements for our State Grant money.**

- **Community comments that were provided in comment letters were reviewed.**

- **The cost of the road and bridge was discussed. Please see attached sheet for a cost breakdown generated September 2004. ($5,000,000, as mentioned by J. Jacoby, was a reference to the cost of the overall project minus the park – this includes acquisition of additional parcels of land and development of additional phases of park.)**

- **Funding for the road must come from sources outside of the State Park Grant money. In reviewing the Facilities Financing Program from January 25, 2005, Tracy Reed stated that Cross Roads (Redevelopment) would possibly be able to contribute $500,000 starting in 2007 for the next four years, but the E&CD Redev. Bond shown is incorrect. We discussed Transnet funding and other sources of funding for the road.**

- ***Action:* Park and Recreation should request a meeting with Patti Boekamp to discuss the road and request a cost estimate for construction.**

- ***Action:* Park and Recreation to discuss with Keith Greer the issue of earmarking mitigation fees for specific communities.**

These meeting minutes were prepared by Joey Jacoby. Please contact Joey at (619) 533-4017, by October 21 should you have any revisions or additions. Otherwise, these minutes shall be deemed final.

EXHIBIT NO. 78

State of California • The Resour Agency Arnold Schwarzenegger, Governor
DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001 Ruth Coleman, Director
FAX: (916) 653-6511 ATTENTION: Bonnie Morse West

Grant Progress Status Report

Grantee: City of San Diego, Parks
Project Title: Fox Canyon Park
Scope: An acquisition and development project in the City of San Diego to construct a playground, hard courts, grassy area, picnic area, shade structure, interpretive kiosks, drinking fountains, sidewalk, and landscaping.

Period covered by Grant Progress Report 5/3/2005 Through 11/18/2005
Project Number: UP-37-002
Payments to date: 03/28/2005 $236,300.00 (Advance)

Project Status: (Briefly describe work completed on the following items that is funded by the grant project identified above. Continue on another sheet if needed.)

Pre-Construction/Pre-Acquisition (Planning, CEQA, etc):
Please see attached.

Grant funds spent to date on this work $ $124,600 *

Acquisition and/or Construction:
N/A

Grant funds spent to date on this work $ —

Describe significant project developments (provide photos).
As construction has not started, photos not provided.

Total grant funds spent to date $ 124,600 * Percentage of project complete: 6%
Estimated date of project completion: Winter 2009

Describe any potential obstacles to completion:
Please see attached

I represent and warrant that I have full authority to execute this Grant Progress Status Report on behalf of the Grantee. I declare under penalty of perjury, under the laws of the State of California, that this status report, and any accompanying documents, for the above-mentioned Grant is true and correct to the best of my knowledge.

Authorized Representative*	Title	Date
CW [signature]	Director	02/10/06

(*Certification to above information requires a signature by a person authorized in the resolution)

* City funds spent to date, not grant funds

Fox Canyon Park Progress Report
February 2006

Preconstruction/ CEQA

On October 12, 2005, the City Manager-designee Hearing Officer approved the Mitigated Negative Declaration and Site Development Permit for the project, defined as Fox Canon Park, Ontario Avenue connection and Auburn Creek enhancement. This decision was appealed by Theresa Quiroz.

On December 1, the Planning Commission heard the appeal, and this meeting included *extensive* public comment. All parties are in favor of the park. Some parties spoke in favor of the road and some spoke against it. The Planning Commission decided to approve the project, along with a condition for the District Seven Councilmember to establish a task force to evaluate the road. Based on the task force findings, the road may be amended in the future. The park may proceed.

The Councilmember has convened the road task force with three meetings in February 2006. This will give community members a forum for discussing the proposed road in detail.

The Planning Commission decision on the Mitigated Negative Declaration has been appealed. City Council will hear the appeal on March 21, 2006 (tentative date).

Potential obstacles

This sale of the property has been delayed. The City is in escrow with the seller. The lot is to be split, with the southern portion on the bluff to be sold to a developer and the northern portion to be sold to the City for the park. The owner would like to sell the portions concurrently. The developer is interested in purchasing the property and has submitted preliminary building plans to the City to review, currently underway.

EXHIBIT NO. 79

Sent: Thursday, March 23, 2006 12:22 PM
To: mitchellberner@public-solutions.com; Myra Herrmann; Patricia Grabski
Cc: Lane MacKenzie; Elyse Lowe; Gary Halbert
Subject: Re: Fox Canyon Park Acquisition & Site Planning Issues

Mitch,
I dont mind accomodating a meeting, but it seems the best persons to have in the room is the team your client has been working with from DSD where all the CEQA folks and Engineers and my staff are in one place and can look at the whole proposal and make sure the proposal doesnt change any of the ceqa we just got certified....

Patricia,
Can you and Myra make a meeting for next Wednesday the 29th at 9:30am in your shop? Can you make sure any other folks that may need to hear this proposal are there?

April

>>> "Mitchell Berner" <mitchellberner@public-solutions.com> 03/22/06 >>> 10:33 PM >>>
With the City Council's decision last night to essentially reject the construction of a through-roadway and to approve the MND, Duane Betty and I wanted to ask if a meeting with you all might be possible next week on Wednesday or Thursday.

As I believe you all know so well, Duane Betty is purchasing the remainder parcel after the City closes escrow on the park site from the owner, Larry.

There is and end of April deadline for Duane to complete his site plan working around the footprint of the City's park plans for his residential plans.

Our agenda for this meeting is two-fold:

(1) Previewing with you how the possible import of 8,000 cubic yards of fill dirt to the Park Site from Duane's site might help the City expand the Fox Canyon Park footprint; and

(2) How Duane has designed a pedestrian pathway and staircase from his site above the park to the park, which needs your conceptual approval as well.

We will be sending you prior to the proposed meeting a conceptual engineering drawing previewing how the possible import of 8,000 cubic yards of fill dirt to the Park Site from Duane's site might help the City expand the Fox Canyon Park footprint; and how the proposed access path and staircase can accommodate access to the Park site by residents of Duane's project site and surrounding property owners.

This proposed access path and staircase we believe will satisfy the desires/insistence by the current neighbors to maintain the present "shortcut" through the property underneath the Eucalyptus grove on-site.

Thank you for your consideration of this meeting request.

We are happy to meet in Balboa Park, READ or CAB as your schedule's permit.

Thank you for the consideration.

* Mitchell Berner
* President
* Public Solutions
* 402 West Broadway, Suite 1050
* San Diego, CA 92101
* Phone: (619) 501-3660
* Fax: (619) 501-3667
* Cell: (619) 981-0408
* MitchellBerner@Public-Solutions.com
* www.Public-Solutions.com

This e-mail communication contains CONFIDENTIAL INFORMATION WHICH ALSO MAY BE LEGALLY PRIVILEGED and which is intended only for the use of the intended recipients identified above. If you are not the intended recipient of this communication, you are hereby notified that any use, dissemination, distribution, downloading, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by e mail or by telephone at 619/501-3660 and delete the communication and destroy all copies. Thank you for your cooperation.

CC: GHalbert@sandiego.gov,BMacKenzie@sandiego.gov

From: Patricia Grabski
To: Jacoby, JoEllen; MacKenzie, Lane; Penera, April
Date: Fri, Apr 14, 2006 11:34 AM
Subject: Fox Canyon Permit

Hello,

On 4/5/06 Mr. Zajonc was contacted to sign the Fox Canyon permit. He said that he wasn't going to sign anything until he got paid by the City. When will he be getting paid? Please let me know when it occurs.

pg

CC: Herrmann, Myra

EXHIBIT NO. 80

THE CITY OF SAN DIEGO

May 31, 2005

Ms. Bonnie Morse West
Project Officer
Department of Parks and Recreation
P.O. Box 94286
Sacramento, CA 94296

Re: CEQA Extension Request for Fox Canyon Park, UP-37-002

Dear Ms. West:

This letter is pursuant to the conference call between you and City staff on March 18, 2005 regarding staff's request for an extension of the CEQA process. As we discussed, staff is diligently working toward meeting the grant deadline of October 26, 2005 for filing of the CEQA notice of determination. Everything is going well and the current schedule is on track for meeting the first grant milestone. Despite this, I am taking the proactive approach to keep you informed on our progress and on any potential delays that may be beyond the Park and Recreation Department's control.

An example of the tight timeline that staff is working under is that the first milestone is one year from the *grant announcement*, as opposed to the grant execution date.The *grant announcement* was made on October 26, 2004, and the grant contract was executed on December 24, 2004. The city's auditor does not allow procurement of a consultant until the grant contract is fully executed. A consultant has been procured to prepare the necessary reports and drawings for the site development permit and CEQA documents, as they are interdependent and must be completed concurrently.

During our conversation, you asked staff to provide examples of potential delays that may merit a grant extension. Despite the significant progress that staff has made thus far, other factors may arise as work progresses. For example, because the project site is environmentally sensitive and is partially in wetlands, several reports are required to obtain the CEQA document and site development permit. These reports include biology, hydrology, geotechnical, water quality technical report and a phase 1 environmental

Park Planning and Development Division
Park and Recreation • Balboa Park • San Diego, CA 92101
Tel (619) 525-8213 Fax (619) 525-8220
Mailing Address: 202 C Street, MS 37C • San Diego, CA 92101-3860
www.sandiego.gov
"We enrich lives through quality parks and programs"

DIVERSITY

assessment. The city's permit staff at the Development Services Department must review these documents. Staff has been meeting frequently with the permitting reviewers to address issues along the way. Despite this effort to limit the permitting review to two cycles, any significant comments to the reports could add a third review cycle and up to two months of time to the schedule.

The CEQA document must be circulated for public review. Therefore, a second example of a potential delay could result from significant comments from the public, which could add two to four weeks to the schedule for addressing theses comments.

Thirdly, delays could result via our legislative process. The Planning Commission docket could be filled, or the Commission could be on recess, causing a delay of two weeks. Furthermore, if any appeals are received during the ten-day appeal period, the project would be required to go to City Council. Preparing documents and obtaining space on the City Council docket could delay the project up to two months.

As you can see, there are several issues that could arise that will affect the schedule despite staff's aggressive efforts to meet the October 26, 2005 deadline. In the event that any one of the above delays occurs, staff would most likely require up to a six month extension. Therefore, we respectfully request an extension to May 1, 2006, for certifying the CEQA document. The Park and Recreation Department, when applying for the grant, understood that this site would prove to be very challenging from an environmental and permitting stand point. Regardless, these same challenges are what will make this project so rewarding and a quality end product for the community and environment. Please see the attachments which show both the current schedule/tasks completed to date and the worst case scenario schedule, as outlined above.

I will provide you status reports as staff progresses toward the completion of the CEQA document. If you need any additional information to consider this CEQA extension request, please call me at (619) 525-8218 or hlang@sandiego.gov

Cordially,

Heidi Lang

Heidi Lang

CEQA Extension Request2.doc

Attachments

Tasks Completed
Schedule through Construction Completion

cc: Joshua Brady, Supervisor, California State Parks
Carol Wood, Grants Administrator, City of San Diego
Kelly Rodgers, Senior Civil Engineer, City of San Diego
JoEllen Jacoby, Park Designer, City of San Diego

Tasks Completed
Fox Canyon Neighborhood Park

1/14/04	Met with staff to discuss adjacent utilities, proposed utility improvements and alternate funding sources to fund the park
4/04	Developed four alternate design options
4/26/04	Met to discuss extension of road.
5/3/04	Met with Dept. Directors to review alternate park layouts
5/04	Prepared an analysis of alternatives
6/1/04	Council Office update – reviewed analysis of 4 alternatives
7/12/04	Submittal of Multi Family Preliminary Review Package to Development Services.
8/24/04	Comments received from Development Services.
9/6/04	Meeting with Council office and Development Services staff to discuss environmental issues and Agency reviews.
10/04	Cost Estimate refiend
11/10/04	Meeting to discuss technical studies required and finalize road layout, review cost estimate. Discuss community notification.
11/04	Met with consultant to discuss scope of work and schedule
12/15/04	Met with Dept. Directors to discuss funding and possible purchase of additional property
1/05	Consultant hired
1/05	Survey completed for site
1/25/05	Meeting with council office staff and Dept. Director staff. Request approval to hire consultant, discussed environmental requirements and DSD submittal
1/28/05	Presented project at Quarterly Agency Meeting (Army Corp, California Department of Fish and Game)
2/05	Hired Consultant to prepare preliminary civil and landscape plans

2/11/05	Biology Report completed.
3/9/05	Soil samples taken for Geotechnical report
3/10/05	Meet with Development Services Project Mgr. to discuss schedule and early submittal.
3/14/05	Meeting with staff to review Site Development Permit requirements and road vacation issues.
3/17/05	Meet with Development Services staff to discuss the road width, bridge, FEMA, and need for street vacation.
3/18/05	Preliminary Review Application and Single Discipline Submittal to Development Services.
3/30/05	Meet with Development Services Staff to discuss proposed roadway design options, sensitive resources and Preliminary Review
4/6/05	Meet with Development Services Department staff to discuss Site Development Permit and road layout
4/7/05	Meet with Development Services Staff to review road width, alignment, driveway alignment, underlying property ownership for street vacation issues.
4/20/05	Submittal to Development Services Division
5/26/05	First response received from Development Services

Schedule through Construction Completion

Fox Canyon Neighborhood Park

4/20/05	Submit Site Development Permit (SDP) Package. to Development Services Department (DSD)
6/24/05	DSD Review complete, 1st Assessment letter
	Meeting to discuss Assessment issues
7/18/05	Resubmit SDP
7/05	Recreation Council Design Workshop
8/15/05	2nd Assessment letter
9/6/05	Resubmit SDP (3rd time)
9/05	Recreation Council Design Approval
10/4/05	3rd Assessment letter (issues resolved)
10/12/05	Design Review Committee
10/18/05	Draft Mitigated Negative Declaration (MND) after no more comments
10/19/05 - 11/28/05	MND Public review closes (30 calendar days)
11/05	Subcommittee for Removal of Architectural Barriers
12/27/05	Response to Comments completed
1/04/06	Finalize MND
1/5/06-	Send out public notice for Planning Commission– MND sits – (2 weeks)
2/13/06	Planning Commission –
2/28/06	10 day appeal period
4/12/06	Process 1472
4/26/06	City Council Approval
4/28/06	County certification of MND
5/01/06	**Full CEQA documents sent to State Parks**
5/19/06	Park and Recreation Board
11/06/06	Prepare 60% construction documents
11/02/06 -4/07	Apply for Army Corp of Engineer, Calif. Dept. Fish and Game and Regional Water Quality Control Board permits

Schedule through Construction Completion

Fox Canyon Neighborhood Park

11/06/06-3/15/07	Prepare 90% construction documents
3/16/07 -7/29/07	Prepare construction specifications
3/16/07 -5/02/07	City wide Plan check
7/2/07	100% Plans
7/03/07-08/27/07	Attain bridge permit
8/29/07 -5/01/07	Contracts Processing
5/08/08	Construction begins
05/08 - 11/19/09	Construction Period
11/09 – 01/10	Project Close-out
01/10	**Final Payment Request to State Parks**

CITY ATTORNEY
06 JUL 18 PM 2:39
CIVIL DIVISION

State of California • The Resources Agency
Arnold Schwarzenegger, Governor
DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001
Ruth Coleman, Director

July 6, 2005

Heidi Lang
Grants Administrator
City of San Diego, Parks
202 C Street, MS 37C
San Diego, CA 92101

Re: DPR Project Number: UP-37-002 - FOX CANYON PARK CEQA EXTENSION REQUEST

Dear Ms. Lang,

This letter is to advise you that your request for an extension of the CEQA process for the Fox Canyon Park Grant UP-37-002 has been reviewed and approved. As you requested, the extension has been granted to May 1, 2006. As you progress, please continue to provide us with updates on the status of the CEQA completion.

Sincerely,

Bonnie Morse West

Bonnie Morse West
Project Officer

cc: Joshua Brady, Supervisor, California State Parks
Carol Wood, Grants Administrator, City of San Diego
Kelly Rodgers, Senior Civil Engineer, City of San Diego
JoEllen Jacoby, Park Designer, City of San Diego

THE CITY OF SAN DIEGO

August 31, 2005

Bonnie Morse West, Project Officer
State of California
Department of Parks and Recreation
1416 9th Street, Room 918
P. O. Box 942896
Sacramento, CA 94296-0001

Re: Proposed Road by Fox Canyon Park, UP-37-002

Dear Bonnie,

As you know, the State of California awarded an Urban Parks grant to the City of San Diego for a 1.9-acre park in Fox Canyon. More recently, the City of San Diego has decided to develop a road over the "paper street" just west of the park. While this will decrease the park area slightly, the Urban Park grant will still create a 1.9-acre park.

The State grant will pay for park design and construction; it will not be used for the road. Accordingly, accounting has been established to track costs separately.

The Fox Canyon Park conceptual site plan in the grant application was 1.93 acres (84,158 square feet). This area will lose 0.04 acres (1,742 square feet) due to the road design and parking, leaving 1.89 acres (82,607 square feet). Please see the attached revised site plan. Overall, we still plan on building a 1.9-acre park, rounding to the nearest tenth of an acre.

The original concept plan showed the paper street enhanced with landscaping. In the new plan, a 0.34-acre (14,836 square feet) green space buffer will run along the west side of Ontario Avenue. The plan still contains a trail running along the creek in this green space buffer. The walkway as proposed in the grant is now a sidewalk on the east side of Ontario Avenue and just west of the park.

The space for typical park amenities (playground, picnic tables, etc.) in the useable flat area has not changed. Park and Recreation Department staff will hold further meetings with the community for a General Development Plan and a specific park design.

Park Planning and Development Division
Park and Recreation • Balboa Park • San Diego, CA 92101
Tel (619) 525-8213 Fax (619) 525-8220
Mailing Address: 202 C Street, MS 37C • San Diego, CA 92101-3860

DIVERSITY

The City has held numerous community meetings regarding the road. While many people support the road, some do not. After considerable input from the community and the Police Department, Councilmember Jim Madaffer endorses and fully supports the road development.

The road will provide a number of advantages to the park. It will increase visibility and safety as police officers will be able to easily drive by the park and surrounding area. The road will increase access for visitors from both directions (north and south) and therefore will increase valuable park use. Furthermore, the revised plan will make the park more accessible to people with disabilities as it adds a sidewalk and parking spaces by the park.

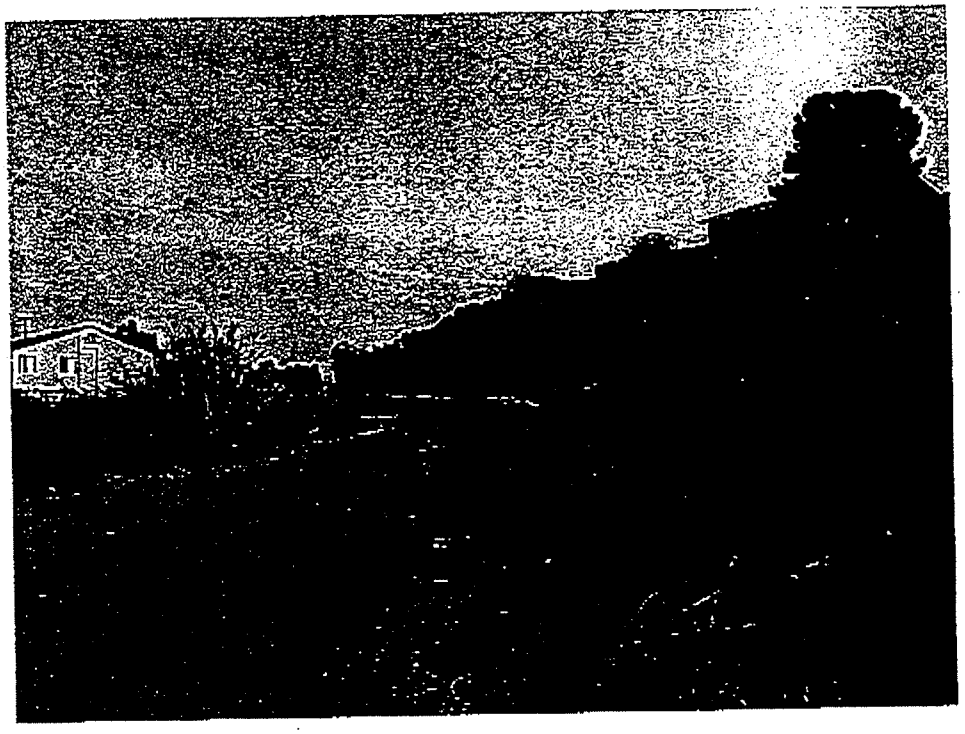
Please call me at (619) 525-8218 if you would like to discuss this further. Thank you.

Cordially,

Heidi Lang

Heidi Lang
Assistant Grants Administrator

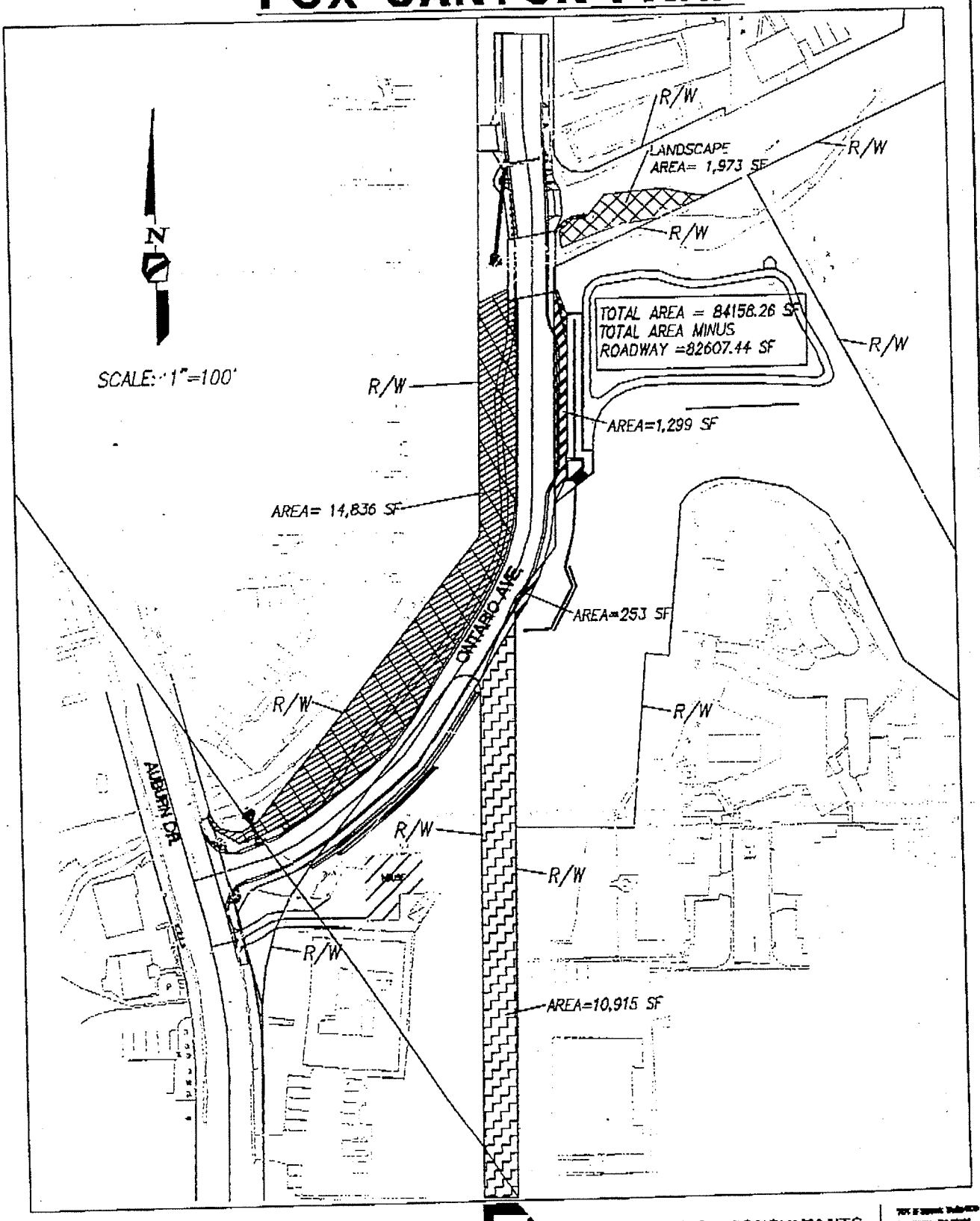
Attachments



At present, Ontario Avenue is a dirt trail.

As proposed, this "paper street" will be developed into a two-way road, thereby improving traffic flow, access to Fox Canyon Park and neighborhood safety.

FOX CANYON PARK



PROJECT DESIGN CONSULTANTS

Planning | Landscape Architecture | Environmental | Engineering | Survey

T:\Engr\2786.04\Exhibits\area-FoxCanyonPark_2005-06-22.dwg 6/23/2005 8:46:43 AM PDT

EXHIBIT NO. 81

From: Heidi Lang
To: Wood, Carol
Date: 1/31/2006 1:45:50 PM
Subject: State Parks Fox Canyon Site Visit

Hi Carol,

Joey and I took State Parks staff Josh Brady and Betty Ettinger to Fox Canyon this morning. We went over the current status of the project, such as the appeal to City Council regarding CEQA, the task force on the road, the owner's wish to sell the top portion to a developer and the bottom portion to the City, etc.

Josh also asked why we didn't include the road in the original application and initial study. I said the application was written before the decision to build the road.

Josh said that we should submit a request for a scope change if the size of the park changes or if the scope of work changes (any of the main elements in the contract paragraph). The rescope should include text (what's changing and why), a new site plan, and a new cost estimate. The rescope must meet the intent of the competitive grant program.

The site visit went well. They got to see the park from all approaches, walk down the paper road and over the proposed park area, view the topography of the site and the diversity of the neighborhood.

Heidi Lang
Assistant Grants Administrator
Park Planning & Development
Park and Recreation, City of San Diego
(619) 525-8218

CC: Jacoby, JoEllen

EXHIBIT NO. 82

From: Heidi Lang
To: Jacoby, JoEllen; Penera, April; Rodgers, Kelly; Wood, Carol
Date: 10/14/05 10:29:17 AM
Subject: Fox Canyon Grant Chronology

Hi All,

The timing of the grant application was as follows:

November 2003 to January 2004	Grant preparation
January 8, 2004	Environmental Checklist completed
January 15, 2004	Grant submitted to State
November 1, 2004	Grant award announced
December 24, 2004	Fully executed grant contract

The grant's cover sheet states that it was submitted to the State in January 2003 when in fact it was January 2004.

Heidi Lang
Assistant Grants Administrator
Park Planning & Development
Park and Recreation, City of San Diego
(619) 525-8218

CC: Coalson, Libby

→ Grant Stip was
① ceqa by Oct 05
② got extension to May 06
→ when did we know in writing at ext July 06
③ expires 6/2010

Jan 05 — added the road / logic was since RAP became available to us... we did not want to piecemeal the CEQA document & the SDP.
- be efficient.
- cost effective
- wishes of the county
- come back later & damage parkamenting to put a road...
- OPS to park effect

EXHIBIT NO. 83

THE CITY OF SAN DIEGO

November 18, 2005

Ms. Bonnie Morse West
Project Officer
State of California, Department of Parks and Recreation
1416 9th St., Room 918
Sacramento, CA 95814

Dear Ms. Morse West:

Subject: DRC Project Number UP-37-002 – Fox Canyon Park

This packet is in response to your letter dated November 8, 2005 requesting information regarding the items listed below. To assist in your review, please see attachments A through G:

A. Revised Site Plan
B. Initial Study
C. Mitigated Negative Declaration
D. Revised Cost Estimate
E. Funding Sources
F. Changes in Project Scope
G. Land Tenure

Timing: The grant was written during the fall of 2003. The City of San Diego submitted the grant to State Parks on January 15, 2004. State Parks announced the grant on October 26, 2004 and it was fully executed on December 21, 2004. The decision to add the road was made on January 25, 2005 at a meeting led by Councilmember Jim Madaffer.

Euclid Avenue Revitalization Action Program: The City of San Diego Planning and Development Review Department prepared the Euclid Avenue Revitalization Area Program (RAP). The purpose of the RAP is to identify revitalization strategies for a portion of Euclid Avenue and surrounding neighborhoods located between El Cajon Boulevard and Home Avenue, including the Fox Canyon neighborhood. Since the grant application was written in the fall of 2003, the RAP came to the attention of Park and Recreation Department staff. The Park and Recreation Department and the Park Planning Department interpret the RAP to support the park and the creation of a road connection (the section of Ontario Avenue) between Auburn Drive and Winona Avenue.

Park Planning and Development Division
Park and Recreation • Balboa Park • San Diego, CA 92101
Tel (619) 525-8213 Fax (619) 525-8220
Mailing Address: 202 C Street, MS 37C • San Diego, CA 92101-3860

Auburn Creek Enhancements: As planned, part of the grant funds will be used for the landscaping and decomposed granite trail on the west side of Ontario Avenue. The enhancements are in accord with the Chollas Creek Enhancement Plan, which includes its tributary Auburn Creek.

Safety: We would also like to address concerns about the road by the park. Many parks in the City of San Diego, a densely populated urban area, have roads running next to them. The proposed Ontario Avenue connector road is a local road with a 25 mph speed limit. Additionally, the lanes are narrower than the standard width. The radius at Ontario Avenue and Auburn Drive is also a tighter radius which will help reduce speeds. Lower Auburn Drive can retain its speed humps as it will remain a local road. A safe crossing will be investigated near the park, and the location will be coordinated with Traffic Engineering. Any such crossing would meet the site distance requirements and be free of obstructions such as landscaping.

Police Presence: This area has a violent crime rate far higher than that of the city average. At this time, Ontario Avenue is a dirt trail blocked off by locked gates. Once the road is developed, the police will be able to patrol the park easily in their vehicles.

Community Support: The immediate neighborhood is in strong support of this Ontario Avenue connector. Public comment was taken at the Hearing Officer meeting of October 12, 2005. Six people spoke in favor of the project (road, park, and creek enhancements) and two spoke against it. **One speaker brought a petition with over 400 signatures in support of the park, the road, and the enhancement to Auburn Creek.** The petitioners are those residents who live closest to the site and represent families most likely to use the park.. Furthermore, the Fox Canyon Neighborhood Association has been actively seeking park land since 1998.

Summary: The vast majority of the local residents are in favor of the road by the park for the following reasons:

- Improved access to the park.
- Improved police presence in this high-crime neighborhood.
- Improved traffic circulation day-to-day.
- Improved traffic flow out of the neighborhood south of the park in the event of an emergency such as fire or flood.

Please do not hesitate to contact Heidi Lang at (619) 525-8218, with questions or should you like further information. If possible, we would appreciate a response in writing, by **November 30, 2005**. We appreciate all of your help and coordination.

Sincerely,

April Penera
Deputy Director, Park and Recreation Department

AP/hl

Attachments

cc: Carol Wood, Grants Administrator, Park and Recreation Department
Kelly Rodgers, Senior Civil Engineer, Park and Recreation Department
JoEllen Jacoby, Project Manager, Park and Recreation Department
Heidi Lang, Assistant Grants Administrator

EXHIBIT NO. 84

From: Patti Keating
To: Shanahan, Michael
Date: 4/20/2006 5:07:13 PM
Subject: Re: City of San Diego

Michael Shanahan -
As you requested, this is to document our conversation of April 6 regarding the City of San Diego's Fox Canyon Park.

In the Fall of 2004, the Department of Parks and Recreation, Office of Grants and Local Services (OGALS) awarded a grant to the City of San Diego's Fox Canyon Park project under the Urban Park Act (2002 Resources Bond Act, Proposition 40) competitive grant program. The City's grant funds for this project are available until 2010. The development of this park is still preliminary (design) phase; that is, several documents are still pending before the project can move forward.

The grant administration responsibilities of OGALS are quite extensive. Upon awarding a grant, OGALS (acting on behalf of the State of California) enters into a contract for a period of time with the grantee, stipulating that the applicant agrees to complete the project as described in the project application. Throughout this contract performance period, we continue to monitor the project. Monitoring includes obtaining assurances of completion of local and state laws from the grantee, as well as gaining clear expectations of what is to be accomplished in the scope of the project through periodic communications with the grantee, conducting on-site inspections, and other means to ensure that grant funds are expended for the sole purpose of the contract.

Should a change in the project deviate from the original application during the life of a project, we require a written, formal change request. We then review the proposed changes to determine if the project would still meet the needs cited in the original application. It is important to note that it is not uncommon for the Department to receive grant applications with schematic or conceptual site plans, and, oftentimes, there are variations in the final plans. Again, our primary concern is that any requested adjustments made to the project address the needs as described in the application and that it follows grant program requirements.

Regarding a local issue in the City of San Diego, OGALS is aware that there a possible design could include adding a road to the City's Fox Canyon Project. We are also aware that there are concerns about the consideration to pave a road in the proximity of the park. Our understanding is that this proposal was recently presented to the San Diego City Council, but the Council decided to defer this particular proposal. It is important to note that, to date, OGALS has not received a formal change request from the City of San Diego regarding a potential road consideration for this project. However, we have been assured that the City still intends to develop a park with the acreage and facilities that were described in their original application. We have also been assured that they understand the requirement to submit a formal change request if there are proposed changes in the project. The City may incur costs and request reimbursement for direct costs associated with this project; we do limit that no more than 25% of the total of the grant be used for administrative costs (which may include environmental reviews and design planning).

I hope this clarifies the Department's role in administering and monitoring grant programs, as well as provide an update on the Fox Canyon Park project. Should you have additional questions or need to clarify the manner in which we administer grants, please do not hesitate to contact me.

Regards,
Patti Keating

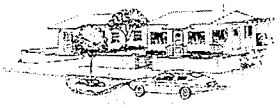
Patti Keating, Chief
Office of Grants and Local Services
Department of Parks and Recreation

EXHIBIT NO. 85

EUCLID AVENUE REVITALIZATION ACTION PROGRAM

Prepared By:
The City of San Diego
Planning and
Development Review
Department

April 2000



EUCLID AVENUE REVITALIZATION ACTION PROGRAM

March 15, 2000

Dear Community Members,
Government Officials
and Agency Employees:

The Euclid Avenue Revitalization Action Plan (RAP) started in March 1999 with the goal of creating a holistic approach to deal with Euclid Avenue zoning. Many of the issues surrounding zoning were based on the decaying of the infrastructure, the dilapidation of the business district and neighborhoods and the lack of attention to correct the situation.

A large number of residents met at Euclid Elementary School to start this process. The "Charrette" was successful because it outlined the course of action needed to fix the problems. Subsequently, at each meeting, the participants discussed a part of the problem and established a course of action to solve the problem. The RAP is the culmination of this holistic approach.

A core group was the driving force behind the process; however, many new residents, who are not ongoing participants in community decision-making, participated. The City staff took on the responsibility to mail out meeting announcements. Many residents canvassed door-to-door inviting people to participate. Spanish and Somalian language translation was provided. The dynamics of the meeting were based around problem solving and information. Everyone who came to the meetings had an opportunity to voice his or her opinion. Each resident also was encouraged to contact City personnel concerning the RAP.

A part of the ongoing process to fix the problem was finding financial support. Many financial avenues were discussed to assist in mitigating the different problems. Each problem has suggestions on where to find financial support. As the RAP is implemented, a holistic and creative approach will be needed to finance projects.

This document is the beginning of a long and arduous process to revitalize a significant corridor in City Heights. Euclid Avenue is an artery dividing five distinct and unique neighborhoods. The Euclid Avenue revitalization is very important to the life of these neighborhoods. Let this document be used, changed and shaped to continually provide the elements needed to make City Heights the greatest community in San Diego.

Many thanks to Angeles Leira and Tom Romstad, City planning staff, for their tireless efforts in providing excellence in service to City Heights and this project. Thanks to all City staff, who attended meetings and did research on issues, for their support on this project. Thanks to the members of the community who came to every meeting, participated fully and gave great guidance to this process.

Sincerely,

Michael Dunn
Vice Chair City Heights Area Planning Committee
Chair of the Euclid Avenue Revitalization Action Plan

Euclid Avenue Revitalization Action Program

1. EXECUTIVE SUMMARY

2. VISION FOR EUCLID AVENUE

3. BACKGROUND
   a. Initiation of the Euclid Avenue Revitalization Effort
   b. Study Area Boundaries
   c. Methodology

4. REVITALIZATION PROGRAM RECOMMENDATIONS AND ACCOMPLISHMENTS
   a. Traffic
   b. Streetscape Improvements
   c. Code Compliance
   d. Land Use
   e. Community Promotion

5. CONCLUSION

6. ATTACHMENTS
   a. Acknowlegements

This information is available in alternative formats upon request
Printed on recycled paper

EXECUTIVE SUMMARY

The purpose of the Euclid Avenue Revitalization Action Program ("RAP") is to identify revitalization strategies for a portion of Euclid Avenue and surrounding neighborhoods located between El Cajon Boulevard and Home Avenue. The Euclid Avenue RAP provides a strategy and action program designed to implement goals and recommendations of the Mid-City Communities Plan (adopted August 4, 1998) based on the objectives identified by residents and business owners during meetings held in the community during 1999.

The vision established by program participants is of secure and attractive residential neighborhoods accessed by a physically and economically revitalized Euclid Avenue.

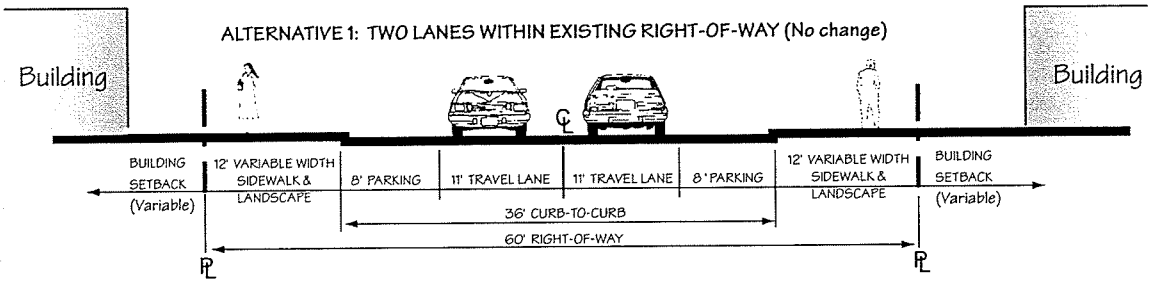
Toward that end, the recommendations contained in this revitalization program are designed to stabilize the Euclid Avenue corridor by enhancing the physical condition of public spaces, encouraging investment that is complementary to the character of surrounding development, and reducing the negative impacts of high traffic volumes and incompatible land uses. The Revitalization Action Program proposes the establishment of zoning standards tailored to the unique conditions and development opportunities provided by this portion of Euclid Avenue, while expeditiously pursuing improvements in traffic conditions and the visual quality of the public right-of-way.

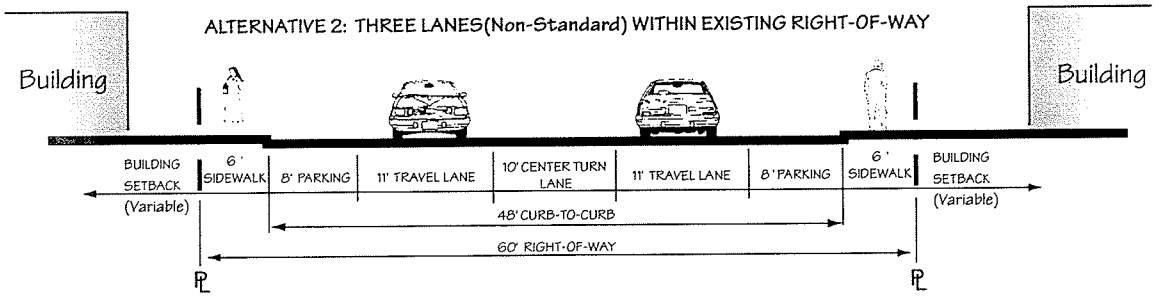
A central recommendation of this program is that the existing roadway not be widened as recommended by the Mid-City Communities Plan (Roadway Improvement Alternatives are illustrated on page 2).[1] While acknowledging the consequences associated with congestion at key intersections, participants in the Revitalization Program felt strongly that the proposed widening of Euclid Avenue would not substantially benefit area residents. The potential for a wider street to promote increased traffic speed and volume was identified as less desirable than the traffic congestion anticipated after recommended roadway improvements have been implemented. Participants were also concerned about the neighborhood disruption and physical decay often associated with large capital improvement projects, such as road widening, for which adequate funding is not secure. Finally, the cost and time involved in completing the plan's recommended street widening could postpone or preclude implementation of vital components of the revitalization program.

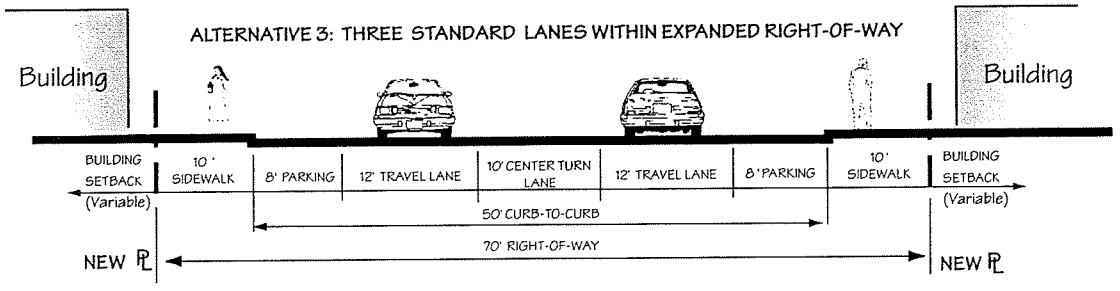
Another fundamental objective of this program is the enhancement of the streetscape, including both public and private property. Streetscape improvements are recommended to reduce vehicle speeding and promote pedestrian safety, safeguard private property, and project a positive image of the community. This program identifies existing facade enhancement programs available to merchants, proposes similar programs for owners of residential properties, and recommends improvements to the public rights-of-way, such as the creation of on-street parking bays protected by landscaped curb extensions and the provision of sidewalks in those areas currently lacking pedestrian accommodation.

1. Implementation of the community plan recommendation would require widening Euclid Avenue from 60 foot right-of-way accommodating a two lane collector street with a 36 foot curb-to-curb dimension, to a 70 foot right-of-way accommodating a three lane collector with a 50 foot curb-to-curb dimension. The cost of widening Euclid Avenue has been estimated to exceed $11 MM. Implementation of this Revitalization Program recommendation will require amendment of the Transportation Element of the Mid-City Communities Plan.

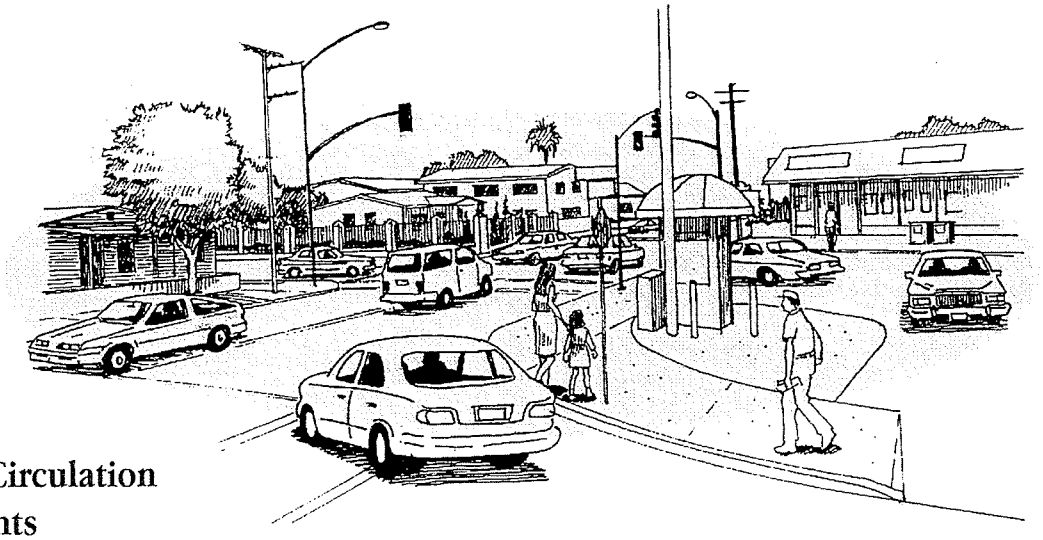
Euclid Avenue
Roadway Improvement Alternatives







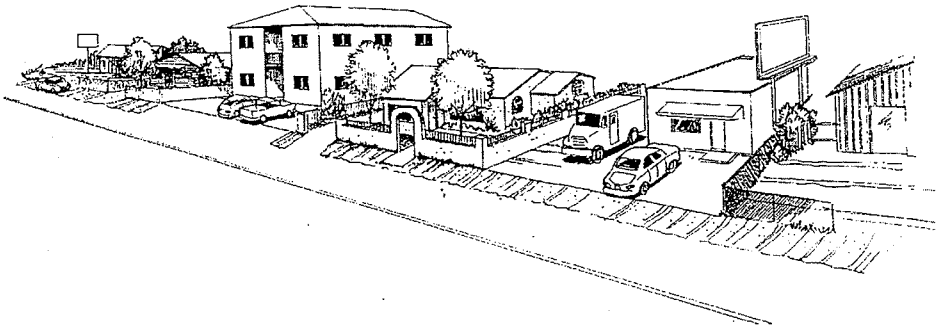
The principles established in the five basic elements of the Euclid Avenue Vision follow:



Traffic and Circulation Improvements

Improvements to traffic and circulation within the study area will alleviate chronic congestion that currently afflicts the area. As a result of the proposed improvements, Euclid Avenue will develop a more pedestrian-friendly environment catering to the residents and their children as well as area shoppers. The following are traffic and circulation principles that were seen by the community as important to the promotion of the neighborhood:

- Do not widen Euclid Avenue, except at key intersections where traffic volume requires additional space for turning lanes.
- Limit parking through red-curbing at major intersections to improve sight lines for cross traffic and provide turning lanes as needed.
- Establish "Keep Clear" zones at intersections where grid-lock is a chronic problem in order to allow even traffic flow.
- Provide a visual delineation of parking and travel lanes.
- Construct landscaped "curb extensions" to protect parking areas and "bulb-outs" at intersections to shorten the crossing distances for pedestrians.
- Install all-way stops at key intersections to permit cross-traffic movement and to establish a rhythmic traffic movement.
- Establish pedestrian cross walks at all-way stops and traffic lights.
- Relocate the traffic signals at Euclid Avenue and Wightman Street to better control traffic at the off-set intersection.
- Construct dual auto-oriented and pedestrian oriented street lights to provide adequate lighting for all users of the right-of-way.
- Modify the intersection of Euclid Avenue with Home Avenue by realigning the east leg of the intersection, to establish a ninety degree intersection. Landscape the surplus area to create a "gateway" to the Euclid Avenue corridor and establish an entrance into the neighborhood.
- Provide continuous sidewalks throughout area.

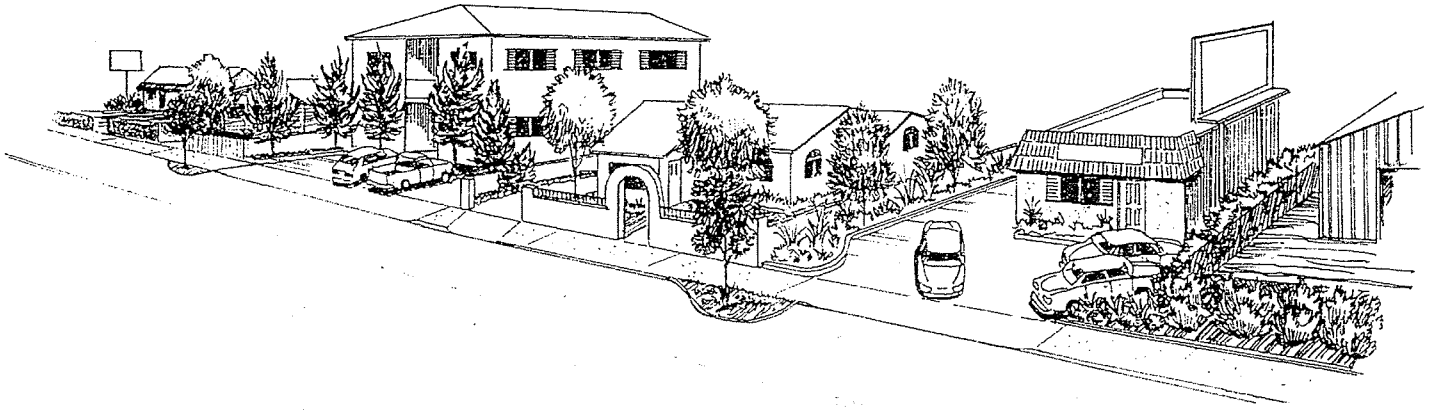


Visual and Streetscape Improvements

A revitalization strategy focusing on the positive visual characteristics of Euclid Avenue was developed based on the Community's input. This comprehensive program is designed to improve the character and visual quality of the streets within the study area.

The following streetscape principles highlight the concerns and desires of resident participants in the Revitalization Program:

- Improve the gateways to Euclid Avenue at El Cajon Boulevard and Home Avenue with prominent physical and landscaping features.
- Create an urban plaza along University Avenue at Reno Drive to capitalize on the distinctive architecture located in this area.
- Develop a street tree program for Euclid Avenue within the study area.
- Restore Euclid Avenue's canyons and hillsides.
- Publicize the City's commercial storefront design assistance and improvement program to aid merchants in improving their storefronts.
- Establish a commercial parking and landscaping improvement program to assist merchants to improve the quality of their surface parking lots.
- Establish a residential design assistance program to assist homeowners in improving their homes and properties.
- Establish an apartment facade design assistance and improvement program to assist apartment owners to improve and maintain their properties.

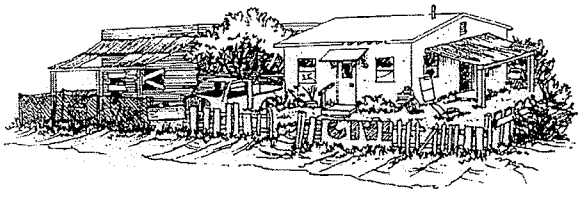


Enforcement of Codes

Code enforcement promotes compliance with the City's Municipal Code and helps to abate the impacts of incompatible land uses. Participant's concerns regarding poor property maintenance, and failures to observe existing codes regulating signage, landscaping and trash disposal throughout the study area can also be addressed through strict enforcement of existing regulations.

The following principles are intended to encourage code conformance by residents and business owners alike. Uniform adherence to the City's existing codes can help foster a sense of community pride, commitment, and participation:

- Strictly enforce current codes and seek effective and prompt compliance from any properties that have developed or expanded their use in violation of zoning, building, or other state or federal codes.



- Enforce sign and litter codes consistently and proactively.
- Assist property owners, through a design assistance program, to develop unobstructed enclosures for trash receptacles.
- Establish a litter abatement education program for local school children.
- Undertake clean ups of canyons and other properties through an annually sponsored "spring cleaning" event, in coordination with the neighborhood, private garbage haulers and the City's Environmental Services Department.

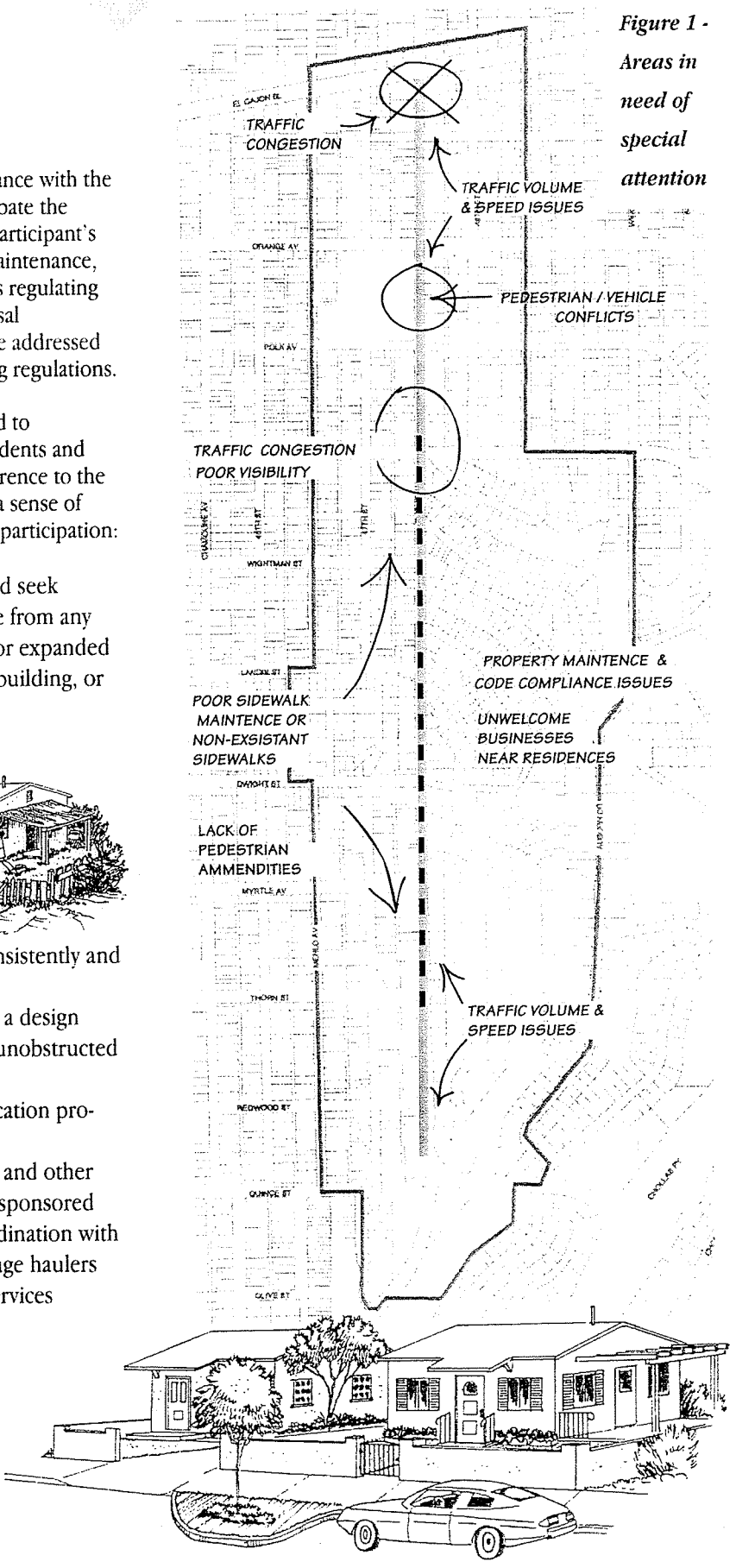


Figure 1 - Areas in need of special attention

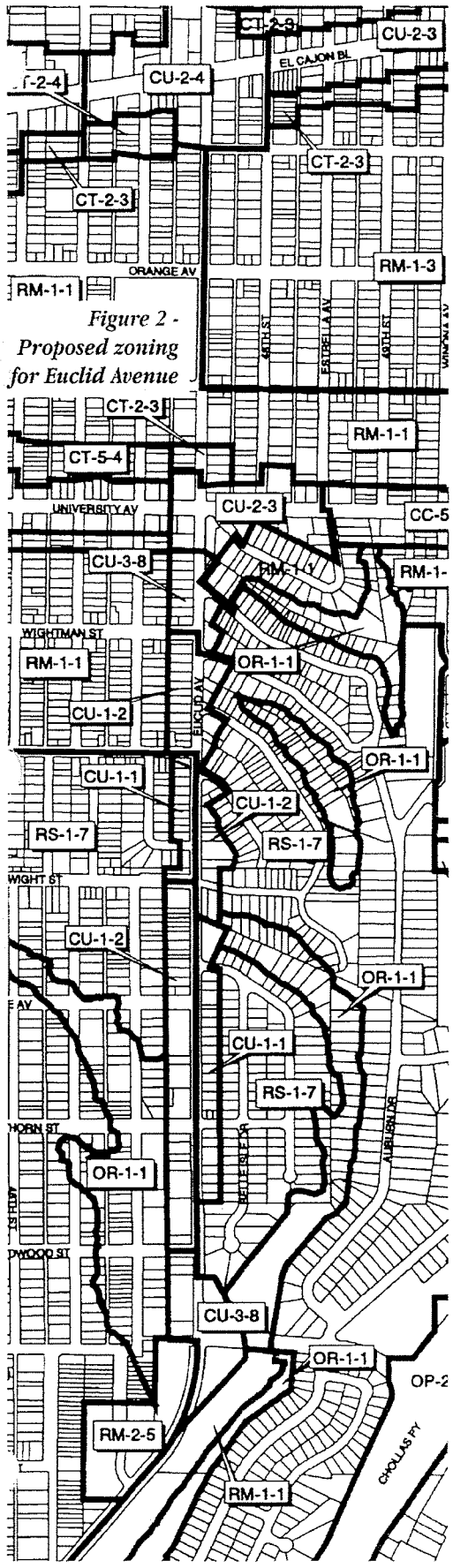
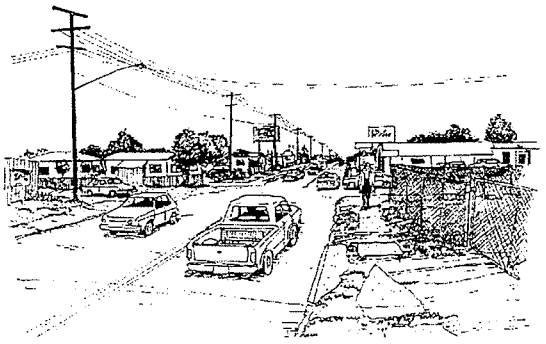


Figure 2 - Proposed zoning for Euclid Avenue



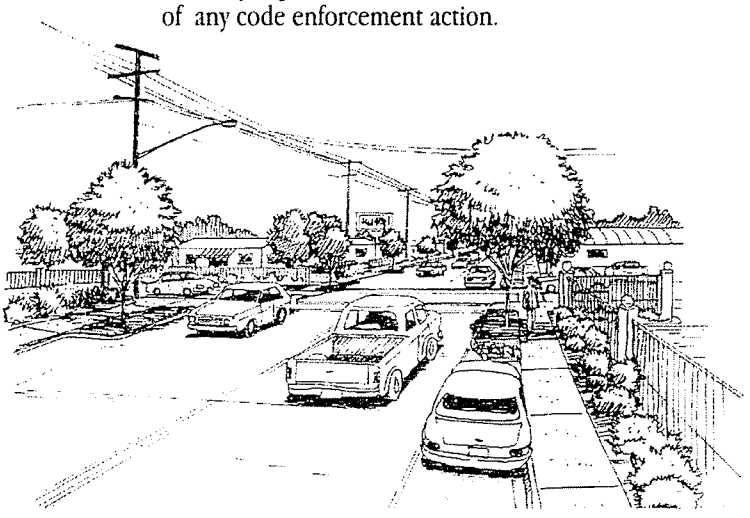
New Zoning Regulations

New land use designations are critical to attracting investment and increasing the quality of life for area residents. Desirable social and economic activity are inhibited by the external impacts of incompatible land uses. This lack of investment in property maintenance and new development contributes to a negative community image, fear of crime and depressed property values.

Open spaces are also in need of enhancement and continuing maintenance so that they can serve as positive resources for the community.

The following principles are intended to encourage investment and minimize problems associated with incompatible land uses:

- The area along Euclid Avenue between University Avenue and Wightman Street should remain designated for commercial use. A low intensity commercial/residential mixed use zone should be applied in this area (see Figure 2).
- The portion of Euclid Avenue between Wightman Street and Home Avenue should be designated and zoned to permit single family, low density multi-family, and very low intensity mixed residential/commercial uses.
- Sign regulations of the citywide neighborhood commercial zones should apply to the portion of Euclid Avenue between University Avenue and Wightman Street. Sign regulations applicable within the citywide multi-family zones should apply to the portion of Euclid Avenue between Wightman Street and Home Avenue.
- Conformance with signage and landscaping standards shall be required whenever there is any expansion of use, or as a result of any code enforcement action.

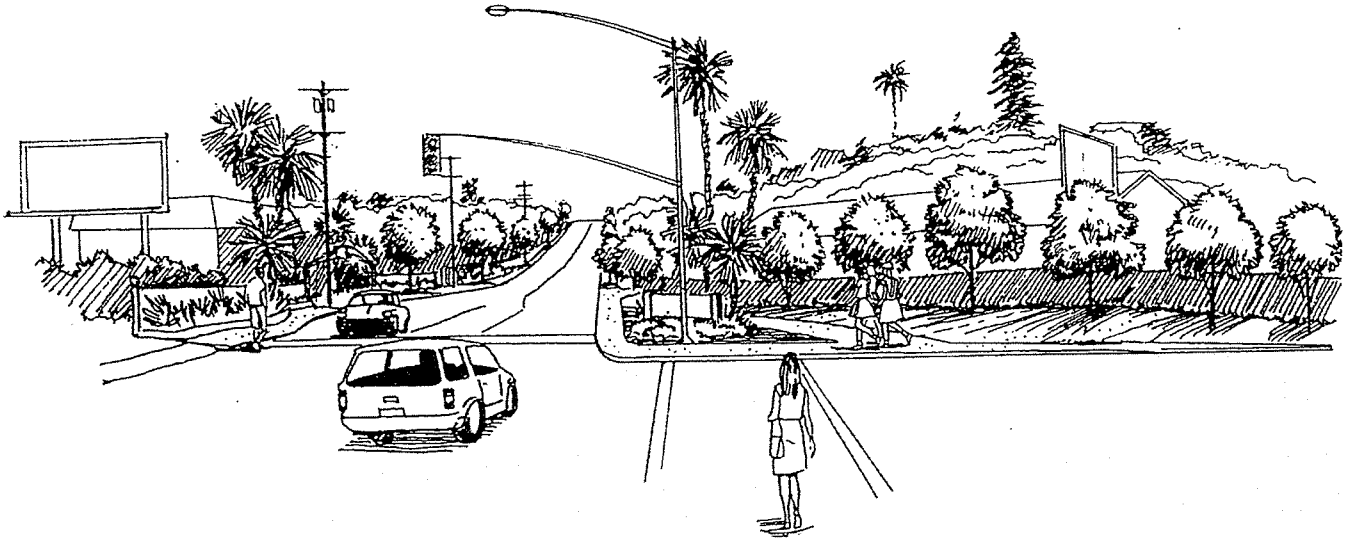


Communit Promotion

Promotion of the positive characteristics of Euclid Avenue and the neighborhoods surrounding it will be critical to this community's revitalization. Although the efforts of many organizations and individuals have resulted in renewed interest in City Heights, much work remains to be done.

To further the objectives established in this Revitalization Action Program, the Community Promotion component of the Revitalization Program includes the following principles:

- Ensure that the many positive characteristics of these neighborhoods are preserved.
- Foster investment in quality new housing and commercial establishments.
- Position Euclid Avenue as the community's welcoming front door.
- Develop pamphlets promoting the unique opportunities for home-based business created by Euclid Avenue's low intensity mixed-use zoning.



BACKGROUND

Initiation of The Euclid Avenue Revitalization Effort

Euclid Avenue is located in the City Heights portion of the Mid-City Community Planning Area. The neighborhoods surrounding Euclid Avenue are predominantly residential, with multi-family development prevalent north of University Avenue and single-family detached development south of University Avenue.

Euclid Avenue between El Cajon Boulevard and University Avenue is predominantly residential, containing a mix of single family homes, apartment courts and apartment buildings. Euclid Elementary School occupies the west side of the street between Orange Avenue and Polk Avenue. Euclid Avenue between University Avenue and Home Avenue is developed with a mix of single family homes, apartment buildings and commercial establishments. Nodes of higher intensity commercial development are located at the intersections of Euclid Avenue with El Cajon Boulevard, University Avenue, and Home Avenue.

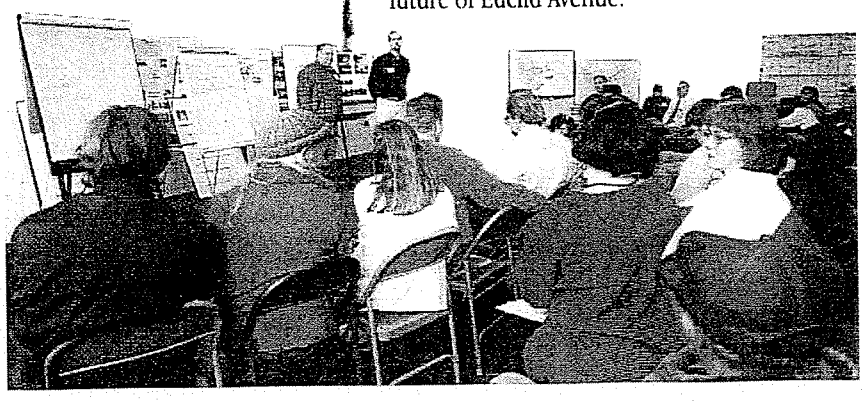
Prior to its rezoning to multi-family residential in the mid-1980's, a wide variety of commercial uses were permitted, resulting in today's mix of often incompatible land uses.

This Revitalization Action Program is intended to refine and implement goals and recommendations of the Mid-City Community Plan - the product of a four year collaboration between residents and business representatives, the four recognized planning committees of Mid-City (including the City Heights Area Planning Committee) and City of San Diego planning staff. To achieve consistency between zoning and the land use recommendations of the community plan, a program of rezonings was prepared for consideration by the Planning Commission and City Council. On January 28, 1999 the rezoning program was presented before the Planning Commission. During the hearing, a number of residents of neighborhoods surrounding Euclid Avenue testified in opposition to the adopted community plan recommendations relating to the widening of portions of Euclid Avenue. Speakers also objected to the proposed return of small scale commercial/residential mixed-use zoning to Euclid Avenue between Dwight Street and Home Avenue. In particular, speakers cited impacts that current businesses have had on the area's character and expressed concern about the potential impacts of additional businesses.

After considering staff comments and the testimony of speakers, the Planning Commission recommended to the City Council adoption of the zoning program proposed in Planning Commission Report Number P99-012, including the rezoning of portions of Euclid Avenue. In acknowledgment of the concerns raised during the public hearing regarding conditions along Euclid Avenue, the Planning Commission directed staff to work with residents and business owners to develop specific proposals to address identified concerns.

The City Heights Area Planning Committee ("CHAPC"), recognized by the City Council as the advisory body for land use issues within the study area, was designated as the lead organization for community participation in the assessment of Euclid Avenue's challenges and opportunities. The CHAPC directed that it's Long Range Planning Subcommittee solicit community input and develop recommendations for improvements along Euclid Avenue.

On Saturday, March 27, 1999, the City Heights Area Planning Committee, the City Heights Town Council and the Planning and Development Review Department of the City of San Diego sponsored a workshop to identify the issues affecting quality of life along Euclid Avenue and promote "home grown" solutions. Sixty seven members of the Colina del Sol, Teralta, Fairmount Village, Fox Canyon, and Islenair neighborhoods attended to discuss the existing conditions and vision for the future of Euclid Avenue.



The key issues identified by the Community included:

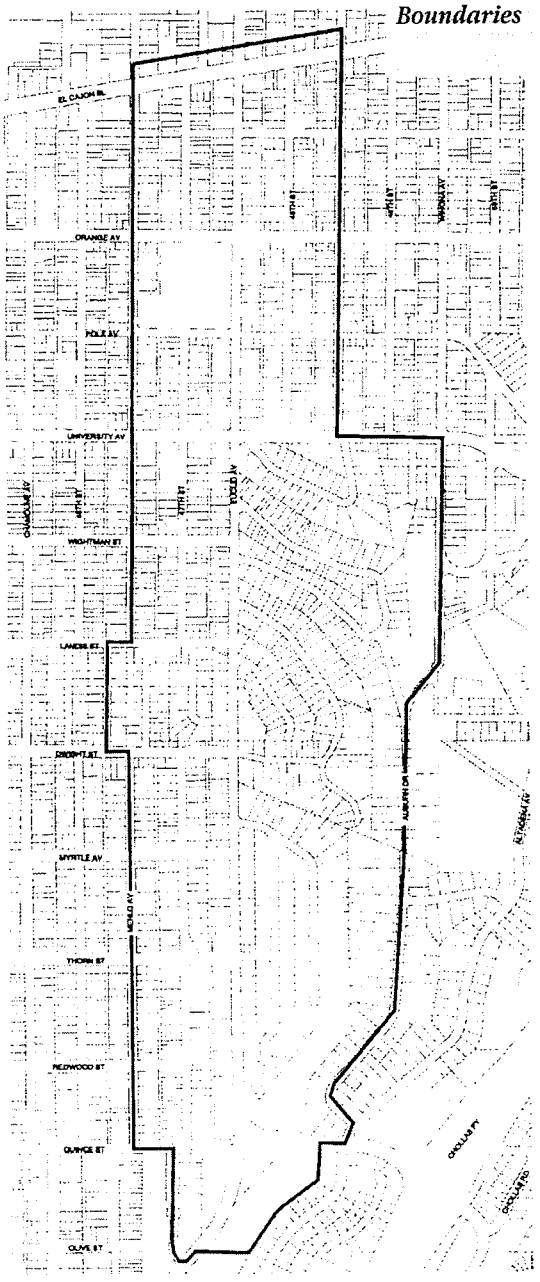
- Traffic
- Streetscape Improvements and Maintenance
- Code Compliance
- Land Use
- Community Promotion

Subsequent meetings of a concerned citizens advisory committee (See Attachment A for a list of participants) focused on issues identified as critical to the revitalization of Euclid Avenue, including traffic, trash abatement, security/street lighting, landscaping, code enforcement, public infrastructure, commercial support programs, and property maintenance. These meetings served to further define community concerns and identify specific solutions. The report that follows documents this discussion and establishes a short range (five year) program of implementing actions.

Stud Area Boundaries

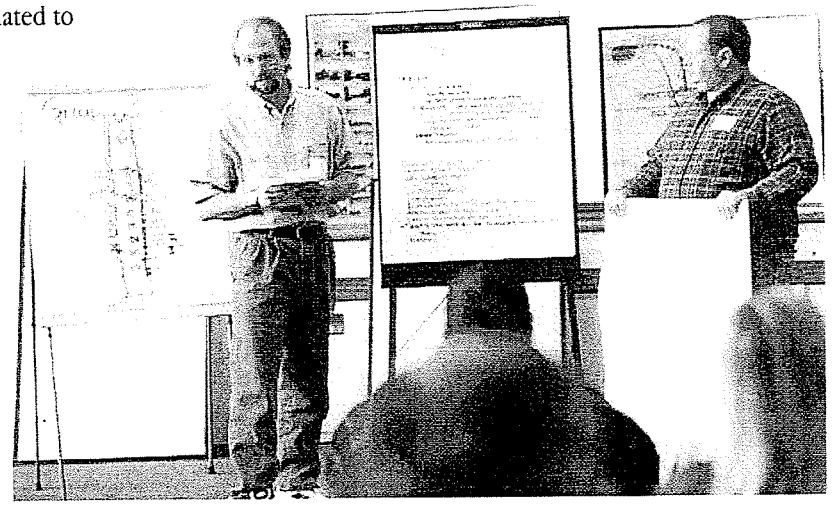
The citizen's advisory committee defined the study area boundary shown in Figure 3 and recommended to the CHAPC that the preparation of a Euclid Avenue Revitalization Action Program ("RAP") would provide the most comprehensive approach for addressing identified problems. The general boundaries selected in the study are two to three blocks east and west of Euclid Avenue from El Cajon Boulevard to Home Avenue.

Figure 3 - Study Area Boundaries



Methodolog

During the months of May through December of 1999, the revitalization team met twice monthly with staff members of various City departments to address identified problem areas. A number of identified issues were referred to the appropriate departments for immediate action (See following tables). These included issues related to policing, litter control, code enforcement, and traffic control, and are addressed in detail in this report.



The following methodology was followed in the development of this revitalization program:

- The City Heights Community Planning Committee sponsored organizational meetings to establish a work program.
- A noticed community workshop was sponsored by the City Heights Community Planning Committee and the City of San Diego Planning and Development Review Department. Residents, property owners and merchants were invited to share their concerns, identify development issues, and develop "home grown" ideas for solutions. Workshop discussions became the basis for the Revitalization Action Program.
- Twice-monthly public meetings followed to provide for broad-based ongoing public participation in the identification of issues and solutions.
- Field surveys and inventories were conducted by staff to establish baseline physical, land use, and traffic conditions, and to confirm problem sources and potential solutions.
- Discussions were conducted with staff representing various departments with responsibility for addressing the identified issues to assist in developing technical solutions.
- Key issues were validated through neighborhood and community-wide meetings.
- A noticed workshop was held to present the draft program and to address specific zoning issues to the community. By majority vote of those in attendance, the zoning program reflected in this document was established as the community preferred alternative.
- Subsequent meetings of the citizen's advisory committee focused on revisions to the draft Revitalization Action Program and draft zoning regulations.

REVITALIZATION ACTION PROGRAM

Recommendations and Accomplishments

TRAFFIC IMPROVEMENTS

Euclid Avenue is one of a limited number of collector streets accommodating north/south circulation within the City Heights community. Euclid Avenue provides access to the regional freeway system via Home Avenue to the south (linking to Interstate 805) and Fairmount Avenue to the north (linking to Interstate 8).

Due to the limited number of north/south corridors, Euclid Avenue carries a traffic volume in excess of its design capacity, resulting in significant traffic congestion and property damage. In response to the community's concern that the widening of Euclid Avenue would be inconsistent with the low intensity land uses characteristic of the study area and would not promote neighborhood revitalization, the traffic/circulation improvement component includes the following principles:

- Do not widen Euclid Avenue, with the exception of at key intersections where traffic volume requires additional space for turning lanes.
- Limit parking through red-curbing at major intersections to improve sight lines for cross traffic and provide turning lanes as needed.
- Establish "Keep Clear" zones at intersections where grid-lock is a continuing problem to allow for more even traffic flow.
- Provide a visual delineation between parking and travel lanes.
- Construct landscaped mid-block "curb extensions" to protect parking areas.
- Construct "bulb-outs" at intersections to shorten pedestrian crossing distances.
- Install all-way stops at key intersections to permit cross-traffic movement and establish a rhythmic traffic pattern.
- Establish pedestrian cross walks at all-way stops and traffic lights.
- Relocate the traffic signals at Euclid Avenue and Wightman Street to better control traffic at this off-set intersection.
- Construct dual auto-oriented and pedestrian oriented street lights to provide adequate lighting for all users of the right-of-way.
- Modify the intersection of Euclid Avenue with Home Avenue by realigning the east leg of the intersection, creating a ninety degree intersection. Landscape the surplus area to create a "gateway" to the Euclid Avenue corridor and establish an entrance into the neighborhood.
- Construct continuous sidewalks throughout area.

During community meetings, specific Recommendations and Implementation measures were proposed. Some proposals have already been analyzed by Traffic Engineering staff. The items marked with "*" (asterisks) have been reviewed and do not meet adopted policies or standards. The community is still seeking resolution of problems as stated in the "Recommendations" column, and appropriate implementation measures should be pursued.

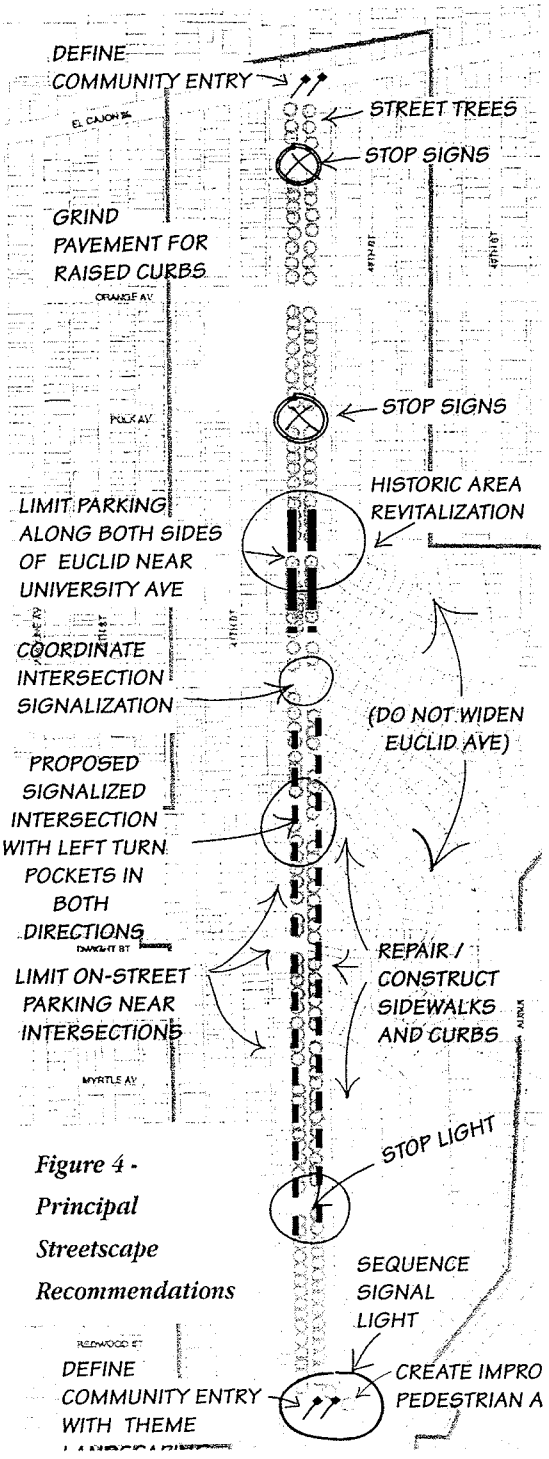


Figure 4 - Principal Streetscape Recommendations

TRAFFIC IMPROVEMENTS: Accomplishments To Date

Recommendation	Implementation	Lead	Schedule	Status	Cost
Address uncontrolled intersections in the study area	Install stop signs at: Belle Isle Dr. at Thorn St., Belle Isle Dr. at Isla Vista Dr., and Winona Ave. at Wightman St.	City	FY 2000	Completed by Traffic Engineering	Budgeted
Evaluate signal timing at Euclid Ave. and Orange Ave.	Extend length of "yellow phase" consistent with current standards.	City	FY 2000	Completed by Traffic Engineering	Budgeted
Reduce frequency of accidents at Euclid Ave. and Orange Ave.	Install "Left Turn Yield" signs facing both north- and southbound traffic on Euclid Ave.	City	FY 2000	Completed by Traffic Engineering	Budgeted
Improve visibility at the intersection of Euclid Ave. and Trojan Ave.	Evaluate sight distance and restrict parking as needed.	City	FY 2000	Completed by Traffic Engineering	Budgeted
Enhance safety of pedestrian crossing of Euclid Ave. at Orange Ave.	Repaint yellow crosswalk markings.	City	FY 2000	Completed by Traffic Engineering	Budgeted
Address frequently congested intersections	Install "KEEP CLEAR" zones as needed.	City	FY 2001	Traffic Engineering installed "Keep Clear" legends at Euclid Ave. at Wightman St., and Euclid Ave. at Lantana Dr.	Budgeted
Clearly mark the terminus of Lantana Dr. south of Dwight St.	Install a barricade with reflectorized signs.	City	FY 2000	Completed by Traffic Engineering	Budgeted

TRAFFIC IMPROVEMENTS: Prioritized Recommendations

Recommendation	Implementation	Lead	Schedule	Status	Cost
Maintain current curb-to-curb and right-of-way dimensions of Euclid Ave.	Focus on enhancing the character of the area through street scape improvements within existing right-of-way.	City	FY 2001	Incorporated as RAP principle. Mid-City Communities Plan amendment to be processed.	No direct costs.
Reduce speeding throughout study area.	1) Increase traffic enforcement efforts.	City	Ongoing	Referred to Police.	Budgeted
	2) Reduce speeds on Euclid Ave. through education, signage, traffic enforcement and physical traffic calming measures.	City	FY 2001	Traffic Engineering analysis indicates that periodic enforcement by police will improve compliance.*	Cost dependant on measures implemented.
Prohibit large commercial trucks on Euclid between Home Ave. and El Cajon Blvd.	Install signs limiting the weight of commercial trucks.	City	FY 2002	Traffic Engineering supports this concept. A petition is needed then a vote from the CHAPC and EACPC as well as the City Council.	Nominal

TRAFFIC IMPROVEMENTS:
Prioritized Recommendations

Recommendation	Implementation	Lead	Schedule	Status	Cost
Ensure adequate on-site parking.	Proactively enforce Municipal Codes for parking.	City	FY 2001	On-going	Budgeted
Prevent vehicles from parking on sidewalks.	Raise curbs to standard height.	City	FY 2001	Refer to Parking Mgmt. & Police Dept. for enforcement.	$ 60,000
Enhance pedestrian and handicapped access along Euclid Ave.	1) Repair/install curb, gutter, and sidewalks consistent with standards established by the Americans with Disabilities Act.	City	FY 2001-FY 2005	Ongoing	[see cost estimates of specific improvements]
	2) Install sidewalk on Euclid Ave. north of Home Ave.			In FY 2001, CIP 52-327, Safety All-Weather Walkways *	$45,000
	3) Repair sidewalks at the intersections of Euclid Ave. and Auburn Dr. and Wightman St.			Traffic Engineering has referred this matter to the Transportation Dept. for funding.	$2,000
	4) Address deteriorated infrastructure on Auburn Dr. from Wightman St. to Euclid Ave.			In FY 2001, CIP 52-327, Safety All-Weather Walkways	$ 60,000
Provide more opportunities to safely cross Euclid Ave.	1) Install a marked CROSSWALK: Euclid Ave. at Isla Vista Dr.	City	FY 2001	Traffic Engineering analysis does not recommend a cross walk at this intersection.*	Nominal
	2) Utilize adult supervision to monitor the intersections near adjacent schools.	Neighborhood Associations/ Community Planning Group		Initiate Program	
	3) Establish additional FOUR-WAY STOPS and CROSS WALKS or SIGNALIZED INTERSECTIONS: a) Landis St., Auburn Dr. and Wightman St. b) Euclid Ave. at Polk Ave., Euclid Ave. at Thorn St., Euclid Ave. at Isla Vista Dr.	City	FY 2002	Traffic Engineering analyzed and recommends no all-way stops, crosswalks or signals at these locations. Traffic Engineering analyzed and recommends no all-way stops, crosswalks or signals at these locations.*	4 way stops: Nominal Traffic signals: $120,000
Identify additional areas for public parking.	1) MULTI-FAMILY parking: Provide diagonal parking where street width is adequate & enforce parking codes on side streets.	City	FY 2004 - FY 2005	On-going - Refer to Traffic Engineering Dept.	Nominal
	2) BUSINESS DISTRICT parking: Develop off-street overflow parking to accommodate customers in busy commercial districts. Install on-street parking meters.	BID/ City	FY 2004 - FY 2005	On-going - Work with business groups and Traffic Engineering Dept.	Further analysis required

TRAFFIC IMPROVEMENTS:
Prioritized Recommendations

Recommendation	Implementation	Lead	Schedule	Status	Cost
Address frequently congested intersections	1) "KEEP CLEAR" Zones				
	Stencil "KEEP CLEAR" pavement legends, restricting on-street parking as needed: Euclid Ave. at Auburn Dr., Wightman St. Dwight St., Lantana Dr., Landis St., Castle Ave., Roselawn Ave., Isla Vista Dr., and Myrtle St.	City	FY 2001	Traffic Engineering installed "Keep Clear" legends at Euclid Ave. at Wightman St., and Euclid Ave. at Lantana Dr.	$ 2,000
	2) Sidewalk "BULB-OUTS"				
	Install sidewalk bulb-outs with appropriate landscaping: Euclid Ave. at Polk Ave., Dwight St., and Myrtle St. Identify additional locations during project design.	City	FY 2002 - FY 2003	Traffic Engineering determined that there is adequate stopping sight distance at specified locations. *	Sidewalk bulb-outs at four corners $4,000
	3) TURN POCKETS				
	a) Create/extend left turn pockets, restrict on-street parking correspondingly: Euclid Ave. at Wightman St., Lantana Dr., Auburn Dr., and Dwight St., Isla Vista Dr., El Cajon Blvd., and Orange Ave.	City	FY 2002 - FY 2003	Has been referred to Traffic Engineering staff for review and response.	$ 1,000 per intersection Total: $ 8,000
	b) Euclid Ave. at University Ave			Traffic Engineering analysis indicates no change warranted. *	
	c) Euclid Ave. at Wightman St.			Traffic Engineering analysis indicates coordination of signals at University Ave. and Wightman St. will substantially resolve congestion. *	
	4) SIGNAL PHASING				
	a) Consider (SPLIT) LEFT TURN PHASING for traffic on Euclid Ave. at Orange Ave.	City	FY 2001	Traffic Engineering does not recommend left turn phasing. Left turn yield signs were recently installed facing both northbound and southbound traffic. *	Nominal
	b) Euclid Ave. at University Ave.			Has been referred to Traffic Engineering staff for review and response.	

EUCLID AVENUE REVITALIZATION ACTION PROGRAM

Recommendation	Implementation	Lead	Schedule	Status	Cost
Improve visibility/ stopping sight distance at intersections	1) Evaluate sight distance and restrict parking as needed at the intersections of Euclid Ave. at Lantana Dr.	City	FY 2001	Traffic Engineering analysis indicates that stopping sight distance is adequate at these locations.	Nominal
	2) Evaluate sight distance and restrict parking as needed at the intersection of Euclid Ave. and Auburn Ave., Wightman St., Isla Vista Dr., Dwight St., and Thorn St.	City	FY 2001	Traffic Engineering analysis indicates that stopping sight distance is adequate at these locations. *	$ 1,000
	3) Evaluate sight distance, restrict parking as needed, and install sidewalk bulb-outs with appropriate landscaping at the intersection of Euclid Ave. and Thorn St.	City	FY 2002-FY 2003	Traffic Engineering analysis indicates that stopping sight distance is adequate at this location. *	Sidewalk bulb-outs on the east side of Euclid Ave.: $2,000
Improve unpaved portion of Dwight St. immediately west of Euclid Ave., providing pedestrian access to the Swan Canyon neighborhood.	1) Install a barricade with reflectorized signs to prevent access to the unimproved portion of Dwight St.	City	FY 2001	Traffic Engineering analysis indicates that barricades are not warranted. "No Parking Off Pavement" signs will be installed. *	$ 600
	2) Landscape excess right-of-way and consider installation of a pedestrian bridge connecting Euclid Ave. to Dwight St. to the west.			Has been referred to Traffic Engineering staff for review and response.	More study needed.
Create ninety degree intersection at Home Ave. to better control traffic movement. Reclaim unused right-of-way for gateway improvements.	1) Realign intersection. Remove excess pavement. Install new curb, gutter and sidewalk. Turf remaining area. Install gateway monument.	City	FY 2004-2005	Signal modification and roadway work is in FY 2001, CIP 68-011.0, "Modernize Top Prioritized Signals". *	$ 46,000 (not including gateway monument or landscaping)
Reduce the volume of "cut-through" traffic on Auburn Dr.	1) Close Auburn Dr. to through-traffic south of Wightman St.	City	FY 2003	Traffic Engineering analysis indicates street closure is not warranted.	Barricades: $ 2,000
	2) Examine alternatives, such as one-way traffic flow on Wightman St. and upper Auburn Dr., for those in favor and opposed to closure of Auburn Drive.			Installation of road humps between Ontario Ave. and Loris St. may reduce the volume of cut-through traffic. *	Additional engineering study of the alternative one-way traffic is necessary.
Provide connection between Winona Ave. and Ontario Ave.	Open a connection between Winona and Ontario Ave.s as part of the closing of Auburn Dr.	City, CHAPC, (Input of effected neighbor-hoods needed.)	FY 2005	Traffic Engineering analysis has concluded that 600 feet of roadway would have to be constructed within the available right-of-way.	$ 400,000+

Projected Cost of Proposed Traffic Improvements

2001	$ 85,000
2002	$ 152,400
2003	$ 34,400
2004	$ 44,400
2005	$ 444,400

Implementation

A more detailed study of the proposed opening of a connection between Ontario and Winona Avenues should be conducted to evaluate the project's potential impacts and effectiveness in resolving neighborhood traffic concerns.

Implementation of this program's recommendation that the resolution of traffic and streetscape issues identified along Euclid Avenue be achieved through improvements to the existing right-of-way will require amendment of the Mid-City Communities Plan. This action should be undertaken in conjunction with a future City-sponsored amendment to the community plan.

Upon approval of this Revitalization Action Program, staff will work with community members to develop grant proposals and, to the extent feasible, incorporate proposed programs into the City budget over the next five years.

STREETSCAPE IMPROVEMENTS

Many of the concerns raised by participants in the revitalization program relate to the character and visual quality of the streets within the study area. A comprehensive program of streetscape improvements, addressing both public and private property, has been developed based on participant comments. The visual/streetscape component includes the following principles:

- Development of a street tree program for that portion of Euclid Avenue within the study area.
- Improve the gateways to Euclid Avenue at El Cajon Boulevard and Home Avenue with prominent physical and landscaping features.
- Create an urban plaza at the Euclid Tower at Euclid Avenue and University Avenue by vacating a portion of Reno Drive.
- Restore Euclid Avenue's canyons and hillsides.
- Develop a neighborhood park on Auburn Drive, perhaps in conjunction with any future roadway construction linking Winona Avenue and Ontario Avenue.
- Publicize the commercial storefront design assistance and improvement program to aid merchants in improving their storefronts.
- Establish a commercial parking and landscaping improvement program to assist merchants to improve the quality of their surface parking lots.
- Establish a residential design assistance and improvement program to assist property owners in improving their homes and properties.

STREETSCAPE IMPROVEMENTS and MAINTENANCE: Prioritized Recommendations

Recommendation	Implementation	Lead	Schedule	Status	Cost
Encourage improvement of building facades, including the appearance of "previously conforming" land uses.	1a) Publicize existing storefront design assistance program to encourage COMMERCIAL facade improvements.	City/ Neighborhood Association	FY 2001- FY 2005	On-going	Budgeted
	1b) Establish a residential design assistance program to promote RESIDENTIAL facade improvements.			To be initiated	$ 5,000 per property $25,000/year
	2) Proactively enforce municipal codes for land use, signage, parking, landscaping, etc.	City/CHTC		Annual allocation	Budgeted
Improve maintenance of public rights-of-way.	Install signs, repaint addresses on curbs and create regularly scheduled street sweeping program.	City	FY 2002 - FY 2005	Refer to Engineering and Environmental Services	$ 2,000 per year
Utilize landscaping as a means of improving public rights-of-way.	1) Plant street trees in curb extensions to promote neighborhood beauty and pride. Develop residential landscape enhancement program.	City/People for Trees/ LMD	FY 2001 - FY 2005	On-going - work with People for Trees and other interested groups.	$ 10,000/year
	2) Create a weed abatement program.	City/ Neighborhood Association		Ongoing	Budgeted
Promote pedestrian environment.	Repair/construct sidewalks, curbs, ramps.	City	FY 2001 - FY 2003	On-going - See also Traffic Improvement recommendations.	Refer to Traffic Improvements
Establish community gateways.	Create community identifying gateways with prominent physical and landscaping features at El Cajon Blvd., University Ave., and Home Ave.	CHAPC/ BID/ Neighborhood Association	FY 2002	Work with community groups and BIDs.	Dependent on measures implemented.
Create an urban plaza at Euclid Avenue and University Avenue	1) Reconstruct the Euclid Tower (a qualified historic structures).	City/property owner/BID	FY 2001 - FY 2002	Work with property owners and BIDs.	$ 279,000
	2) Install a pedestrian plaza adjacent to the Euclid Tower by narrowing or vacating a portion of Reno Drive.	City/property owner/BID/ Neighborhood Association	FY 2002 - FY 2003	Work with property owners, community groups and BIDs.	$ 360,900
	3) Rehabilitate the Silverado Ballroom and Egyptian Garage (also qualified historic structures).	City/property owner/BID	FY 2002 - FY 2003	Work with property owners, community groups and BIDs.	$ 34,000
Develop public parking lots within commercial areas.	Create a commercial parking and landscape maintenance program to improve the quality of surface parking lots.	City/ CHAPC	FY 2001- FY 2005	To be initiated	$5,000/year

STREETSCAPE IMPROVEMENTS and MAINTENANCE:
Prioritized Recommendations

Recommendation	Implementation	Lead	Schedule	Status	Cost
Underground existing utilities.	Coordinate with utility companies to underground existing utilities.	Community Planning Group/ City	FY 2001-FY 2005	On-going	Budgeted
Establish a Landscape Maintenance District.	Develop a program to implement a Landscape Maintenance District with citywide funds allocated accordingly. Consider benefit to non-residents in calculation of assessment.		FY 2004		Part of larger program for Mid-City
Promote housing rehabilitation events.	Expand housing rehabilitation services and create a calendar of rehabilitation events.	Housing Commission/ CHCDC/SDNHS	FY 2001 - FY 2005	Ongoing	Budgeted
Enhance street lighting.	1) Incorporate additional high pressure and acorn street lights into streetscape designs.	City	FY 2001 - FY 2005	Ongoing - Seek share of annual allocation	$40,000/year
	2) Construct additional one-pole attachment with 150-watt HPS at: Auburn/Euclid (west side); Dwight St. 150' east of Euclid; Dwight St. 375' east of Euclid; Castle Ave. 250' east of Euclid; Auburn Dr., 170 feet east of Euclid.; Auburn Dr., 620 feet SE of Euclid; Auburn Dr., 470 feet north of Altadena; Auburn Dr., 670 feet north of Altadena; Lantana Dr., 250 feet east of Euclid.	City		Engineering analysis has determined that the listed locations qualify for street lights and will compete for funding in beginning FY 2001. These are also eligible for CDBG funding.	$1,000/light Total: $9,000
	3) Construct additional 150-watt HPS lights at: Auburn Dr., 50' south of Wightman St.; Auburn Dr. at Euclid Ave.; Belle Isle Dr., 200' north of Thorn St.; Belle Isle Dr.. 250' south of Isla Vista Dr; Belle Isle Dr. 300' south of Thorn St.; Euclid Ave. 300' south of Myrtle; Euclid Ave., 250' south of Landis St; Euclid Ave. 300' south of Thorn St.; Euclid Ave. and Isle Vista; Euclid Ave. And Lantana Ave.; Euclid Ave. at Wightman Ave.; Lantana Dr., 700' south of Euclid; Lantana Dr., 250' north of Dwight St; and, Lantana Dr., 700' south on Euclid Ave.	City	FY 2001 - FY 2005	Engineering analysis has determined that the listed locations qualify for street lights and will compete for funding in beginning FY 2001. These are also eligible for CDBG funding.	$4,000 each or $9,600/year Total: $48,000

STREETSCAPE IMPROVEMENTS and MAINTENANCE: Prioritized Recommendations

Recommendation	Implementation	Lead	Schedule	Status	Cost
Enhance street lighting (cont.).	4) Upgrade lights at: Belle Isle Dr., 550' south of Thorn St.; Belle Isle Dr. and Isla Vista Dr.; Belle Isle Dr. and Thorn St.; Dwight St., and Lantana Dr.; Isle Vista Dr., 270' north of Thorn St.; Isle Vista Dr., 500' east of Belle Isle; Isle Vista Dr. and Thorn St.; Isle Vista Dr. south of Thorn St.; Wightman St., 300' west of Auburn; Wightman St., 450' east of Euclid Ave; Auburn Dr., 450' SE of Euclid; Castle Ave., 500' south of Euclid Ave; Auburn at Wightman and Ontario, Loris, Corliss, and 310' and 550 feet south of Loris; Lantana and 450' north and 350' south of Dwight Ave.; Lantana Dr., 400' SE of Euclid; Reno Dr. 500' SE of University; and, Reno Dr. at Estrella Ave.	City		Engineering analysis has determined that the listed locations qualify for street lights and will compete for funding in beginning FY 2001. These are also eligible for CDBG funding.	$1,000/each or $3,000/year Total: $15,000

Projected Cost of Proposed Streetscape Improvements

2001	$ 213,900
2002	$ 403,300
2003	$ 273,850
2004	$ 96,400
2005	$ 96,400

Implementation

Upon approval of this Revitalization Action Program, staff will work with community members to develop grant proposals and, to the extent feasible, incorporate proposed programs into the City budget.

Code Compliance

The impacts of incompatible land uses, inconsistent property maintenance and failure to observe existing codes regulating signage, landscaping and trash disposal were identified as factors undermining the character of the study area. The code enforcement component includes the following principles:

- Strictly enforce current codes and seek effective and prompt compliance from any properties that have developed or expanded their use in violation of zoning, building, or other state or federal codes.
- Enforce sign and litter codes consistently and proactively.
- Assist property owners, through a design assistance program, to develop unobstructive enclosures for trash receptacles.
- Establish a litter abatement education program for local school children.
- Undertake clean ups of canyons and other properties through an annually sponsored "spring cleaning" event, in coordination with the neighborhood, private garbage haulers and the City's Environmental Services Department.

CODE COMPLIANCE:
Prioritized Recommendations

Recommendation	Implementation	Lead	Schedule	Status	Cost
Remove illegal businesses.	Enforce municipal land use codes.	City	FY 2001 - FY 2005	Ongoing	Budgeted
Ensure high quality in new development.	Adopt zoning regulations that promote neighborhood objectives.	City	FY 2001 - FY 2005	Ongoing	Budgeted
Improve appearance of "previously conforming" land uses.	Encourage use of facade enhancement rebate program. Proactively enforce municipal codes for land use, signage, parking, landscaping, etc.	City/CHTC	FY 2001 - FY 2005	Ongoing	Budgeted
Reduce litter.	Enforce municipal solid waste codes for containment.	City	FY 2001 - FY 2005	Ongoing	Budgeted
Coordinate with business owners to improve area.	Develop incentive program for businesses to improve their store fronts. Enforce local sign and facade codes.	City/BID	FY 2001 - FY 2005	On-going	Budgeted
Improve appearance of residential structures/property.	Enforce building codes and landscaping regulations. Provide facade enhancement assistance.	City	FY 2001 - FY 2005	Ongoing	Budgeted
Establish high expectations for the maintenance of public and private property. .	Enforce maintenance standards for private property through appropriate codes.	City	FY 2001 - FY 2005	On-going	Budgeted
Clean storm drains.	Create annual program to clean storm drains.	City	FY 2001 - FY 2005	Ongoing	Budgeted
Restrict access to open storm drains along Ontario Dr. and west of Auburn Dr.	Install barriers to ensure safety of citizens.	City	FY 2001 - FY 2005	Ongoing	Budgeted
Address noise complaints.	Proactively enforce municipal codes for noise.	City	FY 2001 - FY 2005	On-going	Budgeted
Increase code compliance staff resources for the Mid-City area.	Provide additional positions in the FY 2002 code enforcement budget.	City	FY 2002 - FY 2005	Work with code enforcement budget analyst.	$40,000/year
Identify and remove public telephones associated with nuisance behaviors	Enforce existing standards and policies relating to payphones.	City/ telephone owners	FY 2001 - FY 2005	Ongoing	Budgeted
Remove graffiti.	Utilize graffiti abatement program with assistance from the SDPD.	City/ Neighborhood Association	FY 2001 - FY 2005	On-going	Budgeted
Participate in the City's Curbside Recycling Program.	Request that Environmental Services incorporate the area into the Program.	City/ Community Planning Group	FY 2002	On-going	Budgeted

Projected Cost of Code Enforcement Recommendations

2001	$ Budgeted
2002	$ 40,000
2003	$ 40,000
2004	$ 40,000
2005	$ 40,000

Implementation

Upon approval of this Revitalization Action Program, staff will work with community members to develop grant proposals and, to the extent feasible, incorporate proposed programs into the City budget.

LAND USE

Many single family residences are well maintained and should be preserved. However, program participants complained of the blighting impact of neglected single- and multi-family structures.

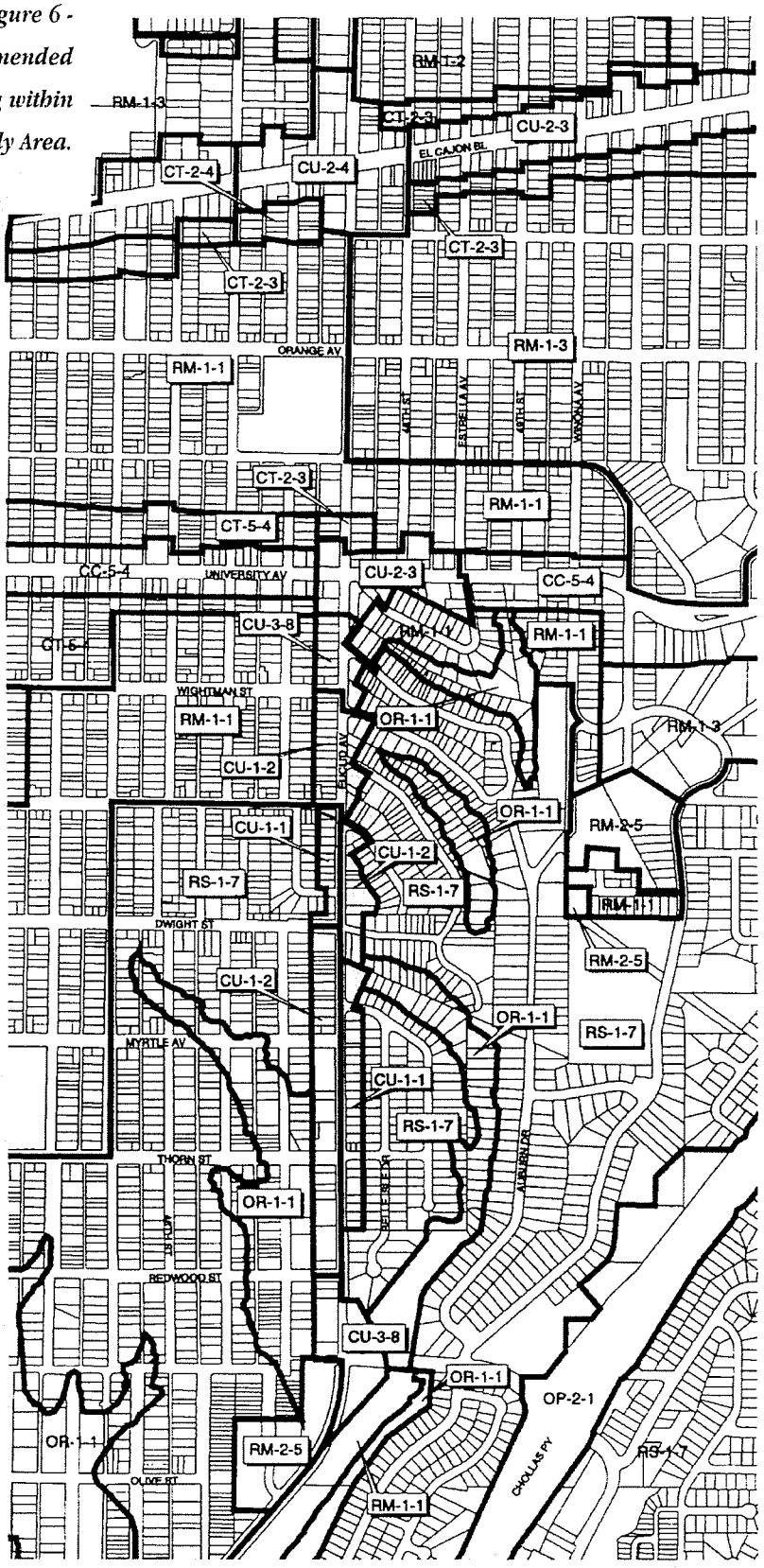
The existing mix of commercial and residential land uses south of University Avenue, partly resulting from the rezoning of formerly commercial properties to residential use, has been identified as a condition diminishing the quality of life enjoyed by residents. Staff field work confirmed the critical need to resolve problems associated with certain commercial enterprises located within residentially zoned areas.

The external impacts and physical condition of many businesses discourage desirable social and economic activity, and contribute to a negative community image, fear of crime and depressed property values. However, the physical character of the streetscape and the rents paid to property owners by operators of "previously conforming" land uses, are obstacles to the enhancement or reuse of these sites. An infusion of public/private attention is needed to revitalize this portion of Euclid Avenue Open space areas also need enhancement and continuing maintenance so that they will serve as positive resources for the community.

The Zoning Regulations component of the Revitalization Program includes the following principles:

- The area along Euclid Avenue between University Avenue and Wightman Street should remain designated for commercial use. A low intensity commercial/residential mixed use zone should be applied in this area.
- The area south of Wightman Street to Home Avenue should be designated and zoned to permit single family, low density multi-family, and very low intensity commercial/residential uses (See Figure 6).
- Sign regulations of the citywide neighborhood commercial zones should apply to the portion of Euclid Avenue between University Avenue and Wightman Street. Sign regulations applicable within the citywide multi-family zones should apply to the portion of Euclid Avenue between Wightman Street and Home Avenue.
- Conformance with signage, parking, and landscaping standards contained in the Municipal Code shall be required whenever there is any expansion of use, or as a result of any enforcement action.

Figure 6 - Recommended zoning within Study Area.



LAND USE:
Prioritized Recommendations

Recommendation	Implementation	Lead	Schedule	Status	Cost
Develop a public park in the vicinity of Auburn Dr. and Winona Ave.	Evaluate opportunities to develop a neighborhood park in conjunction with the Chollas Creek preservation project and street improvement mitigation for development of a street linking Ontario Ave. and Winona Ave.	City/ Planning Group/ Neighborhood Associations	FY 2003	Refer to Park & Recreation	$ 100,000
Identify additional park sites.	Review Public Facilities element of the Community Plan and make recommendations for additional sites.	Community Planning Group/City	FY 2001 - FY 2005	On-going	Budgeted
Consider designation of the Islenair Neighborhood as an Historic District.	Coordinate documentation with the City for consideration of the area by the Historic Resources Board.	City/ Neighborhood Association	FY 2002	To be initiated	Budgeted
Restore Chollas Creek	Create an environmental rehabilitation program to facilitate the restoration of Chollas Creek.	City/ Community Planning Group	FY 2002- FY 2005	On-going	$100,000/year
Restore canyon habitats.	Adopt preservation program to enhance and promote area canyons.	City/ Neighborhood Association	FY 2002 - FY 2005	On-going	Budgeted
Consider revision of regulations governing home occupations to include a wider variety of activities.	In cooperation with neighborhood groups, review revise regulations as needed to accomodate more home-based businesses in neighborhoods.	City/ Community Group	FY 2001	On-going	Budgeted
Promote neighborhood rehabilitation events.	Create an on-going neighborhood "clean-up" calendar.	Housing Commission/ NHS/ CDC	FY 2001 - FY 2005	On-going	Budgeted
Oppose the development of a public school on Euclid Ave.	Communicate with the school district regarding the community's concerns and objection to the placement of a school on Euclid Ave.	Community Planning Group	FY 2002	N/A	N/A

Projected Cost of Land Use Recommendations

2001	$ Budgeted
2002	$ 100,000
2003	$ 200,000
2004	$ 100,000
2005	$ 100,000

Implementation

Upon approval of this Revitalization Action Program, staff will work with community members to develop grant proposals and, to the extent feasible, incorporate proposed programs into the City budget.

COMMUNITY PROMOTION

Participants in the revitalization program made recommendations relating to the enhancement of public safety and the promotion of the diverse neighborhoods within the study area as a desirable locations to live and work. These neighborhoods include the following:

Teralta East

The Teralta East neighborhood is located west of Euclid Avenue between El Cajon Boulevard and University Avenue. It was originally developed with single family housing and shares with other neighborhoods in the study area an history associated with the extension of trolley service along University Avenue to its terminus at Euclid Avenue. Higher density development, including apartments and condominiums have been added to the neighborhood during the post war years. Teralta East, like its neighbors to the east and west, now contain the highest population density in Mid-City. Commercial needs are served by the El Cajon Boulevard and University Avenue commercial corridors.

Fairmount Village

The Fairmount Village neighborhood is located on the mesa south of University Avenue between Euclid Avenue and Fairmount Avenue. Single family homes represent the predominant development type, with some duplex development and apartment development located near University Avenue. The development of the City Heights Urban Village project, including the construction of the Rosa Parks Elementary School has significantly improved the quality of life enjoyed by residents of Fairmount Village.

Swan Can on

The Swan Canyon neighborhood is located south of Fairmount Village between Euclid Avenue and Fairmount Avenue and extends south to Home Avenue. This neighborhood is largely defined by single family development on the mesas surrounding the natural canyons leading up from Home Avenue. Multi-family development is primarily located along Fairmount Avenue in the vicinity of the recently constructed Monroe Clarke Middle School.

Colina Park

Colina Park neighborhood is located to the east of Euclid Avenue between El Cajon Boulevard and University Avenue. The character of the neighborhood's original single family residential areas has been altered since its original development by the construction of many larger apartment complexes, many providing housing for San Diegans of limited income. Colina Park is distinguished from other neighborhoods within the study area by hilly terrain, giving the area outstanding view opportunities. A large community park includes the public Colina Park Golf Course, that features a golf academy for local youth.

Fo Can on

The Fox Canyon neighborhood is located to the east of Euclid Avenue and south of University Avenue. Like the other neighborhoods adjoining University Avenue, Fox Canyon enjoys ready access to transit and commercial services located on this commercial corridor. Development within Fox Canyon consists of a mix of multi-family and single family dwelling units. Like the Islenair and Swan Canyon neighborhoods, the boundaries of Fox Canyon are largely defined by its topography. Fox Canyon is establishing a well integrated residential and business community sensitive to the preservation of natural, artistic, and historical developments within a well maintained, safe, and friendly environment.

Islenair

The Islenair neighborhood is located to the east of Euclid Avenue and bounded by hillsides to the north, east and south, isolating it from through traffic. The character of this small and tightly knit community is distinguished by its exclusively single family development, architectural style, and high level of property maintenance.

These neighborhoods have benefitted greatly by the efforts of concerned citizens and organizations such as the City Heights Town Council, the El Cajon Business Improvement Association, the University Avenue Business Improvement Association, the City Heights Community Development Corporation, San Diego Neighborhood Housing Services, and many others. As a result, retailers and home buyers have shown renewed interest in locating in City Heights.

Yet much work remains to be done. To further the objectives established in this Revitalization Action Program, the Community Promotion component of the Revitalization Program includes the following principles:

- Foster investment in quality housing and commercial establishments.
- Ensure that the many positive characteristics of these neighborhoods are preserved.
- Position Euclid Avenue as the community's welcoming front door.

COMMUNITY PROMOTION: Prioritized Recommendations

Recommendation	Implementation	Lead	Schedule	Status	Cost
Encourage private investment/ redevelopment.	Outreach to real estate professionals. Provide information on area's assets.	City/BIDs/ neighborhood associations	FY 2001 - FY 2005	On-going	Budgeted
Market Euclid Ave. as a unique location for home based business.	Create marketing pamphlet highlighting the neighborhood's history, locational advantages and zoning. Place advertisements and articles in local newspapers and magazines.	BIDs/ Neighborhood Associations	FY 2002 - FY 2005	On-going	$2,000
Establish a Business Improvement District.	Develop a program to implement a Business Improvement District.	City/ Planning Group	FY 2001 - FY 2005	On-going	Budgeted
Reinforce neighborhood identity	Install "gateway" elements at Home Ave., El Cajon Blvd., and University Ave.	City/BIDs/ Neighborhood Associations	FY 2003	Refer as community arts project. Coordinate with El Cajon Blvd. and University Avenue BIDs	[refer to Streetscape Improvement rec.s]
Enhance neighborhood watch program.	Replace existing signs, support neighborhood policing, and institute an event similar to that conducted in Azalea Park	Community Group/City	FY 2002 - FY 2005	On-going	Budgeted
Facilitate greater partnership between private businesses and banking institutions.	Develop program for businesses to access financial support of banking institutions.	Community Group/BID	FY 2002 - FY 2005	On-going	Budgeted
Encourage regular neighborhood cleanups and "facelifts".	Schedule regular "Community clean-ups" and "facelifts". Enforce municipal solid waste codes.	City	FY 2001 - FY 2005	On-going	Budgeted
Incorporate neighborhood identifying landmarks/arches.	Identify locations for landmarks and incorporate into new development and/or streetscape improvement programs.	Community Planning Group	FY 2002 - FY 2005	To be initiated	$5,000 per year

Projected Cost of Proposed Communit Promotion Recommendations

2001	$ Budgeted
2002	$ 500
2003	$ 500
2004	$ 500
2005	$ 500

Implementation

Upon approval of this Revitalization Action Program, staff will work with community members and local business improvement associations, and neighborhood associations to develop grant proposals and other funding options.

CONCLUSION

The publication of this document represents a beginning. This RAP establishes a road map for neighborhood improvement that capitalizes on the application of existing City programs and identifies additional annual costs that must be programed from City and other funds, including but not limited to, Community Development Block Grants (CDBG), transportation funding, environmental mitigation and enhancement funds, and housing funds. Ongoing efforts to monitor and solicit grant funding opportunities will be necessary to achieve the objectives identified.

Annual Funding Allocations for the Revitali ation Program

	2001	2002	2003	2004	2005	
Traffic	$ 78,000	$ 140,400	$ 22,400	$ 113,400	$ 513,400	[from transportation funds]
Streetscape	$ 213,900	$ 403,300	$ 273,850	$ 96,400	$ 96,400	[from CDBG, environmental & transportation funds]
Land Use	$ 0	$ 100,000	$ 200,000	$ 100,000	$ 100,000	[from CDBG & environmental funds]
Enforcement	$ 0	$ 40,000	$ 40,000	$ 40,000	$ 40,000	[from CDBG funds]
Promotion	$ 0	$ 500	$ 500	$ 500	$ 500	[from CDBG funds]
TOTAL	**$ 291,900**	**$ 644,200**	**$ 516,750**	**$ 350,300**	**$ 750,300**	

Implementation

Implementation of the recommendations identified in this Revitalization Action Program will require the cooperative efforts of City staff, the City Heights Area Planning Committee, effected neighborhood associations, property owners and tenants, business improvement associations, and others interested in the preservation and enhancement of the study area. In addition to accessing currently budgeted programs, implementation will require that additional funds, including public and private grants, be obtained.

ACKNOWLEDGMENTS

Special acknowledgments are due to the citizens representing the neighborhoods of Colina Park, Fox Canyon, Islenair, Teralta East, Fairmount Village and Swan Canyon, and members of the City Heights Area Planning Committee who participated in this effort. Without their commitment, this program would not have been possible.

Cit Heights Area Planning Committee

Jim Varnadore, Chair
Michael Dunn, Vice Chair and Chair of the Long Range Subcommittee
Steve Russell, Secretary
Vertez Burks
Jennifer Merk
Charles Miller
Graham Parnell

Cit of San Diego Staff

Andrew Abouna, Planning and Development Review Department
Victoria Charfauros, Planning and Development Review Department
Leo De Jesus, Planning and Development Review Department
Lara Evans, Planning and Development Review Department
Coleen Frost, Planning and Development Review Department
Angeles Leira, Planning and Development Review Department
Theresa Millette, Planning and Development Review Department
Siavash Pazargadi, Planning and Development Review Department
Sam Riordan, Planning and Development Review Department
Tom Romstad, Planning and Development Review Department
Craig Tennesen, Planning and Development Review Department
Mike Naggar, Environmental Services Department
Staajabu Heshimu, Neighborhood Code Compliance Department
Curtis Hussey, Neighborhood Code Compliance Department
Alicia Martinez-Higgs, Office of Small Business
Officer Kevin Lares, San Diego Police Department
Stephen Celniker, Transportation Department
Ron D'Argento, Transportation Department
Eddie Flores, Transportation Department
Allen Holden, Jr., Transportation Department

Communit
Participants

John Abare
Sucood Abdullani
Richard Allen
Samantha Attebay
Richard Baca
Andrew Bailey
Morten Blackstone
Richard Bourne
Faith Calloway
Chris Carrier
David Chau
Paula Delapaz
Greg Diethrich
Linda Dillihunt
Francisco Dimas
Thu Do
Virginia Estevez
Margie Ethridge
David Feeley
Maria Feeley
Michael D. Ferguson
Francisco Guenard
Olga Guzman
Chau H. Nguyen
Christa Hansen
Lul Hassan
Abdiweli Heibeh
Thul Hop
Jose & Marie Hurtado
Emery Huynh
Bill Isbell
Helene Isbell
Ramirez Juan
G. Keegan
Helen Kozminski
Ted Kozminski
Jim Kretovics
Percella Kuhos
Lawrence L Socci
Mal Lambert
Elvia Lopez
Jose Lopez
Kit Lynch
Mike Lynch
Michael May
Cynthia McLeod
Bobbi McManus
Bobbie McMaury
Pat McTague
Paula Melcher
Shelli Miller
Gloria Moore
Alex Moreno
Dung Nguyen
Tuanh Nguyen
Jaqueline Osborne
Jeff Peterson
Sergio Pina
Jay Powell
Donald R. Scott
Oliverio Ramirez
Hazel Ray
Nat Ray
Susan Ringo
Andres Rojas
Antonio Rojas
Cecilia Rojas
Vince Salerno
Jorge Santiesteban
Jessie Sergent
Robert Sergent
Judy Smongesky
Al Stasukevich
David Stear
Recheal Stewart-Brown
Morris Streater
J.W. Stump
Hoeu T. Chhun
William Tall
Barbara Tarvin
Nean Tiu
Ken Todhunter
Mot Tran
Mary Vaccariello
Patty Vaccariello
Mildred Ward
Jesus Zavala
T.K. Zumlin

Figure 5

Euclid Avenue
Street landscaping improvements

VISION FOR EUCLID AVENUE

The vision developed by the revitalization team is based on the belief that improvements in traffic circulation and the visual character of Euclid Avenue will provide the greatest benefit to area residents and business owners. The vision has five basic elements including: traffic and circulation improvements; visual and streetscape improvements; strict enforcement of existing codes; implementation of tailored zoning regulations, and community promotion.

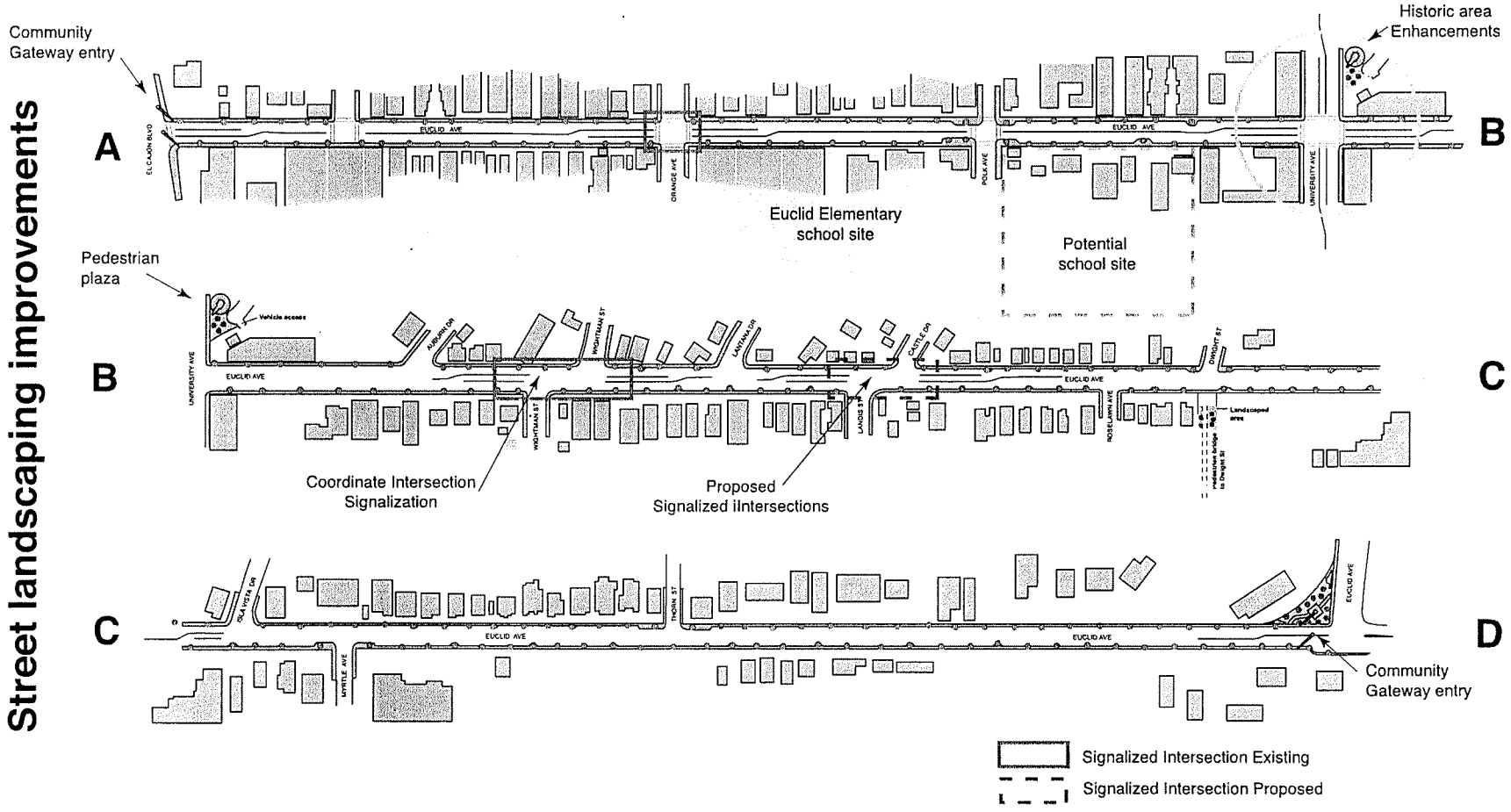


EXHIBIT NO. 86

Traffic Information

Auburn Creek – Fox Canyon Neighborhood Park

(Project Number: X5310-015)

Final Report

Prepared for:

City of San Diego Parks and Recreation
202 C Street, MS 35
San Diego, CA 92101

Project Design Consultants
701 B Street, Suite 800
San Diego, CA 92101

Prepared by:

WILSON
&COMPANY

701 B Street
Suite 1220
San Diego, CA 92101

August 18, 2005

1.0 Introduction

The purpose of this technical report is to document trip generation and associated parking demand for the proposed Auburn Creek-Fox Canyon Park and to estimate average daily traffic volumes for the extension of Ontario Avenue which will occur with development of the park. The Auburn Creek-Fox Canyon Park is planned to be a 0.4 acre neighborhood park to be located on the southeast corner of Winona Avenue and Wightman Street in the City of San Diego. **Figure 1** displays a site plan of the proposed park.

2.0 Trip Generation

Vehicle trip rates for parks range from 5/acre for undeveloped neighborhood parks to 50/acre for larger developed parks with active recreational facilities (City of San Diego Trip Generation Manual). The proposed Auburn Creek – Fox Canyon Neighborhood Park will support a combination of passive and minor recreational uses (children playground facilities, basketball courts). As such, a conservative trip rate of 50/acre was deemed to be most representative of the site and proposed uses. **Table 1** displays the resulting trip generation for the proposed park.

Table 1
Trip Generation Table

Land Use	Units	Trip Rate	Daily Trips
Neighborhood Park	0.4 Acre	50 / Acre	20

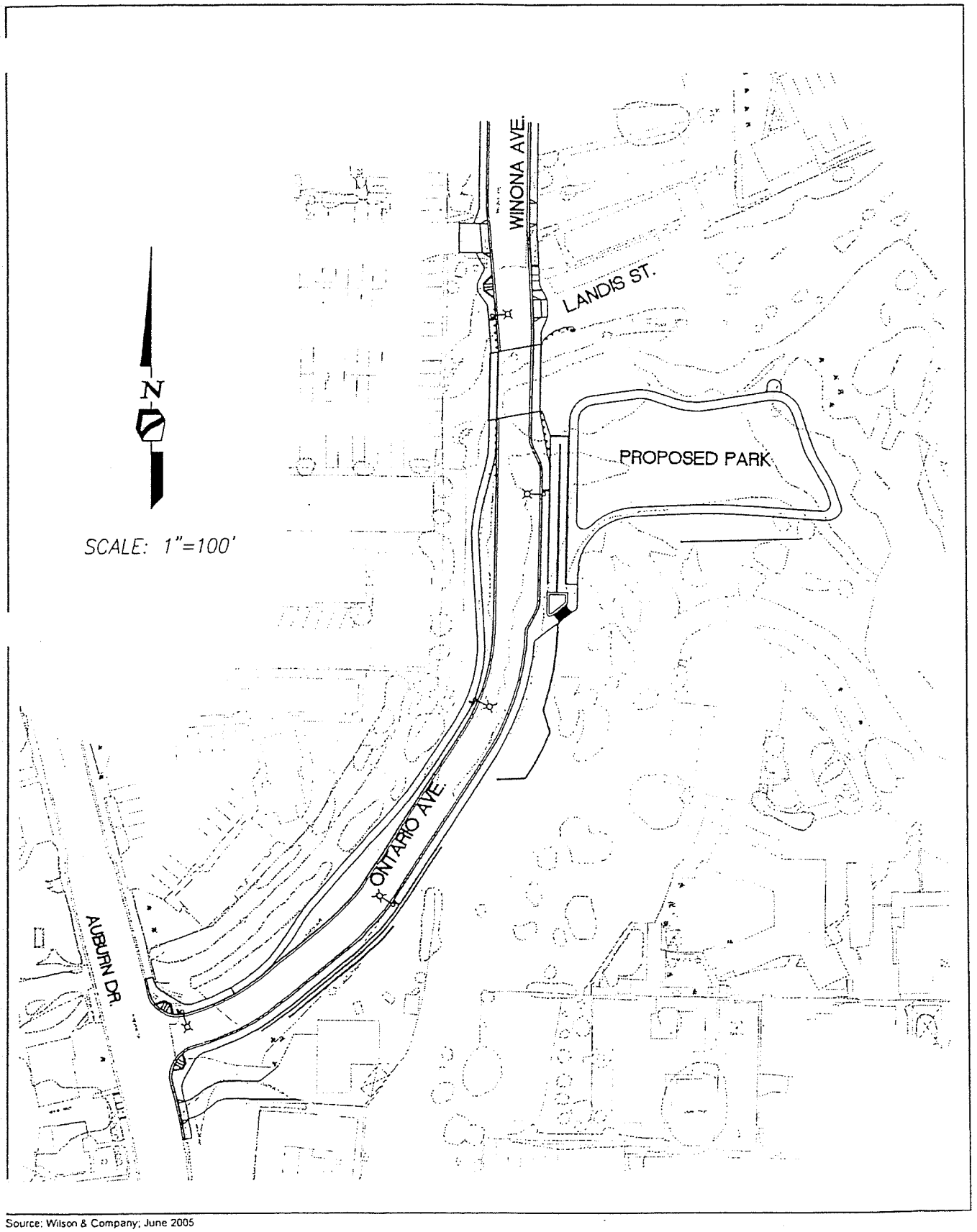
Source: Wilson & Co, May 2005

As shown above, the proposed park will generate a total of 20 daily vehicle trips, which is reasonable given the size of the park, proposed improvements, and the multi-family residential nature of the surrounding land uses.

3.0 Parking Demand

As indicated by the project trip generation discussed above, parking demand at the proposed park should be relatively minor. It's also reasonable to anticipate that there could be periods of high demand, e.g. weekends, holidays, special park events, ect, that could result in higher than average parking demands.

The *City of San Diego Consultants Guide to Park Design and Development* requires a neighborhood park with multi-purpose fields to provide 30 parking spaces per backstop as well as 5 parking spaces per acre. The proposed park will not include multi-purpose fields, or backstops therefore a ratio of 5 parking spaces per acre was assumed. This results in a requirement to provide a minimum of 2 parking spaces (0.4 acres x 5 spaces/acre = 2 spaces). The project plans to provide 4 to 5 on-street parking spaces along the frontage on Ontario Avenue which will more than adequately address the parking requirements for a park of this size and use characteristics.



Source: Wilson & Company; June 2005

Auburn Creek-Fox Canyon
Neighborhood Park Traffic Study

WILSON & COMPANY

Figure 1
Site Plan

Field observations were conducted at other neighborhood parks of similar size and facilities to verify the parking demand estimate for the proposed park. The following site observations were noted:

1. **30th Street Mini Park** – located on Island Avenue just east of 30th Street. The park is approximately 0.23 acres on size and includes minor playground equipment. On-street parking only is provided at this location.

   Site Observations: Mid-day Sunday, May 1, 2005 – 2-3 patrons were utilizing the park; plenty of on-street parking available.

2. **L Street Mini Park** – located on the corner of L Street and 28th Street. The park is approximately 0.42 acres in size and includes basketball courts and a small picnic area. On-street parking only is provided at this location.

   Site Observations: Mid-day Sunday, May 1, 2005 – 3-5 patrons were utilizing the park and appeared to have arrived via bicycle; little to no on-street parking available.

3. **North Mountain View Park** – located on North Mountain Drive, west of 34th Street. The park is approximately 0.15 acres in size and includes a bench and small rest area. On-street parking only is provided at this location.

   Site Observations: Mid-day Sunday, May 1, 2005 – 2-3 patrons were utilizing the park; plenty of on-street parking available.

4. **MacDowell Park** – located on Arvinels Avenue, north of Aberdeen Street. The park is approximately 1.78 acres in size and includes a large grass area and playground On-street parking only is provided at this location.

   Site Observations: Mid-day Sunday, May 1, 2005 – 2-3 patrons were utilizing the park; plenty of on-street parking available.

Appendix A Includes site plans for each of the parks listed above.

The proposed Auburn Creek-Fox Canyon Park will be used predominantly by the surrounding residential neighborhoods and most of the attendants will most likely arrive via foot, bike, and other non-motorized modes of transportation. Field observations of similar neighborhood parks confirm the estimated vehicular trip generation and parking demands. Four to five on-street parking spaces will be available along Ontario Avenue in front of the proposed park which will be sufficient to serve the associated parking demands.

4.0 Extension of Ontario Avenue

The extension of Ontario Avenue is proposed as part of the project and will provide a through connection to Winona Avenue. **Figure 2** displays existing average daily traffic volumes on the streets surrounding the future extension of Ontario Avenue and the project site. Existing volumes range from a low of 525 on Winona Avenue to a high of 4,200 on Altadena Avenue. Existing traffic count sheets are displayed in **Appendix B**.

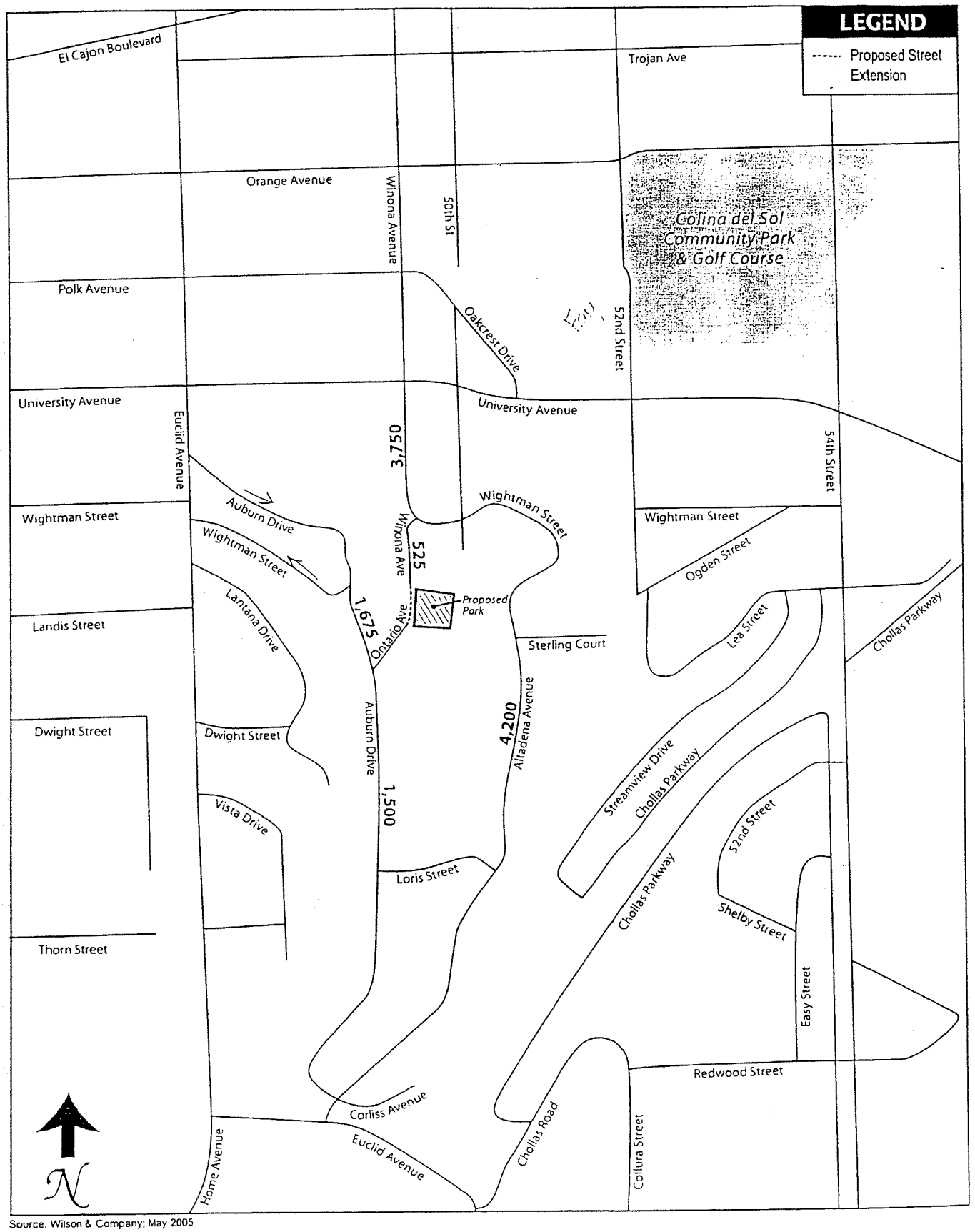
Altadena Avenue/Wightman Street connects with University Avenue and Home Avenue, as well as serving as a main access point for local residential, elementary school, and other neighborhood land uses. The estimated traffic that would utilize the new roadway extension was based upon an estimation of the existing through traffic utilizing the neighborhood roadways, in addition to identifying the neighborhood trips that would likely use the new extension.

The through traffic was determined by comparing existing counts to the trips generated by the local neighborhood land uses (see **Appendix C** for detailed analysis). From this analysis, it was estimated that approximately 35% of the traffic on the adjacent neighborhood streets currently is through traffic, and not generated or distend to local neighborhood land uses. Since all through trips would not necessarily redistribute onto the new segment, it was assumed as a worst case scenario that about half to three fourths of the through trips would redistribute from Altadena Avenue onto Auburn Drive and utilize the new Ontario Avenue extension to connect with Winona Avenue. To be conservative in the analysis, three fourths of the estimated through trips were assumed to utilize the extension.

Trips generated locally within the neighborhood surrounding the extension would also utilize the new Ontario Avenue extension. There are approximately 60 single family homes located on Auburn Drive, south of Wightman Street, which would benefit from the extension of Ontario Avenue. There are also about 230 multi-residential units that are closely located to and would benefit from the extension as well (see Appendix C for the detailed analysis of the neighborhood trip redistribution).

Figure 3 displays the resulting study area traffic volumes with the extension of Ontario Avenue. As shown daily traffic volumes on Ontario Avenue/Winona Avenue are estimated at 2,585 (an increased from 525 daily trips without the roadway extension). The through traffic utilizing the new roadway connection represents volumes which would be redistributed from Altadena Avenue to Auburn Creek Drive as well as the local neighborhood traffic that would utilize the Ontario Avenue extension.

Altadena Avenue would operate above the desirable capacity for a local street (volume at LOS C = 2,200 ADT) but would have a reduction in daily volume over existing conditions with the extension of Ontario Avenue, and would therefore operate at a better level of service. Auburn Drive would operate slightly over the desirable capacity at LOS C for local streets but will still operate at an acceptable LOS. Overall the shift in traffic volumes with the extension of Ontario Avenue would not create any potentially significant traffic impacts.

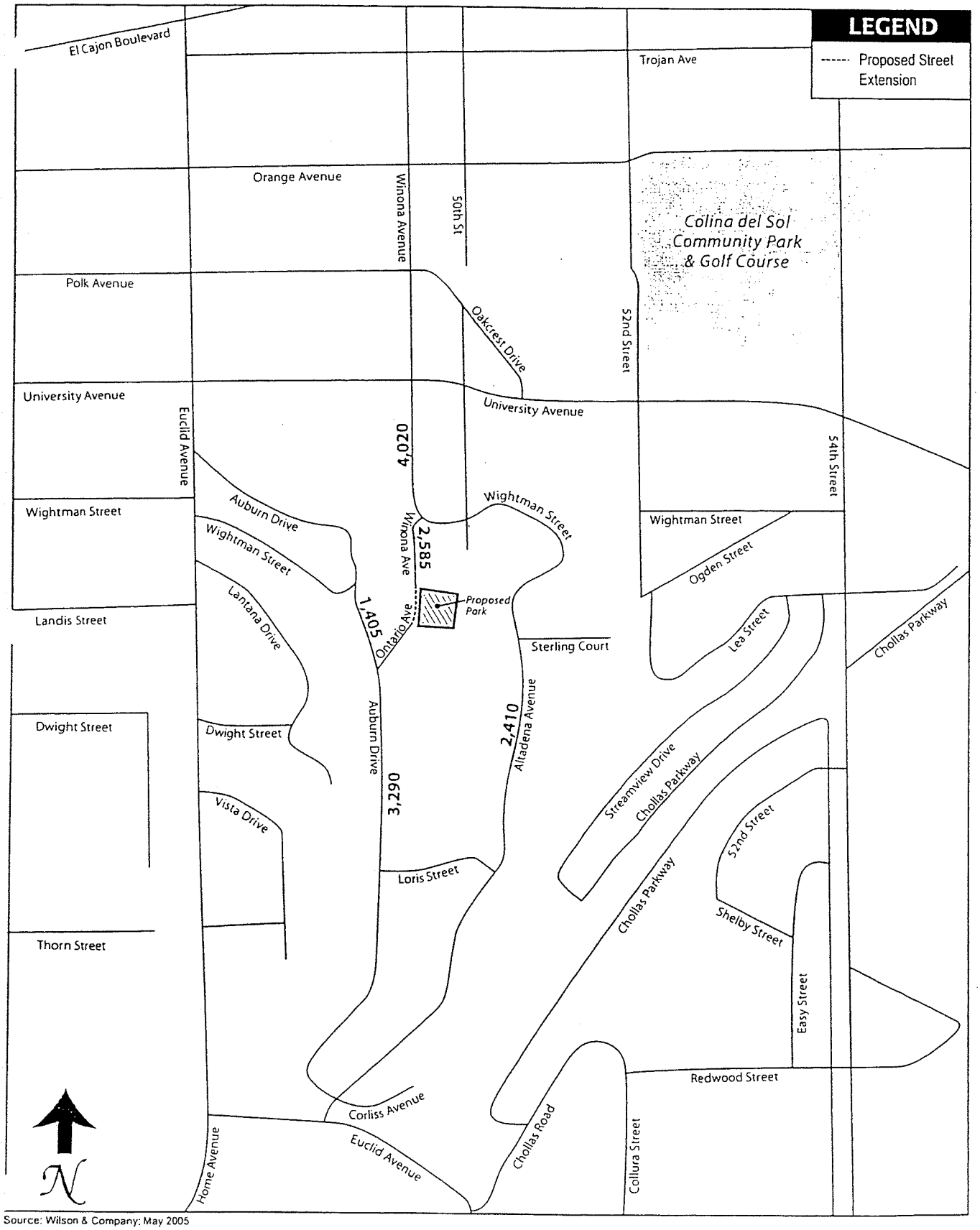


Source: Wilson & Company; May 2005

Auburn Creek-Fox Canyon Neighborhood Park Traffic Study

WILSON & COMPANY

Figure 2
Average Daily Traffic Volumes
Existing Conditions



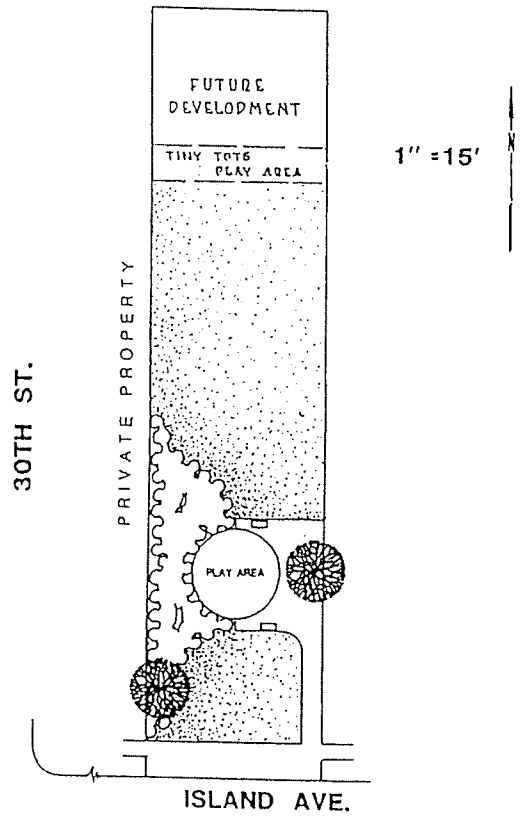
Source: Wilson & Company: May 2005

Auburn Creek-Fox Canyon
Neighborhood Park Traffic Study

WILSON & COMPANY

Figure 3
Average Daily Traffic Volumes
With Ontario Ave Extension

Appendix A
Example Park Site Plans



DATA LOG FOR

DATE	ACTION	REFERENCE DOCUMENTS		
	SITE ACQUIRED	MAP NO	DIST	WARD 33
	SITE DEDICATED	DED NO		DEDICATED
1972	DEV PROPOSAL (MAP)	DEVD NO	NAME STAFF	
	P.R.C. APPROVAL	P.R.C. APPROVAL		
3-21-72	INITIAL DEVELOPMENT	CIP NO	W NO 17878	DWG NO 14848-D
		CIP NO	W NO	W NO
		CIP NO	W NO	DWG NO
		CIP NO	W NO	DWG NO
		CIP NO	W NO	DWG NO
		CIP NO	W NO	DWG NO

IMPROVEMENTS SUMMARY (DATA FROM AS-BUILT DRAWINGS)

ITEM	QUANTITY	ITEM	QUANTITY	ITEM	QUANTITY	ITEM	QUANTITY
TOTAL SITE	.33 AC	PLAY AREA	900 SF	PAVED WALKS	1,120 SF	SECURITY LTS	STDS
IMPROVED AREA	.18 AC	MULTI PURPOSE CT	SF	PARK BENCH	SF	BALL FIELD LTS	STDS
TURF	.12 AC	TENNIS CTS	SF	PARKING LOT	SF	TENNIS CT LTS	STDS
SHRUB AREA	.03 AC	BASKETBALL	SF	" SPACES STD		MULTI PURPOSE CT	STDS
NATURAL	SF	PICC PLAZA	SF	" " SPACES HCPP			
STREET IMPROVEMENTS	LF	TOTS SITES	SF	EQUIP SURF AREA	SF	BASEBALL	SF
ALLEY IMPROVEMENTS	LF	" " AREA	SF			TENNIS CTS	SF
Unimproved	.05 AC	" " WATER	SF	LAWN BOWLS	SF		
						REMARKS	

CITY OF SAN DIEGO — PARK and RECREATION DEPARTMENT

THE GENERAL DEVELOPMENT PLAN

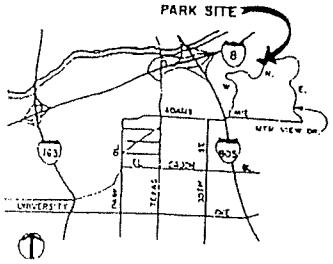
30TH ST. MINI-PARK

3070 ISLAND AVE.

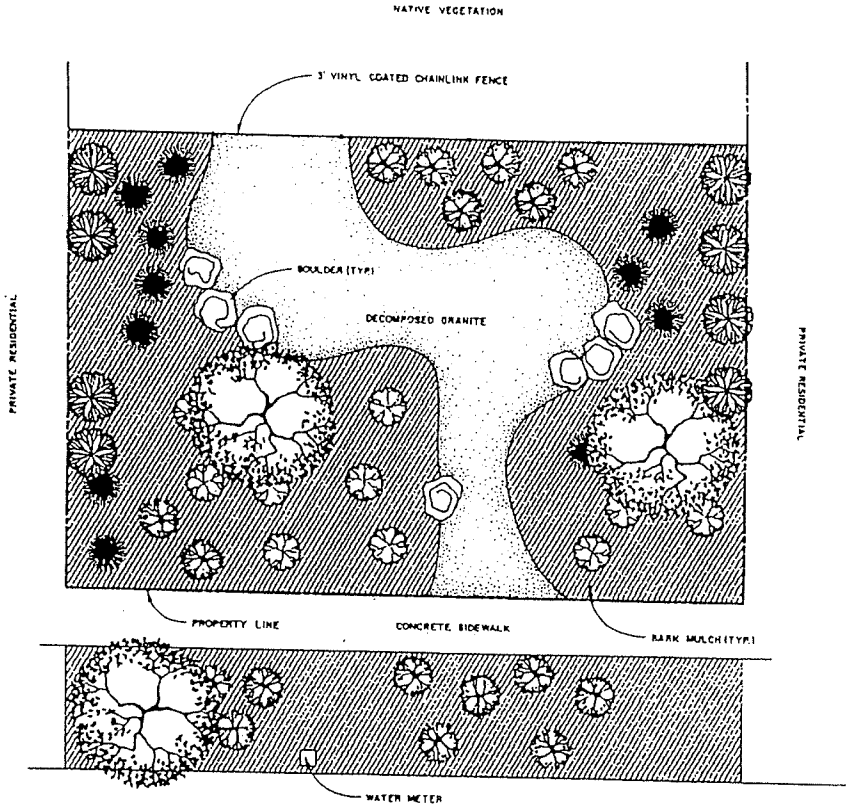
COUNCIL DIST NO 4 — COMM PLAN AREA S.E. SAN DIEGO 37

LAMBERT COORDINATES 188-1728 — THOMAS BROS PG. 85 F-2

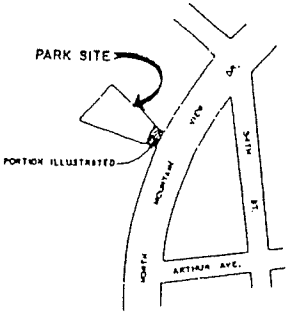
PSD NO 652



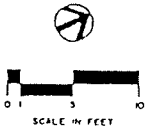
LOCATION MAP



NORTH MOUNTAIN VIEW DRIVE



VICINITY MAP



SCALE IN FEET

DATA LOG FOR

DATE	ACTION	REFERENCE DOCUMENTS		
10/1/78	SITE ACQUIRED	PROJ. NO. R-250320	EST.	HOURS 42
	SITE DEDICATED	DWG. NO.		HOURS
	DEP CONSULTANT NAME	DWG. NO.	NAME STAFF (JOH)	
	DEP DRAWS APPROVED	DEP D.R. APPROVAL		
5/31/84	INITIAL DEVELOPMENT	CIP NO 29-793.0	JO NO 112002	DWG NO 27083-D
		CIP NO	JO NO	DWG NO
		CIP NO	JO NO	DWG NO
		CIP NO	JO NO	DWG NO
		CIP NO	JO NO	DWG NO
		CIP NO	JO NO	DWG NO

IMPROVEMENTS SUMMARY (DATA FROM AS-BUILT DRAWINGS)

ITEM	QUANTITY	ITEM	QUANTITY	ITEM	QUANTITY	ITEM	QUANTITY
TOTAL SITE	.42 AC	PLAY AREA	SF	PARKED VEHICLES	238 SF	SECURITY LTS	STDS
IMPROVED AREA	.08 AC	MULTI PURPOSE CT	SF	PARK POWER	SF	BALL FIELD LTS	STDS
TURF	AC	TENNIS CTS	SF	PARKING LOT	SF	TENNIS CT LTS	STDS
BARK	.04 AC	RESTROOM	SF	" " STALLS STD		MULTI PURPOSE CT	STDS
B.A.	.01 AC	PIC. BLDG	SF	" " STALLS HDCP			
OTHER LANDSCAPING	AC	PROL. BLDG	SF	COURT BANK TYPE	SF	BACKSTOPS	EA
DIRT VEHICLES	AC	" " BOOT	SF			TETHER CTS	EA
		" " WATER	SF	SAND BANKS	LF		

REVISION T.R. 7/11/94

CITY OF SAN DIEGO — PARK and RECREATION DEPARTMENT

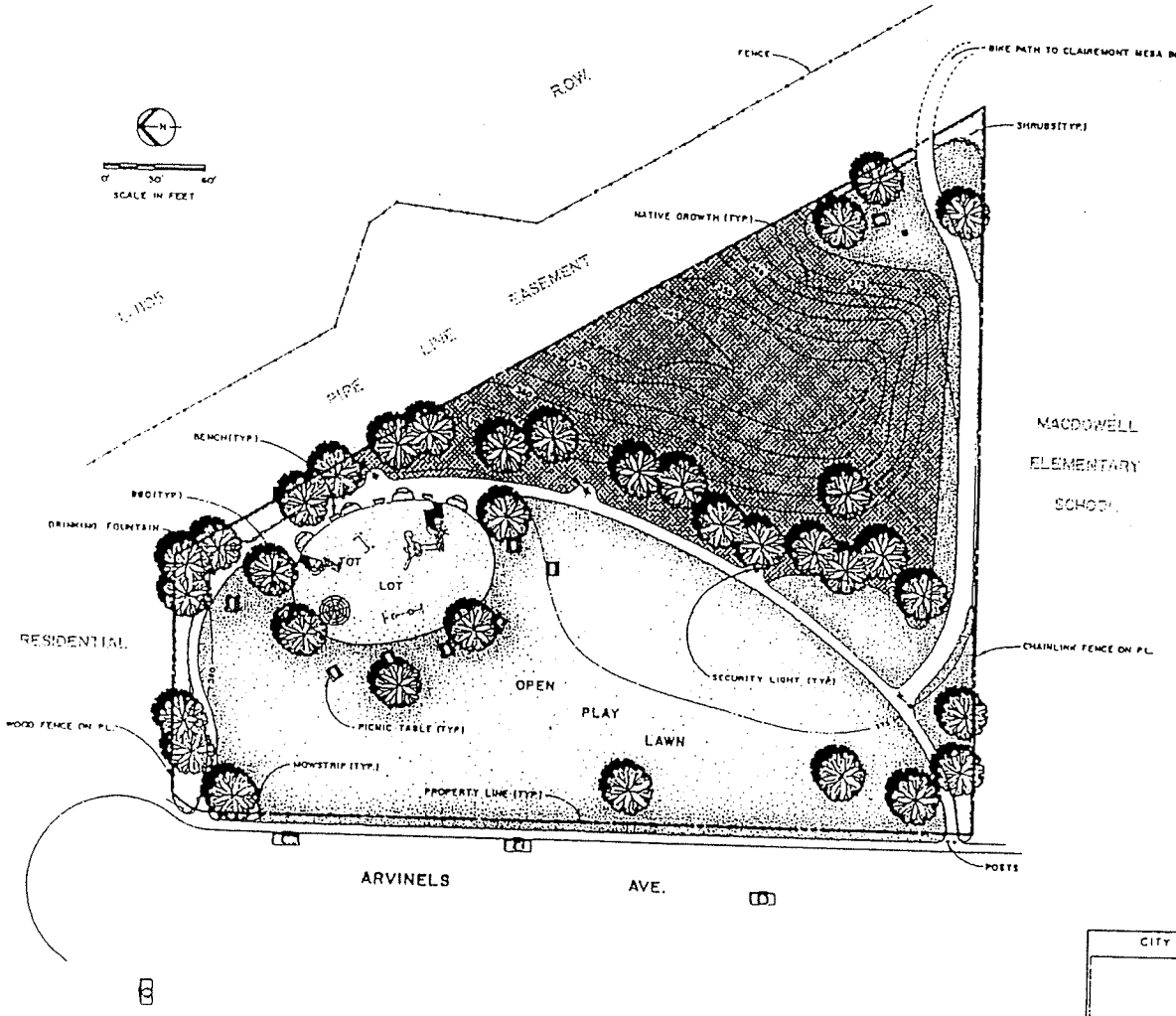
THE GENERAL DEVELOPMENT PLAN

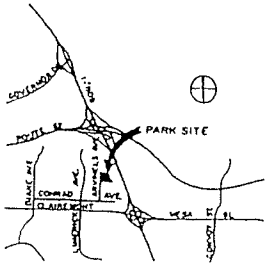
NORTH MTN. VIEW

MINI - PARK

COUNCIL DIST. NO. 3 — COMM. PLAN AREA MID-CITY — 3368 NORTH MOUNTAIN VIEW DRIVE — PSD NO 600

LAMBERT COORDINATES 220-1732 — THOMAS BROS. PG. 1249, F-3





Vicinity Map

DATA LOG FOR

DATE	ACTION	REFERENCE DOCUMENTS		
9-7-39	SITE ACQUIRED	REQ NO	COST	ACRES 3.21
3-6-75	SITE DEDICATED	GRD NO 0-11511		ACRES 3.21
1973	GDP CONSULTANT HIRED	REQ NO	NAME PADEREWSKI - DEAN	
	P & R BOARD APPROVAL	P & R APPROVAL		
2-4-74	PARK DEDICATION	CIP NO 23-680	JO NO 120010	DWG NO 13326-R
8-28-74	INITIAL DEVELOPMENT	CIP NO	JO NO 117124	DWG NO 13596-D
	ACCESSIBLE TOT LOT	CIP NO 29-807.0	JO NO 1124348	DWG NO 27616-D
		CIP NO	JO NO	DWG NO
		CIP NO	JO NO	DWG NO
		CIP NO	JO NO	DWG NO

IMPROVEMENTS SUMMARY (DATA FROM AS-BUILT DRAWINGS)

ITEM	QUANTITY	ITEM	QUANTITY	ITEM	QUANTITY	ITEM	QUANTITY
TOTAL SITE	3.21 AC	PLAY AREA	7,700 SF	PAVED WALKS	8,800 SF	SECURITY LTS	8 STDS
IMPROVED AREA	3.30 AC	MULTI PURPOSE CT	SF	PARK ROADS	SF	BALL FIELD LTS	STDS
TURF	1.78 AC	TENNIS CTS	SF	PARKING LOT	SF	TENNIS CT LTS	STDS
SHRUB BED	.12 AC	RESTROOM	SF	- STALLS STD		MULTI PURPOSE CT	STDS
NATURAL	.51 AC	REC BLDG	SF	- STALLS HDCP		PICNIC TABLES	9 EA
OTHER LANDSCAPING	AC	POOL BLDG	SF	COURT SAND AREA	SF	BACKSTOPS	EA
DIRT INFIELDS	AC	- DECK	SF	DRINKING FOUNTAINS	1 EA	TENNIS CTS	EA
BENCHES	5 EA	- WATER	SF	LAWN EDGING	2,320 LF	BARBEQUES	2 EA
						REVISION T.R. 4-28-96	

CITY OF SAN DIEGO PARK and RECREATION DEPARTMENT

THE GENERAL DEVELOPMENT PLAN

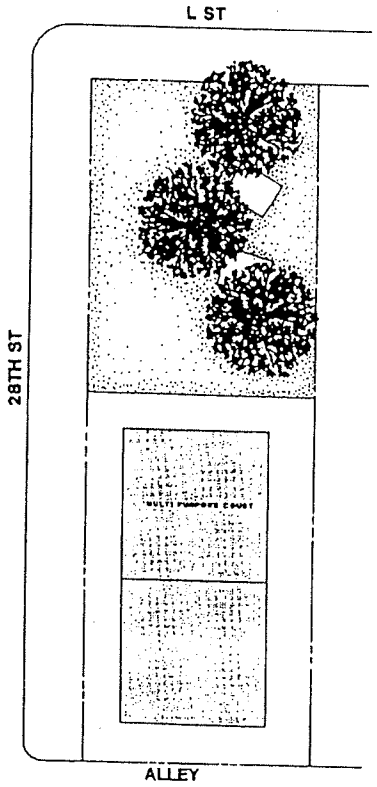
MACDOWELL

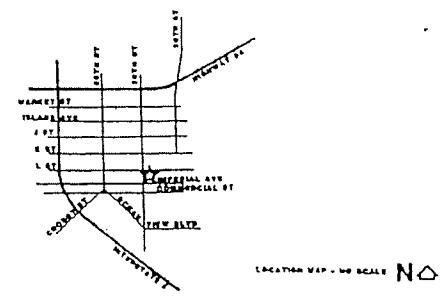
NEIGHBORHOOD PARK

COUNCIL DIST NO 6 COMM PLAN AREA CLAIREMONT MESA-5 5183 ARVINELS AVE. PSD NO

LAMBERT COORDINATES 244-1716 THOMAS BROS PG. 48, B-6

441





DATA LOG FOR:

DATE	ACTION	REFERENCE DOCUMENTS		
[illegible]	[illegible]	[illegible] 203[illegible]	[illegible] 8080	[illegible] 0.15
[illegible]	[illegible]	[illegible] 18728		[illegible] 0.15
	[illegible]	[illegible]	NAME	
	[illegible]	[illegible]		
[illegible]	[illegible]	CIP NO	JO NO 17979	DWG NO 14848-D
		CIP NO	JO NO	DWG NO
		CIP NO	JO NO	DWG NO
		CIP NO	JO NO	DWG NO
		CIP NO	JO NO	DWG NO
		CIP NO	JO NO	DWG NO

IMPROVEMENTS SUMMARY (DATA FROM AS-BUILT DRAWINGS)

ITEM	QUANTITY	ITEM	QUANTITY	ITEM	QUANTITY	ITEM	QUANTITY
TOTAL SITE	0.15 AC	PLAY AREA	SF	PAVED WALKS	3888 SF	SECURITY LTS	STDS
IMPROVED AREA	0.20 AC	MULTI PURPOSE CT	SF	PARK ROADS	SF	BALL FIELD LTS	STDS
TURF	0.06 AC	TENNIS CTS	SF	PARKING LOT	SF	TENNIS CT LTS	STDS
SHRUB SCD	AC	RESTROOM	SF	" " STALLS STD		MULTI PURPOSE CT	STDS
NATURAL	AC	REC BLDG	SF	" " STALLS HDCP			
OTHER LANDSCAPING	AC	POOL BLDG	SF	CONST. BASE AREA	1888 SF	BACKSTOPS	EA
BAR INFIELDS	AC	" " DECK	SF			TENNIS CTS	EA
		" " WATER	SF	LAWN EDGING	274 LF		
						REVISION	

CITY OF SAN DIEGO — PARK and RECREATION DEPARTMENT

THE GENERAL DEVELOPMENT PLAN

L ST. MINI PARK

COUNCIL DIST NO 4 — COMM PLAN AREA SOUTHEAST SAN DIEGO

LAMBERT COORDINATES 186-1728 — THOMAS BROS. PG 88 E-2

PSR NO 652

Appendix B
Traffic Count sheets

Volumes for: Thursday, April 21, 2005 City: San Diego Project #: 05-4114-001

Location: Altadena Ave N/o Euclid Ave

AM Period	NB		SB		EB	WB		PM Period	NB		SB		EB	WB	
00:00	1		7					12:00	22		57				
00:15	2		7					12:15	71		52				
00:30	5		2					12:30	51		42				
00:45	2	10	4	20			30	12:45	20	164	25	176			340
01:00	5		4					13:00	32		32				
01:15	0		1					13:15	28		16				
01:30	2		3					13:30	26		29				
01:45	2	9	2	10			19	13:45	24	110	30	107			217
02:00	1		2					14:00	26		27				
02:15	2		3					14:15	32		33				
02:30	3		3					14:30	23		32				
02:45	1	7	0	8			15	14:45	24	105	37	129			234
03:00	1		0					15:00	43		36				
03:15	3		2					15:15	39		34				
03:30	1		1					15:30	34		31				
03:45	2	7	2	5			12	15:45	46	162	44	145			307
04:00	2		1					16:00	49		55				
04:15	2		3					16:15	48		41				
04:30	6		1					16:30	41		27				
04:45	4	14	2	7			21	16:45	38	176	41	164			340
05:00	0		6					17:00	30		39				
05:15	5		9					17:15	39		40				
05:30	6		4					17:30	29		34				
05:45	7	18	3	22			40	17:45	38	136	32	145			281
06:00	17		19					18:00	26		43				
06:15	14		16					18:15	29		37				
06:30	28		26					18:30	36		24				
06:45	25	84	24	85			169	18:45	22	113	25	129			242
07:00	42		25					19:00	22		28				
07:15	37		38					19:15	34		20				
07:30	49		55					19:30	23		23				
07:45	48	176	76	194			370	19:45	9	88	17	88			176
08:00	78		70					20:00	13		28				
08:15	43		38					20:15	16		36				
08:30	41		17					20:30	19		21				
08:45	24	186	19	144			330	20:45	20	68	34	119			187
09:00	21		20					21:00	16		27				
09:15	15		21					21:15	19		22				
09:30	18		16					21:30	16		25				
09:45	12	66	19	76			142	21:45	15	66	17	91			157
10:00	24		22					22:00	17		13				
10:15	27		21					22:15	10		7				
10:30	22		28					22:30	10		16				
10:45	30	103	24	95			198	22:45	6	43	8	44			87
11:00	26		21					23:00	7		12				
11:15	23		31					23:15	7		13				
11:30	35		25					23:30	4		8				
11:45	25	109	37	114			223	23:45	4	22	4	37			59
Total Vol.		789		780			**1569**			1253		1374			**2627**

Daily Totals

	NB	SB	EB	WB	Combined
	2042	2154			**4196**

	AM			PM		
Split %	50.3%	49.7%	**37.4%**	47.7%	52.3%	**62.6%**
eak Hour	07:30	07:15	**07:30**	15:45	12:00	**15:45**
Volume	218	239	**457**	184	176	**351**
P.H.F.	0.70	0.79	**0.77**	0.97	0.77	**0.84**

Volumes for: Thursday, April 21, 2005 City: San Diego Project #: 05-4114-002

Location: Wightman St. S/o University Ave

M Period	NB		SB		EB	WB		PM Period	NB		SB		EB	WB	
00:00	1		8					12:00	22		30				
00:15	6		6					12:15	40		44				
00:30	6		6					12:30	32		25				
00:45	4	17	10	30			47	12:45	20	114	26	125			239
01:00	6		2					13:00	29		31				
01:15	1		0					13:15	16		20				
01:30	1		1					13:30	26		35				
01:45	2	10	1	4			14	13:45	25	96	32	118			214
02:00	3		2					14:00	23		24				
02:15	0		1					14:15	12		22				
02:30	3		1					14:30	18		29				
02:45	0	6	4	8			14	14:45	23	76	32	107			183
03:00	2		1					15:00	31		32				
03:15	5		4					15:15	26		25				
03:30	5		2					15:30	31		41				
03:45	1	13	0	7			20	15:45	25	113	50	148			261
04:00	3		0					16:00	28		50				
04:15	2		4					16:15	36		34				
04:30	6		5					16:30	35		29				
04:45	7	18	0	9			27	16:45	34	133	44	157			290
05:00	10		10					17:00	37		31				
05:15	14		0					17:15	44		29				
05:30	16		5					17:30	38		52				
05:45	21	61	4	19			80	17:45	31	150	38	150			300
06:00	16		12					18:00	40		35				
06:15	24		5					18:15	24		25				
06:30	36		21					18:30	38		34				
06:45	20	96	10	48			144	18:45	31	133	34	128			261
07:00	27		16					19:00	34		34				
07:15	38		20					19:15	21		34				
07:30	31		29					19:30	23		22				
07:45	38	134	32	97			231	19:45	33	111	20	110			221
08:00	39		38					20:00	21		19				
08:15	35		28					20:15	25		41				
08:30	27		14					20:30	23		24				
08:45	18	119	10	90			209	20:45	29	98	34	118			216
09:00	18		11					21:00	25		26				
09:15	20		18					21:15	22		21				
09:30	20		14					21:30	25		20				
09:45	13	71	15	58			129	21:45	20	92	16	83			175
10:00	21		15					22:00	14		18				
10:15	23		14					22:15	8		14				
10:30	16		16					22:30	10		16				
10:45	18	78	19	64			142	22:45	5	37	8	56			93
11:00	14		26					23:00	5		8				
11:15	22		34					23:15	9		11				
11:30	21		29					23:30	4		5				
11:45	14	71	19	108			179	23:45	8	26	9	33			59
Total Vol.		694		542			**1236**			1179		1333			**2512**

Daily Totals

	NB	SB	EB	WB	Combined
	1873	1875			3748

	AM			PM		
lit %	56.1%	43.9%	**33.0%**	46.9%	53.1%	**67.0%**
Peak Hour	07:15	07:30	**07:30**	16:45	15:30	**16:45**
Volume	146	127	**270**	153	175	**309**
P.H.F.	0.94	0.84	**0.88**	0.90	0.88	**0.86**

Volumes for: Thursday, April 21, 2005 City: San Diego Project #: 05-4114-005

Location: Auburn Dr N/o Ontario Ave

AM Period	NB		SB		EB	WB		PM Period	NB		SB		EB	WB	
00:00	5		1					12:00	14		8				
00:15	4		4					12:15	10		6				
00:30	3		0					12:30	15		11				
00:45	3	15	0	5			20	12:45	8	47	8	33			80
01:00	4		4					13:00	11		19				
01:15	3		0					13:15	8		7				
01:30	1		0					13:30	17		12				
01:45	1	9	0	4			13	13:45	14	50	16	54			104
02:00	3		0					14:00	13		8				
02:15	1		0					14:15	10		4				
02:30	3		0					14:30	10		8				
02:45	2	9	0	0			9	14:45	20	53	11	31			84
03:00	0		0					15:00	14		10				
03:15	1		0					15:15	17		10				
03:30	4		0					15:30	19		4				
03:45	0	5	0	0			5	15:45	20	70	17	41			111
04:00	0		0					16:00	21		20				
04:15	1		0					16:15	20		16				
04:30	4		0					16:30	13		11				
04:45	2	7	0	0			7	16:45	14	68	16	63			131
05:00	3		4					17:00	16		14				
05:15	5		4					17:15	11		12				
05:30	2		4					17:30	23		20				
05:45	1	11	0	12			23	17:45	15	65	7	53			118
06:00	5		4					18:00	18		13				
06:15	10		4					18:15	13		10				
06:30	9		5					18:30	14		7				
06:45	10	34	12	25			59	18:45	17	62	12	42			104
07:00	11		10					19:00	14		25				
07:15	11		10					19:15	17		11				
07:30	20		13					19:30	11		10				
07:45	8	50	7	40			90	19:45	11	53	5	51			104
08:00	18		11					20:00	9		5				
08:15	11		5					20:15	18		7				
08:30	11		2					20:30	9		7				
08:45	13	53	7	25			78	20:45	15	51	10	29			80
09:00	17		14					21:00	13		10				
09:15	11		11					21:15	12		12				
09:30	18		12					21:30	9		5				
09:45	15	61	6	43			104	21:45	7	41	5	32			73
10:00	12		12					22:00	13		4				
10:15	9		17					22:15	10		4				
10:30	9		7					22:30	10		1				
10:45	15	45	13	49			94	22:45	3	36	1	10			46
11:00	5		20					23:00	5		1				
11:15	7		22					23:15	6		5				
11:30	3		22					23:30	5		5				
11:45	5	20	17	81			101	23:45	4	20	4	15			35
Total Vol.		319		284			**603**			616		454			**1070**

Daily Totals

NB	SB	EB	WB	Combined
935	738			**1673**

	AM			PM		
Split %	52.9%	47.1%	**36.0%**	57.6%	42.4%	**64.0%**
Peak Hour	09:00	11:00	**10:45**	15:30	15:45	**15:45**
Volume	61	81	**107**	80	64	**138**
P.H.F.	0.85	0.92	**0.92**	0.96	0.80	**0.84**

Volumes for: Thursday, April 21, 2005 City: San Diego Project #: 05-4114-004

Location: Winona Ave S/o Wightman St

M Period	NB		SB		EB	WB		PM Period	NB		SB		EB	WB	
00:00	2		0					12:00	4		4				
00:15	0		0					12:15	6		15				
00:30	2		0					12:30	4		4				
00:45	1	5	0	0			5	12:45	4	18	7	30			48
01:00	0		0					13:00	6		9				
01:15	0		0					13:15	3		3				
01:30	0		0					13:30	4		5				
01:45	0	0	0	0				13:45	4	17	1	18			35
02:00	0		0					14:00	4		8				
02:15	0		0					14:15	4		8				
02:30	1		0					14:30	4		15				
02:45	0	1	0	0			1	14:45	6	18	11	42			60
03:00	2		1					15:00	4		1				
03:15	0		0					15:15	7		16				
03:30	1		1					15:30	5		8				
03:45	1	4	0	2			6	15:45	4	20	7	32			52
04:00	1		0					16:00	4		0				
04:15	1		0					16:15	5		1				
04:30	0		0					16:30	5		11				
04:45	1	3	0	0			3	16:45	3	17	4	16			33
05:00	2		0					17:00	6		4				
05:15	1		0					17:15	6		8				
05:30	3		1					17:30	4		8				
05:45	0	6	0	1			7	17:45	4	20	7	27			47
06:00	1		0					18:00	4		7				
06:15	1		0					18:15	4		1				
06:30	4		0					18:30	3		1				
06:45	4	10	1	1			11	18:45	4	15	4	13			28
07:00	4		0					19:00	4		1				
07:15	4		4					19:15	4		4				
07:30	7		0					19:30	4		3				
07:45	4	19	0	4			23	19:45	4	16	0	8			24
08:00	5		1					20:00	4		1				
08:15	4		0					20:15	5		0				
08:30	4		0					20:30	2		4				
08:45	4	17	0	1			18	20:45	2	13	0	5			18
09:00	6		0					21:00	2		0				
09:15	4		0					21:15	4		1				
09:30	3		0					21:30	2		0				
09:45	4	17	1	1			18	21:45	2	10	3	4			14
10:00	1		0					22:00	3		0				
10:15	4		3					22:15	2		0				
10:30	4		3					22:30	4		1				
10:45	2	11	4	10			21	22:45	3	12	1	2			14
11:00	4		3					23:00	2		3				
11:15	4		0					23:15	4		0				
11:30	5		0					23:30	4		1				
11:45	4	17	0	3			20	23:45	3	13	1	5			18
Total Vol.	110		23				133		189		202				391

	Daily Totals NB	SB	EB	WB	Combined
	299	225			524

	AM			PM		
t %	82.7%	17.3%	25.4%	48.3%	51.7%	74.6%
eak Hour	07:15	11:45	11:45	14:45	14:30	14:30
Volume	20	23	41	22	43	64
P.H.F.	0.71	0.38	0.49	0.86	0.67	0.70

Volumes for: Thursday, April 21, 2005 City: San Diego Project #: 05-4114-003

Location: Auburn Dr S/o Ontario Ave

AM Period	NB		SB		EB	WB		PM Period	NB		SB		EB	WB	
00:00	1		6					12:00	10		11				
00:15	6		2					12:15	14		12				
00:30	6		2					12:30	17		9				
00:45	2	15	1	11			26	12:45	11	52	6	38			90
01:00	2		4					13:00	9		11				
01:15	3		0					13:15	10		6				
01:30	0		0					13:30	3		8				
01:45	1	6	0	4			10	13:45	12	34	5	30			64
02:00	0		1					14:00	14		11				
02:15	0		2					14:15	7		10				
02:30	1		1					14:30	7		11				
02:45	0	1	1	5			6	14:45	8	36	16	48			84
03:00	0		0					15:00	14		9				
03:15	1		0					15:15	7		20				
03:30	1		1					15:30	14		9				
03:45	0	2	0	1			3	15:45	18	53	23	61			114
04:00	1		1					16:00	16		22				
04:15	0		0					16:15	16		8				
04:30	1		2					16:30	8		13				
04:45	1	3	1	4			7	16:45	15	55	12	55			110
05:00	3		1					17:00	13		11				
05:15	4		7					17:15	11		9				
05:30	2		2					17:30	10		19				
05:45	3	12	5	15			27	17:45	15	49	13	52			101
06:00	5		5					18:00	12		14				
06:15	3		10					18:15	11		13				
06:30	4		9					18:30	7		6				
06:45	7	19	8	32			51	18:45	12	42	11	44			86
07:00	8		16					19:00	13		14				
07:15	12		10					19:15	7		8				
07:30	12		11					19:30	10		9				
07:45	16	48	20	57			105	19:45	11	41	9	40			81
08:00	21		33					20:00	8		9				
08:15	6		11					20:15	11		8				
08:30	11		13					20:30	6		9				
08:45	9	47	8	65			112	20:45	1	26	8	34			60
09:00	9		11					21:00	13		11				
09:15	8		9					21:15	12		8				
09:30	7		13					21:30	7		7				
09:45	7	31	7	40			71	21:45	3	35	6	32			67
10:00	9		4					22:00	10		3				
10:15	3		10					22:15	9		4				
10:30	11		7					22:30	5		2				
10:45	10	33	11	32			65	22:45	3	27	1	10			37
11:00	7		16					23:00	4		5				
11:15	8		14					23:15	6		2				
11:30	17		15					23:30	8		4				
11:45	4	36	10	55			91	23:45	1	19	3	14			33
Total Vol.		253		321			**574**			469		458			**927**

Daily Totals

	NB	SB	EB	WB	Combined
	722	779			**1501**

	AM			PM		
Split %	44.1%	55.9%	**38.2%**	50.6%	49.4%	**61.8%**
Peak Hour	07:15	07:45	**07:15**	15:30	15:15	**15:15**
Volume	61	77	**135**	64	74	**129**
P.H.F.	0.73	0.58	**0.63**	0.89	0.80	**0.79**

Appendix C
Trip Re-Distribution

Auburn Creek – Fox Canyon
Trip Redistribution with the Extension of Ontario Avenue

The new extension of Ontario Avenue would potentially cause a redistribution of trips from existing study area neighborhood streets, including Auburn Drive, Wightman Street and Altadena Avenue. The redistributed trips would likely include a combination of through trips (not generated locally) and neighborhood trips (generated locally) as discussed and estimated below.

Through Trips

Existing Volumes (Actual Counts):

Total volumes on Auburn Drive, Altadena Avenue and Wightman Street = 11,125

Neighborhood Trip Generation: 7,173 (see attached SANDAG model output, Zone 3310)

Estimation of Trough Trips = Total North/South Volumes – Neighborhood Trip Generation = 11,125 – 7,173 = 3,952

Altadena Avenue/Wightman Street connects with University Avenue and Home Avenue and serves as the main neighborhood access point for local residential, school and other neighborhood uses. Based upon a comparison of the trips generated locally (Source: SANDAG traffic analysis zone land uses for the zone in which the project is located) with current ADT traffic counts in study area neighborhoods, approximately 35% (3,952/11,125) of trips are estimated to be through trips (not generated locally), a portion of which could be redistributed to the extension of Ontario Avenue. Since all through trips would not necessarily redistribute onto the new segment, it is estimated that about one-half to three-fourths of the through trips could potentially redistribute from Altadena Avenue onto Auburn Drive and utilize the new Ontario Avenue extension to connect with Winona Avenue. To be conservative in this analysis, three-fourths (0.75) of the through trips were assumed to utilize the extension as calculated below:

> 4200 existing daily trips on Altadena Avenue x .35 x .75 = 1,100 redistributed through trips

Neighborhood Trips

Trips to/from North: There are approximately 60 single family homes located on Auburn Drive, south of Wightman Street, which could potentially utilize the extension of Ontario Avenue. Since these single family homes are located south of the Ontario Avenue extension, only trips to/from the north would utilize the new extension. It was assumed that about 50% of the trips generated by the single family residential are destined to/from the north, and would therefore utilize the Ontario Avenue extension.

(Auburn Avenue to Ontario Extension to Wightman Street)
60 single family units x 9 trips/unit = 540 daily trips
540 trips x .5 = 270

Trips to/from South: There are also about 230 multi-residential units that are closely located to and would benefit from the extension of Ontario Avenue. Since these multi-family homes are located north of the Ontario Avenue extension, only trips to/from the south would utilize the new extension. It was assumed that about 50% of the trips generated by the multi-family residential are destined to/from the south, and would therefore utilize the Ontario Avenue extension.

(Wightman Street/Winona Avenue to Ontario Extension to Auburn Drive)
230 multi-family units x 6 trips/unit = 1,380 daily trips
1,380 x .5 = 690

Summary of Redistributed Traffic Volumes

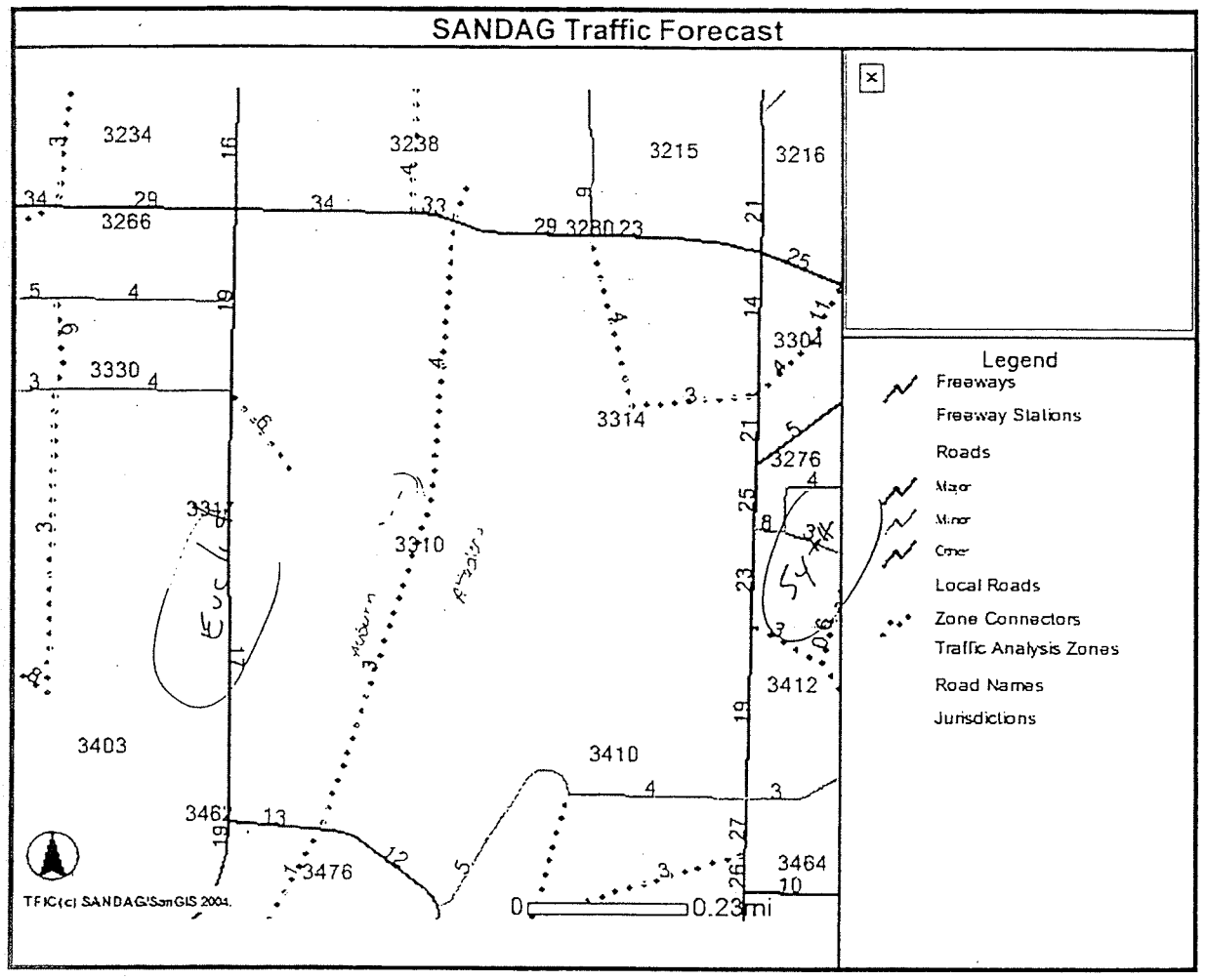
Ontario Avenue Extension: 525 (existing volume) + 1,100 (through traffic) + 270 (single family traffic using extension) + 690 (multi-family residential traffic utilizing the extension) = **2,585 daily trips**

Auburn Drive (northern segment): 1,675 (existing volume) – 270 (single family residential traffic utilizing the extension) = **1,405 daily trips**

Auburn Drive (southern segment): 1,500 (existing volume) + 1,100 (through traffic) + 690 (multi-family residential traffic utilizing the extension) = **3,290 daily trips**

Wightman Street: 3,750 (existing volume) + 270 (single family residential traffic utilizing the extension) = **4,020 daily trips**

Altadena Avenue: 4,200 (existing volume) – 1,100 (through traffic) - 690 (multi-family residential traffic utilizing the extension) = **2,410 daily trips**



SAN DIEGO REGIONAL TRAFFIC FORECAST
VEHICLE TRIP GENERATION AND LAND USE BY ZONE - YEAR: 2000
TRAFFIC ANALYSIS ZONE : 3310

LU Code	Description	Type	Amount	Trips
101	SINGLE FAMILY	DU	290	2311
102	MULTI-FAMILY	DU	690	3831
2103	LIGHT INDUSTRY	ACRE	1	98
4112	RIGHT-OF-WAY	ACRE	22.2	0
4114	PARKING	ACRE	0.1	0
6102	CHURCH	ACRE	6.9	233
6806	ELEMENTARY SCHOOL	SITE	1	700
9101	INACTIVE USE	ACRE	21.1	0
	TOTAL		0	7173

Source: San Diego Association of Governments Traffic Forecast, April 2004

EXHIBIT NO. 87

FINAL REPORT

Auburn Creek – Fox Canyon Neighborhood Park

Traffic Study

Prepared for:

City of San Diego Parks and Recreation
202 C Street, MS 35
San Diego, CA 92101

Project Design Consultants
701 B Street, Suite 800
San Diego, CA 92101

May 12, 2005

WILSON
&COMPANY

Traffic Study

Auburn Creek – Fox Canyon Neighborhood Park

(Project Number: X5310-015)

Final Report

Prepared for:

City of San Diego Parks and Recreation
202 C Street, MS 35
San Diego, CA 92101

Project Design Consultants
701 B Street, Suite 800
San Diego, CA 92101

Prepared by:

WILSON &COMPANY → Marc Peterson 330-5200 Steve Cook
701 B Street
Suite 1220
San Diego, CA 92101

May 12, 2005

1.0 Introduction

The purpose of this technical report is to document the trip generation and associated parking demand for the proposed Auburn Creek-Fox Canyon Park and to project average daily volumes for the extension of Ontario Avenue which will occur with development of the park. The Auburn Creek-Fox Canyon Park is planned to be a 0.4 acre neighborhood park to be located on the southeast corner of Winona Avenue and Wightman Street in the City of San Diego.

2.0 Trip Generation

Vehicle trip rates for parks range from 5/acres for undeveloped neighborhood parks to 50/acre for larger sized developed parks with active recreational facilities (City of San Diego Trip Generation Manual). The proposed Auburn Creek – Fox Canyon Neighborhood Park will support a combination of passive and minor recreational (children playground facilities, basketball courts) uses. As such a trip rate of 10/acre was deemed to be most representative of the site and proposed uses. **Table 1** displays the resulting trip generation for the proposed park.

Table 1
Trip Generation Table

Land Use	Units	Trip Rate	Daily Trips
Neighborhood Park	0.4 Acre	10 / Acre	4

Source: Wilson & Co, May 2005

As shown above, the proposed park will generate a total of 4 daily vehicle trips, which is reasonable given the size of the park, proposed improvements and the multi-family residential nature of the surrounding land uses.

3.0 Parking Demand

As indicated by the project trip generation discussed above, parking demand at the proposed park should be relatively minor. It's also reasonable to anticipate that there could be periods of high demand, e.g. weekends, holidays, events at the park ect, that could result in a higher than average parking demands.

Field observations were conducted at other neighborhood parks of similar size and facilities to assist in estimating potential parking demand at the proposed park. The following site observations were noted:

1. 30th Street Mini Park – Observed: Mid-day Sunday, May 1, 2005 – 2-3 patrons were utilizing the park; plenty of on-street parking available.

EXHIBIT NO. 88

THE CITY OF SAN DIEGO

JIM MADAFFER
COUNCILMEMBER
SEVENTH DISTRICT

November 30, 2005

Planning Commission
202 C St.
San Diego, CA 92101

Dear Planning Commissioners:

I am writing today to express my strong support for the Fox Canyon Park site development permit as presented by City staff.

On behalf of the neighborhoods of Fox Canyon and Chollas Creek in the community of City Heights, I feel very strongly that the Fox Canyon Park and the Ontario Road connection should be approved under the same Site Development Permit. It would be unfair and dishonest to move forward with the development of the park without planning for the long-promised and planned road connection of Ontario Ave.

I have been actively working with and listening to the needs of the constituents of District 7 since 1993 when I first began serving as Chief of Staff for District 7. As Councilmember since 2000, I have been working directly with the residents of City Heights to make the dream of Fox Canyon Park to become a reality.

Following my announcement of the Fox Canyon Park shortly after taking office, City staff immediately went to work and successfully secured a state park grant based on the promise I made to the people in the area: a new park and improved public safety by adding a long-promised and

CITY ADMINISTRATION BUILDING • 202 "C" STREET • SAN DIEGO • CALIFORNIA 92101
Tel. (619) 236-6677 • Fax: (619) 238-1360 • Website: www.jimmadaffer.com

Printed on recycled paper

missing road link for their neighborhood. This project has further enjoyed the support of the late Charles Lewis and his successor, Councilmember Tony Young and by Deputy Mayor Toni Atkins – critical allies for a desperately needed park and road connection at the junction of our three City Council districts.

It is imperative that we plan for the future connection of Ontario Ave as part of this park project. With this new road adjacent to the park, criminals will no longer be able to escape into the darkness when running from Police. Graffiti vandals will disappear as the eyes of the community will now be upon them watching their every move in the well lit area. The road is needed for the access, safety and positive changes it will bring to this area that has been so underserved over the last forty years. The park will also be served by the on-street parking the road will provide.

As Councilmember, I refuse to allow the misinformation and ill wills of a few conquer the desires and dreams of many. Improving this neighborhood has been discussed by neighbors and with my office for many years. I have asked my staff and the City Manager and staff to help implement the dream that has come from community consensus: build the park, and connect the road.

The creation of Crossroads Redevelopment area is a key source to the funding that will be needed to complete the road connection. There was no mistake when we included the Fox Canyon neighborhood and this park and needed road in the Crossroads redevelopment area. I worked hard for my constituents to make sure this was a key element in the Crossroads Redevelopment plan, and not just a pipe dream. We are now able to see the dreams of the community, the residents come to fruition.

I thank you for your support of moving San Diego forward.

Sincerely,

Jim Madaffer
Councilmember

cc: Deputy Mayor Toni Atkins
Councilmember Tony Young

JM/el

EXHIBIT NO. 89

PLANNING COMMISSION OF THE CITY OF SAN DIEGO
MINUTES OF REGULAR SCHEDULED MEETING OF
DECEMBER 1, 2005
IN CITY COUNCIL CHAMBERS - 12TH FLOOR
CITY ADMINISTRATION BUILDING

CHRONOLOGY OF THE MEETING:

Chairperson Schultz called the meeting to order at 9:10 a.m. Chairperson Schultz adjourned the meeting at 3:15p.m.

ATTENDANCE DURING THE MEETING:

Chairperson Barry Schultz-present
Vice-Chairperson Kathleen Garcia- present
Commissioner Carolyn Chase-present
Commissioner Robert Griswold- present
Commissioner Gil Ontai-present/not present for item # 13
Commissioner Dennis Otsuji- present
Commissioner Mark Steele- present
Mary Wright, Planning Department- present
Gary Halbert, Development Services-present
Doug Humphreys, City Attorney- present
Sabrina Curtin, Recorder-present

ITEM 1: **ANNOUNCEMENTS/PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD:**
None.

ITEM 2: **REQUESTS FOR CONTINUANCE:**
Item No. 14 was withdrawn.

ITEM 3: **REQUESTS FOR ITEMS TO BE PLACED ON THE CONSENT AGENDA:**
Items No. 7, 8, and 9 were placed on consent.

ITEM 4: **DIRECTOR'S REPORT:**
Gail Goldberg spoke of the Compatibility Plan and Technical Study working group be developed by the Airport Authority.

Ms. Goldberg had Steve Laub, CPC Chairperson, discussed how the CPC is completing there review of General Plan.

Don Weston provided information to the Commission regarding underground waiver requests.

Doug Humphreys, Deputy City Attorney, made announcement on a public hearing being held by City Attorney Michael Aguirre on Condo Conversions.

ITEM -5: **COMMISSION COMMENT:**
Commission Chase request the City Attorney to address the permit process for a detox center in Pacific Beach.

ITEM 6: ***Appeal of the Hearing Officers Decision:***

FOX CANYON – PROJECT NO. 68098

Patricia Grabski presented Report No. PC-05-338 to the planning Commission.

Speaker slips submitted in favor of the appeal/opposed to the project. Juliana Maxim, John Stump, Elias Qabille, Patty Vaccariello, Abdi Abdul, Jessie Sergent, Jim Varnadore, Theresa Quiroz.

Speaker slips submitted in opposition to the appeal/favor of the project. Ginger Hitzke, Pat Hunt, Maria Pajan, Alana Darren, John Stump, Mercedes Shetter, Sam Lopez, Katt Eaton, Pamela Kozminska, Danny Serrano, Ted Kozminski, Helen Kozminski, Gretchen Braubach, Jill Van Cleve, Elyse Lowe, Thomas Du, Susan

Goloudeman, Doris Pierson, Ignacia Diaz, William Punar, Jose Lopez, Jose Gomez, Pam Lson and Duane Betty.

COMMISSION ACTION:
Motion by Griswold to certify the Mitigated Negative Declaration adopt the Mitigation Monitoring and Reporting Program, deny the appeal and approve the Site Development Permit, along with condition no.19.
Second by Ontai. Failed with a vote of 4 – 3 with Commissioners Garcia, Steele, Chase and Chairperson Schultz voting nay.

Motion by Chase to approve the appeal and deny the project. No second.

MOTION BY GRISWOLD FOR COUNCILMEMBER MADAFFER'S OFFICE TAKING THE LEAD IN COORDINATING A TASKFORCE; ALONG WITH THE DELETION OF CONDITION # 19 AND ADOPT THE LANGUAGE LISTED:

PRIOR TO IMPLEMENTATION OF THE ROAD, THE PERMITTEE/APPLICANT SHALL CREATE A TASKFORCE TO EVALUATE THE ISSUES RELATED TO THE ROAD AND ALTERNATIVES, SUCH AS IMPACT, BENEFITS, NEEDS, ENVIRONMENT, AND COST.

THE APPLICANT/PERMITTEE SHALL WORK IN GOOD FAITH WITH THE TASKFORCE TO EVALUATE THEIR RECOMMENDATIONS AND THEN PROCESS ANY AMENDMENT TO THE PERMIT THAT MAY BE REQUIRED TO IMPLEMENT ANY CHANGES TO THE PROJECT, WHICH THE APPLICANT/PERMITTEE DETERMINES TO MAKE.
Second by Ontai. Passed by a 6 1 vote with Commissioner Chase voting nay.
Resolution No. 3897-PC

ITEM 7: ***Continued from November 17, 2005:***

BILLBOARD LOFTS – PROJECT NO. 71341

COMMISSION ACTION:
CONSENT MOTION BY OTSUJI TO APPROVE STAFF'S RECOMMENDATION AS OUTLINED IN REPORT NO. PC-05-338 TO THE PLANNING COMMISSION. Second by Garcia. Passed by a 6-1vote with Commissioner Griswold voting nay. Resolution No. 3898-PC

San Diego Planning Commission, December 1, 2005
Item 6: Fox Canyon Neighborhood Park
3:27 through 3:34

Garcia: I agree with the park and I agree with the street - excuse me -- the creek – my question come with the street and the necessity of the street -- I've heard a lot from people who live in the area. I've heard a lot of residents who are right there who feels that it will improve their circulation -- I heard from some others who say it will be detrimental to the overall circulation and the quality of the park. If this park wasn't coming through would there be and maybe these would be some questions for Ann and – would this be considered in the CIP – is this street in there – as something that was being considered in a couple of years out or –um - just – I don't feel like I have concrete data as to make a decision as to whether we will really need the street or not need the street and maybe you can expand on that.

Ann: Unfortunately I can't answer for sure if its in the CIP currently – as I said earlier it is a dedicated paper street for a number of years and so people did plan it would be eventually be used as a street – Mr. Khaligh said correctly that **it is not needed as a circulation element street**. But those are collectors and above so that is not to say that it might not be --- needed as access. Obviously, I can't speak for Emergency Services but any time you have access or you have none I think they would see that as an overall positive.

Penera: Actually, we were just speaking there is a separate CIP – there is one for the road, and one for the park. –

Garcia: Right, and this CIP for the road is in the CIP List???

Penera: Yah

Garcia: and what year is it programmed for?

Penera: we just added it this year.

Garcia: Okay, so it hadn't been in previously – it was

Penera: It was being contemplated – and I don't know if it was originally a CIP when Allen Holden – you saw all those memos from Allen Holden from many years ago – in prelim it was being discussed sometime ago –it's my understanding although please don't quote me on this – it didn't have the funding to go through and so it didn't– that's what I heard – I don't know that for sure – and then --- when we started this project the subject came back up and we created w CIP to keep the funding straight between the two.

Garcia: and the park access is coming and Landis -- is also a paper street – or at least by the looks of the aerial photo supplied by one of the speaker today – and umm so all the park access including any off street parking would come off this of new street?

Penera: That's correct.

Garcia: Did you look at options where it would not?

Penera: No.

Garcia: and the stretch between Auburn and the park – down at the south end there which basically be the Ontario stretch up to the Wynona – not all the way – just to where coming little farther south – south – south – just to that from that point just to that triangle where the Wynona correct – that is all paper street right now that is not paved.

Penera: correct

Garcia: Is it using are any --- residents using that as their primary access there point, or driveways, I can see one -- No – but I mean is that their driveway there's many people who take access through -- through – driveway but around peppers street.

Penera: no not there

Garcia: so not there – Is there any coming – umm – any of the units from the Landis intersection south that are taking their primary access from the pepper street.

Penera: I'm sorry – can you repeat that.

Garcia: sure –

Penera: I'm sorry

Garcia: no – that's Okay – from Wynona at Landis –

Penera -- uuuu

Garcia: at Landis ---are there any units or any properties that take their primary access any develop properties that take their primary access from that which is now a paper street.

Penera: I don't know the answer to that. – can you

Penera: We are talking about Landis –

Garcia: No actually –

Penera: on Ontario at Landis

Garcia: at the corner of Wynona and Landis at the start of paper street of Ontario – are there any residences there that are taking their primary access – I mean I can see residence here in that aerial photo – they looked like – there's a parking lot in theirs apartment building to the south of it – what I'm trying to figure out – there – there's a creek there – there is – are there any connections to those property over to the paper street.

Garcia: they backed up to it.

Male: I'll try to answer that question.

Currently at the south end of Wynona Avenue – there is an access to the parking lot, the multi family development but its but at the end of the street – so I don't think that is the paper portion of the

Garcia: so – and that's what it looks like in the aerial photo –the problem is there is a creek right there – and I just wanting to clarify that because of the location of the creek there is no apartment or home or property right now that is developed that is taking access from the portion of the Ontario street.

Garcia: that's correct - I guess the question that I'm wrestling with is it needed as a paved street or not – like I said I have the park makes all the sense of the world – the creek restoration makes all the sense – providing a pedestrian access through there or emergency access through maybe an alternative I am not convinced either directions on the need or the desire for a street connection through there – and that's where I am now – actually don't let the chair to go through that.

San Diego Planning Commission, December 1, 2005
Item 6: Fox Canyon Neighborhood Park
3:45 – 3:46

Penera: "We didn't look into making it only the emergency access because when we started to go out and approach the land use groups, it became apparent that the RAP in our interpretation of reading it concluded that a road was what the community wanted. So, we put the road in because we felt that that's what the community supported. We were just trying to follow what we thought was the direction of the community.

Commissioner: "And have you approached the Fire Department, Police Department and gotten their input?"

Penera: "The Fire Department, Sam Oats, who I'm sure has been here before, said he does not use this as primary access for response times, but it would definitely work as an alternative route. The Police Department weighed in on the grant from the safety perspective as a safe place for kids to play, but did not weigh in on response times."

Penera: "That was a long time ago. The current estimate for the road is about $1.5 million."

Commissioner: $1.5 million. Ok. This goes, let me just, is everybody ok? This sort of goes to -- the difficulty here is we've got sort of – we've got sort of dueling neighborhoods, I guess. I've got another question about who lives in what neighborhood. So we're up here trying to, you know, figure out what we think is best for everybody's interests because there isn't any sort of hard and fast rule here. There's not enough traffic to do it on traffic, there's really not enough issues about safety, it's about what's the best thing to do for the community. So, we have to deal with them on a personal basis. Commissioner Griswold's got his personal basis, we've got ours. It's difficult. So, bear with us for a minute here.

With $1.5 million it seems like you can probably buy the right of way you need to because you're only buying part of the right of way and just build a really knock-out park in that strip that would include beautiful, wide sidewalks that could handle emergency vehicles in the event of a flood or somebody could drive up them if they had to. The cops could even ride through. I mean, there are probably parks all over the place where there's sidewalks at night and the police take a little loop through it. The cops, the cruiser could drive right up through it. It would have lighting, it would have bridges to keep the kids out of the water. It would be a bigger park and it would probably be cheaper. The only thing it wouldn't do would be to make that road connection. It seems like -- I'm just trying to figure out -- We've got some people that live on the west side of this that want to drive through there, and we've got people who live on the east side that don't want those people to drive through there – it's that simple it seems. So, it seems like just as a cost benefit that that $1.5 million could be spent to really make it a much better park which goes back to what you originally thought of. That's what I'm struggling with in my own mind. And so along those lines, it seems like almost everybody could be accommodated with the exception of those folks who are going to drive through there.

The only thing we don't have is a traffic impact study. The traffic study is really about traffic generated by the park itself. As best I can tell, we've got some conclusions to the study that say if this road goes in, Wynona will get an additional 2,000 ADT. Is that about right, Ann or Cameron? That if the road goes through Wynona goes through, it's going to be increased by about 2,000?"

Ann: "Can I clear up one misconception? The traffic information does specifically address the diversion from the impact of making the road connection. Because obviously we recognize that that was going to be a big issue. Cameron's going to those specifics.

Commissioner: Terrific, thanks. Kamran?

Kamran: "I guess your question was is the traffic going to increase on Wynona on the proposed improved? Currently, there's not a lot of traffic on Wynona. It's about 500 trips. The trip is expected to go up to 2,500 once the connection is provided."

Commissioner: "So, there's only 500 trips today, 'cause it's sort of -- yeah, I could see why it would go to 2,500. And then, I guess some traffic would reduce on Auburn."

Kamran: "In the upper portion, it would reduce; and it would increase in the southern portion. Of course, these are all estimates. "

Commissioner: "No, I understand, right. Those were – this is all the questions I had. I thought I had more than that. I guess the, is there, so you all did not really take a look at – ok, we've got about $1.5 million we're going to spend on this road, could better it be better used? Nobody asked you to do that. The other question I've got is, that $1.5 million, is it going to come from tax increments from cross roads, or what it is coming from?"

Penera: We haven't identified it yet, but it could eventually but that's not an obligation. It could come from Transnet, it could come from Gas Tax, as well."

Commissioner: "I guess what you're really proposing is a Phase 1-Phase 2 Plan where Phase 1 is the park and Phase 2 is the road or whatever else that is."

Penera: "Phase 1 is the park and the creek enhancements and then we'll try to dovetail that in with the road if that's what's approved."

San Diego Planning Commission, December 1, 2005
Item 6: Fox Canyon Neighborhood Park
3:56 through 3:59

Chase: Is this a redevelopment area?

Penera: yes

Chase: Did it go before the PAC

Penera: I don't see redevelopment here – I don't know the answer to that.

Chase: Shouldn't it?

Chairman: I'm gonna hazard a guess that it may not have to unless redevelopment money would be contributed to the project.

Penera: That would make sense to me. It is really a land use issues this planning commission jurisdiction

Chase: I'm concerned about the fact we have the property owner involved in this it come to say he has a project being process separately and there's been include and you know he's coming here ask about boundary adjustments which raises issues whether you or not segmenting a CEQA evaluations and I think the City Attorney – hello Doug – (laughing) Okay – I'm not asking a questions – I'm concerned about the fact that we are segmenting a CEQA analysis – we have the property owner comes before us and say and say asking for a boundary adjustments related to this parcel related to this acquisitions which means I got a project that is a redevelopment because this whole is a zone multi family and I think somebody could argued and my attorney might argue that the entire project is related to that parcel and that we should not be segmenting the CEQA analysis.

Penera: what we did we approached that owner and asked them to do a lot split. They did not approach us. We approached them. And when they did that – they said that well if I give this property or if sell you this property down below I need to know that I can still do something with the top and so they came in for a free land review that we looked at he wants to make sure all the issues are cleared on the top so that when his lot split becomes final that his access issues and his coverage in this floor area analysis setback are secure and that the lots splits make sense.

Chase: I think that's fine – but my issues is -- they owned a parcel that zone multi family that it become through for the development you be looking for of what the developable areas a- and we will be looking what the open space for that and we will beginning various you know whatever if it goes down the creek we be getting this and that and mitigation later to the project which – my question basically stands aren't we open to challenge

San Diego Planning Commission, December 1, 2005
Item 6: Fox Canyon Neighborhood Park
4:28

Chairman: I guess my question is if we were to do that – what is the impact?

Penera: you know what I probably would not make the main deadline to have the MND certified because of what your asking for is some kind of redesign – I have to the technical studies and have to technical report – I have to have it resubmitted – I have to go through the whole process again – and that is taking me at this point from January til December to do this time around and quite frankly, that was rushing every step of the way – everything internal – we trying to get things more and more information it be difficult task – and I'm just being honest about that – it's been difficult to this point to

Chairman: it is important that you be honest – anytime that you are here – because I'm asking questions for taking practical issues here that it's very clear we want a park.

Madaffer
Commissioners you will be happy to know I have been watching downstairs intently
....
In listening to the debate, I understand the issue. It gets down to the road.

The road was not part- And I have give a lot of credit to these incredible city staff members who have done a wonderful job in putting together this project.

The park and the road were always one in the same for me. They were not included in the grant because a park grant does not include a road. You just don't pay for roads out of park grants.

When I created the crossroads redevelopment area, I specifically included the fox canyon area and this area in particular as part of the crossroads redevelopment area because my intent is to use tax increment funding to build the road. This is a needed link within the community.

My feeling is this, and if ah – if you would be so inclined. Continuance, that is certainly within your discretion. Ah - in watching the prior motion fail I would agree it goes back to the original decision of the hearing officer.

My feeling would be this, I would be happy to convene a task force that would dialogue on the road, subject to your approval of the project today with the condition of the task force.

And I would be happy to have the dialogue necessary in the community.

Frankly, the road idea was one to provide access, to provide parking, and a number of things that I think are beneficial and frankly to provide access to the creek area as an amenity to the Chollas creek park.

So with those things being said though those are obviously my perspective I would love - nothing more than see a dialogue with the community. My worry is holding this project up any further because they are on a tight timeline.

So my request would be that you folks consider moving forward with the project today with the original - I think Mr. Steele you were kinda hinting in that direction - although Mr. Griswold I appreciate your motion just to ah – to ah deny the appeal. I would think that would be good and I'll certainly do from my perspective and in my ability to facilitate the needed task force and the needed dialogue on the road.

If it is determined by the community if in fact they don't want a road, if in fact they want just an access road, if they want just an emergency vehicle trail, given the fact that there are those easements already in place as been well noted I'd be open to that.

But what's important is that this park project continue and I would just ask your indulgence in giving that every consideration.

I have long said I wanted the two to go together. I can't see one without the other, but that's a philosophical perspective.

The park grant was written at my request because the road and the park were to be the same.

With redevelopment coming down there's a lot of positive change soon to happen in this neighborhood. This is a down payment to that positive change. And this is about moving San Diego forward.

EXHIBIT NO. 90

AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, MARCH 21, 2006 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101

NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432.

ITEM-300: ROLL CALL.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-331: Fox Canyon Neighborhood Park.

Matter of the appeal by J.W. Stump, Esquire, et al, for Friends of Fox Canyon Park from the decision dated December 2, 2005, by City of San Diego Development Services Department Staff in the Environmental Determination certifying Mitigated Negative Declaration, Project No. 70422, SCH No. 2005081130, in the matter of a request for a Site Development Permit for the development of a passive park, which includes enhancements to the north and south side of Auburn Creek adjacent to the undeveloped portion of Landis Street. The project also proposes the development and realignment of an existing paper street (Ontario Avenue) as well as enhancements to the east side of Auburn Creek adjacent to the existing undeveloped portion of Ontario Avenue. The proposed project site is bounded by Landis Street and Sterling Court on the north and south and Altadena Avenue and Winona Avenue on the east and west, within the City Heights Neighborhood of the Mid-City Communities Planning Area.

Statement Supporting Reason For Environmental Determination: The finding that the project will not have a significant effect on the environment is based on an Initial Study, technical reports and project revisions/conditions which now mitigate potentially significant environmental impacts in the following area(s); **Biology and Historical Resources (Archaeology).**

(See Report to the City Council No. 06-029. MND/MMRP/Project No. 70422. Mid-City Communities Plan Area City Heights. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and uphold the Environmental Determination:

(R-2006-)

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by City of San Diego City Staff in the Environmental Determination of Mitigated Negative Declaration for this project, with appropriate findings to support Council Action.

OTHER RECOMMENDATIONS:

The Planning Group does not vote on this appeal of the environmental determination.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

STAFF SUPPORTING INFORMATION:

The subject site is bounded by Landis Street and Sterling Court on the north and south and Altadena Avenue and Ontario Avenue on the east and west (Attachments 1 and 2). The site is zoned RM 2-5 and is designated in the Mid-City Communities Plan for multi-family residential development (Attachment 3). The site is not designated as open space. The site consists of a small undeveloped canyon, a north facing slope, and a relatively flat disturbed area (Attachment 4). The site is surrounded by residential development. With the exception of a few scattered patches of exotic plant species, this area is devoid of vegetation.

The site can be accessed from University Avenue via Winona Avenue. A total of four unpaved roads exist within the project area. One service road, approximately 4 to 6 feet in width, exists along the eastern boundary of the project area. Two unpaved service roads, approximately 7-feet wide lead into the project area. A fourth service road, approximately 10 to 15 feet in width, extends northeast from Ontario Avenue terminating at the proposed community park/staging area.

The project site is not within and/or adjacent to the Multi-Habitat Planning Area (MHPA). However, a portion of Auburn Creek is the site of a City habitat restoration project. This habitat restoration project serves as mitigation for impacts resulting from a sewer main emergency repair completed in July, 2001. A small part of the restoration area occurs within the northeastern boundary of the project site. The habitat restoration area would not be impacted as a result of implementing the proposed park project.

The proposal is subject to the Environmentally Sensitive Lands (ESL) regulations per San Diego Municipal Code (SDMC) Section 143.0110(a)(1) because the site contains "sensitive biological resources" as defined per the SDMC, Section 113.0102. Therefore, a Site Development Permit (Process 3) was required.

Hearing Officer Decision

On October 12, 2005, the Hearing Officer approved a Site Development Permit to develop a 1.9-acre passive park plus the Ontario Avenue connection for a total of 2.7-acres. At the hearing, the Hearing Officer expressed his strong concern that staff had received two different recommendations from the community; the Fox Canyon group which wanted the park and the road to go through, and the City Heights Area Committee which also wants the park, but does not want the road. He noted that while the Ontario Avenue connection could possibly be used for park purposes or even emergency access, given the configuration of the lot, the right-of-way usability for park purposes would be limited given the width of it. He asked staff if the right-of-way for the Ontario Avenue connection had been set aside as part of a subdivision. If it was, he stated that it would confirm the fact that the connection was envisioned. At the time of the hearing, staff was unable to answer the question. Subsequent to the hearing, it has been confirmed that the right-of-way was established as early as 1911.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

STAFF SUPPORTING INFORMATION: (Continued)

Planning Commission Appeal Decision
On December 1, 2005, the Planning Commission heard an appeal of the Hearing Officer's decision to approve the Fox Canyon Park project. At that hearing the Planning Commission upheld the Hearing Officer's decision to approve the project and denied the appeal with the condition that Councilmember Madaffer's Office takes the lead in coordinating a Task Force prior to construction of the road to evaluate alternatives.

Delegation of Responsibilities
In keeping with Section 15025 of CEQA Section 128.0103 of the City's Land Development Code assigns the responsibility for implementation of the California Environmental Quality Act (CEQA) to the Development Services Department (DSD). The Environmental Analysis Section (EAS) of DSD evaluates all discretionary project proposals to determine whether there is a potential for such actions to result in physical impacts on the environment. Anyone can submit information to EAS to assist in its evaluation; but by law, the evaluation must be impartial and independent of any outside influences.

On December 15, 2005, the environmental determination for the project was appealed to the City Council by the Friends of Fox Canyon Park, J. W. Stump (Attachment 10). This appeal is before the City Council because of an amendment to the California Environmental Quality Act (CEQA). Effective January 1, 2003, Section 21151(c) CEQA has been amended as follows: *If a non-elected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or a mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any.*

Pursuant to this amended legislation, the Friends of Fox Canyon Park, J. W. Stump, filed an appeal of the City of San Diego staff's determination of the Mitigated Negative Declaration for the project. This appeal applies only to the environmental determination.

FISCAL IMPACT:

There is no fiscal impact. The project is processed through a deposit account paid for by the applicant which is the Park and Recreation Department.

Halbert/Halbert/PXG

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-331: (Continued)

LEGAL DESCRIPTION:

The proposed project site is bounded by Landis Street and Sterling Court on the north and south and Altadena Avenue and Winona Avenue on the east and west, within the City Heights Neighborhood of the Mid-City Communities Planning Area.

Staff: Patricia Grabski – (619) 446-5277

NOTE: This item is not subject to Mayor's veto.

EXHIBIT NO. 91

J Lindsay

619
533
5856

THE CITY OF SAN DIEGO

JIM MADAFFER
COUNCILMEMBER
SEVENTH DISTRICT

January 24, 2006

John Stump
4133 Poplar St.
San Diego, CA 92105

Dear John Stump:

Thank you for participating in the community discussion regarding the Fox Canyon Park and the Ontario Road extension. At the Planning Commission meeting held on December 1, 2005, I committed to assemble a Task Force to evaluate the issues related to the Ontario Ave. road connection and alternatives, such as impacts, benefits, needs, environment, and costs. I would like to invite you to be one of the members of the Ontario Road Task Force.

The Task Force will meet three times:

Thursday, February 2, 2006
Thursday, February 9, 2006
Thursday, February 16, 2006

Each meeting will take place from 6:00-8:00 p.m. at the Colina Del Sol Recreation Center, located at 5319 Orange Ave., San Diego, CA 92115. For your reference, the phone number there is (619) 235-1144.

The initial meeting on February 2nd will include introduction of the task force members to one another, establish task force goals and agree on decision-making procedures. City staff will also present their findings on the Ontario road connection. The following Task Force meetings on February 9th and 16th will be mediated by Jeanine Hillis of the City's Organizational Effectiveness Program. The City Council will be hearing the appeal of the project's environmental portion in March 2006. The goal is to complete the Task Force discussions prior to that date.

CITY ADMINISTRATION BUILDING • 202 "C" STREET • SAN DIEGO • CALIFORNIA 92101
Tel. (619) 236-6677 • Fax. (619) 236-1360 • Email: jmadaffer@sandiego.gov

© Printed on recycled paper

ATTACHMENT 3

~MAP0002.jpg (JPEG Image, 1109x1731 pixels)
file:///C:/Documents%20and%20Settings/khs/Local%20Settings/Tem...

Members of the Task Force are being asked to commit to attend each of the three meetings. Please contact my staff member Elyse Lowe at (619) 533-5897 at your earliest convenience if you are unable to participate as a member.

Sincerely,

Jim

Jim Madaffer
Councilmember

JM/el

EXHIBIT NO. 92

From: JoEllen Jacoby
To: DSD-Training; Gonsalves, Ann; JoEllen Jacoby; Khaligh, Kamran; Lowe, Elyse; Mahmalji, Samir; Penera, April
Date: 3/8/2006
Time: 11:00:00 AM - 12:00:00 PM
Subject: Ontario Ave Task Force Report
Place: DSD training room

Discuss the Ontario Task Force Report - alternatives proposed.

JoEllen Jacoby
City of San Diego, Park Planning
619 533-4017 FAX 525-8224
Mailing address:
202 C Street, Mail Station 35
San Diego, CA 92101
Office location:
2130 Pan American Plaza, Balboa Park

"We enrich lives through quality parks and programs"

Post-it® Fax Note 7671	Date 12/15/06 # of pages ▶ 2
To Malinda Dickenson	From Joey Jacoby
Co./Dept. Attorney	Co.
Phone #	Phone # 533-4017
Fax # 3-5856	Fax #

From: April Penera
To: April Penera; Elyse Lowe; JoEllen Jacoby; Samir Mahmalji
Date: 3/7/2006
Time: 11:00:00 AM - 12:00:00 PM
Place: jim's office, cab 10

April S. Penera, P.E.
Park Planning Deputy Director
City of San Diego
Park & Recreation Department
"We enrich lives through quality parks and programs"

EXHIBIT NO. 93

MEMO

To: Park and Rec Board

From: Bob Ottilie

RE: Fox Canyon/Open Government

Date: September 21, 2006

The following is a history of issues relating to the Fox Canyon Park and application to the State of California for state park funds.

The Most Recent Interference

Carolyn Chase called me last Tuesday (September 12) to tell me that the city was not pursuing the development of the Fox Canyon park (and instead was intending to move state park grant money to another park, approximately a block away, currently referred to as the "Wightman Street Park." As you know, the Fox Canyon Park had been the subject of much community controversy over the past 8 to 10 months.

My impression was that Ms. Chase wanted to make sure that the Park and Rec Board was aware of this (no one had even mentioned this proposed shift to us), and that state park grant monies were being properly monitored. She also expressed concern over whether or not we were making a commitment to a park that was only "conceptual" in nature, and whether that was consistent with state law and good policy for the city (much of the problem surrounding Fox Canyon Park appears to have been related to the fact that it was only "conceptual" in nature when we applied for state park funds).

As a courtesy to Ms. Chase and knowing that our committee would be very interested in this (since we had discussed it over the objection of the city attorney's office in March), I emailed Ted Medina's office as I was speaking to Ms. Chase (on Tuesday the 12th) and asked that it be put on our agenda for our meeting this Thursday, September 21. Ginny Barnes was out of the country and could not be reached. Sally Pearson responded by asking for more detail as she wanted to get in on before noon on Wednesday which is when she represented was the last time to get any item on the agenda.

I responded with the requested detail. Ms. Pearson then responded by stating that Ted Medina and April Penera had stated that it could <u>not</u> go on the agenda because the city council would be taking the matter up in closed session within the next few weeks.

This response concerned me for two reasons:

a. We are an advisory committee to the San Diego City Council. Our committee has no responsibility for city lawsuits. Our agenda is not dictated by what the council may be doing; we could even discuss the lawsuit if we wanted to. This response either showed a gross misunderstanding of the law or was being used as a guise to keep the matter off the agenda.

b. Mr. Medina had unilaterally taken an item off our agenda last summer prompting a lengthy review with him of the San Diego Municipal Code which had demonstrated, by his concurrence, that the committee, not the park and rec director, controls its agenda.

Ted Medina pointedly refused my requests, by email and calls to his office and cell phone, to discuss the matter. It has been a week and he still has not returned calls. When it became apparent he was *intentionally* refusing to speak to me about the agenda, I sought the assistance of our attorney, Alex Sachs.

I was ultimately successful in getting this item on the agenda, but only with the assistance of the San Diego Attorney's office. Mr. Sachs contacted Mr. Medina and advised him that the basis upon which he and Ms. Penera were asserting for keeping the item off the agenda was, in fact, <u>not</u> a proper basis for doing so.

Even after Mr. Medina and Ms. Penera agreed not to block this item from the agenda, they advised Mr. Sachs that it should not go on the agenda as a potential action item, because there was *nothing* on this issue going before the city council in the near future (this according to the deputy city attorney handling the matter). In fact, I have learned from other sources that this is incorrect and that the city council is considering the matter this month, perhaps on multiple occasions on different issues. Fortunately, I insisted to Mr. Sachs that the matter be placed on the agenda in such a way that the park and rec board could, if it chose, act.

The above, in conjunction with what happened at our March meeting (summarized below) should raise a serious concern as to whether or not the Park and Rec department is being utilized by somebody (outside the department) from keeping this matter from being discussed with the public. I would be even more troubled if the department itself was the driving force in the efforts to keep this issue away from the public

From the standpoint of board administration, I am very concerned that the director of the department, or Ms. Penera, would attempt to interfere with the desire of a board member to have a matter on the agenda, particularly after Mr. Medina and I had a very lengthy amicable discussion about this matter last summer, which included reference to all relevant municipal code sections. Also, the department should staff all members of the board, not some.

However, I am not sure the problems with Mr. Medina and Ms. Penera would have risen to the level of contact with your office except for the fact that this incident occurs in the context of a much broader history regarding this park.

March Park and Rec Meeting

At our March 2006 meeting, deputy city attorney Hilda Mendoza had distributed a two page memo advising the Park and Rec Board that we could not discuss the issue at all because it was outside of our jurisdiction. This struck me as strange, as I would imagine that anything having to do with parks could come before our board.

I do not believe Ms. Mendoza had ever issued us a written memo (even when asked for opinions), was not asked for an opinion on this issue, and the memo was, in my opinion, flat out wrong. It also appeared (to me) to be initiated (if not written) by someone else.

Ms. Mendoza, who seldom made contributions to the Park and Rec Board, had written this two page memo telling us we could not hear the issue at all. She verbally told the committee that we could not continue to discuss the matter and went so far as to tell the committee that she, the deputy city attorney, was taking it off our agenda.

We went ahead and discussed the matter over Ms. Mendoza's objection. I believe the Park and Rec Board vote was unanimous in rejecting Ms. Mendoza's advice.

The board then also unanimously voted to recommend *against* putting a road down the middle of the park.

At the hearing, in the course of questioning April Penera, several key facts about the road came out. This included;

1. The application for the approximately $2 million in state park funds had not only failed to mention the road, but affirmatively stated that an easement for the road was going to be abandoned as a part of the development of the park;[1]

2. The police were taking no position on the park;

---

[1]This appears to be a gross misrepresentation as all evidence now indicates that the intention to develop the road (initiated by Councilman Jim Madaffer) pre-existed the park by a substantial period of time (years). As Mr. Madaffer himself said to me (quoted below), the road came first and the park came second. It has never been explained why the department's application for state park funds contained an affirmative misrepresentation with respect to the road. Looking back at Councilman Madaffer's community newsletter, he confirms what he told me. His exact quote is: "The road came first, the park followed."

3. The fire department said they would not use the road to access any residence in the neighborhood even if it was built (representations had been made that emergency services wanted the road);

4. Preliminary design for the road way had been paid for out of park development funds;

5. Ms. Penera could not explain why the road was needed, said nothing about increased density, and could not point to any segment of the neighborhood that would use the road.

The Application For Park Funds From the State

At the March park and rec meeting we were shown the application that was made to the State of California for the state park grant money to fund the park.

The application specifically stated that if we received the state park grant money that the city *would abandon an easement for a road that went through the canyon.*

I think it concerned all of us on the Park and Rec Board that we had applied for approximately two million dollars in state park grant money with the representation that we would abandon an easement for a road when it was beginning to look be apparent that this road had been contemplated *well* before the application was made. I think a lot of us would still like some answer to those concerns.

Jim Madaffer's Newsletter

Within hours of the March 16 meeting I saw the March 15 newsletter from councilmember, Jim Madaffer. It appeared that he was a big proponent of the road through the park. His newsletter suggested he was upset with the opponents of the road through the park.

Councilman Madaffer made statements in the newsletter that were inconsistent with what we had seen and heard at the park and rec meeting. For instance, his newsletter suggested that the road was planned before the park was even contemplated and suggested that efforts on the road had been initiated potentially four years before the application to the State of California for the park funds (which stated that the road easement was being abandoned as a part of the development of the park). Councilman Madaffer's newsletter also stated that "in an emergency, response vehicles need a way in...," even though we had been told at Park and Rec that the fire department had specifically stated it would not use the road even if it was built.

Jim Madaffer's newsletter also did not say anything about increasing the density in this neighborhood. I am told, although I do not know if this is accurate, that when the matter came before the planning commission there was never any discussion about increased density.

I responded to Councilmember Madaffer's newsletter with an e-mail that our briefing at the Park and Rec Board meeting was, on some issues, inconsistent with the newsletter, and also suggested that the whole thing "was starting to sound like a backroom deal."

Jim Madaffer's Phone Call

Jim Madaffer called me on March 20, 2006. He had seen my email. I kept detailed notes of our conversation.

Councilman Madaffer stated first that we "needed to get parks in this park deficient neighborhood." When we started talking about the road, I said the police and fire department were not supporting the road. He said "I don't care what the police and fire department say."

When I told Councilman Madaffer that people seemed to really want the park to be as large as possible, he said "you guys are blowing the grant."

The conversation with Jim Madaffer reinforced the concern I had as to whether or not the city had made misrepresentations in the application to the state to get the grant funds in the first place. Councilman Madaffer made very clear that he, Jim Madaffer, had been the initiation point for this whole project and that it started only as a road, with the park as an afterthought. If all this started with the road and the park was an afterthought, why did the application to the state say otherwise?

In this conversation with me, Councilman Madaffer made clear that if the road did not go in there would be no park, as though he had control over that issue. He said "the road has to come first."

When I asked why, he stated "you couldn't build new apartments if they do not have sufficient access." This was the first I ever heard of new apartments. Mr. Madaffer made reference to "low income apartments." April Penera said nothing about that in her presentation to the Park and Rec Board and I had specifically asked her why we needed the road. As noted above, she did not say anything about increased density

I have later talked with people involved in this project and this was the first they had ever heard about apartments and were puzzled by Councilman Madaffer's comments regarding increased density. They claim this was omitted from the planning commission presentation as well.

Jim Madaffer went on to say [they] (the opponents of the road) were "screwing the pooch on the park."

His next comments were as follows:

"The whole thing is terminated at this point."

Councilman Madaffer then told me was that "we'll build the road and put in the new housing and there will be no park." *He reiterated that the road would be built.*

Reiterating that the park had come second, Councilman Madaffer stated that "I (meaning he) screwed things up by suggesting that they put the park in."

Further Potential Misrepresentations By The Park and Rec Department

When I talked to Alex Sachs at the city attorney's office, as we were attempting to get this on the agenda last week, Mr. Sachs told me that the matter would go on the agenda but not as an action item. I stated that I did not know where the discussion might go, but that the board might very much want to make some recommendations at this meeting if something was going to be happening at the city.

Mr. Sachs had told me that he had been told (I understood by Mr. Medina or Ms. Penera) that there was nothing going before the city council on this subject before we would meet again. I insisted that the matter be left open so that we could take action if we wanted to.

I have now been told by multiple individuals that they understand that the city council is going to consider this matter in the month of September and that the city council may be considering making findings as to whether or not the proposed new park (the money that is now being moved) consistent with the state Urban Park Plan and City Recreation Plan.

If this is accurate then Mr. Sachs was given misinformation in an effort to keep this from going on the agenda in a manner that would allow a vote.

Other Concerns

People from the community are now coming forward and bringing up a whole host of new issues that raised concerns to me and I hope you as well.

I have been told that subsequent to our March Park and Rec Board meeting the state of California has communicated to the city that any plan to purchase park land with state money (i.e. Fox Canyon Park) must be used for a park and may not be used for any "nonpark purpose." These individuals believe that the state has informed the city that had they purchased the land at Fox Canyon they would <u>not</u> have been permitted to add the road.

This raises further concerns as to why the city is now pursuing a new purchase elsewhere. This is, at a minimum, creates an appearance that someone did not want to jeopardize the ability

to put a road through the canyon. That, if true, would further corroborate that the road was always intended, even at the time the city applied for the state grant and obtained the grant by misrepresenting the intention to abandon an easement where the road would run.

Members of the community are also communicating to me that the city is saying that it is moving the park because the owner would not sell the land. However, the same individuals are telling me that the only offer made to the owner of the Fox Canyon park land was made after the decision to move the park, and that it was not a commercially reasonable offer.

As to these last issues, I am not sure if they are accurate, but these people seem fairly credible. Somebody certainly ought to look into their allegations.

My personal investigation has led me to believe that the State of California was never aware, at the time the application for this hearing was made, that there was *any* intention of putting a road through the park. They can be contacted to confirm this.

I have also now been advised (and documents are being supplied to me) that the State of California intends (if the park grant money is moved to the location) to offset from the grant monies already expended at Fox Canyon. If this is true, we should determine if any of those any monies, even a cent, was spent associated with the roadway. If park monies were utilized for a road that was not included in the application, that money should be reimbursed by the parties responsible for expending it.

Questions To Be Answered

1. Whether the Park and Rec Department was aware of the proposed road when it signed the grant application to the State of California;

2. Whether any park funds have been utilized, from any source, on the proposed road that was not included in the application to the state for state park funds;

3. Why the department failed to advise the State of California of the intention to build a road through the park when it signed the application to the State of California;

4. The extent of the department's knowledge with respect to the proposed low income housing;

5. Whether or not the department concealed the proposed low income housing from the park and rec board, the planning commission and/or the city council;

6. Whether affirmative misrepresentations were made in support of the road concerning its support by emergency response personnel;

7. Who was responsible for the memorandum of Hilda Mendoza in March 2006 to the park and rec board suggesting they did not have jurisdiction to even hear issues relating to the Fox Canyon Park. Did Park and Rec staff ghost author the memo;

8. Who was behind the effort to keep the Fox Canyon Park off the park and rec board agenda in September 2006;

9. Whether the State is deducting from the existing park grant (that may be moved to the Wightman Street Park) any monies associated with the road through Fox Canyon.

EXHIBIT NO. 94

Office of
The City Attorney
City of San Diego

MEMORANDUM

DATE: March 20, 2006

TO: Honorable Mayor and Members of the City Council

FROM: Michael J. Aguirre, City Attorney

SUBJECT: Participation in Vote on March 21, 2006 City Council Agenda, Item 331, Fox Canyon Neighborhood Park

---

INTRODUCTION

The City Council is scheduled to consider Item 331, Fox Canyon Neighborhood Park on March 21, 2006. This matter is an appeal of the environmental determination certifying Mitigated Negative Declaration, Project No. 70422, SCH No. 2005081130 [MND]. The project is a Site Development Permit for development of a park and street in the City Heights Neighborhood of the Mid-City Communities Planning Area.

On October 12, 2005, the Hearing Officer approved the Fox Canyon Neighborhood Park Project and MND. The decision was appealed to the Planning Commission. On December 1, 2005, the Planning Commission denied the appeal, but added a condition that Councilmember Jim Madaffer form a Task Force to evaluate whether there is community support for the road. On December 15, 2005, the environmental determination for the project was appealed to the City Council by the Friends of Fox Canyon Park, J. W. Stump. Executive Summary Sheet, Attachment 1. Only the appeal of the environmental document is before the City Council for consideration.

There have been allegations of wrongdoing on Councilmember Jim Madaffer's part that center predominantly around his advocacy for the project. Councilmember Madaffer and his staff member testified at the Planning Commission hearing in support of the project. Councilmember Madaffer's testimony was limited to general support for the project and did not include discussion of the adequacy of the environmental document. Our office was consulted just prior to the hearing regarding Councilmember Madaffer's desire to testify at the hearing. Because of the late notice, our office did not provide a written opinion. However, we did advise that because the project would not be heard by the City Council except as to a possible appeal of the environmental document, Councilmember Madaffer could testify so long as his testimony was

limited to the project merits and did not touch on the adequacy of the environmental document. We also explained that limiting testimony in that manner may be difficult because many aspects of a project may relate to the environmental issues discussed in the environmental document and that failure to appropriately limit testimony could result in a challenge to Councilmember Madaffer's participation in a City Council hearing of an appeal of the environmental determination. That said, Councilmember Madaffer did limit his testimony at the Planning Commission hearing such that his testimony at the hearing should not preclude his participation in the City Council discussion of the environmental appeal on that basis. Additionally, Councilmember Madaffer sent a letter to the Planning Commissioners prior to the hearing to advocate his support for the project. Attachment 2. Our office did not advise Councilmember Madaffer regarding the content of the letter.

After the appeal of the environmental determination was filed, Councilmember Madaffer formed the Task Force as recommended by the Planning Commission. Councilmember Madaffer invited individuals to participate in the Task Force by letter. Attachment 3. The letter includes the statement, "At the Planning Commission meeting held on December 1, 2005, I committed to assemble a Task Force to evaluate the issues related to the Ontario Ave. road connection and alternatives, such as impacts, benefits, needs, environment, and costs." Additionally, the letter references the City Council hearing on the environmental appeal. The concern is that discussions regarding the "impacts" and "environment" are inappropriate communications prior to the City Council hearing on the environmental appeal.

Further, Councilmember Madaffer's newsletter mailed March 15, 2006, includes a lengthy discussion of the park and road. Attachment 4. The newsletter states in part:

> Sadly, there are a few people who don't like the idea of the road- but they do want an isolated park without adequate fire and police access and with out any parking. In order to create community consensus, I committed to creating a task force that met to discuss the merits of the road connection and try to work things out. The task force includes neighborhood residents and community leaders. It seems just about every project these days has people who are against something no matter what. The Fox Canyon Park project is no exception. While I respect the opponent's opinion, I support the greater community in what they envision for their own neighborhood and their efforts to create it.

The appellant expressed his concern in an email dated March 16, 2006, that Councilemember Madaffer had already made up his mind regarding any objections to the project such that the appellant cannot receive a fair hearing on the appeal. Attachment 5.

QUESTION PRESENTED

May Councilmember Madaffer participate in the City Council hearing on the appeal of the environmental determination, or is he required to recuse in this matter?

SHORT ANSWER

Councilmember Madaffer's participation in the City Council hearing on the appeal of the environmental determination should be carefully considered and weighed in light of City Council Policy, CEQA, and due process considerations.

Our recommendation is that Councilmember Madaffer recuse from participation in this environmental appeal because public comments he has made regarding the project following the filing of the environmental appeal may be interpreted as bias against the appellant and the validity of the environmental appeal.

If Councilmember Madaffer elects to participate in this matter, we advise Councilmember Madaffer to state for the record that he has carefully considered the allegations that he cannot be fair and impartial and that he believes he can be fair and impartial in his consideration of the environmental determination appeal.

ANALYSIS

Procedural due process requirements vary with the situation and interests involved. *Applebaum v. Board of Directors*, 104 Cal. 3d 648, 657 (1980). Individuals have a right to a hearing that meets standards of impartiality. *Clark v. City of Hermosa Beach*, 48 Cal. App. 4th 1152 (1996). The U.S. Constitution does not permit biased decision makers; any risk of unfairness should be avoided. *Withrow v. Larkin*, 421 U.S. 35, 47 (1975). Further, a due process violation may be established without an actual showing of bias where "a court…determines from the special facts and circumstances present in the case before it that the risk of unfairness is intolerably high." *Id.* at 58. Parties before a tribunal are "entitled to the same fairness, impartiality and independence of judgment as are expected in a court of law." *Jarrott v. Scrivener*, 225 F. Supp 827, 833 (1964). Common law doctrine provides, "A public officer is impliedly bound to exercise the powers conferred on him with disinterested skill, zeal, and diligence and primarily for the benefit of the public." *Noble v. City of Palo Alto*, 89 Cal. App. 47, 51 (1928).

These concerns about impartiality are reflected in Council Policy 000-4 which provides in part:

> No elected official, officer, appointee or employee of The City of San Diego shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence or judgment or action in the performance of such duties.

It is important not only to have a fair and impartial hearing, but also to avoid any appearance of impropriety.

Councilmember Madaffer established the Task Force in response to Planning Commission direction. However, in light of the environmental appeal, fulfilling that obligation could have been delayed until after the City Council hearing. Additionally, the mention of "impacts" and "environmental" coupled with a mention of the environmental appeal hearing suggests that the Task Force intended to tackle the question of the sufficiency of the environmental document and either to identify or to allay concerns about environmental impacts. Arguably, these discussions circumvented the public hearing process and may have solidified Councilmember Madaffer's opinion regarding any environmental impacts. The entire Council did not have the benefit of this public input. Secondly, Councilmember Madaffer's statement in his newsletter, "While I respect the opponent's opinion, I support the greater community in what they envision for their own neighborhood and their efforts to create it," implies that he is not willing to give further consideration to the opponent's position. The opponent has filed the appeal and is seeking an impartial hearing on the environmental impacts related to this project. Councilmember Madaffer's statement could be interpreted as precluding such opportunity.

This appeal of the Planning Commission decision is before the City Council pursuant to Public Resources Code §21151 (c) and Municipal Code section 112.0520 (Environmental Determination Appeals). Pursuant to this section, "any person" may appeal an environmental determination made by the Planning Commission to the City Council. Section 21151(c) CEQA provides:

> If a non-elected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or a mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any.

The California Environmental Quality Act's [CEQA] provision for an appeal to the elected decision making body by any person reflects the legislature's desire to require political accountability for environmental decisions. *Vedanta Society of Southern California v. California Quartet*, 84 Cal. App. 4th 517, 530-531 (2000). Implicit in this requirement is the opportunity for the public to have their concerns heard before an impartial body. Under CEQA, consideration of the environmental impacts of a proposed project, in this case in a Mitigated Negative Declaration, squarely impacts the decision to approve or deny a project. 14 Cal. Code Regs. § 15004(a), 15074. Consequently, the decision maker must be capable of impartiality when considering the environmental impacts of the project.

As the California Supreme Court noted in *Bozung v. LAFCO,* 13 Cal. 3d 263, 283 (1975):

> The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind. CEQA does not, indeed cannot, guarantee that these decisions will always be those which favor

> environmental considerations. At the very least, however, the people have the right to expect that those who must decide will approach their task with neutrality, with no parochial interest at stake.

While in this case the project approval itself, if not before the City Council, the status of the underlying project is affected by the Council's decision on this appeal. For example, if the City Council denies the appeal, the Planning Commission's decision to grant the entitlement, approval or other City authorization "shall become effective immediately." Muni.Code § 112.0520(e). On the other hand, if the City Council sets aside the environmental determination and remands the matter, the authorization is vacated. *Id.* at 112.0520(f). As a result, a bias or perceived bias in favor of the underlying project could be seen to impede the decision maker's ability to make an impartial decision on the adequacy of the CEQA determination for the project.

The appellant has expressed concern that Councilmember Madaffer is biased and, therefore, if he participates in the hearing, the appellant cannot get a fair hearing. It is probable that the appellant will litigate the decision of the Council if Councilmember Madaffer participates in the hearing under a claim of bias in violation of due process. It is possible that the appellant will litigate the decision irrespective of Councilmember Madaffer's participation. If a court were to find that Councilmember Madaffer's participation was biased such that the appellant's opportunity to have a fair hearing was prejudiced, the court may order the City Council rehear the matter in order to provide a fair hearing. *Clark v. City of Hermosa Beach*, 48 Cal. App.4th 1152, 1174 (1996). At that time, Councilmember Madaffer would be precluded from participating in the hearing. This would result in delay of the project, additional costs to the City for attorney fees, and jeopardize grant funding for the park. Of course, any litigation, with or without merit, could result in the loss of grant funding. It is unclear whether the state granting agency would allow the City an extension of time to resolve litigation related to this matter.

Only the adequacy of the environmental determination is before the Council on appeal. The entire Council is cautioned to not respond to statements about the merits of the project itself and to limit discussion to the adequacy of the environmental document. There should be no discussion of the results of the Task Force meetings. If a due process claim is brought against the City, discussions regarding the merits of the project could provide further evidence of bias.

CONCLUSION

Councilmember Madaffer's participation in the City Council hearing on the appeal of the environmental determination should be carefully considered and weighed in light of City Council Policy, CEQA, and due process considerations. It is the obligation of elected officials to participate in decisions, including controversial decisions, and not avoid participation. On the other hand, if Councilmember Madaffer is unable to engage in impartial consideration of a matter or the appearance of impropriety is great, he should recuse from participation in the matter.

Our recommendation is that Councilmember Madaffer recuse from participation in this environmental appeal because the public comments he has made regarding the project following the filing of the environmental appeal may be interpreted as bias against the appellant and as an indication that Councilmember Madaffer cannot fairly consider the merits of the environmental appeal. Further, given the high probability of litigation of this matter, Councilmember Madaffer's recusal may eliminate the basis for suit against the City regarding his potential bias. Successful litigation by the appellant on the basis of bias will result in costs to the City and delay, if not denial, of the project. If Councilmember Madaffer elects to ignore this recommendation and opt to participate fully in the Fox Canyon Neighborhood Park appeal, Councilmember Madaffer is advised to state for the record that he has carefully considered the allegations that he cannot be fair and impartial and he believes he can be fair and impartial in consideration of the environmental determination appeal.

MICHAEL J. AGUIRRE, City Attorney

By Karen Heumann

Karen Heumann
Assistant City Attorney

KH:jb:amp
Attachments

EXHIBIT NO. 95

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MARCH 21, 2006
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING 4

ITEM-300: ROLL CALL 5

NON-AGENDA COMMENT 5

COUNCIL COMMENT 8

INDEPENDENT BUDGET ANALYST COMMENT 8

CITY ATTORNEY COMMENT 8

ITEM-30: San Diego Museum of Art Day 9

ITEM-31: Ellen Oppenheim Day 9

ITEM-32: Sergeant Dale Shockley Day 10

ITEM-33: Officer Robert Carroll Day 11

ITEM-34: Officer Christina Burhans Day 11

* ITEM-50: Amending the San Diego Municipal Code Section 54.0212 Regarding Abandoned Personal Property 12

* ITEM-51: **Item 51 has been pulled from the docket** 13

* ITEM-52: Sabre Springs-Savannah Terrace Rezone 13

ITEM-53: Nonexclusive Chilled Water Franchise Agreement with JMIR-Chilled Water LLC, for Temperature Controlled Water Located in the Ballpark District. 14

* ITEM-54: Two actions related to Amendments to Agreements for Time Extensions with Caltrans for State Route 56 Middle Design and State Route 56/Camino Ruiz Interchange 16

* ITEM-55: Establishing a Commission on Gang Prevention and Intervention 18

* ITEM-56: Extending Time Limit Deadlines for the Centre City and Horton Plaza Redevelopment Project Area 20

* ITEM-100: Awarding a Contract to San Diego State University Research Foundation for Consultant Services for Communication Support..... 21

* ITEM-101: Storm Water Pollution Prevention Program (SWPPP) Think Blue Education Agreement with Port of San Diego and Production Contract with American Dream Cinema 23

* ITEM-102: Initiating an Amendment to the University Community Plan to Facilitate Additional Fire Stations in the University Community 25

* ITEM-103: One-Year Extension of Barrio Logan Project Area Committee (PAC) 2006 Annual Election 27

* ITEM-104: Drainage and Sewer Easement Vacations within Lots 1 Through 7 and 20 Through 23 of Siempre Viva Business Park Map 12659 28

* ITEM-105: La Maestra: Heart of the Community Day 29

* ITEM-106: Excusing Council President Peters from Attending the City Council and Closed Session Meetings of March 6 and 7, 2006..... 30

* ITEM-107: Excusing Councilmember Madaffer from Attending the Budget Committee Meeting of March 8, 2006 31

* ITEM-108: Excusing Councilmember Madaffer from Attending the City Council and Closed Session Meetings of March 6 and 7, 2006..... 31

* ITEM-109: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico..... 32

* ITEM-110: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City 33

ITEM-330: Stella-Project No. 65484..... 33

ITEM-331: Fox Canyon Neighborhood Park 38

ITEM-332: 5540 Lindo Paseo Tentative Map 42

ITEM-333: Amending San Diego Municipal Code Relating to Inclusionary Housing In-Lieu Fee Regulations 44

ITEM-334: Conditional Grant Agreement with San Diego Youth and Community Services Inc. for Acquisition of Multi-Family Rental Housing Located at 4760 35th Street 45

NON-DOCKET ITEMS 47

ADJOURNMENT 47

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 10:09 a.m. Council President Peters recessed the meeting at 11:15 a.m. for the purpose of a break. Council President Peters reconvened the meeting at 11:22 a.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 11:43 a.m. to convene the Redevelopment Agency and the Housing Authority thereafter. Council President Peters reconvened the regular meeting at 11:46 a.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 11:47 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Council President Peters at 2:03 p.m. with Council Member Maienschein not present. The meeting was recessed for the purpose of a break at 3:01 p.m. and thereafter to reconvene the Redevelopment Agency and the Housing Authority. Council President Peters reconvened the meeting at 3:13 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 4:35 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 4:42 p.m. with Council Member Maienschein not present. Council President Peters recessed the meeting at 5:32 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 5:39 p.m. with Council Member Maienschein not present. The meeting was adjourned by Council President Peters at 6:23 p.m.

ATTENDANCE DURING THE MEETING:

(1) Council Member Peters-present

(2) Council Member Faulconer-present

(3) Council Member Atkins-present

(4) Council Member Young-present

(5) Council Member Maienschein-not present

(6) Council Member Frye-present

(7) Council Member Madaffer-present

(8) Council Member Hueso-present

Clerk-Maland (ek/er)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Maland called the roll:

(1) Council Member Peters-present
(2) Council Member Faulconer-present
(3) Council Member Atkins-present
(4) Council Member Young-present
(5) Council Member Maienschein-not present
(6) Council Member Frye-present
(7) Council Member Madaffer-present
(8) Council Member Hueso-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Hud Collins commented on the financial crisis in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:32 a.m.)

PUBLIC COMMENT-2:

Al Strohlein commented on the subject of varying standards regarding file storage in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. – 10:35 a.m.)

PUBLIC COMMENT-3:

Don Stillwell wished to thank the Council Members for their support regarding public transportation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:36 a.m. – 10:38 a.m.)

PUBLIC COMMENT-4:

Sandy Summers commented on the subject of civil rights.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:42 a.m.)

PUBLIC COMMENT-5:

Linda Smith commented on the subject of free speech and the First Amendment.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:43 a.m. – 10:45 a.m.)

PUBLIC COMMENT-6:

Ellen Shively, Mark Labianca, and Ramy Hassan commented on the seals at the Children's Pool in La Jolla.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:49 a.m.)

PUBLIC COMMENT-7: **REFERRED TO THE OFFICE OF THE MAYOR**

David Edick commented on San Diego's Sister Cities Program.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m. – 10:53 a.m.)

PUBLIC COMMENT-8:

Ron Boshun commented on the City Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:54 a.m. – 10:56 a.m.)

PUBLIC COMMENT-9:

Katheryn Rhodes commented on neighborhood and coastal development permits in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:57 a.m. – 10:59 a.m.)

PUBLIC COMMENT-10:

Michelle Brazeau commented regarding the San Diego Bureau of the Epoch Times international newspaper.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:00 a.m. – 11:02 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Atkins announced that the final vote regarding changes in San Diego bus routes will take place on Thursday, March 23, 2006, at 9:00 o'clock at Golden Hall located at the San Diego Community Concourse. Miss Atkins stated that there have been three- and four- hour meetings during the last month, and that even though the taking of public testimony is now closed, people will still be able to speak.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:03 a.m. – 11:03 a.m.)

INDEPENDENT BUDGET ANALYST COMMENT:

None.

CITY ATTORNEY COMMENT:

None.

ITEM-30: San Diego Museum of Art Day.

MAYOR SANDERS' AND COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-737) ADOPTED AS RESOLUTION R-301301

Recognizing the accomplishments of the San Diego Museum of Art and commending the dynamic art museum for its efforts to educate and inform the people and visitors of the City of San Diego;

Proclaiming February 28, 2006, to be "The San Diego Museum of Art Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:22 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Frye. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-31: Ellen Oppenheim Day.

COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER FRYE'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-792) ADOPTED AS RESOLUTION R-301293

Proclaiming March 21, 2006, to be "Ellen Oppenheim Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:09 a.m. – 10:17 a.m.)

MOTION BY FRYE TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-32: Sergeant Dale Shockley Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-673) ADOPTED AS RESOLUTION R-301302

Commending Sergeant Dale Shockley for his dedication to making San Diego America's Finest City;

Proclaiming March 21, 2006, to be "Sergeant Dale Shockley Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:28 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-33: Officer Robert Carroll Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-674) ADOPTED AS RESOLUTION R-301303

Commending Officer Robert Carroll for his dedication to making San Diego America's Finest City;

Proclaiming March 21, 2006, to be "Officer Robert Carroll Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:28 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-34: Officer Christina Burhans Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-675) ADOPTED AS RESOLUTION R-301304

Commending Officer Christina Burhans for her dedication to making San Diego America's Finest City;

Proclaiming March 21, 2006, to be "Officer Christina Burhans Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:23 a.m. – 10:28 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-50: Amending the San Diego Municipal Code Section 54.0212 Regarding Abandoned Personal Property.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/28/2006, Item 50. (Council voted 8-0):

(O-2006-77 Cor. Copy) ADOPTED AS ORDINANCE O-19469 (New Series)

Amending Chapter 5, Article 4, Division 2, of the San Diego Municipal Code, by amending Section 54.0212, regarding Abandoned Personal Property;

Declaring this activity is not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(2) because the San Diego Municipal Code amendment will not result in a direct or reasonably foreseeable indirect physical change in the environment.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-51: **Item 51 has been pulled from the docket.**

* ITEM-52: Sabre Springs-Savannah Terrace Rezone.

(Sabre Springs Community Plan Area. District 5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/6/2006, Item 203, Subitem E. (Council voted 5-0. Councilmembers Faulconer, Young, Maienschein, Frye, and Hueso vote yea. Councilmembers Peters, Atkins, and Madaffer not present.):

(O-2006-98) ADOPTED AS ORDINANCE O-19470 (New Series)

Changing 2.22 acres located at the northwest corner of Poway Road and Creekview Drive, within the Sabre Springs Community Plan Area, in the City of San Diego, California, from the CC-1-3 Zone (previously referred to as the CA Zone) into the RM-2-5 Zone (previously referred to as the R-1500 Zone), as defined by San Diego Municipal Code Section 131.0406, and repealing Ordinance No. O-15806 (New Series), adopted August 23, 1982, and Ordinance No. O-18381 (New Series), Adopted February 10, 1997, of Ordinances of the City of San Diego insofar as the same conflict herewith; and changing 2.5 acres located at the southeast corner of Poway Road and Springhurst Drive within the Sabre Springs Community Plan Area, in the City of San Diego, California, from the RM-1-1 Zone (previously referred to as the R-3000 Zone) into the CC-1-2 Zone (previously referred to as the CN Zone) as defined by San Diego Municipal Code Section 131.0507.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-nay, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-53: Nonexclusive Chilled Water Franchise Agreement with JMIR-Chilled Water LLC, for Temperature Controlled Water Located in the Ballpark District.

(Ballpark District Community Area. District 2.)

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-97) CONTINUED TO MONDAY, MARCH 27, 2006, WITH DIRECTION

Introduction of an Ordinance authorizing and empowering the Mayor, for and on behalf of the City, to execute a nonexclusive Chilled Water Franchise Agreement between the City of San Diego and JMIR-Chilled Water LLC, under the terms and conditions set forth in the Chilled Water Franchise Agreement;

Declaring this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(4) because this activity is the creation of a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant impact on the environment.

SUPPORTING INFORMATION:

Rather than construct separate heating and cooling facilities for each of the Ballpark, Omni Hotel, and their other development responsibilities in the Ballpark District, Padres/JMI Realty (JMI) constructed a central chilled water system (Chilled Water System), located on the D1 - D2 lots. The City, through the Centre City Development Corporation, permitted the necessary placement of pipes in the public right-of-way to serve those specific locations only pursuant to permanent encroachment permits. A franchise agreement with the City is required, however, for JMI to sell chilled water to other development within the Ballpark District. JMI is proposing that the City grant a non-exclusive franchise, conveying the right to use the City's streets for the purpose of constricting, maintaining, and operating a Chilled Water System for provision of temperature controlled water (Service) in the Ballpark District.

The proposed franchise agreement (Agreement) is between the City and JMIR-Chilled Water LLC, a Delaware limited liability company (Grantee). Pursuant to the Agreement, the Grantee will make the Service available to facilities within the Ballpark District, including facilities that are owned or controlled by the City (e.g., the Ballpark and proposed new main library), the Redevelopment Agency of the City of San Diego, the Centre City Development Corporation, and the Metropolitan Transit Development Board (Public Projects).

The Grantee is not responsible for paying the franchise fee for Service (Exempt Gross Receipts) provided to the Public Projects, ad well as projects which JMI or its affiliates control. Or have a substantial ownership interest in (i.e., an ownership interest of 25% or more); projects which were developed as part of Phase 1 of the Ballpark District; and the Omni residential condominiums (collectively Exempt Projects). The Grantee will pay a franchise fee of 5% of "non-exempt gross receipts." Non-exempt gross receipts means all gross operating revenues received by the Grantee from the sale of the Service within the Ballpark District less Exempt Gross Receipts. The franchise fee is equivalent to the franchise fee imposed on cable franchised and is more than what currently is paid by SDG&E for its franchise.

The term of the Agreement is fifty years. The Agreement contains standard franchise agreement language respecting: relocation of facilities at the Grantee's own cost and expense when required to do so by the City; restoration of the public right-of-way disturbed by the construction, operation, or removal of the Chilled Water System; and payment of the City's trench cut fee and related warranties. The franchise may not be transferred or assigned without the City's written consent. The Grantee is required to provide the City with a Security Fund in the amount of at least $50,000, as security for the faithful performance of the provisions of the Agreement, and is responsible for paying any possessory interest tax that may be levied by the County.

All franchise fee receipts and Security funds resulting from this agreement will by deposited in to the General Fund (Fund 100).

Haas/Salt

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:23 a.m. – 11:42 a.m.)

MOTION BY FRYE TO CONTINUE TO MONDAY, MARCH 27, 2006, FOR FURTHER REVIEW, WITH DIRECTION THAT THE CITY ATTORNEY RETURN TO THE CITY COUNCIL REGARDING: 1) WHAT THE STANDARD LANGUAGE IS FOR FRANCHISE AGREEMENTS AND WHY IT IS THAT THE CITY WOULD NEGOTIATE A POSITION THAT WOULD APPEAR INEQUITABLE; 2) WHAT THE STANDARD FORM LANGUAGE IS FOR WHAT IS CONSIDERED "REASONABLE CUSTOMER SERVICE STANDARDS"; AND 3) HOW PRICES ARE DETERMINED WITHIN FRANCHISE AGREEMENTS.

COUNCIL MEMBER ATKINS REQUESTED THAT THE CITY ATTORNEY PROVIDE EXAMPLES OF OTHER GOVERNMENT ENTITIES WHICH HAVE FRANCHISE AGREEMENTS WITH ORGANIZATIONS OR ENTITIES THAT ARE ALSO NOT REGULATED BY OTHER BODIES OR ACTS, SUCH AS THE PUBLIC UTILITIES COMMISSION AND THE TELECOMMUNICATIONS ACT OF 1996; AND WHETHER SAN DIEGO MAY BE ON THE CUTTING EDGE OF UTILIZING PROCEDURES THAT OTHER ENTITIES HAVE NOT USED IN FORMULATING FRANCHISE AGREEMENTS.

Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-54: Two actions related to Amendments to Agreements for Time Extensions with Caltrans for State Route 56 Middle Design and State Route 56/Camino Ruiz Interchange.

(Pacific Highlands Ranch, Torrey Highlands, and Rancho Peñasquitos Community Areas. District 1.)

STAFF'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2006-95 Cor. Copy) INTRODUCED, TO BE ADOPTED TUESDAY, APRIL 4, 2006

Introduction of an Ordinance authorizing the Mayor to execute the amendment to the cooperative agreement with Caltrans for the design of the middle section of State Route 56, thereby extending the termination date of the agreement by one year to December 31, 2006.

NOTE: 6 votes required.

Subitem-B: (O-2006-96 Cor. Copy) INTRODUCED, TO BE ADOPTED TUESDAY, APRIL 4, 2006

Introduction of an Ordinance authorizing the Mayor to execute the amendment to the cooperative agreement with Caltrans for the design and construction of the Camino Ruiz Interchange, thereby extending the termination date of the agreement by one year to December 31, 2006.

NOTE: 6 votes required.

STAFF SUPPORTING INFORMATION:

On March 27, 2001, the City and Caltrans entered into an Agreement to design and construct a westbound off-ramp and an eastbound on-ramp at Camino Ruiz (now known as Camino Del Sur) and State Route 56. The termination date for this Agreement was December 31, 2005.

On June 30, 1997, the City and Caltrans entered into an Agreement for the design of the middle section of State Route 56. The original termination date of this Agreement was December 31, 2003; on October 27, 2003, the two parties agreed to extend the termination date to December 31, 2005.

Caltrans is requesting that the termination dates for these two Agreements be extended by one year to December 31, 2006, so final accounting at Caltrans can be completed. Because the one-year extension will extend the Agreements beyond five years' duration, Council approval via ordinance is required.

FISCAL IMPACT:

None with this action.

Haas/Boekamp/LVW

Staff: Dave Zoumaras - (619) 533-3138
Jeremy Jung - Deputy City Attorney

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO INTRODUCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-55: Establishing a Commission on Gang Prevention and Intervention.

(See City Manager Report CMR-05-192; The City of Los Angeles, Department of Urban Affairs December 2004 Report; Councilmember Young's July 21, 2005, Article "The Gang Problem in San Diego;" and Council Policy 000-13.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2006-38 Cor. Copy 2) INTRODUCED, TO BE ADOPTED TUESDAY, APRIL 4, 2006

Introduction of an Ordinance amending Chapter 2, Article 6, of the San Diego Municipal Code by adding Division 19, titled City of San Diego Commission on Gang Prevention and Intervention, and adding Sections 26.1901, 26.1902, and 26.1903, all relating to the City of San Diego Commission on Gang Prevention and Intervention.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

On 9/21/2005, PS&NS voted 3 to 0 to approve the City Manager's recommendations with direction that this item be docketed before the full City Council as soon as possible. (Councilmembers Atkins, Young, and Madaffer voted yea.)

SUPPORTING INFORMATION:

On September 21, 2005, the Committee on Public Safety and Neighborhood Services met to take action on CMR-05-192, regarding establishing a Commission on Gang Prevention and Intervention. A motion was made by Councilmember Young and seconded by Deputy Mayor Atkins to approve the City Manager's recommendation with direction that this item be docketed before the full City Council as soon as possible. The motion was carried unanimously.

FISCAL IMPACT:

There is no fiscal impact to the City of San Diego's General Fund. The $26,000 is budgeted in the City's Community Development Block Grant Program's FY06 Budget. The proposed Commission is an official advisory body to the Mayor, City Council, and City Manager on policy issues relating to gang prevention and intervention. Board members will serve without compensation.

The Executive Director position for the Commission will be located at the Police Department. This Council action also authorizes the City Auditor and Comptroller's Office to transfer such funds ($26,000) to the following CDBG project: "City of SD, SDPD, Commission on Gang Prevention, Fund 18541, Dept. 4331, Org. 3123, JO 000001". This money will be utilized to fund the Executive Director position for the remainder of FY06.

By funding the Commission on Gang Prevention and Intervention in FY 2006, it is expected the Commission will pursue federal and/or state grant funds in order to fulfill the purpose and intent of their mission.

Please see attached Manager's Report (05-192) entitled, "Commission on Gang Prevention and Intervention," for details.

Froman

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO INTRODUCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-56: Extending Time Limit Deadlines for the Centre City and Horton Plaza Redevelopment Project Area.

(See Centre City Development Corporation Report CCDC-06-05. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2006-100) INTRODUCED, TO BE ADOPTED TUESDAY, APRIL 4, 2006

Introduction of an Ordinance amending the Redevelopment Plan for the Horton Plaza Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline.

Subitem-B: (O-2006-101) INTRODUCED, TO BE ADOPTED TUESDAY, APRIL 4, 2006

Introduction of an Ordinance amending the Redevelopment Plan for the Centre City Redevelopment Project Area extending the plan effectiveness deadline, repayment of indebtedness deadline and tax increment receipt deadline.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO INTRODUCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-yea.

* ITEM-100: Awarding a Contract to San Diego State University Research Foundation for Consultant Services for Communication Support.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-782) ADOPTED AS RESOLUTION R-301305

Authorizing and empowering the Mayor to execute, for and on behalf of said City, a contract in an amount not to exceed $563,775 for consultant services with the San Diego State University Research Foundation (SDSURF) to provide geographical information system services, interoperable communications services, project management, regional collaboration, and regional technology strategic planning support services, under the terms and conditions set forth in the contract.

STAFF SUPPORTING INFORMATION:

The San Diego Urban Area initiated a Regional Technology Partnership program to be funded through the Urban Area Security Initiative Grant (UASI). The stated purpose of the partnership is to integrate technology to leverage scarce emergency response resources and provide a safer environment throughout the San Diego region. Under this contract, SDSURF will provide geographical information system services and interoperable communications services by hiring two technical experts to perform work across all of the jurisdictions of the San Diego Urban Area (SDUA). The work is required and funded under the UASI grant to enhance homeland security within SDUA, consisting of San Diego County and the incorporated cities within the county. SDSURF will also provide project management, regional collaboration and regional technology strategic planning support services across SDUA as an independent judge of technology, a neutral interface between SDUA jurisdictions and vendors offering competing technology solutions, and best practices in applying available technology to leverage scarce first response resources within SDUA.

The City of San Diego, as the core City of the San Diego Urban Area, is the designated administrative agency that manages the UASI Grant through the Office of Homeland Security. Therefore, major grant expenditures, such as this contract, must be processed under City procedures. This is a sole source contract based on City Municipal Code §22.3037 and the unique qualifications of SDSURF. Please refer to the attached sole source justification.

FISCAL CONSIDERATIONS:
There are no fiscal impacts. All expenses will be paid through the Federal FY05 UASI Grant. This grant has no local match requirement. This contract is funded from FY05 funds. The Department of Homeland Security has authorized an exemption from the Cash Management Act that allows FY05 Federal funds to be advanced up to 120 days in advance of an expenditure so that grant recipients do not have to expend funds and carry the debt while awaiting reimbursement. San Diego OHS and the City Auditor and Comptroller have set up interest bearing accounts to support the authorized draw down process.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:
City Council previously passed Resolution R-300700 dated 7/25/2005 authorizing the application for, acceptance of and expenditure of Federal FY05 Homeland Security grants, including the UASI Grant.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:
N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):
Key stakeholders are all of the incorporated cities and the unincorporated areas within San Diego County. These jurisdictions make up the San Diego Urban Area and are participants in the UASI Grant which funds the Regional Technology Partnership. This contract will provide vital services to enhance homeland security throughout the urban area by providing regional services across all jurisdictions. The services will be funded totally through the Federal FY05 Urban Area Security Initiative Grant. These actions have been authorized and approved by the San Diego Unified Disaster Council by unanimous vote on 9/08/2005.

Olen/Norris

Aud. Cert. 2600591.

Staff: Bill Norris – (619) 533-6762
Nooria Faizi – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-101: Storm Water Pollution Prevention Program (SWPPP) Think Blue Education Agreement with Port of San Diego and Production Contract with American Dream Cinema.

(See Proposal for Concept and Production Services for Storm Water Pollution Prevention Division's Think Blue Campaign by American Dream Cinema.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-727) ADOPTED AS RESOLUTION R-301306

Authorizing the Mayor, or designee, to execute, for and on behalf of said City, an agreement with the Port of San Diego for storm water education and outreach services;

Authorizing the Mayor, or designee, to enter into a contract with American Dream Cinema to produce two Public Service Announcements for education and outreach in the amount not to exceed $90,000;

Authorizing the Mayor, or designee, to accept funds from the Port of San Diego to the Think Blue Education Fund No. 105081 in the amount of $25,000 upon receipt of fully executed agreements;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed $90,000 from the Think Blue Education Fund No. 105081, for the production of two (2) Public Service Announcements upon receipt of a fully executed contract with American Dream Cinema;

Finding that this activity is not a project and is therefore not subject to the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15060(c)(2).

STAFF SUPPORTING INFORMATION:

The City of San Diego is one of 18 municipal jurisdictions, along with the County of San Diego, Port of San Diego and the Airport Authority, which are jointly regulated by the Municipal Storm Water Permit from the San Diego Regional Water Quality Control Board. The Municipal Permit (Order No. 2001-01) requires each co-permitee to undertake specific storm water pollution prevention, abatement, enforcement and education activities.

In the City of San Diego, all education, outreach and public advocacy programs designed to achieve compliance with the Municipal Storm Water Permit are implemented by the "Think Blue" campaign in the Storm Water Pollution Prevention Division of the Metropolitan Wastewater Department.

The City of San Diego has successfully conducted "Think Blue" as regional storm water pollution prevention education and outreach campaign since 1999. The Port of San Diego has offered to contribute $25,000 to Think Blue in Fiscal Year 2006. Accepting these monies benefits all parties, and furthers the education and outreach efforts to change the polluting behaviors of residents, business and industry across the region. In addition, accepting these monies provides the final dollar amounts necessary to fully fund the Think Blue Account at a sufficient level to complete Public Service Announcements (PSAs) required for two existing state grants (The "San Diego Regional Integrated Pest Management Education and Outreach Project" and the "Chollas Creek Water Quality Protection and Habitat Enhancement Plan") the City was awarded.

In November 2005, the City issued and officially advertised a Request for Proposal soliciting submittals from production companies to produce two PSAs. Three production companies' submitted proposals, with two found to be responsive to the RFP. Interviews were held January 13, 2006, and American Dream Cinema was selected by the interview panel to produce both PSAs for the state grants.

FISCAL IMPACT:

The total estimated cost of the contract with the American Dream Cinema is not to exceed $90,000. The City will receive grant funds in the amount of $25,000, from the Port of San Diego and funds of $65,000 are available in the Think Blue Fund No. 105081, for this purpose.

Haas/Tulloch/CZ

Aud. Cert. 2600607.

Staff: Chris Zirkle - (619) 525-8644
Timothy J. Miller - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-102: Initiating an Amendment to the University Community Plan to Facilitate Additional Fire Stations in the University Community.

(University Community Area. District 1.)

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-754) ADOPTED AS RESOLUTION R-301307

Directing the Planning Department to prepare an amendment to the University Community Plan that adds language stating the need for additional fire stations to assure adequate response to the population; and

Declaring this activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(2).

SUPPORTING INFORMATION:

Respectfully request that the Mayor support this action which will initiate a plan amendment to the University Community Plan. The University Community is served by a fire station located on Eastgate Mall between Regents Road and Genesee Avenue. The fire department is concerned about poor response times in University Community and its adequacy to meet the needs of the University Community at this time.

The plan amendment initiation process is identified in Section 122.0103(a) of the Land Development Code which states that the City Council may initiate an amendment to a land use plan by adopting a resolution. The plan amendment would focus on adding language to the University Community Plan that states the need for additional fire stations within the community. The additional fire stations should assure adequate response to the population and should meet the needs of the University Community.

Identification of projects in the North University Public Facilities Financing Plan to construct additional fire stations and the allocation of funds cannot occur until the need for these facilities are identified in the University Community Plan. Locations for the new fire stations will not be addressed by the plan amendment as specific locations are not known at this time. Environmental analysis for future fire station locations will occur upon selection of those sites.

FISCAL IMPACT:

Costs associated with processing the Community Plan Amendment will come from General Fund monies budgeted for the Planning Department.

Waring/Kinsley/MB

Staff: Madeleine Baudoin – (619) 236-6611
David Miller – Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-103: One-Year Extension of Barrio Logan Project Area Committee (PAC) 2006 Annual Election.

(See Report to the City Council No. 06-030. Barrio Logan Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-779) ADOPTED AS RESOLUTION R-301308

Extending the Barrio Logan PAC for one-year beginning May 18, 2006;

Directing the staff of the Redevelopment Agency of the City of San Diego to notice and conduct the Barrio Logan PAC Election in 2006;

Declaring this activity is not a "project" and is therefore not subject to CEQA pursuant to State Guidelines Section 15060(c)(3).

Staff: Rudy G. Gonzalez - (619) 533-4254
Eunice C. Chan - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-104: Drainage and Sewer Easement Vacations within Lots 1 Through 7 and 20 Through 23 of Siempre Viva Business Park Map 12659.

(Otay Mesa Community Area. District 8.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-696) ADOPTED AS RESOLUTION R-301309

Vacating the drainage and sewer easements located within Lots 1 through 7 and 20 through 23 of Siempre Viva Business Park, Map 12659, as more particularly described in the legal descriptions marked as Exhibit "A", and as show on Drawing No. 20345-B, marked as Exhibit "B", to unencumber his property and facilitate development of the site under the procedure for the summary vacation of public service easements California Streets and Highway Code Section 8333(a);

Declaring the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the Office of the County Recorder;

Declaring this activity is exempt from CEQA pursuant to CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

City Council action is requested to vacate unneeded drainage and sewer easements within Lots 1 through 7 and 20 through 23 of Siempre Viva Business Park Map 12659 as shown on Engineering Drawing No. 20345-B. This site is located in the Otay Mesa Community Plan area, southeasterly of Siempre Viva Road and La Media Road in Council District 8.

The drainage and sewer easements being vacated were granted at no cost to the City over five years ago and have never been used. During the intervening years, the actual use of the properties in the area and the proposed development of this specific property have changed. The location of the existing easements interfere with the currently proposed building site plans. There is no anticipated or future use for the easements in their present locations.

Staff recommends approval of this action.

FISCAL IMPACT:

None.

Oppenheim/Broughton/GRB

Staff: G. Bollenbach - (619) 446-5417
David Miller - Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: DEED F-9979

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-105: La Maestra: Heart of the Community Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-780) ADOPTED AS RESOLUTION R-301310

Commending La Maestra Community Health Centers for launching the "Heart of the Community" capital campaign to continue its mission to provide quality healthcare and education, improve the overall well-being of the family, and bring the under-served, ethnically diverse communities into the mainstream of society in a caring, effective, and culturally competent manner that respects patients' dignity;

Proclaiming March 10, 2006, to be "La Maestra: Heart of the Community Day" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-106: Excusing Council President Peters from Attending the City Council and Closed Session Meetings of March 6 and 7, 2006.

COUNCIL PRESIDENT PETERS' RECOMMENDATION:

Adopt the following resolution:

(R-2006-757) ADOPTED AS RESOLUTION R-301311

Excusing Council President Scott Peters from attending the regularly scheduled City Council meetings and Closed Session of March 6 and 7, 2006.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-107: Excusing Councilmember Madaffer from Attending the Budget Committee Meeting of March 8, 2006.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-746) ADOPTED AS RESOLUTION R-301312

Excusing Councilmember Madaffer from attending the regularly scheduled Budget Committee meeting of March 8, 2006.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-108: Excusing Councilmember Madaffer from Attending the City Council and Closed Session Meetings of March 6 and 7, 2006.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-745) ADOPTED AS RESOLUTION R-301313

Excusing Councilmember Madaffer from attending the regularly scheduled City Council meetings and Closed Session of March 6 and 7, 2006.

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-109: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-640) ADOPTED AS RESOLUTION R-301314

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L- State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

* ITEM-110: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2006-701) ADOPTED AS RESOLUTION R-301315

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L-State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:15 a.m.)

CONSENT MOTION BY HUESO TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-330: Stella-Project No. 65484.

Matter of approving, conditionally approving, modifying or denying an application for an Amendment to the Progress Guide and Community Plan and the Midway/Pacific Highway Corridor Community Plan to redesignate the site from Light Industrial to Very High Residential at 75-110 dwelling units per acre, a Rezone (from IS-1-1, an Industrial Small Lot Zone, to RM-4-10, a Multi-Family Residential Zone), an Easement Abandonment, Vesting Tentative Map (including a request to waive the requirement to underground existing overhead utilities), and Site Development Permit to demolish an existing, vacant warehouse and to construct an 85-unit, multi-family development (for sale condominiums) on an infill site. The development would exceed the City of San Diego Inclusionary Housing Ordinance by setting aside 15 percent of the units (13 units) as affordable to families earning no more than 100 percent of the AMI. The project site is located at 2015 Hancock Street in the Midway/Pacific Highway Community.

(Continued from the meeting of November 29, 2005, Item 332, at the request of Council, for further review.)

NOTE: The public testimony portion of the Hearing is open. Public testimony was taken on November 29, 2005.

(Revised MND Project No. 65484/PG&GP-CPA No. 200813/RZ No. 196639/EA No. 272689/SDP No. 240731/VTM No. 240730/Project No. 65484. Midway/Pacific Highway Corridor Community Plan Area. District 2.)

STAFF'S RECOMMENDATION:

Adopt the resolutions in Subitems A, B, D, and E; and introduce the ordinance in Subitem C:

Subitem-A: (R-2006-467 Cor. Copy) ADOPTED AS RESOLUTION R-301317

Adoption of a Resolution certifying that Mitigated Negative Declaration No. 65484, 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 Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of a community plan amendment, site development permit, vesting tentative map, easement abandonment and rezone for the Stella Project;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, is approved;

That pursuant to California Public Resources Code Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit A, and incorporated herein by reference;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2006-468 Cor. Copy) ADOPTED AS RESOLUTION R-301318

Adoption of a Resolution amending the Midway/Pacific Highway Corridor Community Plan;

Amending the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (O-2006-62 Cor. Copy) INTRODUCED, TO BE ADOPTED ON TUESDAY, APRIL 4, 2006

Introduction of an Ordinance of the Council of the City of San Diego changing a 0.89 acre site, located at 2015 Hancock Street, in the Midway/Pacific Highway Corridor Community Plan Area, in the City of San Diego, California, from the IS-1-1 Zone (previously referred to as the M-SI Zone), into the RM-4-10 Zone (previously referred to as the R-400 Zone), as defined by San Diego Municipal Code Section 131.0406, and repealing Ordinance No. O-17654 (New Series), adopted June 10, 1991, which was changed (Zone name only, from M-SI Zone to IS-1-1 Zone) by Ordinance No. 18691, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-D: (R-2006-631) ADOPTED AS RESOLUTION R-301319

Adoption of a Resolution certifying findings with respect to Site Development Permit No. 240731 supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

That Site Development Permit No. 240731 is granted to Constellation Property Group (Hancock), a Delaware Limited Partnership, Owner/Marchese Partners International, LP, a Delaware Limited Partnership, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

Subitem-E: (R-2006-469 Cor. Copy) ADOPTED AS RESOLUTION R-301320

Adoption of a Resolution certifying findings with respect to Vesting Tentative Map No. 240730 supported by the minutes, maps and exhibits, all of which are herein incorporated by reference;

That this abandonment shall be listed as such on the Map pursuant to California Government Code Section 66434(g);

That Vesting Tentative Map No. 240730, including the waiver of the requirement to underground existing overhead utilities is granted to Constellation Property Group (Hancock), a Delaware Limited Partnership, Applicant/Subdivider and Feyzi Design Group, Engineer, subject to the attached conditions which are made a part of this resolution by this reference.

OTHER RECOMMENDATIONS:

Planning Commission on October 27, 2005, voted 4-1 to recommend approval of the Stella project, with denial of the request for a waiver of the requirement to underground existing overhead utilities. Staff continues to support, and the project includes, the undergrounding waiver with conditions; was opposition.

Ayes: Chase, Ontai, Otsuji, Steele
Nays: Griswold
Recusing: Schultz
Not present: Garcia

The Midway Community Planning Advisory Committee, on August 10, 2005, voted 7-0-1 to approve the Stella project design and entitlement as proposed.

STAFF SUPPORTING INFORMATION:

The proposed Stella residential project would include the demolition of an existing and vacant warehouse and the construction of an 86-unit, multi-family development (for sale condominiums) on an approximately 0.89-acre infill site located at 2015 Hancock Street within the Midway/Pacific Highway Corridor Planning Area. The development would exceed the requirements of the City of San Diego Inclusionary Housing Ordinance by setting aside 15 percent of the units (13 units) as affordable to families earning no more than 100 percent of the Area Median Income.

The 86 units would consist of 12 single story one-bedroom units and 74 two-story two-bedroom town home units. The project would also include 145 off-street vehicle parking spaces, an approximately 8,000 square-foot landscaped courtyard including a water feature, paved seating area with BBQ facilities, security entry gates, and decorative lighting. This project requires amendments to the Progress Guide and General Plan and the Midway Community Plan to redesignate the project site from "Light Industrial" to "Very High Density Residential (75-110 Dwelling Units per Acre)"; a Rezone from IS-1-1 to RM-4-10; an Easement Abandonment; a Site Development Permit; and a Vesting Tentative Map, including a waiver to the requirement to underground existing overhead utilities.

FISCAL IMPACT:

None. All costs associated with this project are recovered through a deposit account funded by the applicant.

WATER QUALITY IMPACT STATEMENT:

During construction, this project will comply with Best Management Practices (BMPs) through preparation of a Water Pollution Control Plan (WPCP) in conjunction with the grading plans. The WPCP will identify all BMPs to be implemented during the construction phase to reduce/eliminate discharges of pollutants into the public drainage system. The post development Best Management Practices (BMPs) incorporated into the project consist of site design, source control and treatment. The project's post development runoff will be collected by a private drainage system and conveyed to the public drainage system. The post-construction BMPs detailed in the Water Quality Technical Report have been evaluated and accepted by the City Engineer. The property owner(s) will be responsible for the long term maintenance of all private drainage facilities.

Oppenheim/Halbert/DES

LEGAL DESCRIPTION:

The project site is located at 2015 Hancock Street within the Midway-Pacific Highway Corridor Community Plan, North Bay Redevelopment Project Area, Airport Approach Overlay Zone, and Coastal Height Limit Overlay Zone in Council District 2 (APN 450-613-08).

Staff: Dan Stricker – (619) 446-5251
Douglas K. Humphreys – Deputy City Attorney

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: SUBITEMS A, B, D, E: LUP-Stella 11/29/05 (65)
SUBITEM C: NONE

COUNCIL ACTION: (Time duration: 2:07 p.m. – 3:01 p.m.)

Testimony in opposition by Robert Vacchi, Chris Loughridge, Glen Volk, and Ross Lopez.

Testimony in favor by Eugene Marchtse, Joe Mannino, and Tom Travor.

MOTION BY FAULCONER TO ADOPT RESOLUTIONS IN SUBITEMS A, B, D, AND E AND INTRODUCE THE ORDINANCE IN SUBITEM C. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-nay.

ITEM-331: Fox Canyon Neighborhood Park.

Matter of the appeal by J.W. Stump, Esquire, et al, for Friends of Fox Canyon Park from the decision dated December 2, 2005, by City of San Diego Development Services Department Staff in the Environmental Determination certifying Mitigated Negative Declaration, Project No. 70422, SCH No. 2005081130, in the matter of a request for a Site Development Permit for the development of a passive park, which includes enhancements to the north and south side of Auburn Creek adjacent to the undeveloped portion of Landis Street. The project also proposes the development and realignment of an existing paper street (Ontario Avenue) as well as enhancements to the east side of Auburn Creek adjacent to the existing undeveloped portion of Ontario Avenue. The proposed project site is bounded by Landis Street and Sterling Court on the north and south and Altadena Avenue and Winona Avenue on the east and west, within the City Heights Neighborhood of the Mid-City Communities Planning Area.

Statement Supporting Reason For Environmental Determination: The finding that the project will not have a significant effect on the environment is based on an Initial Study, technical reports and project revisions/conditions which now mitigate potentially significant environmental impacts in the following area(s); **Biology and Historical Resources (Archaeology)**.

(See Report to the City Council No. 06-029. MND/MMRP/Project No. 70422. Mid-City Communities Plan Area City Heights. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and uphold the Environmental Determination:

(R-2006-) DENIED APPEAL, ADOPTED AS RESOLUTION R-301321

Adoption of a Resolution granting or denying the appeal and upholding or overturning the decision by City of San Diego City Staff in the Environmental Determination of Mitigated Negative Declaration for this project, with appropriate findings to support Council Action.

OTHER RECOMMENDATIONS:

The Planning Group does not vote on this appeal of the environmental determination.

STAFF SUPPORTING INFORMATION:

The subject site is bounded by Landis Street and Sterling Court on the north and south and Altadena Avenue and Ontario Avenue on the east and west (Attachments 1 and 2). The site is zoned RM 2-5 and is designated in the Mid-City Communities Plan for multi-family residential development (Attachment 3). The site is not designated as open space. The site consists of a small undeveloped canyon, a north facing slope, and a relatively flat disturbed area (Attachment 4). The site is surrounded by residential development. With the exception of a few scattered patches of exotic plant species, this area is devoid of vegetation.

The site can be accessed from University Avenue via Winona Avenue. A total of four unpaved roads exist within the project area. One service road, approximately 4 to 6 feet in width, exists along the eastern boundary of the project area. Two unpaved service roads, approximately 7-feet wide lead into the project area. A fourth service road, approximately 10 to 15 feet in width, extends northeast from Ontario Avenue terminating at the proposed community park/staging area.

The project site is not within and/or adjacent to the Multi-Habitat Planning Area (MHPA). However, a portion of Auburn Creek is the site of a City habitat restoration project. This habitat restoration project serves as mitigation for impacts resulting from a sewer main emergency repair completed in July, 2001. A small part of the restoration area occurs within the northeastern boundary of the project site. The habitat restoration area would not be impacted as a result of implementing the proposed park project.

The proposal is subject to the Environmentally Sensitive Lands (ESL) regulations per San Diego Municipal Code (SDMC) Section 143.0110(a)(1) because the site contains "sensitive biological resources" as defined per the SDMC, Section 113.0102. Therefore, a Site Development Permit (Process 3) was required.

Hearing Officer Decision
On October 12, 2005, the Hearing Officer approved a Site Development Permit to develop a 1.9-acre passive park plus the Ontario Avenue connection for a total of 2.7-acres. At the hearing, the Hearing Officer expressed his strong concern that staff had received two different recommendations from the community; the Fox Canyon group which wanted the park and the road to go through, and the City Heights Area Committee which also wants the park, but does not want the road. He noted that while the Ontario Avenue connection could possibly be used for park purposes or even emergency access, given the configuration of the lot, the right-of-way usability for park purposes would be limited given the width of it. He asked staff if the right-of-way for the Ontario Avenue connection had been set aside as part of a subdivision. If it was, he stated that it would confirm the fact that the connection was envisioned. At the time of the hearing, staff was unable to answer the question. Subsequent to the hearing, it has been confirmed that the right-of-way was established as early as 1911.

Planning Commission Appeal Decision
On December 1, 2005, the Planning Commission heard an appeal of the Hearing Officer's decision to approve the Fox Canyon Park project. At that hearing the Planning Commission upheld the Hearing Officer's decision to approve the project and denied the appeal with the condition that Councilmember Madaffer's Office takes the lead in coordinating a Task Force prior to construction of the road to evaluate alternatives.

Delegation of Responsibilities
In keeping with Section 15025 of CEQA Section 128.0103 of the City's Land Development Code assigns the responsibility for implementation of the California Environmental Quality Act (CEQA) to the Development Services Department (DSD). The Environmental Analysis Section (EAS) of DSD evaluates all discretionary project proposals to determine whether there is a potential for such actions to result in physical impacts on the environment. Anyone can submit information to EAS to assist in its evaluation; but by law, the evaluation must be impartial and independent of any outside influences.

On December 15, 2005, the environmental determination for the project was appealed to the City Council by the Friends of Fox Canyon Park, J. W. Stump (Attachment 10). This appeal is before the City Council because of an amendment to the California Environmental Quality Act (CEQA). Effective January 1, 2003, Section 21151(c) CEQA has been amended as follows: *If a non-elected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or a mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any.*

Pursuant to this amended legislation, the Friends of Fox Canyon Park, J. W. Stump, filed an appeal of the City of San Diego staff's determination of the Mitigated Negative Declaration for the project. This appeal applies only to the environmental determination.

FISCAL IMPACT:

There is no fiscal impact. The project is processed through a deposit account paid for by the applicant which is the Park and Recreation Department.

Halbert/Halbert/PXG

LEGAL DESCRIPTION:

The proposed project site is bounded by Landis Street and Sterling Court on the north and south and Altadena Avenue and Winona Avenue on the east and west, within the City Heights Neighborhood of the Mid-City Communities Planning Area.

Staff: Patricia Grabski – (619) 446-5277

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:13 p.m. – 6:20 p.m.)

Testimony in opposition of staff's recommendation and in favor of appeal by John Stump, Theresa Quiroz, Jim Varnadore, Eric Bowlby, Carolyn Chase, Samatha Quiroz, Guy Mock, Patti Vaccariello, Mazda Mehral, Jeanette Neely, Mohamud Ahmed, and Abdi Abdul.

Testimony in favor of staff's recommendation and in opposition of appeal by Jose Lopez, Helen Kozminski, Tomas Du, Pamela Kozminska, Maria Payan, Carmen Renteria, and Gretchen Torgerson.

Motion by Hueso to adopt the resolution to deny the appeal and uphold the environmental determination. Second by Peters. Failed. Yeas-1, 2, 7, 8. Nays-3, 4, 6. Not present-5.

Motion by Frye to grant the appeal and deny the EIR document and direct staff to provide and environmental document that includes alternatives for a park with a road and a park without a road. Second by Atkins. Failed. Yeas-3, 6. Nays-1, 2, 4, 7, 8. Not present-5.

MOTION BY ATKINS TO RECONSIDER DENIAL OF THE APPEAL. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY MADAFFER TO ADOPT THE RESOLUTION TO DENY THE APPEAL AND UPHOLD THE ENVIRONMENTAL DETERMINATION. Second by Peters. Passed by the following vote: Hueso-yea, Faulconer-yea, Atkins-yea, Young-nay, Maienschein-not present, Frye-nay, Madaffer-yea, Hueso-yea.

ITEM-332: 5540 Lindo Paseo Tentative Map.

Matter of the appeal by 5540 Lindo Paseo, LLC c/o Robin Munro regarding the Planning Commissions' decision to deny an application for a Tentative Map to convert twenty one existing apartment units to condominium ownership and a waiver from the requirement to underground existing adjacent overhead utilities. The project is located on an 11,935 square foot site at 5540 Lindo Paseo between Hardy Avenue and Montezuma Road, in the RM-3-9 zone within the College Community Plan Area.

(College Community Plan Area. District 7.)

STAFF'S RECOMMENDATION:

Adopt the following resolution to deny the appeal and uphold the decision of the Planning Commission:

(R-2006-) CONTINUED TO MONDAY, APRIL 3, 2006

Adoption of a Resolution granting or denying the appeal and granting or denying Tentative Map No. 230006, with appropriate findings to support Council action.

OTHER RECOMMENDATIONS:

Planning Commission on December 8, 2005, voted 6-0 to deny; no opposition.

Ayes: Garcia, Schultz, Griswold, Ontai, Otsuji, Steele
Not present: Chase

Motion by Garcia to deny staff recommendation as outlined in Planning Commission Report No. PC-05-248. Due to the inability to make finding number two, "Meeting the housing needs for that specific region." The motion was seconded by Steele.

The College Area Community Council has recommended denial of this project.

STAFF SUPPORTING INFORMATION:

The 0.27-acre site is located at 5540 Lindo Paseo, between 55th Street and College Avenue in the RM-3-9 zone, within the College Community Plan area, which designates the site for Fraternity/Sorority uses. The existing improvements were constructed in 1982 and are consistent with the regulations in place at that time. The site is presently developed with one, three story structure containing 21, two-bedroom units. The site also provides 42 tandem off-street parking spaces located in an underground garage. No new construction is proposed with this project. The project has previously conforming rights to be maintained as outlined in Chapter 12, Article 7, Division 1, of the Land Development Code.

All utilities serving this property have been undergrounded. The project includes a request to waive the underground requirement for adjacent utilities serving the surrounding properties.

FISCAL IMPACT:

There is no fiscal impact. The project is processed through a deposit account paid for by the applicant.

Halbert/Waring/HD

Staff: Helene Deisher - (619) 446-5223

NOTE: This item is not subject to Mayor's veto.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 6:20 p.m. – 6:23 p.m.)

MOTION BY YOUNG TO CONTINUE TO MONDAY, APRIL 3, 2006, FOR FURTHER REVIEW. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-not present, Young-yea, Maienschein-not present, Frye-yea, Madaffer-ineligible, Hueso-yea.

ITEM-333: Amending San Diego Municipal Code Relating to Inclusionary Housing In-Lieu Fee Regulations.

(See San Diego Housing Commission Report CCR06-001.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Introduce the following ordinance:

(O-2006-81) RETURNED TO THE OFFICE OF THE MAYOR

Introduction of an Ordinance amending Chapter 14, Article 2, Division 13, of the San Diego Municipal Code by amending Section 142.1310 relating to Inclusionary Housing In-Lieu Fee Regulations.

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:04 a.m. – 11:04 a.m.)

MOTION BY COMMON CONSENT TO RETURN TO THE OFFICE OF THE MAYOR FOR FURTHER REVIEW. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-334: Conditional Grant Agreement with San Diego Youth and Community Services Inc. for Acquisition of Multi-Family Rental Housing Located at 4760 35th Street.

(See Redevelopment Agency Report RA-06-10/RTC-06-023. Peninsula and Normal Heights Community Areas. Districts 2 and 3.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2006-773) ADOPTED AS RESOLUTION R-301316

Making certain findings with respect to the Conditional Grant Agreement by and between Redevelopment Agency of the City of San Diego and San Diego Youth and Community Services, Inc., pertaining to San Diego Youth and Community Services' acquisition of the eight unit apartment building at 4760 35th Street; approving the relocation plan; and declaring that this activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(2).

STAFF SUPPORTING INFORMATION:

SDYCS has requested funding from the NTC Tax Increment Housing Set Aside fund for the acquisition of an eight unit apartment building located at 4760 35th Street. SDYCS is a member organization of the Homeless Subcommittee which served as part of the NTC Reuse Committee.

Pursuant to the base closure process, in 1996 the City Council appointed a 26-member NTC Reuse Committee to advise the Council regarding the reuse of the NTC property. The Homeless Subcommittee was one of five subcommittees created to provide input on the Homeless Assistance Element of the NTC Reuse Plan. Over the following 24 months it was established that the members of the Homeless Subcommittee would create up to 150 off-site transitional units and the City would provide $50,000 for each unit for a total of $7,500,000. Identified funding included Redevelopment Agency Low/Moderate Income Tax Increment Set Aside from the NTC Redevelopment Project, Federal HOME funds, and City of San Diego Housing Trust Funds. On July 1, 1996, the City Council approved the *Agreement between the City of San Diego and Representatives of the Homeless Regarding the Homeless Assistance Element of the San Diego Naval Training Center Reuse Plan.* (Homeless Agreement)

When purchased and renovated, the eight unit apartment building at 4760 35th Street will provide five 2-bedroom units and two 1-bedroom units of transitional housing for young mothers and youth that have aged out of the foster care system. The resident manager will occupy one 2-bedroom unit.

FISCAL CONSIDERATIONS:
SDYCS received $483,113 in 1999 from the Housing Commission to assist with the purchase of the Wing Street apartments in the Midway area. Their remaining $1,116,887 of their total allocation of $1,600,000 from the Homeless Agreement will assist in the purchase of the 35th Street apartments.

The proposed Grant Agreement provides for SDYCS to finance the project with a combination of NTC Housing Set Aside dollars and a loan from the Housing Commission. SDYCS has requested the remaining allocation of $1,116,887 to assist with the purchase of the eight-unit apartment complex with a price of $1,125,000. As directed in the Homeless Agreement, the property "will be deed restricted to revert back to the City in the event the property is no longer used to assist the homeless."

PREVIOUS COUNCIL ACTION:
On July 19, 2005, the City Council approved the First Amendment to the Agreement between the City of San Diego and Representatives of the Homeless Regarding the Homeless Assistance Element of the San Diego Naval Training Center Reuse Plan. This amendment authorized SDYCS to use the allocated NTC Housing Set Aside tax increment funds for this project located outside Council District 2.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:
A presentation was made to the Normal Heights Community Planning Committee (NHCPC) on this project at their July 5, 2005 meeting. The minutes of that meeting reflect, "The NHCPC board feels positive about this project."

KEY STAKEHOLDERS & PROJECTED IMPACTS:
Walter Phillips, Executive Director of SDYCS, a 501 (c)(3) corporation, is the developer of this project.

City Resident and Business Impact -
This eight-unit apartment complex is located in the Normal Heights neighborhood within walking distance of public transportation, retail shopping and other businesses along Adams Avenue. Current residents will be relocated according to the 35th Street Housing Project Relocation Plan. The property will be rehabilitated prior to the incoming tenants moving in.

Ostrye/Waring

Staff: Libby Day - (619) 533-5372
Eunice C. Chan - Deputy City Attorney

NOTE: See the Redevelopment Agency Agenda of 3/21/2006 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:42 a.m. – 11:42 a.m.)

MOTION BY ATKINS TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Hueso-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 6:23 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:23 p.m.)

CITY COUNCIL MEETING MARCH 21, 2006 APPEAL OF THE ADEQUACY OF THE ENVIRONMENTAL DOCUMENTS FOR THE FOX CANYON PARK.

(begin 5:14.27)

PRESIDENT PETERS: WE WILL TAKE UP ITEM 331, APPEAL OF THE FOX CANYON PARK. BEFORE THE STAFF BEGINS THEIR PRESENTATION, I WANT TO GIVE MR. MADAFFER AN OPPORTUNITY TO MAKE A STATEMENT.

MADAFFER: THANK YOU VERY MUCH MR. PETERS. BEFORE WE BEGIN TODAY, I WANTED TO COMMENT REGARDING MY PARTICIPATION IN TODAY'S ENVIRONMENTAL APPEAL REGARDING THE ADEQUACY OF THE MITIGATED NEGATIVE DECLARATION. I HAVE READ THE MEMORANDUM FROM THE CITY ATTORNEY DATED MARCH 20, 2006, AND AM AWARE OF THE ALLEGATIONS OF POTENTIAL BIAS AGAINST ME. I HAVE CAREFULLY CONSIDERED THESE ALLEGATIONS. I HAVE STUDIED THE ADVICE OF THE CITY ATTORNEY, AND I CAN ATTEST TO MY FAIRNESS AND IMPARTIALITY IN CONSIDERATION OF THE ENVIRONMENTAL DETERMINATION APPEAL. THANK YOU.

PRESIDENT PETERS: THANK YOU. OKAY. YOU CAN GO AHEAD AND MAKE YOUR PRESENTATION.

GRABSKI: THANK YOU. GOOD AFTERNOON COUNCILMEMBERS. I'M PATRICIA GRABSKI, A PROJECT MANAGER IN THE DEVELOPMENT SERVICES DEPARTMENT. THE ITEM BEFORE YOU IS AN APPEAL OF THE ENVIRONMENTAL DETERMINATION FOR THE FOX CANYON NEIGHBORHOOD PARK. THE PROJECT IS TO DEVELOP A 2.7 ACRE SITE WITH A 1.9 ACRE PASSIVE PARK CONNECTING ONTARIO AVENUE WITH WINONA AVENUE AND IMPROVEMENTS TO THE AUBURN CREEK. THE SITE IS BOUNDED BY LANDIS STREET ON THE NORTH, STERLING COURT ON THE SOUTH, ALTADENA AVENUE ON THE EAST AND WINONA AVENUE ON THE WEST. THE SITE IS A SMALL UNDEVELOPED CANYON, A

NORTH FACING SLOPE AND A RELATIVELY FLAT DISTURBED AREA AND THE SITE IS SURROUNDED BY RESIDENTIAL DEVELOPMENT. PURSUANT TO THE CODE – THE MUNICIPAL CODE – THIS PROJECT WAS A PROCESS THREE HEARING OFFICER DECISION, APPEALABLE TO THE PLANNING COMMISSION. ON OCTOBER 12, 2005, THE HEARING OFFICER APPROVED THE PARK PROJECT WITH THE ROAD. THE PROJECT WAS THEN APPEALED TO THE PLANNING COMMISSION. ON DECEMBER 1ST, 2005 THE PLANNING COMMISSION DENIED THE APPEAL AND UPHELD THE HEARING OFFICER'S DECISION TO APPROVE THE PROJECT. ON JANUARY 1ST, 2003, THE ENVIRONMENTAL QUALITY ACT WAS AMENDED TO PROVIDE FOR APPEALS OF ENVIRONMENTAL DETERMINATIONS TO THE ELECTED DECISION MAKING BODY. AND I JUST BRIEFLY WANTED TO STOP AND SHOW YOU SOME PHOTOS OF THE SITE. THIS IS THE PROPOSED PARK LOOKING NORTH TO LANDIS VIA WINONA, AND THIS IS LOOKING UP THE SLOPES TO THE SOUTH. AND THIS IS THE CULVERT AT AUBURN DRIVE LOOKING WEST FROM THE PROPERTY. AND THIS IS AUBURN CREEK LOOKING NORTH EASTWARD TO THE NEIGHBORING APARTMENTS. AND THIS IS AUBURN CREEK LOOKING EAST. THE ONTARIO AVENUE ENTRANCE LOOKING NORTH EAST, AND THIS IS A PROJECT TIMELINE. AS I SAID, IT WAS BEFORE THE HEARING OFFICER, THE HEARING OFFICER APPROVED THE PROJECT WITH ROAD, IT WAS APPEALED TO THE PLANNING COMMISSION. THE PLANNING COMMISSION DENIED THE APPEAL, UPHELD THE HEARING OFFICER DECISION AND ON DECEMBER 15, 2005 THE FRIENDS OF THE FOX CANYON APPEALED THE ENVIRONMENTAL DETERMINATION WHICH IS BEFORE YOU TODAY BASED ON AMENDMENTS TO CEQA IN 2003. THE APPEAL HAS ISSUES WITH THE IMPACTS, WITH THE ROAD AND THE IMPACTS ON THE CREEK, THE CANYON AND THE SURROUNDING NEIGHBORHOOD. STAFF RECOMMENDS TO THE COUNCIL DENIAL OF THE APPEAL AND TO UPHOLD THE HEARING OFFICER'S DECISION TO CERTIFY THE PROJETC'S MITIGATED NEGATIVE DECLARATION. AND THAT CONCLUDES MY PRESENTATION AND STAFF IS AVAILABLE TO ANSWER ANY QUESTIONS THAT YOU MAY HAVE ON THE PROJECT.

PRESIDENT PETERS: THANK YOU. I RECOGNIZE THE CITY ATTORNEY TO EXPLAIN THE PROCEDURAL POSTURE OF THIS MATTER.

HEUMANN: THANK YOU. I JUST WANT TO REMIND THE CITY COUNCIL THAT THIS APPEAL IS BEFORE THE CITY COUNCIL PURSUANT TO THE GOVERNMENT AND RESOURCES CODE 21151C WHICH ALLOWS A PERSON TO APPEAL THE ENVIRONMENTAL DETERMINATION TO THE AGENCIES ELECTEDDECISION MAKING BODY. THAT IS THE ONLY ISSUE BEFORE THE CITY COUNCIL FOR YOUR CONSIDERATION IS THE SUFFICIENCY OR ADEQUACY OF THE ENVIRONMENTAL DOCUMENT, NOT THE PROJECT ITSELF. AND I SIMPLY WANT TO REMIND ALL OF YOU OF THAT AND TO PLACE THAT ON THE RECORD.

PRESIDENT PETERS: THANK YOU. OKAY, WE HAVE RELATIVELY EQUAL NUMBER OF SLIPS ON BOTH SIDES OF THIS. WE'LL START WITH THE PEOPLE IN OPPOSITION TO THE STAFF RECOMMENDATION, WHICH IS IN FAVOR OF THE APPEAL. MR STUMP, YOU'VE ASKED FOR AN ORGANIZED PRESENTATION, IS THAT CORRECT? I HAVE FIVE SPEAKERS CEDING TIME TO YOU. THEY ARE THERESA QUIROZ, JIM VARNADORE, MARY VACCARIELLO AND JESSIE SERGENT. IN ADDITION TO YOU THAT GIVES YOU FIFTEEN MINUTES.

STUMP: YOUR HONOR. WE FILED THE APPEAL AND PAID OUR MONEY, OUR HUNDRED DOLLARS. UNDER THE RULES OF COUNCIL, I UNDERSTOOD WE GOT FIFTEEN MINUTES FOR FILING THE APPEAL.

PRESIDENT PETERS: WHO FILED THE APPEAL? WOULD YOU LIKE TO DO IT THIS WAY, BECAUSE I COULD ALSO LIMIT TOTAL TESTIMONY TO FIFTEEN MINUTES A SIDE. SO IF YOU WOULD LIKE FIFTEEN MINUTES FOR YOUR SIDE AND FIFTEEN MINUTES FOR THE OTHER SIDE WE COULD DO IT THAT WAY. HERE'S WHAT – HERE'S WHAT I'M GOING TO DO…

STUMP: THAT'S WHAT I'D LIKE TO UNDERSTAND.

PRESIDENT PETERS: I'M GOING TO ALLOW YOU FIFTEEN MINUTES. I'M GOING TO ALLOW EACH OF THE SPEAKERS AFTER THAT THREE MINUTES TO SPEAK.

STUMP: I HAVE AN ORGANIZED PRESENTATION. I'D LIKE TO TAKE A MINUTE TO START, THEN I HAVE THREE PRESENTERS AND THEN I'D LIKE, AT THE END OF MY PRESENTATION TO HAVE TIME FOR REBUTTAL.

PRESIDENT PETERS: AT THE END OF THE, UM..

STUMP: TOTAL PRESENTATION.

PRESIDENT PETERS: I'M TAKING ALL THE SPEAKERS ON ONE SIDE, THEN ALL THE SPEAKERS ON THE OTHER SIDE, SO IF YOU'D LIKE SOME TIME AT THE VERY END OF THE SPEAKERS ON THIS SIDE, THEN I'LL GIVE THAT TO YOU.

STUMP: THANK YOU, YOUR HONOR.

PRESIDENT PETERS: OKAY. SO I JUST NEED TO KNOW, YOU WANT US TO SET THE CLOCK…

STUMP: IF I COULD CALL MY SPEAKERS AND GO AS QUICKLY AS POSSIBLE…

PRESIDENT PETERS: SURE, YOU WANT US TO SET THE CLOCK FOR FIFTEEN MINUTES? OR DO YOU WANT US TO SET IT FOR A MINUTE, OR HOW DO YOU WANT US TO HANDLE THAT?

STUMP: HERE'S HOW I'D LIKE TO HANDLE IT. IF YOU LET ME START WITH A MINUTE, HAVE MY SPEAKERS COME UP, WE GO, AND THEN WE'D END AT SAY TEN MINUTES AND THAT WOULD RESERVE SOME TIME FOR ME, THEN YOU CALL THE PUBLIC SPEAKERS, AND THEN I GIVE MY CONCLUSION.

PRESIDENT PETERS: THEN YOU CONCLUDE. OKAY. LET'S WE'LL SET IT FOR ONE MINUTE AND THEN WE'LL GIVE NINE MINUTES FOR….

STUMP: MY ORGANIZED PRESENTATION WILL BE MS. THERESA QUIROZ, MR. ERIC BOWLBY AND MR. VARNADORE.

PRESIDENT PETERS: NOT MARY VACCARIELLO?

STUMP: NO. SHE'S AN INDIVIDUAL.

PRESIDENT PETERS: OKAY SO WE'LL CALL HER AFTER YOU. GREAT. SO YOU HAVE ONE MINUTE TO START AND THEN YOU WANT US TO GIVE EACH PERSON THREE MINUTES, JUST TO KEEP THEM GOING? OKAY FINE.

STUMP: MEMBERS OF COUNCIL. THIS IS A TROJAN HORSE PROJECT. THE DESCRIPTION FOR THE PROJECT IS IN ERROR. ONTARIO STREET IS EXISTING AND IT IS NOT BEING REALIGNED. ONTARIO STREET BEING PROPOSED IS A NEW STREET, IT IS NOT BEING REALIGNED. THE DESCRIPTION THAT WAS NOTICED IS INSUFFICIENT. I HAVE MADE COMMENTS PREVIOUSLY WHICH I REQUEST CONTINUE TO BE MADE PART OF THE RECORD. WHAT WAS DELETED FROM STAFF'S DESCRIPTION WAS A LOCKED GATE . THE CITY HAS KEPT THAT GATE LOCKED AND PREVENTED PEOPLE FROM TRAVELLING ON IT. CITY STAFF IS PROPOSING A NEW STREET. THE DESCRIPTION THAT WAS CIRCULATED WAS IN ERROR. THAT'S NEW INFORMATION.

PRESIDENT PETERS: SO WE'LL JUST TIME YOU FOR THREE MINUTES.

QUIROZ: FOUR, PLEASE.

PRESIDENT PETERS: FOUR MINUTES FOR MS. QUIROZ, OKAY. GO AHEAD.

QUIROZ: THANK YOU. GOOD AFTERNOON. MY NAME IS THERESA QUIROZ AND I LIVE IN THE RIDGEVIEW NEIGHBORHOOD, WHICH WILL BE IMPACTED BY THIS PROJECT. SAN DIEGO APPLIED FOR A GRANT TO MAKE THIS AREA A PARK – AND ONLY A PARK. ATTACHED TO THE GRANT APPLICATION WERE THE REQUIRED DOCUMENTS IN THE FORM OF AN ENVIRONMENTAL CHECKLIST. IT REVIEWED THE PARK-ONLY PROJECT AND MADE TWO DETERMINATIONS – THAT AN MND WAS NECESSARY AND THAT CERTAIN ISSUES DID NOT SURPASS CEQA THRESHOLDS. THOSE ISSUES INCLUDE WATER QUALITY, LAND USE, TRANSPORTATION AND CIRCULATION AND PUBLIC SAFETY. ONCE THE GRANT WAS FUNDED, A BAIT AND SWITCH OCCURRED. THE PROJECT WENT FROM BEING AN ACTIVE PARK WITH NO ROAD THROUGH IT, TO BEING A ROAD RUNNING THROUGH A PASSIVE AREA.

WITH THAT SWITCH FROM ACTIVE TO PASSIVE PARK AND WITH THE INCLUSION OF THE ROAD, THE ENVIRONMENTAL CHECKLIST WAS NOW FOR THE WRONG PROJECT. AN ENVIRONMENTAL CHECKLIST FOR THE ROAD PROJECT WOULD SHOW THE NEED FOR A FULL EIR, SO CITY STAFF PRETENDED THAT NOTHING WAS WRONG. THEY DID AN INITIAL STUDY FOR THE ROAD PROJECT, BUT THEY USED THE FINDINGS OF THE PARK-ONLY ENVIRONMENTAL CHECKLIST AS ITS BASIS. FOR EXAMPLE, PAGE THREE OF THE INITIAL STUDY HAS A HEADING CALLED "ENVIRONMENTAL ANALYSIS". INSTEAD OF DOING THAT ANALYSIS, IT SIMPLY REFERS TO THE ONE CREATED FOR THE PARK-ONLY PROJECT. THE ANALYSIS OF THE PARK-ONLY PROJECT WAS ADOPTED BY STAFF AS THE ANALYSIS OF A ROAD THROUGH THE PARK.

THE INITIAL STUDY THEN LISTS THE ENVIRONMENTAL ISSUES OF THE ROAD PROJECT THAT WERE DETERMINED NOT TO BE SIGNIFICANT. BUT THOSE ARE FOR THE PARK-ONLY PROJECT. EVEN THOUGH THE INITIAL STUDY DESCRIBES THE ROAD AS PART OF THE PROJECT, IT DOES NOT STUDY ANY OF THE CONSEQUENCES OF PUTTING A DANGEROUS ROAD IN A CANYON, BESIDE A CREEK, AND THROUGH A PARK. STAFF ACKNOWLEDGED THAT THE TWO DOCUMENTS WERE FOR DIFFERENT PROJECTS, BUT OFFERED NO CORRECTION. CEQA DOES NOT PERMIT THAT KIND OF MIX AND MATCH.

STAFF HAS SAID THAT A PROPER STUDY IS NOT REQUIRED BECAUSE THE PROPOSED ROAD IS A PAPER STREET THAT HAS BEEN IN EXISTENCE SINCE 1911. THAT IS NOT TRUE. IN 1911, THIS AREA WAS IN THE UNINCORPORATED COUNTY – NOT THE CITY. THE DEVELOPERS' DREAM OF A STREET PRE-DATED THIS AREA EVEN BECOMING PART OF THE CITY OF SAN DIEGO.

SUBSEQUENT TO THE CITY'S ANNEXATION, THEY KEPT THIS ROAD CLOSED. THE CITY HAS TAKEN AFFIRMATIVE STEPS TO CLOSE THIS ROAD BY PUTTING A LOCKED GATE ACROSS THE ENTRANCE, AND THE CITY EVEN WENT SO FAR AS TO MOVE THE CREEK

CHANNEL, SO THAT THE CREEK WOULD FLOW UNDER THE PAPER STREET INSTEAD OF IN ITS NATURAL FLOW.

WITH THE CHOLLAS CREEK ENHANCEMENT PLAN NOW IN FORCE, THE CITY MUST NOW BUILD A STREET THAT IS AWAY FROM THE CREEK. SO THEY HAVE HAD TO CREATE A NEW ROAD, A DIFFERENT ROAD, A SECOND ROAD. THE CITY HAS GONE INTO NEGOTIATIONS WITH ANOTHER NEIGHBOR TO BUY HIS PROPERTY TOO SO THAT THE NEW ROAD, CAN BE BUILT TO THE SOUTH-EAST. SINCE THE CITY IS NOT BUILDING THE CURRENTLY DEEDED PAPER STREET, THE ENVIRONMENTAL DOCUMENTS MUST STUDY THE IMPACT OF THIS NEW, SECOND REPLACEMENT ROAD.

CONSTRUCTION OF THIS PROPOSED ROAD, WOULD DIVERT TWO MILLION DOLLARS OF NEEDED PUBLIC INFRASTRUCTURE FUNDS FROM PRESSING PUBLIC SAFETY NEEDS SUCH AS FIRE STATIONS AND EMERGENCY SERVICES TO BUILD A ROAD THAT HAS NO REAL PURPOSE. THE PROPOSED ROAD SAYS ABSOLUTELY CLEARLY THAT THE SAFETY OF THE LOW-INCOME AND MINORITY CHILDREN IS THE CITY'S LOWEST PRIORITY. I ASK THAT YOU APPROVE THIS APPEAL, AND SEND THE PROJECT BACK FOR A PROPER STUDY OF THE ADDITIONAL DAMAGE AND BLIGHT THAT THIS NEW ROAD WILL HAVE ON OUR COMMUNITY. AND I'M GOING TO HAND OVER TO ERIC BOWLBY. THANK YOU.

PRESIDENT PETERS: THAT WAS RIGHT ON FOUR MINUTES BY THE WAY.

BOWLBY: I, TOO, WILL HAVE FOUR MINUTES.

PRESIDENT PETERS: YOU WANT FOUR MINUTES? OKAY.

BOWLBY: PRESIDENT PETERS. THANK YOU. THIS IS A LETTER FROM THE AUDUBON SOCIETY THAT I'LL PASS AROUND THAT JUST CAME RECENTLY TO YOUR OFFICES. I WANT TO MAKE SURE YOU HAVE A COPY. ERIC BOWLBY REPRESENTING THE SIERRA CLUB AND OUR CANYONS PRESERVATION WORK. THE SIERRA CLUB IS IN SUPPORT OF A PARK IN FOX CANYON, BUT WE'RE OPPOSED TO A TWO-LANE ROAD WITH THROUGH TRAFFIC THAT WOULD RUIN THIS IMPORTANT PIECE OF OPEN SPACE IN CITY HEIGHTS,

WHERE QUALITY OPEN SPACE AMENITIES ARE DESPERATELY NEEDED AND OPPORTUNITIES SO LIMITED. THIS IS NOT THE LEAST ENVIRONMENTALLY DAMAGING ALTERNATIVE AND FURTHER ALTERNATIVE ANALYSIS IS REQUIRED BECAUSE OF INCONSISTENCIES WITH ADOPTED PLANS SUCH AS THE CHOLLAS CREEK ENHANCEMENT PLAN. IT DOESN'T PROPOSE TO MITIGATE ALONG THE CREEK. IT DOESNT UTILIZE PAPER STREETS AND EASEMENT FOR EXPANDING THE PARK LIKE SETTING. WE BELIEVE AN EIGHT FOOT ONE LANE MULTIPURPOSE UTILITY ROAD WOULD SERVE THE NEEDS OF THE COMMUNITY FOR EMERGENCY VEHICLES AND LAW ENFORCEMENT ACCESS. BUT ALSO PROVIDE FOR JOGGERS AND BICYCLISTS AND PEDESTRIANS THAT WANT TO STROLL THROUGH THE PARK AWAY FROM NOISY TRAFFIC, THE RUMBLING OF TRUCKS AND EXHAUST FUMES. WE NEED TO MAXIMIZE, NOT MINIMIZE THE OPPORTUNITIES ALONG THE BRANCHES OF CHOLLAS CREEK TO RESTORE RIPARIAN WETLANDS AND THEIR POLLUTION FILTRATION BENEFITS. CHOLLAS CREEK IS AN IMPAIRED WATER BODY AND WE NEED TO REDUCE THE POLLUTANTS IT DELIVERS TO SAN DIEGO BAY AND WE NEED TO MAXIMIZE THE IMPERMEABLE SURFACES AND VEGETATIVE BUFFERS ADJACENT TO THE CREEKS. WE NEED TO MAXIMIZE PARK OPPORTUNITIES FOR PEOPLE IN CITY HEIGHTS, NOT FOR MORE PARKING LOTS AND THOROUGHFARES FOR CARS. THIS ROAD WILL ONLY SERVE TO SHIFT TRAFFIC ON TO A DIFFERENT RESIDENTIAL NEIGHBORHOOD. THIS CANYON AND THE RESTORATION OF AUBURN CREEK THROUGH THE CANYON COULD BE A MAJOR CLASSROOM FOR THE NEARBY MARSHALL ELEMENTARY SCHOOL PROVIDING A SCARCE OPPORTUNITY TO CONNECT URBAN YOUTH WITH NATURE IN CITY HEIGHTS. U-T COLUMNIST RICHARD LOUV'S BOOK "LAST CHILD IN THE WOODS: SAVING OUR CHILDREN FROM NATURE DEFICIT DISORDER" CONTAINS A COLLECTION OF STUDIES THAT INDICATE THE OVERALL MENTAL HEALTH BENEFITS AND ACTUAL SCHOLASTIC IMPROVEMENTS THAT ACCESS TO NATURE CAN PROVIDE TO OUR YOUTH. ACCORDING TO SOME STUDIES, KIDS WITH ACCESS TO NATURE ARE LESS PRONE TO SUFFER FROM ATTENTION DEFICIT, HYPERACTIVITY DISORDER, AND OR DEPRESSION. OUR CANYONS CAMPAIGN, THE SIERRA CLUB CANYON CAMPAIGN, AQUATIC

ADVENTURES, GROUNDWORK AT CHOLLAS AND OTHERS ARE ALL SUCCESSFULLY INVOLVING ELEMEENTARY KIDS FROM SCHOOLS LIKE ENCANTO, HORTON AND CESAR CHAVEZ IN RESTORATION OF THE HABITATS ALONG CHOLLAS CREEK. THE KIDS ARE LEARNING ABOUT ENDANGERED SPECIES AND HELPING TO IMPROVE WATER QUALITY. THEY GET THEIR HANDS INTO THE EARTH, REMOVING THE INVASIVE WEEDS AND PLANTING THE NATIVE PLANTS. IT GIVES THEM SOMETHING TO NURTURE AND WATCH GROW, AND IT GIVES THEM A CHANCE TO MAKE A POSITIVE DIFFERENCE IN THEIR NEIGHBORHOOD ENVIRONMENT. PERHAPS HERE WE HAVE AN OPPORTUNITY TO HEAD OFF AT AN EARLY STAGE A FEELING OF HOPELESSNESS IN AN EVERCHANGING URBAN ENVIRONMENT WHERE THINGS SEEM BEYOND THEIR CONTROL. PERHAPS WE CAN CHANNEL THEIR YOUNG ENERGY INTO SOMETHING POSITIVE WITH VISIBLE RESULTS AND HEAD OFF A SYNDROME THAT LEADS TO FRUSTRATION AND DETACHMENT. LAST WEEK AT THE GREENING OF SAN DIEGO CONFERENCE AT NTC, WELL KNOWN EXPERTS FROM ACROSS THE COUNTRY ARTICULATED THE CIVIC PHYSICAL HEALTH, MENTAL HEALTH, CRIME PREVENTION, CHILDHOOD DEVELOPMENT AND EDUCATIONAL AND ECONOMIC VALUES OF USABLE OPEN SPACE PARKS FOR COMMUNITIES. WE NEED TO DEVELOP A SENSE OF PLACE AND PUTTING TRAFFIC THROUGH A HALF ACRE OF FLAT USABLE OPEN SPACE DESTROYS THAT OPPORTUNITY. ONE LAST CLOSING SENTENCE IF I MAY.

PRESIDENT PETERS: ITS UP TO MR. STUMP.

BOWLBY: PLEASE VOTE AGAINST THE STAFF RECOMMENDATION AND UPHOLD THE APPEAL. PLEASE REQUEST THAT A LESS DAMAGING ALTERNATIVE BE FULLY ANALYZED. THE NEED FOR QUALITY OPEN SPACE USES IN CITY HEIGHTS FAR OUTWEIGHS ANY POSSIBLE BENEFIT ANOTHER SEGMENT OF ROADWAY WOULD PROVIDE. THANK YOU.

PRESIDENT PETERS: MR. STUMP, YOU HAVE FIVE MINUTES 45 SECONDS.

STUMP: WOULD YOU REMOVE THIS EXHIBIT, PLEASE

PRESIDENT PETERS: OKAY.

VARNADORE: BEFORE I BEGIN, MS. MALAND, MR. PETERS, THIS IS A TERRIFIC SPEAKER SLIP, THANK YOU VERY MUCH.

PRESIDENT PETERS: YES I WAS GOING TO SAY, COMPLIMENTS TO THE CITY CLERK ON THE NEW SPEAKER SLIPS.

VARNADORE: THIS IS A GREAT IDEA MS. MALAND. THANK YOU VERY MUCH. (APPLAUSE).

CITY CLERK: THAT WAS ACTUALLY THANKS TO THERESA QUIROZ. SHE HELPED OUT.

VARNADORE: GOOD AFTERNOON LADIES AND GENTLEMEN. I AM JIM VARNADORE..

PRESIDENT PETERS: HOW MUCH TIME DO YOU WANT MR. VARNADORE.

VARNADORE: (5:31.00) I COULD DO THIS IN ABOUT TWO AND A HALF. I RUN FASTER THAN EVERYONE ELSE. I AM STILL JIM VARNADORE, I DO STILL LIVE IN CITY HEIGHTS, WHICH IS STILL AMERICA'S FINEST COMMUNITY. I OPPOSE THE STAFF RECOMMENDATION, I URGE THE COUNCIL TO SUSTAIN THE APPEAL, AND REMAND THE ISSUE TO THE PLANNING COMMISSION WITH INSTRUCTIONS TO REVERSE ITS DECISION. THIS HAS BEEN AN UGLY PROCESS. THE PARK AND RECREATION STAFF HAVE GONE FROM PARK BUILDING TO ROAD BUILDING. ROADS AREN'T A PARK AND RECREATION FUNCTION. ROADS ARE A TRAFFIC ENGINEERING FUNCTION AND NO TRAFFIC ENGINEER HAS EVER EXPRESSED THE NEED FOR THE PROPOSED ROAD. I BELIEVE PARK AND RECREATION STAFF WERE SUBORNED SOMEWHERE ALONG THE WAY INTO SUPPORTING A ROD THEY NEVER KNEW ABOUT, NEVER WANTED, NEVER NEEDED. I BELIEVE THE DEPUTY CITY ATTORNEY HAS BEEN SUBORNED IN THE PROCESS AND THAT THE DCA MISLED THE PARK AND RECREATION BOARD LAST THURSDAY. I REPORTED THAT TO THE CITY ATTORNEY. THE PARK AND RECREATION BOARD, NONETHELESS, UINANIMOUSLY SUPPORTS THE NEW PARK WITHOUT A ROAD THROUGH IT. I'VE

ALREADY SENT YOU THE DEFECT LIST OF THE ENVIRONMENTAL DOCUMENTS IN DETAIL AND THE DANGER THE ROAD POSES TO OUR CHILDREN. THERE IS NO NEED TO GO OVER THOSE AGAIN. YOU KNOW THAT SUPPORTERS OF THE ROAD CIRCULATED A PETITION AND MADE MISREPRESENTATIONS IN ORDER TO GET SIGNATURES. WELL, I'VE BROUGHT A PETITION TOO, ITS HERE, IT'S SIGNED BY A HUNDRED AND FIVE PEOPLE, WHO LIVE WITHIN A THOUSAND FEET OF THE PARK PEOPLE WHOSE CHILDREN WILL BE IN MORTAL DANGER FROM THE ROAD, PEOPLE WHO WERE NOT MISLED ABOUT THE FACTS. I URGE YOU TO RESPECT THEIR PETITION. THE CITY HEIGHTS AREA PLANNING COMMITTEE, THE OFFICIAL ELECTED CITY HEIGHTS BODY FOR LAND USE ISSUES VOTED 12 ZERO WITH ONE ABSTENTION TO APPROVE THIS PARK AND NOT APPROVE THE ROAD. THEY ARE YOUR ADVISORS ON ISSUES IN CITY HEIGHTS, THEIR EXPERINECE KNOWLEDGE AND JUGEMENT SHOULD BE RESPECTED. WE CAN BUILD A PARK BEGINNING IMMEDIATELY, THERE IS NO NEED TO HOLD THIS NEW PARK HOSTAGE ANY LONGER. THE CITY SHOULD CLOSE ESCROW ON THE LAND ACQUISITION AND BEGIN PARK DEVELOPMENT. THIS COUNCIL SHOULD REMAND THIS MATTER TO THE PLANNING COMMISSION WITH INSTRUCTIONS. THE COUNCIL MAY DIRECT THE PLANNING COMMISSION TO DENY THE ROAD THROUGH THE PARK. THAT IS WITHIN YOUR AUTHORITY. THANK YOU VERY MUCH.

PRESIDENT PETERS: THAT LEAVES MR. STUMP THREE MINUTES AND 20 SECONDS AT THE END. IS THAT OKAY? GREAT. ALL RIGHT. WE'LL GO NOW TO INDIVIDUAL SPEAKERS IN FAVOR OF THE APPEAL AND IN OPPOSITION TO THE STAFF RECOMMENDATION. MARY VACCARIELLO. DID YOU GIVE YOUR TIME TO MR. STUMP? OKAY. TO CAROLYN CHASE. ALL RIGHT. OH, I'M SORRY. MS. CHASE, I DON'T KNOW WHAT HAPPENED TO YOUR SLIP.

CHASE: I'M GOING TO NEED SIX MINUTES. I'M GOING TO DO BETTER TIMING MY..

PRESIDENT PETERS: SIX MINUTES. I'M SURE YOU PRACTISED NOW.

CHASE: I DID BUT I KEEP GETTING IT WRONG.

PRESIDENT PETERS: SIX MINUTES.

CHASE: ALL RIGHT.THANKS FOR HEARING ME. MY NAME IS CAROLYN CHASE AND I SERVE ON THE PLANNING COMMISSION, WHICH HAS HEARD BOTH THE PROJECT AND THE ENVIRONMENTAL DOCUMENT. THE ENVIRONMENTAL CHECKLIST USED FOR THE MITIGATED NEGATIVE DECLARATION AND FOR THE PARK GRANT DOES NOT MENTION ANY ROAD. THE CEQA DOCUMENT THEREFORE, SHOULD HAVE BEEN PREPARED FOR THAT PROJECT. YOUR HONORS, YOU HAVE THE WRONG CEQA DOCUMENT AND AN INADEQUATE ONE AT THAT. AND THEREFORE I REQUEST YOU TAKE ACTION TO AMEND IT TO MATCH THE PROJECT, AS ORIGINALLY SUBMITTED FOR THE GRANT AND ON BEHALF OF WHAT IS REPEATEDLY ECHOED IN MANY CHAMBERS IN THIS CITY, THAT PARKS ARE A PRIORITY AND IN A COMMUNITY THAT IS SO PARK DEFICIENT AND ALSO A PROPERTY WHERE TWO REMNANT CREEKS REMAIN PARTIALLY OPEN, THAT YOU NEED TO CONSIDER THE DIFFERENCE BETWEEN PAVING OVER THE BEST PLAY AREAS NEXT TO THE CREEK AND MAKING THE CREEK, IN ESSENCE, A DRIVE BY EXPERIENCE, ISSUES BEING COMPLETELY LOST AND UNANALYZED IN THIS PROCESS. WHAT HAPPENED TO THE VISION OF THE CITY OF VILLAGES THAT INCLUDED VALUING OUR REMAINING NATURAL AREAS TO BE RESTORED. YOU WOULD NEVER PAVE THROUGH SUCH A CUL-DE-SAC, THROUGH ONE CREEK AND NEXT TO ANOTHER IN ANY OTHER PART OF THIS CITY. YOU WOULD NOT DO IT. IT WILL DIRECTLY REDUCE THE NATURAL VALUES AND DIVIDE THE CREEK FROM THE PARK INSTEAD OF MAKING THE CREEK AND THE LAND NEXT TO THE PARK AN INTEGRAL PART OF THE PARK EXPERIENCE. INSTEAD OF FULFILLING THE APPROPRIATE VISION OF THE ORIGINAL PARK GRANT, SOMEHOW SOMEONE HAS HIJACKED THIS PROCESS AND IS NOW PROPOSING TO WRECK MEANINGFUL PLAY AND EDUCATIONAL EXPERIENCES ALONG THE CREEKSIDE BY PAVING THEM OVER. THE LAND USE DISCUSSION IN THE MITIGATED NEGATIVE DELARATION IS INADEQUATE, AND INACCURATE. THE MND PULLS ONE CONCEPT FROM THE APPLICABLE CHOLLAS CREEK ENHANCEMENT PLAN, WHICH I HOPE YOU ALL HAVE, TAKES IT OUT OF CONTEXT, AND THEN IGNORES OTHER APPLICABLE POLICIES THAT PRECLUDE WHAT THE ROAD AS DESIGNED IS PROPOSING. FOR SPECIFICS, PLEASE SEE

THE LETTER THAT I HANDED IN. I QUOTE YOU THE DOCUMENT. THE CEQA DOCUMENT IS INCORRECT TO PRESENT THIS PROJECT WITH THE ROAD AS CONSISTENT WITH, OR MEETING THE INTENT OF THE CHOLLAS CREEK ENHANCEMENT PLAN – IT IS A CREEK ENHANCEMENT PLAN. THERE IS NOT ROOM FOR A TWENTY FOOT BUFFER BETWEEN THE CURRENT TOP OF THE CREEK , THE SIDEWALK AND THE ROAD AND THE SIDEWALK REQUIRED ON THE OTHER SIDE TO BE CONSISTENT WITH THE CHOLLAS CREEK ENHANCEMENT PLAN. THE WATER QUALITY SECTION IS INADEQUATE. IT APPEARS THERE COULD BE GRADING IN THE FLOOD PLAIN. BUT THERE IS NO DISCUSSION OF THIS OR NO ANALYSIS OF THE IMPACTS OF INCREASED RUN OFF AND THE DESIGN AND THE GRADE LEVEL OF THE NEW ROAD. THERE IS NO DESCRIPTION OF HOW STORM WATER IS TO BE CONVEYED OFF THE ROAD OR THE SIDEWALK. THE PROJECT DESCRIPTION IS INADEQUATE. THERE WAS NOWHERE IN THE MND THAT DISCLOSES THE LENGTH OF THE ROAD OR THE EXACT LOCATION OF THE EXISTING PAPER STREET VERSUS THE CREEK, VERSUS THE NEW ROAD, NOR AN ADEQUATE DESCRIPTION OF THE PROPOSED SIDEWALKS AND THE HOW RUN OFF WILL BE TREATED FROM THE ROAD AND IN THE SIDEWALKS. THE GROWTH-INDUCING IMPACTS OF ADDING THE ROAD ARE NOT ADDRESSED. THE MND FOR THE PARK PROJECT, REDEFINED AS A ROAD PROJECT DOES NOT ANALYZE THE GROWTH-INDUCING EFFECTS OF ADDING THIS ROAD. WHAT JUSTIFIES THE EXPENDITURES AND OF WHAT WILL BE A MORE THAN 1.5 MILLION DOLLAR COST FOR THIS ROAD. WHAT PROPERTIES WILL BENEFIT FROM THIS ACTION OF APPROVING A CEQA DOCUMENT THAT IS FOR THE WRONG PROJECT. WHAT ARE THE POTENTIAL CUMULATIVE IMPACTS OF ALLOWING PAPER STREETS TO BE PAVED VIA THIS KIND OF REVIEW PROCESS. CONSIDER THE PRECEDENT OF USING THIS CEQA DOCUMENT AS SUFFICIENT FOR PAVING A PAPER STREET, ORIGINALLY CONCIEVED IN THE TWENTIES OR THIRTIES AS REPRESENTATIVE OF HOW PAPER STREETS COULD BE PAVED CITY-WIDE OVER CREEKS DIRECTLY WITHOUT SUFFICIENT ENVIRONMENTAL WATER QUALITY OR TRANSPORTATION ANALYSIS OR MITIGATION. ESPECIALLY GIVEN THE LOCTION OF MANY OF THE CITIES PAPER STREETS, THERE IS A POTENTIAL FOR

SIGNIFICANT CUMULATIVE IMPACTS IF THE CITY AND OTHER PARTIES ARE ABLE TO PURSUE PAVING PAPER STREETS WITHOUT PROPER ANALYSIS AND MITIGATION . HOW MUCH TIME DO I HAVE?

PRESIDENT PETERS: TWO TWENTY FIVE.

CHASE: OKAY. MANY OF OUR CITY'S CANYONS HAVE THESE PAPER STREETS IN THEM. IT WOULD SET A TERRRIBLE PRECEDENT FOR THE PROCESS OF ENVIRONMENTAL REVIEW TO BE UNDERTAKEN WHEN ONE SET OF PROPERTY INTERESTS PRECEDES A BENEFIT TO PAVING A ROAD THAT IS NOT CLEARLY VETTED VIA A FAIR PUBLIC PROCESS. WE HAVE EVIDENCE OF WHAT THE ORIGINAL PROPERTY WAS. SUPPORT LETTERS FOR THE STATE GRANT FOR FOX CANYON NEIGHBORHOOD PARK DO NOT REFERENCE A ROAD, INCLUDING ALL OF THOSE PROPONENTS INCLUDING MR. MADAFFER, SENATOR KEHOE, AND THE FOX CANYON NEIGHBORHODD ASSOCIATION, REFERENCED A PARK WITH USING THE PLAY AREA NEXT TO THE CREEK BUT THERE IS NO MENTION OF THE ROAD, AND THAT WAS THE PROJECT THAT WAS ORIGINALLY STARTED HERE. THERE ARE INCONSISTENCIES IN THE DOCUMENT THROUGHOUT. I ALSO QUESTION THAT THIS SHOULD HAVE BEEN A PROCESS THREE TO BEGIN WITH. THIS IS THE WRONG PROCESS. AND WHEN WILL THE RE-ZONE BE DONE. I THINK THIS WAS MANIPULATING THE PROCESS, JUST TO MANIPULATE IT, AND NOT REALLY - YOU SHOULD REALLY BE REZONING IT. IT SHOULD HAVE COME TO THE COUNCIL. IT SHOULDN'T BE ON AN APPEAL. YOU SHOULD BE ABLE TO MODIFY THE PROCESS. WE RAN INTO THIS PROBLEM AT THE PLANNING COMMISSIONAND YOU DID NOT GET A COMPLETE REPORT IN YOUR STAFF REPORT OR TODAY, AS TO THE ACTION OF THE PLANNING COMMITTEE, BECAUSE WE MOVED TO AMEND THE PROJECT, TO REMOVE THE ROAD. AND WE HAD CONSENSUS ON THAT, AND THE CITY ATTORNEY'S OFFICE SAID OH NO, THIS AN APPEAL, YOU CAN'T AMEND THE PROJECT, WHICH IS A DISERVICE TO EVERYONE, FRANKLY. BUT THAT'S WHY THERE WAS AN ADDITIONAL MOTION THAT DIRECTED THAT THEY CREATE A CITIZENS TASK FORCE TO EXPLICITLY EXAMINE REMOVAL OF THE ROAD. THAT'S WHAT THE TASK FORCE WAS SUPPOSED TO LOOK AT.

AND THIS WHOLE ISSUE OF YOU CAN'T ADDRESS THE PROJECT, OR THE MND, WELL WHEN I FIRST GOT ON THE PLANNING COMMISSION I WAS TOLD THAT YOU DO NOT HAVE A PROJECT UNLESS YOU HAVE A CEQA DOCUMENT. AND YOU CAN'T JUST DIVIDE THEM, LIKE THEY DON'T EXIST, ONE FROM ANOTHER. AM I OUT OF TIME?

PRESIDENT PETERS: FORTY ONE SECONDS.

CHASE: I AM SUGGESTING THE APPROPRIATE ACTION FOR YOU TODAY IS TO, THEREFORE, AMEND THE CEQA DOCUMENT TO BE CONSISTENT THROUGHOUT, AND TO BE CONSISTENT WITH THE ENHANCEMENT PLAN AND CITED AS APPLICABLE, AND CONSISTENT WITH THE PARK GRANT SUBMITTAL, AND PROTECT THE CITY'S INTEREST IN THE GRANT. THE STATE COULD COME BACK AND SAY IT IS NOT SUBSTANTIALLY CONFORMED WITH THE GRANT WHICH SHOWED NO ROAD THROUGH THIS PARK. AND THE CITY SHOULD ALSO BEGIN, THE CITY COUNCIL SHOULD ALSO BEGIN A WIDE PUBLIC DEBATE ON HOW BEST TO ADDRESS PAPER STREETS AND THE CUMULATIVE IMPACTS OF PEOPLE THAT ARE COMING TO SAY THEY JUST WANT TO PAVE PAPER STREETS WHEREVER THEY EXIST. THANK YOU.

PRESIDENT PETERS: THANK YOU. SAMANTHA QUIROZ. YOU HAVE THREE MINUTES. WHY DON'T YOU PULL THE MICROPHONE RIGHT UP TO YOUR MOUTH SO WE CAN HEAR YOU. THANK YOU.

QUIROZ: HELLO. I AM SAMANTHA QUIROZ FROM CITY HEIGHTS. MY NEIGHBORHOOD IS FULL OF KIDS LIKE ME. WE HAVE VERY FEW PLACES TO PLAY OTHER THAN THE STREETS. YOU CAN MAKE DIFFERENCE BY PLEASE MAKING US A SAFE PLACE TO PLAY. THE COUNCILMEMBER SAYS THAT HE IS GOING TO USE THIS ROAD TO ADD MORE PEOPLE TO OUR COMMUNITY AND IGNORE OUR DESPERATE NEED FOR A SAFE PLACE TO PLAY. THE ENVIRONMENTAL DOCUMENTS NEED TO REFLECT THAT. PLEASE APPROVE THIS APPEAL AND PLEASE DON'T MAKE US PLAY IN THE STREETS ANYMORE. THANK YOU.

PRESIDENT PETERS: THANK YOU AND I WANT TO COMPLIMENT YOU SAMANTHA, FOR REFERENCING THE ENVIRONMENTAL DOCUMENTS IN YOUR TESTIMONY. GUY MOCK

FOLLOWED BY PATTY VAACARIELLO. WHEN YOUR NAME'S CALLED IF YOU COULD COME UP FRONT, THAT WOULD BE REALLY HELPFUL.

MOCK: GOOD AFTERNOON. MY NAME IS GUY MOCK AND I'M THE CO-CHAIR FOR THE CITY HEIGHTS TOWN COUNCIL. HERE ABOUT TWO MONTHS AGO, I STARTED HEARING A STIR IN THE COMMUNITY ABOUT THIS PARK. AND I WAS LEANING ONE WAY AND THE OTHER. OBVIOUSLY I CAN SAY WITHOUT RESERVATION THAT THE CITY HEIGHTS TOWN COUNCIL WOULD LIKE TO SEE ANY PARK BUILT IN CITY HEIGHTS WHICH IS SO PARK DEFICIENT. HOWEVER, HAVING REVIEWED THE DOCUMENTS, THAT HAVE TO DO WITH MITIGATED NEGATIVE DECLARATION, AND WITH THE ENVIRONMENTAL STUDIES I'VE READ, THE ONLY THING IN THERE THAT SAYS ANYTHING ABOUT ENVIRONMENTAL CONCERNS IS DURING CONSTRUCTION. IT DOES NOT SAY CONSTRUCTION OF WHAT, IT JUST SAYS CONSTRUCTION. OKAY. THE ENGLISH LANGUAGE BEING ONE OF THE POOREST LANGUAGES TO COMMUNICATE IN, AND CAN BE OPENLY INTERPRETED IN FOUR OR FIVE DIFFERENT DIRECTIONS. OKAY WITH JUST THE CHANGING OF ONE WORD, OR THE INTERPRETTION OF ONE WORD, NOT UNLIKE SOME LANGUAGES THAT SAY MALE, FEMALE GROUP, PRESENT TENSE PAST TENSE, FUTURE TENSE, I THINK IF IT WAS ME, AND THIS WAS IN FRONT OF THE CITY HEIGHTS TOWN COUNCIL, I WOULD GET THE PEOPLE WHO WROTE THESE DOCUMENTS AND DID THESE SURVEYS, AND BRING THEM IN AND ASK THEM EXACTLY WHAT THEY DID AND DID NOT DO, AND WHAT THEY INTENDED BY THOSE STUDIES. OKAY. BECAUSE I CAN'T FIND ANYTHING THAT EVALUATES RUN-OFF, EHAUST FUMES, HAZARDS TO PERSONELL IN THIS PARK. I JUST CAN'T FIND A SINGLE REFERNECE TO A ROAD IN EITHER DOCUMENT THT I READ THAT HAVE TO DO WITH ENVIRONMENTAL OR NEGATIVE DECLARATION. I THINK I WOULD RECOMMEND THAT IS WHAT YOU DO BECAUSE IT'S JUST NOT THERE. THANK YOU.

PRESIDENT PETERS: THANK YOU. PATTY VACCARIELLO FOLLOWED BY MAZDA MIRAL.

PATTY VACCARIELLO: GOOD AFTERNOON. I'M PATTY VACCARIELLO FROM THE ISLENAIR NEIGHBORHOOD OF CITY HEIGHTS. I HAVE A HND-OUT FOR THE STFF

MEMBERS IF STAFF COULD PLEASE COME AND GET IT, AND I'D LIKE THE COUNCIL MEMBERS TO TAKE A LOOK AT THAT AND ASNWER ONE QUESTION. WHICH PARK WOULD YOU LIKE. THANK YOU. CITY HEIGHTS IS ONE OF THE MOST DENSELY BUILT AREAS OF THE CITY. WE ARE EXTREMELY PARK DEFICIENT AND NEED THE LARGEST PARK POSSIBLE. THAT SPACE NEEDS TO BE USEABLE, FAIRLY FLAT, AND NOT STEEP HILLSIDES AND OUR PARK NEEDS TO BE A SAFE PLACE AWAY FROM STREETS FOR OUR CHILDREN TO PLAY. WE SHOULD NOT BUILD A STREET THROUGH THIS NEW PARK. THERE IS ENOUGH USEABLE FLAT SPACE TO CONSTRUCT A 24 FOOT WIDE PUBLIC STREET AND A FIVE FOOT SIDEWALK AND PARKING. IF WE DON'T BUILD A STREETS AND RETURN TO THE PARK ONLY PLAN DEPICTED IN THE GRANT, WE COULD USE THIS STRIP OF LAND FOR PARK DEVELOPMENT. THE CITY HAS TRIED TO CONVINCE US THAT IF WE DID NOT BUILD THE ROAD, WE OULD BE LEFT WITH LESS AVAILABLE SPACE, ONLY AN 8 FOOT STRIP MEASURING A TENTH OF AN ACRE. BUT I ASK YOU TO DO THE MATH, LADIES AND GENTLEMEN. A 37 FOOT RIGHT OF WAY WHICH IS REPLACED BY A NINE FOOT SERVICE ROAD WOULD NEARLY DOUBLE THE USEABLE SPACE IN OUR PARK. THAT 9 FOOT UTILITY ROAD, OR MAINTENANCE ROAD COULD BE USED AS PART OF AN ATTRACTIVE SYSTEM OF TRAILS THROUGHOUT THE PARK. AND WE COULD RESTORE THE CANYON TO ITS NATIVE HABITAT BEFORE DENSIFICATION TOOK ITS TOLL. THAT WOULD GIVE US PARK USERS A CHANCE TO EXPLORE OUR URBAN CANYON SYSTEM, UP CLOSE, ON FOOT AND BY BICYCLE. LETS FACE IT. ONCE OUR CANYON IS DESTROYED BY DEVELOPING A STREET, THIS RESOURCE WILL BE GONE FOREVER. THIS PARK IS DIFFERENT FROM ANY OTHER PARK WE'VE DEVELOPED IN CITY HEIGHTS BECAUSE THERE IS A CREEK RUNNING THROUGH IT. THE CREEK IS PART OF THE CHOLLAS COMPLEX THAT EMPTIES INTO THE BAY. THIS WILL BE THE FIRST PARK WE'VE DEVELOPED IN CITY HEIGHTS THAT HAS A WETLAND HABITAT. THAT'S A BIG DEAL FOR US AND FOR THE CITY. IT'S A GREAT EDUCATIONAL OPPORTUNITY WHICH WOULD BE LOST IF WE WERE TO BUILD A STREETS THROUGH THE PARK, INSTEAD OF A TRAIL SYSTEM THAT MEANDERS THROUGH THE PARK. SAN DIEGANS LOVE THEIR CANYONS.

CITY HEIGHTS IS NO EXCEPTION. I STRONGLY URGE YOU TO SUPPORT PARK WHICH IS DESPARATELY NEEDED AND TURN DOWN THE STREET IN THE STRONGEST TERMS POSSIBLE. TELL THE CITY TO BUILD THE PARK WE WERE PROMISED, THE PARK WE DESPERATELY NEED, THE PARK WE CAN BE PROUD OF FOR MANY GENERATIONS TO COME. A ROAD IS NOT A PARK. THANK YOU.

PRESIDENT PETERS: MAZDA MERAL FOLLOWED BY JEANETTE NEELEY.

MAZDA MERAL: GOOD AFTERNOON LADIES AND GENTLEMEN. MY NAME IS MAZDA MERAL, I'M PART OF THE FIXTURE IN CITY HEIGHTS AND THE REASON I'M HERE TO DAY IS BECAUSE I'VE BEEN ASKED BY MANY OF THE PEOPLE IN THE COMMUNITY TO COME AND TALK TO DIFFERENT ISSUE. AND ONE OF THEM IS WE DON'T WANT TO MAKE THE SAME MISTAKE AS OTHER CITIES THEY DID. SUCH CITIES LIKE RIVERSIDE IN CALIFORNIA, OR HOUSTON, TEXAS, WHAT THEY DID, THEY PUT SOME ROADS THROUGH THEIR PARKS TO EASE THE TRAFFIC AND WHAT HAPPENED, IT BACKFIRED AND BRING DRUG TRAFFICING AND ALSO GANGS TO THE AREA. AND THAT'S WHAT WE ARE REALLY CONCERNED ABOUT IN THE AREA, BECAUSE THE CITY HEIGHTS IS A VERY HIGH-DENSITY AREA AND CENTER OF THE GANG ACTIVITIES. ANY TIME YOU HAVE THE ROAD, YOU'RE GOING TO HAVE GANG ACTIVITY, REGARDLESS. THIS PARK IS FOR THE PEOPLE AND NOT FOR THE GANGS. PLEASE. THANK YOU.

PRESIDENT PETERS: JEANETTE NEELEY FOLLOWED BY MOHAMMED AHMED.

NEELEY: HI. YES I'M JEANETTE NEELEY AND I LIVE IN THE RIDGEVIEW NEIGHBORHOOD. AND I WAS THERE TWO YEARS AGO WHEN THE PARK PEOPLE BROUGHT THE PLAN TO THE REC COUNCIL IN CITY HEIGHTS AND I WAS ON THE BOARD, SO I WAS ABLE TO VOTE. AND IT WAS A BEAUTIFUL PARK AND IT WAS A BEAUTIFUL CONCEPT. BUT I WAS PUZZLED BACAUSE THEY HAD A ROAD GOING THROUGH IT THAT THEY SAID THEY NEEDED FOR ACCESS FOR EMERGENCY VEHICLES AND AT THE TIME WE MADE THE SUGGESTION THAT, WELL, PUT A GATE AT EITHER END, YOU KNOW, THE NEED TO TAKE AWAY THAT PRECIOUS LAND TO MAKE A ROAD DIDN'T MAKE ANY SENSE. BUT I HDN'T SEEN THE AREA, SO I DIDN'T KNOW. AND SINCE THEN I'VE TAKEN

ALTADENA, AND YOU'VE HEARD SOME OF THE OTHER ROADS, AND I'VE GONE DOWN THERE. AND IF YOU PUT A TWO LANE ROAD IN THERE THEN YOU'RE ASKING THE CHILDREN TO RUN ACROSS THE STREET, BETWEEN THE PARK AND THE RESIDENTIAL AREA, AND A LOT OF THESE PEOPLE DON'T SPEAK ENGLISH, THE CONCEPT OF RIGHT OF WAY IS AN ISSUE, THERE IS A CREEK BED THERE. I MEAN, YOU'RE ASKING TO PUT A ROAD, A PARK, CHILDREN TOGETHER. I JUST DON'T UNDERSTAND. THANK YOU.

PRESIDENT PETERS: THANK YOU. MOHAMMED AHMED. I'LL JUST REMIND EVERYONE I REALLY HAVEN'T RESTRICTED ANYONE, BUT WE'RE SUPPOSED TO BE ADDRESSING THE ENVIRONMENTAL DOCUMENT. AND FOLLOWED BY ABDI ABDUL.

MOHAMMED AHMED: MY NAME IS MOHAMMED AHMED AND I LIVE BANDAR SALAAM RESIDENCE, AND I REPRESENT NEIGHBORHOOD AROUND IT. CITY COUNCIL MEMBERS, I WANT TO SAY THAT EVERY MORNING WE HAVE 100 CHILDREN WHO GO TO MARSHALL ELEMENTARY SCHOOL. THEY GO THROUGH THAT WAY. IF WE PUT IN BETWEEN THE SCHOOL AND RESIDENTIAL AREA THIS ROAD WITH ITS BIG HEAVY TRAFFIC, WE PUT OUR CHILDREN IN A DANGEROUS SITUATION. WE SUPPORT THE PARK, BUT NOT THE ROAD. IF THE STREET IS BUILT TRAFFIC ON WINONA AVENUE WILL INCREASE 500%. RIGHT NOW WE HAVE 525 CARS PER DAY, WHICH MEANS IF WE GO PRACTICALLY TO THE AREA OR TO THAT STREET, THERE IS NO TWO CARS THAT CAN PASS AT THE SAME TIME. UNLESS WE STOP ONE AND GO THE OTHER ONE. SO HOW ABOUT IF WE INCREASE THAT AMOUNT TO 2,500 CARS. THIS MEANS WE PUT OUR CHILDREN IN A DANGEROUS SITUATION. AND THE CHILDREN, WE BELIEVE THAT IS OUR FUTURE. ON THE OTHER HAND, THE STREET OF WINONA NOW IS A CURVE, SO THE DRIVERS CANNOT SEE THE PEOPLE CROSSING THE STREET. SO IT IS VERY, VERY DANGEROUS TO THE NEIGHBORHOOD. OUR NEIGHBORHOOD NEEDS MORE SPACE FOR THE PARK. OUR CHILDREN, THEY NEED MORE SPACE AND GREEN LAND BUT THEY DONT NEED MORE TRAFFIC. IT IS NOT GOOD ADVICE TO PUT, IN ONE HAND, THE PARK AND BETWEEN THE RESIDENTS AND PARK WE PUT BIG TRAFFIC. IT IS VERY, VERY DANGEROUS. ON THE OTHER HAND, IF THE CASE TO BUILD

THAT ROAD, ITS FOR THE POLICE ACCESS.

PRESIDENT PETERS: IM SORRY, SIR, IM GOING TO HAVE TO ASK YOU TO

AHMED: OKAY. THEN WE SAY THE POLICE ITSELF SAY IN A WRITTEN STATEMENT THAT STREET IS NOT NEEDED ANY MORE. THANK YOU.

PRESIDENT PETERS: THANK YOU. ABDI ABDUL, AND THEN JOHN STUMP WILL HAVE HIS 31/2 MINUTES TO CONCLUDE.

ABDUL: MY NAME IS ABDI ABDUL. I LIVE IN WINONA BANDAR SALAAM APARTMENTS. COUNCILMEMBERS, LADIES AND GENTLEMEN, IN THE HOUSE, I SALUTE YOU ALL. THE RESON I'M HERE TODAY IS THAT…

PRESIDENT PETERS: MR. ABDUL I ASK THAT YOU BRING THE MICROPHONES TOGETHER AND SPEAK DIRECTLY INTO THEM.

ABDUL: MY NAME IS ABDI ABDUL AND I LIVE IN BANDAR SALLAM APARTMENT. I HAVE A BIG MESSAGE FOR MY COMMUNITY, NEIGHBORHOODS. THEY ARE ALL ACTUALLY DESPERATELY IN NEED OF A BIG PARK. AT LEAST SO THAT ALL THE CHILDREN AND THE NEIGHBORS COULD HAVE A NICE SPACE AND GOOD PARK TO PLAY AT. BUT THEY'RE NOT SUPPORTING THE ROAD. THE CONSTRUCTIONOF THE ROAD BECAUSE MOST OF THE PEOPLE, THEY DON'T HAVE TRANSPORTATION TO THE NEIGHBORING SCHOOLS. MOSTLY ITS JUST A WALKING DISTANCE, PEOPLE ARE CROSSING THE OTHER SIDE OF THE SCHOOL. AND IF THIS ROAD IS CONSTRUCTED, ITS GOING TO DESPERATELY CUT THE TRANSPORTATION BETWEEN THE SCHOOL AND THE APARTMENTS AND THE CHILDREN. AND THE OTHER THING IS WE ARE ACTUALLY LIVING DOWN THE HILL WHERE THIS ROAD IS MOSTLY GOING TO BE CONSTRUCTED. ALREADY WE ARE HAVING PROBLEMS WITH ALL THESE ROADS BEING CONSTRUCTED. IF THIS ROAD IS GOING TO BE CONSTRUCTED, THE PROBLEM WILL BE VERY HARD THAN ANTICIPATED. SO BASICALLY WE SUPPORT THE PARK, BUT WE DON'T SUPPORT THE ROAD. THANKYOU.

PRESIDENT PETERS: THANK YOU. MR. STUMP, I'D ASK YOU TO COME UP. AND ASK AGAIN IF YOU COULD STICK TO THE ENVIRONMENTAL REVIEW THAT WE'RE DEALING

WITH.

STUMP: THANK YOU, YOUR HONOR. I THINK I HAVE BEEN FOCUSED ON THAT. AND I APPRECIATE THE COURTESY AND TIME YOUVE GIVEN ME. I'D LIKE TO KEEP FOCUSED ON THAT, AND AS I BEGAN INITIALLY, MY CONCERNS ABOUT THIS PROJECT WAS THAT THE NOTICE TO THE PUBLIC WAS INADEQUATE. IT WAS FLAWED. THE NOTICE CONCERNING THIS. THE NOTICE CONCERNING THIS PROJECT WAS FLAWED IN THAT THE DESCRIPTION CONCERNING IT WAS ABOUT A PARK PROJECT AND THE PARK PROJECT DESCRIBED A ROAD LOCATION THAT WAS WRONG. THE ROAD, ONTARIO AVENUE FOR THIS PROJECT, IS WHERE THE CREEK IS. THE CREEK, THE PAPER STREET, IS AS SHOWN ON THAT MAP THAT MS. VACCARIELLO PASSED OUT. THE ROAD THAT IS BEING CONSTRUCTED AND PROPOSED BY STAFF IS UP IN THE PARK. THAT'S A NEW ROAD. THE GATE THAT THEY DIDN'T SHOW THAT STAFF HAS MADE AND MAINTAINED AND CONSTRUCTED, EXTINGUISHED THE CEQA EXEMPTION. CITY STAFF, PARK AND REC, HAS MAINTAINED A GATE TO DENY ACCESS TO THE PUBLIC IN THIS PARK. ALSO, I WANT TO BRING TO THE COUNCILS ATTENTION, KIND OF REFRESH THEIR MEMORY, THAT ON JUNE 13, 2005, COUNCIL APPROVED A MANAGERS REPORT IN AN ITEM TO ENTER INTO ESCROW ON THIS PROPERTY. AND ONE OF THE ITEMS OR ARGUMENTS THAT THERE WAS A PROBLEM THAT THERE COULDN'T BE A CUMULATIVE IMPACT WAS THERE HAD TO BE A DUAL ESCROW. MY UNDERSTANDING, THE REPORT 0 5130 YOU ARE ENTERING INTO AN ESCROW ON THIS PROPERTY. FINALLY, REMEMBER, THE APPLICANT ON THIS PROJECT ISN'T JUST THE CITY OF SAN DIEGO. ITS THREE PROPERTY OWNERS. THIS IS A DEVELOPMENT PROJECT. YOU DON'T OWN THIS PARK LAND YET. IT'S THE CITY OF SAN DIEGO, LARRY ZONARK, MS. SMITH ZONARK AND ANOTHER INDIVIDUAL. SO REMEMBER, THIS IS A DEVELOPMENT PROJECT. YOU DON'T OWN IT. IT'S GOING TO CAUSE TREMENDOUS DEVELOPMENT IN OUR VALLEY, AND ITS ENVIRONMENTALLY SENSITIVE. YOU'RE GOING TO HAVE TO BUY NEW LAND TO REPLACE THIS PARK. AND WE'D LIKE YOU FINALLY, AS PART OF THE MITIGATION MEASURE, TO DIRECT THE CITY MANAGER

TO BUY REPLACEMENT LAND IN THIS VALLEY, NOT OUTSIDE OF CITY HEIGHTS. THANK YOU. AMEND THE CEQA DOCUMENT TO BE CONSISTENT, BUY IT IN CITY HEIGHTS.

PRESIDENT PETERS: THANK YOU, JUST FOR THE RECORD, WE HAVE SOME ADDITIONAL SPEAKERS WHO HAVE REGISTERED THEIR SUPPORT OF THE APPEAL. I DONT THINK THEY NEED TO SPEAK. WANJIRU GOLLY, CALIF IGOL, HASSAN FARAR, BASHA ABDISABOU, ABDULLAHI JUSEF, ABDI DERAL, MOOMIN EGAL, MOHAMMED AHMED, MOHAMMED EGAL, ABDI RUSAKIUSU. ALRIGHT. JUST A COMMENT THAT I DIDN'T - A LOT OF PEOPLE SPOKE ON ISSUES BEYOND THE SCOPE OF THE ENVIRONMENTAL DOCUMENT, THAT TOOK FORTY MINUTES. I'LL ALLOW THE SAME AMOUNT OF TIME AND THE SAME LEEWAY AS WELL. JUST TO GIVE SOME CONTEXT.

MADAFFER: MR. PETERS, I JUST HAD A QUESTION. I DON'T KNOW WHEN THE APPROPRIATE TIME WOULD BE BUT, I MADE NOTE OF A NUMBER OF ISSUES MENTIONED. IS THERE A POINT WHERE STAFF IS ABLE TO COMMENT?

PRESIDENT PETERS: WHAT I'LL DO IS I'LL ALLOW STAFF TO RESPOND AFTER THE SPEAKERS AND I'LL - YOU'RE FIRST ON LIGHTS SO I'LL JUST HAVE THEM RESPOND TO YOUR QUESTIONS. OKAY WE'LL BEGIN WITH JOSE LOPEZ. MR. LOPEZ YOU HAVE SPEAKES CEDING TIME TO YOU, SO YOU'LL HAVE 12 MINUTES. THE SPEAKERS ARE JOSE MAXIMO GOMEZ, DORIS PEARSON AND WILLIAM PUNAC. ARE YOU ALL HERE? OKAY.

LOPEZ: I'M SUPPOSED TO HAVE FIFTEEN MINUTES.

PRESIDENT PETERS: YOU NEED ONE MORE SPEAKER TO GET FIFTEEN MINUTES. WOULD SOMEONE ELSE – WHAT'S YOUR NAME? SUSAN, OKAY. YOU HAVE FIFTEEN MINUTES.

LOPEZ: BEFORE I START, YOU'RE SUPPOSED TO HAVE A LETTER FROM JIM BUCKLY IN FRONT OF YOU, AND A LETTER OF SUPPORT WITH 15 SIGNATURES FROM THE FACULTY OF MARSHALL, AND A LETTER OF SUPPORT FROM THE WALDORF SCHOOL WITH 60 SIGNATURES FROM THE PARENTS AND THE TEACHERS OF THE WALDORF ACADEMY. YOU'LL HAVE TO EXCUSE ME, I'M SUFFERING SOMETHING OR PROBABLY I'M GOING BACK TO PUBERTY SO THIS IS HOW YOU'LL BE. SO I'M JOSE LOPEZ OF 4916

LANTANA DRIVE, AND PRESIDENT OF THE FOX CANYON NEIGHBORHOOD ASSOCIATION. AND BEFORE YOU IS MY COMMUNITY OF FOX CANYON. PLEASE TAKE A LOOK AT THEM. BEFORE YOU ARE ALL KINDS OF PEOPLE. THESE ARE THE PEOPLE IN MY NEIGHBORHOOD THAT HAVE BEEN ABLE TO SEE FROM DAY ONE WHAT THIS PROJECT IS ALL ABOUT. THANK YOU. NEXT SLIDE, PLEASE. COUNCIL PRESIDENT PETERS AND HONORABLE MEMBERS OF THE CITY COUNCIL, THE COMMUNITY OF FOX CANYON IS HERE BEFORE YOU AND RESPECTFULLY URGE YOU TO ADOPT THE APPEAL AND UPHOLD THE ENVIRONMENTAL APPEAL AND APPROVE THE DETERMINATION. JUST A LITTLE BIT OF HISTORY, BECAUSE I KNOW I CAN'T GET INTO THE PARTICULARS OF THE PROJECT, BUT ON FEBRUARY 20TH, 1999, WE SENT THIS LETTER TO MR. GONZALEZ. AND COPIES TO JUDY MCCARTY AND FORMER COUNCILMEMBER CHRISTINE KEHOE. I'LL COME BACK TO THAT ONE IF NEEDED. GO BACK TO THE NEXT ONE. THIS LETTER THAT WAS SENT TO COUNCILMEMBER JUDY MC CARTY WAS ALSO SENT A COPY TO FORMER COUNCILMEMBER JUAN VARGAS, CHRISTINE KEHOE AND ALSO MR. VARNADORE, CHAIR OF CITY HEIGHTS AREA PLANNING COMMITTEE. IN THERE IF YOU NOTICE, ON THE FIRST BULLET, IT SAYS, FOX CANYON PARK, THE FIRST BULLET. FOX CANYON PARK. THAT'S PLEASE KEEP THAT MENTAL NOTE, FOX CANYON PARK. NEXT, PLEASE. AGAIN, ANOTHER LETTER ADDRESSED TO MR. JIM VARNADORE. NOW WE HAVE JIM VARNADORE, JUDY MCCARTY AND CHRISTINE KEHOE, NEXT ONE, PLEASE. THE PARK GRANT APPLICATION AND THE MND CORRECTLY IDENTIFYING THE NAME OF THE PARK AS FOX CANYON. NEXT, PLEASE. BUT THE CHAPC CHAIR NOTICES SOMETHING QUITE INTERESTING. ON 51 ONE PART SAYS A PARK AT THE UPPER BRANCH OF CHOLLAS CREEK PARK INFORMATION, AND THEN ON THE OTHER ONE ON 51 AGAIN, IT SAYS A SITE PERMIT FOR A PARK IN THE CHOLLAS CREEK COMMUNITY. NEXT, PLEASE. ALTHOUGH THE PROPONENTS AND SUPPORTING COMMUNITY NAMED THE PARK FOX CANYON IN 1999 AND WE DID SEND COPIES TO MR. VARNADORE, AND THE CHAIR ALL BY HIMSELF DESPITE OF THE COMMUNITIES WISHES NAMED THE PARK DIFFERENTLY. YOU CAN SEE FOUR DIFFERENT NAMES FOR THE SAME PARK IN ADDITION TO THAT. LOOK AT THIS

PICTURE ON THE BOTTOM. THAT WAS ISSUED BY HIM AND THESE ARE WORDS THAT OUR COUNCILMEMBER PUT OUT AND IT SAYS, "WITH THE GROWING INADEQUACY OF PARKS AND OPEN SPACES IN THE INNER CITY AS WELL AS INCOME LEVELS BELOW AVERAGE, THE DEVELOPMENT OF THE", HE CHANGED THE NAME, "CHOLLAS CREEK PARK. THE CORRECT NAME FOR THIS PARK WILL BECOME A MAJOR CATALYST FOR COMMUNITY REVITALIZATION. WHO, JIM VARNADORE, FRIDAY MARCH 17, THANK YOU, PLEASE. THE FRIENDS OF FOX CANYON PARK FILED, A GROUP THAT EXISTED PRIOR TO DECEMBER FILED BEFORE THE APPEAL, THE SOLE PURPOSE WAS TO FILE THIS APPEAL. NOW THE CONNOTATION ATTACHED TO FRIENDS IS A LAWSUIT LIKE FRIENDS OF DAVIS, WE ARE ALL FAMILIAR WITH WHO THE FRIENDS OF DAVIS ARE. IN OUR PROPOSAL ARE SOME OF THE SAME INDIVIDUALS HOLDING SEATS ON THE CITY HEIGHTS AREA PLANNING COMMITTEE. THE APPELLANTS, THE FRIENDS OF FOX CANYON PARK ARE SOME OF THE SAME PEOPLE IN THE EUCLID RAP – AT LEAST THE PARTICIPANTS. YOU WILL SEE ON THE LEFT ONE JIM VARNADORE, CHAIR AT THE TIME, AND THEN COMMUNITY PARTICIPANTS AND VOILA, LOOK AT THAT ONE, PATTY VACCARIELLO AND HER MOTHER, AND JESSIE SERGENT. THANK YOU. NEXT PLEASE. THE APPELLANTS ARE PEOPLE WHO DONT LIVE IN FOX CANYON AT ALL. I THANK MY NEIGHBOR, JILL VAN CLEVE FOR GIVING ME THIS MAP. IT IS IN THE LETTER SHE WROTE TO YOU. WHAT CHARACTERISTICS ARE ON THE OFFICIAL APPELLANTS ON THE APPEAL. THEY DONT EVEN LIVE IN DISTRICT 7. LOOK UP HERE. YOU HAVE ONE POINT ON RIDGEVIEW, YOU HAVE THREE POINTS THAT'S IS AZALEA PARK, AND ANOTHER ONE IN THE 44 AND ORANGE, AND THE OTHER ONE ON BANCROFT NORTH PARK. DO THEY LIVE IN FOX CANYON, NO. ARE THEY GOING TO BE NEGATIVELY AFFECTED, NO. ARE THEY GOING TO LIVE IN DISTRICT 7, NO. NOW, GO BACK, PLEASE. NEXT ONE.THIS IS THE PRESENT ENVIROMENT, POLLUTANTS SILT AND TRASH AND RUNOFF ARE NOW FLOWING FREELY AND UNABATED INTO AUBURN CREEK AND THEREON TO THE SAN DIEGO BAY. NEXT, PLEASE. THE BRIDGE OVER AUBURN CREEK MITIGATES FACTS, THE PREFABRICATED, NOT BUILT IN PLACE, TO STOP OR TO MITIGATE THE EFFECTS ON THE ENVIRONMENT AND MOREOVER BESIDE THE CREEK

EXPANDS INTO THE CREEK. IF THERE IS NO IMPACT TO THE CREEK, THERE IS NO MITIGATION REQUIRED. NEXT, PLEASE. ON ONTARIO AVENUE, FILLED WITH GREAT SLOPES, STOP RUNOFF FROM DIRECTLY RUNNING TO AUBURN CREEK. RUN OFF FROM THE ROAD AND THE CREEK WILL BE DIVERTED AND FILTERED TO REMOVE CONTAMINANTS, TRASH AND DEBRIS BEFORE THE WATER REACHES THE CREEK. THIS IS CONSISTENT WITH THE CITY STORMWATER REGULATIONS. IS AN ERA REQUIRED NO. NOT WHEN ALL SIGNIFACANT IMPACTS CAN BE MITIGATED AND REDUCED TO BELOW THE LEVEL OF SIGNIFICANCE TO BELOW THE LEVELS OF SIGNIFICANCE. WHEN A NEG DEC IS APPROPRIATE AND THE WAY, AND THIS IS NOT THE ILLEGAL SEGMENTATION OF A CEQA DOCUMENT. NEXT, PLEASE. THE STATE OF CALIFORNIA CLEARLY HAS SUBMITTED THE MITIGATED NEGATIVE DECLARATION TO SELECTED AGENCIES FOR REVIEW. OH, MY GOODNESS. THAT SOUNDS VERY WEIRD. THE REVIEW CLAUSE OF SEPTEMBER 22 05, AND NOW NO STATE AGENCY SUBMITTED COMMENTS BY THAT DATE. THIS LETTER ACKNOWLEDGES THAT YOU HAVE COMPLIED WITH THE STATES CLEAN HOUSE REVIEW REQUIREMENTS FOR DRAFT ENVIRONMENTAL DOCUMENTS PURSUANT TO CEQA. THE SAN DIEGO COUNTY ARCHILOGICAL SOCIETY. LOOK AT THIS, THIS IS GREAT. "BASED ON THE INFORMATION CONTAINED IN THE MND AND INITIAL SUDY, WE AGREE WITH THE IMPACT ANALYSIS AND MITIGATION MEASURES AS PRESENTED, SIGNED BY JAMES ROYLE CHAIRPERSON ENVIRONMENTAL REVIEW COMMITTEE. EXPERTS. NEXT, PLEASE. SO IN THIS CASE, THE APPELLANTS LIKE RITA GENTRY, RITA GENTRY RAISES EVERY CONCEIVABLE OBJECTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CEQA, TO BE APPROVED BY THE CITY OF MURRIETA. THE CITY FOUND THAT THE PROJECT AS MITIGATED WOULD NOT HAVE ANY SIGNIFICANT ENVIRONMENTAL EFFECT AS A RESULT. IT ADOPTED THE MITIGATED NEGATIVE DECLARATION AND APPROVED THE PROJECT. THE TRIAL COURT OBJECTED TO GENTRY'S OBJECTIONS. I GUESS RITA MUST HAVE HAD A LOT OF MONEY. NEXT PLEASE. THE APPEAL TO THE FOX CANYON NEIGHBORHOOD PARK RAISES VIRTUALLY EVERY CONCIEVABLLE OBJECTION UNDER THE CEQA LAW BY NONEXPERTS BUT DIRE PREDICTIONS BY THE NONEXPERTS

REGARDING THE CONSEQUENCES OF THE PROJECT DO NOT CONSTITUTE SUBSTANTIAL EVIDENCE. NEXT PLEASE. REAL FACTS NOT FEELINGS LIKE FEAR, ANGER, HATE, I MEAN KIDS ARE GOING TO BE RUN OVER, WHATEVER, UNSUBSTANTIATED OPINIONS, CONCERNS AND SUSPICIOUS ABOUT A PROJECT, THOUGH SINCERE AND DEEPLY FELT, DO NOT RISE TO THE LEVEL OF SUBSTANTIAL EVIDENCE SUPPORTING A FAIR ARGUMENT OF SIGNIFICANT ENVIROMENTAL EFFECT. ENVIROMENTAL DECISIONS SHOULD BE BASED ON FACTS, NOT FEELINGS. OKAY. NEXT PLEASE. SIGNIFICANT ENVIRONMENTAL CONCERNS OF THE SIERRA CLUB ALLEGED THE DISTRICTS VIOLATED THE CEQA BY USING NEGATIVE DECLARATIONS INSTEAD OF ENVIROMENTAL IMPACT REPORTS BROUGHT BEFORE YOU TODAY THAT'S EXACTLY WHAT THEY WANT. ALRIGHTTO ANALYZE THE ASSIGNMETNS ENVIROMENTAL IMPACTS. THE TRIAL COURT DENIES THEIR POSITION. THE TRIAL COURT SAYS NO WAY. NEXT, PLEASE. OUR PETITIONS. OUR PETITIONS TO CITY COUNCIL, 705 SIGNATURES IN TOTAL. YOU SEE THE ONE ON THE LEFT ON DENYING THE APPEAL, 305 PEOPLE, 305 BRAND NEW SIGNATURES REQUEST THAT YOU, INCLUDING THE ONES FROM THE WALDORF AND MARSHAL TO DENYING THE APPEAL TODAY. THEY EXCLUSIVELY SAY, PLEASE DENY THE APPEAL. IN ADDITION TO THAT, THE PETITION THAT WE HAVE 404 SIGNATURES, THAT THEY WANTED THE PROJECT. ALL PETITIONS INCLUDED THE STREET AND SO DID THE NEGATIVE DECLARATION. NEXT, PLEASE. HONORABLE MEMBERS OF THE CITY COUNCIL, IN CONCLUSION, THE APPEAL WAS THE NIGHT OF THE PLANNING COMMISSION, THEY DID DENY IT, THEY DID DENY IT. AFTER THOROUGH REVIEW, ALSO INCLUDED THE ROAD. WE RESPECTFULLY URGE YOU TO ADOPT THE RESOLUTION TO DENY THE APPEAL AND UPHOLD THE ENVIRONMENTAL DETERMINATION. WITH THAT, I THANK YOU FOR YOUR TIME. FOR YOUR ATTENTION. EXCUSE ME I'D BETTER GET OUT OF HERE BEFORE I DO SOMETHING WITH THE MICROPHONE.

PRESIDENT PETERS: THANK YOU.WE'LL GO NOW TO INDIVIDUAL SPEAKERS. HELEN KOZMINSKI FOLLOWED BY ALPHONSO VELASQUEZ AND MEE LONG WANTED TO BE IN SERIES SO, I'LL CALL YOU FIRST MS. KOZMINSKI. THREE MINUTES

KOZMINSKI: GOOD AFTERNOON. I ASK THE CITY COUNCIL TO DENY THE APPEAL -

PRESIDENT PETERS: MA'AM DO YOU WANT THAT TO RUN WHILE YOU'RE TALKING? OKAY WE'LL LET YOU TALK FIRST AND THEN RUN THE VIDEO.

KOZMINSKI: I'M HELEN KOZMINSKI. I LIVE ON EUICLID AVENUE FOR 33 YEARS OF DISTRICT 3 OF TONI ATKINS. I HAD THE KUSI NEWSCAST RECORDINGS OF THE FIRE EMERGENCY TO SHOW YOU BUT THE TAPE WOULD NOT WORK, SO AT THE FIRE, A MOTHER ON THE 3RD STOREY THREW HER INFANT TO SAFETY. WHEN SHE JUMPED, SHE BROKE THE LEGS OF THE GOOD SAMARITAN WHO BROKE HER FLL FROM THREE FLIGHTS UP BECAUSE OF NO ESCAPE FROM THE FIRE. AND I THANK YOU VERY MUCH. (TAPE RUN).

PRESIDENT PETERS: SORRY YOU GUYS ARE GOING TO RUN OUT OF TIME HERE. MR VELASQUEZ, DO YOU WANT TO CONTINUE TO RUN THE TAPE ON YOUR TIME? OKAY. YOU HAVE ANOTHER VIDEO? HOW LONG IS THAT VIDEO? OKAY WHY DON'T WE ROLL THAT VIDEO?

YOUNG: I'M SORRY. COULD YOU EXPLAIN THE REASON FOR THE VIDEO? I'M NOT SURE.

VELASQUEZ: MY NAME IS ALPHONSO VELASQUEZ. I AM THE OWNER OF (NOT UNDERSTOOD) TOWING. I DO THE TOWING FOR THE APARTMENTS THAT YOU SEE HERE. IF WE DON'T HAVE A ROAD GOING TOWARDS THERE, MAN, FIRE TRUCKS COULDN'T GET TO THE ACCIDENT TO MOVE ALL THE CARS THAT WERE BLOCKING THE ROAD. SO THAT'S WHY I BELIEVE THE PERSON THAT THREW THE LITTLE KID DOWN THE THREE STORIES BECAUSE WE COULDN'T GET TO THERE BECAUSE THERE IS NO PASSAGEWAY THERE. WE SENT THREE TRUCKS THAT DAY AND I GUESS ALL THOSE STREETS WERE BLOCKED.

PRESIDENT PETERS: OKAY. I THINK ACTUALLY YOU EXPLAINED THAT PRETTY WELL. IT DOESN'T GENERALLY HAVE TO DO WITH THE ENVIRONMENTAL REVIEW BUT, I THINK , YEAH, THANK YOU. MEE LONG. ALRIGHT AGAIN – ALRIGHT, ALRIGHT. AGAIN THIS IS – WE ARE SUPPOSED TO BE FOCUSING ON THE ENVIRONMENTAL REVIEW. YOU'RE

TALKING ABOUT THE NEED FOR A ROAD AND I UNDERSTAND THAT. OKAY. THOMAS DU. FOLLOWED BY PAMELA KOZMINSKI.

DU: COUNCILMEMBER PETERS. HONORABLE MEMBERS OF CITY COUNCIL. RESPECTFULLY, PLEASE ADOPT THE RESOLUTION TO DENY THE APPEAL AND UPHOLD THE ENVIRONMENTAL DETERMINATION. NEXT SLIDE. ANOTHER ONE PLEASE. DOES THE STEEPNESS OF LOWER WINONA INVITE HIGHER VEHICLE SPEED? THE ANSWER IS NO. THERE IS AN EXAMPLE HERE OF A PARK. NEXT SLIDE PLEASE. THAT PARK IS MORLEY FIELD BASICALLY ON UPAS STREET BETWEEN 28TH AND ARNOLD. THE PARK COMES RIGHT UP TO THE CURB AND NO SIDEWALK AT ALL. NOTICE THE TRAIL CAR BY THE USER ON THE RIGHT HAND SIDE. THAT'S BECAUSE THERE IS NO SIDEWALK AVAILABLE. NEXT SLIDE PLEASE. IS THERE APRECEDENT TO PARKS FRONTED BY STEEP STREETS? THE ANSWER TO THAT IS ALSO YES. MORLEY FIELD. NEXT SLIDE PLEASE. IS THERE A DANGER FOR KIDS TO PLAY IN A PARK WITH A FRONTAGE STREET? OF COURSE THIS PARK HAS SPACE FOR KIDS TO PLAY AND IT IS NOT A DANGER. HJOWEVER, FOX CANYON PARK IS UNIQUE. CAN YOU GO BACK FIVE SLIDES PLEASE. I WAS PART OF THE DESIGN COMMITTEE AND I WAS THERE WHEN THEY FIRST HAD THEIR MEETING. AND WHAT IS UNIQUE ABOUT THIS PARK IS THAT THE DESIGN HAS A STREET THAT IS GENTLE SOMEWHAT CURVED. IT IS NOT A BLIND SHARP CURVE. WHICH CAN BECOME A PROBLEM. TO MITIGATE THE NEED OF DISABLED PEOPLE TO HAVE ACCESS RIGHT UP TO THE HEART OF THE PARK. NOW, IF YOU CAN PLEASE LOOK AT THE PICTURE ON THE TOP RIGHT PICTURE IN THE SPCE WHERE THE KIDS WILL BE PLAYING. WHAT I LIKE TO POINT OUT TO YOU ARE A COUPLE OF FACTS THAT IS PART OF THE DESIGN THAT WE WERE FOCUSSING ON TO MAKE SURE THAT THERE IS NO DANGER FOR KIDS. THE FIRST PART IS THAT THE PARK SPACE IS RAISED. BASICALLY IT IS HIGHER THN WHAT IS ONTARIO ROAD. SO IT IS, VISUALLY IT IS NOT AT THE SAME LEVEL, IT IS HJIGHER THAN THE STREET. NOW IF THERE WAS A CHILD PLAYING AND GOD FORBID THERE WAS A BALL THAT ROLLS DOWN AND GOES TOWARD THE STREET, A COUPLE OF GOODFEATURES THAT THIS PARK HAS IS THAT IT HAS AN ACCESSIBLE CONCRETE WALK. OKAY. IT HAS A

PARKING LOT FOR HANDICAPPED, RIGHT IN FRONT OF IT, AND IT HAS A SIDEWALK. SO IN ORDER FOR THAT BALL TO ROLL ALL THE WAY THROUGH ALL THOSE BARRIERS, THE CHILD ALSO HAS TO GO THROUGH ALL THOSE BARRIERS BEFORE THEY FACE THE DANGER. OF COURSE THIS PARK DOES NOT CREATE A DANGER FOR CHILDREN. THANK YOU.

PRESIDENT PETERS: PAMELA KOZMINSKA FOLLOWED BY TED KOZMINSKI. IS THAT POSSIBLE? JUST COINCIDENCE?

KOZMINSKA: I JUST WANT TO WAIT UNTIL MY PICTURE COMES UP BEFORE I START PLEASE. HONORABLE COUNCIL PRESIDENT SCOTT PETERS, MEMBERS OF THE COUNCIL. THANK YOU FOR HEARING US TODAY. I ASK THE CITY COUNCIL TO DENY THE APPEAL ND UPHOLD THE ENVIRONMENTAL DETERMINATION. HOW WILL THE ROAD SAVE THE CITY MONEY AND LOWER THE POLICE AND EMERGENCY SERVICES? FOX CANYON PARK WITHOUT A ROAD HELPS PROMOTE USE BY GANGS. AND HOW DO WE KNOW THAT. WE HAVE GRAFITTI EVIDENCE ALL OVER THIS EXISTING AREA. LOOKING AT IT FROM THE POINT OF VIEW OF A CRIMINAL, SECLUSION MITIGATES POLICE PATROL. WE WANT TO LOOK AT IT FROM THE OTHER POINT OF VIEW. THE ROAD WOULD MITIGATE COSTLY POLICE HELICOPTER TIME. WHAT IS THE CURRENT FEE NOW FOR A HELICOPTER? SEVEN HUNDRED DOLLARS AN HOUR, I THINK, IS THAT THE CURRENT RATE? SO BY HAVING A ROAD WHICH THE POLICE CAN PATROL BY CAR WOULD THEN LOWER THE NEED FOR HELICOPTER TIME WHICH CURRENTLY HAS TO BE USED. CURRENTLY, NO ROAD CONNECTION MAKES DUMPING EVEN EASIER OF TRASH BECAUSE IT IS SECLUDED. BY HAVING A ROAD, AS YOU CAN SEE SOME OF THE SOFAS, THIS IS A PILE OF ROOF TILES, ROOFING THAT HAS BEEN THROWN THERE, NAILS ARE THERE, ROOFING IS THERE, YOU SAW A SOFA, A ROCKER CHAIR. I HOPE YOU ALL, I'M CURIOUS, HAVE ALL OF YOU HAD A CHANCE TO VISIT THE SITE? COUNCIL PERSONS? OKAY GOOD. I WAS GOING TO MAKE A JOKE AND SAY I HOPE YOU'VE HAD YOUR TETANUS SHOT, BECAUSE IF YOU WALK AROUND IN THERE YOU COULD STEP ON A NAIL. I'M SERIOUS. SAFE ROUTES TO SCHOOL . CHILDREN NOW USE THE DRY CEMENT RUN-OFF CHANNEL CONNECTING ROAD

MITIGATES PARENTS DRIVE TIME. INSTEAD OF DRIVING AROUND THE CANYON TO GET THEIR KIDS TO SCHOOL. A ROAD WOULD MITIGATE TRAFFIC ON EUCLID AVENUE. ITS VIRTUALLY A PARKING LOT EARLY IN THE MORNING AND AFTER SCHOOL TIME – AN EXISTING PROBLEM WE HAVE OF TRAFFIC. LETS LOOK AT WHAT WE HAVE NOW. A SECLUDED CANYON WITH NO ROAD ACTUALLY INVITES GANG ACTIVITY. I HEARD THE OPPOSITE, BUT YOU REALLY LOOK AT WHAT WE CURRENTLY HAVE YOU CAN SEE THE GANG ACTIVITY WE HAVE NOW. IT PROMOTES TRASH DUMPING, NO NEED TO TRAVEL TO MIRAMAR LANDFILL, JUST DROP IT OFF, NO FEES TO PAY. JUST LET THE CITY COME LATER TO PICK IT UP FOR YOU. SECLUDED – NO-ONE WILL SEE YOU. NO ROAD, NO TRAFFIC, YOU'LL BE ANONYMOUS. YOU WIN THE CITY LOSES. BASICALLY ITS JUST THAT WE'LL HAVE A QUICKER RESPONSE TIME FOR THE FIRE TRUCKS TO COME SO THAT LATER ON WHEN SOMEONE WOULD PREVENT INJURY AND WE DON'T HAVE TO HAVE THE AMBULANCE COMING. THANK YOU VERY MUCH.

PRESIDENT PETERS: THANK YOU. TED KAZMINSKI FOLLOWED BY SAM DURAN.

KOZMINSKI: HELLO. I'M TED KOZMINSKI AND I LIVE ON EUCLID AVENUE ON TONI ATKINS SIDE OF THE STREET. ENVIRONMENTAL DAMAGE TO AUBURN CREEK AND FOX CANYON HAS BEEN HORRIFIC. IS IT FAIR TO MITIGATE THAT DAMAGE BY DENYING THOSE LIVING IN FOX CANYON A PROPER ACCESS TO THE EXTERNAL WORLD. FIRE TRUCKS, POLICE PROTECTION, AMBULANCE. SO I ASK THE CITY COUNCIL TO DENY THE APPEAL AND UPHOLD THE ENVIRONMENTAL DETERMINATION. INFRASTRUCTURE, THE DICTIONARY TELLS US, THE BASIC FACILITIES NEEDED FOR THE BASIC FUNCTIONING OF A SYSTEM. AUBURN AVENUE TAKES YOU DOWN A NARROW ONE WAY TWISTING STREET INTO AUBURN CREEK. GETTING BACK UP OUT OF THERE IS MORE OF THE SAME MANEOUVRES. IMAGINE WHAT LIFE IS LIKE IN A COMMUNITY TOTALLY DEPRIVED OF ANY SEMBLANCE OF INFRASTRUCTURE. A WHOLE TANGLE OF UNMANAGEABLE TRAFFIC AND OVERPOPULATION. DEVELOPERS UTILIZECHEAP LAND TO BUILD HUMAN WAREHOUSES, APARTMENTS UPON APARTMENTS, NO DESIGN FOR INTERNAL MOBILITY OR PROPER ENTRANCE AND EXIT OUT OF RECOGNIZED FLOOD PLAIN. OUR CITY

PLANNING ANTICIPATED POPULATION GROWTH IN SAN DIEGO EVEN IN FLOOD PLAINS. SO THIS EXTENSION OF ONTARIO AVENUE WAS DEDICATED AS A PAPER STREET, SET ASIDE TO MEET THE NEEDS OF FUTURE RESIDENTS HERE. THIS PROJECT'S TIME HAS COME. AND AS FOR THIS ILL-ADVISED APPEAL TO STOP IT ON THE GROUNDS OF ENVIRONMENTAL DAMGE, WELL, WHERE WERE THESE PEOPLE WHILE DEVELOPERS DEVASTATED THE AUBURN CREEK FLOOD PLAIN. AREN'T THEY A BIT LATE TO THE PARTY WITH THEIR MITIGATING ENVIRONMENTAL GIFTS. FINALLY WE CAN CREATE A SMALL PARK FOR THE KIDS IN FOX CANYON BUT MORE IMPORTANTLY, PAVE THAT ROAD, BUILD A BRIDGE TO CONNECT ALL THE PEOPLE OF FOX CANYON DIRECTLY TO THE REST OF THE WORLD. PLEASE DON'T LET THIS OPPORTUNITY TO SERVE THESE NEGLECTED FOLK OF FOX CNYON SLIP AWAY. FOR THE RECORD, SIZEMOLOGY HAS SHOWN SAN DIEGO TO BE A PRIME TARGET FOR A TSUNAMI VISIT. WORST CASE APPRAISAL EVERYTHING AND EVERYBODY ALONG WITH THEIR 72 HOUR SURVIVAL KITS WILL BE SWEPT OUT TO SEAWITHIN 20 MINUTES OF THE FIRST ALERT.

PRESIDENT PETERS: SAM DURAN. IGNACIO DIAZ. OKAY. SO YOU NEED TO SPEAK. MARIA PAYAN.

PAYAN: HOW ARE YOU. I WAS HERE BEFORE AND I TOLD YOU I LIVE RIGHT ON THE CROSS STREET OF ONTARIO AND AUBURN DRIVE. DIRECTLY AFFECTED BY THE CONDITIONS. I DIDN'T BRING YOU ANY FANCY SLIDES OR BIG SPEECHES. NO COLLECTION OF DATA SAYING HOW THIS WAS PRESENTED RIGHT AND WRONG. THOSE ARE TECHNICALITIES. TRUTH BE MADE. WE NEED A ROAD AND WE NEED A APRK THERE, FOR THEM, FOR THE LITTLE GIRL. WHERE DID SHE GO? FOR THEM. FOR THEM. YOU KNOW. WE'VE BEEN LIVING THERE FOR TEN YEARSME AND THIS LADY HERE, THE LADY THAT FINALLY CONSENTED TO COME WITH ME BECAUSE ITS CHILD, AND SHE DOES NOT OWN A CAR, SO SHE IS NOT GOING TO BE CONTRIBUTING TO THE TRAFFIC, AND BY THE WAY, THE PEOPLE THAT WILL BE USING THE ROAD ARE THE PEOPLE THAT ARE ALREADY DRIVING THROUGH THE NEIGHBORHJOOD BECAUSE THE REST OF THE WORLD HAS NO REASON TO GO THROUGH AUBURN DRIVE, ONLY THE RESIDENTS. WE NEED A WAY OUT

AND YOU KNOW, AS FAR AS ENVIRONMENTAL IS CONCERNED, POLLUTION IS BEING DUMPED IN THAT CREEK RIGHT NOW, LIKE THEY SAID ALREADY. I DON'T WANT TO REPEAT WHAT WAS SAID BECAUSE THE PRIVACY THEY HAVE TO DO THOSE THINGS. AND BY THE WAY, THAT IS NOT THE ONLY THING THEY HAVE DUMPED IN OUR CREEK. THERE HAS BEEN TWO BODIES DUMPED RIGHT THERE, RIGHT THERE WHERE THE LITTLE AREA, WHERE THIS LITTLE PARK IS GOING TO BE BUILT, WHY BECAUSE THEY HAVE THE OPPORTUNITY TO DO IT. ITS SECLUDEDAND THAT GATE WAS THERE TO, IT WASN'T THERE TO STOP CARS, IT WAS PUT THERE TO PREVENT PEOPLE FROM DUMPING STUFF. AND DUE TO THE EMERGENCY LAWS IT HAS TO OPEN, SO IT MIGHT AS WELL NOT BE THERE. NOW IT HAS TO REMAIN OPEN, THEY JUST HAVEN'T GOTTEN AROUND TO TAKING IT OUT. AND I REALLY DON'T HAVE MUCH TO SAY BUT YOU KNOW, JUST LET US HAVE OUT PARK. THIS IS THE SECOND PARK WE'RE GONNA LOSE BECAUSE WE GET ALL TIED UP IN THESE TECHNICALITIES. AND WHY THESE NON-RESIDENTS IS FIGHTING IT IS BEYOND ME. NEITHER ONE OF THESE PEOPLE LIVE IN OUR NEIGHBORHOOD. THEY DON'T KNOW HOW MUCH WE NEED THIS ROAD AND THE PARK BECAUSE RIGHT NOW KIDS PLAY IN THE STREET ALREADY. SO YOU KNOW WHAT IS THE ISSUE, WE'RE TALKING ABOUT SAFETY. THESE KIDS ARE PLAYING IN THE STREET AND I'M SORRY, IT'S A KNOWN FACT. PEOPLE ARE GOING TO PLAY WHERE IT IS CLOSE TO THE HOUSE AND THAT IS ALL I HAVE TO SAY.

PRESIDENT PETERS: THANK YOU. I HAVE TWO SPEAKERS AND THEN WE'LL TAKE A BREAK. CARMEN RENTARIA, AND YOU NEED AN INTERPRETER, SOUNDS LIKE, OH OKAY. AND THE LAST SPEAKER IS GRETCHEN TORGENSEN. HOW MUCH TIME WOULD YOU LIKE. DIES MINUTOS, NO. DOS, TRES? OKAY WE CAN DO THREE.

RENTERIA: (SPEAKING IN SPANISH, TRANSLATED BY PAYAN). SHE'S ASKING THE CITY COUNCIL TO DENY THE APPEAL AND UPHOLD THE ENVIRONMENTAL DETERMINATION. BECAUSE SHE WOULD LIKE TO HAVE A PARK WHERE HER CHILDREN CAN PLAY AND HAVE A STREET FOR THEM TO GO TO SCHOOL. THAT'S ALL SHE HAS TO SAY.

PRESIDENT PETERS: YOU DIDN'T NEED TEN MINUTES FOR THAT. SO THANK YOU VERY MUCH. OKAY THE FINAL SPEAKER IS GRETCHEN TORGENSEN.

TORGENSEN: HELLO. THANK YOU FOR GIVING ME THE OPPORTUNITY TO SPEAK HERE. TODAY I AM NATIVE OF SAN DIEGO, I'M ALSO A PROUD CITY EMPLOYEE. I AM A RESIDENT OF FOX CANYON, I HAVE BEEN SINCE 1991. I AM GOING TO READ A LETTER FROM MY PREVIOUS LANDLORD WHO IS SICK AND UNABLE TO BE HERE TODAY. THEY SAY THAT YOU RECEIVED AN E-MAIL FROM THEM – ROBERT ND MARILYN KINGSLEY. BESIDES BEING MY LANDLORD, THEY INTRODUCED ME TO FOX CANYON, THEY ARE VERY GOOD FRIENDS, THEY ARE ENVIRONMENTALISTS AS WELL AS ANIMAL ACTIVISTS WHICH I CONSIDER MYSELF AS WELL. DEAR CITY COUNCIL MEMBERS. WE ARE WRITING WITH REGARDS TO ITEM 331 ON TOMORROW'S AGENDA – WHICH IS TODAY. WE ARE OPPOSED TO THE APPEAL OF THE MITIGATED NEGATIVE DECLARATION. CURRENTLY A THREE MILE DRIVE FROM OUR HOUSE AT HOME AVENUE AND GATEWAY TO UNIVERSITY AVENUE VIA EUCLID AVENUE REQUIRES ABOUT 30 MINUTES ON ANY MONDAY TO FRIDAY DUE TO BUMPER TO BUMPER TRAFFIC. WE USE THIS ROUTE IN OUR VOLUNTEER WORK OF TRANSPORTING DOGS AND CATS TO VETERINARIANS TO BE SPAYED OR NEUTERED FOR OWNERS WHO DO NOT HAVE ANY MEANS OF TRANSPORTATION. PLEASE DENY THE APPEAL AND APPROVE THE STAFF RECOMMENDATIONS AS THE COMMUNITY NEEDS THE ONTARIO AVENUE CONNECTION TO CREATE AN ALTERNATE TO AN OVERCROWDED EUCLID AVENUE. THANK YOU FOR YOUR CONSIDERATION OF THIS MATTER. ROBERT AND MRILYN KINGSLY. ONE THING I DID WANT TO MENTION IS THAT YOU DID GET TO SEE A VIDEO. I WASN'T EXPECTING THAT, BUT YOU GOT TO GLIMPSE WHAT OUR AREA IS TRULY LIKE WITH THE POCKET CANYONS, THE BUILDING CONGESTION, BUILDING ON ONE ANOTHER, THERE'S MANY, MANY APARTMENTS THERE AND THE PURPOSE FOR THE ROAD, THE PURPOSE THAT I WANT FOR THE ROAD IS AS AN ENVIRNOMENTAL IMPACT ON REDUCING THE HORRIBLE TRAFFIC ON EUCLID AND UNIVERSITY. IT IS GOING TO GIVE US AN ALTERNATE WAY . WHEN YOU HAVE LL OF THAT CONGESTION THERE, AND THERE IS A LOT OF CONGESTION THERE, I'M TALKING

MORNING TO WORK AND AFTERNOON EVENING, BY OPENING THE ONTARIO ROAD IS GOING TO GIVE PEOPLE AN OUTLET AND THAT'S GOING TO MOVE THOSE CARS INSTEAD OF JUST STALLED SITTING AND POLLUTING. ITS ALSO GOING TO BE A SAVINGS FOR GAS. IT DOES HAVE AN EXTREME ENVIRONEMNTAL IMPACT FOR FOX CANYON. I HAVE MANY OHER THINGS TO SAY HERE, I GUESS THE RED LIGHT IS ON, MY TIME IS UP, BUT THANK YOU AGAIN, DENY THE APPEAL.

PRESIDENT PETERS: FOR THE RECORD WE HAVE THREE SPEAKER SLIPS IN OPPOSITION TO THE APPEAL AND I JUST WANTED TO REGISTER THEIR POSITION WITHOUT SPEAKING. PATRICK HUNT. MR. KONGKONGSURYMAH AND HECTOR HUESO.

HUNT: I HEARD THE OTHER SPEAKER. MY NAME IS PAT HUNT. I LIVE AT RIGHT ACROSS THE STREET FROM ONTARIO. I'VE BEEN THERE 22 YEARS. I'M A RENTER. IT WAS ONLY SUPPOSED TO BE FOR A MONTH. AND BUT THE THING IS I SPOKE AT THE LAST MEETING AND I WASN'T GOING TO SPEAK AT THIS ONE. BUT I HEARD ONE OF THE OTHER PEOPLE SAY SOMETHING AND I JUST WANT TO SAY THAT MY WINDOW FACES OUT 24/7 AT THE ONTARIO OPENING THERE AND I JUST WANT TO LET YOU KNOW THE GATE IS NOT ALWAYS LOCKED, ITS JUST ABOUT ALWAYS OPEN. AND I ASK THAT YOU WOULD DENY THE APPEAL ON THIS MATTER FOR THIS REASON. THY DO NEED THIS STREET AND I'VE BEEN WAITING 22 YEARS FOR SOEMTHINGTO BE DONE AND I THINK THE WAIT IS LONG ENOUGH.THANK YOU.

PRESIDENT PETERS: THJANK YOU. THAT CONCLUDES OUR PUBLIC SPEAKERS. THAT WAS ALMOST EXACTLY FORTY MINUTES A SIDE.

FRYE: MR. PETERS.

PRESIDENT PETERS: WE'LL TAKE A BREAK. IS THAT OKAY.

FRYE: YES. I JUST WANTED TO ASK TWO QUESTIONS WHILE WE'RE ON BREAK SO THAT I CAN GET SOME DOCUMENTS.

PRESIDENT PETERS: OKAY.

FRYE: FIRST OF ALL IS THE INITIAL STUDY CHECKLIST FROM THE MITIGATED NEGATIVE DECLARATION, ITS NOT INCLUDED IN MY PARTICULAR BACK UP MATERIALS.

HERMANN: IT SHOULD HAVE BEEN ATTACHED TO THE MITIGATED NEGATIVE DECLARTION. BUT I HAVE ANOTHER COPY I CAN GET TO YOU.

FRYE: I GUESS WHAT I'M ASKING YOU IS IT DIFFERENT FROM THE ONE THAT WAS PROVIDED FOR THE ORIGINAL GRANT.

HERMANN: NO ITS NOT.

FRYE: SO IT'S THE SAME INITIAL STUDY CHECKLIST. OKAY, SO I DON'T NEED THAT BECAUSE I ALREADY HAVE IT. BUT THE SECOND QUESTION I HAVE IS AS FAR AS ANY KIND OF TRAFFIC STUDIES, TRAFFIC, I DON'T HAVE THOSE DOCUMENTS EITHER. SO IF THERE ARE ANY TRAFFIC STUDIES I'D LIKE TO SEE THEM AND ANY ANALYSIS THAT WAS DONE ON THE IMPACTS AND THEY WILL BE VERY HELPFUL. THANK YOU.

HERMANN: YES WE CAN GET THAT FOR YOU.

PRESIDENT PETERS: WE'LL BREAK UNTIL QUARTER TO FIVE.

BREAK

PRESIDENT PETERS: WE'LL GO NOW TO COUNCIL COMMENT AND MR. MADFFER I'D ASK YOU TO DIRECT QUESTIONS TOWARD THE STAFF.

MADAFFER: THANK YOU, MR. PETERS. REALLY THE ONLY COMMENT I'M GOING TO HAVE TODAY IS TO ASK CITY STAFF, DURING THE TIME THAT THE APPELLANTS WERE MAKING THEIR COMMENTS, OBVIOUSLY THE ISSUE BEFORE US TODAY IS THE ADEQUACY OF THE ENVIRONMENTAL DOCUMENT, I WANT TO KNOW IF THERE ARE ANY COMMENTS THAT YOU HAVE WITH RESPECT TO SOME OF THE THINGS THAT THEY SAID ONE WAY OR THE OTHER BEYOND THAT, I'M JUST INTERESTED IN KNOWING IF, IN FACT, SINCE THEY MADE SOME VARIOUS……..

GRABSKI: JUST QUICKLY I'D LIKE TO RESPOND TO A FEW OF THE COMMENTS. ONE WAS ABOUT THE NOTICING, AND I HAVE A COPY HERE OF THE PLANNING COMMISSION NOTICE AND JUST ONE OF THE SENTENCES IS THAT THE PROPOSED, THE PROJECT ALSO PROPOSES DEVELOPMENT AND REALIGNMENT OF AN EXISTING PAPER STREET, IT SAYS ONTARIO AVENUE IN PARENTHESES. SO THAT WAS SOMETHING THAT WAS BROUGHT UP THAT THE NOTICING AND THE PROJECT DESCRIPTION WERE IN ERROR SO STAFF

BELIEVES WE DID GIVE THE CORRECT DESCRIPTION OF THE PROJECT IN THE NOTICING AS WELL AS IN THE ENVIRONMENTAL DOCUMENT.

HERMANN: MYRA HERMANN, DEVELOPMENT SERVICES SENIOR PLANNER. A COUPLE OF THE ISSUES THAT I'M GOING TO ADDRESS HAVE TO DO WITH THE QUESTIONS RELATED TO THE INITIAL STUDY CHECKLIST, AND YES, IT'S TRUE THAT WHEN WE DID THE INITIAL STUDY CHECKLIST THAT WAS SUBMITTED FOR THE GRANT, IT DID NOT INCLUDE THE ROAD, AND THAT IS BECAUSE AT THE TIME THAT WAS PREPARED WHICH WAS BACK IN JANUARY 2004, WE DID NOT KNOW ABOUT THE ROAD IN TERMS OF THE WAY IT IS TODAY. WE ANTICIPATED THAT THE ROAD WOULD BE ACATED AND THEN IT WAS SUBSEQUENT TO BEING ACTUALLY AWARDED THE GRANT AND HAVING SUBSEQUENT STAFF MEETING WITH OTHER DEPARTMENTS AND OTHER DIVISIONS WITHIN OUR DEPARTMENT, THAT THE ROAD NEEDED TO BE CONSTRUCTED. SO WHAT HAPPENED IS THAT WHEN WE ACTUALLY STARTED TO PREPARE THE ENVIRONMENTAL DOCUMENTS, WE DID INCLUDE THE ROAD IN THE PROJECT DESCRIPTION. THE ONE THING WE DID NOT DO WAS UPDATE THE INITIAL STUDY CHECKLIST, BUT THAT CHECKLIST IS BASICALLY A SNAPSHOT IN TIME. IT'S A PICTURE OF THE PROJECT AT THE TIME THAT WE LOOKED INITIALLY, AND WE DID COVER ALL THE ISSUES IN THAT INITIAL STUDY DISCUSSION WHICH IS WITHIN THE MND, AND ALL THE ANALYSIS WAS DONE WITH THE ROAD INCLUDED AS PART OF THE PROJECT DESCRIPTION.

MADAFFER: SO THAT WAS THE MAIN QUESTION. SO THE ENVIRONMENTAL DOCUMENTS DID INCLUDE THE ROAD AND THE PARK?

HERMANN: YES, IT DID.

MADAFFER: THANK YOU.

PRESIDENT PETERS: OKAY. MR. HUESO.

HUESO: THANK YOU VERY MUCH. I MADE A GREAT EFFORT TO REALLY LEARN A LOT ABOUT THIS PROJECT BECAUSE WE'RE WORKING REALLY HARD TO RESTORE THE CHOLLAS CREEK. AND I REALLY WANT TO BE PART OF A VERY COMPREHENSIVE EFFORT TO IMPROVE THE CREEK, TO SUPPORT THE PLAN FOR THE CREEK, AND I'M DOING SOME

WORK IN MY DISTRICT RIGHT NOW TO MAKE SURE THAT THE CREEK IS IMPROVED AND WE DEVELOP AN ONGOING MAINTENANCE PLAN, SO I REALLY TOOK A LOT OF EFFORT TO LEARN ABOUT THIS ISSUE. AND WHAT STRIKES ME MOST ABOUT WHAT WERE VOTING TONIGHT IS REALLY AN ENVIRONMENTAL DOCUMENT AND I INITIALLY QUESTIONED WHETHER AN MMD IS ENOUGH FOR THIS KIND OF PROJECT. AND I LEARNED THAT THERE IS, THERE WAS AN EIR DONE FOR THE REDEVELOPMENT AREA, THERE WAS AN EIR DONE FOR KIND OF THE INITIAL WORK ON THIS ROAD, AND I LEARNED THAT THIS ROAD HAS BEEN PLANNED FOR A VERY, VERY LONG TIME, AS EARLY AS THE 1920'S WHEN THIS COMMUNITY WAS PLANNED. AND I LEARNED THAT THERE ARE OTHER DOCUMENTS IN THE COMMUNITY THAT SOME MEMBERS HERE THAT I KNOW VERY WELL HAVE COME OUT IN OPPOSITION OF THIS PROJECT, BUT IN THE PAST HAVE COME OUT IN VERY, VERY STRONG SUPPORT OF THE EUCLID AVENUE REVITALIZATION ACTION PLAN, WHICH CONTAINS INFORMATION CALLING FOR THE ROAD. SO IF THEY HAVE COME OUT IN THE PAST DEFENDING THE EUCLID AVENUE RAP, IN THIS INSTANCE THEY ARE NOT DEFENDING IT, BUT I THINK ITS APPROPRIATE THAT IN DEFENSE OF THE RAP, YOU SHOULD DEFEND THE ROAD AS WELL AS PART OF THE PLAN. AND IT WAS MENTIONED IN THE PLAN TO HELP EASE TRAFFIC CONGESTION. YOU KNOW,

I REALLY WANT TO THANK EVERYBODY THAT CAME BY TO COMMENT. WE HEARD A LOT OF THINGS ABOUT NOT BUILDING THE ROAD IT CAUSES GANG VIOLENCE AND BUILDING THE ROAD CAUSES GANG VIOLENCE. SOMEBODY EVEN MENTIONED SOMETHING ABOUT A TSUNAMI, WHICH I THINK WE HEARD EVERY POSSIBLE ARGUMENT IN TERMS OF THIS PROJECT. AND I HAVE TO COME BACK TO THE FACT THAT IT'S, I FEEL THAT ENVIRONMENTALWISE, THE WORK WAS DONE TO SUPPORT THE FUTURE WORK IN THIS CANYON. I THINK IT'S CONSISTENT WITH THE CHOLLAS CREEK PLAN. AND MOST OF ALL, I THINK WHAT WAS MOST COMPELLING, I REALLY LOOKED AT ALL THE LETTERS THAT ALL OF YOU SEPTEMBER. SENT. I THANK YOU FOR TAKING THE TIME TO SEND THE LETTERS. SOME MEMBERS IN OPPOSITION TO THE ENVIRONMENTAL DOCUMENT, MENTIONED THEY ARE HERE REPRESENTING SCHOOLS BUT I HAVE ACTUAL DOCUMENTS

FROM MARSHALL ELEMENTARY THAT DID AN ANALYSIS OF THE ENVIRONMENTAL IMPACTS AND THEY PROVIDED THEIR COMMENTS THAT, IN THE TRAFFIC STUDY PORTION OF IT, THAT TRAFFIC ON ALTADENA AVENUE, IN FRONT OF THE SCHOOL WILL DECREASE BY HALF THE PRESENT VOLUME, SO IT'S GOING TO HAVE, THIS PROJECT WILL HAVE A VERY BENEFICIAL IMPACT ON SCHOOLS. AND ALSO THE WALDORF SCHOOL, WHICH IS ALSO LOCATED IN THE AREA, SUPPORT THE SAFETY AND COMMUNITY IMPROVEMENT FOR CHILDREN AND FAMILIES, AND FEEL THAT THE RESTORATION OF THE AUBURN CREEK WILL DO THAT. AND TRAFFIC ON ALTADENA WILL BE DECREASED BY UP TO HALF THE PRESENT VOLUME. JILL VAN CLEVE WROTE A VERY COMPELLING LETTER STATING HER POSITION AND NOT ONLY SUPPORT OF THIS, BUT AS AN ADJACENT RESIDENT MENTIONING THAT, YOU KNOW, HER REVIEW OF THE DOCUMENT IN TERMS OF HER ARGUMENT IN SUPPORT OF THE DOCUMENT AND IN SUPPORT OF THE WORK THAT WAS DONE ON THE ENVIRONMENTAL SIDE OF IT WAS VERY COMPELLING AND REALLY MADE ME LOOK AT, AS THIS PROJECT AS VITAL TO THE COMMUNITY. I THINK ANYTHING I CAN DO ON THIS COUNCIL TO MAKE NEIGHBORHOODS SAFER, ESPECIALLY SAFER FOR THE CHILDREN IN THE NEIGHBORHOOD, I WILL BE THERE EVERY SINGLE TIME. AND TODAY IM GOING TO SIDE WITH THE DOCUMENT ITSELF IN TERMS OF I FEEL ITS COMPREHENSIVE, ITS BASED ON AN ENVIRONMENTAL IMPACT REPORT. ITS BASED ON A VERY COMPREHENSIVE ANALYSIS. AND I THINK ITS GOING TO HELP BRING A PARK TO THE NEIGHBORHOOD.

I THINK BECAUSE OF REDEVELOPMENT, WE HAVE THIS CONVERSATION TODAY. AND REDEVELOPMENT IS GOING TO MAKE THIS PARK A REALITY INSTEAD OF LEAVING THIS AREA UNRESTORED, COMPLETELY FORGOTTEN, AND NOW WE HAVE THE MECHANISMS TO PROMISE TO FULFILL A PROMISE THAT WAS MADE 85 YEARS AGO OR 80 YEARS AGO. WE WILL FULFILL THIS PROMISE AS A CITY, AND I THINK THAT'S OUR RESPONSIBILITY TO FULFILL THOSE PROMISES AND TO MAKE OUR NEIGHBORHOODS SAFER. AND THAT'S WHAT I FEEL IN MY HEART. I FEEL VERY GOOD ABOUT SUPPORTING THIS ENVIRONMENTAL DOCUMENT. AND I THINK IT'S MORE THAN ADEQUATE. ITS BEEN

FULLY VETTED. AND IT'S BASED ON YEARS AND YEARS OF ANALYSIS. AND ALSO YEARS AND YEARS OF ACTUAL TRIAL. WE'VE SEEN THE NEED FOR THIS ROAD. WE'VE SEEN THE NEED TO RESTORE THE CREEK. WE'VE SEEN THE NEED TO CREATE A PARK IN THE NEIGHBORHOOD. AND I DON'T SEE HOW NOT BUILDING THE ROAD WOULD IMPACT THE PARK, I SEE THEM AS WORKING IN COLLABORATION. AND I SUPPORT MAKING THE PARK ACCESSIBLE TO ADA, AND I THINK ONLY THROUGH THIS PROCESS CAN WE DO THAT. I APPRECIATE SOMEBODY BRINGING THAT UP. THAT'S SOMETHING I HADN'T CONSIDERED. I THINK IT'S IMPORTANT THAT WE CREATE PARKS THAT ARE ALSO ACCESSIBLE. SO I WANT TO MAKE A MOTION TODAY TO DENY THE APPEAL AND TO COTINUE WORKING FORWARD TO CREATE A PARK THAT'S, THAT INCLUDES THE NEIGHBORHOOD. THIS IS GOING TO BE AN ONGOING DISCUSSION. AND MAINLY, I MAKE A MOTION THAT WE DENY THE APPEAL.

PRESIDENT PETERS: THERE IS A MOTION BY MR. HUESO TO ADOPT THE RESOLUTION AND DENY THE APPEAL AND UPHOLD THE ENVIRONMENTAL DETERMINATION. IS THERE A SECOND? (PAUSE) I WILL SECOND THAT FOR PURPOSES OF DISCUSSION. WE'LL GO TO MS. FRYE.

FRYE: THANK YOU. ONE OF THE VERY SIMPLE QUESTIONS, AND THIS WOULD BE IN THE REPORT TO THE CITY COUNCIL DATED MARCH 15TH, 2006 ON PAGE 3. IT WOULD BE CITY CLERK NUMBER 000787, UNDER THE DISCUSSION SECTION, IT TALKS ABOUT THE RESPONSES TO THE ENVIRONMENTAL DETERMINATION AS FAR AS THE APPEAL. THE FIRST ITEM IS THAT THE PROPOSED ROAD DOES NOT HAVE A PROJECT SPECIFIC ENVIRONMENTAL STUDY. IT'S ONE OF THE ISSUES THATS RAISED AS PART OF THE ENVIRONMENTAL APPEAL. AND THE RESPONSE I BELIEVE FROM STAFF SAYS THAT THE PROPOSED ONTARIO AVENUE ROAD CONNECTION DID HAVE A PROJECT SPECIFIC ENVIRONMENTAL STUDY. THE NEXT SENTENCE IS WHAT SORT OF ODD TO ME. IT SAYS, THE INITIAL STUDY FOR MITIGATED NEGATIVE DECLARATION NUMBER 407 22 IN THE PROJECT DESCRIPTION READS, THE PROJECT ALSO PROPOSES A DEVELOPMENT, BLAH, BLAH, BLAH BLAH BLAH. SO THE INITIAL STUDY IS THE FIRST PAGE OF THE MITIGATED

NEGATIVE DECLARATION. IS THAT THE FIRST PAGE OF THE YELLOW DOCUMENT, THATS WHAT YOU WOULDCALL THE INITIAL STUDY, WOULD BE THIS DOCUMENT HERE?

HERMANN: NO. THE FIRST PAGE OF THE GOLDENROD SECTION, IS WHAT WE ACTUALLY CALL THE MITIGATED NEGATIVE DECLARATION. THAT IS THE SECTION THAT REFERS YOU BACK TO THE PROJECT DESCRIPTION AND THE MITIGATION MONITORING AND REPORTING PROGRAM. IT ALSO IDENTIFIES THE INDIVIDUALS THAT WERE, RECEIVED THE DOCUMENT DURING PUBLIC REVIEW. AND IT IDENTIFIES WHETHER ANY COMMENTS WERE RECEIVED.

FRYE: SO WHERE IS THE DOCUMENT?

HERMANN: THE INITIAL STUDY?

FRYE: THE INITIAL STUDY THAT DESCRIBES THE PROJECT IN THE REALIGNMENT OF THE ROAD, THAT THE ROAD WILL BE ADDED, I GUESS I DONT HAVE THAT DOCUMENT.

HERMANN: NO, YOU DO HAVE THAT.

FRYE: I DO HAVE THAT?

HERMANN: OKAY, THE PROBLEM IS THAT

FRYE: THAT ITS INCONSISTENT?

HERMANN: THESE, NO - IF YOU LOOK AT MY DOCUMENT AND HOLD YOURS UP, AFTER THE GOLD, THE LAST GOLDEN ROD PAGE –

FRYE: I HAVE THEM.

HERMANN: THESE ARE ALL THE COMMENTS THAT WERE RECEIVED DURING PUBLIC REVIEW, AS WELL AS ALL THE RESPONSES THAT THE CITY STAFF MADE. AT THE BACK END OF THAT, AFTER THE LAST MAP, IS THE INITIAL STUDY. THIS IS THE ORDER OF HOW OUR DOCUMENTS ARE PLACED AND YOULL SEE THE FRONT PAGE THAT LOOKS SIMILAR TO THE GOLDEN ROD COPY AND IT SAYS INITIAL STUDY ON IT. IT'S WHITE. AND THEN IT HAS THE PROJECT DESCRIPTION THAT REFERS TO THE PURPOSE AND MAIN FEATURES, THE ENVIRONMENTAL SETTING AND THEN IT GOES INTO THE ENVIRONMENTAL ANALYSIS DISCUSSION SECTIONS.

FRYE: OKAY. MAYBE WE COULD TALK ABOUT THAT FOR A MOMENT.LIKE I SAID, THERE ARE A COUPLE OF, ACTUALLY THERE ARE SO MANY DOCUMENTS I DIDNT GET, ITS KIND OF INTERESTING. BUT LETS GO TO THE INITIAL STUDY CHECKLIST. AND MAYBE GO TO THE PORTION OF IT THAT TALKS ABOUT TRAFFIC.

HERMANN: OKAY. ARE YOU LOOKING AT THE CHECKLIST OR THE INITIAL STUDY DISCUSSION?

FRYE: INITIAL STUDY CHECKLIST. OKAY, AS I SAID, IT WILL TAKE ME A SECOND TO GET TO THAT PART, PAGE, SORRY, BECAUSE THERE ARE A LOT OF PAGES IN THIS DOCUMENT.

HERMANN: PAGE 14.

FRYE: OKAY. SO THAT WOULD BE CITY CLERK NUMBER WHAT? THERE ARE CITY CLERK PAGE NUMBERS ON THE TOP.

HERMANN: UNFORTUNATELY, WE DON'T HAVE THOSE ON OUR VERSION. YOU MAY HAVE THAT ON YOURS.

FRYE: OKAY, THEN LET ME – THAT WOULD BE PAGE – OKAY, HOLD ON, I THINK I CAN FIND IT. SO UNDER TRANSPORTATION ON PAGE 14, LETS TALK ABOUT THE WOULD THE PROJECT, ONE OF THE FIRST QUESTIONS IS, WOULD THE PROJECT CAUSE AN INCREASE IN TRAFFIC, WHICH IS SUBSTANTIAL IN RELATION TO THE EXISTING TRAFFIC LOAD AND CAPACITY OF THE STREET SYSTEM FOR EXAMPLE, RESULT IN A SUBSTANTIAL INCREASE IN EITHER THE NUMBER OF VEHICLE TRIPS, THE VOLUME TO CAPACITY RATIO AND THE CONGESTION OF ROADS AT INTERSECTIONS. AND THE RESPONSE IN THE INITIAL STUDY CHECKLIST SAYS PARK PROJECT WOULD NOT CAUSE AN INCREASE IN TRAFFIC OVER EXISTING. OKAY. THEN LETS GO TO NUMBER C. WOULD THE PROJECT RESULT IN A CHANGE IN AIR TRAFFIC PATTERNS IN EITHER AN INCREASE IN TRAFFIC LEVELS OR A CHANGE IN LOCATION THAT RESULTS IN SUBSTANTIAL SAFETY RISKS THE RESPONSE IN THE INITIAL STUDY CHECKLIST SAYS, EXISTING TRAFFIC PATTERNS WOULD NOT BE IMPACTED TO ACCOMMODATE PROPOSED PROJECT. IT SAYS THAT AS WE GO ON, WOULD IT RESULT IN I MEAN, IT DOESNT TALK ABOUT ANYTHING IN THE INITIAL STUDY CHECKLIST THAT IN ANY WAY REFLECTS WHAT IS DISCUSSED ON THE FIRST PAGE OF THE MITIGATED NEGATIVE DECLARATION. BECAUSE IT SAYS THAT THERE WONT BE A ROAD. AND SO THATS WHERE I'M HAVING A PROBLEM. YOU HAVE A DOCUMENT FOR ME THAT SAYS I'M SUPPOSED TO MAKE FINDINGS AS A DECISION MAKER THAT REQUIRES ME TO LOOK AT THE DOCUMENT IN ITS ENTIRETY. LOOK AT THE INITIAL STUDY CHECKLIST. THE DOCUMENT IS INCONSISTENT. HOW CAN YOU MAKE AN INITIAL FINDING IN YOUR INITIAL STUDY CHECKLIST SAYING THAT THERES NO IMPACT, AND THEN TURN AROUND AND SAY, OH, BUT WE CHANGED OUR MINDS, NOW THERE MIGHT BE AN IMPACT, AND WE DID AN ANALYSIS, WHEN THE DOCUMENT ITSELF REFLECTS THAT THERES NO IMPACT THAT THERES NO POTENTIAL FOR AN IMPACT, AND THERE WOULD BE NO ANALYSIS PROVIDED. I GUESS THIS IS (INTERUPTED)

GRABSKI: STAFF, WE CAN ACTUALLY RESPOND TO THAT TO CLARIFY. IN JUST A LITTLE BACK UP WITH THE ENVIRONMENTAL DOCUMENTS, THERE'S DIFFERENT ASSESSMENTS AT DIFFERENT LEVELS TO IDENTIFY ISSUES, JUST LIKE THE YELLOW COPY REPRESENTS THE FINAL DOCUMENT. THE INITIAL STUDY IS THE MEAT OF IT. THE CHECKLIST IS THE BEGINNING. BUT I'M GOING TO TURN IT OVER TO MYRA TO EXPLAIN WHY THE THINGS TURNED OUT THIS WAY FOR THE PROJECT.

HERMANN: BASICALLY, AS I EXPLAINED EARLIER, WHEN WE FIRST, WHEN STAFF FIRST LOOKED AT THE INITIAL GRANT APPLICATION, WE DID NOT KNOW THAT THERE WAS GOING TO BE A ROAD AS PART OF THE PROJECT. SO THIS INITIAL STUDY CHECKLIST WAS SUBMITTED WITH THE GRANT APPLICATION WITH THE ASSUMPTION THAT THE ROAD WOULD BE VACATED. IT IS, AS I SAID EARLIER, A SNAPSHOT IN TIME. OFTENTIMES, WHEN WE START A PROJECT, WE'RE LOOKING AT IT AT THAT TIME. THAT'S OUR BASELINE INFORMATION. WE START FROM THERE. DURING THE PROCESS OF REVIEWING THE PROJECT, ONCE THIS WAS THE PROJECT, OKAY, WE'RE NOT TALKING ABOUT THE PROJECT WE SEE TODAY, WHEN WE FIRST LOOKED AT THE INITIAL STUDY CHECKLIST, AND PREPARED IT FOR THE GRANT, IT WAS JANUARY 2004. AFTER THE GRANT WAS AWARDED, IN OCOTBER OF 2004 AND THEN BEFORE – I THINK THE CONTRACT WAS SIGNED BY PARK AND RECWITH THE STATE, AND THEN THEY RESUBMITTED FOR THE PROJECT, THE ACTUAL PROJECT IN MARCH 2005, THERE WERE CHANGES IN THE PROJECT THAT HAD TO DO WITH MEETINGS WITH OTHER CITY STAFF, NEW INFORMATION FROM THE COMMUNITY, THE REALIZATION THAT THE EUCLID AVENUE RAP EXISTED, AND THAT THE ROAD WAS TO BE BUILT, SO THE PROJECT PROGRESSED OVER TIME AND UNFORTUNATELY, WE'RE NOT NECESSARILY ALWAYS REQUIRED TO UPDATE THE CHECKLIST, SOMETIMES WE DO WHEN THE PROJECT CHANGES. WE CAN USUALLY COVER THAT OFF IN OUR DISCUSSION, AND IN THE ACTUAL PROJECT DESCRIPTION, WHICH IS WHAT IS ON OUR NOTICE, IT IS WHAT IS ON THE MND, AND WHAT IN THE INITIAL STUDY. SO ALL THE INITIAL ANALYSIS WAS DONE

FOR A PROJECT WHICH INCLUDED THE PARK, IT INCLUDED THE ENHANCEMENTS TO THE CREEK, AND IT INCLUDED THE DEVELOPMENT AND REALIGNMENT OF THE ROAD. SO WHILE SOME MEMBERS OF THE COMMUNITY FEEL THAT THE DOCUMENT IS FLAWED BECAUSE THE INITIAL STUDY CHECKLIST DOESN'T INCLUDE A ROAD, IT DOESN'T MEAN THAT THE ANALYSIS IS INADEQUATE BECAUSE WE DID ANALYZE THE WHOLE PROJECT AS DESCRIBED.

FRYE: SO, IN THE MITIGATED NEGATIVE DECLARATION, COULD YOU TELL ME ON WHICH PAGE YOU DID THE ANALYSIS FOR THE ROAD AND DISCUSSED IT? AND AT LEAST THE MND I HAVE IS 12 PAGES LONG.

HERMANN: LET ME JUST REMIND YOU THAT THE GOLDENROD PORTION YOU ARE LOOKING AT, WHICH IS REFERRED TO AS THE MITIGATED NEGATIVE DECLARATION IS JUST THAT PORTION THAT DESCRIBES THE PROJECT AND THEN PROVIDES THE SNAPSHOT PICTURE OF THE MITIGATION, OKAY? THE ACTUAL ANALYSIS IS IN THE INTITIAL STUDY DISCUSSION, OKAY, WHICH IS BEORE THE CHECKLIST.

FRYE: AND WHICH PAGE IS THAT?

HERMANN: UNFORTUNATELY IT'S PAGE ONE OF OUR WHITE COPY, I DON'T KNOW WHAT IT IS ON YOURS, BECAUSE WE DON'T HAVE THAT VERSION.

GRABSKI: IT'S AFTER THE MAP THAT SAYS ANNEX A. YOU'VE GOT TO GO ALL THE WAY TO THE BACK OF .....

FRYE: OKAY. NOW I'VE GOT THE WHITE PAGE UNDER INITIAL STUDY – AND WHAT PAGE WILL IT BE ON THAT? BECAUSE THE PAGES ARE NUMBERED AT THE TOP?

GRABSKI: PAGE 9.

HERMANN: RIGHT. PAGE 9 HAS THE TRAFFIC ANALYSIS BUT PAGE 1 OF THAT ACTUALLY TALKS ABOUT – HAS THE PROJECT DESCRIPTION WHICH HAS ALL OF THE FEATURES OF THE PROJECT.

FRYE: AND THIS IS THE ONE THAT TALKS ABOUT THE TRIP GENERATION RIGHT? DO WE HAVE THE SAME PAGE – AND THAT'S PAGE 9?

HERMANN: EXACTLY. THE SPECIFIC QUESTIONS REGARDING THAT CAN BE ANSWERED BY ANN GONZALEZ FROM OUR TRANSPORTATION DEVELOPMENT SECTION.

FRYE: OKAY AND THIS IS WITH THE DEVELOPMENT OF THE PROPOSED 0.40 ACRE PARK? IS THAT CORRECT? 7:03.14

HERMANN: CAN YOU....

FRYE: THAT'S WHAT IT SAYS.

HERMANN: YES.

FRYE: SO HOW BIG IS THE PARK? BECAUSE I'M CONFUSED NOW BECAUSE I HAVE HERE 1.9 ACRES.

GRABSKI: THE ENTIRE SITE FOR THE PARK IS 1.9 ACRES. THE ACTUAL PARK AREA – THE TURFED AREA IS 0.4 ACRES.

PENERA: THE GROSS AREA IS APPROXIMATELY 1.9. THE USEABLE ACREAGE IS 0.4 – BECAUSE THERE'S SLOPES AS PART OF THE PARK.

FRYE: SO PEOPLE WOULDN'T USE THE SLOPES.

PENERA: RIGHT. THE WHOLE PARK PARCEL THAT WE ARE BUYING…

PRESIDENT PETERS: CAN YOU IDENTIFY YOURSELF FOR THE RECORD PLEASE.

PENERA: I'M SORRY?

PETERS: CAN YOU IDENTIFY YOURSELF FOR THE RECORD PLEASE.

PENERA: APRIL PENERA, PARK AND REC DEPARTMENT DEPUTY DIRECTOR. THE ENTIRE PARCEL WE ARE PURCHASING IS APPROXIMATELY 1.9. WE HAVEN'T PURCHASED IT YET, BUT IT'S ABOUT THAT, AND THEN THE PART WE WOULD MAKE INTO TURFED AREA, THE FLAT PART AT THE BOTTOM, THE USEABLE ACRES IS 0.4.

GRABSKI: AND WE PUT THE GRAPHIC UP ON YOUR SCREEN SO YOU CAN ACTUALLY SEE.

FRYE: SO WITH THIS PARK, YOU BELIEVE THE RESULTING AVERAGE DAILY TRIPS WOULD BE 20 VEHICLES?

GONZALES: YES, THAT IS A CONSERVATIVE ESTIMATE TAKEN FOR A DEVELOPED PARK.

PRESIDENT PETERS: CAN YOU IDENTIFY YOURSELF FOR THE RECORD, PLEASE?

GONZALES: SORRY. ANNE FRENCH GONZALES, TRANSPORTATION DEVELOPMENT, DEVELOPMENT SERVICES DEPARTMENT.

FRYE: HOLD ON A SECOND. LIKE I SAID, THIS IS JUST GETTING VERY INTERESTING. SO FOR THE PARK, THERE'D BE AN ADDITIONAL 20 TRIPS, OR THERE'S BE THE CREATION OF 20 TRIPS BECAUSE APPARENTLY THERE IS NO VEHICULAR TRAFFIC ALONG THAT ROAD, IS THAT CORRECT?

GONZALES: YES.

FRYE: OKAY. SO IT GOES FROM ZERO TO 20. OKAY. BUT, AND THIS IS SOMETHING THAT I DIDN'T HAVE BEFORE, AND NOW I HAVE IT SO THAT KIND OF PUTS ME AT A BIT OF A DISADVANTAGEIN GOING GETTING DOCUMENTS. SO WE'RE GOING TO NOW INCREASE IT TO MORE THAN 20 AVERAGE DAILY TRIPS ON ONTARIO AND WE'RE ACTUALLY GOING TO – BEVCAUSE IT SAYS THIS IS WHAT I GUESS I DON'T UNDERSTAND, THE ONTARIO AVENUE EXTENSION – IS THAT THE CORRECT ROAD THAT I'M TALKING ABOUT? AND IT SAYS IT WOULD BE ON YOUR TRAFFIC STUDY ON THE SECOND TO LAST PAGE – IT SAYS THE ONTARIO AVENUE EXTENSION SUMMARY OF REDISTRIBUTED TRAFFIC – 525 EXISTING VOLUMEN AND I'M NOT SURE WHAT THE 525 EXISITNG VOLUME MEANS.

GONZALES: THAT'S THE PORTION ON WINONA, NORTH OF THE PARK SITE.

FRYE: IT'S THE WHAT – IN OTHER WORDS WHAT I DON'T UNDERSTAND, I DIDN'T THINK THERE WAS ANY TRAFFIC THERE NOW, SO WHAT DOES THIS MEAN EXISTING VOLUME IF THERE'S……

GONZALES: THE EXISTING VOLUME IS ON THE PORTION OF WINONA NORTH OF THE PARK SITE. THE 525 ADT. SO YOU HAVE THE ACTUAL TRAFFIC STUDY THERE NOW, CORRECT?

FRYE: I GUESS THIS IS IT. THIS IS THE DOCUMENT I HAVE.

GONZALES: IF YOU LOOK AT FIGURE 2 AND FIGURE 3, THOSE ARE PRETTY MUCH THE KEY FIGURES THAT SUMMARIZE THEIR RESULTS. WE ASKED THEIR CONSULTANTS TO LOOK AT, BECAUSE OBVIOUSLY WHEN YOU IMPROVE A PAPER STREET TRAFFIC PATTERNS MAY CHANGE, SO WE KNEW THAT NEEDED TO BE ANALYSED. SO WE ASKED THEM TO LOOK AT HOW MUCH, WELL, WHAT KIND OF TRAFFIC DO WE HAVE, WHERE WOULD IT COME FROM, WHERE WOULD IT GO TO AND WHAT WOULD YOU END UP WITH ON THESE STREETS IN THIS LITTLE AREA.

FRYE: SO, WINONA IS A STREET THAT IS CURRENTLY OPEN TO TRAFFIC.

GONZALES: A PORTION OF IT.

FRYE: AND THAT'S WHERE YOU GENERATED THE 525.

GONZALES: THAT'S AN EXISTING TRAFFIC COUNT.

FRYE: BUT IT'S NOT EXISTING FOR THAT PORTION OF ONTARIO THAT WOULD BE OPENED.

GONZALES: CORRECT.

FRYE: RIGHT. SO WE'VE JUST ADDED 525 FROM WINONA, PLUS 20, BECAUSE WE HAD 20 FOR THE PARK, RIGHT? OKAY. THEN WE'VE ADDED 1,100 THROUGH TRAFFIC THAT WOULD NOW START USING THAT IF IT WERE EXTENDED, RIGHT?

GONZALES: YES.

FRYE: OKAY. THEN PLUS ANOTHER 270 FOR THE SINGLE-FAMILY TRAFFIC USING THE EXTENSION. IS THAT ALSO CORRECT?

GONZALES: YES.

FRYE: AND THEN AN ADDITIONAL 690 AND IT SAYS MULTI-FAMILY TRAFFIC UTLIZING THE EXTENSION – AM I READING THIS CORRECTLY?

GONZALES: YES.

FRYE: SO THE DIFFERENCE BETWEEN TODAY WITHOUT AVERAGE DAILY TRIPS AND IF THE ROAD WERE OPEN,

GONZALES: THE DIFFERENCE FROM TODAY WITH 525 AVERAGE DAILY TRIPS, TO IF THE ROAD WERE OPEN WOULD BE APPROXIMATELY 2,585 DAILY TRIPS, SO THAT IS CORRECT.

FRYE: OT IR WOULD BE 2,000 - OVER 2,0000 AVERGAE DAILY TRIPS IF YOU WERE TO ELIMINATE THE 525 IN EXISTING VOLUME BECAUSE YOU WERE GOING FROM ZERO. IN OTHER WORDS, THE AREA THAT IS NOT OPEN NOW, YOU KNOW, HAS A VOLUME OF ZERO.

GONZALES: IT WOULD HAVE AN INCREASE OF 2,000 ADT APPROXIMATELY, YES.

FRYE: RIGHT. AND SO AT WHAT POINT WOULD 2,000 CARS BE – I MEAN WOULD THAT EVER BE CONSIDERED SOMETHING SIGNIFICANT OR COULD POTENTIALLY BE SIGNIFICANT IF IT WERE LOCATED THE AVERAGE DAILY TRIPS WITH 2,000 TRIPS.

GONZALES: IT WAS BALANCED AGAINST THE REDUCTION IN TRIPS IN ALTADENA.

FRYE: BUT I DON'T THINK THAT ALTADENA WAS ON THE – WAS ALTADENA PART OF THE MITIGATED NEGATIVE DECLARATION?

GONZALES: IT WAS PART OF THE STUDY AREA, YES.

FRYE: OKAY. SO FOR ALTADENA BECAUSE THE, BECAUSE ALTADENA WOULD HAVE LESS TRAFFIC, AND ALTADENA WOULD HAVE MORE, SO WE'RE NOT JUST LOOKING AT A MITIGATED NEGATIVE DECLARATION THEN FOR A PARK AND A ROAD, WE'RE LOOKING AT A MITIGATED NGATIVE DECLARATION FOR WHAT?

GONZALES: NO, WHAT WAS EVALUATED IN THIS ANALYSIS IS IF THE PAPER STREET WERE TO BE IMPROVED, WHAT TRAFFIC WOULD BE ON IT AND WHERE WOULD THAT TRAFFIC COME FROM – BASICALLY.

FRYE: OKAY. SO WE'D ADD 2,000 CARS TO ONTARIO, AT LEAST – A MINIMUM OF 2,000 IN CARS PER DAY.

GONZALES: ACTUALLY, WE LOOKED AT IT AS A MAXIMUM, IF YOU LOOK AT THE WAY THE ANALYSIS WAS DONE. WE CONSIDERED IT TO BE A CONSERVATIVE ESTIMATE BECAUSE OBVIOUSLY WE CAN'T GO MEASURE, WE HAVE TO ESTIMATE.

FRYE: BUT YOU WOULD SAY THAT IT WAS AN INCREASE OF AT LEAST 2,000 CARS, TO AN AREA THAT DIDN'T HAVE ANY TRAFFIC BEFORE – THAT PORTION OF THE EXTENSION THAT DOES NOT INCLUDE WINONA.

GONZALES: RIGHT – UP TO 2,000 ADT

FRYE: AND THAT PORTION DOES NOT INCLUDE WINONA. IS THAT THE PORTION THAT IS LOCATED RIGHT NEXT TO THE PARK?

GONZALES: IT IS ADJACENT TO THE PARK, YES.

FRYE: OKAY. SO THE ISSUE THEN BECOMES WAS THEIR ADEQUATE ANALYSIS IN THE MITIGATED NEGATIVE DECLARATION, I THINK THIS IS WHAT SOME OF THE FOLKS ARE RAISING, TO ADEQUATELY ADDRESS THE IMPACTS OF THAT – FROM ZERO TRAFFIC – YOU KNOW ZERO AVERAGE DAILY TRIPS SO THAT SEEMED TO BE ONE OF THE ISSUES AND I'M NOT SURE THAT IT WAS ACTUALLY DISCUSSED. I DON'T KNOW IF I SAW THAT DISCUSSED IN THE INITIAL STUDY, BESIDES JUST THE FACT THAT THEIR WILL BE CARS.

HERMANN: YES. THAT IS ON PAGE 9 AND 10 OF THE INITIAL STUDY DISCUSSION AND IT TAKES – THE DISCUSSION COMES STRAIGHT FROM THE TRAFFIC ANALYSIS THAT WAS REVIEWED BY OUR TRANSPORTATION DEVELOPMENT STAFF.

FRYE: AND SO THAT'S NOT CONSIDERED AN IMPACT.

GONZALES: NO, IT WAS NOT.

FRYE: AND HOW MANY AVERAGE DAILY TRIPS WOULD BE CONSIDERED AN IMPACT? I GUESS I'M NOT UNDERSTANDING WHAT IS THE NUMBER OF CARS THAT WOULD HAGE TO GO BY IN ORDER TO BE CONSIDERED SOME SORT OF IMPACT.

GONZALES: FOR LOCAL STREETS, WHICH THIS IS, WE WOULDN'T, WE DON'T HAVE – FOR HIGHER CLASSIFICATIONSOF STREETS WE HAVE LEVEL OF SERVICE E CAPACITY THRESHOLD, AND SO WE HAVE SOMETHING VERY DISTINCT TO MEASURE AN IMPACT AGAINST. FOR LOCAL STREETS, WE CONSIDER 2,200 ADT TO BE LEVEL OF SERVICE C. IN THIS STREET, WE WOULD END UP WITH 2,585 ADT, SLIGHTLY OVER LEVEL OF SERVICE. I THINK WE'VE SAID THAT WOULD STILL BE LEVEL OF SERVICE D RELATIVE TO EVERYTHING ELSE. THEREFORE IT WOULD NOT BE A SIGNIFICANT IMPACT.

FRYE: UNLESS IT WERE LIKE 4,000 CARS OR 5,000 CARS – THAT WOULD BE CONSIDERED AN ENVIRONMENTAL IMPACT?

GONZALES: MOST LIKELY.

FRYE: SO IF WE HAD 5,000 CARS DRIVING PAST THE PARK, THAT WOULD BE CONSIDERED AN IMPACT. I MIGHT HAVE MORE QUESTIONS – I'M SORRY MR. PETERS. I JUST GOT THIS DOCUMENT, SO IF THERE'S OTHERS THAT WISH TO SPEAK, I'LL TRY TO DIGEST SOME OF THIS INFORMATION NOW – LACK OF IMPACTS. (7:14.18)

PRESIDENT PETERS: MS. ATKINS.

ATKINS: THANK YOU MR. PETERS. I GUESS, YOU KNOW, THE QUESTION I HAVE IS FOR THE ATTORNEY'S OFFICE AND STAFF, IS IF WE ONLY TODAY CAN DEAL WITH THE ENVIRONMENTAL APPEAL RATHER THAN THE ISSUES, WHEN DO WE GET TO DISCUSS THE PROJECT? WE DON'T? I CAN'T EVEN TALK ABOUT THAT?

HEUMANN: THE PROJECT IS NOT BEFORE YOU AND WILL NOT BE BEFORE YOU.

ATKINS: OKAY. WELL.

HEUMANN: BECAUSE IT IS A LOWER LEVEL PROCESS REVIEW. SO IT WENT TO A HEARING OFFICER, AND THEN IT WENT ON APPEAL TO THE PLANNING COMMISSION, THE PROJECT DID, BUT THAT WAS AS HIGH AS IT COULD BE APPEALED, PROJECT SPECIFICALLY.

PRESIDENT PETERS: CAN I JUST ADDRESS THAT QUESTION, MAYBE A LITTLE BIT. THE WAY I'M THINKING OF THIS IS WHAT'S LEFT TO ANALYZE? BECAUSE IF WE DECIDE THAT THE ENVIRONMENTAL DOCUMENT ANALYSIS IS NOT SUFFICIENT, WE SEND THAT BACK TO THE, APPARENTLY TO THE HEARING OFFICER, THAT DOESN'T CHANGE THE PROJECT, IT BRINGS ANOTHER ENVIRONMENTAL REVIEW UP. AND I THINK THAT MS. FRYE IS ASKING GREAT QUESTIONS, BECAUSE APPARENTLY THERE IS AN ANSWER TO EVERYONE OF THEM. BUT WE DON'T, SINCE IT IS THIS PROCESS LEVEL, AND SOMEONE ACTUALLY SUGGESTS THAT THAT WAS WRONG, BUT THIS IS A PROJECT THAT COME UP THROUGH THE PROCESS LEVEL AS IT EXISTS TODAY. WE DON'T DISCUSS THE PROJECT. THAT IS THE FRUSTRATING THING ABOUT THIS..

ATKINS: WELL IT IS FRUSTRATING. BECAUSE THIS ACTION THAT WE'RE TAKING TODAY WILL EITHER COMPLETELY KILL THIS PROJECT, OR MAKE IT POSSIBLE. AND THE FACT THAT WE CAN'T DISCUSS THAT IS A LITTLE BIT OF A PROBLEM. BECAUSE WE HAVE A TIMELINE WHICH WE NEED TO MEET IN TERMS OF FUNDING, WHICH IS TIED TO ENVIRONMENTAL DOCUMENTS BEING COMPLETED IN LINE WITH STATE REQUIREMENTS. SO IT'S A LITTLE FRUSTRATING FOR THOSE OF US, AND I SAW THE FRUSTRATION THAT CAROLYN CHASE HAD WHEN SHE SAID I DON'T UNDERSTAND HOW YOU SEPARATE, AND I WILL FOLLOW ADVICE OF THE ATTORNEY, OF COURSE. BUT I AM VERY FRUSTRATED ABOUT THAT BECAUSE I DON'T THINK THERE'S ANY PERSON IN THIS ROOM NOT IN SUPPORT OF THIS PARK. OBVIOUSLY. SO, I...

HEUMANN: WELL, IF I MAY, MAY I?

ATKINS: YES.

HEUMANN: IF THE COUNCIL WERE TO DECIDE SPECIFICALLY THAT THE ROAD HAD ENVIRONMENTAL IMPACTS THAT YOU FOUND TO BE NOT ADDRESSED IN THE MITIGATED

NEGATIVE DEC, SUCH THAT THERE NEEDED TO BE ADDITIONAL ENVIRONMENTAL REVIEW, THAT WOULD GO BACK TO STAFF WITH DIRECTIONS OR NOT. IN OTHER WORDS, YOU MIGHT SIMPLY SAY THAT THE ENVIRONMENTAL REVIEW IS INADEQUATE, AND THEN STAFF WOULD, BASED ON YOUR COMMENTS, DECIDE HOW TO ADDRESS THAT. OR YOU MIGHT SAY SPECIFICALLY WHERE YOU FOUND DEFICIENCIES IN THE DOCUMENT. AND AGAIN, IT WOULD GO TO STAFF. OR YOU COULD EVEN BE MORE SPECIFIC AND SAY SOMETHING TO THE EFFECT OF THAT THE ENVIRONMENTAL CONSEQUENCES ARE SO GREAT THAT ENVIRONMENTAL IMPACT REPORT WAS NECESSARY. AND AGAIN, THAT DIRECTION WOULD GO TO STAFF TO INCORPORATE THOSE CHANGES. HOWEVER, ONCE THOSE CHANGES WERE MADE, IF THE CITY IS THE PROJECT APPLICANT IN THIS CASE ALONG WITH A COUPLE OF OTHER INDIVIDUALS AS STATED BY MR. STUMP, THE CITY IN MAKING THE CHANGES TO THE ENVIRONMENTAL DOCUMENT WOULD THEN GO BACK TO THE HEARING OFFICER AND START ANEW. HOWEVER, IT WOULD ALSO BE AT THE DISCRETION OF THE CITY TO REINTRODUCE, TO ELECT NOT TO REINTRODUCE THE PROJECT TO THE HEARING OFFICER AS YOU SAID, KILL THE PROJECT IN A SENSE, OR TO INTRODUCE A CHANGED PROJECT. IN OTHER WORDS, IF BASED ON YOUR COMMENTS HERE THAT YOU EXPRESS SUCH STRONG NEGATIVITY ABOUT THE ENVIRONMENTAL CONSEQUENCES OF THE ROAD, THE CITY COULD ELECT TO PRESENT TO THE HEARING OFFICER UTILIZING THE SAME MND, THE PARK BY ITSELF. SO THERE IS ACTUALLY A BROAD ARRAY OF POSSIBLE CONSEQUENCES OF YOUR ACTION, ALTHOUGH YOU MAY ONLY MAKE THOSE COMMENTS RELATIVE TO THE ENVIRONMENTAL DOCUMENT. IF THAT MADE ANY SENSE.

ATKINS: WELL. I HAVE A LOT OF THOUGHTS ABOUT THE PARK PROJECT AND I CERTAINLY THINK MS. FRYE'S LINE OF QUESTIONING IS GOOD, IT GETS RIGHT TO THE HEART OF THE APPEAL. I AM STRUGGLING TO SEPARATE THE ISSUES, SO I THINK THERE SEEMS TO ME IN LOOKING AT THE TRAFFIC INFORMATION AND WHERE TRAFFIC WILL BE DIVERTED BASICALLY, AND KNOWING THE AREA AS I DO, IT WOULD SEEM TO ME THERE IS A SIGNIFICANT IMPACT. AND I DON'T KNOW HOW I CAN OVERLOOK THAT. AS ONE OF

MR. MADAFFRE'S COLLEAGUES WHO HAS SUPPORTED FUNDING FOR THIS PARK, WHICH OBVIOUSLY INCLUDED THE ROAD NOW, YOU KNOW, I REALLY DON'T KNOW THAT LEAVES ME MUCH ROOM TO NAVIGATE HERE. I WILL SEE WHAT OTHER COLLEAGUES HAVE TO SAY.

PRESIDENT PETERS: ALRIGHT. I SEE NO FURTHER REQUESTS FOR COMMENT. MS FRYE, DID YOU HAVE ANYTHING?

FRYE: AND I APOLOGIZE AGAIN, JUST HAVING RECEIVED THE TRAFFIC INFORMATION, ITS TAKING ME JUST A FEW MINUTES TO REVIEW THIS. AND I'M TRYING TO GO AS QUICKLY AS I CAN. I KNOW THERE IS A MOTION ON THE FLOOR, BUT I PERSONALLY, BASED ON THE INFORMATION THAT I HAVE IN THE DOCUMENTS AND THE REVIEW THAT I HAVE DONE ON THESE, I PERSONALLY DO NOT BELIEVE THAT I COULD MAKE THE FINDINGS NECESSARY. I DONT KNOW HOW, SINCE I GUESS IT WAS MR. HUESO WHO MADE THE MOTION, WE COULD CERTAINLY TAKE AN UP OR DOWN VOTE ON THAT. AND MY SENSE IS THAT I HOPE THAT THE MOTION WOULD FAIL SO THAT WE COULD PUT ANOTHER MOTION ON THE FLOOR THAT WOULD ALLOW US TO DENY THIS PARTICULAR ENVIRONMENTAL DOCUMENT, SEND IT BACK WITH SOME DIRECTION, AND WORK WITH THE CITY ATTORNEY TO PROVIDE THAT DIRECTION IN A WAY THAT IT IS LIMITED TO THE CEQA ANALYSIS, BUT THAT IT GIVES THE CITY COUNCIL THE ABILITY TO REFLECT WHY WE THINK THE PROJECT ANALYSIS IS FLAWED, AND HOW WE THINK THE ANALYSIS COULD BE DONE TO MAKE IT MUCH BETTER, AND THAT MIGHT INCLUDE THE REQUIREMENT THAT THE ENVIRONMENTAL IMPACT REPORT BE PREPARED WITH PROJECT ALTERNATIVES. SO THAT'S PROBABLY WHERE I'D BE HEADING WITH THIS. LIKE I SAID, AND I WOULD HOPE THAT THE MOTION WOULD FAIL SO THAT EVERYBODY COULD GET THEIR PARK, BUT WE COULD GET AN ADEQUATE ENVIRONMENTAL ANALYSIS FOR THE PEOPLE BECAUSE THIS IS GOING TO ADD A MINIMUM OF 2000 CARS GOING WHERE THERE ARE NO CARS NOW. AND FOR ME, AND IF I WERE LIVING THERE, I MEAN, I WOULD THINK THAT WAS A SIGNIFICANT IMPACT TO MY COMMUNITY. I WOULD SAY, I WANT TO KNOW HOW ARE WE GOING TO BE ADDRESSING THESE CARS, 2000 CARS

THATS MINIMUM. IT COULD BE MUCH MORE DEPENDING ON WHAT TYPE OF NEW DEVELOPMENT. THE OTHER THING THAT HAS NOT BEEN ANALYZED IN THE ENVIRONMENTAL DOCUMENT IS THE GROWTH INDUCING IMPACTS CAUSED FROM THAT ROAD. WHEN YOU PUT A ROAD AND ATTACH ONE AREA OF A COMMUNITY TO ANOTHER AREA OF A COMMUNITY, YOU HAVE THE POTENTIAL TO GROW MORE HOUSING OR DEVELOPMENT WHICH COULD FURTHER HAVE IMPACTS. SO THE DIRECT IMPACTS AND THEN IN ADDITION, THE CUMULATIVE IMPACTS, WE'D LIKE TO KNOW WHATS GOING TO HAPPEN. SO, AGAIN, I THINK I WOULD PROBABLY SEND IT BACK WITH AN ENVIRONMENTAL DETERMINATION THAT THE MITIGATED NEGATIVE DECLARATION IS INSUFFICIENT, AND THAT WE DO AN ENVIRONMENTAL IMPACT REPORT TO INCLUDE ALTERNATIVES AND TO GIVE YOU A PROPER ANALYSIS. BUT TO ALLOW AND THAT WOULD BE AN ENVIRONMENTAL DOCUMENT FOR THE ROAD. BUT TO ALLOW THE DOCUMENT WITH THE MITIGATED NEGATIVE DECLARATION TO BE USED FOR THE PARK PROJECT ITSELF.

PRESIDENT PETERS: MR. MADAFFER ASKED TO BE HEARD.

MADAFFER: THANK YOU, MR. PETERS. UNLESS I'M HEARING SOMETHING A LITTLE DIFFERENT, I THINK MS. FRYE HAD A SERIES OF EXCELLENT QUESTIONS. BUT I HAVE NOT HEARD ANYTHING FROM THE STAFF THAT SEEMED TO INDICATE THAT THEY DIDNT HAVE AN ANSWER FOR EVERY QUESTION THAT MS. FRYE ASKED. I DID NOT HEAR THE, OOPS, WE FORGOT THAT. I DID NOT HEAR, NO, WE DIDNT INCLUDE THAT. I DID NOT HEAR ANYTHING UNLESS I'M NOT HEARING CLEARLY THAT FROM THE TRAFFIC STUDY TO THE ISSUES THAT WERE ON THE INITIAL CHECKLIST TO THE FINAL LIST TO WHAT WAS IN THE BODY OF THE ANALYSIS ITSELF, IT SEEMS AS THOUGH EVERY ISSUE THAT'S BEEN RAISED THAT MIGHT BE CONSTRUED AS AN OBJECTION TO THE ADEQUACY OF THIS ENVIRONMENTAL DOCUMENT WHICH IS REALLY WHATS BEFORE US TODAY, DESPITE AND I RESPECT MS. ATKINS CONCERN, I CAN CERTAINLY SEE THAT. BUT THE REALITY IS THE ISSUES, WERE THEY IN FACT ADEQUATE OR NOT. WAS THE

ENVIRONMENTAL DOCUMENT ADEQUATE. AND I HAVE NOT HEARD THAT IT WAS NOT. I THINK THAT LASTLY WITH RELEVANCE TO THE TRAFFIC INCREASE ISSUES, THE PEOPLE THAT I HEARD SPEAKING ON BEHALF OF THIS PROJECT TODAY THAT WILL BE IMPACTED, ONE OF THEM, A GENTLEMAN WHO SAID HIS WINDOW OVERLOOKS THE PROJECT, SEEMS TO BE IN SUPPORT. SO I THINK THAT THIS IS AN ACCESS POINT THAT IF IT WAS IN THE EUCLID AVENUE REVITALIZATION ACTION PLAN, IF IT WAS CALLED FOR IN THE CROSSROADS REDEVELOPMENT AREA, THERE IS NO SURPRISE HERE. THE ONLY SURPRISE IS THAT I HAVEN'T HEARD ANYTHING THAT TENDS TO INVALIDATE THE ADEQUACY OF THE ENVIRONMENTAL DOCUMENT AND I'M GOING TO AND I THANK MR. HUESO FOR HIS MOTION, AND IM GOING TO SUPPORT IT.

PRESIDENT PETERS: OKAY, MR. HUESO, DO YOU WISH TO BE HEARD AGAIN?

HUESO: ALSO I JUST WANTED TO CLARIFY AND MAKE SOME STATEMENTS THAT I THINK SUPPORT WHAT MY COLLEAGUE, COUNCILMEMBER MADAFFER STATED. I HAVE SEEN NUMEROUS ENVIRONMENTAL IMPACT REPORTS IN MY EXPERIENCE. AND THE FACT THAT WE KNOW THAT THERE ARE 2,500 VEHICLES COMING, POTENTIALLY COMING TO THIS STREET, IS A REFLECTION ON THE FACT THAT THIS ENVIRONMENTAL IMPACT REPORT, THIS MND, IS ADEQUATE. IT HAS A TRAFFIC ANALYSIS, A TRAFFIC ANALYSIS IS VERY THOROUGH. I THINK IF I'D BE VERY CONCERNED IF FOR SOME REASON WE SAW TRAFFIC ON THIS NEW PART OF ONTARIO THAT WAS INCONSISTENT WITH THE CURRENT TRAFFIC THAT WE HAVE ON ALTADENA AND THE NEIGHBORING STREETS. I'D BE CONCERNED. I'D ASK, WHY WOULD WE HAVE MORE TRAFFIC ON ONTARIO THAN WE WOULD HAVE ON THE NEIGHBORING STREETS THAT WOULD BE A QUESTION THAT I WOULD ASK IF IT WAS INCONSISTENT. BUT I THINK THIS TRAFFIC REPORT IS CONSISTENT. AND THE FACT THAT ITS CONSISTENT, I THINK IT WAS DONE BY A PROFESSIONAL COMPANY WHOSE JOB IT IS TO DO TRAFFIC STUDIES, WHO DOES TRAFFIC STUDIES OVER AND OVER. AND I THINK IT'S CONSISTENT WITH THE NEIGHBORHOOD. I THINK WE SHOULD REALLY JUST FOCUS ON THE MND ITSELF. AND IF WE LOOK AT THE

MND, WE'LL SEE THAT IN TERMS OF THE STREET, ITS CONSISTENT. WHETHER WE SAY I DONT THINK THAT IT'S SAFE TO HAVE 2,500 CARS COMING BY A NEIGHBORHOOD PARK, I THINK THAT'S A DIFFERENT DISCUSSION. I THINK THE FACT THAT WE HAVE AN UNDERSTANDING THAT THERE WILL BE THAT TYPE OF POTENTIAL COMING THROUGH THE STREET WILL ALLOW US TO MAKE THE NECESSARY ADJUSTMENTS TO THE STREET TO EITHER CALM TRAFFIC OR TO ALLOW THE TRAFFIC. I'D BE VERY CONCERNED IF WE SAID THERES GOING TO BE 200 CARS A DAY AND WE BUILT A ROAD FOR 200 CARS AND THEN YOU GET 5,000 CARS. THAT WOULD BE A ROAD THAT'S INADEQUATE. AND THE NEIGHBORHOOD AND THE PUBLIC WOULD NOT BE WELL SERVED. BUT THE FACT THAT WE'RE MAKING PROJECTIONS THAT ARE CONSISTENT WITH THE CURRENT TRAFFIC FLOWS WILL ALLOW US TO BUILD A ROAD THAT WILL SUSTAIN THAT LEVEL OF TRAFFIC THAT WILL POTENTIALLY, IF PEOPLE DON'T WANT THAT AMOUNT OF TRAFFIC THROUGH ONTARIO AND WANT TO TAKE SOME ADDITIONAL EFFORTS TO INTRODUCE SOME CALMING MEASURES OR SOME SPEED BUMPS OR SOMETHING THAT WILL SLOW DOWN TRAFFIC, I THINK WE COULD DEFINITELY LOOK AT THAT IN TERMS OF THE DESIGN OF THE ROAD. BUT, YOU KNOW, I THINK THIS DOCUMENT IS ADEQUATE AND I THINK WE SHOULD SUPPORT IT BASED ON ITS MERITS AND NOT WHAT THE OTHER CONCERNS THAT WERE RAISED.

PRESIDENT PETERS: OKAY. WE'RE NOW READY TO VOTE. I JUST CONCLUDE BY SAYING I AGREE WITH MR. HUESO THAT, ONE THING I WOULD ADD AND THE ATTORNEY SAID, WE DONT KNOW WHAT WILL HAPPEN IF WE DENY THIS. WE SUGGEST THAT THIS ENVIRONMENTAL REVIEW IS INADEQUATE, ONE OF THE THINGS THATS HAPPENED SINCE THIS PROJECT STARTED IS A NEW FORM OF GOVERNMENT, ITS THE MAYORS STAFF WHO WILL MAKE A DECISION ABOUT WHAT TO SEEK TO DO HERE. I ALSO DONT KNOW WHAT GRANT FUNDING IS AVAILABLE IF WE DONT DO THIS NOW. SO I THINK WE JUST HAVE TO STICK TO WHATS IN FRONT OF US. I THINK MS. GONZALEZ AND MS. PENERAS ANSWERED THE QUESTIONS WE PUT TO THEM IN THE ENVIRONMENTAL REVIEW. I DO THINK WE SHOULD LOOK DOWN THE ROAD AT WHAT THE PROCESS LEVELS BECAUSE SOMETHING

LIKE THIS, I THINK WE DO LIKE TO HAVE SOME CONTROL OVER WHAT IS PROPOSED. BUT AT THIS POINT SINCE WHAT IS BEFORE US IS THE ENVIRONMENTAL DOCUMENT, I'LL SUPPORT THE MOTION. ASK FOR THE VOTE, PLEASE. CALL THE ROLL. THAT MOTION FAILS 4 TO 3 WITH DISTRICTS 3, 4 AND 6 VOTING NO. AND DISTRICT 5 ABSENT. ALL RIGHT. UNLESS THERE IS ANOTHER MOTION ON THAT.

FRYE: AGAIN IF I COULD JUST HAVE A FEW MOMENTS MR. PETERS, I'D BE HAPPY TO..

HEUMANN: MAY I, I'M SORRY TO INTERUPT YOU, I APOLOGIZE.

FRYE: YES, I WOULD APPRECIATE SOME SORT OF ....

HEUMANN: I JUST WANT TO CLARIFY FOR THE RECORD THAT WHEN THE MOTION ON THE ENVIRONMENTAL DOCUMENT FAILS, THAT IT DOES NOT REVERT BACK TO THE PLANNING COMMISSION DECISION, THAT PLANNING COMMISSION DECISION IS NOT UPHELD. UNDER THE VENDANTA CASE, WHICH THIS IS A NEW, YOU KNOW, THE FACT THAT YOU HAVE THESE ITEMS BEFORE YOU IS NEW CHANGE IN THE STATE LEGISLATION THAT ALLOWS THE STATE BODY TO HEAR THESE ITEMS, YOU MUST TAKE AN AFFIRMATIVE ACTION TO SUPPORT THE ENVIRONMENTAL DOCUMENT, OR THE ENVIRONMENTAL DOCUMENT FAILS. IRRESPECTIVE OF WHAT THE LOWER DECISION MAKING BODY DECIDED. SO IN THIS CASE, AT THIS POINT, THE DOCUMENT AND PROJECT ARE DONE.

PRESIDENT PETERS: SO, WE HAVE AN ACTION HERE.

HEUMANN: UNLESS YOU TAKE ADDITIONAL ACTION, AS YOU HAD SUGGESTED PREVIOUSLY.

FRYE: AND THAT'S WHAT I'D LIKE TO DO. WHAT I LIKE, IN ORDER TO AGAIN BECAUSE OF THE, SOME OF THE INFORMATION THAT I JUST RECEIVED, MAYBE GO FIVE MINUTES, SO I CAN, ITS JUST GOING TO TAKE ME A SECOND TO PUT TOGETHER A MOTION, MR. PETERS, IS ALL.

PRESDIDENT PETERS: I THINK WE HAVE AN ACTION. WE HAVE NOT UPHELD THE ENVIRONMENTAL REVIEW,

FRYE: SO YOU HAVE NO PROJECT, YOU HAVE NO ENVIRONMENTAL DOCUMENT AND IF YOU HAVE NO ENVIRONMENTAL DOCUMENT, YOU HAVE NO PROJECT. ITS GONE. SO THAT'S WHERE WE'RE AT.

PRESIDENT PETERS: AS I UNDERSTAND IT NOW IT GOES BACK TO THE MAYOR'S STAFF TO COME UP WITH THE (7:31.0)

FRYE: THAT'S NOT MY UNDERSTANDING, MR. PETERS. MY UNDERSTANDING IS THE LACK OF FIVE VOTES MEANS THERE IS NO PROJECT BECAUSE THERE IS NO ENVIRONMENTAL DOCUMENT THAT HAS BEEN APPROVED. AND THE ENVIRONMENTAL DOCUMENT NEEDS TO BE APPROVED BY AN AFFIRMATIVE ACTION OF THE ELECTED BODY, WHICH WE ARE. THERE WAS NO AFFIRMATIVE ACTION TAKEN, SO THERE IS NO PROJECT. AND THAT IS EXACTLY THE REASON I WOULD LIKE TO HAVE A FEW MOMENTS SO I COULD HAVE THIS DISCUSSION AND JUST TALK TO THE CITY ATTORNEY, OR AT LEAST TAKE A FEW MOMENTS SO THAT WE DON'T KILL THIS ENTIRE PROJECT.

PRESIDENT PETERS: ALRIGHT. WE'LL TAKE A FIVE MINUTE BREAK UNTIL TWENTY MINUTES UNTIL SIX. WE DO HAVE TO FINISH ONE MORE ITEM BEFORE WE LOSE COUNCIL MEMBERS, SO I WANT TO MOVE ON TO THE NEXT ITEM.

FRYE: THANK YOU.

PRESDIENT PETERS: OTHER PEOPLE HAVE BEEN WAITING.

BREAK

PRESIDENT PETERS: ALRIGHT. THIS IS MR. MADAFFER'S DISTRICT AND HE HAS ASKED TO BE RECOGNIZED AND I WILL ACCOMMODATE HIM.

MADAFFER: THANK YOU, MR. PETERS. AND I KNOW MS. FRYE WANTS TO MAKE SOME COMMENTS TO TRY TO PERHAPS, WITH RESPECT TO THE ENVIRONMENTAL DOCUMENT, SINCE THE APPEAL IS NO LONGER OVER, I DON'T HAVE TO SIT HERE IN A QUASIJUDICIAL MATTER WITH RESPECT TO THE APPEAL THAT WAS BEFORE US. I DO WANT TO OFFER A COUPLE OF COMMENTS RELATIVE TO THIS PROJECT FOR MY COLLEAGUES AND FOR MEMBERS OF THE PUBLIC. THE PROJECT THAT IS BEFORE, THAT WEVE BEEN TALKING ABOUT TODAY, HAS TO DO WITH THIS PARK. WE HAVE A 2.3 MILLION DOLLAR MURRAY-

HADEN GRANT THAT IS HANGING IN THE BALANCE RIGHT NOW. I UNDERSTAND THAT IT WAS ORIGINALLY THE DEADLINE WAS OCTOBER OF 05. WE HAVE AN EXTENSION TO MAY. THE ONLY WAY I THINK AT THIS POINT THAT ANYTHING COULD BE SAVED ON THIS PROJECT IS IF THE ENVIRONMENTAL SOMEHOW OR ANOTHER CAME BACK BEFORE THE MAY 05 DATE. I DONT THINK YOU CAN DO AN ENVIRONMENTAL DOCUMENT THAT QUICKLY. JUST FOR THE BENEFIT OF MY COLLEAGUES, THANK YOU, MR. PETERS FOR THE PRIVILEGE TO SPEAK. I PERSONALLY THINK THAT THE ACTION PERHAPS HAS, TODAY THAT TOOK PLACE IN NOT DENYING THE APPEAL, IT COULD HAVE THE POTENTIAL OF GETTING KEEPING US FROM GETTING THE FUNDING FOR THE PARK. I DONT KNOW IF WE CAN DO THINGS IN TIME. I CAN TELL YOU THIS. THIS AREA IS WITHIN THE CROSSROADS REDEVELOPMENT AREA. THE COMMUNITY HAS CLAMORED FOR A LONG TIME TO HAVE IMPROVEMENTS MADE TO THE AREA. THAT'S WHY WE INCLUDED IT IN THE CROSSROADS REDEVELOPMENT AREA. THE FACT OF THE MATTER IS THE ROAD ITSELF WILL UNDOUBTEDLY BE BUILT, IT WILL BE PAID FOR THROUGH TAX INCREMENT FUNDS. AND IT WILL CONNECT THESE TWO AREAS. THE ISSUE WITH RESPECT TO THE PARK, I'M NOT SURE WHERE THE FUNDING WOULD COME FROM FOR THAT. AND HAVING HEARD THIS DISCUSSION TODAY, IF THERE WOULD EVER BE THE TWO COMPATIBLE. YOU KNOW, THIS IS ONE OF THOSE THINGS WHERE NO GOOD DEED GOES UNPUNISHED. I STARTED OFF AS A CITY COUNCILMEMBER. I GO INTO THIS AREA, I WANT TO DO EVERYTHING I CAN TO HELP THE PEOPLE WE HEARD TODAY BEFORE US. SO WE TALKED ABOUT HAVING THIS, FINISHING THIS ROAD IT ACTUALLY PROVIDE ACCESS TO EUCLID AVENUE REVITALIZATION ACTION PLAN CALLED FOR THIS ROAD. IT RELIEVES THE TRAFFIC THATS ON EUCLID AVENUE, WHICH IS BUMPER TO BUMPER RIGHT NOW. MANY OF YOU HAVE BEEN IN THE AREA RIGHT NOW, YOU WOULD SEE IT, ITS BAD. TALK ABOUT KIDS CROSSING THE STREET. THEY CANT ON EUCLID. WE WANT TO DO WHAT WE CAN TO AMELIORATE THE TRAFFIC THERE. I THOUGHT, LETS DO THIS, LETS KIND OF PUT THIS ROAD IN. YOU KNOW, THIS IS AN IDEA THAT WAS BORN RIGHT HERE. SO WE COME FORWARD WITH THIS AND WE THOUGHT, YEAH, WELL USE

CROSSROADS TO PAY FOR IT. ABOUT THAT SAME TIME, THERE WAS A GUY THAT BOUGHT SOME PROPERTY, I THINK ITS ONE OF THE COAPPLICANTS AND THEY OWNED A HOUSE UP ABOVE AND THEY OWNED VACANT LAND BELOW. AND I THOUGHT, YOU KLNOW, WOULDN'T THIS BE GREAT, I THOUGHT, WE COULD ACTUALLY PUT IN A PARK FOR THESE RESIDENTS. WE HAVE SUCH PARK DEFICIENCY FOR THIS AREA. WE COULD PUT IN A PARK AND SO WE COME UP WITH THE IDEA, LETS APPLY FOR A GRANT. WE DIDN'T CONNECT THE TWO TOGETHER ON PURPOSE. I DIDNT WANT TO HAVE THE GRANT INCLUDE A ROAD JUST FOR THE SAME REASON THAT YOU WOULDNT HAVE PARK MONIES PAY FOR A ROAD. IT KIND OF CAME ALONG LIKE THAT. AND NOW THAT I SEE WHERE WE ARE TODAY IS, UNFORTUNATELY BECAUSE OF THE VOTE OF THE COUNCIL, I THINK WE'RE GOING TO HAVE A TOUGH TIME SEEING THIS HAPPEN UNLESS SOMEBODY CAN FIGURE OUT A WAY TO PULL A RABBIT OUT OF A HAT AND GET A NEW OR A CHANGED OR AMENDED ENVIRONMENTAL DOCUMENT BETWEEN NOW AND MAY OF 05. SO I JUST THOUGHT ID OFFER A LITTLE PERSPECTIVE, MAY OF 06. I'D THOUGHT I'D OFFER A PERSPECTIVE AT LEAST FROM MY STANDPOINT, THAT THIS IS ONE OF THOSE THINGS WHERE ALL I EVER TRIED TO DO FROM THE BEGINNING WAS PROVIDE THE COMMUNITY ACCESS TO THE NEIGHBORHOOD, CLEAN UP THE AREA, PUT IN A PARK, AND NOW IT LOOKS AS THOUGH THOSE ARE IN JEOPARDY.

PRESIDENT PETERS: OKAY. MS. FRYE, DID YOU HAVE...

FRYE: YES. AND I JUST WANT TO SAY TO MR. MADAFFER, YOU KNOW, I'M SORRY TO BE PART OF YOUR FRUSTRATION. THAT IS NOT MY INTENTION. I'M JUST TRYING TO DO WELL, BUT I KNOW, BUT I SIT NEXT TO YOU. BUT IN ANY CASE, THE REALITY IS THAT THE PARK GRANT WAS APPROVED WITHOUT A ROAD. THAT WAS WHAT WAS SUBMITTED, THAT WAS THE PROJECT. THE PROJECT WAS CHANGED AFTER THE GRANT WAS RECEIVED. THAT GIVES ME SOME PROBLEMS. AND THE STATEMENT, AGAIN WITH ALL DUE RESPECT TO MY COLLEAGUE, THE ROAD WILL BE BUILT NO MATTER WHAT,

CONCERNS ME GREATLY. YOU KNOW, WHETHER WE'LL DO IT SOME OTHER WAY, BUT THE ROAD WILL NEED AN ENVIRONMENTAL ANALYSIS. IT WILL NEED TO BE APPROVED. AND I'D REALLY LIKE TO SEE THIS COMMUNITY GET THE GREEN SPACE THAT THEY NEED TO HAVE. AND SO IN ORDER TO ATTEMPT TO TRY AND MAKE SURE THAT THE COMMUNITY GETS THEIR PARK AND BECAUSE I THINK THAT THE FINDINGS COULD MORE APPROPRIATELY BE MADE, I'M GOING TO UPHOLD THE APPEAL, DENY THE CERTIFICATION OF THE MITIGATED NEGATIVE DECLARATION, AND SUGGEST, I'M GUESSING SUGGEST, THAT THE STAFF GO BACK AND PROVIDE AN ENVIRONMENTAL IMPACT REPORT THAT INCLUDES ALTERNATIVES, ONE ALTERNATIVE BEING A PARK PROJECT WITHOUT A ROAD, OR A NO PROJECT ALTERNATIVE, AND A PARK WITH A ROAD PROJECT ALTERNATIVE. AND THAT WILL BE MY MOTION.

PRESIDENT PETERS: OKAY. THE MOTION BY MS. FRYE IS TO GRANT THE APPEAL, DENY THE ENVIRONMENTAL DETEWRMINATION, TO DENY APPROVAL OF THE ENVIRONMENTAL DOCUMENT, WITH A SUGGESTION ABOUT A WAY TO PROCEED. IS THERE A SECOND? SECOND BY MS. ATKINS. MS. ATKINS.

ATKINS: CAN WE NOT MAKE IT STRONGER THAN SUGGEST, I MEAN,

FRYE: YES. I'M JUST TRYING TO MAKE SURE THAT WE'RE COMPLYING WITH. MY PIURPOSE IN THE MOTION IS NOT TO REQUIRE AN ENVIRONMENTAL IMPACT REPORT, BUT TO REQUIRE AN ANALYSIS THAT INCLUDES ALTERNATIVES, SO.

PRESIDENT PETERS: THAT GIVES MORE FLEXIBILITY FOR GETTING WHAT YOU WANT. SO MS. ATKINS, IS THAT ACCEPTABLE?

ATKINS: YES.

PRESIDENT PETERS: OKAY. YOU CAN MAKE YOUR COMMENT.

ATKINS: I GUESS, JUST BRIEFLY BECAUSE I KNOW TIME IS LATE, TO MY COLLEAGUE MR. MADAFFER, WHO'S WORKED VERY HARD ON THIS PROJECT, AND AGAIN, AS SEVERAL OF US HAVE SUPPORTED THE PROJECT OF THE PARK WITH FUNDING, YOU KNOW, I AM EQUALLY APOLOGETIC AS MS. FRYE TO BE OF SUCH FRUSTRATION. I WOULD SAY TO THE COMMUNITY YOU KNOW, TO THOSE WHO ARE

SUPPORTING THE APPEAL, WE ARE TODAY, POTENTIALLY, WITHOUT A PARK AND THAT IS NOT ACCEPTABLE TO ANY OF US. AND TO ALL OF THE COMMUNITY MEMBERS WHO CAME DOWN HERE WITH THE BEST INTERESTS OF THEIR BLOCK, THEIR COMMUNITY AND THEIR NEIGHBORHOOD, YOU KNOW, THIS IS FRUSTRATING FOR ALL OF US. WE CARE. I CARE VERY MUCH ABOUT HAVING GREEN SPACE IN THIS COMMUNITY. AND I HAVE WORKED WITH MANY OF YOU. I RESPECT MR. LOPEZ TREMENDOUSLY, FOR ALL OF THE WORK HE AND FOX CANYON AND ALL OF YOUR NEIGHBORS DO, AS WELL AS, WELL, I'M GLAD YOU ARE ALL HERE. THIS IS IMPORTANT. WE'VE GOT TO FIND A WAY TO MAKE THIS PARK HAPPEN. AND IF IT COMES DOWN TO A DISCUSSION LATER ABOUT A ROAD, YOU KNOW, I HOPE WE GET INTO DISCUSSIONS OF ALTERNATIVES IN TERMS OF PERMEABLE ROADS. IF THE ISSUE IS REALLY PUBLIC SAFETY ACCESS, THERE ARE OPTIONS WE COULDN'T EVEN DISCUSS TODAY BECAUSE WE COULDN'T TALK ABOUT THE PROJECT. SO, YOU KNOW, AND I DON'T KNOW HOW WELL RECEIVED ALL OF THOSE THINGS WILL BE, BUT I APPRECIATE THE WORK THAT STAFF HAS DONE. I THINK WE HAVE FRUSTRATED STAFF AS WELL WHO HAVE TRIED TO FOLLOW THE DIRECTION OF THE COMMUNITY TO THE BEST OF THEIR ABILITY AS THEY ALWAYS DO. FROM DEVELOPMENT SERVICES, TRAFFIC ENGINEERING, THE ENVIRONMENTAL FOLKS, AND I JUST WANT TO MAKE SURE YOU KNOW THAT I APPRECIATE THE WORK THAT YOU DO AND DON'T TAKE MY VOTE AGAINST THE ORIGINAL PROPOSAL AS INDICATIVE OF NOT SUPPORTING THE WORK THAT YOU DO FOR US EACH AND EVERY DAY.

PRESDIENT PETERS: MR. MADAFFER.

MADAFFER: YES. JUST A QUESTION AND THEN FROM STAFF – WITH RESPECT TO THE MOTION AS IT SITS, MS. FRYE IS PROPOSING SOME ALTERNATIVES, MS. FRYE IS PROPOSING THAT YOU LOOK AT ALTERNATIVES, GIVE ME AN IDEA AS TO TIMING. HOW DOES THIS WORK WITH RESPECT TO WHETHER OR NOT THERE IS AN ALTERNATIVE THAT WOULD BE, AS SHE SAID, YOU KNOW, ROAD ONLY, NO ROAD, A PARK ONLY, A PARK AND A ROAD. AND HOW DOES THIS WORK WITH RESPECT TO THE MURRAY-HADEN GRANT WHICH IS HANGING IN THE BALANCE HERE. 7:49.18

PENERA: FOR THE GRANT, I HAVE TO HAVE A CERTIFIED NOD BY MAY 1ST. I DON'T KNOW WHAT I CN ACCOMPLISH IN A MONTH. THAT'S WHAT I'VE GOT, I'VE GOT ALL OF APRIL. SO I DON'T KNOW, I'M KIND OF STRUGGLING AND IF YOU COULD GIVE ME MORE DIRECTION, THAT WOULD BE GREAT – HOW, WHAT EXACTLY SOMEONE WOULD WANT ME TO BE ABLE ACCOMPLISH BECAUSE I'VE OFTEN HEARD, YOU DON'T WANT US TO RUSH IT TO THE POINT WHERE IT IS NOT QUALITY, AND I DON'T KNOW EXACTLY WHAT THIS DIRECTION IS LEADING ME TO.

MADAFFER: WELL, AS I UNDERSTAND THE MOTION FROM MS. FRYE, AND SHE CAN CERTAINLY SPEAK TO IT, IT'S HER MOTION, I KNOW I'M TRYING TO DECIDE IF I WANT TO SUPPORT IT OR NOT. I MEAN, THE ISSUE IS DO AN ANALYSIS BEYOND WHAT HAS LREADY BEEN DONE, THAT MORE CLEARLY LOOKS AT OPTIONS THAT WERE NOT IN THE EXISTING DOCUMENT THAT WE JUST HAD BEFORE US TODAY. SO I GUESS IT TAKES IT TO BUILDING ON THE MND AND ADDING ON TO THAT AN ANALYSIS OF OPTIONS. IS THAT CORRECT?

FRYE: YES. AND VERY SPECIFC OPTIONS TO INCLUDE THE PARK WITHOUT A ROAD.

PRESIDENT PETERS: AND ALSO MAY I SUGGEST, FROM MS. ATKINS COMMENTS, A ROAD THAT IS LIMITED TO EMERGENCY ACCESS ONLY.

FRYE: RIGHT. AND THEN A LIMITED ACCESS ROAD AND I THINK THAT BASED ON THE FACT THAT YOU KNOW, THERE HAS ALREADY BEEN SOME TRAFFIC ANALYSIS DONE, THAT YOU COULD PROBABLY DO THAT IN A REASONABLE AMOUNT OF TIME IN ORDER TO KEEP YOUR GRANT MONEY

HERMANN: WE WOULD, WE WOULD STILL NEED TO, IF NECESSARY, DO AN ADDENDUM TO THE ENVIRONMENTAL DOCUMENTS WHICH WOULD NOT ACTUALLY REQUIRE A PUBLIC REVIEW, BUT ACTUALLY, NO WE WOULD – WELL, I TAKE IT BACK. IF WE'RE CHANGING THE SCOPE OF THE PROJECT, WE COULD DO A REVISED FINAL WHICH WOULD THEN REQUIRE PUBLIC REVIEW. WE'D HAVE TO GO BACK OUT AND IT MAY – IT'S EITHER TWENTY DAYS OR THIRTY DAY PUBLIC REVIEW. I'D HAVE TO GO BACK AND

LOOK AT CEQA, WHAT CEQA REQUIRES AND THAT WOULD STILL, COULD STILL POSSIBLY PUT US BEYOND OUR TIMELINE FOR NEEDINESS AN NOD, A CERTIFIED DOCUMENT.

MADAFFER: THEN THE OTHER, THE OTHER QUESTION THAT I HAD BEYOND MS. FRYE'S MOTION, ONE OF THE OTHER FOLKS THAT ARE REALLY NOT – THAT ARE HERE TODAY BUT HAVE NOT SPOKEN UP, IS THE REDEVELOPMENT AGENCY. THE CROSSROADS REDEVELOPMENT AREA HAS INTEREST IN SUPPORTING THE COMMUNITY, MR. LOPEZ AND THE RESIDENTS OF FOX CANYON – MAKING IMPROVEMENTS IN AND AROUND THE A LOT OF THE HOUSING AREA. THERE IS INCREDIBLE NEW AFFORDABLE HOUSING OPPORTUNITIES RIGHT AT THE JUNCTURE OF AUBURN AND ONTARIO. THE CITY OF SAN DIEGO, FOR THE LAST 30 YEARS, PAYS OUT FLOOD DAMAGES ON A REGULAR BASIS TO THE APARTMENTS THAT ARE ALONG CHOLLAS CREEK. AND SO WHEN CHOLLAS CREEK FLOODS, THESE APARTMNTS FLOOD, AND THEN WE, THE CITY, TAXPAYERS, PAY AND SO ONE OF THE THINGS THAT WE WANT TO DO WITH CROSSROADS IS PROVIDE AN ECONOMIC INCENTIVE TO PEOPLE THAT OWN THESE APARTMENTS IN THAT AREA TO PERHAPS BUILD NEW HOUSING THAT WILL BE OUTSIDE OR ABOVE THE FLOOD PLAIN. NOW, IF FOR SOME REASON THIS PARK MITIGATION THROUGH THE ENVIRONMENTAL DOCUMENTS WOULD PRECLUDE A ROAD, I WOULD VENTURE TO SAY THEN A GOOD QUESTION WOULD BE IS WOULD THAT PRECLUDE GOOD ACCESS TO NEW AND MORE DENSE HOUSING IN THIS AREA AT ONTARIO AND AUBURN. ONE OF THE THINGS WE ARE TRYING TO DO WITH THE CROSSROADS REDEVELOPMENT AREA IS BUILD MORE MARKET RATE AND AFFORDABLE HOUSING. ONE OF THE THINGS THAT WE'RE TRYING TO DO IS PROVIDE HOUSING FOR A LOT OF THESE FOLKS SO THEY DON'T HAVE TO MOVE OUT OF THE NEIGHBORHOOD – THEY WANT TO STAY IN THAT AREA – AND SO CROSSROADS CONTEMPLATED BUILDING NEW HOUSING TO REPLACE SOME OF THE OLD DEFICIENT HOUSING THAT GETS FLOODED AND THAT WE, AS TAXPAYERS, HAVE TO PAY MONEY ON EVERY YEAR, OR EVERY OTHER YEAR FOR FLOOD DAMAGE. SO I GUESS A QUESTION TO BE ADDED INTO THIS ANALYSIS IS IF IN FACT THIS ROAD WERE TO BECOME, SAY, JUST AN ACCESS ROAD AS HAS BEEN CONTEMPLATED, WOULD THAT PRECLUDE THEN THE

ABILITY TO ADD DENSITY IN THE CROSSROADS REDEVELOPMENT AREA BECAUSE THESE OTHER ROADS ARE ALREADY SO IMPACTED. WE ALREADY HAVE A ONE WAY ROAD IN THE AREA NOW BECAUSE TRAFFIC IS SO BAD. WE ACTUALLY APPROVED HERE AT CITY COUNCIL A COUPLE OF YEARS AGAO A ONE-WAY ROAD ON AUBURN, WHERE IT KIND OF DOES THE PORK CHOP THERE, IT REALLY TURNS KIND OF SHARP BECAUSE TRAFFIC IS SO BAD – I MEAN THAT DIDN'T COME UP TODAY.

THIS IDEA OF KEEPING THIS ROAD FROM HAPPENING, ALL THAT'S GOING TO DO IS ALSO KEEP MORE HOUSING FROM HAPPENING IN THE CROSSROADS REDEVELOPMENT AREA. THAT'S WHY I WAS TRYING TO DO A PARK AND A ROAD THAT I THOUGHT WAS SO COMPLEMENTARY TO ONE ANOTHER. BUT I THINK WE SHOULD INCLUDE THAT IN THE ANALYSIS AS WELL – DOES THIS PRECLUDE FUTURE ECONOMIC DEVELOPMENT OPPORTUNITIES IN THIS AREA?

FRYE: AND MR. PETERS, IF I CAN JUST, I MEAN I'LL CERTAINLY ....

PRESIDENT PETERS: WE REALLY NEED HAVE TO MOVE ALONG AS WE HAVE ONE MORE ITEM WE HAVE TO DO.

FRYE: I KNOW, I UNDERSTAND THAT. I'M JUST SAYING I'M HAPPY TO INCLUDE ANY TYPE OF ANALYSIS FOR THE ROAD, BUT THE THING IS THE DOCUMENT THAT I READ – THE MITIGATED NEGATIVE DECLARATION – DID NOT HAVE ANY DISCUSSION ABOUT THE GROWTH INDUCEMENT THAT WOULD BE CAUSED AS A RESULT OF BUILDING THAT ROAD. AND I THINK THAT IS PROBABLY A LARGE PART OF THE ISSUE THAT HAS BEEN RAISED BY THE COMMUNITY - THAT THE REAL REASON FOR THE ROAD AND THE ACTUAL ANALYSIS THAT NEEDS TO BE ADDRESSED. BECAUSE I DON'T BELEIVE IN THE TRAFFIC ANALYSIS THERE WAS ANYTHING IN THERE THAT TALKED ABOUT AVERAGE DAILY TRIPS FOR A WHOLE LOT MORE HOUSING THAT IS GOING TO BE BUILT AS A RESULT OF THE BUILDING OF THE ROAD. THAT ANALYSIS WAS NOT DONE AND IF THAT WAS THE INTENTION THEN THAT NEEDS TO BE SO STATED, AND THAT IS A CUMULATIVE IMPACT AND THAT DOES NEED TO BE ADDRESSED IN A MUCH DIFFERENT WAY. SO I'M JUST GOING TO LEAVE IT AT THAT.

PRESIDENT PETERS: OKAY.

MADAFFER: CAN I ASK IF PARK STAFF OR DEVELOPMENT SERVICES STAFF COULD COMMENT ON..

PENERA: I JUST WANTED TO ASK A QUESTION ABOUT THE MOTION AND THE POTENTIAL FOR A DIFFERENTMOTION. AND THAT IS, IF THE PROJECT, IF THE ENVIRONMENTAL DOCUMENT WERE TO BE PPROVED WITH THE EXCEPTION THAT THE ROAD NOT BE BUILT, BUT THAT THE ACCESS ROAD BE BUILT FOR THE PURPOSES OF MOVING THE PARK PRJECT THROUGH. AND THEN COME BACK TO DO A FOLLOW-UP AT A LATER DATE BECAUSE..

PRESIDENT PETERS: LET ME SAY, I THINK THAT IS AN EXCELLENT IDEA. PEOPLE DON'T HAVE AN OBJECTION TO AN ACCESS ROAD, AND IF THERE WAS ANY SUGGESTION OF OPENING IT UP AGAIN OR ANYTHING FURTHER, THAT WOULD REQUIRE A FULL ENVIRONMENTAL REVIEW AND WE COULD TALK ABOUT THAT LATER. IS THAT ACCEPTABLE?

PENERA: AND THE PROJECT DOES COME BACK BEFORE YOU FOR APPROVAL OF THE CONSTRUCTION DRAWINGS BECAUSE IT IS OVER A MILLION DOLLARS IN THE CURRENT MUNI CODE, SO THAT WOULD BE YOUR WAY TO BE SURE THAT WE

PRESIDENT PETERS: SO WE'LL SEE THE PROJECT ANYWAY FOR FUNDING

MADAFFER: WELL I WILL MAKE THAT MOTION THEN

FRYE: THERE'S A MOTION ON THE FLOOR.

HEUMANN: IF YOU WANT TO ALTER THE MOTION BUT I..

PRESIDENT PETERS: HOLD ON.

HEUMANN: I WANT TO CLARIFY THE MOTION THAT IS ON THE FLOOR. THAT THE WORD SUGGEST BY COUNCILMEMBER FRYE, AND IF THIS IS NOT HER INTENT SHE MAY WANT TO CORRECT ME, BUT, IT DOES ALLOW STAFF THE FLEXIBILITY OF PRESENTING THE PARK SEPERATELY FROM THE ROAD USING AN MND OR WHATEVER A DOCUMENT IS APPROPRIATE FOR ENVIRONMENTAL PURPOSES, TO BE RESUBMITTED WITH THE ROAD

HAVING HAD A FULL ENVIRONMENTAL IMPACT ANALYSIS, I BELIEVE THAT IS THE INTENT OF HER WORD SUGGEST.

PRESIDENT PETERS: THAT'S FINE. I WANT TO SUGGEST THAT IF MS FRYE WANTS TO VOTE ON HER MOTION THAT…

FRYE: NO I WOULD LIKE, THERE WAS A SUGGESTION BY STAFF THAT I WOULD JUST LIKE TO HAVE A LITTLE MORE INFORMATION ON.

PRESIDENT PETERS: THE MOTION SUGGESTED BY STAFF WOULD BE TO APPROVE THE ENVIRONMENTAL DOCUMENT FOR – TO DENY THE APPEAL AND APPROVE THE ENVIRONMENTAL DOCUMENT FOR THE CONSTRUCTION OF THE ROAD AND FOR USE ONLY FOR EMERGENCY VEHICLES. IS THAT WHAT I UNDERSTAND? IS THAT WHAT YOU'RE SUGGESTING?

PENERA: AND ONLY BUILD THAT PORTION FOR ACCESS NOT TWO-LANE BUT THE ACCESS ROAD FOR

PRESIDENT PETERS: RIGHT.

PENERA: THEN THE WAY YOU COULD BE SURE THAT ACTUALLY OCCURS BECAUSE IT COMES BACK TO COUNCIL.

FRYE: I'M NOT SURE, PERSONALLY, THAT IS ACTUALLY A LEGAL MOTION.

PRESIDENT PETERS: SO WOULD YOU LIKE TO VOTE?

FRYE: YES I'D LIKE TO VOTE.

PRESIDENT PETERS: YOU'D LIKE TO VOTE ON THE MOTION. I WILL, ALRIGHT, PLEASE GO AHEAD. MS. FRYE'S MOTION IS TO GRANT THE APPEAL, AND TO DENY APPROVAL OF THE ENVIRONMENTAL, OR THE MITIGATED NEGATIVE DEC, WITH DIRECTIONS FOR , AS SHE EXPLAINED.

FAULCONER: BEFORE, IF POSSIBLE BEFORE THAT MOTION JUST TO TRY TO GET TO MRS. FRYE, COUNCILWOMAN FRYE ON THE SUGGESTION BY STAFF IN TERMS OF THE ROAD, DID YOU LIKE THAT OR NOT LIKE THAT, THAT'S WHAT I WAS, YOU WERE CLOSE BUT I DIDN'T QUITE GET IT.

FRYE: I'D LIKE TO GET AN OPINION FROM THE CITY ATTORNEY.

HEUMANN: YOU CAN'T MODIFY THE PROJECT THAT IS BEFORE YOU. YOU ARE NOT, YOU DON'T HAVE THE PROJECT BEFORE YOU. YOU HAVE THE ENVIRONMENTAL DOCUMENTS FOR AN EXISTING PROJECT BEFORE YOU.

FRYE: THIS IS THE VERY PROBLEM THAT I'VE BEEN HAVING TRYING TO DISCUSS THIS AND CRAFT A MOTION TO MAKE SURE THIS, THAT THERE'S SOME ABILITY FOR US TO TALK ABOUT QUOTE THE PROJECT. AND YOU'RE SAYING, YOU KNOW, I'M BEING TOLD I CAN'T TALK ABOUT THE PROJECT. SO IF I CAN'T TALK ABOUT THE PROJECT I'M GUESSING YOU CAN'T TALK ABOUT THE PROJECT. AND SO, THE APPEAL IS REALLY NOT OVER BECAUSE WE HAVE A MOTION ON THE FLOOR. SO WHAT I'M TRYING TO DO IS TO DO A VERY SIMILAR ACTION THROUGH A CEQA DETERMINATION THAT STAFF HAS SUGGESTED THAT SAYS LOOK AT THAT ALTERNATIVE AND YOU COULD CERTAINLY BRING BACK SOME SORT OF ENVIRONMENTAL DOCUMENT TO US. BUT THEN AT LEAST WE COULD LOOK AT IT, BECAUSE RIGHT NOW

PRESIDENT PETERS: LET ME ASK JUST ONE MORE CLARIFYING QUESTION. MR HALBERT, YOU SAID THAT THIS WAS, THAT THE PROJECT WAS COMING BACK FOR FURTHER FUNDING.

HALBERT: THERE IS NO IDENTIFIED FUNDING FOR THE ROAD AT THIS POINT IN TIME.

PRESIDENT PETERS: WHETHER ITS AN ACCESS ROAD OR

HALBERT: ANY KIND OF A ROAD.

PRESIDENT PETERS: AND SO THAT WILL HAVE TO BE A COUNCIL ACTION?

HALBERT: EXACTLY.

PRESIDENT PETERS: ALRIGHT. LET ME SUGGEST THIS. WE CAN'T DO ANYTHING WITHOUT APPROVING THE ENVIRONMENTAL DOCUMENT. WHAT MR. HAIBERT IS TELLING US IS THAT NO-ONE CAN BUILD A ROAD WITHOUT OUR VOTE ON FUNDING. SO WHY DON'T WE, ONE WAY TO SKIN THIS CAT IS IF YOU AGREED THAT THE DOCUMENT WAS SUFFICIENT FOR THE PURPOSES OF AN EMERGENCY ACCESS ROAD, AND WE WANTED TO RESTRICT THAT, WE CAN DO THAT THROUGH OUR FUNDING DECISION THAT COMES DOWN THE ROAD. IS THAT ..

HALBERT: NO, I WOULDN'T SAY THAT. I WOULD SAY THAT IF YOU ARE GOING TO CERTIFY THE DOCUMENTS, YOU ACTUALLY HAVE TO CERTIFY IT FOR THE PROJECT THAT IS BEFORE YOU.

PRESIDENT PETERS: OH, I UNDERSTAND THAT.

HALBERT: HAVING SAID THAT, THE REALITY IS IF THE PROJECT WERE, AT A LATER DATE, CHANGED TO BEING EITHER AN ACCESS ROAD OR NO ROAD AT ALL. THIS MND WOULD STILL BE SUFFICIENT.

PRESIDENT PETERS: I UNDERSTAND THAT. OKAY. SO I'D SUGGEST THAT WHAT WE SHOULD DO IF WE ARE TRYING TO HEAD FOR THAT IS VOTE AGAINST THIS MOTION AND TO VOTE TO ACCEPT THE, TO DENY THE APPEAL, AND APPROVE THE DOCUMENT. SO LETS VOTE PLEASE. OKAY CALL THE ROLL.THAT MOTION FAILS FIVE TO TWO WITH DISTRICTS THREE AND SIX VOTING YES.

MADAFFER: MR. PETERS,

PRESIDENT PETERS: MR. MADAFFER.

MADAFFER: WELL, FIRST OF ALL, I AM A LITTLE EMBARRASSED SITTING HERE BECAUSE JUST A MINUTE AGO MS. HEUMANN TOLD ME – OH NOW SHE SAYING SHE DIDN'T – I THOUGHT THE APPEAL WAS OVER WITH AND THAT I WAS ABLE TO MAKE THE COMMENTS THAT I MADE EARLIER, SO I APOLOGIZE IF I MADE ANY COMMENTS THAT WERE INCONSISTENT WITH THE ACTION BEFORE US. I THINK THAT WE HAVE HEARD ENOUGH ABOUT THIS TODAY. I THINK THAT WHAT WE SHOULD DO IS, AS MR. PETERS JUST STATED A MOMENT AGO, WE SHOULD DENY THE APPEAL - WELL,

PRESIDENT PETERS: YOU MIGHT WANT TO CONTINUE THE ITEM.

MADAFFER: MR. PETERS, YOU SAID IT MORE ELOQUENTLY THAN ME. I AM SO WORN OUT OVER THIS PROJECT.

PRESIDENT PETERS: I WOULD SUGGEST THAT SINCE WE ARE , WE'RE IN A LITTLE BIT OF A LIMBO HERE, WHAT MIGHT BE SMARTEST WOULD BE TO BRING THIS BACK ON THE THIRD OR FOURTH OF APRIL WHEN WE HAVE A FULL COUNCIL.

HERMANN: I DON'T BELIEVE THAT STAFF WOULD HAVE ENOUGH TIME, IF WE NEED TO DO ADDITIONAL ANALYSIS, OR DO ANOTHER DOCUMENT, OR REVISE OUR ENVIRONMENTAL DOCUMENT IF THAT IS THE CASE WITH WHATEVER MOTION IS BEFORE YOU TODAY.

PRESIDENT PETERS: SO YOU NEED A MOTION TODAY.

HERMANN: WE WOULD LIKE ONE, YES, PLEASE.

MADAFFER: MR. PETERS. IF WE COULD JUST SUGGEST THAT THE MOTION BE TO DENY THE APPEAL, BUT DIRECT STAFF TO DO SOME ADDITIONAL ANALYSIS WORK AS SUGGESTED BY MS FRYE WITH RESPECT TO THESE VARIOUS ALTERNATIVES. AND SINCE, AS MR. HALBERT JUST STATED, THERE IS NO ROAD THAT IS FUNDED TODAY, IF IT ENDS UP BEING THAT THIS PARK IS DESIGNED AS IS WITH JUSTA PIPE GATE AT EACH END AND IT BECOMES AN ACCESS ROAD, IT WILL BE A FUTURE CITY COUNCIL ACTION IN ITS CAPACITY AS THE REDEVELOPEMTN AGENCY AND THE CITY COUNCIL AS TO WHETHER OR NOT WE WILL FUND OR EVEN TO BUILD THIS ROAD. BUT IN THE MEANTIME IF WE DENY THE APPEAL, ASK FOR ADDITIONAL ANALYSIS SO THERE IS MORE INFORMATION AVAILABLE DOWN THE LINE, WE COULD ACTUALLY LET THIS PARK GET BUILT AND LEAVE THE OPTION OPEN FOR A FUTURE DAY WITH RESPECT TO THIS ROAD. SO THAT WOULD BE MY MOTION.

PRESIDENT PETERS: I'M JUST TELLING YOU THATIT APPEARS TO ME, THAT GIVEN MS. PENERA'S TIMELINE, AND I UNDERSTAND THAT THIS IS A FRUSTRATION OF MS. ATKINS, THAT THERE REALLY IS NO ALTERNATIVE BUT TO APPROVE THESE DOCUMENTS, AND LATER TO RESTRICT THE USE OF THE ROAD TO EMEGENCY ACCESS. SO THE MOTION IS TO DENY THE APPEAL, AND APPROVE THE ENVIRONMENTAL DETERMINATION, WITH THE COMMENTS MADE FOR THE RECORD. SO MR. MADAFFER, YOU HAVE A MOTION,

HEUMANN: YOU CAN'T MAKE A MOTION THAT THE ENVIRONMENTAL IS ADEQUATE BUT YOU HAVE TO DO ADDITIONAL ENVIRONMENTAL, YOU CAN'T MAKE THAT MOTION. OH, THEN I MISUNDERSTOODCOUNCILMEMBER MADAFFER'S MOTION.

MADAFFER: MY MOTION IS TO DENY THE APPEAL.

HEUMANN: RIGHT. BUT I THOUGHT WITH DIRECTION TO STAFF TO DO ADDITIONAL ENVIRONMENTAL REVIEW. MAYBE I MISUNDERSTOOD.

MADAFFER: I WAS SIMPLY JUST TRYING TO BE RESPECTFUL OF MS. FRYE'S SUGGESTION THAT WE HEAR WHAT OTHER OPTIONS MIGHT BE DOWN THE LINE. THAT THE

HEUMANN: SO YOU'RE ASKING FOR RECONSIDERATION, I GUESS IS WHAT I'M SAYING THEN. RECONSIDERATION OF THE PREVIOUS VOTE.

MADAFFER: IF IT WOULD, IF THAT IS THE CASE THEN I GUESS THAT'S WHAT WE WOULD HAVE TO DO.

HEUMANN: OKAY. AND THEN WE WOULD THAT TO PASS WITH SIX VOTES. AND THEN YOU COULD…

PRESIDENT PETERS: THERE'S A MOTION FOR RECONSIDERATION BY MR. MADAFFER OF THE FIRST MOTION WHICH WAS TO DENY THE APPEAL. THERE IS A SECOND BY MR. HUESO.

MADAFFER: NO, I CAN'T DO THAT. I LOST.

HEUMANN: HE HAS TO BE ON THE WINNING SIDE OF THE MOTION.

PRESIDENT PETERS: SO WE WON'T HAVE – SO THE PROBLEM IS - SO THE MAKER OF THE MOTION HAS TO BE ON THE WINNING SIDE.

MADAFFER: SO WHO LOST? I THINK THE PARK AND THE ROAD LOST.

PRESIDENT PETERS: I THINK YOU WOULD LIKE RECONSIDERATION OF THE FIRST MOTION WHICH WOULD NEED , IF ANY OF THE THREE OF YOU, DISTRICTS TWO, FOUR – I MEAN THREE, FOUR OR SIX, WE COULD MAKE THE MOTION TO RECONSIDER.

ATKINS: EXPLAIN TO ME WHAT RECONSIDERATION WOULD GET US.

HEUMANN: A RE-VOTE OF THE DENIAL TO – I'M SORRY, I GET MIXED UP BETWEEN DENIAL TO DENY AND UPHOLD AN APPEAL – TO RE-VOTE ON THAT. THAT FAILED FOUR TO THREE. COUNCILMEMBER MADAFFER IS ASKING THAT ONE OF HIS COLLEAGUES MAKE A MOTION TO RECONSIDER THAT VOTE.

ATKINS: AND IN THE PERIOD OF TIME BETWEEN NOW AND RECONSID – WHEN WE DOCKET IT TO BE HEARD AGAIN, WHAT OCCURS?

HEUMANN: YOU COULD HEAR IT RIGHT NOW, BECAUSE WE ARE IN THE SAME HEARING. YOU HAVE NOT CONCLUDED THIS DISCUSSION, SO YOU WOULD NOT HAVE TO RE-DOCKET IT.

PRESIDENT PETERS: MS. ATKINS, HERE'S THE ISSUE I THINK IS THAT, WE'RE IN A LIMBO HERE. IT APPEARS TO ME THAT THERE IS SOME GRANT MONEY OUT THERE FOR A PARK, IT APPEARS TO ME THAT THERE IS SOME OPENNESS TO HAVING AT LEAST AN ACCESS ROAD FOR EMEGENCY VEHICLES, RATHER THAN THIS TWO-LANE ROAD EVEN IF THAT'S NOTAPPROVED. THE ENVIRONMENTAL DOCUMENT IS ADEQUATE TO – IF WE DETERMINE ITS ADAEQUATE WOULD COVER THE ACCESS ROAD, AND THERE ARE WAYS WE COULD PREVENT, IN THE FUTURE, THROUGH FUNDING, MORE THAN THE ACCESS ROAD FROMBEING BUILT. SO WHAT I'M SUGGESTING TO YOU IS THAT IF YOU SUPPORT THE IDEA OF PUTTING IN A ROAD FOR EMERGENCY ACCESS ONLY, THAT THE WAY TO DO THJAT, AND EVEN MR. STUMP IS NODDING YES, THE WAY TO DO THAT IS TO MOVE TO RECONSIDER THE DENIAL OF THE APPEAL, I MEAN MOVE TO RECONSIDER THE FIRST MOTION WHICH WAS NOT ADOPTED AND THEN WE WOULD VOTE AGAIN TO APPROVE THE DENIAL OF THE APPEAL AND THEN I THINK ITS PRETTY CLEAR TO EVERYONE WHERE WE'RE GOING IS THAT WE WANT AN ACCESS ROAD ONLY FOR A PARK, BUT WE CAN LEAVE THAT DECISION TO A FUTURE DATE. THE PROBLEM IS THAT IF WE DON'T ADOPT THE ENVIRONMENTAL DOCUMENT TODAY THE STAFF SAID PRETTY CLEARLY..

ATKINS: IF WE CAN TAKE IT ONE STEP AT A TIME. I'M HAPPY TO MOVE TO RECONSIDER.

PRESIDENT PETERS: OKAY. THERE IS A MOTION BY MS. ATKINS TO RECONSIDER AND A SECOND BY MR. MADAFFER. THIS IS THE FIRST MOTION THAT FILED ON A FOUR THREE VOTE TO DENY THE APPEAL. SO A MOTION TO RECONSIDER THAT VOTE.

FRYE: AND I JUST HAVE SOME DISCUSSION ON THAT PLEASE, MR. PETERS.

PRESIDENT PETERS: MS. FRYE.

FRYE: SO THE MOTION TO RECONSIDER WHICH?

PRESIDENT PETERS: THE DENIAL OF THE APPEAL.

FRYE: THE DENIAL OF THE APPEAL. ALRIGHT.

PRESIDENT PETERS: AND THAT MOTION... OKAY SO PLEASE VOTE. CALL THE ROLL. THAT MOTION PASSES UNANIMOUSLY, WOW, THAT'S GREAT. OKAY. SO WE'RE ON OUR WAY. WITH DISTRICT FIVE VOTING NO – OH WITH DISTRICT FIVE EXCUSED. NOW MS. ATKINS, WHAT I'D SUGGEST TO YOU IS THAT TO GET ANYTHING DONE HERE WE ARE GOING TO NEED AND ENVIRONMENTAL DOCUMENT. THAT WE HAVE ROOM TO PREVENT ANY ROAD FROM BEING BUILT THROUGH OUR FUNDING CAPBILITIES AND WE HAVE ROOM TO DECIDE WE WANT AN ACCESS ROAD ONLY OR WE HAVE ROOM TO DECIDE, ASSUMING THAT THE ENVIRONMENTAL DOCUMENT IS OKAY, THAT WE WANT A ROAD, BUT ALL OF THE DECISIONS WILL COME TO US BECAUSE OF OUR FUNDING AUTHORITY. AND SO EVEN THOUGH WE ARE FRUSTRATED, WE REALIZE, IN THE MIDDLE OF THIS HEARING WE'RE FRUSTRATED, WE CAN'T REALLY TALK ABOUT ANYTHING BUT THE MITIGATED NEGATIVE DECLARATION, WE DO KNOW NOW FROM MR. HALBERT THAT SINCE THE FUNDING HAS NOT BEEN APPROVED, THAT WE DO HAVE CONTROL OVER WHAT IS BUILT THERE THROUGH ANOTHER MECHANISM. AND I WOULD SUGGEST THAT WE PURSUE THAT MECHANISM. SO THE MOTION THAT I'D ASK FOR IS A MOTION TO DENY THE APPEAL, AND TO APPROVE THE ENVIRONMENTAL DOCUMENT.

MADAFFER: AND THAT, MR. PETERS, WOULD BE MY MOTION AT THIS POINT WITH THE COMMENTS AS YOU SO NOTED.

PRESIDENT PETERS: THAT WAS A MOTION BY MR. MADAFFER AND A SECOND BY MR. HUESO. NOW, JUST TO MAKE SURE EVERYONE UNDERSTANDS IT, MS. FRYE YOU'RE ON THE LIGHTS.

FRYE: MR. STUMP COULD YOU COME UP TO THE MICROPHONE PLEASE. I DON'T THINK WE HAVE ACTUALLY ACCOMPLISHED ANYTHING. TO BE QUITE FRANK WITH YOU I DON'T SEE THE PURPOSE OF..

STUMP: WELL, I MEAN, WE HAVEN'T ACCOMPLISHED ANYTHING UNLESS YOU'VE GIVEN INSTRUCTIONS TO STAFF CONCERNING THE RESTRICTION ON WHAT YOU'VE ACTUALLY DONE, I MEAN WHERE YOU'RE SUPPOSED TO BE PROCEEDING. AND YOU CAN'T DO THAT BECAUSE OF....

PRESIDENT PETERS: RIGHT. THEY'RE NOT LETTING US DO THAT, SO.

STUMP: THEY'RE NOT LETTING YOU DO THAT SO I GUESS YOU, YOU KNOW, YOU'RE A LEGISLTIVE BODY NOW.

PRESIDENT PETERS: THAT DOESN'T MATTER.

STUMP: I KNOW AND YOU ARE RESTRICTED SO I DON'T KNOW. I MEAN IT'S A NEW DAY.

PRESIDENT PETERS: THANK YOU MR. STUMP. WELCOME TO CITY COUNCIL, MR. STUMP.

STUMP: IF YOU WOULD BE COURTEOUS ENOUGH TO NOTICE ME WHEN THIS THING COMES FORWARD

PRESIDENT PETERS: I WILL PERSONALLY NOTICE YOU MR. STUMP. HERE'S THE THING, MR. STUMP. I THINK YOU WANT THE PARK.

STUMP: WE'RE FRIENDS OF THE PARK.

PRESIDENT PETERS: OKAY. AND MY CONCERN IS THAT, I THINK THAT EVERYBODY UP HERE WANTS A PARK, AND I THINK WITHOUT AN ENVIRONMENTAL DOCUMENT WE ARE NOT GOING TO GET THAT PARK. STAFF IS TELLING US THAT WE CN'T, THAT WE CAN'T TURN AROUND ANOTHER ENVIRONMENTAL DOCUMENT IN THE TIME WE HAVE LEFT. SO WHAT I'LL TELL YOU IS I'M INCLINED NOT TO SUPPORT ANY ROAD, BUT IF MS. ATKINS AND MR. MADAFFER AGREED THAT THEY WANT AN ACCESS ROAD, THAT'S BE OKAY. UNTIL THERE IS A HUGE ENVIRONMENTAL REVIEW AND WE KNOW ALL THE ALTERNATIVES THAT MS. FRYE IDENTIFIED, WHICH ARE ACCES ROAD, FULL ROD, NO ROAD. AND I'LL GIVE YOU THAT AS MY COMMITMENT TO YOU FOR SOME FUTURE DATE THAT WE'LL HAVE THAT DISCUSSION. BUT I DON'T SEE ANYWAY TO GET TO WHERE YOU WANT TO GET WITHOUT THAT MITIGATED NEGATIVE DECLARTION.

STUMP: YES AND I GUES, YOU KNOW, I'M LOOKING AT THE REST OF MY COUNCIL COLLEAGUES, THE ONES THAT SERVE CITY HEIGHTS, AND NOW THAT YOU KNOW THAT THE ROAD HAS TO COME BEFORE YOU AND IT HASN'T BEEN ANALYZED, I HAVE TO LOOK AT MY CLIENTS AND SEE WHETHER THEY WANT TO PROCEED. THE SIERRA CLUB. WE WANT THE PARK.

BOWLBY: WILL WE GET A FULL EIR,

PRESIDENT PETERS: NO.

BOWLBY: THAT INCLUDES, AFTER, WHEN IT COMES FORWARD FOR FUNDING FOR THE ROAD, WE WON'T HAVE FULL EIR THAT INCLUDES ALL THE CUMULTIVE GROWTH IMPACTS?

PRESIDENT PETERS: NO, NO, NO, NOT NECESSARILY. WHAT MS., IN FACT, WHAT MS. FRYE ASKED FOR WAS AN ANALYSIS, I WOULDN'T COMMIT TO AN EIR AT THIS POINT, BUT I WOULD SAY THAT YOU GET A FULL ANALYSIS OF THE IMPACTS OF EACH OF THOSE THINGS. AN EIR TAKES EIGHT TO TEN MONTHS.

BOWLBY: UNDERSTOOD. BUT WHEN THE FUND - WHAT HAS CONVINCED THE MEMBERS TO RECONSIDER HERE WAS THE FACT THAT THEY WOULD GET TO VOTE AT A LATER TIME A ROAD, AN ACCESS ROAD, OR NO ROAD, THAT WOULD BE AN ALTERNATIVE THAT THEY COULD – IF WE WIND UP WITH A TWO LANE ROAD, AS COUNCILMEMBER MADAFFER POINTED OUT, IT'S TREMENDOUSLY GROWTH INDUCING, THAT WOULD NEED A FULL EIR. DO YOU AGREE, MR. MADAFFER?

MADAFFER: I'LL FOLLOW ALONG WITH WHATEVER THE ENVIRONMENTAL STAFF AND ATTORNEYS ADVISE THE CITY NEEDS TO DO DEPENDING ON WHATEVER THAT PROJECT BECOMES, WHETHER IT'S A MITIGATED NEGATIVE DEC, WHETHER IT'S A FULL EIR, I THINK THAT'S TO BE DETERMINED BECAUSE WE DON'T HAVE THAT BEFORE US TODAY, SIR.

HERMANN: WELL, STAFF IS KIND OF CONFUSED OVER HERE AS WELL. I'M SORRY. BECAUSE MY UNDERSTANDING OF THE NEW MOTION IS TO DENY THE APPEAL WHICH

WOULD THEN CERTIFY THE ENVIRONMENTAL DOCUMENT AS IT STANDS. NO FURTHER ANALYSIS, WE COULD MOVE FORWARD WITH THE PARK PROJECT, HOWEVER ITS ...

PRESIDENT PETERS: THAT DOES NOT PRECLUDE MORE ANALYSIS. THE FACT THAT WE SAY TODAY,

HERMANN: YES IT DOES, BECAUSE TECHNICALLY THE ROAD PROJECT AND THE PARK PROJECT ARE CONSUMED IN THAT ONE ENVIRONMENTAL DOCUMENT. IN ACTUALLITY, YOU COULD - OKAY.

PRESIDENT PETERS: WAIT A MINUTE, STEP OUT OF YOUR CEQA HAT FOR A SECOND. STEP AWAY FROM THE LAW, STEP BACK FROM THE LAW. THE POINT IS YOU CAN BRING TO US INFORMATION IN THE FORM OF A STAFF REPORT THAT EXPLAINS TO US WHAT THE TRAFFIC IMPACTS ARE OF A ONE LANE ROAD, THAT CAN BE IN A THREE PAGE LETTER, OR IT CAN BE IN A SET OF TABLES. IT DOESN'T HAVE TO BE AS PART OF A NEW ENVIRONMENTAL DOCUMENT, AND I THINK EVERYONE ON THIS BOARD, I CAN PROMISE YOU WILL WANT THAT ANLYSIS. THAT DOES NOT MEAN THAT THAT HAS TO BE NAMED MITIGATED NEGATIVE DECLARTION OR ENVIRONMENTAL IMPACT REPORT. BUT WE CAN MEET MR. BOWLBY'S CONCERN THAT WE HAVE THAT INFORMATION BEFORE WE MAKE A DECISION ABOUT FUNDING. SO THAT'S MY – MR. HALBERT, DO YOU WANT TO CONFUSE US MORE?

HALBERT: NO, I JUST WANT TO ADD TO WHAT YOU JUST SAID AND THAT IS THAT WE CAN CERTAINLY PROVIDE YOU WITH ANALYSIS, NOT ENVIRONMENTAL ANALYSIS, BUT ANALYSIS OF ALL THE DIFFERENT OPTIONS AS WE BRING THAT FORWARD, INCLUDING WHAT IS THE FUTURE RESERVE CAPACITY OF THE ROAD.

PRESIDENT PETERS: AND THAT'S THE KIND OF THINGS WE WANT TO HEAR BEFORE WE MADE ANY DECISION TO FUND A ROAD. OKAY?

FRYE: AND MR. PETERS, SINCE I WAS ON THE LIGHTS, I AGAIN, MY CONCERN IS THERE IS NO REQUIREMENT TO DO ANY FURTHER ENVIRONMENTAL ANALYSIS. IF THIS MOTION IS APPROVED, THE ROAD WILL BE APPROVED, THE PARK WILL BE APPROVED, AND YOU WILL NOT HAVE ANOTHER OPPORTUNITY UNDER THE LAW, TO DEAL WITH THIS ISSUE.

THAT WILL BE IT, IT WILL BE OVER. AND THAT IS WHY I MADE THE MOTION I DID, WHICH WAS TO UPHOLD THE APPEAL, TO ALLOW FOR SOME FURTHER ANALYSIS SO THAT WE COULD BRING BACK A PROJECT THAT WOULD INCLUDE NO ROAD, OR AN ACCESS ROAD, OR THE FULL ANALYSIS.

PRESIDENT PETERS: WAIT MR. STUMP. NO-ONE HAS –

FRYE: NO. I WOULD LIKE TO HEAR WHAT MR. STUMP HAS TO SAY. AND THEN I'M GOING TO MOVE ON.

STUMP: I GUESS YOU COULD SAY THAT THE MOTION DOESN'T INCLUDE APPROVAL OF ANY ROAD PROJECT AND THAT COME BACK TO COUNCIL WHENEVER ANY ROAD CONSTRUCTION, INCLUDING ANY ENVIRONMENTAL DOCUMENTS, OR ENVIRONMENTAL ANALYSIS. THEN THE ENVIRONMENTAL ANALYSIS MUST BE DONE ON THAT ROAD PROJECT.

FRYE: YOU CAN SEE HOW DIFFICULT THIS IS BASED ON THE FACT THAT WE'RE NOT QUOTE ALLOWED TO TALK ABOUT THE PROJECT. IT GETS VERY, VERY DIFFICULT TO TRY TO CRAFT THIS. AND THIS IS WHY ITS REALLY, REALLY HARD, I DO NOT UNDERSTAND WHY I CAN'T -

STUMP: JUST VOTE NO.

FRYE: WHY I COULD NOT APPROVE. LET ME ASK THE CITY ATTORNEY IF I CAN DO THIS. COULD WE MAKE A MOTION TO APPROVE THE ENVIRONMENTAL DOCUMENT, TO APPROVE THE MITIGATED NEGATIVE DECLARATION, WITHOUT THE ROAD SEGMENT.

HEUMANN: NO.

PRESIDENT PETERS: THERE'S ANOTHER MOTION ON THE FLOOR AT THE MOMENT.

FRYE: I JUST WONDERED WHAT THE ANSWER WAS.

PRESIDENT PETERS: MR. HALBERT HAS BEEN ASKED TO BE RECOGNIZED.

MR. HALBERT: THANK YOU PRESIDENT PETERS. I'D LIKE TO POINT OUT THAT WHEN THAT FUNDING COMES BEFORE YOU, YOU STILL HAVE TO MAKE A CEQA DETERMINATION AT THAT POINT. NOW NORMALLY WE WOULD BRING THE PROJECT FORWARD WITH N EXEMPTION BECAUSE IT HAD ALREADY BEEN ANALYZED, BUT IT'S

YOUR CHOICE AS THE DECISION MAKER AT THAT PIONT, WHETHER OR NOT YOU WANT TO RELY ON THAT ENVIRONMENTAL DOCUMENT.

PRESIDENT PETERS: SO WOULD IT BE APPROPRIATE TO SUGGEST THIS AS PART OF THE DIRECTION, SO THAT WHEN IT COMES BACK TO US WE DO GET A NEW ANALYSIS THAT COVERS THESE THINGS. MS. HEUMANN. THE QUESTION THAT MR. HALBERT COMMENTS SUGGESTS IS THAT THERE IS NOTHING TO PREVENTING US ASKING FOR MORE ENVIRONMENTAL REVIEW WHEN THIS COMES BACK FOR FUNDING.

HEUMANN: IF IT CAME BACK, IF IT CAME BACK FOR FUNDING LATER, IT WOULD COME BACK AS A SUBSEQUENT DISCRETIONARY APPROVAL UNDER THE MND, SO YOU WOULD HAVE TO SAY THAT THERE ARE ADDITIONAL IMPACTS, OR NEW INFORMATION, OR A CHANGE IN CIRCUMSTANCE TO WARRANT ADDITIONAL ENVIRONMENTAL REVIEW. AND THEN SEND IT BACK FOR THAT. OR THEY COULD MAKE THAT DETERMINATION AHEAD OF TIME THAT THERE IS SIGNIFICANT NEW INFORMATION TO WARRANT ADDITIONAL ENVIRONMENTAL REVIEW.

PRESIDENT PETERS: MS. ATKINS.

ATKINS: I WANT TO KNOW WHAT THE MOTION IS ON THE FLOOR RIGHT NOW.

PRESIDENT PETERS: THE MOTION IS TO DENY THE APPEAL, AND APPROVE THE ENVIRONMENTAL DOCUMENT.

ATKINS: OKAY. WITH THE CONVERSATION THAT WE'VE HAD WHICH (8:18.38) WHICH MEANS FUNDING WILL COME BACK TO THIS COUNCIL. WHICH GIVES US A DIFFERENT BITE AT THE APPLE ALL TOGETHER.

PRESIDENT PETERS: THAT IS GOING TO HAPPEN REGARDLESS OF WHETHER IT IS PART OF THE MOTION, THAT HAS TO COME BACK.

ATKINS: IT HAS TO COME BACK. STAFF AGREES IT HAS TO COME BACK. THE ATTORNEY AGREES IT HAS TO COME BACK. OKAY.

PRESIDENT PETERS: IT HAS TO COME BACK. OKAY. MR. FAULCONER.

FAULCONER: HOW IS THAT ANY DIFFERENT FROM WHERE WE STARTED THREE HOURS AGO.

PRESIDENT PETERS: WELL, THE DIFFERENCE IS NO-ONE HAD EVER POINTED OUT TO US THAT THIS WOULD COME TO CITY COUNCIL FOR US TO HAVE A DISCUSSION ON THE PROJECT. ONCE MR. HALBERT POINTED OUT THAT FUNDING HAS, THAT THERE'S NOT FUNDING IDENTIFIED, THAT MEANS IT HAS TO COME BACK TO US FOR FUNDING.

FAULCONER: COULDN'T I, OKAY, I'M A LITTLE FRUSTRATED AS WELL. AS SOMEBODY WHO SAT HERE WITH ALL MY COLLEAGUES DESPERATELY TRYING TO FIND A WAY TO KEEP THE PARK UNDER THE TIME CONSTRAINTS THAT WE HAVE, WHICH IS ONE OF THE REASONS THAT I WAS SUPPORTIVE OF THE MOTION TO BEGIN WITH, BECAUSE I KNOW ABOUT THIS DEADLINE COMING UP, AND I DO NOT WANT TO LOSE THE FUNDING FOR US TO LOSE THIS PARK. SO WE'VE HAD, YOU KNOW, A COUPLE OF HOURS DISCUSSION ON A PIECE OF INFORMATION WHICH IF WE HAD KNOWN THAT AT THE BEGINNING, JUST MAYBE MIGHT HAVE PREVENTED THIS WHOLE DISCUSSION FROM OCCURING. I GUESS THAT'S MY FRUSTRATION AND NOW WE'RE SAYING WE CAN STILL HAVE THE PARK BUT THE ROAD HAS TO COME BACK ANYWAY, WHICH IS FINE, BUT GOSH IT WOULD HAVE BEEN NICE TO KNOW THAT A WHILE AGO.

PRESIDENT PETERS: I AGREE. I WILL CALL FOR THE VOTE THEN. CALL THE ROLL. THAT PASSES FIVE TWO WITH DISTRICTS FOUR AND SIX VOTING NO. AND LET ME ASSURE YOU, MR. STUMP AND MR. BOWLBY, THAT WE'LL HAVE A FULL CONVERSATION OF THESE ALTERNATIVES WHEN THIS MATTER COMES FOR FUNDING BEFORE US.

AND MAY I JUST SAY MR. PETERS, TO MR. STUMP, THAT I WILL COMMUNICATE TO THE CROSSROADS REDEVELOPMENT COMMITTEE THAT THEY IN FACT MAKE SURE THAT IF THERE IS GOING TO BE ANY KIND OF ROAD, THAT THERE WILL BE AN ENVIRONMENTAL ANALYSIS DONE. AND THAT'LL BE -

STUMP: THANK YOU FOR YOUR COURTESY. IT'S ALWAYS A PLEASURE.

EXHIBIT NO. 96

From: Myra Herrmann
To: Grabski, Patricia; Lowe, Elyse
Date: Fri, Apr 28, 2006 9:53 AM
Subject: Re: Fox lawsuit

I just got a copy of the lawsuit from Bob Manis. It looks like the investigator is Shawn K. Brown. I need to provide all required information to him by Wednesday, May 3.

>>> Elyse Lowe 4/28/2006 9:42 AM >>>
Here is the law suit. I need to find out if an Attorney has been assigned to this case yet. I also need to know how this affects the grant from the perspective of the State of CA.

Unfortunately, another issue has arisen which would more likely kill the park then the lawsuit. The owner is now demanding an exorbitant amount of money for the land- five times more then we thought he had agreed to in recent months. Now we will battle with appraisals and see if we can get anywhere.

I will relay any further info as it arises. After you have read the lawsuit, please let me know if any of the allegations related to env. significance have any validity.

thanks,
Elyse Lowe

Elyse Lowe
elowe@sandiego.gov

Crossroads Redevelopment Area Project Director
Councilmember Jim Madaffer- District 7
City of San Diego
202 C St. MS 10A
San Diego, CA 92101

(619) 236-6677
(619) 238-1360 fax

www.JimMadaffer.com

Disclosure: Correspondents should assume that all communication to or from this address is recorded and may be viewed by third parties.

CC: Jacoby, JoEllen; Manis, Bob; Penera, April

EXHIBIT NO. 97

May 8, 2006

Ms. Sandra J. Brower
SULLIVAN WERTZ McDADE & WALLACE
945 Fourth Ave.
San Diego, California 92101

Re: Fox Canyon Neighborhood Park

Dear Ms. Brower:

In April of 2005 the City extended an offer to your clients, Larry Zajonc and Janice A. Smith-Zajonc, for a portion of their property in the City Heights community of Fox Canyon. Grant funds from the state were being used for this offer and the potential development of the site for a park.

Due to constraints of the grant funds, the City is now at a point as to whether to move forward or not with the project. In your letter of September 29, 2005, you stated that your "clients have not yet agreed to sell the subject property to the City". It is necessary for the City to hear from your clients in order to determine how we will approach future planning of the park.

I would appreciate a response by May 15.

Sincerely,

B. Lane MacKenzie, Supervisor
Acquisition/Valuation Division

EXHIBIT NO. 98

WERTZ MCDADE WALLACE MOOT & BROWER

LAWYERS | A PROFESSIONAL CORPORATION

/rjm
Writer's Direct E-Mail:
rmichael@wertzmcdade.com

May 18, 2006

VIA MESSENGER

James T. Waring
Deputy Chief Operating Officer
Land Use and Economic Development
The City of San Diego
202 C Street, 9th Floor
San Diego, CA 92101

Re: Fox Canyon Neighborhood Park

Dear Mr. Waring:

We represent Larry Zajonc and Janice A. Smith-Zajonc, owners of property the lower portion of which the City wishes to acquire for the Fox Canyon Neighborhood Park. The City offered $475,000 in a letter from B. Lane Mackenzie dated April 5, 2005 to purchase the property. Discussions followed focused primarily on issues related to the development of the upper portion of the property. At no time did the Zajoncs agree to sell the property.

While no agreement was reached on the sale of the property, the City issued Manager's Report No. 05-130 dated June 8, 2005 which included the following: "The Real Estate Assets Department has negotiated a voluntary sale by seller and acquisition by the City of the park site. An escrow has been opened and will be able to close upon approval of the funding for acquisition." Also, the May 2005 issue of the Fox Canyon Voice (Volume 7, Issue 6) carried an article from Councilmember Madaffer stating "We've acquired the land to build a neighborhood park...."

We are aware that a Writ of Mandate was filed on April 19, 2006 by the Friends of Fox Canyon against the City for its action in approving the Fox Canyon Neighborhood Park site development permit and certifying the related environmental document. This Writ may or may not have been the cause for B. Lane Mackenzie's letter to us stating that it was necessary for the City to hear from our clients as to their intention to pursue the sale of the property.

As you can imagine, our clients were not pleased with the public comments stating that they had agreed to sell their property. Nor are they happy with a law suit involving their property. The public statements and law suit have only added to their frustration over how the negotiations for the purchase of their property have been handled. Be that as it may, our clients continue to have an interest in selling the lower portion of their property to the City. They, however, are not willing to accept the $475,000 offer.

Sincerely,

Rebecca Michael
Of Counsel

cc: Councilmember Jim Madaffer (via messenger)
B. Lane MacKenzie (via messenger)
Larry Zajonc (via facsimile)

EXHIBIT NO. 99

5/31/06 State Parks / Fox Canyon / Metzger
will consider alternate site
Questions:

(Jose Lopez)

- Input from citizen group?
  Not yet
- Schedule? TBD
- Does it meet all requirements of Urban Parks Act?
  Heidi thinks so
  May need to rewrite application?

EXHIBIT NO. 100

From: April Penera
To: JoEllen Jacoby; Samir Mahmalji; Teresa Hovland
Date: Thu, Jun 29, 2006 12:22 PM
Subject: Re: funding appraisal for Fox Canyon parcel

Pls hold on this.... things are evolving, but Lane is right, I did ask for this.

April

April S. Penera, P.E.
Park Planning Deputy Director
City of San Diego
Park & Recreation Department
"We enrich lives through quality parks and programs"

>>> JoEllen Jacoby 06/28/06 4:52 PM >>>
Lane MacKenzie called me and asked for funding numbers for an appraisal on Fox Canyon. As he understands it, April wants a full appraisal including possible engineer's report. Lane's estimate is +/- $10,000.

I am assuming the funds would come from Special Park Fees Fund # 39094.

Please confirm.
Joey

JoEllen Jacoby
City of San Diego, Park Planning
619 533-4017 FAX 525-8224
Mailing address:
202 C Street, Mail Station 35
San Diego, CA 92101
Office location:
2130 Pan American Plaza, Balboa Park

"We enrich lives through quality parks and programs"

EXHIBIT NO. 101

"WE ENRICH LIVES THROUGH QUALITY PARKS AND PROGRAMS"

MINUTES

City of San Diego
Park and Recreation Board
July 20, 2006

Meeting held at:

City Administration Building
202 "C" Street, 12th Floor
San Diego, CA 92101

Mailing address is:

City of San Diego
Park & Recreation Board
202 "C" Street, MS 9B
San Diego, CA 92101

ATTENDANCE:

Members Present
Ginny Barnes, Acting Chair
Darlene Gould Davies
Norman Greene
Dan Mazzella
Bob Ottilie
Olivia Puentes-Reynolds (2:15 arrival)
Robert Robinson
Wilbur Smith

Members Absent

Staff Present
Charlie Daniels
Andy Field
Ted Medina
Sally Pearson
April Penera
Deborah Sharpe

Mr. Alex Sachs, Deputy City Attorney, was also present.

CALL TO ORDER

Acting Chair Barnes called the meeting to order at 2:10 p.m.

APPROVAL OF MINUTES

MOTION MOVED/SECONDED Mr. Greene/Mr. Smith

The Minutes of June 15, 2006 were approved by Mr. Greene and seconded by Mr. Smith. The motion passed with abstentions by Ms. Davies, Mr. Mazzella, Mr. Ottilie, and Mr. Robinson who did not attend the meeting.

REQUESTS FOR CONTINUANCE

None.

COMMUNICATIONS

None.

COMMENTS OR ADDITIONS

None.

CHAIRPERSON'S REPORT

None.

DIRECTOR'S REPORT

Mr. Ted Medina, Park and Recreation Director, reported on the following:

- Introduced Mr. Andy Field, the new Administrative Services Manager. He replaces Ms. Libby Coalson, who has been reassigned to the Mayor's office.

- The July 4th holiday weekend was another great success for the City of San Diego. Approximately 1.5 million visitors and residents enjoyed outdoor activities at all of our beaches, bays and parks. On July 5th, with the assistance of numerous volunteers, staff collected nearly 200 tons of trash.

- Invited the Board members to attend the Grand Opening of Camino Ruiz Neighborhood Park on Saturday, July 29, at 10:00 a.m. The park is located in the Mira Mesa Community overlooking the Los Penasquitos Canyon Preserve.

- Provided an update on the Smoking Ban Ordinance.

Mr. Smith asked Mr. Medina to comment on the loss of so many maintenance staff positions and how this will affect the department when new facilities are opened. In response, Mr. Medina explained that since 1997 the Park and Recreation Department has experienced a $14 million budget loss including many full time equivalent positions. Earlier this year, the Mayor announced that there would be no further cuts to the Park & Recreation Department budget this fiscal year, and subsequently budgeted an additional $1.9 million in new facility funding.

ACTION ITEMS

Consent

Adoption

101. Girl Scouts Camp General Development Plan – Balboa Park (continued from the April 20, 2006 meeting)

Mr. Alex Sachs, Deputy City Attorney, for the record, disclosed that he is a member of the Uptown Planners, a community planning group that adjoins the Balboa Park community. He further stated that recently they heard an information item related to the Girl Scouts. He explained that he is a friend and colleague of persons on both sides of this issue, Ms. Peggy Mazzella and Mr. Mike Singleton, both members of the Uptown Planners. Mr. Sachs also worked in an unpaid position two years ago with Ms. Lynne Heidel, who is currently working with the applicant. After assessing his ability to provide advice to the Board in a fair and impartial manner, he feels there is no conflict of interest

Acting Chair Barnes acknowledged receiving a copy of a letter from the Uptown Planners from Ms. Peggy Mazzella. Copies were distributed to the Board members. Ms. Barnes noted that the Girl Scouts item will be heard at the Uptown Planners August 1, 2006 meeting after which they will make their recommendations to the Development Services Department and Mayor.

Mr. Charlie Daniels, Park Designer, Park Planning and Development Division, Park and Recreation Department, provided a brief synopsis of the report he presented at the April 20, 2006 meeting. At that meeting, the Board voted to continue the item until more discussion could take place between the Girl Scouts and the community to see if a consensus could be reached regarding the design and location of the education and training center, and to complete and certify the environmental document. At that meeting and again at today's meeting, Ms. Myra Hermann, Senior Environmental Planner from the Development Services Department, explained the process by which certification of the environmental document takes place. The Board members received copies of the final Negative Declaration to review prior to today's meeting.

Mr. Daniels reported that the Girl Scouts met with the community to hear their concerns and to propose solutions. They also met with the principal of Roosevelt Junior High to discuss the possible use of the school facilities, which was determined not to be feasible. The Girl Scouts hired additional consultants to address the issues that were expressed by the community at the April 20, 2006 Park and Recreation Board meeting (a detailed listing of concerns and proposed resolutions is included in the staff report) and have made modifications to their General Development Plan where possible. Mr. Daniels feels the Girl Scouts have worked diligently and have reached a consensus with a majority of the community.

Ms. Jo Dee Jacob, CEO of Girl Scouts San Diego-Imperial Council, reported on what has transpired since the April 20, 2006 Park and Recreation Board meeting and described what the Girl Scouts have done

to accommodate their neighbors. Ms. Jacob also explained that changing the location of the education and training center would increase the cost of the facility by approximately $250,000, which exceeds their current budget. The Girl Scouts will consider relocating the primary entrance from Upas Street to Richmond Street if the entrance can be coordinated with the entrance to the future San Diego Zoo employee parking lot. There are safety concerns with the Richmond Street entrance and until such time as the Zoo employee parking lot is constructed (unknown at this time), the current entrance on Upas Street will be used. To reduce the amount of noise associated with air conditioning compressors, the Girl Scouts have also agreed not to install air conditioning at this time and, instead, will test and evaluate natural ventilation systems over the next two to four years. If the natural ventilation system is successful, a high-efficiency air conditioning system will be installed that creates much less noise than a standard system.

Ms. Jacob urged the Board to approve the proposed General Development Plan as further delays will stall their capital campaign and could erode donor confidence and there is also a major grant at risk.

Public testimony in favor of the project was heard from:
Mr. Alan Comstock. Ms. Lynne Heidel did not speak but asked that her name be included for the record.

Public testimony in favor of the project but opposed to certain aspects of the General Development Plan was heard from:

Ms. Peggy Mazzella. Mr. Ernie Villafranca, and Ms. Melanie Gold
(A handout - The Neighborhood's "Trust, but Verify" Response to The Girl Scouts' New Proposals – was distributed to all Board members by Ms. Peggy Mazzella prior to her presentation).

Acting Chair Barnes opened the floor to discussion.

Mr. Mazzella explained to the Board that no conflict of interest exists that would prevent him from participating in the discussion or voting on the Girl Scouts General Development Plan.

The Board members discussion included security concerns; feasibility of relocating the education and training center and the conditions of the soil at the alternative location; the community outreach process; addressing the use of air conditioning after the 2 – 4 year trial period has expired; coordination of the Richmond Street entrance with the Zoo employee parking lot entrance; traffic concerns, and what mechanisms will be in place to assure the Girl Scouts comply with what they have promised to do. Mr. Medina and Mr. Daniels responded to all questions and concerns.

MOTION **MOVED/SECONDED Mr. Greene/Ms. Davies**

Mr. Greene made a motion that the Park and Recreation Board support the staff report including all the contingencies that were discussed to assure proper monitoring of the project, and to make every effort, if feasible, to relocate the primary entrance from Upas Street to Richmond Street without waiting the 5 – 7 years it could take to coordinate this entrance with the entrance of the future Zoo employee parking lot. Ms. Davies seconded the motion. The motion passed unanimously.

WORKSHOP:

(Continued from the June 15, 2006 meeting)

1. Continued discussion on the Recreation Element
2. Developer Impact Fees/Facilities Benefit Assessment Fees
3. Enterprise Funds

Developer Impact Fees/Facilities Benefit Assessment Fees

Ms. Pam Bernasconi with the Facilities Financing Program of the City Planning and Community Investment Department, introduced Mr. David Miller, Deputy City Attorney, who is also the advisory attorney for the program. Ms. Bernasconi described the Development Impact Fees and Facilities Benefit Assessment Fees, their purpose, how they are collected and regulated, and the criteria by which these fees can be used as a portion of the cost of a public facility in a development project. The floor was opened to discussion. Ms. Bernasconi and Mr. Miller answered questions from the Board members.

Some of the highlights of the discussion included:

What is the Mid City Special Park Fee and can it be used for the Fox Canyon road? (Ottilie)
Ms. Bernasconi explained that the Mid City Special Park Fee was created in the 1980's and was charged to single family residences in the North Park and Mid City communities to help fund Park and Recreation parks and facilities that were identified by those communities as a priority. The fees were collected in-lieu-of the park component of the Development Impact Fee. Special Park Fees are no longer a part of the Land Development Code, which was approved in 2000. The intent was to replace the Special Park Fee with the Quimby Act.

Jen → Mr. Miller stated that assuming there is no relationship between the road and the park, and the road does not border the park or assist in providing entrance to the park, it is simply a road in the community, it would not be appropriate to use Special Park Fees to build a road.

David Miller → 533-5800
D. City Attorney

EXHIBIT NO. 102

PARK AND RECREATION BOARD
SUMMARY SHEET FOX CANYON NEIGHBORHOOD PARK
September 21, 2006

A State Park grant in the amount of $2,363,000 was awarded to the City of San Diego for the construction of **Fox Canyon Park** in the City Heights Neighborhood. At the time of the Grant application, the city was in favorable negotiations with the owner of the proposed Fox Canyon Park parcel. Subsequent to the approval of the Site Development permit and certification of the MND, the owner and the City were unable to reach agreement on the purchase price. The grant requires a willing seller. The City could not justify the seller's requested price, based upon a recent appraisal, which was significantly lower. The City has withdrawn its offer to purchase the property.

The City sought other properties in the City Heights neighborhood, that might fulfill the requirements of the State Park Grant. Risk Management recently purchased a property known as the Metzger Property, located at 5024-5050 Wightman Street. The Wightman Street parcel became available to the Park and Recreation Department. This new parcel is within 680 feet of the original parcel, is adjacent to Auburn Creek, similar to the original parcel, and serves the same neighborhood. The City wishes to use this parcel for park development subject to approval from the State of California for a re-scope of the Fox Canyon Neighborhood Park to **Wightman Street Neighborhood Park**. Park Planning and Development Division must resubmit this new location to the State Department of Parks and Recreation for their approval.

Park Planning and Development is in the process of requesting Council Action to dedicate the Wightman Street parcel as parkland, request grant funding from the State Parks Department and transfer Special Park Fees from Fox Canyon Neighborhood Park to Wightman Street Neighborhood Park.

PROPOSED FUNDING SOURCES:

State Parks Grant	$2,363,000
Special Park Fees	$686,000
Total park project (excluding land purchase)	$3,049,000

PROPOSED SCHEDULE: *(If funding is received)*

General Development Plan to Park and Recreation Board	December 2007
Construction begins	Early 2009
Construction complete	Early 2010

EXPENDITURES ON FOX CANYON:

Park:

Funding Source	*Amount*
State Grant	$0.00
CDBG	$30,000.00
Special Park Fee	$180,000.00*
	$210,000.00

Road:

Funding Source	*Amount*
Special Park Fee	$165,000.00*
	$165,000.00

** Numbers are rounded and very close.

PARK AND RECREATION BOARD
SUMMARY SHEET FOX CANYON NEIGHBORHOOD PARK
September 21, 2006

A State Park grant in the amount of $2,363,000 was awarded to the City of San Diego for the construction of **Fox Canyon Park** in the City Heights Neighborhood. At the time of the Grant application, the city was in favorable negotiations with the owner of the proposed Fox Canyon Park parcel. Subsequent to the approval of the Site Development permit and certification of the MND, the owner and the City were unable to reach agreement on the purchase price. The grant requires a willing seller. The City could not justify the seller's requested price, based upon a recent appraisal, which was significantly lower. The City has withdrawn its offer to purchase the property.

The City sought other properties in the City Heights neighborhood, that might fulfill the requirements of the State Park Grant. Risk Management recently purchased a property known as the Metzger Property, located at 5024-5050 Wightman Street. The Wightman Street parcel became available to the Park and Recreation Department. This new parcel is within 680 feet of the original parcel, is adjacent to Auburn Creek, similar to the original parcel, and serves the same neighborhood. The City wishes to use this parcel for park development subject to approval from the State of California for a re-scope of the Fox Canyon Neighborhood Park to **Wightman Street Neighborhood Park**. Park Planning and Development Division must resubmit this new location to the State Department of Parks and Recreation for their approval.

Park Planning and Development is in the process of requesting Council Action to dedicate the Wightman Street parcel as parkland, request grant funding from the State Parks Department and transfer Special Park Fees from Fox Canyon Neighborhood Park to Wightman Street Neighborhood Park.

PROPOSED FUNDING SOURCES:

State Parks Grant	$2,363,000
Special Park Fees	$686,000
Total park project (excluding land purchase)	$3,049,000

PROPOSED SCHEDULE: *(If funding is received)*

General Development Plan to Park and Recreation Board	December 2007
Construction begins	Early 2009
Construction complete	Early 2010

EXPENDITURES ON FOX CANYON:

Park:

Funding Source	*Amount*
State Grant	$0.00
CDBG	$30,000.00
Special Park Fee	$180,000.00*
	$210,000.00

Road:

Funding Source	*Amount*
Special Park Fee	$165,000.00*
	$165,000.00

** Numbers are rounded and very close.

EXHIBIT NO. 103

PK BD MEETING 9/21/06

Tape 2 of 3

Ginny Barnes (Acting Chair): We may want him to hear about it in October, have a discussion, have that on there, so that he can then respond appropriately, cover it so we have a chance again in November to kind of finalize things. We are – we do need to move on to our topic so I appreciate those comments and concerns. Anyway, with that, yes. Welcome, April Penera to talk about item number 201, status update on the proposed Fox Canyon Park. I don't know – can you give me an idea how much time your presentation or your update information is going to take, we do have some public speakers as well?

April Penera (Deputy Director, Park & Rec Board): Two minutes.

Barnes: So, just a couple of minutes. So what I will say is please, if anybody needs a, a minute and a half to two minute break, you can do that real quick while she's passing this out and getting set up, and I'm going to take that break and I'll be right back, and then we'll have her comments, then we will call our, our public, our speakers.

Penera: – in the amount of $2,000,363. It was awarded to the city to construct a neighborhood park. It's kind of like a mini-park in fact, and it was called Fox Canyon Neighborhood Park in the City Heights neighborhood. At the time of the grant application, the city was in favorable negotiations with the owner, the owner, to, to provide the proposed parcel. However, subsequent to the approval of the site development permit and the certification of them, of the mitigating [unintelligible], the owner and the city were unable to reach agreement on the purchase price. The grant requires a willing seller, as you all know, and the city could not justify the seller's requested price based upon a recent appraisal, which was significantly lower. Therefore, the city has withdrawn its offer to purchase the property at Fox. In an effort to keep the grant, we did not want to lose a park in the area, so an opportunity came along. The city sought other properties; an opportunity came along where risk management recently had to purchase a piece of property due to some flooding issues, and it's actually a nice piece of property along the Chollas Creek as well and we, we call it the Metzger property as you can see here, and we gave you an address. And it's on Wightman Street. It's just a stone's throw from the other place. And, we were able to – the Mayor had authorized the use for the park, and because it wasn't purchased with Special Park Fees or any park funding, it was purchased with other funding, and so, we were actually able to get a blessing to use the site for parks, and it says here the, this new parcel is about 680 feet so as you can see it happens to be really close and it's still on the creek, and similar to the original parcel at the other location, and serves the same neighborhood, and we wish to rescope it and ask the, ask the state if they'll allow us to move the parcel over from Fox, move the grant over from

Fox to this new location rather than lose the grant, because we were not able to buy the property. So, that's where we are today. We are processing a request for council action to dedicate this parcel land if they decide to allow it to be park land so it'll be dedicate at the same time. And to request that we ask state parks 'cause we usually have to ask the council permission to, for grants and for changing grant stipulations, so we're going back asking the council to let us request to change or transfer the grant to this new location. We're asking them to move the Special Park Fees that are remaining from Fox to this new area, and our hope is that we can begin a process there and still meet the terms and conditions and dates of the grant. And as you can see, we tried to leave down here the funding that we have left to use. The total project cost be able to be spent would be a little over 3 million. The timeline we were trying to meet is still the same, complete by 2/10, and down below, we showed you what had been expended on Fox accord, according to the last review of the computer screen, and sometimes every two weeks, a few bucks come in so this is relatively close to, within, within days, so it should be very, very close to the actuals at this point. Since we haven't really worked on this project since, for quite some time, waiting to find out the dispensation of the city being sued on the mitigated [unintelligible].

Barnes: Thank you, and do you just have a, we, we, we saw Fox, I don't remember how many acres it is. Do you have a general park description you can....give us?

Penera: Yeah, I had that. I'm sorry, let me, what did I do, oh there it is.

Barnes: You know, size, access road, those sort of things?

Penera: The Metzger property is right off of Wightman so the street frontage is there. There's no issue regarding roads because the street's there. It's already fronted to a road, and the back part of the property from the road is other people's properties, and the two sides are properties. And the creek runs through it. The Fox Canyon is 1.9 gross acres and .4 usable. The Wightman Street project is .95 gross but it's .76 usable. It actually gives us more usable acres, at least from what we know preliminarily, without going out and doing reassess – a complete assessment. They both had creek enhancement issues. And they both have accessibility issues, although I think the Wightman looks to be a little bit easier to make accessibility work although, again, we haven't done the benefit of a design yet, and the slope, the slope maintenance on Fox Canyon would have been quite a bit of work, whereas Wightman doesn't have that at all. It's pretty basically, pretty decently flat, and this, there was an issue in Fox that when we, when we made the park at Fox happen that the path to school had to be jogged around because people would cut through it to get to the elementary school and this is not on the path to the elementary school. Those are kind of basically the, to deal, the issues that we have. Quite frankly, we might have looked at Metzger earlier and even looked at it in place of Fox maybe even if it would have come up sooner.

Barnes: Okay. Okay.

Penera: There are homes on that one to be demoed however, right now, but that's in the process. We would need to demo those, and the city is in ownership of the land at this point. And I do have Lane Mackenzie here from the Real Estate Assets Department if you do have questions on that issue.

Barnes: Okay. What we're going to do is, we have speaker slips, some say in favor, some say in opposition, and some just say request to speak, so I just need to take care of a little business here real quick, in that Mr. Mark, are you speaking in favor, in opposition, or just no position at this point?

Mark: [unintelligible]

Barnes: Okay. I'm going to go ahead and call the two that have no position, then I will call the two in favor, and then the one in opposition. And we don't really have a statement. I'm not sure if the opposition is moving the location. I don't know if the in favor is moving the location. So we're going to be a little flexible in some of this. So everyone's going to get three minutes, and we are going to call Jim Barnador [sp] first, then Guy Mark, then Theresa Quiroz, then John Stump, and then Kathleen Evans Calderwood, so, you'll each get three minutes but we'll start with Jim Barnador, thank you. Oh, oh, I do appreciate you guys staying to hear our committee reports. Generally we have items on the agenda. Members of the public come to hear that, but they don't really hear what the committees do, and so I appreciate your time in listening to that, understanding that the members do serve other roles within the community, so, anyway, thank you for that, and go ahead Jim.

Barnador: In general, ladies and gentlemen, I still am Jim Varnador [sp], I still do live in City Heights which still is America's finest community. Preliminarily, because we didn't know about it until Mr. Ottilie spoke, if there is to be a subcommittee or a workshop or both on the administration of this board, I certainly urge us to have the [unintelligible] participation be respectfully accepted and second, that specifically, the community planning system be notified about that I'm sure the community planning chairs would be interested. Mr. Anderson's group can you out on a email notice about that.

I'm here to support more parks, more parks are always better than fewer parks but I believe I'm preaching to the converted on that. If we did build a new park in the new location, the Metzger property, then the department should meet with the neighbors who are there in the neighborhood of Chollas Creek. Neither of the parks, the one before, nor the present one, is in the neighborhood of Fox Canyon. And so, it would be important to meet with the people who are there, the Chollas Creek neighbors, both about the name and about the amenities. I think that's an important thing to do. As a low range item, if we do build a new park in the new location, the Metzger property, and despite the handicaps and difficulties that have presented themselves in respect to the original parcel, that original parcel is a nice parcel for a neighborhood park. It is reachable by the communities, by both

neighborhoods, the Chollas Creek neighborhood and by their neighbors in the Fox Canyon neighborhood, and so finding some way to put a [unintelligible] down in there is still a very good thing to do, and I urge the department and the board to consider continuing that quest. Thank you very much.

Barnes: Thank you. Guy Mark?

Mark: Well, Mr. Barnador hit most of the major things that I wanted to bring up. My name is Guy Mark, I'm the chair of the City Heights Town Council. City Heights has forever been very deficient in park space. Obviously, the City Heights Town Council is supportive of any kind of park in City Heights. Okay? We've been left way behind, okay? We are the red-headed stepchildren of San Diego when it comes to parks, and yes our daddy beats us every night, okay? There's been several parks proposed and things have come up to delay'em. I know the Home Avenue park has been three years delayed. I went on my own and I got the Navy to obligate their chief petty officers, that's 500 strong, to come out and help build that park. They've been waiting for three years to help you build a park, free of charge. And guess what? I've had them on the hook for three years but I don't know how much longer I can keep them there. We need to get these parks built. We need to start cutting through the red tape and the minutiae and get a park built. Okay? I go down to Robb Field and I'm jealous. I go down there' cause I go to the natural organic food market. And oh by the way, when you talk about skate parks, at night the kids crawl the fences down there and skate in those things unsupervised anyway 'cause I talked to the people down there because we were looking at opening up some skate parks in City Heights and we're worried about liability too, and he said, doesn't matter whether it's watched or not. They sneak in at night and skate in it anyway. So, kind of wrap this all up, whatever it takes. We need some parks. You guys owe it to us. We're taxpayers too. If you go down to the City Heights rec center on a weekday, that place, you can park within a city block of those fields where those kids play soccer, you'll realize how deficient we are in open space for kids to play. So where are they going to play? In the arroyos. Down in the canyons. A couple of them were playing in the creek and almost got swept away a couple years ago, and in the streets. So build us some parks. Thank you.

Barnes: Thank you. Theresa Quiroz, followed by John Stump.

Theresa Quiroz: Good afternoon. In the Fox Canyon Park farce, that was a learning experience that we should not forget so easily. Staff didn't follow the rules. They did their business behind closed doors, refusing to come out before this advisory board. Park staff decided who they wanted the community to be. We should have learned this lesson, and yet we are here again. In April of this year, the State Parks Department told staff that they could not build the road on park land that was purchased with state monies. The City Attorney concurred. The reason is section 5400 of the Public Resources Code, entitled the Public Park Preservations Act, which does not allow land purchased for parks to be used for any non-park

use. So in April, staff moved very quietly to find a way to go around the state law. On May the 31st of this year the state met with staff to discuss, in secret, their new location and the possibility of moving this grant fund to that new piece of land. On August the 8th, the settlement of the Metzger property went before the City Council with the full intention of it becoming a new park site, and still, neither the Park & Rec Board nor the community was told of what was happening. On August the 31st, the city closed escrow on the Metzger property, and finally, we heard about the news through the Fox Canyon newsletter. This project is not in Fox Canyon. It is in the Chollas Creek neighborhood. The area around this new park is called Little Mogadishu for a reason. Fox Canyon has very few Somalis in its population, and no Somali representation on its board. But in this area of Chollas Creek, Somalis make up the majority of the residents and their association reflects that. This is an urban parks act grant. It requires that the surrounding population be a large part of the planning. Without that sense of ownership, the park will fall into disrepair, and yet staff's official statement to the state was that they would have Fox Canyon Neighborhood Association decide on the amenities. The act requires that the park fulfill the specific needs of the surrounding population, and yet staff is going to ask council to approve a conceptual plan on which from past experience we know can change dramatically after approval so that it no longer fulfills any of the needs of the surrounding neighbors. So I'm asking this board to require that the Chollas Creek Neighborhood Association be the lead for the choice of amenities, that it, that they, that they choose the name with which this park moves forward. That it be required to come back before you at each step of the way to assure compliance with the act, and that you ask the staff to provide you with a specific plan, not a conceptual one, so that this time, we can have some hope that the park we discuss in open session will be the one that's built. Thank you.

Barnes: Thank you. John Stump? Okay, you're on your time I need to tell you.

Stump: [unintelligible] (as he hands out chocolate gold coins).

Barnes: No thank you.

Stump: Good, good afternoon. My name is John Stump. I'm a City Heights resident. These are less than $3.50 and we're dealing with money here. If you look at the bottom of your report, staff has identified that the Fox Canyon Park which will not be built already has cost the City of San Diego more than $210,000. It's cost the City of San Diego at least $180,000 of Special Park Fees. I don't know what that is. And, you know, this is symbolic. These are, you know, chocolate dollars that I bought out of my own money and brought to you. Now, these Special Park Fees are dollars raised by taxpayers or somebody in the mid-city. I'd like you to find out what those Special Park Fees aren't going to be available for for programs in the mid-city, and parks we need. Because we're not going to be able to build parks with that $180,000 because we didn't go through the normal process. We needed to build parks with those dollars. So I'm a little, a little disturbed. So you

know, these dollars are symbolic. We don't have them to spend any more. Now if we'd gone through the normal process we had a good park going. Everybody was happy in the mid-city about Fox Canyon Park until that road came through. That's what goofed it up. Now, this Metzger project, or the Chollas Canyon Somali project? That would have been another park we could have built too. We're trying to develop that whole canyon, the whole Auburn Creek, for more parks. It's a chain of pearls, string pearls, all through this. What upset everyone is when that road, without anybody's knowledge, went through. So here is at least $210,000, nearly a quarter of a million dollars, gone. So when you look at these dollars, they're wasted. They're sweet, and I hope you take them home to Madeline. Ok, thank you.

Barnes: Thank you. Kathleen Evans Calderwood? And please introduce yourself.

Kathleen Evans Calderwood: Thank you, good afternoon. I hope you can hear me. I'm kind of short.

Barnes: Pull the microphones, pull both of them down to you.

Calderwood: Oh, okay. I have not addressed your particular board and so I wasn't sure of the protocol.

Barnes: Just give us your name and address.

Calderwood: Thank you, I am Kathleen Evans Calderwood. I am, I am a resident of Chollas Creek neighborhood. I live at 5186 Landis Street. I have sent a map around to show you exactly where the park is intended to be located in its new, latest incarnation here. I am an elected member of the District 3 section of City Heights Area Planning Group. District 3 meaning City Heights Planning Group referring to Chollas Creek. I'm the only resident of Chollas Creek here as far I can tell. It is not Fox Canyon, and in all the 22, 23 years I've lived in City Heights, I have not known that area by any other name than Auburn Creek Canyon so Fox Canyon is rather new on the scene. The reason I am speaking to you today is not to represent the planning group but the fact that I am elected from this section, and we received no notice at all which I believe may be in some violation of the Brown Act. I believe you discussed the Brown Act earlier in that your board or your actions are covered by Brown Act requirements, so I would like to make an inquiry formally as to what, in what ways you get on a mailing list to be notified so that I could notify my constituents that this project was even intended. I heard earlier about the Fiesta Island having cute little stickies and things. Well, I would have loved to have a meeting with my constituency and have stickies for the Somalis to show me exactly where they would like to be in, in this park. We already had a proposal which was sunk through earlier discussion, I won't repeat it. The article was in San Diego Earth Times written by Carolyn Chase about the previous park because of the road which [unintelligible] had approved the concept of the, the park. We want this park very badly. But it is in a flood area. And we

are in a 90-year flood cycle. 1916 was the last time that the San Diego River flooded and this is a feeder line. This is a flood channel for the watershed. We already discussed this in the minutes of that meeting when we discussed the original park proposal. I do not agree with the way that this Fox Canyon Park, alleged Fox Canyon Park was arrived at, and the shell game that appears to be being played here with unnoticed decisions being made behind our backs. I want the public to be able to know what the proposal is and where it's proposed, but I also was a teacher of Hanky Davis, Jr., a 10-year-old who died in that flood channel in 1992, and I promised his mother that I would stand up and not allow an attractive hazard to be constructed in any area. We need parks, but we don't need a place where children will come down and be flooded and killed because that's the natural attraction. Children are curious and they go to where the water is rushing, and they don't know anything about flash floods. Thank you very much.

Barnes: And just as a clarification,

Calderwood: Yes.

Barnes: Is there, the creek does border the Wightman Street property, correct?

Calderwood: Yes. All the way to University Avenue. All the way to University Avenue, so if you look at the map. I don't know who's got it now, and I'm sorry, very sorry that I, my printer's out of ink and I wanted to make copies for everyone so that you could follow along. It makes no sense at all to show it to you once.

Barnes: So are you saying, okay, so when you described the incident that you described,

Calderwood: Yes. That occurred right here at University Avenue. It's the project that is called Auburn Park now, but all of these park are interlocking along the Chollas Creek. And I personally live in a house at the mouth of Chollas Creek.

Barnes: Okay.

Calderwood: It runs through my yard.

Barnes: Okay, I just wanted a clarification on that. Okay. Thank you very much.

Calderwood: Thank you.

Barnes: Okay, I'll, I'll take that back. Okay. All right, thank you speakers. Mr. Ottilie contacted me in advance of the item, or of today's meeting after he saw it on the agenda, and he would like about ten minutes to be able to ask staff some questions that he has prepared, so I have given him that, and then we'll open it up to board for discussion. Thank you, go ahead Mr. Ottilie.

Bob Ottilie (board member): Question, why did, and Ted or April, whoever is most appropriate

in Real Estate Assets can jump in. Why did the city buy this land back in a lawsuit settlement?

Lane Mackenzie (Real Estate Assets): My name is Lane Mackenzie. I'm a supervisor with Real Estate Assets Department. This was handled through risk management. There had, over the years, there had been a type of flooding to several of the cottages there. It's a long story as far as engineering further upstream, I don't have the exact data on. Supposedly, engineering upstream had caused flooding to come down through this area to flood onto the property, make a number of the cottages inhabitable (sic) over the years, that they were losing income, et cetera. As I understand it, it was proven that this was based on engineering studies problems created by construction that had been approved through time.

Ottilie: It was a lawsuit.

Mackenzie: It was an inverse lawsuit against the city due to the flooding that they could not habitate these, the cottages, so the city's risk management determined to acquire the property.

Ottilie: So the argument in the lawsuit was that the city through its conduct had destroyed the value of the property essentially condemning the property.

Mackenzie: As well as I understand it.

Ottilie: Okay.

Mackenzie: I wasn't involved in the suit.

Ottilie: Which raises the question, if you can't have houses there because we've essentially rendered them valueless because of ongoing flooding, how do we put a park there?

Penera: You know, we have Sefton Field down in Mission Valley where people play on, what is it, Ted, 11 acres of ballfields and we work around that and we have beautiful, I mean, they're not park land, actually, these people have an exclusive use on transportation property. But we do have park uses on, on other areas like this, that are successful.

Ottilie: Okay, so as part of the design of the park we'd have to design around the flooding, presumably.

Penera: We'd have to, as best as possible, and also have to accept that every once in a while it would flood so that whatever the design is won't be detriment to where the equipment is placed or whatever is placed there.

Ottilie: What are the, in your memo, you indicated that this matter is going to go to the

San Diego City Council for a variety of purposes?

Penera: [Affirmative]

Ottilie: What currently has to be resolved by the San Diego City Council and what's the time schedule for that?

Penera: I think that Melinda Dickinson of the attorney's office would have to let me know if there's anything left on Fox Canyon to be discussed. I can tell you for the, for the Metzger, for the new piece, I can tell you that what has to go to council is requesting to dedicate this land as park land.

Ottilie: When will that go?

Penera: We don't have it docketed yet. It'd probably take us eight weeks to get there. Something like that. And it would also

Ottilie: [unintelligible]

Penera: I'm sorry, did you want me to finish what else the actions were?

Ottilie: No, I think you have them here, I'll just stay them. Request grant funding from State Parks Department. You want to take that to the City council. When are you going to take that to the council?

Penera: All of those would be on the same action.

Ottilie: And then transfer Special Park Fees from Fox Canyon to Wightman. That would be on the same agenda?

Penera: All at the same time. Correct.

Ottilie: And what are those Special Park Fees? Explain that.

Penera: They're developer impact fees.

Ottilie: Okay, but you're referring to them here as Special Park Fees, but this is, this is developer fees that were designated for park use?

Penera: You know, I remember that you asked these questions of David Miller of the City Attorney's office and I think he's much more skilled at how to answer the difference on all of the fees than I am.

Ottilie: Well, okay, but here's my concern. The, when we were here last time, I asked you where the funds for the road had come from, and the answer was, from mid-city park funds. And I was concerned about that, you'll recall, 'cause we had been

told by the attorney's office that we couldn't even consider the issue because it didn't have anything to do with parks. So then I sent correspondence to the City Attorney's office raising that issue among other issues and they came back and said oh no, Ms. Penera was wrong essentially. They didn't phrase it that way, but they said this is not park funds, this was development funds, and that's all legal. And then my question is, are these development funds that were designated for parks because now you in your memo, did you author this memo today?

Penera: Yes I did.

Ottilie: You've referred them to specifically as Special Park Fees down here, and up above you've also referred to it as transferring Special Park Fees, so I'm trying to understand your knowledge, and Mr. Stump raised this question as, what is that $165,000 that's been spent already and where did it come from, and then what are these additional fees you're talking about in the last paragraph? And I'll talk to the attorney too, but I want to know your understanding 'cause clearly you have – I mean, it's upper and lower case, so it means something to you technical that I don't understand.

Penera: I think I'd rather leave that to David because he's much more skilled on how to answer that than me and however you asked it last time is correct, and if I misrepresented it in some way that was unintentional.

Ottilie: But –

Penera: He's much, he's basically the attorney who advises the facilities financing –

Alex Sachs (Deputy City Attorney): Mr. Ottilie?

Ottilie: Just, if I can just stay with this for a moment please, with all due respect to Mr. Sachs. Did Mr. Miller write this memo or did you?

Penera: I did.

Ottilie: Okay, then, then I'll talk to Mr. Miller. The record can reflect that Ms. Pearson is now showing some document to Ms. Penera. Can you tell me what that document is?

Penera: No. It's your meeting minutes.

Ottilie: Okay.

Penera: It's your meeting minutes that quoted Mr. Miller from last time.

Ottilie: Okay, here's, here's what I want to accomplish today, on this issue, is I'd like to find out from you as the staff person on this who wrote this memo, what you

understand the phrase capital "S" Special capital "P" Park capital "F" Fees as utilized by you in the drafted memo you drafted to me.

Penera: The way – the way that I understand them is exactly the way David explained it, which says that, [unintelligible] explained the city, mid-city Special Park Fee was created in the '80s and was charged to single family residents in the North Park and mid-city communities to help fund park and rec parks and facilities that were identified by those communities as a priority. These fees were collected in lieu of the park component of the developer impact fee. Special Park Fees are no longer part of the land development code, and that's what – well actually that's from, actually, it's not true, that's from Miss Bernasconi [sp], but they all say the same thing. A Special Park Fees is a component of a developer impact fee, instead of saying for parks.

Ottilie: Well actually – actually I think it said in lieu of the developer impact fee. So this was specifically designated for parks, correct?

Penera: That's correct.

Ottilie: And so down below, you're showing expenditures on, on Fox Canyon of $165,000 and so as I understand what you're telling us today is that we have now spent $165,000 from a fund designated for parks and paid by residents for parks and we used it on the road distinct from expenditures made on the park. Is that correct?

Penera: That's correct. We knew you'd want to know where, how much money was spent on the road and what fund it was from so we wanted to make that clear. And Special Park Fees are an allowed use for the road component of a park.

Ottilie: Now Mr. Sachs, I am going to make a request of you for our next meeting that you respond as to the legality of using Special Park Fees that are taken from residents for parks and used on a road and also as a component of that response, tell us why Ms. Mendoza told us in March that the road had nothing to do with parks. And I'd also like as a component of that, unless Ms. Penera can answer it today, I'd like to find out who wrote Ms. Mendoza's memo of March that told us we had no jurisdiction to hear this matter and/or the source of her information because in fact what she was communicating to us was that the road had nothing to do with parks, and we're now learning today for the first time, and I will say that what I'm learning today on this is inconsistent with what your office told me in correspondence after that March meeting, we're learning that in fact park funds were used for that road, and I think we were misdirected by Ms. Mendoza's letter, so I want to get a tape recording, Ted, today of my request so that the specifics of that I can have Vivian put into a letter to the City Attorney's office. Can we do that?

Medina: Yes, as in the past, you provide the tape and we'll be glad.

Ottilie: Yeah, okay.

Sachs: Mr. Ottilie, can I just ask April a question, please, Ms. Penera?

Ottilie: Yes.

Sachs: You, I did not know, realize that a question or a request was going to come to me at that point. What did you say to Mr. Ottilie's question regarding the expenditure of those funds? They were, the $165,000 that is referenced in your memo?

Penera: The $165,000 of special – mid-city Special Park Fees was spent on a road and David Miller of your office was here explaining that that is a, that you, that you could use Special Park Fees, that are developer impact fees, for a road in connection with a park, so if you, just giving you that as, as when you come back to Mr. Ottilie's question, want to seek David Miller as your resource on that.

Sachs: Thank you.

Penera: Now I don't know how that fits in with Hilda Mendoza because I don't remember that part of the conversation, but in any case.

Female: Can I ask a clarifying?

Ottilie: Okay.

Female: When you say spent on the road, you mean spent on the design of the road as it relates to the park.

Penera: That is correct.

Female: Thank you.

Ottilie: And, and what you're going to need to look at, Mr. Sachs, is that memo from Ms. Mendoza that said we couldn't even address the park at that March meeting. She was personally taking it off the agenda based on the fact that we had no jurisdiction over a road. And subsequently, I've received a letter from your office contradicting what Ms. Penera told us today and in March, which is that these were park funds that paid for the road, so I think she's been candid, at least when asked about that. But your office responded I believe, and I'll have Vivian get the letter to you, indicating when I followed up on that, or else it came out of the department and I, I'm a little confused 'cause I don't have the records here, indicating that no it wasn't park funds, it was –

[End of Side 1 of Tape 2]

Ottilie: – Ms. Mendoza and I'd like to find out who drafted that memo and who asked her

to draft it. If it's privileged then you can't give me that but if it's not privileged, I'd certainly like that information.

Sachs: My understanding is that that was, predates my time advising this body but my understanding is that the board did hear the item in March.

Ottilie: I understand, but I'm focused now on getting to the bottom of the issue of why there was an effort made to keep us from hearing that was based on misrepresentations. Because Ms. Mendoza told us that road had nothing to with parks, and we're learning today that $165,000 of our residents' park funds was utilized for that road. So she misrepresented to us. Now I don't, I'm not saying she was the one that originated or even wrote that memo. I'm not convinced she did.

Sachs: Okay. You know, I was not here at that time advising this body. I was not a part of the process. But on going forward basis I can certainly commit to assisting you with your inquiry working with Ms. Penera.

Ottilie: Well I'm, I'm on a going backward basis, and so I'm asking you in your response to this to find out what happened on that memo and why we were told we didn't have jurisdiction, who wrote the memo and whether park staff –

Sachs: Well, I do know Ms. Mendoza wrote the memo.

Ottilie: You know that for a fact?

Sachs: Yes, I've made inquiry on that, and I do know, and I knew because she was a colleague of mine, I knew she was working on it.

Ottilie: And do you know who generated that to her? Why she wrote that memo? Was she directed by the department to write the memo or by the attorney's office? Do you know that?

Sachs: I do not know how it emanated. I know that there was, that it was –

Ottilie: Well, just do that in your response, 'cause that's what I'm asking you to respond to, so that we get to the bottom of that. The, here's the question I have for you, I'm switching subjects here. When was the appraisal of the property that you talk in the first paragraph of your memo? What's the date on that?

McKenzie ~~Sachs~~: On the appraisal –

Barnes: Which property?

McKenzie ~~Sachs~~: Which property are we –

Ottilie: Basically, in the first paragraph, you talk about a recent appraisal of the Fox Canyon property?

MacKenzie ~~Sachs~~: Okay, that particular one was just recently conducted, date of value of August 10.

Ottilie: August 10? And the offer, has the city made an offer to the property owner at Fox Canyon?

MacKenzie ~~Sachs~~: We had a previously agreed upon value, but not based on this appraisal.

Ottilie: But, aside from value, was an offer made by the city at any time to buy that property from the seller?

MacKenzie ~~Sachs:~~ Yes.

Ottilie: When was the offer made?

MacKenzie ~~Sachs:~~ I've got my calendar here on that.

Penera: Just for clarification, Mr. Ottilie, all offers go through Real Estate Assets, that's why he, he's the point of contact.

MacKenzie ~~Sachs:~~ The original, the form, the formal offer to the property owner was made April 5, 2005.

Ottilie: Okay, and what was the amount of the offer?

MacKenzie ~~Sachs:~~ $475,000.

Ottilie: $475,000. And what was the appraisal – is that the only offer that's been made?

MacKenzie ~~Sachs:~~ By this department, yes.

Ottilie: And what is the – and that was rejected, presumably? Because this was here in March of 2006 it had not been accepted?

MacKenzie ~~Sachs:~~ Yes, we had a formal rejection of the, of the offer...

Female: [unintelligible]

MacKenzie ~~Sachs:~~ The rejection came May 18, 06.

Ottilie: Okay, and what was the counter offer?

MacKenzie ~~Sachs:~~ The, at the time of the rejection there was no counter offer. We just, they rejected the offer and we formally acknowledged their rejection, and then approximately

July of 06, we received a letter requesting a value of $995,000.

~~Ottilie~~: That was the owner wanted that?

Mackenzie ~~Sachs~~: Yeah, that's from the owner's attorney, yes.

Ottilie: 975, and how much was the appraisal?

Mackenzie ~~Sachs~~: The appraised value that came in on the 1.5 acres that we were looking for was $52,500.

Ottilie: Okay. And do you believe that's accurate, the $52,000?

Mackenzie ~~Sachs~~: I do now, yeah.

Ottilie: Okay, and yet we offered as the city 475,000, which is almost nine times higher than the appraised value.

Mackenzie ~~Sachs~~: The offer –

Ottilie: Did the city obtain an appraisal of the property before they made the offer?

Mackenzie ~~Sachs~~: Not at that time. The offer that the, this was what the property owner requested that he, that they wanted for the value. Estimates at the time of a vacant piece of land at 1.9 acres in this area, the original estimate indicated that a unique piece of property like this would probably fall within that value. As negotiations went on and working with the developer, and the reason for the formal appraisal indicated and it determined a variety of issues that came with the property. Concerns regarding development. We felt that the value met our needs for park purposes. The appraisal has been based on what a willing seller would be for development property. And then there's a lot of concerns to that point.

Ottilie: But you can confirm today that the city made the offer to purchase at $475,000 on April 5, 2000 [sic] without having obtained an appraisal for the property, is that correct?

Mackenzie ~~Sachs~~: The city accepted, the property owner requested that value, and the city, and we accepted it based on that time.

Ottilie: Well, I don't want, I don't want to mince words here. You told me –

Mackenzie ~~Sachs~~: [unintelligible] made that offer.

Ottilie: Well wait wait wait wait. Wait wait. You told me, initially, that the city made an offer on April 5, 2005. You then told me there was no counter, there was no counter for about a year. Thirteen months.

Mackenzie ~~Sachs~~: That's correct.

Ottilie: So I want to make sure that we understand what happened on April 5, 2005. Was that a written offer from the seller to the city to sell the land for $475,000, or was that an offer from the city to the seller to buy at 475?

Mackenzie ~~Sachs~~: It was an offer from the city to buy it at 475 based on the property owner's offer to sell at that price.

Ottilie: Well, it wasn't – you didn't have a written offer from the seller to sell at that price in April of 2005, is that correct?

Mackenzie ~~Sachs~~: Did I have a written offer? No.

Ottilie: Okay. So, answering my question, the question was, the city made a written offer to buy the property at 475 which, had it been accepted, would have concluded a real estate transaction, correct?

Mackenzie ~~Sachs~~: Correct.

Ottilie: And at the time that offer was made, the city had not appraised the property, correct?

Mackenzie ~~Sachs~~: That's correct.

Ottilie: And now the city has appraised the property at $52,000, correct?

Mackenzie ~~Sachs:~~ That's correct.

Ottilie: And you agree that's a fair market price, correct?

Mackenzie ~~Sachs:~~ Based on what we've determined to date, yes.

Ottilie: Okay. Now, the –

Barnes: Bob, pardon me. How much more time do you need?

Ottilie: Oh, on...

Barnes You've exhausted your time, a little bit more than that.

Ottilie: I think they're good questions.

Barnes: I'm not, I'm not disputing that. I just know that staff needs to leave at five o'clock and we have other members that may be wanting to have some time as well, so I just wanted to find out about how much more time you need.

Ottilie: Sure, about seven more minutes.

Barnes: Okay. Thank you. Can we do that members? Thank you.

Ottilie: When we were here last time, Ms. Penera, Mr. Medina, I asked extensive questions concerning the need for this road, and I kept saying things like, "I just can't figure out where, you know, you were telling me how many trips a day you anticipated, but basically those were just shortcuts. I didn't really see an overwhelming need for anybody to you know, to get to a main artery or something. And we went over and over about why we needed the road. I don't recall, and the record will certainly correct me if I'm in error, anybody indicating any intention or knowledge of plans to build low income housing in this area and that the road was specifically needed to enable an increase in density. When we were here in March, and let me just for educational purposes, share with you that I had a conversation with Jim Madaffer on March 20 in which he told me that the park grant was terminated as of that date. And let me circulate, keep up with this, I kept ...notes of the conversation with Mr. Madaffer, and it's on about page 3 or page 4 of this memo. He told me the grant was terminated on March 20 and it was being terminated because there was opposition to this road, and he told me the road always came first, that the road had been initiated in 2000, and even though the park application for state funds was made in 2004 I believe, or 2005, that the road had always been there and that this was always about the road and there was going to be no park now because people were against this road, and I said, well, you know, Jim, we need a park out there. I mean, we've got to have a park, and he agreed with that. I'm not suggesting he didn't. But he says, we have to have the road because without the road we can't get in the low income housing. And so, I don't know anything about low income housing and I certainly didn't know it from this March meeting, and then I talked to Ms. Chase or Mr. Stump who I know had been involved in this, and they didn't recall anything from the Planning Commission or City Council presentations on this subject about low income housing. Were you aware of proposals by Councilman Madaffer or anyone to put low income housing on that area and that the road was the reason that we were putting a road there was for low income housing?

Penera: No.

Ottilie: Mr. Madaffer – no, it's okay.

Melinda Dickinson (Deputy City Attorney): I'm sorry. I, I, I'm the litigation attorney representing the city in the Fox Canyon litigation, and I have to ask that you not ask any questions, or at least don't expect any answers, because I, I am not allowing Ms. Penera or Mr. – or anyone here to discuss matters that are involved in the litigation, and included in the litigation are, is the substantive and procedural process that occurred with the parkland road project, and so, that I can't allow.

Ottilie: Can you identify yourself?

Dickinson: Yes, Melinda Dickinson.

Ottilie: Okay, and are you going to advise her not to answer this question because she has to make that ultimate decision?

Barnes: Melinda?

Ottilie: Because I'm going to ask the question. You can instruct her not to answer, and if she's not going to answer she'll not answer and we'll move on.

Barnes: Melinda.

Dickinson: Yes.

Barnes: Melinda is with the City Attorney's office, and Melinda, why don't you have a seat next to Ms. Penera and then you can confer and, I would like Mr. Sachs to just make one sentence statement about the litigation, and what it.

Sachs: Yeah, just for, for, for the, for the purposes of the board members' knowledge regarding this, the, the litigation that was filed, several of the parties who have interest in the litigation are here. The litigation related to the adequacy of the mitigated negative declaration that was certified by council when this project was approved, and that's, that's the, that's the active litigation that, that Ms. Dickinson was cautioning Mr. Ottilie about.

Ottilie: Mr. Medina, were you aware of low income housing and that the road was required because of this low income housing when we were all here in March of this year?

Medina: Personally, no.

Ottilie: Okay. Was the department, to your knowledge?

Medina: Not to my knowledge.

Ottilie: Okay. When did you first learn about the proposed low income housing that Mr. Madaffer has referenced subsequent to our March 16th meeting?

Medina: I don't recall.

Ottilie: But you, you're, you became aware of it? At some point in time?

Medina: Just as a peripheral bit of information. That's about all.

Ottilie: The, was the department, Mr. Medina, aware of the proposed road when the application to the state was signed to obtain the state park grant money?

Medina: I'm going to defer to legal counsel to determine whether I should respond to that question.

Dickinson: Yeah, [unintelligible], my understanding of this was a status update on the park and so I am, I don't think it's a good idea to discuss the litigation, and all of this is involved in the litigation. Currently, we're engaged in settlement discussions which are confidential, and I apologize for not being able to be open about those settlement discussions, but, all of this has to do with the lawsuit, so I'm, I, I'm going to stop the discussion about that.

Ottilie: Well you can't stop it, because I'm going to keep asking the questions. You can certainly instruct your client not to answer. And as I understand it, so I want to make sure the record's very clear, that the question you're going to instruct him not to answer is whether or not, when the department signed the application to the State of California for state park grant of approximate $2 million, whether or not in signing that application that stated that the road easement was going to be abandoned, whether the city knew at the time it signed that application that in fact there was a plan for a road which would be inconsistent with the application. And that's the question I understand you don't believe he should answer.

Dickinson: That question and, actually, all other questions regarding the road.

Ottilie: And is that based on his Fifth Amendment rights, or is it based on –

Dickinson: Oh no, that's just based on the fact that it's the subject of litigation, and the litigation is involved in settlement discussions right now, and those are confidential.

Ottilie: Well, okay, but I don't want to know about the settlement. All I want to know is something I think everybody in this city deserves to know, which is, whether or not the City of San Diego lied or misrepresented facts to the State of California to obtain state park funds –

Dickinson: That –

Ottilie: If I can finish.

Dickinson: Sure.

Ottilie: That has absolutely nothing to do with the litigation, but everything to do with the purposes our organization is designed to serve, which is to act as an oversight to, I'm reading from the Municipal Code now, conduct investigations as necessary, to address policy concerns, so whether or not the city made misrepresentations to the

State of California has nothing to do with, with your lawsuit and even it did, they could answer it. I'm not asking –

Sachs: Mr. –

Ottilie: If I can finish, please. I'm not asking Mr. Medina to disclose any settlement discussions. I'm simply asking him a subject that may relate to your lawsuit, I don't think it does from the way it's been described, but even if it did, he's entitled to answer that, because we're serving a different function here today than you all are serving with respect to the lawsuit. So Mr. Medina, I'm going to ask you one more time, if, when the department to your knowledge, anyway, and I'm, you didn't sign the application, I know that, but the application was dated what, what date?

Barnes Mr. Ottilie, is this question 1 on page 8 of your letter, so I can reference it for the board members?

Ottilie: It is, but I want to make sure we put this in context. I understand the state park grant application was signed, Ms. Penera, you'd know what date it was. Was it January 04 or January 05?

Penera: Without my documents in front of me I could not answer that. I'm sorry, I don't know.

Ottilie: And your documents are where?

Penera: In the City Attorney's office.

Mackenzie: Mr. Ottilie, let me try to take another stab at this. The, as Ms. Dickinson indicated, the administrative record and the decision making process related to the City Council's approval of the proposed Fox Canyon Park is the subject of this litigation. We have opposing counsel to Ms. Dickinson in the room, and I just want to caution you that all of these things are in play. There is a proposed or a potential settlement but there is not a settlement, and so trying to ask city staff to engage in discussion about the administrative record leading up to the approval of the Fox Canyon road definitely goes back to and relates back to the litigation.

Ottilie: Well, you know, I've been involved in litigation with the city for 20 years, okay, and no one from your department has ever told me, Mr. Gwinn, Mr. Witt before you, Mr. Sachs, that just because there's a lawsuit that the public's right to know and the state's right to know is shut off, and I don't think you're going to give me that advice today. So you've given me your warning and Mr. Medina, my question is this. Is, when the Department made the application to the state which we saw at our March meeting, which included a representation to the state that we would abandon the road easement, did the department or anyone within the department know that there was a road intended to be built through that canyon?

Medina: Mr. Ottilie, I'm going to follow legal counsel's advice and not respond to your question.

Barnes: Okay, Mr. Mazzella?

Dan Mazzella (board member): Madame Chair, can I –

Barnes: Mr. Ottilie, can I interrupt you for a minute, Mr. Mazzella has a question for you.

Mazzella: I, I do. I have some questions which, I understand where you're going on all of this, but I do have some other questions relevant to this. Number one, and this is not privileged information, I'd like to know who the name of the litigant is with the city, and I'd like to know when the lawsuit was filed. And I don't think either of those are privileged pieces of information, and does anybody have answers to those two questions? When was this lawsuit filed? Do we know when it was filed?

Barnes: You can ask the City Attorney's office to respond, if you can.

Dickinson: Yeah, I, I believe it was, I want to say April?

Barnes: Of 06?

Dickinson: Yes, of this year. But, but just, I don't –

Mazzella: And, and is the owner of –

Dickinson: This is separate from, this underlying conversation with what's going on with the new park area is a totally separate question from the litigation, so –

Mazzella: Freedom of speech is an amazing thing. It does things to people, and so that's what's happening right now. And what Mr. Ottilie is talking about is an open discourse, and what I'm concerned about, and what I'm mostly concerned about right now is, is if this lawsuit was contemplated, and isn't there a notice that has to be given to the city before the lawsuit is filed? Wasn't there a claim and it has to be denied? Is that the case, are you familiar enough with that, Mr. Ottilie? Would a lawsuit have to be given – you'd have to give notice of –

Dickinson: It's a SEQUA lawsuit, so.

Ottilie: I don't think [unintelligible]

Mazzella: Well, well I'm thinking that too, but, what I'm thinking is, was this lawsuit contemplated at the time that this came to us in March? And if that's the case, I'm really ticked off if we didn't get any notice of that.

Male: Mis – mis –

Mazzella: If there was contemplation of a lawsuit for this exact location, and we know that the state has been auditing grants and things like that, and they're looking around to see what grants they can revoke because we haven't been dotting our Is and crossing our Ts, and if this one slips through the cracks and really hurts our neighbors in our neighborhoods by not getting a park, if we lose this money because we're not following the rules, that's a bad thing. That's not a good thing. And I really am thinking, and this is me speaking on open mike, I'm really ticked off if there was a lawsuit being contemplated when this came to us and we weren't advised that there was a lawsuit being contemplated when this came to us. And that's a problem.

Mackenzie: Mr. Mazzella, let me address, I, the second half of your question was, who is the litigant, and I believe it's the Friends of Fox Canyon is the organization, is that the correct? Friends of Fox Canyon is the litigant. It was filed after the council's approval, which is the process under SEQUA. I think that there are a number of parties. If you watched the discussion at City Council, there were a number of parties raising concerns on the record at City Council regarding, regarding the approval and the adequacy of the MND, which is what became the subject of the lawsuit, so that's all post, that's all post-City Council.

Mazzella: That makes me feel a whole lot better, I appreciate that. Sorry to interrupt Mr. Ottilie but that, sometimes I just can't control myself.

Barnes: We took a couple of your minutes, so we're going to give you another four minutes.

Ottilie: Well they're not going to answer the important questions.

Barnes: Well but you put them on record because they are on this letter.

Ottilie: So but here, here's a question for you, Ted. We've spent $375,000 on Fox Canyon Park, all money that could have been used on, on a park we could have bought, we spent all this money apparently without having an enforceable, enforceable agreement to even buy the land. So I guess, I mean, I'm just in an advisory capacity now, and my question is, how do we find ourselves in a situation that we drop 375 on a park we can't build because we never owned the property?

Medina: Well, my prior response will suffice.

Ottilie: What, the one that you're not going to answer?

Medina: I'm not going to answer that question.

Ottilie: Wow, is that, is it, none of these people are advising you not to answer that question.

Medina: Okay, then let me do this. I'm seeking advice from legal counsel as to whether or not to answer that question.

Dickinson: That question, that's a fine question to answer.

Medina: Okay. The question, the answer to that is, I don't know.

Ottilie: Okay, but, and Ginny's told me that I personalize things too much sometimes, and so, she's told me to preface my comments by saying things like, this may not be your fault, but, having said that, and I like you Ted, you know that. I mean, you're head –

Medina: We're buddies.

Ottilie: Well I don't know if we're buddies but –

Medina: Well you said we are. You said I was your buddy.

Ottilie: Okay, well we're buddies. But, you're the head of the department. I mean, who am I going to go to for an answer to that question, because I think, you know, I'm disappointed, and I'm sorry Olivia's not here, that our proceedings aren't televised. And I'm disappointed that nobody comes to these things, because at the end of the day there's only 20 people in the room and you know, it goes back to the old adage: If nobody's in the forest do you hear the tree when it falls over? But I think there's some really significant issues that have arisen on this Fox Canyon, and it doesn't have anything to do with the park, it has to do with the process and, and things, and now we've got people in the city refusing to answer questions if they knew if an application to the state for park money was, was honest. And you're saying you don't know how we can spend money. I mean who would I go to to ask the question of how we can spend 375 on a park when we don't even own the land? Because I just sort of assumed we had the land tied up somehow when it was here in March. Who would you refer me to? Who would you refer the people of San Diego to to get an answer to that question?

Medina: Well, consult with the City Attorney's office and other interested departments, involved departments, and come up with an answer.

Ottilie: Okay, just a couple more. The, do you have a feeling, Mr. Medina, based on – have you seen my memo and the comments Mr. Madaffer made to me?

Medina: It was handed to me but I've been paying attention to the dialog so I have not read it.

Ottilie: Does he have the author –

Barnes: What page are you referencing?

Ottilie: Well, I'm on page 5, which are some of the notes of my conversation. Mr. Madaffer said to me the state grant money for Fox Canyon Park was terminated as of our phone call on March 20. Does Mr. Madaffer under our charter in San Diego have the authority to terminate money that's been approved by the State of California to come to a park in our mid-city district?

Medina: I'll defer that to the attorney's office.

Ottilie: Mr. Sachs, does Mr. Madaffer under our charter have the authority to terminate a grant as he told me he was doing during our phone conversation on the 20th of March?

Sachs: Well, just by, just in, in the practicality if a grant is from the State of California it's the State of California's prerogative to terminate that grant.

Ottilie: Did the City Attorney's office subsequent to March 20th issue an opinion to, that has at least gone to the San Diego City Council, indicating that if we accepted that grant money we couldn't have that road through Fox Canyon?

Sachs: I'm not aware of what our office has opined related to the, to the park, because I was not involved in that.

Ottilie: Okay, can you –

Sachs: The development of any opinions related to that.

Ottilie: Can you, can you get me that memo if one exists?

Sachs: Yeah I think there was, I mean, I believe there was, there was a memo related to the project at the time of the council action, and I don't know whether that memo went directly into the issue at hand, but I can look, look at that and I can let you know.

Ottilie: Okay. I don't have any further questions. Thank you very much for your courtesy, Ms. Barnes, in letting me spend 25 minutes on that.

Barnes: Well, I appreciate that. I'll open it up to the members, but, but –

Ottilie: Can I say one thing before I give up., the memo that I've handed out, Ted, I would like to be made part of the official record of today's proceedings so that –

Barnes: You mean the letter, this letter?

Ottilie: The memo? This memo to the Park & Rec Board.

Barnes: The Dear Mr. Martinez?

Ottilie: No. No, this is a memo, this is a memo.

Barnes: Oh, okay. Gotcha. All right.

Ottilie: This is a memo and I'd like to make that an official part of the record so that the public may view that if they come down to see the records of today's proceedings.

Barnes: As an attachment.

Ottilie: And I'd like to make a motion that we defer this matter [unintelligible].

Barnes: Okay, –

Ottilie: [unintelligible] today's proceedings [unintelligible].

Barnes: Can I ask you to hold off on that and let's let the other members make a couple comments and then, if you decide you want to do something on that, I would appreciate that. Mr. Green, any comments, thoughts on this?

Norman Green (board member): I just wondered how often we seek state grants on property that we don't own.

Penera: I don't know, I haven't been asked in that, asked that question very often, so I can't – to be honest with you, I don't know, but I'd be more than willing to look into that and let you know.

Green: Well, I mean, is it your feeling that, that that's frequently done, or –

Penera: No, not really, but like in this particular case, we thought we had a willing seller and it was coming down to the paperwork.

Green: A year later.

Penera: Right.

Barnes: Okay. Mr. Mazzella, any thoughts?

Mazzella: Madame Chair, yes. I hate this part of the speech, but I'm actually going to do it, and I'm going to thank Mr. Ottilie for bringing this up. I really am. I, I, I listen to these City Council things and I just want to throw up when I hear this part of it because I know it's just palaver, but I really mean it. Thank you for bringing this up. I appreciate it, bringing it to my attention. But the reason it, is most, what is

most important to me on this, and it was one comment by one of the speakers, and that is, number one, I'd love it if we can get both pieces. I'd love it. I've said it plenty of times. I'd love to, I'm always a proponent for more park land, and if we can get both somehow make it happen, and, and gosh, please, please, we all know that we're getting audited by the state, to, that we're getting audited by the state to make sure that we're using the money, the grant money, for what it is we've applied for. This isn't what we need. This is, this is, this is a nightmare. This is making my stomach sick thinking about this. I, I'm just going to encourage staff to do whatever it takes to get the Is dotted, the Ts crossed. Get this done right. Don't lose the grant money. Get the parks, and let's, you know, have a happy ending here. And I'm not trying to sound like Pollyanna on this, because I understand all the issues that are going, and I, and I, I understand that loud and clear. But gosh, this is not – timing is everything and this is not good timing for, especially when we're getting audited on our grants. So, I just want this to go in there and say I'm encouraging staff to one, try to salvage both pieces of property, and number two, let's not lose the money.

Barnes: Thank you, Ms. Davies?

Darlene Davies (board member): Well, I'm just struck by how much I didn't know when I came to the meeting. Thank you very much. I still feel there's a great deal I don't know. It's terribly important that we have information, and, and that's one of the things I say so often at the Balboa Park Committee. You cannot operate without the information, which gets back to something I said a long time ago, and everybody gave up on. It will never happen. It may never happen, but I still feel strongly. If this board were a commission as it was a long time ago, it would have the legal mandate and would not need to have a workshop about what authority it has, what authority it does not have, and of course it is always hopefully going to be collegial and collaborative. And it really, it really feeds right into the discussion of your subcommittee and so forth, because this is all caused by a vacuum in terms of the information that the people on the board had. And I think is causing a stronger reaction in terms of the questions that are asked. Thank you.

Barnes: Thank you. And, and I agree, and I concur with comments made, and I do want to thank Mr. Ottilie for bringing these questions. I do want to just make the board aware, Mr. Ottilie and I had a couple of phone conversations on this topic, but it was only as it relates to the process. We did not speak specifically to any of the details of the discussion, and I do want to caution you when you do have conversations amongst each other on the telephone that you only talk about the process, it is not, you know, it's a violation of the Brown Act to talk about the details of, of the activities. But one thing I think that we need to deal with, and it's something that you've made it sound so simple, is that we have these wonderful reports. We got this report today on the Pacific Breezes Community Park, and there's background and there's discussion. It certainly doesn't say who owns the property. It certainly doesn't say that an agreed upon or a negotiated contract is in place, or when you're going to be closing escrow and so on. I know

certainly there is a cost of doing business. There is a cost to, to do diligence of evaluating whether you want to move forward on something, and I certainly understand that there is a cost. Do we want to have a park in a particular location and those, there's staff costs, there's engineering costs and so on and so forth. As far as the actual then design, you also have to look at the design component. Does this particular type of, this land, land formation, lot, whatever you want to call it, does it constitute something that the community could have certain amenities, so then maybe you need a park planner and a park designer to kind of take a look at it to do, again do that due diligence. I don't know that we've ever really gotten a discussion or any comments from the staff as far as that front end work, poss, you know, process, as to what constitutes a parcel of land to make it viable for a park? Is there, well, if it's two acres and it's flat and so on we're going to go ahead and assume that we can put a park there? Or do they need to do three and four levels of steps to say, yes it does, no it doesn't, and so on, so I do know some of the money has to be spent before you own the land to determine whether it is a good use for a park. Other than that, I don't know, so I'd be interested on the expenditures, to understand what that expenditures went to. What did go to the conceptual design, which you may have had to have for the grant application. So I don't know if we can get a follow up to any of that. I don't certainly want to put you guys out on a lot of time on it, but that might be an interesting topic as well, so we have a better understanding. And maybe our reports from this point forward should give us a little background on, do we own the land? Has there been a negotiated price on this? Has this developer conveyed land in lieu of developer or impact fees or Special Park Fees or whatever the terminology is used. I still think we need some kind of a definition, because what is developer impact fees or park, you know, Special Park Fees or so on may, may be the same definition, it's just got a different title to it. I don't know. I know certain communities call things different, difference throughout, so, anyway. With that, yes, you want to make a closing statement?

Penera: I do, but I didn't know if you were done with this action. I had to answer the planning department, but I didn't want, I don't know, was there [unintelligible] –

Barnes: Mr. Mazzella, Mr. Ottilie wanted to make a motion, and so, I mean, I'm ready to hear that motion if everybody else has made their comments to this. So if you're, go ahead.

Ottilie: I had one question before I do so. Ms. Chase was here earlier and spoke to the issue of whether or not the state can issue us a park, this park grant under the Urban Parks Grant Fund if the park is just conceptual in nature. Can you answer that?

Penera: That's what they did the first time. The, the applications are conceptual and they say it will have things like, and then you get the grant and then we go out and actually do the public outreach and we try to stick to conformance with the general principles we gave them. And then if we have anything that we think is

out of scope with what we gave them, we go back and say, is this okay, because the community asked for it or whatever, and we usually try to get a read from them at that time. So, that's typically what happens.

Ottilie: Thanks. Here's what I was – I have two separate motion I think is the easiest way to deal with it?

Barnes: Okay.

Ottilie: The San Diego Municipal Code section 26.30 provides that it is the purpose and intent of the San Diego City Council to establish a policy advisory board, which this group is, on matters – and then it goes on to indicate what matters, one of which is relating to the acquisition of parks. And my concern is that we haven't been performing the role of an advisory on acquisition if the property has already been bought and it's already been determined it ought to be for park purposes, so I would suggest, because we really haven't gotten into this park today. We haven't seen a map or any proposals. We haven't dealt with this issue of flooding and how we'd work around that. I'd like to move that at our next meeting in October we get a presentation from the department with respect to our opinion as to whether or not the city should acquire the Wightman Street property for purposes of a park.

Barnes: Um...

Ottilie: So that we can fulfill our obligations under the Municipal Code.

Mazzella: But hasn't the city already acquired [unintelligible] –

Ottilie: I understand, but I think it would be helpful for us to at least go through the process on this one.

Barnes: Of determining whether this city-owned property is appropriate for a park.

Ottilie: Because the city bought the land as a settlement of a lawsuit, not for a park. They're now trying to essentially give it to the park department as I understand it.

Barnes: But, but you're, but when you first phrased it, it was in relating to the acquisition. Understanding that this is an acquired parcel, do we want to weigh in on whether it's an appropriate parcel in our opinion to be used as a park?

Ottilie: Yes, that's my motion.

Barnes: Okay.

Ottilie: Okay, hope there's a second.

Barnes: Is there a second? Mr. Green seconds the motion, any discussion on that motion? Yes, Mr. Sachs?

Sachs: Yeah, I guess I would just to have ask Ms. Penera whether or not this would potentially impact upon the getting something before council for the dedication of that land? because I know you said you were indicated you were working on getting that action before council.

Ottilie: She said eight weeks.

Penera: I think I was begging to get this land for a park because I didn't want to lose the grant, so I would feel really awkward if people would run around and now start saying we want to look at whether we want this to be park. If you want me to be very frank with you.

Ottilie: Well, we'd like to follow the Municipal Code.

Penera: because I – what else would we do with –

Ottilie: I think following the code is always the best thing to do, until it's changed.

Green: Yes, but we also don't want to lose the grant.

Ottilie: Well I understand, but she said it's not going to council for eight weeks, number one. Mr. Medina's office told me in an email which I can provide to all of you that this matter didn't need to come to us and told Mr. Sachs as well, today, because nothing was going to council before we would meet again and so Mr. Sachs will confirm that, that it could have been dealt with next month's agenda, so I, any suggestion otherwise would indicate that that was a misrepresentation. She's indicated eight weeks is when it's going to council, and the Municipal Code says we are supposed to have input first. That's a state, I mean a city law, that's not just a policy.

Mazzella: Madame Chair.

Barnes: But, now let me make a statement here. Mr. Ottilie, excuse me on that. I do believe that we have made statements along the way, not as it relates to a specific parcel, but along the way to encourage staff to purchase as many parcels of land that could be used for parks in park deficient areas. So, whether the Muni Code requires us or wants us to act on specific parcels, I'm not clear on that. But certainly, we have asked staff to go out there and to do their best in acquiring park land in our park deficient areas and when we've talked about our park deficient areas, I mean, that's been something we've conveyed to them. So does that take care of our responsibility with the Muni Code? I don't know. And Mr. Mazzella, I'll let you jump in real quick then.

Mazzella: Madame Chair, sure, and let me try to see if I can address this and –

Barnes: We want to try to get out of here in about five to ten minutes.

Mazzella: It's, I think it'll become clearer –

Barnes: Five minutes, sorry.

Mazzella: And I'm going to ask Mr. Ottilie a question and he's a –

Barnes: Go ahead.

Mazzella: He's a lawyer and so he can be considered a, a, he can be asked a hypothetical question.

Barnes: Go ahead.

Mazzella: And the hypothetical question is, suppose we have a Brown Act meeting that's been properly noticed, and suppose we take public testimony about a specific piece of property and then suppose, during that public hearing and public testimony that we accept that we hear the public say that they like a specific piece of property, and then we even hear pros and cons but we don't hear anybody saying they don't want this piece of property as a park. Could that theoretically, conceivably, be sufficient for input from public testimony as to give this board sufficient information to satisfy the Municipal Code that maybe we took enough public testimony or some public testimony as to make a deliberative decision on that, so that perhaps, hypothetically, we could make an opinion today and comply with the code.

Ottilie: Oh, absolutely.

Mazzella: As a hypothetical question.

Ottilie: Absolutely. But all I know –

Mazzella: So if that's a yes, then maybe we could go on today.

Ottilie: No, we could, but all I know about the park is that it's going to be .9 acres in size, that .7 or so is usable, and that it's 680 feet or a stone's throw away, and that it is known prone to flooding to the point where it's been condemned essentially. So, what I would think, if we're going to – the problem is as I hope I've highlighted in my questioning today, is that when things come to us from the staff it's not always what it seems.

Barnes: Okay, well, and I have –

Ottilie: If I can, if I can finish.

Barnes: Okay, just wanted [unintelligible]

Ottilie: We've had this problem before and you and I are friends, but I don't like the way you cut us off, and I know there's other people in this room that don't like that either.

Barnes: I'm just trying to wait 'til you take a breath.

Ottilie: Let me just finish. And so I, my proposal would be that it would come back in a little more formal presentation so that we see a picture of the park, the proposed layout, the conceptual design, and if, if you all don't think you need more and you know enough and you're confident in what all you've been told that that's going to be a great park, then you'll vote no or, yeah.

Barnes: Okay. I'll call for the question unless it's something –

Mazzella: Hype, hypothetically, we're not saying it's a, it's a –

[End of Side 2 of Tape 2]

Tape 3 of 3

Mazzella: We could be. I won't say we are, I won't make a definitive answer on that, but I'm thinking we could be compliant with the code.

Ottilie: One of the things I'm trying to accomplish is, is to create some precedent, and, and create a new standard and higher expectations of staff, because this is here today only because I essentially forced it into the agenda. Staff wasn't going to bring this to us. They were going to take it to council without even telling us about this. That violates the Municipal Code. So it came today as sort of a rush in response to my request. It didn't really come to us with the level of presentation I think you, Mr. Mazzella, and I would expect if the staff going forward is going to come to us with park parcels and questions. And so, I'd like to just do it right this time. There will be no prejudice because Ms. Penera has already said she's not going to take it to council for eight weeks, and Mr. Medina told Mr. Sachs the other day on the phone that this didn't have to be on today's agenda because nothing was going to go to council before our October meeting.

Barnes: Ms. Penera, you want to make a quick statement and then I'm going to call the question on this.

Penera: I think that what I would say is that if we are going to hear it then I would pull it from routing because I would feel uncomfortable routing a request for council action to do something, having all these people looking at it, thinking that we have

an, that we have, in other words, we're not really sure, we're just routing this. That's disingenuous, and I don't think we should do that. So, if this board's action is to do that, then we would pull the routing. We would stop routing it, and so it will be twelve weeks before it goes to council. Because, you cannot route things to say, I think I'm going to do this through the departments, and it's just not the way to do things, so I mean, the route actions that we are...

Barnes: Okay, okay.

Ottilie: And may I express a concern? You know, I see, I see Darlene getting frustrated by that, and I'm frustrated too, but they knew, they knew that they were making this switch a long time ago. And this thing didn't come to us when it was Fox Canyon until after the fact and because of that, and because we didn't have an opportunity to ask the sort of questions we asked today, the city went ahead and made an offer of 450 grand on a $52,000 piece of property. They spent $375,000 in park monies that can never be retrieved. So this concept of rushing through, a rushing through process necessitated because this didn't come to us in a timely fashion, should in my view not be used as an excuse to rush this through. We've learned our lesson. Let's pull the reins in on the horses here, have it come back. We're not going to lose the park, I assure you, because they've settled the lawsuit. They own the land. It's not going anywhere. They can't use it for anything, apparently, because it floods. We're not going to lose our park, and we may all decide that they ought to use some of that money for Fox Canyon and buy that as well, or that Fox Canyon's a better neighborhood park. But we're not going to know any of that, and we haven't learned a lesson, if we're going to trust staff. Because what we've learned today is that staff needs to get this on our agenda up front, because there are people on this committee that will ask the right questions, and will find these things out, and if we'd heard this matter a year and a half ago, my guess there wouldn't be $375,000 in missing funds. So, I would say let's just slow it down and hear it next month.

Davies: I have, I have to make a comment, I'm sorry.

Barnes: Please do.

Davies: And I want to say it very politely. I, I'm, I have great admiration for your education and your skills, but the look of distress that he saw on my face is because, I've never said anything about it, but this has happened before, and that is, the subtext of what you said, whether you meant to April, I know how earnest and how much you care, but the subtext is, if you don't okay this, it's not going to happen in a timely way. And I find that very difficult when that happens. It's like in school, if you don't do this, right now, then there are going to be dire consequences. I, I know that's not your intention. And, but it has happened other times, not, not lately. And that was the look he saw on my face. I mean, I was at that point thinking, I still don't know enough, I don't know what I'll do. But, it will not do for us to make a decision, or for me, let me just speak for myself, to

make a decision based upon what one really could term, this is really too strong a word, but as a very mild threat. I can't make a decision based on that. And, and, so that was what you saw.

Barnes: Okay. I'm going to make one more comment. We do not ever see the community plans as they are worked out with the city real estate assets and developers. Look at Otay. The land was already set aside for the community park. We didn't get involved in that park land acquisition. We've set park standards, to say a community park needs to be 20 acres. The city code says it can be 15, or whatever, if it's adjacent to a school. So there's been standards. We set all of the standards and revisited those standards several years ago as a board. I'm not sure Bob if you were on the board at that time. I think you were, when we talked about improving the processes that went through. Again at the time, we evaluated and we identified the criteria for park land. And I think staff then is applying that criteria. Again, Muni Code violation or not Muni Code violation, I don't know that I want to there, but I don't really want to be part of looking at each individual parcel before or after the city acquires that parcel to determine if that parcel is a good use for a park. I do think that there are community planning groups that are involved in the land use component. I don't know if it's advisable for us to look at this. It may be more advisable for the community planning group to make a decision on the land use, and to determine whether that area should be used as a park or not. We've not ever done it. We get it after the fact. The land is, and the park land has been identified throughout community plans, and then the developers go in and we say, okay, yes, we approve the design. But we don't get into the front end of land use. So I just caution us to get in, to start getting into the front end of land use.

Davies: I totally agree with what you're saying. It makes complete sense. And based on that, prior to the comment from April, I don't know what the public wants. Because I've heard, I mean, I, that was the first thing I was going to say to you. I'm here to serve the public. And I, I want to give the public the park that will meet their needs –

Barnes: Well, and then –

Davies: And based upon public testimony, I could make a case for almost anything here.

Barnes: However, there was no public process in notification that we were going to discuss or have anything to do with the Wightman Street neighborhood park.

Davies: That's right.

Barnes: So inasmuch as we had a few people who wanted to talk to us about the proposed Fox Canyon Park and then an update to that, that's all well and good. We have had not had any public testimony on the Wightman Street neighborhood park. Whether the community does or does not support it, the community that is here I

appreciate that you were here, but it was not the group that we needed to go out and notice, or this was not the notice that they should have responded to. So, I'm concerned about that. Now Mr. –

Ottilie: And that's why I was putting it over 'til next month.

Barnes: I, I, under, I understand that.

Ottilie: He wanted to go forward.

Barnes: But I think the land use is a complete – Mr. Mazzella, or Mr. Greene? Somebody was over there jumping. But we do need to finish up here within a minute or two please.

Mazzella: I'll move this quick. Based on your comments, and Darlene's comments, that's why I am going to harp on this. I don't know if the city has the tools to do what it needs to do without reenacting those Muni Code sections that were inadvertently left out two years ago. That's why I'm harping on this. I'm really nervous that we're doing a lot of things, that there are going to be lawsuits floating all over the place, and we need to get these code sections reenacted. We need to get them reenacted. It's not something I want to hear about seven months from now. That's why I was saying, I'd like to get our, us, be proactive and get a task force going on this, and, and, and that's part of getting in at the front end versus finding out later on, and enable the city to do these kinds of things so that this stuff doesn't fall through the cracks and we don't have hidden agendas and let's get the tools. Let's get that Muni Code reinstated the way I ought to be, and, and that's why I'm – these issues are coming up, and they're going to keep coming up, and we have land use issues, and we're part of it whether we like it or not.

Barnes: Okay, Mr. Greene. And then I am going to – we're going to.

Greene: Yeah, but in the meantime, we know that City Heights is a very underparked area. We have the land. I don't think we should just throw that opportunity away while we correct the Muni Codes which could take months or years to accomplish –

Barnes: Well the quest – right.

Greene: So I think we should vote on this, on this motion.

Barnes: And the quest – okay, and the motion, do you want to just quickly restate your motion?

Ottilie: No. I don't like to do that because it might change and I don't think that's fair. The motion is as it was made. It was simply to put this on the calendar for next month so that we could get the level of presentation that I think given all the circumstances is, is dictated. Whether we do this on every piece of property or

not, I think in this one where there's been a loss of confidence in the department's handling of the matter, at least on my part, I'd like to see it as a presentation so that the community could be involved in this, so that I know what the community wants – I mean –

Barnes: So the community – so the question then, I'm sorry to interrupt, but the question would be for the, on the agenda then would the community support having Wightman Street parcel be a neighborhood park?

Ottilie: No, does this committee support it? The community will come down and tell us whether they support it, but ultimately, we're not going to take a vote on whether the community supports it, we're going to take our own vote as to whether we support –

Barnes: So if we support Wightman Street becoming a park.

Ottilie: Yeah.

Barnes: Okay. Thank you. I'm calling for the question. All in favor of the motion please raise your hands.

Unknown: [unintelligible]

Barnes: This is to have it up for next month. We've got a full agenda for next month, bring your sleeping bags. It's unanimous.

Ottilie: And then the second component of my motion would be the following: to take the memo that I've prepared which is based on input from Councilman Madaffer, some folks in the community, review of documents, and refer that along with a transcript of today's questioning of the staff to the San Diego City Attorney's office for review by their public integrity unit.

Barnes: Any discussion on the motion?

Ottilie: I mean, I can do that on my own and will, but I'd like this, the committee to join in referring the memo and the questioning.

Mazzella: I'll second that.

Barnes: Okay, second by Mr. Mazzella. Any discussion? All in fav –

Ottilie: Yeah. My concern here is that there's, there's a significant issue as to whether or not we made a misrepresentation on a state park application, and, and somebody ought to determine if that was intentional or not, and I'm not suggesting it was, but I am being told today that the person who could answer it doesn't want to answer it, number one. I think that's a huge issue that ought to be resolved. Two,

we had the use of state, of, of city resident park funds on a road after the City Attorney's office, and that's why I don't want to just refer it generically to the City Attorney because there may be a conflict within the office and that's why I want it to go to the Public Integrity Unit.

Barnes: Okay.

Ottilie: Whether or not the City Attorney's office was used, or itself made misrepresentations with respect to whether this had to do with park funds, I'm concerned about that. I'm concerned about the city Real Estate Assets Department offering 400 and some thousand dollars on a piece of property that everybody admits is worth $52,000. I'm concerned about Mr. Madaffer's involvement as to whether or not that violated the Charter because I know the Charter precludes the, the council from essentially running the staff or telling the staff what to do. I'm concerned about the failure to advise us of low income housing if it was in fact there. And it's not a big issue, if nobody did anything wrong at least the air would be cleared. We could do it as an investigation because the code gives us investigatory powers but I think it'd be better if the City Attorney's office did it privately and confidentially.

Sachs: And let me just, let me just mention to the board that Mr. Ottilie's suggestion would be appropriate because of the involvement of our office in the advisory nature, his suggestion to go to the Public Integrity Unit I think would be appropriate.

Barnes: Thank you. Okay, any comments? All in favor? A show of hands please. Are you recusing yourself?

Unknown: [unintelligible]

Barnes: Oh. Do you not have enough information to vote?

Unknown: [unintelligible] or too much [unintelligible] overload.

Barnes: Well, let me just tell you this. If you look at the numbers and three people voted yes, so you an vote either way that you, that you like.

Unknown: [unintelligible].

Barnes: It's already got in fav –

Unknown: [unintelligible] I just –

Barnes: So are you abstaining?

Davies?: Well, I'm either, well I can't recuse myself –

Barnes: Okay.

Davies?: So I'm abstaining. I'm sorry, I've never abstained on a vote in my life.

Barnes: Okay.

Davies: I don't know what to do.

Barnes: All right, so, Mr. Ottilie, Mr. Greene and Mr. Mazzella are in favor. Ms. Davies is abstaining from the vote. All right. Thank you everybody. Bob, I know you have spent a lot of time on all of this, and, and I appreciate it. I appreciate you cc-ing me on, you know, letters and so on –

[End of Tape 3]

/sam

EXHIBIT NO. 104

CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, OCTOBER 9 AND 10, 2006

CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101

REPORTING RESULTS OF CLOSED SESSION MEETINGS

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk's minutes for Open Session for more information. Assistant City Attorney Karen Heumann reports the results of the Closed Session Meetings of October 9 and 10, 2006, as follows:

CLOSED SESSION MEETING FOR MONDAY, OCTOBER 9, 2006

Closed Session Items were heard on Tuesday, October 10, 2006.

CLOSED SESSION MEETING FOR TUESDAY, OCTOBER 10, 2006

ROLL CALL:

Present: Mayor Jerry Sanders, Council President Peters, Council President Pro Tem Young, Councilmembers Faulconer, Atkins, Frye, Madaffer, and Hueso

Absent: Councilmember Maienschein – Dist. 5 (Absent for the meeting)

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 ***Michael Barney v. City of San Diego***
San Diego Superior Court Case No. GIC 853548

DCA assigned: J. Riley

Nothing to report

CS-2 ***Cal Johnson, et al. v. Thomas Distabile, et al.***
San Diego Superior Court Case No. GIC 782977

DCA assigned: R. Walters

Nothing to report

CS-3 ***Linda J. Morgan and Renee Hill v. City of San Diego***
San Diego Superior Court Case No. GIC 849127

DCA assigned: M. Stiffler

Motion:	Defend Litigation
Moved:	Councilmember Atkins – Dist. 3
Seconded:	Councilmember Madaffer – Dist. 7
Vote:	7/0 [Passed unanimously]
Absent:	Councilmember Maienschein – Dist. 5

Reported out in Open Session on October 10, 2006, by Karen Heumann, Assistant City Attorney: Today in Closed Session, the City Council voted unanimously 7-0 to defend the litigation in the *Matter of Linda J. Morgan and Rene Hill vs. the City of San Diego*, with a motion by Councilmember Atkins; second by Council Member Madaffer; Councilmember Maienschein not present.

CS-4 ***Friends of Fox Canyon Park v. City of San Diego***
San Diego Superior Court Case No. GIC 864623

DCA assigned: M. Dickenson

Motion:	Approve settlement
Moved:	Councilmember Madaffer – Dist. 7
Seconded:	Councilmember Atkins – Dist. 3
Vote:	6/1 [Passed] Council President Peters (Dist. 1) voted No.
Absent:	Councilmember Maienschein – Dist. 5

Reported out in Open Session on October 10, 2006, by Karen Heumann, Assistant City Attorney: Today in Closed Session, *In the Matter of Friends of Fox Canyon Park vs. City of San Diego*, the City Council voted to approve a settlement offer by the Petitioners which requires the City to docket rescission of the Site Development Permit and the Mitigated Negative Declaration for the Fox Canyon Park and Road Project. If the Site Development Permit and the Mitigated Negative Declaration are rescinded, the lawsuit will be dismissed in its entirety and the City will pay petitioner $5,000 in legal fees to resolve the litigation. Motion by Councilmember Madaffer; second by Councilmember Atkins. The vote was 6-1 with Council President Peters voting No and Councilmember Maienschein not present.

Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:

CS-5	**Property:**	**A portion of the closed South Chollas Landfill**
	Agency Negotiator:	**Elmer Heap, Jr., Director, Environmental Services Department**
	Negotiating Parties:	**Paragon Practice Park, LLC**
	Under Negotiation:	A long-term development lease

DCA assigned: G. Lowenberg

Motion: Accept recommendation to terminate negotiations.
Moved: Councilmember President Pro Tem Young - Dist. 4
Seconded: Councilmember Madaffer – Dist. 7
Vote: 7/0 [Passed unanimously]
Absent: Councilmember Maienschein – Dist. 5

Reported out in Open Session on October 10, 2006 by Karen Heumann, Assistant City Attorney: Today in Closed Session, regarding the *Real Property Negotiations for the South Chollas Land Fill*, the City Council voted unanimously 7-0, to formally terminate negotiations with Paragon Practice Park, LLC and to prepare and expedite a request for proposals for recreational use, of the South Chollas Land Fill site, which will bring value to the community and be compatible with both the closed landfill and potential power production facilities at or near the site. This RFP Process is to be timed with the nine-month grading project that is planned at that site to ensure that the RFP Process is completed at the earliest possible time. The motion was by Councilmember Young; second by Councilmember Madaffer; Councilmember Maienschein not present.

REPORTED BY:_____
Karen Heumann
Assistant City Attorney

EXHIBIT NO. 105

RESOLUTION NUMBER R-301959

DATE OF FINAL PASSAGE OCTOBER 17, 2006

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

1. That the City Auditor and Comptroller is authorized to transfer $250,000 from CIP 29-596.0, Fox Canyon Park, to CIP 52-763.0, Skyline Median and Parkway Improvements within Fund 30306, TransNet.

2. That the City Auditor and Comptroller is authorized to transfer appropriations and expenditures from CIP 58-007.0, Overhead and Other City Costs, (Job Order 580072), Skyline Drive Improvement from Sears Avenue to 58th Street, to CIP 52-763.0, Skyline Median and Parkway Improvements to consolidate funding.

3. That the City Auditor and Comptroller, upon the direction of the Chief Financial Officer and/or the Financial Management Director, is authorized to reallocate the funding sources between TransNet and Commercial Paper-funded projects as may be appropriate to maximize the use of TransNet cash and reduce the use of Commercial Paper funding for CIP 52-763.0, Skyline Median and Parkway Improvements.

4. That the Mayor or his designee is authorized to request SANDAG to amend the Regional Transportation Improvement Program (RTIP) during the next amendment cycle in order to reflect the above TransNet funding transfers.

5. That the Mayor or his designee is authorized to take all necessary actions to secure funding from the Federal Highway Administration and the California Department of

Transportation for SAFETEA-LU funding that has been earmarked to construct landscape medians along Skyline Drive from Sears Avenue to 58th Street.

6. That the City Auditor and Comptroller is authorized to establish a special interest-bearing fund for the SAFETEA-LU funds.

7. That the City Auditor and Comptroller is authorized to increase the Fiscal Year 2007 Capital Improvements Program budget in CIP 52-763.0, Skyline Median and Parkway Improvements by $800,000 in SAFETEA-LU funding.

8. That the City Auditor and Comptroller is authorized to accept, appropriate and expend $800,000 from CIP 52-763.0, Skyline Median and Parkway Improvements, SAFETEA-LU funds, contingent upon receipt of a fully executed agreement and upon the Auditor and Comptroller certifying that the funds are, or will be, on deposit in the City Treasury.

9. That this activity is not a "project" and therefore not subject to CEQA pursuant to State CEQA Guidelines section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Jeremy A. Jung
Deputy City Attorney

JAJ:cla
09/20/2006
Aud. Cert.: 2700217
Or.Dept: E&CP
R-2007-311

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of October 10, 2006.

ELIZABETH S. MALAND
City Clerk

By_____
Deputy City Clerk

Approved: _____
(date)

_____
JERRY SANDERS, Mayor

Vetoed: _____
(date)

_____
JERRY SANDERS, Mayor

EXHIBIT NO. 106

CIP No.	Project Description	Revenue Source	Expended/ Encumbered	Continuing Appropriation	FY2007 Budget	Future Fiscal Years	Total Project Cost
294770	Presidio Park Master Plan	Unidentified Funding	$ -	$ -	$ -	$ 475,000	
		Various	$ 19,445	$ 5,555	$ -	$ -	$ 500,000
294820	Carmel Valley Neighborhood Park - Neighborhood #8	Facilities Benefit Assessment	$ -	$ -	$ 1,500,000		
						$ 400,000	
		Unidentified Funding	$ -	$ -	$ -	$ 1,200,000	
		Unidentified Funding	$ -	$ -	$ -	$ 4,605,914	
294890	Encanto Community Park - Development	Various	$ 68,709	$ 65,166	$ -	$ -	$ 4,739,789
294990	Black Mountain Ranch Community Park Recreation Building	Facilities Benefit Assessment	$ -	$ -	$ -		
						$ 6,700,000	
		Unidentified Funding	$ -	$ -	$ -	$ 250,000	$ 6,950,000
295140	Carson Elementary School - Joint Use Improvements	Unidentified Funding	$ -	$ -	$ -		
						$ 30,000	
		Various	$ 13,770	$ 655,892	$ -	$ -	$ 699,662
295210	John F. Kennedy Neighborhood Park - Play Area Upgrade	Unidentified Funding	$ -	$ -	$ -		
						$ 464,618	
		Various	$ 1,728	$ 33,654	$ -	$ -	$ 500,000
295310	Pershing Middle School - Joint Use Turfing	Unidentified Funding	$ -	$ -	$ -	$ 5,600,000	
		Various	$ 1,086,185	$ 18,195	$ -	$ -	$ 6,704,380
295320	Capehart Open Space Park - Improvements	Unidentified Funding	$ -	$ -	$ -	$ 2,000,000	
		Various	$ 597,000	$ -	$ -	$ -	$ 2,597,000
295330	Del Mar Mesa Neighborhood Park	Facilities Benefit Assessment	$ -	$ -	$ 1,000,000	$ -	
		Various	$ 1,213,115	$ 1,186,885	$ -	$ -	$ 3,400,000
295340	Gonzales Canyon Neighborhood Park - Acquisition and Development	Developer	$ -	$ -	$ 4,256,000		
						$ -	
		Various	$ -	$ 1,844,000	$ -	$ -	$ 6,100,000
295350	Hidden Trails Neighborhood Park Acquisition and Development	Facilities Benefit Assessment	$ -	$ -	$ -		
						$ 2,060,000	
		Various	$ -	$ 200,000	$ -	$ -	$ 2,260,000
295360	La Jolla Valley Trail	Unidentified Funding	$ -	$ -	$ -	$ 115,000	
		Various	$ -	$ 385,000	$ -	$ -	$ 500,000
295380	La Jolla Valley Trail - North Loop	Developer	$ -	$ -	$ 638,000	$ -	
		Unidentified Funding	$ -	$ -	$ -	$ 278,000	$ 916,000
295400	McGonigle Canyon Neighborhood Park Acquisition and Development	Facilities Benefit Assessment	$ -	$ -	$ -		
						$ 6,100,000	$ 6,100,000
295410	Ocean View Hills Community Park - Acquisition, Design, and Construction	Facilities Benefit Assessment	$ -	$ -	$ 800,000		
						$ 7,600,000	
		Various	$ 106,999	$ 2,493,001	$ -	$ -	$ 11,000,000
295420	Ocean View Hills Community Park - Recreation Center	Facilities Benefit Assessment	$ -	$ -	$ -		
						$ 5,950,000	$ 5,950,000
295430	Pacific Highlands Community Park Acquisition and Development	Developer	$ -	$ -	$ -		
						$ (1,000,000)	
		Facilities Benefit Assessment	$ -	$ -	$ -	$ 19,175,000	
		Unidentified Funding	$ -	$ -	$ -	$ 125,000	
		Various	$ 1,000,000	$ -	$ -		$ 19,300,000
295440	Pacific Highlands Ranch Community Park Recreation	Facilities Benefit Assessment	$ -	$ -	$ -	$ 1,346,000	$ 1,346,000
295470	Torrey Highlands Neighborhood Park	Facilities Benefit Assessment	$ -	$ -	$ -	$ 2,443,605	
		Unidentified Funding	$ -	$ -	$ -	$ 737,695	
295480	Torrey Highlands Trail System	Facilities Benefit Assessment	$ -	$ -	$ -	$ 400,000	
		Various	$ 600,000	$ -	$ -	$ -	$ 1,000,000
295500	Otay Valley Athletic Complex	Unidentified Funding	$ -	$ -	$ -	$ 21,800,000	
		Various	$ 153,993	$ 46,007	$ -	$ -	$ 22,000,000
295810	Barnard Elementary School Joint Use Park Improvements	Unidentified Funding	$ -	$ -	$ -		
						$ 2,415,000	
295960	Fox Canyon Park - Acquisition and Development	TransNet Commercial Paper	$ -	$ -	$ 250,000		
						$ -	
		Unidentified Funding	$ -	$ -	$ -	$ 1,372,000	
		Various	$ 800,223	$ 2,642,777	o		o $ 5,065,000
296100	Rancho Encantada Park - Neighborhood No. 1	Developer	$ -	$ -	$ -	$ 3,200,000	
		Various	$ -	$ 2,800,000	$ -	$ -	$ 6,000,000
296110	Rancho Encantada Bicycle, Pedestrian, and Equestrian Trail System	Developer	$ -	$ -	$ 165,000		
						$ 110,000	
		Various	$ 165,000	$ 663,000	$ -		$ 1,103,000
296120	Rancho Encantada Park - Neighborhood No. 2	Various	$ -	$ 3,900,000	$ -	$ -	$ 3,900,000
296200	Famosa Slough Culvert Extension	Unidentified Funding	$ -	$ -	$ -	$ 225,000	
		Various	$ 89,913	$ 87	$ -	$ -	$ 315,000
296510	Riviera Del Sol Neighborhood Park - Acquisition and Development	Facilities Benefit Assessment	$ -	$ -	$ 1,357,500		
						$ 1,960,000	
		Unidentified Funding	$ -	$ -	$ -	$ 1,592,500	$ 4,910,000

ORDINANCE NUMBER O-19522 (NEW SERIES)

DATE OF FINAL PASSAGE JULY 31, 2006

AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 2006-2007 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR.

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

SECTION 1. The budget for the expense of conducting the affairs of the City of San Diego for the year commencing July 1, 2006, and ending June 30, 2007, heretofore prepared and submitted to this Council by the Mayor and amended through both the release of technical corrections and by recommendations from the Office of the Independent Budget Analyst all of which was approved by Council on May 30, 2006, and on file in the office of the City Clerk as Document No. OO-19491 is hereby adopted as the Annual Budget for said fiscal year.

SECTION 2. There is hereby appropriated for expenditure out of the funds of said City for municipal purposes the amounts set forth in Attachment 1:

I. GENERAL FUND

(A) The Mayor and City Auditor and Comptroller are hereby authorized to transfer to an appropriate account from the departmental appropriations as set forth in Attachment 1 an amount sufficient to assure that, in the event there is a shortfall in projected revenues, there are sufficient revenues to cover the remaining appropriations; provided that in the case that projected revenue estimates are met, the funds set aside may be returned to their respective appropriation accounts.

(B) The City Auditor and Comptroller is authorized and directed to deposit the $7.2 million budgeted amount, as well as, any excess and unanticipated revenues to a special General Fund Unappropriated/Unallocated Reserve.

(C) The City Auditor and Comptroller is authorized and directed, upon approval of the Chief Financial Officer and/or the Financial Management Director, to appropriate and expend interest earnings generated from the issuance of Tax and Revenue Anticipation Notes for the purpose of financing expenditures related to their issuance.

II. SPECIAL REVENUE FUNDS

(A)(1) Community Development Block Grant Funds are appropriated for the purposes established by the grant provisions as approved and authorized by Council. All authorized but uncompleted program activities and unexpended monies related thereto remaining in the Community Development Block Grant Funds on June 30, 2007 shall be carried forward to future years for the purpose of completing said authorized activities.

(A)(2) The City Auditor and Comptroller is authorized, upon the direction of the Council, to allocate district reserves or reallocate appropriations from budgeted projects later determined ineligible to new or existing CDBG eligible projects.

(A)(3) The City Auditor and Comptroller is authorized and directed, upon the direction of the Chief Financial Officer and/or the Financial Management Director, to transfer a maximum of $100,000 per capital project from fund reserves or excess program income to projects for eligible costs, such as engineering, in excess of approved appropriations.

(B)(1) The provisions of Council Policy 100-03 (Transient Occupancy Tax), for specific activities funded by this ordinance, are deemed and declared to be complied with, by the adoption of this Ordinance. Notwithstanding the foregoing, the Council hereby waives certain provisions of Council Policy 100-03 for the entities set forth below:

San Diego Convention & Visitors Bureau/Marketing Program	B-1
San Diego Convention & Visitors Bureau/Promotional Program	B-1
San Diego International Sports Council	B-3
San Diego North Convention & Visitors Bureau	B-3
San Diego Regional Economic Development Corporation	B-3
Horton Plaza Theatres Foundation	B-1, B-2, and B-4

Nothing contained in this paragraph shall be deemed to constitute a waiver of the ban prohibiting the use of TOT funds for the purchase of alcoholic beverages.

(C)(1) It is the intent of the Council that the Environmental Growth Fund appropriations are to be expended for those purposes described in City Charter Section 103.1a.

and San Diego Municipal Code Section 63.30, as amended by Ordinance 19159.

(C)(2) Any monies deposited in the Environmental Growth Fund in excess of estimated revenue as described in Section 103.1a of the City Charter and any carryover monies from the previous fiscal year are hereby appropriated for the purpose for which the Environmental Growth Fund was created and may be expended only by Council resolution. The Council may, from time-to-time, for purposes of augmenting specified programs, elect to allocate additional monies to the Environmental Growth Fund from sources other than those enumerated in Section 103.1a of the Charter. In that event, those additional monies shall not be subject to any fractional allocation but shall be used solely and exclusively for the program purpose designated by Council.

(D) The provisions in the Peoples Library Ordinance restricting funding are hereby waived.

III. DEBT SERVICE FUNDS

There is hereby appropriated the current year's proceeds from the tax levy as required to pay debt service on the issuance of $25.5 million aggregate principal amount of General Obligation bonds authorized in an election held on June 5, 1990 by a favorable vote of more than two-thirds of all the voters voting on the proposition.

IV. CAPITAL PROJECTS FUNDS

(A)(1) Any additions to or deletions from the Capital Improvements Program, as may be required, shall be made by Council resolution provided funding is available for such action. The City Auditor and Comptroller, at the direction of the Chief Financial Officer and/or the Financial Management Director, is authorized and directed to add maintenance projects funded elsewhere which are determined to be of a capital nature to the Capital Improvements Program.

(A)(2) The City Auditor and Comptroller is authorized and directed to transfer unexpended balances in completed current year Capital Improvements Program projects to the appropriate Capital Improvements Program Unallocated Reserve, Annual Allocation or Fund Balances.

(A)(3) The City Auditor and Comptroller is authorized and directed, upon the direction of the Chief Financial Officer and/or the Financial Management Director, to transfer and appropriate a maximum of $100,000 per project from appropriate Unallocated Reserves, Annual Allocations, or Unappropriated Fund Balances to Capital Improvements Program projects to reimburse eligible costs in excess of approved appropriations at project completion.

(A)(4) The City Auditor and Comptroller is authorized and directed to make cash advances from the appropriate revenue source funds for the purpose of funding incidental and engineering costs of projects included in the long-range Capital Improvements Program Budget. Such advances shall be reimbursed to the respective Fund upon appropriation. Advance

expenses shall be rebated should appropriation action be abandoned. In addition, the City Auditor and Comptroller is authorized and directed to advance funds as required for grant funded projects based on earned grant revenue receivable. Advances will be returned upon the payment of the grant receivable.

(A)(5) The City Auditor and Comptroller is authorized and directed, upon the direction of the Chief Financial Officer and/or the Financial Management Director, to reallocate revenue sources between Capital Improvements Program projects within a Department, in accordance with the restrictions placed on various revenues where the net reallocation does not result in a net increase to any of the funding sources.

(B)(1) The TransNet Funds (30300-30303, 30306) are hereby appropriated for the purposes authorized by Proposition A - San Diego Transportation Improvement Program Ordinance and Expenditure Plan; The Regional Transportation Improvement Program (RTIP) and the Annual Budget Document.

(B)(2) The City Auditor and Comptroller may reallocate funding among the projects contained in the RTIP and the Capital Improvements Program Budget, upon the direction of the Chief Financial Officer and/or the Financial Management Director, provided that such reallocation does not increase the total appropriations. The City Auditor and Comptroller, upon the direction of the Chief Financial Officer and/or the Financial Management Director, is authorized and directed to reallocate sources between TransNet and commercial paper funded projects as may be appropriate to reduce the use of commercial paper. The City Auditor and Comptroller may, upon the direction of the Chief Financial Officer and/or the Financial Management Director, appropriate and reallocate Gas Tax and AB 2928 Funds for Council approved TransNet Funded projects in order to reduce the use of debt and maximize the use of

cash in both funds. The Mayor is authorized as the Council designee to direct the San Diego Association of Governments (SANDAG) to amend the RTIP for such reallocations.

(B)(3) Any monies deposited in the TransNet funds in excess of estimated revenue and any carryover monies from the previous fiscal year are hereby appropriated for the purpose for which said Funds were created and may be appropriated and expended by the City Auditor and Comptroller, upon the direction of the Chief Financial Officer and/or the Financial Management Director, provided that such an increase is part of the RTIP.

(C)(1) Any carryover monies from the previous fiscal year in the Infrastructure Improvement Fund (10529) are hereby appropriated for the purpose for which said fund was created.

(C)(2) Funds from the Infrastructure Improvement Fund may be transferred and appropriated to the General Fund upon the direction of the Chief Financial Officer and/or the Financial Management Director for purposes identified by the Mayor for the Mayor's Infrastructure Improvement Fund or by the Council Districts for the individual Council District's Infrastructure Improvement Funds.

V. <u>ENTERPRISE FUNDS</u>

All Enterprise Funds are hereby appropriated for the purpose of providing for the operation, maintenance and development of their respective purposes.

Funds appropriated for capital improvements are for those projects contained in the Council-approved Capital Improvements Program.

Any monies deposited in the Enterprise Funds in excess of the estimated revenue and any carryover monies from the previous fiscal year are hereby appropriated for the purpose for which said Fund was created.

Reserve Funds are hereby appropriated to provide funds for the purpose for which the Fund was created. The City Auditor and Comptroller is hereby authorized to return to the source Fund monies deposited in Reserve Funds in excess of amounts required. Any monies deposited in Reserve Funds in excess of estimated revenue and any carryover monies from the previous fiscal year are hereby appropriated for the purpose for which said Fund was created.

The City Auditor and Comptroller may reallocate appropriations, (not changing total appropriations), within the Capital Improvement Program, changing the total appropriation for any given project contained in the Council-approved Capital Improvements Program if the reallocation is to cover costs related to a redistribution of program wide contracts, such as the Owner Controlled Insurance Program, extended environmental monitoring and re-vegetation, or Construction Management.

The appropriated Unallocated Reserve and the unappropriated Fund Balance of the Sewer and Water Utilities shall be expended only by Council resolution to meet contingencies which may arise during the fiscal year.

VI. INTERNAL SERVICE FUNDS

The City Auditor and Comptroller is hereby authorized, upon the direction of the Chief Financial Officer and/or the Financial Management Director, to distribute surplus retained earnings or excess contributions from various internal service funds back to appropriate contributing funds or between employee benefit-related internal service funds. The City Auditor and Comptroller is hereby authorized and directed, upon the direction of the Chief Financial Officer and/or the Financial Management Director, to redistribute contributions among the various internal service funds or to advance funds between the various internal service funds.

VII. TRUST AND AGENCY FUNDS

These funds are established to account for assets held by the City as an agent for individuals, private organizations, other governments and/or funds; for example, federal and state income taxes withheld from employees, 401(k) and deferred compensation plans, parking citation revenues, and employee benefit plans. The City Auditor and Comptroller is authorized and directed to establish the appropriate agency funds and to deposit and disburse funds in accordance with the respective agency relationships.

SECTION 3. The Mayor is hereby authorized to execute appropriate initial and continuing contracts and agreements for the conduct of activities associated with the allocations authorized by Council and in accordance with provisions of grant agreements.

SECTION 4. The City Auditor and Comptroller is authorized and directed, upon approval of the Chief Financial Officer and/or the Financial Management Director, to transfer appropriations for costs avoided in one budget unit within a department by an agreement to incur them in another budget unit within a department.

SECTION 5. The City Auditor and Comptroller is authorized and directed, upon the direction of the Mayor, to make inter-fund loans between funds to cover cash needs. These loans may, if appropriate, extend beyond the current fiscal year.

SECTION 6. Interest earnings generated by a Fund will be deposited in said respective Fund.

SECTION 7. All Funds, established by Council in previous fiscal years or during the current fiscal year, are appropriated for the purposes established by applicable laws and/or in accordance with provisions of agreements authorized by Council and for projects contained in the Council-approved Capital Improvements Program or authorized by Council resolution. The

City Auditor and Comptroller is authorized and directed to expend monies within the funds for services provided by those funds. The City Auditor and Comptroller is authorized and directed, upon approval of the Chief Financial Officer and/or the Financial Management Director, to return any surplus monies to the contributing funds.

SECTION 8. The City Auditor and Comptroller is authorized and directed, upon the direction of the Chief Financial Officer and/or the Financial Management Director, to transfer current and/or prior years' surplus monies within the Flexible Benefit/Management Benefit Programs reimbursement funds after fiscal year end. Any remaining surplus monies (excluding flexible spending accounts) in the reimbursement funds may be transferred by the City Auditor and Comptroller, upon the direction of the Chief Financial Officer and/or the Financial Management Director, to the Risk Management Administration Fund (50061) to be expended, up to the full forfeited amount, for programs which benefit City employees.

The City Auditor and Comptroller is authorized and directed, upon the direction of the Chief Financial Officer and/or the Financial Management Director, to transfer surplus/reserves within other employee benefit funds or to reallocate these monies to other fringe benefit funds.

SECTION 9. The City Auditor and Comptroller is authorized and directed to make appropriate inter-fund transfers in accordance with the Annual Budget Document and estimated sources of revenue.

The City Auditor and Comptroller may, upon the direction of the Mayor and appropriate clearing authorities, transfer funds to related City entities in accordance with the Annual Budget Document and appropriate funding source rules and regulations.

SECTION 10. The City Auditor and Comptroller is authorized and directed to appropriate and expend donations in accordance with Council Policy 100-02 (City Receipt of Donations).

SECTION 11. All revenues generated consistent with the Public Trust pursuant to Section 6306 of the Public Resources Code in relation to operation of Mission Bay Park and Ocean Beach Park in excess of expenditures for operations, maintenance and capital improvements during the fiscal year are hereby placed in a special fund to be used exclusively for past and future operations, maintenance and capital improvements and for past, current, and future expenditures uncompensated by past, current and future revenues derived from Mission Bay Park and Ocean Beach Park as required by agreements with the State of California. Excess revenues are hereby appropriated for said purposes and may be expended only by Council resolution or in accordance with projects contained in the Council-approved Capital Improvements Program.

All revenues generated by sovereign trust lands granted by the State of California to the City of San Diego pursuant to section 6306 of the Public Resources Code are hereby appropriated for purposes consistent with the public trust.

SECTION 12. All other revenues which are not appropriated by any other section of this ordinance, and which are in excess of budgeted revenue as determined by the Chief Financial Officer and/or the Financial Management Director, are hereby appropriated by the City Auditor and Comptroller to legally established reserve fund(s) or account(s). However, in no event shall the total appropriations of all tax revenues as defined by Article XIIIB of the California State Constitution made pursuant to this ordinance exceed the City's legal limit.

The total appropriation is $2,688,662,655 a portion of which will be derived from proceeds of taxes as defined within Article XIIIB of the State Constitution.

It is the intent of this ordinance to comply with Article XIIIB of the California State Constitution.

SECTION 13. It is the express intent of the City Council that, notwithstanding anything to the contrary herein, any economic benefit, savings, or effect of this ordinance shall not be used, directly or indirectly, to fund, support in any way, or ratify any employment or retirement benefit determined to be illegal by a court of law.

SECTION 14. The Council hereby acknowledges that the Mayor has initiated Business Process Reengineering [BPR], and that departmental budgets as presented in this Fiscal Year 2007 Appropriation Ordinance may from time to time require amendment in order to implement the BPR process, all in accordance with the terms of Ordinance No. O-19523 of the Council. Subject to City Council review per the terms of said Ordinance, the City Auditor and Comptroller is authorized, upon the direction of the Chief Financial Officer or Chief Financial Officer and/or the Financial Management Director, to reallocate appropriations and/or positions as required between and within restructured departments and programs to maintain the same departmental or office functions as necessary to accommodate the reengineering. All such reallocations and departmental reorganizations being subject to City Council approval as set forth in Ordinance No. O-19523 shall be reported to the City Council no less than twice per fiscal year, with a report stating the rationale for the transfer, the savings, if any, resulting from the reallocation, the dollar amount of the reallocation(s), position(s) and functions/services reallocated, and a statement that the services provided have remained the same or have been

improved. The powers of the Council not delegated to the Mayor as specifically set forth herein are reserved to the Council in accordance with the terms of the Charter.

SECTION 15. The City Auditor and Comptroller is authorized and directed to close obsolete or inactive funds; residual balances of such funds shall be returned to their source or, if to the General Fund, to a special General Fund Unappropriated/Unallocated Reserve. The Chief Financial Officer shall periodically report fund closures to the City Council and recommend the appropriation of any residual balances.

SECTION 16. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

SECTION 17. This ordinance is declared to take effect and be in force immediately upon its passage after two (2) public hearings pursuant to the authority contained in Sections 71, 275, and 295 of the Charter of the City of San Diego.

SECTION 18. The Mayor shall have no veto power over this ordinance pursuant to Section 280(a)(4) of the Charter of the City of San Diego.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Mark D. Blake
Chief Deputy City Attorney

MDB:ai
07/13/06
Or.Dept:Mayor
O-2007-13

ATTACHMENT 1

City of San Diego
Attachment to Fiscal Year 2007 Appropriation Ordinance
Operating and Capital Improvement Program Appropriations

Department Title - Operating Budgets	Salaries and Wages	Fringe and Non-Personnel Expense	Total
Business & Grant Administration	$ 548,063	$ 398,174	$ 946,237
Business & Support Services	$ 578,117	$ 490,297	$ 1,068,414
Chief Operating Office	$ 1,980,231	$ 1,002,398	$ 2,982,629
City Attorney	$ 23,637,172	$ 12,567,986	$ 36,205,158
City Auditor and Comptroller	$ 6,990,858	$ 6,268,946	$ 13,259,804
City Clerk	$ 2,244,746	$ 1,879,798	$ 4,124,544
City Council - District 1	$ 555,430	$ 434,570	$ 990,000
City Council - District 2	$ 510,625	$ 479,375	$ 990,000
City Council - District 3	$ 569,338	$ 420,662	$ 990,000
City Council - District 4	$ 553,318	$ 436,682	$ 990,000
City Council - District 5	$ 540,555	$ 449,445	$ 990,000
City Council - District 6	$ 504,816	$ 485,184	$ 990,000
City Council - District 7	$ 554,545	$ 435,455	$ 990,000
City Council - District 8	$ 558,461	$ 431,539	$ 990,000
City Treasurer	$ 4,400,425	$ 5,688,644	$ 10,089,069
Citywide Program Expenditures	$ -	$ 46,383,612	$ 46,383,612
Community & Legislative Services	$ 1,864,047	$ 1,940,342	$ 3,804,389
Community and Economic Development	$ 2,938,624	$ 8,010,162	$ 10,948,786
Council Administration	$ 1,619,679	$ 1,209,154	$ 2,828,833

Department Title - Operating Budgets	Salaries and Wages	Fringe and Non-Personnel Expense	Total
Customer Services	$ 1,000,992	$ 1,059,788	$ 2,060,780
Department of Finance	$ 142,821	$ 58,535	$ 201,356
Engineering and Capital Projects	$ 20,617,104	$ 14,624,640	$ 35,241,744
Environmental Services	$ 7,286,111	$ 30,936,570	$ 38,222,681
Equal Opportunity Contracting	$ 1,404,267	$ 1,025,579	$ 2,429,846
Ethics Commission	$ 652,371	$ 356,014	$ 1,008,385
Family Justice Center	$ 343,627	$ 327,101	$ 670,728
Financial Management	$ 3,144,421	$ 2,889,662	$ 6,034,083
Financing Services	$ 1,124,804	$ 650,893	$ 1,775,697
General Services	$ 27,029,023	$ 49,237,752	$ 76,266,775
Human Resources	$ 2,179,963	$ 2,339,067	$ 4,519,030
Information Technology & Communications	$ -	$ 12,594,392	$ 12,594,392
Library	$ 19,338,026	$ 19,405,660	$ 38,743,686
Mayor	$ 114,129	$ 114,529	$ 228,658
Metropolitan Wastewater	$ 1,518,861	$ 12,042,747	$ 13,561,608
Neighborhood Code Compliance	$ 3,756,189	$ 2,951,848	$ 6,708,037
Office of Ethics & Integrity	$ 540,926	$ 653,757	$ 1,194,683
Office of Homeland Security	$ 773,114	$ 789,652	$ 1,562,766
Park & Recreation	$ 35,235,046	$ 48,905,313	$ 84,140,359
Personnel	$ 4,054,713	$ 2,936,672	$ 6,991,385
Planning	$ 4,060,541	$ 2,786,183	$ 6,846,724
Police	$ 206,401,136	$ 153,733,589	$ 360,134,725
Public Safety	$ 148,168	$ 2,079,802	$ 2,227,970
Public Works	$ 135,000	$ 55,520	$ 190,520
Purchasing & Contracting	$ 809,832	$ 835,830	$ 1,645,662

Department Title- Operating Budgets	Salaries and Wages	Fringe and Non-Personnel Expense	Total
Real Estate Assets	$ 2,470,110	$ 2,316,685	$ 4,786,795
San Diego Fire-Rescue	$ 99,887,907	$ 69,621,753	$ 169,509,660
Special Projects	$ 525,242	$ 617,646	$ 1,142,888
General Fund Total	**$ 495,843,494**	**$ 525,359,604**	**$ 1,021,203,098**

City Treasurer	$ 431,096	$ 443,030	$ 874,126
Commission for Arts and Culture	$ 468,298	$ 439,464	$ 907,762
Community and Economic Development	$ 2,790,788	$ 1,873,290	$ 4,664,078
Convention Center	$ 50,000	$ 18,438,101	$ 18,488,101
Development Services	$ 396,654	$ 503,920	$ 900,574
Engineering and Capital Projects	$ 689,772	$ 847,192	$ 1,536,964
Environmental Services	$ 679,688	$ 1,331,297	$ 2,010,985
Gas Tax	$ -	$ 24,117,687	$ 24,117,687
Library	$ 394,494	$ 286,554	$ 681,048
Maintenance Assess Districts	$ 1,498,806	$ 32,969,614	$ 34,468,420
Mission Bay Improvements Fund	$ -	$ 1,097,595	$ 1,097,595
Municipal Parking Garage	$ 192,820	$ 2,624,213	$ 2,817,033
Office of the CIO	$ 5,484,099	$ 4,419,209	$ 9,903,308
Park & Recreation	$ 104,861	$ 14,577,324	$ 14,682,185
PETCO Park	$ 111,600	$ 21,083,735	$ 21,195,335
Planning	$ 1,134,276	$ 1,440,622	$ 2,574,898
Police	$ 797,904	$ 12,788,945	$ 13,586,849
QUALCOMM Stadium	$ 2,292,087	$ 13,700,921	$ 15,993,008
Regional Park Improvement Fund	$ -	$ 1,097,595	$ 1,097,595
San Diego Fire-Rescue	$ 5,018,036	$ 5,085,287	$ 10,103,323

Department Title - Operating Budgets	Salaries and Wages	Fringe and Non-Personnel Expense	Total
Special Promotional Programs	$ -	$ 70,214,792	$ 70,214,792
Storm Drain Fund	$ -	$ 6,046,746	$ 6,046,746
TransNet	$ -	$ 42,327,539	$ 42,327,539
Transportation	$ -	$ 5,000,000	$ 5,000,000
Trolley Extension Reserve	$ -	$ 4,113,932	$ 4,113,932
Special Revenue Funds Total	**$ 22,535,279**	**$ 286,868,604**	**$ 309,403,883**
Bond Interest and Redemption	$ -	$ 2,329,935	$ 2,329,935
Tax Anticipation Notes	$ -	$ 2,130,000	$ 2,130,000
Zoological Exhibits	$ -	$ 7,676,765	$ 7,676,765
Debt Service Funds Total		**$ 12,136,700**	**$ 12,136,700**
Development Services	$ 34,271,253	$ 27,058,111	$ 61,329,364
Environmental Services	$ 17,983,086	$ 42,936,571	$ 60,919,657
General Services	$ 906,345	$ 2,233,687	$ 3,140,032
Metropolitan Wastewater	$ 63,231,152	$ 350,704,420	$ 413,935,572
Park & Recreation	$ 3,956,656	$ 7,733,368	$ 11,690,024
Water	$ 50,372,788	$ 308,982,142	$ 359,354,930
Enterprise Funds Total	**$ 170,721,280**	**$ 739,648,299**	**$ 910,369,579**
Engineering and Capital Projects	$ 11,408,524	$ 14,021,363	$ 25,429,887
Financial Management	$ 837,732	$ 17,859,323	$ 18,697,055
General Services	$ 10,054,315	$ 35,565,667	$ 45,619,982
Risk Management	$ 3,316,041	$ 6,652,244	$ 9,968,285
Special Promotional Programs: Balboa/Mission Bay Improvements	$ -	$ 6,948,990	$ 6,948,990

Department Title - Operating Budgets	Salaries and Wages	Fringe and Non-Personnel Expense	Total
Internal Service Funds Total	$ 25,616,612	$ 81,047,587	$ 106,664,199
City Retirement System	$ 4,410,146	$ 35,060,447	$ 39,470,593
Trust and Agency Funds Total	$ 4,410,146	$ 35,060,447	$ 39,470,593
Park & Recreation	$ -	$ 438,300	$ 438,300
Related City Entity Funds Total	$ -	$ 438,300	$ 438,300
Grand Total - Operating Budget	$ 719,126,811	$ 1,680,559,541	$ 2,399,686,352

Capital Improvement Program Budget	Total
Community/Economic Development Total	$ 3,226,326
Engineering & Capital Projects Total	$ 139,953,148
Environmental Services Total	$ 6,457,000
General Services - Administration Total	$ 2,950,000
Library Total	$ 30,277,092
Metropolitan Wastewater Total	$ 39,520,884
Office of the CIO-Information Technology Total	$ 1,250,000
Park & Recreation Total	$ 25,020,455
QUALCOMM Stadium Total	$ 750,000
San Diego Fire-Rescue Total	$ 8,519,291
Water Total	$ 31,052,107
Grand Total - Capital Improvement Program	$ 288,976,303

TOTAL APPROPRIATION	$ 2,688,662,655

EXHIBIT NO. 107

Fox Canyon v. City of San Diego

TRANSCRIPT OF AUDIO RECORDING

OF THE PARK & RECREATION MEETING OF

JANUARY 18, 2007

Chair Okay. So, what we'll do, is we will get an update, if there is any, from staff, and then we will have our Board on Item Number 101. Thank you.

Female Good afternoon, April [inaudible], Deputy Director Park Planning & Development, and with me here is Joelle [inaudible] my staff. Also, available for comment is [inaudible] McKenzie of the Real Estate Assets Department. Today we were asked to come back with a status update on the project. So, I've passed out a little summary of what we know and are doing today. As you all know, the Fox Canyon Project required a willing seller, and the City, at this point, does not have a willing seller within the price range of the appraisal. Therefore, Park & Rec has decided to forego the Fox Canyon site at this time. The City's last, and only, offer prior to the appraisal on the arms' length transaction list for $450,000. That offer has been withdrawn by the City after being rejected by the owner. The City subsequently got a certified appraisal and priced the property at $52,000. Since the appraisal for the potential [inaudible] park canyon site is much lower that the asking price of the owner,

the City has written the owner stating that we accept his denial of our offer. The difference between the appraised price of $52,000 and the owner's requested amount of $995,000 is $943,000. [Inaudible] does not have a certified appraisal. The property owner has what's considered a hypothetical report and states so in the report. [Inaudible] used the City's Certified Appraisal [inaudible] the directions given to the appraisal were to replace the property as if it were entitled, and ready [inaudible] development...

Male [Inaudible] I'm sorry for interrupting. But, given, given that the public testimony was closed on the Item, and given that there's a potential that you'll be offering new information at this time, I would ask that you withhold your presentation, and, you know, if there are questions from the Board as you consider this motion, I would urge you to respond to questions. And, I think that it, we do recognize that, that these items are connected. And so I think one of what you're into now could probably be properly taken up on the next item.

Female So, we would like you to just open the floor up for questions, or, do you want...

Male [Inaudible] from the Board members [inaudible]...

Female Oh.

Male Thank you. And if, and if Board members have a question regarding status, that I think would be, would be appropriate.

Female Okay. Then that's fine with me.

Male Thank you.

Female I guess we're here to answer questions. Okay. Mr. Mazarro.

Mazarro Thank you, Madam Chair. It was at the last meeting we anticipated there'd probably a, a dispute over evaluating the property, and appraising the property. And part of our motion that's still under consideration was, if there is a dispute over property, and, and of course the seller is going to appraise the property higher, and the buyer is going to appraise it lower. And we ca-, anticipated that, in contemplation of that we suggested that a mutually acceptable appraiser be identified by the parties. So, I guess my question is, is the seller unwilling to pursue that alternative? In other words, participate in a mutually acceptable appraiser?

Female I'm gonna ask ~~Ryan~~ Lane McKenzie of the Real Estate Assets Department to answer that question.

Male The appraisal is conducted by the City, is what we based our final discussion and offer on. There has not been a challenge by the property owner at all, or a question to the appraisal as it was done. So, we've seen no reason to order a third appraisal.

Male Well, that's not really, from the Park & Rec's perspective, from this Board's perspective, we'd like to try to salvage two parks, if it's at all possible. And in that process, we understand that there's gonna

be a dispute over the price. And, the question over the price, we found, we sensed, that maybe the City's appraisal was too low, and maybe the seller's appraisal was too high. And that's why we wanted to go to a mutually acceptable third appraiser, which is, which is customary in types of disputes. And that's what we would really like to see. And I'm, my question is, was the seller unwilling to do that? And now I'm hearing that maybe, perhaps the City is unwilling to do that. [Inaudible]...

Male2 At this point in time there's been no discussion between my office and with the potential seller about anything regarding a third value, whether he would agree to that or not.

Male Well, Madam...

Male2 So, for the City to spend three to five thousand dollars on another appraisal to have it come, potentially within the same figure as our first appraisal.

Male Well, we're talking about going to a third appraiser...

Male2 That's correct.

Male ...and, quite frankly, I know Mr. Ottilie has strong opinions about this, and I seconded his motion that we did think that that was a very essential element to the motion, was that we would explore beyond just your appraisal, and beyond the seller's appraisal, but go to a third party appraisal, where we could get to the bottom of this. And then this Board could maybe weigh

in on whether or not we could salvage two parks in a very park-depleted area of the City.

Male2 We're not disregarding this Board, but I think something that would have to be worked out between my department and the seller himself, if he was willing to participate in such an action. If he's not, tha-, with the chance of value would come in below anything he wants, then we would be wasting their time and money.

Male Well, it, it, what you're saying then is then you would ignore the advice of this Board?

Male2 I would say, right now, that it's my department's consideration that it's not necessary to get another appraisal. I'm not saying I would ignore the advice of this Board.

Male Well...

Female Mr. [inaudible]. Ex-, excuse me for interrupting. But, just as a point of information, the seller was here at that meeting when that motion was made. I would have expected, or hoped, that the seller would have contacted Real Estate Assets at that time, and said, upon the advice of the Park & Recreation Board, are you interested in doing that. So, my question to you then, Mr. McKenzie, is have you, or has the seller made any contact with you since our November 30th meeting?

Male No. I'd had one discussion with him. But, it was at my choice, calling, returning a call to his office. He is, he is legally represented; we have not heard from

his attorney, as well, to even [inaudible] to broach this situation.

Female Okay. Thank you. Sorry for interrupting, but [inaudible] help clarify things.

Male Well...

Female Continue Mr. [inaudible].

Male [inaudible] that's fine, I, that's why my question was initially phrased, is whether the seller was willing to do that, or not. But, now I'm seeing that, maybe, I would maybe want something st-, more strongly worded with our motion today, and that City initiate that, to see if, if, if we can go a third, mutually acceptable appraiser, and see if this can be worked out. Because I think the Board is trying to salvage two parks in the area. Thank you, Madam Chair.

Female Thank you. Any other questions at this time?

Male Yeah, I have a question.

Female [Inaudible] Mr. [inaudible].

Male The initial offer was $450,000, correct?

Male2 Yes.

Male And then we did an appraisal, and we came up with a value of $52,000, which is substantially less. I mean, what happened? What led you to believe, in the first case, that it was worth $450,000; and then, in the second case, only $52,000?

Male2 To begin with, with the, the property itself, we looked at it as being a unique piece of property. To find a two-acre parcel vacant within the East City Heights,

that makes it under a, a unique situation. We currently buy park land throughout the City, north, North County, whatnot, for a minimum of $500,000 an acre, running up at this point. The fact that it, the limitation of the grant was an arms'-length transaction. In other words, it was only with a willing seller. In discussions with the property owner at the time, he requested that we [inaudible] the offer of four seventy-five. The fact is that we could not force a situation, i.e., [inaudible] using public, eminent domain. We worked out that, due to the uniqueness of the property, that it could justify four seventy, $475,000 for a park. The appraisal, as it came in, went in, not looking at it as a unique, piece of property, as a park, but, as a unique property that a knowing buyer would, to acquire for development purposes, disregarding our project, which is the standard approach to appraisal process; they will go in and, and, what would be the highest and best possible use for a private individual that would be for development. And they found that, due to the restrictions of the property, and the location, the value was that much lower.

Male So, you're confident with the $52,000 figures. So, hypothetically, if you move ahead with condemnation, you would stick with that $52,000 figure?

Male2 Yes.

Male Thank you.

Female Okay. [Inaudible] staff clarification. One of the things that we continued on was the actual discussion of the resolution that was prepared by Mr. Ottilie. And I didn't [inaudible] to bring extra copies. Does everyone have the copy of that resolution? Mr. [inaudible], is it possible to try to run a couple extra copies? Okay. I, I have mine. How, how many copies do we need for the Board. One, two. Okay. Make about 10, 15 copies of that, please. Okay. So, we're going to hold off on discussion that. But, I would ask the members to read through that motion, and see sort of where we were. One of the biggest focuses that we had, and I'm sorry Mr. Ottilie is not there, [inaudible] absolutely the resolution to restore the $165,000 to the Mid-City Special Park Fund. And I, at the same meeting, had handed out a draft, the letter that I had written to the Mayor requesting that the City use transmit funds to reimburse that one sixty-five. And, I don't know if anybody brought a copy of the draft of that, or...

Female2 I do have a status update for you on that.

Female We don't have represen-, representation [inaudible]. That is Item, still on Item 101, 105. So, Staff, would you mind updating us on that?

Female2 The Mayor's office has looked at that at Park & Rec's request, bringing them the fact that the Board wished to have that happen. And, the Mayor has committed to find different funds, and replenish the Special Park

Fees, even though [inaudible] allow the, the, the [inaudible] Mayor's office decided they didn't really wanna continue that discussion. It didn't seem fruitful; so, they're willing to find additional funds to replace that. They are not sure which ones those are, so I can't tell you; they're still looking into which one of the accounts they're gonna be taking from. But, so, [inaudible] it, it's my understanding today that the hundred sixty-five thousand spent on the [inaudible] Special Park Fees will be replaced, and the funds will be put back.

Female So, instead of your using the word additional funds, you mean an alternate source for all those funds [inaudible].

Unknown Spkr [Inaudible] may not transmit. It may, or may not, be some other fund that he has.

Female2 That's correct. It may not be transmit [inaudible], I'm not sure. It could be transmitted at the same time; I'm not sure.

Female Okay.

Female2 They're working of the details of that. But, I can also tell you there were two listings that [inaudible] to update you on. Hopefully, Alex will correct me if I'm wrong. They were listed [inaudible] did have savings on the relocation costs for the property at Wightman. And, therefore, will be picking up the cost of the hydrology study and the demolition. And, in talking with Lane yesterday, the demolition's not done,

but it's close to being contracted. And, it shouldn't take very long for that to happen. So, it looks like the Special Park Fees in that case will not be needed, as well.

Female Okay. Well, good. Well, thank you for that. And, pass on a thank you to the Mayor's office; we're glad he heard us on that hundred sixty-five thousand. So, I appreciate that.

Female2 [Inaudible].

Female So, until I get copies, we can't continue with the one. But, at least that Item is taken care of. Mr. [inaudible]?

Male Thank you, Madam Chair. I just wanna weigh in. We just past the Minutes from the November 30th meeting. And the Minutes specifically address the need for a new appraisal. And I just wanna read it into the record; because, essentially today, we were just told that our advice, and our unanimous motion from last November, was completely ignored, nor was there any interest in following up on it. And I just wanna read it into the record, and it's on page four of our Minutes. And it reads as follows, it says, and given concerns that have been legitimately raised, concerning the handling the, of the Fox Canyon matter, by the Real Estate Assets Department, that a new appraisal be obtained on the Fox Canyon site, so that the City Council will have the benefit of that when determining what to with Wightman, and that a new appraiser be selected mutually by the

landowner, Mr. Sanjack, and the City of San Diego, acting through its attorney. I, I'll just leave the rest the mo-, rest of the motion. I just wanna bring this up, that we had specific instructions of we advised, and what we would like to see, so that the City Council could act with, with, better information, and essentially today, we would just ignore it, and told that it was his dep-, his decision, and we were, we weren't going to be considered on that. And it, that really bothers me, when you have to sit here three months later, and hear that. When we specifically and unanimously asked for a new appraisal, so that we could perhaps try to salvage both parks.

Female I, I think you hit the nail on the head, Mr. [inaudible] with your statement, though, that we asked City Council to have that happen. And, it is up to City Council; we are advisory to the Council. The Council has an opportunity to read these Minutes, and then it's up to the Council to make that decision. We have staff that reports back to the Council, and they are the ones that take it to the Council and the Mayor's office. It's my understanding that Council has not specifically docketed this item since our November 30th meeting, to have an open and public discussion on it. I'm not sure what's happened within the, you know, the, the Council District, you know, the Council [inaudible] the Mayor's office, or whatever, on this. But, we do act as advisory. So, we cannot compel

anyone to make, to have that happen.

Male I, I understand that. But, I wasn't convinced that the City Council turned us down on getting the new appraisal. It sounded like the Department turned us down on getting the new appraisal.

Female Then, what we should do is clarify today that we are supporting that the City Council do take a look at th-, does take a look at that, and to see what they can do.

Male Thank you.

Female Thank you. Okay. If everyone has a copy of the [inaudible] motion, hopefully there was some copies made available for members of the audience. We were discussing the resolution that was presented by Mr. Ottilie. Mr. Green asked that the fifth paragraph be mo-, be removed. Mr. Ottilie approved this request. I asked a couple paragraphs be removed. He did not approve that request, and he wanted to continue the Item. We can discuss this. He has presented this resolution, and we can discuss this. I will open the floor.

Let the record show that the tape recorder didn't stop; we're just waiting the next Motion.

Male Madam Chair, what did you say that you axed Mr. Ottilie to take out?

Female I had asked Mr. Ottilie if he would take out paragraph four, six, seven and eight. And paragraph four...

Male Is?

Female ...states, whereas San Diego City Councilman, Jim

Medaffer, stated that the road came first, and the park came second. And that would be four. Six was, whereas Deputy San Diego City Attorney [inaudible] Mendoza. Seven would be the one after that. Whereas, if the Park & Recreation Board meeting of March 16, April [inaudible] stated. That would be seven. And Eight is, whereas the San Diego City Council Traffic Study regarding extension of Ontario made the following findings.

Male And your reason for that was for what?

Female All right, let me count these again.

Male That's four of 'em.

Female Well, I don't, I don't specifically remember date. What I did want to do is, [inaudible] anything that specifically addressed an individual; I didn't feel that that was appropriate to name a specific individual who made what statement. I didn't see that that had any relevance in the document.

Male I, you know, this is part of the problem with this whole situation, is that we spent a lot of time and volunteers down here tryin' to work on this project, and tryin' to get the best answer we can possibly get, and folks with pacific names tells us pacific thing. So, now that, you know, the rubber has hit the road, and the fact of life has shown up, in talkin' about stuff that we we're sayin' we didn't quite understand that why is it like that. Now, we wanna exclude that? I, I don't think that's right. I think the chips

should fall were they lie. If an individual can come in this room and tell us somethin', and have us voting, or have us believing, then that's what we rely on. So, why should we dismiss what they say now? I mean, it's obvious that we're not being heard, and they're not listening to us. I mean, Mr. Mr. Mazella just plucked that out the sky just now that [inaudible] in our Minutes that was approved. So, when do we get real, and when did this Board get some kinda recognition, irregardless of whether we're a recommendation board, or not. But, we're dealing with the facts here. You know, if the Council approve it, they approve it, or disregard it. That's their fact [inaudible] elected official. But, we was also appointed by the Mayor's office to do the due diligence, and do the right thing. So, I think that if you a big person, and you say somethin', then you should take responsibility for that. I don't think any of this is a lie. I think it's the truth; I don't it's the truth, 'cause I heard it. So, I, I, I just want to understand where you were comin' from, Ms. [inaudible]. So, you know, I don't agree with takin' it out; I agree with leavin' it in there [inaudible].

Female [Inaudible.] Okay, thank you. And I appreciate that. I did not hear on, for instance, on Item Number Four, I did not hear that statement. That statement did not come to us at a public Board meeting. So, I'm not sure [inaudible] we can make that statement in a resolution;

because I didn't hear it, and I don't know who did. The only thing that I think is, that is absolutely factual, is because it was in writing, is Number Six. And so, if that's in there, that's in there. As far as the statement from Number Seven, if, if that were said, we would have to go back to the tape recording of that particular meeting to see that that was specifically said. Now, I just have some concerns making, saying that somebody said something, when I don't have the specific information. And again, Item Six, it was in writing, and, and we do have that information. So, I would remove that [inaudible] from my request.

Male Miss-, mister, Mr. Ottilie drafted it, did he, did he not?

Female Yeah. [Inaudible] Mr. Ottilie drafted it.

Male I have no, absolutely no qualms, about what Mr. Ottilie write. Mr. Ottilie is a fair man; he's a honest man. He's a good attorney. I, you know, I'll, I'll, I'll bank on that. Now, if it satisfies a group where it needs to satisfy, you know, maybe what we need to do is that we need to ask Mr. Ottilie to show us that information. And, I believe Mr. Ottilie could show it. 'Cause I just don't believe Mr. Ottilie would put hisself on the line [inaudible] like that. So, maybe we, we, we, we got the cart before the horse here. Mr. Ottilie's not here. Maybe we need to come back to this [inaudible].

Male2 Madam Chair.

Female Yes. [Inaudible.]

Male You know, it seems to me that we're arguing over something that's a moot point. The, this Motion is regarding the expenditure of a $165,000 in Mid-City Park funds.

Male2 That's right.

Male That error has been corrected, or is being corrected, by the Mayor's office. So, what is the thrust of this Motion once you take that out of this Motion? That, the, the final paragraph on the first page is, we're finding the expenditure of $165,000 in funds was improperly expended on the design and/or development, and extension of Ontario Avenue; that's probably true. But, the Motion really is seeking to have the money returned to the Special Park Fund. And, that's being done. So, I think that this Motion, as it's, as it's presented to us, needs redrafting, and redirection for purpose.

Female [Inaudible] discussion [inaudible].

Female2 [Inaudible] in favor of postponing both getting the permission that Mr. [inaudible] stated. But, [inaudible] also [inaudible] selection [inaudible] feel comfortable in [inaudible].

Female [Inaudible] would your recommendation be to table this Item until such time as we get some resolution officially from the Mayor's office on the reimbursement of the $165,000.

Female2 [Inaudible] like to add to that [inaudible] time

certain that that would [inaudible] thirty days [inaudible] to be restored.

Female Restoration may not be, it could be, both determining [inaudible] coming from, identifying. Would that satisfy you [inaudible] I don't know that anything works that quickly in City Hall. If it happened today, [inaudible] the funds, I don't know that those funds could be restored within thirty days' time. I'm not [inaudible] couldn't; I just don't know if I want [inaudible] time to [inaudible]. Can we check with staff?

Female2 Yeah. I don't think that we could do that, because I have to go to Council and get approved [inaudible] identify and then we have to [inaudible] document, and then it has to get to Council. I can come back to you to say that it's being routed; I could give you status updates, and then tell you when that exact action happened. I could give you a Resolution Number and a date. I just can't, I doubt in thirty days I could, I could have it to Council with an action, and then signed resolution in my hand to present to you. Otherwise, I would.

Female [Inaudible?]

Female2 I can try. I can do my best. It, it's, you know, it's, with as much as I can control how fast it can get done, I would do my best. [Inaudible] the sixtieth day, I have to say that it's in the Mayor's office to be signed, at least I could tell you that and tell you

I can bring it back. So, I can do my best on where it's at, and how fast that's moving.

Female [Inaudible] and then get a commitment from staff that we would have a monthly update...

Female2 Sure.

Female ...as to the routing of this $165,000. [Inaudible] but, [inaudible] try to complete it in sixty days, I'd appreciate that. Okay?

Female2 [Inaudible.]

Female So, do you, are you presenting a motion to table the Item until?

Female2 I am.

Female So, a second to that?

Male [Inaudible.]

Female Mr. Mazar. [Inaudible] discussion? [Inaudible] table this Item, with a monthly update on the restoration of the one hundred sixty-five thousand.

Unknown female(s) [Inaudible] sixty, sixty days [inaudible] completed in sixty days [inaudible] sixty days for completion. [Inaudible] thank you very much.

Male Madam Chairman.

Female Yes.

Male [Inaudible] information. Mr. Ottilie, it would seem, had two purposes in, in proposing a resolution. One was to get the money back, and the other was to fix blame for a botched situation on the Fox Canyon Park. We've just taken action to table the Motion on getting

the money back. But, that doesn't mean that we should just walk away from what happened, and what went wrong, on, on, i-, in the, the attempt to create a park on Fox Canyon.

Female [Inaudible] the City Attorney's office is investigating this, and Mr. [inaudible] please?

Male Thank you. Yes, Mr. Green, the work that our office is doing on this issue, and working on the chronology is something that is still ongoing, and, you know, we've been kinda monitoring and, and, trying to be involved also with the process that the Mayor's office is, is, is working on in terms of the restoration of the funds. But, the, the resolution of the issue regarding those expenditures is something that still is primarily within the public integrity unit of our office. But, it is something that we're, you know, that we're continuing to look at, and also for, for purposes of, of openness and transparency. Mr. Ottilie has been in very regular contact with our office regarding those concerns that you're addressing that are in the Motion, and presenting information that he has found, and as well as, I know that he has, has looked through a number of documents in our office related to the Public Records Act request that he, he had submitted to our office. So, that's something that is ongoing as well.

Female Okay. Any other comments or questions on this Item?

Male [Inaudible.]

Female [Inaudible] and then Mr. Smith.

Female2 [Inaudible] it's recommended to expect that there will be [inaudible] sophistication, that there be recommendations for changes in procedures, and to insure that we do [inaudible] and have the same experience again. I would like to see some changes in the procedures so that in, in [inaudible] we can expect to have [inaudible] expectation that we will not see the same thing happening in, in our system.

Male I know that, that it's the City Attorney's goal to help be instructive as to process, and where processes broke down, and where processes can be fixed. I can't predict for you exactly the form that that will take. But, that certainly is a goal that, that our office has, you know, in addressing the issue more, more, more globally or more broadly than just this specific issue at hand, and the restoration of the funds.

Female Okay. All right.

Male [Inaudible] Reynolds [inaudible].

Female [Inaudible.]

Male [Inaudible] that I was gonna make. So, I don't need it.

Female [Inaudible.] All right. Thank you. Okay. Now, we're next gonna hear, and I'm not sure what staff needs to do to get ready. We will hear Item Number 102, it is the Wightman Street Park proposal, and we are expecting an update of the status of the hydrology study and acquisition and development costs, and then the status of appraisal on Fox Canyon Park. But, I think you've

mentioned that, but I'd like you to re-mention that. My staff gives their report; following we'll have the public speakers, and we will have Council Member Jim Medafer, and Mr. John Stump. And while I sign up [inaudible] ask a question. Mr. Lopez? You plan a request to speak on an off-agenda comment. You were not here when I asked for any communication.

Male [Inaudible.]

Female Pardon?

Male [Inaudible.]

Female I'm sorry, I [inaudible]. Did you raise your hand when I asked if anybody? I, I apologize.

Male [Inaudible.]

Female Well, I knew that, and when I saw that I thought, oh, ge-, gee, I missed you. So, would you like to come up while they're setting up, and give your three minute, off-agenda comment?

Male [Inaudible.]

Female You, you aren't speaking at all on the next Item?

Male No, no.

Female Thank you. All right. Go ahead. You have thr--, whoops, my clock just unplugged. All right. You have three minutes. Go ahead.

Lopez Ah, yes. Thank you, Miss [inaudible], ladies and gentlemen, good afternoon. We're here, this is some, some members of the community of Fox Canyon that I want to introduce to you. Starting over here we have on the Euclid Avenue, Mr. and Mrs. Kominisky, Ted and Ellen, a

couple. We have Mr. [inaudible], and we have Miss Susan [inaudible]. Mr. and Mrs. Kominisky are members of the, of Euclid Avenue Improvements Subcommittee. Mr. [inaudible] is a member of the [inaudible]; he also is the Chair of the Euclid Avenue Improvements Subcommittee, and a board member to the Fox Canyon Neighborhood Association. Mrs. [inaudible] is the secretary to our Association, and I am Jose Lopez, the President of the Association. I also wanna let you know that as President of the Association, I al-, I'm also the Vice Chair to the Grassroots PAC Committee, and a member of the Colina del Sol Rec Council. We just wanted you to put a face and bodies to what you have been discussing, talking about. We have attempted to let this Board know that we need a park and a road on our community, and [inaudible] here, I am invisible. I've never called up when it is time. And also you don't listen to what the community needs to tell you. So, that's our public comment. From time to time I will try to import of my community residents for you to see. These are the people that needs the park, that needs the road. Thank you so very much for your attention, and you have a wonderful afternoon. In addition to that, I would like to say, I almost forgot, that we're here in full support of our Council Member, Jim Medafer. He will speak later on, and whatever he says, we say amen to that. Thank you.

Female Thank you. Okay. Staff if you wanna go ahead on Item

Number 102.

Female2 Actually, on 102, I think we discovered the sta-, we discussed the status of the hydrology repor-, study, that we will be commissioning that; we have not yet. And that the...

Female [Inaudible] why don't you restate all that so it's formally [inaudible]...

Female2 Okay.

Female ...particular item number.

Female2 Yeah. [Inaudible] Department has agreed to fund an hydrology study and the City and the Park & Rec Department will hire the consultant to do that. And we are in the process of determining the scope so that we can make sure that it's comprehensive enough for purposes of developing the park, and maintaining storm drain issues in the park, and in the surrounding area. On the acquisition and development date, the property has been purchased. This, the Park & Rec Department does have the [inaudible] ownership. And, as I stated earlier, the Real Estate Assets Department is in the process of commissioning the demolition, and they are funding the demolition. Therefore, the mi-, Mid-City Special Park Fees that were going to potentially fund those, now do not to; can stay in the fund balance for the Mid-City Special Park Fees for future parks. The status of the [inaudible] along Fox Canyon Park, I think has been discussed earlier, and so, that's within the hands of the Real Estate Assets Department. And

your recommendation as, as made previously, the Park & Rec Department intended to put, verbatim, into any Council action. So, that concludes staff's report.

Female Okay. Thank you. [Inaudible] any qualification questions from staff, otherwise we do have a couple of public speakers. Is Mr. Medafer here yet?

Male [Inaudible.]

Female Oh, god. I didn't see [inaudible]?

Male [Inaudible.]

Female [Inaudible] we have two public, two speakers. We have Mr. Medafer, and we have Mr. Stump. Welcome.

Male Thank you.

Female Do you want me get some [inaudible] to speak on this?

Male Hi. Good afternoon, and pardon me for my voice. It's a little, it was very cold in the Council chambers on Tuesday, with the cold air blowing down on us, I, I think I ended up catching something. But, thanks for letting me offer some comments today. I'm gonna talk both about the Wightman and the Fox Canyon Parks. And I know that members of this Board, and obviously having just listened to them following this very closely. Lisa's gonna put on for us real quick, a little Power Point that I put together...

END TAPE 1, SIDE "A"

BEGIN TAPE 1, SIDE "B"

Male ...in order to dispel any of the conspiracy theories and to really sit and listen to what you all think about how we should provide parks to this park-starved

community. Let me start very clearly by stating that as councilman [inaudible] for the area, I, amongst my charge in getting things done is building parks. Fox Canyon Park is no different; Wightman Street Park is no different. And someone questioned this park, and how it came be. The, you know, the real simple answer is because the City Council members wanted it. And, beyond that, that's what council members do. I represent the area. [Inaudible] as you just heard, and that's what the residents wanted. And I usually do what they want in my community. My choices and intentions have always been to provide improvements for City Heights. I want nothing more than a system of parks and the infrastructure to provide it. And, in fact, in campaigned in 1999 and 2000; I still have it in my brochures. It's exactly what I talked about then, a system of parks for City Heights. [Inaudible] Fox Canyon and Chollas Creek neighborhoods do not have a neighborhood park to call their own right now. They play in the creek, in the streets, and they play in vacant lots. They play soccer in the church parking lot on the asphalt. This is what inspired me seven years ago. This community has been discussing the Ontario [inaudible] connection for years, long before the Fox Canyon Park ever came into discussion. In fact, the Euclid RAP, known as the Euclid Revitalization Action Plan, which was a community-produced document, publically noticed meetings put on

by the Planning Department actually calls for the connection of Ontario to [inaudible]. There are no surprises here. [Inaudible] never any doubt in my mind that this road would have been built; it was simply a question of when. This has been supported by our constituents since I took office. Now, in hindsight, the City staff probably shouldn't have depicted the park [inaudible] covering the road. It was always an easement. But, you know what, the Park & Rec Department corrected that mistake, with the State [inaudible] applying for the grant with the proper schematic in place showing the [inaudible]. That one photo though [inaudible] sure seems to get out there a lot. My commitment was always the road first, which is why I'm [inaudible] getting the road funded. But, as you, and the rest of the community came to learn, the road and the park project became a battle. [Inaudible] just became stalemate. [Inaudible] at City Council, the environmental documents for both the Fox Canyon Park and the Ontario connection, and they settled the litigation. I still support the road going through, and I still, and I'll to continue to support the park system for the community. I fully do not support eliminating the road at all. [Inaudible]...

Female [Inaudible.]

Male ...Oh, okay.

Female [Inaudible.]

Male No problem.

Female [Inaudible.]

Male [Inaudible] get to the pictures in a second. [Inaudible.] Let's start out with [inaudible] result. Last summer, the City acquired the property we're about to talk about, just 600 feet away. It's part of the lawsuit for a parcel that flooded too much to be inhabited, but not so much for an open space [inaudible]. So, when the [inaudible] was in [inaudible] session, I [inaudible] my City Council [inaudible] to [inaudible] the City acquired the land, that that land would be transferred to directly into the hands of the Park & Rec Department. So, you need to know again, when did the Wightman Street Park start? You're lookin' at the guy that started it within closed session. You could see [inaudible] on the screen there; that shows you 5024 Wightman Street. That's the part, that's the property we're gonna be talking about today. Now, I'll just kinda walk you through some of these pictures, and Alise can take you through it before she clicks to the next one. So, [Inaudible] look [inaudible] mouse [inaudible] I'm right there where the mouse is, kinda just swirl around there. That's where the Fox Canyon Park was gonna go. As you can see, these are kinda connected, and if you look up to the top, right-hand corner, in sc-, in the photo, right there, we've got a project of affordable housing built right now at 52nd and University, which you'll see in another slide. Go to the next picture, Alise.

And I'm very sorry for my voice [inaudible]. This shows you [inaudible] each of the series [inaudible] just, again, for illustrative purposes. The park was nowhere near this road here. The [inaudible] at least can [inaudible] the park she can show with the mouse in the top-right corner. That's where Fox Canyon Park was to go, up there, in that area. Go to the next picture. Again, this shows going back to the park gate. The curb goes on the right side, and that's the creek before it was cleaned up. We had the Urban Corps come in and clean it. This is the park gate on Ontario. There is the creek to your left. Again, you can see the road, Winona, up there on the left. And, again, Ontario. Go ahead and click the next one. We'll go through some of these real quick. This just shows you the creek; it's a disgusting mess down there, and the kids are down there playing. This is no place, ladies and gentlemen, for our children to play. This is why I want this system of parks for the area. Ok-, can I take you through a couple more of these. [Inaudible] brought a coupla [inaudible], which are comin' up next. This is an [inaudible] that kinda shows the actual Fox Canyon Park site, and then Alisa is showing the mouse where the road is gonna go, is right there. Go to the next one. [Inaudible] one that I just did today; this shows you the construction that's underway right now at 52nd and University. And Wightman is just down a little bit below the lower-left, right there. And this

is what you're gonna be talkin' about today. Right there. And that, that's a new park that's being built as part of the...

Female Auburn [inaudible]...

Male Auburn Park Apartments that we're building. So, again, there's a park you're not even havin' to pay for. I, I negotiated that outta the con-, outta the deal with the builder. Let's go to the next one. So, now, we're lookin' all the way down, down the creek, and, I'm sorry I don't have a laser pointer. But, you can see...

Female I do.

Male ...Oh, you have it.

Female [Inaudible.]

Male I gotta talk. [Inaudible] that's where the Auburn Park is being built. But, the creek [inaudible] down here, and you have to look really close, and I think I've gotta zoom in, but we'll show it. Because the creek comes out right here at some pipes. And, that's why it spills out to here to go down to the Fox Canyon. [Inaudible] go to the next picture [inaudible]. I think if you look real close, you see those two pipes? That's [inaudible] Chollas Creek, one of its tributaries, and it comes out, and it flows right there, through here, and it comes along here. And it, the water hits here, and then it goes along here. Here's where Fox Canyon Park was gonna go. How much square feet [inaudible] was only like 23,000 square

feet, a little about half an acre. It wasn't very big. The road, if you look right here, goes right here. You know, and all you have to do is you look a big [inaudible] park, and I should [inaudible] get to it. Go to the next picture. Here is [inaudible] hill. Again, up this way, is where Auburn Park is being built. There's where Fox Canyon Park. And here's where the road would of gone, or it will go. Put it on there. Right here. The property that's in contention is right here. Interesting. This street right here, right here is Winona, where the laser pointer is. This is Ontario. Do you what the address is to this house? It's a Winona street address. How could it be a Winona Street address, if Winona's really up here? Simple. [Inaudible] street [inaudible] 'cause now it's been planned to be connected. Let's go to the next picture. [Inaudible] this just shows you the parcel [inaudible] parcels that were in contention with the City [inaudible] interested in buying. And I think that's the last picture, and I'll finish my prepared comments. [Inaudible] as I said, I'm very proud of my City Council [inaudible], 'cause in closed session, we voted, the Public Liability Fund paid, and I don't know if that number is pu-, public Mr. [inaudible] I'm not gonna say it. But, the Public Liability Fund purchased the Wightman property, and the Council action made it to go to Park & Rec, at my request. [Inaudible] would be [inaudible] directly into the Park & Rec Department,

so we could have as much park space as possible, with less red tape. Now, the City owns this loaned out lot, and it's our, really our next, best shot for a park in the area. And, as you can see, you've got the park right here, which is Auburn Park Apartments, and you have Wightman, and eventually, you'll have Fox Canyon Park. There's not a lot of lengthy property negotiations, like they're tied up right now with Fox Canyon. The State has shown interest in City pursuing this parcel [inaudible]. The City Council will need to approve the application, for which they could transfer that from Fox Canyon to the new site, following the conclusion of hydrology study for the area. So, I'm excited to be an advocate from the community; I've supported a lot of community [inaudible] over the years, to build [inaudible] canyon on the north side of University at 51st. [Inaudible] towards the affirmed housing project that I told you was under construction now at 52nd and University. [Inaudible] joint use agreement with [inaudible] and this Marshall Elementary School right over here. Back, down here. So, [inaudible] what we're finally doin', you know, there has never been any discussion about parks in this area. I ran for office, and said I'm gonna build parks. And, ladies and gentlemen, nothing's absolutely [inaudible] surrounds this project [inaudible] really needs to stop. The main problem [inaudible] needs [inaudible] and I really applaud [inaudible] for making the

decisive action that the monies that possibly were not spent properly, are gonna be returned to the Transition Funds, where they should be. And I don't have no problem with that. [Inaudible.] It's really important that [inaudible] instead of concentrating on all these resolutions, and these [inaudible] investigations, let's get down to building parks for a community that desperately needs it. Thank you very much.

Female Thank you very much, and I appreciate that slide show and film.

Female2 [Inaudible.]

Female That was great, thank you. John [inaudible].

Male Good afternoon, John [inaudible] of City Heights. I'd love to get down to building parks. I passed out to the Board an aerial that shows the, a string of [inaudible] a set of parks that, I think, Mr. Medafer has been talking about, and we wanna get down to doing. If you look at the park location, the [inaudible] feature there is Auburn Creek. And, as you know, the City, Auburn Creek is where people have been playing in the mud, and [inaudible] park land, and get building parks. [Inaudible] need for parks is really to own the land. But, also, we need money. And so, I hope as your Board considers this Item, will the amount in controversy, [inaudible] been spent, is not a hundred and sixty-five thousand any more. It is a hundred and sixty-five thousand maybe, when it was spent. But, since then, a year has transpired, and now it's up to a

hundred and seventy-eight thousand. The real question is, it's gotta get back in the bank. If it was back in the bank, we woulda been buying parks by now. So, let's get that money back in the bank; let's get on with buying parks. Let's build this string of [inaudible], and move on. Parks is what we need, and parks is what I suggest [inaudible] support. Thank you.

Female Thank you. And, I just received a, a speaker slip. Kathy [inaudible] and that's gonna be the last speaker on this item. Ms. [Inaudible].

Female2 Thanks.

Female [Inaudible] you have three minutes.

Female2 Thank you. I'm Kathleen [inaudible]. I'm an elected representative on the City Heights Area [inaudible] since about 2001. I represent the Chollas Creek Neighborhood, and I am, to my knowledge, the only person elected from that community who has actually ever come down here to speak. Everyone else lives outside, and the [inaudible] sorta provided a previous meeting [inaudible] has indicated that Fox Canyon is not in the purview of Chollas Creek. This park consideration is actually new to me. I live [inaudible] Auburn Creek. [Inaudible] historically you will find that that is true. I refer to the Chollas Creek Enhancement Program draft of March 2002, which the committee considered. I state [inaudible] as a representative speaking for the committee [inaudible]

let me just state that [inaudible] of my community. I [inaudible] as you know, [inaudible] the last coupla times that I've come about this situation between the Fox Canyon Park, which [inaudible] no road, and the [inaudible] property, which has [inaudible] situation [inaudible] successful legislation for disabled access, all the parking ramps, and parking spaces were written by me in 1979 in Sacramento. I do think that as a successful grant writer from the City of Imperial Beach in 1980, I [inaudible] talking about [inaudible] try to force [inaudible] off onto another site. [Inaudible] have any questions [inaudible]. I urge you not to, to even contemplate [inaudible] from Fox Canyon to somewhere else. I [inaudible] you previously about the powerful [inaudible] area directly across the street from the proposed area, and I provided the [inaudible] in January 1993 [inaudible]. I [inaudible] the level of that [inaudible], but I would do everything in my power, in the future, to see that no other children's lives [inaudible]. I have failed [inaudible] contact [inaudible] contact information [inaudible] Medafer's office [inaudible] nature of this discussion [inaudible] Medafer [inaudible] triangle [inaudible] but not any [inaudible] or even [inaudible] and I know what I submitted previously [inaudible].

[previous testimony is so garbled, not transcribable.]

Female Thank you. Okay. I'll open it up now [inaudible] questions.

Male [Inaudible.]

Female Mr. [inaudible].

Male All right. You know. You know, it's, it's really a sad state.

Female [Inaudible] speak into your mike.

Male It's, you know, it's really a sad state for us to be in. And I think we all have to consider a park. I think that's the reason why we've been here as long as we've been here. Some of us new, and some of us, use our parks for a long time. I've been a member of this Board for almost nine years, I think next month it'll be nine years. And, and I've seen a lot of things happen in this room in reference to Park & Rec. And there's a lot of things that's happened to Park & Rec now. But, first of all, we need to listen to one another. [Inaudible] Mr. Medafer, you've put all [inaudible]. Stop. The bickering and the squabbling. But, I don't think the bickering and the squabbling can stop if we continue to make these presentations about something that we disagree with when we're talkin' about another park. Now, I know that Mr. Stump came up, and he's, he's did a presentation. He showed a map. Now, I, I'm gonna talk about a little history here. Late Councilman, Charles Lewis. Wanted a bill that was cut, in, in terms of park land, which I didn't like. But, the park being something he was just [inaudible] about, and talking now the new police substation. That was [inaudible] and there was never

in agreement then that the [inaudible] to that police station, substation down there, the pistol range, that it would be developed. We're still lookin' at that. It's still put off the side of the road in the dirt. It hasn't been developed. We'll develop that; we'll spend the money. We'll get that done if we just cut this [inaudible], we give up park land. That's not what's supposed to happen. So, now here we are today, and I know, and I, I, I done a lotta work in City Heights, and people've done some great work over there. And, here we are today talking about an area that needs a park. We knew that that area needed a park 20 years ago. So, it's not a big mystery here. It's not a big mystery; it's a fact of life. [Inaudible] we got Fox Canyon, we had an issue. Now we're talkin' Wightman Park. We're talkin' about a string of parks, and [inaudible] somebody [inaudible] string of pearls [inaudible]. See, we owned some land down there that was swapped. I don't hear any conversation about that. I don't hear any conversation about the fact that the community was told, the community; now, people's talkin' about, well you, you, but the community was told that if guys go for this bill, we gonna get that park in ground for you [inaudible] not done. Where's my park? Right next to the creek we're talking about now, but, there's not [inaudible] one conversation. This is why I probably should not listen [inaudible]. There's not one conversation from staff, [inaudible]

anybody to talk about [inaudible] of this whole string of parks. And at that park, [inaudible] do the swap. [Inaudible] this park that's integral to this Euclid Avenue Corridor, all the way up to Fox Canyon and [inaudible] all up through there, this is the first park. Down in that area, there's no park. So, I don't understand it, that we're denied [inaudible] gonna start canvassing for every city park, and start and stop over there. What about [inaudible] work all week, [inaudible] let's do a comprehensive plan where the park should be. If the City owns some land, why are we talkin' about that? Now, I don't know [inaudible] I don't know [inaudible] that did. [Inaudible] landlady [inaudible]?

Unknown [Inaudible.]

Male The one down, the Home Avenue Park.

Unknown [Inaudible.]

Male2 That actually's is at the border of my Districts 3 and 4, Mr. [inaudible].

Male1 I know. I, I, [inaudible] I wanna [inaudible]. See, one would think that in close sessions that you're working very closely with your colleagues, and we'd [inaudible] talkin' about, just 'cause [inaudible] you already did that. So, if you talkin' about being [inaudible] because I'm [inaudible]. [Inaudible.] It would seem to me that we oughtta think about a soft approach, how to do it with. I'd be the first one out in front [inaudible] support that. But, encourage you.

People have to start listening to this Board; 'cause, if they don't listen to this Board, [inaudible] and that's why I feel like I'm just [inaudible]. It doesn't, it doesn't have any meaning, and [inaudible]. So, I'm saying that, what about, let's talk about Home Avenue in this process. The City owns both of these parcels. Is that right? I mean, whatta better thing to do is work with [inaudible] in tryin' to complete somethin' that Charley wrote, that, that would work. See, now, that's the kinda stuff I'd like to see. Then we'd get something we accomplished, and if we don't [inaudible]. Because they badly need it. We can't [inaudible] when you talk about the kids, when you talk about the kids, pretty much [inaudible] tons, and tons and tons of kids in this area. And if it's needed there, and, and we should try to figure out a way how to do the whole thing, and not piecemeal it, and not get this thing [inaudible].

Male2 If I might, Mr. [inaudible]...

Male [Inaudible]

Male2 ...to respond to Mr. Robinson's comments, I, I completely concur with you. In fact, one of my favorite pictures is of Charles [inaudible] and I standing on that vacant spot for Fox Canyon Park. Ms. Atkins was with me, and it is probably, by far, one of favorite shots, because Charles and I, and Ms. Atkins, toured this area, and our commitment has always been to work together as council members to the other

parks [inaudible] the area. And I, while I can't speak for [inaudible], I can assure you that [inaudible] my [inaudible] support to work together to get that park at Home [inaudible] and then Ms. Atkins [inaudible] just as well, and I pledge my support to do anything I can. That's what I said earlier, that this area [inaudible] you know it, I know it, we need to work on it. Thank you.

Female Thank you. Thank you, Mr. Robinson. Good comments. Mr. [inaudible].

Male Thank you, Madam Chair. Mr. Medafer, when I listened to your presentation, I, I understand, and it sounds all fine. But, the question is, why was your [inaudible] now? Because, last March, last April, when Fox Canyon was first presented to this Board here, you voiced it unanimously, you endorsed the parking [inaudible]. You didn't endorse the street. And it moved on. And we felt we had done our job, and we thought we had done the right thing, endorsing the park in a park-deprived area. We're here today because this came back to us. And it came to us because, after the fact, we found out that some how the road is entangled financially with the park. And we didn't understand that when it was first presented to the Board. And then, we found out that this Sanjack property is not owned by the City. And, we thought it was, when it came to us. When it came to the Board we, so we're looking at a project where we think, okay, can endorse

the park, we don't need to get involved with the road, because we're the Park & Rec Board. We're let the park go on [inaudible] and let the road go parallel [inaudible] that will work itself out. But, then we found out that there's an entanglement between the two, and, and so that needed to be sorted out. And then we found out that the Sanjack property isn't exactly owned by the City, and then we found out about the lawsuit, and we found out about that mess. And, so, we're tryin' to figure it out; and we're tryin' to sort it all out. And so, our, and I can't speak for the Board here, but I can tell you my observation was the Board felt real mislead during that first presentation, and we were acting on a bunch of assumptions where we thought this was gonna be a happy day, a new park in a very park-deprived area. The whole lightning diversion was just that. Lightning is, and if we do [inaudible] at lightning, all the better. Whatever [inaudible] today is, and I think, I don't wanna get into the finger pointing, but when he [inaudible] a project that we thought was going through, is now being thrown into turmoil, and we're tying to figure that out. And, that's why we're here today. That's why, you know, they say, fool me once, shame on you, fool me twice, shame on me. So, we're, we're just trying, we're volunteers, and we're trying to make the best of the situation. It seems to have been murky and entangled beyond what was dis-, disclosed to us.

Male2 [Inaudible] I share your frustration. I think we'd be under construction right now with the Park at Fox Canyon if it had not been for the lawsuit that was filed. And the lawsuit was filed because the folks didn't like the road. It's very simple. And so, right now, because of that issue being off the table, and now because, once the lawsuit was filed, [inaudible] the property owner, changed it to another price, on the property.

Male I, I have to star-, stop and just say, I cannot commend more the City of San Diego staff for what, I think, it has done [inaudible] outstanding job in developing a park for the community. But, they have been maligned unfairly in many respects. This is the [inaudible] witch hunt, which is very frustrating to me. This, this whole park process started when [inaudible] manager, Mike [inaudible] came to me, and he said, what can we do to help you on parks. And, we gave him a list. And, the next thing you know, as the professionals work, they brought in the Director of Real Estate Office Department; they brought in Redevelopment. They brought in Park Planning; they brought in all these people. And, they said, we're here to serve you, what can we do to help; where would you like to build a park. And that's how this all started. And, when you get right down to it, had the lawsuit not been filed, we would have a park today under construction. But, once that lawsuit was filed,

you know the street grant had very specific guidelines on what could be used to, with, with respect to the grant. So, there's no switch, there's nothing. It's, unfortunately the Fox Canyon Park site right now is dead, because the City of San Diego is not gonna pay the kind of money that they, Mr. [inaudible] is asking. It's that simple. I would not [inaudible]. I'm sure that we could figure out a new way. If we had some development interest on this property adjacent [inaudible] anything with the Fox Canyon Park site. But, you know, until we can come to terms, and that's what it's all about in the real estate world, [inaudible] come to terms. And, so what I'm interested in doing is building parks. And the, you know, the quickest place to get me a park going now, is the Wightman site. A park, a site that has been flooded, and the City of San Diego is paying damage claims out of a Public Liability Fund for the last thirty years, because this site was flooded because of the creek. And so now what we're gonna do is we've bought those properties, and we're gonna build a park there instead, and that's what we're hoping we'll prove today. If you're about parks, you approve the Wightman Park, and then hopefully we'll be back soon in the future, with a plan [inaudible]. And it just, it's all about negotiations in real estate.

Female Thank you, Mr. [inaudible]. Mr. [inaudible] just as a point to [inaudible] the other reason that we are today

is because there is come question as to whether we needed to support the transfer of the street grant to Wightman and get those funds secured prior to doing the hydrology study. But, today staff has said that there are funds available for the hydrology study, so that we don't have to get the street grant transferred first, and then find out that it's not feasible to build a park on that flood plain area. So, I conclude it has been successful with that as well, it sounds like, from staff. Is that correct, that you did [inaudible] funds for the hydrology study, other than the securing [inaudible] grant?

Female2 [Inaudible] savings and the estimate from the purchase of the property, and the new, [inaudible] Real Estate Assets had estimated how much it would cost to relocate people, and such. There is usually [inaudible] what we need to [inaudible] and [inaudible] so Real Estate Assets had offered to do the hydrology study with that savings.

Female [Inaudible] support the Wightman [inaudible] based on the hydrology study, the results of the hydrology study. Then, can I ask what is the total of that study?

Female2 [Inaudible] and ask them to submit the application to the State. If the State says we want the hydrology study before [inaudible] then we'll do it first. If [inaudible] accept it, and by the way, we wanna see a hydrology study before we [inaudible] plan, then that's

what we'll do. Basically what, we're trying to do whatever it takes to secure the loan to get the park built. [Inaudible] what we didn't want was [inaudible] for this grant [inaudible] available, get the hydrology study and then find out that we were not [inaudible] to build a park, because it was on this flood plain area. A flooding area; I don't wanna call it a flood plain. So, as we thought [inaudible] people who've met with success, at that point, and I don't know what we want to do from that, if we want to make a statement to support, that, yes we do endorse and support the Wightman Street Park Proposal, and even though there's not [inaudible], but we do support [inaudible] and based on staff report and the hydrology study, support the improvement of the park, or we could [inaudible] another statement. Mr. Green.

Male It seems to me we're in the business of building parks, and this is the type of land that we own; we will own it. It's a nice, it's a healthy portion of land according to the, the picture behind you. I, I move that we support, in principle, the proposal on Wightman Street, contingent on the hydrology report.

Female [Inaudible] specific language in [inaudible] to support the moving or shifting of the grant, or did you want to leave that alone.

Male No. I'll find and agree to that.

Female Okay. [Inaudible] on the table by Mr. Green. Is there a second?

Unheard response

Female [Inaudible] any discussion? [Inaudible] Ms. [inaudible] Reynolds. [Inaudible] the motion. So, [inaudible] go ahead.

Female2 All right. The first thing I wanted to say is that [inaudible] all agreed [inaudible] no construction, no construction [inaudible] parks [inaudible] to agree on [inaudible] so [inaudible] that happen? How can we [inaudible] things [inaudible]

[Attempt to transcribe this lengthy speech discontinued at this juncture as it was almost entirely inaudible, rendering transcription virtually impossible.]

Female Are you speaking of Fox Canyon?

Female2 [Inaudible.]

Female Okay. [Inaudible] it's either based on the motion that was on the table, that our recommendation that it be done, and I don't think there was any statement that was made to say who [inaudible] asked to do it. [Inaudible] I think that we [inaudible] understood that staff would have that information and it would go on up to the Council offices [inaudible] Mayor's office. [Inaudible.]

Male I'd like to add to the motion that we continue to pursue the Fox Canyon Park [inaudible] and..

Female [Inaudible] separate motion, which we can do [inaudible] statement [inaudible]?

Male We could do that.

Female [Inaudible] why don't' we do that then.

Male Uh huh.

Female Okay. If that's okay.

Male Sure.

Female [Inaudible] just advise everybody, and remind everybody that it is still [inaudible] that we do have the City of San Diego's General Plan Park & Recreation Guidelines in the recreational [inaudible] to that [inaudible] preparation of a city-wide, comprehensive, Parks Master Plan. So, there's no [inaudible] that Mr. Medafer [inaudible] that that would be the primary thing that would happen [inaudible] recreational [inaudible] adopted [inaudible]. Because, if you don't have a Master Plan, it is [inaudible] together. [Inaudible] the motion? [Inaudible.]

Male [Inaudible.]

Female [Inaudible.]

Male [Inaudible] but even more importantly, [inaudible] there are some elements in [inaudible] infrastructure bonds that we just met a coupla hours yesterday [inaudible] Committee that I chair, talking about [inaudible] inviting each of the Park & Recreation members to the discussion we would be having again on February 7th, because I'd love to have your [inaudible] participation in that, because the [inaudible] infrastructure [inaudible] specifically. Especially when [inaudible] talked about it yesterday. [Inaudible] a lotta potential of park opportunities, especially when do [inaudible] and affordable housing

projects. And, there's a great opportunity for you guys as a Board [inaudible] to, to me [inaudible] agree with that, that you should be making this part of the Plan. And then, the last thing, I'd be happy to, and I'll talk with my colleagues, Mr. Young, we'll meet and we'll see we can't do to [inaudible] you guys, or we'll come here, and however it works out, so that we can talk about [inaudible] park and the others that we can pursue it.

Following male speaker could be the preceding speaker. Sound quality bad, transcriber cannot differentiate.]

Male [Inaudible] do you know the [inaudible] adopting the [inaudible] general plan in a coupla months [inaudible] Planning Commission [inaudible] code [inaudible] to [inaudible] same things that you just said as well. [Inaudible.]

Female Thank you [inaudible].

Male [Inaudible.] I'm [inaudible] motion as far as endorsing the Wightman Street Park. However, I am concerned [inaudible] about the transference of money. And the reason why it is, I just remembered back when [inaudible] that she thought it was irregular, but, I don't know if that's the exact words she used, to transfer money from one grant pro-, program, from one location to another. And, she said [inaudible] she'd never seen that happen. And so, I've a little concern that would raise the red flag. To me, that, that if you do that, you may be jeopardizing the grant. And

then, I do remember, [inaudible] a little while back, maybe six, seven months ago, we were informed that the City was being audited on its grants. And, I don't know if the, the State is still doing that, and this just happens to be one of 'em. But, I'm really concerned, I just don't wanna do something that we'll recommend taking action that would jeopardize, you know, [inaudible] trying to salvage the [inaudible] not about to waste any money, certainly. But, if it's not an imminent problem right now, I would suggest that we the money stay where it is right now, until that get sorted out, unless it already has been sorted out. But, according to [inaudible] it hasn't been sorted out, and she'd never seen this before.

Female [Inaudible.]

Male It was a grant granted on the basis that the City had a willing seller. It doesn't have a willing seller. For if it doesn't a willing seller, doesn't own the property, the grant can't be [inaudible] anyway.

Female [Inaudible] can't use the grant, and [inaudible].

Female2 We've had conversations with the State about this funding source, and they are well-aware of the situation, and support a new application from us to move the grant to the new site. They haven't indicated anything in writing because they have [inaudible] application first. But, as long as the new site meets all of the criteria and requirements as the initial site met, they are open to leaving the funding.

Female Mr. [inaudible].

Male Ha-, has the paperwork been started to file the new application?

Female [Inaudible] until City Council approves the change. But, we actually started the paperwork, we just haven't submitted it yet.

Female2 And it didn't go to [inaudible] wanted us to let them know the situation, in my mind last November's motion, of which I was ready to take further, but then once we found out that we were gonna change funding, [inaudible] 165 of the Special Park Fees [inaudible] for sixty days, what happened [inaudible] if you [inaudible] application [inaudible] possible, because, in my mind, time is everything, and I don't want to [inaudible] State [inaudible] give them an opportunity to change their mind [inaudible] relatively comfortable, and I can't guarantee that [inaudible].

Male [Inaudible.]

Unknown Spkr [Inaudible.]

[Unknown speakers and speakers evidently not near the mic to pick up anything...therefore, not transcribed.]

Female Okay.

Unknown Speaker, inaudible.

Female [Inaudible] application. Thank you very much.

Female2 [Inaudible.]

Female Thank you very much. [Inaudible.] Thank you.

[As tape continues, quality is so compromised, transcriber cannot tell gender of speaker...therefore, not transcribed.]

Female Mr. Medafer [inaudible].

[As tape continues, quality is so compromised, transcriber cannot tell gender of speaker...therefore, not transcribed.]

Female2 I'm sorry, I didn't mean to usurp time. But, [inaudible] I just wanted [inaudible], I just wanted to make a comment, and I didn't, it wasn't appropriate during the time [inaudible]...

Female Uh huh.

Female2 I, too, have been with [inaudible] nine years Mr. Robinson and I came on [inaudible] at the same time . And, I was sitting here thinking that very few [inaudible] times we have ever had a visit by a member of the City Council. I thank [inaudible] towards the very end, I'm not sure. Donna Frye once when she was [inaudible] council. Kevin Faulkner sat here for five minutes. Of course, I'm [inaudible] since he's been a Councilman. And, you, but Toni Atkins when Robert Young was in her office, sent him as a single meeting. Thank you so much, because I'm [inaudible] we love having you here. But, the communication [inaudible] somebody to share this with [inaudible] having some council members, it has meant so much, and I know you're all very busy, but, thank you.

Male I appreciate that [inaudible]. I was actually on a working waterfront tour with Council [inaudible] President Peters, and I [inaudible] cut the tour short so I could be here at 2:00. I just wanna tell you the [inaudible] Park & Recreation, I don't' know if you all

1 know this, or not [inaudible] served on the Park & Rec
2 for, I believe five years, and herself [inaudible] Park
3 & Rec Subcommittee to [inaudible] NTC [inaudible]
4 Committee, and I thank [inaudible] to this day because
5 she chaired that many of these people [inaudible]
6 Committee [inaudible] Committee. Many others that have
7 gone on to serve on the Park & Rec Board, and when I
8 look at jewel of a park that we're gonna have at NTC,
9 I, I thank my wife for that one, and I know the
10 incredible service that you folks provide to the City
11 of San Diego, and, again, my hat's off to you and I'd
12 be happy to come back and keep you apprised,
13 [inaudible] partnership [inaudible] parks in City
14 Heights.
15 Female [Inaudible] to be honest [inaudible] encourage the
16 Mayor's office to [inaudible] make some more
17 appointments [inaudible].
18 Male [Inaudible.]
19 Female [Inaudible.] Thank you. [Inaudible.]
20 [Foregoing testimony unintelligible and garbled to transcribe.]
21 Male [Inaudible] Mr. Robinson about, and, and I would agree
22 to that, and as chair of the Land Use and Hazard
23 Committee, I would probably docket it, although it'd
24 have to be a public meeting...
25 [END OF TAPE ONE, SIDE "B"]
26 Female [Inaudible] Mr. Medina if we could [inaudible].
27 Male [Inaudible.]
28 Female Thank you very much [inaudible] for attending. That

wraps up Item Number 102. We are now going to hear, and Staff is getting ready for Item Number 103. If the Board Members wanna take a quick, five-minute break, [inaudible] Naval Training Center, NTC, Liberty Station Park Basketball Court.

[END OF ITEM NUMBER 102]

1:\CityAtty\FoxCyn\PkRecMtg011807

EXHIBIT NO. 108

CITY COUNCIL OF THE CITY OF SAN DIEGO
THE CLOSED SESSION MEETING REPORT
FOR MONDAY AND TUESDAY, OCTOBER 9 AND 10, 2006

CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101

REPORTING RESULTS OF CLOSED SESSION MEETINGS

Only items that can be disclosed are reported out in the Open Session of the regular City Council Meeting. Public comment on Closed Session items are taken in Open Session. Please refer to the City Clerk's minutes for Open Session for more information. Assistant City Attorney Karen Heumann reports the results of the Closed Session Meetings of October 9 and 10, 2006, as follows:

CLOSED SESSION MEETING FOR MONDAY, OCTOBER 9, 2006

Closed Session Items were heard on Tuesday, October 10, 2006.

CLOSED SESSION MEETING FOR TUESDAY, OCTOBER 10, 2006

ROLL CALL:

Present: Mayor Jerry Sanders, Council President Peters, Council President Pro Tem Young, Councilmembers Faulconer, Atkins, Frye, Madaffer, and Hueso

Absent: Councilmember Maienschein – Dist. 5 (Absent for the meeting)

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 ***Michael Barney v. City of San Diego***
San Diego Superior Court Case No. GIC 853548

DCA assigned: J. Riley

Nothing to report

CS-2 ***Cal Johnson, et al. v. Thomas Distabile, et al.***
San Diego Superior Court Case No. GIC 782977

DCA assigned: R. Walters

Nothing to report

CS-3 ***Linda J. Morgan and Renee Hill v. City of San Diego***
San Diego Superior Court Case No. GIC 849127

DCA assigned: M. Stiffler

Motion:	Defend Litigation
Moved:	Councilmember Atkins – Dist. 3
Seconded:	Councilmember Madaffer – Dist. 7
Vote:	7/0 [Passed unanimously]
Absent:	Councilmember Maienschein – Dist. 5

Reported out in Open Session on October 10, 2006, by Karen Heumann, Assistant City Attorney: Today in Closed Session, the City Council voted unanimously 7-0 to defend the litigation in the *Matter of Linda J. Morgan and Rene Hill vs. the City of San Diego*, with a motion by Councilmember Atkins; second by Council Member Madaffer; Councilmember Maienschein not present.

CS-4 ***Friends of Fox Canyon Park v. City of San Diego***
San Diego Superior Court Case No. GIC 864623

DCA assigned: M. Dickenson

Motion:	Approve settlement
Moved:	Councilmember Madaffer – Dist. 7
Seconded:	Councilmember Atkins – Dist. 3
Vote:	6/1 [Passed] Council President Peters (Dist. 1) voted No.
Absent:	Councilmember Maienschein – Dist. 5

Reported out in Open Session on October 10, 2006, by Karen Heumann, Assistant City Attorney: Today in Closed Session, *In the Matter of Friends of Fox Canyon Park vs. City of San Diego*, the City Council voted to approve a settlement offer by the Petitioners which requires the City to docket rescission of the Site Development Permit and the Mitigated Negative Declaration for the Fox Canyon Park and Road Project. If the Site Development Permit and the Mitigated Negative Declaration are rescinded, the lawsuit will be dismissed in its entirety and the City will pay petitioner $5,000 in legal fees to resolve the litigation. Motion by Councilmember Madaffer; second by Councilmember Atkins. The vote was 6-1 with Council President Peters voting No and Councilmember Maienschein not present.

Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:

CS-5	**Property:**	**A portion of the closed South Chollas Landfill**
	Agency Negotiator:	**Elmer Heap, Jr., Director, Environmental Services Department**
	Negotiating Parties:	**Paragon Practice Park, LLC**
	Under Negotiation:	A long-term development lease

DCA assigned: G. Lowenberg

Motion: Accept recommendation to terminate negotiations.
Moved: Councilmember President Pro Tem Young - Dist. 4
Seconded: Councilmember Madaffer – Dist. 7
Vote: 7/0 [Passed unanimously]
Absent: Councilmember Maienschein – Dist. 5

Reported out in Open Session on October 10, 2006 by Karen Heumann, Assistant City Attorney: Today in Closed Session, regarding the *Real Property Negotiations for the South Chollas Land Fill*, the City Council voted unanimously 7-0, to formally terminate negotiations with Paragon Practice Park, LLC and to prepare and expedite a request for proposals for recreational use, of the South Chollas Land Fill site, which will bring value to the community and be compatible with both the closed landfill and potential power production facilities at or near the site. This RFP Process is to be timed with the nine-month grading project that is planned at that site to ensure that the RFP Process is completed at the earliest possible time. The motion was by Councilmember Young; second by Councilmember Madaffer; Councilmember Maienschein not present.

REPORTED BY:_____
Karen Heumann
Assistant City Attorney