

RESOLUTION NUMBER R-279182

ADOPTED ON OCT 08 1991

WHEREAS, on December 9, 1987, S.P.E. Corporation submitted an application to the Planning Department for the River Trail project which would include a planned infill residential development permit, resource protection ordinance permit and tentative map; and

WHEREAS, the project was set for a public hearing to be conducted by the Council of The City of San Diego; and

WHEREAS, the issue was heard by the Council on October 8, 1991; and

WHEREAS, the Council of The City of San Diego considered the issues discussed in Environmental Impact Report No. 87-1098; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Environmental Impact Report (EIR) No. 87-1098:

1. The EIR does not address off-site impacts or changes in the footing characteristics of the surrounding properties; the repairing area mentioned in the testimony may be subject to more and deeper inundation because of the project.

2. The EIR does not state that Hollister Street is subject to flooding and that residence would require alternative access and that access is not accounted for.

3. The area is subject to intrusive noise and safety hazards as a result of the nearby U.S. Navy Marine field, a

portion of the property, in fact, lies within the accident potential zone. The Navy has indicated that they do not plan on closing this base down in the near or distant future.

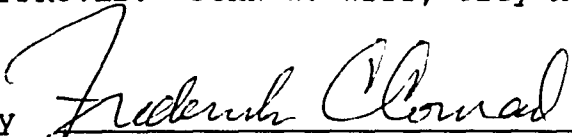
4. The project will require 55,000 cubic yards of fill. The EIR does not address the number of truck trips required to provide this amount of fill, which routes these trucks would take to the project, the dust generated, nor the duration of these impacts on the neighborhood.

5. The EIR fails to address any alternatives other than a no project alternative. That is, any other viable project alternatives which take into account the deed restrictions and the zoning have not been address.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that based on the above findings, this Council finds ENVIRONMENTAL IMPACT REPORT NO. 87-1098 for the River Trail Planned Infill Residential Development Permit/Resource Protection Ordinance Permit/Tentative Map No. 87-1098, on file in the office of the City Clerk, to be defective, and therefore it cannot be certified.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
12/16/91
Or.Dept:clerk
R-92-930
Form=r.eirl

334A

OCT 08 1991

Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

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

By *Blondie L. Darned* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-279182** Adopted **OCT 08 1991**

(R-92-1052)

RESOLUTION NUMBER R- 279262

ADOPTED ON NOV 26 1991

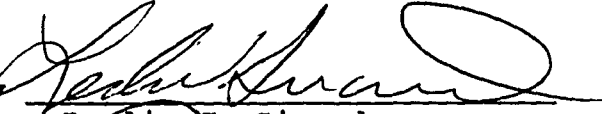
WHEREAS, by Resolution Nos. R-270501 and R-277014 monies were previously allocated to defray expenses incurred by the City of San Diego in the lawsuit Perez, et al. v. City of San Diego, et al. (also known as Chicano Federation of San Diego County, et al. v. City of San Diego, et al.), Federal Case No. 88-0103-R(M); NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to pay the sum of \$22,862.78 to Patrick A. McCormick, Jr., and the sum of \$12,467.50 to the law firm of McInnis, Fitzgerald, Rees, Sharkey & McIntyre, in the settlement of each and every claim against the City of San Diego, its agents and employees, for the payment of fees in connection with their representation of Councilmembers Henderson, Roberts and McCarty in the above-referenced litigation.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue two checks in the following amounts: \$22,862.78 to Patrick A McCormick, Jr.;

and, \$12,467.50 to the law firm of McInnis, Fitzgerald, Rees,
Sharkey & McIntyre, in full settlement of all claims.

APPROVED: John W. Witt, City Attorney

By 
Leslie J. Girard
Deputy City Attorney

LJG:vtc:Lit.
01/06/92
Aud.Cert:8800768 & 9100378
Or.Dept:Atty
R-92-1052
Form=r.claim2

CS-4

in Closed Session

Passed and adopted by the Council of The City of San Diego on November 26, 1991, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Branda L. Buerger* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-279262* Adopted **NOV 26 1991**