

RESOLUTION NUMBER R- 301426

DATE OF FINAL PASSAGE MAY 08 2006

WHEREAS, on December 6, 2005, Carter Reese No. 15A, L.P., a California Limited Partnership and Catocin Properties, L.L. C., submitted an application to the City of San Diego for a community plan amendment/general plan amendment, rezone, vesting tentative map and site development permit/planned development permit for the Mesa Commons II project; and

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

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented;

WHEREAS, the Council previously certified Negative Declaration No. 33812 on March 14, 2005 for the Mesa Commons project; and

WHEREAS, the issue of the proposed amendment to the Mesa Commons project was heard by the City Council on MAY 08 2006; and

WHEREAS, the City Council of the City of San Diego considered the issues discussed in Addendum to Negative Declaration No. 33812; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Addendum to Negative Declaration No. 33812 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 Administrative Code 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 said report, together with any comments received during the public review process, has been reviewed and considered by the Council, in connection with the approval of community plan amendment/general plan amendment, rezone, vesting tentative map, and site development permit/planned development permit for the Mesa Common II project.

BE IT FURTHER RESOLVED, that the Council finds that there is no substantial evidence in light of the whole record that substantial changes are proposed in the project that would require major revisions to the Negative Declaration due to new significant environmental effects, and that said Addendum to Negative Declaration is approved.

BE IT FURTHER RESOLVED, 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.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

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

SMT:als
04/13/06
Or.Dept:DSD
R-2006-835
MMS#3173

ENVIRONMENTAL-Neg.Dec 11-01-04

Passed by the Council of The City of San Diego on MAY 08 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

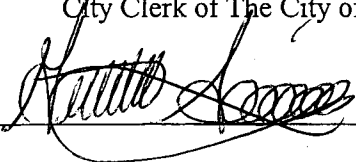
Date of final passage MAY 08 2006

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number <u>R- 01426</u>