

RESOLUTION NUMBER R-301904

DATE OF FINAL PASSAGE SEPTEMBER 18, 2006

WHEREAS, Congregation Adat Yeshurun, Owner/Permittee submitted an application to the City of San Diego for a public right-of-way use permit and site development permit for an ERUV Line of Demarcation; and

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

WHEREAS, under Charter section 280(a)(2) this resolution/ordinance 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; and

WHEREAS, the issue was heard by the City Council on September 18, 2006; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration LDR No. 48467; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration LDR No. 48467, 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 public right-of-way use permit/site development permit for an ERUV Line of Demarcation.

BE IT FURTHER RESOLVED, 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, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

BE IT FURTHER RESOLVED, 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.

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



Douglas K. Humphreys
Deputy City Attorney

DKH:pev
09/26/06
Or.Dept:Clerk
R-2007-345
MMS #3819
ENVIRONMENTAL - MND 11-01-04

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Public Right-of-Way Use Permit
Site Development Permit
Project No. 48467

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (Project No. 48467) shall be made conditions of the Public Right-of-Way Use Permit as may be further described below.

MITIGATION, MONITORING AND REPORTING PROGRAM:

Biological Resources

Prior to the issuance of a Notice to Proceed (NTP) or any permits, including but not limited to, the Public Right-of-Way Use Permit and Building Plans/Permits, the owner/permittee shall implement the following mitigation measures into the project design to the satisfaction of the ADD of LDR and the City Engineer:

1. Reflectors or reflective tape shall be attached on approximately 3,431 linear feet of the Eruv Line that is adjacent to areas known to be near raptor habitat and used by these birds of the area.
2. The monofilament line shall be marked using red or yellow reflective tape or reflectors at approximately 15 foot intervals along those portions of the Eruv, due to the raptor habitat and use by these birds of the area. If reflective tape is chosen, it should be cut into approximately 6-inch lengths and folded in half over the line. If reflectors are chosen, they should be "sandwiched" over the line so that there is a reflector on each side of the line.

R-301904

Passed by the Council of The City of San Diego on SEP 18 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 SEP 18 2006

AUTHENTICATED BY:

(Seal)

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

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

By *Debbie Swanson Cruz*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number

R-301904