

RESOLUTION NUMBER R- 303853

DATE OF FINAL PASSAGE JUN 17 2008

MITIGATED NEGATIVE DECLARATION NO. 108435 FOR
THE LINDA VISTA ROAD CENTER PROJECT.

WHEREAS, on August 6, 2007, GTF Properties submitted an application to the City of San Diego for a rezone, easement vacation and planned development permit for the Linda Vista Road Center project; 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 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 JUN 17 2008; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 108435; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration LDR No. 108435, 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 rezone, easement vacation and planned development permit for the Linda Vista Road Center project.

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


Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
05/27/08
Or.Dept:DSD
R-2008-1070
ENVIRONMENTAL - MND 11-01-04

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Planned Development Permit, Easement Vacation, Rezone

MND NO. 108435

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. 108435) shall be made conditions of the Planned Development Permit, Easement Vacation and Rezone as may be further described below.

General measures which must be completed prior to any authorization to proceed:

The Assistant Deputy Director (ADD) of the City's Entitlement Division shall verify that the following statements are shown on the grading and/ or construction plans as notes under the heading "Environmental Requirements":

1. The Linda Vista Road Center Project is subject to a Mitigation, Monitoring, and Reporting Program (MMRP) and shall conform to the mitigation conditions in Mitigated Negative Declaration No. 108435.
2. Prior to any site disturbance (excluding survey and utility mark outs), the owner/permittee shall schedule a pre-construction meeting to ensure implementation of the MMRP. The meeting shall include the City Resident Engineer and the City's Mitigation Monitoring Coordination (MMC) section.

Transportation

3. Prior to the issuance of the first building permit, the applicant shall provide a fair-share contribution of 15.8 percent of the cost of the construction of a raised center median on Linda Vista Road from Markham Drive to Baltic Street, satisfactory to the City Engineer. The fair share contribution shall be deposited into a separate interest earning account.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.