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RESOLUTION NUMBER R-304352

DATE OF FINAL PASSAGE NOVEMBER 10, 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CERTIFYING AND APPROVING PROGRAM ENVIRONMENTAL IMPACT REPORT NO. 5617/SCH NO. 2003041057, THE STATEMENT OF OVERRIDING CONSIDERATIONS, AND THE MITIGATION, MONITORING, AND REPORTING PROGRAM FOR THE SYCAMORE LANDFILL MASTER PLAN PROJECT NO. 5617.

WHEREAS, Sycamore Landfill, Inc. [SLI] submitted an application to the Development Services Department [DSD] for an East Elliott Community Plan amendment, a General Plan amendment, a rezone from RS-1-8 (Single Dwelling Unit) and AR-1-2 (Agricultural-Residential) to IH-2-1 (Heavy Industrial), an amendment to planned development permit/site development permit, a lot consolidation parcel map, public right-of-way vacations, easement abandonments, and various deviations from the Environmentally Sensitive Lands Regulations in connection with the Sycamore Landfill Master Plan project [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, the City Council of the City of San Diego considered the issues discussed in Environmental Impact Report [EIR] No. 5617/SCH No. 2003041057; 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, a public hearing was required by law implicating due process rights of individuals affected by the

decision, and 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 matter was set for public hearing on November 10, 2008, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is hereby certified that EIR No. 5617/SCH No. 2003041057, a copy of which is 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 Administration Code Section 15000 et seq.), that the report 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 City Council.

BE IT FURTHER RESOLVED, that the City Council approves the Project with an increased height of 1145 feet above mean sea level and with an increased total capacity of 166 million cubic yards; and

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081 and Administrative Code section 15091, the City Council hereby adopts the Findings made with respect to the Project, a copy of which is on file with the Office of the City Clerk.

BE IT FURTHER RESOLVED, that pursuant to California Administrative Code section 15093, the City Council hereby adopts the Statement of Overriding Considerations, a copy of which is on file with the office of the City Clerk.

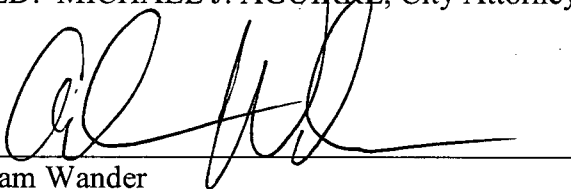
BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto (Exhibit A) and incorporated herein by reference.

BE IT FURTHER RESOLVED, that EIR No. 5617/SCH No. 2003041057, a copy of which is on file in the Office of the City Clerk, is hereby 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:


Adam Wander
Deputy City Attorney

ARW:mm:cw
11/17/08
Or.Dept:DSD
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