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RESOLUTION NUMBER R- 304857

DATE OF FINAL PASSAGE APR 28 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO, AS RESPONSIBLE AGENCY, CERTIFYING ENVIRONMENTAL REVIEW FOR THE FIFTH AMENDMENT TO THE CENTRAL IMPERIAL REDEVELOPMENT PLAN AND ASSOCIATED PLANNING AND ZONING ACTIONS, ADOPTING CERTAIN FINDINGS OF FACT, ADOPTING THE STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING THE MITIGATION, MONITORING AND REPORTING PROGRAM.

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, on April 2, 2009, after holding a public hearing, the Planning Commission of the City of San Diego recommended to the Council of the City of San Diego approval and adoption of the following planning documents pertaining to future redevelopment activities specified therein [collectively, the Project]: the amendments to the Southeastern San Diego Community Plan and the Skyline-Paradise Hills Community Plan (such amendments being considered de facto amendments to the Progress Guide and General Plan); certain amendments to the Land Development Code; the Fifth Amendment to the Central Imperial Redevelopment Plan; and the related rezoning of certain parcels consistent with such amendments; and

WHEREAS, the Project involves, among other things, the addition of a Village/Mixed Use Element to the Southeastern San Diego Community Plan and a Mixed Use Element to the Skyline-Paradise Hills Community Plan, thereby allowing mixed use and higher density residential development in three areas identified in the amendments as the Village Center at Market and Euclid, Imperial Crest and Encantada; and

WHEREAS, the Redevelopment Agency of the City of San Diego [Redevelopment Agency] is the lead agency for purposes of certifying that Final Environmental Impact Report for Project No. 106715, State Clearinghouse No. 2005031065/199001027 [Final EIR], which assesses the environmental impacts potentially resulting from the Project, complies with the requirements of the California Environmental Quality Act [CEQA], set forth at California Public Resources Code section 21000 et seq., and the State CEQA Guidelines [CEQA Guidelines], set forth at California Code of Regulations, Title 14, Chapter 3, section 15000 et seq.; and

WHEREAS, the City is responsible for approving and carrying out certain aspects of the Project, as described in the Final EIR, and is thus the responsible agency under CEQA for purposes of reviewing and considering the Final EIR; and

WHEREAS, the Council has considered all maps, exhibits and written documents contained in the file for the Project on record in the City of San Diego and has considered the oral presentations and testimony given at the public hearing; and

WHEREAS, the Council and the Redevelopment Agency's board of directors held a duly noticed joint public hearing on the Project on APR 28 2009, and the Council considered the issues discussed in the Final EIR; NOW THEREFORE,

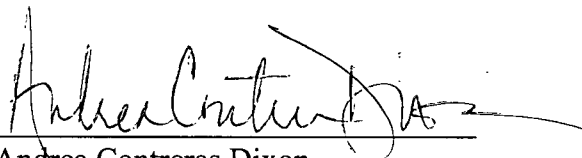
BE IT RESOLVED, by the Council of the City of San Diego as follows:

1. That the Council has reviewed and considered the Final EIR and all environmental issues identified therein, together with any comments received during the public review process, prior to approving the Project.
2. That the Council, pursuant to California Public Resources Code section 21081 and CEQA Guidelines section 15091, hereby adopts the candidate Findings of Fact made with respect to the Project, in the form on file as Document No. RR-304857-1 in the office of the City Clerk and incorporated herein by reference.
3. That the Council, pursuant to CEQA Guidelines section 15093, hereby adopts the Statement of Overriding Considerations for the Project, in the form on file as Document No. RR-304857-2 in the office of the City Clerk and incorporated herein by reference.
4. That the Council, pursuant to California Public Resources Code section 21081.6, hereby adopts the Mitigation, Monitoring and Reporting Program, in the form on file as Document No. RR-304857-3 in the office of the City Clerk and incorporated herein by reference, to monitor and ensure that the mitigation measures identified will be instituted to the extent such mitigation measures affect the City of San Diego as the responsible agency.

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BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to cause the filing of a Notice of Determination [NOD] with respect to the Final EIR upon adoption of the proposed Fifth Amendment to the Central Imperial Redevelopment Plan.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

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04/14/09
04/14/09 COR.COPY
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Companion to: O-2009-127
O-2009-128
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