

RESOLUTION NUMBER R- 305275

DATE OF FINAL PASSAGE SEP 22 2009

A RESOLUTION DENYING CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT NO. 71362 FOR THE LA JOLLA CHILDREN'S POOL DREDGING - PROJECT NO. 71362.

WHEREAS, on June 17, 2005, the Engineering and Capital Projects Department of the City of San Diego submitted an application to the City of San Diego for a coastal development permit/site development permit for the La Jolla Children's Pool Dredging 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 SEP 22 2009; and

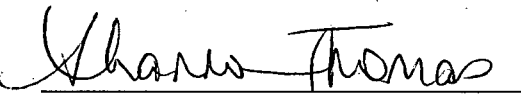
WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 71362; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that based on the lack of analysis of the legislation allowing the use for seals and the related efforts to turn the La Jolla Children's Pool area into a Marine Protected Area; the inconsistency with the General Plan's Conservation Element, specifically the guidelines for promoting aquatic biodiversity and habitat

recovery; and the failure to prepare an integrated NEPA document which would have discussed the direct, indirect, and cumulative impacts, plus additional project alternatives, the Council denies certification of Environmental Impact Report No. 71362 for the La Jolla Children's Pool Dredging project.

BE IT FURTHER RESOLVED, that staff is directed to return and work with the Army Corps of Engineers.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Shannon Thomas  
Deputy City Attorney

ST:pev  
09/03/09  
09/25/09 REV.  
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