

RESOLUTION NUMBER R- 307067

DATE OF FINAL PASSAGE OCT 24 2011

A RESOLUTION CERTIFYING RECIRCULATED EIR NO. 42891 AND ADOPTING MODIFIED FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS AND MITIGATION, MONITORING AND REPORTING PROGRAM FOR THE MASTER STORM WATER SYSTEM MAINTENANCE PROGRAM PROJECT NO. 42891.

WHEREAS, on June 23, 2004, the City of San Diego Transportation and Storm Water Department submitted an application to Development Services Department for a Coastal Development Permit No. 714232 and Site Development Permit No. 714233 for the Master Storm Water System Maintenance Program, Project No. 42891 [Project]; and

WHEREAS, on May 13, 2010, after receiving the staff report and testimony from the public, the Planning Commission of the City of San Diego considered the issues discussed in Environmental Impact Report [EIR] No. 42891 (SCH No. 2004101032) and voted to certify EIR No. 42891 and adopt Findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program with respect to the Project pursuant to Resolution No. 4586-PC; and

WHEREAS, in accordance with Public Resources Code Section 21151, the San Diego Coastkeeper, Coastal Environmental Rights Foundation, San Diego Audubon Society, Friends of Rose Canyon, San Diego Chapter of the Sierra Club, San Diego Canyonlands, and the California Native Plant Society appealed the Planning Commission decision to certify EIR No. 42891 to the Council of the City of San Diego; and

WHEREAS, upon appeal, the EIR No. 42891 is not finally certified without an affirmative majority vote of the City Council in accordance with Administrative Code Section 15185; and

WHEREAS, in response to comments from appellants and others, EIR No. 42891 was revised to include significant, new information and was recirculated prior to Council consideration of the final certification appeal pursuant to Administrative Code Section 15088.5; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter required 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; NOW THEREFORE,

BE IT RESOLVED, by the City Council that it be, and it is hereby certified, that Recirculated Environmental Impact Report No. 42891 (SCH No 2004101032), in connection with the Coastal Development Permit No. 714232 and Site Development Permit No. 714233 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 Administrative 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 pursuant to California Public Resources Code Section 21081 and Administrative Code Section 15091, the City Council hereby adopts the

modified Candidate Findings made with respect to the project, a copy of which is attached hereto and incorporated herein by reference.


BE IT FURTHER RESOLVED, that pursuant to California Administrative Code Section 15093, the City Council hereby adopts the modified Statement of Overriding Considerations, a copy of which is attached hereto and incorporated herein by reference, with respect to the project.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code, Section 21081.6, the City Council hereby adopts the modified 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 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: JAN I. GOLDSMITH, City Attorney

By



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Nina M. Fain  
Deputy City Attorney

NMF:jl  
9/26/2011  
11/01/2011 REVISED COPY  
11/29/2011 COR. COPY  
Or.Dept:SWD  
R-2012-135REV.  
PL#2010-00871

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 24 2011.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Passed by the Council of The City of San Diego on OCT 24 2011, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Sherril Lightner	<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"/>
Todd Gloria	<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"/>
Carl DeMaio	<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"/>
Marti Emerald	<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 OCT 24 2011

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 *[Signature]*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 307067