

RESOLUTION NUMBER R- 307680
DATE OF FINAL PASSAGE SEP 17 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO RESCINDING RESOLUTION NO. R-304352 CERTIFYING ENVIRONMENTAL IMPACT REPORT NO. 5617/SCH NO. 2003041057, RESOLUTION NO. R-304353 APPROVING A COMMUNITY PLAN AMENDMENT, RESOLUTION NO. R-304354 VACATING CERTAIN PUBLIC RIGHTS OF WAY AND EASEMENTS AND APPROVING A PARCEL MAP, RESOLUTION NO. R-304355 VACATING A PUBLIC RIGHT OF WAY, RESOLUTION R-304356 GRANTING SITE DEVELOPMENT PERMIT NO. 9310 AND PLANNED DEVELOPMENT PERMIT NO. 9309, AND RESOLUTION R-304357 C AUTHORIZING THE MAYOR OR HIS DESIGNEE TO TRANSFER AND CONVEY THE CITY'S RIGHTS, TITLE AND INTEREST IN THAT CERTAIN REAL PROPERTY KNOWN AS ROAD M-6 VIA QUITCLAIM DEED TO SYCAMORE LANDFILL, INC., ALL ADOPTED NOVEMBER 10, 2008, FOR THE SYCAMORE LANDFILL MASTER DEVELOPMENT PLAN PROJECT - PROJECT NO. 5617

WHEREAS, SYCAMORE LANDFILL, INC., Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit (SDP) No. 9310 and Planned Development Permit (PDP) No. 9309 to implement the Sycamore Landfill Master Development Plan project (Project) to expand the capacity, footprint and height of the existing Sycamore Landfill; add or modify ancillary facilities including sedimentation basins, an equipment maintenance facility, perimeter access road, scales and recycling area, and administrative offices; relocate an SDG&E transmission line; continue processing green/wood materials for alternative daily cover and/or beneficial reuse; process construction and demolition (C&D) debris; continue excavation and processing of aggregate materials; and change the hours of operation of the

Landfill, located at 8514 Mast Boulevard, and legally described as Portions of Lots 3, 4, 9 and 10 of the resubdivision of part of Fanita Rancho, Map No. 1703, and a portion of Lot 73 of Rancho Mission, 330, and all that real property relinquished to the City of San Diego per document recorded March, 6, 2008 as Document No. 2008-0117850 of Official Documents excepting Easement Parcels 26202-2, 26202-3, 26203-2, 26203-4, 26204-3, 26204-4, 26429-2, and 26429-3 all as shown on State Highway Map No. 307 dated March 7, 2001 as File/Page No. 2001-0129708 of Official Documents, in the East Elliot Community Plan area, in the RS-1-8 Zone, which is proposed to be rezoned to the IH-2-1 Zone; and the Mission Trails Design District Overlay zone; and

WHEREAS, the City Council by Resolution No. R-304352, adopted on November 10, 2008, certified Environmental Impact Report (EIR) No. 5617/SCH No. 2003041057 and adopted the associated Mitigation, Monitoring and Reporting Program, Findings, and Statement of Overriding Considerations for the Project; and

WHEREAS, the City Council by Resolution No. R-304353, adopted on November 10, 2008, approved amendments to the East Elliott Community Plan and City of San Diego General Plan in connection with the Project; and

WHEREAS, the City Council by Resolution No. R-304354, adopted on November 10, 2008, vacated certain public rights of way and easements, and approved a parcel map in connection with the Project; and

WHEREAS, the City Council by Resolution No. R-304355, adopted on November 10, 2008, vacated a public right of way in connection with the Project; and

WHEREAS, the City Council by Resolution No. R-304356, adopted on November 10, 2008, granted Site Development Permit No. 9310 and Planned Development Permit No. 9309 for the Project; and

WHEREAS, the City Council by Resolution No. R-304356, adopted on November 10, 2008, granted Site Development Permit No. 9310 and Planned Development Permit No. 9309 for the Project; and

WHEREAS, the City Council by Resolution No. R-304357, adopted on November 10, 2008, authorized the Mayor or his designee to transfer and convey the City's rights, title and interest in that certain real property known as Road M-6 via quitclaim deed to Sycamore Landfill, Inc. for the Project; and

WHEREAS, East Elliot Land Company, LLC and Citizens Against Landfill Expansion challenged the above-referenced EIR in an action styled *East Elliot Land Company, LLC and Citizens Against Landfill Expansion v. City of San Diego, et al.*, filed in Superior Court of the State of California, County of San Diego, Case No. 37-2008-00097944-CU-TT-CTL; and

WHEREAS, the City of Santee challenged the above-referenced EIR in an action styled *City of Santee v. City of San Diego, et al.*, filed in Superior Court of the State of California, County of San Diego, Case No. 37-2008-00097666-CU-WM-CTL; and

WHEREAS, as a result of the Actions, the Court issued a Peremptory Writ of Mandate directing the City to "set aside its resolution and/or decision certifying the final environmental impact report (FEIR) for the Sycamore Landfill Master Plan"; and

WHEREAS, as a result of the Actions, the Court issued a Peremptory Writ of Mandate directing the City to “set aside its resolution and/or decision making findings in connection with its approval of the Sycamore Landfill Master Plan FEIR”; and

WHEREAS, as a result of the Actions, the Court issued a Peremptory Writ of Mandate directing the City to “set aside its resolution and/or decision approving the Sycamore Landfill Master Plan, Project No. 5617 (the “Project”) and all related approvals and/or entitlements”; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this is a matter where the Council has acted as a quasi-judicial body, 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; NOW THEREFORE,


BE IT RESOLVED, by the Council of the City of San Diego, that the Council rescinds:

1. Resolution No. R-304352 certifying EIR No. 5617/SCH No. 2003041057 and adopting the associated Mitigation, Monitoring and Reporting Program, Findings, and Statement of Overriding Considerations for the Project; and
 2. Resolution No. R-304353 approving amendments to the East Elliott Community Plan and City of San Diego General Plan in connection with the Project; and
 3. Resolution No. R-304354 vacating certain public rights of way and easements and approving a parcel map in connection with the Project; and
 4. Resolution No. R-304355 vacating a public right of way in connection with the Project;
- and

5. Resolution No. R-304356 granting Site Development Permit No. 9310 and Planned Development Permit No. 9309 for the Project; and
6. Resolution No. R-304357, authorizing the Mayor or his designee to transfer and convey the City's rights, title and interest in that certain real property known as Road M-6 via quitclaim deed to Sycamore Landfill, Inc. for the Project.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Keith Bauerle
Deputy City Attorney

KB:mm
08/31/12
Or Dept: DSD
Doc. No.431690