

RESOLUTION NO. 2009-233

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING AN ADDENDUM TO ENVIRONMENTAL IMPACT REPORT 03-05 AND AN AMENDMENT TO HABITAT MANAGEMENT PLAN PERMIT HMP 05-08 FOR THE CONSTRUCTION OF THE CARLSBAD SEAWATER DESALINATION PLANT AND APPURTENANT FACILITIES, INCLUDING DESALINATED WATER CONVEYANCE PIPELINES, WHICH ARE LOCATED GENERALLY ON THE ENCINA POWER STATION, 4600 CARLSBAD BOULEVARD, AND ON PROPERTIES AND STREETS IN THE CITIES OF CARLSBAD, OCEANSIDE, SAN MARCOS, AND VISTA AND (IN THE CITY OF CARLSBAD) LOCAL FACILITIES MANAGEMENT ZONES 1, 3, 5,6, 8, 13, 16, 17, AND 18.

CASE NAME: DESALINATION PROJECT CHANGES
CASE NO.: EIR 03-05(A)/HMP 05-08(A)

The City Council of the City of Carlsbad, California does hereby resolve as follows:

WHEREAS, on June 13, 2006, the City Council of the City of Carlsbad certified Environmental Impact Report (EIR) 03-05, as modified by the additional responses to comments; adopted the Candidate Findings of Fact, as modified by the addition of Section 5.5; Statement of Overriding Considerations; and the Mitigation Monitoring and Reporting Program (collectively "certified EIR 03-05") for the Precise Development Plan and Desalination Plant project; and

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did, on August 19, 2009, hold a duly noticed public hearing as prescribed by law to consider a proposed addendum to EIR 03-05 (identified as EIR 03-05(A)) and a proposed amendment to HMP 05-08 and adopted Planning Commission Resolutions 6631 and 6636, recommending approval of EIR 03-05(A) and HMP 05-08(A) respectively; and

WHEREAS, the City Council of the City of Carlsbad, on the _____ day of _____, 2009, held a duly noticed public hearing to consider the recommendation and heard all persons interested in or opposed to EIR 03-05(A) and HMP 05-08(A); and

WHEREAS, EIR 03-05(A) was presented to the City Council and the City Council reviewed and considered it along with the information contained in certified EIR 03-05 prior to approving the Desalination Project Changes project; and

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1 WHEREAS, at said public hearing, upon hearing and considering all testimony and
2 arguments, examining EIR 03-05(A), analyzing the information submitted by City staff, and
3 considering any written and oral comments received, the City Council considered all factors
4 relating to the Addendum.

5 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad,
6 California, as follows:

7 1. That the above recitations are true and correct.

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9 2. That EIR 03-05(A) for the Desalination Project Changes project is approved and
10 that the findings of the Planning Commission contained in Planning Commission Resolution
11 Number 6631, on file with the City Clerk and incorporated herein by reference, are the findings
12 of the City Council.

13 3. That the recommendation of the Planning Commission for the approval of Habitat
14 Management Plan Permit HMP 05-08(A) is approved and that the findings and conditions of the
15 Planning Commission contained in Planning Commission Resolution No. 6636 on file with the
16 City Clerk and incorporated herein by reference, are the findings and conditions of the City
17 Council.

18 4. This action is final the date this resolution is adopted by the Housing and
19 Redevelopment Commission. The Provisions of Chapter 1.16 of the Carlsbad Municipal Code,
20 "Time Limits for Judicial Review" shall apply:

21 "NOTICE TO APPLICANT"

22 The time within which judicial review of this decision must be sought is
23 governed by Code of Civil Procedure, Section 1094.6, which has been
24 made applicable in the City of Carlsbad by Carlsbad Municipal Code
25 Chapter 1.16. Any petition or other paper seeking review must be filed in
26 the appropriate court not later than the nineteenth day following the date
27 on which this decision becomes final; however, if within ten days after the
28 decision becomes final a request for the record of the deposit in an
amount sufficient to cover the estimated cost or preparation of such
record, the time within which such petition may be filed in court is
extended to not later than the thirtieth day following the date on which the
record is either personally delivered or mailed to the party, or his attorney
of record, if he has one. A written request for the preparation of the
record of the proceedings shall be filed with the City Clerk, City of
Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, CA 92008."

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PASSED, APPROVED AND ADOPTED at a Joint Special Meeting of the
Carlsbad City Council and Carlsbad Housing and Redevelopment Commission held on
the 15th day of September, 2009, by the following vote to wit:

AYES: Council Members Lewis, Kulchin, Hall, Packard, Blackburn

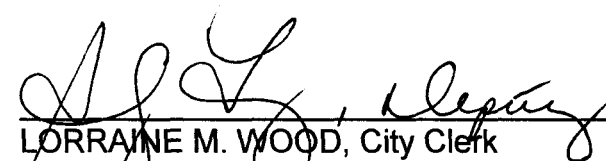
NOES: None

ABSENT: None



CLAUDE A LEWIS, Mayor

ATTEST:



LORRAINE M. WOOD, City Clerk
(SEAL)

