

October 16, 1995
REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

SAVE OUR HERITAGE ORGANIZATION V. CITY OF SAN DIEGO, ET AL.

We are pleased to inform you that this litigation has concluded in favor of the City after plaintiff Save Our Heritage Organization ("SOHO") exhausted its appeal remedies.

BACKGROUND

This case involves a challenge to actions authorizing demolition of two historical warehouses in the Gaslamp District known as the T.M. Cobb buildings.

The challenged decisions include the City certification of a Supplemental EIR and approval of demolition permits for the Bridgeworks development on the T.M. Cobb site in June of 1993.

The Redevelopment Agency had acquired the property and later entered into a disposition and development agreement with the prior owner (Harbor Fifth) for development of the property.

On March 15, 1994 the Superior Court after a hearing denied SOHO's writ alleging violation of CEQA and local plans and ordinances, including the Centre City Redevelopment Plan and the Gaslamp Quarter Redevelopment Plan.

SOHO appealed the judgment of the Superior Court and on June 22, 1995 the Court of Appeal, Fourth Appellate District, Division One upheld the judgment in favor of the Redevelopment Agency and the City in an unpublished opinion.

On July 17, 1995 the Court of Appeal denied SOHO's petition for rehearing and on September 28, 1995 the California Supreme Court denied SOHO's petition for review in the California Supreme Court.

It would appear SOHO has exhausted its appeal remedies and the decision of the trial court should be final, although SOHO may argue a federal issue exists and seek review in the U.S. Supreme Court.

Former Deputy City Attorney Susan Hinz represented the City and the Redevelopment Agency in the trial court and Kathryn Reimann, formerly with the firm of Kane, Ballmer & Berkman of Los Angeles represented them through the appeals.

Respectfully submitted,
JOHN W. WITT
City Attorney

CAS:dk:Lit.

RC-95-29