

RESOLUTION NUMBER R- 303196

DATE OF FINAL PASSAGE NOV 20 2007

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
TO SET ASIDE APPROVALS RELATED TO 301 UNIVERSITY PROJECT

WHEREAS, the City Council by Resolution No. R-301900, adopted on September 12, 2006, certified Mitigated Negative Declaration No. 11896, a copy of which is on file in the Development Services Department; and

WHEREAS, the City Council by Resolution No. R-301902, adopted on September 12, 2006, approved Tentative Map No. 323359 and vacation of Public Right-of-Way No. 323355; and

WHEREAS, the City Council by Resolution No. R-301903, adopted on September 12, 2006, approved Site Development Permit No. 23948; and

WHEREAS, the above referenced Resolutions relate to Project No. 11896, also known as the 301 University Project, a proposed 0.81 acre site mixed-use project with 10,304 square-feet of commercial area and 96 condominium units within a 12-story building with two levels of subterranean parking, located at 301 through 333 University Avenue, and legally described as Lots 1 through 6 and 30, 31, and 32, Block 2 of Map No. 628 within the Uptown Community Plan area, in the CN-1A and MR-800B zones; and

WHEREAS, Friends of San Diego, Inc. challenged the above-referenced approvals in an action styled *Friends of San Diego, Inc. v. City of San Diego, et al.*, filed in Superior Court of the State of California, County of San Diego, Case No. GIC 874140, filed on October 17, 2006 [Action]; and

WHEREAS, as a result of the Action, the Court issued an Amended Peremptory Writ of Mandamus directing the City as to do the following:

Set aside and vacate its September 12, 2006 adoption of its Project No. 11896 including the approval and issuance of a Final Mitigated Negative Declaration, Tentative Map No. 323359, abandonment of the public right-of-way via Public Right-of-Way No. 323355, Site Development permit, and Mid-City Communities Planned District Ordinance permit, as referenced and set forth in City Council Resolution Nos. R-301900, R-301902, and R-301903 (collectively, "Project Approvals"), as set forth in the Ruling and Decision and Judgment rendered by this Court.

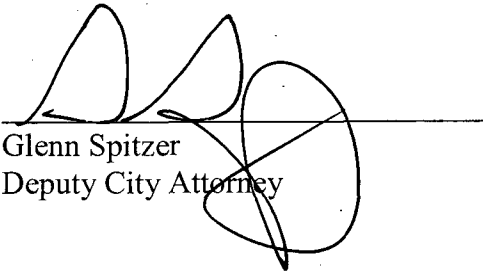
WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this is a matter where the Council has acted as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council authorizes that the following past Council actions be set aside and vacated: the September 12, 2006 adoption of its Project No. 11896 including the approval and issuance of a Final Mitigated Negative Declaration, Tentative Map No. 323359, abandonment of the public right-of-way via

Public Right-of-Way No. 323355, Site Development permit, and Mid-City Communities Planned District Ordinance permit, as referenced and set forth in City Council Resolution Nos. R-301900, R-301902, and R-301903.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Glenn Spitzer
Deputy City Attorney

GS:mc
10/26/07
Or Dept: Risk Management
R-2008-302