

RESOLUTION NUMBER R- 305731  
DATE OF FINAL PASSAGE APR 06 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO  
RESCINDING RESOLUTION NOS. R-304140 AND R-304141, ADOPTED  
SEPTEMBER 16, 2008, CONCERNING A MITIGATED NEGATIVE  
DECLARATION FOR THE WIGHTMAN STREET PARK PROJECT

WHEREAS, a Mayor-appointed designee, on July 29, 2008, on behalf of the City of San Diego approved a General Development Plan and adopted Mitigated Negative Declaration [MND] for the Wightman Street Neighborhood Park (Project No. 149112), located at 5024-5050 Wightman Street within the City Heights Neighborhood of the Mid-City Communities Planning Area; and

WHEREAS, the adoption of the MND was appealed to City Council in a timely manner; and

WHEREAS, the City Council by Resolution No. R-304140, adopted on September 16, 2008, denied the appeal of MND for the Wightman Street Neighborhood Park (Project No. 149112); and

WHEREAS, the City Council by Resolution No. R-304141, adopted on September 16, 2008, certified the MND and adopted the associated Mitigation, Monitoring and Reporting Program for the Wightman Street Neighborhood Park (Project No. 149112); and

WHEREAS, Chollas Restoration, Enhancement and Conservancy Community Development Corporation challenged the above-referenced MND in an action styled *Chollas Restoration, Enhancement and Conservancy Community Development Corporation v. City of*

*San Diego, et al.*, filed in Superior Court of the State of California, County of San Diego, Case No. 37-2008-00093831-CU-TT-CTL [Action]; and


WHEREAS, as a result of the Action, the Court issued a Peremptory Writ of Mandate directing the City to “rescind that certain denial of the Wightman Street CEQA Appeal, approved by the City Council of the City of San Diego through Resolution No. R-304140 (finally passed on September 16, 2008)”; 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 the denial of the Wightman Street CEQA Appeal, approved by the City Council through Resolution No. R-304140, and rescinds the certification of the MND and adoption of the associated Mitigation, Monitoring and Reporting Program, approved by the City Council through Resolution No. R-304141.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
Keith Bauerle  
Deputy City Attorney

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