

RESOLUTION NUMBER R- 308056

DATE OF FINAL PASSAGE MAR 26 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO RESCINDING RESOLUTION NUMBER R-307082 GRANTING COASTAL DEVELOPMENT PERMIT NO. 852981/SITE DEVELOPMENT PERMIT NO. 852978 AND RESCINDING RESOLUTION NO. R-307066, CERTIFYING MITIGATED NEGATIVE DECLARATION NO. 230815

WHEREAS, On September 8, 2011, the Planning Commission of the City of San Diego passed Resolution 4721-PC granting Coastal Development Permit No. 852981/Site Development Permit No. 852978, and certified Mitigated Negative Declaration No. 230815 for the Tijuana River Valley Project; and

WHEREAS, San Diegans for Open Government (SDOG) appealed the Planning Commission's decision to the City Council; and

WHEREAS, on October 18, 2011, the City Council denied the appeal, approved Coastal Development Permit No. 852981/Site Development Permit No. 852978 and certified Mitigated Negative Declaration No. 230815; and

WHEREAS, SDOG filed a Petition for Writ of Mandate in the San Diego Superior Court, Case No. 37-2012-00101234 and that case came on for hearing before the Hon. Timothy Taylor on May 3, 2012; and

WHEREAS, upon resolution of the case, the Court issued a peremptory Writ of Mandate ordering the City Council to rescind its authorization of Coastal Development Permit No. 852981/Site Development Permit No. 852978 and certified Mitigated Negative Declaration No. 230815;

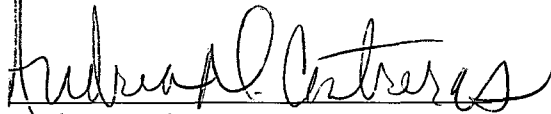
WHEREAS, under Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the 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 City Council of the City of San Diego, that Resolution No. R-307066 certifying Mitigated Negative Declaration No. 230815 is hereby rescinded; and

BE IT FURTHER RESOLVED, that Resolution No. R-307082 approving Coastal Development Permit No. 852981/Site Development Permit is hereby rescinded.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Andrea M. Contreras  
Deputy City Attorney

AC:mfc  
February 25, 2013  
Or.Dept: City Attorney  
Doc. No. 520972