

RESOLUTION NUMBER R- 308105

DATE OF FINAL PASSAGE APR 09 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING THE APPEAL OF THE
ENVIRONMENTAL EXEMPTION FOR THE SAN DIEGO
MARRIOTT EASEMENT ABANDONMENT - PROJECT
NO. 270201.

WHEREAS, Pacific Gateway Ltd., d/b/a San Diego Marriott Marquis & Marina, Owner, filed an application with the City of San Diego for abandonment of a water easement, Project No. 270201, located at 333-335 West Harbor Drive in the Downtown Community Plan area, within an area subject to Port District jurisdiction; and

WHEREAS, on June 12, 2012, the Environmental Analysis Section (EAS) of the Development Services Department determined that the project was exempt under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations); and

WHEREAS, the appeal was set for a public hearing to be conducted by the City Council of the City of San Diego on April 9, 2013; and


WHEREAS, the issues on appeal were heard, and evidence in the form of testimony and other evidence was accepted into the record by the City Council on April 9, 2013; and

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

WHEREAS, the City Council considered, in light of the whole record, the environmental determination made by EAS, the potential impacts associated with the project, and the issues raised on appeal, including in testimony provided at the hearing; NOW, THEREFORE,

BE IT RESOLVED, that, based on the whole record before it, the City Council of the City of San Diego grants the appeal, sets aside the environmental determination, and remands the matter to staff for appropriate actions.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Keely M. Halsey
Deputy City Attorney

KMH:als
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