

RESOLUTION NUMBER 308842

DATE OF FINAL PASSAGE MAR 25 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO RESCINDING RESOLUTION NUMBER R-308029 DENYING THE APPEAL AND UPHOLDING THE ENVIRONMENTAL DETERMINATION FOR THE WESTFIELD UTC COMPREHENSIVE SIGN PLAN PROJECT (PROJECT NO. 298311)

WHEREAS, on November 20, 2012, the City of San Diego determined the Westfield UTC Comprehensive Sign Plan (Project) to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301 (Existing Facilities) and a Notice of Right to Appeal Environmental Determination was posted; and

WHEREAS, that determination was appealed to the City Council, the appeal was heard by the Council on March 11, 2013, and the City Council denied the appeal and upheld the environmental determination by Resolution No. R-308029; and

WHEREAS, San Diegans for Open Government (SDOG) filed a Petition for Writ of Mandate in the San Diego Superior Court, Case No. 37-2013-00044155, alleging that insufficient notice had been given for public hearing on the Project, and that case came on for hearing before the Hon. Timothy Taylor on November 4, 2013; and

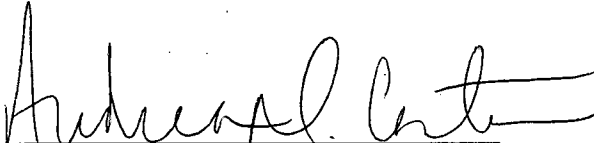
WHEREAS, upon resolution of the case, the Court found in favor of SDOG and issued a peremptory Writ of Mandate ordering the City Council to set aside Resolution No. R-308029; and

WHEREAS, Westfield UTC, the Project applicant, has withdrawn the Project, eliminating the need for further public hearings on this matter; and

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 Number R-308029 Denying the Appeal and Upholding the Environmental Determination for the Westfield UTC Comprehensive Sign Plan Project (Project No. 298311) is hereby set aside and rescinded.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Andrea M. Contreras  
Deputy City Attorney

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 25 2014.

ELIZABETH S. MALAND  
City Clerk

By  for Karen C.  
Deputy City Clerk

AC:mfc  
2/11/2014  
Or.Dept: City Attorney  
Doc. No. 720929

Passed by the Council of The City of San Diego on MAR 25 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 2 (Vacant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 25 2014

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Karin Amsharov, Deputy

Office of the City Clerk, San Diego, California

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