

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA  
3111 CAMINO DEL RIO NORTH, SUITE 200  
SAN DIEGO, CA 92108-1725  
(619) 521-8036



Tu 16 f

April 18, 1996

TO: COMMISSIONERS AND INTERESTED PARTIES  
FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR  
SUBJECT: MISSION BAY PARK MASTER PLAN (LCP Land Use Plan)

BACKGROUND

At the Commission meeting of May 11, 1996, the Commission denied as submitted, then certified with suggested modifications, that portion of City of San Diego LCP Amendment 1-95 consisting of the Mission Bay Park Master Plan. Subsequent litigation challenging the Commission's May 11, 1996 certification action has been resolved through a settlement agreement. Attached is the peremptory writ of mandamus issued by the Superior Court of the State of California. The writ was signed on April 11, 1996, and orders the Commission to set aside its prior decision within 60 days of said signing. The writ also orders the Commission to rehear the Mission Bay Park portion of San Diego LCP Amendment 1-95 at the November, 1996 Commission meeting in San Diego. The writ requires that the November hearing be conducted in a manner consistent with the terms of the Stipulated Judgement, which requires that written and oral testimony at the hearing be limited to issues relating to redevelopment of Bahia Point.

RECOMMENDATION

Commission staff recommends that the Commission comply with the April 11, 1996 Writ of Mandate. Accordingly, consistent with the mandates of this writ, staff recommends that the Commission adopt the following motion:

MOTION

I move that the Commission SET ASIDE its May 11, 1995 decision certifying, with suggested modifications, the City of San Diego's Local Coastal Program Amendment 1-95 for Mission Bay Park and set the matter for hearing at the November, 1996 Coastal Commission hearing.

(1041A)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN DIEGO

SAVE EVERYONE'S ACCESS, PATRICIA	)	No. 691986
GALLAGHER AND ALFRED C. STROHLEIN,	)	(Petition assigned to
	)	Judge Judith
Petitioners	)	McConnell)
	)	
v.	)	PEREMPTORY WRIT OF
	)	MANDATE
CITY OF SAN DIEGO; CALIFORNIA	)	
COASTAL COMMISSION; WILLIAM RICK,	)	
TIMOTHY STAFFEL, Commissioners; and	)	
JUAN VARGAS, Commissioner & San	)	
Diego City Councilman; the BAHIA	)	
HOTEL; WEBSTER HOTELS and ANNE	)	
EVANS, owners, Bahia Hotel; and	)	
WILLIAM EVANS, JR., General Manager,	)	
Bahia Hotel,	)	
	)	
Respondents/Defendants.	)	
	)	
	)	

TO THE CALIFORNIA COASTAL COMMISSION AND COMMISSIONERS WILLIAM RICK, TIMOTHY STAFFEL AND JUAN VARGAS, RESPONDENTS:

Judgment has been entered in this action ordering that a peremptory writ of mandamus be issued from this Court remanding the proceedings on City of San Diego Local Coastal Program Amendment 1-95 for Mission Bay Park to Respondent Commission and commanding Respondent Commission, within 60 days of the date this

1 writ is issued, to set aside its May 11, 1995 decision  
2 certifying, with suggested modifications, the City of San Diego's  
3 Local Coastal Program Amendment 1-95 for Mission Bay Park and to  
4 set that amendment for a hearing on its November 1996 hearing  
5 calendar in San Diego.

6           **YOU ARE HEREBY COMMANDED** in the proceedings on City of  
7 San Diego Local Coastal Program Amendment 1-95 which are hereby  
8 remanded to you to set aside your May 11, 1995 action on said  
9 plan amendment within 60 days of the date this writ is issued, to  
10 set that amendment for a hearing on your November 1996 hearing  
11 calendar in San Diego, and to conduct said hearing in a manner  
12 consistent with the terms of the Stipulated Judgment herein.

13           DATED: **APR 11 1996**

**KENNETH E. MARTONE**  
**Clerk of the Superior Court**  
**San Diego County, CA**  

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**CLERK OF THE SUPERIOR COURT**

17             
18           DEPUTY CLERK  
19           J.A. PETERSON

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