

RESOLUTION NO. 04-13

A RESOLUTION OF THE COUNCIL OF THE CITY OF MONTEREY TO TAKE ACTIONS IN COMPLIANCE WITH THE PEREMPTORY WRIT OF MANDATE FOR OCEAN VIEW PLAZA AND FILE A RETURN TO THE WRIT WITH THE COURT.

WHEREAS, A Peremptory Writ of Mandate issued from the Superior Court on November 20, 2003 in the Ocean View Plaza litigation.

WHEREAS, the City Council is required to file a Return to the Writ, within sixty days from the date of the Peremptory Writ, that reports to the Court that the acts required by the Peremptory Writ have been done.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY that the following actions shall be taken in compliance with the Peremptory Writ:

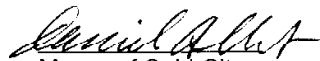
1. The Certification of the Environmental Impact Report for the Ocean View Plaza Project is vacated.
2. The approval for the use permit, vesting tentative map, project approval, statement of over-riding considerations, Resolution No. 03-69, and all other maps, permits and entitlements for the Ocean View Plaza Project is vacated.
3. That no further action to approve the Ocean View Plaza Project shall be taken until a Supplement to the Environmental Impact Report for the Ocean View Plaza Project is prepared, circulated and considered under the California Environmental Quality Act, which properly includes, analyzes and discusses the required range of Project alternatives in accordance with the Court Ruling on Petition for Writ of Mandate and Complaint.

It is further resolved that a Return to the Writ shall issue in the form attached hereto as Exhibit "A."


PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 6th day of January 2004, by the following votes:

AYES: 5 COUNCILMEMBERS: ALBERT, CANEPA, DELLA SALA, ROBERSON
VREELAND
NOES: 0 COUNCILMEMBERS:
ABSENT: 0 COUNCILMEMBERS:

APPROVED:


Mayor of Said City

ATTEST:


City Clerk thereof

WILLIAM B. CONNERS, SBN 76106
CITY ATTORNEY
DEBORAH MALL, SBN 153407
ASSISTANT CITY ATTORNEY
CITY OF MONTEREY
CITY HALL
MONTEREY, CA 93940
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Attorney for Respondents CITY OF MONTEREY & CITY COUNCIL OF MONTEREY

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY**

RESPONSIBLE MONTEREY PLANNING)
and THE OPEN MONTEREY PROJECT,) Case Nos. M61283 & M62184
)
Petitioners and Plaintiffs,)
)
v.) RETURN TO WRIT
) (Pub. Res. Code § 21168.9)
)
CITY OF MONTEREY, CITY COUNCIL)
OF THE CITY OF MONTEREY, and)
DOES 1-100,)
Respondents and Defendants.)
_____)
CANNERY ROW MARKETPLACE LLC)
and DOES 101-500,)
)
Real Parties in Interest.)
_____)
SAVE OUR WATERFRONT COMMITTEE)
and BARBARA BASS EVANS,)
)
Petitioners and Plaintiffs,)
)
v.)
)
CITY OF MONTEREY, CITY COUNCIL)
OF THE CITY OF MONTEREY, and)
DOES 1-50, inclusive,)
)
Respondents and Defendants.)
_____)
CANNERY ROW MARKETPLACE LLC)
and DOES 51-100, inclusive,)
)
Real Parties in Interest.)
_____)

TO THE CLERK OF THE SUPERIOR COURT:

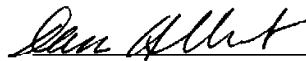
WHEREAS, A Peremptory Writ of Mandate issued from the Superior Court on November 20, 2003.

WHEREAS, the return date on the Writ was sixty days from the date of the Peremptory Writ.

NOW, comes the CITY OF MONTEREY and CITY COUNCIL OF THE CITY OF MONTEREY to report to the Court that the following actions have been taken in compliance with the Peremptory Writ:

1. The Certification of the Environmental Impact Report for the Ocean View Plaza Project has been vacated.
2. The approval for the use permit, vesting tentative map, project approval, statement of overriding considerations, Resolution No. 03-69, and all other maps, permits and entitlements for the Ocean View Plaza Project have been vacated.
3. The City Council has agreed by Resolution that no further action to approve the Ocean View Plaza Project shall be taken until a Supplement to the Environmental Impact Report for the Ocean View Plaza Project is prepared, circulated and considered under the California Environmental Quality Act, which properly includes, analyzes and discusses the required range of Project alternatives in accordance with the Court Ruling on Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief.

Date: 1/7/04



Dan Albert
Mayor