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FILED
Clerk of the Superior Court
AUG 18 2011
By: AMY SHILLINGBURG, Deputy

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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN DIEGO

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11 ANIMAL PROTECTION AND RESCUE) Case No. 37-2011-00085228-CU-MC-CTL
LEAGUE, a California not-for-profit)
12 organization; Marcia Patt, an individual; Tina) **PROPOSED FINAL JUDGMENT**
Menier, an individual; Jeanne Thoennes, an) **GRANTING PEREMPTORY WRIT OF**
13 individual; James Hudnall, an individual; Dorota) **MANDATE**
Valli, an individual; Ellen Shively, an)
14 individual; Robb Mead, an individual; Deborah)
Saracini, an individual;) I/C Judge: Hon. Lisa Foster
15) Dept.: 60
Petitioners/Plaintiffs,)
16) Complaint filed: February 4, 2011
v.)
17)
18 CITY OF SAN DIEGO and THE PLANNING)
COMMISSION OF THE CITY OF SAN)
DIEGO,)
19)
20 Respondents/Defendant.)

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22 Petitioners/Plaintiffs Animal Protection and Rescue League, Marcia Patt, Tina Menier,
23 Jeanne Thocnes, James Hudnall, Dorota Valli, Ellen Shively, Robb Mead, and Deborah
24 Saracini brought a petition for a writ of mandate and a complaint for a permanent injunction and
25 declaratory relief. Petitioner Dorota Valli verified the petition. This Court conducted a final
26 hearing on the petition on July 15, 2011. Based on a review of the entire administrative record,
27 this Court GRANTS the petition for a writ of mandate *verified by petitioner Valli* because the Planning Commission failed
28 to support its findings with substantial evidence. The Court is also concerned that the public

1 notice may have affected the presentation of evidence at the December 9, 2010 hearing because
2 it suggested the Coastal Commission would review the Planning Commission's final decision on
3 a Coastal Development Permit.

4 Based on the evidence presented and arguments of counsel, the Court adjudicates these
5 claims as follows.

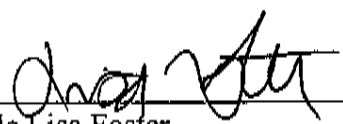
6 **FINAL JUDGMENT** is entered as follows:

7 1. A peremptory writ of mandate shall issue ordering the City to vacate and set aside
8 the Planning Commission's denial of the amendment to Coastal Development Permit Number
9 701673 and Site Development Permit Number 701765, and to reconsider the amendment in light
10 of the Court's Opinion.

11 2. The Planning Commission shall reconsider the permit application within a
12 reasonable period of time and pursuant to the stipulation of the parties that was put on record at
13 the *ex parte* hearing of August 4, 2011.

14 3. The Court shall maintain jurisdiction to ensure compliance with this Court's writ
15 within a reasonable amount of time, and to hear Petitioners' motion for fees and costs.

16
17 August 18, 2011

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19 _____
20 Honorable Lisa Foster
21 Superior Court Judge
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