

RESOLUTION NUMBER R-301947

DATE OF FINAL PASSAGE SEPTEMBER 26, 2006

WHEREAS, Robert B. Pollack, Managing Partner, and Lola Pollack, Partner, of Pacific Coast Assets, LLC, Owner/Permittee, submitted an application to the City of San Diego for a site development permit to construct an approximate 10,000 square foot office building on an approximate 5-acre site containing environmentally sensitive lands for the Pacific Coast Office Building [Project]; and

WHEREAS, on April 19, 2006, the Hearing Officer certified Mitigated Negative Declaration No. 54384 and approved Site Development Permit/Mission Valley Planned District Permit No. 158004; and

WHEREAS, the Hearing Officer's decision was appealed to the Planning Commission; and

WHEREAS, on June 15, 2006, the Planning Commission of the City of San Diego considered Site Development Permit/Mission Valley Planned District Permit No. 158004 and Mitigated Negative Declaration No. 54384, and pursuant to Resolution No. 4063-PC, voted to deny the appeal and uphold the Hearing Officer's Decision; and

WHEREAS, in accordance with Public Resources Code section 21151(c), Ellen Shively, Lynn Mullholland, Randy Berkman, and James A. Peugh appealed the Hearing Officer's certification of the Mitigated Negative Declaration for the Pacific Coast Office Building Project, and of the Planning Commission's validation of the Hearing Officer's certification; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; 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; and

WHEREAS, the issue was heard by the City Council on September 26, 2006; and

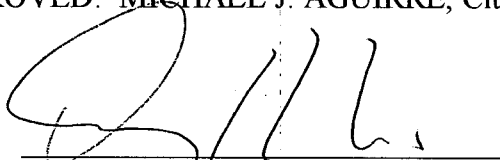
WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 54384; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the appeal is granted and Mitigated Negative Declaration No. 54384 is set aside.

BE IT FURTHER RESOLVED, that the matter is remanded to the previous decision maker who is directed to review the alternatives to reduce the impacts.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:pev
10/18/06
Or.Dept:Clerk
R-2007-364
MMS #3847
ENVIRONMENTAL-Appeal of Environmental Documents 11-01-04

SEP 26 2006

Passed by the Council of The City of San Diego on _____, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 26 2006

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

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

(Seal)

By *Debbie Severson-Craig*, Deputy

Office of the City Clerk, San Diego, California

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