

RESOLUTION NUMBER R-303272

DATE OF FINAL PASSAGE DECEMBER 4, 2007

WHEREAS, on November 23, 2006, Robert Pollack, Owner/Applicant, submitted an application to the City of San Diego for a site development permit, for the Pacific Coast Office Building project [Project]; and

WHEREAS, after receiving the staff report and testimony from the public, the Project was approved by the Hearing Office; 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 the Pacific Coast Office Building project and Mitigated Negative Declaration No. 54384, denied the appeal and approved the Pacific Coast Office Building project; and

WHEREAS, on June 29, 2006, the environmental document was appealed to the city Council; and

WHEREAS, on September 26, 2006, the City Council upheld the environmental appeal and remanded the issue back to the Planning Commission for reconsideration; and

WHEREAS, on May 17, 2007, the Planning Commission reheard the item, certified the Mitigated Negative Declaration and approved the project; and

WHEREAS, in accordance with Public Resources Code section 21151, individuals representing Friends of San Diego, the River Valley Preservation Project, University Heights Planning Committee, and the San Diego Chapter of the Sierra Club appealed the Planning Commission's decision to approve the Mitigated Negative Declaration to the Council of the City of San Diego; 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/ordinance 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 December 4, 2007; and

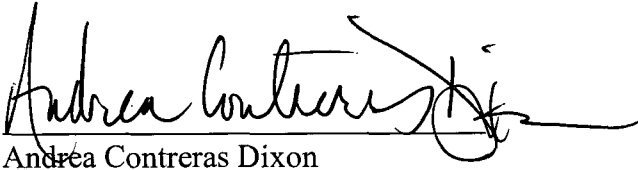
WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration No. 54384; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that per the City Attorney, the environmental document was not affirmatively certified, therefore, the appeal of individuals representing Friends of San Diego, the River Valley Preservation Project, University Heights Planning Committee, and the San Diego Chapter of the Sierra Club is effectively granted.

BE IT FURTHER RESOLVED, that the Site Development Permit granted by the Planning Commission is deemed vacated in accordance with San Diego Municipal Code section 112.0520(f).

BE IT FURTHER RESOLVED, that the matter is remanded to the Planning Commission
for consideration of a revised environmental document.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
03/21/09
Or.Dept:Clerk
R-2008-746
ENVIRONMENTAL-Appeal of Environmental Documents 11-01-04