

339
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From: Clerk, City
Sent: Tuesday, November 27, 2007 8:29 AM
To: Atkins, Councilmember; Faucett, Aimee; Faulconer, Council Member Kevin; Frye, Donna; Hueso, Councilmember Ben; Lujan, Magdalena; Madaffer, Councilmember Jim; Maienschein, Councilmember; Peters, Councilmember Scott; Pickens, Sonia; Yepiz, Lauren; Young, Anthony
Subject: FW: City Council hearing for Pacific Coast Office Building Project on Dec 4, 2007

From: Robert Pollack [mailto:rpollack@cox.net]
Sent: Monday, November 26, 2007 4:36 PM
To: Frye, Donna; Peters, Councilmember Scott; Faulconer, Council Member Kevin; Atkins, Councilmember; Young, Anthony; Maienschein, Councilmember; Madaffer, Councilmember Jim; Hueso, Councilmember Ben; J. Michael McDade; Heumann, Karen; Hooper, Patrick; bmanis@sandiego.gov; Clerk, City
Subject: City Council hearing for Pacific Coast Office Building Project on Dec 4, 2007

Dear Councilmember Frye,

As you know, there was significant confusion regarding the intent and direction of City Council motion from last years Sept 26, 2006 hearing regarding the Pacific Coast Office Building project. The result was the expenditure of many hours of staff's time, Planning Commission's effort and applicant's money only to return to City Council a year later to discover the intent of the original motion was not understood. While the current motion regarding the appeal of the Pacific Coast Office Building project includes details of why an EIR should be required, it does not provide me, the applicant, clear direction of what should be revised or what would be acceptable from an environmental and CEQA perspective.

What makes our situation even more difficult is that the City Council is sitting in a quasi-judicial capacity while reviewing this appeal. As such I am unable to meet with you individually due to the prohibition on ex-parte communication. Instead the only opportunity I have to gain City Council insight and input into our project is during the City Council meeting itself. Without the opportunity to meet separately I cannot have the beneficial give-and-take discussion that would usually accompany a controversial project like this one. In addition, even DSD staff failed to understand the intent of last years City Council motion and was not able to effectively interface with your office to guide the project on remand. Without more clarification and direction this time I anticipate another year, or more, of wasted time, effort, and money only to find that we had once again misunderstood the intent of the City Council.

With that in mind I beg for clarification of City Council's direction for this project. By answering the following questions you can provide me with a clearer understanding of the City Council's desire and intent.

1) In the absence of available mitigation for development above the 150 foot contour, is the direction from City Council to prohibit any development above the 150 foot contour on this parcel?

2) If the City Council votes to uphold the appeal and require an EIR, is it the intention of City Council to have the currently proposed project evaluated through the EIR process or to have a completely different project proposed? If a different project is intended, can City Council please provide

some guidance as to what would be acceptable project parameters from an environmental perspective?

I request the answers be included either in the motion itself or discussed during the hearing, December 4th, 2007 so that they become a part of the administrative record.

Sincerely,

Robert Pollack, MD