

July 28, 2004

NOTICE OF PLANNING COMMISSION PUBLIC HEARING

As a nearby property owner or interested party who has requested notice, you are hereby notified that the Planning Commission will hold a public hearing to consider an appeal by the International Brotherhood of Electrical Workers Local 569 of the Centre City Development Corporation's (CCDC's) decision to approve Centre City Coastal Development Permit 2003-46 for the **SANTA FE PARCEL 6** project. This project consists of a 2-33 story, 50-400 foot tall mixed-use project containing 114 condominium units; approximately 12,480 square feet of office space; approximately 3,150 square feet of retail space; and, approximately 170 parking spaces located on the site at the southwest corner of Kettner Boulevard and A Street within the Columbia District of the Centre City Community Planning Area.

DATE OF HEARING: Thursday, August 12, 2004
TIME OF HEARING: 9:00 A.M.
LOCATION OF HEARING: City Council Chambers, City Administration Building, 202 "C" Street, San Diego, CA 92101

PROJECT NAME: Santa Fe Parcel 6
PROJECT FILE #: Centre City Coastal Development Permit 2003-46
PROJECT APPLICANT: Santa Fe Parcel 6, LLC

PROJECT MANAGER: Brad Richter, CCDC Principal Planner
MAILING ADDRESS: 225 Broadway, Suite 1100, San Diego, CA 92101
PHONE NUMBER: (619) 533-7115
E-MAIL ADDRESS: richter@ccdc.com

The decision of the Planning Commission is the final action on the application. This application is not subject to appeal to the Coastal Commission. If you have any questions after reviewing this notice, you can call the Project Manager listed above. Copies of the development plans for the project are available for public review in the offices of CCDC located at 225 Broadway, Suite 1100, San Diego, 92101.

ITEM-6: *Appeal of CCDC decision:*

***SANTA FE PARCEL 6 - PROJECT NO. 2003-46**

City Council District: 2; Plan Area: Centre City

Staff: Brad Richter

Appeal by the International Brotherhood of Electrical Workers Local 569 of the Centre City Development Corporation's approval of Coastal Development Permit 2003-46 for the Santa Fe Parcel 6 project, a mixed-use project located at the southwest corner of Kettner Boulevard and 'A' Street in the Centre City Community Planning Area. Centre City Environmental Secondary Study.

TODAY'S ACTION IS:

Process 2. Deny the appeal and approve the project, or approve the appeal and deny the project.

DEPARTMENT RECOMMENDATION:

Deny the appeal and approve the project.

ITEM-7: *Continued from July 22, 2004:*

***TOWNE CENTRE CORPORATE PLAZA**

City Council District: 1; Plan Area: University

Staff: Juan Baligad

Rezone, Tentative Map and Site Development Permit to construct three new buildings totaling 190,000 square feet with 760 parking spaces on a 22.23 acre parcel (net acreage of 10.56 acres). Mitigated Negative Declaration No. 40-0950. Report No. PC-04-105.

TODAY'S ACTION IS:

Process 5. Recommend approval or denial to the City Council.

DEPARTMENT RECOMMENDATION:

Recommend approval.

**SAN DIEGO PLANNING COMMISSION
DOCKET FOR PLANNING COMMISSION MEETING
AUGUST 12, 2004
CITY COUNCIL CHAMBERS, 12th FLOOR
9:00 A.M.**

NOTE:

If a Sign Language Interpreter, aids for the visually impaired, or Alternative Listening Devices (ALD's) are required, please contact the Planning Department at (619) 236-6596 at least five (5) working days prior to the meeting to insure availability. Those items with an asterisk () will include consideration of the appropriate environmental document.*

To listen to the "live" broadcast of a Planning Commission meeting, dial 619-533-4001. Note: Rancho Bernardo and Rancho Penasquitos residents dial 619-484-7711 and ask the Citizen's Assistance operator to connect you.

Members of the Public should realize and understand that Planning Commissioners may be unable to thoroughly review and consider materials delivered the day of the hearing.

- ITEM-1: **ANNOUNCEMENTS/PUBLIC COMMENT - ISSUES WITHIN THE JURISDICTION OF THE COMMISSION NOT PREVIOUSLY HEARD. REQUEST TO SPEAK SHOULD BE SUBMITTED TO THE COMMISSION SECRETARY AT THE TIME OF THE MEETING. NOTE: 3 MINUTE TIME PER SPEAKER.**
- ITEM-2: **REQUESTS FOR CONTINUANCE.**
- ITEM-3: **REQUESTS FOR ITEMS TO BE PLACED ON CONSENT AGENDA.** The Chair may entertain a motion by a Commissioner to approve certain non-controversial agenda items as consent agenda items at the beginning of the meeting. Items approved on consent are in accordance with the Manager's recommendation as stated in the Report to Planning Commission.
- ITEM-4: **DIRECTOR'S REPORT.**
- ITEM-5: **COMMISSION COMMENT.**

Kevin Dayton

From: Kevin Dayton
Sent: Friday, August 13, 2004 4:18 PM
To: Jerry VanDeWeghe (jerry@abcsd.org); Art Geller; sbrady@brady.com; Russ Thurman; Bob Shaw; Marcel Becker; Laura Nelson (lnelson@cassconstruction.com); Jerry VanDeWeghe (jerry@abcsd.org); 'Stephen Friar'; George Hawkins; Brian Jordan (bjordan@helixelectric.com); Dick Freeman
Cc: John Robinson; Mountain John; Anita Drummond (drummond@abc.org); Chuck Hess (abccchess@sbcglobal.net); Sue McNeil; Matt Tennis (abcstatelobbyist@sbcglobal.net); Carole Bionda; Bruce Fisher; 'Eric'; lbarnesabc@onemain.com; Gavin Spector (gspectorabc@hotmail.com)
Subject: Stopping Greenmail in San Diego Before It Grows

Stopping Greenmail in San Diego Before It Grows

On behalf of the IBEW Local 569 in San Diego, the San Francisco-based greenmail law firm of Adams Broadwell Joseph & Cardozo appealed a development agency's decision to approve a 33-story building in downtown San Diego. The appeal was 61 pages plus attachments and covered a wide range of issues, especially the supposed inadequacy of the California Environmental Quality Act (CEQA) review for the project.

The San Diego Planning Commission heard the appeal on August 12. Staff opined that there was no substantial justification for the appeal. The lawyer for the unions spent fifteen minutes in an amateurish presentation spouting off a bunch of nonsense.

Unfortunately for the unsuspecting lawyer, Steve Friar of the Coalition for Fair Employment in Construction, Jerry VanDeWeghe of the ABC San Diego Chapter, and I were in the audience waiting to reveal the hidden agenda during public comment. We exposed how this appeal was really union greenmail designed to extort the developer into a PLA.

A young woman then scurried up and submitted her speaker card. Identifying herself as an IBEW organizer, she claimed that this appeal was "very much an environmental issue" and explained how much union members care about the environment. Commissioner Kathleen Garcia noted that this was the first project she had seen in which the IBEW had challenged the approval. "What is the threshold that makes this project different than the others?" The organizer couldn't answer, of course, and the lawyer claimed they had just discovered how projects were being approved in San Diego without adequate environmental review.

Commission Chairman Anthony Lettieri said that the staff processed the approval properly. Commissioner Mark Steele was highly critical of the appeal, saying that he didn't understand it because "there doesn't seem to be an issue here." The only dissension was from Commissioner Carolyn Chase, who urged the unions to pursue their appeal in other venues and decried the "union-bashing," noting that we would all be in slavery today without unions.

The appeal was rejected 7-0. We now expect the unions to challenge the approval in court.

Based on comments of the union attorney, union representative, and commissioners, we confirmed that this is only the second time greenmail has been explicitly used in San Diego. (The first was the IBEW Local 569 challenge in 1999 of the EIR for the Ballpark/East Village project, which ultimately led to a private PLA for that huge development.)

MY THOUGHTS:

The Merit Shop may be able to expose and stop greenmail in San Diego before it spreads out of control as it has in the Bay Area. San Diego contractors and their associations should get to know the commissioners and staff of the various planning agencies. It would be useful to know when vacancies occur and who is being proposed for new appointments. Proposed projects should be monitored for the usual last-minute objections of the unions. Groups may also want to consider filing an amicus brief on behalf of the Planning

Union's appeal of CCDC project rejected

San Diego Daily Transcript
SAN DIEGO SOURCE 

Thu Aug 12, 9:21 PM ET

A local union's attempt to appeal a Centre City Development Corp. approval for a downtown mixed-use project failed on Thursday.

The International Brotherhood of Electric Workers Local 569 contended that the approvals on the project should be overturned because they failed to meet requirements set by the California Environmental Quality Act, adopted in 1970.

The project in question is called Sante Fe Parcel 6, a 33-story, mixed-use building, including 87 condominiums and 19,000 square feet of office space. The project is located on the corner of Kettner Boulevard and A Street.

The San Diego Planning Commission unanimously rejected the appeal.

Supporters of the project, which was designed by local architect/developer Doug Austin, argued CCDC's permitting process is perfectly legal and has been upheld in recent court battles.

Others call the appeal an attempt by the IBEW to pressure the developer into using union labor on the construction job.

Lynne Heidel, lawyer for **Sullivan, Wertz, McDade and Wallace** and former CCDC chairman, said similar arguments have been made in the review process for the Intercontinental Hotel, being planned at Horton Plaza, and the Allegro Tower, a mixed-use project in Little Italy.

"Both projects were challenged using the same CEQA argument," Heidel said. "In both cases it was ruled that the CCDC process is legal, proper and consistent with CEQA."

Brad Richter, principal planner for the agency, said that during the permitting process it is not necessary for all projects to perform a full environmental impact report, or EIR, because in 1992 a master environmental impact review, or MEIR, was performed in the Centre City Redevelopment Area.

An environmental impact report assesses how a project will affect a community and outlines mitigations to reduce them. The studies are often costly and take a long time.

The agency, instead, performs a "secondary study" to assess some of the impacts that the building may have.

If those are severe or if the project differs far from the MEIR, then the developers are forced to undergo more analysis, Richter said.

Suma Peesapati, counsel representing the IBEW, said that the MEIR was passed too long ago to be effective and that the project should undergo the full review process.

"You cannot rely on a 12-year-old document," Peesapati said.

Peesapati also noted that the building fails to meet fire codes requiring two ladder fire trucks within a six-minute distance for response time.

"The other trucks are eight to 12 minutes away," she said.

Richter said that the provision of public services -- like fire and police personnel -- is something that the City Council is grappling with.

There is also a fire station for the downtown area in planning stages that should be completed in about five years, Richter said.

Stephen Friar, director of the Coalition for Fair Employment in Construction, argued that the electric workers, a union organization, are trying to stall the project in order to have the developer sign a project labor agreement.

A project labor agreement basically commits a job owner to using workers who belong to a union or are actively in the process of obtaining union membership.

Friar called the process, "greenmail," a word play on blackmail, and said, "They have found a way to use and abuse the environmental permit process."

The coalition is a nonprofit organization representing open-shop contractors.

Peesapati, also a lawyer for San Francisco-based **Adams Broadwell Joseph & Cardozo**, said that the firm has not decided whether it will pursue further legal action but is "preserving all of their options."

"Obviously we would like to see all of the environmental issues worked out outside of court," she said in an interview.

Kevin Dayton, vice president for the Golden Chapter of the Associated Builders and Contractors, also representing open-shop workers, said that this law firm makes charges like this up and down the coast.

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Not Rated

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