



*Dedicated to preserving
the environment and
quality of life through
effective growth
management*

3636 4th Avenue, Suite 310
San Diego, CA 92103

Tel: 619-795-1753
Fax: 619-795-1756
email: FriendsOfSD@aol.com
www.friendsofsandiego.org

8/24/07

FRIENDS OF SAN DIEGO vs THE CITY OF SAN DIEGO

The people of Hillcrest achieved an important victory for their neighborhood. The Superior Court overturned the City's approval of the Third and University ("Monster Building") project. This is an informal summary of the ruling from the court.

A. FIRST CAUSE OF ACTION:

1. Circulation of the MND and initial checklist.

The court agreed that the City of San Diego did not follow legal requirements in the preparation of the environmental study for this project.

2. Community character & aesthetics.

The court found that a "fair argument" had been made that the 12 story project would have a severe impact upon the immediate neighborhood, which currently consists of one-to-two story buildings.

3. Traffic.

The court stated that a proper traffic analysis was not done, and will be needed for this project to proceed. The applicant and City failed to analyze the traffic due to the parking garage. They also ignored the heavy traffic which exists on the nearby "traffic segments" along University, 3rd and 4th Avenues.

4. Park facilities.

This project ignored the serious park shortages in the Uptown Community. It failed to provide evidence that needed park facilities will be provided. The payment of an impact fee for parks is not enough to establish that parks will indeed be provided.

5. Construction impacts.

The applicant did not properly analyze the traffic impacts during construction. (Would University Avenue have to be closed?) The court ruled that the environmental report "is therefore invalid with respect to short term impacts from construction."

6. Cumulative impacts.

The applicant cannot escape a cumulative impacts analysis. They must analyze the proposed project in the context of traffic, noise, and air quality-- for both existing and planned development.

C. FOURTH CAUSE OF ACTION.

The court ruled that the alley cannot be given to the developer if there is a public use, such as a walkway.

Conclusion: The City Council's decision to approve the project was overturned by the court-- for all seven of the above reasons. After the project is redesigned, a new environmental report will be required, and must meet legal requirements which are intended to protect the public's interest.