

 THE CITY OF SAN DIEGO	RECEIVED City of San Diego Development Services 1222 First Ave. 3rd Floor San Diego, CA 92101 (619) 446-5207	Development Permit/ Environmental Determination Appeal Application	FORM DS-3031 MARCH 2007
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See Information Bulletin 505, "Development Permits Appeal Procedure," for information on the appeal procedure.

1. Type of Appeal:

- Process Two Decision - Appeal to Planning Commission
 Process Three Decision - Appeal to Planning Commission
 Process Four Decision - Appeal to City Council
- Environmental Determination - Appeal to City Council
 Appeal of a Hearing Officer Decision to revoke a permit

2. Appellant Please check one Applicant Officially recognized Planning Committee "Interested Person" (Per M.C. Sec. 113.0103)

Name
Margaret B. McCann

Address City State Zip Code Telephone
4650 Edgeware Road San Diego CA 92116 619-584-2896

3. Applicant Name (As shown on the Permit/Approval being appealed). Complete if different from appellant.

Allard Jansen, AIA, Terrace Partners, L.P.

4. Project Information

Permit/Environmental Determination & Permit/Document No.:	Date of Decision/Determination:	City Project Manager:
MND 105244;PinDevPermit 360181;VestTentMap360180	November 15, 2007	Daniel Stricker

Decision (describe the permit/approval decision):
Certify MND No. 105244 and Approve Planned Development Permit No. 360181 and Vesting Tentative Map No. 360180

5. Grounds for Appeal (Please check all that apply)

- Factual Error (Process Three and Four decisions only)
 Conflict with other matters (Process Three and Four decisions only)
 Findings Not Supported (Process Three and Four decisions only)
- New Information (Process Three and Four decisions only)
 City-wide Significance (Process Four decisions only)

Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)

The decision of the Planning Commission to certify the MND was in error based on the inadequacy of the Initial Study,

the inability of the evidence to support the analyst's conclusions and the inadequacy of the proposed mitigation.

The Commission further erred in approving the Planned Development Permit because the requested height variance

contributes to the overall bulk and scale of the project which is incompatible with the surrounding development and

inappropriate for this location. The proposed development will cause significant impacts which are detrimental

to the health, safety and welfare of the community, and would not be in conformance with the Mid-City Communities Plan.

Specifically, 1) the City's adoption of the Final MND improperly relied on a traffic study that contained numerous factual errors

and that did not study affected residential streets and alleys. 2) The Initial Study fails to properly analyze the potential

environmental impacts from all phases of the project. 3) The finding that the project will not result in a potential adverse impact

to community character and aesthetics is not supported. 4) The finding that the project's impact to traffic will be mitigated with

restriping and the addition of a traffic signal is unsupported. 5) The cumulative impact analysis is improper and unsupported.

6) The public review and comment period for the draft MND was 19 days, not the 20 days required by CEQA. (Cont. attached)

6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.

Signature: Margaret B. McCann Date: November 29, 2007

Note: Faxed appeals are not accepted. Appeal fees are non-refundable.

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DS-3031 - Appeal of Certified Mitigated Negative Declaration No. 105244, Approved Planned Development Permit No. 360181 and Vesting Tentative Map No. 360180 (Continued):

- Inadequate study of pedestrian/vehicle interactions and conflicts. No traffic study performed for residential streets. No traffic study performed for freeway ramps even though threshold exceeded. Adams Avenue is not wide enough for 3 lane collector classification. No Congestion Management Plan study performed even though threshold exceeded.
- Traffic Study contains numerous factual errors (pass-by reductions, credits, potential impact area). Without accurate traffic study data, no basis for mitigation of project traffic routing through intersections and residential streets. The Level of Service of the Adams Avenue roadway segment after mitigation remains at unacceptable significant level under CEQA, State and City roadway standards.
- Impact of the removal of free on-street parking is not mitigated by applicant's pay-to-use parking garage.
- The potential environmental impacts from all phases of the project, including the removal of 22,100 cubic yards of soil, some of which is contaminated from leaking underground fuel storage tanks, was not adequately addressed. Open LUST Case was not disclosed in the MND.
- Project bulk, scale and style are incompatible with the predominant characteristics of the surrounding area and existing commercial character and in conflict with the community plan.
- Single-story bungalows in the residential neighborhood immediately adjacent will be in the shadow of the building during several weeks before and after the winter solstice and no mitigation has been attempted.
- No mitigation for loss of 75 year old eucalyptus that qualifies as Heritage Tree under City of San Diego Conserve a Tree program.
- No mitigation for loss of 1923 Craftsman at 4166 Adams Avenue that had been previously recommended by Historical Resources Board staff as a Historical Resource Site under HRB Criterion C (Architecture).
- Recognized criteria were not employed to determine whether a significant or potentially significant historical resource exists, nor were specific procedures consistent with CEQA or the City's Historical Resources Guidelines used for doing so.
- The required findings to support the approval of the Planned Development Permit for height variance/deviation are not supported, specifically under Municipal Code §126.0604.
- The Planning Commission and the City have failed to adopt adequate objectives, criteria and specific procedures consistent with CEQA, including failing to adequately collect, process and adequately analyze information gathered from the community, and adequately investigate all relevant and credible issues brought to its attention during the public comment period.
- The MND states that the project will be restricted in size and uses so that the traffic generated will not exceed stated thresholds, yet the City provides no mechanism for enforcing this restriction. The City Project Manager stated that worst case scenarios were used to generate the ADT estimates, yet the City of San Diego Trip Generation Manual indicates that best case scenario ADTs were used.

Margaret B. McCann

November 29, 2007