

What's Happened So Far

The Serra Mesa Planning Group (SMPG) attempted to work with the developer to find a compromise solution, but the developer insisted on this project, whose density, height, and bulk are out-of-character for the area. SMPG made presentations to the Planning Commission and City Council, who nevertheless approved the project (6-2) on November 18, 2008.

What's Next

We're confident that a judge a judge will decide on the merits of our case, which we feel are very strong.

However, if the City and the Developers are willing to address our concerns and shrink the project to fit into Serra Mesa and Kearny Mesa, then the Serra Mesa Community Council (SMCC) and our attorney, Craig Sherman, will attempt to reach a settlement before the case goes to court.

SHRINK Palladium at Aero Legal Action Donation Form

I am interested in:

- Posting a yard sign
- Hosting a neighborhood information party
- Volunteering for the Community Action Committee
- Helping with fundraising for Palladium legal action
- More information on the Serra Mesa Community Council

We welcome your comments & fundraising ideas.

- Include my name on the public list of donors
- I prefer to remain anonymous

Signature _____

Date _____

Mail to: Serra Mesa Community Council,
P O Box 23315, San Diego, CA, 92193

What's The Legal Case

SMCC believes the project is not in compliance with the City of San Diego General Plan, Kearny Mesa Community Plan, Serra Mesa Community Plan, California Environmental Quality Act, and legal prohibition against spot-zoning and piecemeal land use planning.

The General Plan calls for new development to integrate with the existing fabric and scale of development in surrounding neighborhoods, and has a goal of ensuring that "quality of life is maintained, and essential community character is respected" by providing "infill housing... that is sensitive to the character and quality of existing neighborhoods." The facts and evidence in this case support SMCC's belief that

Palladium at Aero does not meet these requirements. The project is significantly taller, wider, and closer to Aero Dr. and Sandrock Rd.

There are also numerous flaws in the environmental documents. To quote from our complaint: *"The Initial Study Checklist is the most blatantly defective and obvious shunning of the legal duties one might ever witness."* Every single box is checked 'no,' even for items which were identified as issues.

Although Palladium at Aero will be 10 times larger than the average building along Aero Drive, the City claims that the project "would not result in a visual impact" nor result in substantial alteration to the existing character of the area.

The traffic study failed to adequately study the impact of the project during and after construction on Serra Mesa roads, including Murray Ridge Rd, Sandrock Rd, and Ruffin Rd.

Insufficient parking provided for residents and guests will impact street parking throughout the surrounding neighborhood.



(Palladium at Aero along Sandrock Road)

Help SHRINK Palladium at Aero Demand Better Planning

Your Council takes action!

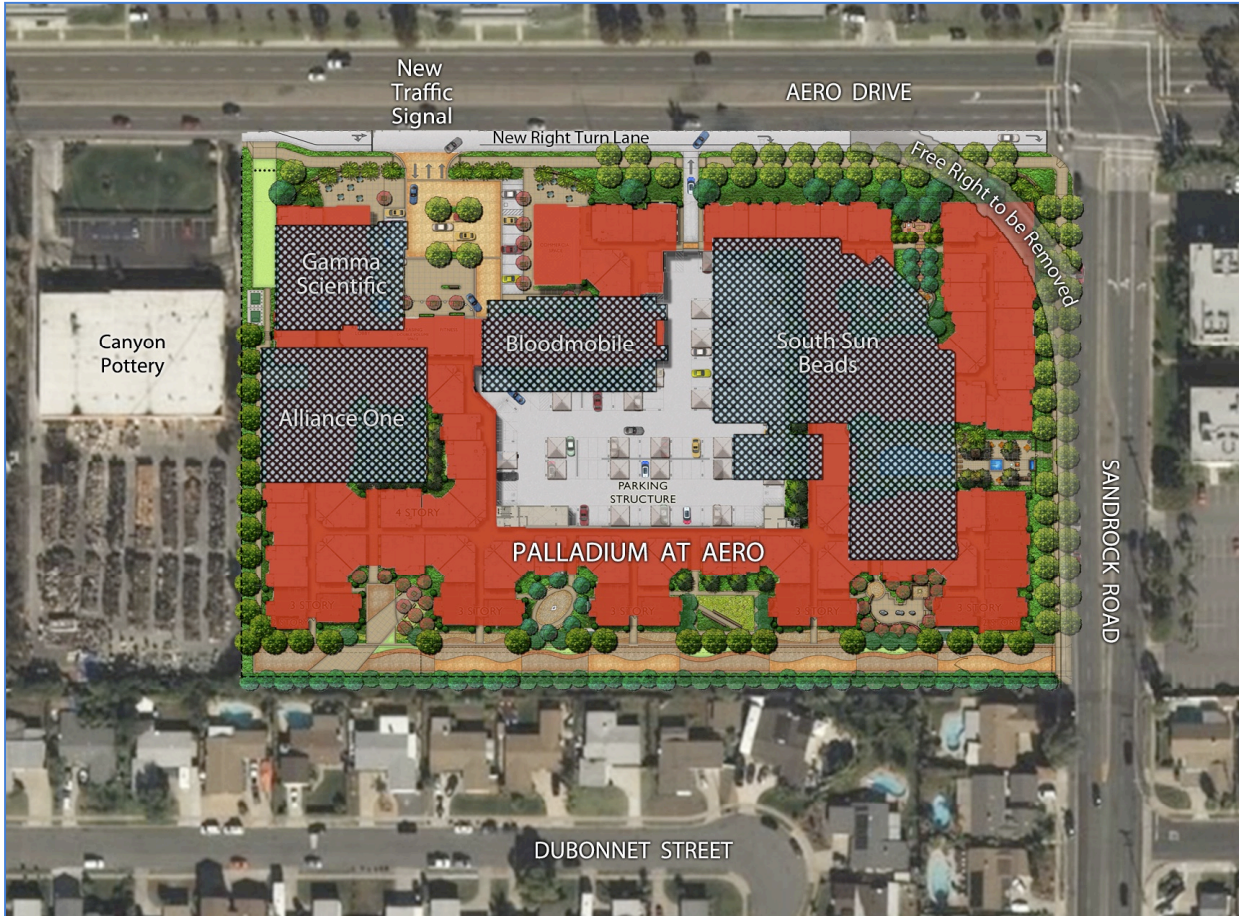
The Serra Mesa Community Council filed suit in California Superior Court on December 19, 2008. The lawsuit seeks to block the conversion of three occupied industrial lots into one massive multifamily residential building, known as Palladium at Aero, at the intersection of Aero Drive and Sandrock Road.

Palladium At Aero Summary

- A giant building much closer to the street: 4 stories along Aero Drive and facing Canyon Pottery, 4 stories at north and primarily 3 stories at south along Sandrock Road, 6-level parking structure located in center of building.
- New traffic signal added at west end of project, right turn "pork chop" from Aero to Sandrock removed and right turn lane added on Aero in front of project.
- Rezoned from Light Industrial/Office Park to Residential-Multiple Unit at 54 units/acre
- 412 unit apartment complex with 5,190 square feet of retail



(Mirabella: a similar, smaller 4 story project by the same builders, nearly completed at Cabrillo Heights Park.)



Precedent Setting

This project replaces 4 relatively small, deeply set back, one- and two-story buildings with a single, massive, dense structure up to 6 levels tall, extending into existing public right-of-way, with an incompatible architectural style.

This project, along with Mirabella (formerly known as Parkview and shown on the front of this brochure) on Kearny Villa Road, is precedent-setting as the first phase of redevelopment of the entire Aero Drive corridor according to the City's West Aero Drive Land Use Study.

Why We Are Going To Court

Without a reduction in density, bulk, and scale, the project will have a tremendous negative impact on the community, magnified by its location at the gateway to Serra Mesa. It will set the precedent for many more high density complexes to come along Aero Drive.

Other community groups have successfully sued the City, receiving reimbursement for legal costs and winning concessions or outright victories over the developers.

When the *Union-Tribune* asked about our case, City Councilmember Donna Frye replied, "I don't know of one lawsuit filed under CEQA where the community hasn't been successful."

What You Can Do

- We need your financial support to win the lawsuit.
- Complete and mail the attached form or go online to donate money to the effort and/or to volunteer to help.
- Post a yard sign; spread the word.

For additional information visit our website:
<http://www.PalladiumAtAero.com>

Community Action Committee of the
 Serra Mesa Community Council

Contact information: 858-565-2473
 communitycouncil@serramesa.org
 SMCC, PO Box 23315, San Diego, CA 92193

SHRINK Palladium at Aero Legal Action Donation Form

Name _____

Phone () _____

Address _____

Email _____

Donation: Check Cash
 (or by credit card at www.PalladiumAtAero.com)

\$250 \$100 \$50 \$25

Other Amount: _____

- ❖ Funds donated to SMCC are not tax deductible.
- ❖ Donations of more than \$100 are eligible for a refund following a favorable settlement, upon request.
- ❖ Please make checks payable to **SMCC** and write "**Palladium**" on the memo line.