

September 10, 1999

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

*SAN DIEGANS FOR RESPONSIBLE FREEWAY PLANNING v.
CITY OF SAN DIEGO, ET AL. [STATE ROUTE 56]*

An association of homeowners brought suit in San Diego Superior Court requesting that the court set aside the City's approval of the State Route 56 project and order all activities on the project stopped. The court denied the petition on August 18, 1999.

FACTS

On August 21, 1998, Petitioners San Diegans For Responsible Freeway Planning and Rancho Glens Estates Ad Hoc SR-56 Committee filed a Petition for Peremptory Writ of Mandate in San Diego Superior Court against the City of San Diego and the City Council for the City of San Diego. In addition, Petitioners named Caltrans and Pardee Construction Company as Real Parties in Interest to the matter. In their petition, Petitioners contended that the City abused its discretion and violated the California Environmental Quality Act (CEQA) in certifying the Final Environmental Impact Report (EIR) for State Route 56 and approving the State Route 56 Project.

Petitioners contended that the EIR for State Route 56 was deficient in that it failed to adequately address the impacts the project would have on key environmental resources, failed to conduct sufficient analyses, and recommended unproven and inadequate mitigation measures. Specifically, Petitioners contended that the EIR failed to adequately address project impacts on: (1) the water quality and biotic resources of Los Penasquitos Lagoon; (2) air quality, both from construction activities and eventual traffic emissions; (3) traffic, both on freeway segments and ramps and on local streets and intersections; (4) noise levels within the project area; and (5) the rural aesthetics of the project area. The City, along with Real Parties In Interest Caltrans and Pardee Construction Company, denied Petitioner's contentions, and argued that the environmental review of the project was lengthy and exhaustive, that it went beyond CEQA's review requirements, that it disclosed to the City Council the environmental impacts the project would have on the project area, and that it proposed adequate mitigation measures for those impacts.

LITIGATION

The writ was heard on August 13, 1999, by Judge Judith McConnell, who issued a Tentative Ruling in the City's favor prior to the hearing. After hearing oral argument by all parties, the court took the matter under submission, and issued a final order on August 18, 1999, affirming the Tentative Ruling. The court found that the Final EIR for the project was "adequate to demonstrate to an apprehensive citizenry that the governmental decision maker had, in fact,

fully analyzed and considered the environmental consequences of its actions." Copies of the court's Order After Hearing on Submitted Matter and Tentative Ruling for August 13, 1999, are attached hereto for your information.

Deputy City Attorneys Frank Devaney and Claudia Gacitua Silva handled the case on behalf of the City and City Council.

Respectfully submitted,

CASEY GWINN
City Attorney

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RC-99-10