

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO
CENTRAL
MINUTE ORDER

Date: 12/08/2008

Time: 09:00:00 AM

Dept: C-74

Judicial Officer Presiding: Judge Linda B. Quinn
Clerk: Mary Jean Barham

Bailiff/Court Attendant:
ERM: not reported

Case Init. Date: 12/12/2007

Case No: 37-2007-00083593-CU-TT-CTL Case Title: Affordable Housing Coalition Of San Diego
County and Citizens For Responsible Equitable
Case Category: Civil - Unlimited Case Type: Toxic Tort/Environmental

Event Type: Hearing on Petition

Causal Document & Date Filed:

Appearances:

Cory Briggs and Mekaela Gladden present on behalf of petitioner.
Carmen Brock present on behalf of respondent.

The Court, having taken the above-entitled matter under submission on 12/04/2008 and having fully considered the arguments of all parties, both written and oral, as well as the evidence presented, now rules as follows:

Petitioners Affordable Housing Coalition of San Diego County and Citizens for Responsible Equitable Environmental Development Petition for Writ of Mandate is granted.

The court finds Respondent provided sufficient notice of the availability of the Draft Supplemental Environmental Impact Report ("EIR").

The Petition is denied with regard to Petitioners' argument Respondent failed to analyze potentially significant environmental impacts. Generally, if a supplemental EIR is prepared, it is required to only evaluate changes in the project, changes in circumstances, or new information leading to the preparation of the further EIR. The original EIR is treated as the baseline. In this case, the original EIR evaluated the possible impacts on visual quality, transportation and parking. Thus, the supplemental EIR also addresses those issues. It is unnecessary for the supplemental EIR to address issues beyond the scope of the original EIR and needs to only update the original EIR.

The Petition is granted on the grounds the supplemental EIR failed to sufficiently analyze the environmental impacts considered in the report, mitigation and infeasibility of alternatives. Respondent provides no basis for the conclusions reached in the supplemental EIR.

The Petition is denied as to the certification of the supplemental EIR and adoption of a statement of

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overriding considerations. The minutes for the meeting of November 6, 2007 indicate the Statement was approved and the SEIR was certified. (AR 900.)

Ande B. Guerin

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

Central
330 West Broadway
San Diego, CA 92101

SHORT TITLE: Affordable Housing Coalition Of San Diego County and Citizens For Responsible Equitable Environmental Deveopment vs. CITY OF SAN DIEGO

CLERK'S CERTIFICATE OF SERVICE BY MAIL

CASE NUMBER:
37-2007-00083593-CU-TT-CTL

I certify that I am not a party to this cause. I certify that a true copy of the attached was mailed following standard court practices in a sealed envelope with postage fully prepaid, addressed as indicated below. The mailing and this certification occurred at San Diego, California, on 12/09/2008.

Clerk of the Court, by: M. Barham
M. Barham, Deputy

CARMEN A BROCK
1200 THIRD AVE STE 1100
SAN DIEGO, CA 92101

CORY J. BRIGGS
BRIGGS LAW CORPORATION
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UPLAND, CA 91786

Additional names and address attached.