



DELANO & DELANO

July 22, 2020

VIA E-MAIL

Planning Commission
City of San Diego
202 C Street, 12th Floor
San Diego, CA 92101

Re: July 23, 2020 Meeting, Agenda Item 4: Alante CPA/PDP/RZ-Project No. 648597

Dear Honorable Members of the Planning Commission:

This letter is submitted on behalf of Carmel Mountain Ranch Community Residential Association in connection with the proposed Alante CPA/PDP/RZ Project (“Project”).

The City’s use of an addendum is improper. CEQA provides that an agency can use a prior EIR in order to streamline regulatory procedures only if the later project is:

1. Consistent with the program, plan, policy or ordinance for which an environmental impact report has been prepared and certified;
2. Consistent with applicable local land use plans and zoning; and
3. Not subject to § 21166.

Pub. Res. Code § 21094(b). As the comments of Carmel Mountain/Sabre Springs Community Committee explain, the Project violates numerous applicable programs, plans, policies, and requirements.

Furthermore, the Project is inconsistent with the prior approved project and environmental analysis in numerous respects. “If the subsequent project is not consistent with the program or plan, it is treated as a new project and must be fully analyzed in a project – or another tiered EIR if it may have a significant effect on the environment.” *Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 93 7, 960 (quoting *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000) 82 Cal.App.4th 511, 528 – 29).

EVERETT L. DELANO III
Admitted in California and Colorado

M. DARE DELANO
Admitted in California and New York

TYLER T. HEE
Admitted in California and Hawaii

Additionally, Public Resources Code Section 21166 requires subsequent or supplemental environmental impact review if one or more of the following occurs:

1. Substantial changes are proposed in the project which will require major revisions of the environmental impact report;
2. Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or
3. New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

There are substantial changes and new information, and the Project is likely to lead to several significant impacts, including to transportation, drainage, public services, energy, water conservation, human health, cultural resources, water quality, air quality, greenhouse gas emissions, noise, aesthetics, and land use, among other things.

“Mitigation measures are not mere expressions of hope.” *Lincoln Place Tenants Assoc. v. City of Los Angeles* (2005) 130 Cal.App.4th 1491, 1508. However, the prior environmental documents include mitigation measures the Project fails to adopt.

Accordingly, Carmel Mountain Ranch Community Residential Association requests the Planning Commission recommend denial of the Project and Addendum as proposed. Thank you for your consideration of these concerns.

Sincerely,



Everett DeLano