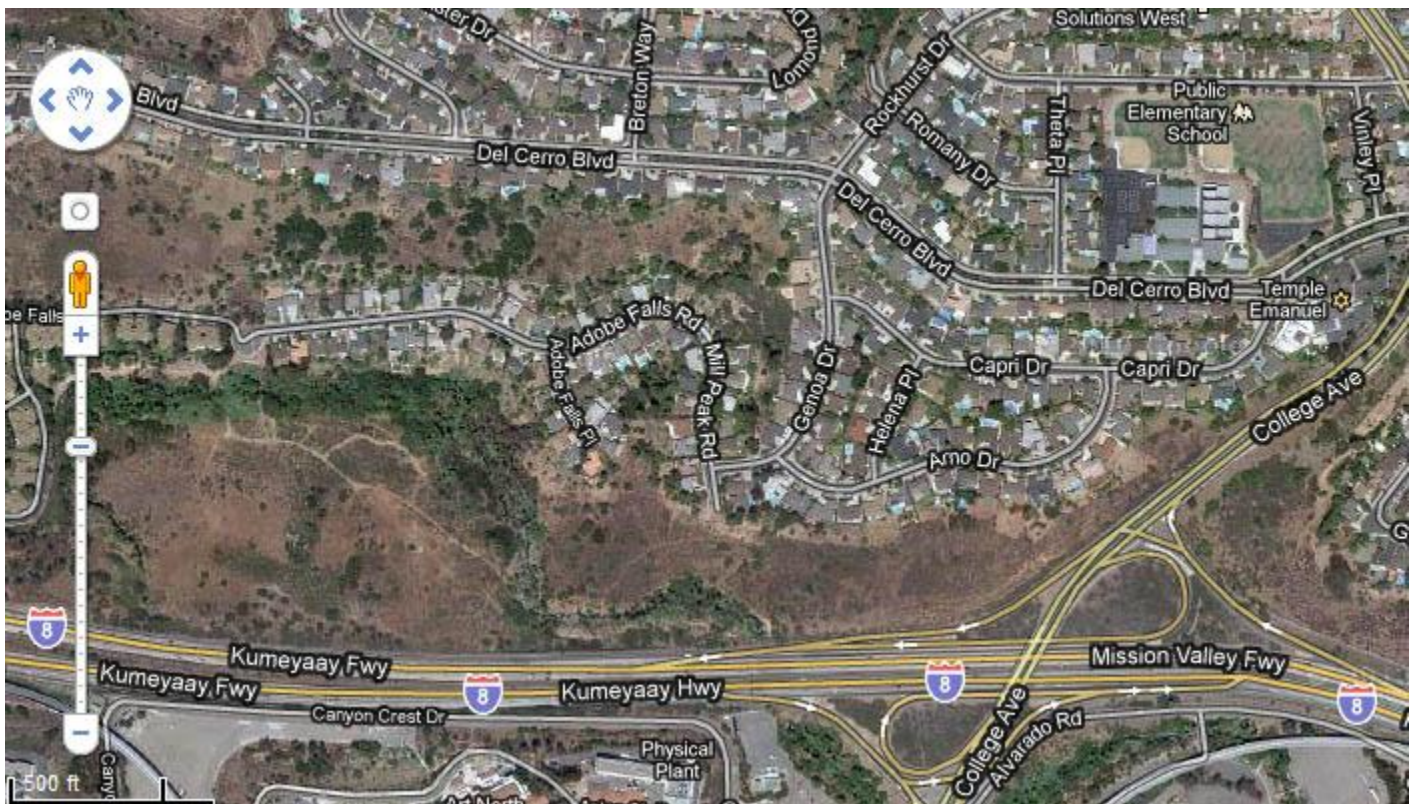


Posts Tagged 'San Diego Metropolitan Transit System'

[Legal challenge continues over SDSU's Master Plan and Adobe Falls development](#)

Posted by [George J. Janczyn](#) on June 21, 2011

This is to catch up on the multi-year legal maneuvers that involve the Adobe Falls area — undeveloped open space adjacent to Alvarado Creek just north of the I-8 freeway across from San Diego State University, west of College Avenue. San Diego State University's Master Plan intends to develop that land with up to 348 residential housing units for faculty and staff.



Alvarado Creek (the green tree belt) crosses to the north side of Interstate 8 near College Avenue. The Adobe Falls cascades wrap to the north and then the creek turns westward.

Beginning with the 2005 Master Plan and then the 2007 Master Plan revision, California State University's certification of the Environmental Impact Report (EIR) was challenged in lawsuits by the City of San Diego, Del Cerro Action Council, and other entities.

February 2010: after years in court during which the cases were consolidated into one, the Superior Court entered a judgment in favor of SDSU (for history up to that point [click here](#)).

Subsequently, the City of San Diego and its Redevelopment Agency, the San Diego Association of Governments (SANDAG), and the San Diego Metropolitan Transit System (MTS) decided to

appeal the decision (due to lack of funds, Del Cerro Action Council was unable to join the appeal).

December 2010: City of San Diego and other parties [filed opening briefs](#) in their appeal of the Superior Court judgment.

February 2011: CSU filed its brief.

March 17-18, 2011: San Diego [et al.] filed reply briefs.

April 26, 2011: Amicus curiae (friend of the court) briefs were filed by California Department of Transportation, League of California Cities, and California State Association.

May 26, 2011: CSU filed responses to the amicus curiae briefs.



Del Cerro is in the background. Alvarado Creek's Adobe Falls, which flows year-round although sometimes at a trickle, is hidden at top right

The issues discussed in the various briefs go into considerable detail. Note that SDSU's Master Plan includes other development projects in addition to the Adobe Falls proposal, so the mitigation issues discussed in the appeal are much broader. I would characterize the arguments very generally as going back and forth over the following:

1. The City asserts that CSU abused its discretion under the California Environmental Quality Act (CEQA) by claiming its financial obligation to ensure mitigation for traffic is limited to requesting funds from the Legislature. If funds were to be denied, CSU would assume no further responsibility.
2. SANDAG and MTS argue that CSU failed to address the impacts that will result from SDSU's massive increased use of public transit systems to transport additional students, faculty, staff and visitors to and from the SDSU campus" and that CSU should have considered alternate potentially feasible mitigation measures.

CSU argues that it cannot make funding requests for highway traffic improvements, because only Caltrans can do that. CSU says the Master Plan project traffic impacts are just one part of

the overall traffic growth picture that Caltrans must plan for. However, CalTrans presently has no plans for highway improvements in the vicinity of the project, so without such a plan, it would be impossible to determine what CSU's fair share should be. CSU says it can only commit to pay a fair share for traffic improvements when Caltrans develops a plan.

Further, CSU argues that it prepared a traffic analysis that studied impacts to the transportation network surrounding SDSU as required by CEQA; identified significantly impacted intersections, roads, and road segments; negotiated extensively with the City of San Diego and other agencies over the fair-share mitigation amounts; made final fair-share determinations; adopted fair-share mitigation measures specific to both the City of San Diego and Caltrans; and requested fair-share mitigation funds from the Legislature. CSU says it changed its capital outlay budget process to include mitigation of off-campus impacts. CSU also argues that there is nothing in CEQA that requires "alternate potentially feasible mitigation measures" not required by statute or implementing regulations.

Naturally, everybody involved with the case declines to comment because it is ongoing litigation.

What's next: a clerk at the Court of Appeals indicates that no further hearings have been scheduled, but guesses that it could be September or later before the next hearing.



One of several cascades at Adobe Falls.

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[Governments \(SANDAG\), San Diego Metropolitan Transit System, San Diego State University \(SDSU\) | Leave a Comment »](#)

City of San Diego files opening briefs in appeal of SDSU's plan to develop Adobe Falls

Posted by [George J. Janczyn](#) on December 3, 2010



Overlooking the Adobe Falls area. Freeway I-8 is on the left, Mission Valley in the distance

Adobe Falls is a parcel of undeveloped land and open space adjacent to Alvarado Creek across the I-8 freeway from San Diego State University just west of College Avenue.

Since before 2005, SDSU has been pressing to implement its Master Plan project to use that land for up to 348 residential housing units for faculty and staff. Numerous lawsuits by the City of San Diego, Del Cerro Action Council, and other entities challenged the California State University's (CSU trustees) certification of the Environmental Impact Report (EIR). The cases were eventually consolidated into one and last February the court entered a judgment in favor of SDSU (for details about the project and those legal actions [click here](#)).

On May 25, 2010 the City submitted notice of intent to file an appeal (Del Cerro Action Council had earlier filed an objection to the proposed statement of decision, but lack of financial resources prevented it from filing an appeal).

Just a few days ago, on Nov. 24, 2010 an appellant's opening brief was filed by the City of San Diego and the Redevelopment Agency. On Dec. 1, 2010 the San Diego Association of Governments (SANDAG) and the San Diego Metropolitan Transit System (MTS) filed their opening brief.



Adobe Falls is considered to be the only year-round waterfall within City limits

Judges have not been determined yet. According to Gina Coburn, Communications Director for the City Attorney's office, "The appellate court assigns a 3 panel judge but we don't know who until they send out the notice of hearing which will be after the briefing is complete, sometime in February 2011."

The [City of San Diego \[et al.\] opening brief](#) argues that the EIR was improperly certified because the approval is based on an erroneous interpretation of a different case that was cited as precedent. It also charges that CSU was "disingenuous" and abused its discretion under the California Environmental Quality Act (CEQA) by claiming it has no obligation to ensure mitigation for traffic and other issues beyond asking the State Legislature for funding (i.e., if funds were not forthcoming, CSU's position is that it has no further obligation).

The [SANDAG and MTS opening brief](#) states that "the most fundamental violation of CEQA at issue concerns CSU's complete failure to address the impacts that will result from SDSU's massive increased use of public transit systems to transport additional students, faculty, staff and visitors to and from the SDSU campus." It goes on to say that CSU "deliberately" understated automobile traffic impacts.

A response brief from CSU is due in January or February of next year.

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