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POLITICS

Judge blocks high-density Rancho Penasquitos housing project; city says ruling could ‘grind development to a halt’



The Junipers housing project in Rancho Penasquitos on Tuesday, Feb. 7, 2023. A judge ruled construction at the site must stop because the developer failed to properly study the impacts of the project. (Adriana Heldiz/The San Diego Union-Tribune)

The judge found the city's review failed to account for other dense housing being developed nearby — a decision the city and developer say could complicate and delay approvals of projects citywide.

BY DAVID GARRICK

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SAN DIEGO — A judge's ruling halted construction this week of the 536-unit Junipers development in Rancho Penasquitos — and could complicate and delay approvals of other dense housing projects across San Diego.

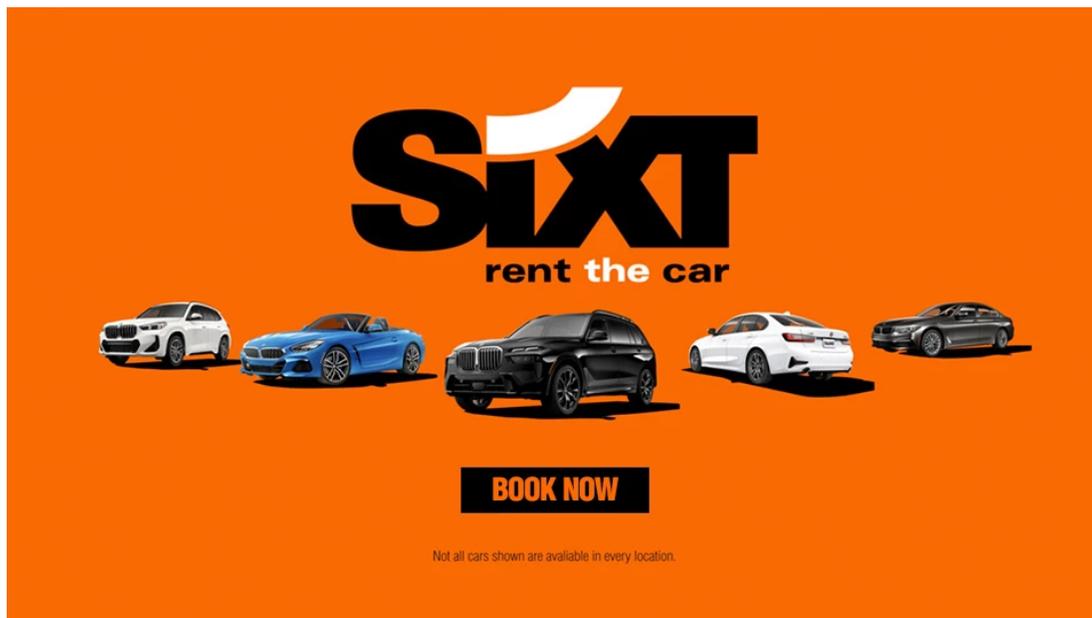
Superior Court Judge Ronald Frazier nullified an analysis of how the Junipers would affect nearby traffic, noise and wildfire threats, saying it had failed to account for two large nearby housing projects.

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In a ruling that made final a tentative ruling he issued last week, Frazier halted construction of the Junipers, where 36 units are complete, and said it can't resume until the analysis is redone to account for the long-term presence of the 331-unit Millennium PQ and 826-unit Trails at Carmel Mountain Ranch.

The two sides in the case were divided Tuesday on how the ruling could impact future development in San Diego, whose leaders are trying to solve the local housing crisis by allowing more high-rise and mid-rise projects across the city.

City Attorney Mara Elliott criticized the ruling, contending it could delay projects across the city by making the approval process less certain and more complex.

“We disagree with the ruling, which could potentially require the city to restart the environmental review process whenever a second, unrelated project is proposed nearby, delaying completion of the first project,” she said by email.



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The resident group that had sued to stop the Junipers called the ruling a victory for San Diego’s neighborhoods because it will require developers to provide more robust mitigation when they build impactful, dense projects.

In particular, the residents want Junipers developer Lennar Homes to pay for building more evacuation routes for their wildfire-prone area.

“Our goal in bringing this lawsuit forward is to require the city of San Diego to perform environmental review to address wildfire impacts on redevelopment in our area,” the PQ-NE Action Group said in a statement. “We are very pleased with the final ruling.”

The city and Lennar, which declined to comment Tuesday, could appeal to a higher court.

Or Lennar could settle with the residents, for instance by agreeing to construct additional evacuation routes.

If the ruling isn’t overturned on appeal, attorneys for Lennar and the city say it could have far-reaching impacts on how government agencies must analyze the effects dense housing projects might have on traffic, noise and wildfire threats.

“It would potentially grind development to a halt,” Deputy City Attorney Ben Syz told Judge Frazier in court last Thursday. “The city needs certainty as to what it’s looking at and what it’s analyzing.”



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Josh Chatten-Brown, the attorney for the residents, characterized Frazier’s ruling differently. He said Frazier is upholding existing law that the city and Lennar skirted during the analysis, which is called an environmental impact report.

“The court’s final ruling affirms the existing legal requirement that the city must plan for and mitigate the combined impacts of adding multiple new large developments, all within a stone’s throw of each other,” said Chatten-Brown. “These projects double the size of a community that only has a single exit to evacuate, with a history of wildfire risk and stalled evacuations. Yet the city chose to intentionally omit these projects that were known to it throughout the environmental review process.”

Attorneys for Lennar and the city say the EIR process, which often takes more than a year, would become much more complicated and cumbersome if analysts who have launched such a review must continually adjust and re-start their work as they become aware of new projects planned nearby.

For that reason, the city always ignores any nearby projects whose plans are not deemed complete on the date that an EIR is begun.

Plans for Millennium PQ were not deemed complete by the city until 14 months after the Junipers EIR was launched. Plans for the Trails at Carmel Mountain Ranch were not deemed complete until 21 months after.



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The City Council approved the Junipers project in June 2021, prompting neighbors to sue, contending the EIR was not properly completed.

All three projects are being built on the sites of two former golf courses: Carmel Mountain Ranch Country Club and the Doubletree Golf Resort.

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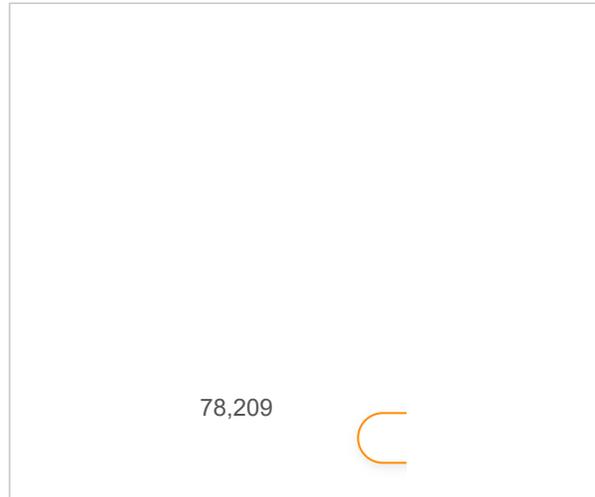
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