



September 6, 2024

Council President Sean Elo-Rivera
City of San Diego
City Administration Building
202 C Street, MS #10A
San Diego, CA 92101

RE: IN SUPPORT OF THE DUE PROCESS AND EQUAL PROTECTION CLAUSES OF THE FEDERAL AND STATE CONSTITUTIONS, A REQUEST FOR CLARIFICATION OF SCHEDULED HEARING ON APPEAL OF ENVIRONMENTAL DETERMINATION FOR PRJ-0693289S (KLAUBER)

On September 4, 2024, the attached Notice of Public Hearing came to my attention by way of a community member. After several searches, I have not found the notice among any emails sent to the address of record for the Chollas Valley Community Planning Group (CVCPG). CVCPG submitted an appeal of the Environmental Determination of the project referenced in the subject line of this letter. That appeal was submitted on June 25, 2024, the date of appeal stated in the narrative section of the Notice of Public Hearing.

In the second heading section of the Notice of Public Hearing, “Appeal of the Environmental Determination of **Exemption** from the California Environmental Quality Act for the Klauber Development” appears as the “Project Type.”

The CVCPG appealed a determination that “The project meets the requirements of CEQA State Guidelines section 15183 (Projects Consistent with a Community Plan or Zoning)” as listed on the Notice of Right to Appeal (NORA) dated June 13, 2024. CVCPG did *not* appeal a determination of **exemption** from the California Environmental Quality Act (CEQA). As of the time and date of the submission of this letter, CVCPG still is not aware of any determination of exemption from CEQA nor any notice of the same having been issued for PRJ-0693289S.


The following questions are submitted per the subject line of this letter:

1. What is the name of each appellant of the determination listed on the NORA dated June 13, 2024?
2. What is the name of each appellant of the determination listed on the attached Notice of Public Hearing?
3. All the City of San Diego documents published on this project before this Notice of Public Hearing that were reviewed by CVCPG state the applicant’s name as Cindy Phan. The Notice of Public hearing states that James Belt is the applicant.
 - a. Did the previous documents incorrectly name the applicant?
 - b. If the previous documents previously correctly listed Cindy Phan as the applicant, when did the name of the applicant change and through what document?

4. Was a **determination of exemption from CEQA** issued for PRJ-0693289S (Klauber)?
 - a. If that determination was made, what was the date of determination?
 - b. If that determination was made, was CVCPG notified by email?
 - i. What was the date of that email? (A copy of that email is requested within 3 days of the date of this letter)
 - c. If the determination was not made and all parties were not notified as required in San Diego Municipal Code - Chapter 11, Article 2, Division 5, could a hearing held on the exemption determination violate the Due Process clauses of the United States and California Constitutions?
5. Previous to this project, if most appellants to decisions subject to San Diego Municipal Code, Chapter 11, Article 2, Division 5 were given a straightforward, less burdensome appeal process in which the subject of the hearing matched the original determination, is/are CVCPG and/or other appellant(s) being treated in a disparate manner that could constitute a violation of the Equal Protection clauses in the United States and California Constitutions?
6. As appellants typically have more direct interest and involvement than members of the public, does allowing appellants only the standard city council meeting public comment time during a public hearing raises potential Due Process concerns by not giving the appellants a meaningful opportunity to present their case and evidence?
7. Given the issues brought to your attention in this letter, Council President Elo-Rivera, will you cancel the hearing scheduled for September 17, 2024 and schedule a hearing with correct notice, subject, time frame, and time allotted to the appellant(s) to present their case after the issues raised in this letter have been expeditiously resolved?

In support of the Constitution for the United States of America and for the state of California, written answers to each question in this letter, sent via email to chollasvalleycpg@gmail.com, are requested no later than three (3) business days from the date of this letter. Some questions may have a “*not applicable (NA)*” answer depending on the answer to a previous question.

Andrea Hetheru, Chair
Chollas Valley Community Planning Group



Cc: Councilmember Henry Foster III, District 4

Enclosures 2:
NORA of June 13, 2024
Notice of Public Hearing