Development of Jewish student center is threatened by lawsuit

By Dave Schwab
LA JOLLA LIGHT

A lawsuit seeking to block Hillel's development of a 12,000-square-foot Jewish student center across from UCSD is set to beheard by a judge March 1 and May 11.

The suit was filed by La Jolla Shores Association, a community advisory group, and Taxpayers For Responsible Land Use, a grassroots group of residents opposed to the project. The lawsuit came in response to a favorable 6-2 vote May 2006 by the City Council on Hillel's project. Overriding the objections of all four La Jolla community planning groups, the City Council, led by Council President Scott Peters, opted not to lease the property, but to sell it for $940,000.

It was Peters' motion to approve the project. He attached 25 conditions to its approval, which he said were likely to add $500,000 or more to the project's cost but would ensure problems with parking, traffic, noise and aesthetics would be mitigated.

Those conditions included: capping capacity at 250, 400 for special events; limiting the number of special events during the first year of operation to six; requiring a minimum of 68 underground parking spaces and a shared parking agreement with UCSD for 67 spaces of overflow parking on campus; creation of a traffic demand management plan; and prohibiting overnight events or rental to outside groups.

Todd Cardiff, an attorney with Coast Law Group representing the plaintiffs, said his firm recently filed an opening brief in the case.

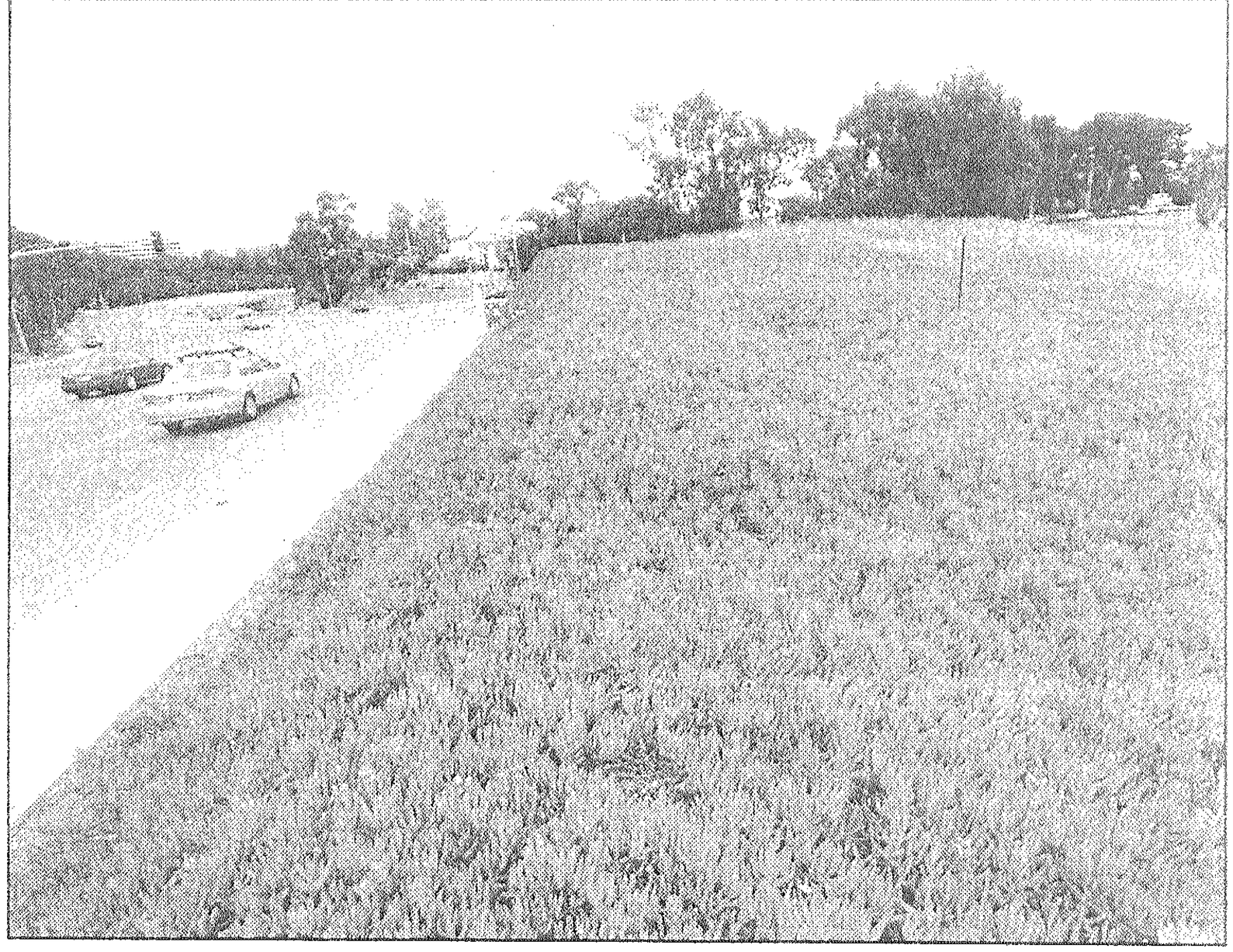
"(Hillel) failed to follow the California Environmental Quality Act," he said, "which states that whenever there is a potential for significant environmental impact, you must perform a full environmental impact report. In this case, there was so much evidence in the record that this project may have a significant impact, not only to the surrounding neighborhood, but to traffic and aesthetics, parking and biological resources."

The suit contends that the City Council should have denied Hillel's application and required them to go back and prepare a full environmental impact report on their project. Cardiff said his clients also have a smoking gun: e-mail from the city that indicates they ignored evidence on a biological survey that indicated the project would be disruptive to native wildlife, particularly hawks and other raptors.

"We believe we fully addressed all environmental concerns and the permit process and that their claims are without merit," said Bob Lapidus, past president of Hillel.

Plaintiffs contend the city should not have opted to sell the Site 653 parcel rather than leasing it.

"Transferring this property for a very sweet price below fair market value al-



FILE

Hillel purchased a triangular parcel across the street from UCSD in order to build a student center.

lows them to build a 12,000-square-foot student center in the center of a residential neighborhood," said Cardiff. "One of the requirements in the San Diego Municipal Code says, if you're going to sell property in a negotiated manner in an open-bidding process, you have to state all the reasons, what kind of benefit that has to the city to do it this way. They didn't enunciate any of those reasons."

At the end of 2006, Lapidus said Hillel closed escrow on the parcel.

"Though it's not a final decision," Lapidus said, "a judge found they did not show the likelihood of prevailing on the merits of that claim. Now we own the real estate. It would require a court order to unwind the sale."

La Jolla Shores Association President Sherri Lightner said fund-raising is ongoing by Taxpayers For Responsible Land Use to defray legal costs of the lawsuit.

"We actually have no official members," Lightner said. "We have had, by now, 90 donors who have donated close to $40,000. It is an expensive process."

Despite the cost, Lightner said opponents of the Hillel project feel it is a battle worth continuing. Neighbors have opposed site development on grounds that private, institutional development would increase traffic, noise, pollution, parking and safety hazards, directly impacting the residential community's livability. Besides removing one of the last vestiges of open space, neighbors argue construction of a new Jewish center on the site would set a precedent for other mixed-use development.

Conditions agreed upon by Hillel to physically develop the site call for creating a parklike setting with 24,000 square

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feet of landscaping on the 34,000-square-foot lot. Improvements are to consist of pedestrian and bicycle paths, planting a grove of Torrey pines, adding a park bench and a water fountain and improving a public bus stop.

There are two portions to the Hillel lawsuit. The first is a taxpayers waste claim that alleges the city violated the law by selling the property for substantially less than its fair market value. That issue will be heard in court May 11.

"That's an actual trial," said Cardiff. "We haven't decided whether to reserve the right to have a jury, though we'd probably go with a jury."

Cardiff said the May 11 court date may be rendered moot should the courts decide in the plaintiff's favor on March 1. That's when San Diego Superior Court will decide whether all environmental regulations were followed in the city's consideration of Hillel's plans to redevelop the site.

City Council President Peters has referred to the Hillel site as an unattractive and underutilized piece of property. He believes its development as a Jewish student center would improve and benefit the surrounding neighborhood.

Lapidus said Hillel is in somewhat of a holding pattern anticipating the outcome of the lawsuit.

"This is the fulfillment of a seven-year effort to secure a location for our Jewish student center to serve UCSD," he said. "Given the lawsuit, we have kept our processing for the final construction permits to a low roar. But we have engaged a project manager who's helping us finalize a budget and is assisting us with engaging consultants necessary to finalize the design and construction of the project. We're still very confident that, ultimately, we will prevail one way or the other, and we're going to have a Hillel center on that property."