

1 Marco A. Gonzalez, Esq. (SBN 190832)
2 Todd T. Cardiff, Esq. (SBN 221851)
3 Christian C. Polychron, Esq. (SBN 230103)
4 COAST LAW GROUP, LLP
5 169 Saxony Road, Suite 204
6 Encinitas, California 92024
7 Tel: 760-942-8505
8 Fax: 760-942-8515

9 Attorneys for Plaintiffs and Petitioners,
10 TAXPAYERS FOR RESPONSIBLE LAND USE and LA JOLLA SHORES ASSOCIATION

11 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**
12 **COUNTY OF SAN DIEGO, CENTRAL DIVISION**

13 TAXPAYERS FOR RESPONSIBLE LAND)
14 USE, et al.,)

15 Plaintiffs and Petitioners,)

16 v.)

17 CITY OF SAN DIEGO, et al.,)

18 Defendants and Respondents.)

19 HILLEL OF SAN DIEGO, et al.,)

20 Real Parties-in-Interest.)

Case No. GIC867378

**POINTS AND AUTHORITIES IN SUPPORT
OF PETITION FOR WRITS OF MANDATE
(CCP §§ 1094.5 & 1085)**

ASSIGNED FOR ALL PURPOSES TO:
Hon. Linda B. Quinn

Date: March 1, 2007

Time: 1:30 PM

Dept: 74

Action filed: June 12, 2006

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I. INTRODUCTION

On May 9, 2006, the Council ("Council") for the City of San Diego ("City") adopted a resolution authorizing the Mayor to execute a contract for the previously negotiated sale of City-owned property ("Site 653") to Hillel of San Diego ("Hillel"). Pursuant to Code of Civil Procedure ("CCP") § 1085, Taxpayers for Responsible Land Use and the La Jolla Shores Association ("Petitioners") seek a writ of mandamus vacating that resolution and all other acts by which the Council and/or City sold or may sell Site 653 to Hillel. The writ should issue because, in negotiating and authorizing the sale of Site 653, the City and Council violated procedures enjoined upon them by law.

Petitioners also seek writs of mandate under CCP § 1094.5 vacating the Council's adjudicative decisions to (i) vacate a portion of a public right-of-way adjacent to Site 653, and (ii) grant a Site Development Permit/Planned Development Permit authorizing Hillel to construct and operate a student center on Site 653 and to continue using a residence as administrative offices. The writs should issue because the challenged actions were adopted through prejudicial abuses of the City's discretion.

II. STATEMENT OF FACTS

Site 653 is City-owned land located in a residential neighborhood of La Jolla, California. (1 AR: Ex.5 at 48.) The Site is bounded on the north by La Jolla Village Drive, on the east by La Jolla Scenic Way, and on the south by La Jolla Scenic Drive North. (*Id.*) La Jolla Scenic Drive North runs northwest from La Jolla Scenic Way toward its terminus at a cul-de-sac that allows pedestrian traffic, but not vehicular traffic, to access La Jolla Village Drive. (6 AR: Ex.59 at 2258 and 2299.)

On April 12, 2000, the City authorized the issuance of a request for proposal for the potential sale or lease of Site 653. (1 AR: Ex.5 at 48). Two proposals were submitted, including Hillel's proposal to construct and operate a Jewish student center on the Site. (*Id.*)

On November 20, 2000, the City Council adopted a resolution ("2000 Resolution") authorizing exclusive negotiations with Hillel for the *lease* of Site 653. The 2000 Resolution, in its entirety, states:

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is authorized and empowered to enter into exclusive negotiations with Hillel of San Diego, for the ground lease of Site 653 at La Jolla Scenic Drive North. (19 AR: Ex.1032 at 7929.)

Though the 2000 Resolution authorized lease negotiations, the City and Hillel commenced

