

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)  
NOTICED HEARINGS: (Continued)

ITEM-S701: Hillel of San Diego Student Center, Project No. 149437. An application for a Public Right-of-Way Vacation (portion of La Jolla Scenic Drive North between Torrey Pines Road and La Jolla Scenic Way.) (La Jolla Community Plan Area. District 1.)

[▶ View referenced exhibit back-up material.](#)

(See Report to the City Council No. 08-175.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2009-661)

Adoption of a Resolution certifying findings that:

- e) there is no present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated; and
- f) the public will benefit from the action through improved utilization of land made available by the vacation; and
- g) the vacation does not adversely affect any applicable land use plan or; and
- h) the public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation; as follows:

Declaring that the Council of the City finds that:

1. That the public right-of-way easement located within La Jolla Community Plan Area in connection with Site Development Permit (SDP) No. 527861, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 00116-C, marked as Exhibit "B," and on file in the Office of the City Clerk, which is by this reference incorporated herein and made a part hereof, is vacated;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

## NOTICED HEARINGS: (Continued)

## ITEM-S701: (Continued)

2. That said public right-of-way vacation is conditioned on the following, satisfactory to the City Engineer. In the event these conditions are not completed within the three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.
  - k. Prior to recordation of the public right-of-way vacation, the Applicant shall cut, plug and abandon the existing public 12-inch water facilities within the La Jolla Scenic Drive North right-of-way to be vacated, in a manner satisfactory to the Water Department Director and the City Engineer.
  - l. Prior to the recordation of the public right-of-way vacation, the Applicant shall assure, by permit and bond, the design and construction of new public 16-inch water facilities and the cut, plug and abandonment of the existing public 8-inch water facilities within the La Jolla Scenic Drive North right-of-way and appropriate water easement, from La Jolla Scenic Way to Torrey Pines Road, in a manner satisfactory to the Water Department Director and the City Engineer.
  - m. Prior to recordation of the public right-of-way vacation, the Applicant shall assure, by permit and bond, the installation/replacement of fire hydrants at locations and in a manner satisfactory to the Fire Marshall, the Water Department Director and the City Engineer.
  - n. Prior to the recordation of the public right-of-way vacation, Applicant shall assure, by permit and bond, the reconnection of all existing water services still in use to the new 16-inch facilities adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.
  - o. The Applicant shall retain an acceptable water easement over the 16-inch water facilities within the vacated La Jolla Scenic Drive North right-of-way, from Cliffridge Avenue to Torrey Pines Road, for exclusive use of public water mains with no appurtenances, in a manner satisfactory to the Water Department Director and the City Engineer. The minimum easement width shall be 15-feet wide.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

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- p. The Applicant agrees to design and construct all required public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.
  - q. Prior to the recordation of the public right-of-way vacation, Applicant shall assure, by permit and bond, the design and construction of the realignment of the existing 8" public sewer main at the intersection of La Jolla Scenic Drive North and Cliffridge Avenue, satisfactory to the Director of Public Utilities.
  - r. Prior to the recordation of the public right-of-way vacation the Applicant agrees to relocate all San Diego Gas and Electric Facilities into a general utilities easement to be reserved from the portion of La Jolla Scenic Drive North to be vacated.
  - s. Prior to the recordation of the public right-of-way vacation the Applicant agrees to relocate all Time-Warner Facilities into a general utilities easement to be reserved from the portion of La Jolla Scenic Drive North to be vacated
  - t. A public access easement to the satisfaction of the City Engineer linking La Jolla Scenic Drive North and Torrey Pines Road shall be retained in perpetuity for public pedestrian and bicycle access. The area shall not be gated or otherwise obstructed to prevent free movement and public access. In addition, the project shall incorporate signage which identifies this area as public access to the satisfaction of the Development Services Director.
3. That the Development Services Department shall cause a certified copy of this resolution, with attached exhibits, to be recorded in the Office of the County Recorder.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

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4. The City Engineer shall advise the City Clerk of the completion of the conditions listed in number 2 above. After completion of the conditions, the City Clerk shall cause a certified copy of this resolution, with attached legal description marked as Exhibit "A" and as shown on Drawing No. 00116-C, marked as Exhibit "B", attested by the City Engineer under seal to be recorded in the Office of the County Recorder.

**OTHER RECOMMENDATIONS:**

Planning Commission on November 6, 2008, voted 4-1-2 to deny this project.

Ayes: Naslund, Golba, Schultz, Griswold  
Nays: Otsuji  
Recusing: Ontai  
Not present: Smiley

The La Jolla Community Planning Association and the La Jolla Shores Planned District Advisory Board have recommended denial of this project.

**STAFF SUPPORTING INFORMATION:**

REQUESTED ACTION:

Approval of a two-phased development, with Phase I to retain the existing use of a single-family residence and garage/storage structure for religious offices and related uses; and Phase II the development of a 12,100 square-foot religious student center over a subterranean garage on a vacant 0.77-acre site on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way within the La Jolla Community Plan.

STAFF RECOMMENDATION:

**Certify** the Mitigated Negative Declaration No. 149437, and **adopt** the Mitigation Monitoring and Reporting Program; **approve** Site Development Permit No. 527861; **approve** Public Right-of-Way Vacation No. 527860; and **approve** Easement Acquisition No. 584509.

EXECUTIVE SUMMARY:

The project site is located in the Single Family Zone of the La Jolla Shores Planned District within the La Jolla Community Planning Area, Coastal Height Limit Overlay Zone, and the Campus Parking Impact Overlay Zone. Properties to the south and east are designated for residential uses (5-9 dwelling units/acre) and are currently developed with single-family homes.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

## NOTICED HEARINGS: (Continued)

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**STAFF SUPPORTING INFORMATION: (Continued)**

Properties to the north and west are designated for Public Facilities/Institutional uses, with the property to the north developed with the University of California San Diego facilities, and the property to the west, beyond Torrey Pines Road, being currently vacant.

On March 3, 2005, an almost identical project was recommended for denial by the Planning Commission by a vote of 5-0. The project was approved by City Council on May 9, 2006 by a vote of 6-2, with the addition of numerous conditions regarding parking and traffic. The approval was challenged in court, and a judge ordered the City to set aside the Mitigated Negative Declaration and the associated project approvals, other than the resolution which authorized the sale of the site from the City of San Diego to Hillel of San Diego. The judge found that the Mitigated Negative Declaration failed to adequately evaluate the pedestrians crossing La Jolla Village Drive, and the possibility of on-site raptors. The judge sent back the approvals and the Mitigated Negative Declaration to the City of San Diego, to be reconsidered in compliance with the California Environmental Quality Act.

The judge's order was challenged by both the applicant and a group of project opponents. Given the pending status of the previous approvals, it was determined that the applicant would be allowed to resubmit a new application addressing the judge's concerns, and process it through the City's review process.

The applicant submitted the current Hillel Student Center Project on June 12, 2008. The project scope is generally the same, with the addition of 28 on-site parking spaces supplied by parking lifts, and the incorporation of a roof-mounted photovoltaic system consisting of solar panels and the installation of a fuel cell sufficient to generate at least 30 percent of the project's projected energy consumption, meeting the requirements of City Council Policy 900-14. Each of the project's technical studies was redone, and the two areas of concern raised by the judge's order were addressed in the new traffic and biology studies.

On November 6, 2006, the Planning Commission heard a staff presentation and public testimony in favor and opposition during a noticed public hearing. After considering the information presented and associated discussion, the Planning Commission voted 4:1:2 to deny the project.

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are recovered from a deposit account maintained by the applicant.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)  
NOTICED HEARINGS: (Continued)

ITEM-S701: (Continued)

**STAFF SUPPORTING INFORMATION: (Continued)**

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

See the Report to City Council No. 08-175.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On September 4, 2008, the La Jolla Community Planning Association (LJCPA) passed two motions; one taking action to recommend denial of the project by a vote of 14-0-0, and the other providing direction to the President of the LJCPA regarding the project's environmental document. On September 16, 2008 the La Jolla Shores Planned District Advisory Board (LJSPDAB) voted 4-0 to deny the project. Please see the Discussion section of Attachment 1, the Report to City Council, for more detail.

KEY STAKEHOLDERS AND PROJECTED IMPACTS (if applicable):

The Owners are Robert Marshall (Phase I) and Hillel of San Diego (Phase II), and the Applicant is Hillel of San Diego for both Phases.

Broughton/Anderson/DS

Staff: Dan Stricker – (619) 446-5251  
Marianne Greene – Deputy City Attorney

**NOTE:** This item is not subject to the Mayor's veto.