

## Judge upholds Site 653 sale, orders environmental review

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By Dave Schwab (daves@lajollalight.com)

Neither side could claim complete victory - or defeat - in a recent court ruling on the controversial Site 653 property. Hillel plans to build a 12,000-square-foot Jewish student center on the small triangular parcel of land across from UCSD, but neighbors want it preserved as open space.

On Aug. 16, a hearing on joint motions for reconsideration of Judge Quinn's earlier ruling on the student center project went forward with Quinn subsequently denying both parties' motions for reconsideration.

In a victory for those opposing Hillel's student center plans, the judge upheld her prior ruling that the student center project requires further environmental review to evaluate the potential for nesting raptor birds in the area, as well as the impacts of pedestrian crossing on Friday evening on La Jolla Village Drive, a peak usage time when the student center would be hosting religious services.

However, in a clear victory for Hillel, Judge Quinn also upheld her ruling that the city's sale of the property to Hillel was proper under the California Environmental Quality Act (CEQA), and that Hillel did not have to return the property to the city. Quinn granted Hillel's motion for summary judgment and dismissed the petitioner's claims for waste and claims about the impropriety of the sale.

Both sides in the lawsuit, each of which can appeal Judge Quinn's reconsideration of her previous ruling, were pleased - and displeased - by her most recent judicial decision on the Hillel case.

"The court granted our writ on the CEQA issue, meaning they (Hillel) have to go back and do the proper environmental studies," said Todd Cardiff of Coast Law Group in Encinitas, representing the plaintiffs in the Hillel lawsuit, the La Jolla Shores Association and Taxpayers for Responsible Land Use, an ad hoc group of citizens opposed to the student center project. "There was a fair argument that there (would be) significant environmental impacts in a number of different areas. The court also ordered the city to rescind all project approvals, except for the sale of Site 653."

"The bottom line here is that the trial court's ruling is pretty much a full validation of all the actions taken in the design and development of what really is a very thoughtful project," said Robert Lapidus, past president of Hillel's board and current chair of its facilities committee. "When considering all the criticism and concern raised about use and size and traffic and parking, the judge found none of that to be the case, in fact, validated all of the thought that went into the project in terms of the scope of the project and the mitigation provided in terms of any potential impacts on parking, as well as on the project conditions that were put forward by Councilman Peters."

In May 2006, at the behest of Council President Scott Peters of District 1, which includes La Jolla, the City Council voted 6-2 in favor of selling Site 653 to Hillel for development as a Jewish student center for \$940,000. Peters attached 26 conditions to that sale which are likely to add \$500,000 or more to site development.

Conditions of Hillel's approval included: Capping building carrying capacity at 250, 400 for special events; limiting special events the first year of operation to six; requiring a minimum of 68 on-site underground parking spaces; requiring Hillel to maintain a shared parking agreement with UCSD for 67 spaces of overflow parking on campus for Shabbat services; requiring Hillel to deposit \$20,000 in a dedicated fund to ensure enforcement and monitoring of Hillel's permit conditions to operate the site; insisting a Traffic Demand Management Plan be adopted as a permit condition; prohibiting alcohol consumption onsite except for religious purposes; prohibiting overnight events or rental to outside groups for commercial purposes; and requiring Hillel to participate in a Neighborhood Advisory Committee comprised of representatives from UCSD, the La Jolla Shores Association, Hillel, someone from the surrounding neighborhood and a resident appointed by the city.

Hillel's plans also include providing landscaping amenities and sidewalk modifications to improve Site 653 making it more pedestrian-friendly.

Concerning Hillel and Site 653, Peters commented: "That was a piece of land that was not wanted by the Parks Department. It's right next to a big road. Something ought to go in it, and it ought to look nice and it ought to create some park space. We could have put residential there, but, in a lot of ways, this (student center) will have a lower impact, except on Friday nights."

Cardiff, representing the plaintiffs, said they were dismayed that Judge Quinn did not order Hillel to undergo an EIR on Site 653. "If there is a single (significant) impact caused by this project, they (Hillel) should have to prepare an Environmental Impact Report (EIR)," he said. "Without an EIR, it's basically just a glorified negative mitigation declaration (no serious environmental impacts) by the

city."

Lapidus of Hillel characterized Judge Quinn's most recent judicial ruling on Site 653 as just another bump in the road. "I think you'd have to be pretty naive to think the true purpose of the action (lawsuit) was to protect the environment, when it really is to delay the project and cost Hillel more money," Lapidus said. "Basically, it's just a matter of time before the Hillel center is built on the site."



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