

I cannot make today's meeting and have not had the time to read through the draft report carefully, but I was just skimming through the latest draft, and noticed some of the changes to some of the land use and public impact discussion. Having participated in the Committee meetings for many months, I have come to the sad conclusion that either several Committee members just do not appreciate the significance of these issues or do not want these issues highlighted and are trying to downplay the significance for the Board. The Committee needs to wrap up its report, and I don't want to stand in the way of that. But before you finalize the report, please consider what the 7/11 Committee record says right now:

--Attorneys for the School District told the Committee that the Mello Roos and joint use agreements could limit the ability to close Ashley Falls.

--Attorneys for the School District told the Committee that planning and land use regulations do apply to the proposed administrative and O&M uses at the Hills.

--I submitted copies for the record of just some of the planning and zoning regulations, which the School District's attorneys confirmed apply. The regulations say that the proposed uses are not allowed at the Hills site.

--I also submitted the ordinances setting forth just some of the process that applies to changing the regulations in a way that would allow the uses to be introduced at the Hills. The ordinances describe an administrative process (NOT including the potential litigation) that will be lengthy and expensive. The ordinances show that, at a minimum, a zone change, plan amendment, and local coastal program amendment are required, and these approvals, in turn, trigger CEQA.

--I also submitted copies of the City's seismic safety and severe fire hazard maps, and the record contains several maps depicting the constrained vehicular access to and from the Heights and the surrounding neighborhood. The City's seismic and fire maps show higher categories of fire and seismic hazards at the Heights than at the Hills. The Committee expressed concerns about student safety in the context of other proposals that would have affected other schools, so it is alarming that those same concerns would not apply to closing the Hills given that those proposals would move children from a school with lower safety hazards and better emergency access into a school with higher safety hazards and constrained emergency access (where the student population would be expanding by up to a third).

--The Torrey Pines Community Planning Board submitted a letter confirming that closure of the Hills is inconsistent with Community Plan. The Board is charged with making recommendations to the City Planning Commission about zone changes and plan amendments. This letter cannot be dismissed.

The 7/11 Committee removed Ashley Falls from consideration, pointing to the Mello Roos and joint use agreement issues. Strangely, however, the majority of the 7/11 Committee did not vote to remove closure of the Hills from consideration, despite considerably more evidence in the record that the land use issues are significant.

I ask that you reconsider the language in the final report to more accurately reflect these constraints and the fact that the attorneys for the District told the Committee that these constraints need to be considered. The word "may" in the below paragraph should be changed to "will", or, at a minimum "will likely".

In addition, I noticed that the "Community Impact" section of the report, which I know Janet was to rewrite, glosses over the land use and planning issues. As I've said to the Committee before, the land use and planning is an official expression of community desire -- after all, that's why it's called a "Community Plan". The fact is that the proposals to close Del Mar Hills were inconsistent with the Torrey Hills Community Plan, and this should be stated in the report with language such as: "Many of the concerns expressed in opposition of closing Del Mar Hills (including concerns about the compatibility of the proposed administrative and O&M uses with the surrounding residential neighborhood, the loss of a public facility, the safety of students crossing Del Mar Heights Road, seismic and fire risks) are written into City of San Diego land use regulations that have been formally adopted, including the Torrey Hills Community Plan and zoning for the site. Documentation of these land use and planning constraints were submitted to the record." These are factual statements, so there should not be any opposition to these including these observations. Unfortunately, I anticipate that some Committee members will object. Any legitimate concerns with this language can be addressed by adding the following statement, "The Committee was advised in June that planning and zoning regulations apply to administrative uses. The Committee did not receive advice from legal counsel for the District regarding the legal effect of these land use plans and regulations on any particular proposal."

The 7-11 DAC did not estimate the cost of closing a school. Environmental studies, according to the California Environmental Quality Act (CEQA: Public Resources Code.) may have to be done at the closing school as well as the accepting schools. City of San Diego zoning may have to be changed for the closed site to be used for something other than a school. If the site were near the coast, a change in the site use could trigger an examination by the California Coastal Commission. The change would also be subject to local community plans already in place. All of these items are subject to public input, hearings and legal action.