

000589

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333
01/27
Support

WORLEY, SCHWARTZ, GARFIELD & RICE

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
100 FIRST INTERSTATE PLAZA
ADI 'S' STREET
SAN DIEGO, CALIFORNIA 92101-1448
TELEPHONE: (619) 239-0886
TELEFAX: (619) 239-0884

DONALD R. WORLEY*
WILLIAM J. SCHWARTZ, JR.
TIMOTHY H. GARFIELD
ROBERT C. RICE
CHARLES V. BERMANBER
JENNIFER THORNTON WILSON
JAMES R. OWELL
DAVID S. BYRONOWSKI

February 9, 1995

FILE NO.

Board of Directors
Scripps Ranch Estates Homeowners
Association
c/o Hugh Chandler
9830 Caminito Munoz
San Diego, CA 92131

Re: Chabad

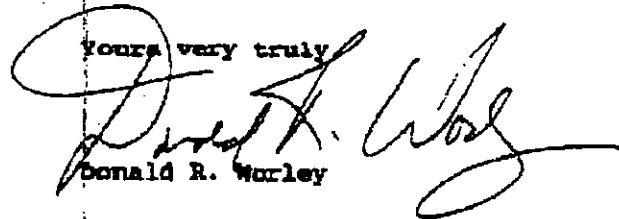
Dear Members of the Board:

Enclosed is a final agreement signed by Rabbi Fradkin on behalf of Chabad, and by Hugh Chandler on behalf of the Association.

The Planning Commission today voted 5-0 to find that the plot plan for the Chabad project is in substantial conformity with the USIU CUP. I indicated our support, and asked the Planning Commission to acquiesce in hearing any material changes to the plot plan, as provided by the Agreement. For the record, Jim Milch, representing Chabad, agreed with my request and read into the record the pertinent language from the Agreement. The Commission then directed staff to bring any such material change back to the Commission for its review.

I think the Association achieved needed protections while at the same time maintaining a posture of good faith and fair dealing before the City and Chabad. I am pleased to have been of assistance to you in this effort, and I thank you for the opportunity.

Yours very truly



Donald R. Worley

DRW:SC

cc: John Fewster
Marshall Lewis, M.D.
Phillip Ginsburg, Esq.

Enc.
Scripps Ranch Estates

000590

USIU in 1972 for the establishment of a university ("the CUP").

I. CHABAD has obtained from the City Council of the City of San Diego ("CITY") a determination that a K-12 school use is in substantial conformity with the university use described on the CUP. Development of the site pursuant to the plot plan is subject to a further determination by the Planning Commission that a plot plan for the location of buildings and other improvements be in substantial conformity with the plot plan approved for Phase 18 of the USIU campus.

F. CHABAD has submitted a "Chabad-Scripps Ranch Plot Plan - Substantial Conformance Exhibit," dated October 12, 1994 ("the Plot Plan"), to the CITY for the determination by the Planning Commission that its plans are in substantial conformity with the plot plan approved for Phase 18 of the USIU campus.

G. The substantial conformity hearing is currently scheduled before the Planning Commission on February 9, 1995.

H. It is the mutual desire and intent of the parties hereto that they reach certain agreements concerning CHABAD's use of the Subject Property to the end that the ASSOCIATION will support CHABAD's application for substantial conformity before the Planning Commission.

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4. No Access Across Property Line. CHABAD shall not create any pathways on Subject Property which lead to the Common Property Line. In the event that the ASSOCIATION desires to construct a fence along the Common Property Line, and so notifies CHABAD, then CHABAD consents thereto, and shall pay for one-half of the cost of up to 1,500 linear feet of 6-foot high wood stake or chain link fence (which shall extend continuously along the Common Property Line starting from the southeast corner of Subject Property), provided that the total cost in which CHABAD shares shall not exceed \$15,000.

5. Screening and Landscaping. CHABAD shall keep the knoll, which separates the houses nearest the Common Property Line from Subject Property, functionally intact so that it continues to screen the houses in the same manner as it does on the date of this Agreement. CHABAD shall not remove, but shall maintain, the natural landscaping between the Common Property Line and the loop road along a strip which is at least 20 feet in width.

6. Loop Road. The loop road shall consist of no more than two 12-foot travel lanes and one bike lane. CHABAD shall employ lower-height, deflected lighting along the loop road.

7. Parking. Parking shall not be permitted within the eastern portion of the area defined by the loop road, except where the Plot Plan indicates "parking area," which area may be extended eastward, but shall not be located any closer than 100 feet from the

11. This Agreement shall only be in effect once approval of the Plot Plan comes into being and shall inure to the benefit of, and be binding upon, all successors and assigns of the parties hereto.

000592

12. In the event that it becomes necessary for either party to interpret or enforce this Agreement, whether by way of judicial or arbitral proceedings, then the prevailing party in such proceedings shall be entitled to its reasonable attorneys' fees, in addition to any other costs and/or damages. In the event of breach of this agreement the parties acknowledge that the remedies at law would be inadequate and, consequently, all equitable remedies, such as injunction, shall be available.

"OWNER"

CHARAD-LUBAVITZ SAN DIEGO, INC.

By: 

"ASSOCIATION"

SCRIPPS RANCH ESTATES HOMEOWNERS ASSOCIATION

By: 

000593
Contreras, Elisa

Support

From: Adam Sragovicz [asragov@earthlink.net]
Sent: Sunday, September 14, 2008 2:44 PM
To: PLN PlanningCommission
Cc: Maienschein, Councilmember; Ekard, Megan; cac@sandiego.gov
Subject: Slanderous anti-Chabad project campaign underway in Scripps Ranch
Attachments: scan 9-14-08.pdf

Gentlemen/Ms.:

I have been a Scripps Ranch resident since 1999.

I write today to draw your attention to a comprehensive, slanderous campaign underway in Scripps Ranch (one example of many is attached, a leaflet going to homes in the area).

The purpose of this campaign is to dishonestly inflame passions and raise opposition to a project that was already approved by the local planning group, after years of thorough consideration and deliberation.

I hope that you will take that into account when you receive all of the e-mails and phone calls that you are likely to receive.

It is clear that:

- Chabad has "cooperated in an **unprecedented** way" (words of the local planning group) to address noise, space, lighting, and aesthetic concerns
- Chabad worked for many **years** with the local planning group to address these concerns, giving local residents ample time to raise any issues (which they did on many occasions)
- The density will be **lower** than had USIU / Alliant built university dorms there
- As this will be an accredited learning program, it does **not** set a precedent for any other developers, and there will not be "high-rise buildings developed all the way to Interstate 15" as claimed in this campaign
- It is likely that these will mostly be older students that will be residents as well, and there will be **less** traffic than in almost any other possible development

The head of the Scripps Ranch planning group said it best, when approving the project after several years of negotiations and redesigns by Chabad,

"We hope that Chabad will enjoy the use of its property as much as we enjoy the use of our own."

With best regards and thanks for your understanding and consideration,

9/16/2008

Country Living or City Living in Scripps Ranch?

Chabad is about to get city approval to build multiple 2-, 3-, and 4-story apartments that will be visible along Pomerado Road and Avenida Magnifica—housing for over one thousand people. Under the existing Conditional Use Permit (CUP), Chabad School is not allowed to add any high density nor residential housing to the property identified in the CUP.

000594

So, what will happen if the Planning Commission recommends approval?

The City Council will approve the requested modifications to the existing CUP and the apartments will be built! **AND:**

- You can count on increased traffic congestion—just how severe is anyone's guess. The flow of vehicles will be made neither smoother nor safer, neither during the morning nor during the afternoon. The nuisances expected to be caused by this apartment complex guarantees the decision to widen Pomerado Road into a 4-lane highway. ***It's been tried before!*** Wider road, fewer trees.
- Do not forget our neighbors to the North of Pomerado Road—drivers, ever in a hurry, will bypass the congestion at the intersection of Pomerado Road and Chabad Center Drive by using any number of residential streets, such as Mesa Madera, Ironwood, and Tribuna. ***The residents and their children do not need additional vehicles speeding down their streets.***
- Other developers, waiting for years to put up high-density housing in our beautiful area, will have an easy path to receiving permits. We will see further high rise buildings developed all the way to Interstate 15—unsightly high rise buildings that do not belong in the residential community of Scripps Ranch.
- Noise!!! Dust!!! Think about an additional 1,000 people living, taking classes, and attending outdoor events—fully supported with big loudspeakers. Just ask those of us living along Magnifical
- Decreased property values to the homes north and south of Pomerado Road.

PUBLIC HEARING

Please attend the public hearing in which the Chabad proposal will be presented to the Planning Commission for approval or denial.

September 18, 2008 at 9:00 AM

Council Chambers, 12th Floor, City Administration Building,
202 C Street, San Diego, CA 92101

Invite your neighbors! Set up car pools! Be there because just your presence matters!

YOUR PRESENCE AND YOUR OPINION MATTER!!

The members of the Planning Commission will pay particular attention to us if the room is packed so full with Scripps Ranch residents who are opposed to this plan that the walls creak.

People are welcome to present their opinions but, if they wish, they do not have to speak.

Let's hold on to the feeling and look of open country living in Scripps Ranch!

Cac, Cherlyn

From: 000595
Sent: Wednesday, July 09, 2008 2:40 PM
To: Cac, Cherlyn
Subject: FW: Objection to Chabad expansion

Attachments: 7_8_08 SRP_Chabad.pdf

Item # 8
opposed



7_8_08
_Chabad.pdf (137 K
FYI-

-----Original Message-----

From: Jay [mailto:Jay100@san.rr.com]
Sent: Tuesday, July 08, 2008 7:35 AM
To: PLN PlanningCommission
Subject: Objection to Chabad expansion

Hi:

I would like my comments below incorporated into the permanent record of our objection to the Chabad Expansion.
(My apologies in advance if I get a little wordy in this response).

I liked hearing about the proposed expansion in this months Scripps Ranch News Letter but I am a bit confused on why we would entertain such a notion; "two, three, and four story rental apartments 400 feet from Pomerado road", in a completely overcrowded neighborhood?

Grades K-12 don't require student housing. Students aren't of legal age. It does not sound like this new housing development is for students, but rather their families?

If I am correct, none of the other seven schools in the Scripps Ranch area have "student housing" do they?

I would estimate that 280, "one, two, and three bedroom units, with a soccer field, parking lot, gymnasium, preschool and high school" would yield something around 600+ cars.
Question:
Why would we want to subject Pomerado road (and our quality of life) to that many additional automobiles, congestion, and safety issues?
(Besides don't we already have four elementary schools, two middle schools, and one relatively new high school ... How much more do we need?)

We seem to be mired down to the core on how to get students into/out of Willow Creek and Pomerado for that new middle school!
(How are we going to fix that problem?...a separate issue I realize).

This is from objections brought up before but the concerns/points seem to be right on target:
i.e. The "traffic study in 1994 to get the school approved was based upon Chabad utilizing busses for 70% of its students"...and 13 years later they have only two passenger vans that can carry 15 students each. They apparently have failed kept their promise.

I would like to request the details on the calculation of the 15% development coverage allowed under the CUP when it becomes available as well.

There is one additional concerns that should be brought to the publics attention. That would be one of long term decommissioning costs associated with any public/private venture.
If the complex were to be approved and then became unfit for use (lack of student, lack of

maintenance, unable to meet "code", etc. etc.) there would have to be provisions made to return the area back to its original form. This can not be responsibility of the tax payer to clean up....anything short of returning the land (at the CUP holders expense) to its natural state, should be deemed un-acceptable.

I would like to hear additional comments from other people in Scripps Ranch on this matter when they become available.

Sincerely

Jay Dunkelman
858-566-5697

Jay

000596

PLANNING

Ranch Planning Group (SRPG)

for the 2008–2009 Marshall Middle School bus program to keep more cars off Pomerado Road, particularly during the peak morning outbound commute. Three hundred eighty-four students riding buses equates to approximately 250 cars. Please save yourself time, gas, and hassle and consider using the bus program. For more about the MMS bus program, please see page 29.

Trees for Free?

Scripps Ranch resident Craig Jones, a member of the city of San Diego Community Forestry Board, invited chair Vicki Estrada to talk about how important trees are to our community. Trees can help clean the air, create shade, calm traffic, and improve property values. For free trees, please contact the San Diego Center for Sustainable Energy at [www.sdenergy.org].

Chabad Master Plan Going to Planning Commission

After nearly four years of processing, the SRPG voted a favorable recommendation to the city of San Diego Planning Commission regarding the revised version of Chabad's master plan and community agreement. The plan calls for a

gymnasium, playfield, tennis court, additional classrooms, a high school, and 280 residential units—534 beds in 1, 2, and 3 bedroom units—for students and faculty. This is a reduction from the originally proposed 350 residential units.

Issues considered and discussed include: building locations and size; traffic; noise; setbacks; lighting; landscaping; reclaimed water; developer impact fees; grading limitations; continuation of the Campus Link Trail; access to Marshall Middle School joint-use fields; and compliance with the Crown Pointe-Chabad private agreement provisions. The project could go to the Planning Commission as early as Thursday, July 24. If you have any comments or concerns about this issue, you can send them to [planningcommission@sandiego.gov].

Special Note

The next SRPG meeting is on Tuesday, July 8, at 7 pm at the Scripps Ranch Library. This is not the usual date for the meeting, due to the 4th of July holiday weekend. SRPG meetings are open to the public. If you have any questions regarding issues we address, please contact me at [jarilko4@aol.com].

Bob Ilko, SRPG Vice Chair

000598

Opposed
8

September 5 2008

Dear City Planning Commission,

The Scripps Ranch Estates community (also known as Scripps Crown Pointe) has serious reservations about the proposed Chabad expansion and would like the Planning Commission to carefully consider the realistic ramifications of this project. While the Scripps Ranch Estates community has enjoyed a productive working relationship with Chabad for over 15 years, the Board of Directors of the Association, representing 213 residences, who are in very close proximity to the development, strongly oppose the proposed amendment to the original CUP and expansion.

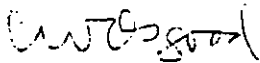
The current expansion plan in no way approximates the 1967 USIU (Alliant) CUP for student housing. The proposed project will involve construction of 800 high rise units of multi-family housing (on land not zoned for multi-family housing) that will be occupied by 1500+ people who may or may not be full time students of a formally recognized educational institution.

The proposed plan violates the previously established (Feb 9, 1995) agreement between Chabad and Scripps Ranch Estates (See enclosed document).

The Chabad proposal clearly violates density guidelines consistent with the agreement and spirit of the entire Scripps Ranch community.

Please review the intent of the original CUP (Created for one campus on approximately 112 acres), the 1995 referenced agreement and June 2007 letter of opposition sent to the Scripps Ranch planning group. The residents of Scripps Ranch Estates greatly appreciate your thoughtful consideration.

Sincerely,



Charles W Osgood
President
Board of Directors
Scripps Ranch Estates Homeowners Association

000599

Ronald C. Coover

10495 Livewood Way
San Diego, CA 92131
Tel: (858) 693-3910
Fax: (858) 693-4051
Cell: (619) 665-7292

September 12, 2008

Ms. Cheryn Cac
Development Project Manager
City of San Diego
1222 First Ave.
San Diego, CA 92101-4154

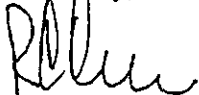
City of San Diego Planning Commission
1222 First Avenue - 4th Floor
San Diego, CA 92101-4154

**Re: Chabad Educational Center
Project Number 123607
10785 Pomerado Road**

Dear Ms. Cac:

I am writing to express my opposition to the proposed Chabad multi-family Housing project on Pomerado Rd. The project is not consistent with the underlying Zoning for the property (one single-family residence per 40,000 sq. ft. lot). Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing. Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews.

Sincerely,



Ronald C. Coover

000600

Contreras, Elisa

From: Mary Pat Saffel [mpsaffel@sbcglobal.net]

Sent: Saturday, September 13, 2008 10:53 PM

To: PLN PlanningCommission

Subject: Proposed Chabad multi-family housing project on Pomerado Rd.

We are writing to express our opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing. Finally, we are very concerned that the project will be approved without undergoing adequate environmental reviews.

Very truly yours,

Randy and Mary Pat Saffel

858-549-8419

9/16/2008

000601

Contreras, Elisa

From: AEC [alan_cariffe@hotmail.com]
Sent: Saturday, September 13, 2008 2:38 PM
To: PLN PlanningCommission
Cc: srilko4@aol.com; AEC
Subject: Chabad Multi-Family Housing Project opposition

September 13, 2008

To: Planning Commission, San Diego, and

To whom it concerns therein:

I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing.

Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews. My other concerns are for added traffic and future environmental impacts of all kinds, which need to be fully accounted for.

I am a nearby homeowner in Scripps Ranch, and have lived here since late 1985.

Very truly yours,

Alan E. Cariffe

858-549-2655 or 858-549-2658

**12424 Kingspine Avenue
San Diego, CA
92131-2286**

9/16/2008

000602

Contreras, Elisa

From: donna sandsmark [donnasands@earthlink.net]
Sent: Saturday, September 13, 2008 7:29 AM
To: PLN PlanningCommission
Subject: Chabad multi-family housing project on Pomerado Rd

I am writing to express my concerns regarding the Chabad expansion plans. Pomerado Road is already overcrowded and presents a challenge when entering and leaving Scripps Ranch. I do not believe that adding more traffic on this road is fair to anyone in the neighborhood.

In addition, I have been notified that the project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing. Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews.

Very truly yours,
Donna Sandsmark
concerned Scripps Ranch resident

9/16/2008

000603

Contreras, Elisa

From: Margaret Hardy [mhardy4@san.rr.com]
Sent: Sunday, September 14, 2008 6:38 PM
To: brianmainschein@sandiego.gov; PLN PlanningCommission
Cc: srilko@aol.com
Subject: Chabad Project - Project 123607

Dear Councilman Mainschein and Members of the Planning Commission:

We are writing to express our concern about the proposed expansion of the Chabad Educational Campus (currently referred to as Chabad Hebrew Academy). It is our understanding that Chabad is requesting a multi-family housing project on their Pomerado Road property. This is inconsistent with the zoning for the property of one single family residence per 40,000 sq. ft. lot. Also, this project is not in conformance with the CUP which was originally granted to USIU for college dormitories and passed on to Chabad at the time of the property sale. We believe this site will not be used for higher education but rather it will be used as year round, long term housing for Chabad members. If Chabad disagrees, we ask that they confirm in writing that their students will be bonafide college students thereby upholding the original CUP with USIU.

We are requesting that you grant a continuance of the Thursday, September 18 meeting of the Planning Commission in order to consider traffic impacts of the project, the arguments raised in Crown Pointe's (Scripps Ranch Estates) letter of June 4, 2007 and the legal arguments raised in the July 17, 2008 letter to Cherlyn Cac and the Planning Commission from Bill Reavey and Ron Coover.

We request that you add our names to the notice list for all further notices for Project 123607 (Chabad Project). Our mailing address is

Mr. and Mrs. A.J. Hardy
10384 Barrywood Way
San Diego, CA 92131

Thank you for your attention to this most important matter.

Sincerely,

Margaret Hardy A.J. Hardy

9/16/2008

000604

Contreras, Elisa

From: Bill Wood [wwood@san.rr.com]
Sent: Sunday, September 14, 2008 5:10 PM
To: PLN Planning Commission
Subject: Opposition to CHABAD development

I am a writing to express the strong opposition of my wife and myself to the Chabad proposed housing development located off Pomerado Road in Scripps Ranch. Anyone even vaguely familiar with Scripps Ranch would immediately recognize to significant negative impacts such a development would have on our community. It is plain that the propped housing is far in excess of, and does not conform to, the dormatory use initially granted to USIU in 1967. Please do not damage our community by permitting this project.

000605

Contreras, Elisa

From: Jack and Jeri [kiefmo@sbcglobal.net]
Sent: Sunday, September 14, 2008 3:27 PM
To: PLN PlanningCommission
Subject: Chabad

I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Multi-family housing is permitted in only one location in Scripps Ranch. The Chabad property is not that location. Furthermore, the project is not in substantial conformance with the CUP granted USIU for college dormitory housing. No institution of higher education is planned for the site. The housing is planned as year round, long term housing for members of Chabad. Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews.'

Jeri and Jack Demner
12845 Meadowdale Lane
San Diego, CA 92131

000606

Contreras, Elisa

From: cweiscopf@aol.com**Sent:** Sunday, September 14, 2008 3:04 PM**To:** Maienschein, Councilmember; Rankin, Brittany; Ekard, Megan; cac@sandiego.gov; PLN PlanningCommission**Subject:** CHABAD PROJECT - OPPOSITION

To Whom It May Concern:

We are writing to express our opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Multi-family housing is permitted in only one location in Scripps Ranch. The Chabad property is not that location. Furthermore, the project is not in substantial conformance with the CUP granted USIU for college dormitory housing. No institution of higher education is planned for the site. The housing is planned as year round, long term housing for members of Chabad. Finally, we are very concerned that the project will be approved without undergoing adequate environmental reviews.'

Please add us to the notice list for any further notices for the Project 123607 (Chabad Project). Our mailing address is

Carl and Charlene Weiscopf
12464 Semillon Blvd
San Diego, CA 92131.

Request a continuance of the 18 September hearing because the Planning Commission staff did not consider the very significant reported traffic impacts (2,500 ADT's) of the project and the arguments raised in Crown Pointe's June 4, 2007 letter to the Scripps Ranch Planning Group ('SRPG') and the Planning Commission.

Looking for spoilers and reviews on the new TV season? [Get AOL's ultimate guide to fall TV.](#)

9/16/2008

000607

VICTOR & MARY LANDA
10575 Livewood Way
San Diego, CA 92131
858.271.0703
858.530.8619 Fax
vlanda@aol.com

September 14, 2008

Hon. Brian Maienschein
San Diego City Council
City Administration Building
202 West 'C' Street
San Diego, CA 92101

VIA U.S. MAIL & E-MAIL

RE: Chabad Housing – Project Number 123607

Dear Councilman Maienschein:

We have been residents of Scripps Ranch since 1974. We moved to this community as it was a truly unique and beautiful area within the city. Over the years, we have watched the beauty and uniqueness slowly become compromised by exceptions to the original plan for the ranch in which developments were to preserve the legacy that E.W. Scripps left us. The intent of the original plan for Scripps Ranch was to provide an overall housing density that would preserve large stands of existing trees and protect the 'country' feel of the community. On the south side of Pomerado Road, the housing density was to be approximately one residential dwelling per acre. The USIU campus, as originally conceived, was quite consistent with this density. It is unfortunate that the USIU campus was subdivided, a portion sold to the Friends of Chabad-Lubavitch San Diego, Inc. (Chabad), and that the city allowed Chabad to reply on the Conditional Use Permit (CUP), originally approved for USIU, for the development of the subdivided portion.

As you are aware, Chabad is now trying to gain another exception to the original density plan and circumvent the normal processes that any large development would undergo by further relying on the original USIU CUP. It would be a mistake to compound the original error with yet another one. Chabad should be required to go through a full planning process as set forth by the California Environmental Quality Act (CEQA). Their proposed development will have a significant impact on the community of Scripps Ranch. This must be fully evaluated and understood before any approvals are given.

As our representative, we expect that you will put an end to Chabad hiding behind an outdated and inappropriate CUP in order to avoid the needed full planning process. We will be attending the September 18 Planning Commission meeting in the City Council Chambers to directly voice our concerns and observe the actions taken first hand.

Sincerely,

Victor Landa

Mary Landa

CC: Cheryl Cac, Mike Westlake – City Planning Department – Via e-mail
Bob Ilko – Scripps Ranch Planning Group – Via e-mail
Members of the Whispering Ridge Homeowners Association – Via e-mail

P.S. Planning Department – please copy us on all future public notices for this project.

000608

Contreras, Elisa

From: M'lu & Bob Colbourn [mlubob@san.rr.com]
Sent: Sunday, September 14, 2008 12:24 PM
To: PLN PlanningCommission
Subject: Chabad Project

To the San Diego Planning Commission,

We are writing to express our opposition to the proposed Chabad multi-family housing project on Pomerado Rd.

The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Multi-family housing is permitted in only one location in Scripps Ranch. The Chabad property is not that location.

Furthermore, the project is not in substantial conformance with the CUP granted USIU for college dormitory housing. No institution of higher education is planned for the site. The housing is planned as year round, long term housing for members of Chabad.

The impact of such a project to already-congested Pomerado Rd. would be severe. It must be considered that the opening of Marshall Middle School has already had a huge impact on this major route which serves Scripps Ranch and areas of Poway.

Finally, we are very concerned that the project will be approved without undergoing adequate environmental reviews.

Robert and Mary Lu Colbourn
Scripps Ranch Residents

000609

Contreras, Elisa

From: Howard Dittrich [howard@imager.com]
Sent: Sunday, September 14, 2008 3:29 PM
To: Maienschein, Councilmember; Rankin, Brittany; Ekard, Megan
Cc: cac@sandiego.gov; PLN PlanningCommission
Subject: Chabad Project (123607)
Attachments: Letter to B Maienschein Sept 14 2008.pdf

Dear Mr. Maienschein and staff members, Cheryln Cac, and the San Diego Planning Commission,

Please see attached a letter from my wife and me concerning the Chabad Residential Project. We are Scripps Ranch residents and we are very concerned about the manner in which this project is being pursued. We appreciate your attention to this important matter.

Please add us to the notice list for all further notices for the Project 123607 (Chabad Project).

Howard and Mary Dittrich
10485 Livewood Way
San Diego, CA 92131

9/16/2008

000610

September 14, 2008

Hon. Brian Maienschein
San Diego City Council
City Administration Building
202 West 'C' Street
San Diego, CA 92101

Dear Councilman Maienschein:

We are writing to express our vehement opposition to the manner in which the Friends of Chabad-Lubavitch San Diego, Inc. (Chabad) multi-family housing project on Pomerado Rd is attempting to bypass accepted development standards in order to gain approval for their project. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Furthermore, the project is not in substantial conformance with the Conditional Use Permit (CUP) granted USIU for college dormitory housing many years ago. This project must not be allowed to continue under a now outdated and inappropriate CUP. Housing such as this must be evaluated in a manner consistent with current standards and it is your obligation to us, your constituents, to ensure that this happens.

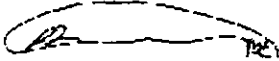
We have been residents of Scripps Ranch for more than a decade. We moved to this community because it was a truly unique and beautiful area within the city. We now watch in dismay as the beauty and uniqueness slowly become compromised by exceptions to the original plan for the ranch in which developments were to preserve the legacy that E.W. Scripps left us. The original plan for Scripps Ranch was to provide an overall housing density that would preserve large stands of existing trees and protect the 'country' feel of the community. On the south side of Pomerado Road, the housing density was to be approximately one residential dwelling per acre. The USIU campus, as originally conceived, was quite consistent with this density. It is unfortunate that the USIU campus was subdivided, a portion sold to Chabad and that the city allowed Chabad to rely on the CUP, originally approved for USIU, for the development of the subdivided portion.

Chabad is now trying to gain another exception to the original density plan and circumvent the normal processes, which any large development would undergo, by further relying on the CUP. It would be a mistake to compound the original error with yet another one. Chabad, as any other organization, should be required to go through a full planning process as set forth by the California Environmental Quality Act (CEQA). Their proposed development will have a significant impact on the community of Scripps Ranch. This must be fully evaluated and understood before any approvals are given.

000611

As our San Diego City Councilman, we look to you to prevent any group from hiding behind an outdated and inappropriate CUP in order to avoid the needed full planning process. Thank you for your immediate attention to this urgent matter.

Sincerely,



Howard C Dittrich MD
Mary T Dittrich
10485 Livewood Way
San Diego, CA 92131-2201
howard@imager.com
858-405-1429

000612
Contreras, Elisa

From: Nancy Richieri [nrichieri@yahoo.com]
Sent: Sunday, September 14, 2008 12:03 PM
To: PLN Planning Commission
Subject: Chabad Housing Project in Scripps Ranch

I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Neither is the project in substantial conformance with the CUP granted USIU (aka Alliant University) for college dormitory housing.

Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews.

Sincerely,

Nancy Richieri

000613

Contreras, Elisa

From: Rgbmason@aol.com
Sent: Sunday, September 14, 2008 10:04 AM
To: PLN PlanningCommission
Subject: Stop Chabad construction

'I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Multi-family housing is permitted in only one location in Scripps Ranch. The Chabad property is not that location. Furthermore, the project is not in substantial conformance with the CUP granted USIU for college dormitory housing. No institution of higher education is planned for the site. The housing is planned as year round, long term housing for members of Chabad. Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews.'

Ralph G. Burr
12858 Meadowdale Lane
San Diego 92131

Psssst...Have you heard the news? [There's a new fashion blog, plus the latest fall trends and hair styles at StyleList.com.](#)

9/16/2008

000614

Contreras, Elisa

From: Karla Wenhardt [tokarla@sbcglobal.net]
Sent: Sunday, September 14, 2008 9:01 PM
To: PLN Planning Commission
Cc: srilko4@aol.com
Subject: Chabad Housing Proposal

Dear Members of the Planning Commission,

As 26-year residents of Scripps Ranch, we are writing to express our opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing. Finally, we are very concerned that the project will be approved without undergoing adequate environmental reviews.

We also request a continuance of the 18 September hearing because the Planning Commission staff did not consider:

- (1) the traffic impacts of the project and
- (2) the legal arguments raised in the letter dated July 17, 2008 from Bill Reavey and Ron Coover to Cherlyn Cac and the Planning Commission. Specifically, this letter questioned whether the proposed project was consistent with the college educational requirements of the original USIU CUP. The Planning Commission staff did not discuss or comment on this important issue.

Thank you for your time and your consideration of this important issue which, as proposed, will negatively affect our daily quality of life in this community.

Please include us in the list for all further notices for the Project 123607 (Chabad Project). Our mailing address is included below.

Sincerely,

Darrell and Karla Wenhardt
10565 Livewood Way
San Diego, Ca 92131
email tokmw@sbcglobal.net , darrell@cbt-net.com.

000615

Contreras, Elisa

From: RCDoucet@aol.com
Sent: Sunday, September 14, 2008 9:31 PM
To: SRllko4@aol.com; PLN PlanningCommission
Subject: To the San Diego Planning Commission and Brian Maienschein

This is for the San Diego Planning Commission and Brian Maienschein's

Are you folks paying any attention to what is going on with the Chabad Project #123607? Are you are aware that it is not consistent with the character of Scripps Ranch and the Multi-family housing restrictions relevant thereto? Are you aware that you're about to permit the creation of a totally untenable traffic mess on Pomerado Road? You can be sure we're not going to forget who let this project get through!

I urgently request a continuance of the 18 September hearing so that the addressees reconsider:

- (1) the very significant reported traffic impacts of the project
- (2) the arguments raised in Crown Pointe's June 4, 2007 letter to the Scripps Ranch Planning Group ('SRPG')
- (3) the legal arguments raised in the letter dated July 17, 2008 from Bill Reavey and Ron Coover to Cherlyn Cac and the Planning Commission.

We want some action, specifically we want this project stopped.

Please forward to us all further notices for the Chabad Project 123607. Our address is:

Richard and Sun Soon Doucet
12474 Oakfort Ct.
San Diego, CA 92131

rcdoucet

000616

Contreras, Elisa

From: Vern and Lois Gleason [sga10425@sbcglobal.net]

Sent: Sunday, September 14, 2008 9:46 PM

To: PLN PlanningCommission; Maienschein, Councilmember

Cc: cac@sandiego.gov; Rankin, Brittany; mekard@sandieg.gov; srilko4@aol.com

We are writing to express our opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot).

Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing. Finally, we are very concerned that the project will be approved without undergoing adequate environmental reviews, including a full assessment of the project's impact upon any future emergency evacuation of Scripps Ranch. Our residents already encountered gridlock on Pomerado road during the advisory evacuation during the fires of 2007.

Chabad should be required to go through a full planning process as set forth by the California Environmental Quality Act (CEQA). Their proposed development will have a significant impact on the community of Scripps Ranch. This must be fully evaluated and understood before any approvals are given.

Vernon L Gleason

Lois

9/16/2008

000617

Contreras, Elisa

From: Vern and Lois Gleason [sga10425@sbcglobal.net]
Sent: Sunday, September 14, 2008 10:10 PM
To: PLN Planning Commission; Maienschein, Councilmember
Cc: cac@sandiego.gov; Rankin, Brittany; Ekard, Megan; srilko4@aol.com
Subject: Chabad Housing Project, Corrected Copy

We are writing to express our opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot).

Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing. Finally, we are very concerned that the project will be approved without undergoing adequate environmental reviews, including a full assessment of the project's impact upon any future emergency evacuation of Scripps Ranch. Our residents already encountered gridlock on Pomerado Road during the advisory evacuation during the fires of 2007.

Chabad should be required to go through a full planning process as set forth by the California Environmental Quality Act (CEQA). Their proposed development will have a significant impact on the community of Scripps Ranch. This must be fully evaluated and understood before any approvals are given.

Vernon L Gleason

Lois D Gleason

10425 Spruce Grove Ave

San Diego, CA 92131

858-578-4773

9/16/2008

000618

Contreras, Elisa

From: Lila Behr [lrbehr@gmail.com]
Sent: Monday, September 15, 2008 4:38 PM
To: PLN PlanningCommission; Maienschein, Councilmember
Cc: srilko4@aol.com
Subject: Chabad Multi-family Housing Project-- Pomerado Rd.

I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing. Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews.

Very Truly Yours,
Lila Behr
Resident of Scripps Ranch

9/16/2008

000619

Contreras, Elisa

From: Cac, Cherlyn
Sent: Monday, September 15, 2008 2:58 PM
To: PLN PlanningCommission
Cc: Contreras, Elisa; Trask, Donna; Leon, Rosalie
Subject: FW: Opposition to Chabad housing

Would someone please forward this email from Evan Zucker in opposition to the Planning Commissioners?

Thank you,
Cherlyn

From: Evan Zucker [mailto:ez@TotalitySoftware.com]
Sent: Monday, September 15, 2008 2:15 PM
To: Cac, Cherlyn
Subject: Opposition to Chabad housing

I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd.

The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Multi-family housing is permitted in only one location in Scripps Ranch. The Chabad property is not that location. Furthermore, the project is not in substantial conformance with the CUP granted USIU for college dormitory housing. No institution of higher education is planned for the site. The housing is planned as year-round, long-term housing for members of Chabad. Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews.

Evan Zucker
12424 Oakfort Place
San Diego, CA 92131
(858) 689-9452

9/16/2008

000620
Cac, Cherlyn

From: Karla Wenhardt [tokarla@sbcglobal.net]
Sent: Monday, September 15, 2008 8:58 PM
To: Cac, Cherlyn; Westlake, Mike
Subject: Chabad Housing Proposal

Dear Ms. Cac & Mr. Westlake,

As 26-year residents of Scripps Ranch, we are writing to express our extreme opposition to the proposed Chabad multi-family housing project on Pomerado Rd.

The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing.

Finally, we are very concerned that the project will be approved without undergoing adequate environmental reviews.

We also request a continuance of the 18 September hearing because the Planning Commission staff did not consider:

(1) the traffic impacts of the project and

(2) the legal arguments raised in the letter dated July 17, 2008 from Bill Reavey and Ron Coover to Cherlyn Cac and the Planning Commission. Specifically, this letter questioned whether the proposed project was consistent with the college educational requirements of the original USIU CUP. The Planning Commission staff did not discuss or comment on this important issue.

Thank you for your time and your consideration of this important issue which, as proposed, will negatively affect our daily quality of life in this community.

Please include us in the list for all further notices for the Project 123607 (Chabad Project). Our mailing address is included below.

Sincerely,

Darrell and Karla Wenhardt
10565 Livewood Way
San Diego, Ca 92131
email tokmw@sbcglobal.net , darrell@cbt-net.com

000621

Erin N. Lapeyre
12865 Meadowdale Lane
San Diego, CA 92131
elapeyre@san.rr.com

September 15, 2008

To Whom it May Concern:

I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). In addition, the project IS NOT in substantial conformance with the CUP granted USIU for college dormitory housing, specifically the proposed project is not consistent with the college educational requirements of the original USIU CUP. I am very concerned that the project will be approved without undergoing adequate environmental reviews. Chabad should be required to go through a full planning process as set forth by the California Environmental Quality Act (CEQA). Their proposed development will have a significant adverse and potentially dangerous impact on the community of Scripps Ranch. In addition to substantial additional traffic congestion (more than 2,500 ADT's), the threat to timely and efficient community wide emergency evacuation that this number of housing units poses is of utmost concern to me.

Please add me to the notice list for all further notices for the Project 123607 (Chabad Project).

Sincerely,

Erin N. Lapeyre

Cc: Cheryl Cac, Mike Westlake – City Planning Department
Bob Ilko – Scripps Ranch Planning Group

000622

Contreras, Elisa

From: Erin Lapeyre [elapeyre@san.rr.com]
Sent: Monday, September 15, 2008 12:51 PM
To: Maienschein, Councilmember
Cc: Cherlyn Cac; Bob Ilko; PLN PlanningCommission
Subject: Project 123607 (Chabad Project)
Attachments: Chabad.docx

Erin N. Lapeyre

12865 Meadowdale Lane
San Diego, CA 92131
elapeyre@san.rr.com

September 15, 2008

To Whom it May Concern:

I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). In addition, the project IS NOT in substantial conformance with the CUP granted USIU for college dormitory housing, specifically the proposed project is not consistent with the college educational requirements of the original USIU CUP. I am very concerned that the project will be approved without undergoing adequate environmental reviews. Chabad should be required to go through a full planning process as set forth by the California Environmental Quality Act (CEQA). Their proposed development will have a significant adverse and potentially dangerous impact on the community of Scripps Ranch. In addition to substantial additional traffic congestion (more than 2,500 ADT's), the threat to timely and efficient community wide emergency evacuation that this number of housing units poses is of utmost concern to me, having experienced 2 community wide evacuations in the past 5 years.

Please add me to the notice list for all further notices for the Project 123607 (Chabad Project).

Sincerely,

Erin N. Lapeyre

Cc: Cheryl Cac, Mike Westlake – City Planning Department
Bob Ilko – Scripps Ranch Planning Group

9/16/2008

000623

Contreras, Elisa

From: Bob Naylor [bnaylor@san.rr.com]
Sent: Monday, September 15, 2008 9:40 AM
To: PLN PlanningCommission
Cc: srilko4@aol.com
Subject: Chabad housing project

I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing. I am very concerned that the project will be approved without undergoing adequate environmental reviews.

Additionally especially with last year's opening of the new Marshall Middle School the traffic on Pomerado Road has already been significantly impacted. For the safety of our residents, especially the middle school children, we can not afford to increase traffic on this main artery.

Belinda Naylor
10810 Loire Ave.
San Diego, CA 92131

9/16/2008

000624

Contreras, Elisa

From: Earl C. Wong [ECW@FranchiseCapitalAdvisors.Com]
Sent: Monday, September 15, 2008 9:24 AM
To: Maienschein, Councilmember
Cc: PLN PlanningCommission
Subject: Chabad Project

Dear Mr. Mmaienschein,

Regarding the proposed Chabad housing project, I am writing to express my opposition. My primary concern is that the project will be approved without undergoing adequate environmental reviews, sliding in under the radar of the CUP granted years ago to Alliant University (granted USIU for college dormitory housing.."). Further, as I read the background on the project, I cannot see how it is consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot).

Thank you for your time and attention to this matter.

Regards,

Earl Wong

Phone: 858-635-8992 | Email: ECW@FranchiseCapitalAdvisors.Com | Web:
www.FranchiseCapitalAdvisors.Com

Franchise Capital Advisors | 10755 Scripps Poway Parkway, STE F410 | San Diego, CA
92131

Please keep us in mind! We are dedicated to providing a full range of financial advisory services including debt and equity placement, sale leaseback structures and buy-sell advisory to all sectors of the chain retail segment.

9/16/2008

000625

Contreras, Elisa

From: Earl C. Wong [ECW@FranchiseCapitalAdvisors.Com]
Sent: Monday, September 15, 2008 9:24 AM
To: Maienschein, Councilmember
Cc: PLN PlanningCommission
Subject: Chabad Project

Dear Mr. Mmaienschein,

Regarding the proposed Chabad housing project, I am writing to express my opposition. My primary concern is that the project will be approved without undergoing adequate environmental reviews, sliding in under the radar of the CUP granted years ago to Alliant University (granted USIU for college dormitory housing.."). Further, as I read the background on the project, I cannot see how it is consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot).

Thank you for your time and attention to this matter.

Regards,

Earl Wong

Phone:858-635-8992 | Email:ECW@FranchiseCapitalAdvisors.Com | Web:
www.FranchiseCapitalAdvisors.Com

Franchise Capital Advisors | 10755 Scripps Poway Parkway, STE F410 | San Diego, CA
92131

Please keep us in mind! We are dedicated to providing a full range of financial advisory services including debt and equity placement, sale leaseback structures and buy-sell advisory to all sectors of the chain retail segment.

9/16/2008

000626

Contreras, Elisa

From: Cac, Cherlyn
Sent: Monday, September 15, 2008 9:04 AM
To: PLN PlanningCommission
Subject: FW: Chabad Housing
Attachments: chabad.jpg

FYI: Donna and Rosalie may have already taken care of this.

From: Ron Coover [mailto:rcoover@san.rr.com]
Sent: Saturday, September 13, 2008 7:48 PM
To: Cac, Cherlyn
Subject: Chabad Housing

Please accept my letter opposing the above-referenced project. Please see that the Planning Commission is aware of my opposition.

Thank you for your assistance.

Regards,

Ronald C. Coover
10495 Livewood Way
San Diego, CA 92131
Office: (858) 693-3910
Fax: (858) 693-4051
Cell: (619) 665-7292
Email: rcoover@san.rr.com

9/16/2008

000627

Ronald C. Coover

10495 Livewood Way
San Diego, CA 92131
Tel: (858) 693-3910
Fax: (858) 693-4051
Cell: (619) 665-7292

September 12, 2008

Ms. Cheryln Cac
Development Project Manager
City of San Diego
1222 First Ave.
San Diego, CA 92101-4154

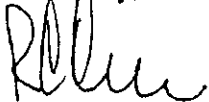
City of San Diego Planning Commission
1222 First Avenue - 4th Floor
San Diego, CA 92101-4154

**Re: Chabad Educational Center
Project Number 123607
10785 Pomerado Road**

Dear Ms. Cac:

I am writing to express my opposition to the proposed Chabad multi-family Housing project on Pomerado Rd. The project is not consistent with the underlying Zoning for the property (one single-family residence per 40,000 sq. ft. lot). Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing. Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews.

Sincerely,



Ronald C. Coover

000628

Contreras, Elisa

From: Evan Zucker [ez@TotalitySoftware.com]
Sent: Monday, September 15, 2008 2:43 AM
To: cac@sandiego.gov; PLN PlanningCommission
Subject: Opposition to Chabad housing

I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd.

The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Multi-family housing is permitted in only one location in Scripps Ranch. The Chabad property is not that location. Furthermore, the project is not in substantial conformance with the CUP granted USIU for college dormitory housing. No institution of higher education is planned for the site. The housing is planned as year-round, long-term housing for members of Chabad. Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews.

Evan Zucker
12424 Oakfort Place
San Diego, CA 92131
(858) 689-9452

9/16/2008

000629

Contreras, Elisa

From: David Froman [dfroman@juno.com]
Sent: Monday, September 15, 2008 1:47 AM
To: cac@sandiego.gov; PLN Planning Commission
Cc: ddfroman1@juno.com
Subject: Project 123607 (Chabad Project) Concerns
Attachments: Crown Pointe 2007 letter.pdf; Letter dated July 17, 2008 re Chabad project.pdf

Dear Planning Commission Members,

We are writing to you to express our concern about and opposition to the proposed multi-family housing project on Pomerado Road in Scripps Ranch that is being pursued by Chabad. The proposed multi-family housing is inconsistent with the single family zoning of the site and the adjacent neighborhood. It is also a departure from the sole basis for claiming to be able to build it, that is, that Chabad's purchase of this property from USIU that had been approved for college dormitory housing carries with it the right to build up to 800 multi-family dormitory units on the land. As far as we are informed, the Chabad has only an elementary and pre-school. These students would not need dormitories. It does not have an institution of higher education, as did USIU when the future dormitory expansion was approved. Moreover, it appears that the housing planned would not be for students in any event, but year-round housing for members of Chabad.

We request to be added to the notice list for all further notices for the Project 123607 (Chabad Project). Our mailing address is
David & Elizabeth Froman
10292 Pinecastle St.
San Diego, CA 92131

Finally, we request that you continue the 18 September hearing because the Planning Commission staff did not consider (1) the very significant reported traffic impacts (2,500 ADT's) of the project, (2) the arguments raised in Crown Pointe's June 4, 2007 letter to the Scripps Ranch Planning Group ('SRPG') and the Planning Commission (copy attached), and (3) the legal arguments raised in the letter dated July 17, 2008 (copy attached) from Bill Reavey and Ron Coover to Cheryl Cac and the Planning Commission. Specifically, the latter letter questioned, among other things, whether the proposed project was consistent with the college educational requirements of the original USIU CUP. As far as we are aware, there is no college at Chabad. It would seem that to be in substantial compliance with a need for college dormitories, a bona fide college should exist.

Therefore, if this project is to go forward, it should be subject to all the appropriate environmental impact reviews. We trust that you will ensure that the project is given renewed scrutiny.
Sincerely,

David and Elizabeth Froman
dfroman@juno.com

9/16/2008

000630

Contreras, Elisa

From: David Froman [dfroman@juno.com]
Sent: Monday, September 15, 2008 1:47 AM
To: cac@sandiego.gov; PLN PlanningCommission
Cc: ddfroman1@juno.com
Subject: Project 123607 (Chabad Project) Concerns
Attachments: Crown Pointe 2007 letter.pdf; Letter dated July 17, 2008 re Chabad project.pdf

Dear Planning Commission Members,

We are writing to you to express our concern about and opposition to the proposed multi-family housing project on Pomerado Road in Scripps Ranch that is being pursued by Chabad. The proposed multi-family housing is inconsistent with the single family zoning of the site and the adjacent neighborhood. It is also a departure from the sole basis for claiming to be able to build it, that is, that Chabad's purchase of this property from USIU that had been approved for college dormitory housing carries with it the right to build up to 800 multi-family dormitory units on the land. As far as we are informed, the Chabad has only an elementary and pre-school. These students would not need dormitories. It does not have an institution of higher education, as did USIU when the future dormitory expansion was approved. Moreover, it appears that the housing planned would not be for students in any event, but year-round housing for members of Chabad.

We request to be added to the notice list for all further notices for the Project 123607 (Chabad Project). Our mailing address is

David & Elizabeth Froman
10292 Pinecastle St.
San Diego, CA 92131

Finally, we request that you continue the 18 September hearing because the Planning Commission staff did not consider (1) the very significant reported traffic impacts (2,500 ADT's) of the project, (2) the arguments raised in Crown Pointe's June 4, 2007 letter to the Scripps Ranch Planning Group ('SRPG') and the Planning Commission (copy attached), and (3) the legal arguments raised in the letter dated July 17, 2008 (copy attached) from Bill Reavey and Ron Coover to Cheryl Cac and the Planning Commission. Specifically, the latter letter questioned, among other things, whether the proposed project was consistent with the college educational requirements of the original USIU CUP. As far as we are aware, there is no college at Chabad. It would seem that to be in substantial compliance with a need for college dormitories, a bona fide college should exist.

Therefore, if this project is to go forward, it should be subject to all the appropriate environmental impact reviews. We trust that you will ensure that the project is given renewed scrutiny.

Sincerely,

David and Elizabeth Froman
dfroman@juno.com

9/16/2008

000631
Cac, Cherlyn

From: Vern and Lois Gleason [sga10425@sbcglobal.net]
Sent: Tuesday, September 16, 2008 4:10 PM
To: Westlake, Mike
Cc: Cac, Cherlyn
Subject: Chabad Housing Project

We are writing to express our opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot).

Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing. Finally, we are very concerned that the project will be approved without undergoing adequate environmental reviews, including a full assessment of the project's impact upon any future emergency evacuation of Scripps Ranch. Our residents already encountered gridlock on Pomerado Road during the advisory evacuation during the fires of 2007.

Chabad should be required to go through a full planning process as set forth by the California Environmental Quality Act (CEQA). Their proposed development will have a significant impact on the community of Scripps Ranch. This must be fully evaluated and understood before any approvals are given.

We request to be added to the notice list for all further notices for Project 123607 (Chabad Project).

Vernon L Gleason

Lois D Gleason

10425 Spruce Grove Ave

San Diego, CA 92131

358-578-4773

000632
Contreras, Elisa

From: Gail Harriss [gaharriss@yahoo.com]
Sent: Tuesday, September 16, 2008 10:45 PM
To: PLN Planning Commission
Subject: Chabad project

I STRONGLY oppose the Chabad multi-family housing project on Pomerado Road in Scripps Ranch. This project must undergo adequate environmental reviews before it is considered. Also, the project is not consistent with the zoning for the property.

I plan to attend the Planning Commission hearing on September 18 to express my views.

Gail Harriss
Scripps Ranch resident since 1972

000633

Contreras, Elisa

From: pam trimble [pamdakota2004@yahoo.com]
Sent: Tuesday, September 16, 2008 12:49 PM
To: PLN PlanningCommission
Subject: Scripps Ranch Chabad Multi-Family Housing project

I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing. Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews.

Mark & Pam Trimble
10263 Pinecastle Street
San Diego CA 92131

9/16/2008

000634

Contreras, Elisa

From: Lila Behr [lrbehr@gmail.com]
Sent: Tuesday, September 16, 2008 8:49 PM
To: PLN Planning Commission; Maienschein, Councilmember
Subject: Chabad multi-family housing project- Pomerado Rd.

I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing. Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews.

Very Truly Yours,
Lila Behr
Resident of Scripps Ranch

9/17/2008

000635

Contreras, Elisa

From: Jack and Jeri [kiefmo@sbcglobal.net]
Sent: Tuesday, September 16, 2008 3:54 PM
To: PLN Planning Commission
Subject: Chabad

I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Multi-family housing is permitted in only one location in Scripps Ranch. The Chabad property is not that location. Furthermore, the project is not in substantial conformance with the CUP granted USIU for college dormitory housing. No institution of higher education is planned for the site. The housing is planned as year round, long term housing for members of Chabad. Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews.'

Jeri and Jack Demner
12845 Meadowdale Lane
San Diego, CA 92131

000636

Contreras, Elisa

From: RCDoucet@aol.com

Sent: Tuesday, September 16, 2008 5:17 PM

To: Maienschein, Councilmember; Witmond, Lance; Rankin, Brittany; Barber, Jessica; Cac, Cherlyn; Westlake, Mike; PLN Planning Commission

Subject: Strong Opposition to Chabad Project #123607

Strong Opposition to Chabad Project #123607

Are you folks paying any attention to what is going on with the Chabad Project #123607? Are you are aware that it is not consistent with the character of Scripps Ranch and the Multi-family housing restrictions relevant thereto? Are you aware that you're about to permit the creation of a totally untenable traffic mess on Pomerado Road? You can be sure we're not going to forget who let this project get through!

I urgently request a continuance of the 18 September hearing so that the addressees reconsider:

- (1) the very significant reported traffic impacts of the project
- (2) the arguments raised in Crown Pointe's June 4, 2007 letter to the Scripps Ranch Planning Group ('SRPG')
- (3) the legal arguments raised in the letter dated July 17, 2008 from Bill Reavey and Ron Coover to Cherlyn Cac and the Planning Commission.

We want some action, specifically we want this project stopped.

Please forward to us all further notices for the Chabad Project 123607. Our address is:

Richard and Sun Soon Doucet
12474 Oakfort Ct.
San Diego, CA 92131

rcdoucet

9/17/2008

000637

Contreras, Elisa

From: Christian Anderson [pinecastle@sbcglobal.net]
Sent: Wednesday, September 17, 2008 9:15 AM
To: Maienschein, Councilmember; Rankin, Brittany
Cc: Ekard, Megan; cac@sandiego.gov; PLN PlanningCommission; Westlake, Mike
Subject: No Chabad Expansion!

We are longtime residents of Scripps Ranch. We moved to this community as it was a truly unique and beautiful area within the city. Over the years, we have watched the beauty and uniqueness slowly become compromised by exceptions to the original plan for the ranch in which developments were to preserve the legacy that E.W. Scripps left us. The intent of the original plan for Scripps Ranch was to provide an overall housing density that would preserve large stands of existing trees and protect the □country□ feel of the community. On the south side of Pomerado Road, the housing density was to be approximately one residential dwelling per acre. The USIU campus, as originally conceived, was quite consistent with this density. It is unfortunate that the USIU campus was subdivided, a portion sold to the Friends of Chabad-Lubavitch San Diego, Inc. (Chabad), and that the city allowed Chabad to reply on the Conditional Use Permit (CUP), originally approved for USIU, for the development of the subdivided portion.

As you are aware, Chabad is now trying to gain another exception to the original density plan and circumvent the normal processes that any large development would undergo by further relying on the CUP. It would be a mistake to compound the original error with yet another one. Chabad should be required to go through a full planning process as set forth by the California Environmental Quality Act (CEQA). Their proposed development will have a significant impact on the community of Scripps Ranch. It is anticipated that the development would add 2,500 ADT□s to Pomerado. I am sure you already know what a traffic nightmare that street is currently. This must be fully evaluated and understood before any approvals are given.

As our representative, we implore you to **put an end to Chabad hiding behind an outdated and inappropriate CUP in order to avoid the needed full planning process.** This project will have a devastating impact to our quality of life. We will be attending the September 18 Planning Commission meeting in the City Council Chambers to directly voice our concerns and observe the actions taken first hand.

Sincerely,

Anderson Family
10332 Pinecastle Street
San Diego, CA 92131

9/17/2008

000638

Contreras, Elisa

From: kathleen [kdathome@sbcglobal.net]
Sent: Wednesday, September 17, 2008 8:57 AM
To: Maienschein, Councilmember
Cc: srilko4@aol.com; PLN PlanningCommission
Subject: CHABAD buildup
Importance: High

Dear Councilman Maienschein,

I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd.

The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot).

Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing. There are none, nor are there plans to have, adult "students" who require housing at Chabad.

Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews.

Sincerely,
Kathleen A. Downs
9736 Aviary Drive
Scripps Ranch

9/17/2008

Cac, Cherlyn 000639


From: Nicole Anderson [nanderson@clbpartners.com]
Sent: Wednesday, September 17, 2008 11:00 AM
To: Cac, Cherlyn; Westlake, Mike
Subject: FW: Chabad
Attachments: Letter to Councilman Maienschein.pdf


Dear Ms. Cac and Mr. Westlake,


Please review and consider the attached letter in regards to the Chabad proposal.


Nicole Anderson



CLB Partners

 (858) 847-9100 #16

 (619) 251-9885

 (619) 393-5050

 512 Via de la Valle #200
Solana Beach, CA, 92075

 nanderson@clbpartners.com
 www.clbpartners.com

000640

September 17, 2008

Hon. Brian Maienschein
San Diego City Council
City Administration Building
202 West 'C' Street
San Diego, CA 92101

Dear Brian:

I have been a resident of Scripps Ranch since 2001. I moved to this community as it was a truly unique and beautiful area within the city. I have watched the beauty and uniqueness slowly become compromised by exceptions to the original plan for the ranch in which developments were to **preserve the legacy** that E.W. Scripps left us. The intent of the original plan for Scripps Ranch was to provide an overall housing density that would preserve large stands of existing trees and **protect the 'country' feel** of the community. On the south side of Pomerado Road, the housing density was to be approximately one residential dwelling per acre. The USIU campus, as originally conceived, was quite consistent with this density. It is unfortunate that the USIU campus was subdivided, a portion sold to the Friends of Chabad-Lubavitch San Diego, Inc. (Chabad), and that the city allowed Chabad to rely on the Conditional Use Permit (CUP), originally approved for USIU, for the development of the subdivided portion.

As you are aware, Chabad is now trying to gain another exception to the original density plan and circumvent the normal processes that any large development would undergo by further relying on the CUP. It would be a mistake to compound the original error with yet another one. Chabad should be required to go through a full planning process as set forth by the California Environmental Quality Act (CEQA). Their proposed development will have a **significant impact** on the community of Scripps Ranch. This must be fully evaluated and understood **before any approvals are given**.

As our representative, I sincerely hope that you will put an end to Chabad hiding behind an outdated and inappropriate CUP in order to avoid the needed full planning process.

Sincerely,

Nicole Anderson
10332 Pinecastle Street
San Diego, CA, 92131

000641

Contreras, Elisa

From: Kaye Coates [kcoates@san.rr.com]
Sent: Wednesday, September 17, 2008 10:21 PM
To: Maienschein, Councilmember
Cc: Witmond, Lance; Rankin, Brittany; Barber, Jessica; Cac, Cherlyn; Westlake, Mike; PLN PlanningCommission
Subject: Planning Commission
Attachments: Letter to Councilman Maienschein.doc

Please accept the attached document in the inclusion of documents for the purpose of voicing our opposition to the requests being made by Chabad in terms of housing requests.

Sincerely,
Kaye Coates

9/18/2008

000642

September 18, 2008

Hon. Brian Maienschein
San Diego City Council
City Administration Building
202 West 'C' Street
San Diego, CA 92101

Dear Brian:

I have been a resident of Scripps Ranch since 2000. I moved to this community as it was a truly unique and beautiful area within the city. I have watched the beauty and uniqueness slowly become compromised by exceptions to the original plan for the ranch in which developments were to **preserve the legacy** that E.W. Scripps left us. The intent of the original plan for Scripps Ranch was to provide an overall housing density that would preserve large stands of existing trees and **protect the 'country' feel** of the community. On the south side of Pomerado Road, the housing density was to be approximately one residential dwelling per acre. The USIU campus, as originally conceived, was quite consistent with this density. It is unfortunate that the USIU campus was subdivided, a portion sold to the Friends of Chabad-Lubavitch San Diego, Inc. (Chabad), and that the city allowed Chabad to rely on the Conditional Use Permit (CUP), originally approved for USIU, for the development of the subdivided portion.

As you are aware, Chabad is now trying to gain another exception to the original density plan and circumvent the normal processes that any large development would undergo by further relying on the CUP. It would be a mistake to compound the original error with yet another one. Chabad should be required to go through a full planning process as set forth by the California Environmental Quality Act (CEQA). Their proposed development will have a **significant impact** on the community of Scripps Ranch. This must be fully evaluated and understood **before any approvals are given**.

As our representative, I sincerely hope that you will put an end to Chabad hiding behind an outdated and inappropriate CUP in order to avoid the needed full planning process.

Sincerely,

Kaye Coates
10376 Pinycastle Street
San Diego, CA, 92131

000643

Contreras, Elisa

From: Belle and Brent Drouin [bbdrouin@san.r.r.com]
Sent: Wednesday, September 17, 2008 9:54 PM
To: Maienschein, Councilmember
Cc: Rankin, Brittany; Witmond, Lance; Barber, Jessica; Cac, Cherlyn; Westlake, Mike; PLN PlanningCommission
Subject: opposition to Chabad project

September 17, 2008

Hon. Brian Maienschein
San Diego City Council
City Administration Building
202 West 'C' Street
San Diego, CA 92101

Dear Councilman Maienschein:

We have been residents of Scripps Ranch since 2003. We moved to this community as it was a truly unique and beautiful area within the city. This beauty and uniqueness slowly has been compromised by exceptions to the original plan for the ranch in which developments were to preserve the legacy that E.W. Scripps left us. The intent of the original plan for Scripps Ranch was to provide an overall housing density that would preserve large stands of existing trees and protect the 'country' feel of the community. On the south side of Pomerado Road, the housing density was to be approximately one residential dwelling per acre. The USIU campus, as originally conceived, was quite consistent with this density. It is unfortunate that the USIU campus was subdivided, a portion sold to the Friends of Chabad-Lubavitch San Diego, Inc. (Chabad), and that the city allowed Chabad to rely on the Conditional Use Permit (CUP), originally approved for USIU, for the development of the subdivided portion.

As you are aware, Chabad is now trying to gain another exception to the original density plan and circumvent the normal processes that any large development would undergo by further relying on the CUP. It would be a mistake to compound the original error with yet another one. Chabad should be required to go through a full planning process as set forth by the California Environmental Quality Act (CEQA). Their proposed development will have a significant impact on the community of Scripps Ranch. This must be fully evaluated and understood before any approvals are given.

As our representative, we expect that you will put an end to Chabad hiding behind an outdated and inappropriate CUP in order to avoid the needed full planning process.

Sincerely,

Brent and Belle Drouin
10212 Pinecastle Street
San Diego, CA 92131

9/18/2008

Contreras, Elisa

From: 000644 Miles [milessharon@san.rr.com]
Sent: Wednesday, September 17, 2008 5:44 PM
To: PLN PlanningCommission

To Whom it May Concern:

I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing. Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews.

I have been a Scripps Ranch resident for over 30 years, and this is the first time I have written a letter of opposition to a proposed project.

Please exercise due diligence, and seriously consider this communique, and others which express similar concerns.

Yours Truly,

Sharon Strasbaugh

000645

Contreras, Elisa

From: Lana Schlimmer [ljschlimmer@san.rr.com]

Sent: Wednesday, September 17, 2008 2:54 PM

To: PLN PlanningCommission

Subject: Chabad housing

Please note that my husband and I **strongly oppose** the Chabad proposal to build housing units on their property. Scripps Ranch has so many streets and sidewalks that need repair, Pomerado Road has very heavy traffic already (especially now that a middle school has opened further up the road), and our infrastructure is compromised with yet another large housing addition.

Dr. & Mrs. Steve Schlimmer

9/18/2008

000646

Item 8

From: Hass Rouhandeh [mailto:hrouhan1@san.rr.com]
Sent: Thursday, September 18, 2008 9:32 AM
To: Cac, Cherlyn
Subject: Re: project number 123607

Thank you for your email yesterday. I planned to attend the hearing today but cannot due to a back injury, so I am sending this email giving my argument opposing approval of the use permit to allow construction of the proposed apartments. The forest along the south side of Pomerado is over 90% dead from the fires four years ago. This creates a "fire plain" (borrowed from the term "flood plain") from which there is no way out for the 1,000 people who will be living in these apartments. Last October when there was an evacuation order for Scripps Ranch there was a total traffic gridlock on all the streets in Scripps Ranch. This gridlock lasted for over four hours causing many people to turn back and hide in their homes. (To put this into perspective, during the Cedar Creek fire three houses on our street burned only two hours after the evacuation order was issued). The gridlock during evacuation is further complicated by parents trying to reach their children at Thurgood Marshall School. Adding a high density residential block to the current Chabad Campus would add to the gridlock problem we all face in fire evacuations and would be irresponsible to say the least.

Thank you for taking this matter into consideration.

Mary Lou Rouhandeh, 9849 Caminito Rogelio, San Diego, 92131

THIS MATERIAL RECEIVED DURING
PUBLIC HEARING. ALL TRAINERS
MAY NOT HAVE BEEN ABLE TO REVIEW
AND CONSIDER IT THOROUGHLY.

000647


Item 8

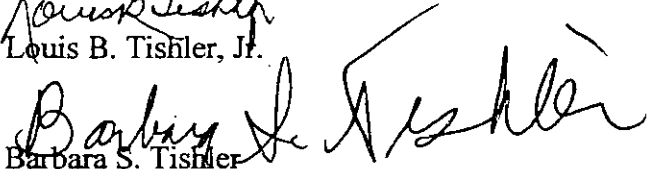
September 18, 2008

TO: San Diego Planning Commission

Re: Chabad Educational Campus Substantial Conformance Review – Project No. 123607

We object to the above Project as it is not consistent with the underlying zoning for the property, it is not in conformance with the CUP granted USUI, and there appears to be insufficient environmental and traffic study reviews.


Louis B. Tishler, Jr.


Barbara S. Tishler

12315 Semillon Blvd.
San Diego, CA 92131
858/693-3983

THIS MATERIAL RECEIVED DURING
PUBLIC HEARINGS. COMMISSIONERS
MAY NOT HAVE BEEN ABLE TO REVIEW
AND CONSIDER IT THOROUGHLY.

000648
Cac, Cherlyn

From: Contreras, Elisa
Sent: Tuesday, October 07, 2008 12:35 PM
To: Cac, Cherlyn
Subject: FW: Opposed to CHABAD developement
Attachments: Letter to Councilman Maienschein (2).doc

From: Costello, James [mailto:James.Costello@viasat.com]
Sent: Thursday, September 18, 2008 3:09 PM
To: PLN PlanningCommission
Subject: Opposed to CHABAD developement

*James Costello
Program Manager - Tactical Data Links
ViaSat, Inc.
760-931-4417 office
760-683-4981 mobile*

000649

October 8, 2008

Hon. Brian Maienschein
San Diego City Council
City Administration Building
202 West 'C' Street
San Diego, CA 92101

Dear Brian:

I have been a resident of Scripps Ranch since 1986. I moved to this community as it was a truly unique and beautiful area within the city. I have watched the beauty and uniqueness slowly become compromised by exceptions to the original plan for the ranch in which developments were to **preserve the legacy** that E.W. Scripps left us. The intent of the original plan for Scripps Ranch was to provide an overall housing density that would preserve large stands of existing trees and **protect the 'country' feel** of the community. On the south side of Pomerado Road, the housing density was to be approximately one residential dwelling per acre. The USIU campus, as originally conceived, was quite consistent with this density. It is unfortunate that the USIU campus was subdivided, a portion sold to the Friends of Chabad-Lubavitch San Diego, Inc. (Chabad), and that the city allowed Chabad to rely on the Conditional Use Permit (CUP), originally approved for USIU, for the development of the subdivided portion.

As you are aware, Chabad is now trying to gain another exception to the original density plan and circumvent the normal processes that any large development would undergo by further relying on the CUP. It would be a mistake to compound the original error with yet another one. Chabad should be required to go through a full planning process as set forth by the California Environmental Quality Act (CEQA). Their proposed development will have a **significant impact** on the community of Scripps Ranch. This must be fully evaluated and understood **before any approvals are given**.

As our representative, I sincerely hope that you will put an end to Chabad hiding behind an outdated and inappropriate CUP in order to avoid the needed full planning process.

Sincerely,

James Costello
12685 Fairbrook Rd
San Diego, CA, 92131

000650
Cac, Cherlyn

From: Contreras, Elisa
Sent: Tuesday, October 07, 2008 12:48 PM
To: Cac, Cherlyn
Subject: FW:

From: Davidson, Joe [mailto:jdavidson@allenmatkins.com]
Sent: Thursday, September 25, 2008 8:27 PM
To: PLN PlanningCommission; Maienschein, Councilmember; Ekard, Megan
Cc: srilko4@aol.com
Subject:

I am a 25 year resident of Scripps Ranch, having raised two children here while commuting on Pomerado Road several times daily. I am writing to express my strong opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). Neither is the project in substantial conformance with the CUP granted USIU for college dormitory housing. Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews.

Very truly yours,

Joe and Mary Davidson
12343 Kingspine Avenue
San Diego, CA 92131
858/578-7449

Joe M. Davidson | Allen Matkins Leck Gamble Mallory & Natsis LLP |
12348 High Bluff Drive, Suite 210, San Diego CA 92130
Tel. (858) 481-5055 | Direct Dial (619) 235-1539 | Fax (858) 481-5028 | jdavidson@allenmatkins.com | www.allenmatkins.com
www.allenmatkins.com

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10/8/2008

000651

10515 Livewood Way
San Diego, CA 92131

#8
opposed

July 16, 2008

VIA REGULAR U.S. MAIL AND EMAIL ccac@sandiego.gov

Ms. Cheryl Cac
Development Project Manager
City of San Diego
1222 First Avenue
San Diego, California 92101-4154

City of San Diego Planning Commission
1222 First Avenue, 4th Floor
San Diego, CA 92101-4154

**RE: CHABAD EDUCATIONAL CENTER
CUP 133-PC, AS AMENDED
10785 POMERADO ROAD, POWAY, CA 92131**

Dear Ms. Cac:

We are writing on behalf of ourselves and the other residents of Scripps Ranch listed on Exhibit "A" to this letter concerning the plans proposed by Friends of Chabad-Lubavitch San Diego, Inc., a California nonprofit religious corporation ("Chabad SD"), to construct 800 units^{1/} of multi-family housing² (the "Chabad Residential Project") on the existing 27 acre Chabad SD school site (the "Site") on Pomerado Road in Scripps Ranch.

As you are no doubt aware, the Site is subject to a certain conditional use permit (the "1967 CUP") that was issued in 1967 to United States International University ("USIU"). Over the years, the 1967 CUP has been amended several times and is now more formally referred to as "CUP-133-PC." (Hereafter, the terms "1967 CUP" and "CUP-133-PC" will be used interchangeably.) For many years Chabad has been relying on the 1967 CUP to develop the Site without having to comply with the usual development review process required by CEQA and the City's land use planning ordinances. In other words, Chabad SD has used the 1967 CUP as a means to avoid: (1) the necessity of obtaining both discretionary land use approvals from the

^{1/} We understand that Chabad SD appears to have recently issued public statements to the effect that the Chabad Residential Project has been downsized from 350 residential units to 280 residential units (534 beds). Those statements are obviously not binding on anyone, especially Chabad SD. Based on the public discussion that took place at the June 5, 2008 Meeting, it appears that Chabad SD remains committed to building all 800 units – probably in multiple phases. These units will consist of a mixture of one, two and three bedroom apartments (or possibly condominiums). It should be noted that our concerns about the Chabad Residential Project relate only to its residential nature.

^{2/} Chabad SD says that it may also construct other facilities, such as a gymnasium, playing fields, and additional classrooms, on the Site in the future. However, these additional facilities were only briefly discussed at the meeting of the SRPG (as defined below) held on June 5, 2008. There was no mention of specific plans to build any of these facilities.

000652

City, (2) the cost of complying with CEQA, and (3) close public scrutiny of Chabad's SD's actual plans for the Site.

On Thursday, June 5, 2008, Scripps Ranch Planning Group ("SRPG") held a meeting (the "June 5, 2008 Meeting") at the Scripps Ranch Public Library to conduct a Substantial Conformance Review of the Chabad Residential Project in order to make a finding as to whether the Chabad Residential Project is in substantial conformance with the project envisioned in the 1967 CUP. The meeting was a long one. We note for the record that the June 5, 2008 Meeting ended in a rather bizarre manner. At approximately 9:30 p.m. a fire alarm went off, causing the auditorium to be cleared. The San Diego Fire Department responded to the alarm. All interested parties remained outside of the building until approximately 9:50 p.m. After determining that there was no fire, the fire department personnel left. Many in the audience thought that the false alarm incident had ended the meeting and left. They were mistaken. The meeting resumed and the SRPG voted on the "substantial conformance" question. We were surprised to learn the following day that the SRPG had concluded that the Chabad Residential Project was in substantial conformance with the 1967 CUP.

In order to make this finding, it was necessary for SRPG to find that the Chabad Residential Project is in "substantial conformance" under CEQA with the goals, objectives, principles and scope of the 1967 CUP. This conclusion is not supported by the facts or applicable law.

Except possibly on a site coverage ratio basis,^{2/} the proposed project has no similarity to the original USIU project that was approved in 1967, even after taking into account the several amendments of the 1967 CUP that have occurred over the years. The Chabad Residential Project will not provide dormitory boarding for university students. Chabad SD does not propose to establish an educational institution of higher learning. For the foreseeable future, the Chabad educational experience will be tied solely to the K-8 school⁴ now located on the Site. Representatives of Chabad SD have suggested that a high school "might" be constructed some day. There are no plans^{5/} to construct a university. In any event, whatever "educational" programs may be provided, representatives of Chabad SD admitted at the June 5, 2008 Meeting that no degrees will be granted or formal education credits (that would be accepted by a third party educational institution) will be awarded.

^{2/} This point was repeated many times by Chabad SD spokesmen throughout the June 5, 2008 Meeting, as if compliance with this limited aspect of the 1967 CUP excused the failure to comply with the spirit and intent of the 1967 CUP.

⁴ The existing school also includes a preschool.

^{5/} Again, Chabad SD representatives respond to questions about plans for construction of a university by saying, "It could happen."

000653

From our perspective, the supporters of the Chabad Residential Project appear to be providing less than full disclosure about their actual intentions for the Site. If asked hard questions about their educational goals, their best response was, "It could happen." Based on the very limited disclosure provided by Chabad SD personnel at the June 5, 2008 Meeting, it appears that Chabad SD really intends to establish a permanent, multi-generational residential community on the Site where members of their religious community will be able to reside indefinitely in a sort of village environment.

This desire for communal living is understandable, especially in the context of Jewish history and the stated purposes of the global Chabad-Lubavitch community. See www.Chabad.org. See also Chabad SD's public disclosures at www.Guidestar.org, where it is stated that:

"Chabad of San Diego, California, founded in 1973, strives to create a positive future where Jewish children and families can grow and expand. Students of the Chabad Hebrew, through powerful learning experiences, will be capable individuals who embrace Judaism and will possess the awareness, skills, motivation, discipline, and sensitivity to develop and work toward their visions of the future. The students will have the courage to act independently, grow spiritually, and live ethically."

Given the coarseness of many aspects of American secular life, members of Chabad SD are to be commended for their aspirations to enrich their family and religious lives. However, the proposed project will involve the construction of 800 units of multi-family housing (on land not zoned for multi-family housing) that will ultimately be occupied by 1,000+^{6/} persons who will not be bona-fide students^{7/} of a bona-fide educational institution^{8/} within the meaning of any generally accepted understanding of that term.

When the 1967 CUP was approved, it was understood and expected that USIU would construct and operate a conventional university. In 1967 university students attended classes on a full time basis, occupied their dorm rooms on a partial year basis, and eventually moved on to start their work careers after approximately four years of study. How the proposed permanent, full time permanent residential housing plan is in substantial conformance with the original vision of university dormitory housing is difficult to comprehend, especially since Chabad SD's

^{6/} Chabad SD representatives admitted at the June 5, 2008 Meeting that as many as 1,200 persons could reside in the housing units.

^{7/} Chabad SD will have complete and sole discretion to determine who is a "student." According to their spokesmen at the June 5, 2008 Meeting, everyone living in the Chabad Residential Project will be deemed to be a "student."

^{8/} As noted above, the only educational facilities that will exist on the Site for the foreseeable future is a K-8 school. See www.Chasd.org.

000654

representatives explicitly stated in public at the June 5, 2008 Meeting that senior (55+ years) citizens will comprise a substantial portion of the occupants.

To anyone experienced in real estate development, it is obvious that Chabad SD's goal is to avoid having to: (1) obtain discretionary approvals for its project and (2) address the off-site environmental impacts of the project on the local community. We regard this evasive conduct as unneighborly and unfair to the greater community. For example, due to the ill-considered decision to construct Marshall Middle School at the entrance to the Alliant University Campus, Pomerado Road is often congested at certain times of the day. The traffic impacts of the Chabad Residential Project will add to that congestion. Unfortunately, for the greater community, Chabad SD will not be required to address or mitigate the traffic impacts of their project.

The proposed construction of residential housing raises other issues as well. According to what was said by Chabad SD spokesmen at the June 5, 2008 Meeting, residents of the Expanded Chabad Project will live indefinitely, on a year round basis, in the housing units to be constructed on the Site. Since Chabad SD is a faith-based, tax exempt non-profit organization within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, it certainly seems - unless other arrangements have been made -- that the residents of the Chabad Residential Project will be able to occupy their dwelling units without paying any property taxes, albeit while receiving full governmental services. Please let us know if we are wrong.

The property tax issue is not insignificant. Assuming that (1) the average dwelling unit contains at least 1,000 sq. ft. and (2) the cost of construction is \$200 per sq. ft., it would appear that the cost of constructing the 800 units could be in the \$160,000,000 range.⁹ The annual property taxes payable on this value would initially be approximately \$2,000,000 (or \$2,500 per unit).

Everyone would all like to escape the obligation to pay property taxes. If this plan were approved by the City, why wouldn't the Baptists and the Lutherans be entitled to do the same thing for members of their respective religious communities? There would, however, be a justifiable uproar if the Baptists and Lutherans tried to establish tax exempt residential communities where only members of their respective denominations could reside.

If we are right about the property tax issue, allowing the Chabad Residential Project to go forward would seem to constitute an unconstitutional violation of the 1st Amendment vis a vis separation of church and state. The City would in effect be subsidizing the personal living expenses of members of a religious group. In addition, it would seem to be a breach of the

^{9/} Before approving the proposal, the City should inquire as to how the proposed project will be financed. Chabad SD does not appear to have the financial resources to undertake such an expensive project. Who will finance the construction of the facilities? What collateral will they require? Will the financing plan be consistent with the tax exempt purposes of Chabad SD? If Chabad SD can afford to construct a project that could cost as much as \$160,000,000, then why are they trying to avoid complying with CEQA?

000655

organization's tax exempt status for Chabad SD to provide substantial personal financial benefits (in terms of property tax exemptions) to its members. The property tax exemptions would be akin to Chabad SD paying tax free compensation to the occupants of the Chabad Residential Project.

If we are wrong and Chabad SD will not be claiming property tax exemptions for the 800 living units, then their whole argument about substantial conformance with the 1967 CUP would have to collapse. It would be shown that the Chabad Residential Project is intended to be used as private housing, thereby making the project inconsistent with the non-profit, tax exempt educational activities contemplated in the 1967 CUP. A bona fide educational institution would be exempt from property taxes and, unless blessed with deep financial resources, would be extremely loath to make voluntary payments of impact fees or property taxes.

As if the foregoing issues were not enough, our neighbors are seriously concerned by the poor aesthetics of the proposed and existing Chabad SD facilities. To be blunt, the slab-sided design of the existing school has a bland, almost institutional appearance. The exterior finish of the school lacks attractive architectural details of any kind. Based on the PowerPoint presentation made at the June 5, 2008 Meeting, the design of the housing units will replicate the unattractive design elements of the existing school. Because Chabad SD is seeking to skirt compliance with CEQA, they will be essentially free to design the proposed housing units any way they desire.

Allowing the Chabad Residential Project to proceed would seriously and adversely affect our community. Occupants of the Chabad Residential Project will be consuming public services without paying property taxes. The aesthetic deficiencies will detract from "country living" aesthetics of the Scripps Ranch community. Traffic congestion issues would be unaddressed. Unfortunately, because of the pending substantial conformance finding, the Scripps Ranch community will apparently have no ability to cause Chabad SD to identify and mitigate the impacts of the project.

No one likes to challenge projects sponsored by faith based organizations, especially Jewish groups. We are all very sensitive about appearing to be anti-Semitic. We expect that this letter may generate controversy similar to that reported in a land use dispute involving Chabad of Pacific Palisades in May 2008.¹⁰ However, at some point one has to say, "Wait a minute!" Chabad SD should have to present a fully disclosed development plan to the Scripps Ranch community and go through a full CEQA review process just like any other developer of a real estate development project. Faith based organizations are not entitled to a categorical exemption from CEQA.

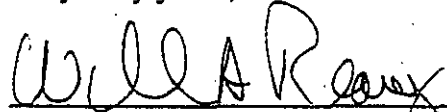
¹⁰ See article from Los Angeles Times attached hereto as Exhibit "B."

Ms. Cherlyn Cac
July 16, 2008
Page 6

000656

If you have any questions, please feel free to call Bill Reavey at (858) 663-7601 or Ron Coover at (619) 665-7292.

Very truly yours,



William A. Reavey



Ronald Coover

cc: Hon. Carl DeMaio
Hon. Brian Maienschein

000657

EXHIBIT "A"

LIST OF CONCERNED SCRIPPS RANCH RESIDENTS

	NAME	ADDRESS
1	Ronald Coover and Nancy Overcash	10495 Livewood Way
2	A.J. and Margaret Hardy	10384 Barrywood Way
3	Tim and Mary Meissner	12421 Rue Fountainbleau
4	Bill and Jackie Reavey	10515 Livewood Way
5	Jeff Mullvain	

EXHIBIT "B"

Los Angeles Times

000658

<http://www.latimes.com/news/local/la-me-palisades28-2008may28.0,5286604.story>
 From the Los Angeles Times

Chabad preschool plan has Pacific Palisades in an uproar

Pacific Palisades neighbors and others object to plan for a site next to Getty Villa.

By Martha Groves

Los Angeles Times Staff Writer

May 28, 2008

Residents of Pacific Palisades began buzzing in early April when the local newspaper ran a blurb about a fundraiser for the Palisades Jewish Early Childhood Center.

What got them talking wasn't the news that 10 tons of fresh snow would be trucked in for the April 6 event at the public Temescal Gateway Park, where the preschool operates out of three trailers and a fenced playground. No, it was the mention that the Chabad preschool would maintain its "natural setting" come fall when it moved to a location in the Castellammare area of the Palisades.

The new facility will be open for community visits on or about May 5. Enrollment is now underway," the item read.

What preschool?" residents of the quietly exclusive coastal enclave wondered.

Thus began a saga with more twists and turns than "Mr. Toad's Wild Ride," as one resident wryly calls it. How else to refer to a controversy, now coming to a head, that involves a branch of Judaism often characterized by ecstatic piety, the Mormon church, the Getty Villa, the state Department of Parks and Recreation, the California Coastal Commission, a city councilman, and a bunch of his affluent and highly agitated constituents for whom money is no object?

It all started, residents say, when Chabad of Pacific Palisades went looking for a new preschool site after the Santa Monica Mountains Conservancy evicted it from Temescal Gateway Park, just north of Sunset Boulevard. After Gov. Arnold Schwarzenegger announced that Topanga State Park might be closed as part of a cost-cutting push, Chabad spoke with state parks officials about using a portion of Topanga in Los Lions Canyon. Parks officials were cool to the idea.

Chabad officials spotted a structure on the other side of Los Lions Drive at the back entrance of the nearby Getty Villa, next to a Mormon church. They learned that it was a warehouse at the rear of a Bellino Drive residential property owned by Gene Gladden, a longtime resident. Gladden agreed to lease the building to Chabad.

Under the direction of Rabbi Zushe Cunin, who heads Chabad of Pacific Palisades, workers installed windows, playground equipment, and infant-size tables and chairs. Chabad said it also planned to install three bathrooms.

Lori Fox, an attorney for the J. Paul Getty Trust, wrote to Cunin and Gladden, explaining that the warehouse was partly on Getty property and that Chabad representatives had been entering the property via the Getty service road, without permission. Fox expressed concern about whether the warehouse was safe for dozens of preschoolers. And she asked whether Chabad had sought all necessary permits and consulted with neighbors.

Chabad had not sought permits and has yet to formally apply, although Cunin said it planned to do so.

In a May 9 letter to neighborhood leaders, Fox said several men drove through the Getty's Los Lions gate April 24, "ignoring our security officers' instructions that they stop, and entered the warehouse."

By then, neighbors were in an uproar. How, they asked, would parents, children and staff gain access to the building? The only easy way in was the service road, and the Getty, citing its conditional-use permit and safety concerns, declined to give permission.

Chabad next looked to Bellino Drive on the hilltop above Gladden's warehouse. That entry point was problematic because it meant using a driveway shared by other residents, including actor Bo Svenson, who were vehemently opposed to the idea. From Bellino, the drive briefly descends before taking a sharp left turn. There is no convenient turnaround space. From Gladden's house, children, parents and staff would have to walk down a steep trail. The fact that Chabad would even consider it irritated some Bellino residents.

To me, as a Jew, this is chutzpah, and I'm offended that a community within my own religion would be behaving toward a residential neighborhood in this manner," said Mike Lofchie, a member of the Castellammare Mesa Home Owners Assn.

The controversy is shining a light on the Chabad-Lubavitch movement, a controversial branch of Orthodox, Hasidic Judaism. Chabad is an acronym from the Hebrew for wisdom, understanding and knowledge.

Many mainstream Jews regard the movement's outreach as evangelizing, a practice they frown upon. In California, Chabad is perhaps best identified with its annual star-studded telethon, which raises money for charities.

Chabad is also known for zoning conflicts with neighbors as rabbis seek to establish gathering spots — known as Chabad houses — in residential areas. Over the years, zoning battles have raged in Florida, New York and New Jersey.

Los Angeles Times: Chabad preschool plan has Pacific Palisades in an uproar

With the Getty road and Bellino effectively out of the picture, Cunin, 38, said Chabad is seeking permission from Mormon Church officials in Salt Lake City to use the Los Liones church parking lot. "We're very hopeful, and we believe that our access will be through the church parking lot," he said.

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Keith Atkinson, West Coast spokesman for the Church of Jesus Christ of Latter-day Saints, said "the common practice of the church is not to encumber church property."

"We want to be good neighbors and certainly help other faith groups where we can, but we need to be sensitive to all of the neighbors," Atkinson said.

Los Angeles City Councilman Bill Rosendahl met Friday with Cunin and got his assurance that Chabad would follow the city's conditional-use permit process.

The school would also be required to have a coastal development permit, said Jack Ainsworth, deputy director of the California Coastal Commission. The panel is taking about six months to process applications, Ainsworth said.

Chabad, which will be leaving Temescal Gateway Park in June, has said it plans a September opening for the preschool, with as many as 70 children.

The school isn't the only issue causing friction. A couple of miles east of Los Liones Canyon, Cunin is embroiled in a controversy with neighbors over plans to dramatically enlarge his house.

Cunin and his wife, Zisi, have seven children. And that, he says, is why they are seeking to expand their residence on Bestor Boulevard, in an area of the Palisades known as the Alphabet Streets. Neighbors say the current house is 1,698 square feet.

The Cunins, who regularly welcome members of their group to the house, intend to enlarge it to about 8,400 square feet. About 6,300 square feet would be above ground, with the rest a basement. The above-ground portion would be 47% larger than allowed under neighborhood rules, opponents contend.

The Pacific Palisades Civic League, which reviews architectural plans for new construction and remodels, has been talking with Cunin, who has already secured city permits. The league's opinions are not binding, but its board is pressuring the rabbi to abide by neighborhood guidelines.

"We hope to resolve this matter with the homeowner through discussion," the board said in a statement to the Palisadian-Post, "but if that fails, we are looking at our litigation options."

martha.groves@latimes.com

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*Crown Pointe*SCRIPPS RANCH ESTATES
HOMEOWNERS ASSOCIATION

June 4, 2007

Dear Scripps Ranch Planning Group, and City Planning Commission,

On behalf of the Home Owners Association of Scripps Ranch Estates (SRE), aka Scripps Crown Pointe, the board of directors is writing regarding our position on the proposed build out sketch by Friends of Chabad/Chabad Hebrew Academy located at 10785 Pomerado Road, which was received undated in May of 2007 with no revision number. As neighbors we will continue to maintain our established verbal and written agreements with Chabad. In reviewing our past agreements with Chabad, it must be noted that it is not in the best interest of SRE to endorse the May 2007 plan. The plot changes proposed by Chabad are so significant that nothing short of a completely new CUP involving the SR community planners should be required due to the impact these proposed plot plan changes will have on the entire Scripps Ranch Community. This position reflects the opinions of a majority of the homeowners within the SRE association. Also, we were led to believe that a new CUP was to be applied for before this expansion, instead Chabad planners appear to be using the old university CUP as the basis for the new construction.

Recently the leaders of Chabad requested an endorsement from the SRE Board on Chabad's newest May 2007 development plan for their property. This is part of an on going planning process, which included previous presentations by Chabad planners and discussions with SRE homeowners. Based on our Board review, we note that the plan disregards our formal agreement on many points. In an effort to include the entire SRE community we provided homeowners with the proposed Chabad plan and ask for their recommendations regarding a SRE endorsement.

The SRE Board has worked with Chabad as good neighbors for nearly 15 years. In our support of the current site operation, we signed a formal agreement on Feb. 9th, 1995 with the Chabad leaders stating our understanding of how the 27 acre plot was to be used including coverage limits for future buildings and the density which was to be compatible with the Scripps Ranch neighborhood. A majority of Crown Pointe homeowners supported this documented position, which we believe is compatible with the overall Scripps Ranch community plans.

The Crown Pointe homeowners are deeply concerned about the impact of the proposed plan on our community of Scripps Ranch, the significant variance between Chabad's plan and the current conditional land use permit (CUP) as an educational zone, and with our 1995 agreement.

A key issue is whether the plan conforms to the City of San Diego's conditional use permit (CUP) for university buildings, which was already amended once to accommodate the current K-12 school, and whether the new plans are in substantial conformance with the CUP. We are not experts as to the interpretation of "substantial conformance", but would like to express our concerns related to this proposed project. In our review of Chabad's latest proposal sketch we identified a number of issues related to conformance with current agreements and language in several signed documents (CUP, SRPG letter and the Chabad-Crown Pointe HOA agreement) that we bring to your attention.

The original intent of the property on the 1974 CUP was for a university campus setting known as the east campus which included the 201 acres which is now SRE and 27 acres now owned by Chabad. All references to the east campus were deleted after the builder purchased the SRE land in 1978. The 27 acres remained with the university as undeveloped land until Chabad's purchase in 1994. Thus, a new CUP is needed that accurately describes how the land would be used and is endorsed by the Scripps Ranch community before any new building is undertaken.

In the Report to the Planning Commission issued January 1995- "the City Council instructed the City Manager to ensure the following considerations to be used in any future finding of Substantial Conformance:"

- The maximum allowed student population is 800 people (K-12 including 25 Yeshiva students)
- Construction permit drawings shall be in substantial conformance to the approved phasing plot plans
- The applicant shall submit a traffic impact study

The Scripps Ranch community and SRE residents supported this educational use as described above and further discussed in the SRPG letter and the Chabad-Crown Pointe HOA agreement.

Now Chabad's proposed update plans call for additional housing of more than 1000 people. The structures could house an estimated 1,058 people assuming double occupancy of 529 rooms or 1365 people assuming the City's Building Code "Occupant Load" allowance for the 273,000 sq. ft. These estimates do not include those already on the campus or other future non-residential support people that would regularly be on the campus. These high population density structures do not conform to the original instructions for substantial conformance where it was understood that the number of residents at the Chabad campus would not exceed the maximum allowed number of students (i.e., non-students, non-faculty living on-campus).

Moreover, in keeping with the K-12 educational agreement, it was our understanding with Chabad that this property would not be occupied for round the clock service in dormitories (7days a week, 24-hour). This is not compatible with the City Council, nor the Chabad -Crown Pointe HOA agreement. Also, university classes seem to be incompatible with a K-12 setting.

It is also important to note the language in the SRPG letter of 1994 stating that "there would be no onsite housing" as part of the agreement for the current school's substantial conformance review. Chabad's May 2007 plan includes over 100,000 square feet of additional multiple housing buildings. Building of dormitories or apartments is not compatible with previously approved CUP plot plans, nor with the Chabad -Crown Pointe HOA agreement.

In order to build the proposed student housing structures (four apartment buildings with up to 4 stories and 280 units totaling 529 units) in accordance with plot plans it is evident that there would be a large amount of grading to be done on the property to allow for the site to be built in the manner proposed for a 15% land use with adequate parking. In our HOA agreement with Chabad and the signed agreement between the City and Chabad the land use fraction for this purpose was originally 9.5%. This new proposal has a massive amount of density as compared to the surrounding areas and is not in keeping with the 9.5 % agreement. This is not compatible with agreements between the City of San Diego and Chabad, nor the SRE HOA board and Chabad.

In keeping with the community plan and the use of Pomerado Road, it is felt that this proposal will have a significant traffic impact on Scripps Ranch residents. We do not feel that a previous traffic impact study has taken into account all of the potential future traffic on Pomerado Road. We request that a new traffic impact study take into account more than 1000 new residents and supporting services.

It has also been stated in CUP- Case no. 133-PC (Resolution) Amend- June 16, 1972 that:

- "Such use under the circumstances of this particular case will not be detrimental to the health, safety and general welfare of persons residing or working in the vicinity or injury to property or improvements in the vicinity because the conditions imposed will insure the **University will be compatible with the surrounding development.**"

We have concerns regarding the density and heights of buildings in this proposal (parking, additional traffic congestion on Pomerado Road). Parking for both the school and dormitories needs reanalysis to ensure adequate parking and to ensure that there is no need for parking along Pomerado Road. This is not compatible with the surrounding development.

We cannot endorse a plan that is in constant change. The plans provided by Chabad have been different and inconsistent, making it hard for the community to follow what the proposal contains. Currently, the proposal presented by Chabad under the university CUP has physical plans for apartments, pools and tennis courts, but no plans for university classroom buildings. We cannot endorse a plan for a university setting without university classrooms. Prior to any endorsement we need to see evidence of the services to be provided such as a university

prospectus on fees, student acceptance criteria, class schedules, student body size, faculty size, student rules, study courses, length of stay and degrees. Plans for universities typically have all this spelled out before any plans are set forth regarding buildings, etc.

It should also be noted that the SRPG letter stated- "an expressed concern to the Chabad that their facilities be developed and operated in a manner that does not adversely affect the nearby Crown Pointe residents." We request that a complete survey of the boundaries be established before any grading is started for any phase of what is eventually agreed upon and that specific language be put in writing regarding any land uses, building sizes, locations and services being provided. This has been vague in the past and requires clarification. Our HOA board would like to work with Chabad in the future on their desire to build, while maintaining our agreements in good faith and fair dealing.

This letter does not address all issues that may arise, since the sketches provided are in a very preliminary undated format.

Based on our survey of Scripps Crown Pointe residents and the Board's review of the previous agreements, the SRE HOA board of directors does not endorse the proposed May 2007 Chabad plan.

We recommend that Chabad apply for a new CUP that allows the community of Scripps Ranch to be involved in approval of any buildings and services to be added to current site operation. The current CUP is outdated and is perhaps not even applicable. This will clarify the land use issues for Chabad and permit the community to ensure compatibility with the overall master plans for Scripps Ranch. The outdated CUP is open to many different interpretations. If this proposal is allowed to go through without a new CUP, it will set precedent for other builders to do the same.

The Scripps Ranch Community has been told that the proposed expansion/plan would take between 2 and 10 years to complete, as they are able to fund the project. This introduces additional construction and grading traffic and turmoil for an extended period. We recommend that funds for the project be obtained and the expansion be completed on a timely schedule of two years or less to minimize construction disruptions.

Furthermore, we recommend that the Scripps Ranch planning board consider putting the Chabad plan to a vote of the Scripps Ranch community. This has been done in the past for controversial issues such as widening Pomerado Road and keeping Hendricks Pond. This will give both sides of this proposed land use in Scripps Ranch a chance to provide their arguments in the open rather than relying on individual judgments or legal arguments for making concessions and deviations to zoning plans.

Sincerely,



Charles Osgood
President,
Board of Directors, Scripps Ranch Estates Home Owners Association
9709 Caminito Calor
San Diego, CA 02131
cosgood@san.rr.com

Cc: Lee Gordon
Bill Hannaman
Tom Ohrstrom
John Price

000665

Contreras, Elisa

From: Jeffery L. Klein, Ph.D. [jklein@san.r.r.com]
Sent: Sunday, September 14, 2008 3:47 PM
To: Rankin, Brittany; Maienschein, Councilmember; Ekard, Megan; cac@sandiego.gov
Cc: PLN PlanningCommission
Subject: Concern about new Multi-Family housing project in Scripps Ranch

Representatives and Members of the Planning Commission:

I am part of a close-knit San Diego Community and have recently heard that our community may be affected by a large development of Pomerado Road. I am very concerned about the issues of population density and the ability of the environment and the roads of Scripps Ranch to handle more traffic density along Pomerado Road. I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for the property (one single family residence per 40,000 sq. ft. lot). I may not understand all the issues, but my understanding is that a variance was granted for "student housing" for an institute of higher learning. However, there is no institute of higher learning at the Chabad site. The housing is planned as year-round, long-term housing for members of Chabad. Thus, a "conditional use permit" situation would not apply to this site. University-type housing does not generate so much traffic because so many services are offered on campus—if there is no university and these are single residences, the individuals will have to leave and come into the community for services and travel on the one-lane Pomerado Road.

Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews. We have some of the last open space in the county and it is used by our citizens and animals—this summer I saw a coyote and a full-sized mule deer along Pomerado Road. We live in a high-fire risk area and need planning for our homes and open spaces to be defensible. Placing more houses and density will significantly impact the environment and an environmental impact report is necessary. Although I am in favor of planned developments which offer lower income housing to adults, seniors and families, I think these have to have adequate planning to succeed. These developments should be in places where there are adequate services within WALKING distance, where there is ample open-space, and where the community roads can handle the traffic. Multi-family housing is permitted in only one location in Scripps Ranch—the current location is walking distance to shopping and near the freeway, thereby mitigating the traffic concerns. The Chabad property is not that location.

In addition to registering my opposition to the proposal, I would like to be included in the notice list for all future notices for the Chabad Project (123607).

Finally, I would like to request a continuance of the September 18 Planning Commission

9/16/2008

000666

meeting to discuss this issue—this is a big deal for the Scripps Community and we need to consider the traffic impact and the concerns already brought up by our neighbors about the project. We need to hear from the Chabad exactly what they are planning and how it will impact the environment of our wonderful community.

Thank you for consideration of my input

Rebecca Ferrini MD/Jeff Klein PhD

10344 Spruce Grove Ave

San Diego, CA 92131

858-586-0515

rferrini@san.rr.com

000667

Contreras, Elisa

From: Cac, Cherlyn
Sent: Monday, September 15, 2008 9:05 AM
To: PLN PlanningCommission
Subject: FW: FW: 2nd part of email with attachments for the CHABAD Planning Commission- pLEASE PRINT AND ATTACH TO THE PACKET GOING TO MEETING

FYI

Emails to be forwarded.

Sent: Sunday, September 14, 2008 6:21 PM
To: Cac, Cherlyn
Subject: Re: FW: 2nd part of email with attachments for the CHABAD Planning Commission- pLEASE PRINT AND ATTACH TO THE PACKET GOING TO MEETING

They should also be getting the email , to explain the documents... I just don't want my name attached, as I have already seen the retaliation from Chabad.

THANK YOU.

----- Original Message -----

From: "Cac, Cherlyn" <CCac@sandiego.gov>

Cc: "Contreras, Elisa" <ContrerasE@sandiego.gov>; "Monroe, Daniel" <DMMonroe@sandiego.gov>
Sent: Friday, September 12, 2008 3:35:04 PM
Subject: Re: FW: 2nd part of email with attachments for the CHABAD Planning Commission- pLEASE PRINT AND ATTACH TO THE PACKET GOING TO MEETING

In response to the email Ms. Contreras has received, the Planning Commissioners have been given only the scanned attachments to the emails received by Elisa Contreras and Dan Monroe per your email direction,

“.....
Sent: Monday, September 08, 2008 7:55 PM
To: Contreras, Elisa
Cc: Monroe, Daniel
Subject: Fw: 2nd part of email with attachments for the CHABAD Planning Commission- pLEASE PRINT AND ATTACH TO THE PACKET GOING TO MEETING
DO NOT ATTACH MY NAME TO ANY OF THE DOCUMENTS PLACED IN THE PACKET..... I DO NOT WANT TO BE A VICTIM OF RETALIATION. THANK YOU.”

Sincerely,
Cherlyn Cac
Development Project Manager

9/16/2008

000668

Development Services Department
619-446-5226
Fax 619-446-5499

Sent: Friday, September 12, 2008 9:04 AM

To: Contreras, Elisa

Subject: Re: 2nd part of email with attachments for the CHABAD Planning Commission- pLEASE PRINT AND ATTACH TO THE PACKET GOING TO MEETING

Thank you soooo much for attaching.

I am concerned that a HUGE oversight has been made. According to the documents- The Community Plan does not allow such dense building as the Cabad proposal. There is also an issue that no one in the planning department has addressed: THE DOCUMENTS (CUP) have an 18 month time limit clause or the CUP is void. THERE IS NO EVIDENCE THAT THE 18 month limit was in fact used, thus why is the Planning Commission viewing something that is potentially voided..... How does this message get to them without my name....

----- Original Message -----

From: "Contreras, Elisa" <ContrerasE@sandiego.gov>

Cc: "Monroe, Daniel" <DMMonroe@sandiego.gov>

Sent: Thursday, September 11, 2008 6:56:06 AM

Subject: RE: 2nd part of email with attachments for the CHABAD Planning Commission- pLEASE PRINT AND ATTACH TO THE PACKET GOING TO MEETING

Hi s, I printed copies for distribution and rests assure that your name was not attached to any of the documents.

Elisa

Sent: Monday, September 08, 2008 7:55 PM

To: Contreras, Elisa

Cc: Monroe, Daniel

Subject: Fw: 2nd part of email with attachments for the CHABAD Planning Commission- pLEASE PRINT AND ATTACH TO THE PACKET GOING TO MEETING

DO NOT ATTACH MY NAME TO ANY OF THE DOCUMENTS PLACED IN THE PACKET..... I DO NOT WANT TO BE A VICTIM OF RETALIATION. THANK YOU

--- Forwarded Message ---

From: <srissues1@yahoo.com>

To: srissues1@yahoo.com

Sent: Monday, September 8, 2008 7:51:05 PM

Subject: Fw: 2nd part of email with attachments for the CHABAD Planning Commission- pLEASE PRINT AND ATTACH TO THE PACKET GOING TO MEETING

----- Forwarded Message -----

9/16/2008

To: contrerases@san Diego.gov

Cc: dmmonroe@sandiego.gov

Sent: Monday, September 8, 2008 7:48:52 PM

Subject: 2nd part of email with attachments for the CHABAD Planning Commission- PLEASE PRINT AND ATTACH TO THE PACKET GOING TO MEETING

000669

THIS IS PART 2 OF THE SCANNED DOCUMENTS. PLEASE ATTACH WITH THE OTHER ITEMS. THEY ARE UPSIDE DOWN- AND NEED TO BE PRINTED OUT.

THANK YOU,

If you need them resent please let me know.

A concerned homeowner in Scripps Ranch who has seen first hand the misleading representation of the current school, lack of landscaping, and lack of adhering to any written or verbal agreements made with the entire SR Planning group members and the community of Scripps Ranch . The Rabbi and CHABAD HAVE CHANGED THEIR PLANS SEVERAL TIMES OVER THE PAST 15 -20 YEARS , with an attempt to confuse all concerned regarding their buildout. The CITY COUNCIL and the Community of Scripps Ranch ONLY bought into their plans for a K-12, no on site housing and no adult learning or 24/7 land use.

am]

Sent: Monday, September 08, 2008 7:39 PM

To: Contreras, Elisa

Cc: Monroe, Daniel

Subject: Pages to be attached to the Chabad Planning Commission meeting set for Sept 08.

Please find attached important documents to be added to the packets for the Planning Commissioners voting on the Chabad buildout proposal.

The meeting is set for Sept 18th.

I have spoken to staffers in the Planning Department who have given me your email addresses. PLEASE RESPOND TO THIS EMAIL LETTING ME KNOW THAT YOU HAVE GOTTEN 8 PAGES TO ATTACH TO THE PACKETS. I have to send in 2 emails as it will not send in 1- too large. Please print out this email and all 8 pages to attach.

I appologize for the upside down scan- that is how it comes into my computer.

Of importance:

1. The letter endorsed by over 220 homeowners in property close to the Chabad site. and in opposition to this buildout (3 pages)
2. An article with the Rabbi quoting his intentions in 2003 with total disregard and deception to the all in the community (1 page)
3. The original and all amendment CUPs which state if no use within 18 months then it is void. There is NO documentation that can clearly state that the CUP was ever used within this timeframe, thus is should be void. (1 page)
4. The page of the Community Plan adopted- which states NO MORE Dense housing allowed along the Pomerado corridor.
(High-medium density section). 1 page

9/16/2008

5 The amendment #2 which states Condition 10 is deleted from all references to the east portion of the campus.

Note: the housing intended for the students on the east campus, where absorbed when Crown Pointe was built (the communities interpretation of the CUP.

000670

Cac, Cherlyn 00671

From: Reavey, William [william.reavey@bipc.com]
Sent: Tuesday, September 16, 2008 12:35 AM
To: Cac, Cherlyn; Westlake, Mike
Cc: rcoover@san.rr.com; novercash@gmloan.com; Maienschein, Councilmember; Jackie Reavey; Bob Ilko
Subject: Supplemental Comments for the Record Re Project 123607 (Chabad)
Follow Up Flag: Follow up
Flag Status: Purple
Attachments: Crown Pointe 2007 letter.pdf

Cherlyn,

I am writing to you in your capacity as Project Development Manager for the above-referenced project. I am writing on behalf of myself and my neighbors. My purpose is to provide additional comments to protest against the proposal to make a finding of substantial conformance for the subject project. These comments, which I request be incorporated in the official record, include, without limitation, the following:

1. The City's procedures for notifying interested parties of changes in hearing dates are not working properly. Neither Ron Coover nor I have yet received written notice of the change in hearing date from 11 Sep 08 to 18 Sep 08.
2. The Planning Commission staff report did not discuss or address the objections to the project raised in the letter dated June 4, 2007 sent by the Crown Pointe HOA, a copy of which is attached. I am endorsing the Crown Pointe letter and hereby request that the issues raised in the letter be fully discussed and addressed by staff in writing, not ignored.
3. The Planning Commission staff report for the Chabad project did not discuss or address any of the issues raised in the letter dated July 17, 2008 from Ron Coover and me. We respectfully request that you refute the merits of our concerns in writing.
4. The proposed use of the housing as year-round, long-term housing for multiple generations of Chabad members is not in substantial conformance with the original dormitory use for college students. Chabad's naked assertion that it intends the housing to be used for educational purposes does not make it so. What if every other religious group decided to build "educational" campuses for their congregations on the same pretext? Would the City accept such unsupported claims?
5. The proposed project is not consistent with the underlying single family residential zoning for the property.
6. The staff report does not explain why the Chabad project **substantially conforms in use** with the dormitory housing project approved in the USIU CUP. The staff report glosses over the non-existent (but important) educational function of the Chabad project. You have assumed without any attempt at verification that the housing will achieve the asserted educational purposes. This assumption is not supported by any rational interpretation of the facts. The project is intended for adults, not K-8 school students. The City has a legal obligation to verify whether the details of Chabad's "educational" objectives are plausible, realistic and achievable. In this regard, it is vital to understand (1) how the project will be financed (private financing vs some type of public financing) and (2) whether the project will become the permanent home of 1,000+ people. If this were a private developer, the City would not be so willing to suspend disbelief.
7. After the housing project and ancillary structures are built, Chabad will not have sufficient land on which

9/16/2008

to construct any bona fide educational facilities of higher education. Please discuss how this fact supports the substantial conformance finding.

000672

8. The record is not at all clear about (1) how the dispute between Chabad and the City about development impact fees will be resolved and (2) whether the failure to resolve this dispute will affect the substantial conformance finding. The City wants to collect approx \$5.2 million in impact fees, while Chabad seems to want to pay almost nothing. Is the City prepared to sell a favorable finding for Chabad if Chabad pays the right price? Is that the right way to treat the Scripps Ranch community?

9. We dispute - for two reasons - whether the SRPG's vote to approve the substantial conformance finding is valid. First, when the false fire alarm was pulled (as noted in the minutes of the SRPG meeting on June 4, 2008), almost all of the members of the community left the meeting, assuming, given the lateness of the hour, that the meeting was over. No one from the SRPG made any announcements to the contrary. The effect of the false fire incident was to allow the important and very controversial vote occur in virtual secrecy. Did the decision of the SRPG to hold a vote under such circumstances violate applicable California law and/or City ordinances? Please provide written assurances that the vote was properly conducted.

Second, the minutes of the SRPG's meeting do not show how each member of the SRPG voted on the matter. Given the important public function being performed, should there not be a record of how each member voted? Otherwise, there would be no accountability for the planning group members when they exercise important discretionary, fiduciary powers. Please provide written assurances that the anonymous voting process did not violate applicable California law or City ordinances.

10. Finally, since the housing will apparently be occupied by members of a single religious denomination on a permanent, year-round basis as their primary residence for an indefinite period of time, we are concerned that the project will violate the First Amendment to the Constitution, requiring separation of church and state. Chabad pays no property taxes. As a result, the residents will pay (either directly or indirectly) no property taxes as well, albeit while receiving costly public services and thereby having their personal life styles effectively subsidized by the City. The only way that this tax free arrangement can be allowed is if (1) the housing is truly educational and temporary in nature and (2) a legally enforceable mechanism is established granting the public at large the right to sue to enforce the obligation. Yes, I know non-profits, like hospitals, universities, etc. own real estate and provide housing, but such housing is temporary and used for narrow or limited purposes. There is no such limitation specified here. Please provide us with a legal opinion from the City Attorney's office that the Chabad housing project passes constitutional muster.

11. No one really understands all the details of the Chabad project. Chabad has deliberately obfuscated its true purposes and goals. Only after the substantial conformance finding is granted, will, I am afraid, the community learn what Chabad actually intends. If a decision is made to grant a substantial conformance finding, it should be conditioned on Chabad satisfying - within a specific and limited period of time - explicit requirements that limit the type, occupancy and use of the proposed housing.

12. It is preposterous that the Scripps Ranch community should be burdened with an ill-considered, carelessly drawn document that was created almost 40 years ago, long before the Scripps Ranch community came into being. We deeply resent the City's aiding and abetting Chabad in trying to impose their multi-family housing project on us, our children and grandchildren under the guise of improbable, convoluted and strained legalisms.

I look forward to hearing from you shortly. If you will not have time to provide the additional information requested above by the time of the 18 September meeting, I respectfully request that you continue the hearing until such later date as you will be able to provide the requested additional information.

Bill Reavey

000673

Contreras, Elisa

#8
oppose

From: Craig Jones [bananashke@sbcglobal.net]
Sent: Wednesday, September 17, 2008 11:12 PM
To: PLN PlanningCommission
Cc: Bob Ilko; Gordon Boerner
Subject: Sept. 18, 2008 Agenda Item # 8: CHABAD EDUCATIONAL CAMPUS SUBSTANTIAL CONFORMANCE REVIEW – PROJECT NO. 123607

Planning Commissioners,

This item being on the Commission agenda was brought to my attention by Mr. Bob Ilko on Sept 16. I ask that he be sure that these comments are on your record of consideration of this item; and I ask that each of you Commissioners accept this as part of your hearing:

The proposal by Chabad requests a finding of substantial conformance with the original master plan conditional use permit for south of Pomerado Road in Scripps Ranch. This almost ancient original CUP has been superceded by divisions of land and multiplicities of ownership, well outside of the original concept of this master plan. For a finding of substantial conformance, it must be found that (a) all land uses proposed are consistent with the original CUP master concept; and (b) that all land uses combined, not just Chabad but the adjacent lands also under this CUP (e.g. Alliant University) as well, collectively do not exceed the total development allowances and limitations of the CUP.

(a) Chabad in this, their "Phase 2" of development, is proposing not just "university" operations, but in addition, a whole new element of development and use: hundreds of what is, in all reality, permanent-residency multifamily housing. In approving Chabad's "Phase 1" of development the City Council in 1994 approved the Chabad property for the use as a "Yeshiva (Rabbinical Seminary)" per the Planning Commission Report. A Yeshiva is a school, like a university, that teaches the study of the Torah, with the objective of ultimate student graduation. Student housing is typically dormitory or limited-term student housing for that primary "university" land use; Rabbinical Seminary typically is a like a graduate program for in the end you complete studies and are deemed a Rabbi. "Student housing" is ancillary to the primary "university" land use, rather than a primary use by itself. The housing that Chabad is currently proposing, however, would be permanent-residency, without time limit and designed/intended to house families, not just students. The entire character and land use effects of this housing is that of a separate, primary-use, permanent-residency multi-family housing, and will have the impacts of that type of land use, including traffic generation and impacts. In short, this housing is not consistent with the concept, or the letter, of the original and still-in-effect CUP.

(b) Chabad is making its "Phase 2" proposal separate and apart from consideration of its totality of uses, and impacts, together with the other lands still under the CUP. For a finding of substantial conformance, the Planning Commission must be presented with a complete assessment of ALL land use plans and build-out, and must be able to find that ALL these plans/uses together are collectively within the CUP intent, and limitations. I am not aware that this analysis has been done. Without it, you cannot reach a finding of conformance.

The reality today is that, it is well past time for a comprehensive review and re-assessment of the original CUP. When Chabad first came forward years ago with its first phase of development, the community and the Scripps Ranch Planning Group made this point clearly. For the integrity of the community, and the integrity of the City and its land-use authority, I ask that you do not find substantial conformance; and instead find that a conditional use permit application and review process be required.

9/18/2008

000674

Thank you for this consideration. Please reach me if needed, at (858) 354-1785.

Craig B. Jones
10055 Wildlife Road
Scripps Ranch

SCRIPPS

*Crown Pointe*SCRIPPS RANCH ESTATES
HOMEOWNERS ASSOCIATION

June 4, 2007

Dear Scripps Ranch Planning Group, and City Planning Commission,

On behalf of the Home Owners Association of Scripps Ranch Estates (SRE), aka Scripps Crown Pointe, the board of directors is writing regarding our position on the proposed build out sketch by Friends of Chabad/Chabad Hebrew Academy located at 10785 Pomerado Road, which was received undated in May of 2007 with no revision number. As neighbors we will continue to maintain our established verbal and written agreements with Chabad. In reviewing our past agreements with Chabad, it must be noted that it is not in the best interest of SRE to endorse the May 2007 plan. The plot changes proposed by Chabad are so significant that nothing short of a completely new CUP involving the SR community planners should be required due to the impact these proposed plot plan changes will have on the entire Scripps Ranch Community. This position reflects the opinions of a majority of the homeowners within the SRE association. Also, we were led to believe that a new CUP was to be applied for before this expansion, instead Chabad planners appear to be using the old university CUP as the basis for the new construction.

Recently the leaders of Chabad requested an endorsement from the SRE Board on Chabad's newest May 2007 development plan for their property. This is part of an on going planning process, which included previous presentations by Chabad planners and discussions with SRE homeowners. Based on our Board review, we note that the plan disregards our formal agreement on many points. In an effort to include the entire SRE community we provided homeowners with the proposed Chabad plan and ask for their recommendations regarding a SRE endorsement.

The SRE Board has worked with Chabad as good neighbors for nearly 15 years. In our support of the current site operation, we signed a formal agreement on Feb. 9th, 1995 with the Chabad leaders stating our understanding of how the 27 acre plot was to be used including coverage limits for future buildings and the density which was to be compatible with the Scripps Ranch neighborhood. A majority of Crown Pointe homeowners supported this documented position, which we believe is compatible with the overall Scripps Ranch community plans.

The Crown Pointe homeowners are deeply concerned about the impact of the proposed plan on our community of Scripps Ranch, the significant variance between Chabad's plan and the current conditional land use permit (CUP) as an educational zone, and with our 1995 agreement.

A key issue is whether the plan conforms to the City of San Diego's conditional use permit (CUP) for university buildings, which was already amended once to accommodate the current K-12 school, and whether the new plans are in substantial conformance with the CUP. We are not experts as to the interpretation of "substantial conformance", but would like to express our concerns related to this proposed project. In our review of Chabad's latest proposal sketch we identified a number of issues related to conformance with current agreements and language in several signed documents (CUP, SRPG letter and the Chabad-Crown Pointe HOA agreement) that we bring to your attention.

The original intent of the property on the 1974 CUP was for a university campus setting known as the east campus which included the 201 acres which is now SRE and 27 acres now owned by Chabad. All references to the east campus were deleted after the builder purchased the SRE land in 1978. The 27 acres remained with the university as undeveloped land until Chabad's purchase in 1994. Thus, a new CUP is needed that accurately describes how the land would be used and is endorsed by the Scripps Ranch community before any new building is undertaken.

In the Report to the Planning Commission issued January 1995- "the City Council instructed the City Manager to ensure the following considerations to be used in any future finding of Substantial Conformance:"

- The maximum allowed student population is 800 people (K-12 including 25 Yeshiva students)
- Construction permit drawings shall be in substantial conformance to the approved phasing plot plans
- The applicant shall submit a traffic impact study

The Scripps Ranch community and SRE residents supported this educational use as described above and further discussed in the SRPG letter and the Chabad-Crown Pointe HOA agreement.

Now Chabad's proposed update plans call for additional housing of more than 1000 people. The structures could house an estimated 1,058 people assuming double occupancy of 529 rooms or 1365 people assuming the City's Building Code "Occupant Load" allowance for the 273,000 sq. ft. These estimates do not include those already on the campus or other future non-residential support people that would regularly be on the campus. These high population density structures do not conform to the original instructions for substantial conformance where it was understood that the number of residents at the Chabad campus would not exceed the maximum allowed number of students (i.e., non-students, non-faculty living on-campus).

Moreover, in keeping with the K-12 educational agreement, it was our understanding with Chabad that this property would not be occupied for round the clock service in dormitories (7days a week, 24-hour). This is not compatible with the City Council, nor the Chabad -Crown Pointe HOA agreement. Also, university classes seem to be incompatible with a K-12 setting.

It is also important to note the language in the SRPG letter of 1994 stating that "there would be no onsite housing" as part of the agreement for the current school's substantial conformance review. Chabad's May 2007 plan includes over 100,000 square feet of additional multiple housing buildings. Building of dormitories or apartments is not compatible with previously approved CUP plot plans, nor with the Chabad -Crown Pointe HOA agreement.

In order to build the proposed student housing structures (four apartment buildings with up to 4 stories and 280 units totaling 529 units) in accordance with plot plans it is evident that there would be a large amount of grading to be done on the property to allow for the site to be built in the manner proposed for a 15% land use with adequate parking. In our HOA agreement with Chabad and the signed agreement between the City and Chabad the land use fraction for this purpose was originally 9.5%. This new proposal has a massive amount of density as compared to the surrounding areas and is not in keeping with the 9.5 % agreement. This is not compatible with agreements between the City of San Diego and Chabad, nor the SRE HOA board and Chabad.

In keeping with the community plan and the use of Pomerado Road, it is felt that this proposal will have a significant traffic impact on Scripps Ranch residents. We do not feel that a previous traffic impact study has taken into account all of the potential future traffic on Pomerado Road. We request that a new traffic impact study take into account more than 1000 new residents and supporting services.

It has also been stated in CUP- Case no. 133-PC (Resolution) Amend- June 16, 1972 that:

- "Such use under the circumstances of this particular case will not be detrimental to the health, safety and general welfare of persons residing or working in the vicinity or injury to property or improvements in the vicinity because the conditions imposed will insure the University will be compatible with the surrounding development."

We have concerns regarding the density and heights of buildings in this proposal (parking, additional traffic congestion on Pomerado Road). Parking for both the school and dormitories needs reanalysis to ensure adequate parking and to ensure that there is no need for parking along Pomerado Road. This is not compatible with the surrounding development.

We cannot endorse a plan that is in constant change. The plans provided by Chabad have been different and inconsistent, making it hard for the community to follow what the proposal contains. Currently, the proposal presented by Chabad under the university CUP has physical plans for apartments, pools and tennis courts, but no plans for university classroom buildings. We cannot endorse a plan for a university setting without university classrooms. Prior to any endorsement we need to see evidence of the services to be provided such as a university

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SAN DIEGO JEWISH JOURNAL

SHOWCASING THE VARIETY AND VITALITY OF JEWISH SAN

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Return to Ho

Yonah Fradkin & the Rise of Chabad

Rabbi Yonah Fradkin came to San Diego in 1973 as the first emissary of Chabad. The unmarried 21-year-old set up the first Chabad house in an old frat house at SDU. The newest Chabad center? Try a \$25 million day school replete with sculpture garden, museum and pool. Find out how they got from there... to here.
by Sue Garson

On Chabad's verdant 27-acre campus in Scripps Ranch, there is a 30-foot-tall scrubbed metal menorah aptly named "Pride." It is the perfect symbol for a movement that pioneered public menorah displays and more importantly introduced the wider world to unambiguous pride in Jewish faith.

This gleaming, skyscraper-esque sculpture is also a perfect monument for the Chabad Center at Scripps Ranch, which will soon be home to the Chabad Hebrew Academy, a \$25 million blend of Old World values and modern architecture.

When the academy is complete, there will be more than 100,000 square feet of space spread out among a village of buildings of varying shapes and colors. The entire northern façade will be transparent. The campus will include an extensive Judaica library, a museum housing rare books and ancient coins, a cafeteria, synagogue, lecture hall, a Montessori-style Early Development Center, a pool and an amphitheatre.

Despite the school's cutting edge Tech Center, nature will never be far away. Trails weave around the campus, and benches and tables are constructed from native wood.

The ambitious school was



Early on a winter morning of that year, I attended the bris of the Fradkin's fourth child, Schneur Mordecai Zalman Ber Dov Fradkin, named in memory of several renowned rabbis of the vanished community of Lubavitch. It was a scene from a Marc Chagall lithograph. With fringes flapping and tallis flying, bearded rabbis in kapotes and black fedoras clapped their hands, sang and danced themselves into a seemingly unstoppable Chassidic kinetic force, as white-lined tables with shimmering lox and smoked fish shuddered. Aging, revered rabbis traveled from far and wide to celebrate the simcha. Speeches were made, prayers were chanted, and bagels, bialys, Chivas Regal and schnapps were rapidly consumed as hundreds of joyous Chassidim witnessed this infant's initial covenant with the Creator of the Universe. Today, Schneur Mordecai Zalman Ber Dov Fradkin, affectionately known as "Motti," attends a rabbinical seminary in Melbourne, Australia.

The decade that followed brought a phenomenal growth spurt to Chabad in San

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Scripps Ranch

CONDITIONAL USE PERMIT NO. 133-PC/AMENDMENT NO. 2

PLANNING COMMISSION

This Conditional Use Permit Amendment is granted by the Planning Commission of The City of San Diego to UNITED STATES INTERNATIONAL UNIVERSITY, a California corporation, "Owner/Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0506, et sequitur, of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to "Owner/Permittee" to maintain and operate a University with related incidental uses, located south of Pomerado Road, east of State Highway 163, more particularly described as Lot 1 and a portion of Lot 2, U. S. International University, Map No. 5960, on file in the Office of the County Recorder, in the R-1-40 Zone.

Condition No. 10 is hereby amended to delete all references to the east portion of the campus, *described on Exhibit "A," dated June 15, 1978.*

Passed and adopted by the Planning Commission of The City of San Diego on June 15, 1978.

000681

4) Medium density (10-15 dwelling units per net acre) has been used in the existing community and the Pomerado/Spring Canyon Road area to provide a slightly higher density of multi-family housing. The intent of this density is the same as the low medium density.

5) High medium density (15-29 dwelling units per net acre) has been used in the existing community for the construction of apartments at the corner of Willow Creek Drive and Pomerado Road, as well as for the area north of Erma Road. No additional use of this density is proposed in this Plan.

d. Density Allocations. Figure 3 identifies the densities assigned to the various residential parcels within the planning area. These designations represent desired ranges of residential densities. The maximum number of homes permitted within each of the four new development areas is also shown on Figure 3. These numbers were determined by the anticipated impact on public service facilities and other community resources. Allowances for acceptable open space systems have been included in determining the desired density for each area.

The following discussions of site design and specific neighborhood concept plans delineate the more precise criteria for densities and development in each new residential area.

e. Site Design. Sensitive design is extremely important in determining whether a particular dwelling or group of dwellings will be a functional and aesthetic asset to the community. The following basic guidelines are set forth to aid potential developers, City officials and other governmental agencies in making site design decisions prior to land development. More specific criteria for development are contained in the "Design Element."

The design of any new residential construction should respect existing development with regard to preservation of views and compatibility of architectural styles, building materials, and landscaping. The Planned Residential Development permit process can aid in accomplishing these design objectives.

Multi-family residential housing should be carefully designed to be compatible with adjacent land uses. Building height and bulk should be in scale with the size of the site, and proximity to adjacent structures. A strong emphasis should be placed on aesthetic considerations in the site plan, architecture, and landscaping. In most instances,

GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" (dated May 31, 1977), on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" (dated May 31, 1977), on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

4. This conditional use permit granted by the City shall be utilized within 18 months after the effective date thereof. Failure to utilize the conditional use permit within an 18-month period will automatically void the same. This conditional use permit shall be subject to all of the terms and conditions granted herein and pursuant to the terms set forth in Section 101.0506 or 101.0507 and 101.0508 of the Munic Code. See the latter referenced sections as those terms and conditions apply hereto.

5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

6. This conditional use permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0506 of the Municipal Code of The City of San Diego.

7. The effectiveness of this conditional use permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this conditional use permit signed within 90 days of the Commission's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the Planning Commission granted this conditional use permit.

b. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.

8. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

333
1/27/09

From: David Froman [dfroman@juno.com]
Sent: Sunday, January 25, 2009 10:58 PM
To: CLK Hearings1; De Maio, Councilmember Carl
Subject: Substantial Conformance Review with CUP No. 133-PC Amendment, Project No. 123607, Chabad

RE: Substantial Conformance Review with CUP No. 133-PC Amendment, Project No. 123607, Chabad

Dear Mayor Sanders, Councilman DeMaio, and members of the City Council,

My wife Elizabeth and I are residents of Scripps Ranch. We drive past the Chabad property multiple times a day on Pomerado Road. We are writing to you to express our concern about and opposition to the proposed multi-family housing project on Pomerado Road in Scripps Ranch that is being pursued by Chabad. The proposed multi-family housing is inconsistent with the single family zoning of the site and the adjacent neighborhood. It is also a departure from the sole basis for claiming to be able to build it, that is, that Chabad's purchase of this property from USIU that had been approved for **college dormitory housing** carries with it the right to build up to 800 multi-family dormitory units on the land.

As far as we are informed, the Chabad has only an elementary and pre-school. These students would not need dormitories. It does not have an institution of higher education, as did USIU when the future dormitory expansion was approved. Moreover, it appears that the housing planned would not be for students in any event, but year-round housing for members of Chabad. If you require a 4-year university on the site prior to the "dormitories" being built in accordance with the Conditional Use Permit, you will likely still be waiting to act on this matter in 2025. Despite any representations to the contrary, the Chabad project is unlikely to ever conform to the conditions specified in the Conditional Use Permit. It appears that the project has only gotten this far through inappropriate influence and intentional exaggeration, if not plain misstatement of purposes. **Therefore we strongly urge you to deny the application and find that the project is NOT in substantial conformance with Conditional Use Permit Number 133-PC and that no waiver from the General Inclusionary Affordable Housing Requirements be granted.**

If, however, it is your decision that this project is to go forward, **it should be fully subject to environmental impact reviews, including how it would affect traffic on Pomerado Road.**

Pomerado Road traffic was already a concern when the city closed it for two years in 1989-91 to widen and re-align it. Now, twenty years later with vastly more development along it and feeding into it, Pomerado Road has been further overloaded just recently with the addition of Marshall Middle School and the growing Stonebridge development, which adds more traffic every day. Approving more multi-family units that can only exit onto Pomerado Road would further exacerbate the problem and reduce the quality of life in Scripps Ranch.

We request a serious review of this matter and testing of the representations made regarding "substantial conformance." From reviewing the documents available to us, we are concerned that this in neither a university, nor would the proposed housing be for university students. It seems like a simple analysis: therefore, the project is not in substantial conformance with the CUP granted to USIU.

We hope that you will ensure that the project is properly reviewed before the Council grants any approvals.

1/26/2009

Sincerely,

David and Elizabeth Froman
10292 Pinecastle St.
Scripps Ranch

dfroman@juno.com

333

1/27/09

From: Rebecca Ferrini, M.D. [rferrini@san.rr.com]
Sent: Monday, January 26, 2009 6:55 AM
To: CLK Hearings1
Subject: community concerns about Chabad Housing Development

Mayor and Members of the City Council:

I am writing to express concern about the Chabad Educational Campus Substantial Conformance Review conditional use Permit no 133-PC.

I am part of a close-knit San Diego Community in Scripps Ranch. I am very concerned about the issues of population density and the ability of the environment and the roads of Scripps Ranch to handle more traffic density along Pomerado Road. I am writing to express my opposition to the proposed Chabad multi-family housing project on Pomerado Rd. The project is not consistent with the underlying zoning for our community (one single family residence per 40,000 sq. ft. lot). I may not understand all the issues, but my understanding is that a variance was granted for "student housing" for an institute of higher learning. However, there is no institute of higher learning at the Chabad site. The housing is planned as year round, long-term housing for members of Chabad. Thus, a "conditional use permit" situation would not apply to this site. University -type housing has much less of an impact on the community as students are not present year-round, they often have the majority of their needs fulfilled on campus and so generate less traffic. In the Chabad case, there is no university and these are single family residences exclusively for the parents of children attending a religious-based school that are subsidized and excluded from requirements established for our community about lot size. These individuals are will have to leave and come into the community for services and travel on the one-lane Pomerado Road.

Finally, I am very concerned that the project will be approved without undergoing adequate environmental reviews. We have some of the last open space in the county and it is used by our citizens and animals—this summer I saw a coyote and a full-sized mule deer along Pomerado Road. We live in a high-fire risk area and need planning for our homes and open spaces to be defensible. Placing more houses and density will significantly impact the environment and an environmental impact report is necessary. Although I am in favor of planned developments which offer lower income housing to adults, seniors and families, I think these have to have adequate planning to succeed. These developments should be in places where there are adequate services within WALKING distance, where there is ample open-space, and where the community roads can handle the traffic. Multi-family housing is permitted in only one location in Scripps Ranch—the current location is walking distance to shopping and near the freeway, thereby mitigating the traffic concerns. The Chabad property is not that location.

In addition to registering my opposition to the proposal, I would like to be included in the notice list for all future notices for the Chabad Project (123607).

Thank you for consideration of my input

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