

1220 Rosecrans St. PMB 549 San Diego, California 92106

November 18, 2016

Honorable Kevin Faulconer, Mayor Honorable Lorie Zapf, Councilmember, District 2 Honorable Jan Goldsmith, City Attorney City of San Diego 202 C Street San Diego, CA 92101

Re: Request that the City of San Diego Initiate Legal Action to Determine Whether San Diego Unified School District Exemption Resolution Was Arbitrary and Capricious (California Government Code Section 53094)

Dear Mayor Faulconer, Ms. Zapf and Mr. Goldsmith:

This letter is to advise you that, by a vote of 9-2 at our meeting held on November 17, 2016, the Peninsula Community Planning Board, hereby urges the City of San Diego to immediately initiate an action in San Diego Superior Court seeking a review of the Resolution adopted by the San Diego Unified School District Board of Trustees on April 12, 2016 (H.1. 4-12-16). The School District's Resolution exempts the "Whole Site Modernization" project proposed for Point Loma High School, including, without limitation, the "Stadium Facilities Upgrade Project," which includes the installation of permanent sports field lighting, a new public address system and increasing the seating capacity of the stadium 500 persons, from review under or compliance with the zoning ordinances of the City of San Diego, including the General Plan of the City of San Diego and the Peninsula Community Plan. Such an action by the City is expressly authorized by Section 53094 of the *California Government Code*, permitting the City to seek a judicial determination of whether the School District's adoption of the Resolution was "arbitrary and capricious."

Respectfully,

Robert Goldyn Vice-Chairman

Peninsula Community Planning Board

Robert a. Moldy

David L. Dick Secretary

Peninsula Community Planning Board

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Attachment 1: PCPB approved motion

PENINSULA COMMUNITY PLANNING BOARD MOTION

DATE:	November 17, 2016 · · ·	
MOTION BY:	Dick	·
SECOND BY:	Quinn	
MOTION: (print	• •	ouncilmember Zapf and City Attorney Goldsmith
urging the (City of San Diego to initiate action	n in San Diego County Superior Court pursuant
to Governn	nent Code Section 53094 to deter	mine if San Diego Unified School District action
to exempt t	he Point Loma High School Who	le Site Modernization Project from City of San
Diego land	use and zoning ordinances and r	egulations was "arbitrary and capricious."
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Board Member	Not	Yea	Nay	Abstention	Reason for Abstention
	Present				
PATRICIA CLARK		X			
BRUCE COONS		X			
DAVID DICK		X			
ROBERT GOLDYN		X			
JAMES HARE		X			
BRAD HERRIN		X			
JOE HOLASEK			X		
MARK KRENCIK	X				
JON LINNEY				X	Chair not voting
JERRY LOHLA		X			
LAURA MILLER		X			
PETER NYSTROM	X				
JULIA QUINN		X			
DON SEVRENS			X		
PAUL WEBB	X				
TOTALS	3	9	2	1	