



THE LITTLE COMMUNITY THAT COULD: TORREY HILLS BEATS CITY

It is the little school district that could have, should have and did, in a community that insisted, resisted and made it happen.

After listening to hours of community input, the Del Mar Union School District board voted to continue a lawsuit challenging the City of San Diego's refusal to require an environmental study before approving biotechnology labs near their Torrey Hills elementary school.

Few in the room expected the school board to gather the gumption to fight. They could have settled for contractual assurances that the labs follow federal safety guidelines and report any intensified uses to the district.

There was certainly enough pressure to settle. The developers gathered support from the influential biotechnology trade group Biocom and the city's quasi-public economic development agency.

They hired lobbyists and public relations firms. Even the City Attorney insisted the development agreement and current zoning allowed such uses without environmental studies.

But this is Torrey Hills, a community that from day one vowed to fight city hall and the special interests that fuel it on behalf of decent planning and public safety—down to the last man, woman and child.

In spite of unbelievably bad odds, the Torrey Hills Planning Board under successive Chairs Jim Casale and Kathryn Burton has racked up some impressive long shot victories in its relatively short life—enough to inspire a citywide effort to reform San Diego's development approval process.

The first and best known win was the defeat of a monster Chevron service station that would have operated 24/7 under power lines and across from a wall of new homes if not for a highly visible and sustained protest from residents.

Soon after, a parcel of open space was literally snatched from the jaws of a hungry bulldozer after illegal grading was discovered and everyone screamed. They got their open space back.

Now, the community faces its biggest challenge. Once again, developers want to further mangle the Torrey Hills community plan, this time by increasing four proposed buildings by a factor of two, blocking views, increasing traffic and introducing two biotechnology buildings within 1000 feet of the elementary school.

Until last week, the projects were slithering through the city's approval process like greased eels. City officials

insisted that no environmental review or public hearings were required because the new designs and uses "substantially conformed" to the intentions of the Torrey Hills Community Plan.

The residents and the school board disagreed. They filed lawsuits—the residents over the buildings' size and the school board over their uses.

At issue is the city's common practice of stretching a building approval mechanism called Substantial Conformance Review longer and wider than Aunt Martha's best taffy pull. SCR is meant to expedite small changes to projects.

Applying SCR to the proposed Torrey Hills buildings is like treating a Great Dane like a slightly larger Chihuahua.

Now a judge agrees. Last week, in the first of four lawsuits, Judge Patricia Cowett ruled that the city abused its citizens by arbitrarily granting a permit to develop two lots without public review in violation its own municipal code and the Torrey Hills community plan .

In the ruling, the Judge noted that the city only had to demonstrate the barest basis for avoiding public hearings and environmental studies to win the day. With the scales of justice weighted so heavily against community interests, it is hard to overstate the power of this ruling.

While our city fathers, mothers and the project developers were digesting the bad news, community groups all over San Diego were celebrating a rare win in the common struggle to enforce community plans and protect residential neighborhoods.

Over the next several weeks, the City Council must decide whether to appeal the judge's decision after having approved fighting this litigation brought by its own citizens. In the mean time, Torrey Hills residents will be back in court with two more lawsuits, this time challenging the size of the proposed biotechnology buildings.

In striking contrast to the City Council, the Del Mar school board listened carefully to community members, including many who work in the biotech industry.

They made their case to the board with such grace, skill and overpowering logic that a seasoned Carmel Valley Board member observing the proceedings told me she was moved to tears.

The decision to proceed was as smart as it was compassionate. This is a school board that puts the safety of its kids first. It is also smart enough to know that without an environmental study, its members cannot make an informed and legally defensible decision.

Sometimes the people can fight City Hall. It just takes grit and a good attorney.