

September 14, 2023

City Attorney Mara W. Elliot
City of San Diego
Office of the City Attorney
1200 Third Avenue, Suite 1620
San Diego, CA 92101

Dear City Attorney Elliot:

Subject: 6650 Montezuma Road Proposed Apartment & Hotel Complex
College Area Community Planning Board Support for the Friends of the Library

I am the Chair of the College Area Community Planning Board (CACPB), and I am writing this letter to you, at the request of the CACPB members, in expression of our support to the Friends of the Library in its opposition to the proposed Apartment and Hotel Complex at 6650 and the manner in which the application is being processed by the City.

The application is currently being reviewed by the Department of Development Services (DSD) as a ministerial approval. This is very troubling, and possibly not legal as it relates to his project.

The project scope includes an encroachment on City owned land. I am certain that you are well aware that unless the City receives something of public value in return, an encroachment constitutes a gift of public funds. A gift of public funds is legal if authorized by a specific law, or a public program or policy that specifies the public benefit in return. Regardless of the process that leads to the gifting, the action approving it must be done via a legislative action by the City Council. It cannot be accomplished through ministerial approval. I request that the ministerial review of the project be stopped.

Of significant concern to the CACPB, as well as the Friends of the Library, is the shared use of 25 parking spaces on the access way that is from El Cajon Blvd. The 20-year shared use agreement for public use of parking in this accessway is not guaranteed, but may only be used if open spaces are available. Any hotel patron or resident from the new apartments will lay claim to those spaces long before any patron of the library.

The College Area Community Planning Group prefers that the private accessway to the library be dedicated to the City of San Diego for the exclusive use as library access and parking. Such a dedication will constitute a greater public benefit and justify the city's approval of the change in zoning, community plan and general plan.

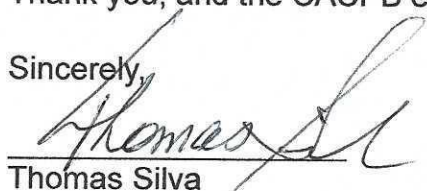


An alternative to the dedication of the access-way may be the establishment of an easement which allows that driveway to be for the exclusive use of library parking and access. The goal is to ensure that public access to and parking for the library is guaranteed and not subject to the whim, or whims, of future property owners or management companies.

The CACPB strongly encourages you to consider the ramifications this current proposal has on the community and the operations of the College – Rolando Library and stop the ministerial review process. The Board would like to see the approval process be one which will result in Planning Commission consideration and recommendation and ultimately City Council review for either an approval or denial.

Thank you, and the CACPB eagerly awaits a response from you or your office.

Sincerely,


Thomas Silva
Chair CACPB

Cc: Jan Hintzman, President of the College-Rolando Friends of the Library
CACPB Board Members