



To: The LA JOLLA SHORES PLANNED DISTRICT ADVISORY BOARD

Chair: Jane Potter

Board Members: Suzanne Weissman, Herbert Lazerow, Kathleen Neil, Philip Wise, Sherri Lightner

Via Email to

Melissa Garcia, Senior Planner

MAGarcia@sandiego.gov

From: Stephanie Smith, Partner
Grid Legal, LLP

Date: July 16, 2024

Re: Request to Continue Item #9 at the La Jolla Shores Planned District Advisory Board (LJSPDAB) July 17, 2024 meeting PRJ-1087614 – 2734 Bordeaux Ave (“Property”)

Dear Chair Potter and Board Members Weissman, Lazerow, Neil, Wise, and Lightner,

I represent Ms. Farley, the owner of the property located at 2742 Bordeaux Ave which is immediately adjacent to the proposed project at 2734 Bordeaux Ave. As I understand it, the proposed project consists generally, but not exclusively, of a proposed accessory dwelling unit (ADU), guest quarters, grading, landscaping, brush clearing, right of way improvements, drainage improvements, and geological supports (“Project”). The Project is also located within steep slopes and environmentally sensitive lands (ESL).

We are requesting that the LJSPDAB continue Item #9 for the following reasons:

1. It is premature to issue a recommendation in light of City staff’s request for additional technical studies and possible design changes.

As documented in the City Cycle comments dated July 12, 2024 and attached hereto (DSD Comments), the City has identified numerous project issues which require possible project design changes and revised technical studies. It is premature for the LJSPDAB to provide a recommendation on the proposed Project prior to receipt of the updated technical reports and possible design changes as required by the City Development Services Department (DSD).

2. The California Environmental Quality Act (CEQA) and the City’s code require review of CEQA Documents prior to your Board’s recommendation on the Project.

Grid Legal, LLP

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The potential environmental impacts of the proposed Project have not yet been analyzed under CEQA. This is because city staff have not been provided with enough relevant information on the project to start environmental review. *See attached DSD Comments, #72: “Until the requested information has been provided, staff is not able to complete the environmental review for the project and the environmental processing timeline will be held in abeyance.”*

CEQA requires environmental review of a project *before* any decision is made on the project. *See California Code of Regulations Title 14, Chapter 3 (“CEQA Guidelines”), §15004.* The City’s regulations for this advisory board likewise require that your board first review the environmental document under CEQA prior to making any recommendation on the project. (*See City Municipal Code § 103.0302.2(b) “When the California Environmental Quality Act requires that an Environmental Impact Report be prepared in conjunction with an application within the Planned District, the Advisory Board shall review this report before submitting its recommendation to the City Manager.”*) The City has not made an environmental determination or analyzed the projects impacts pursuant to CEQA.

We respectfully request that your Board continue this item until the Project’s environmental impacts have been analyzed under CEQA so that you can review the potential impacts on the environment prior to making a recommendation on the proposed Project.

3. Notice of this meeting was not provided to the Property’s neighbors or interested parties.

My client is registered as an interested party on this Project and has requested notices of all hearings. Please ensure that notice is provided to neighboring property owners and interested parties prior to hearing this item at any future meeting.

Sincerely,



Stephanie Smith

stephanie@gridlegal.com

619-363-1471

cc:

Jose Bautista, JABautista@sandiego.gov

Marlene Watanabe, MWatanabe@sandiego.gov



THE CITY OF SAN DIEGO
Development Services Department
1222 1st Avenue, San Diego, CA 92101

Project Address 2734 Bordeaux
San Diego, CA 92037

Project Type Discretionary Project

Instructions

<p>The following issues require corrections to the documents submitted.</p>

Site Development Plans PRJ-1087614.pdf

DSD-Engineering Review

Tecla Levy
TLEVY@sandiego.gov

[Comment 00002 | Page | Open]

The site plan shows private improvements (such as enhanced driveway pavement, landscaping, etc.) located within the existing public right-of-way. If site has an existing Encroachment, Maintenance and Removal (EMRA) please submit for review. If there is no existing EMRA, an EMRA will be required for all private improvements located in the public right-of-way.

Follow up, please provide a copy of the approved EMRA.

[Comment 00012 | Page | Open]

Project shall adhere to visibility area triangles, per San Diego Municipal Code Section 113.0273 and Diagram 113-02SS at the driveway location in accordance with San Diego Municipal Code Diagram 113-02SS. Add a note that states: No obstruction including solid walls in the visibility area shall exceed 3 feet in height. Per SDMC Section 142.0409 (b)(2), Plant material, other than trees, located within visibility areas or the adjacent public right-of-way shall not exceed 36 inches in height, measured from the lowest grade abutting the plant material to the top of the plant material.

Follow up, please revise sheet C100 to show visibility triangles on both sides of the existing driveway.

[Comment 00027 | Page | Open]

Any run-off increase from the proposed project should be directed away from any steep hillside areas and into the public storm drain system or street gutter system designated to carry surface drainage run-off as required by the City of San Diego Municipal Code (SDMC) Section 143.0142(f). Show how the project complies with this requirement.

Follow up, the Drainage Study needs to be revised. Basins A & B for post-development is 2.46 cfs which higher then the pre-development (2.26cfs). Please revise the calculation to provide mitigated flow. Please note, no additional runoff shall be discharged to the existing hillside. All the additional runoff needs to be conveyed via public storm drain system.

DSD-Landscape Review



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[Comment 00043 | Sheet T1 | Open]

Environmentally Sensitive Lands (ESLs): Show the locations of the existing and proposed extents of ESLs on site directly on the plans. This should be consistent with the future included bio-report. Refer to Planning/ Environmental review. Note that Brush Management Zone 1 cannot extend into the proposed limits of ESLs.

[Comment 00046 | Sheet T1 | Open]

Minimum Brush Management Zones: The minimum allowable brush management zone is 10' as established by the FPB-Policy B-18-01 (VI)(A), although a greater fire protection zone one is advised.
https://www.sandiego.gov/sites/default/files/f-18-1.policy_0.pdf
[Info Only - No Response Required]

[Comment 00050 | Sheet T1 | Open]

Alternative Compliance: Alternative compliance measure will likely apply for reduced brush management zone 1, however zones on site have yet to be determined. Fire-Plan will review for alternative compliance measures. See FPB-Policy B-18-01.
https://www.sandiego.gov/sites/default/files/f-18-1.policy_0.pdf

Fire-Plan Review

Willard Larson
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[Comment 00036 | Sheet A1.1 | Open]

Provide a Brush Management Plan per Landscape and Fire requirements as project is located in VHFSZ. Show mitigation applied to structure as a note on the Brush Management Plan. Refer to Landscape comments for information to be provided on Brush Management Plan. Fire will review for Alternative Compliance mitigation due to reduced defensible space prior to Landscape sign-off. See FPB Policy B-18-01 https://www.sandiego.gov/sites/default/files/f-18-1.policy_0.pdf.

[Comment 00037 | Sheet A1.1 | Open]

As Alternative Compliance due to reduced defensible space, provide Dual Glazed/Dual Pane windows for new ADU per FPB Policy B-18-01. Provide note on Brush Management Plan and revise Window Schedule.

[Comment 00038 | Sheet A1.1 | Open]

Per FPB Policy B-18-01 and Fire Code Official discretion, a minimum of 10' Zone 1 defensible space is required on all projects located in VHFSZ. Fire will confirm Zone dimensions on Brush Management Plan in next submittal.

[Comment 00040 | Sheet A1.1 | Open]



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Fire reserves the right to provide additional comments based on revisions and subsequent submittals. Contact Fire Plan Reviewer by email with any questions or if clarification is needed.

Other

Community Planning Group

Jose Bautista
jabautista@sandiego.gov

[[Comment 00051](#) | [Page](#) | [Open](#)]

The proposed project is located within the La Jolla Community Planning Area. La Jolla Community Planning Group is the officially recognized community group for the area to provide recommendations to the City.

If you have not already done so, please contact Harry Bubbins, Chair, of the La Jolla Planning Group, at (858) 459-9490 info@lajollacpa.org to schedule your project for a presentation before the group at their next available meeting. If you have already obtained a recommendation from the group, please submit a copy of the recommendation and/or minutes from the meeting which includes the vote count to Jose Bautista, Development Project Manager at JABautista@sandiego.gov.

Development Services Department (DSD) Information Bulletin #620, "Coordination of Project Management with Community Planning Committees" (available at <https://www.sandiego.gov/development-services>), provides additional information about the advisory role the Community Planning Groups. Council Policy 600-24 provides guidance to the Community Planning Groups and is available at https://docs.sandiego.gov/councilpolicies/cpd_600-24.pdf

DSD-Engineering Review

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[[Comment 00059](#) | [Page](#) | [Open](#)]

Please remove the Storm Water Quality Notes Construction BMP's from the plans (sheet A1.1) as this is a Discretionary Review process. The notes will be required during Ministerial Review process.

DSD-Environmental



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[[Comment 00065](#) | [Page](#) | [Open](#)]

Project Scope (Updated):

A request for a COASTAL DEVELOPMENT PERMIT and a SITE DEVELOPMENT PERMIT for the construction of a new 769 square foot detached accessory dwelling unit with an attached 513 square foot guest quarters. The 0.91 acre site has an existing single-family residence that will remain and is located at 2734 Bordeaux Avenue in the Single Family (SF) zone of the La Jolla Shores Planned District. Additionally, the project site is within the Coastal Overlay Zone (Non-Appealable 2), Coastal Height Limitation Overlay Zone (CHLOZ), Parking Impact Overlay Zone (Coastal and Campus), Parking Standards Transit Priority Area (PSTPA), Transit Priority Area (TPA), and the Affordable Housing Parking Demand.

[Informational Item]

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Previous Environmental:

MND No. 41-0314 for the Koster Residence was adopted by the City of San Diego Planning Commission on November 29, 2001 (Resolution No. 3201A-PC). The approved project included a SDP/CDP to demolish an existing residential structure and construct a new two-story, single-family residence with an attached two car garage totaling 8,847 square feet including a swimming pool and associated site improvements on the project site. An MMRP was adopted for impacts to Historic Resources (Archaeology).

[Informational Item]

[[Comment 00067](#) | [Page](#) | [Open](#)]

Biological Resources:

A Biological Letter Report prepared by Athena Consulting, dated May 13, 2024 was received for the project. Please see the comments made in the Biological Survey Report. Please provide responses to comments and a revised report in a strikeout underline (SOUL) WORD format and a PDF clean version.

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Geologic Conditions:

A Preliminary Geotechnical Investigation prepared by Geotechnical Exploration, Inc., dated March 15, 2023 was received for the proposed project. EAS defers to DSD-Geology for the review of this report. Please see their comments.

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Greenhouse Gas Emissions (GHG):

EAS has reviewed and accepted the Climate Action Plan (CAP) Consistency Checklist (August 2024). Based on the evaluation, the project will be consistent with the applicable CAP strategies and actions outlined in Step 2 of the CAP Consistency Checklist. To ensure project compliance of the strategies the CAP Consistency Checklist would be made part of Exhibit A and a condition of approval.

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Hydrology/Drainage:

A Preliminary Drainage Report prepared by Son-Engineering Dated April 30, 2024 was received. EAS defers to DSD-Engineering for the review of the submitted report. Refer to their comments for additional information and/or clarification.

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Paleontological Resources:

According to the Geotechnical Investigation submitted for the proposed project, the site is underlain with approximately 1.5 to 4.5 feet of fill, topsoil (Qc) was observed from 1 to 2.5 feet below existing elevations, and Scripps Formation (Tsc) was encountered underlying the fill and topsoil material.

Fill soil and top soil have no sensitivity and Scripps Formation has a High Sensitivity for the discovery of paleontological resources.

Grading Tabulations provided on the site plans (Sheet C100) indicate that the project would result in 270 cyds of cut and 0 cyds of fill, exporting 270 cyds of material. The grading tabulations also indicate maximum height of fill slopes would be 0 feet and maximum height of cut slopes would be 10 feet. Please indicate the maximum depth of cut and maximum depth of fill on the site plans.

Paleontological monitoring during grading activities may be required if it is determined that the project's earth movement quantity exceeds the Paleontological threshold (if greater than 1,000 cubic yards and ten feet deep for



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formations with a high sensitivity rating). Please be aware that monitoring may also be required for shallow grading (less than ten feet) when a site has been previously graded and/or unweathered formations are present at the surface.

EAS cannot make a determination on this issue area until the requested information is provided.

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Environmental Determination:

Until the requested information has been provided, staff is not able to complete the environmental review for the project and the environmental processing timeline will be held in abeyance. EAS will coordinate with the other reviewers as the review progresses regarding any additional potential environmental impacts. Please be aware that the environmental review may change in response to any project changes and/or new information. Additionally, the new information may lead to the requirement of new and/or additional technical studies.

Once issues raised, by EAS and other reviewing disciplines have been resolved, EAS will make a determination as to the appropriate environmental document based on all reviewed and submitted information. [Informational Item]

DSD-Geology

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The requested addendum/update letter be uploaded with the "Geotechnical Investigation Report Addendum" PDF file option only.

To avoid additional reviews, do not attempt to submit any additional document using the "Geotechnical Investigation Report" PDF file option as this will overwrite the previously submitted record geotechnical document for the project.

Please note, geotechnical documents that are uploaded incorrectly are unacceptable as record documents.

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The project's geotechnical consultant must submit an addendum geotechnical or update for the purpose of an environmental review that references the development plans and addresses the following:

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Based on the review of the current site development plans the location of the proposed building has changed compared to the location in the reference geotechnical report. The project's geotechnical consultant must submit an addendum geotechnical report or update letter that addresses the new building location and acknowledging that their recommendations are still appropriate, or they should provide additional recommendations if necessary.

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The project's geotechnical consultant must provide a professional opinion that the site will be adequately stable following project completion.

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The geotechnical investigation report must update geologic/geotechnical map that shows the distribution of fill and geologic units, location of exploratory excavations, and location of cross-sections. The map should be on the current topographic base that shows the proposed development, existing retaining wall, and graded slope.

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The geotechnical investigation report must update representative geologic/geotechnical cross-sections that show the existing and proposed grades, distribution of fill and geologic units, geologic structure, the proposed development including the anticipated area of the building excavation, proposed and existing retaining walls, and temporary slopes. The cross-sections should be scaled and extend beyond the property lines to show the adjacent structures and City's right of way.

DSD-Landscape Review

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Development Footprint – BMZ 1: Clearly show the limits of the development area on site. Zone 1 must be included within the 25% development area on site per §143.0142(a)(4)(A)&(B). Zone 1 cannot extend beyond the steep hillside 25% allowable development area. The Zone 1 area on site may be reduced with the use of alternative compliance measures.

DSD-Planning Review

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[[Comment 00060](#) | [Page](#) | [Conditional](#)]

Draft Conditions

Pursuant to SDMC 143.0152, the proposal shall include a covenant of easement on the ESL. Please illustrate this on the site plans.

Pursuant to 141.0307(i)(2), "before a Building Permit is issued for a guest quarters or habitable accessory building, the record owner shall submit a signed agreement with the City that neither the primary dwelling unit nor the guest quarters or habitable accessory building shall be sold or conveyed separately. The City will provide the agreement to the County Recorder for recordation." Please note this on the plans.



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[Comment 00061 | Page | Open]

Please contact the La Jolla Community Planning Association and La Jolla Shores Advisory Committee for a recommendation on your project. Please provide these comments to the City.

[Comment 00062 | Page | Open]

Please provide a ESL encroachment analysis. Please be certain to include the percentage of the total lot that is proposed to be developed/disturbed. This shall include the existing developed disturbed portion of the lot. Please add a limit of disturbance label to the plans to illustrate what portion is included.

The limit of disturbance was illustrated on A1.1. Please add a table listing the total square footage and percentage of lot being disturbed and the square footage and percentage of lot that is undisturbed (i.e.: Sage scrub).

[Comment 00063 | Page | Open]

On all applicable plans, clearly label the boundary of the undeveloped portions of ESL on the premises to be included within a Covenant of Easement, in accordance with Section 143.0150. Staff will include a permit condition stating that the easement be recorded prior to construction permit issuance. The easement should encompass all ESL outside of the development footprint (i.e. all ESL outside of the limits of grading and Brush Management Zone 1) intended to be preserved in perpetuity.

Please clarify this by adding the notation "previously" disturbed on the plans, so it is clear this is the existing and proposed limit of disturbance.

Fire-Plan Review

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[Comment 00073 | Page | Open]

Per Landscape determination, Fire will review revised Zone 1 and Zone 2 dimensions in next submittal. Refer to FIPR comments and below for Alternative Compliance mitigation requirements.

New buildings must comply with chapter 7A/R3327 requirements That do not meet the 100 ft. Defensible space must provide additional mitigation. The mitigation depends on the site conditions, denseness of the brush and amount of



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Zone 1 and Zone 2 provided. Some options that may be considered are:

6' firewall on the brush side of this structure/structures.

Dual glazed/dual tempered windows.

Fire breaks.

Attic or additional sprinklers.

Increase the fire resistance rating of walls/walls.

Technical report (as described in section VA).

Brush management easement from abutting private property.

Provide Alternative Compliance measures specific to the project directly on the Brush Management Plan and revise applicable plan sheets.

LDR-Environmental

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[Comment 00008 | Page | Open]

Land Use

[OPEN]

General Plan/Community Plan/Land Development Code - EAS defers to LDR Planning Review on Land Development Code, community plan issues and CAP Checklist Steps 1 and 2 as applicable. At this time Planning Review is in process. Refer to their comments for further information and/or clarification.

[Comment 00022 | Page | Open]

Tribal Cultural Resources

[OPEN]

This project may be subject to Tribal Consultation under AB 52. If needed, EAS staff will distribute notification to those Native American Tribes that formally engaged in the AB 52 process with the City for possible consultation on this project. Please note that a request for consultation must be submitted by the Native American Tribes within 30 days of initial notification. If no request is made, the environmental processing timeline will proceed. If a request for consultation is made, then the environmental processing timeline will be held in abeyance until the consultation process has been completed.