PRJ- 1074172
Coast Walk Lots 2 and 17
Parcels 350-130-02 and 350-131-29
Hearing Date/Time: November 19, 2025, 9:00 a.m.
CITY PROJECT MANAGER: J. Andrew Murillo, Development Project Manager PHONE NUMBER/E-MAIL: (619) 557-7986 / jmurillo@sandiego.gov

Please note the following concerns we have, as neighbors and members of the public, to the above-referenced project.

A. VEHICLE ACCESS TO SUBJECT PROPERTY

How will the future occupants of the new construction access the property? At the local planning meeting in November of 2023, the project was presented as ONLY accessing the property via the concrete city-owned driveway (road?) located between 1595 Coast Walk (Lot 21) and Torrey Pines Road. It is in substantial disrepair and was constructed more than 65 years ago with thin concrete and no rebar.

B. TRASH COLLECTION

Will there be ANY access to the new property on Coast Walk (other than the narrow driveway)? The driveway is currently shared by three properties: 1555 Coast Walk (Lot 1), 1595 Coast Walk (Lot 21), and 1599 Coast Walk (Parcel C). Where will the new property occupants place trash cans for collection? Currently 1595 and 1599 Coast Walk place their cans at the top of the driveway. There is no more space for the new property's trash, recycle, and green waste cans.

C. ELEVATION RAISING AFFECTING OUR PROPERTY

Does this project's plans include raising the elevation on the southwest side of Lot 19 and Lot 20 to the west of the tennis court? Plans presented over two years ago at the local planning committee combined the subject permit and an addition to 1585 Coast Walk (Lot 20) and part of the tennis court (Lot 19) (Project 1069943). If their project at 1585 Coast Walk is not approved or is approved after construction begins on the current property will they be permitted to excavate the entire tennis court (Lots 17, 18, and 19), demolish a garage on Lot 19, and infill property outside of the footprint of this project? As owners of 1595 Coast Walk, we are

concerned about potential flooding of our home with any elevation that exceeds 104.5 feet above sea level.

D. SAFETY

Has a study been conducted to show how many additional cars would be accessing the shared driveway if the project is allowed to access the property solely by the shared city-owned driveway, and the impact of those vehicles on safety? It is likely that construction and vehicle traffic would increase greatly.

1. DANGER CAUSED BY THE DRIVEWAY'S PROXIMITY TO TORREY PINES ROAD

The top of the driveway is immediately next to Torrey Pines Road, a fast-moving, extremely busy street and uncontrolled intersection. If cars back up at the top of Coast Walk, already often frustratingly busy with both vehicles and pedestrians, will cars accessing the driveway back up on Torrey Pines Road? Will it cause traffic jams? Will there be more accidents? Will it put the pedestrians on Coast Walk and Torrey Pines at risk? We know of at least three traffic collisions that have occurred at this intersection since we moved into our property in March of 2025. Is there a plan to put a traffic light at this intersection?

2. INADEQUATE EMERGENCY VEHICLE ACCESS

Will there be a hammerhead for emergency vehicle access at the bottom of the driveway? Has the Fire Department approved access to additional properties via the shared driveway? What is their plan for fire and medical emergencies? Currently there is not enough space for a fire truck to turn around if it enters the driveway.

3. FIRE HYDRANT

Will the developers of this project be required to install a fire hydrant? Increased usage increases the risk of fire. How will the plumbing for a fire hydrant be accessed? Will it be installed running down the shared driveway? If not required to install a hydrant, have the developers shown that it is not necessary?

E. VEHICLE AND CONSTRUCTION ACCESS CONCERNS

1. RISK CAUSED BY HEAVY CONSTRUCTION VEHICLES TO DRIVEWAY

How would the construction vehicles gain access to the project? The more than 65-year-old driveway is in terrible condition. The concrete is approximately 2 inches thick and lacking rebar reinforcement. Additionally, it is located 7 feet 11 inches from our basement, part of which was constructed in 1965. During our remodel of 1595 Coast Walk, we did not use the old shared driveway for construction access due to fears of damage to the concrete and to our home. Has an engineering study been conducted to determine a weight limit for construction vehicle access given the fact that our basement is mere feet from the driveway? What is that weight limit? Would steel plates and/or shoring be required during construction and would that be adequate to assure that no damage would occur to the structure or basement of 1595 Coast Walk?

F. ACCESS DURING CONSTRUCTION

1. DRIVEWAY

The shared driveway provides garage access for 1595 Coast Walk. Can the owners of 1595 Coast Walk be assured of access to and from the garage at all times during the construction?

2. COAST WALK

Coast Walk, itself, is in terrible condition with less than two inches of asphalt, and apparently paved by a private owner. It already poses a substantial hazard to pedestrians with constantly reappearing potholes. Can the owners of 1595 (and presumably other owners and the general public) be assured of access down Coast Walk at all times during the construction? Can they assure that damage will not occur on the street or to the nearby coastal cliff?

G. CONCERNS ABOUT DRIVEWAY WIDENING AND CONDITION

1. DRIVEWAY WIDENING

Do the plans call for widening the city-owned driveway? We were assured at the local planning meeting that they were not. Our house at 1595 Coast Walk (Lot 21) is located close to the property line, and its basement is located very close to the driveway. The sewer access for 1595 Coast Walk is located at the north side of the driveway entrance. A widened driveway

would put vehicles closer to the home, sewer line, and basement, potentially causing additional noise, vibrations, and/or structural damage to 1595 Coast Walk (including sewer line damage).

2. WILL THE DEVELOPERS OF THIS PROJECT BE REQUIRED TO RE-PAVE THE DRIVEWAY?

In light of the existing terrible condition of the driveway, further damage during construction, and its proposed future increased use, will the developers be required to re-pave the driveway to CalTrans specifications in either concrete or asphalt?

H. PUBLIC RIGHT-OF-WAY, VIEW CORRIDOR OBSTRUCTION

The developer that owns the properties at issue (Lot 2 and 17) also owns 1585 Coast Walk (Lot 20), and 1555 Coast Walk (Lot 1). All three of these Coast-front properties have very tall hedges on the public right-of-way. In the case of 1585 Coast Walk, the developer placed a very tall hedge in box planters on the east side of 1585 Coast Walk, without a permit, half of which is located on the public right-of-way.

San Diego Municipal Code Section 142.0409(b)(2) requires that "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." The hedges along all properties, including lot 2, are well in excess of 36 inches. In light of the fact that this developer has planted and maintained hedges far in excess of this requirement, we request that all properties along Coast Walk meet this requirement which protects views for the public. It should be noted that the developer is currently in litigation with the City of San Diego seeking ownership to the "mean high tide line" for Lots 20, 1, and 2. (California Superior Court Case No. 25CU023010C). We are unaware of any resolution of this lawsuit.

I. OWNERSHIP OF DEVELOPER

The applicant for the permit and the owner of the project are not the same. The two properties that are the subject of this permit request are owned by two separate LLCs. Has the developer provided the identity of the actual owners of the LLCs that own the parcels involved in the project? There are a total of 6 parcels, each with different LLCs on Coast Walk, each controlled by the Singapore-based developer of this project. Who are the owners?

J. THIS PROJECT SHOULD BE RE-PRESENTED TO THE LA JOLLA PLANNING GROUP

Are the plans substantially the same as what was submitted to the community group in November of 2023? If not, should the project be resubmitted to the La Jolla Planning Committee?

Thank you for your consideration of our concerns.

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DEL MAR HEIGHTS
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November 18, 2025

VIA E-MAIL (HEARINGOFFICER@SANDIEGO.GOV) AND ONLINE WEB PORTAL

Hearing Officer
San Diego Development Services Office
7650 Mission Valley Road
San Diego, CA 92108

Re: Project No. PRJ-1074172 - Coast Walk Lots 2 & 17 - Coastal Development Permit No. PMT-3183306, Site Development Permit No. 3183307, and Mitigated Negative Declaration No. 1074172

Dear Hearing Officer:

This firm represents Tom Rushfeldt and Brenda Fake (together, "Rushfeldt") in connection with their concerns regarding Project No. PRJ-1074172 – Coast Walk Lots 2 & 7 (the "Project"), which involves construction of a new two-story, 5,478-square-foot single-dwelling unit and a new 440-square foot detached companion unit with garage, demolition of a portion of an existing tennis court, and associated site improvements. Brenda Fake is also the President of the Friends of the Coast Walk Trail that lies adjacent the Rushfeldt Property and runs through the Project site. The purpose of this letter is to provide comments ahead of the November 19, 2025 Public Hearing held by the Hearing Officer to consider the Project application for Coastal Development Permit No. PMT-3183306 ("CDP") and Site Development Permit No. 3183307 ("SDP"), and Mitigated Negative Declaration No. 1074172/SCH No. 2025080815 ("MND"). For reasons set forth below, the Initial Study, relied upon by the City as the basis for its MND, is legally deficient, such that the Initial Study cannot fulfill its overarching purpose of assisting the City, as lead agency, in determining whether an Environmental Impact Report ("EIR") or an MND must be prepared for the Project. 14 Cal. Code of Regs. ("CCR") §§ 15063(c)(5), 15365.

I. Legal Standard

A key purpose of an initial study is to "[p]rovide documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment." 14 CCR § 15063(c)(5). The purposes of the initial study are "particularly relevant to courts reviewing the administrative action" of an agency in approving an environmental document under Public Resources Code ("PRC") section 21168. *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 171 (hereinafter, *County of Inyo*). A court's review of an agency action under PRC section 21168 necessarily implicates Code of Civil Procedure section 1094.5, which states that "[a]buse of discretion is established if the respondent has not proceeded in the manner required by law, the order or decision is not supported by the findings, *or the findings are not supported by the evidence*." (Emph. added.) The Supreme Court has elaborated that "implicit in section 1094.5 is a requirement that the agency which renders the challenged decision must set forth findings to bridge the analytic gap between the *raw evidence* and ultimate decision or order." *County of Inyo*, 172 Cal.App.3d at 171 (quoting *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515 (hereinafter, *Topanga Assn.*)).

II. The Initial Study Fails to Comply with CEQA's Regulatory and Statutory Requirements

The requisite contents of an initial study are prescribed by CEQA regulations at 14 CCR section 15063. Public Resources Code section 21080.3 adds the requirement that the lead agency consult "with all responsible agencies and with any other public agency which has jurisdiction by law over natural resources affected by the project[.]" California courts have held that compliance with these formal requirements is critical where the agency decision to prepare an EIR or negative declaration is directly challenged. *See Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 305 (citing PRC §§ 21080.1, 21167). Without a properly prepared initial study, the record may prove inadequate to permit judicial review of the agency decision. *Id.* (citing PRC § 21168.5; *Topanga Assn.*, 11 Cal.3d 506; *County of Inyo*, 172 Cal.App.3d at 171–72; *Christward Ministry v. Superior Court* (1986) 184 Cal.App.3d 180, 197). Further, "[w]ithout a comparison of existing, baseline physical conditions to the conditions expected to be produced by a project, an initial study . . . 'will not inform decision makers and the public of the project's significant environmental impacts, as CEQA mandates.'" *Taxpayers for Accountable School Bond Spending v. San Diego Unified School District* (2013) 215 Cal.App.4th 1013, 1047 (hereinafter *Taxpayers*).

Here, the City chose to utilize the Appendix G checklist, sourced from the CEQA Guidelines, as the City's Initial Study. "[A]lthough an initial study can identify environmental effects by use of a checklist . . . , it must also disclose the date or evidence upon which the person(s) conducting the study relied. Mere conclusions simply provide no vehicle for judicial review." *See County of Inyo*, 172 Cal.App.3d at 171.

Here, the City utilized the Appendix G Checklist and, in doing so, was required to engage in a ***factual*** determination as to whether tribal cultural resources exist on the Project site and if so, whether the Project will cause a physical impact to them.

CEQA defines a tribal cultural resource as "sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe" that are included in the state or local register; and resources determined by the lead agency, in its discretion, to be significant on the basis of criteria for listing in the state register of historical resources. PRC § 21074(a).

The Appendix G form Checklist itself notes that in order to "identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process," early tribal consultation is necessary and "information may also be available from the California Native American Heritage Commission's ("NAHC") Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality." Initial Study p. 16. Consultation is not sufficient alone to satisfy the factual inquiry required in CEQA.

Here, the Initial Study and MND make clear that the City did not engage in any inquiry with the NAHC and its Sacred Lands File to determine whether the Project site would yield a positive return for tribal cultural resources. Similarly, the City did not inquire of the California Historic Resources Information System ("CHRIS"), the State's register, to determine whether there are any recorded resources on or directly adjacent to the Project site.

The NAHC is the California State agency responsible for the protection and preservation of Native American cultural resources. CHRIS is the State's historic register that maintains critical information regarding, *inter alia*, Native American cultural resources. Therefore, under express CEQA mandates, the City should have consulted with these agencies and sources to determine the existence of tribal cultural resources on or directly adjacent the Project site.

In addition to the above, "[a]n initial study under CEQA must describe the physical environmental conditions in the vicinity of a proposed project as they exist at that time, which environmental setting will normally constitute the baseline physical conditions by which a lead agency will determine whether a project may have a significant impact on the environment." *Taxpayers*, supra, at 1047 (citing 14 CCR §§ 15125(a), 15126.2(a)). Here, the Initial Study provides no discussion of the existing, baseline physical conditions of the Project site as it relates to the tribal cultural resources located thereon or directly adjacent thereto.

There is no discussion of the Coast Walk area (and Trail) and its deep cultural significance to the Kumeyaay people. *See, e.g.*, Kumeyaay culture honored in new plaque on Coast Walk Trail in La Jolla, by Elisabeth Frausto, lajolla.ca (available at https://lajolla.ca/news/arts-culture/plaque-honoring-kumeyaay-culture-now-on-coast-walk-trail-as-group-continues-fundraising/); see also https://www.sandiegouniontribune.com/2023/09/30/kumeyaay-plaque-installed-on-la-jollas-coast-walk-trail-with-digital-monument-for-the-future/ (last accessed Nov. 19, 2025). Indeed, the Initial Study does not make mention of the Kumeyaay at all. This is true, despite the fact that the Project site lies in the area of the beginning of the Kumeyaay creation story. The history of the Kumeyaay culture is known to have started at the shores of "Kulaaxuuy" (La Jolla) translated as "Land of Holes" which refers to the sea caves below the trail. This critical information should have been included and analyzed as part of the environmental setting of the Project sit and its relationship to tribal cultural resources that likely exist on site.

Without an adequate analysis regarding the environmental setting of the Project site, decisions makers and the public cannot be properly informed of the Project's significant environmental impacts, and in particular here as it relates to tribal cultural resources, as CEQA mandates. *See Taxpayers*, supra, at 1047.

These are the types of facts that must support an Initial Study in order to determine the propriety of a MND vs. an EIR. The Initial Study contains only impermissible conclusions with no evidentiary support supplying the basis for those conclusions. As a consequence, at most, the Initial Study displays "only a token observance of regulatory requirements" which is derogative of CEQA. *Sundstrom*, 202 Cal.App.3d at 305.

In the absence of facts and evidentiary support, the City prepared a MND (as opposed to an EIR) and in a vacuum, found that any impacts to tribal cultural resources would be mitigated to less than significant by monitoring conducted by Native American Monitors in the event of discovery of "any resources, including human remains and potentially significant artifacts" in the Project area. Initial Study, p. 26.

The Project entails significant ground disturbing activities, including grading down to a depth of 16 feet in particular locations. It is these types of activities that would foreseeably damage a tribal cultural resource(s) if it exists on the Project site. Therefore, should a proper fact inquiry reveal that tribal cultural resources exist on the Project site or adjacent thereto, monitoring as mitigation would be wholly insufficient to render Project impacts to tribal cultural resources to less than significant.

The MND presupposes there are tribal cultural resources on site for which project impacts would be rendered less than significant to with monitoring. As an initial matter, this finding acknowledges the significant likelihood of resources on site. However, in making that finding and designating monitoring as mitigation, the City has greenlighted an exploratory dig and other ground disturbing activities to suss that finding out without actually determining from any information/data, including that from NAHC and CHRIS, whether there are in fact cultural resources on this Project site/adjacent which could be damaged by the ground disturbing activities authorized by the forthcoming CDP/SDP. Monitoring, if implemented, during grading and other construction activities would prove meaningless if those project activities actually damage and degrade resources that may exist on site.

The Initial Study for the Project provides only bare assertions that impacts are less than significant or mitigable, without explaining or documenting the technical evidence supporting those conclusions. Such omissions demonstrate "only a token observance of regulatory requirements," *Sundstrom*, supra, at p. 306, and preclude meaningful public and judicial review. As the Initial Study fails to document the factual basis for its conclusions and omits necessary evidentiary records to support its conclusions, the record is inadequate, in violation of PRC §§ 21168 and 21168.5 and the standards articulated in *Topanga Assn*., 11 Cal.3d 506.

"In reviewing whether agency procedures comply with CEQA, the test to be applied is 'whether an objective, good faith effort to so comply is demonstrated.'" *Id.* "The completion of a proper initial study is relevant to whether the agency made such a 'good faith effort' to comply with [CEQA]." *Sundstrom*, supra, at p. 305. As *Sundstrom* recognized, the Initial Study's legal sufficiency is directly relevant to whether the agency acted in good faith and proceeded in the manner required by law. Here, the absence of detailed analysis, consultation records, and documented data sources demonstrates that the City made no such effort. Without a properly prepared Initial Study, the City cannot lawfully rely on the MND and the "mitigation" set forth therein.

III. The Record Contains Substantial Evidence of Potentially Significant Impacts

An MND is proper only if the Initial Study shows that project revisions or mitigation would "clearly" avoid all significant impacts and that "there is no substantial evidence . . . that the project, as revised, may have a significant effect on the environment." *Taxpayers*, supra, at 1034–35 (citing *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 330–31). *Taxpayers* makes clear that impacts not expressly listed in Appendix G of the CEQA Guidelines must be evaluated where there is "substantial evidence of potential impacts." *Id*. at p. 1052. The failure to assess such issues renders the Initial Study inadequate.

IV. The Comparison of Project Impacts Is Improper and Misleading

CEQA requires that environmental effects be assessed in comparison to existing physical conditions, not hypothetical scenarios. *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 955; *Taxpayers*, supra, at p. 1037. The Initial Study has not, nor could it, make this comparison given its omission of critical information concerning the environmental setting and information concerning whether or not tribal cultural resources exist on or adjacent to the Project site, thereby depriving decisionmakers and the public of a clear understanding of the Project's true impacts.

V. Conclusion

This letter is intended to provide comments on the Hearing Officer's consideration of the CDP, SDP, and MND, and to ask to City to decline to approve the MND until such time as the City and Project applicant engages in the proper factual analysis required of Initial Studies under California law. Only following such proper factual analysis can the City ultimately determine the appropriate environmental document for this Project.

Very truly yours,

Rebecca L. Reed

RLR