

PRJ-1087614

2734 Bordeaux Avenue | September 9, 2026 | Item 10 |

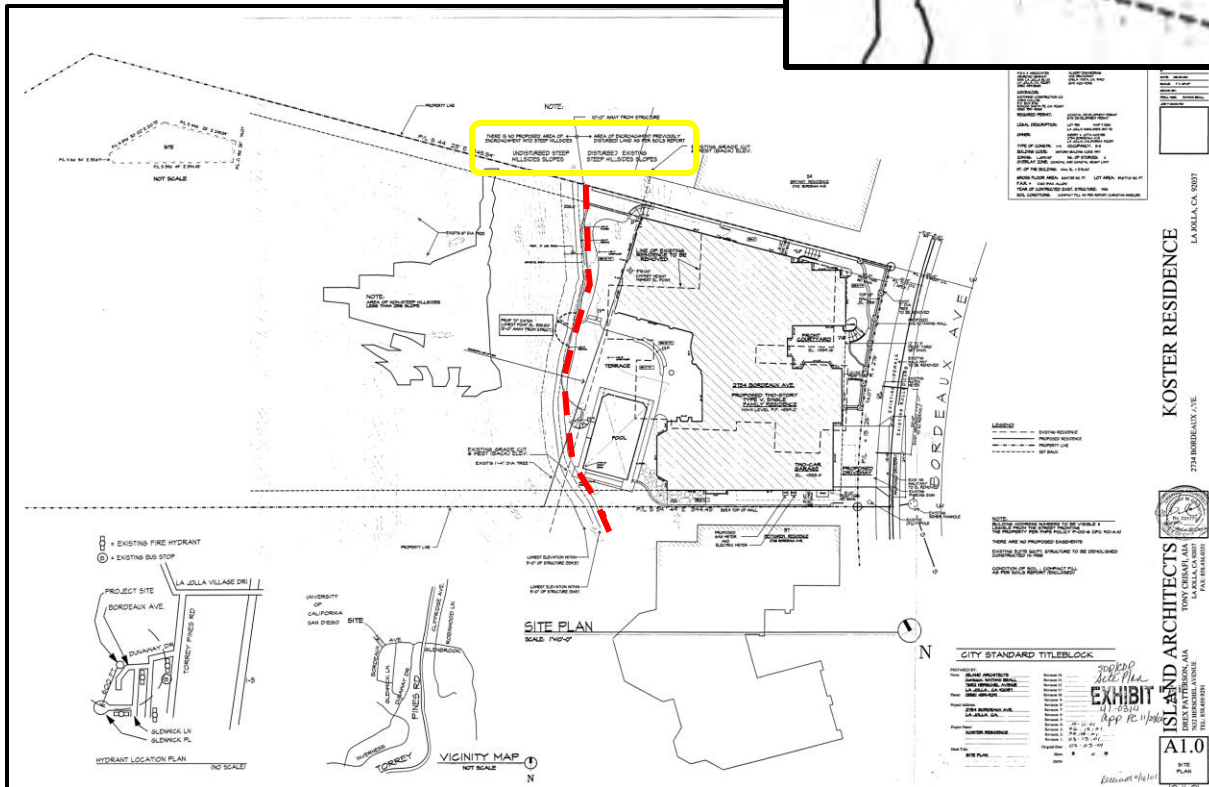
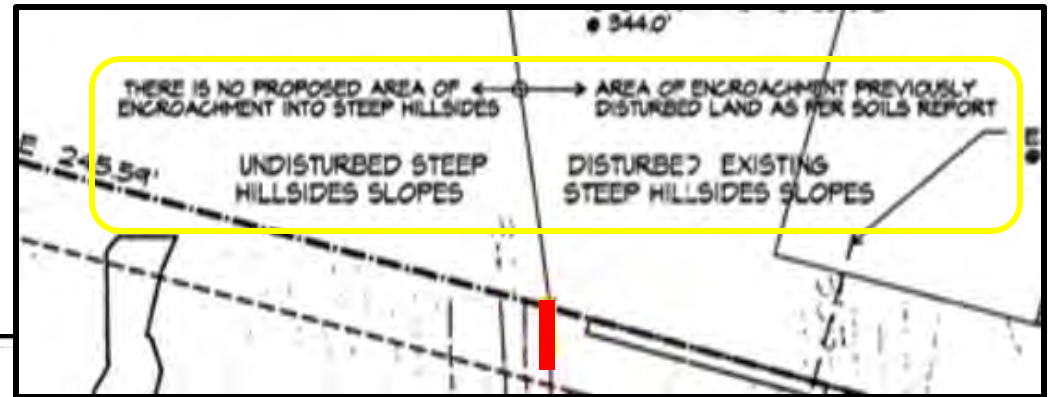
Stephanie Smith, Grid Legal PC | Scott Williams, Seltzer Caplan McMahon Vitek



- Encroaches Onto Steep Hillsides
- Does Not Minimize Development in ESL
- Relies Upon Inaccurate Information or Unpermitted Development
- Unreported Code Violations
- Denial Recommended By:
 - LJ Shores Advisory Board
 - LJ Shores Review Comm
 - LJ Comm Planning Assoc

Steep Hillsides

2001 CDP/SDP Site Plan (City Records, 2001)

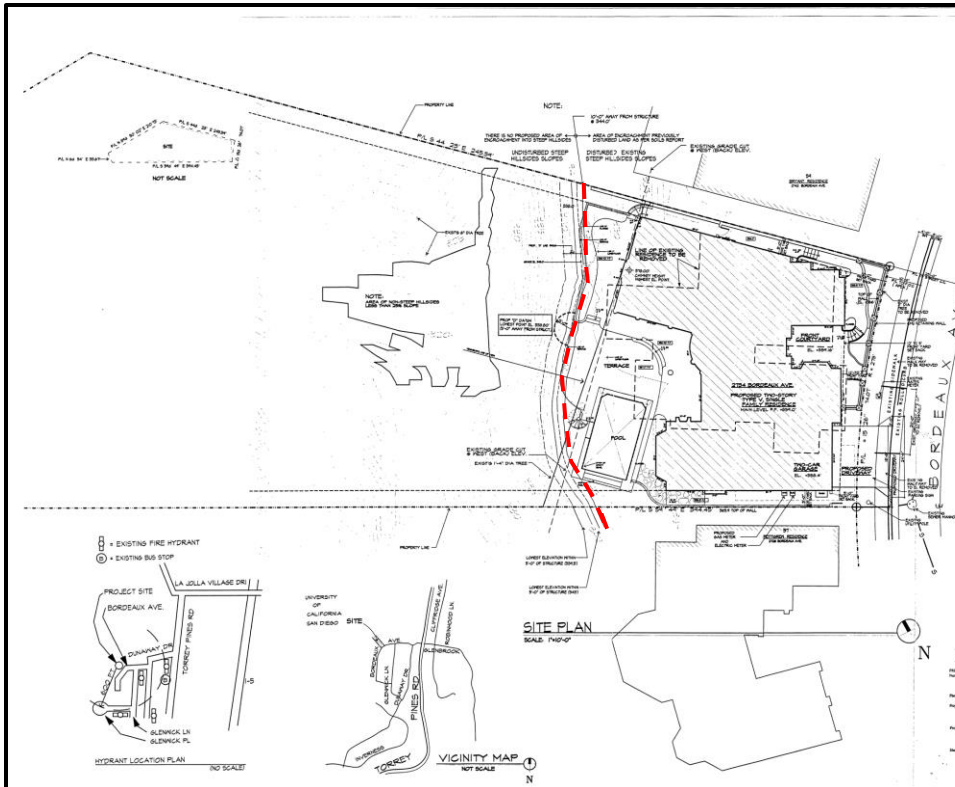


Extension onto Steep Hillsides

- (4) Within the Coastal Overlay Zone, *steep hillsides* shall be preserved in their natural state and *coastal development on steep hillsides* containing *sensitive biological resources* or mapped as Viewshed or Geologic Hazard on Map C-720 shall avoid encroachment into such *steep hillsides* to the maximum extent possible.

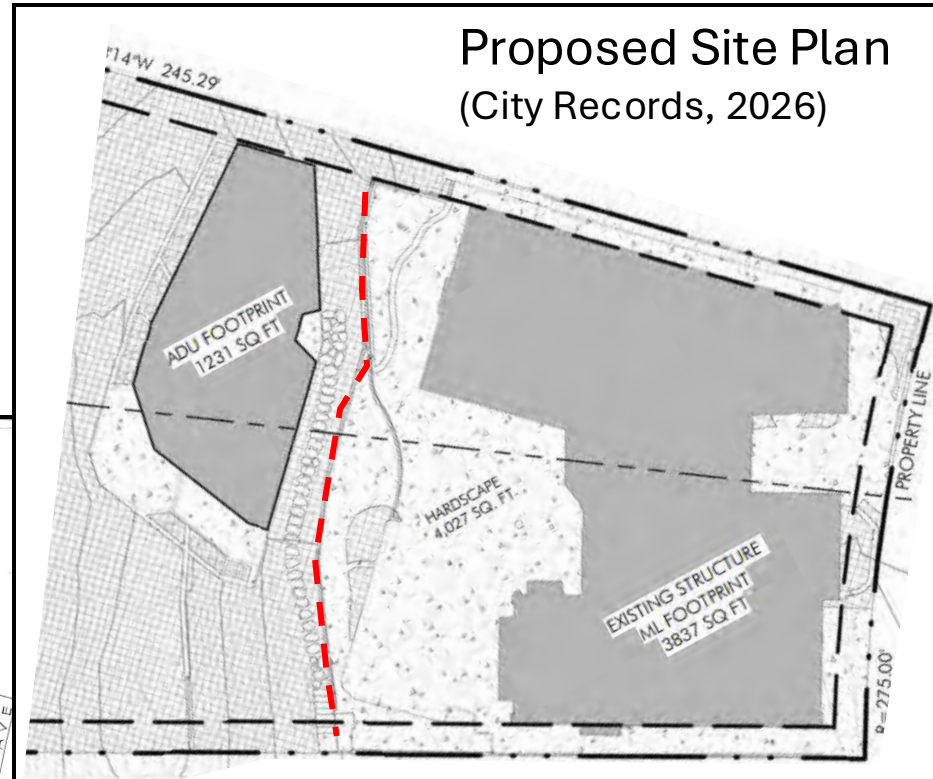
Prior CDP Site Plan

(City Records, 2001)



Proposed Site Plan

(City Records, 2026)



Protected ESL



Extension into Protected Lands

Site Plan (City Records, 2026)



Conservation Easement is required to Avoid Crotch's Bumblebee Impacts, a non- MSCP covered species.

Brush Management 2 cannot be allowed in an area designated for habitat mitigation. SDMC §142.0412(c)(3)

“Brush Management Zone 2 thinning outside the MHPA which affects non-covered species is potentially significant” (2025 Applicant Bio Report p. 14)

SITE DIAGRAM

1" = 30'-0"

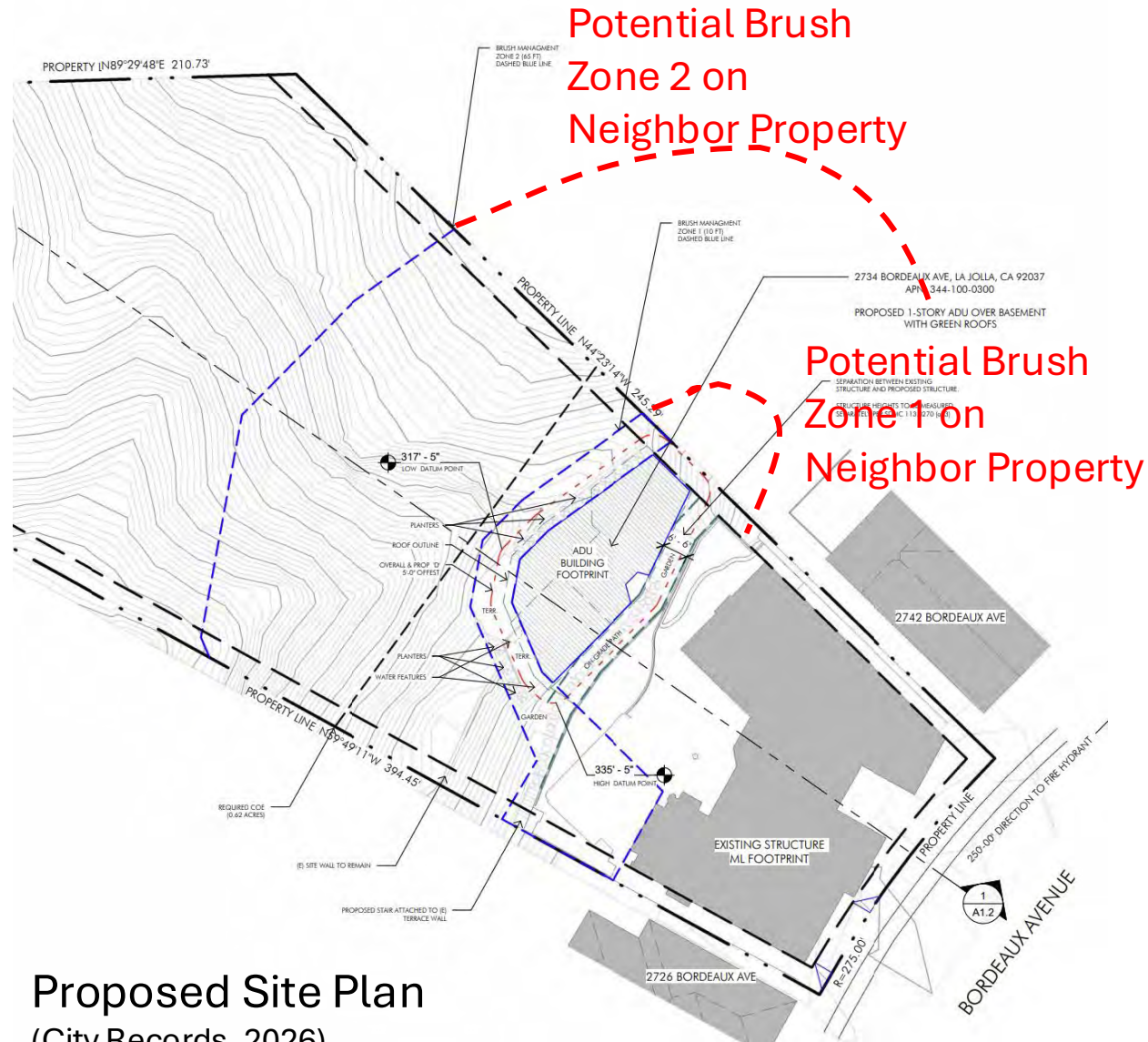
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Lacks Conformity with Existing Structures



Brush Management on Adjacent Property



City Requires applicants to obtain an easement for Brush Management Zones 1 or 2 on neighboring property.
SDMC §142.0412(c)(1)

Applicant's Brush Management Plan Note 1 states: "Offsite brush management shall be the responsibility of adjacent property owners." (Brush Management Plan L 1.3, City Records 2026)

An Easement has not been obtained.

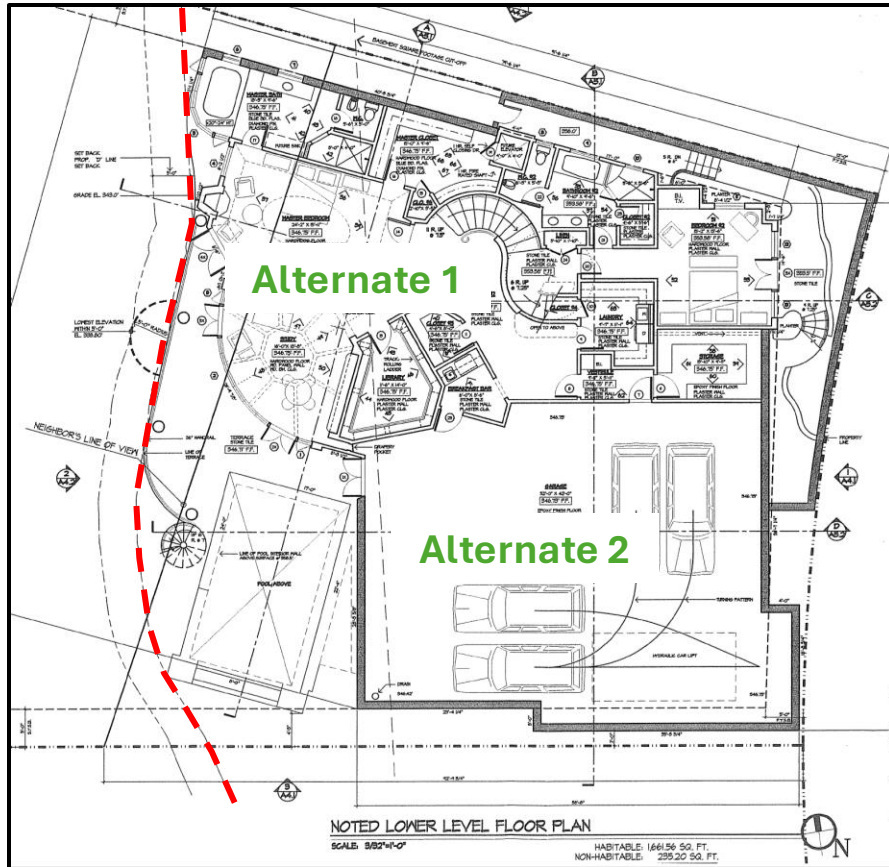
Proposed Site Plan
(City Records, 2026)

Alternative Locations for the ADU to Avoid Steep Slopes & ESL

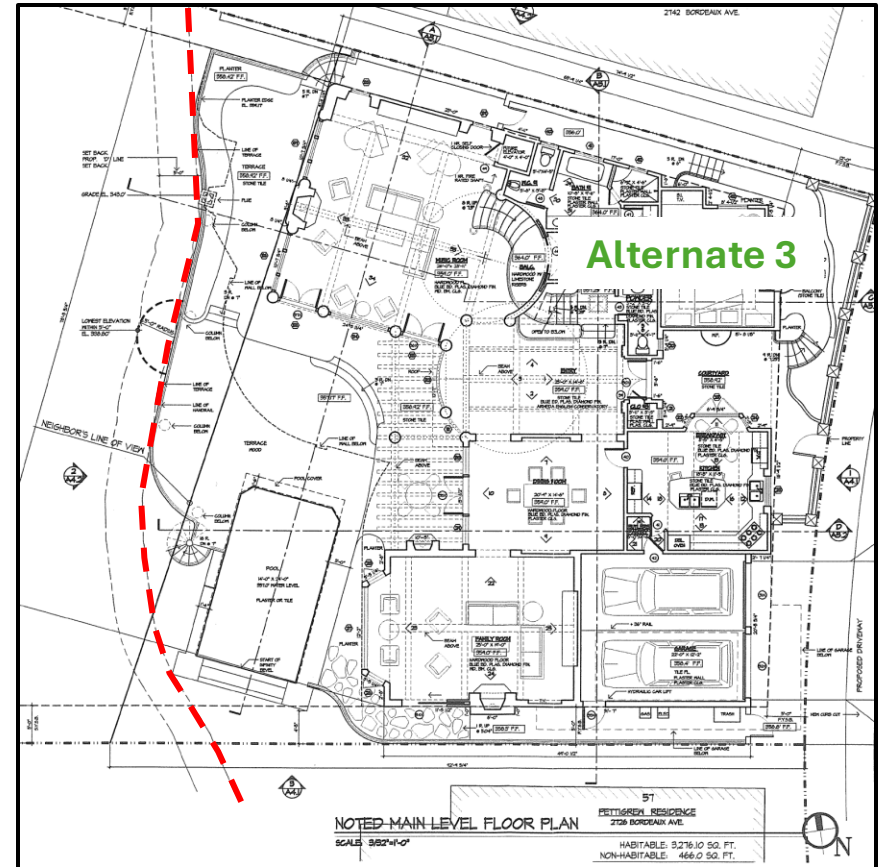
2001 CDP/SDP from City Records

5,617 sf 2-story residence with attached garage and 1,647 sf basement

Existing Lower Level



Existing Main Level



Reliance on Inaccurate Information or Unpermitted Development

Application either relies on: 1) inaccurate information; or 2) unpermitted work

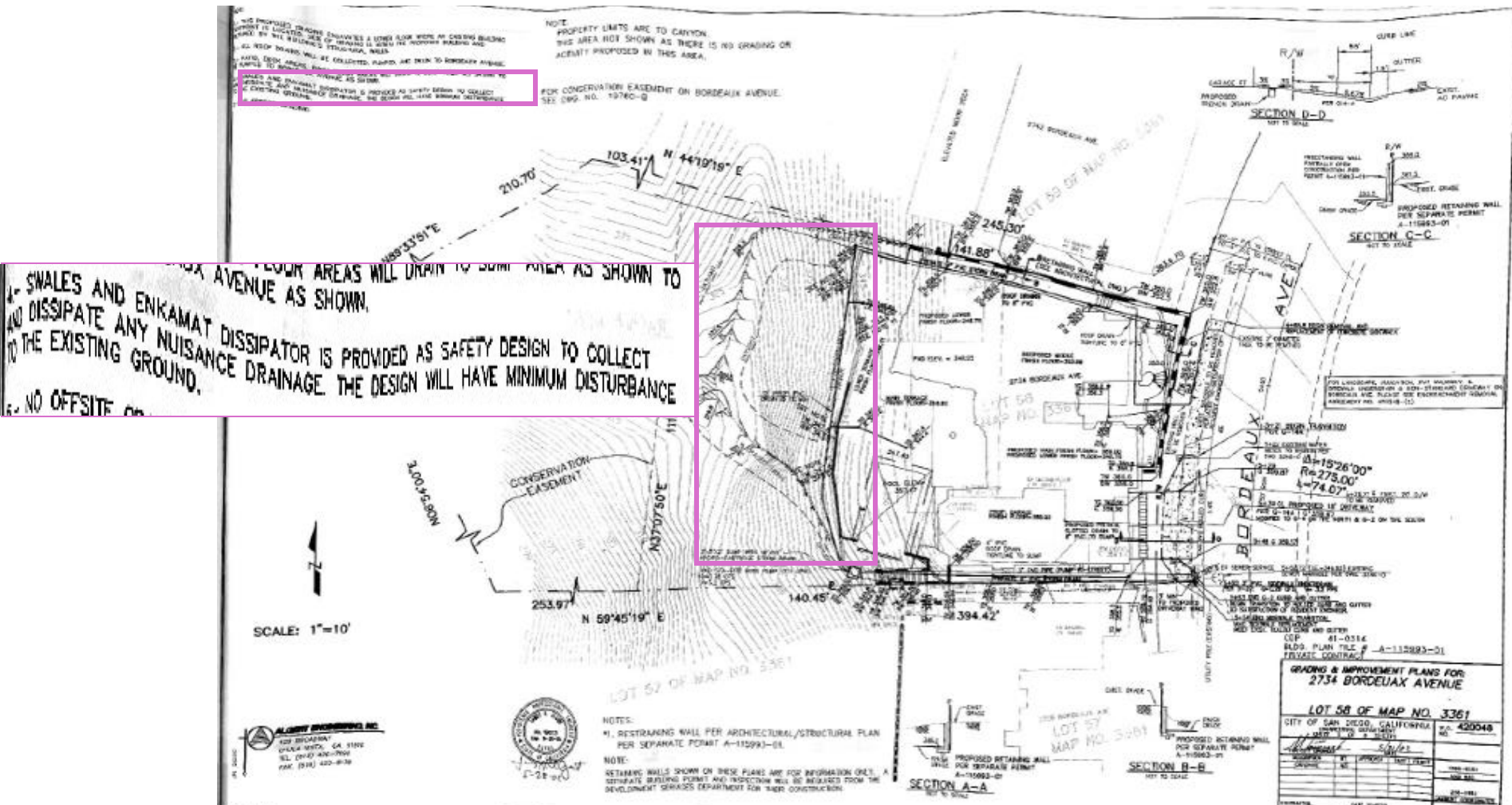
- 1) If inaccurate information → project should be denied because it fails to avoid steep hillsides
- 2) If unpermitted work → project should be continued and the unpermitted work restored (SDMC § 143.0112)

PC approved 2001 CDP/SDP for a home on the property to avoid steep slopes:

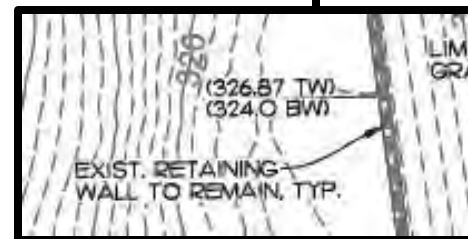
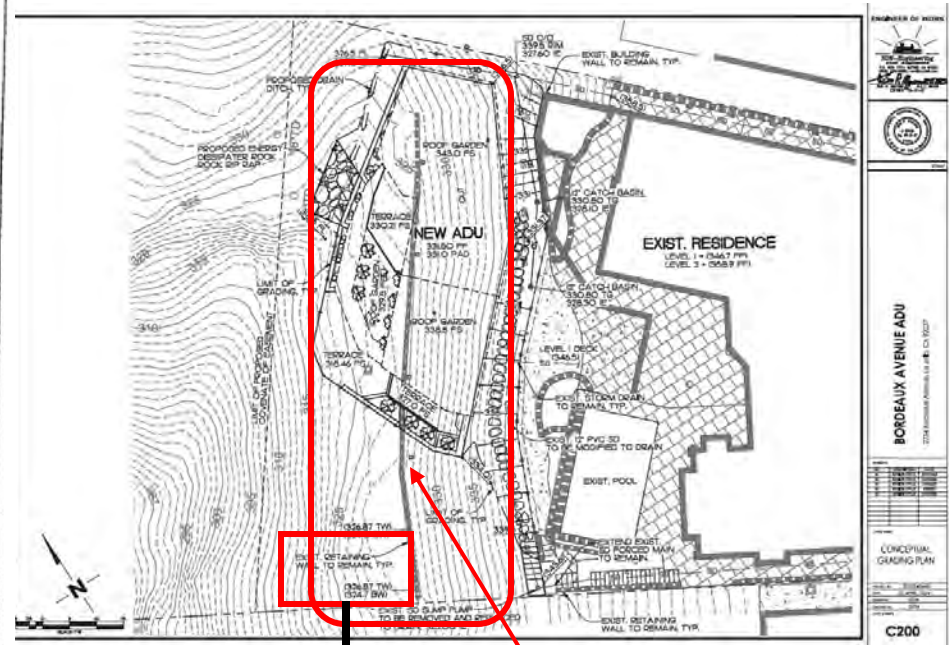
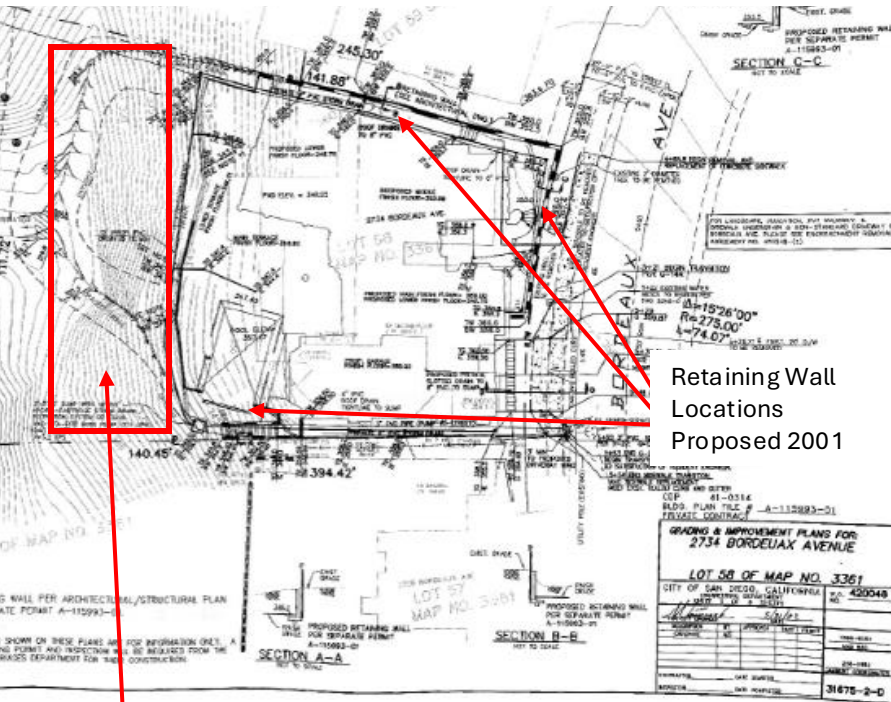
- PC Limited hillside/ESL encroachment to existing graded development line.
- Applicant claims that there is now grading beyond the 2001 CDP/SDP development line.
- City unable to locate CDP/SDP amendment or permits for any retaining wall or grading done beyond the line of development identified in the 2001 CDP/SDP.
- Applicant contends the drainage swale installation constitutes a “manufactured slope” and the area is now exempt from steep hillside avoidance.
- But drainage swale was designed to have a “minimum disturbance to the existing ground” 2001 CDP/SDP Grading Plan, Note 4, City Records 2002. Drainage swale is also not located in the area the ADU is proposed.

Unreported Code Violations

Drainage swale in 2002 Grading Plan states “design will have **minimum disturbance to the existing ground.**”(City Records, 2002).



Unreported Code Violations



Proposed Grading Plan identifies unpermitted
“Exist. Retaining Wall to Remain”
(City Records, 2026)

Unreported Code Violations

2734 Bordeaux Avenue Site Photographs, June 2023



2. Concrete slope reinforcement on the Developed Land below the residence's lower terrace (from near southern boundary toward southeast).

Retaining walls and concrete slope reinforcements located outside the limits of Development approved in the 2001 CDP/SDP.

(City Records, Biological Report 2025).

No subsequent approvals or permits available from the City Records department for shown development.

Athena Consulting
May 2024

2

2734 Bordeaux Avenue
Biological Letter Report



3. Retaining wall in the Developed area below the existing residence's lower terrace (from lower-central Developed toward north/northeast).

ena Consulting
/ 2024

3

2734 Bordeaux Avenue
Biological Letter Report

Unreported Code Violations

0.62 Acre
Conservation
Easement for coastal
sage never executed or
recorded.

Because this area was
never protected,
unpermitted
development and
other factors has
reduced coastal sage
from 0.62 to 0.55
acres.

This area remains
unprotected in
violation of 2001
CDP/SDP Conditions.



Use of a CEQA Addendum is Inadequate

An addendum is only permitted for minor technical changes and then only if those changes do not result in new significant impacts. That standard is not met here.
(CEQA Guidelines section 15162)

Not minor changes: New development exceeds the prior analysis.

Geology: Excavation, shoring, retaining walls, and 270 cubic yards of export not analyzed.

Wildfire: Reduced brush management, no easement for offsite fuel modification, and failure to comply with zone 0 brush management will exasperate health and safety risk from a wildfire. Additional analysis and mitigation required.

Drainage: Runoff directed to a natural drainage channel without erosion or water-quality analysis. SDMC § 143.0142(f).

Biology: Crotch's Bumblebee avoidance are mitigation measures for a new impact. Additional analysis required.

Construction and character: Noise, emissions, hauling, crane access, public right of way impacts from construction, and canyon encroachment not adequately analyzed.

Aesthetic Impacts: Additional analysis regarding impacts to public view corridors from the UCSD trail.

Requested Action

Require a supplemental MND or EIR in compliance with CEQA.

Deny the Proposed Development:



- Encroaches onto steep hillsides
SDMC § 143.0142(a)(4)
- Does not minimize
development in ESL/Steep Hills
SDMC § 126.0505(b)(1)
- There are feasible alternatives
on existing footprint to avoid
impacts
- Relies upon inaccurate info or
unpermitted development
- Unreported code violations.
SDMC § 143.0112
- CEQA MND or EIR is required
- Denial recommended by:
 - LJ Shores Advisory Board
 - LJ Shores Review Comm
 - LJ Comm Planning Assoc