



THE CITY OF SAN DIEGO

MITIGATED NEGATIVE DECLARATION

Project No. 624464

SCH No. N/A

SUBJECT: **7248 Encelia/7231 Romero CDP:** Coastal Development Permit (CDP) for the development of two adjacent parcels on Mount Soledad, 7248 Encelia Drive (Parcel A) and 7231 Romero Drive (Parcel B), totaling .67 acres, and a lot line adjustment to create a 0.44-acre lot at Parcel A and 0.23 acre lot at Parcel B for two new dwelling units. Redevelopment on Parcel A consists of a new three-story 8,641 square-foot, dwelling unit with open carport and site improvements. Development on Parcel B consists of a new three-story, 4,945 square-foot dwelling unit with 3,267 square-foot basement, garage, and site improvements. (LEGAL DESCRIPTION: Parcel A: Parcel 1 of Parcel Map No. 13064, in the City of San Diego, County of San Diego, State of California, according to map filed in the office of the County Recorder of San Diego County, December 23, 1983 as File No. 83-469721. Parcel B: Lot 11 of Block E of La Jolla County .) APPLICANT: Ihor Lys, Jamz Treehouse LLC.

Update 8/6/2021

Minor revisions have been made to the draft Mitigated Negative Declaration (MND). Revisions to the language would appear in strikeout and underline format. The update to the language in the MMRP would not result in any changes to the environmental impacts associated with the project. As such, no recirculation of the MND is required. In accordance with the California Environmental Quality Act, Section 15073.5 (c)(4), the addition of new information that clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated where there is identification of new significant environmental impact or the addition or a new mitigation measure required to avoid a significant environmental impact.

I. PROJECT DESCRIPTION:

See attached Initial Study.

II. ENVIRONMENTAL SETTING:

See attached Initial Study.

III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): Cultural Resources (Archaeology) and Tribal Cultural Resources. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

A. GENERAL REQUIREMENTS – PART I
Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.

2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, **"ENVIRONMENTAL/MITIGATION REQUIREMENTS."**

3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II
Post Plan Check (After permit issuance/Prior to start of construction)

1. PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT. The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Qualified Archaeologist, Native American Monitor

Note:

Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division – 858-627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at 858-627-3360**

2. MMRP COMPLIANCE: This Project, Project Tracking System (PTS) #624464 and /or Environmental Document #624464, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc)

Note:

Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. OTHER AGENCY REQUIREMENTS: Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

None Required

4. MONITORING EXHIBITS

All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE:

Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. OTHER SUBMITTALS AND INSPECTIONS:

The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Tribal Cultural and Archaeological Resources	Monitoring Report(s)	Monitoring Report Approval
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

TRIBAL CULTURAL RESOURCES AND CULTURAL RESOURCES (ARCHAEOLOGY) MITIGATION

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.

3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present fulltime during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSV). The CSV's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly **(Notification of Monitoring Completion)**, and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the

area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**

- c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,

c. In order to protect these sites, the Landowner shall do one or more of the following:

- (1) Record the site with the NAHC;
- (2) Record an open space or conservation easement on the site;
- (3) Record a document with the County.

d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are **NOT Native American**

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.

2. The following procedures shall be followed.

a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.

b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV - Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night and/or weekend work becomes necessary during the course of construction

- 1.The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
- 2.The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

- 1.The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
- 2.MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
- 3.The PI shall submit revised Draft Monitoring Report to MMC for approval.
- 4.MMC shall provide written verification to the PI of the approved report.
- 5.MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

- 1.The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
- 2.The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
- 3.The cost for curation is the responsibility of the property owner.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

- 1.The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
- 2.The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

VI. PUBLIC REVIEW DISTRIBUTION:

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

City of San Diego

Councilmember Joe LaCava, District 1

City Attorney

Corrine Neuffer

Planning Department

Plan Facilities Financing

Water Review

PUD Water and Sewer

Wastewater Review

Development Services Department

Courtney Holowach, EAS

Jeff Szymanski, EAS

Xavier del Valle, Project Manager

Karen Vera, LDR-Engineering

Jacob Washburn, LDR-Geology

Vanessa Kohakura, LDR-Landscaping

Phil Lizzi, LDR-Planning

Ismail Elhamad, LDR-Transportation

Historical Resources Board

Other

Carmen Lucas

South Coastal Information Center

San Diego Archaeological Center

San Diego Natural History Museum

Save Our Heritage Organization

Ron Christman

Clint Linton

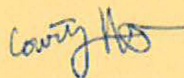
Frank Brown – Inter-Tribal Cultural Resources Council

Campo Band of Mission Indians
San Diego County Archaeological Society, Inc.
Native American Heritage Commission
Kumeyaay Cultural Heritage Preservation
Kumeyaay Repatriation Committee
Native American Distribution
La Jolla Village News
La Jolla Town Council
La Jolla Community Planning Association
La Jolla Light
Patricia K. Miller
Jackie Evans
Ronald A. Schachar
Julie Hamilton
Richard Drury
Komalpreet Toor
Stacey Osborne

VII. RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the accuracy or completeness of the draft environmental document. No response is necessary and the letters are incorporated herein.
- (x) Comments addressing the accuracy or completeness of the draft environmental document were received during the public input period. The letters and responses are incorporated herein.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Development Services Department for review, or for purchase at the cost of reproduction.



for

Jeff Szymanski
Senior Planner
Development Services Department

3/4/2021

Date of Draft Report

8/6/2021

Date of Final Report

Analyst: Holowach

Attachments: Location Map
Site Plan

COMMENTS

RESPONSES



The Law Office of
Julie M. Hamilton

March 24, 2021

Courtney Holowatch
City of San Diego
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101
DSDEAS@SanDiego.gov

VIA EMAIL

**RE: Mitigated Negative Declaration, 7248 Encelia/7231 Romero
Project No. 624464**

Dear Ms. Holowatch:

- 1) I am submitting the following comments on behalf of Dr. Ronald Schachar in response to the proposed Mitigated Negative Declaration ("MND") for the above project. In 2019, Dr.
- 2) Schachar submitted a letter report from Dr. Peter Geissler providing substantial evidence the proposed project may have a significant impact on geology and public safety. In addition, the La Jolla Community Planning Association voted to deny this project due to significant aesthetic impacts. The record for this project contains substantial evidence to support a fair argument the project may have a significant environmental impact. Therefore, an environmental impact report ("EIR") is required.
- 3)
- 4)
- 5) The California Environmental Quality Act ("CEQA") requires the lead agency, in this case the City, provide public notice of the proposed MND. The required notice must include the address where copies of the MND and all documents referenced in the MND are available for review. (Pub. Resources Code §21092(b)(1), CEQA Guidelines §15072.) The Notice of Availability published by the City on March 4, 2021 stated the MND and all documents referenced in the MND are available for review on the website <http://www.sandiego.gov/ceqa/draft>. However, this link did not provide project plans or any historic documentation. City Project Manager, Xavier Del Valle advised me to set an appointment online with the records department for "in-person" review of plans. I utilized the link to schedule an "in-person" appointment for records review, but no appointments were available in the month of March or April. I was provided access to the project plans on March 23, 2021. I do not believe other members of the public had access to the project plans. The MND states the Historic Resources Board has determined the existing structure is not historically
- 6)
- 7)
- 8)

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1. This comment is introductory in nature and does not require a response.
2. This comment references earlier correspondence received by the City. It does not comment upon the Mitigated Negative Declaration (MND) or the adequacy of the environmental analysis. The commentor is asserting that based upon the correspondence received before the release of the MND, there is a fair argument that an Environmental Impact Report (EIR) must be prepared. Pursuant to CEQA Section 15063, staff conducted an Initial Study and no significant impacts were identified. Staff maintains after reviewing the previous documentation provided by the commentor that the opposition has not presented a fair argument that the project may have a significant effect on the environment because it lacks specificity and fails to adequately explain why the project might cause a significant impact. Therefore, an EIR is not required. The previous documentation sent to the City was included as attachments to this comment letter, and responses are included herein.
3. The Community Planning Group (CPG) vote does not directly relate to the adequacy of the MND. The proposed project complies with all height and bulk regulations. And as noted in Section I of the Initial Study, the proposed project does not trigger any of the City's significance thresholds for visual quality. The project is designed to complement and enhance the surrounding natural and built environment and complies with the La Jolla Community Plan's goal of promoting various architectural styles and expressions.
4. As stated above an EIR is not required. Under CEQA section 15064(f), the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record. CEQA defines "substantial evidence" as "fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact" under Section 15384(b). However, "substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment" as stated in Section 15384(a). CEQA Section 15384(a) further defines substantial evidence as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." EAS performed an initial study that showed the proposed project might have significant impacts to Cultural Resources (Archaeology) and Tribal Cultural Resources. But these impacts have been mitigated to below a level of significance. For further information, please see section V of the MND. An Environmental Impact Report is not required.

COMMENTS

RESPONSES

Courtney Holowatch
March 24, 2021
Page 2

- 9) significant, but the documentation upon which this determination was made is not available to the public. The Notice of Availability must be republished with a location for the public to view all documentation referenced in the MND.
- 10) The initial study states the existing dwelling unit on Parcel A was damaged due to a landslide on Parcel B. Despite this damage, the applicant is actively involved in a remodel of the existing dwelling unit on Parcel A. The extent of the current remodel must be included in the project description. The building permit issued to 7248 Encelia Drive includes the replacement of two windows to a potentially historic structure and remodeling of a kitchen and bathroom.
- 11) The City has failed to check the necessary boxes under "Environmental Factors Potentially Affected" on page 14 of the Initial Study. The record contains substantial evidence to support a fair argument the project may have significant effects on Aesthetics, Geology/Soils and Land Use. These areas must be shown as being potentially affected by this project with at least one impact that is "Potentially Significant".
- Aesthetics
- 12) The findings in the aesthetics section of the Initial Study are not supported by substantial evidence in the record. The La Jolla Community Planning Association ("LJCPA") voted 14-1 to deny the project, finding the structure was "out of character with the surrounding community" due to excessive bulk, scale, height and form. The LJCPA also found the absences of façade setbacks contributed to making the structure out of scale with the surrounding community. (See Attachment A.) The testimony of area residents and architects familiar with the community, such as the trustees of the LJCPA, qualifies as substantial evidence for a fair argument the project may have a significant impact on the aesthetics of the La Jolla Community. (*Pocket Protectors v. City of Sacramento* (2004) 127 Cal.App.4th 903.)
- 13) LJCPA Trustee and Architect Brian Will, raised concern with the perceived size of the structure because the internal 900 square-foot light well was excluded from the FAR calculation. The light well makes the house bigger without reducing visual scale. Long-time Trustee David Little commented the bulk and scale of the houses are just too large and do not fit into the surrounding community.
- 14) Floor Area Ratio ("FAR") is a reasonable measure of compatibility with the surrounding community. The cited FAR is .45, and that requires a lot line adjustment that creates a curved lot line to sufficiently increase the lot size.¹ If the interior light well were included in the gross floor area as it should be, the project would exceed the allowable FAR. This project represents a FAR of .55 if the area of the light well is included in the gross floor area. The allowable FAR in the RS 1-4 Zone is .46. The project exceeds the allowable FAR by 1,800 square feet as visually perceived. The FAR does not include 6,669 square feet of the basement, which adds to the bulk

¹ Based on my experience as a land use attorney – curved lot lines create substantial issues moving forward. Curved lot lines are hard to perceive on the ground, leading to lot line disputes between future property owners; particularly in the coastal communities with view lots.

5. This comment references CEQA Section 15072 noticing requirements. Per Section 15072, the City of San Diego posted the Notice of Availability (NOA) on the City's website, at the Office of the County Clerk, and sent to interested parties. The NOA listed a link to the MND and noted the address where all project documents could be found, including the project plans. The NOA was also printed in the Daily Transcript.
6. The City provided all required notices and documentation. Members of the public were given access to the plans, as noted on the NOA. Contact information for the Project Manager was also given to the public to facilitate review of the project plans.
7. The City maintains that the NOA correctly listed how members of the public could access all project records. The City of San Diego posted the NOA on the City's website, at the Office of the County Clerk, and was sent to interested parties. The NOA was also printed in the Daily Transcript. The NOA listed a link to the MND and noted the address where all project documents could be found, including the project plans.
8. This statement is incorrect. The proposed project did not go to the Historical Resources Board and no report was required. Per San Diego Municipal Code Section 143.0212, Plan Historic City staff is required to review all projects impacting a parcel that contains a structure 45 years old or older to determine whether a potentially significant historical resource exists on site prior to issuance of a permit. During this review buildings are evaluated for eligibility under local designation criteria. Plan Historic staff made a determination based upon the following: photos; Assessor's Building Record; water and sewer records; written description of the property and alterations; chain of title; and listing of occupants; as well as any available historic photographs; Sanborn maps; and Notices of Completion. In addition, staff considered any input received through applicable public noticing and outreach.

For the purposes of CEQA, a significant historic resource is one which qualifies for the California Register of Historical Resources or is listed in a local historic register or deemed significant in a historical resources survey, as provided under Section 5024.1(g) of the Public Resources Code. A resource that is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historic resources, or not deemed significant in a historical resources survey may be nonetheless historically significant for the purposes of CEQA.

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and scale perceived from the southwest.

- 15) The Initial Study wrongfully states the new development would be constructed to comply with all height and bulk regulations. As the project plans show the project exceeds the coastal height limit set out in the Land Development Code §132.0505. (See Sheet Aa-214 of project plans dated August 4, 2018.) The City's CEQA thresholds state a project exceeds the thresholds of significance if the project would exceed the allowable height or bulk regulations and the
- 16) height or bulk of the existing patterns of development in the vicinity of the project by a substantial margin. The coastal height limit sets the height for all projects in the vicinity. The allowable height limit is 30 feet, this project exceeds that height by 10'6". The allowable FAR is
- 17) 46, this project exceeds the FAR by .09, or 1,800 square feet even with the questionable lot line adjustment and exclusion of the very visible basement.
- 18) The proposed residences will have a significant effect on aesthetics based on the opinion of the La Jolla Community Planning Association and the City's CEQA Significance Determination Thresholds. Therefore, an EIR is required for this project.

Cultural Resources

- 19) The existing residence at 7248 Encelia Drive was built in 1928 and therefore falls within the age threshold to be considered historic. There is potential the structure was designed by a noteworthy architect and constructed for a prominent family (potentially the Matson family). (See Attachment B, p. 000013.) This would qualify the structure as historic under the City's and CEQA regulations. The City must require a detailed historic structure assessment as part of any application for its removal. If such an assessment has been prepared it has not been made available to the public as required by Public Resources Code section 21072 and CEQA Guidelines section 15092.

Geology/Soils

- 20) The initial study states: "The project site is not mapped within a landslide zone and no landslides have been identified within the site or in the immediate vicinity. No impact would occur." This statement is patently false. In 2019, Dr. Schachar provided the City with a report from Dr. Peter Geissler of Geissler Engineering that clearly demonstrates an active landslide on the project site as mapped by Geokinetics in 2014. (Attachment B, p. 000014-000025.) In 2014, the City issued a coastal development permit to remediate the active landslide on the property. The applicant submitted a "Geotechnical and Fault Rupture Hazard Investigations" dated June 21, 2019 and included as a referenced document to this MND. That study also documented a landslide was present in the southeastern portion of the property. (See SCST Report dated 6/21/19, p. 3-4.) Although the SCST report states evidence of recent landslides or slope instabilities since the installation of reinforced concrete shear pins was not observed.
- 21) Dr. Geissler's opinion is much different. Dr. Geissler opines SCST and Geokinetics failed to map the full extent of the landslide. (Attachment B, p. 000015.) Because Geokinetics failed to map the full extent of the landslide, the remediation is ineffective against a deep sided

The City's determination of significance for impacts on historical resources is based upon the criteria found in Section 15064.5 of the State CEQA Guidelines.

Resources found to be non-significant as a result of the survey and assessment, will require no further work beyond documentation of the resources and inclusion in the survey and assessment report.

After their review, staff made their determination that the property does not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria. Therefore, no historical research report was required. This determination is good for five years from this date unless new information is provided that speaks to the building's eligibility for designation. Any applications made after five years will be subject to review for potential historic resources, consistent with Municipal Code requirements.

Based on the review by Plan Historic staff, along with the review of the City's Historic Resources Guidelines and CEQA Significance Thresholds, EAS found that the project as proposed has no potential to impact any unique or non-unique historical resources within the built environment.

The NOA listed a link to the MND and noted where all project documents could be found, including the project plans and associated staff determinations. Re-noticing is not required.

9. The City of San Diego posted the NOA on March 4, 2021. The notice was posted on the City's website, at the County Clerk's Office, and in The Daily Transcript. The notice listed the environmental analyst, the project manager, and where documents could be viewed. The NOA correctly listed how members of the public could access all project records. Re-noticing is not required.
10. Current remodeling at 7248 Encelia Drive is a result of a plumbing leak, necessitating repairs. This work is unrelated to the construction proposed in the Coastal Development Permit submission. CEQA only applies to discretionary projects. Any ministerial building changes are within the right of the property owner.
11. EAS performed an initial study that showed the proposed project may have significant impacts to Cultural Resources (Archaeology) and Tribal Cultural Resources. These impacts have been mitigated to below a level of significance. For further information, please see section V of the MND.

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- 22) landslide. Dr. Geissler also opined the observed pavement cracks in Encelia Drive suggest the possibility of a larger landslide. Dr. Geissler recommended further analysis of the stability of the embankment in light of the cracks in the asphalt pavement on Encelia Drive. (Attachment B, p. 000016.) Dr. Geissler also recommended an evaluation of the effect of the tie-backs on the stability of the embankment. Dr. Geissler concluded there was a possibility of a deeper, larger failure surface and the factor of safety is inadequate. The shallow tie-back used to remediate the past landslide is detrimental to the stability of the hillside because the "tie-backs put the soil in the near vicinity of the failure surface in tension rather than in compression." (Attachment B p. 000017.)
- 23) The original Geissler report was prepared on April 3, 2019, the SCST Report is dated June 21, 2019. My office asked Dr. Geissler to review the latest SCST Report to analyze whether the report addressed the landslide concerns Dr. Geissler had raised. Dr. Geissler's 2021 review shows the applicant's geotechnical consultants again failed to consider the full extent of the landslide. (See Attachment C.) The project would expose people and structures to substantial adverse effect, including the risk of loss, injury, or death involving landslides. Although SCST may have a different opinion, the City must prepare an EIR if there is any substantial evidence to support a fair argument the project may have a substantial adverse effect on the environment.
- 24) To the extent there is a conflict in the evidence the City cannot weigh the conflicting evidence to determine whether an EIR must be prepared. It is the function of an EIR to resolve conflicting claims based on substantial evidence of the environmental effects of a project. (*Saw the Agoura Cornell Knoll v. City of Agoura Hills* (2020) 46 Cal.App.5th 665, 689-690.)
- 25) The SCST report does consider dewatering may be required to construct the proposed structures with subterranean levels. The SCST report infers dewatering could induce settlement of adjacent improvements and the design should incorporate measures to prevent settlement. Those measures are not discussed or specified in the MND. Clearly, settlement of adjacent improvements would be a significant impact that must be mitigated. Those mitigation measures must be incorporated into the MND to find the potential for soil settlement is mitigated below a level of significance. The MND fails to consider the significance of soil subsidence.
- 26) **Land Use**
The initial study falsely states the project would not conflict with any applicable land use plan, policy, or regulation adopted to avoid or mitigate an environmental effect. As Sheet Aa-214 demonstrates, the project violates the Coastal Height Limit adopted by the voters of the City of San Diego to protect the visual resources of the coastal zone. As the LJCPA found, the height of this building is not consistent with the municipal code and would have a significant impact on the community.
- 27) CEQA requires the City must prepare an EIR whenever it considers approval of a project that may have a significant effect on the environment. (Pub. Resources Code §21100.) The LJCPA, Dr. Peter Geissler and Brian Smith have provided substantial evidence to support a fair

12. The proposed development at 7248 Encelia Drive and 7231 Romero Drive complies with the City of San Diego's Municipal Code and the La Jolla Community Plan (LJCP). Furthermore, as discussed in the Initial Study and MND per the City's Thresholds projects that severely contrast with the surrounding neighborhood character may result in a significant impact. To meet this threshold one or more of the following conditions must apply:

The project would have to exceed the allowable height or bulk regulations and the height or bulk of the existing patterns of development in the vicinity of the project by a substantial margin; have an architectural style or use building materials in stark contrast to adjacent development where the adjacent development follows a single or common architectural theme (e.g., Gaslamp Quarter, Old Town); result in the physical loss, isolation or degradation of a community identification symbol or landmark (e.g., a stand of trees, coastal bluff, historical landmark) which is identified in the General Plan, applicable community plan or local coastal program; be located in a highly visible area (e.g., on a canyon edge, hilltop or adjacent to an interstate highway) and would strongly contrast with the surrounding development or natural topography through excessive height, bulk signage or architectural projections; and/or the project would have a cumulative effect by opening up a new area for development or changing the overall character of the area. None of the above conditions apply to the project.

Existing development in the neighborhood does not have a unifying theme of architecture. The new development would be constructed to comply with all height and bulk regulations and is consistent with Visual Resource recommendations outlined in the LJCP. The structure height is consistent with building envelope regulations which preserve public views through the height, setback, landscaping, and fence transparency parameters of the Land Development Code that limit the building profile and maximize view opportunities. The project would not result in the physical loss, isolation or degradation of a community identification symbol or landmark identified in the General Plan, applicable community plan, or local coastal program since no such symbol is identified within the General Plan or LJCP.

The project site is one vacant parcel and one parcel that contains an existing dwelling unit and would construct a new dwelling unit on both lots, located in a neighborhood of similar development. The project is compatible with the surrounding development and permitted by the community plan and zoning designation. Since the project is compatible with surrounding development and complies with all height and bulk regulations the project would not degrade the existing visual character, or quality of the site and its surroundings; therefore, impacts would be less than significant.

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28)

argument the project may have a significant impact. Therefore, the City must prepare an EIR before it can approve this project. (*Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1034; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75; *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1123.)

29)

Thank you for your time and consideration of the issues raised in this letter. Please feel free to contact me if you have any questions or need further clarification.

Regards,



Julie M. Hamilton
julie@jmhiltonlaw.com
Attorney for Dr. Ronald Schachar

CC: Client

Attachments:

- A. Minutes of April 4, 2019 meeting of the La Jolla Community Planning Association
- B. April 4, 2019 Presentation to the La Jolla Community Planning Association by Dr. Ronald Schachar
- C. Letter of Review and Errata by Dr. Peter Geissler dated March 22, 2021 and March 18, 2021, respectively.

13. As stated above in Response 12, the proposed project complies with all rules and regulations relating to bulk, scale, and aesthetics. The project would complement and enhance the surrounding natural and built environment and embraces the La Jolla Community Plan's goal of continuing to promote a variety of architectural styles and expressions. Regarding the light well, the project complies with Municipal Code

Sections 113.0234 and 113.0270 which regulate floor area and structure height calculations.

14. As stated above in Responses 12 and 13, the proposed project complies with all rules and regulations relating to bulk, scale, and aesthetics including Floor Area Ratio (FAR) calculations. The project complies with San Diego's Municipal Code Section 132.0505 of Article 2: Overlay Zones, Division 5: Coastal Height Limit Overlay Zone, which provides a Coastal Height Limit of 30'. The proposed height, as shown on plans, is 29'-6" (39'-6" with grade differential).

Proposed project FAR complies with the municipal code and is consistent with neighborhood development. Per Municipal Code Section 131.0446, Table 131-04J, the maximum FAR in Zone RS1-4 for a 19,000 square foot lot is .46. 7248 Encelia Drive's proposed Gross Floor Area is 8,641 square feet and lot area is 19,000 square feet, a FAR of .45.

15. As stated above in Responses 12-14, the project complies with all Municipal Code setback, height, and FAR requirements and is consistent with the La Jolla Community Plan recommendations.
16. As stated above in Responses 12-16, the project complies with all Municipal Code setback, height, and FAR requirements and is consistent with the La Jolla Community Plan recommendations.
17. As stated above in Responses 12-16, the project complies with all Municipal Code setback, height, and FAR requirements and is consistent with the La Jolla Community Plan recommendations.
18. As detailed above, the project complies with all applicable regulations. Please see responses 4, 9, and 12-17. EAS performed an initial study that showed the proposed project may have significant impacts to Cultural Resources (Archaeology) and Tribal Cultural Resources. But these impacts have been mitigated to below a level of significance. For further information, please see section V of the MND. An EIR is not required.
19. Based on the review by Plan Historic staff and the City's Historic Resources Guidelines and CEQA Significance Thresholds, EAS found that the project as proposed has no

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potential to impact any unique or non-unique historical resources within the built environment.

The NOA listed a link to the MND and noted where all project documents could be found, including the project plans and associated staff determinations. Re-noticing is not required. Please see responses 4, 8, and 9 for more information.

20. Per the USGS survey, the proposed project is not mapped within a landslide zone. Development at the 7231 Romero Drive property began in 2009 when the former owner began grading for construction of a planned single-family residence without geotechnical monitoring or proper construction practices. The grading resulted in a slope failure on the Romero Drive property, and the adjacent, upslope residence at Encelia Drive experienced structural distress. Geotechnical engineers recommended placing reinforced concrete shear pins and tie-back anchors to stabilize the landslide. In 2014, reinforced concrete shear pins and tie-back anchors were installed via an emergency Coastal Development Permit. The shear pins were structurally tied together with a reinforced concrete grade beam. Each tie-back anchor was proof-tested or performance-tested before being locked into place. Additional grading and fill placement took place on the Romero Drive property to provide further stabilization. The previous slope failure is an existing condition. There is no evidence in the record that the proposed project will exacerbate any existing conditions resulting in an environmental impact. In addition, the project applicant's geotechnical consultant has responded to all potential issues raised within Ms. Hamilton's letter. (Response included as an attachment to the Final MND). Language has been added to Section VII of the MND that clarifies this. Furthermore, CEQA does not require analysis of the impact of existing environmental conditions on a proposed project. No evidence has been presented that this project would exacerbate existing conditions.
21. Per the USGS survey, the proposed project is not mapped within a landslide zone. Please see response 20.
22. Please see response 20. The cracks on the road are not evidence that the project would have a significant effect on the environment. CEQA considers the effect of the project on the environment, not the environment on the project.
23. Please see response 20 for further discussion landslide concerns. Responses to Attachment C are included herein (responses 68-73). No evidence has been presented that this project would exacerbate existing conditions.

The opposition claims that there is a fair argument that an Environmental Impact Report (EIR) must be prepared based upon these correspondences. CEQA Section 15064 states that an EIR is required "if there is a disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR." However, staff maintains that after reviewing the documentation provided by the opposition, a fair

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argument based on substantial evidence has not been raised. No evidence has been presented that this project would exacerbate existing conditions.

24. Please see responses 20-23. Staff maintains that after reviewing the documentation provided by the opposition, a fair argument based on substantial evidence has not been raised. As demonstrated by the record, the proposed project complies with all regulations, and an MND was correctly prepared.

Furthermore, LDR-Geology staff reviewed the project and concluded that the proposed project would not expose people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure or similar hazards. With proper grading, engineering techniques, retaining walls, foundations, and footings, the site was determined to be safe and suitable for construction.

A condition of the discretionary permit requires a geotechnical investigation report or update letter that specifically addresses the proposed construction plans during ministerial permit review. The geotechnical investigation report or update letter would be reviewed and approved by the Geology Section of the Development Services Department prior to issuance of any construction permits. Compliance with this permit condition will ensure that the site is safe and suitable for construction.

25. Soil subsidence due to dewatering is a phenomenon that can particularly affect sites where adjacent structures are supported by deep, saturated clays. The subject site is supported instead on dense, cemented conglomerate. The geologic deposit underlying the site is not subject to dewatering settlement. Furthermore, CEQA does not require analysis of the impact of existing environmental conditions on a proposed project. No evidence has been presented that this project would exacerbate existing conditions. As detailed above, the project complies with all applicable regulations. Please see responses 20-24.
26. As detailed above, the project complies with all applicable regulations. Please see responses 12-17.
27. Staff maintains that after reviewing the documentation provided by the opposition, a fair argument based on substantial evidence has not been raised. As demonstrated by the record, the proposed project complies with all regulations and, an MND was correctly prepared.
28. Staff maintains that after reviewing the documentation provided by the opposition, a fair argument based on substantial evidence has not been raised. As demonstrated by the record, the proposed project complies with all regulations, and an MND was correctly prepared.
29. The comment is a closing remark and does not require a response.

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ATTACHMENT A

La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month | La Jolla Recreation Center, 615 Prospect Street

Contact Us:

Mail: PO Box 889, La Jolla, CA 92038
Web: www.lajollacpa.org

Email: info@lajollacpa.org

President: Tony Crisafi

Vice President: Matt Mangano

2nd Vice President: David Gordon

Secretary: Suzanne Weissman

Treasurer: Michael Costello

FINAL MINUTES--

Regular Meeting | Thursday, 4 April, 2019

Trustees Present: Brady, Costello, Crisafi, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Little, Mangano, Manno, Neil, Shannon, Will, Weissman

Trustees Absent: Kane, Rasmussen, Courtney

1.0 Welcome and Call to Order: Brian Will at 6.05 PM

Please turn off or silence mobile devices Meeting is being recorded

2.0 Adopt the Agenda:

Motion: Adopt agenda (Gordon/Costello)

In Favor: Brady, Costello, Crisafi, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Little, Manno, Neil, Shannon, Weissman

Opposed: none

Abstain: Chair -Will

Motion carries: 13-0-1

Will noted no objections to elections so results are final. Welcome new trustees

3.0 Meeting Minutes Review and Approval: 7 March Regular and Annual meeting minutes

Motion: Approve March Annual and Regular meeting minutes (Gordon/Shannon)

In Favor: Brady, Costello, Crisafi, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Little, Manno, Neil, Shannon, Weissman

Opposed: none

Abstain: Will

Motion Carries: 13-0-1

Motion: Approve March 28, Special meeting minutes with correction to add election results (Gordon/Manno)

In Favor: Brady, Costello, Crisafi, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Little, Mangano, Manno, Neil, Shannon, Weissman

Opposed: none

Abstain: Chair -Will

Motion Carries: 14-0-1

4.0 Officer Reports:

4.1 Treasurer- Beginning Balance as of 3/1/19

\$ 765.93

Income

• Collections

\$ 189.00

• CD Sales

\$ 0

Total Income

\$ 189.00

Expenses

• Agenda printing—Special Meeting

\$ 3.02

• Agenda printing

\$ 65.60

• AT&T telephone

\$ 86.35

Total Expenses

\$ 154.97

Net Income/(Loss)

\$ 34.03

Ending Balance of 3/31/19

\$ 799.96

If a Sign Language Interpreter, aids for the visually impaired, or Assisted Listening Devices (ALDs) are required, please contact the City's Disability Services Coordinator at 619-321-3208 at least (5) five work days prior to the meeting date to insure availability.

30. This is the beginning of Attachment A which are the minutes of the Community Planning Group (CPG). The vote of the CPG does not relate to the adequacy of the MND. However, responses to concerns raised by the CPG are addressed in response 31 below.

4.2 Secretary- Will, We are a membership committee; we depend on community activity. Sign in in back of room. To be a member you must fill out the membership form, even though you signed in as a guest, for it to count and be eligible to vote. This meeting will count towards the one meeting required to remain as a member for this year. Attendance at three meetings is required to run for trustee.

5.0 Elected Officials – Information Only

5.1 Council District 1: Councilmember Barbara Bry –

Rep: Mauricio Medina, 619-236-6611, mauriciom@sandiego.gov

Council member Bry is here to swear in our newly elected trustees: Mike Costello, Tony Crisafi, Jim Fitzgerald, John Fremdling, David Ish, Greg Jackson, Nancy Manno, Kathleen Neil were sworn in. Bry commended them for their hard work as volunteers, the importance of their work and nice to see new faces.

She chairs Budget Committee, the fiscal year budget for year beginning 7/1 will be released next week. There will be review and analysis and hearings in May downtown, with 2 evening meetings and one within the district on May 4, 10:30 to noon at La Jolla Village Community Center. The public is encouraged to attend.

Of interest to La Jolla: Short term vacation rentals. The City Council passed a good ordinance that was rescinded because Air B & B collected signatures with deceptive tactics. If we wait a year from when it was rescinded, we can bring something very similar back to Council in mid-October. We are working with key stakeholders on what new legislation will look like. A group from Mission Beach will make a recommendation. I am committed to a solution that is primary residences only and does not allow investors to come in and buy properties to turn into mini hotels.

Also scooters: when they began appearing she asked Mayor to do something; he didn't. She pointed out that Mayors in San Francisco and Santa Monica imposed a temporary moratorium, the Mayors issued an RFP, decided which companies would be allowed to participate, what fees would be collected, require data sharing. We have no idea how many scooters there are, where they go or who uses them.

Legislation is wending its way through to full council next month. She prioritizes public safety, require helmets, to share data, charge fees that could be used for safety education and enforcement and to add necessary infrastructure.

Miller: People are living in cars and renting them out as STVR's.

Bry: The City Council had to repeal our vehicle habitation ordinance because it was declared unconstitutional. We should have been ready to pass a new one quickly. The Mayor's office is now drafting a new ordinance limiting habitation to specified commercial and industrial areas with places for restrooms and showers. Tourists coming in and setting up residence on our streets and renting them out should not be legal.

Weiss: Scooters are frequently left on sidewalks and private property. Where can they be left?

Bry: Any ordinance should allow for a parking ticket i.e. if you park on someone's lawn or a fire hydrant, you should get a ticket. We are working on where scooters can be left, places to carve out a little space, in front of shops. Spaces where they can be left legally or be fined.

Fitzgerald: Should not block handicapped access.

Bry: Very important issue. This is an example where new technology took over before we had a chance to respond. We should have been more proactive.

Public: Why not a small bicycle rack type thing on street.

Gordon: Frequently see children; can there be a way to trace adults who paid for child.

Bry: Major problem – enforcement.

Shannon: So many areas where laws are not enforced. Are we saying "everything goes?"

Bry: Enforcement is very important. This is area where City has not done what it needs to do to protect neighborhoods. I.e. Mayor won't enforce STVR laws.

5.2 78th Assembly District: Assemblymember Todd GloriaRep: Javier Gomez 619-645-3090 javier.gomez2@asm.ca.gov

Mathew Gordon taking over for Javier Gomez representing Assembly member Todd Gloria

He was a staffer for City Council Member, Myrtle Cole, working with planning groups, business improvement districts and maintenance assessment district groups.

As of yesterday assembly appropriations AB 893 codifies the existing ban on firearms and ammunition at Del Mar Fairgrounds. Gloria believes state should not profit off of sales of firearms and ammo. Community update: Please join the Assembly member on April 17th for the 17th annual Easter basket drive located at 1642 University Ave. Please bring pre-filled, sealed Easter baskets to be donated to youth in 78th district.

Courtney arrives late.

5.3 39th Senate District: State Senator Toni Atkins, Senate President pro TemporeRep: Chevelle Newell Tate, 619-645-3133, Chevelle.Tate@sen.ca.gov -not present.7.2 UCSD - Planner: Anu Delouri, adelouri@ucsd.edu, <http://commplan.ucsd.edu/> [item taken early, out of order at the request of Ms. Delouri]

She leads community planning unit for UCSD campus planning. The 2018 Long Range Development Plan was approved by Regents in November 2018. The Community Advisory Group worked closely with community groups in U and University City to seek input and disseminate information regarding the LRDP. When the CAG meets on April 15, they would like to see the group continue and will formulate a new group. She will meet with current members to formulate a new group going forward.

The campus is undergoing a transformation, North Torrey Pines Living and Learning project, well underway now, will provide 2,000 housing beds, 1,200 parking spaces, academic buildings, retail and mixed use spaces.

This year received record high applications for undergraduate students, 99,000. April 13, is admit day for 20,000 students, a fraction of which will accept. This will bring maybe 80,000 to 100,000 additional people to tour campus.

To meet the need for growth, we are looking at a similar living and learning complex adjacent to the Playhouse and parking lots there. This is just in concept stage now. An RFP is out, we are soliciting a team to work on this. We will continue to work with community groups.

Boyden: what will happen if you eliminate all that parking?

Delouri: 700 – 800 parking spaces lost; will have new plan in place. This project will not start before the current project is complete. University is continuing to build and plan for added student housing. In 18 months – 2 years, 4,000 beds will be added; we are looking to be the largest residential campus in US providing 65% housing for students on campus. Another 10,000 beds in 10 years.

6.0 President's Report – Information only unless otherwise noted

6.1 2018-2019 UICPA Officers Election. ACTION ITEM To elect: President, Vice President, Second Vice President, Secretary, Treasurer to serve through March 2019. Nominations for each office will be made by trustees. At the close of nominations for each office, the vote will be taken. Seconds are not necessary.

President: Tom Brady nominates Tony Crisafi. Accepts

Mike Costello nominates Diane Kane: she has accepted

Nominations closed

Votes for Crisafi: 8: Brady, Crisafi, Fitzgerald, Gordon, Little, Mangano, Manno, Shannon,

Votes for Kane: 7: Costello, Courtney, Fremdling, Ish, Jackson, Neil, Weissman

Chair can vote to make or break a tie per bylaws. Does majority consist of majority of those present or those voting? Weiss: majority is of those voting. (see bylaws Article VI, Section 2.A (9)(10))

Will recuses; therefore 8 votes constitutes majority of 15 voting.

Tony Crisafi is President

1st Vice President: Manno nominates Matt Mangano; accepts. Little nominates Kane. Can't accept nomination because she is not in attendance. Nominations closed

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Votes for Mangano: 14: Brady, Costello, Courtney, Crisafi, Fitzgerald, Fremdling, Gordon, Ish, Little, Mangano, Manno, Neil, Shannon, Weissman
Mangano is 1st Vice President

2nd Vice President: Costello nominates Gordon, accepts. Nominations closed

Votes for Gordon: 15: Brady, Costello, Courtney, Crisafi, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Little, Mangano, Manno, Neil, Shannon, Weissman
Dave Gordon is 2nd Vice President.

Secretary: Costello nominates Suzanne Weissman; accepts. Nominations closed

Votes for Weissman: 15: Brady, Costello, Courtney, Crisafi, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Little, Mangano, Manno, Neil, Shannon, Weissman
Suzanne Weissman is Secretary

Treasurer: Costello nominates Kathleen Neil; she declines.

Mike Costello nominated; accepts.

Votes for Costello: 15: Brady, Costello, Courtney, Crisafi, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Little, Mangano, Manno, Neil, Shannon, Weissman

Mike Costello is Treasurer

Executive Board of La Jolla Community Planning Association:

President: Tony Crisafi

1st Vice President: Matt Mangano

2nd Vice President: Dave Gordon

Secretary: Suzanne Weissman

Treasurer: Mike Costello

Boyden: Bob Steck and I have been President and Vice president for 1.5 + years with a good working relationship. We, along with Brian, did all the administrative arrangements with exception of Secretary and Treasurer. We are all stepping down; all new people taking over. Starting tomorrow someone has to take care of email and other things immediately. We have less people doing things since Tony Crisafi was president previously. New officers please see me after this meeting to set time to meet and to plan how we are going to do things.

Crisafi takes over as Chair

6.2 At the May meeting the President will be making nominations to the various subcommittees and other positions. Persons wishing to continue should contact the President immediately. The President will follow up. Appointees will be ratified at the May meeting. Up or down, no substitutions.
LISA, BRCC, LJTC. LJVMA should submit nominees also.

- ☐ Little: Those leaving committees should notify trustees in time to fill vacancies.
- ☐ Crisafi: Michele Meade in Tony's office knows procedures and will help along with Lore Mueller. Send materials for meetings, paperwork etc. to her.

6.3 The LJ PDO has been asked to determine if the McLaren/Coach mural on La Jolla Blvd. is artwork or a sign, and if it is a sign, does it adhere to PDO regulations for signs? Report by Deborah Marengo
Deborah Marengo, chair of the LJ PDO committee presentation: Why McLaren/Coach mural is a Mural and not a sign

- She passed out photos of several murals around La Jolla
- Several years ago Scott Peters and the Murals of La Jolla got approval from all the La Jolla community groups to initiate the Mural Project to put artwork around LJ.
- The project was approved without asking for PDO review or any defining rules giving blanket approval because definition of art is subjective. Some consider a car a work of art, so a car painted on the side of a building would be art.
- Sign code reads: if it has wording on it is considered a sign; if painted by an artist and has to be affixed to a wall, it is considered a mural.

COMMENTS

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estimated 70% increase in population by 2050.

On April 23, open house workshops on the Parks Master Plan will be held in 3 different locations to gather public input.

9.2 Coastal Access & Parking Board <http://www.lajollacpa.org/cap.html> did not meet.

9.3 UC San Diego Long Range Development Plan CAG, one of LJCPA delegates, will report on discussion <http://lrddp.ucsd.edu> did not meet

9.4 Hillside Drive Ad Hoc Committee – Diane Kane, Chair
Manno: no recent meeting. Plan to meet next month. Issues are more complicated than anticipated. No response from City.

9.5 Airport Noise Advisory Committee – Matthew Price
Matthew Price: ANAC rep. Resident of LJ for 14 years; became involved in airport noise issues as Co-chair of LJ Town Council airport noise task force. ANAC is made up of representatives of various San Diego Communities, the military, various agencies and airport authority. Due to the growth of complaints about jet noise, ANAC changed their bylaws to extend seats to include LJ and began process to look at airplane flights and procedures as part of a 5 year process. They formed 2 committees: a tech and a citizens committee both with LJ representatives. At meetings we are presented with data about flights: flights that circle around and often go over La Jolla, late departures and arrivals. At Feb. meeting La Jolla was #1 of households complaining about aircraft noise. The other issue was the environmental impact report regarding the expansion plan for the Airport Terminal 1. There was concern over increasing flights by 25% that the EIR did not address. Next meeting, April 17, a consultant looking at noise mitigation. This committee does not address military or helicopters. Boyden: Curfew for landing. Reply: No curfew. Most flights land around 11:30 unless delayed or Fed Ex, etc. Most complaints come from LJ Shores, Mt Soledad, Muirlands and Bird Rock. Courtney: How steep are fines? Fines are imposed only if it is the fault of airline, and increases with frequency of offences. Many complaints from many people. Airport is looking at ways to mitigate noise.

9.6 Playa Del Norte Stanchion Committee - no report

10.0 Consent Agenda- Action Items

The public is encouraged to attend and participate in Community Joint Committee & Board meetings before the item/project is considered by the LJCPA.

PDO – Planned District Ordinance Committee, Chair Deborah Marengo, 2nd Monday, 4:00 pm
DPR – Development Permit Review Committee, Chair Brian Will, 2nd & 3rd Tuesday, 4:00 pm
PRC – La Jolla Shores Permit Review Committee, Chair David Gordon, 3rd Monday, 4:00 pm
T&T – Traffic & Transportation Board, Chair David Abrams, 3rd Wednesday, 4:00 pm

The Consent Agenda allows the LJCPA to ratify recommendations of the community joint committees and boards in a single vote with no presentation or debate. It is not a decision regarding the item but a decision whether to accept the recommendation of the committee/board as the recommendation of the LJCPA. The public may comment on consent items.

See Committee minutes and/or agenda for description of projects, deliberations, and vote.
Anyone may request a consent item be pulled for full discussion by the LJCPA.

10.1 Panorama Homes – 1188 Muirlands Dr Project No.: 620974 (Process 2) Coastal Development Permit for the construction of 2 new SFDUs on 2 vacant lots. The West House at 1188 Muirlands Drive totals 8,451 square

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feet, and the East House at 1200 Muirlands Drive totals 8,510 square feet. The vacant lots total .56 acres and .61 acres, respectively. The site is located in the RS-1-2 Base Zone and Coastal (Non-Appealable) overlay zone within the La Jolla Community Plan area, and Council District 1. Code Case CE-0502994
DPR Motion: That findings CAN be made for a CDP as presented. (Kane/Leira) Passes 4-1-1

10.2 Ahern CDP: 7025 Vista Del Mar Ave. -NDP/CDP No.: 622662 (Process 3) Coastal Development Permit for the 194-sq-ft addition/remodel to an existing 3,222 sqft single dwelling, Historic Resource Board Designation #1142; an 88-sq-ft addition to the existing 619-sqft garage, and a new 729-sq-ft detached companion unit. Total construction is 5,278 sq ft located at 7025 Vista Del Mar Ave. The 0.28-acre site is located in the RS-1-7 Zone and the Coastal (Appealable) Overlay Zone within the La Jolla Community Plan.
DPR Motion: That findings CAN be made for a CDP as presented. (Collins/Leira) Passes 5-0-1

10.3 Forward Companion Unit -714 Forward Street. No.: 624842 (Process 2) Coastal Development Permit to construct a 500-square-foot companion unit over an existing detached 500-square-foot garage located at 714 Forward Street. The 0.13-acre site is located within the RS-1-7 zone and the Coastal (Non-Appealable) Overlay Zone within the La Jolla Community Plan area, and Council District 1.
DPR Motion: That findings CAN be made for a CDP as presented. (Kane/Leira) Passes 5-0-1

10.4 Stylii – 9046 La Jolla Shores Lne - No.: 543042- (Process 3) Coastal Development Permit (Amendment to CDP No. 92-0571) and Site Development Permit for a 1,943 square foot addition to an existing 9,799 square ft single dwelling unit for a total of 11,742 square feet. The 0.87-acre site is located at 9046 La Jolla Shores Lane in the Coastal Overlay Zone (Appealable area), in the RS1-7 & RS1-4 base zone of the La Jolla community plan area. Council District 1.
DPR Motion: That findings CAN be made for a CDP and a SDP as presented. (Collins/Kane) Passes 5-0-1

10.5 BENEVENTE RESIDENCE – SDP/ CDP 8516 La Shores Drive No.: 614175 (Process 3) - Site Development Permit (SDP) for construction of a second-story addition and roof deck to an existing one-story single-family residence totaling 3,961 square feet located 8516 La Jolla Shores Drive. The 0.13-acre site is located in the La Jolla Shores Planned District-Single Family zone, and Coastal Overlay zone (non-appealable) within the La Jolla Community Plan area and Council District 1.
PRC Motion: : Finding CAN be made for Project #: 614175 (Process 3) - Site Development Permit (SDP) for construction of a second-story addition and roof deck to an existing one-story single-family residence totaling 3,961 square feet. (Fotsch/ Edwards) Passed: 5-2-1

10.6 Request for 2 Hour Parking on Kilbourn Drive- From 8am-6pm Monday through Friday to deter UCSD Campus all-day parking (Stephen Breskin)
T&T Motion: To Approve Resident Request for 2 Hour Parking 8am-6pm Monday through Friday on Kilbourn Drive: Gantzel, Second: Brady 7-0-0

Trustee request: pull item 10.1, Panorama Homes
Gordon: comment, La Jolla Shores Lane is not part of La Jolla Shores.
Motion: Approve Consent Agenda with exception of 10.1 and 10.2 which will be voted on separately (Courtney/Wil)
In Favor: 15: Brady, Costello, Courtney, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Little, Mangano, Manno, Neil, Shannon, Weissman, Will
Opposed: none
Abstain: 1: chair Crisafi
Motion carries: 15-0-1
Item 10.2, Ahern CDP: Crisafi, architect on project; Mangano, structural engineer; recused -left room.
Motion: approve item 10.2, Ahern CDP on consent:

COMMENTS

RESPONSES

In Favor: 13: Brady, Costello, Courtney, Fitzgerald, Fremdling, Ish, Jackson, Little, Manno, Neil, Shannon, Weissman, Will
 Opposed: none
 Abstain: 1: chair, Gordon
 Motion Carries: 13-0-1

The following agenda items, are ACTION ITEMS unless otherwise noted, and may be *de novo* considerations. Prior actions by committees/boards are listed for information only.

11.0 Request to Remove and Relocate Crosswalk at End of Playa Del Norte-by Neptune Place (Melinda Merryweather) *Pulled from the March consent agenda.*

T & T Motion: To establish two crosswalks with required ADA approved handicapped ramps, one on Playa del Norte and the other on Neptune Street and installing "no pedestrian crossing" barriers on both sides of the stop line at the end of Playa del Norte: Goulding, Second: Ryan 8-0-0

Motion: Approve T & T vote (Little/Brady)

In Favor: 15: Brady, Costello, Courtney, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Little, Mangano, Manno, Neil, Shannon, Weissman, Will
 Opposed: none
 Abstain: 1, chair - Crisafi
 Motion Carries: 15-0-1

12.0 Gillispie School CUP/CDP/SDP *Pulled from the March consent agenda.* No.: 610620. (PROCESS 3) SDP/CDP/CUP for La Jolla Planned District 1 for change in use & amendment to CDP & CUP 40-0474, to merge existing commercial lots with existing school lots, demo and remodel existing school building to add new school programs, new signage and parking lot re-stripping, located at 7380 Girard Ave. The 0.39-acre site is located in the RM-3-9 zone & LIPD-Zone 1, in the Coastal Non-Appealable overlay zone within La Jolla Community Plan Area. Council District 1.

DPR Motion: That findings CAN be made for CUP, SDP, CDP as presented (Costello/Ragsdale)
 Passes 4-0-1

Comment, Little: I pulled because this is an important project for community to hear involving possible loss of right of way, loss of commercial property.

Presentation by Joe La Cava representing Gillispie School.

- Gillispie school is a private school at the south end of Girard Ave. across from La Jolla Elementary school with frontage on Girard and Fay avenues, between Genter St on the right and Pearl on the left.
- Applicant is seeking an SDP to convert newly acquired small retail building and parking lot to educational use and to modify the existing CUP to expand the boundaries of the existing CUP to incorporate newly acquired property.
- No changes to enrollment cap, conditions or restrictions of existing CUP
- The SDP is tool for converting the retail building to educational purposes. The new building will not be expanded, no 2nd story added.
- 28 parking spaces on property today, 10 more will be added for 38 off street parking spaces. The CUP only requires 25.
- Small increase in number of students will remain under existing cap of 320 students.
- Applicant is bringing parking lot up to city code requirements and adding attractive landscaping.
- Acquired property will be used for music room, library, general purpose room, baker's lab, outdoor eating area, bathroom and kitchen.
- Acquired property and sandbox will be fully integrated into existing property in architectural features, colors and design echoing the large 2 story existing building. Also addition of 2 street trees, planter boxes in recessed corners, frosted glass windows provide privacy for student but also integration with pedestrians. Over all aesthetic improvements.

Public comment: Sally Miller: What is width of sidewalk? Reply: Sidewalk will remain same except for 2 trees added; planter boxes are in recessed corners.

How many full-time teachers? Reply: 47, we have 38 spaces while only 25 are required.

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Does project address anything for dropoff/pickup safety. Reply: There is going to be congestion; that is not going to change. Small increase in number of students will be for preschool – no change.

Any change in height or square footage? No.

Alice Mitchell: Any change to existing parking in front? None

Gail Forbes: Audible plan

Ihor Lys: Has children at school; it needs more room. This is good and necessary improvement

Trustee comment: Little: Will you be taking any public right of way? Reply: No. Drury Lane, the alley behind the acquired building allowed a cut-through for pedestrians. This will be fenced off.

Shannon: Any traffic calming measures? Reply: Bump-out was added to Girard 10 years ago which narrows the street and achieves calming.

Courtney: Expansion can impact neighbors, decrease parking, increase congestion. Not enough parking, how will deliveries be handled? What outreach to neighbors? Reply: The existing CUP for 320 students requires 25 spaces, we will have 38. Not changing any street patterns or uses on Girard or Drury Lane. Few neighbors affected; there were no comments.

Will: DPR reviewed project thoroughly; it is in keeping with community plan, increases in parking are greater than increase in students.

Motion: Support action of DPR. (Will/Costello)

In Favor: 14: Brady, Costello, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Little, Mangano, Manno, Neil,

Shannon, Weissman, Will

Opposed: 1: Courtney

Abstain: 1 chair

Motion Carries: 14-1-1

13.0 Encelia/Romero – 7248 Encelia, 7231 Romero No.: 624464 DPR unable to make a recommendation- (Process 3) A CDP and SDP to demolish an existing house on one lot located at 7248 Encelia Dr. (0.23-acres) damaged due to a landslide that occurred on a second lot located at 7231 Romero Dr. (0.43-acres), and constructing a 3-story SDU on each lot. The lots contain ESL, and a lot line adjustment is proposed. The project site is located in the RS-1-4 zone and Coastal Overlay Zone (Non-Appealable) within the La Jolla Community Plan area, and Council District 1.

Failed DPR Motion: That findings CAN be made for a CDP and a SDP as presented. (Costello/Welsh) Motion Fails 3-3-0
Presentation by Susan Smith:

- Site located on upper most part of Mount Soledad; 2 adjacent lots between Romero Dr. and Encelia Dr.
- Very low density residential, large single family homes on 10 – 40,000 sq. foot parcels.
- 85 foot vertical change in elevation over 300 feet from Encelia to Romero Dr. typical to Mt. Soledad location; 28% slope considered steep slope by San Diego municipal code.
- History: non-compliant construction at Romero site destabilized the slope and damaged the existing Encelia Dr. home.
- This was followed by construction of detention system under emergency CDP to build stabilizing retaining walls with huge caissons. Further technical description of stabilization project followed.
- Plan is to construct Romero Dr. home for owner to occupy while Encelia Dr. home is constructed.
- Drawings presented showing parcels A & B with footprints and renderings of homes. Romero Dr. home tucked into hillside; corner disappears. It is set back 24 feet from the street; rectangular footprint with pool and balcony. Encelia Dr. home has 38 x 80 feet of lawn in front. Architecture of structure features curved lines mirroring the topography of site. It is pulled back from property lines to enhance privacy.
- Romero Dr. basement, garage & entry are below grade. The 1st level is primarily below grade. 2nd level partially below grade, family spaces lead to patio & pool. 3rd level houses master suite with elevator. Home is surrounded by landscaping integrating it into hillside – 60% landscaping & gardens consisting of plants commonly found in the area, water wise, fire resistant with erosion control properties.
- Encelia Dr. Main level facing Encelia Dr. set back 38 ft. and is 5 feet below the street. Its curved lines mirror the topography of the site.
- Lower level facing ocean is a walk out basement 19 ft. below street level with bedrooms going out onto a patio & court.
- The 2nd level is set back 36 feet from the street. 53 % of lot is landscaping with planting similar to Romero Dr. property.
- Project complies with municipal codes and the spirit of the La Jolla Community plan.

Public Comment: Miller: Will the light and glare from all the glass on the Romero Dr. home from the bottom of the hill?
Reply: We have not discussed this. Balconies on each level are recessed to act as shading device that will mitigate; probably won't see much light from below.

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31. The issues brought up during the CPG meeting have been addressed during project review. The proposed development at 7248 Encelia Drive and 7231 Romero Drive complies with the City of San Diego's Municipal Code and the La Jolla Community Plan. Please refer to responses 12-17 and 20-24 for more information on FAR, bulk and scale, geotechnical issues, and aesthetics.

COMMENTS

RESPONSES

31
Con't)

Morgan DuGriff: friend who visits often supports project.

Other issues from public:

- Sprinklers on large area could further destabilize hillside.
- Height of trees? Reply: mostly fruit trees; all trees equal to or lower than house
- Stability problems
- How drainage handled? Reply: Extensive measures taken to keep water on property including vegetation, cisterns
- Concerns about size of Encelia Dr. home – 15,000 sq. ft. total
- Amount of excavation required for basement 19 ft. below ground level?
- Design and size out of character with surrounding neighborhood.

Dr. Ron Schacher: lives across street. He hired an independent Geotechnical Engineer to make a report: Geisler Engineering, who concluded that a thorough reanalysis of the property is required to demonstrate that the development can be built with a 1.5 factor-of-safety; otherwise Encelia Dr. and the surrounding neighbors are at significant risk. Dr. Schacher provided full report to trustees.

Trustee Comment:

Gordon: Concerned about FAR: allowed on 19,000 sq. ft lot is .46. this is .45 and will appear as 3 story looking up. Also cycle issues are not closed because geotechnical review not complete.

Courtney: 15,000 sq.ft structure on a 19,000 sq.ft. lot is .78 FAR if you count 'basement'. While this is not the code it is an indication of bulk and scale. Romero Dr. structure is .77 if 'basement' is included. Concerned about huge project on a lot with 50% steep slope and stability issues in the past.

Costello: Since geotechnical review is still ongoing will architect be guided by results? (they replied 'yes') Are you better off having stabilizing done first?

Crisafi cut off any further comments on issues of off-site conditions on geology not part of permit. This is opportunity for trustees to add value to review with comments on what they see, visual aspects of the massing, how it fits into the community, how it relates to other structures, how the community plan applies, to make recommendations to the City.

Mangano: Interested to hear from DPR. Good points about actual stabilization.

Manno: sympathetic to neighbors not being included, style of architecture and large size don't fit into the neighborhood. Concerned about geology.

Will: perceived size of the building meets code but is big. The 900 foot light well in the center of the structure should be included in square footage and FAR calculation; it just makes the house bigger without reducing visual scale. 2nd floor should step back, this steps out adding to perception of bulk. Proposed lot line adjustment makes Encelia lot bigger, but house isn't expanding into the new space. House appears too big for lot.

Shannon: Would like more clarification on technical issues; needs more information for decision.

Neil: Concerned that neighbors weren't included in discussions, their concerns not considered and that they feel so strongly opposed. Also concerned about lack of step back of upper stories.

Gordon: Not comfortable with bulk & scale. Would like to hear from city on geotechnical report.

Little: Houses too large. Don't fit into surrounding community. Concentration of cracks in road indicate instability.

Ish: Residential dwelling units need to promote neighborhood quality, character and livability while minimizing negative qualities. New development needs to fit in.

Motion: Findings cannot be made due to excessive bulk, scale, height and form due to absence of setbacks of façade which makes structure out of character with surrounding community. (Courtney/Brady)

In Favor: 14: Brady, Courtney, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Little, Mangano, Manno, Neil, Shannon, Weissman, Will

Opposed: 1: Costello (would like stabilization done first)

Abstain: 1: chair

Motion Carries: 14-1-1

14.0 Whether to send a letter to the City about the vehicle habitation ordinance (City Council vote may be 16 April). (Mike Costello) letter drafted by Costello handed out to trustees and included in folder at back of room.

Trustee comment: Mangano: What is argument for ordinance? Costello: City repealed the current ordinance; the Mayor is asking City Council to come up with a new ordinance. Nearly all community groups are weighing in.

Medina: This item will be coming before the Public Services and Neighborhood Services Committee then to City Council.

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Motion: Send letter based on proposed letter drafted by Costello with Chair's word-smithing as necessary.
(Gordon/Weissman)

Manno: good idea for everyone to send personal letter to Council members as well.

Mangano: Last paragraph may open us up to opposition. We should think about effectiveness of argument we make.

Crisafi: Final paragraph should read: "While some may believe that vehicular habitation may only be transitional or temporary, the real solution to homelessness will be to provide housing and appropriate services."

In favor: 14: Brady, Costello, Courtney, Fitzgerald, Fremdling, Gordon, Ish, Jackson, Mangano, Manno, Neil, Shannon, Weissman, Will

Opposed: 1: Little

Abstain: Chair

Motion Carries: 14-1-1

15.0 Adjourn at 9:45 to next LJCPA Meeting: Thursday, May 2, 2019 at 6:00 pm.

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ATTACHMENT B

**Neighbor’s Concerns with the Development
at 7248 Encelia/7231 Romero
April 4, 2019**

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000001

Concerns

7248 Encelia/7231 Romero

Project # 624464

Ronald A. Schachar, MD, PhD, Kathy L. Schachar, Jacqueline (Jackie Evans),
Ingrid Hibben, Victor La Magna, Roger Guillemin, MD, Lucienne Guillemin,
Willard H. Smith Jr, Barbara T. Smith, Ken Elsberry, and Judy Elsberry

32. This comment is introductory and does not require a response.

000002

Historical Building on a Highly Sensitive Paleontological Site¹

33)

HISTORIC

- ▶ Home was constructed in 1928 and therefore falls within the age threshold for an historic site
- ▶ Potentially designed by a noteworthy architect
- ▶ Designed for a prominent family potentially the Matson family
- ▶ An extensive historic assessment is required
- ▶ The Geisel property is a major tourist attraction and eventually may be a museum
- ▶ Roger Guillemin, MD, Nobel prize winner in Medicine, lives at 7316 Encelia, 4 houses North of 7248 Encelia
- ▶ Degradation of the integrity of the area will have significant negative historic implications
- ▶ The structure should not be removed

34)

ARCHAEOLOGICAL

- ▶ The land is located within the Archaeological site identified as W-154
- ▶ Land falls within paleontological formation associated with the Ardath Shale
- ▶ The area is rich in fossil deposits

¹Cursory review by Brian F Smith and Associates Inc., Archaeologist/Biologist/History Expert
14010 Poway Road, Suite A
Poway CA 92064
Tel: (650) 464-0915 Email: bsmith@bfsa-ca.com

33. For the purposes of CEQA, a significant historic resource is one that qualifies for the California Register of Historical Resources or is listed in a local historic register or deemed significant in a historic resources survey, as provided under Section 5024.1(g) of the Public Resources Code. A resource that is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historic resources, or not deemed significant in a historical resources survey may be nonetheless historically significant for the purposes of CEQA. The project site has been reviewed by Plan Historic staff, and based upon their review, along with the review of the City's Historic Resources Guidelines and CEQA Significance Thresholds, EAS found that the project as proposed has no potential to impact any unique or non-unique historic resources within the built environment. For further information, please see responses 4, 9, and 11. Please also refer to Section V of the MND. The potential historical value of surrounding properties is speculative, and CEQA Section 15145 addresses speculation, which is not considered substantial evidence.

34. EAS performed an initial study that showed the proposed project may have significant impacts to Cultural Resources (Archaeology) and Tribal Cultural Resources. With mitigation these impacts would be mitigated to below a level of significance. Regarding paleontological resources, the proposed project is conditioned to include monitoring for paleontological resources which would reduce potential impacts to below a level of significance. For further information, please see section V of the MND.

000003

35)

Geotechnical^{2,3}**FAULT**

- ▶ The land is located on active fault that has had a landslide already
- ▶ There are extensive pavement tension cracks in front of 7248 Encelia Drive
- ▶ Geokinetics (2014) designed the landslide repair based on their incorrect theoretical "failure surface"
- ▶ As a result, the "shear pins" are too short to be effective against a deep-seated landslide.
- ▶ Likewise, the tie-backs are too short to be effective against a deep-seated landslide
- ▶ The depth of the failure surface is at least 15 feet deeper than the assumed failure surface
- ▶ Geissler Engineering (4-2-2019) estimates the factor-of-safety based on a larger and deeper landslide mass
- ▶ The factor-of-safety is of the order of 1.3, which is below the required 1.5 factor-of-safety
- ▶ In addition, building on the 7231 Romero property will further weaken the inadequate shear pins

36)

HYDRAULIC PRESSURE

- ▶ In view of increased rain, that may continue to increase due to climate change, the water table has probably risen
- ▶ The effects of increased hydraulic water pressure on the land, the shear pins and the new development requires a more thorough analysis

²Geissler Engineering & Surveying, April 3, 2019
³GCST # 160385N, Report # 1R, November 30, 2018

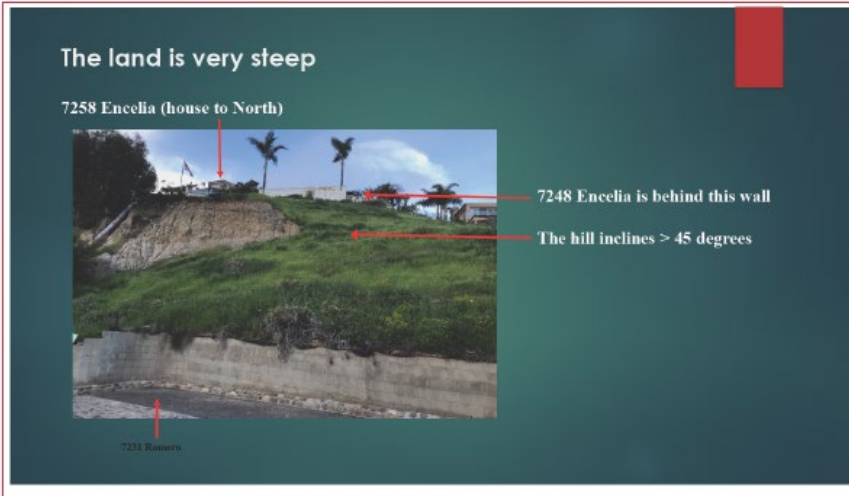
35. Geotechnical concerns are addressed in Section VII of the Initial Study. In addition, please see responses 20-25.

36. Geotechnical concerns are addressed in Section VII of the Initial Study. In addition, please see responses 20-25. Additionally, these are effects of the environment on the project, not the project on the environment. Accordingly, the commentor has failed to raise a fair argument that the project would result in a significant physical effect.

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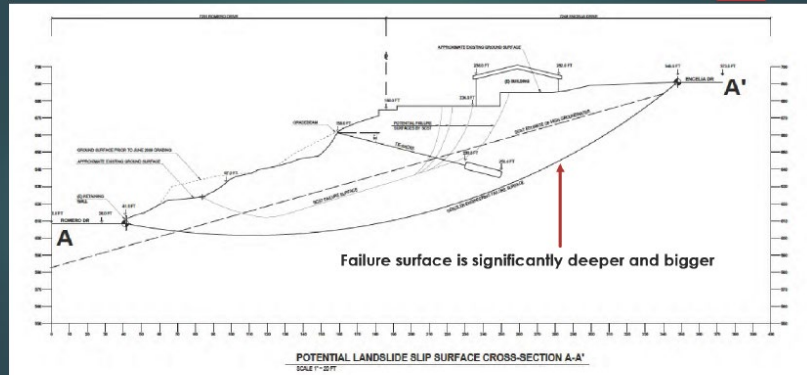
37)



37. This comment does not address the adequacy of the environmental document. Rather it presents the existing conditions of the proposed project site.

38)

Landslide is Significantly Deeper and Bigger



38. Geotechnical concerns are addressed in Section VII of the Initial Study. In addition, please see responses 20-25.

000006

39)

Tension Cracks on Encelia Drive

39. Geotechnical concerns are addressed in Section VII of the Initial Study. In addition, please see responses 20-25.

000007

40)

Geotechnical reanalysis is required

In view of the Geissler analysis

- ▶ Encelia Drive and the surrounding neighbors are at significant risk if the development proceeds without a total reevaluation of the depth and breath of the failure surface and the consequences of:
 - Building a massive home at 7248 Encelia
 - Building on the land below at 7231 Romero
 - Weakening and potentially permanently damaging Encelia Drive
- ▶ A thorough reanalysis of the property is required to demonstrate that the development can be built with a 1.5 factor-of-safety

40. The slide is a summary of previous issues presented. Please see responses 12-17 and 20-25.

41)

000008

Covenants, Conditions and Restrictions (CC&Rs)⁴

HEIGHT VIOLATION

- ▶ NO lot shall be used except for one single-family dwelling
- ▶ NOT TO EXCEED TWO AND ONE HALF STORIES IN HEIGHT (Book 8051, Page 506, Restriction # 1)

DESIGN VIOLATION

- ▶ NO building shall be constructed that is not in harmony of external design with existing structures (Book 8051, Page 507, Restriction # 10)
- ▶ The design is NOT in harmony with the adjacent structures on the Westside of Encelia

TREE VIOLATION

- ▶ NO pepper or eucalyptus trees
- ▶ Except for "cocos plumosa" and palm trees, NO tree shall exceed the height of the dwelling or obstruct the view from other lots (Book 8051, Page 507, Restriction #11)

⁴Declaration of Restrictions made by Murkinds Glen Company on December 11, 1959

41. This comment does not address the adequacy of the environmental document. Please refer to responses 12-17 for more information on compliance with all applicable codes and significance thresholds.

42)

000009

Design not compatible with neighborhoodFootprint

- ▶ Planned new residence barely is within code: 15,000 sqft on a 19,000 sqft lot

Roof Height

- ▶ Roof heights on the Westside of Encelia are all the same or lower
- ▶ The roof height of the planned 7248 Encelia property will be approximately 10 feet higher than the tallest neighboring roof

Architecture

- ▶ The architecture is in stark contrast to the prevailing architecture and will appear overbearing from the street view

42. Please refer to responses 12-17 for more information on compliance with all applicable codes and significance thresholds.

000010

43)

The development will not be in "Harmony"



43. The proposed development at 7248 Encelia Drive and 7231 Romero Drive complies with the City of San Diego's Municipal Code and the La Jolla Community Plan. Please refer to responses 12-17 for more information on compliance with all applicable codes and significance thresholds for visual quality.

44)

000011

Conclusions

The Project should be stopped

- ▶ 7248 Encelia has historic value
- ▶ The planned new development will degrade the historic integrity of the neighborhood
- ▶ Geotechnically, the property is unstable
- ▶ The development poses significant risks to the neighboring structures
- ▶ Encelia Drive is at risk
- ▶ The development is in violation of CC&Rs both in size and "harmony"

44. Comment noted. EAS performed an initial study that showed the proposed project may have significant impacts to Cultural Resources (Archaeology) and Tribal Cultural Resources. These impacts have been mitigated to below a level of significance. Please refer to Section V of the MND. Please refer to responses 4, 9, 11-18, and 20-25 for further discussion on the issues raised.

COMMENTS

RESPONSES



Brian F. Smith and Associates, Inc.

Archaeology / Biology / History / Paleontology / Air Quality / Traffic / Acoustics

000012

March 27, 2019

Ronald A. Schachar, M.D., Ph.D.
P.O. Box 8669
La Jolla, California 92038

Subject: Cultural Resources Considerations for 7248 Encelia and 7231 Romero Drives, La Jolla

Dear Dr. Schachar:

45)

My cursory records review of the property at 7248 Encelia Drive and the lot below at 7231 Romero Drive has resulted in the general characterization that the two properties may have potential development constraints with regards to cultural resources. To clarify, my review considered the historic nature of the existing structure at 7248 Encelia Drive, the potential for archaeological resources at either parcel, and the potential for paleontological resources beneath both parcels. All of the listed cultural resources would be reviewed by the City of San Diego as part of any environmental assessment for a development permit under city guidelines and the California Environmental Quality Act (CEQA).

46)

The existing structure at 7248 Encelia Drive was constructed in 1928 and, therefore, falls within the age threshold to be considered historic under City of San Diego and CEQA regulations. Based upon the age of the structure and the potential that it was designed by a noteworthy architect and constructed for a prominent family (potentially the Matson family), the City will require a detailed historic structure assessment as part of any application for its removal. The City may also identify the structure as a designated historic building, in which case the ability to remove or alter the structure may be constrained. Without having sufficient further historical information, I can only provide guidance that the City will require an extensive historic structure assessment as part of any development application.

47)

The archaeological background information indicates that the properties are located within a large, expansive, recorded archaeological site identified as W-154. The site is not particularly significant where it has been identified; however, occasional prehistoric deposits have been encountered that do have CEQA significance. My field inspection did not denote any evidence of archaeological deposits or artifacts; however, the upper property at 7248 Encelia Drive is covered with the residential structure or hardscape, while the lower lot at 7231 Romero Drive is too steep to have any archaeological materials. The archaeological potential of the properties may be minimal due to the existing slope and improvements; however, the City will require

45. Comment noted. This comment is introductory. EAS performed an initial study that showed the proposed project may have significant impacts to Cultural Resources (Archaeology) and Tribal Cultural Resources. These impacts have been mitigated to below a level of significance. Please see Section V of the MND for more information.

46. Per San Diego Municipal Code Section 143.0212, Plan Historic City staff is required to review all projects impacting a parcel that contains a structure 45 years old or older to determine whether a potentially significant historical resource exists on site prior to issuance of a permit. During this review buildings are evaluated for eligibility under local designation criteria. Plan Historic staff made a determination based upon the following: photos; Assessor's Building Record; water and sewer records; written description of the property and alterations; chain of title; and listing of occupants; as well as any available historic photographs; Sanborn maps; and Notices of Completion. In addition, staff considered any input received through applicable public noticing and outreach.

Based on the review by Plan Historic staff and the City's Historic Resources Guidelines and CEQA Significance Thresholds, EAS found that the project as proposed has no potential to impact any unique or non-unique historic resources within the built environment.

47. EAS performed an initial study that showed the proposed project may have significant impacts to Cultural Resources (Archaeology) and Tribal Cultural Resources. The initial study included an archaeological resources survey performed in April 2019 (Cultural Resource Survey for the Lys Residence and the Jamz Treehouse Residence Project, Laguna Mountain Environmental, Inc., April 2019). The survey found no cultural resources but due to limited visibility the survey recommended monitoring. Mitigation measures have been included in the final MND. Please see Section V of the Initial Study for more information. With mitigation these impacts would be mitigated to below a level of significance.

COMMENTS

RESPONSES

Brian F. Smith and Associates, Inc. – Page 2

000013

archaeological surveys of the both parcels because they fall within the boundaries of the recorded archaeological Site W-154.

48)

The properties both fall within highly sensitive paleontological formations associated with the Ardath Shale. This area is rich in fossils and is considered a significant paleontological resource. The City will undoubtedly identify any development project as having the potential to impact important fossil deposits. There would not be a constraint to obtaining a permit that would lead to impacts to fossil deposits; however, the City will require that any grading, trenching, or other earthwork be monitored by a qualified paleontologist and that any fossils encountered be recovered, treated, identified, and placed in the San Diego Natural History Museum.

49)

If you have any questions regarding the content of this letter, please contact me.

Sincerely,



Brian F. Smith

48. Comment noted. Regarding paleontological resources the proposed project is conditioned to included monitoring for paleontological resources which would reduce potential impacts to below a level of significance. For further information please see section V of the Initial Study.

49. This comment is conclusory in nature and does not require a response.

COMMENTS

RESPONSES

GEISSLER ENGINEERING
GEOTECHNICAL DIVISION

The Russ Building, Suite 1011
235 Montgomery Street
San Francisco, CA 94104

ENGINEER'S LETTER REPORT

3 April 2019

Dr. Ronald A. Schachar, M.D., Ph.D.
7241 Encelia Drive
La Jolla, CA 92037

Subject

Property: 7248 Encelia Drive, La Jolla, CA

Reference

Property: 7231 Romero Drive, La Jolla, CA

Ref: Geokinetics "As-Built" Drawings (undated)

Ref: SCST Soils Report No. 180385N-01R

Ref: Geissler Engineering Project No. E19 - 3965 - 1

TO WHOM IT MAY CONCERN

50)

I, Dr. Peter Scott Geissler, Ph.D., P.E., Registered Civil Engineer (R.C.E. 44320) and Head of the Geotechnical Division of Geissler Engineering, inspected aerial photographs of the subject property and reviewed documents at the request of Attorney Julie Hamilton for the purpose of evaluating the risk of landslide and soil subsidence problems at 7248 Encelia Drive, La Jolla (the upslope property) as a result of proposed excavations and construction activity at 7231 Romero Drive, La Jolla (the downslope property).

51)

At issue, is the likelihood of on-going landslide and soil subsidence problems at 7248 Encelia Drive, La Jolla (the upslope property) in light of soldier pile "shear pins" and tie-backs installed by Geokinetics in 2014 and 2015 at 7231 Romero Drive, La Jolla (the downslope property)?

52)

At issue, is the methodology employed by Geokinetics in estimating the Factor of Safety against (additional) instability of the uphill property?

At issue, is the likelihood of (additional) soil subsidence and asphalt cracks along Encelia Drive?

53)

I am familiar with this site; I visited the site in 2012 and reviewed aerial photographs of the property for an on behalf of an interested third-party in relation to the court case *Lys v. Chao*.

I hereby disclose that I consulted with Mr. Jeffery Stokes, an engineer for Geokinetics in

50. Comment is introductory and does not require a response.

51. Comment noted. Pursuant to CEQA Section 15063 staff conducted an Initial Study and no significant unmitigated impacts were identified. The initial study did show the proposed project may have significant impacts to Cultural Resources (Archaeology). These impacts have been mitigated to below a level of significance. For further information please see section V of the MND. Please refer to Section VII of the Initial Study for information on Geology and Soils. These questions have also been addressed in responses 20-25.

52. Comment noted. For further information, please see section V of the Initial Study. Please refer to Section VII of the MND for information on Geology and Soils. These questions have also been addressed in responses 20-25.

53. Comment noted. This comment is explanatory and does not require a response.

preparation of this engineer's report.

54)

This letter report shall focus primarily on (i) the limits of the active landslide as mapped (plan view) by Geokinetics, Site Plan dated October 2014 and as shown in Figure 3A in the SCST Soils Report dated 30 November 2018; (ii) the assumed cross section of the slip surface which defines the (theoretical) limit of the landslide soil mass; (iii) the scope of work by Geokinetics according to "As-Built" drawings on file at the City of San Diego building department; (iv) depth and length of tie-backs installed by Geokinetics as shown on "As-Built" drawings on file at the City of San Diego building department; (v) significance of cracks in the asphalt pavement along Encelia Drive as observed in annual aerial photographs commencing August 2010; (vi) possibility of a larger landslide; (vii) methodology for the evaluation of hillside stability; and (viii) methodology for the calculation of the Factor of Safety against (future) landslide.

55)

Limits of Active Landslide (Plan View by Geokinetics)

The active landslide was mapped by Geokinetics in 2014. The so-called "limits" of the landslide (plan view) are shown in Figure 3A of the above-referenced SCST report and also in Figure 1 of this letter report (see below).

Geissler's Commentary:

Geokinetics either failed to observe extensive pavement cracks along Encelia Drive or failed to attach any significance to the tension cracks in the pavement.

56)

Limits of Active Landslide (Cross Section by Geokinetics)

The theoretical "slip surface" below the active landslide mass was hypothesized by Geokinetics in 2014. The so-called "slip surface" (cross section) below the landslide mass is shown in Figure 3B of the above-referenced SCST report and also in Figure 2 of this letter report (see below).

Geissler's Commentary:

The theoretical "failure surface" below the active landslide mass as hypothesized by Geokinetics is incorrect for two reasons: first, in order to use the Method of Slices to evaluate hillside stability, the theoretical failure surface must either be circular (rotational failure) or planar (shear failure); and second, the theoretical failure surface fails to include the tension cracks in the asphalt pavement along Encelia Drive.

Limited Scope of Landslide Repairs (by Geokinetics)

Geokinetics designed the landslide repair based on their (incorrect) theoretical "failure surface" below the active landslide mass.

As a result, the soldier pile "shear pins" are too short to be effective against a deep-seated landslide.

54. Comment noted. This comment is explanatory and merely outlines the contents of the report. It does not require a response. The issues raised are responded to below.

55. Per the USGS survey, the proposed project is not mapped within a landslide zone. Development at the 7231 Romero Drive property began in 2009 when the former owner began grading for the construction of a planned single-family residence without geotechnical monitoring or proper construction practices. The grading resulted in a slope failure on the Romero Drive property, and the adjacent upslope residence at Encelia Drive experienced structural distress. Geotechnical engineers recommended placing reinforced concrete shear pins and tie-back anchors to stabilize the landslide. In 2014, reinforced concrete shear pins and tie-back anchors were installed via an emergency CDP. The shear pins were structurally tied together with a reinforced concrete grade beam. Each tie-back anchor was proof-tested or performance-tested before being locked into place. Additional grading and fill placement took place on the Romero Drive property to provide further stabilization. The previous slope failure is an existing condition. There is no evidence in the record that the proposed project will exacerbate any existing conditions resulting in an environmental impact. Language has been added to Section VII of the MND that clarifies this. Furthermore, CEQA does not require analysis of the impact of existing environmental conditions on a proposed project. No evidence has been presented that this project would exacerbate existing conditions.

56. Please refer to Section VII of the Initial Study and responses 20-25.

000016

57)

Likewise, the tie-backs are too short to be effective against a deep-seated landslide.

Significance of Cracks in Pavement along Encelia Drive

Aerial photographs show that there were tension pavement cracks along Encelia Drive.

Geissler's Commentary:

As stated above, Geokinetics either failed to observe extensive pavement cracks along Encelia Drive or failed to attach any significance to the tension cracks in the asphalt pavement.

Possibility of a Larger Landslide

Pavement cracks along Encelia Drive suggest the possibility of a larger landslide. See Figure 6 and Figure 7.

Geissler's Commentary:

It is important to analyze the stability of the embankment in light of tension cracks in the asphalt pavement on Encelia Drive.

It is important to evaluate the effect of the tie-backs on the stability of the embankment.

Geissler Engineering is concerned about the possibility of a deeper, larger failure surface.

Methodology for Evaluating Hillside Stability

It is essential to contemplate the correct "mode of failure" when evaluating the stability of a hillside. For example, do we anticipate a shear failure (planar failure surface) or a rotational failure (circular failure surface)?

Likewise, it is essential to contemplate a failure surface that is deep enough; otherwise the soldier pile "shear pins" and tie-backs will not be effective.

Geissler's Commentary:

Unfortunately, Geokinetics "mixed-and matched" failure surfaces (i.e., mid-section of the failure surface is planar, whereas the extremal portions of the failure surface are circular arcs). This is a mistake. This results in an artificially high Factor of Safety when using the Method of Slices to evaluate hillside stability.

Likewise, Geokinetics assumed a shallow failure surface that is too shallow. This is an error. This explains why the soldier piers were designed too shallow and why the tie-backs were designed too short.

57. Please refer to Section VII of the Initial Study and responses 20-25.

000017

58)

According to Mr. Jeffery Stokes, the engineer at Geokinetics who observed the on-site drilling of the soldier pier shear pins, "I was unhappy with the depth of the soldier piers as shown on the approved plans, so I increased the depth of the soldier pier shear pins. In fact, I increased the depth of the drilling by approximately 15 feet." (Ref: Personal communication on 2 April 2019.)

Unfortunately, Mr. Jeffery Stokes did not "connect the dots." Mr. Jeffery Stokes did not appreciate that if the drilling depth of the soldier piers was not deep enough then the assumed failure surface must also be incorrect. At a minimum, the depth of the failure surface should be at least 15 feet deeper than the assumed failure surface.

Put simply, if the assumed failure surface is too shallow and hence does not closely reflect the true depth of the actual failure surface, then the methodology used or evaluating hillside stability, namely the Method of Slices, cannot give the correct result.

Methodology for Calculation of Factor of Safety

The correct methodology for the evaluation of landslides is the Method of Slices. The generally acceptable Factor of Safety is 1.5.

Geissler's Commentary:

The application of the Method of Slices to the evaluation of a deeper and larger failure surface (as shown on Geissler Engineering Figure 3 and Figure 4) results in a lower factor of safety than generally acceptable to the evaluation of landslides.

Geissler Engineering estimates the Factor of Safety based on the Method of Slices evaluation of a larger and deeper landslide mass (as shown in Geissler Engineering Figure 3 and Figure 4, below) is on the order of 1.3. [NOTE: the principal effect of shallow tie-backs is detrimental to the stability of the hillside because tie-backs put the soil in the near vicinity of the failure surface in tension rather than in compression.

Summary

Geissler Engineering recommends that the theoretical failure surface hypothesized by Geokinetics be revised in light of the fact that: (i) Mr. Jeffery Stokes of Geokinetics observed that the failure surface was at least 15 feet deeper than expected; and (ii) the tension cracks in the pavement along Encelia Drive suggests that the landslide is much larger than expected. Put simply, the actual failure surface is deeper and bigger than described by Geokinetics.

59)

The mitigation measures implemented by Geokinetics are ineffective at stabilizing a landslide with a deeper failure surface because the tiebacks are within the landslide mass rather than being outside the landslide mass.

At a minimum, a thorough and careful review must be undertaken before permission is granted to develop the property.

Page 4

58. Please refer to Section VII of the Initial Study and responses 20-25.

59. LDR-Geology staff reviewed the project and concluded that the proposed project would not expose people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure or similar hazards. With proper grading, engineering techniques, retaining walls, foundations, and footings the site was determined to be safe and suitable for construction. Please refer to Section VII of the Initial Study and responses 20-25.

COMMENTS

RESPONSES

000018

60)

Do not hesitate to contact me for additional information.

Respectfully submitted,



Peter Scott Geissler Ph.D., P.E.
Registered Civil Engineer, R.C.E. 44320
GEISSLER ENGINEERING
83e Beach Road
Belvedere, CA 94920

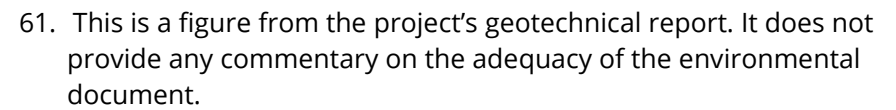
and

GEISSLER ENGINEERING
The Russ Building, Suite 1011
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TEL: (415) 760-5636 (Office)
TEL: (415) 887-8704 (Mobile)

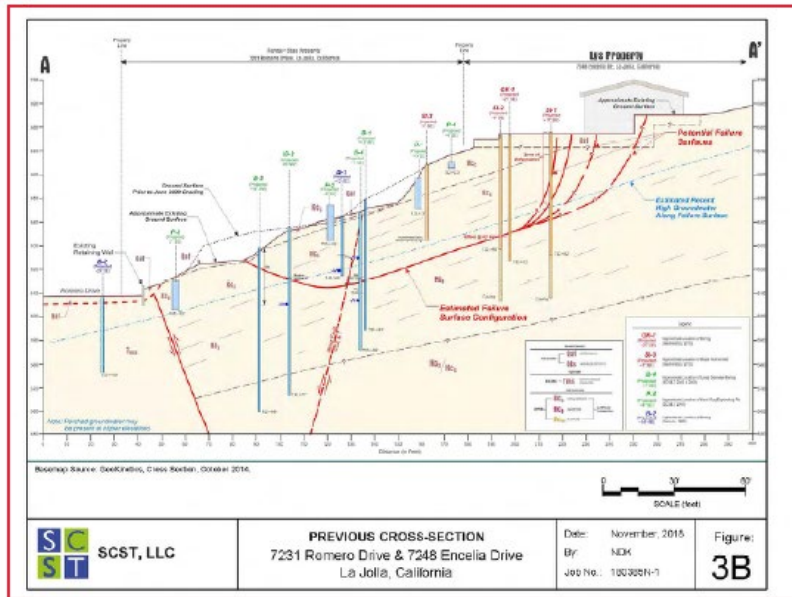
60. Comment noted.

RESPONSES

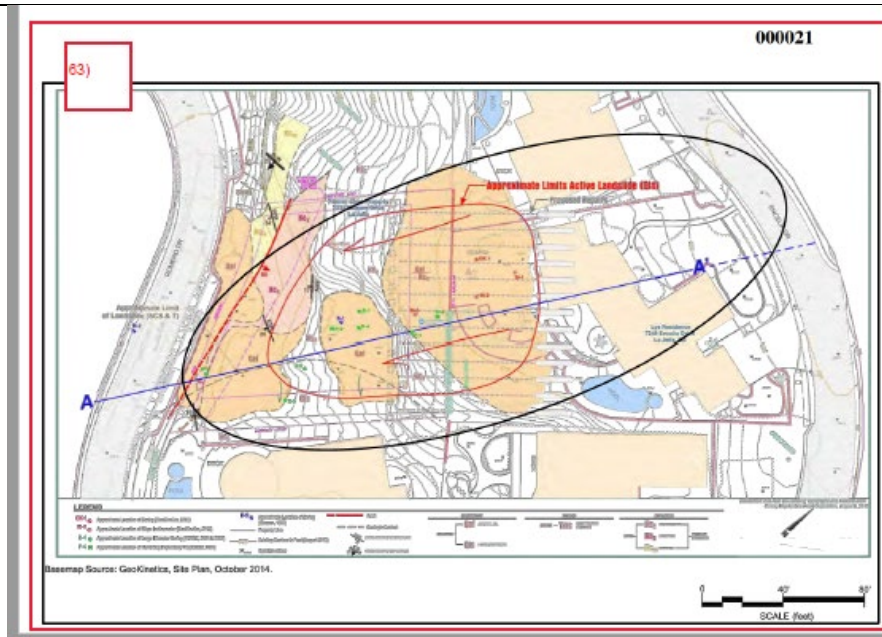


62)

000020



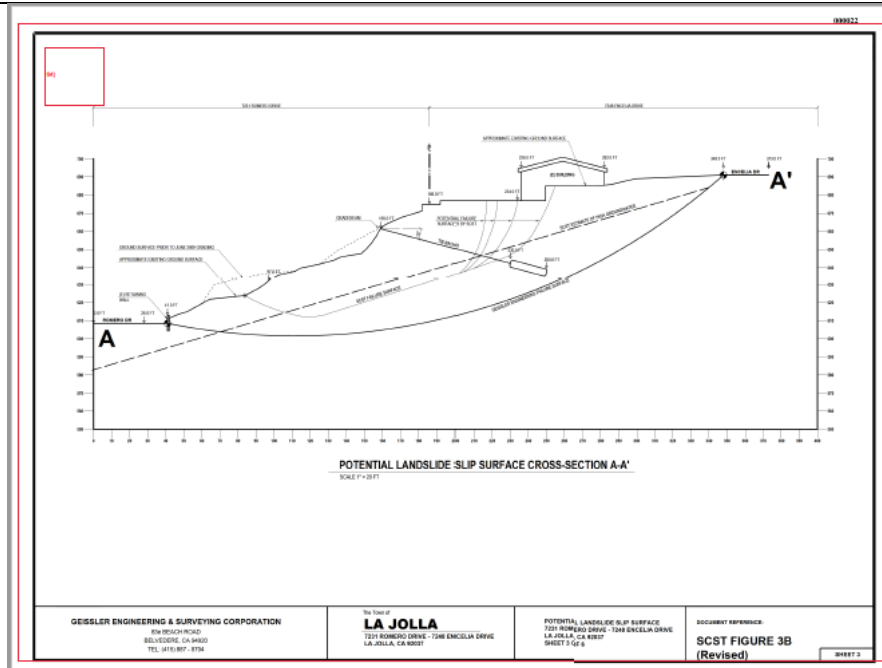
62. This is a figure from the project's geotechnical report. It does not provide any commentary on the adequacy of the environmental document.



63. This is a figure from the project's geotechnical report. It does not provide any commentary on the adequacy of the environmental document.

COMMENTS

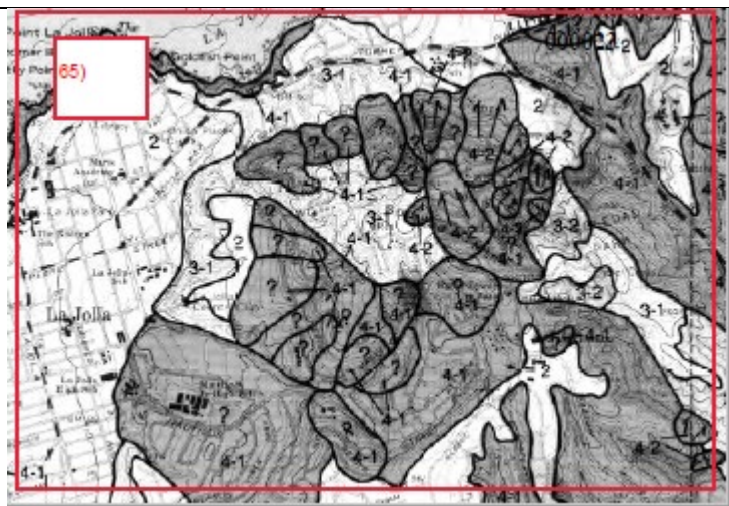
RESPONSES



64. This is a figure from the project's geotechnical report. It does not provide any commentary on the adequacy of the environmental document.

COMMENTS

RESPONSES



65. This is a figure from the project's geotechnical report. It does not provide any commentary on the adequacy of the environmental document.

COMMENTS

RESPONSES



66. This is a figure from Google Earth, and it does not provide any commentary on the adequacy of the environmental document. The existence of tension cracks does not demonstrate an environmental impact of the project.

COMMENTS

RESPONSES



67. This is a figure from Google Earth, and it does not provide any commentary on the adequacy of the environmental document. The existence of tension cracks does not demonstrate an environmental impact of the project.

COMMENTS

RESPONSES

ATTACHMENT C

COMMENTS

RESPONSES

GEISSLER ENGINEERING
GEOTECHNICAL DIVISION
83e Beach Road, Belvedere, CA 94920

MITIGATED NEGATIVE DECLARATION
Project No. 624464

22 March 2021

Dr. Ronald A. Schachar, M.D., Ph.D.
7241 Encelia Drive
La Jolla, CA 92037

Subject
Property: 7248 Encelia Drive, La Jolla, CA

Reference
Property: 7231 Romero Drive, La Jolla, CA

Ref: MITIGATED NEGATIVE DECLARATION Project No. 624464

Ref: Geokinetics "As-Built" Drawings (undated)

Ref: SCST Soils Report No. 180385N-01R / 180385N-04

Ref: Geissler Engineering Project No. E19 – 3965 – 2

Dear Sir,



68)

I, Dr. Peter Scott Geissler, Ph.D., P.E., Registered Civil Engineer (R.C.E. 44320) and Head of the Geotechnical Division of Geissler Engineering, inspected aerial photographs of the subject property and reviewed documents at the request of Attorney Julie Hamilton for the purpose of evaluating the risk of landslide and soil subsidence problems at 7248 Encelia Drive, La Jolla (the upslope property) as a result of proposed excavations and construction activity at 7231 Romero Drive, La Jolla (the downslope property).

69)

The theoretical "slip surface" below the active landslide mass was hypothesized by Geokinetics in 2014. The so-called "slip surface" (cross section) below the landslide mass is shown in Figure are shown in Figure 3B of the above-referenced SCST report.

SCST and Geokinetics either failed to observe extensive pavement cracks along Encelia Drive or failed to attach any significance to the tension cracks in the pavement.

68. This comment is introductory and does not require a response.

69. Per the USGS survey, the proposed project is not mapped within a landslide zone. Development at the 7231 Romero Drive property began in 2009 when the former owner began grading for construction of a planned single-family residence without geotechnical monitoring or proper construction practices. The grading resulted in a slope failure on the Romero Drive property, and the adjacent upslope residence at Encelia Drive experienced structural distress. Geotechnical engineers recommended placing reinforced concrete shear pins and tie-back anchors to stabilize the landslide. In 2014, reinforced concrete shear pins and tie-back anchors were installed via an emergency CDP. The shear pins were structurally tied together with a reinforced concrete grade beam. Each tie-back anchor was proof-tested or performance-tested before being locked into place. Additional grading and fill placement took place on the Romero Drive property to provide further stabilization.

The previous slope failure is an existing condition. There is no evidence in the record that the proposed project will exacerbate any existing conditions resulting in an environmental impact. In addition, the project applicant's geotechnical consultant has responded to all potential issues raised within Ms. Hamilton's letter. (Response included as an attachment to the Final MND). Language has been added to Section VII of the Initial Study that clarifies this. Furthermore, CEQA does not require analysis of the impact of existing environmental conditions on a proposed project. No evidence has been presented that this project would exacerbate existing conditions. Furthermore, the applicant's geotechnical consultant has provided a response to the issues discussed in this comment letter (Atlas, Response to Comments – Geissler Engineering Proposed Residences, 7248 Encelia Drive and 7231 Romero Drive, La Jolla, California, April 13, 2021). This response has been included as an appendix in the posting of the final Initial Study.

COMMENTS

RESPONSES

70)

The theoretical "failure surface" below the active landslide mass as hypothesized by SCST and Geokinetics is incorrect for two reasons: first, in order to use the Method of Slices to evaluate hillside stability, the theoretical failure surface must either be circular (rotational failure) or planar (shear failure); and second, the theoretical failure surface fails to include the tension cracks in the asphalt pavement along Encelia Drive.

Geokinetics designed the landslide repair based on their (incorrect) theoretical "failure surface" below the active landslide mass. As a result, the soldier pile "shear pins" are too short to be effective against a deep-seated landslide. Likewise, the tiebacks are too short to be effective against a deep-seated landslide.

In summary, the mitigation measures implemented by SCST and Geokinetics are ineffective at stabilizing a landslide with a deeper failure surface because the tiebacks are within the landslide mass rather than being outside the landslide mass.

I am at your service.

Respectfully submitted,



Peter Scott Geissler Ph.D., P.E.
Registered Civil Engineer, R.C.E. 44320
GEISSLER ENGINEERING
83e Beach Road
Belvedere, CA 94920
TEL: (415) 887-8704 (Mobile)

70. CEQA does not require analysis of the impact of existing environmental conditions on a proposed project. No evidence has been presented that this project would exacerbate existing conditions. Furthermore, the applicant's geotechnical consultant has provided a response to the issues discussed in this comment letter (Atlas, Response to Comments – Geissler Engineering Proposed Residences, 7248 Encelia Drive and 7231 Romero Drive, La Jolla, California, April 13, 2021). This response has been included as an appendix in the posting of the final MND.

GEISLER ENGINEERING
GEOTECHNICAL DIVISION
83e Beach Road, Belvedere, CA 94920

MITIGATED NEGATIVE DECLARATION
Project No. 624464
ERRATA

16 March 2021

Dr. Ronald A. Schachar, M.D., Ph.D.
7241 Encelia Drive
La Jolla, CA 92037

Subject
Property: 7248 Encelia Drive, La Jolla, CA

Reference
Property: 7231 Romero Drive, La Jolla, CA

Ref: MITIGATED NEGATIVE DECLARATION Project No. 624464

Ref: Geokinetics "As-Built" Drawings (undated)

Ref: SCST Geotechnical and Fault Rupture Hazard Investigations No. 180385N-01R / 180385N-04

Ref: Geissler Engineering Project No. E19 – 3965 – 2

BE ADVISED OF THE FOLLOWING ERRATA:

(i) Please be advised that "Geology/Soils" should be marked with an "X" under "Environmental Factors Potentially Affected" on page 14 of the Mitigated Negative Declaration for Project No. 624464.

(ii) Please be advised that "VII (a) (i) GEOLOGY AND SOILS" should be marked with an "X" in the column representing "Potentially Significant Impact" on page 27 of the Mitigated Negative Declaration for Project No. 624464.

In the paragraph containing the sentence, "The project submitted a Geotechnical Report (Proposed Residences, 7248 Encelia Drive and 7231 Romero Drive, San Diego, California, prepared by SCST, dated December 2019) that has been reviewed

71. There is no evidence in the record that the proposed project will exacerbate any existing conditions resulting in an environmental impact. Furthermore, CEQA does not require analysis of the impact of existing environmental conditions on a proposed project. No evidence has been presented that this project would exacerbate existing conditions. Language has been added to Section VII of the Initial Study that clarifies a previous slope failure. Please see also responses 20-25.

by City Geology staff. Per staff review, the geotechnical consultant has adequately addressed the soil and geologic conditions potentially affecting the proposed project."

Replace

"Per staff review, the geotechnical consultant has adequately addressed the soil and geologic conditions potentially affecting the proposed project."

With

- "On 3 April 2019, Geissler Engineering Report No. E19 – 3965 – 1 recommended that the theoretical failure surface considered by SCST be revised to reflect the fact that the observed failure surface is at least 15 feet deeper than shown in SCST Soils Report No. 180385N-01R / 180385N-04."

And add

- "City Geology staff failed to act on two recommendations by Geissler Engineering, namely, (i) the theoretical failure surface considered by SCST be revised to reflect the fact that the observed failure surface is at least 15 feet deeper than shown in SCST Soils Report; and (ii) the tension cracks in the pavement along Encelia Drive suggests that the landslide is much larger than expected."

And add

- "The mitigation measures implemented by Geokinetics are ineffective at stabilizing a landslide with a deeper failure surface because the tiebacks are too short and do not extend beyond the limits of the existing landslide."

- (iii) Please be advised that VII (a) (iv) "Landslides?" should be marked with an "X" in the column representing "Potentially Significant Impact" on page 27 of the Mitigated Negative Declaration for Project No. 624464, on page 27 of the Mitigated Negative Declaration for Project No. 624464.

And be advised that

- The phrase, "The project site is not mapped within a landslide zone and no landslides have been identified within the site or in the immediate vicinity" is untrue.

And be advised that

- The phrase, "No impact would occur" is untrue.

Page 2

72. LDR-Geology staff reviewed the project and concluded that the proposed project would not expose people or structures to geologic hazards such as earthquakes, landslides, mudslides, ground failure or similar hazards. With proper grading, engineering techniques, retaining walls, foundations, and footings the site was determined to be safe and suitable for construction. There is no evidence in the record that the proposed project will exacerbate any existing conditions resulting in an environmental impact. Please see also responses 20-25.

73)

And be advised that

- A landslide has been mapped which extends between Encelia Drive and Romero Drive, La Jolla.

BE FURTHER ADVISED THAT:

I, Dr. Peter Scott Geissler, Ph.D., P.E., Registered Civil Engineer (R.C.E. 44320) and Head of the Geotechnical Division of Geissler Engineering, verily believe and hereby confirm that there is a significant risk of landslide and soil subsidence problems at 7248 Encelia Drive, La Jolla (the upslope property) as a result of proposed excavations and construction activity at 7231 Romero Drive, La Jolla (the downslope property).

At a minimum, a thorough and careful review must be undertaken before permission is granted to develop the property.

To do so without first undertaking a thorough and careful review would constitute wanton disregard for public safety.

I am at your service.

Respectfully submitted,



Peter Scott Geissler Ph.D., P.E.
Registered Civil Engineer, R.C.E. 44320
GEISSLER ENGINEERING
83e Beach Road
Belvedere, CA 94920
TEL: (415) 887-8704 (Mobile)

73. There is no evidence in the record that the proposed project will exacerbate any existing conditions resulting in an environmental impact. Language has been added to Section VII of the MND that clarifies the existence of a previous slope failure. Furthermore, CEQA does not require analysis of the impact of existing environmental conditions on a proposed project. No evidence has been presented that this project would exacerbate existing conditions. Please see also responses 20-25.

COMMENTS

RESPONSES

3/17/2021

Mail - Holowach, Courtney - Outlook

Reply all Delete Junk Block ...

FW: Project 624464 - 7248 Encelia Dr/7231 Romero Dr

74)

Xavier

As we discussed, attached are 2 photos of 7248 Encelia. In the driveway is a dumpster truck that is covered and contains, drywall and cabinetry and a couple of weeks ago they were repairing the roof. It appears that the owner is remodeling 7248 Encelia. The question is why would he be remodeling if he plans to move ahead with the project or does he plan to just build at 7231 Romero?

75)

Also, concerning the Mitigated Negative Declaration, attached, on Page 27, Last sentence it states:

"Refer to response V (a). The project site is not mapped within a landslide zone and no landslides have been identified within the site or in the immediate vicinity. No impact would occur."

This is not true. There was a landslide at 7231 Romero. In fact, the owner of 7248 Encelia acquired 7231 Romero following legal action over the landslide.

76)

Your prompt response is most appreciated!!

With my best,
Ron
Ronald A. Schachar, M.D., Ph.D.
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74. Please see response number 10.

75. There is no evidence in the record that the proposed project will exacerbate any existing conditions resulting in an environmental impact. Language has been added to Section VII of the Initial Study that clarifies the existence of a previous slope failure. Furthermore, CEQA does not require analysis of the impact of existing environmental conditions on a proposed project. No evidence has been presented that this project would exacerbate existing conditions. Please see also responses 20-25.

76. Comment noted.

**San Diego County Archaeological Society, Inc.**

Environmental Review Committee

8 March 2021

To: Ms. Courtney Holowach
Development Services Department
City of San Diego
1222 First Avenue, Mail Station 501
San Diego, California 92101

Subject: Draft Mitigated Negative Declaration
7248 Encelia-7231 Romero CDP
Project No. 624464

Dear Ms. Holowach:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DMND and the cultural resources report prepared by Laguna Mountain Environmental, we agree with both the analysis in the Laguna Mountain report and the mitigation measures provided in the DMND.

SDCAS appreciates the opportunity to participate in the public review of this project's environmental documents.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: Laguna Mountain Environmental
SDCAS President
File

77. Comment noted.

INITIAL STUDY CHECKLIST

1. Project title/Project number: 7248 Encelia 7231 Romero CDP / 624464
2. Lead agency name and address: City of San Diego, 1222 First Avenue, MS-501, San Diego, California, 92101
3. Contact person and phone number: Courtney Holowach / (619) 446-5187
4. Project location: 7248 Encelia and 7231 Romero CDP, La Jolla, CA 92037
5. Project Applicant/Sponsor's name and address: Ihor Lys, 7248 Encelia Drive, La Jolla, CA 92037
6. General/Community Plan designation: La Jolla Community Plan
7. Zoning: RS-1-4
8. Description of project (Describe the whole action involved, including but not limited to, later phases of the project, and any secondary, support, or off-site features necessary for its implementation.):

The proposed project comprises the development of two adjacent parcels on Mount Soledad, 7248 Encelia Drive (Parcel A) and 7231 Romero Drive (Parcel B), totaling .67 acres, and a lot line adjustment to create a 0.44 acre lot at Parcel A and 0.23 acre lot at Parcel B for two new dwelling units.

The proposed project requires demolishing Parcel A's existing 5,022 square-foot dwelling unit, which was damaged due to a landslide that occurred on Parcel B (landslide was stabilized via emergency Coastal Development Permit in 2014).

Redevelopment on Parcel A consists of a new three-story 8,641 square-foot, dwelling unit with open carport and site improvements. Access to Parcel A would be from Encelia Drive.

Development on Parcel B consists of a new three-story, 4,945 square-foot dwelling unit with 3,267 square-foot basement, garage, and site improvements. Access to Parcel B would be from Romero Drive.

Landscaping planned for both parcels includes Prostrate Rosemary, San Diego Red Bougainvillea, Coast Sunflower, California Wild Rose and Mediterranean Fan Palm.

9. Surrounding land uses and setting:

The proposed project is located in La Jolla Community Planning Area and is within the RS-1-4 zone, Coastal Height Limitation, Fire Brush Zone 300' Buffer, Fire Hazard Severity Zone, and parking Impact. The proposed project is surrounded by existing residential development. The La Jolla Natural Park is located approximately 1.4 miles west of the project site. The Pacific Ocean is located approximately 1.2 miles northwest of the project site.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

None required

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

Yes, two Native American Tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code Section 21080.3.1. The City of San Diego sent notification to these two Native American Tribes on August 6, 2019. Both the Lipay Nation of Santa Ysabel and the Jamul Indian Village responded within the 30-day period requesting consultation and additional information. Consultation took place and was concluded on August 7, 2019 with the Lipay Nation of Santa Ysabel. Consultation took place and was concluded on August 9, 2019 with the Jamul Indian Village. Please see Section XVII of the Initial Study for more information regarding the consultation.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's 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.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Population/Housing |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Noise | <input type="checkbox"/> Utilities/Service System |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Mandatory Findings Significance | <input type="checkbox"/> Wildfire |

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (a) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (b) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or (MITIGATED) NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or (MITIGATED) NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis.)
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses”, as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or (mitigated) negative declaration. *Section 15063(c)(3)(D)*. In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are “Less Than Significant With Mitigation Measures Incorporated”, describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. AESTHETICS – Would the project:

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Development of the project would introduce new permanent visual features to the community. Per the City of San Diego CEQA Significance Determination Thresholds (Thresholds) projects that would block public views from designated open space areas, roads, or parks or significant visual landmarks or scenic vistas may result in a significant impact. City staff reviewed the proposed project for consistency with all applicable zoning regulations and land use plans including the La Jolla Community Plan (LJCP). The LJCP addresses the need to retain and enhance public views of the ocean from identified public vantage points. These vantage points include visual access across private properties at yards and setbacks.

The project proposes to demolish an existing dwelling unit and construct a new dwelling unit in its place, in a residential neighborhood with similar development. In addition, the project would construct a new dwelling unit on the currently vacant parcel, in a residential neighborhood with similar development. No scenic vista is designated on or near the property in the La Jolla Community Plan. The project would be required to meet all required setback and height requirements. Therefore, the project would not have a substantial adverse effect on a scenic vista. Impacts would be less than significant.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project is situated within a developed residential neighborhood. The project is not located within or adjacent to a state scenic highway and would be required to meet all setback and height requirements; therefore, the project would not substantially damage such scenic resources. Impacts would be less than significant.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

According to the City's Thresholds projects that severely contrast with the surrounding neighborhood character may result in a significant impact. To meet this threshold one or more of the following conditions must apply: the project would have to exceed the allowable height or bulk regulations and the height or bulk of the existing patterns of development in the vicinity of the project by a substantial margin; have an architectural style or use building materials in stark contrast to adjacent development where the adjacent development follows a single or common architectural theme (e.g., Gaslamp Quarter, Old Town); result in the physical loss, isolation or degradation of a community identification symbol or landmark (e.g., a stand of trees, coastal bluff, historical landmark) which is identified in the General Plan, applicable community plan or local coastal program; be located in a highly visible area (e.g., on a canyon edge, hilltop or adjacent to an interstate highway) and would strongly contrast with the surrounding development or natural

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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topography through excessive height, bulk signage or architectural projections; and/or the project would have a cumulative effect by opening up a new area for development or changing the overall character of the area. None the above conditions apply to the project.

Existing development in the neighborhood does not have a unifying theme of architecture. The new development would be constructed to comply with all height and bulk regulations and is consistent with Visual Resource recommendations as outlined in the LJCP. The structure height is consistent with building envelope regulations which preserve public views through the height, setback, landscaping, and fence transparency parameters of the Land Development Code that limit the building profile and maximize view opportunities. The project would not result in the physical loss, isolation or degradation of a community identification symbol or landmark which is identified in the General Plan, applicable community plan or local coastal program.

The project site is one vacant parcel and one parcel that contains an existing dwelling unit and would construct a new dwelling unit on both lots, located in a neighborhood of similar development. The project is compatible with the surrounding development and permitted by the community plan and zoning designation. The project would not degrade the existing visual character or quality of the site and its surroundings; therefore, impacts would be less than significant.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Per the City's Thresholds, projects that would emit or reflect a significant amount of light and glare may have a significant impact. To meet this significance threshold, one or more of the following must apply:

a. The project would be moderate to large in scale, more than 50 percent of any single elevation of a building's exterior is built with a material with a light reflectivity greater than 30 percent (see LDC Section 142.07330(a)), and the project is adjacent to a major public roadway or public area.

b. The project would shed substantial light onto adjacent, light-sensitive property or land use, or would emit a substantial amount of ambient light into the nighttime sky. Uses considered sensitive to nighttime light include, but are not limited to, residential, some commercial and industrial uses, and natural areas.

Neither of the above conditions apply to the proposed project.

The most prominent light sources from the proposed project would be interior lighting for the two new dwelling units, and exterior and landscaping lighting. All new lighting would be compatible with existing lighting in the project vicinity. The project would be subject to the City's Outdoor Lighting Regulations per SDMC Section 142.0740, which are intended to minimize negative impacts from light pollution, including light trespass, glare, and urban sky glow, in order to preserve enjoyment of the night sky and minimize conflict caused by unnecessary illumination. Light fixtures would be required to be directed away from adjacent properties and shielded, as necessary. Outdoor lighting would be located and arranged in a manner consistent with City requirements, to promote public safety, and minimize unnecessary light and glare effects to the surrounding community.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project would comply with Municipal Code Section 142.0730 (Glare Regulations) that requires exterior materials utilized for proposed structures be limited to specific reflectivity ratings. No large surface areas of reflective building materials or finishes are proposed that could create glare effects on surrounding properties. Additional light or glare from the proposed project would be consistent with the other development in the area and therefore would not substantially affect day or nighttime views. Impacts would be less than significant.

- II. AGRICULTURAL AND FOREST RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. – Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Converts Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. Unique farmland is land, other than prime farmland, that has combined conditions to produce sustained high quality and high yields of specialty crops. Farmland of Statewide Importance may include tracts of land that have been designated for agriculture by State law. In some areas that are not identified as having national or statewide importance, land is considered to be Farmland of Local Importance. The Farmland Mapping and Monitoring Program (FMMP) maintained by the California Department of Conservation (CDC) is the responsible state agency for overseeing the farmland classification. In addition, the City's Thresholds state that in relation to converting designated farmland, a determination of substantial amount cannot be based on any one numerical criterion (i.e., one acre), but rather on the economic viability of the area proposed to be converted. Another factor to be considered is the location of the area proposed for conversion.

The project site is not classified as farmland by the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP). No Prime Farmland, Unique Farmland, or Farmland of Statewide Importance occurs on site of within the area immediately surrounding the project site. Therefore, the project would not result in impacts related to the conversion of farmland to a non-agricultural use. No impact would occur.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The Williamson Act, also known as the California Land Conservation Act of 1965, enables local governments to enter into contracts with private landowners for the purpose of restricting specific

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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parcels of land to agricultural or related open space use; in return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The Williamson Act is only applicable to parcels within an established agricultural preserve consisting of at least 20 acres of Prime Farmland, or at least 40 acres of land not designated as Prime Farmland. The Williamson Act is designed to prevent the premature and unnecessary conversion of open space lands and agricultural areas to urban uses.

As stated in response II (a) above. The proposed project site is not zoned for agricultural use. There are no Williamson Act Contract lands on or within the vicinity of the project. The project would not affect properties zoned for agricultural use or conflict with a Williamson Act Contract. No impact would occur.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. The project site is zoned for residential use; no designated forest land or timberland occurs within the boundaries of the project. No impact would occur.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Refer to response II (c) above. The project would not convert forest land to non-forest use. No impact would occur.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to responses II (a) and II (c) above. No existing farmland or forest land are located in the proximity of the project site. No changes to any such lands would result from project implementation. No impact would occur.

III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations – Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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According to the City's Thresholds, a project may have a significant air quality impact if it could conflict with or implementation of the applicable air quality plan.

The San Diego Air Pollution Control District (SDAPCD) and San Diego Association of Governments (SANDAG) are responsible for developing and implementing the clean air plan for attainment and maintenance of the ambient air quality standards in the San Diego Air Basin (SDAB). The County Regional Air Quality Strategy (RAQS) was initially adopted in 1991 and is updated on a triennial basis (most recently in 2016). The RAQS outlines the SDAPCD's plans and control measures designed to attain the state air quality standards for ozone (O3). The RAQS relies on information from the California Air Resources Board (CARB) and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in San Diego County and the cities in the county, to project future emissions and then determine the strategies necessary for the reduction of emissions through regulatory controls. CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed by San Diego County and the cities in the county as part of the development of their general plans.

As such, projects that propose development that is consistent with the growth anticipated by local plans would be consistent with the RAQS. However, if a project proposes development that is greater than that anticipated in the local plan and SANDAG's growth projections, the project might conflict with the RAQS and may contribute to a potentially significant cumulative impact on air quality.

The project would develop two dwelling units in an already established neighborhood. The project is consistent with the General Plan, community plan, and the underlying zoning for residential development. Therefore, the project would be consistent at a sub-regional level with the underlying growth forecasts in the RAQS and would not obstruct implementation of the RAQS. As such no impacts would occur.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The City's Thresholds state that a significant impact may occur if a project violates any air quality standard or contribute substantially to an existing or projected air quality violation.

Short-term Emissions (Construction)

Project construction activities would potentially generate combustion emissions from on-site heavy duty construction vehicles and motor vehicles transporting the construction crew and necessary construction materials. Exhaust emissions generated by construction activities would generally result from the use of typical construction equipment that may include excavation equipment, forklift, skip loader, and/or dump truck. Variables that factor into the total construction emissions potentially generated include the level of activity, length of construction period, number of pieces and types of equipment in use, site characteristics, weather conditions, number of

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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construction personnel, and the amount of materials to be transported on or off site. It is anticipated that construction equipment would be used on site for four to eight hours a day; however, construction would be short-term and impacts to neighboring uses would be minimal and temporary.

Fugitive dust emissions are generally associated with land clearing and grading operations. Due to the nature and location of the project, construction activities are expected to create minimal fugitive dust, because of the disturbance associated with grading. Construction operations are subject to the requirements established in Regulation 4, Rules 52, 54, and 55 of the SDAPCD rules and regulations. The project would include standard measures as required by the City grading permit to minimize fugitive dust and air pollutant emissions during the temporary construction period. Therefore, impacts associated with fugitive dust are considered less than significant and would not violate an air quality standard or contribute substantially to an existing or projected air quality violation. Impacts related to short-term emissions would be less than significant.

Long-term Emissions (Operational)

Long-term air pollutant emission impacts are those associated with stationary sources and mobile sources related to any change caused by a project. The project would produce minimal stationary source emissions. Once construction of the project is complete, long-term air emissions would potentially result from such sources as heating, ventilation, and cooling (HVAC) systems and other motorized equipment typically associated with residential uses. The project is compatible with the surrounding development and is permitted by the community plan and zone designation. Project emissions over the long term are not anticipated to violate an air quality standard or contribute substantially to an existing or projected air quality violation.

Overall, the project is not expected to generate substantial short- or long-term emissions that would violate any air quality standard or contribute to an existing or projected air quality violation: therefore, impacts would be less than significant.

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

☐
☐
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The City's Thresholds state that a project may have a potentially significant air quality impact if it could result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including release of emissions which exceed quantitative thresholds for ozone precursors).

As described above in response III (b), construction operations may temporarily increase the emissions of dust and other pollutants; however, construction emissions would be temporary and

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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short-term in duration. Implementation of BMPs would reduce potential impacts related to construction activities to less than significant. Operational air pollutant emissions resulting from such sources as HVAC systems, motorized equipment, and project traffic would not be generated in quantities that would result in exceedances of regulatory thresholds for criteria pollutants. Projects that propose development consistent with the growth anticipated by applicable general plans were considered in, and therefore are consistent with, the RAQS. The proposed project is consistent with the applicable land use plans (General Plan and La Jolla Community Plan), and therefore, buildout of the project site has been accounted for in region-wide air quality plans. The project would not result in a cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment under applicable federal or state ambient air quality standards. Impacts would be less than significant.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The City's Thresholds state that for a project proposing placement of sensitive receptors near an existing odor source, a significant odor impact will be identified if the project site is closer to the odor source than any existing sensitive receptor where there has been more than one confirmed or three confirmed complaints per year (averaged over a three- week period) about the odor source. Moreover, for projects proposing placement of sensitive receptors near a source of odors where there are currently no nearby existing receptors, the determination of significance should be based on the distance and frequency at which odor complaints from the public have occurred in the vicinity of a similar odor source at another location. None of the above applies to the proposed project.

Short-term (Construction)

Odors would be generated from vehicles and/or equipment exhaust emissions during construction of the project. Odors produced during construction would be attributable to concentrations of the project. Odors produced during construction would be attributable to concentrations or unburned hydrocarbons from tailpipes of construction equipment and architectural coatings. Such odors are temporary and generally occur at magnitudes that would not affect a substantial number of people. Therefore, impacts related to construction-generated odors would be less than significant.

IV. BIOLOGICAL RESOURCES – Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The City's Thresholds state that significance of impacts to biological resources are assessed by City staff through the CEQA review process and through review of the project's consistency with the Environmentally Sensitive Lands (ESL) regulations, the Biology Guidelines (2018) and with the City's

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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MSCP Subarea Plan (1997). Before a determination of the significance of an impact can be made, the presence and nature of the biological resources must be established. The City has established a two-step process that: (1) provides guidance to determine the extent of biological resources and values present on the site; and (2) based on the findings of Step 1, if significant biological resources are present, then a survey to determine the nature and extent of the biological resources on the site is warranted.

The project proposes replacement of an existing residence and the development of a new residence on a currently vacant parcel. The vacant parcel has been previously graded to address a previous slope failure. The site does not contain or support Environmentally Sensitive Lands (ESL) as defined by the Biology Guidelines of the City's Land Development Manual. The site does not contain native or sensitive plant species, wildlife species, or vegetation communities; wetlands that would be expected to support special status wildlife species; or lands classified as Tier I, Tier II, Tier IIIA, or Tier IIIB Habitats.

Due to the site lacking resources, implementation of the project would not have a substantial adverse effect on candidate, sensitive, or special-status species as identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. No impact would result due to implementation of the project.

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| b) Have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Please see response IV(a) above. The project would not have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. No impacts would occur.

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| c) Have a substantial adverse effect on federally protected wetlands as defined by section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Please see response IV(a) above. The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. No impacts would occur.

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| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Please see response IV(a) above. The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. No impacts would occur.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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The project is consistent with the City's Biology Guidelines (2018) and ESL Regulations; no conflict with local policies or ordinances protecting biological resources would occur.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

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Please see response IV(a) above. The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No impacts would occur.

V. CULTURAL RESOURCES – Would the project:

- a) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?

☐
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Archaeological Resources

The project site is in an area known to contain sensitive archaeological resources and is located on the City's Historical Sensitivity map. Therefore, a record search of the California Historic Resources Information System (CHRIS) digital database was reviewed by qualified archaeological City staff to determine presence or absence of potential resources within the project site. The CHRIS search did not identify any archaeological resources within or adjacent to the site. In addition, an archaeological resources survey was performed in April 2019 (Cultural Resource Survey for the Lys Residence and the Jamz Treehouse Residence Project, Laguna Mountain Environmental, Inc., April 2019). The survey found no cultural resources but due to limited visibility the survey recommended monitoring.

While the CHRIS search was negative and survey was negative, based on the amount of grading proposed and the limited visibility during the survey, there is a potential for the project to impact buried archaeological resources and mitigation measures related to Cultural Resources

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(Archaeology) are required. All potential impacts related to the presence of archeological resources at the site would be reduced and addressed through the purview of a qualified Archaeologist and Native American monitor. Monitoring by this individual would occur at all stages of ground-disturbing activities at the site. Furthermore, a Mitigation, Monitoring, and Reporting Program (MMRP), as detailed within Section V of the Mitigated Negative Declaration (MND), would be implemented to address this issue specifically. With implementation of the cultural resources monitoring program, potential impacts on historical resources would be reduced to less than significant.

Built Environment

The City reviews projects requiring the demolition of structures 45 years or older for historic significance in compliance with CEQA. Historic property (built environment) surveys are required for properties which are 45 years of age or older and which have integrity of setting, location, design, materials, workmanship, feeling and association. In accordance with CEQA and San Diego Municipal Code Section 143.0212 the proposed project site underwent historic review by Plan Historic staff in August 2019.

Based on this review Plan Historic staff determined that the property does not meet local designation criteria as an individually significant resource under any adopted HRB Criteria. This determination is good for five years from this date unless new information is provided that speaks to the building's eligibility for designation. Therefore, no historical research report was required at this time and the project as proposed has no potential to impact any unique or non-unique historical resources. No impacts to the built environment would occur.

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| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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Refer to response V (a) above.

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| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project site is underlain by the Cabrillo, Mount Soledad, and Ardath Shale formations. The Cabrillo and Mount Soledad Formations are assigned a moderate sensitivity for paleontological resources. The Ardath Shale Formation is assigned a high sensitivity for paleontological resources. In high sensitivity areas grading in excess of 1000 cubic yards and 10 feet in depth requires

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paleontological monitoring. In moderate sensitivity the threshold is grading in excess of 2000 cubic yards and 10 feet in depth.

According to submitted grading quantities the proposed project would exceed these thresholds. Grading on Parcel A would be 3,800 cubic yards to a depth of 12.5 feet. grading on Parcel B would be 2,140 cubic yards to a depth of 10.51 feet. paleontological monitoring will therefore be required.

Paleontological monitoring will become a requirement of the permit. Regulatory compliance will reduce impacts to paleontological resources to below a level of significance.

On Thursday, February 7, 2019, the California Coastal Commission certified the 11th Update to the Land Development Code which included Ordinance-20919. This ordinance is an Ordinance Amending Chapter 14, Article 2, Division 1 of the San Diego Municipal Code by Amending Section 142.0101, Amending Section 142.0130 by Amending the Editors Note, and adding new Section 142.0151, Relating to Paleontological Resources and Grading Proposed as Part of the 11th Update to the Land Development Code. Therefore, impacts to Paleontological Resources will remain below a level of significance through regulatory compliance with 0-20919. The requirement for monitoring will be included as conditions of the permit as opposed to mitigation in the environmental document. Impacts would be less than significant.

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| d) Disturb human remains, including those interred outside of dedicated cemeteries? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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Section IV of the MMRP contains provisions for the discovery of human remains. If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken. Based upon the required mitigation measure impacts would be less than significant.

VI. ENERGY – Would the project:

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| a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The proposed project would be required to meet energy standards of the current California Energy Code (Title 24). In addition, the proposed project would be conditioned to meet building design measures per City code that incorporate energy conservation features (window treatments, efficient HVAC systems etc). The project would also be required to implement CAP strategies which are energy reducing (cool roof, etc.). The proposed project is two single dwelling units which would not have any out of the ordinary energy consumption. Less than significant impact.

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| b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The proposed project is consistent with the General Plan and Community Plan land use designations. Please refer to VI(b) for further information on energy efficiency strategies.

VII. GEOLOGY AND SOILS – Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
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|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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The project is not located within an Alquist-Priolo Fault Zone. In addition, the project submitted a Geotechnical Report (Proposed Residences, 7248 Encelia Drive and 7231 Romero Drive, San Diego, California, prepared by SCST, dated December 2019) that has been reviewed by City Geology staff. Per staff review, the geotechnical consultant has adequately addressed the soil and geologic conditions potentially affecting the proposed project. Furthermore, the project would be required to comply with seismic requirement of the California Building Code, utilize proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, in order to ensure that potential impacts based on regional geologic hazards would remain less than significant and mitigation is not required.

- ii) Strong seismic ground shaking?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Refer to response VII (a). The site could be affected by seismic activity as a result of earthquakes on major active faults located throughout the Southern California area. The project would utilize proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, in order to ensure that potential impacts from regional geologic hazards would remain less than significant and mitigation is not required.

- iii) Seismic-related ground failure, including liquefaction?
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Refer to response VII (a). Liquefaction occurs when loose, unconsolidated, water-laden soils are subject to shaking, causing the soils to lose cohesion. Implementation of the project would not result in an increase in the potential for seismic-related ground failure, including liquefaction. Impacts would be less than significant.

- iv) Landslides?
- | | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Refer to response VII (a). A previous slope failure did occur on Parcel B (7231 Romero). The impacts due to this slope failure have already been stabilized via emergency Coastal Development Permit in

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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2014. The Geotechnical and Fault Rupture Hazard Investigation undertaken by SCST, LLC notes that the previous slope failure was the result of previous grading operations undertaken by the previous owner. The slope failure was stabilized as noted above and the SCST LLC report notes that they found no evidence of recent landslides or slope instabilities since that stabilization. Furthermore, staff reviewed the USGS U.S. Landslide Inventory (<https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=ae120962f459434b8c904b456c82669d>) which demonstrated that the project site is not mapped within a landslide zone and no landslides have been identified within the site or in the immediate vicinity. No impact would occur.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to response VII (a). The project includes a landscape plan that has been reviewed and approved by City staff that precludes erosion of topsoil. In addition, standard construction BMPs necessary to comply with SDMC Grading Regulations (Chapter 14, Article 2, Division 1) would be in place to ensure that the project would not result in a substantial amount of topsoil erosion. Impacts would be less than significant.

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| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Refer to response VII (a). Proper engineering design and utilization of standard construction practices would be verified at the construction permitting stage and would ensure that impacts in this category would not occur.

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| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The proposed project is located on Olivenhain cobbly loam soil. This soil is not defined as expansive. No impacts would occur. Furthermore, proper engineering design and utilization of standard construction practices would be verified at the construction permitting stage and would ensure that impacts in this category would not occur.

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| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The proposed project does not propose the use of septic tanks or alternative water disposal systems. No impacts would occur.

VIII. GREENHOUSE GAS EMISSIONS – Would the project:

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

On July 12, 2016, the City of San Diego adopted the Climate Action Plan (CAP) Consistency Checklist, which requires all projects subject to discretionary review to demonstrate consistency with the Climate Action Plan.

The CAP is a plan for the reduction of GHG emissions in accordance with CEQA Guidelines Section 15183.5. Pursuant to CEQA Guidelines Sections 15604 (h) (3), 15130 (d), and 15183 (b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the CAP.

Projects that are consistent with the CAP as determined through the use of this Checklist may rely on the CAP for the cumulative impacts of GHG emissions.

The submitted Climate Action Plan (CAP) Consistency Checklist was reviewed by EAS staff and found to be acceptable. The CAP Consistency Checklist includes a three-step process to determine project if the project would result in a GHG impact. Step 1 consists of an evaluation to determine the project's consistency with existing General Plan, Community Plan, and zoning designations for the site. Step 2 consists of an evaluation of the project's design features compliance with the CAP strategies. Step 3 is only applicable if a project is not consistent with the land use and/or zone, but is also in a transit priority area to allow for more intensive development than assumed in the CAP.

Under Step 1 of the CAP Consistency Checklist, the project is consistent with the existing General Plan and La Jolla Community Plan land use designations and zoning for the site. Therefore, the project is consistent with the growth projections and land use assumptions used in the CAP. Furthermore, completion of Step 2 of the CAP Consistency Checklist demonstrates that the project would be consistent with applicable strategies and actions for reducing GHG emissions. This includes project features consistent with the energy and water efficient buildings strategy, as well as bicycling, walking, transit, and land use strategy. These project features would be assured as a condition of project approval. Thus, the project is consistent with the CAP. Step 3 of the CAP Consistency Checklist would not be applicable, as the project is not proposing a land use amendment or a rezone.

Based on the project's consistency with the City's CAP Consistency Checklist, the project's contribution of GHGs to cumulative statewide emissions would be less than cumulatively considerable. Therefore, the project's direct and cumulative GHG emissions would have a less than significant impact on the environment.

b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project would not conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of GHGs. The project is consistent with the existing General Plan and Community Plan land use and zoning designations. Further based upon review and evaluation of the

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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completed CAP Consistency Checklist for the project, the project is consistent with the applicable strategies and actions of the CAP. Therefore, the project would be consistent with the assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets. Impacts would be less than significant.

IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The City's Thresholds states that significant impacts may occur if a project proposes the handling, storage and treatment of hazardous materials.

Construction activities for the project would involve the use of potentially hazardous materials including vehicle fuels, oils, transmission fluids, paint, adhesives, surface coatings and other finishing materials, cleaning solvents, and pesticides for landscaping purposes. However, the use of these hazardous materials would be temporary, and all potentially hazardous materials would be stored, used, and disposed of in accordance with manufacturers' specifications, applicable federal, state, and local health and safety regulations. As such, impacts associated with the transport, use, or disposal of hazardous materials would be less than significant during construction.

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| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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The City's Thresholds state that project sites on or near known contamination sources and/ or that meet one or more of the following criteria may result in a significant impact:

- A project is located within 1,000 feet of a known contamination site;
- A project is located within 2,000 feet of a known "border zone property" (also known as a "Superfund" site) or a hazardous waste property subject to corrective action pursuant to the Health and Safety Code;
- The project has a closed Department of Environmental Health (DEH) site file;
- A project is located in Centre City San Diego, Barrio Logan, or other areas known or suspected to contain contamination sites;
- A project is located on or near an active or former landfill;
- A project is located on properties historically developed with industrial or commercial uses which involved dewatering (the removal of groundwater during excavation), in conjunction with major excavation in an area with high groundwater;

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- A project is located in a designated airport influence area and where the Federal Aviation Administration (FAA) has reached a determination of "hazard" through FAA Form 7460-1, "Notice of Proposed Construction or Alteration" , inconsistent with an Airport's Land Use Compatibility Plan (ACLUP), within the boundaries of an Airport Land Use Plan (ALP), or two nautical miles of a public or public use airport; or
- A project is located on a site presently or previously used for agricultural purposes.

The project site does not meet any of the criteria outlined in the City's Thresholds stated above. The project site was not listed in any of the databases for hazardous materials including being listed in the State Water Resources Control Board GeoTracker system, which includes leaking underground fuel tank sites inclusive of spills, leaks, investigations, and cleanups Program or the Department of Toxic Substances Control EnviroStor Data Management System, which includes CORTESE sites. Impacts would be less than significant.

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| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The City's Thresholds states that significant impacts may occur if a project proposes the handling, storage and treatment of hazardous materials. The proposed project location is not within one-quarter mile of an existing or proposed school. Therefore, project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impact would result.

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| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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See VIII(b) above for applicable City Threshold related to listed hazardous materials sites. A hazardous waste site records search was completed in February 2019 using Geotracker <https://geotracker.waterboards.ca.gov/>. The records search showed that no hazardous waste sites exist onsite or in the surrounding area. No impacts would result.

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| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two mile of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The City's Thresholds state that a project may result in a significant impact if it is located in a designated airport influence area and where the FAA has reached a determination of "hazard" through FAA Form 7460-1, "Notice of Proposed Construction or Alteration", inconsistent with an Airport's Land Use Compatibility Plan (ACLUP), within the boundaries of an Airport Land Use Plan (ALP), or two nautical miles of a public or public use airport.

The project is not located in a Safety Zone of the adopted 2014 Airport Land Use Compatibility Plan (ALUCP); therefore, the use and density are consistent with the ALUCP. The project would not result in a safety hazard for people residing or working in the project area. No impacts would occur.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The proposed project is not located within the vicinity of a private airstrip. No impacts would result.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The proposed project is residential development in an established neighborhood. It would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impacts would result.

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| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project site is not located adjacent to wildlands or where residences are intermixed with wildlands. It would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. No impact would result.

X. HYDROLOGY AND WATER QUALITY - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project would comply with all storm water quality standards during and after construction, and appropriate Best Management Practices (BMP's) will be utilized and provided for on-site. Implementation of these BMP's would preclude any violations of existing standards and discharge regulations. This will be addressed through the project's Conditions of Approval; therefore, impacts would be less than significant, and no mitigation measures are required.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project does not require the construction of wells. The construction of the project may generate an incremental use of water, but it would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Impacts would be less than significant.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project would not substantially alter the existing drainage pattern of the site or the area. Streams or rivers do not occur on or adjacent to the site. Although grading is proposed, the project would implement on-site BMPs, therefore ensuring that substantial erosion or siltation on- or off-site would not occur. Impacts would be less than significant, and no mitigation measures are required.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project would implement low impact development principles ensuring that a substantial increase in the rate or amount of surface runoff resulting in flooding on or off-site, or a substantial alteration to the existing drainage pattern would not occur. Streams or rivers do not occur on or adjacent to the project site. Impacts would be less than significant, and no mitigation measures are required.

e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project would not introduce any new conditions that would create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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The project would comply with all City storm water quality standards during and after construction. Appropriate BMP's would be implemented to ensure that water quality is not degraded. Impacts would be less than significant, and no mitigation measures are required.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not place housing within a 100-year flood hazard as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. No impacts would result.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

See Response (IX) (g). No impacts would result.

XI. LAND USE AND PLANNING – Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project is consistent with the General Plan and La Jolla Community Plan land use designation. The project site is located within a developed residential neighborhood and surrounded by similar residential development. The development of two dwelling units would not affect adjacent properties and is consistent with surrounding land uses. Therefore, the project would not physically divide an established community. No impact would result due to implementation of the project.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

See response XI(a) above. The project is compatible with the area designated for residential development by the General Plan and Community Plan and is consistent with the existing underlying zone and surrounding land uses. Construction of the project would occur within an urbanized

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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neighborhood with similar development. Furthermore, the project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan community plan, or zoning ordinance) adopted for avoiding or mitigating an environmental effect. No conflict would occur and this, no impacts would result.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

As previously discussed in Section IV, although the proposed project is not within the MHPA, the project would be consistent with all relevant goals and policies regarding the preservation and protection of biological resources, as outlined in the City's MSCP. The proposed project does not have the potential to conflict with any habitat conservation plans. In addition, implementation of the project would be consistent with all biological resources policies outlined in the General Plan, La Jolla Community Plan and Local Coastal Land Use Plan. Implementation of the project would not conflict with any applicable plans, and no impact would occur.

XII. MINERAL RESOURCES – Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not result in the loss of availability of a known mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

XIII. NOISE – Would the project result in:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The City's Thresholds identify that a significant impact would occur if:

Traffic generated noise would result in noise levels that exceed a 45 weighted decibel (dB) Community Noise Equivalent Level (CNEL) interior of 65 dB CNEL exterior for single- and multi-family land uses, 75 dB exterior for office, churches, and professional uses, and 75 dB exterior for commercial land uses.

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- A project which would generate noise levels at the property line which exceed the City's Noise Ordinance Standards is also considered a potentially significant impact. Additionally, Temporary construction noise which exceeds 75 dB (A) L_{EQ} at a sensitive receptor would be considered significant.
- Temporary construction noise which exceeds 75 dB (A) L_{eq} at a sensitive receptor. Construction noise levels measured at or beyond the property lines of any property zoned residential shall not exceed an average sound level greater than 75-decibels (dB) during the 12-hour period from 7:00 a.m. to 7:00 p.m. In addition, construction activity is prohibited between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, that would create disturbing, excessive, or offensive noise unless a permit has been applied for and granted beforehand by the Noise Abatement and Control Administrator, in conformance with San Diego Municipal Code Section 59.5.0404.
- If noise levels during the breeding season for the California gnatcatcher, least Bell's vireo, southern willow flycatcher, least tern, cactus wren, tricolored blackbird or western snowy plover would exceed 60dB(A) or existing ambient noise level if above 60dB(A).

None of the above apply.

The project would not result in the generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Any short-term noise impacts related to construction activities would be required to comply with the construction hours specified in the City's Municipal Code (Section 59.5.0404, Construction Noise), which are intended to reduce potential adverse effects resulting from construction noise. Impacts remain less than significant.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Generation of, excessive ground borne vibration or ground borne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

See response XII (a) above. Potential short-term effects from construction noise would be reduced through compliance with City restrictions. No significant long-term impacts would occur, and no mitigation measures are required. Impacts remain less than significant.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

See response XII (a) above. Potential short-term effects from construction noise would be reduced through compliance with City restrictions. No significant long-term impacts would occur, and no mitigation measures are required. Impacts remain less than significant.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) A substantial temporary or periodic increase in ambient noise levels in the | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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project vicinity above existing without the project?

See response XII (a) above. Potential short-term effects from construction noise would be reduced through compliance with City restrictions. No significant long-term impacts would occur, and no mitigation measures are required. Impacts remain less than significant.

- e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport would the project expose people residing or working in the area to excessive noise levels?

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The project is not located within an airport land use plan. No public airport is within 2 miles of the project site. The project would not expose people residing or working in the area to excessive noise levels. No impacts would result from the project.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

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The proposed project is not located within the vicinity of a private airstrip. The proposed project would not expose people residing or working in the project area to excessive noise levels. No impacts would result from the project.

XIV. POPULATION AND HOUSING – Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

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The proposed project is replacing an existing dwelling unit with a new dwelling unit. An additional new dwelling unit would be constructed, but the construction of one new unit would not induce substantial population growth. Infrastructure already exists on the project site to account for both dwelling units. Impacts remain less than significant.

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

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The proposed project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. The proposed project would result in the

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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replacement of one dwelling unit and the construction of a new dwelling unit on a currently vacant parcel. Therefore, the result of the project is a net addition to available housing.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The replacement of an existing dwelling unit and the construction of a new dwelling unit on a vacant lot would not displace substantial numbers of people. New construction of replacement housing elsewhere would not occur.

XV. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service rations, response times or other performance objectives for any of the public services:

- | | | | | |
|--------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| i) Fire protection | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project site is located in an urbanized and developed area where fire protection services are already provided. The proposed project would not require the construction of new fire protection facilities.

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|-----------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| ii) Police protection | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project site is located in an urbanized and developed area within the City of San Diego where police protection services are already provided. The proposed project would not require the construction of new police protection facilities.

- | | | | | |
|--------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| iii) Schools | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not affect existing levels of public services and would not require the construction or expansion of a school facility. The project site is located in an urbanized and developed area where public school services are available. The project would not significantly increase the demand on public schools over that which currently exists and is not anticipated to result in a significant increase in demand for public educational services.

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|-----------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| iv) Parks | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project site is located in an urbanized and developed area where City-operated parks are available. The project would not significantly increase the demand on existing neighborhood or regional parks or other recreational facilities over that which presently exists and is not anticipated to result in a significant increase in demand for parks or other offsite recreational facilities.

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|----------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| v) Other public facilities | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project site is located in an urbanized and developed area where City services are already available. The project would not adversely affect existing levels of public services and not require the construction or expansion of an existing governmental facility. Therefore, no new public facilities beyond existing conditions would be required.

XVI. RECREATION

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project ~~is not~~ would not construction recreational facilities, ~~nor~~ and does it require the expansion of recreation facilities.

XVII. TRANSPORTATION/TRAFFIC – Would the project?

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project or plan/policy conflict with an adopted program, plan, ordinance or policy addressing the transportation system, including transit, roadways, bicycle and pedestrian facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The construction of two dwelling units would not change road patterns or congestion. The project would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account of all modes transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. In addition, the project would not require the redesign of streets, traffic signals, stop signs, striping or any other changes to the existing roadways or existing public transportation routes or types are necessary. No impact would result due to implementation of the project.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Would the project or plan/policy result in VMT exceeding thresholds identified in the City of San Diego Transportation Study Manual? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The proposed project is the development of two dwelling units and would not result in VMT exceeding thresholds identified in the City of San Diego Transportation Study Manual.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Would the project or plan/policy substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The proposed project would not substantially increase hazards due to a design feature or incompatible uses.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not result in inadequate emergency access.

XVIII. TRIBAL CULTURAL RESOURCES – Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project is the replacement of an existing dwelling unit with a new dwelling unit and construction of an additional dwelling unit. The existing dwelling unit is not listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).

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|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Assembly Bill 52 (AB 52) requires as part of CEQA, evaluation of tribal cultural resources, notification of tribes, and opportunity for tribes to request a consultation regarding impacts to tribal cultural resources when a project is determined to require a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report under CEQA. In compliance with AB-52, the City notified

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all tribes that have previously requested such notification for projects within the City of San Diego. On August 7, 2019 the City of San Diego received a letter of interest from Iipay Nation of Santa Ysabel and the Jamul Indian Village requesting to engage with the City for the purposes of AB 52. In order to implement AB 52 consultation, the City of San Diego Development Services Department (DSD), the Jamul Indian Village, and the Iipay Nation of Santa Ysabel engaged in consultation for the project. Through this consultation process, it was determined no additional mitigation measures were needed to address this issue area in addition to what had already been recommended for the project which will be incorporated into the Mitigation, Monitoring, and Reporting Program (MMRP).

XIX. UTILITIES AND SERVICE SYSTEMS – Would the project:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Implementation of the project would not interrupt existing sewer service to the project site or other surrounding uses. No increase in demand for wastewater disposal or treatment would be created by the project, as compared to current conditions. The project is not anticipated to generate significant amounts of wastewater. Wastewater treatment facilities used by the project would be operated in accordance with the applicable wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB). Additionally, the project site is in an urbanized and developed area. Adequate services are already available to serve the project and no mitigation measures are required. No impact would result due to implementation of the project.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

This project would not result in an increase in the intensity of the use and would not be required to construct a new water or wastewater treatment facility. No impact would result due to implementation of the project.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not exceed the capacity of the existing storm water drainage systems and therefore, would not require construction of new or expansion of existing storm water drainage facilities of which could cause significant environmental effects. The project was reviewed by qualified City staff who determined that the existing facilities are adequately sized to accommodate the proposed development. No impact would result due to implementation of the project.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Have sufficient water supplies available to serve the project from existing | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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entitlements and resources, or are new or expanded entitlements needed?

The project does not meet the CEQA significance threshold that would require the preparation of a water supply assessment. The existing project site currently receives water service from the City, and adequate services are available to serve the proposed residential project without required new or expanded entitlements. No impact would result due to implementation of the project.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Construction of the project would not adversely affect existing wastewater treatment services. Adequate services are available to serve the project site without required new or expanded entitlements. Impacts would be less than significant, and no mitigation measures are required.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

All construction waste from the project site would be transported to an appropriate facility, which would have adequate capacity to accept the limited amount of waste that would be generated by the project. Long-term operation of the proposed residential unity units is anticipated to generate typical amounts of solid waste associated with residential use. Furthermore, the project would be required to comply with the City's Municipal Code for diversion of both construction waste during the demolition phase and solid waste during the long-term, operational phase. Impacts would be less than significant.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Comply with federal, state, and local statutes and regulation related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would comply with all Federal, State, and local statutes and regulations related to solid waste. The project would not result in the generation of large amounts of solid waste, nor would it generate or require the transportation of hazardous waste materials. All demolition activities would comply with City of San Diego requirements for diversion of both construction waste during the demolition phase and solid waste during the long-term, operation phase. No impact would result due to implementation of the proposed project.

XX. WILDFIRE – Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Substantially impair an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The City of San Diego participates in the San Diego County Multi-Jurisdictional Hazard Mitigation Plan. The project complies with the General Plan and is consistent with the La Jolla Community Plan's land use and the Land Development Code's zoning designation. The project is in an urbanized area of San Diego and construction of two dwelling units in the place of one existing dwelling unit would not disrupt any emergency evacuation routes as identified in the Hazard Mitigation Plan. Therefore, the project would have a less-than-significant impact on an emergency response and evacuation plan during construction and operation.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project is in an urbanized neighborhood of similar residential development. The proposed project is in a high fire severity zone. However, the proposed project is surrounded by existing development with no wildlands near the site. Due to the location of the project, the project would not have the potential to expose occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. Therefore, impacts would remain below a level of significance.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project is in a residential neighborhood with similar development. The site is currently serviced by existing infrastructure which would service the site after construction is completed. No new construction of roads, fuel breaks, emergency water sources, power lines, or other utilities would be constructed that would exacerbate fire risk, therefore impacts would be less-than significant.

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|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to response XX (b) above. Additionally, the project would comply with the City's appropriate Best Management Practices (BMP) for drainage and would not expose people or structures to significant risks as a result of run-off, post-fire slope instability, or drainage changes. Therefore, less than-significant impact would result.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XXI. MANDATORY FINDINGS OF SIGNIFICANCE –

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

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This analysis has determined that, although there is the potential of significant impacts related to Cultural Resources (Archaeology) and Tribal Cultural Resources. As such, mitigation measures included in this document would reduce these potential impacts to a less than significant level as outlined within the Mitigated Negative Declaration. Therefore, with mitigation incorporated, the project would not degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

- b) Does the project have impacts that are individually limited but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

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As documented in this Initial Study, the project may have the potential to degrade the quality of the environment, notably with respect to Cultural Resources (Archaeology) and Tribal Cultural Resources, which may have cumulatively considerable impacts. As such, mitigation measures have been incorporated to reduce impacts to less than significant. Other future projects within the surrounding neighborhood or community would be required to comply with applicable local, State, and Federal regulations to reduce the potential impacts to less than significant, or to the extent possible. As such, the project is not anticipated to contribute to potentially significant cumulative environmental impacts.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The project is consistent with the environmental setting and with the use as anticipated by the City. Based on the analysis presented above, implementation of the mitigation measures would reduce environmental impacts such that no substantial adverse effects on humans would occur.

INITIAL STUDY CHECKLIST

REFERENCES

I. Aesthetics / Neighborhood Character

- ☒ City of San Diego General Plan
- ☒ Community Plans: La Jolla Community Plan

II. Agricultural Resources & Forest Resources

- ☐ City of San Diego General Plan
- ☐ U.S. Department of Agriculture, Soil Survey - San Diego Area, California, Part I and II, 1973
- ☐ California Agricultural Land Evaluation and Site Assessment Model (1997)
- ☐ Site Specific Report:

III. Air Quality

- ☐ California Clean Air Act Guidelines (Indirect Source Control Programs) 1990
- ☒ Regional Air Quality Strategies (RAQS) - APCD
- ☐ Site Specific Report:

IV. Biology

- ☒ City of San Diego, Multiple Species Conservation Program (MSCP), Subarea Plan, 1997
- ☒ City of San Diego, MSCP, "Vegetation Communities with Sensitive Species and Vernal Pools" Maps, 1996
- ☒ City of San Diego, MSCP, "Multiple Habitat Planning Area" maps, 1997
- ☐ Community Plan - Resource Element
- ☐ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered, Threatened, and Rare Plants of California," January 2001
- ☐ California Department of Fish and Game, California Natural Diversity Database, "State and Federally-listed Endangered and Threatened Animals of California," January 2001
- ☒ City of San Diego Land Development Code Biology Guidelines
- ☒ Site Specific Report: Biological Technical Report for the Foxhill Project, San Diego California, prepared by Leopold Biological Services., April 2021

V. Cultural Resources (includes Historical Resources and Built Environment)

- ☒ City of San Diego Historical Resources Guidelines
- ☐ City of San Diego Archaeology Library
- ☐ Historical Resources Board List
- ☐ Community Historical Survey:
- ☐ Site Specific Report:

VI. Geology/Soils

- ☐ City of San Diego Seismic Safety Study
- ☐ U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975
- ☐ Site Specific Report:

VII. Greenhouse Gas Emissions

- ☐ Site Specific Report:

VIII. Hazards and Hazardous Materials

- ☐ San Diego County Hazardous Materials Environmental Assessment Listing
☐ San Diego County Hazardous Materials Management Division
☐ FAA Determination
☐ State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized
☐ Airport Land Use Compatibility Plan
☐ Site Specific Report:

IX. Hydrology/Drainage

- ☐ Flood Insurance Rate Map (FIRM)
☐ Federal Emergency Management Agency (FEMA), National Flood Insurance Program-Flood Boundary and Floodway Map
☐ Clean Water Act Section 303(b) list, http://www.swrcb.ca.gov/tmdl/303d_lists.html
☐ Site Specific Report:

X. Land Use and Planning

- ☒ City of San Diego General Plan
☒ Community Plan
☐ Airport Land Use Compatibility Plan
☒ City of San Diego Zoning Maps
☐ FAA Determination:
☐ Other Plans:

XI. Mineral Resources

- ☐ California Department of Conservation - Division of Mines and Geology, Mineral Land Classification
☐ Division of Mines and Geology, Special Report 153 - Significant Resources Maps
☐ City of San Diego General Plan: Conservation Element
☐ Site Specific Report:

XII. Noise

- ☐ City of San Diego General Plan
☐ Community Plan
☒ San Diego International Airport - Lindbergh Field CNEL Maps
☐ Brown Field Airport Master Plan CNEL Maps
☐ Montgomery Field CNEL Maps
☐ San Diego Association of Governments - San Diego Regional Average Weekday Traffic Volumes
☐ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG
☐ Site Specific Report:

XIII. Paleontological Resources

- ☒ City of San Diego Paleontological Guidelines
- ☐ Deméré, Thomas A., and Stephen L. Walsh, "Paleontological Resources City of San Diego," Department of Paleontology San Diego Natural History Museum, 1996
- ☐ Kennedy, Michael P., and Gary L. Peterson, "Geology of the San Diego Metropolitan Area, California. Del Mar, La Jolla, Point Loma, La Mesa, Poway, and SW 1/4 Escondido 7 1/2 Minute Quadrangles," *California Division of Mines and Geology Bulletin* 200, Sacramento, 1975
- ☐ Kennedy, Michael P., and Siang S. Tan, "Geology of National City, Imperial Beach and Otay Mesa Quadrangles, Southern San Diego Metropolitan Area, California," Map Sheet 29, 1977
- ☐ Site Specific Report:

XIV. Population / Housing

- ☐ City of San Diego General Plan
- ☐ Community Plan
- ☐ Series 11/Series 12 Population Forecasts, SANDAG
- ☐ Other:

XV. Public Services

- ☐ City of San Diego General Plan
- ☐ Community Plan

XVI. Recreational Resources

- ☐ City of San Diego General Plan
- ☐ Community Plan
- ☐ Department of Park and Recreation
- ☐ City of San Diego - San Diego Regional Bicycling Map
- ☐ Additional Resources:

XVII. Transportation / Circulation

- ☐ City of San Diego General Plan
- ☐ Community Plan:
- ☐ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG
- ☐ San Diego Region Weekday Traffic Volumes, SANDAG
- ☐ Site Specific Report:

XVIII. Utilities

- ☐ Site Specific Report:

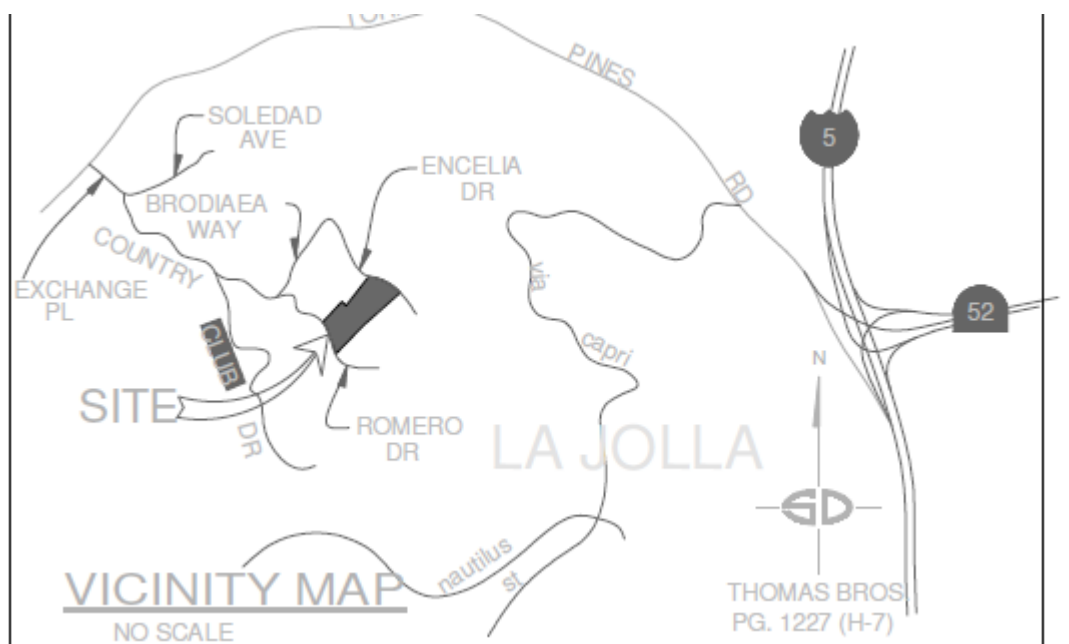
XIX. Water Conservation

- ☐ Sunset Magazine, *New Western Garden Book*, Rev. ed. Menlo Park, CA: Sunset Magazine

XX. Water Quality

- ☐ Clean Water Act Section 303(b) list, http://www.swrcb.ca.gov/tmdl/303d_lists.html
- ☐ Site Specific Report:

Revised: April 2021

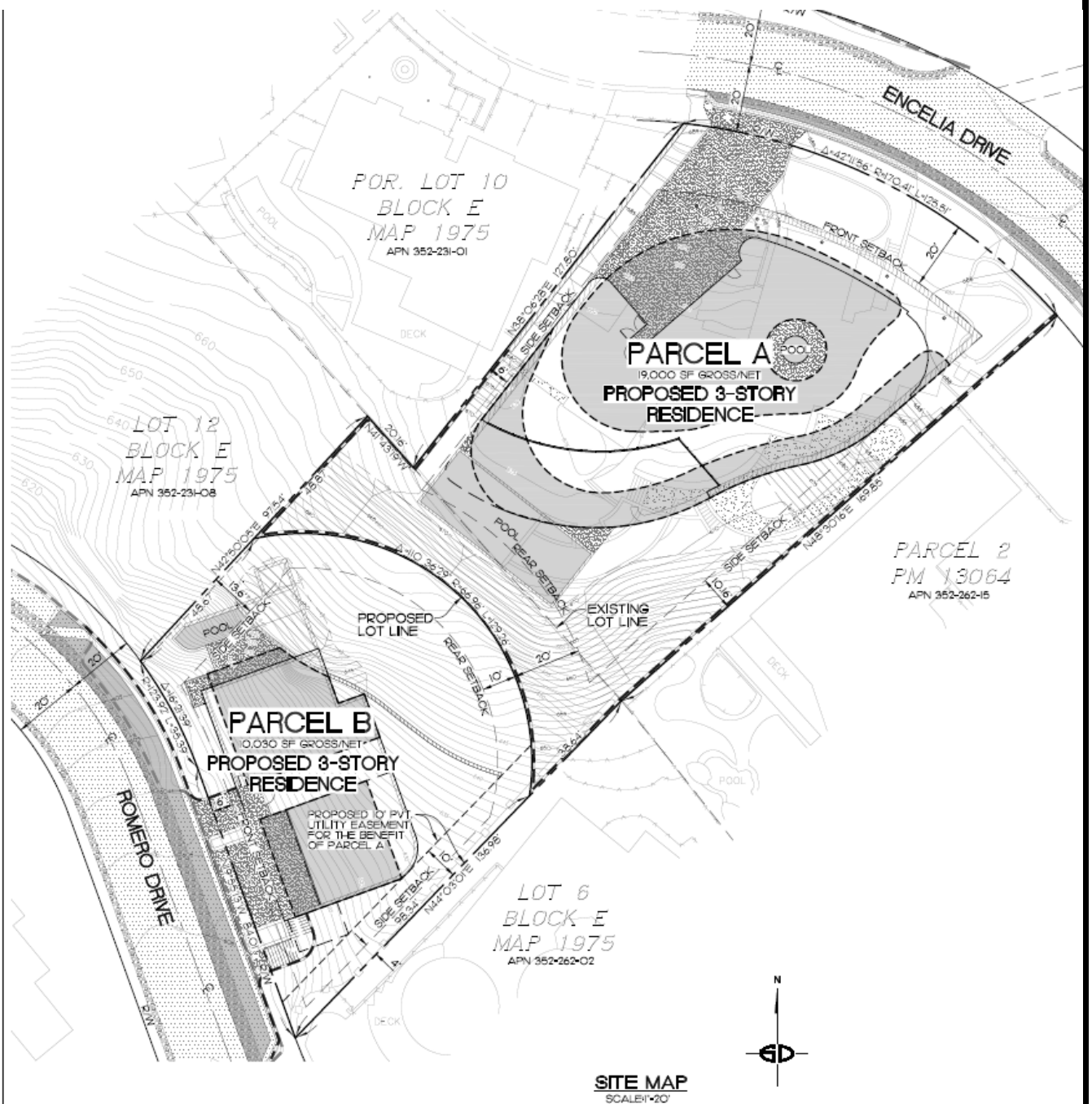


Location Map

7248 Encelia 7231 Romero CDP/Project No. 624464

City of San Diego – Development Services Department

FIGURE
No. 1



Site Plan

7248 Encelia 7231 Romero CDP/Project No. 624464

City of San Diego – Development Services Department

FIGURE

No. 2