



THE CITY OF SAN DIEGO

## MITIGATED NEGATIVE DECLARATION

Project No. 661815  
SCH No. 2020100370

**SUBJECT:**     **8423 El Paseo Grande CDP SDP:** The project requests a Coastal Development Permit (CDP) and Site Development Permit (SDP) to demolish an existing 1,528 square-foot single-family residence, and to construct a new 3,989 square-foot two-story single-family residence with a new attached 1,090 square-foot companion unit located at 8423 El Paseo Grande. The 0.12-acre site is designated Low Density Residential (5-9 du/ac) and is subject to the La Jolla Shores Planned District Single-Family Zone (LJSPD-SF) pursuant to the La Jolla Community Plan area. The project is also subject to the Coastal (Appealable) Overlay Zone, Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone (Beach & Coastal Impact), Residential Tandem Parking Overlay Zone, and Council District 1. (LEGAL DESCRIPTION: Lot 3, Block 38, Map No. 2147 of La Jolla Shores Subdivision)

**Update January 12, 2021**

Minor revisions have been made to the draft Mitigated Negative Declaration (MND). Revisions to the language would appear in ~~strikeout~~ and underline format. An item in the "Document Submittal/Inspection Checklist" table, in Section V (B) of the MMRP, not related to this project was removed. 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 of 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), 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:

<https://www.sandiego.gov/development-services/forms-publications/design-guidelines-templates>

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***

***Qualified 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) #661815 and /or Environmental Document #661815, 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:

<b>Document Submittal/Inspection Checklist</b>		
<b>Issue Area</b>	<b>Document Submittal</b>	<b>Associated Inspection/Approvals/Notes</b>
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to Preconstruction Meeting
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Cultural Resources (Archaeology)	Monitoring Report(s)	Archaeology/Historic Site Observation
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

### **C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS**

#### **HISTORICAL RESOURCES ARCHAEOLOGICAL and NATIVE AMERICAN MONITORING**

##### **I. Prior to Permit Issuance or Bid Opening/Bid Award**

###### **A. Entitlements Plan Check**

1. Prior to permit issuance or Bid Opening/Bid Award, 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. Prior to Bid Award, 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 ¼ 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. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)  
The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.

3. Identify Areas to be Monitored

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.

The AME shall be based on the results of a site-specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).

MMC shall notify the PI that the AME has been approved.

4. 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 conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.
5. Approval of AME and Construction Schedule  
After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

### III. During Construction

#### A. Monitor Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time 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) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM 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 Section 15064.5, 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.**

- (1). Note: For pipeline trenching and other linear projects in the public Right-of-Way, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."

- 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 no further work is required.

- (1). Note: For Pipeline Trenching and other linear projects in the public Right-of-Way, if the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.

- (2). Note, for Pipeline Trenching and other linear projects in the public Right-of-Way, if significance cannot be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources - Pipeline Trenching and other Linear Projects in the Public Right-of-Way

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities or for other linear project types within the Public Right-of-Way including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

1. Procedures for documentation, curation and reporting

- a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed



and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.

- b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
- c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
- d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

#### 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 provenience of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
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 granted access to the site, 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, the landowner shall reinter the human remains, and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance, THEN
  - c. 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; or
    - (3) Record a document with the County. The document shall be titled "Notice of Reinternment of Native American Remains" and shall include a legal description of the property, the name of the property owner, and the owner's acknowledged signature, in addition to any other information required by PRC 5097.98. The document shall be indexed as a notice under the name of the owner.
  - 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 the RE and 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. 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 via the RE 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 as a result of 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 or Pipeline Trenching Discovery Process 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 via the RE for revision or, for preparation of the Final Report.
  - 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE 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.
- 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. 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 C.
  3. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
  4. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
  5. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- 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 of the approved report.
  2. The RE shall, in no case, issue the Notice of Completion 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:

##### STATE AGENCIES

California Coastal Commission

##### CITY OF SAN DIEGO

Mayor's Office

Councilmember Barbara Bry, Council District 1

Development Services:

Development Project Manager

Engineering Review



Environmental Review  
Fire  
Geology  
Landscaping  
Long-Range Planning  
MSCP  
Planning Review  
Transportation  
MMC (77A)  
City Attorney's Office (93C)

#### OTHER ORGANIZATIONS AND INTERESTED PARTIES

Historical Resources Board (87)  
Carmen Lucas (206)  
South Coastal Information Center (210)  
San Diego Archaeological Center (212)  
Save Our Heritage Organization (214)  
Ron Christman (215)  
Clint Linton (215B)  
Frank Brown – Inter-Tribal Cultural Resources Council (216)  
Campo Band of Mission Indians (217)  
San Diego County Archaeological Society, Inc. (218)  
Kumeyaay Cultural Heritage Preservation (223)  
Kumeyaay Cultural Repatriation Committee (225)  
La Jolla Village News (271)  
La Jolla Shores Association (272)  
La Jolla Town Council (273)  
La Jolla Historical Society (274)  
La Jolla Community Planning (275)  
La Jolla Shores PDO Advisory Board (279)  
La Jolla Light (280)  
Patricia K. Miller (283)  
Jeff Davis  
Peggy Davis  
Ayelet Gneezy  
Uri Gneezy  
Kristine McNamara



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.



Sara Osborn, AICP  
Senior Planner  
Development Services Department

10-15-2020

Date of Draft Report

1-26-2021

Date of Final Report

Analyst: Rachael Ferrell

Attachments: Comment Letters and Responses  
Initial Study Checklist  
Figure 1 – Location Map  
Figure 2 – Site Plan



## **Draft MND 8423 El Paseo Grande CDP – Response to Comments**

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# Comment Letter A

# Response



www.MertenArchitect.com

PHILIP A. MERTEN AIA ARCHITECT

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November 15, 2020

Ms. Rachael Ferrell, Environmental Analyst  
City of San Diego  
Development Services Department  
Environmental Analysis Section  
1222 First Avenue, MS 501  
San Diego, CA 92101

Via Email: [DSDEAS@sanidiego.gov](mailto:DSDEAS@sanidiego.gov)

Re: DRAFT Mitigated Negative Declaration  
8423 El Paseo Grande  
Project No. 661815

Dear Ms. Ferrell and Ladies and Gentlemen of the Development Services Department,

I represent Doctors Uri and Ayelet Gneezy who reside immediately east and adjacent to the project referenced above.

On the Gneezy's behalf please consider the following reasons why certain conclusions in the DRAFT Mitigated Negative Declaration are erroneous.

**Section XI LAND USE AND PLANNING, paragraph b) of the Initial Study Checklist** (Page 32 of *dsd\_mitigated\_negative\_declaration\_4.pdf*) the 'No Impact' box has been checked;

## **XI. LAND USE AND PLANNING – Would the project:**

- a) Physically divide an established community? ☐ ☐ ☐ ☒

The project would construct a new single-family residence and a companion unit in the place of an existing single-family residence. The project is consistent with the General Plan and the La Jolla Community Plan's land use designation (Low Density Residential, 5-9 du/ac) and is within a previously developed lot with access to a public roadway. The project site is located within a developed residential neighborhood and surrounded by similar residential development. The project would not substantially change the nature of the surrounding area and would not introduce any barriers or project features that could physically divide the community. No impacts would result.

- 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? ☐ ☐ ☐ ☒

The project is consistent with the General Plan and the La Jolla Community Plan's land use designation which allows up to 5-9 dwelling units per acre. The project is located on a 0.12-acre lot and proposes one unit therefore it is consistent. The project also complies with the LJSFD-SF zoning requirements. Since there are no conflicts with the applicable land use plan, policy, or regulations, impacts would remain below a level of significance.

A-1

The comment is introductory in nature and does not address the adequacy of the environmental document.

A-2

Comment noted. See responses to comments A-4 through A-11 below.



# Comment Letter A (cont.)

# Response

Ms. Rachael Ferrell, Environmental Analyst  
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Page 2

A-2

The section states: 'The project complies with the LJSPD-SF zoning requirements. Since there are no conflicts with the applicable land use plan, policy or regulations...'

The Initial Study analysis and **conclusion are incorrect** because the proposed project **does not comply with the LJSPDO and does conflict with applicable Land Development Code Regulations in the following ways:**

## A. INSUFFICIENT SETBACKS:

A-3

The La Jolla Shores Planned District Ordinance states: 'Building and structure setbacks shall be in general conformity with those in the vicinity.' Vicinity is defined in Black's Law Dictionary as: "Quality or state on being near, or not remote: **nearness**; propinquity; proximity; a region about or **adjacent**;"

The existing development on the subject site as well as the existing adjacent development on both sides of the subject site have one story garage structures that come to within a few feet of their rear property lines. The Gneezy's home directly behind the subject property is set back 20 feet from common rear property line. The neighboring home directly north of the project is setback 11'-5" from the common side property line as depicted on the applicant's Site Plan drawing.

A-4

### A1. Insufficient North Side Yard Setback

Contrary to the existing side setback in the vicinity, the project proposes a two story Companion Unit, with a 0 and 4 foot side setback at the ground floor level and 4 foot and 6 foot side setback at the upper floor level; compared to 11'-5" on the adjacent property. The difference between the large existing setback on the north adjacent property and the very small proposed setback are clearly depicted in the perspective rendering on PDF pages 7, 11 and 13.

Contrary to the La Jolla Shores Planned District Ordinance, the proposed north side setbacks are clearly NOT in conformity with those in the vicinity (adjacent property).

### A2. Insufficient Rear Yard Setback at Second Floor Level

The existing one story garage is setback from the rear property line approximately one foot, which is the established rear yard setback. Contrary to the existing second story rear setbacks in the vicinity, the project proposes a two story Companion Unit, with an upper level rear setback of just 10 feet; compared to 20 feet for the two story dwelling on adjacent property in the vicinity. The significant difference between the large existing rear yard setback on the east adjacent property and the substantially smaller proposed rear setbacks are clearly depicted in the applicant's Site Plan and South Elevation drawings.

A-5

Contrary to the La Jolla Shores Planned District Ordinance, the proposed east rear yard second story setback is half of the existing setback in the vicinity (adjacent property), and therefore not in conformity with those in the vicinity.

The proposed zero and 4 foot side setbacks and 6 foot north side yard setbacks and 10 foot rear setback for the two story companion unit are not in general conformity with those in the vicinity, and therefore not in compliance with the La Jolla Shores Planned District Ordinance.

## B CHARACTER OF THE AREA

The General Design Regulations of the the La Jolla Shored Planned District Ordinance describe the:

A-6

### (a) Character of the Area

In this primarily single-family residential community, **a typical home is characterized by** extensive use of glass, shake or shingle overhanging roof, and a low, rambling silhouette. Patios, the atrium or enclosed courtyard, and

A-3 The commenter provides a definition of vicinity and a description of the existing conditions on site and adjacent to the site. Staff acknowledges the current conditions of the site and surrounding area.

A-4 The La Jolla Community Plan (LJCP Page 76) states, in order to regulate the scale of new development, apply the applicable development regulations which includes the LJSPDO (Coverage 60%, Structure height 30ft, Landscape 30%). There is also mention of regulating the scale of new development by applying setbacks requirements, building articulation, second story step backs, roofline treatment and variations within front yard setback requirements. These features are implemented within the proposal.

The La Jolla Shores Planned District Ordinance (LJSPDO) does not have an established minimum required front, side, or rear yard setback. Instead, the LJSPDO Municipal Code Section 1510.0304(b)(4) in the "Siting of Buildings" section states "Building & Structure setbacks shall be in general conformity with those in the vicinity." The project's front yard setback is 15 feet to 20 feet. The project proposes side yard setbacks within the area range from 1.5 – 9.5 feet within a minimum "average" of 3.5 feet for side yards. The project proposes a north side yard setback to the main house that ranges from 4.0 to 6.0 feet and a 0-foot side setback adjacent to the attached companion unit on the first floor. Section 1510.0304(b)(2) of the LJSPDO allows zero (0) foot side yard setbacks and the project would comply with this criteria. The proposed south side yard setbacks range from 4.0 to 24.3 feet, which is consistent with LJSPDO Municipal Code Section 1510.0304(b)(4).



## Comment Letter A (cont.)

## Response

The attached Accessory Dwelling Unit (ADU) is single story with no part of the primary dwelling above it. The second story of the primary residence is stepped back 10', adhering to the step back regulations of the LSPDO. The proposed project complies with the regulations of the LSPDO, and applicable land use plan policies and goals.

A-5      See response to comment A-4 above.

A-6      The comment is introductory in nature. The commenter provides descriptions of the design principles and the existing conditions. Please see response to comment A-7 below for how the project conforms to the design principles.



# Comment Letter A (cont.)

# Response

Ms. Rachael Ferrell, Environmental Analyst  
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Page 3

A-6

## B CHARACTER OF THE AREA (continued)

The existing one story home to be demolished does have a low rambling silhouette and currently conforms with the LJSPDO. But as depicted on applicant's PDF pages 7 and 11 the proposed silhouette is definitely not low and rambling.

### (b) Design Principle

Within the limitations implied above, originality and diversity in architecture are encouraged. The theme "unity with variety" shall be a guiding principle. Unity without variety means simple monotony; variety by itself is chaos. No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area.

The Design Principal Section of the LJSPDO which says: The proposed silhouette as viewed from the public right-of-way and from the public park across the street is high and box like, and so different in its high box like form and relationship to adjacent structures (height and side setbacks) that it will disrupt the architectural unity of the area. The proposed project does not conform to the Design Principal Section of the La Jolla Shores Planned District Ordinance.

## C. EXCESSIVE BULK AND SCALE

The Design Principal Section General Design Regulations of the La Jolla Shores Planned District Ordinance says: "... no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area." But contrary to that regulation, the project proposes a Floor Area Ratio (FAR) of 0.96, considerably greater in size than the existing FARs of properties in the vicinity. The maximum allowed FAR for a single family zoned parcel outside of the LJSPD is 0.60. The proposed FAR of 0.96 is 60 percent greater than would be allowed anywhere outside of the La Jolla Shores Planned District.

The applicant prepared a Floor Area Ratio exhibit (PDF page 17). The exhibit is an aerial view of La Jolla Shores neighborhood west of La Jolla Shores Drive. According to the exhibit the range of Floor Area Ratios depicted by the colored dots is based on 'DATA RECORDED FROM SCOUTRED WEBSITE ON 7/14/2020'. Unfortunately, the data from the SCOUTRED WEBSITE is not accurate, and the calculated FARs based on SCOUTRED data are not accurate.

For example, according to Island Architect's exhibit titled FAR LEGEND, the northern most beach front property on the list has a FAR greater than 1.0; which is patently false. I know this because I designed the remodel of the home at 8542 El Paseo Grande in the early 1990's. The existing property has an actual REAL gross floor area (GFA), measured in accordance with the SDMC, of 4,944 s.f. and a site area of 9,313 s.f. for a FAR of 0.53, definitely not greater than 1.0 as indicated on Island Architect's exhibit.

SCOUTRED's data likely comes from the San Diego County Assessor's Office. Unfortunately the County Assessor makes no distinction between below grade basement Livable Area, which is excluded from gross floor area by the SDMC, and above grade Livable Area. The Assessor combines both below grade and above grade areas into one Livable Area total. When SCOUTRED's data comes for the County Assessor, projects with basements will show a Livable Area far in excess of the actual gross floor area on the property per SDMC Sect. 113.0234; and the resultant Floor Area Ratios for projects with basements will be inflated above the REAL Floor Area Ratios per SDMC Sect. 113.0234.

A-7

A-7 Staff conducted a comprehensive review of the proposed development as it relates to bulk and scale to determine community character and compatibility with existing residential development. The La Jolla Shores Planned District Ordinance (LJSPDO) does not specify FAR or required setbacks, only maximum lot coverage (60 percent, 1510.0304). The new structure would result in a 49% coverage of the lot. A survey of the neighborhood shows a comparison of similar gross floor areas and building setbacks to the current proposal. Neighborhood surveys are used by staff as a guide for determining conformance of a proposed project with surrounding development. It is an established DSD review method/practice for Staff to consider all development within the survey area when determining character of the area, and bulk and scale. The survey is not a requirement of the LJSPDO or Community Plan and is to be used as a guide only. The development regulations and the Community Plan policies are the determining factors in the projects conformance.

Staff considers many factors when determining projects conformance, such as lot coverage, structure height, building setbacks, second story step backs, building articulation and offsetting plans.

The La Jolla Community Plan (LJCP Page 76) states, in order to regulate the scale of new development, apply the applicable development regulations which includes the LJSPDO (Coverage 60%, Structure height 30ft, Landscape 30%). There is also mention of regulating the scale of new development by applying setbacks requirements, building articulation, second story step backs, roofline treatment and variations within front yard setback requirements. These features are implemented within the proposal.



## Comment Letter A (cont.)

## Response

The bulk and scale of the proposed structure when viewed from the public right-of-way was also evaluated by staff. Staff determined the proposed structure is compatible in terms of bulk and scale with other structures in the neighborhood and would be consistent with the purpose and intent of the LJSPDO. The proposed exterior construction materials would be compatible with the neighborhood, as specified in the LJSPDO and the La Jolla Shores Design Manual.

The LJSPDO “Design Principle” theme is “unity with variety”, directing that no adjacent homes should be substantially alike nor should two adjacent homes be so different as to disrupt the architectural unity of the area. Unity and variety should not become monotonous or chaotic. The La Jolla Shores neighborhood is very diverse and comprised of structures with varied bulk, scale, forms, materials and color. The proposed structure’s overall form, bulk scale, exterior material and colors when viewed from the public right-of-away would be compatible with the varied architecture of the La Jolla Shores neighborhood.

The proposed project complies with the regulations of the LJSPDO, and applicable land use plan policies and goals.



# Comment Letter A (cont.)

# Response

Ms. Rachael Ferrell, Environmental Analyst  
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Page 4

A-7

## C. EXCESSIVE BULK AND SCALE (continued)

There are other existing homes with basements or partial basements in La Jolla Shores. The existing three homes at 8356, 8368, and 8374 Paseo Del Ocaso (green dots) some of which have partial basements and therefore have inflated SCOUTRED Livable Areas. Based on the few researched properties and the discrepancies between REAL data and SCOUTRED inflated data, the applicant's FAR exhibit is extremely misleading and should not be used in comparing or assessing the appropriateness of the proposed 0.96 FAR.

According to a tabulation submitted by the Applicant to the La Jolla Community Planning Association, of the 42 listed properties only 6 properties had Floor Area Ratios in excess of 0.70; and 5 of those properties are on Paseo Del Ocaso, away from La Jolla Shores Park. The sixth property in excess of FAR 0.70 is at 8405 El Paseo Grande with a FAR of 0.87. The proposed project has a FAR more than 10 percent greater than the largest FAR on El Paseo Grande.

Of the 13 properties listed on El Paseo Grande, the average FAR is 0.54.

Of the 42 properties listed the average FAR is 0.55.

Yet, the applicant proposes a revised project with a Floor Area Ratio (FAR) of 0.96, which is 74.5% greater than the average FAR listed.

Based on the information contained in the applicant's tabulation, it is reasonable to conclude that the current project is significantly larger in size relationship (FAR) that it will "disrupt the architectural unity of the area."

The proposed project with a FAR of 0.96 significantly exceeds the FARs of other projects in the area, and in combination with its closeness to the side and rear property lines, is so different in 'form' and 'relationship' that it will definitely disrupt the architectural unity of the area. If approved, the 0.96 FAR will set a dangerous precedent for all future projects in La Jolla Shores.

Unfortunately LDR-Planning Staff relied on incorrect Floor Area Ratio data provided by the architect when evaluating the project.

The bulk and scale of the proposed project is not in compliance with General Design Regulations of the La Jolla Shores Planned District Ordinance.

A-8

## D. INADEQUATE PARKING

The project fails to provide the required number of *off-street parking spaces*. The project only provides 2 *off-street parking spaces* where a total of 3 *off-street parking spaces* (2 spaces for the dwelling, and 1 space for the companion unit) is the minimum required. As currently proposed the project provides 2 *off-street parking spaces* within an enclosed garage, and the third required *off-street parking space* in the driveway blocking access to the 2 enclosed required parking spaces.

SDMC Sec. 141.0103 **Applicable Regulations for Separately Regulated Uses** including Companion Units specifically incorporates 'All applicable regulations of Chapter 14 (General Regulations)' which include Chapter 14, Article 2, Division 5 (Parking Regulations). SDMC Sec. 142.0510(e)(2)(A) specifically states: '... the use of a driveway to satisfy *off-street parking space* requirements is **not permitted**.' Therefore, the proposed project fails to provide required parking for the Companion Unit in accordance with the Parking Regulations for Companion Units, and the La Jolla Shores Planned District Ordinance.

The project's failure to provide all required on-site parking in conformance with the SDMC in the Coastal Overlay Zone reduces the amount of on-street public parking for visitors to the coastline and La Jolla Shores Park (Kellogg Park).

A-8

The project is located in the Parking Impact Beach Overlay Zone and has provided two off-street parking in the garage, as required for the primary residence. Pursuant to ADU Parking regulations, SDMC 141.0302(a)(3) No on-street parking spaces or off-street parking spaces are required for ADUs. If the applicant chooses to provide off-street parking spaces for ADUs located on the premises, those spaces shall comply with the following: (i) Off-street parking spaces may be located in any configuration, may be within the setback areas, and may include tandem spaces (ii) Off-street parking spaces shall be located within hardscape areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the lot. Pursuant to 141.0103(b) Where there is a conflict between the regulations in the separately regulated article (for Companion Units) and other regulations in the Land Development Code, separately regulated article shall apply. The project is providing adequate parking.



# Comment Letter A (cont.)

# Response

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November 15, 2020  
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## **E. INSUFFICIENT TRANSITION IN BULK AND SCALE**

The Residential Element of the *La Jolla Community Plan and Local Coastal Program* states:

- Maintain the character of La Jolla's residential areas by ensuring that redevelopment occurs in a manner that protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures.

The Residential Community Character recommendations of the *La Jolla Community Plan and Local Coastal Program* states:

a. In order to maintain and enhance the existing neighborhood character and ambiance, and to promote good design and visual harmony in the transitions between new and existing structures, preserve the following elements:

1) Bulk and scale - with regard to surrounding structures or land form conditions as viewed from the public right-of-way and from parks and open space;

e. In order to address transitions between the bulk and scale of new and older development in residential areas, maintain the existing 30-foot height limit of the single dwelling unit zones and Proposition D. Structures with front and side yard facades that exceed one story should slope or step back additional stories, up to the 30-foot height limit, in order to allow flexibility while maintaining the integrity of the streetscape and providing adequate amounts of light and air.

Contrary to the Residential Land Use Element of the *La Jolla Community Plan and Local Coastal Program*, and as depicted on the applicant's drawings, a significant portion of the upper level north side exterior wall and provides no setback from the lower level exterior wall. Other portions of the upper level north side exterior wall are setback only 2 feet from the lower level exterior wall, and do not provide a sufficient step back transition in the bulk of the new two story building from that of the adjacent existing single story home.

The proposed project is not in conformity with the Residential Community Character recommendations of the *La Jolla Community Plan and Local Coastal Program*.

## **CONCLUSION:**

As the proposed project neither conforms to the requirements of the La Jolla Shores Planned District Ordinance, nor the Parking Regulations for the City of San Diego, nor the recommendations of the *La Jolla Community Plan and Local Coastal Program*, **Section XI LAND USE AND PLANNING, paragraph b) of the Initial Study Checklist** (Page 32 of *dsd\_mitigated\_negative\_declaration\_4.pdf*) should be revised from 'No Impact' to 'Significant Impact'.

A-9 See response to comment A-4 regarding setbacks and response to comment A-7 regarding the conformity with the applicable policies and regulations.

A-10 See response to comments A-4 through A-8 above. The project conforms with the La Jolla Community Plan and the requirements of the LJSPO. As shown in the Initial Study, all impacts have been mitigated to below a level of significance.

A-9

A-10



## Comment Letter A (cont.)

## Response

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Page 6

A-11

Thank you for your consideration of these import issues. The Draft Mitigated Negative Declaration should be revised to correctly identify these significant environmental concerns regarding the proposed project and its impact on the environment and the community.

Respectfully,



Philip A. Merten AIA

cc: Uri Gneezy [ugneezy@ucsd.edu](mailto:ugneezy@ucsd.edu)  
Ayelet Gneezt [AGneezy@ucsd.edu](mailto:AGneezy@ucsd.edu)  
Everett Delano [everett@delanoanddelano.com](mailto:everett@delanoanddelano.com)  
Tyler Hee [tyler@delanoanddelano.com](mailto:tyler@delanoanddelano.com)

A-11 There is no substantial evidence in the record that shows a significant impact would result. As shown in the Initial Study, all impacts have been mitigated to below a level of significance.



# Comment Letter B

# Response

November 20, 2020

Ms. Rachael Ferrell, Environmental Analyst Environmental Analysis Section  
Development Services Department  
City of San Diego  
1222 First Avenue, MS 501  
San Diego, CA 92101

Via Email: [DSDEAS@sandiego.gov](mailto:DSDEAS@sandiego.gov)

Re: DRAFT Mitigated Negative Declaration, 8423 El Paseo Grande, Project 661815

Dear Ms. Ferrell and Members of the Development Services Department:

B-1 { I would like to comment on the Draft Mitigated Negative Declaration provided for 8423 El Paseo Grande in La Jolla. I disagree with the MND Findings that the project will not have a significant impact in the following areas:

Sec. XI. Land Use and Planning.

The project conflicts with the City of San Diego Separately Regulated Use Parking Regulations for Companion Units, La Jolla Community Plan and Local Coastal Program, and the La Jolla Shores Planned District Ordinance in the following areas:

B-2 { 

- Inadequate Parking. The project only provides 2 off-street parking space where a total of 3 off-street parking spaces (2 spaces for the dwelling, and 1 space for the companion unit) is the minimum required. As currently proposed the project does not comply with the Separately Regulated Use Parking Regulations for Companion Units, and the City of San Diego's General Regulations (Chapter 14) would not exempt this project from the Companion Unit's parking requirement. This project is located in a Beach Parking Impact Overlay Zone and by definition CEQA applies to parking in this situation – cars looking to park will circle the area causing added air pollution among other things. Regardless of any arguments as to the definition of location of parking on a lot, the added burden of the Companion Unit obviously will increase the environmental impact. **The project creates parking demand that it does not satisfy on-site and causes an environmental impact.** Because this lot is not in a TPA (as shown on the City's TPA arcgis website), an additional parking space for the Companion Unit is required. CEQA requires the City show findings for why it has not required mitigation, which this MND does not.

B-3 { 

- Excessive Bulk and Scale. The proposed FAR of 0.96 is 74.5% greater than the average FAR of 55% of 42 properties on El Paseo Grande reviewed by the La Jolla Shores Permit Review Committee during its meetings of 15 June 2020 and 20 July 2020 (relevant excerpts from meeting minutes attached).

B-4 { 

- Neighborhood Character. In its high, boxy silhouette, the proposed project does not conform to the Design Principle Section of the LJ Shores Planned District Ordinance, which calls for architectural unity through low, rambling silhouettes.

B-1 There is no substantial evidence in the record that shows a significant impact would result. As shown in the Initial Study, all impacts have been mitigated to below a level of significance.

B-2 The project is located in the Parking Impact Beach Overlay Zone and has provided two off-street parking in the garage, as required for the primary residence. Pursuant to ADU Parking regulations, SDMC 141.0302(a)(3) No on-street parking spaces or off-street parking spaces are required for ADUs. If the applicant chooses to provide off-street parking spaces for ADUs located on the premises, those spaces shall comply with the following: (i) Off-street parking spaces may be located in any configuration, may be within the setback areas, and may include tandem spaces (ii) Off-street parking spaces shall be located within hardscape areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the lot. Pursuant to 141.0103(b) Where there is a conflict between the regulations in the separately regulated article (for Companion Units) and other regulations in the Land Development Code, separately regulated article shall apply. The project is providing adequate parking.

As stated in the MND Section III (a) Air Quality and Section XI (a) Land Use and Planning, the proposed project, a single-family home with attached companion unit, is consistent with the land use designation of the La Jolla Community Plan and the zoning of the LJSPDO and would not be expected to conflict with or obstruct an applicable air quality plan. Impacts to air quality would remain less than significant.



## Comment Letter B (cont.)

## Response

- B-3 Staff conducted a comprehensive review of the proposed development as it relates to bulk and scale to determine community character and compatibility with existing residential development. The La Jolla Shores Planned District Ordinance (LJSPDO) does not specify FAR or required setbacks, only maximum lot coverage (60 percent, 1510.0304). The new structure would result in a 49% coverage of the lot. A survey of the neighborhood shows a comparison of similar gross floor areas and building setbacks to the current proposal. Neighborhood surveys are used by staff as a guide for determining conformance of a proposed project with surrounding development. It is an established DSD review method/practice for Staff to consider all development within the survey area when determining character of the area, and bulk and scale.

The La Jolla Community Plan (LJCP Pg.76) states, in order to regulate the scale of new development, apply the applicable development regulations which includes the LJSPDO (Coverage 60%, Structure height 30ft, Landscape 30%). There is also mention of regulating the scale of new development by applying setbacks requirements, building articulation, second story step backs, roofline treatment and variations within front yard setback requirements. These features are implemented within the proposal.

The bulk and scale of the proposed structure when viewed from the public right-of-way was also evaluated by staff. Staff determined the proposed structure is compatible in terms of bulk and scale with other structures in the neighborhood and would be consistent with the purpose and intent of the LJSPDO. The proposed exterior construction materials would be compatible with the neighborhood, as specified in the LJSPDO and the La Jolla Shores Design Manual.



## Comment Letter B (cont.)

## Response

The LJSPDO “Design Principle” theme is “unity with variety”, directing that no adjacent homes should be substantially alike nor should two adjacent homes be so different as to disrupt the architectural unity of the area. Unity and variety should not become monotonous or chaotic. The La Jolla Shores neighborhood is very diverse and comprised of structures with varied bulk, scale, forms, materials and color. The proposed structure’s overall form, bulk scale, exterior material and colors when viewed from the public right-of-away would be compatible with the varied architecture of the La Jolla Shores neighborhood.

The proposed project complies with the regulations of the LJSPDO, and applicable land use plan policies and goals.

B-4      See response to comment B-3 above regarding conformity to the design principles.



## Comment Letter B (cont.)

## Response

Page 2

- B-5 { • Insufficient Setbacks. The proposed 0- and 4-foot side setbacks, 6-foot north side yard setbacks, and 10-foot rear setback for the two-story companion unit are not in general conformity with the substantially larger setbacks in the vicinity.
- B-6 { • Transition Between New and Existing Structures. The large size, boxy massing and inadequate setbacks preclude a gracious transition between this project and its adjacent single-story neighbors, as envisioned in the Residential Community Character recommendations of the La Jolla Community Plan and Local Coastal Program.
- B-7 { I request that 8423 El Paseo Grande (Project No 661815) be redesigned to conform to requirements of the CEQA, the City of San Diego and the La Jolla Shores Planned District Ordinance and returned to the La Jolla Shores Permit Review Committee for further review.
- Sincerely,
- /s/ Kathleen Neil
- 2050 Torrey Pines Road, La Jolla, CA 92037
- B-8 { Attachments:  
(1) La Jolla Shores Permit Review Committee minutes excerpt

B-5 The La Jolla Shores Planned District Ordinance (LJSPDO) does not have an established minimum required front, side, or rear yard setback. Instead, the LJSPDO Municipal Code Section 1510.0304(b)(4) in the “Siting of Buildings” section states “Building & Structure setbacks shall be in general conformity with those in the vicinity.” The project’s front yard setback is 15 feet to 20 feet. The project proposes side yard setbacks within the area range from 1.5 – 9.5 feet within a minimum “average” of 3.5 feet for side yards. The project proposes a north side yard setback to the main house that ranges from 4.0 to 6.0 feet and a 0-foot side setback adjacent to the attached companion unit on the first floor. Section 1510.0304(b)(2) of the LJSPDO allows zero (0) foot side yard setbacks and the project would comply with this criteria. The proposed south side yard setbacks range from 4.0 to 24.3 feet, which is consistent with Municipal Code Section 1510.0304(b)(4). The attached ADU is single story with no part of the primary dwelling above it. The second story of the primary residence is stepped back 10’, adhering to the step back regulations of the LJSPDO.

B-6 See response to comments B-3 and B-5 above.

B-7 The project has been reviewed by qualified City staff and found to be consistent with the policies and zoning. The project meets all the requirements according to the LJSPD-SF zoning regulations within the LJSPDO and the La Jolla Community Plan. There is no substantial evidence in the record that shows a significant impact would result. As shown in the Initial Study, all impacts have been mitigated to below a level of significance.



## Comment Letter B (cont.)

## Response

ATTACHMENT to 11/20/2020 Letter to City of San Diego  
La Jolla Shores Permit Review Committee Minutes Excerpt  
20 July 2020 Re: 8423 El Paseo Grande  
(2nd Review) Island Architects (representing applicants):

"There have been some modifications to the project - 10' set back on the 2nd story, 2 1/2' N. side set back, grasscrete in driveway and move the N. fence to S. of property line. Public Comment Merten: discusses the FARs in the neighborhood using inaccurate numbers from Scoutred. Setbacks in the N. & E. not in conformity with the neighborhood. LJ Community Plan (LJCP) requires a 2' set back on the 2nd story and none here. Total FAR of .96 (.76 house & .2 CPU). States LJSPDAC rejected the project because not consistent with neighbors and setbacks. Davis: 33 of 60 homes are within FAR of .7. Also mentions the counting of basements. Uri Gnezy (neighbor behind): Project is a huge wall 10' from property line so no sunlight nor air. All the area have basements and still stay under the FAR standard. Kris McNanara (N neighbor): Wants to clarify that Me. Brad (applicant) takes pride in his business as a good neighbor. Needs to do the same here. If built, this will be a 2 story wall without articulation all along the S. of her home. Calls it "Elephant on a postage stamp" without charm nor character. Way too large for lot and area. Jung: States ADU county description requires if connected to primary residence must comply with regular set backs. Nick: Muni Code 1510-0304 sect. 3.2 from LJPDO provide "see thru". Also notes Ch 1510.0301c. Committee Comments Consensus is that the project is too large, bulk and scale are an issue, and the FAR is excessive. **MOTION to deny the project due to Bulk & Scale and excessive FAR of .96 as incompatible with the neighborhood. Motion by M. Naegle, 2nd D. Courtney, Vote 6-0-1"**

B-8

The Committee issues regarding bulk and scale incompatibility have been responded to in comment B-3 and B-5 above.

B-8



## Comment Letter C

Joseph J. Manno  
Nancy Anne Manno  
2329 Rue de Anne  
La Jolla, CA 92037

858.454.0998  
jma2jma@san.rr.com

November 20, 2020

Ms. Rachael Ferrell, Environmental Analyst  
City of San Diego  
Development Services Department  
Environmental Analysis Section  
1222 First Avenue, MS 501  
San Diego, CA 92101

Via Email: [DSDEAS@sanidiego.gov](mailto:DSDEAS@sanidiego.gov)

Re: DRAFT Mitigated Negative Declaration  
8423 El Paseo Grande  
Project No. 661815

Dear Ms. Ferrell and Members of the Development Services Department:

C-1

We are residents of La Jolla and will appreciate you considering our comments on the Draft Mitigated Negative Declaration provided for 8423 El Paseo Grande in La Jolla. We very strongly disagree with the MND Findings on this proposed project. This project, 8423 El Paseo Grande, La Jolla, will, in our considered opinion, have a significant adverse impact in the following areas:

C-2

**Sec. XI. Land Use and Planning.** The project conflicts with the La Jolla Community Plan and Local Coastal Program and the La Jolla Shores Planned District Ordinance in the following areas:

- **Excessive Bulk and Scale.** The proposed FAR of 0.96 is 74.5% greater than the average FAR of .55% of 42 properties on El Paseo Grande reviewed by the La Jolla Shores Permit Review Committee.

C-3

- **Neighborhood Character.** In its excessively tall and, square silhouette, the proposed project does not conform to the Design Principal Section of the LJ Shores Planned District Ordinance, that features architectural unity through low, rambling silhouettes.

## Response

C-1

The comment is introductory in nature and does not address the adequacy of the environmental document.

C-2

Staff conducted a comprehensive review of the proposed development as it relates to bulk and scale to determine community character and compatibility with existing residential development. The La Jolla Shores Planned District Ordinance (LSPDO) does not specify FAR or required setbacks, only maximum lot coverage (60 percent, 1510.0304). The new structure would result in a 49% coverage of the lot. A survey of the neighborhood shows a comparison of similar gross floor areas and building setbacks to the current proposal. Neighborhood surveys are used by staff as a guide for determining conformance of a proposed project with surrounding development. It is an established DSD review method/practice for Staff to consider all development within the survey area when determining character of the area, and bulk and scale.

The La Jolla Community Plan (LJCP Pg.76) states, in order to regulate the scale of new development, apply the applicable development regulations which includes the LSPDO (Coverage 60%, Structure height 30ft, Landscape 30%). There is also mention of regulating the scale of new development by applying setbacks requirements, building articulation, second story step backs, roofline treatment and variations within front yard setback requirements. These features are implemented within the proposal.

## Comment Letter C (cont.)

## Response

The bulk and scale of the proposed structure when viewed from the public right-of-way was also evaluated by staff. Staff determined the proposed structure is compatible in terms of bulk and scale with other structures in the neighborhood and would be consistent with the purpose and intent of the LJSPDO. The proposed exterior construction materials would be compatible with the neighborhood, as specified in the LJSPDO and the La Jolla Shores Design Manual.

The LJSPDO “Design Principle” theme is “unity with variety”, directing that no adjacent homes should be substantially alike nor should two adjacent homes be so different as to disrupt the architectural unity of the area. Unity and variety should not become monotonous or chaotic. The La Jolla Shores neighborhood is very diverse and comprised of structures with varied bulk, scale, forms, materials and color. The proposed structure’s overall form, bulk scale, exterior material and colors when viewed from the public right-of-away would be compatible with the varied architecture of the La Jolla Shores neighborhood.

The proposed project complies with the regulations of the LJSPDO, and applicable land use plan policies and goals.

C-3      See response to comment C-2 above regarding conformity to the design principles.



## Comment Letter C (cont.)

## Response

- C-4 {
- **Insufficient Setbacks.** The proposed **zero and 4-foot side setbacks, 6-foot north side yard setbacks, and 10-foot rear setback** for the two-story companion unit are not in general conformity with those in the immediate vicinity.
- C-5 {
- **Transition Between New and Existing Structures.** The projects excessive size, square massing and inadequate setbacks preclude a gracious transition between this project and its adjacent single story neighbors, as envisioned in the Residential Community Character recommendations of the *La Jolla Community Plan and Local Coastal Program*.
- C-6 {
- **Inadequate Parking.** The project provides just 2 off-street parking spaces where a total of 3 off-street parking spaces, (2 spaces for the dwelling, and 1 space for the companion unit), is the minimum required. As currently proposed the project does not comply with the Parking Regulations of the La Jolla Shores Planned District Ordinance.
- C-7 {
- We respectfully request that the 8423 El Paseo Grande project be redesigned to conform to requirements of the La Jolla Shores Planned District Ordinance and returned to the La Jolla Shores Permit Review Committee for further review.

Sincerely,

Joseph J. Manno  
Nancy Anne Manno

- C-4 The La Jolla Shores Planned District Ordinance (LJSPDO) does not have an established minimum required front, side, or rear yard setback. Instead, the LJSPDO Municipal Code Section 1510.0304(b)(4) in the "Siting of Buildings" section states "Building & Structure setbacks shall be in general conformity with those in the vicinity." The project's front yard setback is 15 feet to 20 feet. The project proposes side yard setbacks within the area range from 1.5 – 9.5 feet within a minimum "average" of 3.5 feet for side yards. The project proposes a north side yard setback to the main house that ranges from 4.0 to 6.0 feet and a 0-foot side setback adjacent to the attached companion unit. Section 1510.0304(b)(2) of the LJSPDO allows zero (0) foot side yard setbacks and the project would comply with this criteria. The proposed south side yard setbacks range from 4.0 to 24.3 feet, which is consistent with Municipal Code Section 1510.0304(b)(4). The comment calls out a two-story companion unit which is inaccurate. The proposed companion unit is one-story.
- C-5 See response to comments C-2 and C-4 above.
- C-6 The project is located in the Parking Impact Beach Overlay Zone and has provided two off-street parking in the garage, as required for the primary residence. Pursuant to ADU Parking regulations, SDMC 141.0302(a)(3) No on-street parking spaces or off-street parking spaces are required for ADUs. If the applicant chooses to provide off-street parking spaces for ADUs located on the premises, those spaces shall comply with the following: (i) Off-street parking spaces may be located in any configuration, may be within the setback areas, and may include tandem spaces (ii) Off-street parking spaces shall be located within hardscape areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the lot. Pursuant to 141.0103(b) Where there is a conflict between the regulations in the separately regulated article (for Companion Units) and other regulations in the Land Development Code, separately regulated article shall apply. The project is providing adequate parking.

## Comment Letter C (cont.)

## Response

- C-7     The project has been reviewed by qualified City staff. The project meets all the requirements according to the LJPD-SF zoning regulations and the La Jolla Community Plan.



# Comment Letter D

# Response



November 23, 2020

VIA E-MAIL

Development Services Department  
City of San Diego  
1222 First Ave., MS 501  
San Diego, CA 92101  
[DSDEAS@sanidiego.gov](mailto:DSDEAS@sanidiego.gov)

Re: Draft Mitigated Negative Declaration for 8423 El Paseo Grande Coastal Development Permit and Site Development Permit, Project No. 661815

Dear Development Services Department:

D-1

This letter is submitted on behalf of Ayelet and Uri Gneezy in connection with the 8423 El Paseo Grande Coastal Development Permit and Site Development Permit Project No. 661815 ("Project") and related Draft Mitigated Negative Declaration ("Draft MND").

D-2

I. The City Should Prepare an Environmental Impact Report

CEQA requires the preparation of an Environmental Impact Report ("EIR") whenever substantial evidence in the record supports a "fair argument" that significant environmental impacts may occur. Pub. Res. Code § 21080(d); *No Oil, Inc. v. City of Los Angeles* (1975) 13 Cal.3d 68. If there is "substantial evidence that the project might have [a significant impact on the environment], but the agency failed to secure preparation of the required EIR, the agency's action is to be set aside because the agency abused its discretion by failing to proceed in a 'manner required by law.'" *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002. Here, the City should prepare an EIR before proceeding; the Project is likely to lead to several significant impacts.

D-3

A. The Project Will Lead to Significant Impacts to Air Quality

Discussing the Project's potential construction-related air quality impacts, the Draft MND states: "Construction-related activities are temporary, short-term sources of air emissions." Draft MND at 21. It acknowledges: "Sources of construction-related air emissions include fugitive dust from grading activities; construction equipment exhaust; construction-related trips by workers, delivery trucks, and material-hauling trucks; and

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EVERETT L. DELANO III  
*Admitted in California and Colorado*

M. DARE DELANO  
*Admitted in California and New York*

TYLER T. HEE  
*Admitted in California and Hawaii*

- D-1 The comment is introductory in nature and does not address the adequacy of the environmental document.
- D-2 The City of San Diego conducted an Initial Study in accordance with CEQA and found that the project could have a significant environmental effect to Cultural Resources and Tribal Cultural Resources. Implementation of mitigation measures would reduce impacts to below a level of significance. In accordance with CEQA Guidelines Section 15070, an MND was prepared. Therefore, an EIR was not required.
- D-3 As described in the MND Section III (b) Air Quality, construction related activities are temporary in nature. Fugitive dust emissions are generally associated with land-clearing and grading operations. Construction operations would include standard measures as required by City of San Diego grading permit to limit potential air quality impacts. Construction activities will be required to comply with the City's Best Management Practices (BMPs) which are enforceable under San Diego Municipal Code (SDMC) Section 142.0710. 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.

## Comment Letter D

## Response

As stated in the MND Section III a Air Quality and Section XI a Land Use and Planning, the proposed project, a single-family home with attached companion unit, is consistent with the land use designation of the La Jolla Community Plan and the zoning of the LJSPDO and would not be expected to conflict with or obstruct an applicable air quality plan. As identified in the City's CEQA Significance Thresholds, projects that would typically result in significant air quality impacts would produce 9,500 Average Daily Trips (ADT) or contain a few hundred single family units. The addition of the companion unit does not exceed the City's Significance Determination Thresholds for Air Quality and the project is not expected to result in impacts. Impacts to air quality would remain less than significant.



## Comment Letter D (cont.)

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construction-related power consumption.” Draft MND at 21. The Draft MND then reasons: “Any 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. No mitigation measures are required.” Draft MND at 21.

It is improper to ignore an impact merely because it might be “temporary” in nature. *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1380 – 81; see also *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4th 1013, 1049 (emissions should be calculated as they will actually occur, not averaged over a longer period of time). Among other things, the Draft MND fails to adequately consider construction-related air quality impacts. The Draft MND only considers fugitive dust associated with land-clearing and grading. It improperly ignores potential impacts from other sources of air emissions, including construction equipment exhaust, construction-related trips by workers, delivery trucks, and material-hauling trucks, and construction-related power consumption. The Project site is adjacent to a number of potential sensitive receptors, single-family residences, and La Jolla Shores Beach and Kellogg Park. Construction activities will expose residents and beach and park users to related air emissions that must be addressed before the Project may be approved.

In addition, the Project will have significant impacts to greenhouse The California Environmental Quality Act (“CEQA”) is premised in part on “a belief that citizens can make important contributions to environmental protection and ... notions of democratic decision-making ...” *Concerned Citizens of Costa Mesa, Inc. v. 32<sup>nd</sup> Agricultural Assoc.* (1986) 42 Cal.3d 929, 936. “Environmental review derives its vitality from public participation.” *Ocean View Estates Homeowners Assn. v. Montecito Water Dist.* (2004) 116 Cal.App.4th 396, 400.

B. The Project Will Lead to Significant Impacts to Land Use and Planning

The Draft MND incorrectly claims the Project would have no impact to land use and planning. Draft MND at 32. The Draft MND claims the Project would not conflict with any applicable land use plan, policy, or regulations. Draft MND at 32. As explained in the November 15, 2020 submitted by architect Philip A. Merten in connection with the Project’s Draft MND (“Merten Letter”), the Project is inconsistent with various applicable land use plans, policies, and regulations including provisions concerning setbacks, character, bulk and scale, parking, and transitions in bulk and scale. The Merten Letter is herein incorporated by reference. In addition, the Project is inconsistent with provisions concerning, among other things, public access to beaches and coastline, transportation systems, and residential land use.

“The propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.” *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 570 (citation omitted). “Because of its broad scope, long-range perspective, and primacy over subsidiary land

## Response

D-4 As noted in the Draft MND, the City’s Climate Action Plan (CAP) outlines the actions that the City will undertake to achieve its proportional share of State greenhouse gas (GHG) emission reductions. A CAP Consistency Checklist is part of the CAP and contains measures that are required to be implemented on a project-by-project basis to ensure that the specified emission targets identified in the CAP are achieved. The project is consistent with the General Plan and the La Jolla Community Plan’s land use and zoning designations. Further, based upon review and evaluation of the completed CAP Consistency Checklist, the project is consistent with the applicable strategies and actions of the CAP. Based on the project’s consistency with the City’s CAP Checklist, provided as a technical appendix to the Draft MND, the project’s contribution of GHG’s to cumulative statewide emissions would be less than cumulatively considerable. Therefore, the projects direct and cumulative GHG emissions would have a less than significant impact.

D-5 Comments made in reference to Mr. Phil Merten’s letter are fully addressed in response to comments A-4 through A-11. The project has been reviewed by qualified City staff and determined to be consistent with the LSPD-SF zoning requirements and the La Jolla Community Plan. The project proposes to demolish and existing single-family residence and construct a new single-family residence and companion unit in its place. The site was reviewed and found to be adequately served with existing public facilities in the nearby vicinity and would not trigger the need for new facilities to be constructed. The project is fully within a private site and would not affect public access.

D-6 The comment is general in nature and does not address the adequacy of the environmental document.

## Comment Letter D (cont.)

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D-6

use decisions, the 'general plan has been aptly described as the 'constitution for all future developments' within the city or county.'" *Orange Citizens for Parks and Recreation v. Sup. Ct.* (2016) 2 Cal.5th 141, 152 (citation omitted). If a Project "will frustrate the General Plan's goals and policies, it is inconsistent with the County's General Plan unless it also includes definite affirmative commitments to mitigate the adverse effect or effects." *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 379. The La Jolla Shores Community Plan and Local Coastal Program Land Use Plan ("Community Plan") are part of the City's General Plan. Community Plan at 117 (Appendix C).

D-7

The Project violates and is inconsistent with provisions of the General Plan, Community Plan, and San Diego Municipal Code ("SDMC"). Among other things, the Project violates Community Plan and SDMC provisions concerning Natural Resources and Open Space Systems, Transportation Systems, and public parking in the Community Plan area.

D-8

A goal of the Community Plan's Natural Resources and Open Space Systems Element provides: "Enhance existing public access to La Jolla's beaches and coastline areas (for example La Jolla Shores Beach and Children's Pool areas) in order to facilitate greater public use and enjoyment of these and other coastal resources." Community Plan at 29. To accomplish its goals, Natural Resources and Open Space Systems Element Public Access Policy c. requires: "The City shall maintain, and where feasible, enhance and restore existing parking areas, public stairways, pathways and railings along the shoreline to preserve vertical access (to the beach and coast), to allow lateral access (along the shore), and to increase public safety at the beach and shoreline areas." Community Plan at 41.

D-9

In addition, the Community Plan's Transportation Systems Element provides the following goal: "Improve the availability of public parking in those areas closest to the coastline as well as in the village core through a program of incentives (such as peripheral and central parking facilities, parking programs and improved transit)." Community Plan at 55. Transportation Systems Policy 9 requires: "The City should require parking for all proposed projects that adequately addresses the increased demand on some areas of the Coastal Zone." Community Plan at 58. Additionally, the Community Plan requires:

Require that all proposed development maintain and enhance public access to the coast by providing adequate parking per the Coastal Parking regulations of the Land Development Code. This required parking includes higher parking ratios for multiple-dwelling units in the Beach Impact Areas, as well as the required prohibition of curb cuts where there is alley access, in order to retain and enhance publicly-accessible street parking for beach visitors.

## Response

D-7 See response to comment D-5 above.

D-8 This comment is an introduction to comments further provided in D-9 through D-11.

D-9 The project is located in the Parking Impact Beach Overlay Zone and has provided two off-street parking in the garage, as required for the primary residence. Pursuant to ADU Parking regulations, SDMC 141.0302(a)(3) No on-street parking spaces or off-street parking spaces are required for ADUs. If the applicant chooses to provide off-street parking spaces for ADUs located on the premises, those spaces shall comply with the following: (i) Off-street parking spaces may be located in any configuration, may be within the setback areas, and may include tandem spaces (ii) Off-street parking spaces shall be located within hardscape areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the lot. Pursuant to 141.0103(b) Where there is a conflict between the regulations in the separately regulated article (for Companion Units) and other regulations in the Land Development Code, separately regulated article shall apply. The project is providing adequate parking.



## Comment Letter D (cont.)

## Response

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D-9

Community Plan at 61. The Project violates these goals and policies of the Community Plan. The Project proposes to provide two off-street parking spaces where three are required. See Merten Letter at 4. The Project's failure to provide the required number of off-street parking spaces violates the Community Plan's goal and policies concerning transportation and protecting and enhancing public access to the beach and coastline.

D-10

In addition, City staff has reasoned the parking provisions of the Land Development Code's Separately Regulated Uses article apply to the Project in claiming the required parking for the Project's proposed companion unit may be located in the Project's proposed driveway. This is incorrect. The Draft MND acknowledges the Project is in the Community Plan Single Family Zone. Draft MND at 1. Pursuant to the La Jolla Shores Planned District Ordinance, for development in the single family zone, "[p]arking shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations)." SDMC § 1510.0304 (f)(1). Among other things, the use of a driveway to satisfying off-street parking requirements is not permitted under Chapter 14, Article 2, Division 5. SDMC § 142.0510(e)(2)(A).

D-11

The Project also violates goals and policies of the Community Plan's Residential Land Use Element concerning community character. Among other things, Residential Land Use Element Policy 2.a. requires:

In order to promote development compatible with the existing residential scale:

The City should apply the development recommendations that are contained in this plan to all properties in La Jolla in order avoid extreme and intrusive changes to the residential scale of La Jolla's neighborhoods and to promote good design and harmony within the visual relationships and transitions between new and older structures.

Community Plan at 70. As discussed in the Merten Letter, the Project violates this policy and is inconsistent with the Community Plan's development recommendations. Merten Letter at 5.

D-12

C. The Project Will Lead to Significant Impacts to Aesthetics and Neighborhood Character

The Draft MND claims: "The [P]roject 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." Draft MND at 18.

The City's CEQA Significance Determination Thresholds ("CEQA Thresholds") provide a list of conditions, one or more of which must apply, to determine a project

D-10

The companion unit does not require a parking space. See response to D-9 above.

D-11

Staff conducted a comprehensive review of the proposed development as it relates to bulk and scale to determine community character and compatibility with existing residential development. The La Jolla Shores Planned District Ordinance (LJSPDO) does not specify FAR or required setbacks, only maximum lot coverage (60 percent, 1510.0304). The new structure would result in a 49% coverage of the lot. A survey of the neighborhood shows a comparison of similar gross floor areas and building setbacks to the current proposal. Neighborhood surveys are used by staff as a guide for determining conformance of a proposed project with surrounding development. It is an established DSD review method/practice for Staff to consider all development within the survey area when determining character of the area, and bulk and scale.

The La Jolla Community Plan (LJCP Pg.76) states, in order to regulate the scale of new development, apply the applicable development regulations which includes the LJSPDO (Coverage 60%, Structure height 30ft, Landscape 30%). There is also mention of regulating the scale of new development by applying setbacks requirements, building articulation, second story step backs, roofline treatment and variations within front yard setback requirements. These features are implemented within the proposal.

The bulk and scale of the proposed structure when viewed from the public right-of-way was also evaluated by staff. Staff determined the proposed structure is compatible in terms of bulk and scale with other structures in the neighborhood and would be consistent with the purpose and intent of the LJSPDO. The proposed exterior construction materials would be compatible with the neighborhood, as specified in the LJSPDO and the La Jolla Shores Design Manual.

## Comment Letter D (cont.)

## Response

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D-12

meets the significance threshold for neighborhood character of: "Projects that severely contrast with the surrounding neighborhood character." CEQA Thresholds at 76. Among other things, a project may have a significant impact to neighborhood character if: "The project exceeds the allowable height or bulk regulations and the height and bulk of the existing patterns of development in the vicinity of the project by a substantial margin." CEQA Thresholds at 76. As detailed in the November 15, 2020 Merten Letter, the Project's proposed bulk and scale are excessive in relation to the existing pattern of development and are not in compliance with the General Design Regulations of the La Jolla Shores Planned District Ordinance. Merten Letter at 3-4. Accordingly, the Project will have significant impacts to neighborhood character and the Draft MND's proposed determinations are not supported by the evidence.

D. The Project Will Lead to Significant Noise Impacts

The Draft MND claims the Project will have a less than significant impact to noise. Draft MND at 33. It acknowledges: "Short-term noise impacts would be associated with onsite grading, and construction activities of the project." Draft MND at 33. The Draft MND claims:

Sensitive receptors (e.g. residential uses) occur in the immediate area and may be temporarily affected by construction noise; however, 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 would remain below a level of significance.

D-13

Draft MND at 33 (underlining added). The Draft MND's discussion and conclusion concerning construction-related noise impacts are inadequate.

The CEQA Thresholds state: "Temporary construction noise which exceeds 75 dB(A) Leq at a sensitive receptor would be considered significant. 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." CEQA Thresholds at 54. The CEQA Thresholds closely follow the provisions of the City's Construction Noise ordinance, which provides: "[I]t shall be unlawful for any person, including The City of San Diego, to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 a.m. to 7:00 p.m." SDMC § 59.5.0404(b).

The Draft MND fails to adequately address noise-levels associated with the Project's construction activities. The Project site and surrounding properties are designated low-density residential under the Community Plan. Community Plan at 73 (Figure 16). Yet, there is no analysis concerning whether the Project's construction-

The LSPDO "Design Principle" theme is "unity with variety", directing that no adjacent homes should be substantially alike nor should two adjacent homes be so different as to disrupt the architectural unity of the area. Unity and variety should not become monotonous or chaotic. The La Jolla Shores neighborhood is very diverse and comprised of structures with varied bulk, scale, forms, materials and color. The proposed structure's overall form, bulk scale, exterior material and colors when viewed from the public right-of-way would be compatible with the varied architecture of the La Jolla Shores neighborhood.

The proposed project complies with the regulations of the LSPDO, and applicable land use plan policies and goals.

D-12

See response to comment D-11 above. The project would cause a less than significant impact to Aesthetics and Neighborhood Character.

D-13

The project is consistent with the land use and underlying zone, therefore is consistent with the Community Noise Equivalency Level (CNEL). Any impacts would be less than significant. The project is located in a neighborhood with similar development. Any construction related noise is regulated by the Land Development Code and is temporary in nature. Any impacts from noise would not exceed the City's thresholds for temporary construction generated noise.



## Comment Letter D (cont.)

## Response

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D-13

related noise levels would exceed the 75 dBA standard beyond the adjacent, residential property lines. The Draft MND claims the Project “would be required to comply with the construction hours” specified by SDMC Section 59.5.0404 to reduce construction noise impacts. Draft MND at 33. There is no evidence to support the Draft MND’s claim the Project will have less than significant impacts to noise. The City improperly ignored this requirement. *Berkeley Keep Jets Over the Bay Comm.*, 91 Cal.App.4<sup>th</sup> at 1380 – 81 (it is improper to ignore noise impacts mere because it might be “temporary” in nature).

D-14

E. The Project’s Impacts to Greenhouse Gas Emissions are Inadequately Analyzed and the City Failed to Ensure Public Participation

CEQA is premised in part on “a belief that citizens can make important contributions to environmental protection and ... notions of democratic decision-making ...” *Concerned Citizens of Costa Mesa, Inc. v. 32<sup>nd</sup> Agricultural Assoc.* (1986) 42 Cal.3d 929, 936. “Environmental review derives its vitality from public participation.” *Ocean View Estates Homeowners Assn. v. Montecito Water Dist.* (2004) 116 Cal.App.4<sup>th</sup> 396, 400. The Draft MND claims the Project’s potential impacts to greenhouse gas emissions will be less than significant. Draft MND at 28. The Draft MND references the City’s Climate Action Plan (“CAP”) Checklist completed for the Project in supporting its claim. Draft MND at 28. However, the Project’s completed CAP Checklist was not made available with the Draft MND. The City’s failure to provide all documents and evidence upon which its proposed determinations are based precludes public participation and violates CEQA.

D-15

In addition, the Draft MND does not discuss the Project’s construction-related greenhouse gas emission impacts. Draft MND at 28. Under CEQA: “‘Project’ means the whole of an action, which has a potential for resulting in either a direct physical change in the environment.” CEQA Guidelines § 15378(a). Accordingly, a lead agency must review all greenhouse gas emissions from a project, including construction-related emissions. Natural Resources Agency, Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97 (December 2009), page 24, available at: [https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](https://resources.ca.gov/CNRALegacyFiles/ceqa/docs/Final_Statement_of_Reasons.pdf). The City’s review of the Project’s potential impacts to greenhouse gas emissions is inadequate and the City must ensure public participation.

D-16

II. The Required Findings Cannot be Made

The Public Notice for the Draft MND recommends the following finding: “The recommended finding that the project will not have a significant effect on the environment is based on an Initial Study and project revisions/conditions which now mitigate potentially significant environmental impacts in the following area(s): **Cultural Resources (Archaeology) and Tribal Cultural Resources.**” The Project will lead to significant impacts to, among other things, air quality, greenhouse gas, land use and planning, neighborhood character, and noise. Accordingly, the required findings cannot

D-14

The CAP Checklist was provided as an Appendix to the Draft MND which was posted on the City’s CEQA page and will be posted with the final document.

D-15

See response to comment D-4 above.

D-16

See responses to comment D-3 in reference to Air Quality, D-4 in reference to Greenhouse Gas Emissions, D-5 in reference to Land Use, D-11 in reference to Neighborhood Character, and D-13 in reference to Noise.

## Comment Letter D (cont.)

## Response

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November 23, 2020  
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D-16

be made and the City must adequately review the Project's potential environmental impacts before proceeding.

D-17

III. Conclusion

For the foregoing reasons, Ayelet and Uri Gneezy urge the Development Services Department to reject the Draft MND and require an EIR be prepared for the Project. Thank you for your consideration of these concerns.

Sincerely,



Tyler T. Hee

Enc.

cc:  
Benjamin Hafertepe, Development Services, Project Manager  
Philip A. Merten, AIA, Merten Architect

D-17 See response to comment D-2 above.



## Comment Letter E

Re: Draft Mitigated Negative Declaration  
8423 El Paseo Grande  
Project Number 661815

E-1

Dear Ms. Ferrell and Members of the Development Services Department,  
The proposed construction for 8423 El Paseo Grande should be examined further as the findings in the DRAFT Mitigated Negative Declaration (MND) are inaccurate.

I am in agreement with all of the factual information in the report submitted to you on November 15, 2020 by Phillip Merten, Architect.

As a La Jolla Shores resident for nearly 50 years and a real estate agent since 1980, I have a wealth of personal knowledge regarding properties and development in La Jolla.

E-2

The initial study analysis and conclusion are incorrect because the proposed project does not comply with the La Jolla Shores Planned District Ordinance. This project was NOT approved by the La Jolla Planning Association or the La Jolla Shores Permit Review Committee. T

I am submitting 20 pages from the Mitigated Negative Declaration where I have noted my hand-written comments. Also, I have included some maps and documents from other sources. If you require additional formation, please contact me.

E-3

The proposed project neither conforms to the requirements of the La Jolla Shores Planned District Ordinance nor many of the San Diego Municipal Codes.

Thank you for your consideration.

Sincerely,  
Peggy Davis  
8387 Paseo Del Ocaso  
La Jolla, California 92037  
[peggydavislajolla@gmail.com](mailto:peggydavislajolla@gmail.com)

858-459-4844

## Response

E-1

The comment is introductory in nature and does not address the adequacy of the environmental document.

E-2

Comment Noted. The project has been reviewed by qualified City staff. The project meets all the requirements according to the LJSPD-SF zoning regulations and the La Jolla Community Plan. Response to attachments can be found in A-4 through E-36 .

E-3

See response to comment E-2 above.

# Comment Letter E (cont.)

# Response

RE: 8423 El Paseo Grande  
Project no: 661815

Information and comments from  
Peggy Davis: 8387 Paseo Del Ocaso  
La Jolla, CA 92037: peggydavis@jallla.com  
20 pages TOTAL

## 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 checked="" type="checkbox"/> Mandatory Findings Significance | <input type="checkbox"/> Wildfire                             |

## DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

E-4

- ☒ The proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared. *Proposed project will have significant effect on the environment. An Environmental Impact Report should be required.*
- ☒ 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.

E-4

The City of San Diego conducted an Initial Study in accordance with CEQA and found that the project could have a significant environmental effect to Cultural Resources and Tribal Cultural Resources. Implementation of mitigation measures would reduce impacts to below a level of significance. In accordance with CEQA Guidelines Section 15070, an MND was prepared. Therefore, an EIR was not required.



## Comment Letter E (cont.)

## Response

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>E-5</b> { I. AESTHETICS – Would the project:</p> <p>a) Have a substantial adverse effect on a scenic vista?</p> <p><i>Will have a significant impact on scenic public vista. Massive structure!</i></p> <p><i>Public park and beach across from property</i></p> <p>The project proposes to demolish an existing single-family residence and construct a new single-family residence and companion unit in its place, in a residential neighborhood with similar development. The project is located on El Paseo Grande, which is categorized as a road from which a coastal body of water can be seen, according to the La Jolla Community Plan. The project is also located in the La Jolla Beach View Corridor with an unobstructed framed view down the El Paseo Grande public right-of-way. The project would be required to meet all required setback and height requirements. Additionally, the project must comply with any design guidelines that are in the La Jolla Shores Planned District Ordinance. Therefore, the project would not have a substantial adverse effect on a scenic vista. Impacts would be less than significant.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>E-6</b> { b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</p> <p><i>Does not comply with LSPDO or Land Development Codes.</i></p> <p><i>Impact to public views across from ocean.</i></p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>E-7</b> { c) Substantially degrade the existing visual character or quality of the site and its surroundings?</p> <p><i>A 4,919 sq. ft. structure is not compatible with adjacent structure as the lot is 5,225 sq. ft.</i></p> <p>The project site contains an existing single-family residence and would construct a new single-family residence and companion unit in its place, 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>E-8</b> { d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?</p> <p><i>From this massive 4,919 sq. ft. structure.</i></p> <p>The project would comply with the outdoor lighting standards contained in Municipal Code Section 142.0740 (Outdoor Lighting Regulations) that requires all outdoor lighting be installed, shielded, and adjusted so that the light is directed in a manner that minimizes negative impacts from light pollution, including trespass, glare, and to control light from falling onto surrounding properties. Therefore, lighting installed with the project would not adversely affect day or nighttime views in the area, resulting in a less than significant lighting impact.</p> <p>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. The project would have a less than significant glare impact.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- E-5** Comment noted. This has been addressed in the Initial Study under Aesthetics (Section I (a)). Impacts would be less than significant.
- E-6** The project was reviewed by qualified City staff and found to be consistent with the designated land use and LSPDO-SF zone. Impacts to scenic resources would be less than significant.
- E-7** Staff conducted a comprehensive review of the proposed development as it relates to bulk and scale to determine community character and compatibility with existing residential development. The La Jolla Shores Planned District Ordinance (LSPDO) does not specify FAR or required setbacks, only maximum lot coverage (60 percent, 1510.0304). The new structure would result in a 49% coverage of the lot. A survey of the neighborhood shows a comparison of similar gross floor areas and building setbacks to the current proposal. Neighborhood surveys are used by staff as a guide for determining conformance of a proposed project with surrounding development. It is an established DSD review method/practice for Staff to consider all development within the survey area when determining character of the area, and bulk and scale.

## Comment Letter E (cont.)

## Response

The La Jolla Community Plan (LJCP Pg.76) states, in order to regulate the scale of new development, apply the applicable development regulations which includes the LJSPDO (Coverage 60%, Structure height 30ft, Landscape 30%). There is also mention of regulating the scale of new development by applying setbacks requirements, building articulation, second story step backs, roofline treatment and variations within front yard setback requirements. These features are implemented within the proposal.

The bulk and scale of the proposed structure when viewed from the public right-of-way was also evaluated by staff. Staff determined the proposed structure is compatible in terms of bulk and scale with other structures in the neighborhood and would be consistent with the purpose and intent of the LJSPDO. The proposed exterior construction materials would be compatible with the neighborhood, as specified in the LJSPDO and the La Jolla Shores Design Manual.

The LJSPDO "Design Principle" theme is "unity with variety", directing that no adjacent homes should be substantially alike nor should two adjacent homes be so different as to disrupt the architectural unity of the area. Unity and variety should not become monotonous or chaotic. The La Jolla Shores neighborhood is very diverse and comprised of structures with varied bulk, scale, forms, materials and color. The proposed structure's overall form, bulk scale, exterior material and colors when viewed from the public right-of-away would be compatible with the varied architecture of the La Jolla Shores neighborhood.

The proposed project complies with the regulations of the LJSPDO, and applicable land use plan policies and goals.

E-8

Comment noted. Light and Glare has been addressed in the Initial Study under Aesthetics (Section I (d)). Impacts would be less than significant.



## Comment Letter E (cont.)

## Response

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Refer to response II (c) above. Additionally, the project would not contribute to the conversion of any forested land to non-forest use, as surrounding properties are developed and land uses are generally built out. No impacts would result.

- 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?

☐ ☐ ☐ ☒

Refer to response II (a) and II (c), above. The project and surrounding areas do not contain any farmland or forest land. No changes to any such lands would result from project implementation. Therefore, no impact would result.

E-9

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:

- a) Conflict with or obstruct implementation of the applicable air quality plan?

*Not consistent with General Plan*

*Massive structure will prevent proper air flow to adjacent properties*

☒ ☐ ☐ ☒

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 2009). 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.

The RAQS relies on SANDAG growth projections based on population, vehicle trends, and land use plans developed by the cities and by 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 be in conflict with the RAQS and may contribute to a potentially significant cumulative impact on air quality.

The project would demolish an existing single-family residence and construct a new single-family residence and companion unit in its place, within a developed neighborhood of similar residential uses. The project is consistent with the General Plan, community plan, and the underlying zoning for single-family residential development. Therefore, the project would be consistent at a sub-regional

E-9 As stated in the MND Section III (a) Air Quality and Section XI (a) Land Use and Planning, the proposed project, a single-family home with attached companion unit, is consistent with the land use designation of the La Jolla Community Plan and the zoning of the LSPDO and would not be expected to conflict with or obstruct an applicable air quality plan. The addition of the companion unit does not exceed the City's Significance Determination Thresholds for Air Quality and the project is not expected to result in impacts. Impacts to air quality would remain less than significant.

## Comment Letter E (cont.)

## Response

E-10

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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level with the underlying growth forecasts in the RAQS and would not obstruct implementation of the RAQS. As such, no impacts would result.

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?



### Short-Term (Construction) Emissions

Construction-related activities are temporary, short-term sources of air emissions. Sources of construction-related air emissions include fugitive dust from grading activities; construction equipment exhaust; construction-related trips by workers, delivery trucks, and material-hauling trucks; and construction-related power consumption.

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 construction personnel, and the amount of materials to be transported on or offsite.

Fugitive dust emissions are generally associated with land-clearing and grading operations. Construction operations would include standard measures as required by City of San Diego grading permit to limit potential air quality impacts. Any 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. No mitigation measures are required.

### Long-Term (Operational) Emissions

Long-term air 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 sources emissions. The project is compatible with the surrounding development and is permitted by the community plan and zone designation. Based on the residential land use, project emissions over the long-term are not anticipated to violate any air quality standard or contribute substantially to an existing or projected air quality violation. Impacts would be less than significant, and no mitigation measures are required.

- 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)?



As described in III (b) above, construction operations could temporarily increase the emissions of dust and other pollutants. However, construction emissions would be temporary and short-term in duration; implementation of Best Management Practices (BMPs) would reduce potential impacts related to construction activities to a less than significant level. Therefore, the project would not result in a

E-10 See response to comment E-9 above.



## Comment Letter E (cont.)

## Response

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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(Chapter 14, Division 3, and Article 2) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City of San Diego when historical resources are present on the premises. Before approving discretionary projects, CEQA requires the Lead Agency to identify and examine the significant adverse environmental effects which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource may have a significant effect on the environment (sections 15064.5(b) and 21084.1). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities, which would impair historical significance (sections 15064.5(b)(1)). Any historical resource listed in, or eligible to be listed in the California Register of Historical Resources, including archaeological resources, is considered to be historically or culturally significant.

The City of San Diego criteria for determination of historic significance, pursuant to CEQA, is evaluated based upon age (over 45 years), location, context, association with an important event, uniqueness, or structural integrity of the building. Projects requiring the demolition and/or modification of structures that are 45 years or older have the potential to result in potential impacts to a historical resource.

The project site contains a single-family residence over 45 years old. The project site was reviewed by Historic staff and according to their review, the property does not meet the local designation criteria as an individually significant resource under any of the adopted Historical Resource Board criteria. Their determination was made on July 6, 2020 and is good for five years. As such, any impacts would be less than significant.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

*During construction of lifeguard stations in 2013 Native American artifacts discovered. Underground water close to surface. Property less than 800 feet from lifeguard tower.*



Many areas of San Diego County, including mesas and the coast, are known for intense and diverse prehistoric occupation and important archaeological and historical resources. The region has been inhabited by various cultural groups spanning 10,000 years or more. The project area is located within an area identified as sensitive on the City of San Diego's Historical Resources Sensitivity Maps.

Therefore, a record search of the California Historic Resources Information System (CHRIS) digital database was reviewed to determine presence or absence of potential resources within the project site by qualified archaeological City staff. Previously recorded historic and prehistoric sites have been identified in the near project vicinity.

The project is located in La Jolla Shores, in an area called Spindrifft, that has been known to contain sensitive cultural resources in the soil at shallow depths. The project proposes to demolish an existing single-family residence and construct a new residence in its place. Due to the scope of work in this location of La Jolla, impacts to any unknown resources buried beneath the surface could rise to a level of significance, according to the City of San Diego's Cultural Resources Guidelines. As such, an archaeological and Native American monitor must be present during all grading activities in order to reduce any potential impacts to a level below significance.

A Mitigation Monitoring and Reporting Program, as detailed within Section V of the Mitigated Negative Declaration would be implemented to reduce impacts related to Historical Resources

E-11 The Draft MND addresses potentially significant impacts to Cultural and Tribal Cultural Resources and has a Mitigation, Monitoring, and Reporting Program (MMRP) in place to mitigate impacts to below a level of significance.

E-11

## Comment Letter E (cont.)

## Response

E-12

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
(archaeology) to below a level of significance.				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Grading on property for a MAT FOUNDATION. for a 4,979 square foot structure. Amount of excavation not listed.

According to the "Geology of the San Diego Metropolitan Area, California, La Jolla, 7.5 Minute Quadrangle Maps" (Kennedy and Peterson, 1975), the project site is mostly underlain with the low sensitive rating Young Colluvial formation, which has a low probability of containing important paleontological resources. The City's Significance Determination Thresholds state paleontological monitoring during grading activities may be required if it is determined that the project's earth movement quantity exceeds the Paleontological threshold (if greater than 1,000 cubic yards and ten feet deep for formations with a high sensitivity rating and if greater than 2,000 cubic yards and ten feet deep for formations with a moderate sensitivity rating). The project does not propose any grading activities which would exceed the grading thresholds in a moderate or high sensitive formation. Therefore, impacts would remain less than significant.

- d) Disturb human remains, including those interred outside of dedicated cemeteries?

☐ ☒ ☐ ☐

Refer to response V (b) above. Section V of the Mitigation Monitoring and Reporting Program 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:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

☐ ☐ ☒ ☐

The project would be required to meet mandatory energy standards of the current California energy code. Construction of the single-family residence would require operation of heavy equipment but would be temporary and short-term in duration. Additionally, long-term energy usage from the building would be reduced through design measures that incorporate energy conservation features in heating, ventilation and air conditioning systems, lighting and window treatments, and insulation and weather stripping. The project would also incorporate cool-roofing materials and solar panels. Development of the project would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. Impacts would remain less than significant.

E-12

The project proposes to grade 3 CY of soil in a low sensitive rating Young Colluvial formation which has a low probability of containing paleontological resources according to the City's thresholds; therefore, grading in this formation is not considered significant. The thresholds have been outlined in Section V(c) of the Initial Study.



## Comment Letter E (cont.)

## Response

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

☐ ☐ ☐ ☒

The project is consistent with the General Plan and the La Jolla Community Plan's land use designation. The project is required to comply with the City's Climate Action Plan (CAP) by implementing energy reducing design measures, therefore the project would not obstruct a state or local plan for renewable energy or energy efficiency. No impacts would result.

### VII. GEOLOGY AND SOILS – Would the project:

- a) *All of these inactive faults run in a northwest to southeast direction.*  
Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: *Geological Hazards, City of San Diego Seismic Study*
- 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. *(1995) identified active and inactive geological faults that are located in La Jolla. The faults are classified as POTENTIALLY ACTIVE include the SCRIPPS FAULT, The MOUNT SLEADON FAULT, The Muirlands Fault, and the Century Club Fault.*

☒ ☐ ☒ ☐

According to the Preliminary Geotechnical Investigation Report (March 11, 2020), the closest known active fault is the Rose Canyon fault located 0.6 miles south of the site. The site is not located in an Alquist-Priolo Earthquake Fault Zone. No active faults are known to underlie or project toward the site. Therefore, the probability of fault rupture is considered low. Additionally, 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.

- ii) Strong seismic ground shaking?

☒ ☐ ☒ ☐

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.

- iii) Seismic-related ground failure, including liquefaction?

☒ ☐ ☒ ☐

Liquefaction generally occurs when loose, unconsolidated, water-laden soils are subject to shaking, causing the soils to lose cohesion. The potential for soil liquefaction at the subject site is low to moderate due to presence of shallow groundwater. The project would be required to comply with the California Building Code that would reduce impacts to people or structures to an acceptable level of risk. Implementation of proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards would remain less than significant.

- E-13 This has been addressed in the Initial Study under Geology and Soils, Section VII (a(ii)). No active faults are known to underlie or project toward the site according to the Preliminary Geotechnical Investigation Report (March 11, 2020) included as an appendix. Impacts would be less than significant.

E-13

## Comment Letter E (cont.)

## Response

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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iv) Landslides?



According to the Preliminary Geotechnical Investigation Report (March 11, 2020), no evidence of landslides or slope instabilities were observed on-site. The report concluded that due to the relatively level terrain of the site, the possibility of deep-seated slope stability problems at the site is low. Implementation of proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts would be reduced to an acceptable level of risk. Impacts would be less than significant.

b) Result in substantial soil erosion or the loss of topsoil?



Demolition and construction activities would temporarily expose soils to increased erosion potential. The project would be required to comply with the City's Storm Water Standards which requires the implementation of appropriate Best Management Practices (BMPs). Grading activities within the site would be required to comply with the City of San Diego Grading Ordinance as well as the Storm Water Standards, which would ensure soil erosion and topsoil loss is minimized to less than significant levels. Furthermore, permanent storm water BMPs would also be required postconstruction consistent with the City's regulations, along with landscape regulations. Therefore, the project would not result in substantial soils erosion or loss of topsoil. Impacts would be less than significant.

*There is an underground water drainage problem at 8455 El Paseo Grande with a drain on 8449 El Paseo Grande, 100 feet from 8423 El Paseo Grande. Water from 8449 and 8455 El Paseo Grande drains into street.*

As discussed in Section VII (a) and VII (b), the project site is not likely to be subject to landslides, and the potential for liquefaction and subsidence is low. The soils and geologic units underlying the site are considered to have a "low" expansion potential. The project design would be required to comply with the requirements of the California Building Code, ensuring hazards associated with expansive soils would be reduced to an acceptable level of risk. As such, impacts are expected to be less than significant.

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?



According to the Geotechnical Report, the project site is considered to have low to moderate expansive soil potential. The project would be required to comply with seismic requirements of the California Building Code that would reduce impacts to people or structures due to local seismic events to an acceptable level of risk. Implementation of proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards would remain less than significant.

**E-14** The proposed development is located on a previously developed urbanized lot. As confirmed in the February 12, 2020 Drainage Study for the proposed home included as a technical appendix, runoff from the proposed residence will be collected by a series of roof drains that discharge into adjacent landscaped areas. An on-site private storm drain will collect runoff and discharge it into the gutter along El Paseo Grande via a proposed dual sidewalk underdrain system. Runoff will then drain southerly to the confluence at Camino del Oro, drain westerly across the roadway, and then be collected within the same grate inlet as in pre-project conditions. City engineering staff reviewed the drainage study and agreed with the report findings that the proposed drainage patterns would not be substantially altered and the drainage patterns are adequate. This development does not propose to encroach into any undisturbed or natural areas. Impacts would be less than significant.

**E-15** See response to comment E-14 above.



## Comment Letter E (cont.)

## Response

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project does not require the construction of wells or the use of groundwater. Furthermore, the project would include pervious design features and appropriate drainage. Therefore, the project would not introduce a significant amount of new impervious surfaces that could interfere with groundwater recharge. The project as designed was reviewed by qualified City staff and would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. The project is located in a residential neighborhood where all infrastructures exist. The project would connect to the existing public water system. 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?

☐ ☐ ☒ ☐

Proper landscaping would prevent substantial erosion onsite. No stream or river is located on or adjacent to the site, all runoff would be routed to the existing storm drain system and would therefore not substantially alter existing drainage patterns. The project would be required to implement BMPs to ensure that substantial erosion or siltation on or off-site during construction activities would not occur. Impacts would be less than significant.

- After grading, applicant must comply with Section 3307 - 832 of California Civil Code. Adjacent property to be protected during grading.*
- 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?

☒ ☐ ☒ ☐

Refer to response X (c) above. No flooding would occur. Impacts would be less than significant.

- 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?

*Owner must comply with California Civil Code 832*

☒ ☐ ☒ ☐

The project would be required to comply with all City storm water standards during and after construction. Appropriate BMPs would be implemented to ensure that water quality is not degraded; therefore, ensuring that project runoff is directed to appropriate drainage systems. Any runoff from the site is not anticipated to exceed the capacity of existing storm water systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant, and no mitigation measures are required.

- f) Otherwise substantially degrade water quality?

*Owner must comply with California Civil Code 832.*

☒ ☐ ☒ ☐

E-16 The project would be conditioned to comply with all applicable regulations regarding drainage and runoff. Impacts would be less than significant.

E-17,18 See response to comment E-16 above.

## Comment Letter E (cont.)

## Response

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Refer to response X (a) above. The project would be required to comply with all City storm water standards both during and after construction, using appropriate BMP's that would ensure that water quality is not degraded. Impacts would be less than significant.

- 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?

☐ ☐ ☒ ☐

The project site is not located within a 100-year flood hazard area or any other known flood area. The project has been reviewed by the proper engineering staff and would be conditioned to follow building construction guidelines to avoid flooding. Any impacts would remain below a level of significance.

- h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?

☒ ☐ ☒ ☐

Refer to X (g) above. The project site is not located within a 100-year flood hazard area or any other known flood area. Impacts would remain below a level of significance.

XI. LAND USE AND PLANNING - Would the project:

- a) Physically divide an established community?

☐ ☐ ☐ ☒

The project would construct a new single-family residence and a companion unit in the place of an existing single-family residence. The project is consistent with the General Plan and the La Jolla Community Plan's land use designation (Low Density Residential, 5-9 du/ac) and is within a previously developed lot with access to a public roadway. The project site is located within a developed residential neighborhood and surrounded by similar residential development. The project would not substantially change the nature of the surrounding area and would not introduce any barriers or project features that could physically divide the community. No impacts would result.

- 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?

☒ ☐ ☐ ☒

The project is consistent with the General Plan and the La Jolla Community Plan's land use designation which allows up to 5-9 dwelling units per acre. The project is located on a 0.12-acre lot and proposes one unit therefore it is consistent. The project also complies with the LSPD-SF zoning requirements. Since there are no conflicts with the applicable land use plan, policy, or regulations, impacts would remain below a level of significance.

E-19 This comment is general in nature does not refer to the adequacy of the environmental document.

E-20,21 See response to comment E-2 above.

## Comment Letter E (cont.)

## Response

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project site is not located within the vicinity of a private airstrip. No impacts would result.

#### 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)?

*Project not consistent with current La Jolla Community plan*

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
-------------------------------------	--------------------------	--------------------------	-------------------------------------

The project would construct a single-family residence and a companion unit in the place of an existing single-family residence. The project is consistent with the underlying zone and is consistent with the La Jolla Community Plan. The project site is currently developed with the connections to receive water and sewer service from the City, and no extension of infrastructure to new areas is required. As such, the project would not substantially increase housing or population growth in the area. No roadway improvements are proposed as part of the project. No impacts would result.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

The project would construct a new single-family residence and a companion unit in the place of an existing single-family residence, located in a neighborhood of similar residential development; therefore, no such displacement would occur. No impacts would result.

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

*No other houses in area with 4,994 sq. ft. that has an ADU unit, in adjacent properties*

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
-------------------------------------	--------------------------	--------------------------	-------------------------------------

Refer to response XIV (b) above. No impacts would result.

#### 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------	-------------------------------------	--------------------------

The project site is located in an urbanized and developed area where fire protection services are already provided. The project proposes to demolish an existing single-family residence and construct a new single-family residence with a companion unit in its place. Therefore, the project would not adversely affect existing levels of fire protection services to the area and would not require the construction of new or expansion of existing governmental facilities. Impacts would be less than significant. *Project with setbacks will impact the fire protection for adjacent structures.*

E-22 See response to comment E-2 above.

E-23 The project is allowed to construct an ADU per San Diego Municipal Code Section 141.0302. The project would not displace substantial numbers of people. Impacts would not result.

E-24 The proposed project is consistent with applicable setback regulations. The La Jolla Shores Planned District Ordinance (LSPDO) does not have an established minimum required front, side, or rear yard setback. Instead, the PDO Municipal Code Section 1510.0304(b)(4) in the "Siting of Buildings" section states "Building & Structure setbacks shall be in general conformity with those in the vicinity."

Please refer to section XV(a(i)) of the Initial Study. Replacement of an existing single-family residence would not impact fire-protection services. The project would be conditioned to comply with all fire and building codes.



## Comment Letter E (cont.)

## Response

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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expansion of an existing park facility. The project would not significantly increase the use of existing neighborhood or regional parks or other recreational facilities. Therefore, the project is not anticipated to result in the use of available parks or facilities such that substantial deterioration occurs, or that would require the construction or expansion of recreational facilities to satisfy demand. As such, impacts would remain less than significant.

- 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?

☐ ☐ ☒ ☐

Refer to XVI (a) above. The project does not propose recreation facilities nor require the construction or expansion of any such facilities. As such, impacts would remain less than significant.

### XVII. TRANSPORTATION/TRAFFIC – Would the project?

- 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?

☐ ☐ ☐ ☒

The project proposes to construct a single-family residence and a companion unit in the place of an existing single-family residence, in a neighborhood with similar development, therefore, the project would not result in design measures that would conflict with existing policies, plan, or programs supporting alternative transportation. No impacts would result.

- b) Would the project or plan/policy result in VMT exceeding thresholds identified in the City of San Diego Transportation Study Manual?

☒ ☐ ☒ ☐

*Adjacent properties are not affected by VMT City of San Diego Transportation Manual.*

On September 27, 2013, Governor Edmund G. Brown, Jr. signed SB-743 into law, starting a process that fundamentally changes the way transportation impact analysis is conducted under CEQA. Related revisions to the State's CEQA Guidelines include elimination of auto delay, level of service (LOS), and similar measurements of vehicular roadway capacity and traffic congestion as the basis for determining significant impacts.

In December 2018, the California Resources Agency certified and adopted revised CEQA Guidelines, including new section 15064.3. Under the new section, vehicle miles traveled (VMT), which includes the amount and distance of automobile traffic attributable to a project, is identified as the "most appropriate measure of transportation impacts." As of July 1, 2020, all CEQA lead agencies must analyze a project's transportation impacts using VMT.

The Draft City of San Diego Transportation Study Manual (TSM) dated June 10, 2020 is consistent with the California Environmental Quality Act (CEQA) guidelines and utilizes VMT as a metric for evaluating transportation-related impacts. Based on these guidelines, all projects shall go through a

E-25 This comment is referencing adjacent properties. VMT for the project was found to be less than significant.

E-25

## Comment Letter E (cont.)

## Response

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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screening process to determine the level of transportation analysis that is required.

The project would construct a single-family residence and a companion unit in the place of an existing single-family residence in a neighborhood which serves similar residential development. A "Small Project" is defined as a project generating less than 300 daily unadjusted driveway trips using the City of San Diego trip generation rates/procedures.

Based upon the screening criteria identified above, the project qualifies as a "Small Project" and is screened out from further VMT analysis. Therefore, as recommended in the City of San Diego Draft TSM, June 10, 2020, the project would have a less than significant impact.

- 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 project would construct a single-family residence and a companion unit in the place of an existing single-family residence, in a neighborhood with similar residential development. The project complies with the La Jolla Community Plan and is consistent with the land use and underlying zoning, therefore, the project does not include any design features that would substantially increase hazards. No impacts would result.

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

Adequate emergency access would be provided during both short-term construction (with construction operating protocols) and long-term operations of the project. Emergency access to the site would be provided from the driveway entrance on El Paseo Grande. As such, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-------------------------------------|--------------------------|--------------------------|-------------------------------------|

The project site is not listed nor is it 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). In addition, please see section V (b) above. Impacts would not result.

- b) A resource determined by the lead agency, in its discretion and supported
- |                          |                                     |                          |                          |
|--------------------------|-------------------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|-------------------------------------|--------------------------|--------------------------|

E-26 See response to comment E-7 above.

E-27 See response to comment E-11 above.

E-26

E-27

## Comment Letter E (cont.)

## Response

E-28

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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.

There were Native American artifacts found in 2015 during construction of drains on Avenida de Playa and at the construction of La Jolla Shores Beach Lifeguard Tower.

Tribal Cultural Resources include sites, features, places, cultural landscapes, and sacred places or objects that have cultural value or significance to a Native American Tribe. Tribal Cultural Resources include "non-unique archaeological resources" that, instead of being important for "scientific" value as a resource, can also be significant because of the sacred and/or cultural tribal value of the resource. Tribal representatives are considered experts appropriate for providing substantial evidence regarding the locations, types, and significance of tribal cultural resources within their traditionally and cultural affiliated geographic area (PRC § 21080.3.1(a)).

In accordance with the requirements of Assembly Bill (AB) 52, The City of San Diego sent notification to the Native American Tribes traditionally and culturally affiliated with the project area on May 20, 2020. The Jamul Indian Village and the Lipay Nation of Santa Ysabel responded requesting consultation. Consultation took place and concluded via email on June 18, 2020. It was determined that there are no sites, features, places or cultural landscapes that would be substantially adversely impacted by the proposed project. Although no Tribal Cultural Resources were identified within the project site, there is a potential for the construction of the project to impact buried and unknown Tribal Cultural Resources due to its location to known recorded resources in the near vicinity, and location within the Spindrift area of La Jolla Shores. Therefore, it was agreed upon that archaeological and Native American monitoring should be included in the MMRP. The Jamul Indian Village identified that no further evaluation was required and concluded consultation. Mitigation in the form of archaeological and Native American monitoring would reduce all impacts to Tribal Cultural Resources to below a level of significance. See section V of the MND and the Mitigation, Monitoring and Reporting Program (MMRP) for further details.

### XIX. UTILITIES AND SERVICE SYSTEMS - Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ☐ ☐ ☒ ☐

Implementation of the project would not interrupt existing sewer service to the project site or other surrounding uses. No significant 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 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 located in an urbanized and developed area. Adequate services are already available to serve the project. Impacts would remain below a level of significance.

- b) Require or result in the construction of new water or wastewater treatment ☐ ☐ ☐ ☒

E-28 See response to comment E-11 above.



## Comment Letter E (cont.)

## Response

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Refer to response XIX (a) above. Adequate services are available to serve the project site. Additionally, the project would not significantly increase the demand for water or wastewater treatment services and thus, would not trigger the need for new treatment facilities. No impacts would result.

- 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?

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 impacts would result.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

The 2015 City Urban Water Management Plan (UWMP) serves as the water resources planning document for the City's residents, businesses, interest groups, and public officials. The UWMP assess the current and future water supply and needs for the City. Implementation of the project would not result in new or expanded water entitlements from the water service provider, as the project is consistent with existing demand projections contained in the UWMP (which are based on the allowed land uses for the project site). The Public Utilities Department local water supply is generated from recycled water, local surface supply, and groundwater, which accounts for approximately 20 percent of the total water requirements for the City. The City purchases water from the San Diego County Water Authority to make up the difference between total water demands and local supplies (City of San Diego 2015). Therefore, the project would not require new or expanded entitlements. No impacts would result.

- 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?

The project would not adversely affect existing wastewater treatment services. Adequate services are available to serve the project site without requiring new or expanded entitlements. No impacts would result.

E-29 See response to comment E-14 above.

## Comment Letter E (cont.)

## Response

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>

Construction debris and waste would be generated from the construction of the project. All construction waste from the project site would be transported to an appropriate facility, which would have sufficient permitted capacity to accept that generated by the project. Long-term operation of the residential use is anticipated to generate typical amounts of solid waste associated with residential uses. Furthermore, the project would be required to comply with the City's Municipal Code requirement for diversion of both construction waste during the short-term, construction phase and solid waste during the long-term, operational phase. Impacts are considered to be less than significant.

g) Comply with federal, state, and local statutes and regulation related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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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 generate or require the transport of hazardous waste materials, other than minimal amounts generated during the construction phase. All demolition activities would comply with any City of San Diego requirements 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.

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"/>
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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 located in an urbanized area of San Diego and construction of a single-family residence and companion unit in the place of an existing single-family residence 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.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--	-------------------------------------	--------------------------	-------------------------------------	--------------------------

The project is located in an urbanized neighborhood of similar residential development and is not located in a Very High Fire Severity Zone. 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.

E-30 See response to comment E-24 above.

E-30

## Comment Letter E (cont.)

## Response

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>E-31 { 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?</p> <p>Since there is a "Zero" setback area on the property line, fire risk could exist.</p> <p>The project is located 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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>E-32 { 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?</p> <p>There is an area of the project with a "Zero" setback. Property is at risk for all flooding and drainage changes.</p> <p>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.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>XXI. MANDATORY FINDINGS OF SIGNIFICANCE -</p> <p>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?</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> <p>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.</p>				

E-31 See response to comment E-24 above.

E-32 See response to comment E-14 and E-24 above.



## Comment Letter E (cont.)

## Response

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- 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)?

Past projects 8368 Paseo Del Ocaso  
CAVED IN during construction 8 to 10 feet.  
Project had basement water under house at  
8455 Paseo Grande still exists.

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 potentially significant cumulative environmental impacts.

- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

Yes. Project would cause substantial effects on humans. Adjacent neighbors would lose  
sunshine, air flow, damage to properties and decrease in property value.

The project would demolish an existing single-family residence and construct a new single-family residence and a companion unit in its place. 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.

E-33 Comment contains information referencing other projects. Comment does not address adequacy of the environmental document.

E-34 See response to comment E-2 above. The project could result in potential impacts to Cultural Resources and Tribal Cultural Resources, but they would be mitigated to below a level of significance.

18

# Comment Letter E (cont.)

# Response

E- 35-36

These comments do not address the adequacy of this document. Reference material shown are boring logs for a different property located at 8368 Paseo Del Ocaso. The Preliminary Geotechnical Investigation Report completed for 8423 El Paseo Grande, by Christian Wheeler Engineering (March 2020) has been included as a technical appendix.

E-35

LOG OF TEST BORING B-1				Sample Type and Laboratory Test Legend							
Date Excavated: 12/16/08		Equipment: Tripod		Cal. Modified California Sampler		CS: Chunk Sample					
Logged by: AKN		Bucket Size: N/A		ST: Shelby Tube		12R: Density Ring					
Existing Elevation: 13 feet		Drive Weight: 140 lbs.		MD: Maximum Density		DS: Direct Shear					
Proposed Elevation: N/A		Depth to Water: 9 feet		SS: Soluble Sulfates		Com: Consolidation					
				SA: Sieve Analysis		FI: Expansion Index					
				LVA: Liquid Limit		RVA: Resistance Value					
				SE: Sand Equivalent		CMI: Soluble Chlorides					
				PI: Plasticity Index		pH & Resistivity					
DEPTH (ft)	ELEVATION	GRAPHIC LOG	USCS SYMBOL	SUMMARY OF SUBSURFACE CONDITIONS (based on Unified Soil Classification System)	PENETRATION (blows)	SAMPLE TYPE	BULK	MOISTURE CONTENT (%)	DRY DENSITY	WATER SATURATION	LABORATORY TESTS
0	13		SM	<b>Slopewash (Osw):</b> Medium brown, moist, loose, SILTY SAND with roots in upper 2 feet, medium-grained, mottled.							
4	9		SM	<b>Old Palatic Deposits (Oop):</b> Medium orangish-brown and tan, moist, medium dense, SILTY SAND, medium-grained, mottled, with zones of iron staining.	14	Cal		5.0	110.6		
8	5			At 8 feet becomes very moist.	53	Cal		5.2	124.1		SA, MD, SCL, DS
				At 9 feet becomes saturated.							
12	1			Boring terminated at 10 1/2 feet due to caving.	30	Cal					Com.
				Groundwater encountered at 9 feet.							
16	-3			Caving on property							
20	-7			Catto Property							
24	-11			8368 Paseo Del Ocaso							
28	-15			Excavated 12/16/08							
				8 feet becomes very moist							
				9 feet becomes Saturated							
				10 1/2 feet Caved in							
				Christian Wheeler Engineering							
<b>Results- Excavation 8368 Paseo Del Ocaso</b> Property is 500 feet from 8423 El Paseo Grande											
<b>Symbol Legend</b> Groundwater Apparent Seepage No Sample Recovery Nonrepresentative Blow Count (locks present)				<b>CHRISTIAN WHEELER ENGINEERING</b>		<b>PROPOSED SINGLE-FAMILY RESIDENCE</b> 8368 Paseo del Ocaso La Jolla, California					
				BY: SHV		DATE: January 2009					
				JOB NO: 2080718.02		PLATE NO: 2					

Comparison for drainage.  
PAGE 1 of 2

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# Comment Letter E (cont.)

# Response

E- 35-36

See response to comment E-35 above.

E-36

LOG OF TEST BORING B-1				Sample Type and Laboratory Test Legend						
DEPTH (ft)	ELEVATION	GRAPHIC LOG	USCS SYMBOL	SUMMARY OF SUBSURFACE CONDITIONS (based on Unified Soil Classification System)	PENETRATION (blows)	SAMPLE TYPE	BULK MOISTURE CONTENT (%)	DRY DENSITY	SATURATION	LABORATORY TESTS
0	13		SM	<b>Slopewash (Qsw):</b> Medium brown, moist, loose, SILTY SAND with roots in upper 2 feet, medium-grained, mottled.						
4	9		SM	<b>Old Palaeo Deposits (Qop):</b> Medium orangish-brown and tan, moist, medium dense, SILTY SAND, medium-grained, mottled, with zones of iron staining.	14	Cal	5.0	110.6		SA, MD, SD, LS
8	5			At 8 feet becomes very moist. At 9 feet becomes saturated.	53	Cal	5.2	124.1		
12	1			Boring terminated at 10 1/2 feet due to caving. Groundwater encountered at 9 feet.	30	Cal				Com
16	-3			<p>Gatto Property 8368 Paseo Del Ocaso Caved in 10 1/2 feet Excavated 12/16/08</p> <p>Property 500 feet from 8423 El Paseo Grande.</p>						
20	-7									
24	-11									
28	-15									
<b>Symbol Legend</b> Groundwater Apparent Seepage No Sample Recovery Nonrepresentative Blow Count (rocks present)				 <b>CHRISTIAN WHEELER</b> ENGINEERING		<b>PROPOSED SINGLE-FAMILY RESIDENCE</b> 8368 Paseo del Ocaso La Jolla, California BY: SHV      DATE: January 2009 JOB NO: 2000718.02      PLATE NO: 2				

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# Comment Letter F

# Response

November 23, 2020

Rachael Ferrell - Environmental Analyst  
City of San Diego  
Development Services Department - Environmental Analyst Section  
1222 First Avenue, MS 501  
San Diego, California 92101

Email : [DSDEAS@saniego.gov](mailto:DSDEAS@saniego.gov)

Re: Draft Mitigated Negative Declaration  
8423 El Paseo Grande  
Project Number 661815

- F-1 { Dear Ms. Ferrell and Members of the Development Services Department,  
The proposed construction for 8423 El Paseo Grande should be examined further as the findings in the DRAFT Mitigated Negative Declaration (MND) are not factual.
- F-2 { The initial study analysis and conclusion are incorrect because the proposed project does not comply with the La Jolla Shores Planned District Ordinance. This project was NOT approved by the La Jolla Planning Association or the La Jolla Shores Permit Review Committee. The personnel at Island Architects have not made suggested changes in the plans and are soon seeking approval from you.
- F-3 { The facts show that there are insufficient setbacks in front of the property, the North side yard, and the rear yard. In addition, the proposed structure does not conform with the character of the area and the proposed structure is excessive in both bulk and scale. To my knowledge there are not any ADU's in the area. This requested construction requires additional off-street parking which is not in the plan.
- F-4 {
- F-5 {
- F-6 {
- F-7 { This home is directly across from Kellogg Park and should reflect the neighborhood character of La Jolla Shores. It does not.
- F-8 { Lastly, it seems that the drainage in that most immediate crosswalk is already inadequate. The crosswalk is normally slippery or partially obscured with water. Additional large construction in that area should be closely examined before being approved due to groundwater and drainage issues.

Thank you for your consideration.

Sincerely,  
Mila Vujovich-La Barre  
[milavu@hotmail.com](mailto:milavu@hotmail.com)  
805-441-5818

- F-1 The City of San Diego conducted an Initial Study in accordance with CEQA and found that the project could have a significant environmental effect to Cultural Resources and Tribal Cultural Resources. However, with implementation of mitigation measures, the project would reduce impacts to below a level of significance.
- F-2 The project has been reviewed by qualified City staff. The project meets all the requirements according to the LJSPD-SF zoning regulations and the La Jolla Community Plan. The project does not need a Community Planning Group recommendation to move forward with a hearing. The Initial Study and the Draft MND was prepared in accordance with CEQA and was found that there could be significant environmental effects to Cultural Resources and Tribal Cultural Resources. However, with implementation of mitigation measures, the project would reduce impacts to below a level of significance.
- F-3 The La Jolla Shores Planned District Ordinance (LJSPDO) does not have an established minimum required front, side, or rear yard setback. Instead, the LJSPDO Municipal Code Section 1510.0304(b)(4) in the "Siting of Buildings" section states "Building & Structure setbacks shall be in general conformity with those in the vicinity." The project's front yard setback is 15 feet to 20 feet. The project proposes side yard setbacks within the area range from 1.5 – 9.5 feet within a minimum "average" of 3.5 feet for side yards. The project proposes a north side yard setback to the main house that ranges from 4.0 to 6.0 feet and a 0-foot side setback adjacent to the attached companion unit. Section 1510.0304(b)(2) of the PDO specifically allows zero (0) foot side yard setbacks and the project would comply with this criteria. The proposed south side yard setbacks range from 4.0 to 24.3 feet, which is consistent with Municipal Code Section 1510.0304(b)(4).

## Comment Letter F (cont.)

## Response

- F-4 Staff conducted a comprehensive review of the proposed development as it relates to bulk and scale to determine community character and compatibility with existing residential development. The La Jolla Shores Planned District Ordinance (LJSPDO) does not specify FAR or required setbacks, only maximum lot coverage (60 percent, 1510.0304). The new structure would result in a 49% coverage of the lot. A survey of the neighborhood shows a comparison of similar gross floor areas and building setbacks to the current proposal. Neighborhood surveys are used by staff as a guide for determining conformance of a proposed project with surrounding development. It is an established DSD review method/practice for Staff to consider all development within the survey area when determining character of the area, and bulk and scale.

The La Jolla Community Plan (LJCP Pg.76) states, in order to regulate the scale of new development, apply the applicable development regulations which includes the LJSPDO (Coverage 60%, Structure height 30ft, Landscape 30%). There is also mention of regulating the scale of new development by applying setbacks requirements, building articulation, second story step backs, roofline treatment and variations within front yard setback requirements. These features are implemented within the proposal.

The bulk and scale of the proposed structure when viewed from the public right-of-way was also evaluated by staff. Staff determined the proposed structure is compatible in terms of bulk and scale with other structures in the neighborhood and would be consistent with the purpose and intent of the LJSPDO. The proposed exterior construction materials would be compatible with the neighborhood, as specified in the LJSPDO and the La Jolla Shores Design Manual.

## Comment Letter F (cont.)

## Response

The LSPDO “Design Principle” theme is “unity with variety”, directing that no adjacent homes should be substantially alike nor should two adjacent homes be so different as to disrupt the architectural unity of the area. Unity and variety should not become monotonous or chaotic. The La Jolla Shores neighborhood is very diverse and comprised of structures with varied bulk, scale, forms, materials and color. The proposed structure’s overall form, bulk scale, exterior material and colors when viewed from the public right-of-away would be compatible with the varied architecture of the La Jolla Shores neighborhood.

The proposed project complies with the regulations of the LSPDO, and applicable land use plan policies and goals.

F-5 Comment is informational in nature, but a response has been provided. The project is allowed to construct an ADU per San Diego Municipal Code Section 141.0302.

F-6 The project is located in the Parking Impact Beach Overlay Zone and has provided two off-street parking in the garage, as required for the primary residence. Pursuant to ADU Parking regulations, SDMC 141.0302(a)(3) No on-street parking spaces or off-street parking spaces are required for ADUs. If the applicant chooses to provide off-street parking spaces for ADUs located on the premises, those spaces shall comply with the following: (i) Off-street parking spaces may be located in any configuration, may be within the setback areas, and may include tandem spaces (ii) Off-street parking spaces shall be located within hardscape areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the lot. Pursuant to 141.0103(b) Where there is a conflict between the regulations in the separately regulated article (for Companion Units) and other regulations in the Land Development Code, separately regulated article shall apply. The project is providing adequate parking.



## Comment Letter F (cont.)

## Response

- F-7      See response to comment F-4 above.
- F-8      The proposed development is located on a previously developed urbanized lot. As confirmed in the February 12, 2020 Drainage Study for the proposed home included as a technical appendix, runoff from the proposed residence will be collected by a series of roof drains that discharge into adjacent landscaped areas. An on-site private storm drain will collect runoff and discharge it into the gutter along El Paseo Grande via a proposed dual sidewalk underdrain system. Runoff will then drain southerly to the confluence at Camino del Oro, drain westerly across the roadway, and then be collected within the same grate inlet as in pre-project conditions. City engineering staff reviewed the drainage study and agreed with the report findings that the proposed drainage patterns would not be substantially altered and drainage patterns are adequate. This development does not propose to encroach into any undisturbed or natural areas. Impacts would be less than significant.

# Comment Letter G

# Response

FROM THE DESK OF

**Kristine M. McNamara**

November 23, 2020

Ms. Rachael Ferrell, Environmental Analyst  
City of San Diego  
Development Services Department  
Environmental Analysis Section  
1222 First Avenue, MS 501  
San Diego, CA 92101

Via Email: [DSDEAS@sanidiego.gov](mailto:DSDEAS@sanidiego.gov)

Re: DRAFT Mitigated Negative Declaration  
8423 El Paseo Grande  
Project No. 6661815

Dear Ms. Ferrell and Ladies and Gentlemen of the Development Services  
Department,

I am writing to you as the property owner who is directly north of this proposed project referenced above at 8433 El Paseo Grande. I ask that you please review the letter that was also sent by Phil Merten, as he very concisely summaries the issues of this project — both as to the impacts to Drs. Uri and Ayelet Gneezy (property owners east of the project), to the community and to my home.

In addition, I would like to bring to your attention, Mr. Broe, the owner of 8423 El Paseo Grande, is the founder and CEO of the Denver-based multi-million dollar company, The Broe Group - composed of real estate, transportation, and investment assets. His website so eloquently states: *"Our goal is to invest in the communities in which we operate. We live here too. We recognize that there's more than one kind of value—including the value of being good neighbors...Which means that doing good business starts with doing good."* In 1983, they invested in the Tabor Center, it "showed all the weathered years of Denver's history, but none of its charm." Due to their creative team, they "Reimagined the Center" — it was reopened in 1984 and is an anchor landmark for the city of Denver.

G-1 The comment is introductory in nature and does not address the adequacy of the environmental document.

G-1

## Comment Letter G (cont.)

## Response

G-1	We, his neighbors in The Shores, have spoken against this project and challenged Mr. Broe to rethink and apply his companies philosophy to his own personal project — to apply that same concern of being neighborly and using creativity just as he did with The Tabor Center.
G-2	The over “mansionization” needs to stop and who better than Mr. Broe to be the one who steps up and does it? He and Island Architects have heard from several of the neighbors regarding several concerns for his project: inconsistent set backs or lack of, over sized FAR, the reduced air flow, lack of shared space and it lists 1,102 square feet as a “companion unit” which sits right on the North property line. How can they refer to this as an ADU or companion unit — this space has no outside access, is only accessible inside the house from both levels, is not intended to be rented, it especially will not be used as low-income housing and is not a separate dwelling unit? Be honest — it’s an additional 1,102 square feet that makes this a 5,096 square foot house on a 5,241 square foot lot with a 0.98% FAR. It’s an elephant on a postage stamp! As for the additional 1,102 square feet — it is positioned right on the North property line — that is changing the environment, impacts air flow, has NO set back, is in immediate line of our garage and would be a safety issue if a car would back into the wall, it dramatically impacts the green and open space and most importantly, changing the norm for everyone, which therefore requires CEQA review.
G-3	
G-4	
G-5	
G-6	Mr. Broe says he cares about space and being a good neighbor — but his proposed plan only cares about his space and what he wants. What happened to his philosophy of being a good neighbor and doing good? As concerned neighbors we appeal to you, our City of San Diego Development Services Department. Both the La Jolla Shores Permit Review Committee and the La Jolla Planned District Advisory Board said no to this project as it is currently proposed and to any future purposed “mansionization.” As the city code describes, new projects are “To preserve the seaside character of the community — designed and built to protect public views.” Let’s help developers and new owners protect the village seaside charm known as La Jolla Shores - just as Mr. Broe did with the Tabor Center!

G-1	The comment is introductory in nature and does not address the adequacy of the environmental document.
G-2	The comment is introductory in nature and does not address the adequacy of the environmental document.
G-3	The comment is introductory in nature and does not address the adequacy of the environmental document.
G-4	Staff conducted a comprehensive review of the proposed development as it relates to bulk and scale to determine community character and compatibility with existing residential development. The La Jolla Shores Planned District Ordinance (LJSPDO) does not specify FAR or required setbacks, only maximum lot coverage (60 percent, 1510.0304). The new structure would result in a 49% coverage of the lot. A survey of the neighborhood shows a comparison of similar gross floor areas and building setbacks to the current proposal. Neighborhood surveys are used by staff as a guide for determining conformance of a proposed project with surrounding development. It is an established DSD review method/practice for Staff to consider all development within the survey area when determining character of the area, and bulk and scale.  The La Jolla Community Plan (LJCP Pg.76) states, in order to regulate the scale of new development, apply the applicable development regulations which includes the LJSPDO (Coverage 60%, Structure height 30ft, Landscape 30%). There is also mention of regulating the scale of new development by applying setbacks requirements, building articulation, second story step backs, roofline treatment and variations within front yard setback requirements. These features are implemented within the proposal.



## Comment Letter G (cont.)

## Response

The bulk and scale of the proposed structure when viewed from the public right-of-way was also evaluated by staff. Staff determined the proposed structure is compatible in terms of bulk and scale with other structures in the neighborhood and would be consistent with the purpose and intent of the LJSPDO. The proposed exterior construction materials would be compatible with the neighborhood, as specified in the LJSPDO and the La Jolla Shores Design Manual.

The LJSPDO “Design Principle” theme is “unity with variety”, directing that no adjacent homes should be substantially alike nor should two adjacent homes be so different as to disrupt the architectural unity of the area. Unity and variety should not become monotonous or chaotic. The La Jolla Shores neighborhood is very diverse and comprised of structures with varied bulk, scale, forms, materials and color. The proposed structure’s overall form, bulk scale, exterior material and colors when viewed from the public right-of-away would be compatible with the varied architecture of the La Jolla Shores neighborhood.

The proposed project complies with the regulations of the LJSPDO, and applicable land use plan policies and goals.

- G-5** The La Jolla Shores Planned District Ordinance (LJSPDO) does not have an established minimum required front, side, or rear yard setback. Instead, the LJSPDO Municipal Code Section 1510.0304(b)(4) in the “Siting of Buildings” section states “Building & Structure setbacks shall be in general conformity with those in the vicinity.” The project’s front yard setback is 15 feet to 20 feet. The project proposes side yard setbacks within the area range from 1.5 – 9.5 feet within a minimum “average” of 3.5 feet for side yards.

## Comment Letter G (cont.)

## Response

The project proposes a north side yard setback to the main house that ranges from 4.0 to 6.0 feet and a 0-foot side setback adjacent to the attached companion unit. Section 1510.0304(b)(2) of the LSPDO specifically allows zero (0) foot side yard setbacks and the project would comply with this criteria. The proposed south side yard setbacks range from 4.0 to 24.3 feet, which is consistent with Municipal Code Section 1510.0304(b)(4).

The project was reviewed by qualified City staff and would not encroach or impact any open space areas. The Draft MND prepared in accordance with CEQA addressed all impact areas and any potentially significant impacts have been mitigated.

**G-6** The comment is general in nature and does not address the adequacy of the environmental document.

## Comment Letter G (cont.)

## Response

G-7

As a side note, Mr. Broe owns several homes — so this will be one of many. The Gneezy's and my home are our main residence. I am not an architect or a builder - I am a widow who is a homeowner who has lived here for over thirty years. I care about our community and our property. Help us protect our homes and the future of this area. If La Jolla is called the Crown Jewel of San Diego - then we need your help and support in protecting it's name and integrity! Thank you for your time and consideration with these important issues regarding the proposed project and its impact on the environment and the community.

Sincerely yours,

Kristine M. McNamara

cc: Drs. Uri and Ayelet Gneezy

Philip A. Merten, AIA

G-7

The comment is general in nature and does not address the adequacy of the environmental document.



# Comment Letter H



November 23, 2020

Ms. Rachael Ferrell, Environmental Analyst  
City of San Diego  
Development Services Department  
Environmental Analysis Section  
1222 First Avenue, MS 501  
San Diego, CA 92101

Via Email: [DSDEAS@sanidiego.gov](mailto:DSDEAS@sanidiego.gov)

Re: DRAFT Mitigated Negative Declaration -  
8423 El Paseo Grande (Project No. 661815)

Dear Ms. Ferrell and Members of the Development Services Department:

- H-1 { The La Jolla Shores Association (LJSA) disagree with the Draft Mitigated Negative Declaration (MND) Findings on the project at 8423 El Paseo Grande, La Jolla. This project will have a significant impact on the Shores especially location directly across from the Beach at Kellogg Park.
- H-2 { The La Jolla Shores Permit Review Committee (LJSPRC), which has 5 of 8 total members appointed by LJSA, determined that this project conflicts with the La Jolla Community Plan and Local Coastal Program plus the La Jolla Shores Planned District Ordinance (LJSPDO). On July 20, 2020 at their 2nd hearing of this project, the LJSPRC voted 6-0-1 to deny the project for the following reasons:
- H-3 { ☐ The proposed FAR of 0.96 is 74.5% greater than the average FAR of .55% of 42 properties on El Paseo Grande. This excessive bulk and scale violates the requirements in this area.
- H-4 { ☐ The high, boxy silhouette of the proposed project does not conform to the Design Principal Section of the LJSPDO, which requires architectural unity for project in the Shores.
- H-5 { ☐ The setbacks proposed are: Side setbacks of 0 & 4', North Side setbacks of 6', and Rear setback of 10'. Setbacks in the vicinity are substantially larger. These setbacks are not in conformity.
- H-6 { ☐ The LJSPDO requires smooth transitions between projects. This large, boxy project does not do that with the single story residence next to it. The La Jolla Community Plan and Local Coastal Program further shows these requirements in a series of diagrams. This does not comply.
- H-7 { ☐ A total of 3 off-street parking spaces (2 for the dwelling plus 1 for the companion unit) is the required minimum for this area. The current proposal only provides 2 off-street parking spaces. This does not comply with the Parking Regulations of the LJSPDO.
- H-8 { The La Jolla Community Planning Association has requested that 8423 El Paseo Grande be redesigned to conform to requirements of the LJSPDO and returned to the LJSPRC for further modifications to comply with those requirements. The LJSA fully endorses this position and urges to City to so order.

Sincerely,

Janie Emerson, President  
La Jolla Shores Association  
Vice Chair La Jolla Shores Permit Review Committee

# Response

- H-1 The City of San Diego conducted an Initial Study in accordance with CEQA and found that the project could have a significant environmental effect to Cultural Resources and Tribal Cultural Resources. Implementation of mitigation measures would reduce impacts to below a level of significance. In accordance with CEQA Guidelines Section 15070, an MND was prepared.
- H-2 The comment is introductory and general in nature does not address the adequacy of the environmental document.
- H-3 Staff conducted a comprehensive review of the proposed development as it relates to bulk and scale to determine community character and compatibility with existing residential development. The La Jolla Shores Planned District Ordinance (LJSPDO) does not specify FAR or required setbacks, only maximum lot coverage (60 percent, 1510.0304). The new structure would result in a 49% coverage of the lot. A survey of the neighborhood shows a comparison of similar gross floor areas and building setbacks to the current proposal. Neighborhood surveys are used by staff as a guide for determining conformance of a proposed project with surrounding development. It is an established DSD review method/practice for Staff to consider all development within the survey area when determining character of the area, and bulk and scale.
- The La Jolla Community Plan (LJCP Pg.76) states, in order to regulate the scale of new development, apply the applicable development regulations which includes the LJSPDO (Coverage 60%, Structure height 30ft, Landscape 30%). There is also mention of regulating the scale of new development by applying setbacks requirements, building articulation, second story step backs, roofline treatment and variations within front yard setback requirements. These features are implemented within the proposal.

## Comment Letter H (cont.)

## Response

The bulk and scale of the proposed structure when viewed from the public right-of-way was also evaluated by staff. Staff determined the proposed structure is compatible in terms of bulk and scale with other structures in the neighborhood and would be consistent with the purpose and intent of the LJSPDO. The proposed exterior construction materials would be compatible with the neighborhood, as specified in the LJSPDO and the La Jolla Shores Design Manual.

The LJSPDO “Design Principle” theme is “unity with variety”, directing that no adjacent homes should be substantially alike nor should two adjacent homes be so different as to disrupt the architectural unity of the area. Unity and variety should not become monotonous or chaotic. The La Jolla Shores neighborhood is very diverse and comprised of structures with varied bulk, scale, forms, materials and color. The proposed structure’s overall form, bulk scale, exterior material and colors when viewed from the public right-of-away would be compatible with the varied architecture of the La Jolla Shores neighborhood.

The proposed project complies with the regulations of the LJSPDO, and applicable land use plan policies and goals.

H-4      See response to comment H-3 above in regards to how the project meets the design principles.

## Comment Letter H (cont.)

## Response

H-5      The La Jolla Shores Planned District Ordinance (LJSPDO) does not have an established minimum required front, side, or rear yard setback. Instead, the PDO Municipal Code Section 1510.0304(b)(4) in the "Siting of Buildings" section states "Building & Structure setbacks shall be in general conformity with those in the vicinity." The project's front yard setback is 15 feet to 20 feet. The project proposes side yard setbacks within the area range from 1.5 – 9.5 feet within a minimum "average" of 3.5 feet for side yards. The project proposes a north side yard setback to the main house that ranges from 4.0 to 6.0 feet and a 0-foot side setback adjacent to the attached companion unit. Section 1510.0304(b)(2) of the PDO specifically allows zero (0) foot side yard setbacks and the project would comply with this criteria. The proposed south side yard setbacks range from 4.0 to 24.3 feet, which is consistent with Municipal Code Section 1510.0304(b)(4).

H-6      See response to comment H-3 above.



## Comment Letter H (cont.)

## Response

- H-7 The project is located in the Parking Impact Beach Overlay Zone and has provided two off-street parking in the garage, as required for the primary residence. Pursuant to ADU Parking regulations, SDMC 141.0302(a)(3) No on-street parking spaces or off-street parking spaces are required for ADUs. If the applicant chooses to provide off-street parking spaces for ADUs located on the premises, those spaces shall comply with the following: (i) Off-street parking spaces may be located in any configuration, may be within the setback areas, and may include tandem spaces (ii) Off-street parking spaces shall be located within hardscape areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the lot. Pursuant to 141.0103(b) Where there is a conflict between the regulations in the separately regulated article (for Companion Units) and other regulations in the Land Development Code, separately regulated article shall apply. The project is providing adequate parking.
- H-8 Comment noted. See response to comments H-3 through H-7 above with how the project conforms with the LJSPDO.

# Comment Letter I

SUZANNE WEISSMAN  
1857 Spindrift Dr.  
La Jolla, CA 92037

November 23, 2020

Ms. Rachael Ferrell, Environmental Analyst  
Development Services Department  
City of San Diego

Via Email: [DSDEAS@sanidiego.gov](mailto:DSDEAS@sanidiego.gov)

Re: Draft mitigated Negative Declaration, Project 661815, 8423 El Paseo Grande

Comments on the above Draft MMD.

Sec. XI, b) Land Use and Planning needs to be revised to "Significant Impact"

This project conflicts with the San Diego Municipal Code Sec. 141.0302(a)(7), parking requirements for companion units because it does not include an additional parking space for the companion unit. The parking space for the companion unit is in the driveway and does not qualify as an additional parking space. SDMC Sec.142.0510(e)(2)(A) clearly states: '... the use of a driveway to satisfy off-street parking space requirements is not permitted.'

This is especially important as the property is located in the Beach Parking Overlay Zone where parking is limited and necessary for beach access.

In addition, the bulk and scale – the size of the structure relative to the size of the lot – is excessive. The La Jolla Shores Planned Ordinance states that "... no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area." The LJSPDO provides no numerical guidelines to measure the size relationship of a project to others in the area, but the size relationship of one project to another in the area can be judged by the relative Floor Ratio Areas of structures in the area. With a FAR of .96 this project is larger than any other project in the area. The FAR of projects in the area presented by the applicant were based on data from the SCOUTRED website; this data is incorrect because it likely includes living area in basements which inflates the FAR percentage with footage that is not included in the FAR calculated according to SDMC Sec. 113.0234 which does not include basements in the gross floor area. Even the largest new structures in the area have FAR under .80. This project is significantly larger than any other in the area and will have a significant impact. This section of the MND should be revised to "Significant Impact."

The impact is also greater as the size of structures in La Jolla Shores continue to increase eroding the unique architectural character of the area that the La Jolla Shores Planned District Ordinance intended to protect.

Thank you for your consideration of this matter,

/s/ Suzanne Weissman

# Response

I-1

The project is located in the Parking Impact Beach Overlay Zone and has provided two off-street parking in the garage, as required for the primary residence. Pursuant to ADU Parking regulations, SDMC 141.0302(a)(3) No on-street parking spaces or off-street parking spaces are required for ADUs. If the applicant chooses to provide off-street parking spaces for ADUs located on the premises, those spaces shall comply with the following: (i) Off-street parking spaces may be located in any configuration, may be within the setback areas, and may include tandem spaces (ii) Off-street parking spaces shall be located within hardscape areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the lot. Pursuant to 141.0103(b) Where there is a conflict between the regulations in the separately regulated article (for Companion Units) and other regulations in the Land Development Code, separately regulated article shall apply. The project is providing adequate parking.

I-2

Staff conducted a comprehensive review of the proposed development as it relates to bulk and scale to determine community character and compatibility with existing residential development. The La Jolla Shores Planned District Ordinance (LJSPDO) does not specify FAR or required setbacks, only maximum lot coverage (60 percent, 1510.0304). The new structure would result in a 49% coverage of the lot. A survey of the neighborhood shows a comparison of similar gross floor areas and building setbacks to the current proposal. Neighborhood surveys are used by staff as a guide for determining conformance of a proposed project with surrounding development. It is an established DSD review method/practice for Staff to consider all development within the survey area when determining character of the area, and bulk and scale.

The La Jolla Community Plan (LJCP Pg.76) states, in order to regulate the scale of new development, apply the applicable development regulations which includes the LJSPDO (Coverage 60%, Structure height 30ft, Landscape 30%).

## Comment Letter I (cont.)

## Response

There is also mention of regulating the scale of new development by applying setbacks requirements, building articulation, second story step backs, roofline treatment and variations within front yard setback requirements. These features are implemented within the proposal.

The bulk and scale of the proposed structure when viewed from the public right-of-way was also evaluated by staff. Staff determined the proposed structure is compatible in terms of bulk and scale with other structures in the neighborhood and would be consistent with the purpose and intent of the LJSPDO. The proposed exterior construction materials would be compatible with the neighborhood, as specified in the LJSPDO and the La Jolla Shores Design Manual.

The LJSPDO “Design Principle” theme is “unity with variety”, directing that no adjacent homes should be substantially alike nor should two adjacent homes be so different as to disrupt the architectural unity of the area. Unity and variety should not become monotonous or chaotic. The La Jolla Shores neighborhood is very diverse and comprised of structures with varied bulk, scale, forms, materials and color. The proposed structure’s overall form, bulk scale, exterior material and colors when viewed from the public right-of-away would be compatible with the varied architecture of the La Jolla Shores neighborhood.

The proposed project complies with the regulations of the LJSPDO, and applicable land use plan policies and goals.



## Comment Letter I (cont.)

## Response

- I-3      See response to comment I-2 above. The project has been reviewed by qualified City staff. The project meets all the requirements according to the LJSPD-SF zoning regulations and the La Jolla Community Plan. Any impacts would remain below a level of significance.
- I-4      Comment is speculation in nature. The project complies with the LJSPD-SF zoning requirements and is consistent with the General Plan and the La Jolla Community Plan's land use designation.

# Comment Letter J



## La Jolla Community Planning Association

20 Nov 2020

Ms. Rachael Ferrell, Environmental Analyst  
Environmental Analysis Section, Development Services Department  
City of San Diego  
1222 First Avenue, MS 501  
San Diego, CA 92101

Via Email: DSDEAS@sanidiego.gov

Re: DRAFT Mitigated Negative Declaration, 8423 El Paseo Grande, Project 661815

Dear Ms. Ferrell and Members of the Development Services Department:

The La Jolla Community Planning Association would like to comment on the Draft Mitigated Negative Declaration provided for 8423 El Paseo Grande in La Jolla. We disagree with the MND Findings that the project will not have a significant impact in the following areas:

Sec. XI. Land Use and Planning. The project conflicts with the La Jolla Community Plan and Local Coastal Program and the La Jolla Shores Planned District Ordinance in the following areas:

- **Excessive Bulk and Scale.** The proposed FAR of 0.96 is 74.5% greater than the average FAR of 55% of 42 properties on El Paseo Grande reviewed by the La Jolla Shores Permit Review Committee during its meetings of 15 June 2020 and 20 July 2020 (relevant excerpts from meeting minutes attached).
- **Neighborhood Character.** In its high, boxy silhouette, the proposed project does not conform to the Design Principle Section of the LJ Shores Planned District Ordinance, which calls for architectural unity through low, rambling silhouettes.
- **Insufficient Setbacks.** The proposed 0- and 4-foot side setbacks, 6-foot north side yard setbacks, and 10-foot rear setback for the two-story companion unit are not in general conformity with the substantially larger setbacks in the vicinity.
- **Transition Between New and Existing Structures.** The large size, boxy massing and inadequate setbacks preclude a gracious transition between this project and its adjacent single-story neighbors, as envisioned in the Residential Community Character recommendations of the La Jolla Community Plan and Local Coastal Program.
- **Inadequate Parking.** The project only provides 2 off-street parking space where a total of 3 off-street parking spaces (2 spaces for the dwelling, and 1 space for the companion unit) is the minimum required. As currently proposed the project does not comply with the Parking Regulations of the La Jolla Shores Planned District Ordinance.

# Response

J-1 The comment is introductory and general in nature and does not address the adequacy of the environmental document.

J-2 Staff conducted a comprehensive review of the proposed development as it relates to bulk and scale to determine community character and compatibility with existing residential development. The La Jolla Shores Planned District Ordinance (LJSPDO) does not specify FAR or required setbacks, only maximum lot coverage (60 percent, 1510.0304). The new structure would result in a 49% coverage of the lot. A survey of the neighborhood shows a comparison of similar gross floor areas and building setbacks to the current proposal. Neighborhood surveys are used by staff as a guide for determining conformance of a proposed project with surrounding development. It is an established DSD review method/practice for Staff to consider all development within the survey area when determining character of the area, and bulk and scale.

The La Jolla Community Plan (LJCP Pg.76) states, in order to regulate the scale of new development, apply the applicable development regulations which includes the LJSPDO (Coverage 60%, Structure height 30ft, Landscape 30%). There is also mention of regulating the scale of new development by applying setbacks requirements, building articulation, second story step backs, roofline treatment and variations within front yard setback requirements. These features are implemented within the proposal.

The bulk and scale of the proposed structure when viewed from the public right-of-way was also evaluated by staff. Staff determined the proposed structure is compatible in terms of bulk and scale with other structures in the neighborhood and would be consistent with the purpose and intent of the LJSPDO. The proposed exterior construction materials would be compatible with the neighborhood, as specified in the LJSPDO and the La Jolla Shores Design Manual.

## Comment Letter J (cont.)

## Response

The LJSPDO “Design Principle” theme is “unity with variety”, directing that no adjacent homes should be substantially alike nor should two adjacent homes be so different as to disrupt the architectural unity of the area. Unity and variety should not become monotonous or chaotic. The La Jolla Shores neighborhood is very diverse and comprised of structures with varied bulk, scale, forms, materials and color. The proposed structure’s overall form, bulk scale, exterior material and colors when viewed from the public right-of-away would be compatible with the varied architecture of the La Jolla Shores neighborhood.

The proposed project complies with the regulations of the LJSPDO, and applicable land use plan policies and goals.

- J-3 See response to comment J-2 above in regards to conformity with the design principles.
- J-4 The La Jolla Shores Planned District Ordinance (LJSPDO) does not have an established minimum required front, side, or rear yard setback. Instead, the LJSPDO Municipal Code Section 1510.0304(b)(4) in the “Siting of Buildings” section states “Building & Structure setbacks shall be in general conformity with those in the vicinity.” The project’s front yard setback is 15 feet to 20 feet. The project proposes side yard setbacks within the area range from 1.5 – 9.5 feet within a minimum “average” of 3.5 feet for side yards. The project proposes a north side yard setback to the main house that ranges from 4.0 to 6.0 feet and a 0-foot side setback adjacent to the attached companion unit. Section 1510.0304(b)(2) of the LJSPDO specifically allows zero (0) foot side yard setbacks and the project would comply with this criteria. The proposed south side yard setbacks range from 4.0 to 24.3 feet, which is consistent with Municipal Code Section 1510.0304(b)(4). The comment incorrectly called out that the companion unit has two-floors. The attached ADU is single story with no part of the primary dwelling above it. The second story of the primary residence is stepped back 10’, adhering to the step back regulations of the LJSPDO.
- J-5 See response to comments J-3 and J-4 above.



## Comment Letter J (cont.)

Page 2

J-7 { The La Jolla Community Planning Association requests that 8423 El Paseo Grande be redesigned to conform to requirements of the La Jolla Shores Planned District Ordinance and returned to the La Jolla Shores Permit Review Committee for further review.

Sincerely,

/s/

Diane Kane, President  
La Jolla Community Planning Association

Attachments:

- J-8 {  
J-9 {
- La Jolla Shores Permit Review Committee minutes excerpt
  - Draft MND Comments, Phil Merten, AIA

## Response

J-6 The project is located in the Parking Impact Beach Overlay Zone and has provided two off-street parking in the garage, as required for the primary residence. Pursuant to ADU Parking regulations, SDMC 141.0302(a)(3) No on-street parking spaces or off-street parking spaces are required for ADUs. If the applicant chooses to provide off-street parking spaces for ADUs located on the premises, those spaces shall comply with the following: (i) Off-street parking spaces may be located in any configuration, may be within the setback areas, and may include tandem spaces (ii) Off-street parking spaces shall be located within hardscape areas and shall comply with the minimum standards and guidelines to provide safe and efficient means of vehicular access to the lot. Pursuant to 141.0103(b) Where there is a conflict between the regulations in the separately regulated article (for Companion Units) and other regulations in the Land Development Code, separately regulated article shall apply. The project is providing adequate parking.

J-7 See response to comments J-2 through J-6 above with how the project conforms with the LSPDO.

J-8 The Committee issues regarding FAR and conformity with neighborhood setbacks have been responded to in comments J-2 through J-6 above.

J-9 Mr. Merten's letter has been included in the response to comments under Letter A.

## Comment Letter J (cont.)

## Response

Page 3

Excerpt from Minutes  
La Jolla Shores Permit Review Committee  
20 July 2020

8423 El Paseo Grande – (2nd Review)

Island Architects (representing applicants): There have been some @ modifications to the project - 10' set back on the 2nd story, 2 1/2' N. side set back, grasscrete in driveway and move the N. fence to S. of property line.

### Public Comment

Merten: discusses the FARs in the neighborhood using inaccurate numbers from Scoutred. Setbacks in the N. & E. not in conformity with the neighborhood. LJ Community Plan (LJCP) requires a 2' set back on the 2nd story and none here. Total FAR of .96 (.76 house & .2 CPU). States LJSPDAC rejected the project because not consistent with neighbors and setbacks.

Davis: 33 of 60 homes are within FAR of .7. Also mentions the counting of basements.

Uri Gnezy (neighbor behind): Project is a huge wall 10' from property line so no sunlight nor air. All the area have basements and still stay under the FAR standard.

Kris McNanara (N neighbor): Wants to clarify that Me. Brad (applicant) takes pride in his business as a good neighbor. Needs to do the same here. If built, this will be a 2 story wall without articulation all along the S. of her home. Calls it "Elephant on a postage stamp" without charm nor character. Way too large for lot and area.

Jung: States ADU county description requires if connected to primary residence must comply with regular set backs.

Nick: Muni Code 1510-0304 sect. 3.2 from LJPDO provide "see thru". Also notes Ch 1510.0301c.

### Committee Comments

Consensus is that the project is too large, bulk and scale are an issue, and the FAR is excessive.

MOTION to deny the project due to Bulk & Scale and excessive FAR of .96 as incompatible with the neighborhood. Motion by M. Naegle, 2nd D. Courtney, Vote 6-0-1

J-8

## Comment Letter K

## Response



### San Diego County Archaeological Society, Inc.

Environmental Review Committee

28 October 2020

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

Subject: Draft Mitigated Negative Declaration  
8423 El Paseo Grande CDP SDP  
Project No. 661815

Dear Ms. Ferrell:

K-1 { I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

K-2 { Based on the information contained in the DMND and initial study, we agree with the included monitoring program to be required as mitigation for potential impacts to cultural resources.

Thank you for the opportunity to review this project's environmental documents and to offer our comments.

Sincerely,

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

cc: SDCAS President  
File

K-1 The comment is introductory and general in nature and does not address the adequacy of the environmental document.

K-2 Comment noted.



## INITIAL STUDY CHECKLIST

1. Project title/Project number: 8423 El Paseo Grande CDP SDP / 661815
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: Rachael Ferrell / (619) 446-5129
4. Project location: 8423 El Paseo Grande, San Diego, CA 92037
5. Project Applicant/Sponsor's name and address: Nick Wilson, 7632 Herschel Ave, San Diego, CA 92037, (858) 459-9291
6. General/Community Plan designation: Residential/ Low Density Residential (5-9 du/ac)
7. Zoning: La Jolla Shores Planned District Single Family (LJSPD-SF)
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 project requests a Coastal Development Permit (CDP) and Site Development Permit (SDP) to demolish an existing 1,528 square-foot single-family residence, and to construct a new 3,989 square-foot two-story single-family residence with a new attached 1,090 square-foot companion unit located at 8423 El Paseo Grande.

The project's landscaping has been reviewed by staff and would comply with all applicable City of San Diego Landscape ordinances and standards. Drainage would be directed into appropriate storm drain systems designated to carry surface runoff, which has been reviewed and accepted by City Engineering staff. Ingress to the project site would be via El Paseo Grande. All parking would be provided on-site.

9. Surrounding land uses and setting:

The 0.12-acre site is designated Low Density Residential (5-9 du/ac) and is subject to the La Jolla Shores Planned District Single-Family Zone (LJSPD-SF) pursuant to the La Jolla Community Plan area. The project is also subject to the Coastal (Appealable) Overlay Zone, Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone (Beach & Coastal Impact), Residential Tandem Parking Overlay Zone, and Council District 1.

The project site is situated East of La Jolla Shores Drive, West of La Jolla Shores/Kellogg Park, South of Camino Del Collado, and North of Camino Del Oro. The project is located in a residential area of similar residential development.

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

List or 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?

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.

In accordance with the requirements of Assembly Bill (AB) 52, the City of San Diego sent Notifications via email to the Native American Tribes traditionally and culturally affiliated with the project area. Both tribes responded within the 30-day time period requesting consultation. Consultation began on May 20, 2020 and concluded via email on June 18, 2020. Please see Section XVII of the Initial Study for more detail.

**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 checked="" 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:

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

The project proposes to demolish an existing single-family residence and construct a new single-family residence and companion unit in its place, in a residential neighborhood with similar development. The project is located on El Paseo Grande, which is categorized as a road from which a coastal body of water can be seen, according to the La Jolla Community Plan. The project is also located in the La Jolla Beach View Corridor with an unobstructed framed view down the El Paseo Grande public right-of-way. The project would be required to meet all required setback and height requirements. Additionally, the project must comply with any design guidelines that are in the La Jolla Shores Planned District Ordinance. Therefore, the project would not have a substantial adverse effect on a scenic vista. Impacts would be less than significant.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project site contains an existing single-family residence and would construct a new single-family residence and companion unit in its place, 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.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project would comply with the outdoor lighting standards contained in Municipal Code Section 142.0740 (Outdoor Lighting Regulations) that requires all outdoor lighting be installed, shielded, and adjusted so that the light is directed in a manner that minimizes negative impacts from light pollution, including trespass, glare, and to control light from falling onto surrounding properties. Therefore, lighting installed with the project would not adversely affect day or nighttime views in the area, resulting in a less than significant lighting impact.

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. The project would have a less than significant glare impact.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project is consistent with the community plan's land use designation and is located within a developed residential neighborhood. As such, the project site does not contain, and is not adjacent to, any lands identified as Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as show on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resource Agency. Therefore, the project would not result in the conversion of such lands to non-agricultural use. No significant impacts would occur, and no mitigation measures are required.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to response II (a), above. There are no Williamson Act Contract lands on or within the vicinity of the project. The project is consistent with the existing land use and the underlying zone. The project would not conflict with any properties zoned for agricultural use or be affected by a Williamson Act Contract. Therefore, no impacts would result.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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. No designated forest land or timberland occur onsite as the project is consistent with the community plan, and the underlying zone. No impacts would result.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Refer to response II (c) above. Additionally, the project would not contribute to the conversion of any forested land to non-forest use, as surrounding properties are developed and land uses are generally built out. No impacts would result.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 response II (a) and II (c), above. The project and surrounding areas do not contain any farmland or forest land. No changes to any such lands would result from project implementation. Therefore, no impact would result.

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:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

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 2009). 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.

The RAQS relies on SANDAG growth projections based on population, vehicle trends, and land use plans developed by the cities and by 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 be in conflict with the RAQS and may contribute to a potentially significant cumulative impact on air quality.

The project would demolish an existing single-family residence and construct a new single-family residence and companion unit in its place, within a developed neighborhood of similar residential uses. The project is consistent with the General Plan, community plan, and the underlying zoning for single-family residential development. Therefore, the project would be consistent at a sub-regional

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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level with the underlying growth forecasts in the RAQS and would not obstruct implementation of the RAQS. As such, no impacts would result.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

#### Short-Term (Construction) Emissions

Construction-related activities are temporary, short-term sources of air emissions. Sources of construction-related air emissions include fugitive dust from grading activities; construction equipment exhaust; construction-related trips by workers, delivery trucks, and material-hauling trucks; and construction-related power consumption.

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 construction personnel, and the amount of materials to be transported on or offsite.

Fugitive dust emissions are generally associated with land-clearing and grading operations. Construction operations would include standard measures as required by City of San Diego grading permit to limit potential air quality impacts. Any 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. No mitigation measures are required.

#### Long-Term (Operational) Emissions

Long-term air 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 sources emissions. The project is compatible with the surrounding development and is permitted by the community plan and zone designation. Based on the residential land use, project emissions over the long-term are not anticipated to violate any air quality standard or contribute substantially to an existing or projected air quality violation. Impacts would be less than significant, and no mitigation measures are required.

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

As described in III (b) above, construction operations could temporarily increase the emissions of dust and other pollutants. However, construction emissions would be temporary and short-term in duration; implementation of Best Management Practices (BMPs) would reduce potential impacts related to construction activities to a less than significant level. Therefore, the project would not result in a

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
-------	--------------------------------	--	------------------------------	-----------

cumulatively considerable net increase of any criteria pollutant for which the project region is a nonattainment 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"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

#### 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 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 would be less than significant.

#### Long-term (Operational)

Typical long-term operational characteristics of the project are not associated with the creation of such odors nor anticipated to generate odors affecting a substantial number of people. The project would construct a single-family residence. Residential units, in the long-term operation, are not typically associated with the creation of such odors nor are they anticipated to generate odors affecting a substantial number or people. Therefore, project operations would result in less than significant impacts.

#### IV. BIOLOGICAL RESOURCES – Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 project site is located in a developed residential neighborhood and is currently developed with a single-family residence. On-site landscaping is non-native, and the project site does not contain any sensitive biological resources nor does it contain any candidate, sensitive or special status species. No impacts would occur, and no mitigation measures are required.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project site is within an urbanized developed residential setting, no such habitats exist on or near the project site. Refer to Response IV (a), above. The project site does not contain any riparian habitat or other identified community, as the site currently supports non-native landscaping. No impacts would occur, and no mitigation measures are required.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>

Wetlands or waters do not occur on-site. Wetlands or waters as regulated by the United States Army Corps of Engineers (USACE), the Regional Water Quality Control Board (RWQCB) or the California Department of Fish and Wildlife (CDFW) do not occur on-site and therefore will not be impacted by the project. No impacts would occur, and no mitigation measures are required.

d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is surrounded by existing residential development and is not located adjacent to any established wildlife corridor and would not impede the movement of any wildlife or the use of any wildlife nursery sites. Therefore, no impact would occur, and no mitigation measures are required.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Refer to response IV (a), above. The project site is designated Low Density Residential (5-9 du/ac) pursuant to the La Jolla Community Plan and zoned LJSPD-SF. The project is located on a developed residential site and there are no local policies or ordinances protecting biological resources that apply to the project site. Therefore, no impacts 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Please refer to IV (e) above. The project is located in a developed urban area and is not within or directly adjacent to the City's Multi-Habitat Planning Area (MHPA) and no other adopted conservation plans affect the subject site. The project does not conflict with any other local, regional, or state habitat conservation plan. No impacts would result.

#### V. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The purpose and intent of the Historical Resources Regulations of the Land Development Code



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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(Chapter 14, Division 3, and Article 2) is to protect, preserve and, where damaged, restore the historical resources of San Diego. The regulations apply to all proposed development within the City of San Diego when historical resources are present on the premises. Before approving discretionary projects, CEQA requires the Lead Agency to identify and examine the significant adverse environmental effects which may result from that project. A project that may cause a substantial adverse change in the significance of a historical resource may have a significant effect on the environment (sections 15064.5(b) and 21084.1). A substantial adverse change is defined as demolition, destruction, relocation, or alteration activities, which would impair historical significance (sections 15064.5(b)(1)). Any historical resource listed in, or eligible to be listed in the California Register of Historical Resources, including archaeological resources, is considered to be historically or culturally significant.

The City of San Diego criteria for determination of historic significance, pursuant to CEQA, is evaluated based upon age (over 45 years), location, context, association with an important event, uniqueness, or structural integrity of the building. Projects requiring the demolition and/or modification of structures that are 45 years or older have the potential to result in potential impacts to a historical resource.

The project site contains a single-family residence over 45 years old. The project site was reviewed by Historic staff and according to their review, the property does not meet the local designation criteria as an individually significant resource under any of the adopted Historical Resource Board criteria. Their determination was made on July 6, 2020 and is good for five years. As such, any impacts would be less than significant.

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

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Many areas of San Diego County, including mesas and the coast, are known for intense and diverse prehistoric occupation and important archaeological and historical resources. The region has been inhabited by various cultural groups spanning 10,000 years or more. The project area is located within an area identified as sensitive on the City of San Diego's Historical Resources Sensitivity Maps.

Therefore, a record search of the California Historic Resources Information System (CHRIS) digital database was reviewed to determine presence or absence of potential resources within the project site by qualified archaeological City staff. Previously recorded historic and prehistoric sites have been identified in the near project vicinity.

The project is located in La Jolla Shores, in an area called Spindrift, that has been known to contain sensitive cultural resources in the soil at shallow depths. The project proposes to demolish an existing single-family residence and construct a new residence in its place. Due to the scope of work in this location of La Jolla, impacts to any unknown resources buried beneath the surface could rise to a level of significance, according to the City of San Diego's Cultural Resources Guidelines. As such, an archaeological and Native American monitor must be present during all grading activities in order to reduce any potential impacts to a level below significance.

A Mitigation Monitoring and Reporting Program, as detailed within Section V of the Mitigated Negative Declaration would be implemented to reduce impacts related to Historical Resources

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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(archaeology) to below a level of significance.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

According to the "Geology of the San Diego Metropolitan Area, California, La Jolla, 7.5 Minute Quadrangle Maps" (Kennedy and Peterson, 1975), the project site is mostly underlain with the low sensitive rating Young Colluvial formation, which has a low probability of containing important paleontological resources. The City's Significance Determination Thresholds state paleontological monitoring during grading activities may be required if it is determined that the project's earth movement quantity exceeds the Paleontological threshold (if greater than 1,000 cubic yards and ten feet deep for formations with a high sensitivity rating and if greater than 2,000 cubic yards and ten feet deep for formations with a moderate sensitivity rating). The project does not propose any grading activities which would exceed the grading thresholds in a moderate or high sensitive formation. Therefore, impacts would remain less than significant.

- |   |                          |                                     |                          |                          |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| d) Disturb human remains, including those interred outside of dedicated cemeteries? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Refer to response V (b) above. Section V of the Mitigation Monitoring and Reporting Program 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:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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 project would be required to meet mandatory energy standards of the current California energy code. Construction of the single-family residence would require operation of heavy equipment but would be temporary and short-term in duration. Additionally, long-term energy usage from the building would be reduced through design measures that incorporate energy conservation features in heating, ventilation and air conditioning systems, lighting and window treatments, and insulation and weather stripping. The project would also incorporate cool-roofing materials and solar panels. Development of the project would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. Impacts would remain less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project is consistent with the General Plan and the La Jolla Community Plan's land use designation. The project is required in comply with the City's Climate Action Plan (CAP) by implementing energy reducing design measures, therefore the project would not obstruct a state or local plan for renewable energy or energy efficiency. No impacts would result.

#### 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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

According to the Preliminary Geotechnical Investigation Report (March 11, 2020), the closest known active fault is the Rose Canyon fault located 0.6 miles south of the site. The site is not located in an Alquist-Priolo Earthquake Fault Zone. No active faults are known to underlie or project toward the site. Therefore, the probability of fault rupture is considered low. Additionally, 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.

- |                                    |                          |                          |                                     |                          |
|------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

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.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Liquefaction generally occurs when loose, unconsolidated, water-laden soils are subject to shaking, causing the soils to lose cohesion. The potential for soil liquefaction at the subject site is low to moderate due to presence of shallow groundwater. The project would be required to comply with the California Building Code that would reduce impacts to people or structures to an acceptable level of risk. Implementation of proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards would remain less than significant.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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According to the Preliminary Geotechnical Investigation Report (March 11, 2020), no evidence of landslides or slope instabilities were observed on-site. The report concluded that due to the relatively level terrain of the site, the possibility of deep-seated slope stability problems at the site is low. Implementation of proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts would be reduced to an acceptable level of risk. Impacts would be less than significant.

b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Demolition and construction activities would temporarily expose soils to increased erosion potential. The project would be required to comply with the City's Storm Water Standards which requires the implementation of appropriate Best Management Practices (BMPs). Grading activities within the site would be required to comply with the City of San Diego Grading Ordinance as well as the Storm Water Standards, which would ensure soil erosion and topsoil loss is minimized to less than significant levels. Furthermore, permanent storm water BMPs would also be required postconstruction consistent with the City's regulations, along with landscape regulations. Therefore, the project would not result in substantial soils erosion or loss of topsoil. Impacts would be less than significant.

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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As discussed in Section VII (a) and VII (b), the project site is not likely to be subject to landslides, and the potential for liquefaction and subsidence is low. The soils and geologic units underlying the site are considered to have a "low" expansion potential. The project design would be required to comply with the requirements of the California Building Code, ensuring hazards associated with expansive soils would be reduced to an acceptable level of risk. As such, impacts are expected to be less than significant.

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 checked="" type="checkbox"/>	<input type="checkbox"/>
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According to the Geotechnical Report, the project site is considered to have low to moderate expansive soil potential. The project would be required to comply with seismic requirements of the California Building Code that would reduce impacts to people or structures due to local seismic events to an acceptable level of risk. Implementation of proper engineering design and utilization of standard construction practices, to be verified at the building permit stage, would ensure that the potential for impacts from regional geologic hazards would remain less than significant.



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 project site is located within an area that is already developed with existing infrastructure (i.e., water and sewer lines) and does not propose any septic system. In addition, the project does not require the construction of any new facilities as it relates to wastewater, as services are available to serve the project. No impact would occur.

#### VIII. GREENHOUSE GAS EMISSIONS – Would the project:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The City's Climate Action Plan (CAP) outlines the actions that the City will undertake to achieve its proportional share of State greenhouse gas (GHG) emission reductions. A CAP Consistency Checklist is part of the CAP and contains measures that are required to be implemented on a project-by-project basis to ensure that the specified emission targets identified in the CAP are achieved. The project is consistent with the General Plan and the La Jolla Community Plan's land use and zoning designations. Further, based upon review and evaluation of the completed CAP Consistency Checklist, the project is consistent with the applicable strategies and actions of the CAP.

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

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project would not conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gasses. 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 completed CAP Consistency Checklist for the project, the project is consistent with the applicable strategies and actions of the CAP. Therefore, the project is consistent with the assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets. Impacts are considered less than significant.

#### IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project would demolish a single-family residence and construct a single-family residence and companion unit in its place. Although minimal amounts of such substances may be present during construction, they are not anticipated to create a significant public hazard. Once constructed, due to the nature of the project, the routine transport, use, or disposal of hazardous materials on or through the subject site is not anticipated. Therefore, impacts would be less than significant.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to response IX (a) above. Impacts would be less than significant.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to response IX (a) above. The project site is not within one quarter mile of a school. Future risk of releases of hazardous substances would not occur as a result of project operations because it is anticipated that future on-site operations would not require the routine use or transport of acutely hazardous materials. Construction of the project may require the use of hazardous materials (fuels, lubricants, solvents, etc.), which would require proper storage, handling, use and disposal. Further, the project would be required to comply with all federal, state and local requirements associated with hazardous materials; therefore, impacts would be less than significant.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

A hazardous waste site record search was completed in May 2020 using Geo Tracker, an online website which discloses any type of hazardous clean-up site pursuant to Government Code section 65962.5: <http://geotracker.waterboards.ca.gov/> The records search identified that no hazardous waste sites exist onsite or in the surrounding area. No Impacts would result.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The proposed project is not located within an airport land use plan, or within two miles of a public airport or public use airport. No impacts would result.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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 project site is not located within the vicinity of a private airstrip, nor would the project result in a safety hazard for people residing or working in the project area. No impacts would result.

- |    |  |                          |                          |                          |                                     |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|----|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not impair the implementation of, or physically interfere with an adopted emergency response plan or evacuation plan. No roadway improvements are proposed that would interfere with circulation or access, and all construction would take place on-site. No impacts would result.

- |    |   |                          |                          |                                     |                          |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
|----|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project is located within a developed residential neighborhood, adjacent to the Pacific Ocean, on a lot that is currently developed. The project would not expose people or structures to a significant loss, injury, or death involving wildland fires because the project is not adjacent to any wildlands. Further discussion can be found in Section XX below. Any impacts would be less than significant.

#### 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 the City's Storm Water Regulations during and after construction, and appropriate best management practices (BMP's) would be utilized. Implementation of project specific BMP's would preclude violations of any existing water quality standards or discharge requirements. Impacts would be less than significant.

- |    |  |                          |                          |                                     |                          |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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"/> |
|----|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project does not require the construction of wells or the use of groundwater. Furthermore, the project would include pervious design features and appropriate drainage. Therefore, the project would not introduce a significant amount of new impervious surfaces that could interfere with groundwater recharge. The project as designed was reviewed by qualified City staff and would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. The project is located in a residential neighborhood where all infrastructures exist. The project would connect to the existing public water system. 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"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Proper landscaping would prevent substantial erosion onsite. No stream or river is located on or adjacent to the site, all runoff would be routed to the existing storm drain system and would therefore not substantially alter existing drainage patterns. The project would be required to implement BMPs to ensure that substantial erosion or siltation on or off-site during construction activities would not occur. Impacts would be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Refer to response X (c) above. No flooding would occur. Impacts would be less than significant.

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|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project would be required to comply with all City storm water standards during and after construction. Appropriate BMPs would be implemented to ensure that water quality is not degraded; therefore, ensuring that project runoff is directed to appropriate drainage systems. Any runoff from the site is not anticipated to exceed the capacity of existing storm water systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant, and no mitigation measures are required.

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| f) Otherwise substantially degrade water quality? | <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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Refer to response X (a) above. The project would be required to comply with all City storm water standards both during and after construction, using appropriate BMP's that would ensure that water quality is not degraded. Impacts would be less than significant.

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project site is not located within a 100-year flood hazard area or any other known flood area. The project has been reviewed by the proper engineering staff and would be conditioned to follow building construction guidelines to avoid flooding. Any impacts would remain below a level of significance.

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

Refer to X (g) above. The project site is not located within a 100-year flood hazard area or any other known flood area. Impacts would remain below a level of significance.

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 would construct a new single-family residence and a companion unit in the place of an existing single-family residence. The project is consistent with the General Plan and the La Jolla Community Plan's land use designation (Low Density Residential, 5-9 du/ac) and is within a previously developed lot with access to a public roadway. The project site is located within a developed residential neighborhood and surrounded by similar residential development. The project would not substantially change the nature of the surrounding area and would not introduce any barriers or project features that could physically divide the community. No impacts would result.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project is consistent with the General Plan and the La Jolla Community Plan's land use designation which allows up to 5-9 dwelling units per acre. The project is located on a 0.12-acre lot and proposes one unit therefore it is consistent. The project also complies with the LJSPD-SF zoning requirements. Since there are no conflicts with the applicable land use plan, policy, or regulations, impacts would remain below a level of significance.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Please refer to section IV (e) above. The project is located within a developed residential neighborhood and would not conflict with any applicable habitat conservation plan or natural community conservation plan. Impacts would be less than significant.

#### 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"/>
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There are no known mineral resources located on the project site. The urbanized and developed nature of the project site and vicinity would preclude the extraction of any such resources. No impacts would result.

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"/>
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See XII (a), above. The project site has not been delineated on a local general, specific or other land use plan as a locally important mineral resource recovery site, and no such resources would be affected with project implementation. Therefore, no impacts were identified.

#### 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"/>
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#### Short-term (Construction)

Short-term noise impacts would be associated with onsite grading, and construction activities of the project. Construction-related short-term noise levels would be higher than existing ambient noise levels in the project area but would no longer occur once construction is completed. Sensitive receptors (e.g. residential uses) occur in the immediate area and may be temporarily affected by construction noise; however, 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 would remain below a level of significance.

#### Long-term (Operation)

For the long-term, typical noise levels associated with residential uses are anticipated, and the project would not result in an increase in the existing ambient noise level. The project would not result in noise levels in excess of standards established in the City of San Diego General Plan or Noise Ordinance. Impacts would remain below a level of significance.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>
<p>Potential effects from construction noise would be reduced through compliance with the City restrictions. Pile driving activities that would potentially result in ground borne vibration or ground borne noise are not anticipated with construction of the project. Impacts would be less than significant.</p>				
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"/>
<p>The project would not significantly increase long-term (ambient) noise levels. The project would not introduce a new land use or significantly increase the intensity of the allowed land use. Post construction noise levels and traffic would be generally unchanged as compared to noise with the existing residential use. Therefore, no substantial permanent increase in ambient noise levels is anticipated. Impacts would be less than significant.</p>				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>The project would not expose people to a substantial increase in temporary or periodic ambient noise levels. Construction noise would result during construction activities but would be temporary in nature. Construction-related noise impacts from the project would generally be higher than existing ambient noise levels in the project area but would no longer occur once construction is completed. In addition, the project would be required to comply with the San Diego Municipal Code, Article 9.5 "Noise Abatement and Control." Implementation of these standard measures would reduce potential impacts from an increase in ambient noise level during construction to a less than significant level.</p>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>The project site is not located within an airport land use plan. The project site is also not located within two miles of a public airport or public use airport. No impacts would result.</p>				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project site is not located within the vicinity of a private airstrip. No impacts would result.

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

The project would construct a single-family residence and a companion unit in the place of an existing single-family residence. The project is consistent with the underlying zone and is consistent with the La Jolla Community Plan. The project site is currently developed with the connections to receive water and sewer service from the City, and no extension of infrastructure to new areas is required. As such, the project would not substantially increase housing or population growth in the area. No roadway improvements are proposed as part of the project. No impacts would result.

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

The project would construct a new single-family residence and a companion unit in the place of an existing single-family residence, located in a neighborhood of similar residential development; therefore, no such displacement would occur. No impacts would result.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Refer to response XIV (b) above. No impacts would result.

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 checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

The project site is located in an urbanized and developed area where fire protection services are already provided. The project proposes to demolish an existing single-family residence and construct a new single-family residence with a companion unit in its place. Therefore, the project would not adversely affect existing levels of fire protection services to the area and would not require the construction of new or expansion of existing governmental facilities. Impacts would be less than significant.



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) Police protection	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 project proposes to demolish an existing single-family residence and construct a new single-family residence with a companion unit in its place. Therefore, the project would not adversely affect existing levels of police protection services or create a new significant demand and would not require the construction of new or expansion of existing governmental facilities. Impacts would be less than significant.

iii) Schools	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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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 proposes to demolish an existing single-family residence and construct a new single-family residence with a companion unit in its place. Therefore, 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. Impacts would be less than significant.

iv) Parks	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project site is located in an urbanized and developed area where City-operated parks are available. The project proposes to demolish an existing single-family residence and construct a new single-family residence with a companion unit in its place. Therefore, the project would not significantly increase the demand on existing neighborhood or regional parks or other recreational facilities over that which presently exists. Impacts would be less than significant.

v) Other public facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project site is located in an urbanized and developed area where City services are already available. The project proposes to demolish an existing single-family residence and construct a new single-family residence with a companion unit in its place. Therefore, the project would not adversely affect existing levels of public services and not require the construction or expansion of an existing governmental facility. Impacts would be less than significant.

#### XVI. RECREATION

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 checked="" type="checkbox"/>	<input type="checkbox"/>
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The project proposes to demolish an existing single-family residence and construct a new single-family residence with a companion unit in its place. The project would not adversely affect the availability of and/or need for new or expanded recreational resources. The project would not adversely affect existing levels of public services and would not require the construction or

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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expansion of an existing park facility. The project would not significantly increase the use of existing neighborhood or regional parks or other recreational facilities. Therefore, the project is not anticipated to result in the use of available parks or facilities such that substantial deterioration occurs, or that would require the construction or expansion of recreational facilities to satisfy demand. As such, impacts would remain less than significant.

- 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?

☐
☐
☒
☐

Refer to XVI (a) above. The project does not propose recreation facilities nor require the construction or expansion of any such facilities. As such, impacts would remain less than significant.

#### XVII. TRANSPORTATION/TRAFFIC – Would the project?

- 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?

☐
☐
☐
☒

The project proposes to construct a single-family residence and a companion unit in the place of an existing single-family residence, in a neighborhood with similar development, therefore, the project would not result in design measures that would conflict with existing policies, plan, or programs supporting alternative transportation. No impacts would result.

- b) Would the project or plan/policy result in VMT exceeding thresholds identified in the City of San Diego Transportation Study Manual?

☐
☐
☒
☐

On September 27, 2013, Governor Edmund G. Brown, Jr. signed SB-743 into law, starting a process that fundamentally changes the way transportation impact analysis is conducted under CEQA. Related revisions to the State's CEQA Guidelines include elimination of auto delay, level of service (LOS), and similar measurements of vehicular roadway capacity and traffic congestion as the basis for determining significant impacts.

In December 2018, the California Resources Agency certified and adopted revised CEQA Guidelines, including new section 15064.3. Under the new section, vehicle miles traveled (VMT), which includes the amount and distance of automobile traffic attributable to a project, is identified as the "most appropriate measure of transportation impacts." As of July 1, 2020, all CEQA lead agencies must analyze a project's transportation impacts using VMT.

The Draft City of San Diego Transportation Study Manual (TSM) dated June 10, 2020 is consistent with the California Environmental Quality Act (CEQA) guidelines and utilizes VMT as a metric for evaluating transportation-related impacts. Based on these guidelines, all projects shall go through a

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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screening process to determine the level of transportation analysis that is required.

The project would construct a single-family residence and a companion unit in the place of an existing single-family residence in a neighborhood which serves similar residential development. A "Small Project" is defined as a project generating less than 300 daily unadjusted driveway trips using the City of San Diego trip generation rates/procedures.

Based upon the screening criteria identified above, the project qualifies as a "Small Project" and is screened out from further VMT analysis. Therefore, as recommended in the City of San Diego Draft TSM, June 10, 2020, the project would have a less than significant impact.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 project would construct a single-family residence and a companion unit in the place of an existing single-family residence, in a neighborhood with similar residential development. The project complies with the La Jolla Community Plan and is consistent with the land use and underlying zoning, therefore, the project does not include any design features that would substantially increase hazards. No impacts would result.

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

Adequate emergency access would be provided during both short-term construction (with construction operating protocols) and long-term operations of the project. Emergency access to the site would be provided from the driveway entrance on El Paseo Grande. As such, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant.

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 site is not listed nor is it 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). In addition, please see section V (b) above. Impacts would not result.

- |  |                          |                                     |                          |                          |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| b) A resource determined by the lead agency, in its discretion and supported | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.				

Tribal Cultural Resources include sites, features, places, cultural landscapes, and sacred places or objects that have cultural value or significance to a Native American Tribe. Tribal Cultural Resources include “non-unique archaeological resources” that, instead of being important for “scientific” value as a resource, can also be significant because of the sacred and/or cultural tribal value of the resource. Tribal representatives are considered experts appropriate for providing substantial evidence regarding the locations, types, and significance of tribal cultural resources within their traditionally and cultural affiliated geographic area (PRC § 21080.3.1(a)).

In accordance with the requirements of Assembly Bill (AB) 52, The City of San Diego sent notification to the Native American Tribes traditionally and culturally affiliated with the project area on May 20, 2020. The Jamul Indian Village and the Lipay Nation of Santa Ysabel responded requesting consultation. Consultation took place and concluded via email on June 18, 2020. It was determined that there are no sites, features, places or cultural landscapes that would be substantially adversely impacted by the proposed project. Although no Tribal Cultural Resources were identified within the project site, there is a potential for the construction of the project to impact buried and unknown Tribal Cultural Resources due to its location to known recorded resources in the near vicinity, and location within the Spindrift area of La Jolla Shores. Therefore, it was agreed upon that archaeological and Native American monitoring should be included in the MMRP. The Jamul Indian Village identified that no further evaluation was required and concluded consultation. Mitigation in the form of archaeological and Native American monitoring would reduce all impacts to Tribal Cultural Resources to below a level of significance. See section V of the MND and the Mitigation, Monitoring and Reporting Program (MMRP) for further details.

XIX. UTILITIES AND SERVICE SYSTEMS – Would the project:

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

Implementation of the project would not interrupt existing sewer service to the project site or other surrounding uses. No significant 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 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 located in an urbanized and developed area. Adequate services are already available to serve the project. Impacts would remain below a level of significance.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Require or result in the construction of new water or wastewater treatment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|



Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				

Refer to response XIX (a) above. Adequate services are available to serve the project site. Additionally, the project would not significantly increase the demand for water or wastewater treatment services and thus, would not trigger the need for new treatment facilities. No impacts would result.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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 impacts would result.

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

The 2015 City Urban Water Management Plan (UWMP) serves as the water resources planning document for the City's residents, businesses, interest groups, and public officials. The UWMP assess the current and future water supply and needs for the City. Implementation of the project would not result in new or expanded water entitlements from the water service provider, as the project is consistent with existing demand projections contained in the UWMP (which are based on the allowed land uses for the project site). The Public Utilities Department local water supply is generated from recycled water, local surface supply, and groundwater, which accounts for approximately 20 percent of the total water requirements for the City. The City purchases water from the San Diego County Water Authority to make up the difference between total water demands and local supplies (City of San Diego 2015). Therefore, the project would not require new or expanded entitlements. No impacts would result.

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would not adversely affect existing wastewater treatment services. Adequate services are available to serve the project site without requiring new or expanded entitlements. No impacts would result.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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"/>

Construction debris and waste would be generated from the construction of the project. All construction waste from the project site would be transported to an appropriate facility, which would have sufficient permitted capacity to accept that generated by the project. Long-term operation of the residential use is anticipated to generate typical amounts of solid waste associated with residential uses. Furthermore, the project would be required to comply with the City's Municipal Code requirement for diversion of both construction waste during the short-term, construction phase and solid waste during the long-term, operational phase. Impacts are considered to be less than significant.

g) Comply with federal, state, and local statutes and regulation related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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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 generate or require the transport of hazardous waste materials, other than minimal amounts generated during the construction phase. All demolition activities would comply with any City of San Diego requirements 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.

#### 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"/>
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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 located in an urbanized area of San Diego and construction of a single-family residence and companion unit in the place of an existing single-family residence 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.

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"/>
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The project is located in an urbanized neighborhood of similar residential development and is not located in a Very High Fire Severity Zone. 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.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 located 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.

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"/>
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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.

#### 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 potentially significant cumulative environmental impacts.

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"/>
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The project would demolish an existing single-family residence and construct a new single-family residence and a companion unit in its place. 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

#### 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:

#### V. Cultural Resources (includes Historical Resources)

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

#### VI. Energy

- ☒ City of San Diego Climate Action Plan (CAP), (City of San Diego 2015)
- ☒ City of San Diego Climate Action Plan Consistency Checklist – 8423 El Paseo Grande Project

#### VII. 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: *Preliminary Geotechnical Investigation*, prepared by Christian Wheeler Engineering (March 11, 2020)
- VIII. Greenhouse Gas Emissions**
- ☒ City of San Diego Climate Action Plan (CAP), (City of San Diego 2015)
- ☒ City of San Diego Climate Action Plan Consistency Checklist – 8423 El Paseo Grande Project
- IX. 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, GeoTracker: <https://geotracker.waterboards.ca.gov/>
- ☒ State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized
- ☐ Airport Land Use Compatibility Plan
- ☐ Site Specific Report:
- X. 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](http://www.swrcb.ca.gov/tmdl/303d_lists.html)
- ☐ Site Specific Report:
- XI. Land Use and Planning**
- ☒ City of San Diego General Plan
- ☒ Community Plan: La Jolla
- ☐ Airport Land Use Compatibility Plan
- ☒ City of San Diego Zoning Maps
- ☐ FAA Determination
- ☐ Other Plans:
- XII. Mineral Resources**
- ☒ City of San Diego General Plan
- ☒ California Department of Conservation - Division of Mines and Geology, Mineral Land Classification
- ☐ Division of Mines and Geology, Special Report 153 - Significant Resources Maps
- ☐ Site Specific Report:
- XIII. Noise**
- ☒ City of San Diego General Plan
- ☒ Community Plan: La Jolla
- ☐ 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

- X San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG  
 \_\_\_ Site Specific Report:
- XIV. Paleontological Resources**
- X 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
- X 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:
- XV. Population / Housing**
- X City of San Diego General Plan  
X Community Plan: La Jolla  
 \_\_\_ Series 11/Series 12 Population Forecasts, SANDAG  
 \_\_\_ Other:
- XVI. Public Services**
- X City of San Diego General Plan  
X Community Plan: La Jolla
- XVII. Recreational Resources**
- X City of San Diego General Plan  
X Community Plan: La Jolla  
 \_\_\_ Department of Park and Recreation  
 \_\_\_ City of San Diego - San Diego Regional Bicycling Map  
 \_\_\_ Additional Resources:
- XVIII. Transportation / Circulation**
- X City of San Diego General Plan  
X Community Plan: La Jolla  
X San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG  
X San Diego Region Weekday Traffic Volumes, SANDAG  
X City of San Diego Draft Transportation Manual  
 \_\_\_ Site Specific Report:
- XIX. Utilities**
- X City of San Diego General Plan  
X Community Plan: La Jolla  
 \_\_\_ Site Specific Report:
- XX. Water Conservation**
- \_\_\_ Sunset Magazine, *New Western Garden Book*, Rev. ed. Menlo Park, CA: Sunset Magazine

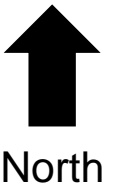
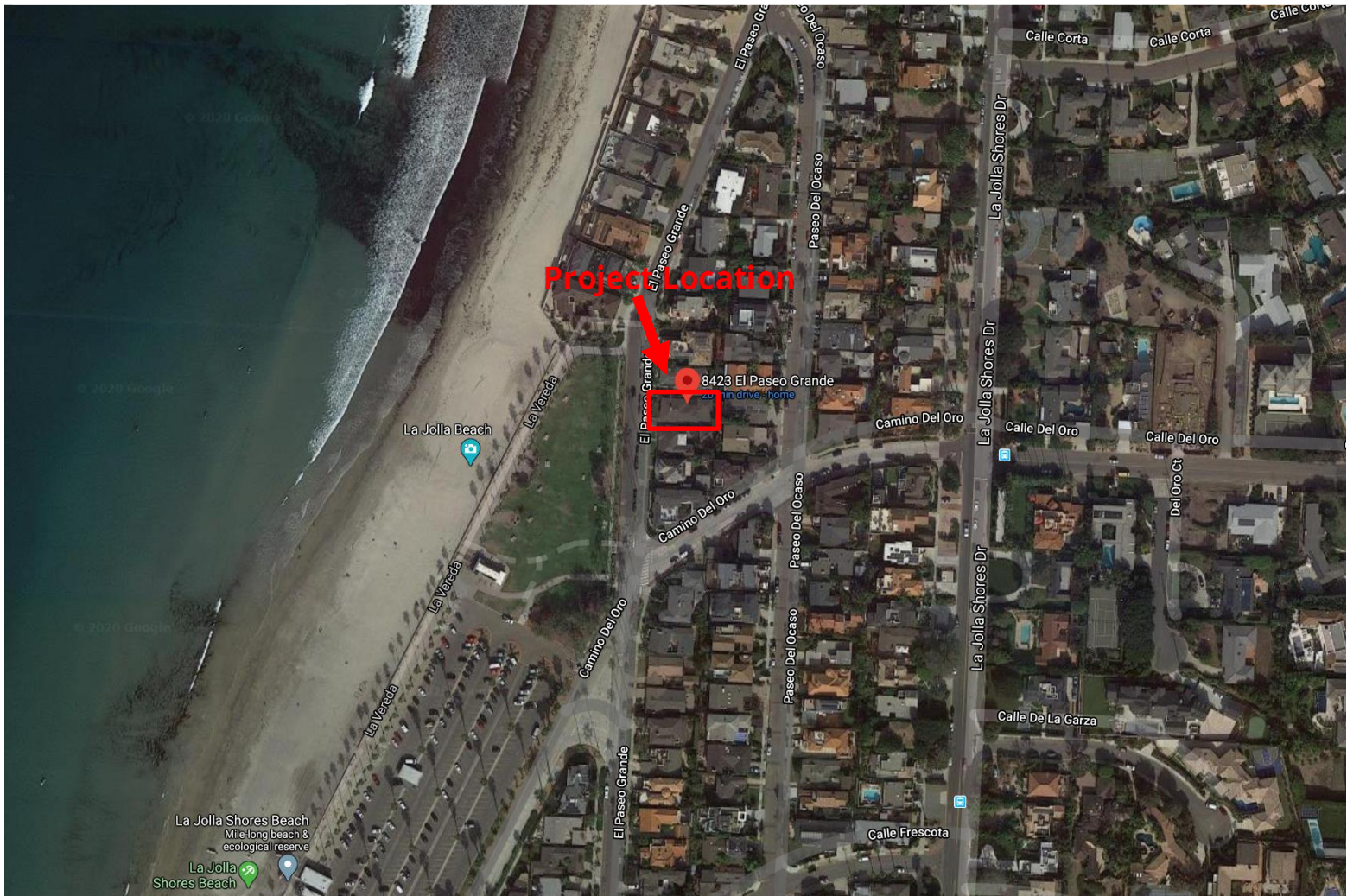
**XXI. Water Quality**

  X   Clean Water Act Section 303(b) list, [http://www.swrcb.ca.gov/tmdl/303d\\_lists.html](http://www.swrcb.ca.gov/tmdl/303d_lists.html)  
     Site Specific Report:

**XXII. Wildfire**

  X   City of San Diego General Plan  
  X   Community Plan: La Jolla  
  X   San Diego County Multi-Jurisdictional Hazard Mitigation Plan  
  X   Very High Fire Severity Zone Map, City of San Diego  
  X   City of San Diego Brush Management Regulations, Landscape Regulations (SDMC 142.0412)  
     Site Specific Report:





## Location Map

8423 El Paseo Grande CDP- Project No. 661815

8423 El Paseo Grande

Figure 1



### Figure 2