



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: June 17, 2021 REPORT NO. PC-21-025
HEARING DATE: June 24, 2021
SUBJECT: 8423 El Paseo Grande CDP/SDP, Process Three Decision Appeal
PROJECT NUMBER: [661815](#)
OWNER/APPLICANT: 8423 EL PASEO GRANDE LLC, Owner and Nick Wilson, Applicant

SUMMARY

Issue: Should the Planning Commission uphold or deny an appeal of the Hearing Officer's approval of a Coastal Development Permit and Site Development Permit to demolish an existing single dwelling unit and detached garage, and construct a new two-story single dwelling unit with attached garage and attached companion unit?

Staff Recommendation: Deny the appeal and uphold the Hearing Officer's decision to approve Coastal Development Permit No. 2424435 and Site Development Permit No. 24229037.

Community Planning Group Recommendation: On August 6, 2020, the La Jolla Community Planning Association voted 15-0-1 to recommend denial of the proposed project.

Other Recommendation: On July 20, 2020, the La Jolla Shores Planned District Advisory Board voted 4-0-0 to recommend denial of the proposed project.

Environmental Review: A Mitigated Negative Declaration No. 661815 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring Reporting Program has been prepared and will be implemented to reduce, to a level below significance, potential impacts identified in the environmental review process.

An appeal of the CEQA determination was previously made and the City Council denied the CEQA appeal on April 27, 2021. The scope of the subject hearing only includes the project, and not the environmental determination.

Fiscal Impact Statement: None with this action. All costs associated with the processing of the project are paid from the deposit account maintained by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: The La Jolla Community Plan (LJCP) and Local Coastal Program Land Use Plan (LCP) designates the site for Low Density Residential (5 to 9 dwelling units per acre (DU/AC)) and the proposed Project meets the prescribed density. The site is also located in the La Jolla Shores Planned District – Single Family Zone and the proposed single dwelling unit with a companion unit on the approximately 0.12-acre site is consistent with the base zone regulations. The proposed demolition of the existing single dwelling unit and construction of a new single dwelling unit with a companion unit equates to no net loss of housing stock within the community.

BACKGROUND

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan area. The 0.12-acre site is in the La Jolla Shores Planned District – Single Family Zone and designated for Low Density Residential with 5 to 9 DU/AC. The project site is also located within the Coastal Height Limitation Overlay Zone, Coastal Overlay Zone (Appealable), Parking Impact Overlay Zone (Beach Impact and Coastal Impact), Residential Tandem Parking Overlay Zone, and Geologic Hazard Category 52. The rectangular lot is bordered by residential development to the north, east, and south, and El Paseo Grande to the west. The project site currently contains one single dwelling unit and a detached garage.

The project is within the Coastal Overlay Zone and requires a Coastal Development Permit pursuant to SDMC section [126.0702](#). Pursuant to SDMC [1510.0201\(a\)](#), a La Jolla Shores Planned District Permit (Site Development Permit) shall be issued for commencement of any work in the erection of any new building or structure, or remodeling, alteration, addition, or demolition of any existing structure within the La Jolla Shores Planned District.

The project proposes the demolition of a one-story 1,528 square-foot single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and a 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

On February 10, 2021, the Hearing Officer adopted the Mitigated Negative Declaration No. 661815 and Mitigation, Monitoring and Reporting Program, and approved the project's development permits. The Hearing Officer Report No. [HO-21-002](#) (Attachment 1) contains the project background, analysis, and draft findings with the City staff's recommendation of approval.

On February 24, 2021, Diane Kane, President of the La Jolla Community Planning Association filed an appeal on the project and on February 25, Tyler Hee, Attorney with DeLano & DeLano representing Uri and Eyelet Gneezy filed an appeal on the project and the CEQA determination.

On April 27, 2021, the environmental appeal of the Hearing Officer's decision to adopt Mitigated Negative Declaration No. 661815 and Mitigation, Monitoring and Reporting Program was considered by the City Council and was denied per City Council Resolution No. [R-313520](#) (Attachment 2).

The scope of this subject appeal hearing only includes the project, and not the environmental determination.

The decision of the Hearing Officer may be appealed to the Planning Commission in accordance with Land Development Code Section 112.0506. Applications for Planned Development Permits shall be processed in accordance with Land Development Code Chapter 11 (Land Development" San Diego Municipal Code (SDMC) section 1510.0201(d). An appeal of a Hearing Officer decision may only be granted with evidence supporting one of the following findings:

- (1) Factual Error; The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter were inaccurate;
- (2) New Information; New information is available to the applicant or the interested person that was not available through that person's;
- (3) Findings Not Supported; The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker; or
- (4) Conflicts; The decision to approve, conditionally approve, or deny the permit, map, or other matter is in conflict with a land use plan, a City. SDMC section 112.0506(c).

Planning Commission can only deny the appeal and uphold approval of the project if none of the above findings are supported by sufficient evidence or grant the appeal and deny approval of the project if it finds one of the above findings is supported by sufficient evidence.

PROJECT APPEAL DISCUSSION

A summary of the issues raised in the letters that were attached with the appeal application from Tyler Hee, Attorney with DeLano & DeLano (DeLano & DeLano) representing Uri and Eyelet Gneezy have been provided below. The appellant claims the grounds for appeal fall under *Factual Error*, *Conflict with other matters*, *Findings Not Supported*, and *New Information*.

DeLano & DeLano Appeal Issue 1: *"The project does not comply with the La Jolla Shores Planned District Ordinance and conflicts with the Land Development Code (LJSPDO) regulations due to insufficient setbacks that do not conform to the vicinity."*

City Staff Response: The LJSPDO does not have an established minimum required front, side, or rear yard setback. Instead, the LJSPDO 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 projects 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 criterion. The proposed south side yard setbacks range from 4.0 to 24.3 feet, which is consistent with LJSPDO Code Section 1510.0304(b)(4).

The SDMC regulations for Accessory Dwelling Unit (formerly called Companion Units) was amended in October 2020, however, those regulations are not in effect in the coastal zone because they have not been certified by the California Coastal Commission. The applicable ADU regulations can be found in the strikeout underline version of Ordinance No. 21254 dated October 30, 2020.

The attached Companion Unit is single story. Per the Strikeout Ordinance 21254 (October 30, 2020) SDMC 141.0302 (a)(6), a Companion Unit may encroach within the interior side and rear yard setback. The second story of the primary residence above the Garage is stepped back 10' on the westerly side adhering to the step back regulations of the LJSPDO. The proposed project complies with the regulations of the LJSPDO and applicable land use plan policies and goals.

DeLano & DeLano Appeal Issue 2: *"The project does not conform to the Design Principal Section of the La Jolla Shores Planned District Ordinance as it relates to bulk and scale and is not in conformity with the Residential Community Character recommendations of the La Jolla Community Plan and Local Coastal Program."*

City Staff Response: 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 LJSPDO does not specify any Floor Area Ratio (FAR) or required setbacks, only maximum lot coverage (60 percent, LJSPDO Section 1510.0304). The new structure would result in a 49% lot coverage. 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 department review 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 architectural plans.

The LJCP states that in order to regulate the scale of new development, projects should apply the applicable development regulations of the zone such as coverage, structure height, and landscape requirements. The project as proposed is meeting the development regulations of the zone. 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 has been evaluated by staff and determined to be compatible in terms of bulk and scale with other structures in the vicinity 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-way 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.

DeLano & DeLano Appeal Issue 3: *"The project fails to provide adequate off-street parking."*

City Staff Response: The project is located in the Parking Impact Beach Overlay Zone and has provided two off-street parking spaces in the garage, as required for the primary residence.

Per SDMC Section 141.0302(a)(7)(C) of Strikeout Ordinance 21254 (October 30, 2020) - Off-street parking spaces may be located in any configuration, may be within the setback areas, and may include tandem spaces. 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 SDMC Section 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.

DeLano & DeLano Appeal Issue 4: *"The project would lead to significant environmental effects as it relates to Land Use and Planning."*

City Staff Response: As outlined in the final MND, the Initial Study Checklist, and response to public comments, the project conforms with the LJCP and LCP and the requirements of the LJSPDO. 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 LJCP'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 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. The project also complies with the LJSPD-SF zoning requirements. 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 project is located within a developed residential neighborhood and would not conflict with any applicable

habitat conservation plan or natural community conservation plan. As shown in the Initial Study for Mitigated Negative Declaration No. 661815, all impacts have been mitigated to below a level of significance. As noted earlier, the City Council considered this issue when it denied the appeal of the CEQA determination.

DeLano & DeLano Appeal Issue 5: *“The project would lead to significant environmental effects as it relates to Air Quality.”*

City Staff Response: As outlined in the final MND, the Initial Study Checklist, and response to public comments, Section III (b) Air Quality, explains that 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.

In Section III (a) Air Quality and Section XI (a) Land Use and Planning of the final MND, it states that 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 Significance Determination Thresholds, projects that would typically result in significant air quality impacts would include projects that would produce 9,500 Average Daily Trips (ADT). The scope and size of the project, a single-family residence and companion unit, does not exceed the City’s Significance Determination Thresholds for Air Quality. Impacts to air quality would remain less than significant. As noted earlier, the City Council considered this issue when it denied the appeal of the CEQA determination.

DeLano & DeLano Appeal Issue 6: *“The project would lead to significant environmental effects as it relates to Aesthetics and Neighborhood Character.”*

City Staff Response: The project was reviewed by City staff and found that the project conforms with the LJCP and LCP and the requirements of the LJSPDO as it relates to bulk and scale, height, and setback requirements. The project would replace an existing single-family residence with a new single-family residence and companion unit and would not result in any effects to scenic resources. As outlined in the final MND, impacts would not rise to a level of significance with regard to Visual Effects and Neighborhood Character. As noted earlier, the City Council considered this issue when it denied the appeal of the CEQA determination.

DeLano & DeLano Appeal Issue 7: *“The project would lead to significant environmental effects as it relates to Noise.”*

City Staff Response: As outlined in the final MND, the Initial Study Checklist, and response to public comments, 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 and would not cause increase in traffic generated noise. Any construction related noise is regulated by SDMC section 59.5.0404. Any impacts from noise would not exceed the City's thresholds for temporary construction generated noise, because of regulatory compliance. Impacts would remain below a level of significance. As noted earlier, the City Council considered this issue when it denied the appeal of the CEQA determination.

DeLano & DeLano Appeal Issue 8: *"The project would lead to significant environmental effects as it relates to Greenhouse Gas Emissions."*

City Staff Response: As outlined in the final MND, the Initial Study Checklist, and response to public comments, 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 MND No. 661815, the project's contribution of GHG to cumulative statewide emissions would be less than cumulatively considerable. Therefore, the project's direct and cumulative GHG emissions would have a less than significant impact. As noted earlier, the City Council considered this issue when it denied the appeal of the CEQA determination.

DeLano & DeLano Appeal Issue 9: *"A Climate Action Plan Checklist that is required for the project was not made public."*

City Staff Response: The CAP Checklist is provided as an Appendix to MND No. 661815 and is a part of the record. These documents were posted on the City's CEQA webpage during the public review period and are currently posted with the final document.

DeLano & DeLano Appeal Issue 10: *"The required findings for an MND cannot be made, and an Environmental Impact Report (EIR) must be prepared."*

City Staff Response: 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, a Mitigated Negative Declaration was prepared. As documented in the final MND, initial study checklist, public comments, and responses to comments, all other aspects of the project would have a less than significant impact on the environment. There is no evidence in the record that the project would result in new significant impacts or mitigation measures that were not previously disclosed and analyzed by the MND for the project. Furthermore, there is no evidence in the record that the project would result in significant unavoidable impacts that would require the preparation of an Environmental Impact Report.

Accordingly, the determination to prepare an MND for the project is correct. As noted earlier, the City Council considered this issue when it denied the appeal of the CEQA determination.

DeLano & DeLano Appeal Issue 11: *“The project is inconsistent with the La Jolla Community Plan and the San Diego Municipal Code as it relates to Natural Resources and Open Space Systems, Transportation Systems, and public parking.”*

City Staff Response: The project has been reviewed by City staff and determined to be consistent with the LJSPD-SF zoning requirements and the LJCP and LCP. The project proposes to demolish an existing single-family residence and construct a new single-family residence and companion unit in its place, providing the required number of off-street parking, and will not obstruct any public views. As documented in the final MND, Initial Study Checklist, and response to public comments, the site was 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 therefore not affect public access.

DeLano & DeLano Appeal Issue 12: *“The project is inconsistent with the General Plan’s objectives and policies with respect to land use and urban design.”*

City Staff Response: The project was reviewed by City staff and found to be consistent with the LJCP and LCP which implements the goals, objectives, and policies contained in the General Plan. The project is consistent with policies outlined in these plans and is consistent with the underlying zoning and land use designation.

DeLano & DeLano Appeal Issue 13: *“The project violates the California Coastal Act.”*

City Staff Response: The approved Local Coastal Program by the California Coastal Commission for this project site includes the La Jolla Community Plan and Local Coastal Program Land Use Plan, the regulations of the La Jolla Shores Planned District Ordinance and the SDMC. The City has the authority to issue Coastal Development Permits for areas of the Coastal Zone where the Coastal Commission has certified the LCP land use plan and related Implementation Program in the form of code regulations. The project was reviewed by City staff and found to be consistent with the LJCP and LCP. As provided in the responses above, the project is consistent with policies outlined in the plan such as stepping back the second story facade, creating visual relief through the use of offsetting planes, building articulations, and roof line treatment all of which reduce the bulk and scale as perceived from the public right-of-way. The project does not violate the California Coastal Act since it was found to be consistent with the Local Coastal Program Land Use Plan.

DeLano & DeLano Appeal Issue 14: *“The City cannot make the required findings for a CDP.”*

City Staff Response: The project was found to be in compliance with the applicable regulations in the Land Development Code, the LJSPDO and conforms to the Local Coastal Program and land use plan. The project meets the findings outlined in SDMC section 126.0708(a).

A summary of the issue raised in the attachments with the appeal application from Diane Kane,

President of the La Jolla Community Planning Association (LJCPA) have been provided below. The appellant claims the grounds for appeal fall under *Factual Error and Findings Not Supported*.

LJCPA Appeal Issue 1: *"Scoutred chart data measurements are significantly inflated from those used to measure FAR at community review."*

City Staff Response: The LJSPDO does not have an established minimum required front, side, or rear yard setback requirement. Instead, the LJSPDO 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 LJSPDO also only specifies maximum lot coverage (60 percent, LJSPDO Section 1510.0304), and the development regulations and the Community Plan policies are the determining factors in the project's conformance.

City 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. As part of City staff's review, a Neighborhood survey was submitted by the Applicant which contains lot sizes, gross floor areas, FAR's, and setback dimensions for 41 properties surrounding the project site. The survey is not a requirement of the LJSPDO or Community Plan and is to be used as a guide for determining conformance of a proposed project with surrounding development. It is an established DSD review method and practice for City staff to consider all development within the survey area when determining character of the area, and bulk and scale. According to the survey from the Applicant, floor area ratios within the vicinity range from 0.29 to 1.07. The project contains a floor area ratio of 0.97 which is greater than average but still within range of the minimum and maximum floor area ratios within the vicinity. The new structure would also result in a 49% lot coverage which is below the maximum lot coverage of 60%. Therefore, the FAR and lot coverage of the project is consistent with other structures within the vicinity. City staff have no reason to believe the data the Applicant used for the survey of the properties within the vicinity is misleading and incorrect. There are unknown factors which may cause inconsistencies for FAR's approved during the Community Review process and final FAR's approved after structures are built.

Conclusion:

There were no inaccurate statements and insufficient evidence presented by City Staff upon the Hearing Officer approving the project and the City Council denying the appeal of the environmental determination. All information was disclosed and shared to Interested Parties during the review process and at public hearings. The project complies with the development standards required by Land Development Code and the underlying La Jolla Shores Planned District – Single Family Zone including height, density, building setbacks, floor area ratio, and lot coverage. The project is consistent with the Community Plan and the findings can be made for a Coastal Development Permit and Site Development Permit. The appellants do not have sufficient evidence to support any of the four findings that are grounds for appeal. Therefore, City Staff recommends that the Planning Commission deny the appeal and uphold the Hearing Officer's decision to approve the Site

Development Permit and Coastal Development Permit.

ALTERNATIVES

1. Deny the appeal and uphold the Hearing Officer decision to Approve Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037, with modifications.
2. Grant the appeal and Deny Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Tim Daly
Assistant Deputy Director
Development Services Department



Benjamin Hafertepe
Development Project Manager
Development Services Department

Attachments:

1. Report to the Hearing Officer No. [HO-21-002](#)
2. [Staff Report to the City Council](#)
3. City Council Resolution No. [R-313520](#)
4. Development Permit Appeal Application from Tyler Hee, DeLano & DeLano
5. Development Permit Appeal Application from Diane Kane, President of the La Jolla Community Planning Association
6. Draft Resolution with Findings
7. Draft Permit with Conditions

DATE ISSUED: February 3, 2021 REPORT NO. HO-21-002
HEARING DATE: February 10, 2021
SUBJECT: 8423 EL PASEO GRANDE CDP/SDP. Process Three Decision
PROJECT NUMBER: [661815](#)
OWNER/APPLICANT: 8423 EL PASEO GRANDE LLC, Owner and Nick Wilson, Applicant

SUMMARY

Issue: Should the Hearing Officer approve the demolition of an existing single dwelling unit and detached garage, and the construction of a new two-story single dwelling unit with attached garage and attached companion unit?

Staff Recommendations:

1. ADOPT Mitigated Negative Declaration No. 661815 and ADOPT the Mitigation Monitoring and Reporting Program;
2. APPROVE Coastal Development Permit No. 2424435; and
3. APPROVE Site Development Permit No. 2429037

Community Planning Group Recommendation: On August 6, 2020, the La Jolla Community Planning Association voted 15-0-1 to recommend denial of the proposed project.

Other Recommendation: On July 20, 2020, the La Jolla Shores Planned District Advisory Board voted 4-0-0 to recommend denial of the proposed project.

Environmental Review: A Mitigated Negative Declaration No. 661815 has been prepared for the project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation, Monitoring Reporting Program has been prepared and will be implemented to reduce, to a level below significance, potential impacts identified in the environmental review process.

BACKGROUND

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan area (Attachment 1). The 0.12-acre site is in the La Jolla Shores Planned District – Single Family Zone and designated for Low Density Residential with 5 to 9 dwelling units per acre (DU/AC) (Attachment 2). The project site is also located within the Coastal Height Limitation Overlay Zone, Coastal Overlay Zone (Appealable), Parking Impact Overlay Zone (Beach Impact and Coastal Impact), Residential Tandem Parking Overlay Zone, and Geologic Hazard Category 52. The rectangular lot is bordered by residential development to the north, east, and south, and El Paseo Grande to the west (Attachment 3).

The project site currently contains one single dwelling unit and a detached garage. A review of the existing site was conducted by City staff to determine if potential significant historic resources exist on the site in accordance to San Diego Municipal Code (SDMC) section [143.0212](#). Based on the documentation provided, staff determined the property does not meet local designation criteria as an individually significant historic resource under any adopted Historic Resources Board criteria.

The project site is not within or adjacent to the Multiple Species Conservation Program (MSCP), or the Multiple Habitat Planning Area (MHPA), and does not contain any other type of Environmentally Sensitive Lands (ESL) as defined in SDMC section [113.0103](#). The project site is approximately 300 linear feet away from the Pacific Ocean and is not located within the First Public Roadway. There are no public view corridors, vantage points, or physical access routes from the project site, as identified in the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP).

DISCUSSION

The project is within the Coastal Overlay Zone and requires a Coastal Development Permit pursuant to SDMC section [126.0702](#). Pursuant to SDMC [1510.0201\(a\)](#), a La Jolla Shores Planned District Permit (Site Development Permit) shall be issued for commencement of any work in the erection of any new building or structure, or remodeling, alteration, addition, or demolition of any existing structure within the La Jolla Shores Planned District.

The project proposes the demolition of a one-story 1,528 square-foot single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and a 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

The project is consistent with the land use designation of single-family residential development (maximum of 9 dwelling units/acre) in the LJCP/LCP. The 0.12-acre site could accommodate one unit on the lot pursuant to SDMC [1510.0304](#). The project is not located within the First Public Roadway, and there are no public view corridors, vantage points, or physical access routes from the project site, as identified in the LJCP/LCP. The project will not encroach upon any existing physical way legally used by the public or any proposed public accessway identified in the LJCP/LCP ([Figure 9, Pages 35-36](#)).

The La Jolla Shores Planned District Ordinance requires all buildings and structure setbacks to be in general conformity with those in the vicinity. City staff has reviewed and accepted a survey from the Applicant which contains lot sizes, gross floor areas, floor area ratios, and setback dimensions for building structures within the vicinity of the project site. Front yard setbacks in the vicinity range from 1 foot 4 inches to 31 feet, side yard setbacks within the vicinity range from 1 foot 6 inches to 24 feet, rear yard setbacks within the vicinity range from 1 foot six inches to 30 feet, and floor area ratios within the vicinity range from 0.29 to 1.07.

The project proposes a north side yard setback to the main house that ranges from 4 to 6 feet with a 0-foot side setback adjacent to the attached companion unit, and south side yard setbacks ranging from 4 to 24 feet. The proposed development observes a front yard setback of 15 feet along the west property line, and a rear yard setback of 6 feet along the east property line. The floor area ratio for the proposed project is 0.97. Per SDMC [141.0302\(a\)\(2\)\(D\)\(ii\)](#), new accessory dwelling unit structures may encroach into the required interior side yard and rear yard setbacks up to the property line to accommodate construction of the accessory dwelling unit. The project contains setbacks and a floor area ratio to be in general conformity with the Land Development Code and properties within in the vicinity.

The City has conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas: Cultural Resources (Archaeology), and Tribal Cultural resources. A Mitigated Negative Declaration (MND) and a Mitigation Monitoring and Reporting Program (MMRP) have been prepared for the project, which indicates there are no significant environmental effects due to revisions in the project being made and agreed to by the project proponent (Attachment 6).

In addition, City Staff has reviewed and accepted a Geotechnical Investigation Report prepared by Christian Wheeler Engineering, dated March 11, 2020, and has determined the consultant has adequately addressed the soil and geologic conditions for the project. A condition of approval requires a geotechnical investigation report or update letter that specifically addresses the proposed construction plans.

The project permits contain specific requirements to ensure compliance with the regulations of the Land Development Code. Permit requirements include assuring by permit and bond the closure of the non-utilized portion of the existing driveway and installation of a new 12-foot wide City standard driveway adjacent to the site along El Paseo Grande; implementing construction best management practices (BMPs); and entering into an Encroachment Maintenance and Removal Agreement for the sidewalk underdrains, landscape and irrigation in the El Paseo Grande right of way.

The project complies with the development standards required by Land Development Code and the underlying La Jolla Shores Planned District – Single Family Zone including height, density, building setbacks, floor area ratio, and lot coverage. In addition, the project is not requesting any deviations or variances from the applicable regulations.

Community Planning Group Recommendation

The La Jolla Shores Planned District Advisory Board and La Jolla Community Planning Association recommended denial of the proposed project for the following reasons:

- 1.) The bulk and scale of the project is significantly greater than the average size of other structures within the vicinity.
- 2.) The proposed floor area ratio of 0.96 is greater than the average floor area ratio of 0.55 of other properties within the area.
- 3.) The project violates design principles in SDMC [1510.0301\(b\)](#).
- 4.) The second story rear yard setback of 10 feet from the property line is insufficient.
- 5.) The second story on the north side yard does not step back from the property line to provide a transition from the older adjacent property sufficiently.
- 6.) The data the Applicant used for the survey of the properties within the vicinity is misleading, incorrect, and does not reflect the correct floor area ratios.

In response to the Community Planning Group Recommendation and reasons for denial, City staff has determined that the bulk and scale of the proposed structure when viewed from the public right-of-way is compatible with other structures in the neighborhood and would be consistent with the purpose and intent of the La Jolla Shores Planned District Ordinance. Therefore, the bulk and scale of the project is consistent with the other structures within the vicinity and the SDMC.

The La Jolla Shores Planned District Ordinance does not specify a minimum or maximum floor area ratio requirement. According to the survey from the Applicant, floor area ratios within the vicinity range from 0.29 to 1.07. The project contains a floor area ratio of 0.96 which is greater than average but still within range of the minimum and maximum floor area ratios within the vicinity. Therefore, the floor area of the project is consistent with other structures within the vicinity.

Per SDMC [1510.0301\(b\)](#), the "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. The proposed development has setbacks, step backs, and articulated building heights that respect the guidelines outlined the La Jolla Shores Design Manual. The proposed exterior construction materials would be compatible with the neighborhood as specified in the La Jolla Shores Planned District Ordinance and the La Jolla Shores Design Manual. Specifically, the proposed project is oriented to relate to adjacent homes, while preserving all public views and enhancing community character with visually compatible architecture, form, style, and scale. The project will not encroach into any existing designated view. As designed, the project will not obstruct coastal or scenic views from any public vantage point and will preserve all public views toward the ocean. The proposed project is not substantially like any other structure located on an adjacent parcel. In addition, the proposed project is not so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area. Therefore, the project does not violate the design principles in SDMC [1510.0301\(b\)](#).

Per SDMC [1510.0304\(b\)\(4\)](#), building and structure setbacks shall be in general conformity to those within the vicinity. The neighboring property located at 8405 El Paseo Grande contains a solid wall of two stories with no variety and a side yard setback of only 5 feet. The adjacent single dwelling unit located at 8415 El Paseo Grande which lies between the project site and 8405 El Paseo Grande contains a solid wall of two stories with a side yard setback of only 5 feet as well and a chimney on the southern side of the single dwelling unit to break the bulk. The project proposes a north side yard setback to the main house that ranges from 4 to 6 feet with a 0-foot side setback adjacent to the attached companion unit. Per SDMC [141.0302\(a\)\(2\)\(D\)\(ii\)](#), new accessory dwelling unit structures may encroach into the required interior side yard and rear yard setbacks up to the property line to accommodate construction of the accessory dwelling unit. Therefore, the rear and side yard setbacks are in conformity to those within the vicinity and provide sufficient transitions to adjacent properties.

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 and practice for City staff to consider all development within the survey area when determining character of the area, and bulk and scale. City staff have no reason to believe the data the Applicant used for the survey of the properties within the vicinity is misleading and incorrect.

CONCLUSION

City staff has reviewed this application for a Coastal Development Permit and Site Development Permit and has determined that the project is consistent with the recommended land use and development standards in effect for the site. Staff has provided draft findings (Attachment 4) and conditions (Attachment 5) to support approval of the project. Therefore, staff recommends that the Hearing Officer approve Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037.

ALTERNATIVES

1. Approve Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037, with modifications.
2. Deny Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Benjamin Hafertepe, Development Project Manager

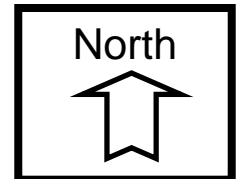
Attachments:

1. Project Location Map
2. Community Plan Land Use Map
3. Aerial Photograph
4. Draft Resolution with Findings
5. Draft Permit with Conditions
6. Draft Environmental Resolution with MMRP (MND)
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Plans



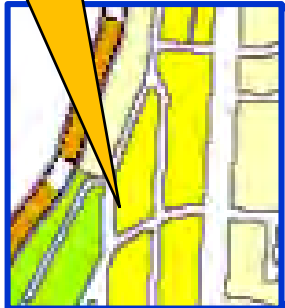
Project Location Map

8423 El Paseo Grande CDP/SDP
Project No. 661815 - 8423 El Paseo Grande





Project Site

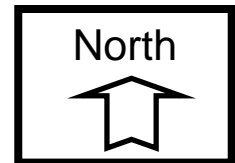


- Legend
- Very Low Density Residential (0-5 DU/AC)
 - Low Density Residential (5-9 DU/AC)**
 - Low Medium Residential (9-15 DU/AC)
 - Medium Residential (15-30 DU/AC)
 - Medium High Residential (30-45 DU/AC)
 - Commercial/Mixed Use
 - Parks, Open Space
 - Schools
 - Cultural
 - Community Facilities
 - Elementary School
 - Junior High School
 - High School
 - School
 - Library
 - Fire Station
 - Post Office



Land Use Map

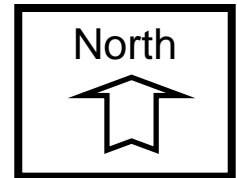
8423 El Paseo Grande CDP/SDP
Project No. 661815 - 8423 El Paseo Grande





Aerial Photograph

8423 El Paseo Grande CDP/SDP
Project No. 661815 - 8423 El Paseo Grande



HEARING OFFICER RESOLUTION NO. _____
COASTAL DEVELOPMENT PERMIT NO. 2424435
SITE DEVELOPMENT PERMIT NO. 2429037
8423 EL PASEO GRANDE CDP/SDP - PROJECT NO. 661815 [MMRP]

WHEREAS, 8423 EL PASEO GRANDE, LLC, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing single dwelling unit and detached garage, and to construct a new single dwelling unit with an attached garage and an attached companion unit (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037 on portions of a 0.12-acre site;

WHEREAS, the project site is located at 8423 El Paseo Grande in the La Jolla Shores Planned District Single Family Zone, Coastal Height Limitation Overlay Zone, Coastal (Appealable) Overlay Zone, Parking Impact Overlay Zone (Beach & Coastal Impact), Residential Tandem Parking Overlay Zone, and Geo Hazard 52 Zone within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Lot 3 in Block 38 of La Jolla Shores Unit No. 6, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 2147, filed in the Office of the County Recorder of San Diego County, February 26, 1929;

WHEREAS, on February 10, 2021, the Hearing Officer of the City of San Diego considered Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Hearing Officer of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037:

A. COASTAL DEVELOPMENT PERMIT [SDMC Section 126.0708]**1. Findings for all Coastal Development Permits:**

- a. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and a 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

The project site, which is located less than 300 feet east of the Pacific Ocean, is not located within the First Public Roadway or within a visual access corridor, as identified within the LJCP/LCP. Furthermore, the site is not located near any existing or proposed physical accessway that is legally utilized by the public or within or adjacent to any public vantage points as identified in Figure 9, Pages 35-36 of the LJCP/LCP. All of the proposed development will be contained within the existing disturbed and developed site and has been designed in conformance with all applicable development regulations, including required setbacks, floor area ratio, lot coverage, and structure height. The highest ridge of the new home is 25 feet 10 inches with the chimney measuring at 30 feet, and is in conformance with the maximum 30-foot height limit.

Due to project site's location, and the proposed development contained on private property and designed in conformance with all applicable development regulations, the proposed coastal development will not affect any existing or proposed physical accessway that is legally used by the public, or degrade, eliminate, or detract any protected public views to and along the ocean and other scenic coastal areas as identified in the LJCP/LCP. Based on the above, the proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in the Local Coastal Program Land Use Plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

- b. The proposed development will not adversely affect environmentally sensitive lands.**

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and a 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

Review of resource maps, aerial and street photography shows that the project site does not contain any Environmentally Sensitive Lands as defined in San Diego Municipal Code section 113.0103. The project site does not contain and is not adjacent to any sensitive biological resources, sensitive coastal bluffs, steep hillsides, or special flood hazard areas, and is not located within or adjacent to the City's Multiple Species Conservation Program/Multiple Habitat Planning Area. Therefore, the project will not adversely affect environmentally sensitive lands.

c. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and a 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

The City reviewed the existing single dwelling unit and detached garage to determine whether a potential historical resource exists on site. On July 6, 2020, City Staff concluded the property does not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria.

The project has been designed in conformance with all applicable development regulations per the SDMC. The project site is in the La Jolla Shores Planned District Ordinance – Single Family Zone (LJSPDO – SF) Zone and complies with the development standards required by the underlying LJSPDO – SF Zone including height, density, building setbacks, floor area ratio, lot coverage, and off-street parking. Based on a submitted neighborhood survey of the existing development patterns within the neighborhood, the proposed project was determined to be in general conformance with other buildings as specified in the LJSPDO – SF Zone. In addition, the project has been designed in conformance with the maximum 30-foot height limit. The highest ridge of the new home measures 25 feet 10 inches, and 30 feet at the top of the chimney.

The LJCP designates the project site Low Density Residential with a density range of 5 to 9 dwelling units per acre. The density range is characterized by single dwelling unit residential homes on 5,000 to 7,000 square-foot lots. The LJSPDO – SF Zone allows one dwelling unit per lot. The proposed dwelling unit on the 0.12-acre site is in conformance with the prescribed density per the underlying zone, and the LJCP/LCP land use designation.

LJSPDO requires all buildings and structure setbacks to be in general conformity with those in the vicinity. City staff has reviewed and accepted a survey from the Applicant which contains lot sizes, gross floor areas, floor area ratios, and setback dimensions for building structures within the vicinity of the project site. Front yard setbacks in the vicinity range from 1 foot 4 inches to 31 feet, side yard setbacks within the vicinity range from 1 foot 6 inches to 24 feet, rear yard setbacks within the vicinity range from 1 foot 6 inches to 30 feet, and floor area ratios within the vicinity range from 0.29 to 1.07.

The project proposes a north side yard setback to the main house that ranges from 4 to 6 feet with a 0-foot side setback adjacent to the attached companion unit, and south side yard setbacks ranging from 4 to 24 feet. The proposed development observes a front yard setback of 15 feet along the west property line, and a rear yard setback of 6 feet along the east property line. The floor area ratio for the proposed project is 0.97. Per San Diego Municipal Code Section 141.0302(a)(2)(D)(ii), new accessory dwelling unit structures may encroach into the required interior side yard and rear yard setbacks up to the property line to accommodate construction of the accessory dwelling unit. The project contains setbacks and a floor area ratio to be in general conformity with the Land Development Code and properties within in the vicinity.

Additionally, the project proposes a lot coverage of 49 percent, which is below the maximum 60 percent lot coverage allowed per the LJSPDO – SF Zone.

The proposed development has been oriented to relate to adjacent homes, while enhancing community character with visually compatible architecture, form, style, and scale. The project's height, scale, design, and proposed building materials are consistent with the varied architecture, design, and character of the low-density residential development in the surrounding area and in conformance with the LJCP/LCP residential policies related to density, bulk and scale, and materials.

Furthermore, the project site is located less than 300 feet east of the Pacific Ocean and is not located between the sea and the First Public Roadway. The project site is not located with or adjacent to any public coastal access or public vantage points as identified in the LJCP/LCP Figure 9, Pages 35-36). Due to the location of the project site, the project will not encroach upon any existing physical way used by the public or any proposed access as identified in the LJCP/LCP.

The project is not requesting any deviations or variances from the applicable regulations and has been designed in conformance with all applicable development

regulations set forth in the SDMC, and the LJCP/LCP land use plan. Therefore, based upon the above analysis, the proposed project is in conformity with the Local Coastal Program land use plan and complies with all regulations of the certified implementation program.

- d. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet. The project site, which is located less than 300 feet from the Pacific Ocean, is not located between the sea and the First Public Roadway or within a visual access corridor, as identified in the LJCP/LCP. The project will be developed entirely within private property and will not adversely impact any public recreation opportunities. Therefore, the project conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

B. SITE DEVELOPMENT PERMIT [SDMC Section 126.0505]

1. Findings for all Site Development Permits:

- a. The proposed development will not adversely affect the applicable land use plan.**

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and a 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

The existing single dwelling unit and detached garage were reviewed to determine whether any potential historical resources exist on site. On July 6, 2020, City Staff concluded the property does not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria.

The project has been designed in conformance with all applicable development regulations per the SDMC. The project site is in the La Jolla Shores Planned District

Ordinance – Single Family Zone (LJSPDO – SF) Zone and complies with the development standards required by the underlying LJSPDO – SF Zone including height, density, building setbacks, floor area ratio, lot coverage, and off-street parking. Based on a submitted neighborhood survey of the existing development patterns within the neighborhood, the proposed project was determined to be in general conformance with other buildings as specified in the LJSPDO – SF Zone. In addition, the project has been designed in conformance with the maximum 30-foot height limit.

The highest ridge of the new home measures 25 feet 10 inches, and 30 feet at the top of the chimney.

The LJCP designates the project site Low Density Residential with a density range of 5 to 9 dwelling units per acre. The density range is characterized by single dwelling unit residential homes on 5,000 to 7,000 square foot lots. The LJSPDO – SF Zone allows one dwelling unit per lot. The proposed dwelling unit on the 0.12-acre site is in conformance with the prescribed density per the underlying zone, and the LJCP/LCP land use designation.

The LJSPDO requires all buildings and structure setbacks to be in general conformity with those in the vicinity. City staff has reviewed and accepted a survey from the Applicant which contains lot sizes, gross floor areas, floor area ratios, and setback dimensions for building structures within the vicinity of the project site. Front yard setbacks in the vicinity range from 1 foot 4 inches to 31 feet, side yard setbacks within the vicinity range from 1 foot 6 inches to 24 feet, rear yard setbacks within the vicinity range from 1 foot six inches to 30 feet, and floor area ratios within the vicinity range from 0.29 to 1.07.

The project proposes a north side yard setback to the main house that ranges from 4 to 6 feet with a 0-foot side setback adjacent to the attached companion unit, and south side yard setbacks ranging from 4 to 24.5 feet. The proposed development observes a front yard setback of 15 feet, and a rear yard setback of 6 feet along the east property line. The floor area ratio for the proposed project is 0.97. The project contains setbacks and a floor area ratio to be in general conformity with those in the vicinity.

Additionally, the project proposes a lot coverage of 49 percent, which is below the maximum 60 percent lot coverage allowed per the LJSPDO – SF Zone.

The proposed development has been oriented to relate to adjacent homes, while enhancing community character with visually compatible architecture, form, style, and scale. The project's height, scale, design, and proposed building materials are consistent with the varied architecture, design, and character of the low density residential development in the surrounding area and in conformance with the LJCP/LCP residential policies related to density, bulk and scale, and materials.

Furthermore, the project site is located less than 300 feet east of the Pacific Ocean and is not located between the sea and the First Public Roadway. The project site is not located with or adjacent to any public coastal access or public vantage points as identified in the LJCP/LCP Figure 9, Pages 35-36). Due to the location of the project site, the project will not encroach upon any existing physical way used by the public or any proposed access as identified in the LJCP/LCP.

The project is not requesting any deviations or variances from the applicable regulations and has been designed in conformance with all applicable development regulations set forth in the SDMC, and the LJCP/LCP land use plan. Therefore, based upon the above analysis, the proposed project will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare.

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

The project will not be detrimental to the public health, safety, and welfare. A condition of approval requires a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. City staff has reviewed and accepted a preliminary geotechnical report prepared for the site project, which concludes the site's soil and geologic conditions have been adequately addressed.

The project permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. Permit requirements include assuring by permit and bond the closure of the non-utilized portion of the existing driveway and installation of a new 12-foot wide City standard driveway adjacent to the site along El Paseo Grande; implementing construction best management practices (BMPs); and entering into an Encroachment Maintenance and Removal Agreement for the sidewalk underdrains, landscape and irrigation in the El Paseo Grande right of way. Therefore, the project will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is

developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and 1,090 square-foot attached companion unit for a total of 5,079 square feet. The project site, which is located less than 300 feet east of the Pacific Ocean, is not located between the sea or the First Public Roadway or within a Visual Resources Corridor as identified in the LJCP/LCP. The project has been designed in conformance with all applicable development regulations of the San Diego Municipal Code, including the La Jolla Shores Planned District Ordinance – Single Family Zone and the Coastal Overlay Zone. The project conforms to the maximum 30-foot height limit and 60 percent coverage requirements.

LJSPDO requires all buildings and structure setbacks to be in general conformity with those in the vicinity. City staff has reviewed and accepted a survey from the Applicant which contains lot sizes, gross floor areas, floor area ratios, and setback dimensions for building structures within the vicinity of the project site. Front yard setbacks in the vicinity range from 1 foot 4 inches to 31 feet, side yard setbacks within the vicinity range from 1 foot 6 inches to 24 feet, rear yard setbacks within the vicinity range from 1 foot six inches to 30 feet, and floor area ratios within the vicinity range from 0.29 to 1.07.

The project proposes a north side yard setback to the main house that ranges from 4 to 6 feet with a 0-foot side setback adjacent to the attached companion unit, and south side yard setbacks ranging from 4 to 24 feet. The proposed development observes a front yard setback of 15 feet along the west property line, and a rear yard setback of 6 feet along the east property line. The floor area ratio for the proposed project is 0.97. Per San Diego Municipal Code Section 141.0302(a)(2)(D)(ii), new accessory dwelling unit structures may encroach into the required interior side yard and rear yard setbacks up to the property line to accommodate construction of the accessory dwelling unit. The project contains setbacks and a floor area ratio to be in general conformity with the Land Development Code and properties within in the vicinity.

The project does not require or request any deviations. Therefore, the proposed development will comply with the regulations of the Land Development Code.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits,

terms and conditions as set forth in Coastal Development Permit No. 2424435 and Site
Development Permit No. 2429037, a copy of which is attached hereto and made a part hereof.

Benjamin Hafertepe
Development Project Manager
Development Services

Adopted on: DATE OF APPROVAL

IO#: 24008591

DRAFT

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION
501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24008591

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2424435
SITE DEVELOPMENT PERMIT NO. 2429037
8423 EL PASEO GRANDE CDP/SDP PROJECT NO. 661815 [MMRP]
HEARING OFFICER

This Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037 is granted by the Hearing Officer of the City of San Diego to 8423 El Paseo Grande, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0505 and 126.0708. The 0.12-acre site is located at 8423 El Paseo Grande in the La Jolla Shores Planned District Single Family Zone, Coastal Height Limitation Overlay Zone, Coastal (Appealable) Overlay Zone, Parking Impact Overlay Zone (Beach & Coastal Impact), Residential Tandem Parking Overlay Zone, and Geo Hazard 52 Zone within the La Jolla Community Plan area. The project site is legally described as: Lot 3 in Block 38 of La Jolla Shores Unit No. 6, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 2147, filed in the Office of the County Recorder of San Diego County, February 26, 1929.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish and existing single dwelling and to construct a new single dwelling unit with an attached garage and attached companion unit described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date] , on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing 1,528 square-foot single dwelling unit and detached garage;
- b. Construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage;
- c. Construction of a new 1,090 square-foot attached companion unit;
- d. Off-street parking; and

- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by [ENTER DATE typically 3 years, including the appeal time].
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements

may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 661815 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 661815 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Cultural Resources (Archaeology)
Tribal Cultural Resources

CLIMATE ACTION PLAN REQUIREMENTS:

14. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan

Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of the non-utilized portion of existing driveway with current city standard sidewalk/parkway, curb and gutter, adjacent to the site on El Paseo Grande, satisfactory to the City Engineer.
16. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond, the construction of a new current city standard 12-foot wide driveway, adjacent to the site on El Paseo Grande, satisfactory to the City Engineer.
17. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the sidewalk underdrains, landscape and irrigation in the El Paseo Grande right of way, satisfactory to the City Engineer.
18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
19. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

LANDSCAPE REQUIREMENTS:

20. Prior to issuance of any construction permits, the Owner/Permittee shall submit to the Development Services Department for approval complete landscape and irrigation construction documents. Construction documents shall comply with the La Jolla Shores Planned District Ordinance, the La Jolla Community Plan, and the Land Development Manual - Landscape Standards. Unplanted areas, including those consisting of recreational areas, walks (areas used for access whether paved, mulched, stepping stone, or similar), and driveways may not count towards the minimum landscape area required by the LJSPDO.
21. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.
22. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

GEOLOGY REQUIREMENTS:

23. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

PLANNING/DESIGN REQUIREMENTS:

24. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

25. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

26. Pursuant to SDMC 126.0707 Conditions may be imposed by the decision maker when approving a Coastal Development Permit. Conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. In any subdivision or other land division, such conditions shall be imposed at the time of the subdivision or other land division, rather than through subsequent development permits.

27. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Hearing Officer of the City of San Diego on [INSERT Approval Date] and [Approved Resolution Number].

DRAFT

Permit Type/PTS Approval No.: Coastal Development Permit No. 2424435
Site Development Permit No. 2429037
Date of Approval: XX

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Benjamin Hafertepe
Development Project Manager

NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

8423 EI PASEO GRANDE, LLC
Owner/Permittee

By _____
Mark Richter

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.

RESOLUTION NUMBER R-_____

ADOPTED ON _____

WHEREAS, on April 13, 2020, Nick Wilson submitted an application to the Development Services Department for a Coastal Development Permit and Site Development Permit for the 8423 El Paseo Grande (Project); and

WHEREAS, the matter was set for a public hearing to be conducted by the Hearing Officer of the City of San Diego; and

WHEREAS, the issue was heard by the Hearing Officer on February 10, 2021; and

WHEREAS, the Hearing Officer considered the issues discussed in Mitigated Negative Declaration No. 661815 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Hearing Officer that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Hearing Officer in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Hearing Officer finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Hearing Officer hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Hearing Officer in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the Development Services Department, 1222 First Avenue, San Diego, CA 92101 or City Clerk, 202 C Street, San Diego, CA 92101.

BE IT FURTHER RESOLVED, that Development Services Department is directed to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

By: _____
[NAME], [DEPUTY CITY ATTORNEY or DEVELOPMENT PROJECT MANAGER]

ATTACHMENT(S): Exhibit A, Mitigation Monitoring and Reporting Program

EXHIBIT A

MITIGATION MONITORING AND REPORTING PROGRAM

Coastal Development Permit No. 2424435
Site Development Permit No. 2429037

PROJECT NO. 661815

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 661815 shall be made conditions of Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037 as may be further described below.

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:

Document Submittal/Inspection Checklist		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to Preconstruction Meeting
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 (CSVR). The CSVR'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 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 CSVR 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.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.



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 or a new mitigation measure required to avoid a significant environmental impact.

I. PROJECT DESCRIPTION:

See attached Initial Study.

II. ENVIRONMENTAL SETTING:

See attached Initial Study.

III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): **CULTURAL RESOURCES (ARCHAEOLOGY), 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:

Document Submittal/Inspection Checklist		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to 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 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 CSVR 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**Table of Contents**

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Comment Letter A



www.MertenArchitect.com

PHILIP A. MERTEN AIA ARCHITECT

1236 MUIRLANDS VISTA WAY LA JOLLA CALIFORNIA 92037 PHONE 658-459-4756 Phil@MertenArchitect.com

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

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

A-1

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

A-2

A-2

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

Comment Letter A (cont.)

Response ^{ATTACHMENT 1}

Ms. Rachael Ferrell, Environmental Analyst
November 15, 2020
Page 2

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

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

A-5

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.

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.

A-6

B CHARACTER OF THE AREA

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

(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-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.)

Ms. Rachael Ferrell, Environmental Analyst
November 15, 2020
Page 3

A-7

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 LJPDO. 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 LJPDO 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 LJPDO 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 from 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 Sec. 113.0234.

A-7

Comment Letter A (cont.)

Response ^{ATTACHMENT 1}

Comment Letter A (cont.)

Ms. Rachael Ferrell, Environmental Analyst
November 15, 2020
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.

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

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.)

Ms. Rachael Ferrell, Environmental Analyst
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 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 *dscd_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 LJSPDO. 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 ^{ATTACHMENT 1}

Ms. Rachael Ferrell, Environmental Analyst
November 15, 2020
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
Ayelet Gneezt AGneezy@ucsd.edu
Everett Delano everett@delanoanddelano.com
Tyler Hee 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 ATTACHMENT 1

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@sanidiego.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 LJSPO and would not be expected to conflict with or obstruct an applicable air quality plan. Impacts to air quality would remain less than significant.

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.

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

Comment Letter B (cont.)

Response ^{ATTACHMENT 1}

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

Comment Letter B (cont.)

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

B-8

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

Comment Letter C

Response ^{ATTACHMENT 1}

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@sandiego.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.

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 (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.

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

Comment Letter C (cont.)

- 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

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 ^{ATTACHMENT 1}

- 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 ATTACHMENT 1



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

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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- 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 ATTACHMENT 1

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. 32nd 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

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.

D-3

D-4

D-5

D-6

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.
- 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.)

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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 in 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.

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

D-12 { 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

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.)

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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-

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.)

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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.4th 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. 32nd 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. 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. 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.)

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

- 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

Comment Letter E

Response ^{ATTACHMENT 1}

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.
- E-1 { I am in agreement with all of the factual information in the report submitted to you on November 15, 2020 by Phillip Merten, Architect.
- E-1 { 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
- E-2 { 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

858-459-4844

- 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.)

RE: 8433 El Paseo Grande
Project no: 661815

Information and comments from
Peggy Davis: 8387 Paseo Del Ocaso
La Jolla, CA 92037: peggydavis@ajolla.com
gmail.com

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 |

20 pages TOTAL

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.)

	Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
E-5	<p>I. AESTHETICS - Would the project:</p> <p>a) Have a substantial adverse effect on a scenic vista?</p> <p><i>Public park and beach access 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"/>
E-6	<p>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 LJSFDO 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"/>
E-7	<p>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</p> <p><i>A 4,979 sq. ft. structure is not compatible with adjacent structure as the lot is 5,025 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"/>
E-8	<p>d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?</p> <p><i>Light and Glare to adjacent properties from this massive 4,979 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 LJSFDO-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 (LJSFDO) 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.

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.)

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.

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?



Will prevent proper air flow to adjacent properties

E-10

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 *(No)* 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.)

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 Spindriff, 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

5

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.)

E-12

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. *Grading on property for a MAT FOUNDATION. Amount of excavation not listed.*

d) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? *for a 4,979 square foot structure -*

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.

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Comment Letter E (cont.)

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 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 *(1995) identified active and inactive geological faults that are located in La Jolla* 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 *The faults are classified as POTENTIALLY ACTIVE include the SCRIPPS FAULT, The ALQUIST SOLEADO FAULT, The Muirlands Fault*
Division of Mines and Geology Special Publication 42.

and the Center 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

E-13 This has been addressed in the Initial Study under Geology and Soils, Section VII (a(ii)). No active faults are known to underline 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.

Comment Letter E (cont.)

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 8403 El Paseo Grande. Water from 8449 and 8455 El Paseo Grande drains into street.

E-14

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?

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.

Properties 100 feet from 8423 El Paseo Grande have drainage problems.

E-15

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.

8433 El Paseo Grande neighbor has concerns for safety at her property and protection of residence

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.)

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.

E-16

- 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?
- | | | | |
|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| <input checked="" 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.

E-17

- 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
- | | | | |
|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| <input checked="" 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.

E-18

- f) Otherwise substantially degrade water quality?
- Owner must comply with California Civil Code 832
- | | | | |
|-------------------------------------|--------------------------|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------------|--------------------------|-------------------------------------|--------------------------|

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.)

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.

- E-19 { h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows? *Predictions by Coastal Commission - higher tides in the future*

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:

- E-20 { a) Physically divide an established community? *Project not compatible with LTSPAC*

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.

- E-21 { 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? *Not consistent with General Plan*

land use plan and regulations
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.

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.)

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.

E-22 {

XIV. POPULATION AND HOUSING - Would the project:
Project not consistent with current La Jolla Community plan
 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)?

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?

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.

E-23 {

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.
 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

E-24 {

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 (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."

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.)

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

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

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Adjacent properties are not affected by VMT City of San Diego Transportation Manual.

E-25 {

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

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Comment Letter E (cont.)

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)?

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?

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

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

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.)

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.

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.

Project will result in construction of storm water drainage facilities - water accumulates every day in intersection of El Pasero Grande and Camino Del Oro due to drainage from properties on El Pasero Grande.

- 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

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

15

Comment Letter E (cont.)

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"/>

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

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"/>
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E-30

Improper setbacks on property present a problem with a fire.
Occupants are limited for enough access to escape a fire.

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.

(16)

Comment Letter E (cont.)

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>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><i>Since there is a "Zero" setback area on the property line, fire risk could exist.</i></p>				
<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>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><i>There is an area of the project with a "Zero" setback. Property is at risk for all flooding and drainage changes.</i></p>				

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

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

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.

Comment Letter E (cont.)

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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E-33

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 E 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.

E-34

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 affects 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.)

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		CS Standard California Sampler	CS Chalk Sample						
Logged by: AKN		Bucket Size: N/A		ST Shelby Tube	128 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	Con Consolidation						
				SA Sieve Analysis	FI Expansion Index						
				LIA Liquid Limit	RVA Resistance Value						
				SE Sand Equivalent	OM Soluble Chlorides						
				PI Plasticity Index	RI Res						
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	USED SATURATION	LABORATORY TESTS
0	13		SM	Slonewash (Osw): Medium brown, moist, loose, SILTY SAND with roots in upper 2 feet, medium-grained, mottled.							
4	9		SM	Old Paralic Deposits (Oop): Medium orange-brown and tan, moist, medium dense, SILTY SAND, medium-grained, mottled, with zones of iron staining.	14	Cal		5.0	101.6		
8	5			At 8 feet becomes very moist. At 9 feet becomes saturated.	53	Cal		5.2	124.1		SA, MD, SCL, I28
10	3			Boring terminated at 10 1/2 feet due to caving. Groundwater encountered at 9 feet.	30	Cal					Com.
12	1										
16	-3										
20	-7										
24	-11										
28	-15										
<p><i>Caving on property Catto Property 8368 Paseo Del Ocaso Excavated 12/16/08 8 feet becomes very moist 9 feet becomes saturated 10 1/2 feet Caved in Christian Wheeler Engineering</i></p>											
<p><i>Results- Excavation 8368 Paseo Del Ocaso Property is 500 feet from 8423 El Paseo Grande</i></p>											
<p>Symbol Legend</p> <ul style="list-style-type: none"> ☒ Groundwater ☒ Apparent Seepage ○ No Sample Recovered ☒ Nonrepresentative Blow Count (locks present) 		<p>CHRISTIAN WHEELER ENGINEERING</p>		<p>PROPOSED SINGLE-FAMILY RESIDENCE 8368 Paseo del Ocaso La Jolla, California</p>							
				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.)

E- 35-36

See response to comment E-35 above.

LOG OF TEST BORING B-1				Sample Type and Laboratory Test Legend						
Date Excavated: 12/16/08		Equipment: Tripod		CS: Chain Sample	DR: Density Ring					
Logged by: AKN		Bucket Size: N/A		SD: Standard Penetration Test	ST: Shelby Tube					
Existing Elevation: 13 feet		Drive Weight: 140 lbs.		MD: Maximum Density	DS: Direct Shear					
Proposed Elevation: N/A		Depth to Water: 9 feet		SM: Swellable Soils Test	L: Liquid Limit					
				SA: Sieve Analysis	EI: Expansion Index					
				UA: Unconsolidated	R.V.I.: Resistance Value					
				SL: Sand Equivalent	SI: Swellable Soils Index					
				PL: Plasticity Index	Res.					
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	(pcf) SATURATION	LABORATORY TESTS
0	13		SM	Slopewash (Qsw): Medium brown, moist, loose, SILTY SAND with roots in upper 2 feet, medium-gained, mottled.						
4	9		SM	Old Paralic Deposits (Qop): Medium orangish-brown and tan, moist, medium dense, SILTY SAND, medium-gained, mottled, with zones of iron staining.	14	Cal	5.0	110.6		SA, MD, SI, DS
8	5			At 8 feet becomes very moist. At 9 feet becomes saturated.	53	Cal	5.7	124.1		
12	1			Boring terminated at 10 1/2 feet due to caving. Groundwater encountered at 9 feet.	30	Cal				
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									
Symbol Legend Groundwater Apparent Seepage No Sample Recovered Nonrepresentative Blow Count (nicks present)		 CHRISTIAN WHEELER ENGINEERING		PROPOSED SINGLE-FAMILY RESIDENCE 8368 Paseo del Ocaso La Jolla, California						
				BY: SHV	DATE: January 2009					
				JOB NO.: 2080718.02	PLATE NO.: 2					

E-36

Page 2 of 2

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Comment Letter F

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@sandiego.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
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).

- 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.

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

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.

- 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

FROM THE DESK OF

Kristine M. McNamara

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

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@sandiego.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

Comment Letter G (cont.)

Response ^{ATTACHMENT 1}

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

G-3 { 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

G-4 { 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-5 { 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.

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

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

Comment Letter G (cont.)

Response ^{ATTACHMENT 1}

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

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

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.

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.

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 LSPDO. The proposed exterior construction materials would be compatible with the neighborhood, as specified in the LSPDO and the La Jolla Shores Design Manual.

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.

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

H-5

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

H-7

H-8 Comment noted. See response to comments H-3 through H-7 above with how the project conforms with the LSPDO.

Comment Letter I

Response ATTACHMENT 1

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@sandiego.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

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 ^{ATTACHMENT 1}

- 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

Response ATTACHMENT 1



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@sandiego.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 of-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.

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.

- 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.)

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

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 LJSPDO.

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.)

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



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.

I. AESTHETICS – Would the project:

- a) Have a substantial adverse effect on a scenic vista?

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?

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?

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?

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.

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?

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?

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))?

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?

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.

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?

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

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

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?

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?

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?

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.

- 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?

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?

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?

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?

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?

The purpose and intent of the Historical Resources Regulations of the Land Development Code

(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?

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

(archaeology) to below a level of significance.

- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

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.

- 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 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.

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.

- 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.

- 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?

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) 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?

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?

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?

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?

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?

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?

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?

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?

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.

- 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?

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?

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?

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?

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)?

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.

- 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?

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?

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 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.

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

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?

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?

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?

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.

- b) Generation of, excessive ground borne vibration or ground borne noise levels?

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.

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

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.

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above existing without the project?

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.

- 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?

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.

- 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?

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)?

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?

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?

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

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.

- ii) Police protection

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

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

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

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?

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

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

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)?

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?

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

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

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?

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

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.

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

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?

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?

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?

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.

- 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?

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?

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?

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.

- 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)?
-

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?
-

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
 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

San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG
 Site Specific Report:

XIV. Paleontological Resources

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

XV. Population / Housing

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

XVI. Public Services

City of San Diego General Plan
 Community Plan: La Jolla

XVII. Recreational Resources

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

XVIII. Transportation / Circulation

City of San Diego General Plan
 Community Plan: La Jolla
 San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG
 San Diego Region Weekday Traffic Volumes, SANDAG
 City of San Diego Draft Transportation Manual
 Site Specific Report:

XIX. Utilities

City of San Diego General Plan
 Community Plan: La Jolla
 Site Specific Report:

XX. Water Conservation

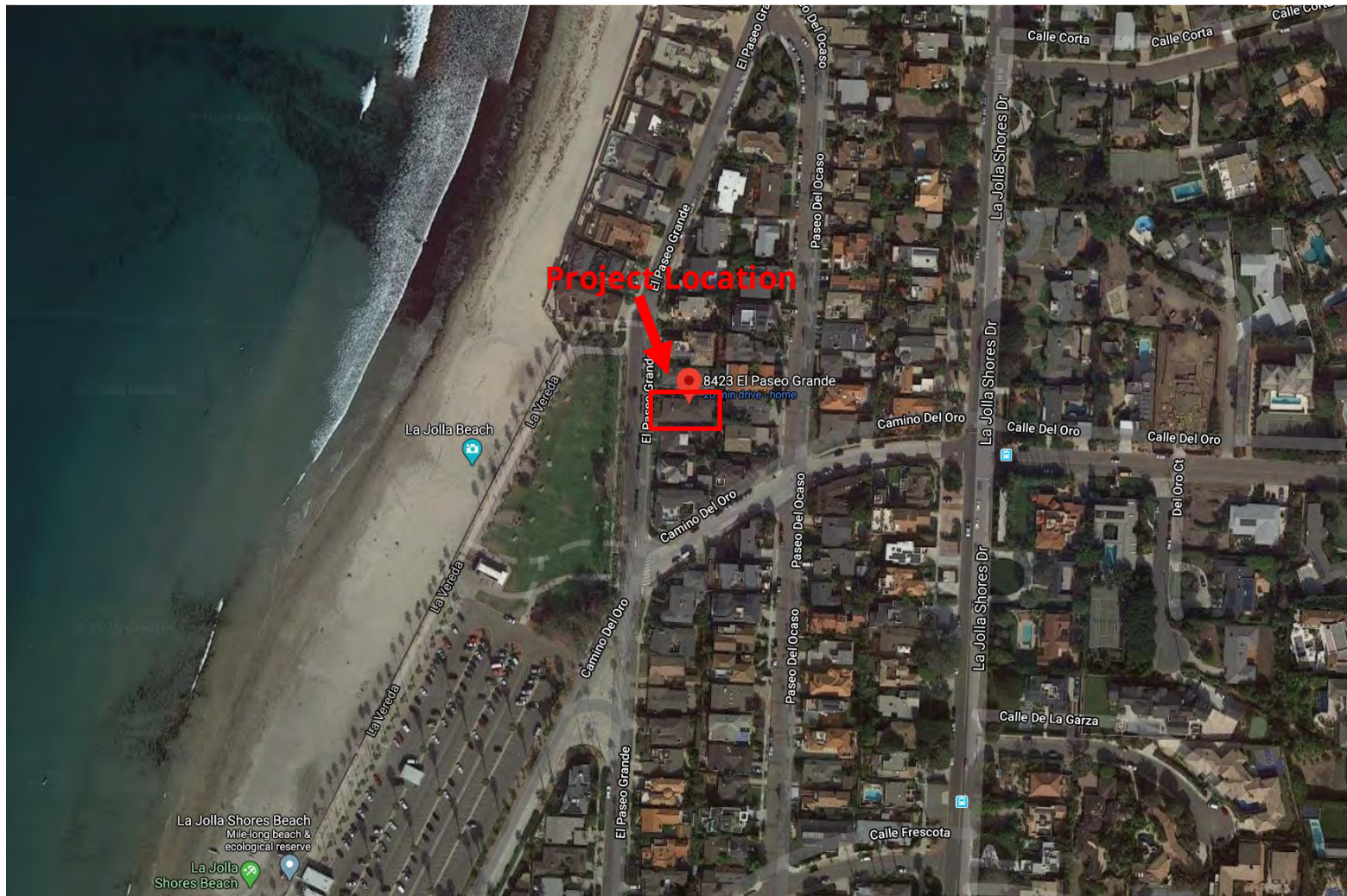
Sunset Magazine, *New Western Garden Book*, Rev. ed. Menlo Park, CA: Sunset Magazine

XXI. Water Quality

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

XXII. Wildfire

- City of San Diego General Plan
- Community Plan: La Jolla
- San Diego County Multi-Jurisdictional Hazard Mitigation Plan
- Very High Fire Severity Zone Map, City of San Diego
- 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

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	<p>City of San Diego Development Services</p>	<p>Community Planning Committee Distribution Form</p>	
Project Name: 8423 El Paseo Grande		Project Number: 661815	
Community: La Jolla			
<p>For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO.</p> <p>Select "Search for Project Status" and Input the Project Number to access project information.</p>			
<input type="checkbox"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input checked="" type="checkbox"/> Vote to Deny			
# of Members Yes 15	# of Members No 0	# of Members Abstain 1	
Conditions or Recommendations: See Attachment 1 for reasons for DENIAL			
<input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.)			
NAME: Suzanne Weissman			
TITLE: Secretary, LJCPA		DATE: August 12, 2020	
<p align="center"><i>Attach additional pages if necessary (maximum 3 attachments).</i></p>			


Attachment 1
8423 El Paseo Grande
Project # 661815

This project was denied by the La Jolla Shores Planned District Advisory Board 4-0-0

This project was denied by the La Jolla Community Planning Association Subcommittee 6-0-1

The significant reasons for denial by both community groups were:

- The bulk and scale of the structure is significantly greater than the average size of other structures in the vicinity.
- Using Floor Area Ratio as a measurement the structure with a FAR of .96 is greater than the average FAR of .55 of other properties in the area.
- It violates the Design Principal Section §1510.0301(b) states that no structure will be approved that is so different in . . . relationship as to disrupt the architectural unity of the area.
- Insufficient rear yard second story setback only 10 feet from property line.
- Second story on north side yard does not step back from the property line sufficient to provide a transition from older adjacent property.
- Scoutred website data used by applicant for the FAR of structures in the vicinity is incorrect and does not reflect the correct FARs for comparison. It is misleading.

	City of San Diego Development Services 1222 First Ave., MS 302 San Diego, CA 92101 (619) 446-5000	<h1 style="margin:0;">Ownership Disclosure Statement</h1>	FORM DS-318 October 2017
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Approval Type: Check appropriate box for type of approval(s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit Variance
 Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment Other _____

Project Title: 8423 El Paseo Grande Residence **Project No. For City Use Only:** _____
Project Address: 8423 El Paseo Grande Residence
La Jolla, CA 92037

Specify Form of Ownership/Legal Status (please check):
 Corporation Limited Liability -or- General - What State? Colorado Corporate Identification No. 20191905868
 Partnership Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of ANY person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner
 Name of Individual: 8423 El Paseo Grande, LLC Owner Tenant/Lessee Successor Agency
 Street Address: 8423 El Paseo Grande
 City: La Jolla State: CA Zip: 92037
 Phone No.: 303-393-0033 Fax No.: _____ Email: mrichter@broe.com
 Signature: [Signature] Date: 12/05/2019
 Additional pages Attached: Yes No

Applicant
 Name of Individual: 8423 El Paseo Grande, LLC Attn: Mark J. Richter, President Owner Tenant/Lessee Successor Agency
 Street Address: 252 Clayton St. 4th floor
 City: Denver State: CO Zip: 80206
 Phone No.: 303-393-0033 Fax No.: _____ Email: mrichter@broe.com
 Signature: [Signature] Date: 12/05/2019
 Additional pages Attached: Yes No

Other Financially Interested Persons
 Name of Individual: _____ Owner Tenant/Lessee Successor Agency
 Street Address: _____
 City: _____ State: _____ Zip: _____
 Phone No.: _____ Fax No.: _____ Email: _____
 Signature: _____ Date: _____
 Additional pages Attached: Yes No

COASTAL DEVELOPMENT PERMIT 8423 EL PASEO GRANDE PROJECT DESCRIPTION

DEMO ONE EXISTING SINGLE FAMILY RESIDENCE AND ALL ON-SITE HARDSCAPE AND CONSTRUCT A NEW PROPOSED SINGLE FAMILY RESIDENCE. REQUESTED PERMIT: COASTAL DEVELOPMENT PERMIT

LEGAL DESCRIPTION

LOTS 3 OF BLOCK 38, LA JOLLA SHORES, TRACT NO. 2147, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

GENERAL NOTES

DATE OF SURVEY	12/30/2019	1/7/2020
SOURCE OF TOPOGRAPHY	LANDMARK CONSULTING	
ASSESSOR'S PARCEL NO.	346-072-03	
SITE ADDRESS:	8423 EL PASEO GRANDE	
TOTAL PROJECT AREA	0.12 AC. GROSS (5,241 SF)	0.12 AC. NET (5,241 SF)
TOTAL NO. OF EXIST. LOTS	1	
TOTAL NO. OF PROP. LOTS	1	
EXISTING EASEMENTS	EXISTING 6' UTILITY ESMT	
PROPOSED EASEMENTS	NONE	
NAD 27 COORDINATE	250-1689	
CCS 83 COORDINATE	1890-6249	
EXISTING USE	RESIDENTIAL	
PROPOSED USE	RESIDENTIAL	
BUILDING HEIGHT	26' - 1 5/8"	
NUMBER OF STORIES	2	
YEAR EX. BLDG CONSTRUCTED	1950	
TRANSIT STOPS	NONE ALONG FRONTAGE	

ZONING

EXISTING & PROP. ZONE	LA JOLLA COMMUNITY PLANNED ASSOCIATION
COMMUNITY PLAN	LA JOLLA
PLAN DISTRICT	LA JOLLA
OVERLAY ZONES:	COASTAL, TRANSIT AREA, PARKING IMPACT AREA, RESIDENTIAL TANDEM PARKING

PUBLIC UTILITIES

STORM DRAIN	CITY OF SAN DIEGO
WATER	CITY OF SAN DIEGO
SEWER	CITY OF SAN DIEGO
FIRE & POLICE	CITY OF SAN DIEGO
GAS (UNDERGROUND)	SDG&E
ELECTRICITY (OVERHEAD)	SDG&E
CABLE TV (OVERHEAD)	COX CABLE, AT&T
TELEPHONE (OVERHEAD)	COX CABLE, AT&T
SCHOOL DISTRICTS	SAN DIEGO UNIFIED

NOTE: ALL PROPOSED UTILITIES SHALL BE INSTALLED UNDERGROUND

IMPERVIOUS AREA

TOTAL DISTURBANCE AREA:	5,241 SF
TOTAL IMPERVIOUS AREA:	
EXISTING:	3,523 SF
PROPOSED:	3,347 SF
IMPERVIOUS % DECREASE:	-5.0%
TOTAL PERVIOUS AREA:	
EXISTING:	1,718 SF
PROPOSED:	1,894 SF
PERVIOUS % INCREASE:	10.2%

GRADING DATA

GRADED AREA	0.12 ACRES	MAX. CUT DEPTH (OUTSIDE BLDG)	2.5 FEET
CUT QUANTITIES	95 CY	MAX. CUT SLOPE HEIGHT & RATIO	N/A
FILL QUANTITIES	10 CY	MAX FILL DEPTH (OUTSIDE BLDG)	1 FOOT
EXPORT	85 CY	MAX FILL SLOPE HEIGHT & RATIO	N/A
		MAX FILL (UNDER BLDG FOOTPRINT)	0.7 FEET
		IMPERVIOUS AREA	3,491 SF
		RETAINING WALLS	N/A

BENCH MARK

DESCRIPTION: CITY OF SAN DIEGO BRASS CAP
 LOCATION: SOUTHEAST CORNER OF LA JOLLA SHORES DRIVE AND CALLE DEL ORO
 ELEVATION: 35.787
 DATUM: NAD83; CITY OF SAN DIEGO VERTICAL BENCHMARK BOOK

ARCHITECT:

ISLAND ARCHITECTS
 7626 HERSCHEL AVENUE
 LA JOLLA, CA 92037
 PHONE: (858) 459-9291
 ATTN: NICK WILSON

ENGINEER OF WORK/ APPLICANT

LANDMARK CONSULTING
 9555 GENESEE AVE. STE.
 200 SAN DIEGO, CA. 92121
 PHONE: (858)-587-8070
 FAX: (858)-587-8750

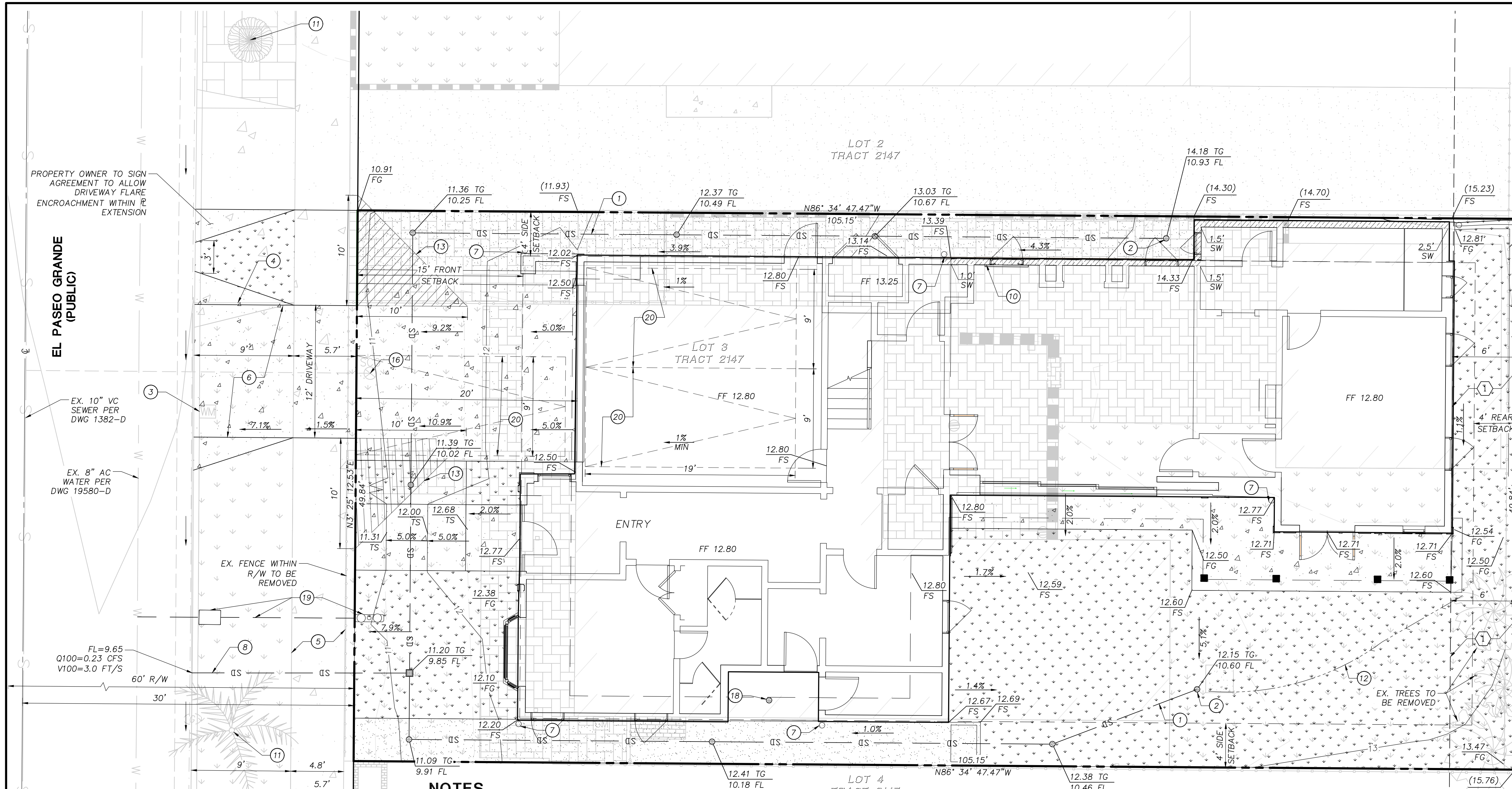
OWNER:

8423 EL PASEO GRANDE, LLC
 252 CLAYTON STREET
 DENVER CO, 80206

PROJECT NAME: 8423 EL PASEO GRANDE DATE PREPARED: 02/12/2020

SHEET TITLE: GRADING & DRAINAGE PLAN SHEET 1 OF 1

NO.	DATE	REVISION	PTS NUMBER: 661815
1	02/12/2020	INITIAL SUBMITTAL	
2	06/05/2020	2ND SUBMITTAL	
3			



NOTES

- PVT. 4" STORM DRAIN (TYP.) AT 1% MIN
- 6" AREA DRAIN (TYP.)
- REMOVE EXISTING METER. KILL SERVICE AT EXISTING WATER MAIN.
- CLOSE OFF EXISTING DRIVEWAY WITH PROPOSED CURB & GUTTER & S/W TO MATCH ADJACENT PATTERN
- EXISTING SIDEWALK TO REMAIN
- PROPOSED 12' DRIVEWAY PER SDG-160
- PROPOSED DOWNSPOUT PER ARCH PLANS
- PROPOSED DOUBLE 3-INCH S/W UNDERDRAINS (6" OC) PER D-27. WILL REQUIRE EMRA.
- PROPOSED PVT. PLANTER WALL (MAX HT = 3')
- PROPOSED STEM WALL
- EXISTING TREE - PROTECT IN PLACE
- EARTHEN SWALE @ 1.0% MIN
- SITE VISIBILITY TRIANGLES (10'x10')
- EX. OVERHEAD LINES TO REMAIN
- PROPOSED CONCEALED ROOF DRAIN DOWNSPOUT
- EX. SEWER LATERAL TO REMAIN. ADJUST CLEAN OUT TO GRADE.
- EX. POWER POLE - PROTECT IN PLACE
- OUTDOOR SHOWER AREA.
- 1" WATER SERVICE/METER AND PVT. BACKFLOW
- PROPOSED PARKING SPACE

ABBREVIATIONS

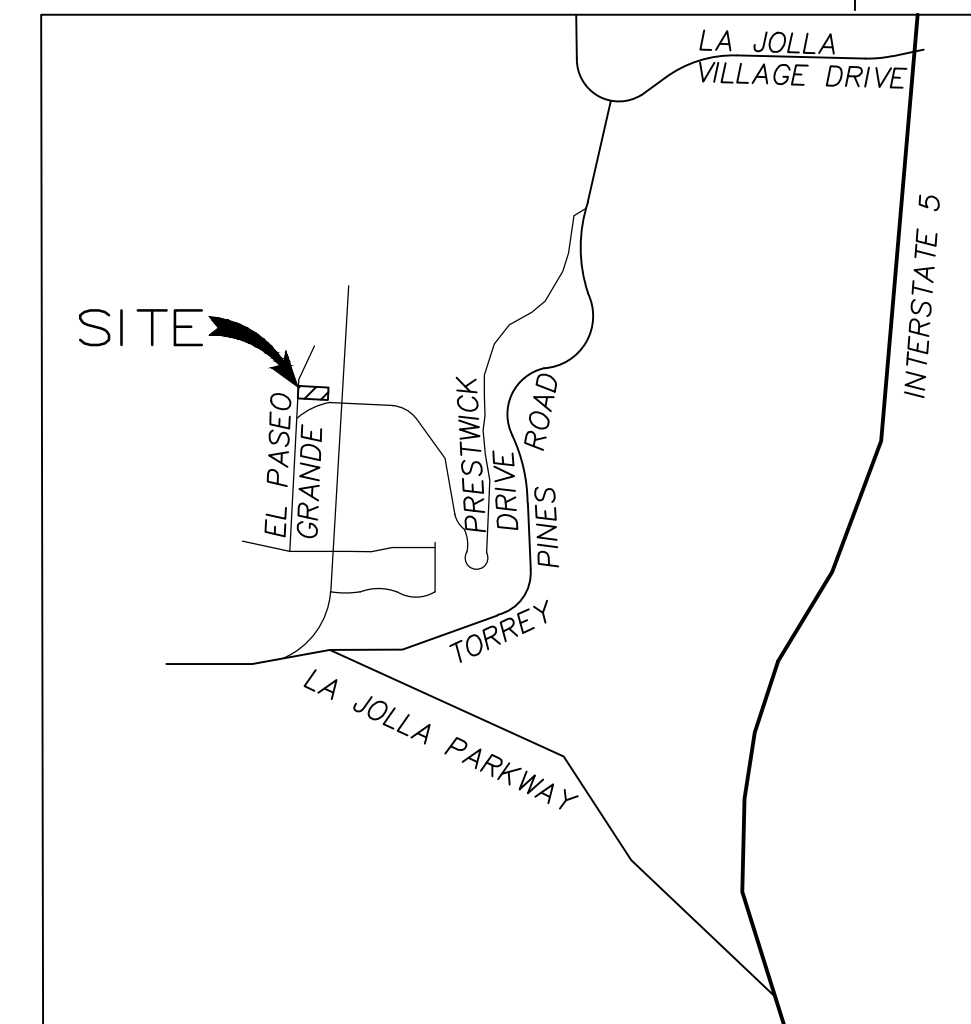
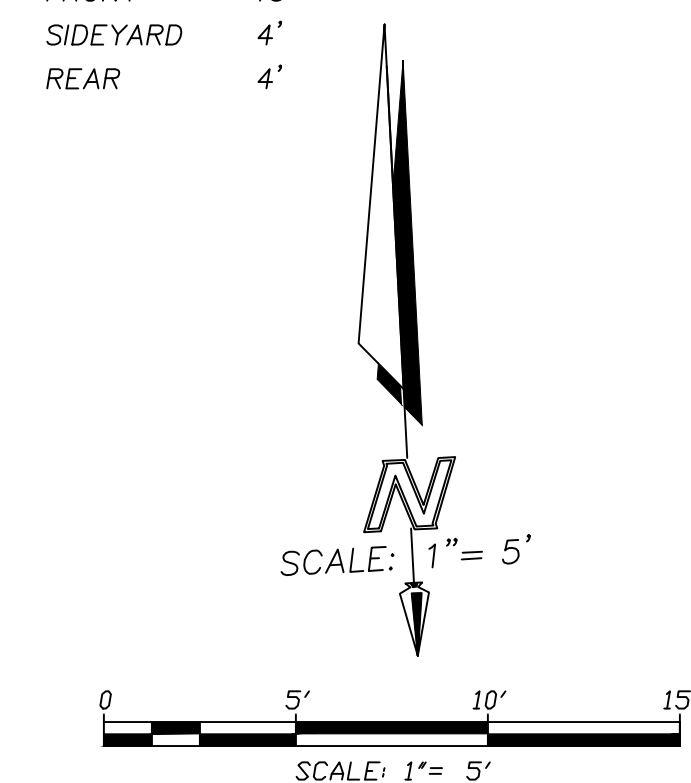
BLDG	BUILDING
C	CENTERLINE
FF	FINISH FLOOR
FS	FINISH SURFACE
GF	GARAGE FLOOR
H.P.	HIGH PRESSURE
OH	OVERHEAD LINE
P.P.	POWER POLE
R/W	RIGHT-OF-WAY
S/W	SIDEWALK
S	STORAGE
SW	STEM WALL
TC	TOP OF CURB
STBK	SETBACK
SWR	SEWER
LAT.	LATERAL
PVT.	PRIVATE
PUB.	PUBLIC
TS	TOP OF STEP

EASEMENT NOTES

- EXISTING 6' WIDE PUBLIC UTILITY EASEMENT PER MAP 2147

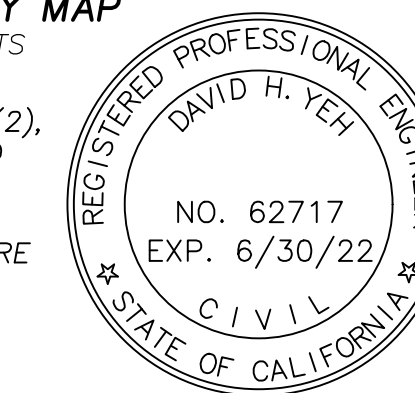
SETBACKS

FRONT	15'
SIDEYARD	4'
REAR	4'

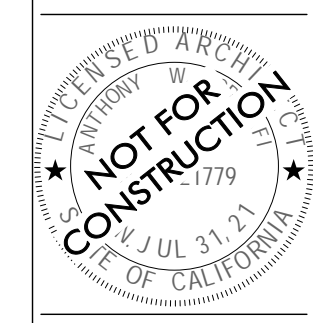


ADDITIONAL NOTES

- NO OBSTRUCTION INCLUDING SOLID WALLS IN THE VISIBILITY AREA SHALL EXCEED 3 FEET IN HEIGHT. PER SDMC SECTION 142.0409 (B)(2), PLANT MATERIAL, OTHER THAN TREES, LOCATED WITHIN VISIBILITY AREAS OR THE ADJACENT PUBLIC RIGHT OF WAY SHALL NOT EXCEED 36 INCHES IN HEIGHT, MEASURED FROM THE LOWEST GRADE ABUTTING THE PLANT MATERIAL TO THE TOP OF THE PLANT MATERIAL.
- THE PROPOSED PROJECT WILL COMPLY WITH ALL THE REQUIREMENTS OF THE CURRENT CITY OF SAN DIEGO STORM WATER STANDARDS MANUAL BEFORE A GRADING OR BUILDING PERMIT IS ISSUED. IT IS THE RESPONSIBILITY OF THE OWNER/DESIGNER/APPLICANT TO ENSURE THAT THE CURRENT STORM WATER PERMANENT BMP DESIGN STANDARDS ARE INCORPORATED INTO THE PROJECT.
- THIS PROJECT IS LOCATED WITHIN THE ASBS WATERSHED. THE APPLICANT/PERMITEE WILL BE REQUIRED TO COMPLY WITH ALL ASBS WATERSHED REQUIREMENTS ACCORDINGLY.



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7626 HERSHEL AVENUE
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TEL: 858-459-9291 FAX: 858-456-0351



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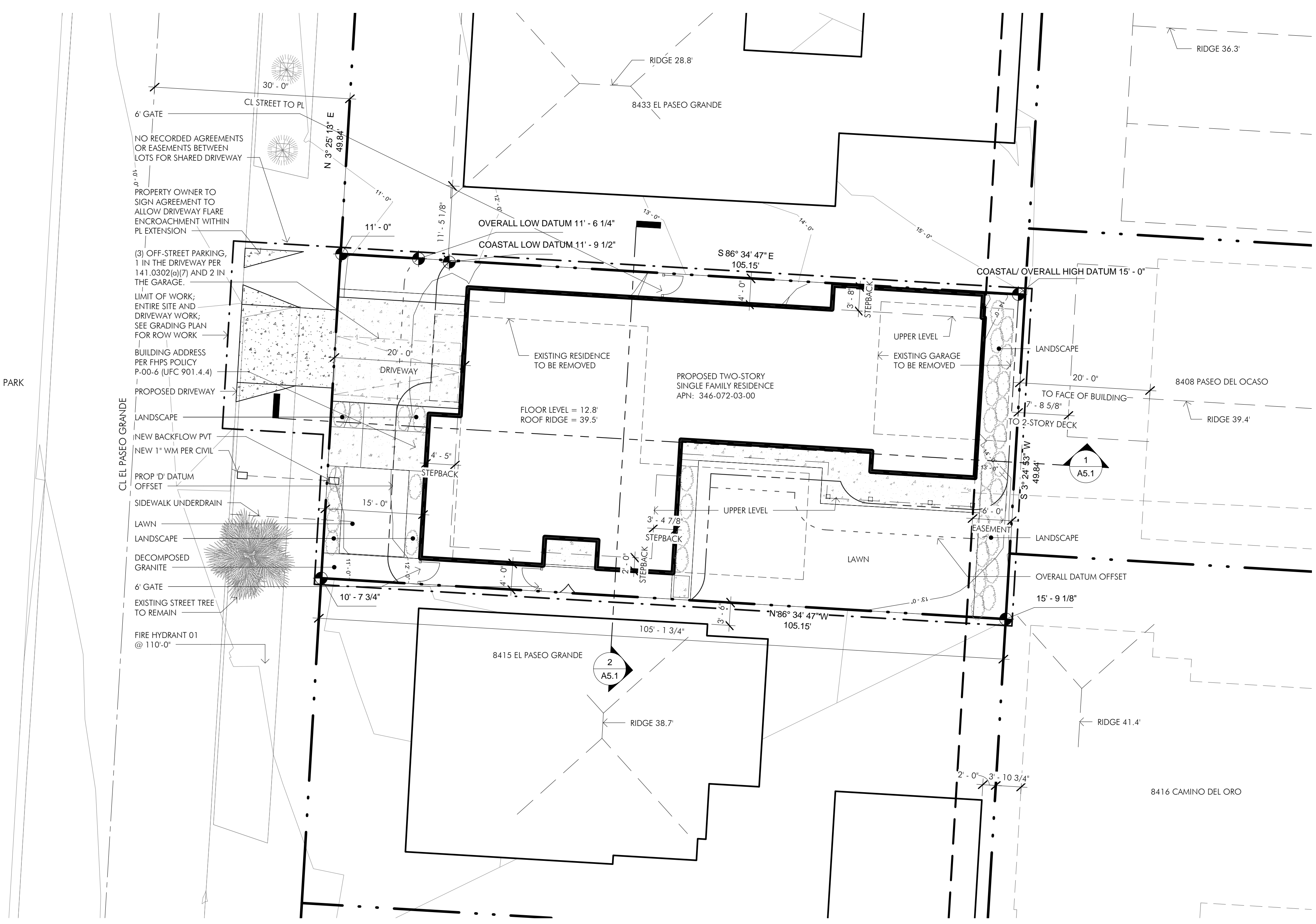
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SITE PLAN
08.13.2020

SITE NOTES

1. THE EXISTING WATER AND SEWER SERVICES WILL REMAIN.
2. PER FHPS POLICY P.00-6 (JFC 901.4.4) BUILDING ADDRESS NUMBERS TO BE VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY.
3. THIS PROJECT MUST COMPLY WITH THE MUNICIPAL CODE REQUIREMENTS FOR MAXIMUM HEIGHT OF THE STRUCTURE NOT TO EXCEED 30 FEET (SDMC, SECTIONS 131.0444 AND 132.0505) HIGHEST POINT ON ROOF EQUIPMENT, PIPE, VENT, ANTENNA OR OTHER PROJECTION SHALL NOT EXCEED 30 FEET ABOVE GRADE.
4. THE HIGHEST POINT OF ANY ROOF, EQUIPMENT, OR ANY VENT PIPE, ANTENNA, OR OTHER PROJECTION SHALL NOT EXCEED 30'-0" ABOVE GRADE.
5. ALL PROPOSED SITE LIGHTING SHALL BE SHIELDED SUCH THAT THE LIGHT SOURCE SHALL BE CONCEALED FROM PUBLIC VIEW.
6. FIRE HYDRANTS, 01 @ 110'-0" FROM PROPERTY SEE SITE PLAN.
7. REFER TO SEPARATE GRADING PLAN FOR REQUIRED EMRA, PERMANENT BMPs, AND WCPC.
8. WATER METERS FOR COMBINED DOMESTIC WATER AND FIRE SPRINKLER SYSTEMS SHALL NOT BE INSTALLED UNTIL THE FIRE SPRINKLER SYSTEM HAS BEEN SUBMITTED AND APPROVED BY THE BUILDING OFFICIAL.
9. AUTOMATIC IRRIGATION SYSTEM CONTROLLERS FOR LANDSCAPING PROVIDED BY THE BUILDER AND INSTALLED AT THE TIME OF FINAL INSPECTION SHALL COMPLY WITH THE FOLLOWING:
 - i. Controllers shall be weather or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants' needs as weather conditions change.
 - ii. Weather-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s). Soil moisture-based controllers are not required to have rain sensor input.

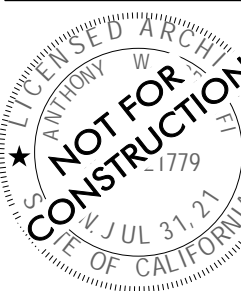


SITE PLAN 1" = 10'-0" 1 NORTH

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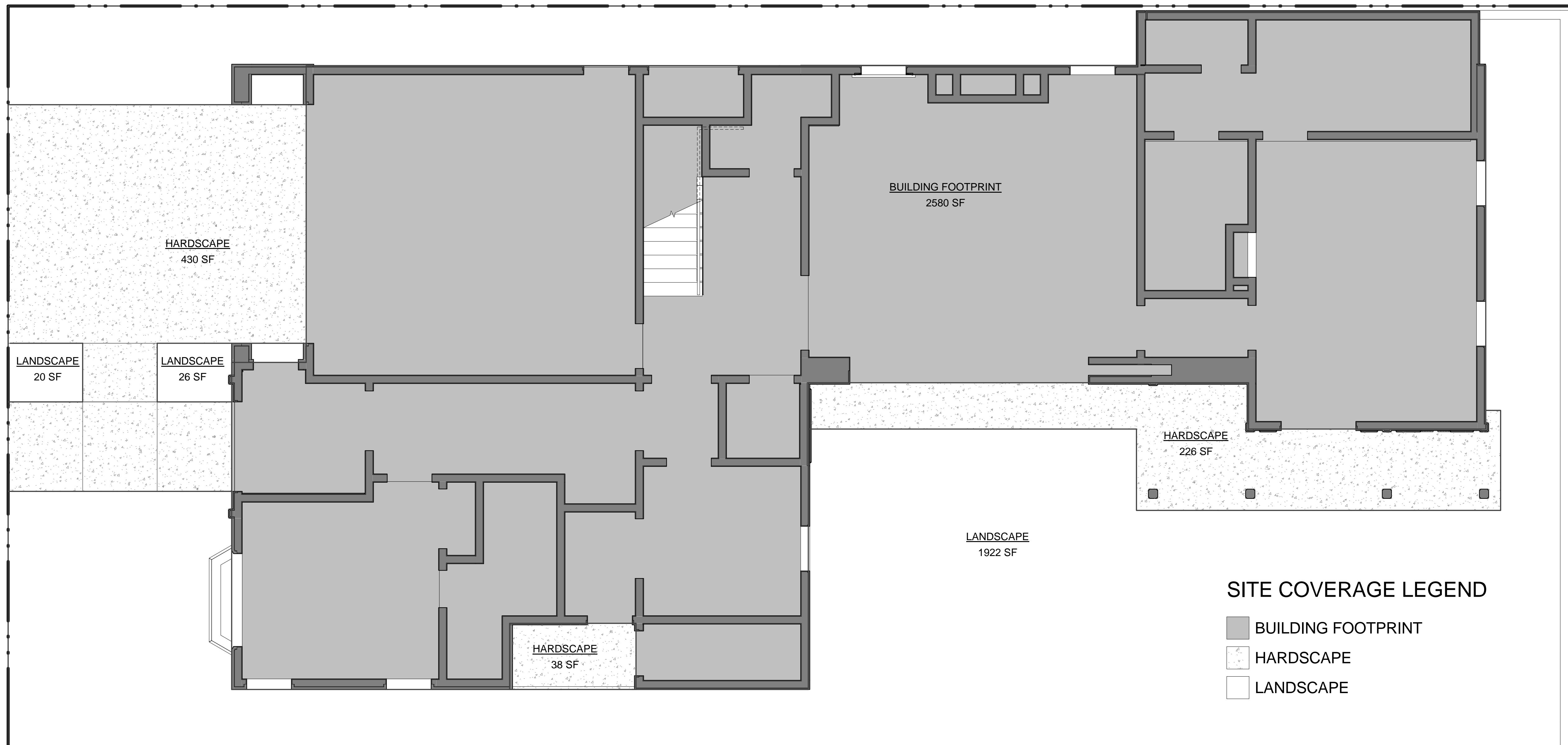
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Name: Island Architects	
Contact: Nick Wilson	Revision 08: _____
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Street Address:	Revision 04: _____
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	Revision 02: 08/13/2020
Project Name:	Revision 01: 06/12/2020
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SITE PLAN	Sheet: 3 of 10
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SITE COVERAGE SUMMARY

LOT SQUARE FOOTAGE	5,241 SF
BUILDING FOOTPRINT	2,580 SF
LANDSCAPE	1,948 SF
HARDSCAPE	693 SF

PRIMARY DWELLING SUMMARY

MAIN LEVEL	1,491 SF
FIRST FLOOR	948 SF
GARAGE	461 SF
STORAGE	82 SF

UPPER LEVEL

SECOND FLOOR	2,498 SF
TERRACE	171 SF

EXEMPTIONS

TERRACE (113.0234)	<171 SF>
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GROSS FLOOR AREA (GFA)

	3,989 SF
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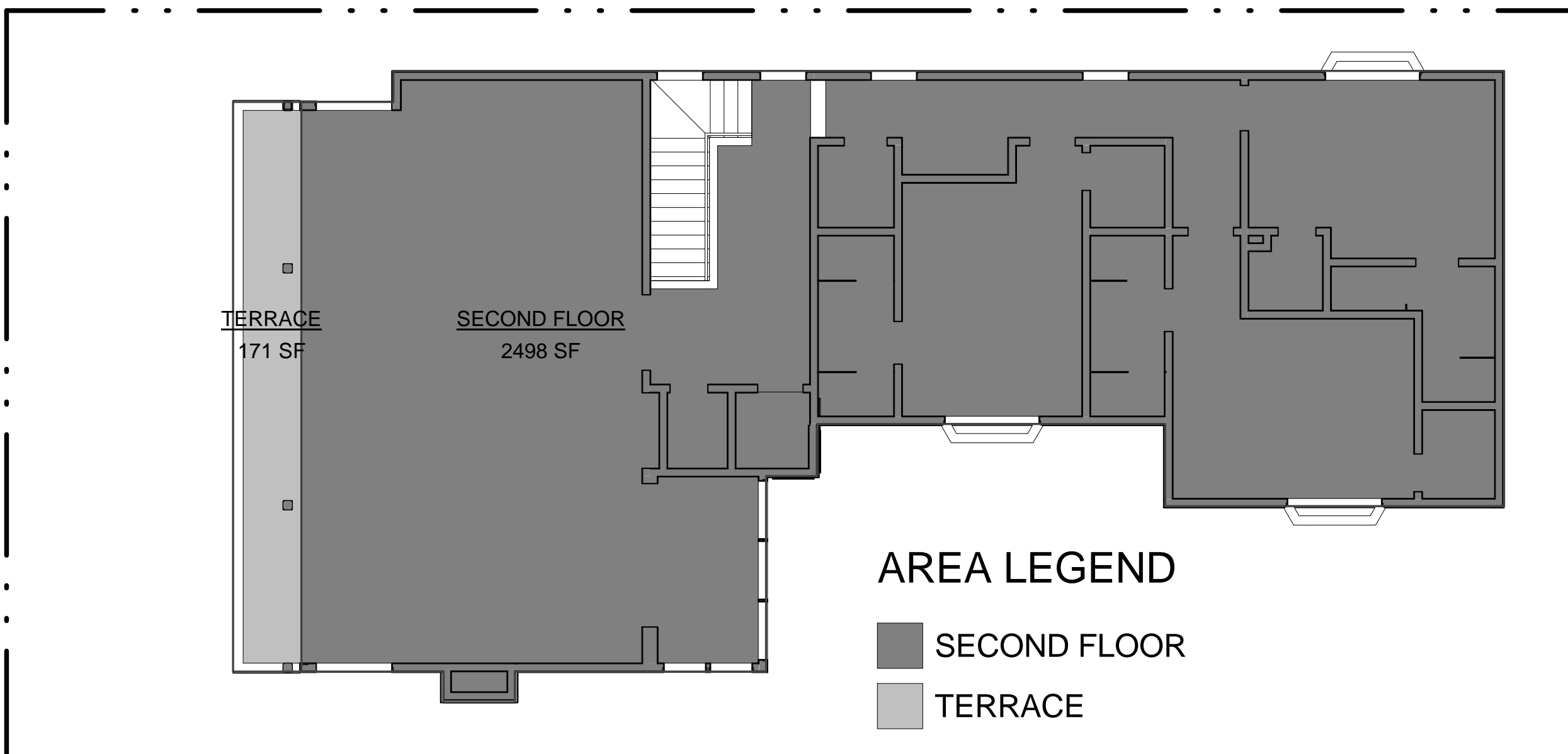
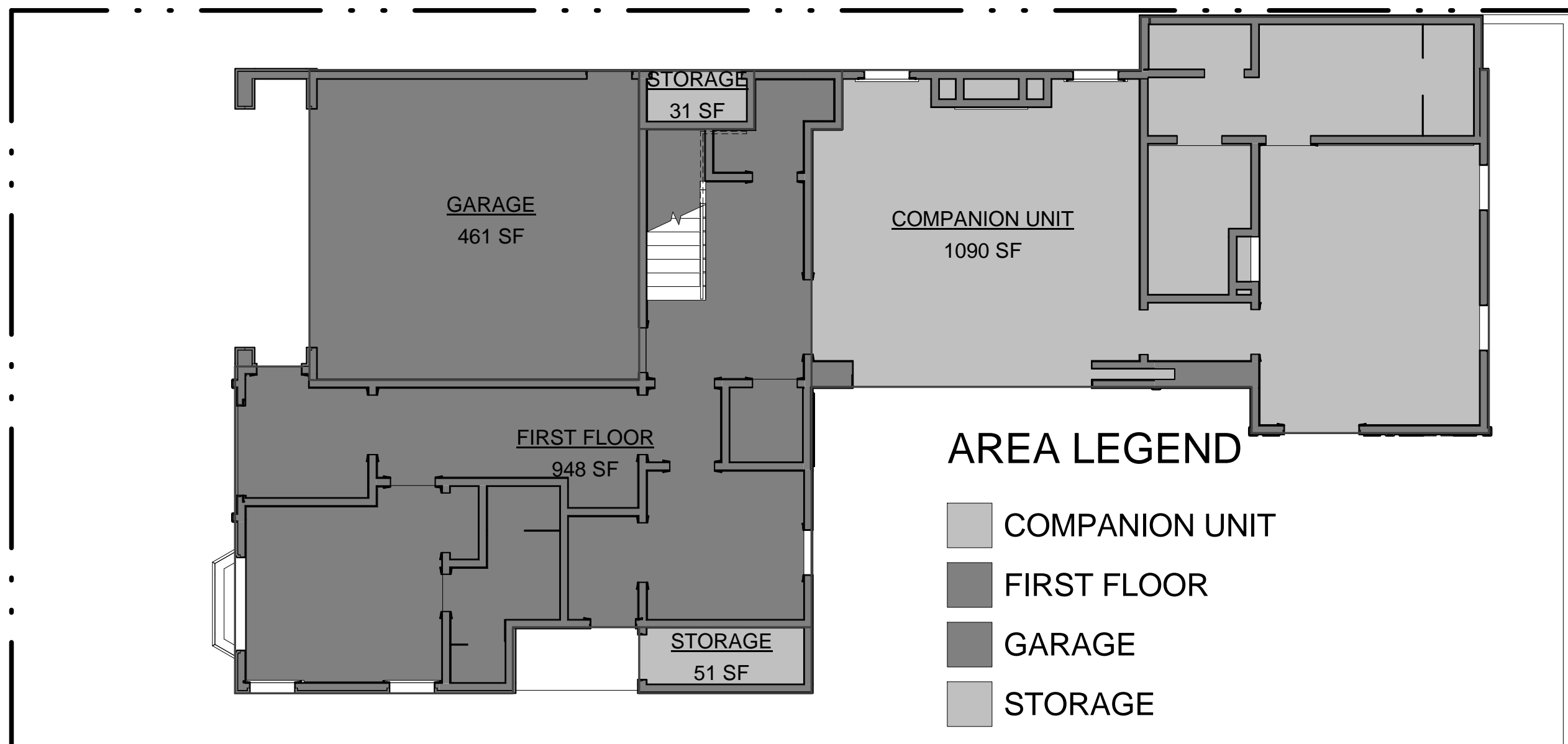
FLOOR AREA RATIO

SITE AREA	5,241 SF
GFA	3,989 SF

COMPANION UNIT

COMPANION UNIT	1,090 SF
PRIMARY DWELLING	3,989 SF
GROSS FLOOR AREA (GFA)	5,079 SF
TOTAL FLOOR AREA RATIO	.97
SITE AREA	5,241 SF
GFA	5,079 SF

SITE COVERAGE PLAN 1/4" = 1'-0" 1

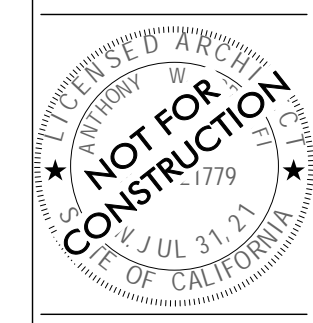


MAIN LEVEL AREA PLAN 1/8" = 1'-0" 2

UPPER LEVEL AREA PLAN 1/8" = 1'-0" 3

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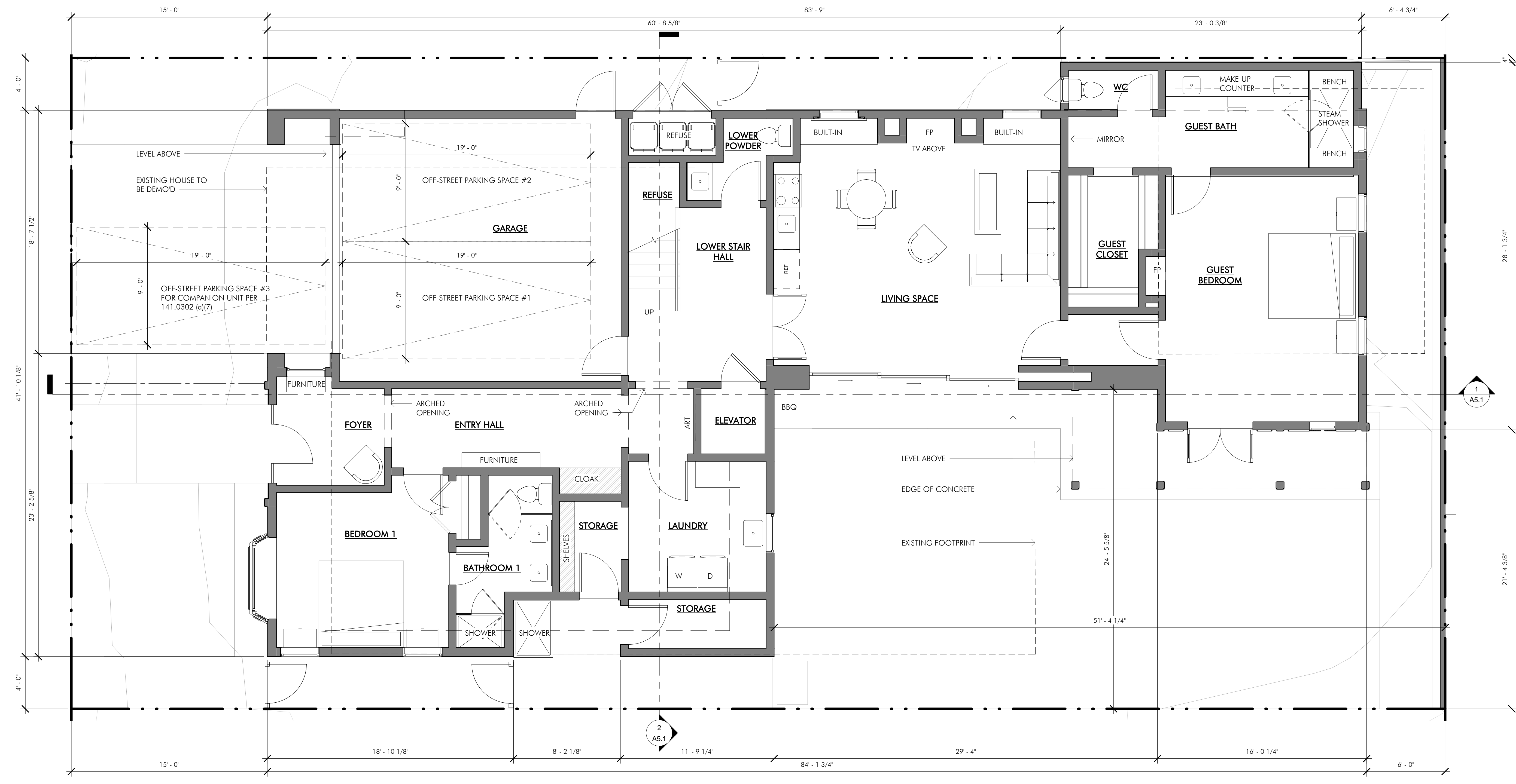
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MAIN LEVEL PLAN 1/4" = 1'-0" 1 NORTH

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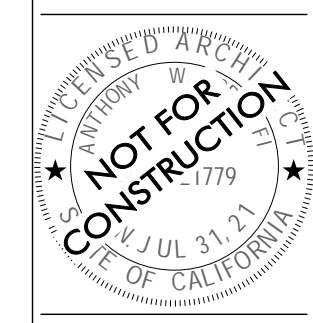
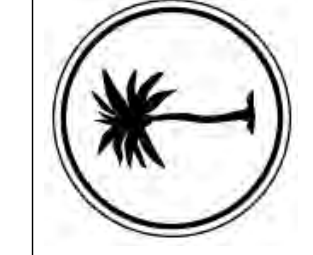
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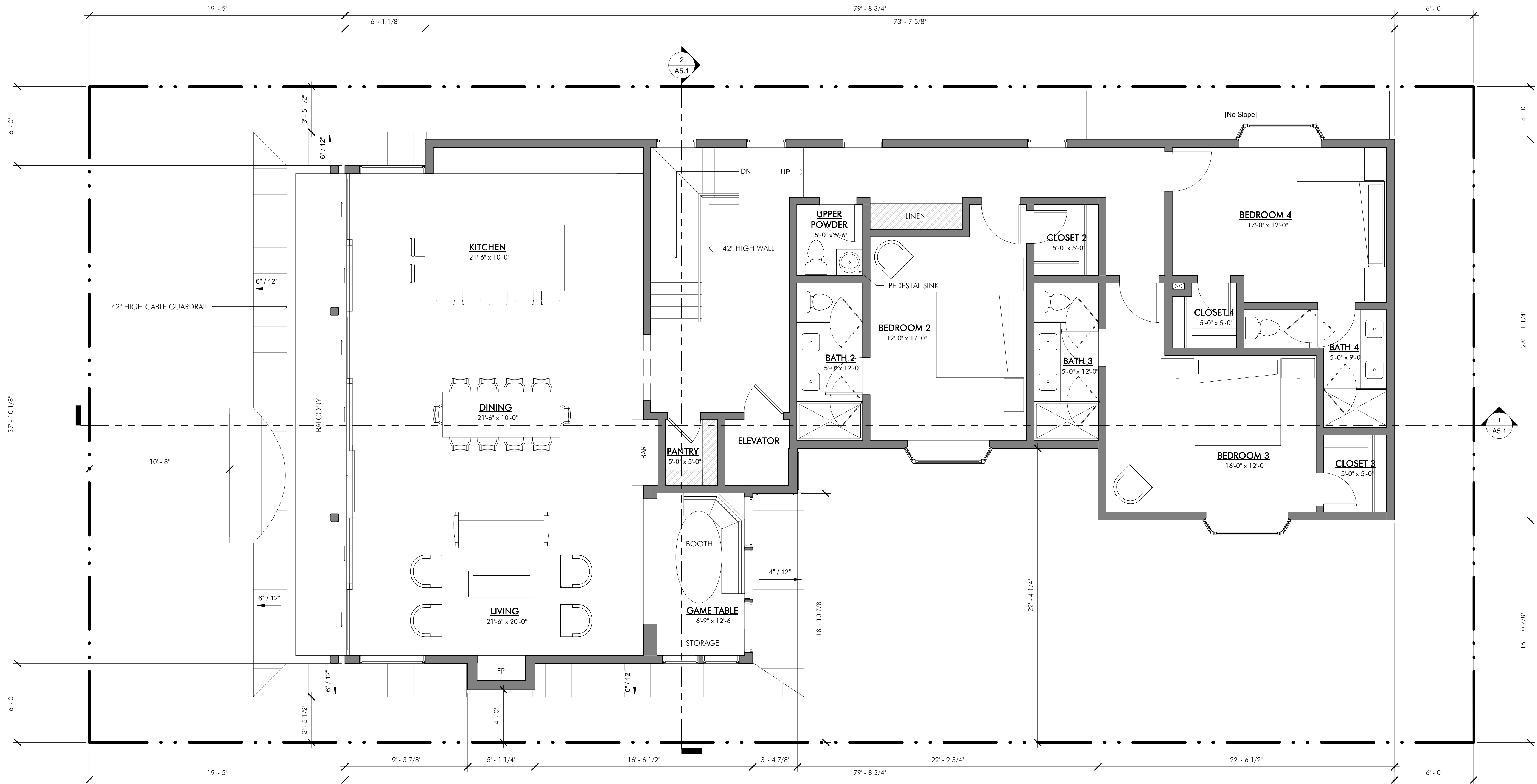
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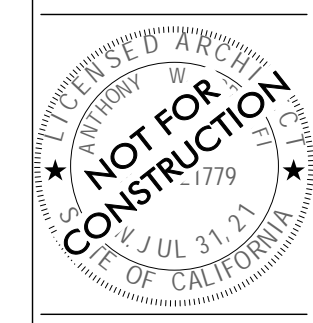


UPPER LEVEL PLAN 1/4" = 1'-0" 1

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		Original Date:	03/11/2020
Sheet Title:	UPPER LEVEL PLAN	Sheet:	6 of 10
		DEP#:	_____

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A2.3

ROOF PLAN

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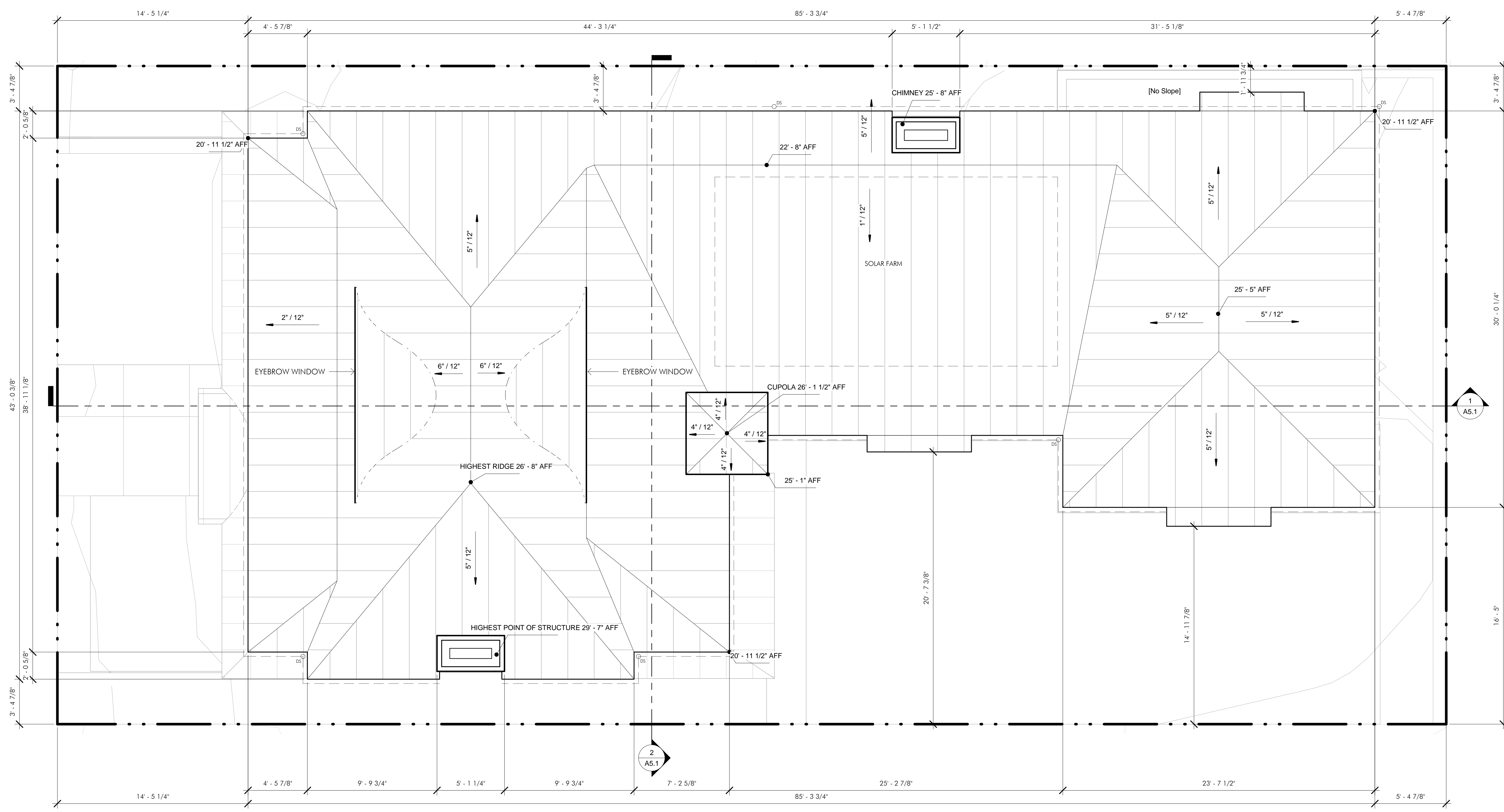
ROOF NOTES:

1. ALL RIDGE DIMENSIONS ARE CALLED OUT TO TOP OF SHEATHING
 2. ALL ELEVATIONS LOCATED AT EDGE OF WALLS ARE TO TOP OF PLATE
 3. ALL PLATE HTS. ARE TAKEN ABOVE MAIN LEVEL F.F. = 0'-0" (EL + _____)
 4. DIMENSIONS SHOWN AT CHIMNEY CAPS ARE TO FINISH MATERIAL
 5. ALL SKYLIGHTS TO BE FLAT, TINTED GLAZING & BRONZE FRAME SKYLIGHT.
 6. RADIANT BARRIER SHEATHING TO BE USED OVER INTERIOR & ATTIC SPACES
- = DOWN SPOUT LOCATIONS
□ = SCUPPER LOCATIONS

ROOF LEGEND

- CDS = Concealed Downspout
DS = Downspout
- - - = Gutter

*All locations to be reviewed by Contractor.

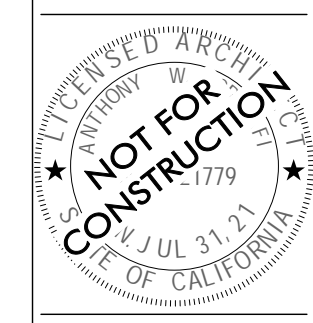


ROOF PLAN 1/4" = 1'-0" 1

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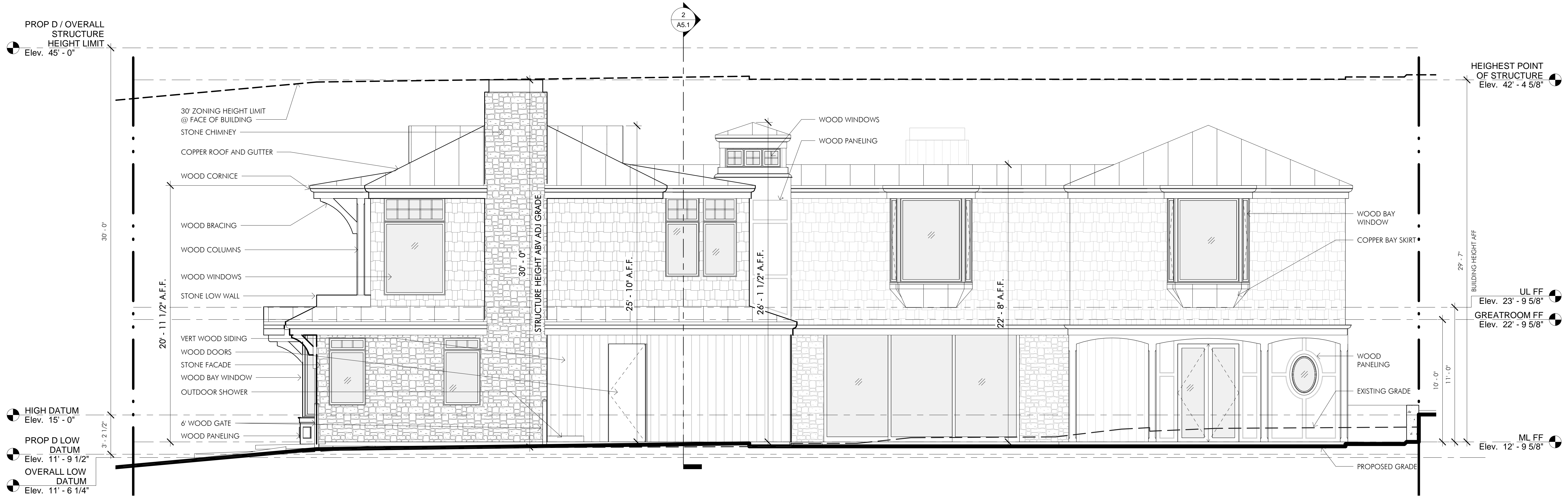


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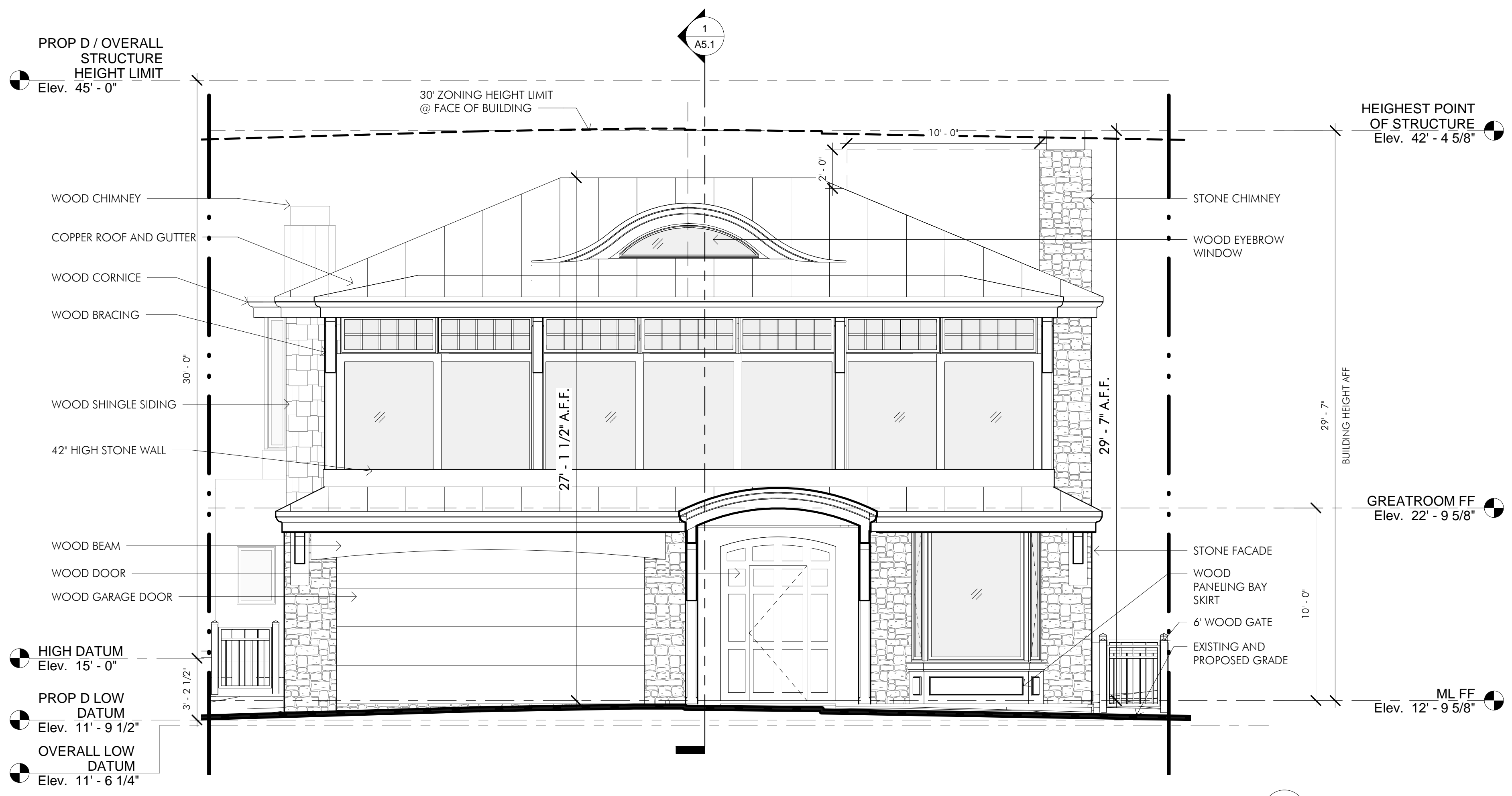
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SOUTH ELEVATION 1/4" = 1'-0" ①



WEST ELEVATION 1/4" = 1'-0" ②

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Phone: (858) 459-9291

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Sheet Title: EXTERIOR ELEVATIONS

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Revision 04:	_____
Revision 03:	_____
Revision 02:	08/13/2020
Revision 01:	06/12/2020
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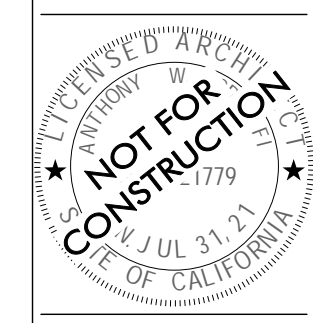
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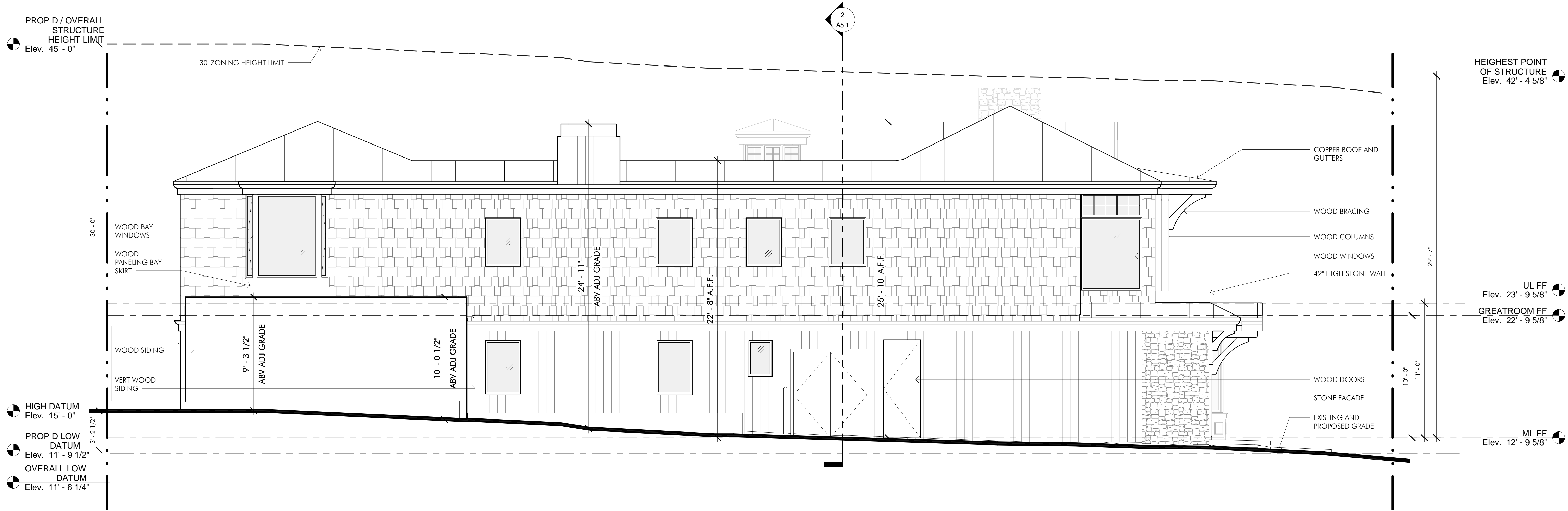
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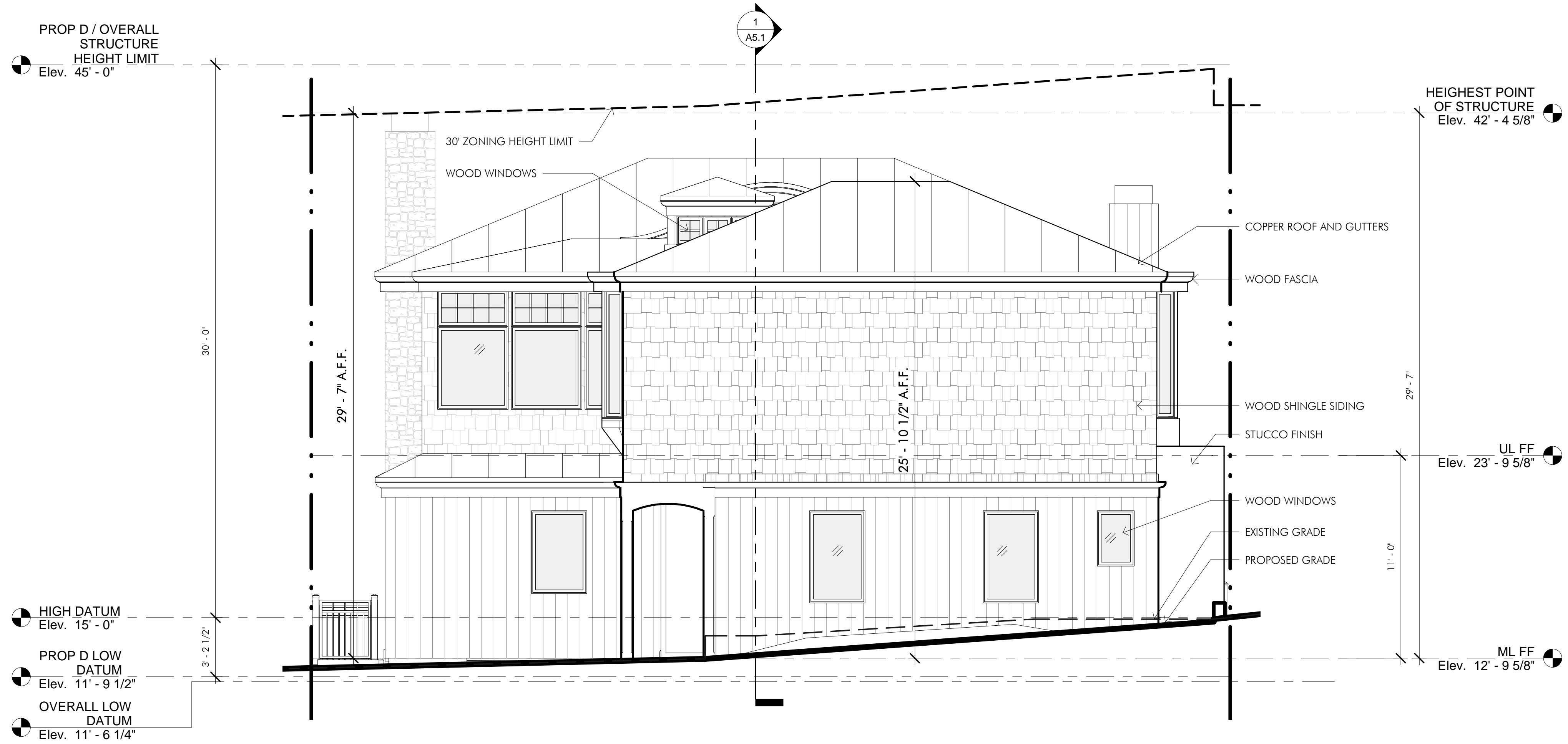


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REVISIONS	DESCRIPTION	DATE



NORTH ELEVATION 1/4" = 1'-0" ①



EAST ELEVATION 1/4" = 1'-0" ②

CITY STANDARD TITLE BLOCK

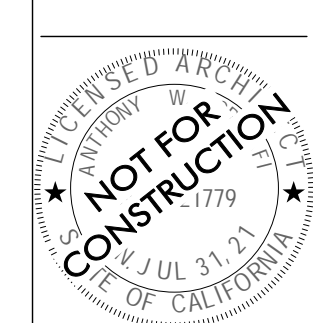
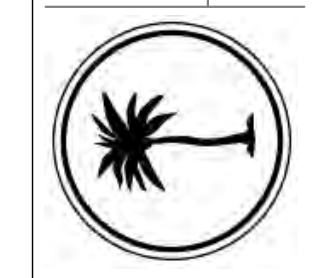
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8423 EL PASEO GRANDE RESIDENCE
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A4.2

EXTERIOR ELEVATIONS
 08.13.2020

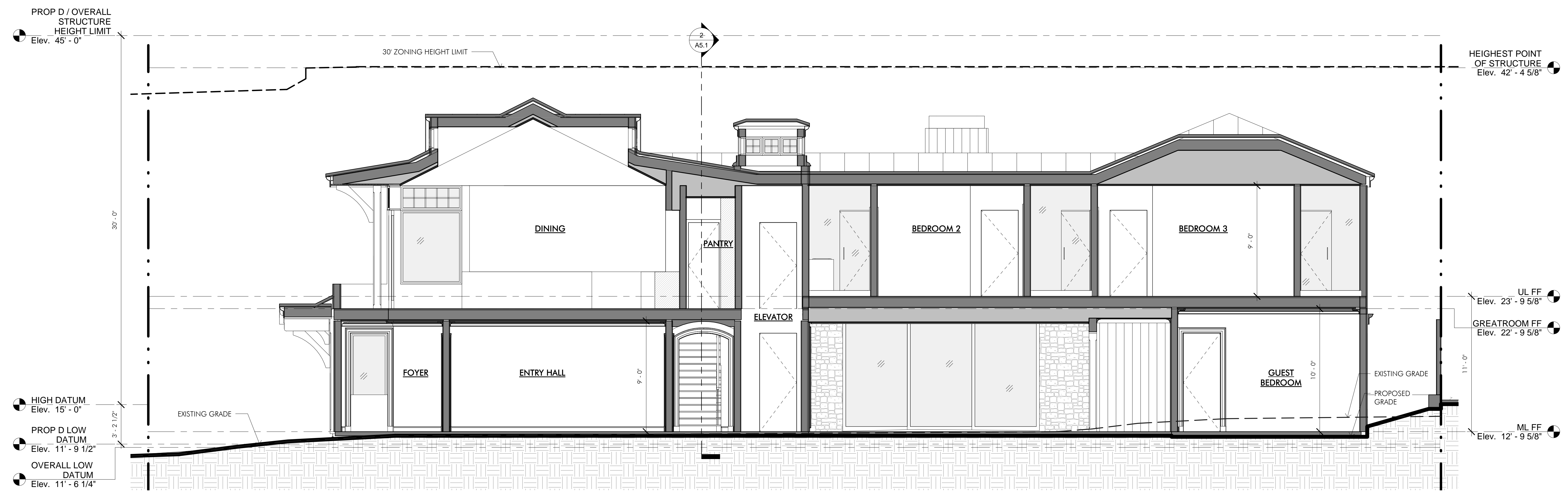
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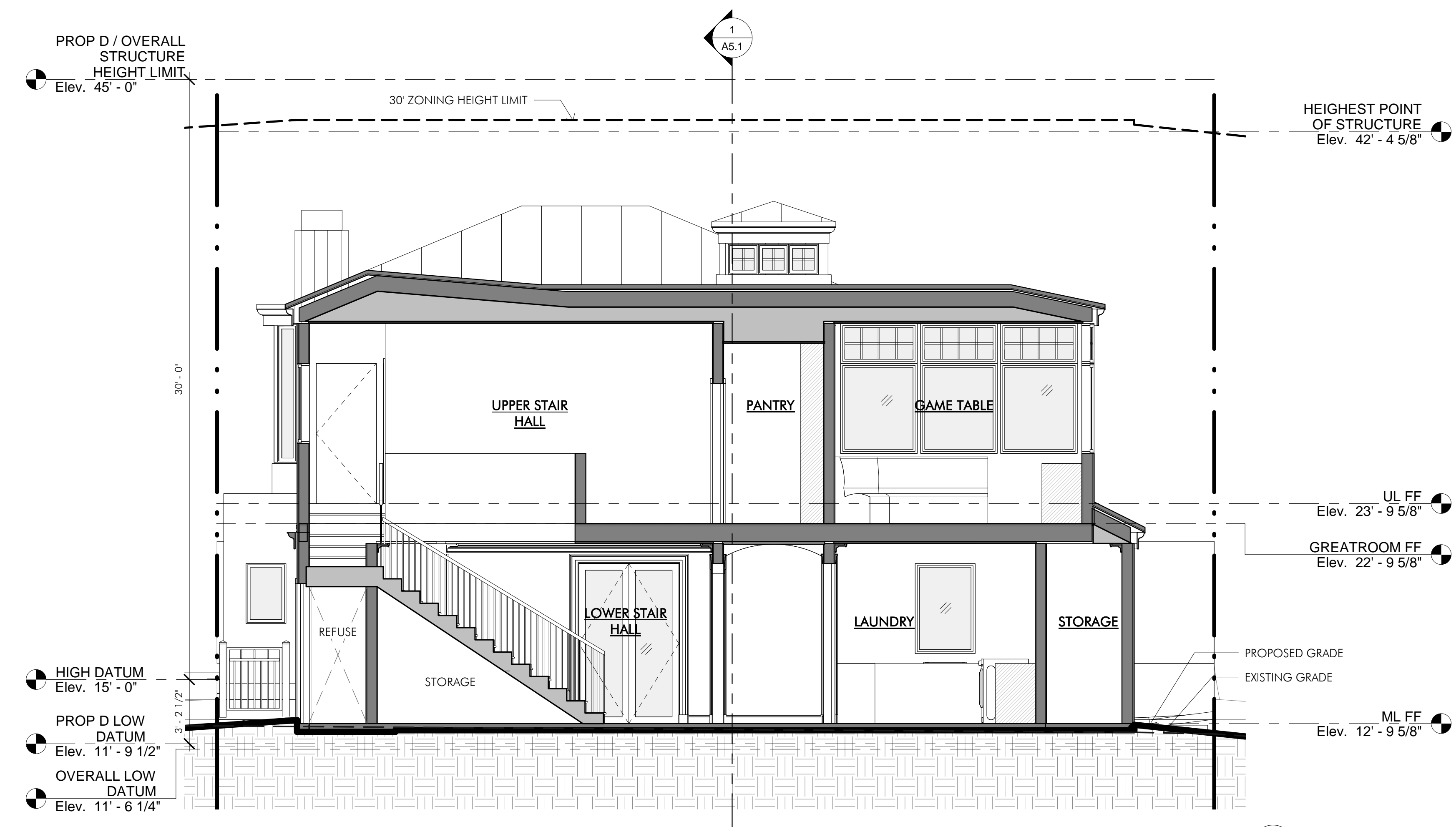
Copyright Island Architects 2019
 JOB #: 7010
 DRAWN BY: Author
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 DATE: ISSUE
 03/11/2020 CDP 1
 06/12/2020 CDP 2
 06/13/2020 CDP 3

REVISIONS

#	DESCRIPTION	DATE



SECTION A 1/4" = 1'-0" 1



SECTION B 1/4" = 1'-0" 2

CITY STANDARD TITLE BLOCK

Prepared By: Island Architects
 Name: _____
 Contact: Nick Wilson
 7626 Herschel Avenue
 La Jolla, CA 92037
 Phone: (858) 459-9291
 Street Address: 8423 El Paseo Grande, La Jolla, CA 92037
 Project Name: 8423 EL PASEO GRANDE RESIDENCE
 Sheet Title: BUILDING SECTIONS

Revision 08: _____
 Revision 07: _____
 Revision 06: _____
 Revision 05: _____
 Revision 04: _____
 Revision 03: _____
 Revision 02: 08/13/2020
 Revision 01: 06/12/2020
 Original Date: 03/11/2020

Sheet: 10 of 10
 DEP#: _____

8423 EL PASEO GRANDE RESIDENCE
 8423 El Paseo Grande, La Jolla, CA 92037

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 10/27/2019 10:58 AM



The City of San Diego

Staff Report

DATE ISSUED: 4/6/2021

TO: City Council

FROM: Development Services

SUBJECT: Appeal of the Environmental Determination for 8423 El Paseo Grande CDP/SDP, Project No. 661815.

Primary Contact: Benjamin Hafertepe Phone: (619) 446-5086

Secondary Contact: Martha Blake Phone: (619) 446-5375

Council District(s): 1

OVERVIEW:

Appeal of Mitigated Negative Declaration No. 661815 for a proposed Coastal Development Permit (CDP) and Site Development Permit (SDP) to allow the demolition of a single dwelling unit and detached garage, and for the construction of a new two-story single dwelling unit with attached garage and attached companion unit. The scope of the subject hearing only includes the environmental determination and not the CDP, SDP, and related entitlements. The 0.12-acre project site is located at 8423 El Paseo Grande in the La Jolla Shores Planned District Single-Family Zone (LJSPD-SF), Coastal (Appealable) Overlay Zone, Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone (Beach & Coastal Impact), and Residential Tandem Parking Overlay Zone within the La Jolla Community Plan and Local Coastal Program (LJCP and LCP) area.

PROPOSED ACTIONS:

A resolution to affirm or deny the appeal of Mitigated Negative Declaration No. 661815.

DISCUSSION OF ITEM:Background

The project requests a CDP and 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 461 square foot-attached garage and a 1,090 square-foot one story 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 LJSPD-SF pursuant to the LJCP and LCP. The project is also within the Coastal (Appealable) Overlay Zone, Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone (Beach & Coastal Impact), and Residential Tandem Parking Overlay Zone. The project is consistent with the recommended land use and development standards in effect for this site pursuant to the LJCP and LCP and the San Diego Municipal Code (SDMC). The project is not requesting, nor does it require any deviation or variance from the applicable regulations and policy documents. The permits have been conditioned to ensure the proposed project would not be detrimental to the public health, safety and welfare.

Preliminary Review

Upon receipt of the project, the Environmental Analysis Section (EAS) of Development Services Department (DSD) conducted a Preliminary Review consistent with California Environmental Quality Act (CEQA) Guidelines Section 15060, to determine if implementation of the 8423 El Paseo Grande project through a Coastal Development Permit (CDP) and Site Development Permit (SDP) would result in any impacts to the environment and, if so, to identify required project mitigation. EAS staff coordinated with all the reviewing disciplines, including: Land Development Review (LDR)-Engineering, LDR-Planning, LDR-Geology, LDR-Landscaping, and Plan-Historic to ensure that all potential issues were accurately and thoroughly addressed. Upon completion of the City staff review, EAS determined that the project would result in significant physical effects on the environment with respect to Cultural Resources (Archaeology) and Tribal Cultural Resources. An initial study was required to assess potential project impacts on the environment and to identify required mitigation, if necessary, to mitigate potential significant impacts.

Initial Study and CEQA Determination

EAS staff completed an Initial Study for the project in accordance with CEQA Guidelines Section 15063. During the Initial Study it was determined that due to the location of the project, in an area known to contain sensitive resources, any ground disturbing activities may impact unknown Cultural Resources and Tribal Cultural Resources buried beneath the surface. The project was subject to City of San Diego consultation with Native American tribes that are traditionally and culturally affiliated with the project area pursuant to California Assembly Bill (AB) 52 (California PRC 21080.3.1 and 2). In accordance with AB 52, EAS staff sent notification to the tribes and three communities responded. During consultation, it was agreed upon that an Archaeological and Native American monitor must be present during all ground disturbing activities. Accordingly, the project would require mitigation to reduce potentially significant impacts to below a level of significance, pursuant to CEQA Guidelines Section 15070(b), therefore, a Mitigated Negative Declaration (MND) was required for the project. This section, states in pertinent part:

A public agency shall prepare or have prepared a proposed negative declaration or mitigated negative declaration for a project subject to CEQA when:

- (b) *The initial study identified potentially significant effects, but:*
- (1) *Revision in the project plans or proposals made by, or agreed to by the applicant, before proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and*
 - (2) *There is no evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.*

In summary, EAS staff completed the Initial Study Checklist (CEQA Guidelines Appendix G) and found that the project would not result in any significant effects on the environment, except with respect to Cultural Resources (Archaeology) and Tribal Cultural Resources. Impacts to Cultural Resources (Archeology) and Tribal Cultural Resources would be reduced to below a level of significance with implementation of a Mitigation Monitoring and Reporting Program (MMRP). The completed Initial Study and MMRP are included in Mitigated Negative Declaration No. 661815.

MND Circulation and Public Review

On October 22, 2020, the draft MND was posted on the City's website, and a notice of availability of the draft MND was published in the Daily Transcript newspaper and distributed to interested parties and stakeholders within the La Jolla Community Plan area, who previously requested this notice, as required by San Diego Municipal Code (SDMC) Section 128.0305. During the 30-day public review period

prescribed by Section 15073(a) of CEQA Guidelines, eleven comment letters were received on the draft MND. EAS staff reviewed the comments and prepared responses.

EAS staff reviewed the draft MND comments and concluded that none of the comments would necessitate a substantial revision to the draft MND and therefore recirculation of the document in accordance with CEQA Guidelines Section 15073.5 was not required.

The final MND, which includes all public comments and EAS staff responses, was distributed to the Hearing Officer (HO) and posted on the City's website at least 14 days prior to the hearing, as required by SDMC Section 128.0310.

Appeal

On February 10, 2021, the Hearing Officer, after reviewing the final MND, and considering written comments and public correspondence and testimony received prior to and at the public hearing, approved the project and adopted final MND No. 661815. An appeal of the Environmental Determination was received on February 24, 2021.

Appeal Issues and Staff Response

A summary of the issues raised in the letters that were attached with the appeal application have been provided below. The appellant claims the grounds for appeal fall under *Factual Error*, *Conflict with other matters*, *Findings Not Supported*, and *New Information*.

Appeal Issue 1: The project does not comply with the La Jolla Shores Planned District Ordinance and conflicts with the Land Development Code regulations due to insufficient setbacks that do not conform to the vicinity.

City Staff Response: This issue does not address the adequacy of the CEQA determination; however, a response has been provided. The LJSPDO does not have an established minimum required front, side, or rear yard setback. Instead, the LJSPDO 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 projects 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 Code Section 1510.0304(b)(4).

The SDMC regulations for Accessory Dwelling Unit (formally called Companion Units) was amended in October 2020, however, those regulations are not in effect in the coastal zone because they have not been certified by the California Coastal Commission. The applicable ADU regulations can be found in the ~~strikeout~~ underline version of Ordinance No. 21254 dated October 30, 2020.

The attached Companion Unit is single story. Per the Strikeout Ordinance 21254 (October 30, 2020) SDMC 141.0302 (a)(6), a Companion Unit may encroach within the interior side and rear yard setback. The second story of the primary residence above the Garage is stepped back 10' on the westerly side adhering to the step back regulations of the LJSPDO. The proposed project complies with the regulations of the LJSPDO and applicable land use plan policies and goals.

Appeal Issue 2: The project does not conform to the Design Principal Section of the La Jolla Shores Planned District Ordinance as it relates to bulk and scale and is not in conformity with the Residential Community Character recommendations of the La Jolla Community Plan and Local Coastal Program.

City Staff Response: This issue does not address the adequacy of the CEQA determination; however, a response has been provided. 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 LJSPDO does not specify an FAR or required setbacks, only maximum lot coverage (60 percent, LJSPDO Section 1510.0304). The new structure would result in a 49% lot coverage. 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 department review 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 architectural plains.

The LJCP states that in order to regulate the scale of new development, projects should apply the applicable development regulations of the zone such as coverage, structure height, and landscape requirements. The project as proposed is meeting the development regulations of the zone. 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 has been evaluated by staff and determined to be compatible in terms of bulk and scale with other structures in the vicinity 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.

Appeal Issue 3: The project fails to provide adequate off-street parking.

City Staff Response: This issue does not address the adequacy of the CEQA determination; however, a response has been provided. The project is located in the Parking Impact Beach Overlay Zone and has provided two off-street parking spaces in the garage, as required for the primary residence.

Pursuant to Companion Unit Parking regulations, SDMC Section 141.0302(a)(7)(D) of Strikeout Ordinance Number 21254 (October 30, 2020) - Required off-street parking for a companion unit shall not exceed one parking space per unit. Per SDMC Section 141.0302(a)(7)(C) of Strikeout Ordinance 21254 (October 30, 2020) - Off-street parking spaces may be located in any configuration, may be within the setback areas, and may include tandem spaces. 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 SDMC Section 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.

Appeal Issue 4: The project would lead to significant environmental effects as it relates to Land Use and Planning.

City Staff Response: As outlined in the final MND, the Initial Study Checklist, and response to public comments, the project conforms with the LJCP and LCP and the requirements of the LJSPDO. 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 LJCP'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 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. The project also complies with the LJSPD-SF zoning requirements. 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 project is located within a developed residential neighborhood and would not conflict with any applicable habitat conservation plan or natural community conservation plan. As shown in the Initial Study for Mitigated Negative Declaration No. 661815, all impacts have been mitigated to below a level of significance.

Appeal Issue 5: The project would lead to significant environmental effects as it relates to Air Quality.

City Staff Response: As outlined in the final MND, the Initial Study Checklist, and response to public comments, Section III (b) Air Quality, explains that 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.

In Section III (a) Air Quality and Section XI (a) Land Use and Planning of the final MND, it states that 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 Significance Determination Thresholds, projects that would typically result in significant air quality impacts would include projects that would produce 9,500 Average Daily Trips (ADT). The scope and size of the project, a single-family residence and companion unit, does not exceed the City's Significance Determination Thresholds for Air Quality. Impacts to air quality would remain less than significant.

Appeal Issue 6: The project would lead to significant environmental effects as it relates to Aesthetics and Neighborhood Character.

City Staff Response: The project was reviewed by City staff and found that the project conforms with the LJCP and LCP and the requirements of the LJSPDO as it relates to bulk and scale, height, and setback requirements. The project would replace an existing single-family residence with a new single-family residence and companion unit and would not result in any effects to scenic resources. As outlined in the final MND, impacts would not rise to a level of significance with regard to Visual Effects and Neighborhood Character.

Appeal Issue 7: The project would lead to significant environmental effects as it relates to Noise.

City Staff Response: As outlined in the final MND, the Initial Study Checklist, and response to public comments, 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 and would not cause increase in traffic generated

noise. Any construction related noise is regulated by SDMC section 59.5.0404. Any impacts from noise would not exceed the City's thresholds for temporary construction generated noise, because of regulatory compliance. Impacts would remain below a level of significance.

Appeal Issue 8: The project would lead to significant environmental effects as it relates to Greenhouse Gas Emissions.

City Staff Response: As outlined in the final MND, the Initial Study Checklist, and response to public comments, 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 MND No. 661815, the project's contribution of GHG to cumulative statewide emissions would be less than cumulatively considerable. Therefore, the project's direct and cumulative GHG emissions would have a less than significant impact.

Appeal Issue 9: A Climate Action Plan Checklist that is required for the project was not made public.

City Staff Response: The CAP Checklist is provided as an Appendix to MND No. 661815 and is a part of the record. These documents were posted on the City's CEQA webpage during the public review period and are currently posted with the final document.

Appeal Issue 10: The required findings for an MND cannot be made, and an Environmental Impact Report (EIR) must be prepared.

City Staff Response: 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, a Mitigated Negative Declaration was prepared. As documented in the final MND, initial study checklist, public comments, and responses to comments, all other aspects of the project would have a less than significant impact on the environment. There is no evidence in the record that the project would result in new significant impacts or mitigation measures that were not previously disclosed and analyzed by the MND for the project. Furthermore, there is no evidence in the record that the project would result in significant unavoidable impacts that would require the preparation of an Environmental Impact Report. Accordingly, the determination to prepare an MND for the project is correct.

Appeal Issue 11: The project is inconsistent with the La Jolla Community Plan and the San Diego Municipal Code as it relates to Natural Resources and Open Space Systems, Transportation Systems, and public parking.

City Staff Response: The project has been reviewed by City staff and determined to be consistent with the LJSPD-SF zoning requirements and the LJCP and LCP. The project proposes to demolish an existing single-family residence and construct a new single-family residence and companion unit in its place, providing the required number of off-street parking, and will not obstruct any public views. As documented in the final MND, Initial Study Checklist, and response to public comments, the site was 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 therefore not affect public access.

Appeal Issue 12: The project is inconsistent with the General Plan's objectives and policies with respect to land use and urban design.

City Staff Response: The project was reviewed by City staff and found to be consistent with the LJCP and LCP which implements the goals, objectives, and policies contained in the General Plan. The project is consistent with policies outlined in these plans and is consistent with the underlying zoning and land use designation.

Appeal Issue 13: The project violates the California Coastal Act.

City Staff Response: The approved Local Coastal Program by the California Coastal Commission for this project site includes the La Jolla Community Plan and Local Coastal Program Land Use Plan, the regulations of the La Jolla Shores Planned District Ordinance and the SDMC. The City has the authority to issue Coastal Development Permits for areas of the Coastal Zone where the Coastal Commission has certified the LCP land use plan and related Implementation Program in the form of code regulations. The project was reviewed by City staff and found to be consistent with the LJCP and LCP. As provided in the responses above, the project is consistent with policies outlined in the plan such as stepping back the second story facade, creating visual relief through the use of offsetting planes, building articulations, and roof line treatment all of which reduce the bulk and scale as perceived from the public right-of-way. The project does not violate the California Coastal Act since it was found to be consistent with the Local Coastal Program Land Use Plan.

Appeal Issue 14: The City cannot make the required findings for a CDP.

City Staff Response: This appeal issue does not address the adequacy of the CEQA determination; however, a response has been provided. The project was found to be in compliance with the applicable regulations in the Land Development Code, the LJSPDO and conforms to the Local Coastal Program and land use plan. The project meets the findings outlined in SDMC section 126.0708(a).

Conclusion

The project has been reviewed in accordance with CEQA and it was appropriately determined to prepare a Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15070(b).

The assertion by the appellant that the project does not meet the policies of the LJCP and LCP and applicable regulations of the Land Development Code, and the assertion that the environmental determination for the proposed project is incorrect, cannot be supported. Therefore, staff recommends denial of the appeal of the environmental determination based on the entire record, including the information stated above, and recommends adopting Mitigated Negative Declaration No. 661815.

City Strategic Plan Goal(s)/Objective(s):

Goal #2: Work in partnership with all of our communities to achieve safe and livable neighborhoods.
Objective #1: Protect lives, property, and the environment through timely and effective response in all communities

Fiscal Considerations:

None. All costs associated with processing of this project application are paid through a deposit account funded by the applicant.

Environmental Impact:

Pursuant to CEQA Guidelines Section 15060 (c)(3), City Council activity on this appeal is not a project as defined in CEQA Section 15378, and therefore, not subject to CEQA.

Equal Opportunity Contracting Information (if applicable):

Not applicable.

Previous Council and/or Committee Actions:

None.

Key Stakeholders and Community Outreach Efforts:

Mark Richter, 8423 EL PASEO GRANDE LLC, Owner

Nick Wilson, Island Architects, Applicant

Tyler T. Hee, DeLano & DeLano, Appellant

On August 6, 2020, the La Jolla Community Planning Association voted 15-0-1 to recommend denial of the proposed project.

Other Recommendation: On July 20, 2020, the La Jolla Shores Planned District Advisory Board voted 4-0-0 to recommend denial of the proposed project.

Elyse Lowe _____

Department Director

Jeff Sturak _____

Deputy Chief Operating Officer

RESOLUTION NUMBER R- 313520

DATE OF FINAL PASSAGE APR 27 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DENYING THE APPEAL AND APPROVING THE ENVIRONMENTAL DETERMINATION TO APPROVE THE MITIGATED NEGATIVE DECLARATION AND ADOPT THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE DEMOLITION OF AN EXISTING SINGLE DWELLING UNIT AND ATTACHED GARAGE AND FOR THE CONSTRUCTION OF A NEW SINGLE DWELLING UNIT WITH ATTACHED GARAGE AND ATTACHED COMPANION UNIT AT 8423 EL PASEO GRANDE – PROJECT NO. 661815.

WHEREAS, an application was submitted for a Coastal Development Permit and Site Development Permit to allow the demolition of a single dwelling unit and detached garage, and for the construction a new two-story single dwelling unit with attached garage and attached companion unit. The 0.12-acre project site is located at 8423 El Paseo Grande in the La Jolla Shores Planned District Single-Family Zone (LJSPD-SF), Coastal (Appealable) Overlay Zone, Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone (Beach & Coastal Impact), and Residential Tandem Parking Overlay Zone within the La Jolla Community Plan and Local Coastal Program (LJCP and LCP) area; and

WHEREAS, Upon receipt of the project, the Environmental Analysis Section (EAS) of Development Services Department (DSD) conducted a Preliminary Review consistent with California Environmental Quality Act (CEQA) Guidelines Section 15060, to determine if implementation of the 8423 El Paseo Grande project through a Coastal Development Permit and Site Development Permit would result in any impacts to the environment and, if so, to identify required project mitigation. EAS staff coordinated with all the reviewing disciplines, including: Land Development Review (LDR)-Engineering, LDR-Planning, LDR-Geology, LDR-

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Landscaping, and Plan-Historic to ensure that all potential issues were accurately and thoroughly addressed. Upon completion of the City staff review, EAS determined that the project would result in significant physical effects on the environment with respect to Cultural Resources (Archaeology) and Tribal Cultural Resources. An initial study was required to assess potential project impacts on the environment and to identify required mitigation, if necessary, to mitigate potential significant impacts; and

WHEREAS, EAS staff completed an Initial Study for the project in accordance with CEQA Guidelines Section 15063. During the Initial Study it was determined that due to the location of the project, in an area known to contain sensitive resources, any ground disturbing activities may impact unknown Cultural Resources and Tribal Cultural Resources buried beneath the surface. The project was subject to City of San Diego consultation with Native American tribes that are traditionally and culturally affiliated with the project area pursuant to California Assembly Bill (AB) 52 (California Public Resources Code sections 21080.3.1 and 2). In accordance with AB 52, EAS staff sent notification to the tribes and three communities responded. During consultation, it was agreed upon that an Archaeological and Native American monitor must be present during all ground disturbing activities. Accordingly, the project would require mitigation to reduce potentially significant impacts to below a level of significance, pursuant to CEQA Guidelines Section 15070(b), therefore, a Mitigated Negative Declaration (MND) was required for the project; and

WHEREAS, EAS staff completed the Initial Study Checklist (CEQA Guidelines Appendix G) and found that the project would not result in any significant effects on the environment, except with respect to Cultural Resources (Archaeology) and Tribal Cultural

(R-2021-437)

Resources. Impacts to Cultural Resources (Archeology) and Tribal Cultural Resources would be reduced to below a level of significance with implementation of a Mitigation Monitoring and Reporting Program (MMRP); and

WHEREAS, on February 10, 2021, the City hearing officer approved the Project and adopted the MND and MMRP; and

WHEREAS, on February 24, 2021, an appeal of the environmental determination was filed; and

WHEREAS, City staff prepared a response to the issues raised in the appeal for the City Council's consideration; and

WHEREAS, the appeal was heard by the City Council on April 27, 2021, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the appeal is hereby denied.

BE IT FURTHER RESOLVED, that the City Council certifies that the Mitigated Negative Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3,


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Section 15000 et seq.), that the Mitigated Negative Declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in said Mitigated Negative Declaration, together with any comments received during the public review process, has been reviewed and considered by the City Council.

BE IT FURTHER RESOLVED, that the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this City Council to mitigate or avoid significant effects on the environment, attached to this resolution as Exhibit A.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Noah J. Brazier
Deputy City Attorney

NJB:myb
April 29, 2021
Or. Dept.: DSD
Doc. No.: 2647308

EXHIBIT A**MITIGATION MONITORING AND REPORTING PROGRAM**

Coastal Development Permit No. 2424435
 Site Development Permit No. 2429037

PROJECT NO. 661815

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Entitlements Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Mitigated Negative Declaration No. 661815 shall be made conditions of Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037 as may be further described below.

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:

Document Submittal/Inspection Checklist		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to Preconstruction Meeting
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 1/4 mile radius.
- B. PI Shall Attend Precon Meetings
 - 1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
 - 2. 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 (CSVR). The CSVR'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 CSVr 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.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

Passed by the Council of The City of San Diego on APR 27 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 27 2021.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.


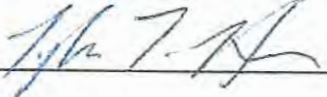
(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **313520**

	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101	Development Permit/ Environmental Determination Appeal Application	FORM DS-3031 November 2017
<p align="center">In order to assure your appeal application is successfully accepted and processed, you must read and understand Information Bulletin 505, "Development Permits/Environmental Determination Appeal Procedure."</p>			
1. Type of Appeal: <input checked="" type="checkbox"/> Appeal of the Project <input type="checkbox"/> Appeal of the Environmental Determination			
2. Appellant: Please check one <input type="checkbox"/> Applicant <input type="checkbox"/> Officially recognized Planning Committee <input checked="" type="checkbox"/> "Interested Person" (Per M.C. Sec. 113.0103)			
Name: Ayelet Gneezy and Uri Gneezy		E-mail: tyler@delanoanddelano.com	
Address: 104 W. Grand Avenue, Suite A		City: Escondido	State: CA Zip Code: 92025
Telephone: 760-741-1200			
3. Project Name: 8423 El Paseo Grande CDP/SDP			
4. Project Information Permit/Environmental Determination & Permit/Document No.: CDP 2424435; SDP 2429037 Date of Decision/Determination: February 10, 2021 City Project Manager: Benjamin Hafertepe			
Decision (Describe the permit/approval decision): Adoption of Mitigated Negative Declaration No. 661815 and Mitigation Monitoring and Reporting Program; approval of Coastal Development Permit No. 2424435; and approval of Site Development Permit No. 2429037.			
5. Ground for Appeal (Please check all that apply): <input checked="" type="checkbox"/> Factual Error <input checked="" type="checkbox"/> New Information <input checked="" type="checkbox"/> Conflict with other matters <input type="checkbox"/> City-wide Significance (Process Four decisions only) <input checked="" type="checkbox"/> Findings Not Supported			
Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)			
<p>The grounds for the appeal are described in the attached, incorporated herein by reference:</p> <ol style="list-style-type: none"> 1. Letter dated November 15, 2020 from Philip A. Merten to Rachael Ferrell, Environmental Analyst, City of San Diego Development Services Department; 2. Letter dated November 23, 2020 from DeLano & DeLano to City of San Diego Development Services Department; 3. Letter dated February 5, 2021 from Philip A. Merten to Hearing Officer City of San Diego Development Services Department; 4. Letter dated February 8, 2021 from DeLano & DeLano to Hearing Officer City of San Diego Development Services Department; and 5. Email dated February 11, 2021 from Philip A. Merten to Hani Baker, Associate Planner, City of San Diego. 			
6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.			
Signature: <u></u>		Date: <u>02/23/2021</u>	
Note: Faxed appeals are not accepted.			



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PHILIP A. MERTEN AIA ARCHITECT

1236 MUIRLANDS VISTA WAY LA JOLLA CALIFORNIA 92037 PHONE 858-459-4756 Phil@MertenArchitect.com

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@sandiego.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.

Ms. Rachael Ferrell, Environmental Analyst
 November 15, 2020
 Page 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:

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.

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.

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) 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

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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 Sec. 113.0234.

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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.

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).

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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**'.

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Thank you for your consideration of these important 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,

A handwritten signature in black ink, appearing to read "Philip A. Merten". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Philip A. Merten AIA

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 Ayelet Gneezy AGneezy@ucsd.edu
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 Tyler Hee tyler@delanoanddelano.com



DELANO & DELANO

November 23, 2020

VIA E-MAIL

Development Services Department
 City of San Diego
 1222 First Ave., MS 501
 San Diego, CA 92101
DSDEAS@sandiego.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:

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").

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.

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

EVERETT L. DELANO III
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M. DARE DELANO
 Admitted in California and New York

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 Admitted in California and Hawaii

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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. 32nd 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

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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).

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.

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.

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.

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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.

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).

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.

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

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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.

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-

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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.4th at 1380 – 81 (it is improper to ignore noise impacts mere because it might be “temporary” in nature).

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. 32nd 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. 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.

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. The City’s review of the Project’s potential impacts to greenhouse gas emissions is inadequate and the City must ensure public participation.

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


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

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

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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@sandiego.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.

Ms. Rachael Ferrell, Environmental Analyst
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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:

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.

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.

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) 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

Ms. Rachael Ferrell, Environmental Analyst
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 Page 3

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 Sec. 113.0234.

Ms. Rachael Ferrell, Environmental Analyst
 November 15, 2020
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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 it's 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.

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).

Ms. Rachael Ferrell, Environmental Analyst
 November 15, 2020
 Page 5

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'.

Ms. Rachael Ferrell, Environmental Analyst
November 15, 2020
Page 6

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,

A handwritten signature in black ink, appearing to read "Philip A. Merten". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Philip A. Merten AIA

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 Tyler Hee tyler@delanoanddelano.com



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PHILIP A. MERTEN AIA ARCHITECT

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February 5, 2021

Hearing Officer
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

TRANSMITTED VIA E-MAIL: hearingofficer@sandiego.gov

Re: 8423 El Paseo Grande CDP/SDP
Project No. 661815

Dear Hearing Officer, and 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 the required 'Findings' for the requested permits cannot be made.

The applicant is seeking both a Coastal Development Permit (CDP) and a Site Development Permit (SDP). A required Finding for a CDP is: 'The proposed *coastal development* is in conformity with the certified *Local Coastal Program land use plan* and complies with all regulations of the certified Implementation Program.' A required Finding for a SDP is: 'The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.'

Contrary to the required 'Findings' for a CDP and SDP, the proposed development simply does not comply with the regulations of the Land Development Code (LDC) as contained in the La Jolla Shores Planned District Ordinance (LJSPDO); nor does the project conform to the certified *Local Coastal Program land use plan*. (*La Jolla Community Plan and Local Coastal Program Land Use Plan*)

A. INSUFFICIENT SETBACKS:

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;"

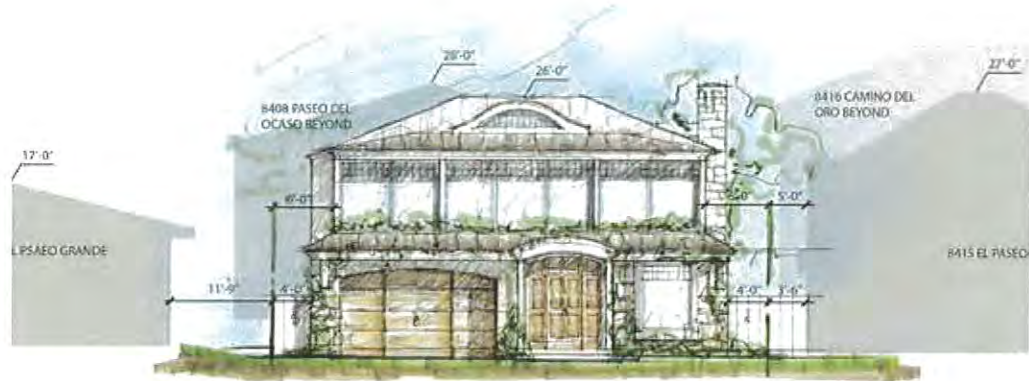
The existing development on the subject site as well as the existing adjacent development on both sides of the subject site have one story garage structures that come to within a few feet of their rear property lines. The Gneezy's home directly behind the subject property is set back 20 feet from common 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.

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 architects sketch on the following page.

Hearing Officer
 February 5, 2021
 Page 2

A1. Insufficient North Side Yard Setback (continued)

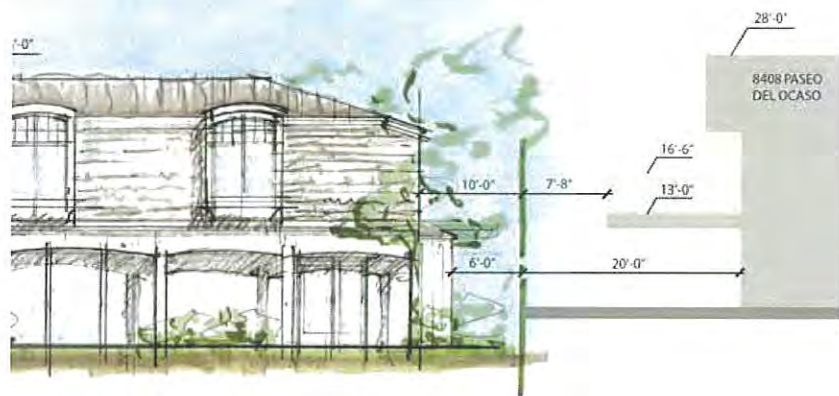


ALL HEIGHT MEASUREMENTS BASED ON PROPOSED HEIGHT OF PROJECT PROPERTY

The proposed north side setbacks are clearly **NOT in conformity with those in the vicinity (adjacent property) and therefore not in compliance with the La Jolla Shores Planned District Ordinance.**

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 South Elevation sketch.



MEASUREMENTS BASED ON PROPOSED HEIGHT OF PROJECT PROPERTY

SOUTH ELEVATION
 SCALE 1/8" = 1'-0"

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

Hearing Officer
February 5, 2021
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B. CHARACTER OF THE AREA

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

(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

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 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 it's 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.**

Hearing Officer
 February 5, 2021
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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. The exhibit included 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 Sec. 113.0234.

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."**

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February 5, 2021
Page 5

C. EXCESSIVE BULK AND SCALE (continued)

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 conformance with General Design Regulations of the La Jolla Shores Planned District Ordinance.**

D. INADEQUATE PARKING

The subject project fails to provide a required off-street parking space for the Companion Unit in accordance with the Parking Regulations for Companion Units, and the La Jolla Shores Planned District Ordinance. The project applicant has erroneously designated the required 20 foot driveway as the location of the required third off-street parking space for the Companion Unit. The designated companion unit parking space blocks access to the 2 enclosed required parking spaces for the primary dwelling.

The Companion Unit regulations per SDMC Sec 141.0302(a)(7) state:

- (7) **Parking for the entire premises shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with Section 141.0302, except as otherwise indicated herein by the zone.**

SDMC Sec. 141.0302(a)(7)(C) allows a required off-street parking space for a *Companion Unit* to be located in any '**configuration**' within a *setback* area; but that does not mean any '**location**' within a setback area.

The Companion Unit regulations and the La Jolla Shores Planned District Ordinance (LJSPDO) specifically incorporate Chapter 14, Article 2, Division 5 (Parking Regulations), including SDMC Sec.142.0510(e)(2)(A) which clearly states: '... the use of a driveway to satisfy off-street parking space requirements is **not permitted.**'

- (2) No vehicle shall be parked in any required front or street side *yard* except where permitted by a particular zone, or except as provided below:
- (A) An operable vehicle may be temporarily parked on a legal driveway within a required front or street side yard if the vehicle does not in any way impede access to or from more than one required parking space, including tandem spaces, or encroach upon any public sidewalk. **Except as specifically permitted by the applicable zone, the use of a driveway to satisfy off-street parking space requirements is not permitted.**

Therefore, the proposed location of the off-street parking space for the Companion Unit is in violation of Sec.142.0510(e)(2)(A) and **not in conformance with the SDMC's Separately Regulated Use Regulations nor the La Jolla Shores Planned District Ordinance.**

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D. INADEQUATE PARKING (continued)

Note: Because the project is located in a Beach Parking Impact Overlay Zone it is critically important that all required off-street parking spaces be provided in accordance with the SDMC, and that the proposed driveway be reserved for guest parking; so that on-street parking remains available for visitors to the coastline and La Jolla Shores Park (Kellogg Park).

For the lack of a suitable required parking space alone, **the project fails to comply with SDMC Sec 142.0510(e)(2)(A), and therefore the required Findings for a CDP and SDP cannot be made, and the Mitigated Negative Declaration should not be certified.**

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 fact that the side facade above the first story steps back only minimally from the first floor exterior walls is depicted in the architect's Street View image on the next page:

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 February 5, 2021
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E. INSUFFICIENT TRANSITION IN BULK AND SCALE (continued)

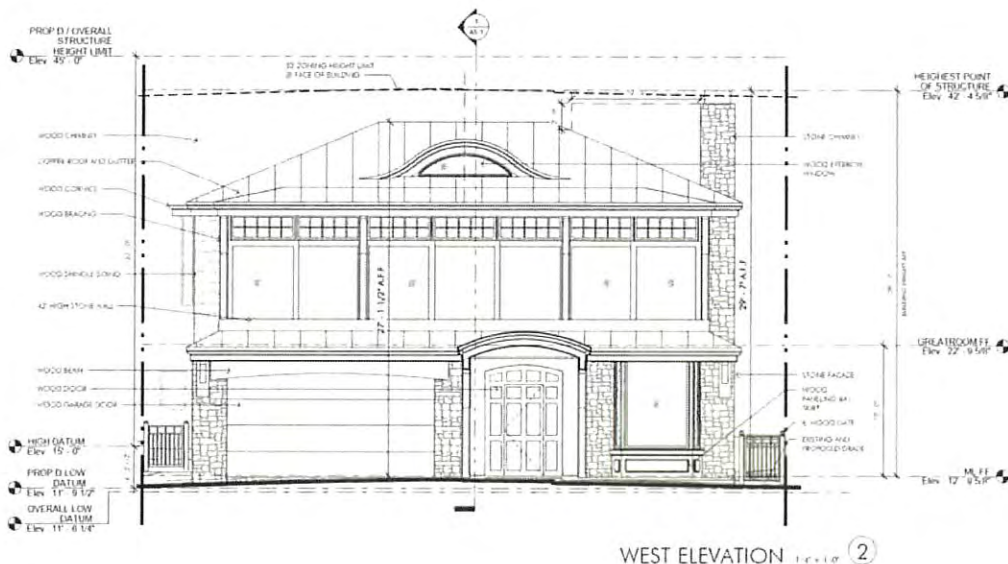


COMMUNITY REVIEW
 FIRST PRESENTATION

8423 El Paseo Grande Residence
 8423 El Paseo Grande, La Jolla, CA 92037
 DATE: 04/15/2020



And the Architect's West (front) Elevation drawing:



Because the side facade above the first story steps back only minimally from the first floor exterior walls and does not provide an adequate transition in the bulk of the proposed structure from the adjacent one story dwelling, the proposed project is **not in conformity with the Residential Community Character recommendations of the La Jolla Community Plan and Local Coastal Program.**

Hearing Officer
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CONCLUSION:

As the proposed project **neither conforms to the requirements** of the *La Jolla Shores Planned District Ordinance*, **nor the Parking Regulations** for companion units for the City of San Diego, **nor the recommendations** of the *La Jolla Community Plan and Local Coastal Program*, **the required Findings for a CDP and SDP cannot be made.**

For all of the above reasons the Final Mitigated Negative Declaration can not be certified.

Thank you for your consideration of these very significant issues.

Sincerely,



Philip A. Merten AIA

EC: Benjamin Hafertepe
La Jolla Community Planning Association

bhafertepe@sandiego.gov
info@lajollacpa.org



DELANO & DELANO

February 8, 2021

VIA E-MAIL

Hearing Officer
 Development Services Department
 City of San Diego
 1222 First Ave., MS 501
 San Diego, CA 92101
hearingofficer@sandiego.gov

Re: February 10, 2021 Hearing Agenda Item - 1: 8423 El Paseo Grande Coastal Development Permit, Site Development Permit, and Final MND, Project No. 661815

Dear Hearing Officer:

This letter is submitted on behalf of Ayelet and Uri Gneezy in connection with the 8423 El Paseo Grande Project No. 661815 and related Coastal Development Permit No. 2424435 ("CDP"), Site Development Permit No. 2429037 ("SDP") and Mitigated Negative Declaration ("MND") (collectively referred to as "Project").

I. The Project Violates the Applicable Land Use Plans and San Diego Municipal Code

"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 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). 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).

The Project violates and is inconsistent with provisions of the General Plan, Community Plan, and San Diego Municipal Code ("SDMC"). As explained in a letter dated February 5, 2021 submitted by architect Philip A. Merten ("Merten Letter"), attached hereto as Attachment 1, the Project is inconsistent with various applicable land

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

Hearing Officer
 City of San Diego Development Service Dept.
 February 8, 2021
 Page 2 of 10

use plans, policies, and regulations including provisions concerning setbacks, character, bulk and scale, parking, and transitions in bulk and scale. In addition, the Project is inconsistent with provisions concerning, among other things, land use, urban design, public access to beaches and coastline, and transportation systems.

A. The Project is Inconsistent with the Community Plan and SDMC

The Project is inconsistent with the Community Plan's objectives and policies including, among others, provisions concerning Natural Resources and Open Space Systems, Transportation Systems, and public parking in the Community Plan area.

The Project violates goals and policies of the Community Plan's Residential Land Use Element concerning community character including, among others, Policy 2.a, which 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. Attachment 1, p. 6.

In addition, 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 5.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.

Additionally, 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

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 City of San Diego Development Service Dept.
 February 8, 2021
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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.

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, within the proposed attached garage, where three are required. See Attachment 1, pp. 5-6. 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.

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 MND acknowledges the Project is in the Community Plan Single Family Zone. 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 satisfy off-street parking requirements is not permitted under Section 142.0510(e)(2)(A). Thus, the driveway cannot be used to satisfy the required off-street parking for the Project.

Additionally, even if it could utilize the driveway for its off-street parking, the Project as proposed violates other parking requirements. The Project is located within the Residential Tandem Parking Overlay Zone. MND at 1. Thus, tandem parking may only be counted as two parking spaces toward required off-street parking “[w]ithin the beach impact area of the Parking Impact Area Overlay Zone where access is provided to the tandem space from an abutting *alley*.” SDMC § 132.0905(a)(4) (*italics in original*). The Land Development Code provides: “*Alley* means a public way that is no wider than 25 feet that is dedicated as a secondary means of access to an abutting property.” SDMC § 113.0103 (*italics in original; underlining added*). Here, the Project is within the beach impact area of the Parking Impact Area Overlay Zone, but the tandem parking space in the driveway is only accessible via El Paseo Grande, the primary means of access to the Project site. February 3, 2021 Staff Report (“Staff Report”) at 163.

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Also, the Residential Tandem Parking Overlay Zone requires: “Both of the tandem spaces shall be assigned to the same dwelling unit.” *Id.* § 132.0905(c). City staff and the Project’s plans indicate the tandem parking spaces are assigned one each to the main dwelling unit and the companion unit violating this requirement. Staff Report at 57 & 163.

“[G]eneral consistencies with plan policies cannot overcome ‘specific, mandatory and fundamental inconsistencies’ with plan policies.” *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 239. The Project violates important and mandatory policies of the Community Plan, as well as related provisions of the SDMC.

B. The Project is Inconsistent with the General Plan

The Project is inconsistent with the General Plan’s objectives and policies including, among others, provisions concerning land use and urban design.

The Project violates goals and policies of the General Plan’s Land Use and Community Planning Element concerning coastal resources including, among others, the goal of: “Preservation and enhancement of coastal resources.” General Plan at LU-31. In addition the Project violates Policy LU-E.1 concerning community-specific policies for Coastal Zone communities to address Coastal Act policies regarding circulation, beach impact area, parking, and public access. General Plan at LU-32. The Project is also inconsistent with Policy LU-E.3 regarding required community plan policies implementing Chapter 3 of the Coastal Act and Land Development Code provisions implementing those policies. General Plan at LU-32. As discussed in Section I.A, the Project is inconsistent with community-specific policies in the Community Plan, as well as provisions in the Land Development Code, concerning coastal resources, public access, and parking in the Coastal Zone.

The Project is also inconsistent with provisions of the General Plan concerning consistency of the City’s land use plans including, among others, Policy LU-F.1, which requires: “Apply existing or new Land Development Code zone packages or other regulations as needed to better implement the policy recommendations of the General Plan; land use designations of the community plans; other goals and policies of the community plans; and community-specific policies and recommendations.” General Plan at LU-31 – LU-33 (emphasis added). As discussed in Section I.A, the Project fails to apply existing regulations to implement the Community Plan’s goals and policies. City staff has ignored applicable provisions of the Land Development Code and La Jolla Shores Planned District Ordinance, which implement community-specific policies regarding, among other things, natural resources and open space, transportation systems, and parking requirements.

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The Project also violates goals and policies of the General Plan's Urban Design Element, which guide the desirable scale and character of physical development. The Project is inconsistent with, among others, Policy UD-A.5 and UD-A.5.b, which requires: "Design buildings that contribute to a positive neighborhood character and relate to neighborhood and community context... Encourage designs that are sensitive to the scale, form, rhythm, proportions, and materials in proximity to commercial areas and residential neighborhoods that have a well-established, distinctive character." General Plan at UD-9. The Project is out of scale with the existing residential neighborhood, including the existing homes in the immediate vicinity. See Attachments 2 and 3.

The Project is also inconsistent with the General Plan's provisions for distinctive neighborhoods and residential design. The Project violates, among others, the following goal: "Architectural design that contributes to the creation and preservation of neighborhood character and vitality." General Plan at UD-16 (emphasis added). The Project is also inconsistent with Policy UD-B.4.d, which requires: "Maintain existing setback patterns, except where community plans call for redevelopment to change the existing pattern." General Plan at UD-18. The Project fails to meet these requirements. The Project proposes to demolish the existing one-story residence and construct a new two-story residence that will more than triple the existing square-footage. Staff Report at 2. The Project as proposed fails to preserve neighborhood character. See Attachment 1 at pp. 3, 6-7. In addition, the Project fails to maintain the existing side yard and rear yard setback patterns. See Attachment 1 at pp. 1-2.

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 Project frustrates multiple goals and policies of the General Plan and should not be approved as proposed.

II. The Project Violates the California Coastal Act

The Project violates provisions of Chapter Three of the California Coastal Act ("Coastal Act"). As discussed above, the Project is inconsistent with the Community Plan and La Jolla Shores Planned District Ordinance, which are the local coastal program land use plan and implementation program guiding development for the Project site under the Coastal Act.

In addition, the Project violates Coastal Act provisions including, among others, Section 30252, which requires development maintain and enhance public access to the coast by "providing adequate parking facilities or providing substitute means of serving the development with public transportation." The Project qualifies as "development" pursuant to Section 30106, but fails to provide adequate parking despite its location less than 300 feet from the Pacific Ocean.

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The Project also violates Section 30253, which requires development “protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.” La Jolla is designated as a “special community” under the Coastal Act. Community Plan at 19. As discussed in Sections I.A and I.B, and in the Merten Letter, the Project violates goals and policies required by the Community Plan intended to protect the unique coastal resources and characteristics of the surrounding neighborhood.

The Project’s violation of policies protecting public access to the coast in a community designated as a “special community” under the Coastal Act is particularly troublesome given the existing challenges to and limitation on public access due to parking demand in the La Jolla Shores area.

III. 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.

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

Discussing the Project’s potential construction-related air quality impacts, the MND’s Initial Study states: “Construction-related activities are temporary, short-term sources of air emissions.” Initial Study (“IS”) 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 construction-related power consumption.” IS at 21. The Initial Study 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.” IS 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 MND fails to adequately consider construction-related air quality impacts. The MND only considers fugitive dust associated with land-

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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.

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

As discussed in Sections I.A and I.B above, the Project is inconsistent with multiple requirements from the General Plan, Community Plan, and SDMC. 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*, 91 Cal.App.4th at 379. Despite the Project’s numerous problems, the MND fails to adequately address and mitigate the Project’s adverse effects to land use and planning.

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

The Initial Study 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.” IS at 18.

The City’s CEQA Significance Determination Thresholds (“CEQA Thresholds”): “Projects that severely contrast with the surrounding neighborhood character.” CEQA Thresholds at 76. A project may have a significant impact to neighborhood character if, among other things: “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 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. Attachment 1, pp. 3-5. Additionally the Project fails to provide sufficient transition in bulk and scale. Attachment 1, pp. 6-7. The Project will have significant impacts to neighborhood character and the MND’s proposed determinations are not supported by the evidence.

D. The Project Will Lead to Significant Noise Impacts

The Initial Study claims the Project will have a less than significant impact to noise. IS at 33. It acknowledges: “Short-term noise impacts would be associated with

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onsite grading, and construction activities of the project.” IS at 33. The Initial Study 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.

IS at 33 (underlining added). The Initial Study’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 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-related noise levels would exceed the 75 dBA standard beyond the adjacent, residential property lines. The Initial Study claims the Project “would be required to comply with the construction hours” specified by SDMC Section 59.5.0404 to reduce construction noise impacts. Initial Study at 33. There is no evidence to support the 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.4th at 1380 – 81 (it is improper to ignore noise impacts mere because it might be “temporary” in nature).

E. The Project’s Impacts to Greenhouse Gas Emissions are Inadequately Analyzed

The Initial Study incorrectly claims the Project’s potential impacts to greenhouse gas emissions will be less than significant. IS at 28. Neither the MND nor the Project’s Climate Action Plan Checklist consider construction-related greenhouse gas emission impacts. Initial Study at 28. Under CEQA: “‘Project’ means the whole of an action,

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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. The City’s review of the Project’s potential impacts to greenhouse gas emissions is inadequate.

IV. The City Cannot Make the Required Findings

In approving a project, administrative findings “‘bridge the analytic gap between the raw evidence and ultimate decision’ and to show the ‘analytic route the administrative agency traveled from evidence to action.’ ... The findings requirement ‘serves to conduce the administrative body to draw legally relevant sub-conclusions supportive of its ultimate decision; the intended effect is to facilitate orderly analysis and minimize the likelihood that the agency will randomly leap from evidence to conclusions.’” *West Chandler Boulevard Neighborhood Assn. v. City of Los Angeles* (2011) 198 Cal.App.4th 1506, 1521 (*West Chandler*) (quoting *Great Oaks Water Co. v. Santa Clara Valley Water Dist.* (2009) 170 Cal.App.4th 956, 971.) The City cannot make the required findings.

The City must make findings for the Project’s CDP including, among other things, that the Project in “is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.” SDMC § 126.0708. Additionally, the City must find make findings for the Project’s SDP including, among other things that the Project “will not adversely affect the applicable land use plan” and “will comply with the regulations of the Land Development Code.” SDMC § 126.0505. As discussed above, the Project violates the General Plan, Community Plan, and Land Development Code provisions of the SDMC. Accordingly, the required findings cannot be made.

In addition, the City cannot make the required findings to certify the MND. The proposed findings for the MND included with the Staff Report claim the “project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment.” However, the Project will lead to significant impacts not addressed by the MND including to, among other things, air quality, greenhouse gas, land use and planning, neighborhood character, and noise.

Accordingly, the required findings cannot be made to approve the Project.


V. Conclusion

For the foregoing reasons, Ayelet and Uri Gneezy urge the Hearing Officer to

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reject the Project. Thank you for your consideration of these concerns.

Sincerely,



Tyler T. Hee

Enclosures:

1. February 5, 2021 letter from Philip A. Merten;
2. Project rendering provided to La Jolla Shores Planned District Advisory Board;
3. Photos of Existing Neighborhood Character.

cc:

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



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February 5, 2021

Hearing Officer
Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101

TRANSMITTED VIA E-MAIL: hearingofficer@sandiego.gov

Re: 8423 El Paseo Grande CDP/SDP
Project No. 661815

Dear Hearing Officer, and 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 the required 'Findings' for the requested permits cannot be made.

The applicant is seeking both a Coastal Development Permit (CDP) and a Site Development Permit (SDP). A required Finding for a CDP is: 'The proposed *coastal development* is in conformity with the certified *Local Coastal Program land use plan* and complies with all regulations of the certified *Implementation Program*.' A required Finding for a SDP is: 'The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.'

Contrary to the required 'Findings' for a CDP and SDP, the proposed development simply does not comply with the regulations of the Land Development Code (LDC) as contained in the La Jolla Shores Planned District Ordinance (LJSPDO); nor does the project conform to the certified *Local Coastal Program land use plan*. (*La Jolla Community Plan and Local Coastal Program Land Use Plan*)

A. INSUFFICIENT SETBACKS:

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;"

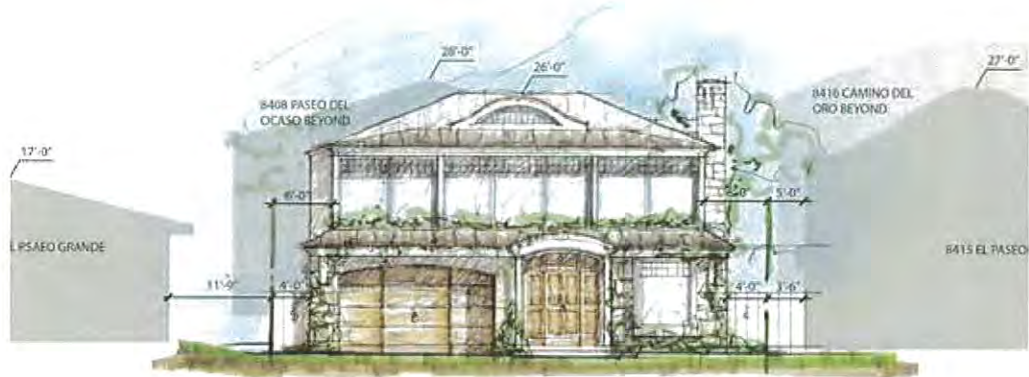
The existing development on the subject site as well as the existing adjacent development on both sides of the subject site have one story garage structures that come to within a few feet of their rear property lines. The Gneezy's home directly behind the subject property is set back 20 feet from common 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.

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 architects sketch on the following page.

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A1. Insufficient North Side Yard Setback (continued)

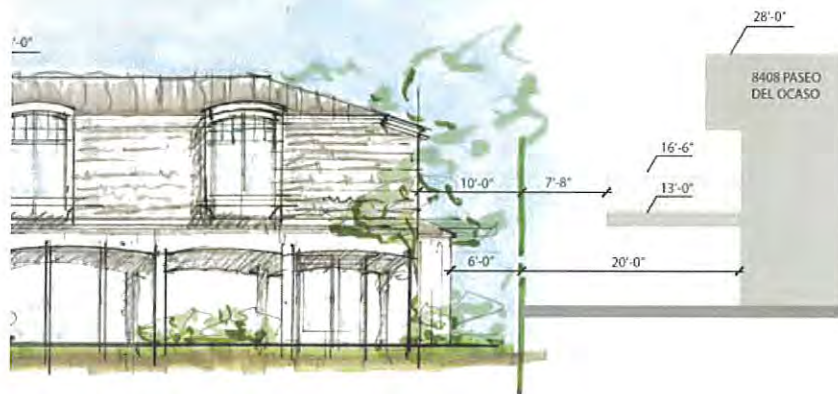


ALL HEIGHT MEASUREMENTS BASED ON PROP. D' HEIGHT OF PROJECT PROPERTY

The proposed north side setbacks are clearly **NOT in conformity with those in the vicinity (adjacent property) and therefore not in compliance with the La Jolla Shores Planned District Ordinance.**

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 South Elevation sketch.



EMENTS BASED ON PROP. D' HEIGHT OF PROJECT PROPERTY

SOUTH ELEVATION
 SCALE 1/8" = 1'-0"

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

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B. CHARACTER OF THE AREA

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

(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

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 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 it's 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.**

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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. The exhibit included 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 Sec. 113.0234.

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."**

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C. EXCESSIVE BULK AND SCALE (continued)

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 conformance with General Design Regulations of the La Jolla Shores Planned District Ordinance.**

D. INADEQUATE PARKING

The subject project fails to provide a required off-street parking space for the Companion Unit in accordance with the Parking Regulations for Companion Units, and the La Jolla Shores Planned District Ordinance. The project applicant has erroneously designated the required 20 foot driveway as the location of the required third off-street parking space for the Companion Unit. The designated companion unit parking space blocks access to the 2 enclosed required parking spaces for the primary dwelling.

The Companion Unit regulations per SDMC Sec 141.0302(a)(7) state:

- (7) Parking for the entire premises shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with Section 141.0302, except as otherwise indicated herein by the zone.

SDMC Sec. 141.0302(a)(7)(C) allows a required off-street parking space for a *Companion Unit* to be located in any '**configuration**' within a *setback* area; but that does not mean any '**location**' within a setback area.

The Companion Unit regulations and the La Jolla Shores Planned District Ordinance (LJSPDO) specifically incorporate Chapter 14, Article 2, Division 5 (Parking Regulations), including SDMC Sec.142.0510(e)(2)(A) which clearly states: '... the use of a driveway to satisfy off-street parking space requirements is **not permitted.**'

- (2) No vehicle shall be parked in any required front or street side *yard* except where permitted by a particular zone, or except as provided below:
- (A) An operable vehicle may be temporarily parked on a legal driveway within a required front or street side yard if the vehicle does not in any way impede access to or from more than one required parking space, including tandem spaces, or encroach upon any public sidewalk. Except as specifically permitted by the applicable zone, the use of a driveway to satisfy off-street parking space requirements is not permitted.

Therefore, the proposed location of the off-street parking space for the Companion Unit is in violation of Sec.142.0510(e)(2)(A) and **not in conformance with the SDMC's Separately Regulated Use Regulations nor the La Jolla Shores Planned District Ordinance.**

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D. INADEQUATE PARKING (continued)

Note: Because the project is located in a Beach Parking Impact Overlay Zone it is critically important that all required off-street parking spaces be provided in accordance with the SDMC, and that the proposed driveway be reserved for guest parking; so that on-street parking remains available for visitors to the coastline and La Jolla Shores Park (Kellogg Park).

For the lack of a suitable required parking space alone, **the project fails to comply with SDMC Sec 142.0510(e)(2)(A), and therefore the required Findings for a CDP and SDP cannot be made, and the Mitigated Negative Declaration should not be certified.**

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 fact that the side facade above the first story steps back only minimally from the first floor exterior walls is depicted in the architect's Street View image on the next page:

Hearing Officer
 February 5, 2021
 Page 7

E. INSUFFICIENT TRANSITION IN BULK AND SCALE (continued)



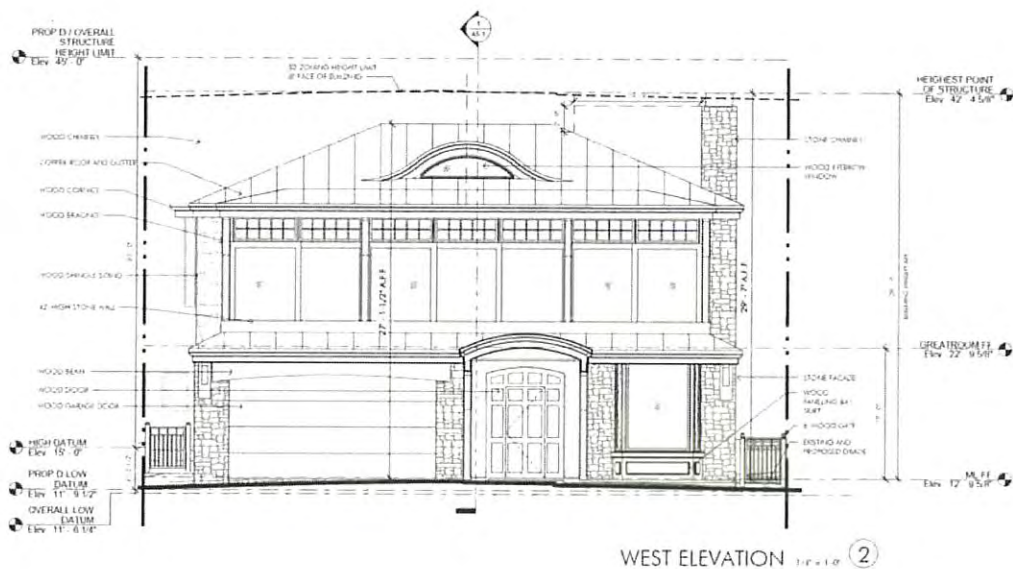
COMMUNITY REVIEW
 FIRST PRESENTATION

8423 El Paseo Grande Residence

8423 El Paseo Grande, La Jolla, CA 92037
 761-561-9200



And the Architect's West (front) Elevation drawing:



Because the side facade above the first story steps back only minimally from the first floor exterior walls and does not provide an adequate transition in the bulk of the proposed structure from the adjacent one story dwelling, the proposed project is **not in conformity with the Residential Community Character recommendations of the La Jolla Community Plan and Local Coastal Program.**

Hearing Officer
February 5, 2021
Page 8

CONCLUSION:

As the proposed project neither conforms to the requirements of the *La Jolla Shores Planned District Ordinance*, nor the **Parking Regulations** for companion units for the City of San Diego, nor the recommendations of the *La Jolla Community Plan and Local Coastal Program*, the required Findings for a CDP and SDP cannot be made.

For all of the above reasons the Final Mitigated Negative Declaration can not be certified.

Thank you for your consideration of these very significant issues.

Sincerely,



Philip A. Merten AIA

EC: Benjamin Hafertepe
La Jolla Community Planning Association

bhafertepe@sandiego.gov
info@lajollacpa.org



COMMUNITY REVIEW
SECOND PRESENTATION

8423 El Paseo Grande Residence

8423 El Paseo Grande, La Jolla, CA 92037
DATE: 07/20/2020



ISLAND
ARCHITECTS

+ 858 459 9291 • 858 456 0351 • www.islandarch.com

**Existing Neighborhood Character
(View from El Paseo Grande)**



8423 El Paseo Grande
San Diego, California
Google
Street View



Google

Project site



ATTACHMENT 4

Image capture: Mar 2020 © 2021 Google United States Terms Reports & Feedback

**Existing Neighborhood Character
(View from El Paseo Grande - North of Project Site)**



tyler@delanoanddelano.com

From: Philip Merten <Phil@MertenArchitect.com>
Sent: Thursday, February 11, 2021 4:57 PM
To: Baker Hani
Cc: Fernandez Duke; Hyatt Joel; Abolas Raynard; Geiler Gary; Lowe Elyse; Hafertepe Benjamine; Attorney - Delano, Everett; Attorney - Hee Tyler; Gneezy Ayelet; Gneezy Uri; La Jolla Community Planning Association
Subject: Hani Baker's Testimony

Re: 8423 El Paseo Grande CDP/SDP
 Project No. 661815
 Hearing Officer Testimony

Ms. Baker,

As you well know, the Separately Regulated Use Regulations, Sec. 141.0103(a)(3) are subject to 'All applicable regulations of Chapter 14 (General Regulations) including Chapter 14, Article 2, Division 5 (Parking Regulations) and Sec. 141.0302(a)(7) require one off-street parking space for a Companion Unit. Your LDR-Planning Cycle Issues Comments of May 2, 2020 recognized this requirement when you stated:



Cycle Issues

L64A-003A

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input type="checkbox"/>	20	Parking: Pursuant to SDMC 1510.0107(a), Chapter 14, Article 2, Division 5 (Parking Regulations) shall apply. Proposed parking is two off-street spaces, and required parking is two for the primary dwelling and one for the companion unit, for a total of 3 spaces. Demonstrate 3 parking spaces &.
<input type="checkbox"/>	21	Driveway Setback: Per SDMC Table 142-05B footnote 1, single dwelling units that do not provide a driveway at least 20 ft long, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, shall provide two additional parking space per SDMC 142.0525(c)(4). (New Issue) Companion Units:

Three months later in your LDR-Planning Cycle Issues Comments of August 6, 2020 you again stated:

20 Provide lot coverage on project data Sheet T-1. (From Cycle 2)
Parking: Pursuant to SDMC 1510.0107(a), Chapter 14, Article 2, Division 5 (Parking Regulations) shall apply.

Proposed parking is two off-street spaces, and required parking is two for the primary dwelling and one for the companion unit, for a total of 3 spaces.
Demonstrate 3 parking spaces &:

And, your LDR-Planning Cycle Issues Comments of October 6, 2020 you reiterated again; and cleared Issue Number 20 for having provided a parking space for the Companion Unit:

 **Development Regulations**

<u>Cleared?</u>	<u>Issue Num</u>	<u>Issue Text</u>
<input checked="" type="checkbox"/>	20	Parking: Pursuant to SDMC 1510.0107(a), Chapter 14, Article 2, Division 5 (Parking Regulations) shall apply. Proposed parking is two off-street spaces, and required parking is two for the primary dwelling and one for the companion unit, for a total of 3 spaces. Demonstrate 3 parking spaces &:

Because the proposed companion unit does not meet any of the exemption criteria in Sec. 141.0302(a)(8) to be exempted from having to provide an off-street parking space for the Companion Unit; and in accordance with your Comment No. 20; and in accordance with the Parking Regulations requirement to provide an off-street parking space for the Companion Unit, the applicant added an off-street parking space for the Companion Unit and designated the driveway as its location, as shown on his Site Plan drawing in staff's Report to the Hearing Officer.

- (A) An operable vehicle may be temporarily parked on a legal driveway within a required front or street side yard if the vehicle does not in any way impede access to or from more than one required parking space, including tandem spaces, or encroach upon any public sidewalk. Except as specifically permitted by the applicable zone, the use of a driveway to satisfy *off-street parking space* requirements is not permitted.

You replied the "The Companion Unit space can be ...



Baker Hani

RE: 8423 El Paseo Grande - Project No. 661815

To: Philip Merten

November 6, 2020 at 11:05 AM

Dear Mr, Merten

Companion Unit parking space can be placed in any configuration on site and in the last set of plans they are showing additional parking in the driveway leading to the 2-car garage which is 20 feet long.

Sincerely,

Hani Baker

When I responded to your November 6 message, you replied again on November 10 with:

On Nov 10, 2020, at 9:52 AM, Baker, Hani <HBaker@sanjiego.gov> wrote:

Hi Philip

There's an order of applicability when conflicting regulations apply. You are using a general parking regulation, versus the separately regulated use requirements of the Companion Units. Section [141.0103\(b\)](#), which applies to all separately regulated uses, states "Where there is a conflict between the regulations in this article and other regulations in the Land Development Code, this article shall apply."

If there is a conflict, the separately regulated use requirements for companion units would prevail.

Let me know if you have further questions.

Sincerely,

Hani Baker

Raynard Abalos even recognized the requirement for a Companion Unit off-street parking space when he wrote:

From: "Abalos, Raynard" <RAbalos@sanjiego.gov>
Subject: RE: [EXTERNAL] Fwd: 8423 El Paseo Grande - Project No. 661815
Date: November 10, 2020 at 11:14:36 AM PST
To: Philip Merten <Phil@MertenArchitect.com>, "Baker, Hani" <HBaker@sanjiego.gov>
Cc: "Hyatt, Joel" <JHyatt@sanjiego.gov>, "Geiler, Gary" <GGeiler@sanjiego.gov>, "Hafertepe, Benjamin" <BHafertepe@sanjiego.gov>, Gneazy Uri [REDACTED], Gneazy Ayelet Hee, Tyler" <tyler@delanoanddelano.com>, "Attorney - <everett@delanoanddelano.com>", "Attorney - <info@LaJollaCPA.org>

Phil,

The companion unit regulations supersede the PDO regulations in this regard and are also a reflection of state mandated law. **The parking can be located in the driveway.** That is our final determination.

Raynard Abalos
 Program Manager
 City of San Diego
 Land Development Review/Development Services Department
 Landscape/Zoning/Current Planning

Your Cycle Issues Comments, your email messages and Raynard Abalos email message clearly recognized that the Separately Regulated Use regulations pertaining to parking require one off-street parking space for the companion unit.

Then shockingly at yesterday's Hearing Officer's virtual hearing, and contrary to all of your Cycle Issue Comments, and contrary to the Separately Regulated Use regulations pertaining to parking, you erroneously and falsely testified by saying: **'No parking is required for the Companion Unit.'**

Based on your erroneous and false testimony, Hearing Officer Duke Fernandez then wrongly concluded that an off-street parking space for the company unit was not required, and approved the subject project without a required code compliant parking space for the Companion Unit.


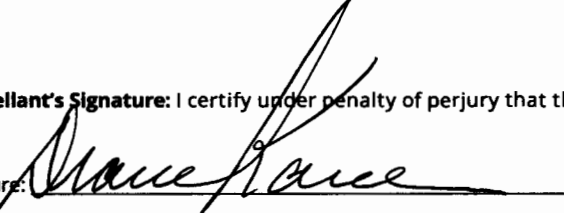
All of which leads me to ask: Why did you testify as you did? Why did you contradict all of your previous Cycle Issues Comments and contradict your statements in your email messages and that of Raynard Abalos? Why did you falsely mischaracterize the Municipal Code?

I await your explanation.

Philip Merten

PHILIP A. MERTEN AIA ARCHITECT
 TEL 858-459-4756
 E-mail: Phil@MertenArchitect.com



	City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101	Development Permit/ Environmental Determination Appeal Application	FORM DS-3031 November 2017
In order to assure your appeal application is successfully accepted and processed, you must read and understand Information Bulletin 505, "Development Permits/Environmental Determination Appeal Procedure."			
1. Type of Appeal: <input checked="" type="checkbox"/> Appeal of the Project <input type="checkbox"/> Appeal of the Environmental Determination			
2. Appellant: Please check one <input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Officially recognized Planning Committee <input type="checkbox"/> "Interested Person" (Per M.C. Sec. 113.0103)			
Name: La Jolla Community Planning Association		E-mail: info@lajollacpa.org	
Address: PO Box 889	City: La Jolla	State: CA	Zip Code: 92038
3. Project Name: 8423 El Paseo Grande CDP/SDP			
4. Project Information Permit/Environmental Determination & Permit/Document No.: 661815		Date of Decision/Determination February 10, 2021	City Project Manager: Benjamin Hagertepe
Decision(Describe the permit/approval decision): Approve the Project See attachment - 8423 El Paseo GrandeAppeal3031 See attachment - 8423 El Paseo GrandeDocuments			
5. Ground for Appeal(Please check all that apply): <input checked="" type="checkbox"/> Factual Error <input type="checkbox"/> New Information <input type="checkbox"/> Conflict with other matters <input type="checkbox"/> City-wide Significance (Process Four decisions only) <input checked="" type="checkbox"/> Findings Not Supported			
Description of Grounds for Appeal (Please relate your description to the allowable reasons for appeal as more fully described in Chapter 11, Article 2, Division 5 of the San Diego Municipal Code. Attach additional sheets if necessary.)			
6. Appellant's Signature: I certify under penalty of perjury that the foregoing, including all names and addresses, is true and correct.			
Signature: 		Date: 2/24/2021	
<p align="center">Note: Faxed appeals are not accepted.</p>			

Appeal of 8423 El Paseo Grande CDP/SDP, Project # 661815 approval

From La Jolla Community Planning Association

DS Form 3031, Item 5, Description of Grounds for Appeal

Factual errors on chart used to support bulk and scale compatibility with neighborhood.
Findings that project is within a range of neighboring FAR's not supported.

Applicant contends that the bulk and scale of this project is comparable with other properties in the vicinity. The only objective way to measure size of a structure relative to another structure is with a Floor Area Ratio. To justify that a floor ratio of .96 this applicant used FAR's from a chart submitted from Scoutred, a commercial service, highlighting three properties with a FAR over 1.0 and another with a FAR of 0.90. Applicant also stated that the LJCPA had approved these permits. We don't know how Scoutred gets their data. For purposes computing floor area ratio only the portion of the structure visible from the street is considered for neighborhood compatibility. That is how the FAR of this project is calculated. Properties in the Scoutred chart were not calculated the same way.

The minutes of the meetings when the LJCPA approved these projects show a different floor area and a different FAR than the chart from Scoutred:

- 8368 Paseo del Ocaso: 4348 sf. residence on 5162 sf. lot = 0.83 FAR, LJCPA minutes April 2, 2009 (Scoutred chart shows FAR - 1.06)
- 8374 Paseo del Ocaso: 4275 sf. residence on 5248 sf lot = 0.81 FAR, LJCPA minutes February 5, 2015 (Scoutred chart shows FAR - 1.07)
- 8438 Paseo del Ocaso: 3816 sf. residence on 5552 sf. lot = 0.69 FAR, reduced to 0.63 FAR, LJSPD Advisory Board minutes February 16, 2016 (Scoutred chart shows - 0.90)

These significant variations in the square footage of the structure and the FAR of the structures approved by the LJCPA show that the Scoutred chart data measurements are significantly inflated from those used to measure FAR at community review. Using the data from this chart is not an accurate comparison of neighborhood FAR; I am confident that further research of the Scoutred data will reveal that they do not use the same criteria to determine FAR as is used by DSD for these properties. The FAR of this project at .96 is 13% greater than the largest project previously approved at 0.83 and is not compatible with other structures in the vicinity.

The minutes referenced above are included with Form 3031. Also included is a picture of the rear of 8374 and 8368 Paseo del Ocaso showing that structures at .81 and .83 FAR appear very large compared to the surrounding properties. How much greater will this project at .96 FAR appear in comparison to surrounding properties?

The LJSPDO requires subjective design review judgements to determine design principles and compatibility with the neighborhood because it contains few numerical measurements. The LJCPA has submitted updates to revise the LJSPDO to the 2021 Code Update process at DSD.

Attachments included with Form DS 3031:

La Jolla CPA Minutes April 2, 2009

La Jolla CPA Minutes, February 5, 2015

La Jolla Planned District Advisory Board minutes, February 16, 2016

Photo of rear view of 8374 and 8368 Paseo del Ocaso.



PO Box 889, La Jolla, CA 92038

<http://www.LaJollaCPA.org>

Voicemail: 858.456.7900

info@LaJollaCPA.org

ATTACHMENT 5

La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month

Thursday, 2 April 2009

La Jolla Recreation Center, 615 Prospect Street La Jolla, CA 92037

D R A F T MINUTES – REGULAR MEETING

President: Joe LaCava, Vice President: Tony Crisafi, Secretary: Nancy Manno, Treasurer: Jim Fitzgerald

Present: Michele Addington, Darcy Ashley, John Berol, Tom Brady, Mike Costello, Dan Courtney, Tony Crisafi, Jim Fitzgerald, Orrin Gabsch, Joe LaCava, Dave Little, Tim Lucas, Nancy Manno, Phil Merten, Greg Salmon, Ray Weiss

Absent: Bob Collins, Glen Rasmussen

1. Welcome and Call To Order: Joe LaCava, President @ 6:05 PM
2. Adopt the Agenda

Approved motion: to adopt the agenda, (Fitzgerald/Weiss 14-0-0).

In favor: Addington, Ashley, Berol, Brady, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Little, Manno, Merten, Salmon, Weiss.

3. Elections

A. Certify Results

Approved motion: to certify the results of the Trustee Election, held 05 March 2009. (Gabsch/Costello 14-0-0).

In favor: Addington, Ashley, Berol, Brady, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Little, Manno, Merten, Salmon, Weiss.

The newly elected Trustee's: Michele Addington, Tom Brady, Dan Courtney, Nancy Manno, Phil Merten, Greg Salmon, took the Oath of Office and were sworn in by District 1 Councilmember Sherri S. Lightner.

B. Election of Officers

Approved motion: to elect as President: Joe LaCava, as Vice President: Tony Crisafi, as secretary: Nancy Manno, as Treasurer: Jim Fitzgerald.

(Ashley/Brady 14-0-0)

In favor: Addington, Ashley, Berol, Brady, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Little, Manno, Merten, Salmon, Weiss.

4. **Meeting Minutes:** Review and Approval: 05 March 2009 minutes.

Approved Motion: to approve the minutes of 05 March 2009, (Berol/Fitzgerald 11-0-3)

In favor: Ashley, Berol, Brady, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Little, Merten, Salmon
Abstained: Addington, Manno, Weiss.

5. President's Report – Action Items Where Indicated

- A. Community Planners Committee (<http://www.sandiego.gov/planning/community/cpc/>)
- B. City Community Orientation Workshop (COW) – Saturday, May 2
- C. Committee Appointments –Trustee's and Member's of the LJCPA were asked to submit their interest/preferences. Appointments will be ratified at the May CPA meeting. (5 on CDP, 3 on PDO, 1+ on PRC, 2 on T&T, plus standing committees).
- D. Indemnification Ordinance – City Council approved Trustee indemnification. Ordinance not effective until 2nd reading at City Council. We are still lobbying Council to extend indemnification to sub-committee members as well. Sub-committee indemnification discussion will return to Council within 90 days.
- E. Agenda Posting – A new Bulletin Board at the Rec Center will allow Public access to the posted LJCPA agenda 24/7.
- F. Bylaws – San Diego City has accepted the La Jolla Community Planning Association amended, (March 05, 2009), Bylaws.
- G. PDO Amendments – Update – LaCava: We are working with CD1 and DSD to take the amendments to the next step in the process. We hope CD2 will join us in support of the amendments. D. Little inquired about the possibility of another amendment; but then withdrew his question.
- H. La Jolla Shores and Children's Pool Lifeguard Stations – Update: La Jolla Shores and Children's Pool Lifeguard Stations – Update: (1) Predicated on the City of San Diego's ability to Bond: Construction of the La Jolla Shores Life Guard Station may commence by September 2009. Update: (2) The Children's Pool Life Guard Station has not completed the Design Process; therefore the timeline for construction is later, estimated to be September 2010.
- I. Children's Pool Sand Dredging – EIR now available, (copy available at the LJ Library and the LJTC). The comment period closes May 7th. Several Trustees and members of the Public weighed in on the status of the litigation and whether or not the LJCPA had previously taken a position on the sand dredging (Ashley agreed to research question). LaCava cut short the discussion because it was not relevant to the EIR. Costello, Brady and Addington volunteered to establish an Ad hoc committee to suggest and propose comments on the draft EIR.
- J. Parks – Park agendas are now available through the LJCPA website. Note: there is a proposed increase in use fees starting July 1st, 2009.

6. Officer's Reports

- A. Treasurer: Jim Fitzgerald
 - a. Beginning balance: \$507.30 + Income \$149.40 – Expenses \$156.16 = Ending balance: \$500.54
 - b. Reminder: All donations must be anonymous, therefore checks cannot be accepted.
- B. Secretary: Darcy Ashley/Nancy Manno
 - a. Trustee roster has been updated. Instructions were provided about Membership requirements and signing-in process.

7. Agency Reports – Information Only

- A. UCSD - Planner: **Anu Delouri**, adelouri@ucsd.edu, <http://commplan.ucsd.edu/>
Present: Made Report. Report can be accessed on the UCSD website.
- B. City Of San Diego – City Planning & Community Investment Department Present:
La Jolla Rep: **Lesley Henegar**, 619.235.5208, lhenegar@saniego.gov
Present: No report
- C. C. Council District 2 – Councilmember Kevin Faulconer
Rep: **Thyme Curtis**, 619.236.6622, tcurtis@saniego.gov

Presented commendations on behalf of Councilmember Faulconer, to out-going LJCPA Trustees. Reiterated that Councilmember Faulconer is meeting tonight to re-establish the pilot Program for an Oversize Vehicle Ordinance from Pt Loma to La Jolla.

- D. Council District 1 – Councilmember Sherri Lightner
Rep: **Erin Demorest**, 619.236.7762, edemorest@saniego.gov

Report: Council District 1 will appoint (1) alternate position to the Mayor's San Diego Youth Commission. Candidates, between the ages of 14 years and 22 years, are being sought. The issue of Parking Meter fees in the existing Parking Meter areas is expected to be sent to the Community Groups in order to elicit feedback to City Council. There are no Parking Meters in La Jolla.

Fitzgerald commented: Attended City Council hearing on Parking Meter rates and hours and noted that the audience called for the beach areas, including La Jolla, should have meters installed before rates are raised in the rest of the City.

8. Non-Agenda Public Comment

Comments on items not on the agenda and within CPA jurisdiction are allowed two (2) minutes or less.

- A. **Mary Coakley:** "Community Build for Kellogg Park Playground" will be held April 30, May 01 and May 02. For more information see: www.friendsoflajollashores.com.
- B. **Tony Crisafi:** Development Services currently holds in excess of 100 building permit plan check files that are due to expire. A plan should be instituted to make extensions available to applicants so that they may avoid the time consuming and costly process of starting another building permit application process.
- C. **Ray Weiss:** I am on the informal "Mayor's Stakeholder Advisory Group on Regulatory Streamlining". It is a group of about 20 members, many of whom are from the development industry, that was created in an effort to find ways to encourage the City's economic recovery through improving the regulatory process. Its primary focus is on the Development Services Department, but other areas are also appropriate for discussion. Persons with ideas are encouraged to bring them to my attention.
- D. **Tim Lucas:** Thanked the many volunteers who graciously assisted with the March Election.

9. CONSENT AGENDA – Ratify or Reconsider Committee Action

Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items. Anyone may request that a consent item be pulled for full discussion.

Items pulled from this Consent Agenda are trailed to the next CPA meeting.

PDO – Planned District Ordinance Committee, Chair Tiffany Sherer, 2nd Mon, 4pm

CDP – Coastal Development Permit Committee, Chair Tony Crisafi, 2nd & 3rd Tues, 4pm
PRC – La Jolla Shores Permit Review Committee, Chair Tony Espinoza, 4th Tues, 4pm
T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm

A. WEISS RESIDENCE

CDP ACTION: Findings can be made for CDP & NUP, 6-0-1

1326 Park Row - Coastal Development Permit, Neighborhood Use Permit to demolish existing garage and guest quarters and construct new 2-car garage with 552 sf guest quarters above on a 0.14 acre site in the RS-1-7 Zone.

B. COUNTRY CLUB DRIVE

CDP ACTION: Findings cannot be made for CDP, as proposal is not consistent with community plan, 6-1-0.

7001 & 6947 Country Club Drive - Coastal Development Permit to demolish existing residence at 7001 Country Club Dr and a lot line adjustment at 6947 Country Club Dr in the RS-1-4 Zone.

C. GATTO RESIDENCE

PRC ACTION: Findings can be made to approve project subject to (1) lowering of the 2nd story front Northeast bedroom by at least 1 foot (taking plate from 9' to 8') and (2) pushing this bedroom West by 6" to 1', 5-0-0.

8638 Paseo del Ocaso - Coastal Development Permit and Site Development Permit to demolish existing 2,540 sf two-story residence, build a new two-story single-family residence of 4,348 sf (was 4,744 SF, 396 SF reduction) with new lap pool and site improvements.

D. ESPINOZA RESIDENCE

PRC ACTION: To approve project as presented with no changes from previously approved plans for a 3-year extension of time. 3-0-0.

7964 Paseo del Ocaso – Extension of time for existing Conditional Use Permit and Site Development Permit.

E. WALKUSH RESIDENCE

PRC ACTION: Findings can be made to approval project subject to (1) air conditioning equipment being shielded for sound abatement, (2) door to/from 2nd floor artist studio (North side) to be composed of lower $\frac{3}{4}$ solid material and upper $\frac{1}{4}$ of glass or equivalent material, and (3) wire lattice to be placed on stucco of North side of structure. 4-1-0.

8314 Paseo del Ocaso – Coastal Development Permit and Site Development Permit for demolition of an existing one-story SF residence, construction of a new two-story 4,494 sf residence with two-car garage.

F. HANDLER RESIDENCE

PRC ACTION: Denial of project because of the violation of established public view corridor of the Community Plan. 5-0-0.

8405 El Paseo Grande – Amend Coastal Development Permit and Site Development Permit to delete conditions requiring removal of existing driveway and parking space.

G. ZAHID RESIDENCE

PRC ACTION: Findings can be made to support project subject to (1) City approval of a variance to allow the construction of a 2nd driveway on level ground per plan # 2 as presented. 5-0-0.

7884 Lookout Drive – 6,640 SF addition to a 7,830 sf existing house on a 53,370 sf lot. Detached 2-story Structure (3-Car Garage + 2 Bedroom/ 1 Bath Guest House). Construction of enlarged cabana.

H. DIRECTIONAL SIGNAGE AT COGGINS POOL (LA JOLLA HIGH)

T&T ACTION: Recommend approval on consent. 6-0-0.

The Pool at Fay/Nautilus requested two directional signs at Fay/Pearl and LJ Blvd/Nautilus. The City gave them the approval a year ago and they now going to move forward with it.

I. LA JOLLA SCENIC NORTH AT MOONRIDGE

T&T ACTION: Recommend approval with time limit of 730-900a except for local residents. 6-0-0. Request for time restricted movements (Northbound left into Moonridge, Southbound right into Moonridge) to reduce AM rush hour cut through traffic.

J. HIDDEN VALLEY ROAD AT VIA CAPRI PYLONS

T&T ACTION: Recommend approval, 6-0-0.

Updated presentation of a plan recommended by the city engineers to put pylons along the outer shoulder stripe to guide cars away from the curb turning right from Hidden Valley Road to Via Capri (Letters of consent from neighbors were presented).

K. STOP SIGN – AVENIDA DE LA PLAYA AT CALLE DE LA PLATA

T&T ACTION: Recommend approval 7-0-0 subject to LJSA concurrence.

Diagonal parking obscures existing stop sign on westbound Ave de la Playa. Move several feet into street to improve visibility. Also, replace with illuminated stop sign and pedestrian crossing sign powered by solar panel.

Item B: (Country Club Drive): Pulled by Crisafi.

Item F: (Handler Residence): Pulled by applicant.

Item I: (La Jolla Scenic North at Moonridge): pulled by Gabsch.

Approved motion: To accept the recommendations of the PRC & T&T Committees to approve (C) Gatto Residence, (D) Espinosa Residence, (E) Walkush Residence, (G) Zahid Residence, (H) Directional Signage at Coggins Pool-La Jolla High School, (J) Hidden Valley Road at Via Capri Pylons, (K) Stop Sign Avenida de la Playa at Calle de la Plata and forward those recommendations to the City. (Ashley/Weiss 15-0-0)

In favor: Addington, Ashley, Berol, Brady, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Salmon, Weiss

Approved motion: To accept the recommendation of the CDP committee to approve (A) Weiss Residence and forward this recommendation to the City

(Ashley/Gabsch 14-0-0)

In favor: Addington, Ashley, Berol, Brady, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Little, Lucas, Manno, Merten, Salmon

Recused: Weiss

10. CONSENT AGENDA

– Ratify or Reconsider Prior Decision in light of Environmental Analysis

The City is changing its policy regarding review of projects; essentially, that final action should not be taken until an environmental analysis has been made available for the planning groups consideration. Until the City Attorney's Office publishes a final legal opinion, the City is directing projects that have been previously reviewed by the planning group to return to the planning group in an abundance of caution. The planning group is directed to ratify or reconsider its original action now that it has the environmental analysis in hand. *Items pulled from this Consent Agenda may be heard this evening if there is time at the end of the meeting.*

A. SHAW PROPERTIES

CDP ACTION (6/12/2007): Findings can be made, 6-0-1.

CPA ACTION (7/05/2007): Approved on consent, 10-0-1.

Draft Mitigated Negative Declaration available online www.LaJollaCPA.org (click on Downloads) 6633 La Jolla Blvd – CDP (Process 2) to demolish an existing building and construct 4 residential for rent units with underground parking on a 5,760 SF site. RM-3-7 zone.

Pulled by Ashley and sent to DPR/CDP Committee.

11. REPORTS FROM OTHER ADVISORY COMMITTEES

Information only unless otherwise noted

A. LA JOLLA COMMUNITY PARKING DISTRICT ADVISORY BOARD

CPA Delegate: **Orrin Gabsch**, 3rd Wed, 4pm, La Jolla Recreation Center: No report.

12. COHEN RESIDENCE

Pulled for full discussion.

PRC ACTION: Findings can be made to support the project so long as additional articulation to 1st and 2nd floor of North and South of design are made, 3-2-0.

8130 La Jolla Shores Road – Coastal Development Permit and Site Development Permit to demolish existing residence and construct a 4,015 sf single family residence on a 5660 sf site.

Presented by: Bejan Aarfa.

Trustees expressing concern: Lucas, Little, Costello, Courtney, Manno, Berol, Merten, Crisafi.

Applicant agreed to return the project to PRC to address the following, per T. Crisafi:

1. Provide diagrams and exhibits that clearly show how the development complies with the La Jolla Community Plan and the La Jolla Shores PDO.
2. The current plan does not, in fact, fully comply. Therefore, consider stepping back the second level façade from the first level in a meaningful way, as well as provide further articulation.
3. A further suggestion; meet with the neighbors in order to explore and understand their concerns and issues.

13. PLANNED DISTRICT ORDINANCE COMMITTEE - CHARTER UPDATE

PDO ACTION: Approved, 7-0-0

Proposed Update to PDO Charter to clarify composition of the committee; recognize the long-standing practice of Promote La Jolla as a Parent Organization with 3 seats, add the Bird Rock Community Council as the newest Parent Organization with 2 seats. Updates and refinements to the scope and operation of the committee.

Approved motion: To approve the Charter of the PDO Joint Committee with the following modifications:

- Item 1: Delete "referred to it"
Delete "in the PDOC Chairperson's discretion"
- Item 7: Delete from first bullet: "oral or written."
Delete from second bullet: "oral or written."
Delete from third bullet: "the conditions should be in writing."

Add items 11 & 12

11. The Committee operates under the authority of the Ralph M. Brown Act, which requires that meetings of the Committee are open and accessible to the public. The Administrative Guidelines for Implementation of Council Policy 600-24 provide explanations of Council Policy 600-24's minimum standard operating procedures and responsibilities and are a guideline for the Committee. Robert's Rules of Order Newly Revised is used when State law, Council Policy, the Administrative Guidelines, and these Bylaws do not address an area of concern or interest.

12. Any attempt to develop a collective concurrence of the committee members as to action to be taken on an item by the Committee, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.

(Berol/Ashley 14-0-1)

In favor: Addington, Ashley, Berol, Brady, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Little, Manno, Merten, Salmon, Weiss
Abstain: Lucas

14. DEVELOPMENT PERMIT REVIEW COMMITTEE - BYLAW UPDATE

CDP ACTION: Approved, 6-1-0

Proposed update to the bylaws of the committee formerly known as the Coastal Development Permit Committee (CDP) including change of name; incorporate changes identified in 2004 that were not ratified; term limits. Align the bylaws more closely with the LJCPA to ensure conformance with City Policy 600-24 and the Brown Act.

Approve motion: to approve the By laws of the DPR (fka CDP) committee (Merten/Berol 14-0-1)

In favor: Addington, Ashley, Berol, Brady, Costello, Courtney, Crisafi, Fitzgerald, Gabsch, Lucas, Manno, Merten, Salmon, Weiss
Abstain: Little

15. RAINBOW CURB STUDY – Information Only

Proposed revision to various red, yellow, and green curbs throughout the Village. Item was initially presented at the March Traffic & Transportation Meeting and may be heard as an action item at their April meeting. Information is available on-line at <http://www.LaJollaCPA.org>.

Presented by Orrin Gabsch and Ed Ward: An extremely detailed study of the parking spaces currently available in the Village and the astonishing number (86) of additional spaces that could be made available with minimum revisions, and at minimal cost.

LaCava commented: We look to the LJTC and PLC to take the lead on this issue because it will have a significant affect on Village merchants. However LJCPA will need to weigh in as well. Note that if changes to the "Rainbow Curbs" are not satisfactory...they can easily and inexpensively be restored to their original colors. Thank you to the La Jolla Light for publicizing this important issue.

16. ADJOURNED: 8:15 PM TO NEXT REGULAR MEETING MAY 07, 2009

<i>Next Regular Meeting: Thursday, 7 May 2009</i>

Possible Agenda Items

- ✓ Committee Appointments
- ✓ Ratify joint committee bylaw updates (T&T, La Jolla Shores PRC)



La Jolla Community Planning Association ATTACHMENT 5

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

Contact Us
Mail: PO Box 889, La Jolla, CA 92038
Web: <http://www.LaJollaCPA.org>
Voicemail: 858.456.7900
Email: info@LaJollaCPA.org

President: Joe LaCava
Vice President: Bob Steck
2nd Vice President: Patrick Ahern
Secretary: Helen Boyden
Treasurer: Nancy Manno

FINAL MINUTES

Regular Meeting | Thursday, 5 February 2015, 6:00 pm

Trustees present: Patrick Ahern, Cynthia Bond, Helen Boyden, Bob Collins, Mike Costello, Janie Emerson, Cindy Greatrex, Joe LaCava, Nancy Manno, Phil Merten, Alex Outwater, Jim Ragsdale, Bob Steck, Ray Weiss
Trustees absent: Robert Mapes, Fran Zimmerman

1.0 Welcome and Call to Order by Joe LaCava, President, at 6:05 pm

He asked those present to turn off or silence mobile phones and announced that the meeting was being recorded in audio by the LJCPA and in video by a party who did not wish to be identified.

2.0 Adopt the Agenda

Approved Motion: To adopt the agenda as posted. (Steck, Merten: 13-0-1)

In favor: Ahern, Bond, Boyden, Collins, Costello, Emerson, Greatrex, Manno, Merten, Outwater, Ragsdale, Steck, Weiss
Abstain: LaCava (Chair)

3.0 Meeting Minutes Review and Approval: 5 January 2015

Approved Motion: To correct the minutes of 5 January 2015 as follows:

In Item 2.0 (Adopt the Agenda) line 3, change “the motion was not seconded” to read “the motion was withdrawn.”

In Item 13.0 (La Jolla Budget Priorities) change item 7 under New Infrastructure Priorities to read: “Funding for a community process with city staff to review the criteria of Categorical Exemption of Coastal Development Permits.

(Costello, Emerson: 12-0-2)

In favor: Ahern, Bond, Collins, Costello, Emerson, Greatrex, Manno, Merten, Outwater, Ragsdale, Steck, Weiss
Abstain: Boyden (absent), LaCava (Chair)

4.0 Elected Officials – Information Only

4.1 Council District 1 – Council President Sherri Lightner

Rep: **Justin Garver**, 619-236-6611, JGarver@sandiego.gov presented CP Lightner’s goals for fiscal 2016: increase in budgeting for public safety, infrastructure and restoration of public services; closing the job-skills gap in education; promoting San Diego as a innovation hub; expanding use of grey water as part of a process to develop an affordable and sustainable water supply. He said funding for repair of the Midway bluffs and viewpoint will now be released with construction expected to begin in Fall 2015.

4.2 Mayor’s Office – Mayor Kevin Faulconer

Rep: **Francis Barraza**, 619-533-6397, FBarraza@sandiego.gov was not present.

4.3 39th Senate District – State Senator Marty Block

Rep: **Hilary Nemchik** Hilary.Nemchik@sen.ca.gov, 619-645-3133 noted that as a result of his bill SB 850, Mesa and Mira Costa Community Colleges will each be able to offer a four-year degree in one field. This session he has introduced SB 15 to improve access to a higher education in California, helping students afford college and finish their degrees in four years. It includes increasing funding for UC and CSU.

4.4 78th Assembly District – Speaker of the Assembly Toni Atkins

Rep: **Toni Duran**, 619-645-3090, Toni.Duran@asm.ca.gov was not present

5.0 Non-Agenda Comment

Opportunity for public to speak on matters not on the agenda & within LJCPA jurisdiction, 2 minutes or less.

5.1 UCSD - Planner: Anu Delouri, adelouri@ucsd.edu, <http://commplan.ucsd.edu/> noted that two East Campus projects would be open for comments on Draft Environmental Impact Reports: Center for Novel Therapeutics, soon; and Outpatient Pavilion in March; each for 45 days. Details available at the above website.

5.2 Others

Brian Wilson stated that the sewer and water line replacement in the Village and in the vicinity of Exchange Place, Cave Street and Prospect to Torrey Pines Road will be commencing within the next two weeks and will bring traffic disruption. **Vic Salazar** indicated they would be presenting the construction schedule to the Merchants Association as well.

Member Don Schmidt noted that the process for evaluating the 10% Exemption for Coastal Development Permits for properties between the coastal bluffs and the first public roadway has many deficiencies. He volunteered to participate in remedying these deficiencies.

6.0 Trustee Comment

Opportunity for trustees to comment on matters not on the agenda and within LJCPA jurisdiction, 2 minutes or less.

Trustee Weiss felt that sidewalk reconstruction on Torrey Pines Road was being hindered by the City not being able to afford to do all that was required for ADA compliance and so the current situation would remain. **CD 1 Rep Justin Garver** stated that these sidewalks are slated for renovation in a later phase of the TPR corridor and will be done to ADA standards.

Trustee Collins noted that the reconstruction on Fay for a movie theater was over the 30' height limit. Response that it was 9.5' too high. It meets the standard for Prop D, but not the PDO and zoning. The City is aware and taking action.

Trustee Merten asked that projects changed under the authority of a Project Manager after being heard by the LJCPA and subcommittees need to return for community review. At present this is not being routinely done. He asked for remediation and that instruction be given to project managers.

7.0 Officers' Reports

7.1 Secretary

Trustee Boyden reminded attendees that today is the last day to file a Membership Application and be eligible to vote in the March Election. Additionally it is the last opportunity to satisfy the 3 meetings in past 12 months to qualify as a candidate. If your membership is scheduled to expire 2/28/2015, you must renew it today in order to vote in the March election. Membership and attendance information may be checked at: <http://www.lajollacpa.org/members.html>

Trustee Boyden stated that if you want your attendance recorded today, you should sign in at the back of the room. There are two sign-in lists: one for LJCPA members and a yellow one for guests.

LJCPA is a membership organization open to La Jolla residents, property owners and local business owners at least 18 years of age. Eligible visitors wishing to join the LJCPA need to submit an application, copies of which are available at the sign-in table or on-line at the LJCPA website: www.lajollacpa.org/. We encourage you to join so that you can vote in the Trustee elections and at the Annual Meeting in March.

You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become eligible for election as a trustee. You may document your attendance by signing in at the back, providing the Secretary before the end of the meeting a piece of paper with your printed full name, signature and a statement that you want your attendance recorded, or providing independently verifiable proof of attendance.

You can become a Member after attending one meeting and must maintain your membership by attending one meeting per year. To qualify as a candidate in an election to become a Trustee, a Member must have documented attendance at three LJCPA meetings in the preceding 12-month period.

Please note that members who failed to attend a meeting between March of 2013 and February 2014 (and similar for all time periods) have let their membership lapse and will need to submit another application to be reinstated.

7.2 Treasurer

President LaCava presented the treasurer's report for **Treasurer Manno**. He noted that even though the City was now providing \$500.00 annually, the LJCPA still depends upon the generosity of its members to cover the expenses of the organization, including meeting space rent, printing and telephone costs. He thanked the members for their generosity. He said that the first installment of the City funds was expected within 30 days.

Beginning Balance as of 01/01/2015	\$ 156.54	\$ 156.54
Income		
- Collections: January 04 Meeting	\$ 97.00	
- CD	5.00	
Total Income	\$ 102.00	\$ 102.00
Expenses:		
Agenda printing:	\$ 70.74	
Telephone expenses:	43.76	
Total Expenses:	\$ 114.50	(\$ 114.50)
Ending Balance as of 01/31/2015		<u>\$ 144.04</u>

NOTE: LJCPA has an outstanding Reimbursement Request, payable to Joseph LaCava, in the amount of \$305.00, for La Jolla Recreation Center rent for the period 01/04/2015 through and including 06/04/2015.

8.0 Candidate Forum

Candidates were invited to present their qualifications and interest in running. The adjournment of tonight's meeting is the cut-off time for announcing a candidacy to place one's name on the ballot. LJCPA Bylaws allow for write-ins on the day of the election.

The following candidates spoke: **Sary Frymann, Glen Rasmussen, Tom Brady, CA Marengo, Brian Will, Rob Whittemore, Michael Morton, Janie Emerson, Ed Comartin** and **Jim Fitzgerald**.

Additionally, **Election Committee Chair Cindy Greatrex** read a statement from candidate **Dolores Donovan** and said that **Cynthia Bond, David Little** and **Steve Haskins** had also announced their candidacies.

President LaCava asked all candidates to forward a statement to be posted on the LJCPA website.

9.0 President's Report – Information only unless otherwise noted.

9.1 Bylaw Amendment & Bylaws Ad Hoc Committee – President LaCava and **Ad Hoc Bylaws Chair Greatrex** met with City staff to make some clarifying tweaks to the Bylaws amendment recommended by the Trustees in December 2014. The City is also making changes to all CPG bylaws to reflect changes in Policy 600-24. The Ad Hoc Bylaws Committee will meet to review and if all comes together, the proposed bylaws changes will be voted on by the membership at the March Annual Membership meeting.

9.2 Whale Watch Way – The appeal hearing was continued from December 18 to Feb 12. However, the applicants were expected to request a continuance then until April 16 so that they can make additional changes. It is likely

that the Planning Commission will approve the continuance. However, President LaCava will attend the February 12 hearing in an abundance of caution.

9.3 Sacido Residence – was approved by the Hearing Officer. The HO decision was privately appealed to the Planning Commission. It was also appealed by the LJCPA as required by the bylaws. As yet, no date has been set for the appeal.

9.4 Annual Elections: March 5, 2015 – The fourteen candidates named above who came forward before the end of tonight's meeting are running for six three-year seats and one two-year seat and will be listed on the ballot.

10.0 Reports from Ad Hoc and non-LJCPA Committees

- Information only unless noted.

10.1 Election Committee

10.1.1 Polls Open 3:00-7:00pm. Check Membership before arriving. Bring photo identification. No provisional ballots will be admitted.

10.1.2 Voting does not qualify as having attended the March LJCPA meeting. You must attend the meeting.

10.1.3 No election material including candidate statements will be allowed in polls.

10.1.4 City staff (Karen Bucey) will monitor polls.

10.2 Community Planners Committee <http://www.sandiego.gov/planning/community/cpc/index.shtml> Discussed and approved the 9th Update to the Land Development Code which is moving through the process for approval by the City Council.

10.3 Coastal Access & Parking Board <http://www.lajollacpa.org/cap.html> - no report

11.0 Consent Agenda – Action Item

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

→ **Anyone may request a consent item be pulled for full discussion by the LJCPA.**

→ **Items “pulled” from Consent Agenda are automatically trailed to the next LJCPA meeting.**

→ **See Committee minutes and/or agenda for description of projects, deliberations, and vote.**

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4:00 pm

DPR – Development Permit Review Committee, Chair Paul Benton, 2nd & 3rd Tues, 4:00 pm

PRC – LJ Shores Permit Review Committee, Interim Chair Phil Merten, 4th Tues, 4:00 pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4:00 pm

No PDO Meeting in January

11.1 Amitai Residence, North of Ellentown Road and West of Horizon Way

DPR Motion: Findings **CAN** be made for a Coastal Development Permit and Site Development Permit (Process 3) for Environmentally Sensitive Lands to construct a 3,034 square foot single story residence with attached garage on an existing vacant lot located north of Ellentown Road and west of Horizon Way. 7-0-1.

11.2 Senyei Residence, 1547 El Camino del Teatro

DPR Motion: Findings **CAN** be made for a Coastal Development Permit and Site Development Permit to demolish an existing residence, a detached guest house, and construct a residence and guest quarters totaling 12,521 sq ft located at 1547 El Camino del Teatro. 7-0-1.

11.3 Essencia Lot line adjustment, CDP and SDP, 7451 and 7455 Hillside Drive

PRC Motion: Findings **CAN** be made for lot line adjustment and an SDP and CDP amending the LJS Planned District Permit SCR 5362. 5-0-1.

Approved Motion: To accept the recommendation of the DPR Committee for 11.1 Amitai Residence, North of Ellentown Road and West of Horizon Way that the findings **CAN be made for a Coastal Development Permit and Site Development Permit (Process 3) for Environmentally Sensitive Lands to construct a 3,034 square foot single story residence with attached garage on an existing vacant lot located north of Ellentown Road and west of Horizon Way; and to accept the recommendation of the PRC for 11.3 Essencia Lot line adjustment, CDP and SDP, 7451 and 7455 Hillside Drive that the Findings **CAN** be made for lot line adjustment and an SDP and CDP amending the LJS Planned District Permit SCR 5362 and forward the recommendations to the City. (Collins, Ragsdale: 13-0-1)**

In favor: Ahern, Bond, Boyden, Collins, Costello, Emerson, Greatrex, Manno, Merten, Outwater, Ragsdale, Steck, Weiss

Abstain: LaCava (Chair)

Trustee Merten recused and left the room for the following motion and returned after the vote.

Approved Motion: To accept the motion of the DPR Committee for 11.2 Senyei Residence, 1547 El Camino del Teatro that the findings **CAN be made for a Coastal Development Permit and Site Development Permit to demolish an existing residence, a detached guest house, and construct a residence and guest quarters totaling 12,521 sq ft located at 1547 El Camino del Teatro and forward the recommendation to the City. (Outwater, Manno: 12-0-1)**

In favor: Ahern, Bond, Boyden, Collins, Costello, Emerson, Greatrex, Manno, Outwater, Ragsdale, Steck, Weiss

Abstain: LaCava (Chair)

Recused: Merten

The following, when marked "Action Item," are a *de novo* consideration of the Item.
Prior actions by committees/boards are listed for information only.

12.0 Fentisova Residence, 8374 Paseo del Ocaso – Action Item

The project proposes to remodel and add a 3,486 square foot 2nd story, basement, and roof deck to an existing 1,624 square foot, one-story single family residence. The project incorporates a roof mounted photovoltaic system consisting of solar panels sufficient to generate at least 50 percent of the project's projected energy consumption. The project site is located at 8374 Paseo Del Ocaso on a 0.12-acre lot, in the SF Zone of the La Jolla Shores Planned District within the La Jolla Community Planning area, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone, Residential Tandem Parking Overlay zone.

PRC Action (Jan '14) – Findings CANNOT be made for an SDP/CDP because bulk and scale is too great under LJSPDO and the front setback is not in conformity with those in the same vicinity. 4-1-1.

PRC Action (Dec '14) – Project continued to next PRC meeting to allow Applicant to provide additional information.

City Action (Nov '14) – Extended Public Comment on MND from Dec 5th to Jan 9th

PRC Action (Nov '14) – Considered the draft MND (See attached minutes from 11/19/2014 meeting.)

Presented by Mike Shumard and Hilary Lowe. The project has been reduced in size since being heard by the PRC in January. From the initial plans, the second floor has been reduced 310 sf and the first by 510 sf for a new total of 4275 sf with a FAR of 0.81. The front setback is now 19'. The second story now meets the 45-degree-angle standard. They presented charts showing the front setbacks and square footages of all houses on both sides of the block, noting that six houses had larger FAs and two were of similar size.

In response to a query from Member **Bob Whitney**, they stated that the height was 22'7". Member and PRC Member **Laura DuCharme Conboy** said the applicant had made substantial changes and that the reductions toward the back were noticeable and she could now approve of the project.

President LaCava read letters from members **Matt Edwards** and **Peggy Davis** with queries about the project.

Trustee Merten said that the setbacks were now in general conformity and the bulk and scale improved and that he could now support the project. **Trustees Steck, Emerson** (She had not seen the whole presentation at the PRC.) and **Ragsdale** said

that these were nice changes as did Trustee Ahern who commended the applicant and the PRC for working together to improve the project. Trustee Manno inquired about the side setbacks which at 4' comply with the code and are in conformance.

Approved Motion: That the findings can be made for a Site Development Permit and a Coastal Development Permit for the Fentisova Residence at 8374 Paseo del Ocaso for a 4275 sf, 0.81 FAR residence based on plans submitted to the LJCPA dated February 5, 2015. (Merten, Steck: 12-0-2)

In favor: Ahern, Bond, Boyden, Collins, Costello, Greatrex, Manno, Merten, Outwater, Ragsdale, Steck, Weiss
Abstain: Emerson (Absent for PRC presentation), LaCava (Chair)

13.0 La Jolla Cove Pavilion – Action Item

Consider a proposed facility at La Jolla Cove including restrooms, showers, accessory uses, and gathering area. Presented by La Jolla Parks and Beaches. This presentation will include an update on the progress and present initial conceptual plans for consideration in order to move forward with final plans and funding.

Documents were posted on-line: <http://www.lajollacpa.org/projects.html>

Presented by Volunteer Chair Judy Halter and Architect Taal Safdie. They had many workshops in December to get community input and presented this version to Parks and Beaches on January 26. They have revised the orientation of the facility to be more parallel with the coast line, opening up a larger green space as had been requested.

Member Bill Robbins noted that local donations have paid for the development of this concept plan. It was pointed out that if the community paid for the bridging documents needed to get to a final plan instead of going through the City, it would be cheaper and quicker. Member Michael Morton liked the design. To query by Member Gail Forbes as to whether the color would match the current color of the Belvedere, Ms Safdie stated they were looking for a natural tone.

To Trustee Collins who was uncomfortable voting for this plan without some cost estimates, it was said that this was only a concept and costs could not be developed until plans were finalized.

Trustee Merten felt the project was too wide and that compromised the view corridor from the park and from the sidewalk. Could the number of toilet stalls be reduced to reduce the project's width? The architect was amenable to exploring that idea but it was noted that the number needed to serve the larger number of users of the park.

Approved Motion: To approve the conceptual plans for La Jolla Cove Pavilion as presented by Safdie-Rabines Architects to La Jolla Parks and Beaches and to consider reducing its size in order to enhance the view corridor.

(Ahern, Merten; 12-1-1)

In favor: Ahern, Bond, Boyden, Collins, Costello, Greatrex, Manno, Merten, Outwater, Ragsdale, Steck, Weiss
Opposed: Emerson
Abstain: LaCava (Chair)

14.0 LJCPA Operations – Action Item

Mike Costello, Trustee, offers possible changes in LJCPA operation of its meeting and preparation of the agenda.

- a) Voting on Action Items, roll call vote.
- b) Conducting of lengthy, time consuming Items; not to split to different month's meetings.
- c) Allow for opposition rebuttal during presentations.

The following spoke to the item: Trustee Costello suggested several bylaws amendments to deal with these items. Others speaking included President LaCava, and Trustees Weiss, Boyden, Outwater, Greatrex, Ahern, Emerson, Manno, and Ragsdale. Opinions expressed included that this was a solution without a problem; that they were not suited for incorporation into bylaws and might well be dealt with by careful following of current procedures. Also stated was that the Ad Hoc Bylaws Committee should be the one to first address possible amendments to the bylaws.

No motion was made.

15.0 ADJOURNMENT After a last call for candidates, none other than those listed in item 8.0 came forward, and the meeting was adjourned at 8:25 pm to the next LJCPA Meeting, Thursday, March 5, 2015, immediately following the Annual Member meeting to be called for 6:00pm on that date.



THE CITY OF SAN DIEGO

La Jolla Shores Planned District Advisory Board
Meeting Minutes for February 16, 2016
615 Prospect Street, Room 1
La Jolla, California 92037

Table with 4 columns: Trustee, Attendance, Trustee, Attendance. Rows include Dolores Donovan, Dan Goese, Jane Potter, and Susanne Weissman.

- 1. Call to Order: 12:05 pm
2. Approval of the Agenda
3. Approval of the Minutes
4. Public Comment: None.
5. Project Review

ACTION ITEM

ITEM A

Project: 450023 – Paseo del Ocaso Residence APN: 346-081-06

Presented by: Tim Golba and Sasha Varone, Tim Golba Architecture, Inc.

Description: Site Development Permit and Coastal Development Permit (Process 3) for demolition of an existing 1,938 sf single-family residence with an existing FAR of 0.35. Construction of a new 2-story, 3,816 sf single-family residence with a proposed FAR of 0.69, partial basement, and a 467 sf garage. The 0.13-acre site is located within the Coastal Overlay Zone (Appealable Area) and the LJSPD-SF zone of the La Jolla Shores Planned District, and within the La Jolla Shores Community Plan area.

Presentation:

- Project went to PRC to "test drive" the project and returned to present refinements
• Square footage has been revised so that the project is at or within 10% difference
• Project is now at 0.63 FAR
• Revised renderings presented
• Setbacks increased

Comments:

- Significant changes have been made to improve the project
- Board was appreciative that the clients were open to make changes to the project and responsive to concerns – which is rare to see

Motion: Recommend as a Major Project-Process 3. Project conforms to the LJSPD as adopted by City Council. Potter/Weissman: 4/0/0

ITEM B

Project: 467306 –Via Siena Addition, 2345 Via Siena APN: 352-165-03

Presented by: Claude-Anthony Marengo, Marengo Morton Architects

Description: Preliminary Review for a remodel of an existing 2,667.30 sf, one story single-family residence. Addition of 499.6 sf to create a 3,774.23 sf proposed residence. Improvements include new roof deck, covered patio and new entry stairs

Presentation:

- +/- 500 sf addition
- Existing lot coverage is 26.8 sf, proposed will be 30.9 sf
- Project does not exceed height limit
- Project includes a decorative wall and roof deck is in the back

Public Comment:

- Clarification on increase of square footage yields a 19% increase, however increase in square footage is not physically visible
- Potential future discussion needed on allowing flexibility when increases are located in the rear or not physically visible
- Concerns about community review being bypassed were discussed and that it is better for projects to get community input upfront
- Project appears to fit within PDO

Motion: Recommend project as a Minor Project-Process 1. Project conforms to the LJSPD as adopted by City Council. Donovan/Potter: 4/0/0

ITEM C

Project: 461154 – Robbins Residence, 2340 Calle Del Oro APN: 346-12-08

Presented by: Tim Golba and Sasha Varone, Tim Golba Architecture, Inc.

Description: Site Development Permit and Coastal Development Permit to demolish an existing one story, single-family residence and attached garage on a 19,597 sf lot and construct a new 2-story, single-family 4,797 sf residence with a proposed 0.24 FAR along with an attached 1,017 sf garage, one story 295 sf pool cabana, and landscape improvements.

Presentation:

- Project is located on a 22,000 square foot lot
- Project has cleared historic review at the City
- 40 feet of Right-of-Way associated with the house
- Home has been pushed forward to take view from Calle del Oro

- Hammerhead driveway included so that residents don't back into the Calle del Oro
- Architecture style is Coastal Modern

Public Comment:

- General questions about height and landscaping asked – project within requirements

Motion: Recommend as a Major Project-Process 3. Project conforms to the LJSPD as adopted by City Council. Weissman/Potter: 4/0/0

Board Discussion: Board members are fine with no August or December meetings.

Adjournment: 1:00

Minutes taken by Marlon Pangilinan, Senior Planner, City of San Diego

Photo of 8374 and 8368 Paseo del Ocaso rear view:



These homes are .81 and .83 FAR. How much larger would a home that is .96 FAR appear?

PLANNING COMMISSION RESOLUTION NO. _____
COASTAL DEVELOPMENT PERMIT NO. 2424435
SITE DEVELOPMENT PERMIT NO. 2429037
8423 EL PASEO GRANDE CDP/SDP - PROJECT NO. 661815 [MMRP]

WHEREAS, 8423 EL PASEO GRANDE, LLC, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing single dwelling unit and detached garage, and to construct a new single dwelling unit with an attached garage and an attached companion unit (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037 on portions of a 0.12-acre site;

WHEREAS, the project site is located at 8423 El Paseo Grande in the La Jolla Shores Planned District Single Family Zone, Coastal Height Limitation Overlay Zone, Coastal (Appealable) Overlay Zone, Parking Impact Overlay Zone (Beach & Coastal Impact), Residential Tandem Parking Overlay Zone, and Geo Hazard 52 Zone within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Lot 3 in Block 38 of La Jolla Shores Unit No. 6, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 2147, filed in the Office of the County Recorder of San Diego County, February 26, 1929;

WHEREAS, on June 24, 2021, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037:

A. COASTAL DEVELOPMENT PERMIT [San Diego Municipal Code (SDMC) section 126.0708]**1. Findings for all Coastal Development Permits:**

- a. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.**

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and a 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

The project site, which is located less than 300 feet east of the Pacific Ocean, is not located within the First Public Roadway or within a visual access corridor, as identified within the LJCP/LCP. Furthermore, the site is not located near any existing or proposed physical accessway that is legally utilized by the public or within or adjacent to any public vantage points as identified in Figure 9, Pages 35-36 of the LJCP/LCP. All of the proposed development will be contained within the existing disturbed and developed site and has been designed in conformance with all applicable development regulations, including required setbacks, floor area ratio, lot coverage, and structure height. The highest ridge of the new home is 25 feet 10 inches with the chimney measuring at 30 feet, and is in conformance with the maximum 30-foot height limit.

Due to project site's location, and the proposed development contained on private property and designed in conformance with all applicable development regulations, the proposed coastal development will not affect any existing or proposed physical accessway that is legally used by the public, or degrade, eliminate, or detract any protected public views to and along the ocean and other scenic coastal areas as identified in the LJCP/LCP. Based on the above, the proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in the Local Coastal Program Land Use Plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

- b. The proposed development will not adversely affect environmentally sensitive lands.**

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and a 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

Review of resource maps, aerial and street photography shows that the project site does not contain any Environmentally Sensitive Lands as defined in San Diego Municipal Code section 113.0103. The project site does not contain and is not adjacent to any sensitive biological resources, sensitive coastal bluffs, steep hillsides, or special flood hazard areas, and is not located within or adjacent to the City's Multiple Species Conservation Program/Multiple Habitat Planning Area. Therefore, the project will not adversely affect environmentally sensitive lands.

c. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and a 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

The City reviewed the existing single dwelling unit and detached garage to determine whether a potential historical resource exists on site. On July 6, 2020, City Staff concluded the property does not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria.

The project has been designed in conformance with all applicable development regulations per the SDMC. The project site is in the La Jolla Shores Planned District Ordinance – Single Family Zone (LJSPDO – SF) Zone and complies with the development standards required by the underlying LJSPDO – SF Zone including height, density, building setbacks, floor area ratio, lot coverage, and off-street parking. Based on a submitted neighborhood survey of the existing development patterns within the neighborhood, the proposed project was determined to be in general conformance with other buildings as specified in the LJSPDO – SF Zone. In addition, the project has been designed in conformance with the maximum 30-foot height limit. The highest ridge of the new home measures 25 feet 10 inches, and 30 feet at the top of the chimney.

The LJCP designates the project site Low Density Residential with a density range of 5 to 9 dwelling units per acre. The density range is characterized by single dwelling unit residential homes on 5,000 to 7,000 square-foot lots. The LJSPDO – SF Zone allows one dwelling unit per lot. The proposed dwelling unit on the 0.12-acre site is in conformance with the prescribed density per the underlying zone, and the LJCP/LCP land use designation.

LJSPDO requires all buildings and structure setbacks to be in general conformity with those in the vicinity. City staff has reviewed and accepted a survey from the Applicant which contains lot sizes, gross floor areas, floor area ratios, and setback dimensions for building structures within the vicinity of the project site. Front yard setbacks in the vicinity range from 1 foot 4 inches to 31 feet, side yard setbacks within the vicinity range from 1 foot 6 inches to 24 feet, rear yard setbacks within the vicinity range from 1 foot 6 inches to 30 feet, and floor area ratios within the vicinity range from 0.29 to 1.07.

The project proposes a north side yard setback to the main house that ranges from 4 to 6 feet with a 0-foot side setback adjacent to the attached companion unit, and south side yard setbacks ranging from 4 to 24 feet. The proposed development observes a front yard setback of 15 feet along the west property line, and a rear yard setback of 6 feet along the east property line. The floor area ratio for the proposed project is 0.97. Per San Diego Municipal Code section 141.0302(a)(2)(D)(ii), new accessory dwelling unit structures may encroach into the required interior side yard and rear yard setbacks up to the property line to accommodate construction of the accessory dwelling unit. The project contains setbacks and a floor area ratio to be in general conformity with the Land Development Code and properties within in the vicinity.

Additionally, the project proposes a lot coverage of 49 percent, which is below the maximum 60 percent lot coverage allowed per the LJSPDO – Single Family (SF) Zone.

The proposed development has been oriented to relate to adjacent homes, while enhancing community character with visually compatible architecture, form, style, and scale. The project's height, scale, design, and proposed building materials are consistent with the varied architecture, design, and character of the low-density residential development in the surrounding area and in conformance with the LJCP/LCP residential policies related to density, bulk and scale, and materials.

Furthermore, the project site is located less than 300 feet east of the Pacific Ocean and is not located between the sea and the First Public Roadway. The project site is not located with or adjacent to any public coastal access or public vantage points as identified in the LJCP/LCP (Figure 9, Pages 35-36). Due to the location of the project site, the project will not encroach upon any existing physical way used by the public or any proposed access as identified in the LJCP/LCP.

The project is not requesting any deviations or variances from the applicable regulations and has been designed in conformance with all applicable development

regulations set forth in the SDMC, and the LJCP/LCP land use plan. Therefore, based upon the above analysis, the proposed project is in conformity with the Local Coastal Program land use plan and complies with all regulations of the certified implementation program.

- d. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.**

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet. The project site, which is located less than 300 feet from the Pacific Ocean, is not located between the sea and the First Public Roadway or within a visual access corridor, as identified in the LJCP/LCP. The project will be developed entirely within private property and will not adversely impact any public recreation opportunities. Therefore, the project conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

B. SITE DEVELOPMENT PERMIT [SDMC section 126.0505]

1. Findings for all Site Development Permits:

- a. The proposed development will not adversely affect the applicable land use plan.**

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and a 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

The existing single dwelling unit and detached garage were reviewed to determine whether any potential historical resources exist on site. On July 6, 2020, City Staff concluded the property does not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria.

The project has been designed in conformance with all applicable development regulations per the SDMC. The project site is in the La Jolla Shores Planned District

Ordinance – Single Family Zone (LJSPDO – SF) Zone and complies with the development standards required by the underlying LJSPDO – SF Zone including height, density, building setbacks, floor area ratio, lot coverage, and off-street parking. Based on a submitted neighborhood survey of the existing development patterns within the neighborhood, the proposed project was determined to be in general conformance with other buildings as specified in the LJSPDO – SF Zone. In addition, the project has been designed in conformance with the maximum 30-foot height limit.

The highest ridge of the new home measures 25 feet 10 inches, and 30 feet at the top of the chimney.

The LJCP designates the project site Low Density Residential with a density range of 5 to 9 dwelling units per acre. The density range is characterized by single dwelling unit residential homes on 5,000 to 7,000 square foot lots. The LJSPDO – SF Zone allows one dwelling unit per lot. The proposed dwelling unit on the 0.12-acre site is in conformance with the prescribed density per the underlying zone, and the LJCP/LCP land use designation.

The LJSPDO requires all buildings and structure setbacks to be in general conformity with those in the vicinity. City staff has reviewed and accepted a survey from the Applicant which contains lot sizes, gross floor areas, floor area ratios, and setback dimensions for building structures within the vicinity of the project site. Front yard setbacks in the vicinity range from 1 foot 4 inches to 31 feet, side yard setbacks within the vicinity range from 1 foot 6 inches to 24 feet, rear yard setbacks within the vicinity range from 1 foot six inches to 30 feet, and floor area ratios within the vicinity range from 0.29 to 1.07.

The project proposes a north side yard setback to the main house that ranges from 4 to 6 feet with a 0-foot side setback adjacent to the attached companion unit, and south side yard setbacks ranging from 4 to 24.5 feet. The proposed development observes a front yard setback of 15 feet, and a rear yard setback of 6 feet along the east property line. The floor area ratio for the proposed project is 0.97. The project contains setbacks and a floor area ratio to be in general conformity with those in the vicinity.

Additionally, the project proposes a lot coverage of 49 percent, which is below the maximum 60 percent lot coverage allowed per the LJSPDO – SF Zone.

The proposed development has been oriented to relate to adjacent homes, while enhancing community character with visually compatible architecture, form, style, and scale. The project's height, scale, design, and proposed building materials are consistent with the varied architecture, design, and character of the low density residential development in the surrounding area and in conformance with the LJCP/LCP residential policies related to density, bulk and scale, and materials.

Furthermore, the project site is located less than 300 feet east of the Pacific Ocean and is not located between the sea and the First Public Roadway. The project site is not located with or adjacent to any public coastal access or public vantage points as identified in the LJCP/LCP Figure 9, Pages 35-36). Due to the location of the project site, the project will not encroach upon any existing physical way used by the public or any proposed access as identified in the LJCP/LCP.

The project is not requesting any deviations or variances from the applicable regulations and has been designed in conformance with all applicable development regulations set forth in the SDMC, and the LJCP/LCP land use plan. Therefore, based upon the above analysis, the proposed project will not adversely affect the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare.

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

The project will not be detrimental to the public health, safety, and welfare. A condition of approval requires a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. City staff has reviewed and accepted a preliminary geotechnical report prepared for the site project, which concludes the site's soil and geologic conditions have been adequately addressed.

The project permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. Permit requirements include assuring by permit and bond the closure of the non-utilized portion of the existing driveway and installation of a new 12-foot wide City standard driveway adjacent to the site along El Paseo Grande; implementing construction best management practices (BMPs); and entering into an Encroachment Maintenance and Removal Agreement for the sidewalk underdrains, landscape and irrigation in the El Paseo Grande right of way. Therefore, the project will not be detrimental to the public health, safety, and welfare.

c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is

developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and 1,090 square-foot attached companion unit for a total of 5,079 square feet. The project site, which is located less than 300 feet east of the Pacific Ocean, is not located between the sea or the First Public Roadway or within a Visual Resources Corridor as identified in the LJCP/LCP. The project has been designed in conformance with all applicable development regulations of the San Diego Municipal Code, including the La Jolla Shores Planned District Ordinance – Single Family Zone and the Coastal Overlay Zone. The project conforms to the maximum 30-foot height limit and 60 percent coverage requirements.

LJSPDO requires all buildings and structure setbacks to be in general conformity with those in the vicinity. City staff has reviewed and accepted a survey from the Applicant which contains lot sizes, gross floor areas, floor area ratios, and setback dimensions for building structures within the vicinity of the project site. Front yard setbacks in the vicinity range from 1 foot 4 inches to 31 feet, side yard setbacks within the vicinity range from 1 foot 6 inches to 24 feet, rear yard setbacks within the vicinity range from 1 foot six inches to 30 feet, and floor area ratios within the vicinity range from 0.29 to 1.07.

The project proposes a north side yard setback to the main house that ranges from 4 to 6 feet with a 0-foot side setback adjacent to the attached companion unit, and south side yard setbacks ranging from 4 to 24 feet. The proposed development observes a front yard setback of 15 feet along the west property line, and a rear yard setback of 6 feet along the east property line. The floor area ratio for the proposed project is 0.97. Per San Diego Municipal Code section 141.0302(a)(2)(D)(ii), new accessory dwelling unit structures may encroach into the required interior side yard and rear yard setbacks up to the property line to accommodate construction of the accessory dwelling unit. The project contains setbacks and a floor area ratio to be in general conformity with the Land Development Code and properties within in the vicinity.

The project does not require or request any deviations. Therefore, the proposed development will comply with the regulations of the Land Development Code.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form,

exhibits, terms and conditions as set forth in Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037, a copy of which is attached hereto and made a part hereof.

Benjamin Hafertepe
Development Project Manager
Development Services

Adopted on: **DATE OF APPROVAL**

IO#: 24008591

DRAFT

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION
501

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24008591

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2424435
SITE DEVELOPMENT PERMIT NO. 2429037
8423 EL PASEO GRANDE CDP/SDP PROJECT NO. 661815 [MMRP]
PLANNING COMMISSION

This Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037 is granted by the Planning Commission of the City of San Diego to 8423 El Paseo Grande, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0505 and 126.0708. The 0.12-acre site is located at 8423 El Paseo Grande in the La Jolla Shores Planned District Single Family Zone, Coastal Height Limitation Overlay Zone, Coastal (Appealable) Overlay Zone, Parking Impact Overlay Zone (Beach & Coastal Impact), Residential Tandem Parking Overlay Zone, and Geo Hazard 52 Zone within the La Jolla Community Plan area. The project site is legally described as: Lot 3 in Block 38 of La Jolla Shores Unit No. 6, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 2147, filed in the Office of the County Recorder of San Diego County, February 26, 1929.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish and existing single dwelling and to construct a new single dwelling unit with an attached garage and attached companion unit described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date] , on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing 1,528 square-foot single dwelling unit and detached garage;
- b. Construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage;
- c. Construction of a new 1,090 square-foot attached companion unit;
- d. Off-street parking; and

- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by [ENTER DATE typically 3 years, including the appeal time].
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements

may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 661815 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 661815 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Cultural Resources (Archaeology)
- Tribal Cultural Resources

CLIMATE ACTION PLAN REQUIREMENTS:

14. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan

Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

ENGINEERING REQUIREMENTS:

15. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of the non-utilized portion of existing driveway with current city standard sidewalk/parkway, curb and gutter, adjacent to the site on El Paseo Grande, satisfactory to the City Engineer.
16. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond, the construction of a new current city standard 12-foot wide driveway, adjacent to the site on El Paseo Grande, satisfactory to the City Engineer.
17. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the sidewalk underdrains, landscape and irrigation in the El Paseo Grande right of way, satisfactory to the City Engineer.
18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
19. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

LANDSCAPE REQUIREMENTS:

20. Prior to issuance of any construction permits, the Owner/Permittee shall submit to the Development Services Department for approval complete landscape and irrigation construction documents. Construction documents shall comply with the La Jolla Shores Planned District Ordinance (LJSPDO), the La Jolla Community Plan, and the Land Development Manual - Landscape Standards. Unplanted areas, including those consisting of recreational areas, walks (areas used for access whether paved, mulched, stepping stone, or similar), and driveways may not count towards the minimum landscape area required by the LJSPDO.
21. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.
22. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

GEOLOGY REQUIREMENTS:

23. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

PLANNING/DESIGN REQUIREMENTS:

24. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

25. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

26. Pursuant to SDMC section 126.0707 Conditions may be imposed by the decision maker when approving a Coastal Development Permit. Conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. In any subdivision or other land division, such conditions shall be imposed at the time of the subdivision or other land division, rather than through subsequent development permits.

27. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on June 24, 2021 and [Approved Resolution Number].

DRAFT

ATTACHMENT 7

Permit Type/PTS Approval No.: Coastal Development Permit No. 2424435
Site Development Permit No. 2429037
Date of Approval: June 24, 2021

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Benjamin Hafertepe
Development Project Manager

NOTE: Notary acknowledgment must be attached per Civil Code section 1189 et seq.

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

8423 EI PASEO GRANDE, LLC
Owner/Permittee

By _____
Mark Richter

NOTE: Notary acknowledgments must be attached per Civil Code section 1189 et seq.