



THE CITY OF SAN DIEGO

MITIGATED NEGATIVE DECLARATION

Project No. 589178
SCH No. N/A

SUBJECT: Lookout-Lot 2- Coastal Development Permit (CDP) and Site Development Permit (SDP) for the construction of a two-story single-family residence totaling 3,849 square feet. The project would also include a 507 square-foot garage and a 1,011 square-foot basement. The proposed project complies with all height and bulk regulations and can accommodate the public utilities to serve the development. The 0.12-acre site is located within the single family (SF) zone of the La Jolla Shores Planned District, Coastal (Non-appealable) overlay zone in the La Jolla Community Plan Area. (LEGAL DESCRIPTION: PARCEL 2 OF PARCEL MAP NO. 17817) **Applicant:** Nick Wilson, Island Architects

I. PROJECT DESCRIPTION:

See attached Initial Study.

II. ENVIRONMENTAL SETTING:

See attached Initial Study.

III. DETERMINATION:

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

IV. DOCUMENTATION:

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

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

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

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

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

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

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

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

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

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

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

Qualified Archaeologist and 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) #589178 and /or Environmental Document # 589178, 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)	Archaeological/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 TRIBAL CULTURAL RESOURCES

Prior to Permit Issuance

- A. Entitlements Plan Check
 - 1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first pre-construction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.
- B. Letters of Qualification have been submitted to ADD
 - 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
 - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
 - 3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

I. Prior to Start of Construction

- A. Verification of Records Search
 - 1. The PI shall provide verification to MMC that a site specific records search (0.25-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 0.25-mile radius.
- B. PI Shall Attend Pre-Construction Meetings
1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Pre-Construction 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 Pre-Construction Meeting 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 Pre-Construction Meeting, the Applicant shall schedule a focused Pre-Construction Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
 2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
 3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information, such as review of final construction documents that indicate site conditions such as depth of excavation and/or site graded to bedrock, which may reduce or increase the potential for resources to be present.

II. During Construction

- A. Monitor(s) 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 that 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 Sections 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 CSVrs 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, the PI and Native American consultant/monitor shall follow protocol in this section.
 - 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) that has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

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

B. Isolate Discovery Site

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

C. If Human Remains are determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources, and Health and Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative for the treatment or disposition with proper dignity of the human remains and associated grave goods.
5. Disposition of Native American human remains will be determined between the MLD and the PI and if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; or
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC
 - (2) Record an open space or conservation easement on the site
 - (3) Record a document with the County
 - d. Upon the discovery of multiple Native American human remains during a ground-disturbing land development activity, the landowner may agree that additional

conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5(c).

- 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.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract, the following will occur:
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the pre-construction meeting.
 - 2. The following procedures shall be followed:
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8 a.m. of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III, During Construction, and IV, Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III, During Construction, and IV, Discovery of Human Remains, shall be followed.
 - d. The PI shall immediately contact MMC, or by 8 a.m. 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 previously shall apply, as appropriate.

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) that describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
 4. MMC shall provide written verification to the PI of the approved report.
 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Artifacts
1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.
 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
 3. The cost for curation is the responsibility of the property owner.
- C. Curation of artifacts: Accession Agreement and Acceptance Verification
1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
 3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV(5), Discovery of Human Remains.
- D. Final Monitoring Report(s)

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

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.

VI. PUBLIC REVIEW DISTRIBUTION:

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

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

CITY OF SAN DIEGO

Councilmember Joe LaCava, Councilmember District 1

Development Project Manager: Sammi Ma

EAS – Jeff Szymanski

LDR Planning – Sarah Hatinen

LDR Engineering – Khan Huynh

LDR Geology- Patrick Thomas

LDR-Landscaping- Daniel Neri

MMC – Sam Johnson

Facilities Financing (93B)

Water Review (86A)

Central Library MS 17 (81a)

La Jolla/Riford Branch Library (81L)

OTHER ORGANIZATIONS AND INTERESTED PARTIES

Historical Resources Board (87)

La Jolla Village News (271)

La Jolla Town Council (273)

La Jolla Community Planning Association (275)

Carmen Lucas (206)

South Coastal Information Center (210)

San Diego Archaeological Center (212)

San Diego Natural History Museum (213)

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)

Native American Heritage Commission (222)

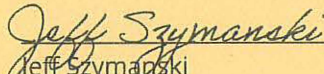
Kumeyaay Cultural Heritage Preservation (223)

Kumeyaay Cultural Repatriation Committee (225)
Native American Distribution – Public Notice Map Only (225A-S)
Deborah Rosenthal

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 Entitlements Division for review, or for purchase at the cost of reproduction.



Jeff Szymanski
Senior Planner
Development Services Department

July 27, 2021
Date of Draft Report

September 7, 2023
Date of Final Report

Analyst: Jeff Szymanski

Attachments: Initial Study Checklist
Figure 1 –Location Map
Figure 2- Site Plan

FITZGERALD YAP KREDITOR LLP

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August 16, 2021

VIA EMAIL & U.S. MAIL

Mr. Jeffrey Szymanski
City of San Diego Development Services Center
1222 First Avenue, MS 501
San Diego, CA 92101
DSDEAS@sanidiego.gov

Re: *Comments on Project No. 589178 (CDP/SDP-PTS for Lookout Lot 2)*

Dear Mr. Szymanski:

This letter is submitted on behalf of our client, the La Jolla Hills Committee ("Committee"), an unincorporated group of residents concerned about overdevelopment on Lookout Drive, including the proposal for development of Lot 2. These comments are submitted on the Draft Mitigated Negative Declarations ("MNDs") for the above-referenced project ("Lot 2 Project").

A-1

1. This letter incorporates by reference the letter submitted by Evelyn Heidelberg, Esq. on August 12, 2021 with respect to Lookout Lot 5. All of Ms. Heidelberg's comments also apply to the proposed development of Lookout Lot 2. Specifically, Lot 2 is illegally undersized for its zone, the proposed development is oversized for the neighborhood and disallowed under the La Jolla Community Plan and La Jolla Shores Planned District Ordinance, the proposed homes lack adequate setbacks, and their design intrudes into the privacy of neighboring homeowners, vehicular access to Lookout Drive is inadequate, and drainage is not adequately addressed. Finally, the Lot 2 design fails to respect the historic character of adjoining Lots 4 and 1.

A-2

2. This letter incorporates by reference all of the Committee's previous correspondence on development of Lots 2 and 5, including submittals prior to 2020. Our understanding is that the developer of Lots 2 and 5 transferred ownership of Lot 4 to a related party and deleted its pending development from the project, so Lots 2 and 5 would not be contiguous. The proposed developments have not changed significantly, and the cumulative and historical environmental impacts remain the same, but the project

FITZGERALD YAP KREDITOR, Email sent on August 16, 2021

A-1 Comment noted and the City acknowledges that the MND comment letter incorporates the August 12, 2021 Evelyn Heidelberg letter. The Evelyn Heidelberg letter is included as Letter C and responses C-1 to C-7 are provided herein.

Lookout 2 lot size complies with the City of San Diego's Municipal Code and the La Jolla Community Plan (LJCP) and La Jolla Shores Planned District Ordinance (LJSPDO). Lot 2 is a legal lot and complies with the zoning. The subject lot is not being altered or changed in this proposal. The current lot layout was created via a Lot Line Adjustment that was approved and recorded with Parcel Map 17817 in 1997.

Furthermore, the proposed single-family residence and associated improvements are consistent with building code envelope regulations which include setbacks and vehicular access.

Drainage was addressed in Section X of the Initial Study and impacts were found to be less than significant. The project would comply with all storm water quality standards during and after construction, and appropriate BMPs will be utilized and provided. During grading, the project would implement on-site BMPs, therefore ensuring that substantial erosion or siltation on- or off-site would not occur. The project was determined to be in compliance with the City's Stormwater Management and Discharge Control Ordinance (Municipal Code Chapter 4, Article 3, Division 3), Storm Water Runoff and Drainage Regulations (LDC Section 142.02 et al.), and other applicable storm water quality standards during and after construction. This comment does not provide any specific evidence related to the drainage concerns, so a specific response cannot be provided. As mentioned in Section V, Cultural Resources of the Initial study a record search of the California Historic Resources Information System (CHRIS) digital database was reviewed by qualified archaeological City staff to determine presence or absence of potential resources within the project site. The CHRIS search did not identify any historical resources within or directly adjacent to the site. In addition, a Cultural Resource Survey (Smith, September 2017) was conducted for the project and no historical resources were identified in or directly adjacent to the project site.

Lookout Lots 2 and 5 are not designated on any historic register and were not found to be historically significant by the City's Historical Resources Board or State Historical Resources Commission. Historical resources staff reviewed the proposed work on Lookout Lot 2 and did not find it to have a significant impact on the historic integrity of designated parcels 1 and 4.

If a historical resource is not significant, both the resource and the effect on it does not need to be considered further in the CEQA process (City of San Diego 2022). The MND concluded that the project would have no impact on historical resources. As the comment provided does not provide specifics as to how the project is not respecting the historic character of adjoining area, a more detailed response addressing this comment cannot be provided.

A-2 description has been illegally split. This ploy was intended to prevent the City from considering the cumulative impacts of the previously proposed 3-lot development adjacent to and incorporating the historic Cottrell House and landscaping. At the present time, the developer has proceeded with separate applications for Lots 2 and 5, while applying for concurrent ministerial approval of development of the intervening Lot 4. CEQA clearly gives the City authority to consider the allegedly ministerial permits on Lot 4 as part of the discretionary approval of development on Lots 2 and 5. The Committee challenges the City's failure to consider all three pending development applications as part of a single project for the purposes of CEQA, as well as its willingness to review development of Lots 2 and 5 as separate projects under CEQA. In effect, the City is authorizing and cooperating in "project-splitting" to prevent the public from obtaining a full understanding of the proposed changes to a designated historic resource in a highly sensitive community.

A-3 3. This letter incorporates by reference the letter submitted by the Committee to Ms. Suzanne Segur on August 16, 2021 concerning the City's failure to apply the City's historic review guidelines to the recent building permit issued for a pool house and carport on Lot 4. The Lot 4 development should have been considered in conjunction with neighborhood impacts resulting from development of over-sized houses on the grossly under-sized acreage of Lots 2 and 5.

A-4 4. The developer of Lots 2, 4, and 5 has attempted to maximize the size of proposed development without considering its incompatibility with the surrounding neighborhood and disallowance under the La Jolla Shores Planned District Ordinance. Both the La Jolla Shores Planned District Ordinance Advisory Board and the La Jolla Community Planning Association have determined that this and similar previous proposals are incompatible with the La Jolla Community Plan Residential Land Use Element, Land Development Code Zoning density requirements and La Jolla Shores Planned District Ordinance bulk, scale, and setback provisions. The MND conclusion that the Lot 2 Project does not conflict with local plans, policies or regulations is not supported by the administrative record or facts on the ground. Design alternatives to eliminate, minimize or mitigate neighborhood incompatibility have not been provided or analyzed in violation of CEQA and City regulations.

A-5 5. For all of the reasons set forth in the incorporated letters, the MND is defective and inadequate to inform the City's decision-makers or the public of the significant adverse impacts of the proposed development of Lot 2.

A-2 This comment indicated that all of the Committee's previous correspondence on developments of Lots 2 and 5 are incorporated by reference.

As indicated in Response A-1, the proposal does not include any mapping actions; the subject lot is existing and was approved and legally recorded through Parcel map 17817 in 1997. Refer to Response A-1 for more information.

The development of the baseline for CEQA review is two separate lots and two separate projects. There is independent utility between the proposed projects referenced in this comment. Each project has been submitted independently and the whole of the Lot 2 project has been addressed within the MND. There is no prerequisite that development of this project must be completed in order for the other project to proceed, or vice versa. The development of this project is also not a consequence or result of the other project. Thus, the review of these two projects separately does not constitute project-splitting.

Further, the MND addresses cumulative impacts in Section XXI(b). As detailed in that section, a cumulative impact to cultural resources and tribal cultural resources is identified along with mitigation to reduce the potential project impact to below a level of significance. This comment does not identify a specific cumulative impact of concern, therefore no additional specific response can be provided.

A-3 The City acknowledges that the MND comment letter incorporates a letter directed to City Plan Historic staff Suzanne Segur on August 16, 2021. This letter focuses on historic questions on a residence on Lot 4, Lot 4 is not part of the Look Out Lot 2 property. This comment does not raise an environmental issue with the proposed project or the adequacy of this environmental document. No further response is necessary.

A-4 Refer to Response A-1. As discussed in Section I of the Initial Study the proposed single-family residence and associated Improvements are consistent with building envelope regulations which include setbacks and vehicular access. Additionally, in accordance with the City's CEQA Significance Determination Thresholds, Visual Quality/Neighborhood Character impacts may result from projects whose bulk, scale, materials, or style are incompatible with surrounding development, or would substantially alter the existing or planned character of the area. The project would have to exceed the allowable height or bulk regulations and the height or bulk of the existing patterns of development in the vicinity of the project by a substantial margin; have an architectural style or use building materials in stark contrast to adjacent development where the adjacent development follows a single or common architectural theme (e.g., Gaslamp Quarter, Old Town); result in the physical loss, isolation or degradation of a community identification symbol or landmark (e.g., a stand of trees, coastal bluff, historical landmark) which is identified in the General Plan, applicable community plan or local coastal program; be located in a highly visible area (e.g., on a canyon edge, hilltop or adjacent to an interstate highway) and would strongly contrast with the surrounding development or natural topography through excessive height, bulk signage or architectural projections; and/or the project would have a cumulative effect by opening up a new area for development or changing the overall character of the area.

Existing development in the neighborhood does not have a unifying theme of architecture. The new development would be constructed to comply with all height and bulk regulations and is consistent with Visual Resource recommendations outlined in the LCP and LSPDO. The structure height is consistent with building envelope regulations which preserve public views through the height, setback, landscaping, and fence transparency parameters of the Land Development Code that limit the building

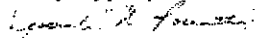
Mr. Jeffrey Szymanski
August 16, 2021
Page 3

FITZGERALD YAP KREDITOR LLP

A-5

Please feel free to communicate with the undersigned about the impacts of the proposed Lot 2 Project. The City and developer have failed to reach out to the neighborhood to mitigate impacts from cramming two oversized structures within absolutely minimal setbacks on substandard lots fronting on Lookout Drive. The Committee urges the City to consider the cumulative impacts of the proposed Lot 2 and 5 homes, with the Lot 4 pool house and carport, and to require a full environmental impact report for the entire project.

Very truly yours,



Deborah M. Rosenthal, FAICP

Enclosures: 8/12/2021 Heidelberg Letter
8/16/2021 Segur Letter

cc: Evelyn Heidelberg, Esq.
Ms. Suzanne Segur, Principal Planner
La Jolla Hills Committee

profile and maximize view opportunities. The project would not result in the physical loss, isolation or degradation of a community identification symbol or landmark identified in the General Plan, applicable community plan, or local coastal program since no such symbol is identified within the General Plan or LCP.

A-5 This comment provides a concluding remark and states the MND is defective and inadequate. As indicated in Responses A-1 to A-4, the MND adequately addresses the project impacts in accordance with the City's Significance Determination Thresholds (City of San Diego 2022) and CEQA. As indicated above in Response A-2, cumulative impacts of the project were considered within the MND. No significant impact, either individually or cumulatively, has been identified that would warrant the preparation of an Environmental Impact Report pursuant to CEQA Guidelines Section 15063(b).

FITZGERALD-YAP-KREDITOR LLP

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August 16, 2021

VIA EMAIL & U.S. MAIL

Ms. Suzanne Segur, Senior Planner
Historic Resources Section
Development Services Department
City of San Diego
1222 First Avenue
San Diego, CA 92101

Re: Designation of George F. and Marian H. Cottrell, Cliff May House (Lookout Lots 1 and 4) as Historical Resources, 7727-7729 Lookout Drive, La Jolla (APN 352-012-16 and APN 352-012-19)

Dear Ms. Segur:

This letter is written on behalf of the La Jolla Hills Committee, representing residents on Lookout Drive in La Jolla. The home on Lookout Drive Lot 1 (7727 Lookout Drive) was designed and constructed by Cliff May, a San Diego architect who gained international prominence in the Post-WW II period for his development of the contemporary ranch house. Lot 1 contains the main house and a lengthy landscaped driveway that functioned as an important part of the original design. Lookout Drive Lot 4 was also owned by the Cottrell family as part of a larger landscaped estate. It allowed the original home to take advantage of significant coastal views from carefully placed picture windows that factored significantly into the home's location and design. The Committee's understanding is that Lots 1 and 4 remain in common ownership but have been transferred to a new owner since the last development submittal. Although we have not been provided with a copy of the legal document, we understand they have been linked through a recorded lot tie that permits construction on Lot 4 to serve the primary home on Lot 1.

The Cottrell/Cliff May house, associated driveway, and related open space are all designated as historical resources for the purposes of design review. Lots 1 and 4 were formally listed on the California Register of Historical Places in 2014 due to the significance of the

FITZGERALD YAP KREDITOR, Email sent on August 16, 2021- 2 of 2

B-1 The majority of this comment focuses on historic issues related to the Lot 4 property. Lot 4 is not a part of the proposed Look Out Lot 2 project. The comments regarding the Lot 4 project and Historical Resources Board review do not raise an environmental issue with the proposed project or the adequacy of this environmental document. As indicated in Response A-1 Lookout Lots 2 and 5 are not designated on any historic register and were not found to be historically significant by the City's Historical Resources Board or State Historical Resources Commission. Historical resources staff reviewed the proposed work on Lookout Lot 2 and did not find it to have a significant impact on the historic integrity of designated parcels 1 and 4.

The comment in regard to a potential future lot line adjustment is speculative and are not addressed further herein. No further response is necessary.

As discussed in Response A-1, the historical impacts of the proposed Lookout Lot 2 project are addressed in the MND and determined not to be potentially significant.

B-1

architecture and related landscaping. Lot 4 was designated as a local historical resource by the Historical Resources Board in 2015 due to its association with the Cliff May house. Both of these designations require the City to exercise special care in approving development proposals and to comply with all applicable historical preservation requirements.

The Committee understands the City has recently approved development of a pool complex, including new aboveground poolhouse and carport structures, on Lot 4. Future proposals to adjust lot lines between Lookout Lots 1 and 2 have been discussed, including plans that entirely block the existing Lot 1 access or eliminate its existing connection to Lookout Drive. The Committee believes there may be some misunderstanding about the status of the Lookout designations and the need for review by the Historical Resources Board Design Assistance Sub-Committee before the pool complex can be constructed or driveway landscaping can be altered.

After the City Historical Resources Board approved designation of Lots 1 and 4 as an Historical Resource, the former owner filed an appeal within the time set forth in San Diego Municipal Code Sec. 123.0203; but he never pursued a hearing. Under the Municipal Code, the City was required to hear the appeal as soon as practicable, but the City Clerk never set the matter for hearing. Neither the original nor the new owner, who purchased the home within the past few years, ever requested a hearing during the intervening seven years. Under general administrative law and the City Code, it is therefore clear the appeal was abandoned. As a result, Municipal Code Section 123.0204 confirms the final decision of the Historical Resources Board. City Staff is obligated to treat both Lots 1 and 4 as designated under City regulations, given the owner's *legal* abandonment of the appeal.

As the City is aware, appeal ordinances are strictly construed to ensure that property owners and the public are fully informed of applicable rules. In this case, Lots 1 and 4 were designated as historical resources more than seven years ago. The State designation of Lots 1 and 4 was not challenged, and appeal of Lot 4's local designation was never pursued. The owner and City both had an obligation to pursue the local appeal as soon as practicable under the Municipal Code. Because neither the original owner nor the City acted on the appeal, it must be deemed abandoned for all legal purposes.

The Committee understands the City may have approved a building permit for the pool complex on Lot 4 without considering impacts to a designated historical resource. The City is entitled to reconsider any permit issued without authority under a mistake of law or a misunderstanding of Lot 4's historical designation. The proper procedure is for the City to bring the proposed pool complex to the City Historical Board Design Review Assistance Sub-Committee for review as soon as possible. The fact that the current owner proceeded under a misapprehension of law does not affect the City's obligation to review all proposed development on Lots 1 or 4 in accordance with local regulations.

FITZGERALD YAP KREDITOR, Email sent on August 16, 2021- 2 of 2

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As discussed in Response A-1, the historical impacts of the proposed Lookout Lot 2 project are addressed in the MND and determined not to be potentially significant.

B-1

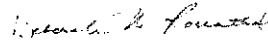
FITZGERALD-YAP-KREDITOR LLP

While the Committee believes the City and owner should have been aware of the importance of the original Cliff May design, it recognizes the need for new development to accommodate current lifestyle demands. *The critical issue is that all new development on these sensitive sites must be compatible with the historical character of the property.* The Committee does not know whether the proposed pool complex satisfies this requirement because it was never submitted for public review.

The Committee also wants to ensure that the original access across Lot 1 to the Cliff May house is protected. As the City is aware, Lot 2 is seriously undersized with extremely restricted frontage on Lookout Drive. The proposed design for Lot 2 shows doors opening onto cramped side setbacks, with virtually no landscaping. The Committee is concerned that owners of Lots 1 and 2 will apply for a lot line adjustment that gives Lot 2 additional side yard but eliminates the original landscaped driveway to the main house on Lot 1. Alteration of the original driveway, with its lush landscaping, would adversely impact the historic character of Lot 1. Cliff May designed the Cottrell House with both a lengthy landscaped driveway on Lot 1 and a natural viewshed on Lot 4 – both elements essential to the post World War II “ranch style” that he pioneered and the character defining features of the designation.

In conclusion, the City has failed to comply with the recordation requirements of the Municipal Code and must record notice of the historic designation as soon as possible in compliance with applicable law. The Committee further requests that construction plans for Lot 4 be submitted to the Historical Resources Board Design Review Assistance Committee as soon as possible, before the landowner proceeds any further with potentially incompatible development. Thank you for your cooperation.

Very truly yours,



Deborah M. Rosenthal, FAICP

cc: Anna McPherson, Deputy Director, Development Services
David McCullough, Chair, Historical Resources Board
Diane Kane, La Jolla Community Planning Association
Andy Patsch, La Jolla Shores Permit Review Committee
Heath Fox, La Jolla Historical Society

FITZGERALD YAP KREDITOR, Email sent on August 16, 2021- 2 of 2

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The comment in regard to a potential future lot line adjustment is speculative and are not addressed further herein. No further response is necessary.

As discussed in Response A-1, the historical impacts of the proposed Lookout Lot 2 project are addressed in the MND and determined not to be potentially significant.

B-1

Letter C

HEIDELBERG LAW OFFICE
7875 HIGHLAND VILLAGE PLACE, SUITE B102
SAN DIEGO, CALIFORNIA 92129
858-357-3476

WRITER'S E-MAIL ADDRESS
aveivn@heidelberglawoffice.com

August 12, 2021

VIA EMAIL (DSDEAS@SanDiego.gov)

Mr. Morgan Dresser
Development Services Department
City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92101

Re: LOOKOUT LOT 5 CDP/SDP - PTS 482904

Dear Mr. Dresser:

By this letter on behalf of my client, Susie McKean who resides at 7809 Lookout Drive (which abuts Lookout Lot 5 to the northwest), we hereby submit comments on the Draft Mitigated Negative Declaration ("MND") for the referenced proposed project (the "Project")

The MND is deficient in failing to identify the significant Land Use and Planning Impacts of the Project. Specifically, the MND erroneously concludes, in Section XI, Land Use and Planning Impacts as follows: "The project is compatible with the surrounding development and permitted by the General Plan, community plan land use and zoning designations. The project would not substantially change the nature of the surrounding area ..." (MND, at 33). "The project is consistent with the underlying zone and land use designation. The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, community plan, or zoning ordinance) ..." (MND, at 34).

In fact, as presented below, the Project is not permitted by the General Plan, and is inconsistent in several respects with the La Jolla Community Plan ("LCP") and multiple provisions of the La Jolla Shores Planned District Ordinance ("LSPDO"), which is the applicable zoning ordinance. As such, the Project, if approved, would have potentially significant land use and planning impacts. Accordingly, the MND is deficient as a matter of law and under CEQA an Environmental Impact Report is required to be prepared.

HEIDELBERG LAW OFFICE, Email sent on August 12, 2021

C-1 This comment is a summary of the issues raised by Heidelberg Law Office. The letter offers their specific concerns in the following comments.

C-1

1. The Project is Inconsistent with the Density Designation Under the General Plan

As correctly set forth on page 14 of the MND, the General Plan designation for the site of the Project is "Very Low Density Residential (0-5 dwelling units per acre)". The Project, however, has a density far in excess of the high end of that range, at 8.6 dwelling units per acre. The MND identifies the project site as being 0.12 acre. (MND, at p. 14.) Actually, the applicant has identified the project site, Lot 5, as being 5,045 square feet, which is 0.116 acre. The proposed development of Lot 5, at one unit per 0.116 acre, is 8.63 units per acre, or fully 72.6 percent higher than the maximum of 5 units per acre allowed under the General Plan's Very Low Density Residential designation. (Even rounding the lot size up to 0.12, as in the MND, the inconsistency of the Project's density is striking: 8.33 units per acre, or 66.7 percent higher than the maximum permitted under the General Plan's density designation for the property.) There is no substantial evidence whatsoever to support the MND's conclusion that the Project is consistent with the General Plan. The Project's exceedance of the General Plan's maximum density must be found to be significant under CEQA.

2. The Project is Inconsistent with the Provisions of the LISPDO Regulating Density of Developed Lots

The LISPDO regulates dwelling unit density in single-family zones as follows: "[N]o lot or parcel shall be developed or occupied by more dwelling units than the average dwelling unit density (units per acre) of the developed SF zone within 300 feet of the subject lot or parcel." SDMC § 1510.0304(a).

Considering the developed parcels within 300 feet of Lookout Lot 5 as shown on the applicant's table and map submitted to the La Jolla Shores Planned District Advisory Board for its March 17, 2021 meeting (Exh. A hereto), it is apparent that the proposed development of Lot 5 is inconsistent with SDMC section 1510.0304(a). As set forth on Exhibit B in footnote 1, the applicant's table and map displaying floor area and lot sizes for nearby properties skewed the results by including the proposed development of Lookout Lot 5 and the accompanying Lookout Lot 2, as well as excluding the development at 7716 Lookout Drive (which is depicted on the applicant's survey map as "13" but which is excluded from the applicant's table used to display characteristics of parcels. The proposed development of Lookout Lots 2 and 5 have high floor area ratios (see Exh. A; 0.65 and 0.62, respectively) relative to the neighborhood (average of 0.27 (Exh. B), and the development at the 7716 Lookout Drive, which was excluded from the applicant's table and hence from the calculations of floor area ratio, has a very low floor area ratio (0.20).

Exhibit B (the applicant's survey, corrected for the errors noted in the preceding paragraphs) includes 41 developed parcels occupying a total of 485,980 square feet, or 10.92 acres. Dividing 41 units by 11.16 acres gives the average of 3.76 units per acre for developed parcels within 300 feet of the proposed project. (See Exh. B.) In contrast, and as noted in section 1 above, Lot 5 occupies 5,045 square feet, or 0.116 acre. The proposed development of Lot 5, at

C-2 Per SDMC 113.0237(b), any lot may be developed in accordance with the Base Zone if the lot is a legal lot. The proposal does not include any mapping actions; the subject lot is existing and was approved and legally recorded through Parcel map 17817 in 1997 and is legal to develop a dwelling unit.

C-3 Per SDMC 113.0237(b), any lot may be developed in accordance with the Base Zone if the lot is a legal lot. The proposal does not include any mapping actions; the subject lot is existing and was approved and legally recorded through Parcel map 17817 in 1997 and is legal to develop a dwelling unit in accordance with the Base Zone regulations.

C-3

one unit divided by 0.116 is 8.6 units per acre, or more than twice the maximum residential density permitted under the General Plan Designation and the LCP.

C-4

Mr. Glenn Gargas, the Project Manager for Lookout Lot 5 when it was considered by the City in 2018, asserted at the time that SDMC section 1510.0304(a) does not apply to this project, and that it would apply only "if this project were proposing to create one or more new lots." The creation of one or more new lots occurs as a result of a "subdivision" as defined in Section 113.0103 of the SDMC, which provides that *subdivision* has the same meaning as stated in the *Subdivision Map Act*, Section 66424. The *Subdivision Map Act* defines "subdivision" as "the division ... of any unit or units of improved or unimproved land ... for the purpose of sale, lease, or financing, whether immediate or future." Gov't Code § 66424. Mr. Gargas was in effect opining, without any supporting rationale, that the terms "developed or occupied" means "subdivided." The City Council, when it adopted the LSPDO in March 2007 after review by *inter alia* the City Attorney, certainly could have used the SDMC's defined term "*subdivision*" when it enacted Section 1510.0304's prohibition on development of a dwelling unit on a lot with more dwelling units than the average units per acre of the developed single-family zone within 300 feet of the lot. But, it did not do so. Instead, it used the more general, broader terms "developed or occupied."¹ Thus, there is no support for Mr. Gargas' interpretation of SDMC 1510.0304's prohibition as limited to subdividing a lot.

Indeed, the Development Services Department, through its then Assistant Deputy Director (and later Deputy Director until his recent retirement) Gregory P. Hopkins expressly conceded that Section 1510.0304 applies in the current context. Specifically, Mr. Hopkins stated, in a letter dated December 9, 2013, that "Future building development of any of the parcels within the Parcel Map [17187] areas are also required to comply with Sec. 1510.0304 of the La Jolla Shores PDO development requirements." See Ex. C, p. 2. Mr. Hopkins did not exclude subdivision (a) of Section 1510.0304 from his statement that "Future building development of any of the parcels within the Parcel Map [17187] are also required to comply with Sec. 1510.0304 ..."

For the above-stated reasons, the MND erred in concluding that "[t]he project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, community plan, or zoning ordinance) ..." (MND, at 34).

¹ It should be noted that had City Council intended the meaning that Mr. Gargas ascribes to Section 1510.0304(a), it could have used the SDMC-defined term "*development*" in that section, because "*development*" is defined to include "the act, process, or result of dividing a parcel of land into two or more parts ..." But, City Council did not use the SDMC-defined term "*development*" or any of its derivatives such as "*developed*" because the term "*developed*" in Section 1510.0304(a) is not italicized to signify that it is a term defined in SDMC section 113.0103. By using the undefined term "*developed*" in that provision, City Council will be assumed by the courts to have meant the term "*developed*" to include the process of placing or constructing a building on property.

3. The Frequently Used Means of Ascertaining a Project's Compliance with the LCP's Policies Regarding Bulk and Scale – Floor Area Ratio – Demonstrates that the Project Does Not Comply With Those LCP Policies

Although gross floor area and floor area ratio ("FAR") are not development standards under the LSPDO, both the LSPDO and the LCP contain regulatory and policy language regarding appropriate building and structure relationships, setbacks, character, and harmonious transitions between new and existing development. The Residential Element of the LCP provides as follows: "In order to maintain and enhance the existing neighborhood character and ambience, and to promote good design and visual harmony in the transitions between new and existing structures, preserve the following elements: Bulk and scale [] with regard to surrounding structures ..." LCP, at p. 76.

The only readily available measurement of bulk and scale is FAR, and based on that metric, the proposed development of Lot 5 is not consistent with the above-quoted policy in the LCP requiring preservation of bulk and scale in order to promote visual harmony in the transitions between new and existing structures. In its latest version of its neighborhood survey, dated August 28, 2018, the applicant, in an apparent effort to reduce the disparity between the average floor area ratio within 300 feet of Lookout Lot 5 and its proposed development for that parcel, included the figures for Lookout Lot 5 and Lookout Lot 2, as if they were existing development, and excluded development at 7716 Lookout Drive (with an FAR of 0.20) in an apparent attempt to skew the calculated FAR for the neighborhood higher than it actually is. Corrected for these errors, the neighborhood survey shows an average FAR of for the 41 developed parcels included in the applicant's partial neighborhood survey, the average FAR is 0.27 (see Exhibit B.)

By comparison, the applicant reports the FAR for Lookout Lot 5 as 0.52, excluding the basement floor area (consisting of 2,353 square feet).² Even accepting the applicant's exclusion of 2,353 square feet of basement from the claimed floor area of the house proposed for Lookout Lot 5³, the FAR of 0.52 is 92.6 percent higher than the FAR for the developed parcels within 300 feet. Even correcting for the applicant's miscalculation of the FAR for its proposed development of Lookout Lot 5 (0.50 rather than 0.52)⁴, the FAR for the proposed development of Lookout Lot 5 (at 0.50) is 85.2 percent higher than the FAR for developed property within 300 feet.

This analysis provides unequivocal support for the proposition that the proposed development for Lookout Lot 5 is not consistent with the above-quoted policies of the LCP

² Our calculation indicates that the applicant has slightly overstated the FAR for his proposed development of Lot 5: 2,547 square feet divided by 5,045 square feet yields 0.5045. See Exhs. A & B.

³ It should be noted that the applicant's floor area figures for Lookout Lot 5 takes advantage of exclusions from floor area per SDMC section 113.02, so that if the full floor area had been included, the FAR for Lookout Lot 5 would be 0.97. See Exh. B.

⁴ See n.2.

C-5

C-5 regarding bulk and scale. Accordingly, the MND is deficient and erroneous in concluding that the Project would not be inconsistent with any applicable community plan.

4. The Project's Setbacks Are Not in General Conformity with Those in the Vicinity, in Violation of SDMC § 1501.0304(b)(4)

The proposed project for Lookout Lot 5 is also inconsistent with the requirement for setbacks under the LSPDO. That requirement is that "[b]uilding and structure setbacks shall be in general conformity with those in the vicinity."

C-8 Here, the proposed structures on Lookout Lot 5 would be separated by a claimed distance of four feet, eight inches, barely exceeding the required minimum setback of four feet, from the rear property line of Lookout Lot 5, which abuts Ms. McKean's southern property line. It is apparent from reviewing the applicant's neighborhood survey that Ms. McKean's single-family residence was constructed in close proximity to its southern property line. (See Exhibit A (Ms. McKean's property is identified as Number 32 (with Lookout Lot 5 identified as Lot 33).) In fact, it is the master bedroom of Ms. McKean's home that is located closest to the southern property line abutting Lot 5.

The four-foot, eight-inch separation of the structure proposed on Lookout Lot 5 from Ms. McKean's side property line abutting her bedroom (depicted generally by Exh. D) is much smaller than the average setback from the side property line in the neighborhood survey prepared by the applicant. The applicant's latest neighborhood survey shows that the average side yard setbacks are six feet, seven inches to six feet, ten inches. It should be noted, however, that the applicant's calculated side yard setbacks improperly included the minimal setbacks of proposed development for Lookout Lots 2 and 5, and excluded the much larger side yard setback of the developed lot at 7716 Lookout Drive. See Exh. A. If the side yard setbacks for proposed Lookout Lots 2 and 5 were excluded from the applicant's calculation, as they should have been, and the side yard setbacks for the developed lot at 7716 Lookout Drive were included, as they should have been, the average side yard setbacks in the neighborhood survey would be considerably higher than six feet, seven inches, to six feet, ten inches. Even with the applicant's errors in calculating average side yard setbacks within 300 feet, which errors result in an understatement of actual average side yard setbacks in the neighborhood, the applicant's calculated average side yard setback is far above the four-foot, eight-inch setback from Ms. McKean's yard by almost two feet (23 inches), or 41 percent.

Accordingly, the proposed development of Lot 5 is not in general conformity with the building setbacks in the vicinity and thus violates SDMC section 1501.0304(b)(4). The MND is erroneous in concluding that the Project is not inconsistent with the applicable zoning ordinance.

C-6 Please see response A-1 and A-4. Per SDMC 1510.0304(b) buildings with openings (i.e., doors and/or windows) facing the side property line shall be constructed not closer than four feet from said property line. The proposal complies with this and is general conformity with the neighborhood.

C-7

For all of the above-stated reasons, the MND is incorrect in concluding as follows: "The project is compatible with the surrounding development and permitted by the General Plan, community plan land use and zoning designations. The project would not substantially change the nature of the surrounding area ..." (MND, at 33). "The project is consistent with the underlying zone and land use designation. The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, community plan, or zoning ordinance) ..." (MND, at 34). The Project as proposed is indeed inconsistent with the General Plan, La Jolla Community Plan, and the La Jolla Shores Planned District Ordinance and as such, if approved, would have a significant impact on the environment.

Sincerely,


Evelyn F. Heidelberg

EPH/pat
Exhibits A, B, C & D

cc: Ms. Susie McKean
Ms. Saromi Ma (via email [SMa@sanidiego.gov])

C-7 This is a concluding comment that summarizes the previously stated issues in the Heidelberg letter. The Heidelberg letter includes:

Exhibits A through D including excerpts from City's Municipal code were included in the Heidelberg letter but do not directly address the adequacy of the Mitigated Negative Declaration.

EXHIBIT A

EXHIBIT B

LOT SIZE AND FAR OF PARCELS IN VICINITY OF LOOKOUT LOT 5¹

No.	ADDRESS	APN	FLOOR AREA ²	LOT SIZE	FAR
1.	7711 Lookout Dr.	352-012-07	3,118	10,045	0.31
2.	7716 Lookout Dr.	352-010-08	2,825	13,839	0.20
3.	7717 Lookout Dr.	352-012-06	1,914	9,089	0.21
4.	7727 Lookout Dr.	352-012-16	3,092	18,077	0.17
5.	7728 Lookout Dr.	352-010-09	2,992	5,624	0.53
6.	7731 Lookout Dr.	352-012-18	3,313	5,097	0.65
7.	7732 Lookout Dr.	352-010-31	3,331	8,530	0.39
8.	7737 Lookout Dr.	352-012-03	3,161	8,773	0.36
9.	7741 Lookout Dr.	352-012-02	1,574	7,950	0.20
10.	7762 Lookout Dr.	346-610-13	5,545	33,977	0.16
11.	7772 Lookout Dr.	352-010-20	3,596	20,600	0.17
12.	7777 Lookout Dr.	352-012-01	2,825	8,438	0.33
13.	7780 Lookout Dr.	352-010-21	3,269	12,663	0.26
14.	7794 Lookout Dr.	352-010-14	2,572	14,867	0.17
15.	7796 Lookout Dr.	352-010-15	3,456	13,338	0.26
16.	7801 Lookout Dr.	352-012-11	3,955	5,702	0.69
17.	7809 Lookout Dr.	352-012-10	2,064	6,168	0.33
18.	7810 Lookout Dr.	352-013-03	3,783	12,750	0.30
19.	7816 Lookout Dr.	352-013-04	1,711	14,440	0.12
20.	7819 Lookout Dr.		3,056	6,819	0.44
21.	7820 Lookout Dr.	352-013-05	8,374	14,492	0.58
22.	7847 Lookout Dr.	352-012-08	2,261	3,764	0.60
23.	7868 Lookout Dr.	352-013-06	3,646	17,502	0.21
24.	7872 Lookout Dr.	352-013-07	3,790	24,394	0.16
25.	7878 Lookout Dr.	352-013-08	3,518	26,136	0.13
26.	7887 Lookout Dr.	352-062-01	2,349	9,744	0.24
27.	1925 Soledad Ave.	352-051-04	5,317	9,788	0.54
28.	1940 Soledad Ave.	352-010-07	1,874	9,901	0.19
29.	2005 Soledad Ave.	352-051-05	2,636	9,749	0.27
30.	2019 Soledad Ave.	352-051-06	3,436	9,749	0.35
31.	2020 Soledad Ave.	352-012-28	2,072	8,263	0.25
32.	2028 Soledad Ave.	352-062-05	2,547	7,083	0.36
33.	2038 Soledad Ave.	352-062-04	4,144	8,696	0.48
34.	7705 Hillside Dr.	352-010-06	2,186	8,281	0.26

¹ All information for Nos. 1 through taken from applicant's partial Neighborhood Survey, submitted to La Jolla Shores Planned District Advisory Board for its March 17, 2021, meeting, except that that survey omitted from the table labeled "Attachment 5: Lookout Lot 5" in the upper right-hand corner, but labeled in the bottom legend for the map "Lookout Lot 2" entry #2 above, for 7716 Lookout Drive (which is identified on the applicant's map as "Map # 13." This table omits the entries the applicant had included for its proposed Lookout Lot 2 and Lookout Lot 5 development, as these are not existing developed parcels or even approved developments.

² Figures are floor area without garage space.

LOT SIZE AND FAR OF PARCELS IN VICINITY OF LOOKOUT LOT 5'

No.	ADDRESS	APN	FLOOR AREA ²	LOT SIZE	FAR
35.	7711 Hillside Dr.	352-010-05	2,160	9,601	0.22
36.	7719 Hillside Dr.	352-010-03	2,380	10,202	0.23
37.	7721 Hillside Dr.	352-010-04	4,198	9,601	0.44
38.	7734 Hillside Dr.	350-280-06	4,164	8,451	0.49
39.	7740 Hillside Dr.	350-280-05	3,028	21,092	0.14
40.	7801 Hillside Dr.	352-010-16	4,583	15,359	0.30
41.	7811 Hillside Dr.	350-162-08	2,248	7,396	0.30
	TOTAL/AVERAGE		132,063	485,980	0.27

PROPOSED DEVELOPMENT FOR LOOKOUT LOT 5

	FLOOR AREA	LOT SIZE	FAR
LOT 5 (per applicant)	2,547	5,045	0.50
LOT 5 (per City)	4,900	5,045	0.97

EXHIBIT C



THE CITY OF SAN DIEGO

Frederick C. Kellogg
7728 Lookout Drive
La Jolla, CA 92037

December 9, 2013

Dear Mr. Kellogg

This letter is in response to the letter you sent to Mr. Tom Tomlinson, Interim Director of Development Services dated October 28, 2013 and from Ms. Diane Kane dated October 18, 2013; also addressed to Mr. Tomlinson.

In the abovementioned letters, it was requested that our office review whether a lot or parcel development must be consistent with surrounding neighborhood development; specifically section 1510.0304 of the La Jolla Shores PDO as it pertains to Parcel Map 17817. You also included Ms. Diane Kane's letter requesting the review of two Records of Survey and one Parcel Map to determine, in general, if there was an inappropriate subdivision of land. My analysis of the facts regarding the former, as presented below, reveals that there was no inappropriate division of land.

To begin with, I felt it important to lay out the chronology and legal rationale for the way the current configuration of the lots came into existence. The original underlying lots were created by virtue of the La Jolla Hills Subdivision, Map 1479. Sometime in early 1996 there was an application submitted to the City in order to make a determination of legal lot status and to obtain a Certificate of Compliance (COC) for a portion of Lot 36 of Map 1479.

The City reviewed and approved this COC on August 15, 1996, as Document No. 1996-0416822 because the owner was able to show the City a recorded deed dated prior to March 4, 1972 that described this portion of Lot 36; which date is codified in the SMA. The deed as presented, legally subdivided (or split) Lot 36 by virtue of that instrument (see SMA §66412.6). After approval of the COC, an application was made for a Lot Line Adjustment Parcel Map (LLA). The LLA (PM 17817) that ultimately recorded on January 23, 1997 adjusted the lines using this legally created deed parcel and four other lots created previously by Map No. 1479 (Lots 34, 35, 41 and 42).

The SMA during this time period (1997) allowed for the adjustment of *two or more* parcels, so the applicant for this particular project was able to adjust any number of lots; in this case five (5). This particular section of the SMA (§66412(d)) changed on January 1, 2001 which amended the number of lots that could be adjusted. The number of lots that you can currently adjust stands at *four or fewer*.



Development Services

1222 First Avenue, MS 501 • San Diego, CA 92101-4155
Tel (619) 444-5460

To sum this issue up, the LLA that recorded in 1997 did not create any new lots but was for lot line adjustment purposes only. There were five legal parcels prior to the LLA and there were five legal parcels after the LLA, which resulted in no subdivision of land pursuant to the Subdivision Map Act (SMA). Additionally, the way the SMA currently reads (§§66412.6 and 66499.30(b)) you can no longer simply deed over a portion of your property to your neighbor or anyone else without coming to the City for approval as this is considered an illegal subdivision. In this particular case, the applicant came to the City for a LLA which was allowed under the provision of §66412(d) of the SMA and the Municipal Code and received the proper approval to adjust the lot lines as shown on Parcel Map 17817. This LLA was reviewed and approved by the requisite disciplines within the Development Services Department and ultimately signed and sealed by the Deputy City Engineer on January 23, 1997.

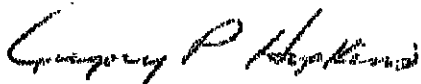
It should be noted that neither the COC nor the LLA would have required public notice or public hearings as they are categorized a Process One as defined in §112.0501, et seq. of the City of San Diego Municipal Code.

In your letter sent October 28, 2013, you also wanted to know whether Section 1510.0304 of the La Jolla Shores PDO applies to the development of the lots adjusted by virtue of the abovementioned LLA. I have met with our City Planners and their answer to this question is indicated below:

The size of the lot does not come into question for the processing of COC or a LLA because there was no subdivision of land involved. If a Subdivision Map was submitted for review and the lots are proposed to be reduced in size then Development Services would look to the zone to determine the minimum lot size for the zone. Future building development of any of the parcels within the Parcel Map areas are also required to comply with Sec. 1510.0304 of the La Jolla Shores PDO development requirements.

If you have any further questions, please feel free to contact me.

Respectfully,

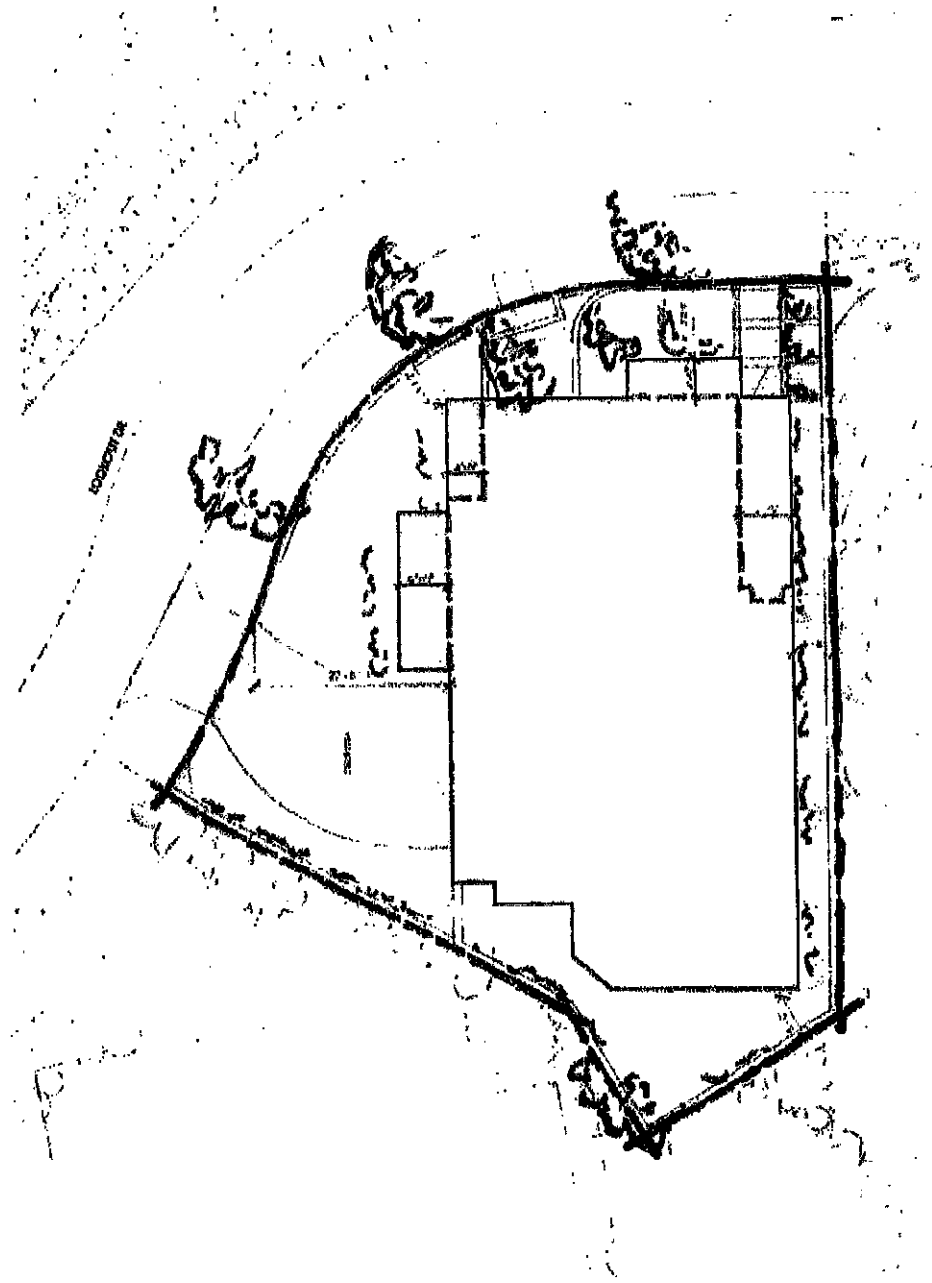


Gregory P. Hopkins, PLS
Assistant Deputy Director/City Land Surveyor
Development Services Department
(619) 446-5291
ghopkins@sandiego.gov

cc: Hon. Sherri Lightner, Council District 1
Bob Vacchi, Director Development Services
Sheri Carr
Ms. Diane Kane

EXHIBIT D

ATTACHMENT & LOOKOUT LOT 5



SITE PLAN
1/8" = 1'-0"
SCALE: US 11.5
ISLAND ARCHITECTS

LOOKOUT - LOT 5
Lookout Dr. to Jolla, CA 92037
DATE: 03/14/2011

Letter D



www.MertenArchitect.com

PHILIP A. MERTEN AIA ARCHITECT

1236 MUIRLANDS VISTA WAY LA JOLLA CALIFORNIA 92037 PHONE 858-459-4755 Phil@MertenArchitect.com

August 15, 2021

DSD Environmental Assessment Section

Transmitted Via E-Mail: DSDEAS@SanDiego.gov

Re: Comment Regarding the DRAFT Mitigated Negative Declaration
Lookout Lot 2 CDP/SDP
Project No. 589178

Ladies and Gentleman,

A conclusion of the DRAFT Mitigated Negative Declaration is patently incorrect.

The DRAFT Mitigated Negative Declaration includes an Initial Study Checklist. Checklist Section XI LAND USE AND PLANNING asks: Does the (project) conflict with any applicable land use plan, policy or regulation ...?

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?

D-1 Environmental Assessment Section's conclusion of 'No Impact' is patently incorrect, because the proposed dwelling on Lookout Lot 2 does conflict with the La Jolla Shores Planned District Ordinance.

1997 Lot Line Adjustment (LLA)

D-2 In 1997, and contrary to the requirements the La Jolla Shores Planned District Ordinance (LJSPDO), the applicant requested and the City Engineering Department adjusted the lot lines defining Lookout Lot 2 without the San Diego Municipal Code required Site Development Permit and Coastal Development Permit review and processing. (See attached City Attorney Memorandum MS 59 dated 3-8-2004.pdf) The LLA illegally reduced the size of Lookout Lot 2 to just 6,846 sf., which is substantially less than the average size (10,854 sf) of all 58 lots within 300 feet of the project site.

PHILIP A. MERTEN, August 15, 2021

D-1 Please see responses A-2 and A-4

D-2 Please see response A-1, at the time of project submittal both lots (Look Out Lot 2 PTS# 482904 and Look Out 5 Lot 5 PTS# 589178) were legally recorded and the baseline for CEQA review is two separate lots and two separate projects.

D-3 Per SDMC 113.0237(b), any lot may be developed in accordance with the Base Zone if the lot is a legal lot. The proposal does not include any mapping actions; the subject lot is existing and was approved and legally recorded through Parcel map 17817 in 1997 and is legal to develop a dwelling unit in accordance with the Base Zone regulations.

D-4 Please see response A-1

D-5 In light of the previously provided responses, City staff maintains that there are no conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.

La Jolla Shores Planned District Ordinance (LJSPDO)

The Single Family Zone Density Regulations of the LJSPDO state:

§1510.0304 Single Family Zone-Development Regulations

(a) Dwelling Unit Density Regulation

In the following Single Family Zone, designated on that certain map referenced in Section 1510.0102 unless specified otherwise, no lot or parcel shall be developed or occupied by more dwelling units than the average dwelling unit density (units per acre) of the developed SF Zone within 300 feet of the subject lot or parcel. In no event shall any area be included in the calculation of average dwelling unit density if such area lies on the opposite side of a density calculation boundary line indicated on the map referenced in Section 1510.0102. However, in no instance shall the density exceed one unit

The highlighted sentence from the LJSPDO says: "... no lot or parcel shall be developed or occupied by more dwelling units ..." pertains not only to the creation of lots or the subdivision of land; but "... or Occupied by more dwelling units" pertains to the occupancy by dwelling units on lots already created as relates to dwelling unit density (units per acre).

Because the applicant and the Engineering Department illegally reduced the size of size of Lookout Lot 2 to 6,846 sf, substantially less than the average size (10,854 sf) of all 56 lots within 300 feet of the project, the LJSPDO precludes Lookout Lot 5 from being occupied by any dwelling unit because the resultant dwelling unit density would be substantially greater than the average dwelling unit density (units per acre) of all lots within 300 feet of the subject lot or parcel.

The LJSPDO states that lots and uses that existed in 1974 at the time of the adoption of the LJSPDO were deemed to be in compliance with the PDO and allowed to continue. Though the original lot area was significantly smaller and did not conform in size with other lots within 300 feet or the dwelling unit density requirement of the LJSPDO, the 1974 lots are said to be 'legal non-conforming' size lots. The City of San Diego allows legal non-conforming lots and uses to continue provided the degree of non-conformity is not increased. Had the lot that existed in 1974 remained intact today, the lot could be occupied by a new individual dwelling unit.

PHILIP A. MERTEN, August 15, 2021

D-1 Please see responses A-2 and A-4

D-2 Please see response A-1, at the time of project submittal both lots (Look Out Lot 2 PTS# 482904 and Look Out 5 Lot 5 PTS# 589178) were legally recorded and the baseline for CEQA review is two separate lots and two separate projects.

D-3 Per SDMC 113.0237(b), any lot may be developed in accordance with the Base Zone if the lot is a legal lot. The proposal does not include any mapping actions; the subject lot is existing and was approved and legally recorded through Parcel map 17817 in 1997 and is legal to develop a dwelling unit in accordance with the Base Zone regulations.

D-4 Please see response A-1

D-5 In light of the previously provided responses, City staff maintains that there are no conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.

D-3

D-4

La Jolla Shores Planned District Ordinance (LJSPDO) continued

In 1997 the SDMC stated:

§ 102.0207 Lot Line Adjustments

A parcel map or other recordable document may be used for the purpose of adjusting lot lines between adjoining lots provided the adjustment does not result in an increase in the number of lots. All lots or parcels must meet the minimum requirements of the Planning and Zoning Regulations and Building Code in regard to lot frontage, depth and area, and also, all existing buildings must meet the minimum requirements for setbacks, lot coverage, parking, etc. The adjusted lot line(s) must be monumented in accordance with Sections 102.0204 and 102.0412 if applicable.

(Amended 1-27-88 by C-16585 N.S.)

The Lot Line Adjustments (LLA) that occurred in 1997, without benefit of a SDMC required Coastal Development Permit or Site Development Permit, resulted in Lot 2 being substantially smaller than the average size lots within 300 feet. Contrary to the Lot Line Adjustment regulation above, the resultant lot did not meet the minimum average lot size / dwelling unit density (units per acre) requirement of the LJSPDO / Planning and Zoning Regulations. (See attached 1997 SDMC Excerpts.pdf)

The 1997 LLA resulted in a substandard Lot 2, which according to the LJSPDO may not be occupied by a dwelling unit because the resultant dwelling unit density would be significantly greater than the average dwelling unit density (units per acre) of all lots within 300 feet of the subject lot or parcel.

Note: If the Lookout Lot 2 lot lines were to be adjusted back to what existed in 1974 when the LJSPDO was adopted and the original lot deemed again to be 'legal non-conforming lots', the lot might be allowed to be occupied by new individual dwelling units designed in conformance with the LJSPDO. If the internal lot lines are not adjusted back to what existed in 1974, no dwelling unit can be constructed on Lookout Lot 2

Conclusion

The proposed dwelling unit on Lookout Lot 2 is in direct conflict with LJSPDO Sec. 1510.0304 Single Family Zone Density Regulations. Therefore, EAS staff's Initial Study Checklist conclusion of 'No Impact' is patently incorrect.

PHILIP A. MERTEN, August 15, 2021

D-1 Please see responses A-2 and A-4

D-2 Please see response A-1, at the time of project submittal both lots (Look Out Lot 2 PTS# 482904 and Look Out 5 Lot 5 PTS# 589178) were legally recorded and the baseline for CEQA review is two separate lots and two separate projects.

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D-4 Please see response A-1

D-5 In light of the previously provided responses, City staff maintains that there are no conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.

DSD Environmental Assessment Section
August 15, 2021
Page 4

Thank you for your consideration of this critical issue. Please don't hesitate to contact me should you have questions.

Respectfully,



Philip A. Merten AIA

Attachments:

City Attorney Memorandum MS 59 dated 3-8-2004.pdf

1997 SDMC Excerpts.pdf

cc: Raynard Abalos, Deputy Director RAbalos@sanidiego.gov
Morgan Dresser, Envir. Analyst MDresser@sanidiego.gov
E. Shearer-Nguyen, Senior Planner EShearer-Nguyen@sanidiego.gov

PHILIP A. MERTEN, August 15, 2021

D-1 Please see responses A-2 and A-4

D-2 Please see response A-1, at the time of project submittal both lots (Look Out Lot 2 PTS# 482904 and Look Out 5 Lot 5 PTS# 589178) were legally recorded and the baseline for CEQA review is two separate lots and two separate projects.

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D-4 Please see response A-1

D-5 In light of the previously provided responses, City staff maintains that there are no conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.

INITIAL STUDY CHECKLIST

1. Project title/Project number: Lookout-Lot 2 / 589178
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: Jeffrey Szymanski / (619) 446-5324
4. Project location: 7729 Lookout Drive La Jolla, CA 92037
5. Project Applicant/Sponsor's name and address: lookout LLC., 8400 Miramar Road, Suite 270, San Diego, CA 92126
6. General/Community Plan designation: Residential
7. Zoning: Single Family (SF) Zone of the La Jolla Shores Planned District
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.):

Site Development Permit (SDP) and Coastal Development Permit (CDP) for the construction of a two-story single-family residence totaling 3,849 square feet. The project would also include a 507 square-foot garage and a 1,011 square-foot basement. The 0.12-acre site is located within the single family (SF) zone of the La Jolla Shores Planned District, Coastal (Non-appealable) overlay zone in the La Jolla Community Plan Area.

The project is located within a loop of Lookout Drive and is bordered by residential properties on all sides. The property is vacant with vegetation consisting of previously planted landscaping, including various species of shrubs, succulents, lawn as well as invasive nonnative vegetation.

In order to construct the residence, the site would excavate 100 cubic yards of soil to a depth of approximately 12 feet. An additional 400 cubic yards of soil would be imported to the site to finish and level the building pad. Best Management Practices (BMPs) would be implemented in order to reduce noise, dust and water impacts associated with the construction of the project.

Conceptual exterior facade treatments would consist of stucco finishes, both a flat and peaked clay tile roof, and wood shutters. The project would plant evergreen elms, yedda hawthorn and Bermuda grass that would be edged with decomposed granite stabilizer. The structure would not exceed the 30-foot zoning height limit and complies with all height and bulk regulations. The project site can accommodate all the necessary public utilities to serve the development.

9. Surrounding land uses and setting:

The project is surrounded by residential development.

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

None required

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

In accordance with the requirements of Assembly Bill (AB) 52, the City of San Diego sent notifications to three Native American Tribes traditionally and culturally affiliated with the project area. Notification letters were sent to the Lipay Nation of Santa Ysabel, San Pasqual Band of Mission Indians, and the Jamul Indian Village on July 6, 2021. Please see Section XVII of the Initial Study for more detail.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial evaluation:

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

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

I. AESTHETICS – Would the project:

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

Per the City of San Diego CEQA Significance Determination Thresholds projects that would block public views from designated open space areas, roads, or parks or significant visual landmarks and scenic vistas may result in a significant impact. City staff reviewed the proposed project for consistency with all applicable zoning regulations and land use plans including the La Jolla Community Plan (LJCP). The LJCP addresses the need to retain and enhance public views of the ocean from identified public vantage points. However, no public view corridors or public vantage points have been identified at the site and the project would not impact a scenic vista.

- b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

Please see I a), the project is situated within a developed residential neighborhood and is not located within or adjacent to a state scenic highway. There are no scenic resources at the project location and no impacts would not occur.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?

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

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

The project is compatible with the surrounding development and permitted by the community plan and zoning designation and would not degrade the existing visual character or quality of the site and its surroundings; therefore, impacts would not occur.

- d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

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

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

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

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

The project would comply with Municipal Code Section 142.0730 (Glare Regulations) that requires exterior materials utilized for proposed structures be limited to specific reflectivity ratings. No large surface areas of reflective building materials or finishes are proposed that could create glare effects on surrounding properties. Additional light or glare from the proposed project would be consistent with the other development in the area and would not substantially affect day or nighttime views. Both conditions above do not exist and impacts associated with light and glare would not occur.

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?

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

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

- b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?

The Williamson Act, also known as the California Land Conservation Act of 1965, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use; in return, landowners receive property tax assessments which are much lower than normal because they are based upon farming and open space uses as opposed to full market value. The Williamson Act is only applicable to parcels within an established agricultural preserve consisting of at least 20 acres of Prime Farmland, or at least 40 acres of land not designated as Prime Farmland. The Williamson Act is designed to prevent the premature and unnecessary conversion of open space lands and agricultural areas to urban uses.

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

- 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 for Timberland Production. The project site is zoned for residential use; no designated forest land or timberland occurs within the boundaries of the project. No impact would occur.

- d) Result in the loss of forest land or conversion of forest land to non-forest use?

Refer to response II (c) above. The project would not convert forest land to non-forest use. No impact would occur.

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

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

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

According to the City's Thresholds, a project may have a significant air quality impact if it could 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 2016). The RAQS outlines the SDAPCD's plans and control measures designed to attain the state air quality standards for ozone (O3). The RAQS relies on information from the California Air Resources Board (CARB) and SANDAG, including mobile and area source emissions, as well as information regarding projected growth in San Diego County and the cities in the county, to project future emissions and then determine the strategies necessary for the reduction of emissions through regulatory controls. CARB mobile source emission projections and SANDAG growth projections are based on population, vehicle trends, and land use plans developed by San Diego County and the cities in the county as part of the development of their general plans.

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

The proposed single-family residence is consistent with the General Plan, community plan, and the underlying zoning for residential development. Therefore, the project would be consistent at a sub-regional level with the underlying growth forecasts in the RAQS and would not obstruct implementation of the RAQS. As such no impacts would occur.

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

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

Short-term Emissions (Construction)

Project construction activities would potentially generate combustion emissions from on-site heavy-duty construction vehicles and motor vehicles transporting the construction crew and necessary construction materials. Exhaust emissions generated by construction activities would generally result from the use of typical construction equipment that may include excavation equipment, forklift, skip loader, and/or dump truck. Variables that factor into the total construction emissions potentially generated include the level of activity, length of construction period, number of pieces and types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported on or off site. It is anticipated that construction equipment would be used on site for four to eight hours a day; however, construction would be short-term and impacts to neighboring uses would be minimal and temporary.

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

Long-term Emissions (Operational)

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

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

- c) Result in a cumulatively considerable net increase of any criteria pollutant for

which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

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

As described above in response III (b), construction operations may temporarily increase the emissions of dust and other pollutants; however, construction emissions would be temporary and short-term in duration. Implementation of BMPs would reduce potential impacts related to construction activities to less than significant. Operational air pollutant emissions resulting from such sources as HVAC systems, motorized equipment, and project traffic would not be generated in quantities that would result in exceedances of regulatory thresholds for criteria pollutants. Projects that propose development consistent with the growth anticipated by applicable general plans were considered in, and therefore are consistent with, the RAQS. The proposed project is consistent with the applicable land use plans (General Plan and La Jolla Community Plan), and therefore, buildout of the project site has been accounted for in region-wide air quality plans. The project would not result in a cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment under applicable federal or state ambient air quality standards. Impacts would be less than significant.

- d) Create objectionable odors affecting a substantial number of people?

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

Short-term (Construction)

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

IV. BIOLOGICAL RESOURCES – Would the project:

- 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 City's Thresholds state that significance of impacts to biological resources are assessed by City staff through the CEQA review process and through review of the project's consistency with the Environmentally Sensitive Lands (ESL) regulations, the Biology Guidelines (2018) and with the City's MSCP Subarea Plan (1997). Before a determination of the significance of an impact can be made, the presence and nature of the biological resources must be established. The City has established a two-step process that: (1) provides guidance to determine the extent of biological resources and values present on the site; and (2) based on the findings of Step 1, if significant biological resources are present, then a survey to determine the nature and extent of the biological resources on the site is warranted.

The site is surrounded by residential development and does not contain native or sensitive plant species, wildlife species, or vegetation communities; wetlands that would be expected to support special status wildlife species; or lands classified as Tier I, Tier II, Tier IIIA, or Tier IIIB Habitats.

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

- 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?

Please see response IV(a) above. The project would not have a substantial adverse effect on any riparian habitat or other community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. No impacts would occur.

- 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?

Please see response IV(a) above. The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not

limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. No impacts would occur.

- 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?

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

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

The project site has been previously disturbed by development of the existing motel and seawall. Emergency work completed after the original terrace collapsed in December 2015 was confined to the previously disturbed footprint and did not impact any native soils. Ground-disturbing activities would be limited to installation of two secant pile walls into the existing seawall and repaired lower concrete terrace. Construction of the two secant pile walls would consist of drilling piles within the footprint of the repaired lower concrete terrace and existing seawall down into soil at least 10 feet below the base of the seawall. However, soils that would be impacted by the secant pile walls were disturbed during installation of the original seawall and are unlikely to contain archaeological resources. A record search of the California Historic Resources Information System (CHRIS) digital database was reviewed by qualified archaeological City Staff to determine the presence or absence of potential resources within the project site. The record search was negative. Based upon the negative CHRIS search and the previously disturbed nature of the site, qualified staff was able to conclude that the project would not result in significant impacts to cultural resources. Similarly, there would be no potential for inadvertent discovery of Native American or other human remains. Therefore, impacts to cultural resources would be less than significant.

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

V. CULTURAL RESOURCES – Would the project:

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

Archaeological Resources

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 project site is in an area known to contain sensitive archaeological resources and is located on the City's Historical Sensitivity map. Therefore, a record search of the California Historic Resources Information System (CHRIS) digital database was reviewed by qualified archaeological City staff to determine presence or absence of potential resources within the project site. The CHRIS search did not identify any archaeological resources within or directly adjacent to the site.

However, because the project site is in a sensitive archaeological area with an archaeological site (CA-SDI-39) mapped in the general vicinity an archaeological assessment was required. The assessment (Brian F. Smith and Associates, September 2017) was undertaken in order to determine if cultural resources exist within the property and to assess the possible effects of the proposed new residence. The archaeological assessment included a survey of the property and a records search review of previous studies in the area.

The archaeological survey was accompanied by a Native American monitor and no midden soils or cultural resources were observed during the survey. However, due to the presence of recorded cultural resources within a one-mile radius of the project and the presence of CA-SDI-39 in the general vicinity the report determined that the potential exists that buried cultural deposits may be present under the landscaping and fill that cover the property.

Therefore, archaeological and Native American monitoring would be required to avoid impacts to significant archaeological resources. Archaeological and Native American monitoring would be included in the Mitigation, Monitoring, and Reporting Program (MMRP), as detailed within Section V of the Mitigated Negative Declaration (MND). With implementation of the cultural resources monitoring program, impacts to historical resources would be reduced to less than significant.

Built Environment

The City reviews projects requiring the demolition of structures 45 years or older for historic significance in compliance with CEQA. Historic property (built environment) surveys are required for properties which are 45 years of age or older and which have integrity of setting, location, design,

materials, workmanship, feeling and association. However, the project site is vacant and impacts to the built environment would not occur.

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

Refer to response V (a) above.

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

The project site is underlain by the Cabrillo, Mount Soledad, and Ardath Shale formations. The Cabrillo and Mount Soledad Formations are assigned a moderate sensitivity for paleontological resources. The Ardath Shale Formation is assigned a high sensitivity for paleontological resources. In high sensitivity areas grading in excess of 1000 cubic yards and 10 feet in depth requires paleontological monitoring. In moderate sensitivity the threshold is grading in excess of 2000 cubic yards and 10 feet in depth. In order to construct the residence, the site would excavate 100 cubic yards of soil to a depth of 12 feet. The grading amount does not exceed the City's thresholds and impacts to paleontological resources would not occur.

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

Section IV of the MMRP contains provisions for the discovery of human remains. If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken. Based upon the required mitigation measure impacts would be less than significant.

VI. ENERGY – Would the project:

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

The proposed project would be required to meet energy standards from the California Energy Code (Title 24). The project would be conditioned to meet building design measures per City code that incorporate energy conservation features (window treatments, efficient HVAC systems etc). The project would also be required to implement CAP strategies which would reduce energy usage (cool roof, etc.). Based upon Title 24 requirements and the CAP strategies the construction of the home

would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources. Impacts would be less than significant.

- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The proposed project is consistent with the General Plan and Community Plan land use designations and is required to comply with Title 24 and the conditions of the CAP Checklist. Therefore, the project would not conflict or obstruct renewable or efficiency plans.

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.

A Geotechnical Report (Christian Wheeler Engineering, April 2014) was submitted and reviewed by City LDR-Geology staff. The report showed that the site is located within an Alquist-Priolo Fault Zone. However, no faults were identified at the project site. Furthermore, the project is 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. Therefore, potential impacts based on regional geologic hazards would not occur. fd

- ii) Strong seismic ground shaking?

Refer to response V (a). The site could be affected by seismic activity as a result of earthquakes on major active faults located throughout the Southern California area. However, the project would utilize proper engineering design and standard construction practices, to be verified at the building permit stage in order to ensure that potential impacts from regional geologic hazards would remain less than significant and mitigation is not required. The report indicated that the subject site is not directly on a known active fault trace and therefore the risk of ground rupture is remote.

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

Refer to response V (a). Liquefaction occurs when loose, unconsolidated, water-laden soils are subject to shaking, causing the soils to lose cohesion. Implementation of the project would not result in an increase in the potential for seismic-related ground failure, including liquefaction. Impacts would be less than significant. The report indicated that the risk of liquefaction is low due to the medium dense nature of the natural ground material and the lack of shallow groundwater under the property.

- iv) Landslides?

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

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

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

- 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?

Refer to response V (a). Proper engineering design and utilization of standard construction practices would be verified at the construction permitting stage and would ensure that impacts in this category would not occur.

- 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?

The soils at the site are not primarily expansive and no impacts would occur. Furthermore, proper engineering design and utilization of standard construction practices would be verified at the construction permitting stage and would ensure that impacts in this category would not occur.

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

VIII. GREENHOUSE GAS EMISSIONS – Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

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

The CAP is a plan for the reduction of GHG emissions in accordance with CEQA Guidelines Section 15183.5. Pursuant to CEQA Guidelines Sections 15604 (h) (3), 15130 (d), and 15183 (b), a project's incremental contribution to a cumulative GHG emissions effect are not cumulatively considerable if it complies with the requirements of the CAP. Projects that are consistent with the CAP as determined through the use of this Checklist may rely on the CAP for the cumulative impacts of GHG emissions.

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

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

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

- b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The project would not conflict with an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of GHGs. The project is consistent with the existing General Plan and Community Plan land use and zoning designation and is consistent with the applicable strategies and actions of the CAP. Therefore, the project would be consistent with the assumptions for relevant CAP strategies toward achieving the identified GHG reduction targets. Impacts would not occur.

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

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

- 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?

The City's Thresholds state that project sites on or near known contamination sources and/ or that meet one or more of the following criteria may result in a significant impact:

- A project is located within 1,000 feet of a known contamination site;
- A project is located within 2,000 feet of a known "border zone property" (also known as a "Superfund" site) or a hazardous waste property subject to corrective action pursuant to the Health and Safety Code;
- The project has a closed Department of Environmental Health (DEH) site file;
- A project is located in Centre City San Diego, Barrio Logan, or other areas known or suspected to contain contamination sites;
- A project is located on or near an active or former landfill;
- A project is located on properties historically developed with industrial or commercial uses which involved dewatering (the removal of groundwater during excavation), in conjunction with major excavation in an area with high groundwater;
- A project is located in a designated airport influence area and where the Federal Aviation Administration (FAA) has reached a determination of "hazard" through FAA Form 7460-1, "Notice of Proposed Construction or Alteration" , inconsistent with an Airport's Land Use Compatibility Plan (ACLUP), within the boundaries of an Airport Land Use Plan (ALP), or two nautical miles of a public or public use airport; or
- A project is located on a site presently or previously used for agricultural purposes.

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

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

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

- 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?

See VIII(b) above for applicable City Threshold related to listed hazardous materials sites. A hazardous waste site records search was completed in February 2019 using Geotracker <https://geotracker.waterboards.ca.gov/>. The records search showed that no hazardous waste sites exist onsite or in the surrounding area. No impacts would result.

- 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 City's Thresholds state that a project may result in a significant impact if it is located in a designated airport influence area and where the FAA has reached a determination of "hazard" through FAA Form 7460-1, "Notice of Proposed Construction or Alteration" , inconsistent with an Airport's Land Use Compatibility Plan (ACLUP), within the boundaries of an Airport Land Use Plan (ALP), or two nautical miles of a public or public use airport.

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

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

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The proposed single-family residence is located in an established neighborhood. It would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impacts would result.

- 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 site is not located adjacent to wildlands or where residences are intermixed with wildlands. It would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. No impact would result.

X. HYDROLOGY AND WATER QUALITY - Would the project:

- a) Violate any water quality standards or waste discharge requirements?

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

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

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?

The project would not substantially alter the existing drainage pattern of the site or the area. Streams or rivers do not occur on or adjacent to the site. Although grading is proposed, the project would implement on-site BMPs, therefore ensuring that substantial erosion or siltation on- or off-site would not occur. Impacts would be less than significant, and no mitigation measures are required.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?

The project would implement low impact development principles ensuring that a substantial increase in the rate or amount of surface runoff resulting in flooding on or off-site, or a substantial alteration to the existing drainage pattern would not occur. Streams or rivers do not occur on or adjacent to the project site. Impacts would be less than significant, and no mitigation measures are required.

- e) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The project would not introduce any new conditions that would create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

- f) Otherwise substantially degrade water quality?

The project would comply with all City storm water quality standards during and after construction. Appropriate BMP's would be implemented to ensure that water quality is not degraded. Impacts would be less than significant, and no mitigation measures are required.

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

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

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

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

XI. LAND USE AND PLANNING – Would the project:

- a) Physically divide an established community?

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

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

See response XI(a) above. The project is compatible with the area designated for residential development by the General Plan and Community Plan and is consistent with the existing underlying zone and surrounding land uses. Construction of the project would occur within an urbanized neighborhood with similar development. Furthermore, the project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan community plan, or zoning ordinance) adopted for avoiding or mitigating an environmental effect. No conflict would occur and this, no impacts would result.

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

The proposed project site does not contain any sensitive habitat and there is no potential to conflict with habitat conservation plans. In addition, implementation of the project would be consistent with all biological resources policies outlined in the General Plan, LJCP and Local Coastal Land Use Plan. Implementation of the project would not conflict with any applicable plans, and no impact would occur.

XII. MINERAL RESOURCES – Would the project:

- a) Result in the loss of availability of a known mineral resource that would be

of value to the region and the residents of the state?

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

- 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?

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

XIII. NOISE – Would the project result in:

- a) Generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

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

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

- A project which would generate noise levels at the property line which exceed the City's Noise Ordinance Standards is also considered a potentially significant impact. Additionally, Temporary construction noise which exceeds 75 dB (A) L_{EQ} at a sensitive receptor would be considered significant.
- Temporary construction noise which exceeds 75 dB (A) L_{eq} at a sensitive receptor. Construction noise levels measured at or beyond the property lines of any property zoned residential shall not exceed an average sound level greater than 75-decibels (dB) during the 12-hour period from 7:00 a.m. to 7:00 p.m. In addition, construction activity is prohibited between the hours of 7:00 p.m. of any day and 7:00 a.m. of the following day, or on legal holidays as specified in Section 21.04 of the San Diego Municipal Code, with exception of Columbus Day and Washington's Birthday, or on Sundays, that would create disturbing, excessive, or offensive noise unless a permit has been applied for and granted beforehand

by the Noise Abatement and Control Administrator, in conformance with San Diego Municipal Code Section 59.5.0404.

- If noise levels during the breeding season for the California gnatcatcher, least Bell's vireo, southern willow flycatcher, least tern, cactus wren, tricolored blackbird or western snowy plover would exceed 60dB(A) or existing ambient noise level if above 60dB(A).

None of the above conditions would apply because the construction of one residential structure would not increase noise volumes. The project would not result in the generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Any short-term noise impacts related to construction activities would be required to comply with the construction hours specified in the City's Municipal Code (Section 59.5.0404, Construction Noise), which are intended to reduce potential adverse effects resulting from construction noise. Impacts remain less than significant.

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

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

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

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

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

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

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

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

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

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

XIV. POPULATION AND HOUSING – Would the project:

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

The project is for one new single-family residence which is not substantial and infrastructure already exists in the neighborhood. Impacts remain less than significant.

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

The project site is vacant and no existing housing would be impacted so there would be no displacement of housing.

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

The construction of a new single-family residence on a vacant lot would not displace substantial numbers of people.

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 proposed project would not require the construction of new fire protection facilities.

- 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 would not require the construction of new police protection facilities.

- 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 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.

- iv) Parks

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

- v) Other public facilities

The project site is located in an urbanized and developed area where City services are already available. The project would not adversely affect existing levels of public services and not require the construction or expansion of an existing governmental facility. Therefore, no new public facilities beyond existing conditions would be required.

XVI. RECREATION

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

- 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?

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

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

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

The proposed project is the replacement of one residential unit with another one. This project would not result in VMT exceeding thresholds identified in the City of San Diego Transportation Study Manual.

- 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 not substantially increase hazards due to a design feature or incompatible uses.

- d) Result in inadequate emergency access?

The project would not result in inadequate emergency access.

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

- a) Listed or eligible for listing in the California Register of Historical

Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

The project is located on a vacant lot and there are no structures that are 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). Additionally, an archaeological survey was conducted for the property and no resources were recorded at the project site.

- 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.

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

In order to implement AB 52 consultation, the City of San Diego Development Services Department (DSD), sent notification letters of the project to the Jamul Indian Village, The San Pasqual Band of Mission Indians and the Lipay Nation of Santa Ysabel on July 6, 2021. The Lipay Nation of Santa Ysabel responded on July 6, 2021 and concurred with the inclusion of Native American monitoring as a mitigation measure. No formal consultation has been requested by any of the Tribal representatives and impacts to Tribal Cultural resources will be mitigated to below a level of significance through the Archaeological and Native American monitoring mitigation measure.

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

- 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?

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

- 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 impact would result due to implementation of the project.

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

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

- 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?

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

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

All construction waste from the project site would be transported to an appropriate facility, which would have adequate capacity to accept the limited amount of waste that would be generated by the project. Long-term operation of the proposed residential unity is anticipated to generate typical

amounts of solid waste associated with residential use. Furthermore, the project would be required to comply with the City's Municipal Code for diversion of both construction waste during the demolition phase and solid waste during the long-term, operational phase. Impacts would be less than significant.

- 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 would it generate or require the transportation of hazardous waste materials. All demolition activities would comply with City of San Diego requirements for diversion of both construction waste during the demolition phase and solid waste during the long-term, operation phase. No impact would result due to implementation of the proposed project.

XX. WILDFIRE - Would the project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

The City of San Diego participates in the San Diego County Multi-Jurisdictional Hazard Mitigation Plan. The project complies with the General Plan and is consistent with the La Jolla Community Plan's land use and the Land Development Code's zoning designation. The project is in an urbanized area of San Diego and construction of a 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 surrounded by existing development with no wildlands. 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 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 there is the potential of significant impacts related to Cultural Resources (Archaeology) and Tribal Cultural Resources. However, 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 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

Aesthetics / Neighborhood Character

- City of San Diego General Plan.
- Community Plans: Pacific Beach Community Plan

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,
- 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 & 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: Brian Smith and Associates, September 2017

VI. Geology/Soils

- City of San Diego Seismic Safety Study
- U.S. Department of Agriculture Soil Survey - San Diego Area, California, Part I and II, December 1973 and Part III, 1975
- Site Specific Report: Christian Wheeler, Geotechnical Investigation 7727 Lookout Drive, La Jolla, California

VII. Greenhouse Gas Emissions

- Site Specific Report: Climate Action Plan Checklist

VIII. Hazards and Hazardous Materials

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

IX. Hydrology/Water Quality

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

X. Land Use and Planning

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

XI. Mineral Resources

- California Department of Conservation - Division of Mines and Geology, Mineral Land Classification
- Division of Mines and Geology, Special Report 153 - Significant Resources Maps
- Site Specific Report:

XII. Noise

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

XIII. Paleontological Resources

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

XIV. Population / Housing

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

XV. Public Services

- City of San Diego General Plan
- Community Plan

XVI. Recreational Resources

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

XVII. Transportation / Circulation

___ City of San Diego General Plan

___ Community Plan

___ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG

___ San Diego Region Weekday Traffic Volumes, SANDAG

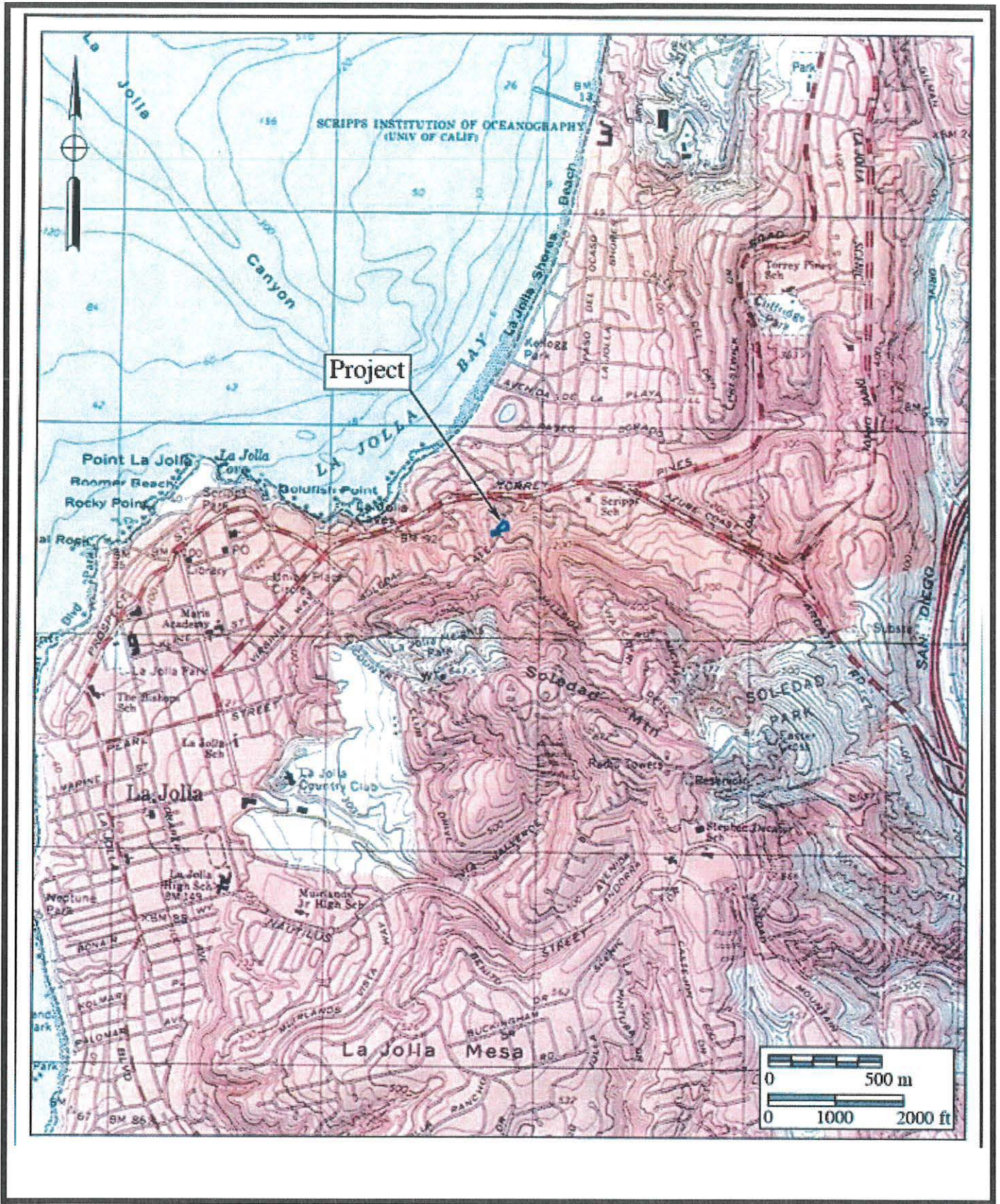
_____ Site Specific Report:

XVIII. Utilities

_____ Site Specific Report:

XIX. Water Conservation

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



Location Map

Lookout Lot/Project No. 589178

City of San Diego – Development Services Department

FIGURE

No. 1



