

**Candidate Findings of Fact and  
Statement of Overriding Considerations**

**For**

**6110 Camino de la Costa**

**PRJ-1066101/ SCH No. 2023070270**

**July 24, 2024**

## I. Introduction

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### a. Findings of Fact and Statement of Overriding Considerations

The following Candidate Findings of Fact (Findings) and Statement of Overriding Considerations (SOC) are made for the 6110 Camino de la Costa (project). The environmental effects of the project are addressed in the Final Environmental Impact Report (Final EIR) dated July 24, 2024, which is incorporated by reference herein.

The California Environmental Quality Act (CEQA) [Public Resources Code Section 21081(a)] and the State CEQA Guidelines [14 California Code of Regulations, Section 15091(a)] require that no public agency shall approve or carry out a project for which an environmental impact report has been completed which identifies one or more significant effects thereof, unless such public agency makes one or more of the following findings:

1. Changes or alterations have been required in, or incorporated into, the project, which mitigate or avoid the significant environmental effects on the environment;
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been or can or should be adopted by that other agency; or
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the final environmental impact report.

CEQA also requires that the Findings made pursuant to Section 15091 be supported by substantial evidence in the record (Section 15091(b) of the State CEQA Guidelines). Under CEQA, substantial evidence means enough relevant information has been provided (and reasonable inferences from this information may be made) that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Substantial evidence must include facts, reasonable assumptions predicted upon facts, and expert opinion supported by facts (Section 15384 of the State CEQA Guidelines).

CEQA further requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental effects when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable" (Section 15093(a) of the State CEQA Guidelines). When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the Final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its actions based on the Final EIR or other information in the record.

The Findings and SOC have been submitted by the City of San Diego (City) Development Services Department as Findings to be made by the decision-making body. They are attached to allow readers of this report an opportunity to review the applicant's position on this matter and to review potential reasons for approving the project despite the significant and unavoidable effects identified in the Final EIR. It is the exclusive discretion of the decision-maker certifying the EIR to determine the adequacy of the proposed Findings. It is the role of staff to independently evaluate the proposed the Findings, and to make a recommendation to the decision-maker regarding their legal adequacy.

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### b. Record of Proceedings

For purposes of CEQA and these Findings and SOC, the Record of Proceedings for the project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the project;
- All responses to the NOP received by the City;
- The Draft EIR;
- The Final EIR;
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR;
- All responses to the written comments included in the Final EIR;
- All written and oral public testimony presented during a noticed public hearing for the project at which such testimony was taken;
- The Mitigation Monitoring and Reporting Program;
- The reports and technical memoranda included or referenced in any responses to comments in the Final EIR;
- All documents, studies, EIRs, or other materials incorporated by reference in, or otherwise relied upon during the preparation of, the Draft EIR and the Final EIR;
- Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations;
- Any documents expressly cited in these Findings and SOC; and
- Any other relevant materials required to be in the Record of Proceedings by Public Resources Code Section 21167.6(e).

### c. Custodian and Location of Records

The documents and other materials which constitute the record of proceedings for the City's actions on the project are located at the City's Development Services Department (DSD), 1222 1st Avenue, 5th Floor, San Diego, California 92101. DSD is the custodian of the project's administrative record. Copies of the document that constitute the Record of Proceedings are and at all relevant times have been available upon request at the offices of DSD.

The Draft EIR was placed on the City's website at <https://www.sandiego.gov/ceqa/draft>; and the Final EIR was placed on DSD's website at <https://www.sandiego.gov/ceqa/final>. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and State CEQA Guidelines Section 15091(e).

## II. Project Summary

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### a. Project Objectives

The objectives of the project include the following:

1. Provide a structurally secure single-family residence, which preserves, to the extent feasible, the designated historical resource or portions thereof.
2. Develop a project that is consistent with the goals and policies of the *La Jolla Community Plan and Local Coastal Program Land Use Plan to the maximum extent feasible*.
3. Propose a design that achieves a harmonious visual relationship between the bulk and scale of the existing and adjacent residences.

### b. Project Description

The project proposes to demolish an existing historically designated 5,086 square-foot (sf) 2-story residence and construct a new 2-story 8,649 sf residence with a basement located at 6110 Camino de la Costa. The project would also include a pool at ground level and associated site improvements (i.e. hardscape and landscaping). The project would preserve a majority of the existing wall along the frontage of the site and the detached garage with modifications. The site would be accessible from a new driveway off Camino De La Costa and the project would connect to existing utilities within Camino De La Costa. Drainage would be directed away from the coastal bluff and directed into the existing storm drain system. A design exception to the 40-foot coastal bluff setback required by the Environmentally Sensitive Lands regulations is proposed to reduce the coastal bluff setback to 25 feet. The project would also include removal of the existing walls and stairs west of the bluff edge and would preserve all portions of the lot west of the bluff edge as Environmentally Sensitive Lands (sensitive coastal bluff) within a Covenant of Easement. The Covenant of Easement would include land use restrictions with the intent to preclude future development and to preserve the area. The site plan and architectural drawings incorporate modifications for the driveway width and visibility triangles to accommodate the existing historically designated garage, which is not in conformance with SDMC development regulations.

The new residential structure would be placed to allow for the creation of a 7-foot-1-inchwide, deed-restricted view corridor with an easement to be recorded along the northern property line. Along the southern property line, where the existing historic garage is to be maintained, a deed-restricted view corridor of 1 foot 3 inches will also be established through a recorded easement. A visually permeable fence would replace short sections of the existing stucco privacy wall to facilitate views through the corridors.

### Discretionary Actions

The project requires the following entitlements from the City:

- A Site Development Permit per SDMC Section 126.0502(d)(1) is required for the project to demolish the designated historic structure at 6110 Camino De La Costa, San Diego Historic Resource No. 1481. The project is a substantial alteration that is not consistent with the Secretary of Interior Standards; therefore, a deviation from the Historical Resources

Regulations is being requested.

- The Site Development Permit per SDMC Section 126.0502 is also required due to the presence of Environmentally Sensitive Lands (ESL), consisting of coastal bluffs and special flood hazard areas, on the project site.
- A Coastal Development Permit (CDP) per SDMC Section 126.0702 is required for the project to allow for the demolition of the existing single-family residential structure and related site features and the construction of a new single-family residential structure within the Coastal Overlay Zone (COZ).
- A Neighborhood Development Permit per SDMC Section 127.0104 is required when a project proposes the maintenance, repair, alteration, or replacement of a previously conforming structure where the proposed development also requires a Coastal Development Permit. In the project's case, the NDP is required for the modifications to the historic garage and privacy wall, which are previously conforming structures, given that they do not conform to SDMC requirements and that the project requires a CDP, as described above under Section 3.4.1.

### III. Environmental Review Process and Public Participation

The lead agency approving the project and conducting environmental review under CEQA (California Public Resources Code Sections 21000, et seq.), and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), is the City. As lead agency, the City is primarily responsible for carrying out the project.

In compliance with Section 15082 of the State CEQA Guidelines, the City published a NOP on July 17, 2023, which began a 30-day period for comments on the appropriate scope of the Draft EIR. Consistent with Section 21083.9 of the CEQA Statutes and Section 15082 of the CEQA Guidelines, a public scoping meeting was held to solicit comments regarding the scope and analysis of the EIR. In lieu of an in-person meeting, a pre-recorded presentation was made accessible to the public and available for viewing from July 17, 2023, through August 16, 2023.

The City published the Draft EIR on May 16, 2024, in compliance with CEQA. Pursuant to State CEQA Guidelines Section 15085, upon publication of the Draft EIR, the City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that the Draft EIR had been completed and was available for review and comment by the public until July 1, 2024. The City also posted a Notice of Availability of the Draft EIR at this time pursuant to State CEQA Guidelines Section 15087.

The project's Final EIR was published on July 24, 2024. It was prepared in accordance with CEQA and the State CEQA Guidelines.

### IV. Summary of Impacts

Impacts associated with specific issues areas (e.g., land use, transportation, air quality, etc.) resulting from approval of the project and future implementation are discussed below.

The Final EIR concludes the project will have no impacts with respect to the following issue areas:

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- Agriculture and Forestry Resources
- Biological Resources
- Health and Safety
- Mineral Resources

The Final EIR concludes that the project will have less than significant impacts and require no mitigation measures with respect to the following issues:

- Air Quality and Odor
- Energy
- Geologic Conditions
- Greenhouse Gas Emissions
- Health and Safety
- Hydrology
- Noise
- Paleontological Resources
- Population and Housing
- Public Services and Facilities
- Transportation/Circulation
- Tribal Cultural Resources (TCRs)
- Utilities and Service Systems
- Visual Effect/Neighborhood Character
- Water Quality
- Wildfire

Potentially significant impacts of the project will be mitigated to below a level of significance with respect to the following issues:

None Applicable

No feasible mitigation measures are available to reduce impacts to below a level of significance for the following issues:

- Land Use
- Historical Resources

### V. Findings Regarding Impacts

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In making each of the findings below, the City has considered the Record of Proceedings. The Plans, Programs, and Policies discussed in the Final EIR are existing regulatory plans and programs to which the project is subject, and analysis throughout the Final EIR demonstrates consistency.

a. Findings Regarding Impacts that Can Be Mitigated to Below a Level of Significance

The City, having independently reviewed and considered the information contained in the Final EIR and the Record of Proceedings, finds pursuant to Public Resources Code Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1) that no impacts can be mitigated to below a level of significance.

b. Findings Regarding Impacts That Are Significant and Unavoidable

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings and pursuant to Public Resource Code Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3), finds that specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible any mitigation measures for the project's Land Use and Historical Resource impacts as explained in more detail in the Final EIR (Project No. PRJ-1066101 / SCH No. 2023070270).

"Feasible" is defined in Section 15364 of the State CEQA Guidelines to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." Public Resources Code Section 21081 and State CEQA Guidelines Section 15091(a)(3) also provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. These findings are appropriate because there are no feasible mitigation measures available that would reduce the identified project impacts to below a level of significance.

1. Land Use

**Impact:** The project would result in a significant impact related to conflicts with the environmental goals, objectives, and recommendations of the Historic Preservation Element of the General Plan and Heritage Resources Element of the La Jolla Community Plan. (**Impact LU-1**).

**Facts in Support of Finding:** The project proposes the demolition of a single-family residence that is designated as a locally important historical resource (HRB Site #1481) and is recommended as eligible for listing in the California Register of Historic Resources (CRHR). The demolition is considered a substantial adverse change to the historical resource pursuant to CEQA Section 21084.1 and necessitates approval of a SDP. The detached garage and stucco privacy wall would be retained and rehabilitated in accordance with the U.S. Secretary of the Interior Standards for Rehabilitation. Evaluation of the project impacts in the Historical Resources Technical Report (HRTR; Appendix D), review of the project by the City's HRB and implementation of the mitigation measures identified in Section 5.3, *Historical Resources*, would be in accordance with the Historical Resources Regulations in the City's Land Development Code (LDC).

The project would be inconsistent with the goals contained in the Historic Preservation Element of the General Plan and Heritage Resources Element of the La Jolla Community Plan, as described in Tables 5.1-1 and 5.1-2 of the Final EIR. The project's inconsistency with these goals and policies would result in a secondary physical impact to the HRB Site #1481 (namely its demolition), resulting in a significant land use policy conflict. Implementation of mitigation measures described in Section 5.3, *Historical Resources*, would mitigate the secondary physical impacts of demolishing a listed historical resource consistent with the

Historical Resources Regulations in the LDC. However, because resource demolition is not consistent with *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, the project would be inconsistent with City goals and policies embodied in the General Plan and Community Plan intended to protect and preserve historical resources, resulting in a significant land use impact that is unavoidable.

**Mitigation Measures:** Implementation of mitigation measures HR-1 through HR-4 described under Historical Resources, would mitigate the secondary physical impacts of demolishing a listed historical resource consistent with the Historical Resources Regulations in the LDC. However, because resource demolition is not consistent with The Secretary of the Interior's Standards for the Treatment of Historic Properties, the impact would remain significant.

**Finding:** Direct and cumulative impacts associated with Land Use would be significant and unavoidable even with implementation of **HR-1 through HR-4**. The project alternatives, which included additional mitigation measures, identified in the final EIR are not feasible due to regulatory and economic considerations. Options for rehabilitating the existing residence in place were explored. The residence in its current location is on the coastal bluff within the bluff edge setback (SDMC 143.0143(f)) and exists legally today due to grandfathering provisions. The work necessary to repair the structural concerns as identified in the Structural Investigation (DCI Engineers 2023) would terminate the previously conforming status of the residence under subsection §127.0104 (e)(1) and (2), thereby making the structure non-conforming due to its location on the coastal bluff. Additionally, options for relocating the designated historical residence were explored. After an investigation of relocation sites was conducted, it was determined to be infeasible due to the lack of adequate relocation sites as described in Chapter 8, Project Alternatives of the EIR.

Further, as analyzed in the Economic Feasibility Analysis, none of the alternatives, including mitigation measures, to the project are economically feasible as described in Section VII. Findings Regarding Alternatives below. As such, specific economic and legal (regulatory) considerations make infeasible the additional mitigation measures or project alternatives identified in the final EIR.

**Reference:** These findings incorporate by reference the information and analysis included in Final EIR Section 5.1.3 Impact: Environmental Goals.

## 2. Historical Resources

**Impact:** The project would result in significant adverse impacts to a designated historical resource pursuant to CEQA Section 21084.1. (**Impact HR-1**).

**Facts in Support of Finding:** The project proposes the demolition of a single-family residence that is designated as a locally-important historical resource and is recommended as eligible for listing in the CRHR, which is considered a substantial adverse change to the historical resource pursuant to CEQA Section 21084.1. Therefore, according to the CEQA Guidelines, this action constitutes a significant effect on the environment and material impairment on a historical resource pursuant to CEQA Section 15064.5(b) and the impacts would be significant.

The following measures shall be implemented in accordance with Chapter 14, Article 3, Division 2, Historical Resources Regulations of the Land Development Code (LDC) to reduce the project's historical resources impacts to the extent feasible. As the project would demolish part of the locally designated and CRHR-



eligible historical resource, impacts would be mitigated to the extent feasible through implementation of mitigation measures HR-1, HR-2, HR-3, and HR-4. However, the impacts would remain significant.

**Mitigation Measure:** The project would implement Mitigation Measure HR-1 requiring Historic American Building Survey (HABS) Documentation, Mitigation Measure HR-2 requiring architectural salvage, HR-3 requiring rehabilitation work and monitoring plan of the detached garage and stucco privacy wall, and Mitigation Measure HR-4 requiring interpretive signage display. These measures would reduce the historical resource impact, but not to a level below significance.

**Finding:** As the project would demolish part of the locally designated and CRHR-eligible historical resource, impacts would be mitigated to the extent feasible through the implementation of mitigation measures **HR-1, HR-2, HR-3, and HR-4**. However, impacts associated with the demolition of the residence would remain significant and unavoidable.

The project alternatives, including additional mitigation measures, identified in the final EIR are not feasible due to regulatory and economic considerations. Options for rehabilitating the existing residence in place were explored. The residence in its current location is on the coastal bluff within the bluff edge setback (SDMC 143.0143(f)) and exists legally today due to grandfathering provisions. The work necessary to repair the structural concerns as identified in the Structural Investigation (DCI Engineers 2023) would terminate the previously conforming status of the residence under subsection §127.0104 (e)(1) and (2), thereby making the structure non-conforming due to its location on the coastal bluff. Additionally, options for relocating the designated historical residence were explored. After an investigation of relocation sites was conducted, it was determined to be infeasible due to the lack of adequate relocation sites as described in Chapter 8, Project Alternatives of the EIR.

Further, as analyzed in the Economic Feasibility Analysis, none of the alternatives, including additional mitigation measures, to the project are economically feasible as described in Section VII. Findings Regarding Alternatives below. As such, specific economic and legal (regulatory) considerations make infeasible the mitigation measures or project alternatives identified in the final EIR.

**Reference:** These findings incorporate by reference the information and analysis included in Final EIR Section 5.3.3 Impact: Prehistoric or Historic Archaeology.

## VI. Findings Regarding Mitigation Measures Which are the Responsibilities of Another Agency

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, finds pursuant to Public Resources Code Section 21081(a)(2) and State CEQA Guidelines Section 15091(a)(2) that there are no changes or alterations which could reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

## VII. Findings Regarding Alternatives

In accordance with Section 15126.6(a) of the State CEQA Guidelines, an EIR must contain a discussion of "a range of reasonable alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the

project, and evaluate the comparative merits of the alternatives.” Section 15126.6(f) further states that “the range of alternatives in an EIR is governed by the ‘rule of reason’ that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.” Thus, the following discussion focuses on project alternatives that are capable of eliminating significant environmental impacts or substantially reducing them as compared to the proposed project, even if the alternative would impede the attainment of some project objectives, or would be more costly. In accordance with Section 15126.6(f)(1), among the factors that may be taken into account when addressing the feasibility of alternatives are: (1) site suitability; (2) economic viability; (3) availability of infrastructure; (4) general plan consistency; (5) other plans or regulatory limitations; (6) jurisdictional boundaries; and (7) whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

In developing the alternatives to be addressed in this section, consideration was given to an alternative’s ability to meet most of the basic objectives of the project. Because the project will cause potentially significant environmental effects unless mitigated, the City must consider the feasibility of any environmentally superior alternatives to the project, evaluating whether these alternatives could avoid or substantially lessen the potentially significant environmental effects while achieving most of the objectives of the project.

The City, having reviewed and considered the information contained in the Final EIR and the Record of Proceedings, and pursuant to Public Resource Code Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3), finds that specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the Final EIR No. 1066101/SCH No. 2023070270.

“Feasible” is defined in Section 15364 of the State CEQA Guidelines to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” Public Resources Code Section 21081 and State CEQA Guidelines Section 15019(a)(3) also provide that “other” considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds. These findings are appropriate because there are no feasible alternative available that would reduce the identified project impacts to below a level of significance.

#### **A. No Project/No Development Alternative**

State CEQA Guidelines Section 15126.6(e), requires that an EIR evaluate a “no project” alternative along with its impact. The purpose of describing and analyzing a no project alternative is to allow a lead agency to compare the impacts of approving the project to the impacts of not approving it. Under the No Project/No Development Alternative, the project would not be implemented and the site would remain in its current condition.

**Potentially Significant Effects:** The No Project/No Development Alternative would avoid all of the significant impacts associated with the project, including: significant and unmitigated Land Use and Historical Resources impacts.

**Finding:** The City rejects the No Project/No Development Alternative as it fails to satisfy the project's underlying purpose and because it fails to meet any of the project objectives.

**Rationale:** Under the No Project/No Development Alternative for this EIR, construction of the Project would not occur. The site would remain as it is today as described in Chapter 2, *Environmental Setting*. Specifically, the existing two-story residence with a single subterranean (basement) level, detached garage, and stucco privacy wall would remain intact. The existing hardscape, landscape, driveway entry, underground utilities, and the stone walls, walkway and staircase located along the existing coastal bluffs would remain on site. No changes to the existing site would occur under the No Project/No Development Alternative.

The No Project/No Development Alternative would not meet any of the project objectives. Because this alternative would not result in a new residence or improvements on the existing project site, this alternative would not achieve the project's objectives related to providing a structurally secure single-family residence, which preserves, to the extent feasible, the designated historical resource or portions thereof, developing a project consistent with the goals and policies of the La Jolla Community Plan and Local Coastal Program Land Use Plan, and proposing a design that would create a harmonious visual relationship between the bulk and scale of the existing and adjacent residences.

**Reference:** These findings incorporate by reference the information and analysis included in Final EIR Section 8.4.1., No Project/No Development Alternative.

## **B. On-Site Relocation and Partial Removal Alternative**

The On-Site Relocation and Partial Removal Alternative would relocate the portion of the single-family residence that is within the 40-foot coastal bluff setback to the portion of the site outside of the 40-foot setback. Relocating the portion of the building that is within the 40-foot coastal bluff setback would require partial demolition of the structure, consisting of all portions of the structure that are outside of the 40-foot coastal bluff setback (consisting of sections of the north and south wings of the residence). The removal of this portion of the structure would allow for relocation of the portion of the structure that is currently within the 40-foot coastal bluff setback, to outside of the 40-foot coastal bluff setback. This alternative would also rehabilitate the relocated historic building section to current building standards. This alternative would remove the front door, courtyard with fountain, lower one-story portions of the residence flanking each side of the entry way, the archways along the northern and southern sides of the entryway, and forecourt. The dormer portion of the structure would be moved closer to the garage. New foundations, excavation, retaining walls and sitework would be required.

**Potentially Significant Effects:** This alternative would result in partial demolition of the residence, which is part of City of San Diego Historic Site #1481. While this alternative would result in only a partial removal of the existing residence associated with Casa De Los Amigos, the partial demolition of the residence would result in a significant impact to the locally designated and CRHR-eligible historic resource. Similar to the project, this alternative would require mitigation measures, to the extent feasible, such as HABS documentation, salvage, a rehabilitation work and monitoring plan, and interpretive signage; however, since part of the structure would be demolished, the impact,

while substantially reduced compared to the project, would remain significant. Similar to the project, this alternative's inconsistency with the historical resources goals in the Historic Preservation Element would result in a secondary impact to the existing Casa De Los Amigos residence (namely its partial demolition), resulting in a significant land use policy impact. Because this alternative results in a partial removal of the residence, the land use impact would be reduced as compared to the project; however, it would still be significant.

**Finding:** The On-Site Relocation and Partial Removal Alternative would meet all project objectives. Specifically, it would provide a structurally secure single-family residence, which preserves, to the extent feasible, the designated historical resource or portions thereof. This alternative would also be consistent with the goals and policies of the La Jolla Community Plan and Local Coastal Program Land Use Plan with the exception of the policies related to historic preservation, and would create a harmonious visual relationship between the bulk and scale of the existing and adjacent residences. However, specific economic considerations render this alternative infeasible. Therefore, the City rejects this alternative.

**Rationale:** The cost of relocating the structure, performing partial demolition, and undertaking the necessary site work would be prohibitively high. This includes costs for new foundations, excavation, retaining walls, and rehabilitation to current building standards. As shown in the Economic Feasibility Study (JMAN Investments, Inc, 2024), the On-Site Relocation and Partial Removal Alternative is not economically feasible. Upon completion of the partial removal of the north and south wings and the relocation and rehabilitation of the structure's western portion, the resultant house would be 3,994 square feet. Compared to the construction and acquisition cost, the resulting residence value would be \$11,982,000, representing a net development loss of \$6,800,678 or - 56.76%, and it would not support the total project costs associated with this alternative. Furthermore, the gross margin would not exceed the 10% gross margin on sale in order to be economically feasible and to qualify for project financing.

**Reference:** These findings incorporate by reference the information and analysis included in Revised Final EIR Section 8.4.2, On-Site Relocation and Partial Removal Alternative.

### C. On-Site Relocation and New Structure Alternative

The On-Site Relocation and New Structure Alternative would involve the partial demolition and relocation of a portion of the existing residence (from within the 40-foot coastal bluff setback to outside of the setback), preserving the northern wing and dormer, and construction of a new structure, which would be adapted to connect with the relocated portion of the residence.

**Potentially Significant Effects:** This alternative would result in partial demolition of the residence, which is part of City of San Diego Historic Site #1481, and relocation of the remaining portion of the residence. Similar to the project, this alternative would retain the existing 499 SF historic garage and associated privacy stucco wall. This alternative would result in a partial removal of the existing residence associated with Casa De Los Amigos, which would remove a reduced portion of the residence as compared to the project; however, the partial demolition and relocation of the remaining portion of the residence would result in a significant impact to the locally designated and CRHR-eligible historic resource. Similar to the project, this alternative would require mitigation

measures, to the extent feasible, such as HABS documentation, salvage, a rehabilitation work and monitoring plan, and interpretive signage; however, since part of the structure would be demolished, the impact, while substantially reduced compared to the project, would remain significant and unavoidable. Similar to the project, this alternative's inconsistency with the historical resources goals in the Historic Preservation Element would result in a secondary impact to the existing Casa De Los Amigos residence (namely its partial demolition), resulting in a significant land use policy impact. Because this alternative results in a partial removal of the residence, the land use impact would be reduced as compared to the project; however, it would still be significant.

**Finding:** The On-Site Relocation and New Structure Alternative would meet all project objectives. Specifically, it would provide a structurally secure single-family residence, which preserves, to the extent feasible, the designated historical resource or portions thereof. This alternative would also be consistent with the goals and policies of the La Jolla Community Plan and Local Coastal Program Land Use Plan with the exception of the policies related to historic preservation due to the partial demolition, and would create a harmonious visual relationship between the bulk and scale of the existing and adjacent residences. However, specific economic considerations render this alternative infeasible. Therefore, the City rejects this alternative.

**Rationale:** As shown in the Economic Feasibility Study (JMAN Investments, Inc, 2024), the On-Site Relocation and New Structure Alternative is not economically feasible. Upon completion of the partial removal of the north and south wings and the relocation and rehabilitation of the structure's western portion, the resultant house would be 5,382 square feet. Compared to the construction and acquisition cost, the resulting residence value would be \$16,146,000, representing a net development gain of \$1,074,169.000 or 4.42%, and it would not support the total project costs associated with this alternative. Furthermore, the gross margin would not exceed the 10% gross margin on sale in order to be economically feasible and to qualify for project financing.

**Reference:** These findings incorporate by reference the information and analysis included in Final EIR Section 8.4.3., On-Site Relocation and New Structure Alternative.

#### **D. 25-Foot Setback Alternative**

The 25-foot Setback Alternative would involve partially demolishing the existing residence (outside of the 25-foot bluff setback) and building a new second-story structure designed to incorporate the retained portion of the existing structure.

This alternative would result in partial demolition of the residence, which is part of the City of San Diego Historic Site #1481, and construction of a second-story over remaining portion of the residence. Similar to the project, this alternative would retain the existing 499 SF historic garage and associated privacy stucco wall. Similar to the project, this alternative would require mitigation measures, such as HABS documentation, salvage, treatment plan, monitoring plan, and interpretive signage; however, since part of the structure would be demolished, the impact, while substantially reduced compared to the project, would remain significant.

**Potentially Significant Effects:** This alternative would result in partial demolition of the residence, which is part of City of San Diego Historic Site #1481, and construction of an addition to the residence. Similar to the project, this alternative would retain the existing 499 SF historic garage and associated privacy stucco wall. This alternative would result in a partial removal of the existing residence associated with Casa De Los Amigos, which would remove a reduced portion of the residence as compared to the project; however, the partial demolition and relocation of the remaining portion of the residence would result in a significant impact to the locally designated and CRHR-eligible historic resource. Similar to the project, this alternative would require mitigation measures, to the extent feasible, such as HABS documentation, salvage, a rehabilitation work and monitoring plan, and interpretive signage; however, since part of the structure would be demolished, the impact, while substantially reduced compared to the project, would remain significant and unavoidable. Similar to the project, this alternative's inconsistency with the historical resources goals in the Historic Preservation Element would result in a secondary impact to the existing Casa De Los Amigos residence (namely its partial demolition), resulting in a significant land use policy impact. Because this alternative results in a partial removal of the residence, the land use impact and historical resource impact would be reduced as compared to the project; however, it would still be significant.

**Finding:** The 25-foot Setback Alternative would meet all project objectives. Specifically, it would provide a structurally secure single-family residence, which preserves, to the extent feasible, the designated historical resource or portions thereof. This alternative would also be consistent with the goals and policies of the La Jolla Community Plan and Local Coastal Program Land Use Plan, with the exception of the policies related to historic preservation due to the partial demolition, and would create a harmonious visual relationship between the bulk and scale of the existing and adjacent residences. However, specific economic considerations render this alternative infeasible. Therefore, the City rejects this alternative.

**Rationale:** As shown in the Economic Feasibility Study (JMAN Investments, Inc, 2024), the 25-Foot Setback Alternative is not economically feasible. Upon the completion of the partial removal of the area west of the reduced 25-foot bluff edge setback and the addition of the second-level square footage the resultant house would be 4,051 square feet. When compared to the cost of construction and acquisition the resulting residence value would be 12,153,000 or a net development loss of \$6,679,891 or -54.96% and would not support the total project costs associated with this alternative. Furthermore, the gross margin would not exceed the 10% gross margin on sale in order to be economically feasible and to qualify for project financing.

**Reference:** These findings incorporate by reference the information and analysis included in Final EIR Section 8.4.4., 25-Foot Setback Alternative.

## VIII. Findings Regarding Other CEQA Considerations

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### a. Growth Inducement

Section 15126.2(e) of the State CEQA Guidelines mandates that the growth-inducing impact of a project be discussed. This discussion is presented in Chapter 7, Other CEQA Sections, of the Final EIR. The City finds that the Project would not result in short- or long-term growth-inducing impacts.

### Short-Term Growth Inducement

The project includes the demolition of an existing single-family residence, excavation of the site to remove the existing basement and create the building pad, and construction of a new single-family residence in its place. The project site and surrounding area are fully developed with residential uses. Existing infrastructure, including utility services and roadways, are already in place on the project site and surrounding areas. The project would not result in substantial growth inducement because the site is currently developed with a single-family residence and the project would replace the residence with a new single-family residence. Additionally, the project site is located in a developed community in the City of San Diego. The construction of a replacement single-family home would not foster population growth, either directly or indirectly, as it would accommodate the population currently existing rather than opening up a new area of land for population growth.

### Long-Term Growth Inducement

Although the project includes improvements to existing on-site utilities such as water, sewer, and electricity, these improvements would be sized to only serve the needs of the project and would not extend into previously unserved areas. No new infrastructure would be provided that would exceed the needs of the project and/or that could accommodate future growth not already planned for the project area. Development of a single-family residence in place of an existing single-family residence would not foster economic or population growth, either directly or indirectly, such that construction of additional housing in the surrounding area would be required. For these reasons, the project would not encourage or facilitate growth-inducing activities that could significantly affect the surrounding environment, individually or cumulatively.

#### b. Significant Irreversible Environmental Changes that will be Caused by the Project

State CEQA Guidelines Section 15126.2(d) requires the evaluation of significant irreversible environmental changes that would occur should a project be implemented, as follows:

- (1) Primary impacts, such as the use of nonrenewable resources (ie., biological habitat, agricultural land, mineral deposits, water bodies, energy resources, and cultural resources);
- (2) Secondary impacts, such as road improvements, which provide access to previously inaccessible areas; and
- (3) Environmental accidents potentially associated with the project.

Furthermore, Section 15126.2(d) also states that irretrievable commitments of resources should be evaluated to ensure that current consumption of such resources is justified. Implementation of the project would not result in significant irreversible impacts to agricultural land, mineral resources, water bodies, paleontological resources, or tribal cultural resources.

The project will require energy and non-renewable resources such as electricity, fossil fuels, natural gas, and construction materials like concrete, asphalt, sand and gravel, steel, petrochemicals, and lumber, as well as potable water and labor during construction. It is mandatory for the project to comply with Title 24 Building Standards and the CALGreen Code, as discussed earlier. Furthermore,

the project will incorporate several sustainable building practices into the project to reduce energy and non-renewable resource consumption. These sustainable measures, including the use of low-flow fixtures/appliances and low-flow irrigation, solar energy, and other related sustainable practices that are consistent with the California Green Building Code, will be part of the project's conditions of approval.

During the implementation of the proposed plan, the project will use energy resources during construction projects and will consume energy to provide lighting, heating, and cooling for future development. The construction of the project will also require resources such as lumber and other related forest products, sand, gravel, concrete, asphalt, petrochemical construction materials, steel, copper, lead, and other metals, and water for construction projects resulting from the implementation of the proposed Plan. The use of these resources will have an impact on the regional consumption of these commodities.

Moreover, in addition to the traditional nonrenewable resources discussed above, the project proposes the demolition of the existing historically designated residence (while retaining and rehabilitating the detached garage and stucco privacy wall). Although mitigation measures HR-1 through HR-4, require Historic American Building Survey (HABS) documentation, architectural salvage, rehabilitation work and monitoring plan for the garage and side wall, and an interpretation plaque, the demolition of the historic residence would still represent an irreversible impact.

#### IX. Findings Regarding Responses to Comments and Revisions in the Final EIR

No comments were received on the Draft EIR. The Final EIR includes only minor revisions to the EIR.

**Finding/Rationale:** Revisions in the Final EIR only include revisions to finalize the EIR, and do not trigger the need to recirculate per State CEQA Guidelines Section 15088.5(b).



### Statement of Overriding Considerations

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#### (PUBLIC RESOURCES CODE SECTION 21081(b))

Pursuant to Public Resources Code Section 21081(b) and State CEQA Guidelines Sections 15043 and 15093, CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code Section 21081. CEQA further requires that when the lead agency approves a project that will result in the occurrence of significant effects identified in the EIR and not avoided or substantially lessened, the agency shall state in writing the specific reasons to support the action based on the EIR and/or other information in the record.

Pursuant to Public Resources Code Section 21081(b) and State CEQA Guidelines Section 15093, the Planning Commission, having considered all of the information presented herein and in the Record of Proceedings, finds that the following specific overriding economic, legal, social, technological, or other benefits associated with the project outweigh unavoidable adverse direct impacts related to Land Use and Historical Resources.

The Planning Commission declares that it has adopted all feasible mitigation measures to reduce the project's proposed environmental impacts to an insignificant level; considered the entire Record of Proceedings, including the EIR; and weighed the proposed benefits against the project's environmental impacts. This determination is based on the following specific benefits, each of which is determined to be, by itself and independent of the other project benefits, a basis for overriding and outweighing all unavoidable adverse environmental impacts identified in the Final EIR. Substantial evidence supports the various benefits and can be found in the preceding sections (which are incorporated by reference into this section), the Final EIR, or in the Record of Proceedings for this matter.

As set forth above, the City's approval of the project will result in significant Land Use and Historical Resources impacts that cannot be avoided, even with the adoption of all feasible mitigation measures. Whenever a lead agency adopts a project which will result in a significant and unavoidable impact, the agency must, pursuant to Public Resources Code Sections 21002 and 21081(b) and State CEQA Guidelines Section 15093, declare in writing the specific reasons to support its action based on the Final EIR and/or other information in the Record of Proceedings.

The Planning Commission of the City of San Diego: (i) having independently reviewed the information in the EIR and the record of proceedings; (ii) having made a reasonable and good faith effort to eliminate or substantially lessen the significant impacts resulting from the project to the extent feasible by adopting the mitigation measures identified in the Final EIR; and (iii) having balanced the benefits of the project against the significant environmental impacts, chooses to approve the project, despite its significant environmental impacts, because, in the Planning Commission's view, specific economic, legal, social, and other benefits of the project render the significant environmental impacts acceptable.

The following statement identifies why, in the Planning Commission's judgment, the benefits of the project outweigh the unavoidable significant impacts. Each of these public benefits serves as an independent basis for overriding all significant and unavoidable impacts. Any one of the reasons set forth below is sufficient to

justify approval of the project. Substantial evidence supports the various benefits and such evidence can be found either in the Findings, which are provided above and incorporated by reference into this section, the Final EIR, and/or in documents that comprise the Record of Proceedings in this matter.

#### **A. Improving Safety through the Replacement of the Existing Structurally Compromised Residence**

The proposed residence would be built to current standards, replacing the current residence with structural integrity issues. During investigation and processing, the Structural Investigation (DCI Engineers 2023) revealed that considering the magnitude of the structural issues affecting the site walls, site stairs, slab on grade, fountain, and other site improvements, it is the professional opinion of the structural engineer that the removal and replacement of in several site features, including site walls, site stairs, slab on grade, fountain, and other site improvements are imperative to ensure the overall stability and safety of the entire property. The continued use and occupancy of the residence in its present state poses a risk to occupants and visitors, necessitating comprehensive remediation measures. The proposed development will accomplish this by constructing a home consistent with today's building and seismic regulations.

In addition, the proposed development would observe a 25-foot bluff edge setback in conformance to the applicable regulations of SDMC Section 143.0143(f)(1), Development Regulations for Sensitive Coastal Bluffs. A 25-foot coastal bluff edge setback can be supported for the project based upon evidence in the geologic investigation report (Christina Wheeler Engineering, 2022), concluding that the project has been designed not to be subject to or contribute to significant geologic instability. This would increase the setback from the coastal bluff edge compared to the existing condition where the residence is located on the coastal bluff. Additionally, the project would improve the bluff condition by removing the existing walls and stairs west of the bluff edge. The western portion of the site containing the Coastal Bluff and Special Flood Hazard Area would be protected from future development by recording a COE as a condition of the permit. Existing site drainage currently flows to the Pacific Ocean. The proposed site drainage would minimize further bluff edge retreat and or erosion by redirecting runoff toward the public street.

#### **B. Creation of New View Corridors:**

Deed-restricted view corridors are proposed along the northern and southern property lines, improving visibility through the property to the coastline. The visually permeable fence would replace small sections of the existing stucco privacy wall, enhancing views. Although the project site is not on a street offering framed public views of panoramic aesthetic features, creating new view corridors along the property lines improves public visibility from the adjacent roadway. The project does not block any identified public visual corridors or vistas, ensuring that the improved views of coastal areas enhance the visual experience for the community. The placement of the new structure behind and west of the historic garage ensures that the site's visual appearance from Camino De La Costa remains largely unchanged. Retaining the historic garage and most of the stucco wall preserves the site's visual character. At the same time, the new view corridors and minor modifications enhance the overall aesthetics and visual experience without detracting from the historical elements.

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For the foregoing reasons, the Planning Commission finds in accordance with Public Resources Code Sections 21081(b) and 21081.5, and State CEQA Guidelines Sections 15043 and 15093, that any, or any combination of, the Statement of Overriding Consideration benefits noted above would be sufficient to reach the conclusion that the benefits associated with the project justify the significant and unmitigable impacts that will occur with project implementation.