

DATE ISSUED: July 27, 2005 REPORT NO. 05-165

ATTENTION: Honorable Mayor and City Council
Docket of August 2, 2005

SUBJECT: APPEAL OF ENVIRONMENTAL DETERMINATION FOR THE BEIZAI
RESIDENCE, PROJECT NO. 33137, Council District 1

REFERENCE: Planning Commission Report No. PC-05-160

OWNER/
APPLICANT: Dr. Michael and Jan Beizai

APPELLANT: William Mitchell

SUMMARY

Issues - Should the City Council AFFIRM the Planning Commission's adoption of Negative Declaration, Project No. 33137?

Manager's Recommendation - Deny the appeal and uphold the Environmental Determination (Negative Declaration, Project No. 33137).

Environmental Review – The City of San Diego as Lead Agency under the California Environmental Quality Act (CEQA) has prepared and completed a Negative Declaration No. 33137.

Fiscal Impact Statement: None with this action. All cost associated with the processing of this project are paid by the applicant.

Code Enforcement Impact – None with this action.

Housing Impact Statement – None with this action.

BACKGROUND

The proposed project for which Negative Declaration No. 33137 has been prepared and previously Certified by the Planning Commission on May 12, 2005, is the demolition of an existing single-family residence and the construction of a new two-story, 4,095 square-foot residence with an attached two-car garage. The project site is located at 6542 Avenida Wilfredo on a 11,228 square-foot, RS-1-5 zoned site also located within the Coastal Overlay Zone (non-appealable area), Coastal Height Limit and within the boundaries of the La Jolla Community Plan.

This appeal is before the City Council because of an amendment to the California Environmental Quality Act (CEQA). Effective January 1, 2003, Section 21151 (c) CEQA has been amended as follows: *If a non-elected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or a mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any.*

Pursuant to this amended legislation, Mr. William Mitchell filed an appeal (Attachment No. 2) of the Planning Commission's adoption of Negative Declaration for the Beizai Residence project. This appeal applies only to the environmental determination.

DISCUSSION

The appellant, on the appeal form, states that the Negative Declaration failed to identify potentially significant impacts to aesthetics, air quality, noise and that potential geology impacts remain potentially significant. The following are the relevant issue(s) raised by the appellant and staff response(s):

Aesthetics, Air Quality and Noise – The appeal is not specific as to how the project may have a significant impact on aesthetics, air quality or noise. The proposed project is a residential single family home, located within the RS-1-5 Zone, which allows for single family development and was found to comply with all of the applicable development regulations of the underlying zone. Based on the City's Significance Thresholds, the proposed project does not have a significant impact to aesthetics, air quality or noise.

Geology – The appeal is not specific as to what potential geology impacts remain potentially significant. The Environmental Determination included the review of two submitted geotechnical reports prepared by Southern California Soils & Testing, Inc., titled "Report of Geotechnical Investigation, Proposed Beizai Residence, 6542 Avenida Wilfredo, La Jolla, California", dated March 5, 2004, and "Response to Comments, Proposed Beizai Residence, 6542 Avenida Wilfredo, La Jolla, California", dated August 17, 2004. According to the reports, the site was found suitable for the proposed development and the site would have a factor-of-safety of at least 1.5 with respect to gross and surficial slope stability at the completion of the project. Proper

engineering design of all new structures would ensure that the potential for geologic impacts from regional hazards would not be significant.

Staff's analysis, to determine whether the Beizai Residence project would have a significant effect on the environment, was based on substantial evidence that included facts and documentation based on reasonable assumptions predicated upon facts. Upon completion of the Initial Study, staff determined that no significant impacts would result from the proposed development, no mitigation would be required, and a Negative Declaration was prepared in accordance with CEQA.

CONCLUSION

Staff has investigated the issue(s) raised by the appellant and determined that no substantial evidence of unmitigated impacts exists. Staff believes that the Negative Declaration prepared for the project is in conformance with the California Environmental Quality Act (CEQA). Staff therefore recommends affirming the Planning Commission's certification of Negative Declaration No. 33137, under Section 21080 (c) of the State CEQA Guidelines.

ALTERNATIVE

Grant the appeal, set aside the environmental determination, and remand the matter to the lower decision maker for reconsideration, with any direction or instruction the City Council deems appropriate (Negative Declaration, Project No. 33137).

Respectfully submitted,

Gary W. Halbert
Development Services Director

Approved: Ellen Oppenheim
Deputy City Manager

Project Management GRG

Attachments:

1. [Project Location Map](#)
2. [Full Copy of Appeal](#)
3. [Ownership Disclosure Statement](#)

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