THE CITY OF SAN DIEGO

REPORT TO THE CITY COUNCIL

DATE ISSUED: February 1, 2006 REPORT NO. 06-006

ATTENTION: Council President and City Council
Docket of February 7, 2006

SUBJECT: APPEAL OF ENVIRONMENTAL DETERMINATION FOR THE GRANT RESIDENCE, PROJECT NO. 54670, Council District 1

REFERENCE: Planning Commission Report No. PC-05-301
Notice of Decision (NOD), dated August 16, 2005

OWNER/
APPLICANT: Joseph M. Grant and Sheila P. Grant
Ryan Reynolds, Island Architects, Architect

APPELLANT: George Chandler and Irene Chandler

SUMMARY

Issues - Should the City Council grant an appeal of the Planning Commission's certification of Mitigated Negative Declaration No. 54670?

Manager's Recommendation - Deny the appeal and uphold the Environmental Determination (Mitigated Negative Declaration, Project No. 54670).

Environmental Review – The City of San Diego as Lead Agency under the California Environmental Quality Act (CEQA) has prepared an Initial Study and completed a Mitigated Negative Declaration No. 54670.

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.

Water Quality Impact Statement – The proposed project design incorporates site design and source control best management practices (BMP's) to reduce the amount of potential pollutants that could be generated from the development. Runoff from the project site

will be collected by a private drainage system and conveyed to the public drainage system. The project's post-development runoff will be greater than that of the existing condition. The public drainage system has sufficient capacity to accommodate the increased runoff. A privately maintained filtration device will be used onsite as a permanent treatment BMP. The filtration device will reduce or eliminate the anticipated pollutants in the runoff from the site before the runoff is discharged to the public drainage system. During construction, the project developer will comply with best management practices to reduce or eliminate potential pollutants in runoff from the construction site. The construction phase BMP's will be outlined in a Water Pollution Control Plan (WPCP) prepared in conjunction with the building plans.

BACKGROUND

The proposed project for which Mitigated Negative Declaration No. 54670 has been prepared and previously Certified by the Planning Commission on October 20, 2005, is the demolition of an existing one-story, 2,806 square foot, single family residence and the construction of a two-story, above basement, 6,946 square-foot single family residence, with attached three-car garage, and detached pool. The project site is located at 6929 Fairway Road on a 25,167 square-foot lot zoned RS-1-4 within the Coastal Overlay Zone (non-appealable area), Coastal Height Limit Overlay Zone 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, George Chandler and Irene Chandler filed an appeal (Attachment No. 2) of the Planning Commission's adoption of Mitigated Negative Declaration for the Grant Residence project. This appeal applies only to the environmental determination.

DISCUSSION

The appellant, on the appeal form, states that the Mitigated Negative Declaration failed to identify potentially significant impacts to aesthetics, bulk and scale, land use, and geology/soils. The appellant also states that the project has mandatory findings of significance. The appellant states that the Initial Study Checklist should have checked "Yes" rather than "No" for the above issues. The following are the relevant issue(s) raised by the appellant and staff response(s) to those issues:

Aesthetics – The appeal states that there will be a substantial glare impact from a 4,200 square foot tile roof. The proposed project is a residential single family home, located within the RS-1-4 Zone, which allows for single family development and was found to comply with all of the applicable development regulations of the underlying zone. The proposed material for the roof

is muted earth tone matte tile, which is a non-reflective material. Based on the City's Significance Thresholds, the proposed project does not have a significant impact to aesthetics.

Bulk and Scale – The appeal states that there will be impacts to the easterly neighbor's view. The San Diego Municipal Code (SDMC) does not have provisions to protect private views. The project is located outside of any Public Vantage Point identified in the La Jolla Community Plan and Local Coastal Program Land Use Plan and will not impact public views. The design of the project was found to comply with all of the applicable development regulations of the underlying zone within the SDMC and the adopted land use plans. The bulk and scale of the proposed residence is not an environmental issue under CEQA.

Land Use – The appeal states that the project is inconsistent with the community plan and that there are conflicts with the La Jolla Community Plan goals, objectives and recommendations related to bulk and scale and potential geology/soils impacts. The proposed project is a residential single family home, located within the RS-1-4 Zone, which allows for single family development and was found to comply with adopted La Jolla Community Plan. The La Jolla Community Plan designates the project site as Very Low Density Residential (0-5 du/ac). The proposed single family residence conforms to this land use designation and density.

Geology – The appeal states that there are potentially significant impacts related to exposure to people and property due to potential geologic hazards, substantial increase in water erosion and that the geologic unit is unstable or could become unstable as a result of the proposed project. The environmental determination included the review of three submitted geotechnical reports by the City's Geology review staff and the City's Environmental Analysis Section staff.

The following reports were prepared in accordance with the City's *"Technical Guidelines for Geotechnical Reports"*: Report of Geotechnical Investigation, Proposed Grant Residence, 6929 Fairway Road, La Jolla, California, prepared by Southern California Soil & Testing, Inc., dated April 1, 1998; Interim Report of Site Conditions and Update Geotechnical Investigation, Proposed Grant Residence, 6929 Fairway Road, La Jolla, California, prepared by Geotechnical Exploration, Inc., dated October 15, 2004; and Report of Geotechnical Investigation, Proposed Grant Residence, 6929 Fairway Road, La Jolla, California, prepared by Geotechnical Exploration Inc., dated April 21, 2005. According to the reports, the site was found suitable for the proposed development and the site will have a factor-of-safety of 1.5 or greater with respect to gross and surficial slope stability at the completion of the project. Proper engineering design of the new structure would ensure that the potential for geologic impacts from regional hazards would not be significant.

Mandatory Findings of Significance – The appeal states that the project is inconsistent with the community plan, individual and cumulative impacts on the environment, and potential environmental effects associated with geology/soils issues. The proposed project is a residential single family home, located within the RS-1-4 Zone, which allows for single family development and was found to comply with all of the applicable development regulations of the underlying zone. Staff's analysis, to determine whether the Grant 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, mitigation would be required related to potential impacts to paleontological resources only, and a Mitigated Negative Declaration was prepared in accordance with CEQA.

CONCLUSION

City staff has investigated the issue(s) raised by the appellant and determined that no substantial evidence of unmitigated impacts exists. The Mitigated Negative Declaration prepared for the project is in conformance with the California Environmental Quality Act (CEQA) and therefore, City staff recommends denying the appeal and upholding the Planning Commission's certification of Mitigated Negative Declaration No. 54670, 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 (The Planning Commission) for reconsideration, with any direction or instruction the City Council deems appropriate (Mitigated Negative Declaration, Project No. 54670).

Respectfully submitted,

Gary W. Halbert Development Services Director	Approved: Ellen Oppenheim Deputy City Manager

Halbert/LCB

Note: The attachments are not available in electronic format. A copy for review is available in the Office of the City Clerk.

Attachments:

1. Project Location Map
2. Full Copy of Appeal
3. Ownership Disclosure Statement
4. Report of Geotechnical Investigation, dated April 1, 1998 (submitted under separate cover).
5. Interim Report of Site Conditions and Update Geotechnical Investigation, dated October 15, 2004 (submitted under separate cover).
6. Report of Geotechnical Investigation, dated April 21, 2005 (submitted under separate cover).