

OPPOSITION TO APPEAL (Applicant Response to Appeal - October 23, 2006)

I. Significant environmental effect on the steep hillside

The slope at issue is substantially disturbed and manmade and thus the Environmentally Sensitive Lands regulations governing steep slopes do not apply. It should be noted that the manmade cut and fill occurred when the Appellant's property was graded in the early 1950's.

The proposed development is designed to reflect the existing contours of the hillside. This is referenced in the MND in Section 3 Environmental Analysis subsection 1 Aesthetics-Neighborhood Character Items F and G which states that the structure will be recessed into the slope to mitigate any substantial change in topography.

II. Significant environmental effect on the ground water table

All contaminants and storm water runoff will be mitigated as addressed in the Applicant's storm water quality technical report. In addition, the Applicant will continue to monitor the ground water table as directed by the City and as warranted during the construction of the residence. These issues have been adequately addressed in Section 3, Environmental Analysis Subsection 9 Hydrology-Water Quality, Items A-F.

III Significant environmental effect on the raptors loss of breeding habitat

The MND requires a biological monitoring of the construction and the biologist will also perform a pre grading survey to identify any active raptor nests. Appropriate mitigation measures address any potential impacts to raptors. This issue is adequately addressed in the Biological Resources Section of the Mitigation Monitoring and Reporting Program in the MND.

IV. Significant environmental effect on the coastal sage scrub

The Applicant will contribute to the City's Habitat Acquisition Fund to mitigate the impact to coastal sage scrub. This complies with the City's Biology Guidelines and fully mitigates impacts.

V. Significant environmental effect on density

There is more than adequate room for an additional single family residence. The residence will be constructed on a lot which exceeds the minimum lot size under applicable zoning, and will be built in conformance with other single family residences in the neighborhood. There is adequate existing infrastructure to accommodate an additional single family residence in this neighborhood.

VI. MND fails to properly notice appellants

City staff prepared and forwarded all the appropriate notices in accordance with City requirements. Draft copies of the MND were distributed to public facilities in the surrounding neighborhoods to enable public review. Appellants, individually and through legal counsel, have provided comments to the City regarding the adequacy of the MND.

VII MND certified without public comment

Notice of the proposed MND was provided to the community in accordance with City regulations. Public comments were accepted and considered during the public review period from June 2, 2006 (date of draft report) to July 12, 2006 (date of final report). All public comments addressing the findings received during the public input period were included in the final MND. Appellants and their legal counsel attended the Hearing Officer proceeding and addressed the MND both verbally and in written form. Those comments were considered by the Hearing Officer. Later, Appellants' legal counsel attended the Planning Commission hearing and submitted testimony, both verbal and in writing, with regard to the MND. The Planning Commission considered those comments prior to upholding the decision of the Hearing Officer.