



## THE CITY OF SAN DIEGO

November 26, 2013

Mr. P. Michael Payne, Chief  
Permits and Conservation Division  
Office of Protected Resources  
National Marine Fisheries Service  
1315 East-West Highway  
Silver Spring, Maryland 20910-3226

Dear Mr. Payne:

The purpose of this letter is to request renewal of the Incidental Harassment Authority (IHA) issued to the City of San Diego in June 28, 2013 for demolition and construction of the new lifeguard station located at 827 ½ Coast Boulevard, La Jolla, CA, 92037.

Demolition of the old lifeguard station has been completed and construction of the new lifeguard station has begun; however, the project has had several delays and will not be completed before harbor seal pupping season (December 15, 2013 through May 31, 2014) as a condition of the IHA. Therefore, the City is requesting a one-year renewal of the IHA prior to expiration of the current IHA on June 27, 2014.

Please find enclosed an updated application from the City of San Diego for renewal of Incidental Harassment Authority by Level B harassment for small numbers of harbor seals, possibly sea lions and elephant seals during construction activities of the Children's Pool lifeguard station at La Jolla, California. We appreciate your help in preparation and look forward to the timely and safe accomplishment of the required activities under Sections 101(a) (5) (A) and (D) of the MMPA (16 U.S.C. 1361 et seq.).

The City has followed all conditions of the existing IHA and is additionally requesting that construction activities be allowed on weekends to ensure completion of the project prior to pupping season next year.

Our staff and our consultant, Dr. Doyle Hanan, have conferred with your staff and Southwest Region as the project has progressed. A plywood barrier has been in place; monitoring of pinniped numbers has continued; maximum seals counted have not shown declining trends;



### Engineering and Capital Projects Department

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project's sound levels have not exceeded allowable levels; and total pinnipeds harassed (level B) has not exceeded expected levels (sea lions 1, Elephant seals 0, harbor seals 2902). There were no (0) takes by level A harassment.

Sincerely,

Jihad Sleiman  
Associate Civil Engineer  
City of San Diego  
Public Works Department - Engineering and Capital Projects Branch  
Architectural Engineering and Parks Division



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APPLICATION for RENEWAL of  
INCIDENTAL HARASSMENT AUTHORIZATION  
under the  
MARINE MAMMAL PROTECTION ACT

Submitted to:  
Michael Payne  
Division Chief- Permits, Conservation Division  
National Marine Fisheries Service  
Office of Protected Resources  
1315 East-West Hwy  
Silver Spring, MD 20910

For  
City of San Diego  
Public Works Department  
Engineering and Capital Projects Branch  
Architectural Engineering and Parks Division

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November 26, 2013

## Summary of the Request

Pursuant to the Marine Mammal Protection Act of 1972 (MMPA), as amended, the City of San Diego requests that NOAA Fisheries, Office of Protected Resources, renew an Incidental Harassment Authorization (IHA) for incidental take of three pinniped species: harbor seal, sea lion, and elephant seal during the construction of the La Jolla Children's Pool Lifeguard Station at 827 ½ Coast Boulevard, La Jolla CA 92037.

The previous lifeguard station was located on a bluff above Children's Pool (32° 50' 50.02" N 117° 16' 42.8" W) to oversee nearby reef and beach areas (Figure 1, and see detailed maps and photographs pages 30-31 in the attached Mitigated Negative Declaration, updated 11/30/2011, Appendix II). Because the building had deteriorated significantly, was unusable, and closed to entry; a temporary life guard tower was moved onto the bluff near the existing station. For public service during demolition and construction of the new life guard station, two temporary towers were placed on nearby cliffs and the first temporary tower was removed. To accommodate basic year round working conditions for life guards and demand for life guard services (see Table 1) a new station is still required. Please see Mayor Sander's memorandum regarding condemnation (Appendix 1).

Most of the above ground structure of the old station has been demolished/removed. The building contractor utilized excavator, backhoe, concrete saw, and jackhammers for demolishing the old structure and has hauled the waste materials to an offsite landfill where it was separated into recycled content and waste. No material has washed into the marine environment as covered by the US Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) and the California Stormwater Pollution Prevention Plan (SWPPP) developed as required for this construction.

In the same foot print as the old life guard station, a new station is scheduled to be constructed within and adjacent to the previous facility. The new three-story, partially subterranean-1,877 square-foot building will contain beach access-level public restrooms, showers, lifeguard lockers, and sewage pump room; a second level containing two work stations, ready/observation room, kitchenette, restroom, and first aid station; and a third 'observation' level with a 270 degree view of the beach and nearby reef areas and will include a single occupancy observation space, radio storage closet, and exterior catwalk. Interior stairs will link the floors. The existing below grade retaining walls will remain in place for the station and new retaining walls will be constructed for a ramp from street level to the lower level for emergency vehicle beach access and pedestrian access to the lower level restrooms and showers.

There are many activities along the shoreline, beaches, and reefs of La Jolla. Within this environment, Children's Pool and nearby shore areas are actively used by swimmers; sunbathers; SCUBA divers; snorkelers; shore/surf fishermen; school classes; tide pool explorers; kayakers; surfers; bogie boarders; seal, bird, and nature watchers (especially seal and sea lion enthusiasts) plus members of the public enjoying the environment as a whole. The proposed life guard

facility is an optimal location to provide life guard service to the community. It will provide a 270 degree view of beaches, bluffs, and reefs for continued service to the public on shore, as well as, in the water as highlighted in summary of life guard activities (Table 1).

Children's Pool was created in 1932 by building a breakwater wall which created a protected pool for swimming. With time this pool has partially filled with sand but still has open water for swimming, as well as, a beach for sunbathing and beachcombing. Harbor seals have taken up residence in Children's Pool and nearby reefs and rocks. They haul out, birth pups, and molt their pelage (hair) on the beach; forage for food and mate in nearby ocean areas. This is one of three known harbor seal hauling sites in San Diego County (also observed at north end of Torrey Pines beach and in a cave on the exposed ocean side of Point Loma). The City has established Children's Pool as a shared beach for seals and people. A rope is strung along the upper part of the beach with signage to inform and designate how close people can come to the hauled out seals. Swimming and other water activities are still allowed as long as there is no direct harassment of the seals.

Pacific harbor seals, *Phoca vitulina*, haul out on nearby beaches and rocks below the tower. Seal numbers have increased since 1979 and seals are documented to give birth on these beaches during January through May (Hanan 2004, Hanan&Associates 2011). Several studies have identified seal behavior and estimated seal numbers including patterns of daily and seasonal area use (Yochem and Stewart 1998; Hanan 2004, Hanan&Associates 2011; Linder 2011.)

California sea lions, *Zalophus californianus*, and Elephant seals, *Mirounga angustirostris*, are occasionally observed on this beach and nearby areas (Yochem and Stewart, 1998; Hanan 2004, Hanan&Associates 2011) in small numbers (less than 5). Although rare in the Children's Pool (CP), the City is requesting that these two species be included in the IHA because of unlikely but potential Level B incidental harassment. Estimates of sea lion and elephant seal incidental take are based on the 100 dB level recommended by NMFS.

The City has pursued an extensive process of internal and public review of this lifeguard tower project, including a biological review and proposed mitigation (Mitigated Negative Declaration, updated 11/30/2011). The IHA renewal would allow the incidental take of harbor seals, sea lions, and elephant seals under the MMPA. These takes would not be lethal and would not have any population effects or subsistence harvest effects.

There are so many human visitors to this site at all hours of day and night, season, and weather that human scent and visual presence are generally not issues (Hanan 2004, Hanan&Associates 2011). At this site the harbor seals are disturbed when people get very close to them on the beach (from Dr. Hanan's personal observations and observations during demolition: generally less than 2-3 meters). During demolition under the current IHA, seals have alerted and flushed into the water because of demolition sounds and/or visual stimuli (2,902 takes). Because the demolition and construction activities were subject to delays and construction cannot be completed by December 15, 2013, the City wishes to renew the IHA for an additional year. Assuming all seals potentially hauled out at CP (Figure 2) are exposed to Level B harassment during days where sound is predicted to exceed 90 dB at the source (65

days); there could be a maximum of approximately 10,000 incidental harbor seal takes during 2014.

As a modification of one condition, the City requests that construction be allowed on weekends to ensure completion of the project during 2014. In conclusion, the City requests Incidental Harassment Authority for 10,000 harbor seals, 100 sea lions, and 25 elephant seals.

## **Responses to IHA requirements mandated by section 7 of the Endangered Species Act and the National Environmental Policy Act (NEPA):**

### **1. A detailed description of the specific activity or class of activities that can be expected to result in incidental taking of marine mammals;**

Demolition of the existing lifeguard station was completed during 2013. Construction of the new station is expected to be completed during 2014. Sound levels during all phases of the project's second year will not exceed 110 dB re 20  $\mu$ Pa at the source. The contractor used published or manufacturer's measurements to estimate sound levels. Equipment includes backhoe, dump truck, cement pump, air compressor, electric screw guns, jackhammer, concrete saw, chop saws, and hand tools. During 2013, on occasion seals did alert and/or flush because of equipment noises or visual cues while at other times there were no reactions to the same stimuli. Therefore, it is difficult to predict which activities might cause noticeable behavioral reactions with harbor seals at this site. Children's Pool is a highly disturbed hauling site now; seals at this location do not respond to stimuli as observed with seals in other areas (Hanan 2004; Hanan&Associates 2011, and see <http://www.youtube.com/watch?v=4IRUYVTULsg>). At some point during some of the working days, we estimate there will be sound source levels above 90 dB (including 65 days of source level 100 – 110 dB). On average, seals will be about 100 feet or more from the construction site with a potential minimum of about 50 feet. During 2013, sound levels reaching seals did not exceed approximately 90 dB at the hauling area closest to construction (50 feet) and a peak of about 83 dB at the mean hauling distance (100 feet). Southall et. al. (2007) recommends 149 dB re 20  $\mu$ Pa (peak) (flat) as the potential threshold for injury from in-air noise for all pinnipeds and this project will not and has not approached that sound level (Please see below).

Construction of the new life guard station was estimated to take seven months (148 actual construction days of the 214 total days) however, demolition did not start during the first week of June, 2013, as requested because of the presence of nesting migratory birds. There were additional unexpected delays in the demolition due to unforeseen underground structures at the site making it impossible to finish the project by December 15, 2013. Construction activities were divided into phases: 1) mobilization & temporary facilities, 2) demolition & site clearing, 3) site preparation & utilities, 4) building foundation, 5) building shell, 6) building exterior, 7) building interior, 8) site improvements, 9) final inspection & demobilization. The project is

expected to complete phases 1) - 4) by December 15, 2013, thereby necessitating a second year for construction to complete phases 4) – 9) and the requested renewal of the IHA.

Detail summary (phases overlap in time). All construction has/will occur during daylight hours. Phases 1) – 3) and most of 4) were completed during 2013; construction will commence in June 2014 where stopped December 15, 2013.

1) Mobilization & temporary facilities:

Install: temporary perimeter fencing, temporary utilities and foundation, temporary life guard tower, temporary office trailer, temporary sanitary facilities, and temporary sound wall/visual barrier;

Equipment: truck, backhoe, trailer, small auger, hand/power tools, concrete truck;

Time frame: 6/3-6/18; completed

Maximum source decibel level: 100 dB

2) Demolition & site clearing:

Dismantle and remove existing station, remove hardscape and landscape, trucks expected to haul off less than 5 loads of debris via Coast Boulevard;

Equipment: excavator, hydraulic ram, jackhammer, trucks, hand/power tools;

Time frame: 6/19-7/5; completed

Maximum source decibel level: 110 dB

3) Site preparation & utilities:

Rough grade building site, modify underground utilities;

Equipment: loader, backhoe, truck;

Time frame: 7/8-7/30; completed

Maximum source decibel level: 110 dB

4) Building foundation:

Dig/shore foundation, pour concrete, waterproofing, remove shoring;

Equipment: backhoe, concrete pump/truck, hand/power tools, small drill rig, crane;

Time frame: 7/23-8/21/2013; mostly complete; to be determined in 2014

Maximum source decibel level: 110 dB

5) Building shell:

Precast concrete panel walls, rough carpentry and roof framing, wall board, cable railing, metal flashing, roofing;

Equipment: crane, truck, fork lift, hand/power tools;

Time frame: 8/22-10/9/2013; to be determined in 2014

Maximum source decibel level: 100 dB

6) Building exterior:

Doors and windows, siding, paint, light fixtures, plumbing fixtures;

Equipment: truck, hand/power tools, chop saw;

Time frame: 4 weeks;

Maximum source decibel level: 100 dB

- 7) Building interior: walls, sewage lift station, rough and finish MEPs (Mechanical Electrical Plumbing Structural), wall board, door frames, doors, paint;

Equipment: truck, hand/power tools, chop saw;

Time frame: 10/3-11/22/2013; to be determined in 2014

Maximum source decibel level: 100 dB

- 8) Site improvements:

Modify storm drain, concrete seat walls, curbs, and planters, fine grade, irrigation, hardscape, landscape, hand rails, plaques, benches;

Equipment: backhoe, truck, hand/power tools, concrete pump/truck, fork lift;

Time frame: 10/3-11/22/2013;

Maximum source decibel level: 110 dB

- 9) Final inspection, demobilization:

System testing, remove construction equipment, inspection, corrections;

Equipment: truck, hand/power tools;

Time frame: 10/18-12/23/2013; to be determined in 2014

Maximum source decibel level: 100 dB

**2. The date(s) and duration of such activity and the specific geographical region where it will occur;**

Because the City of San Diego and NMFS are already requiring a moratorium on all construction activities during harbor seal pupping and weaning (December 15 - May 30; see Negative Declaration page 5, November 30, 2011; NMFS IHA issued June 28, 2013); work on this project can only be performed between June 1 and December 14 of any year. The City is requesting the project at Children's Pool, La Jolla resume June 1, 2014 (see Negative Declaration page 30-31) with completion of the new station by December 15, 2014 (see time frames for construction phases above). All construction will be performed at 827 ½ Coast Boulevard, La Jolla CA 92037: Children's Pool (32° 50' 50.02" N 117° 16' 42.8" W).

**3. The species and numbers of marine mammals likely to be found within the activity area;**

The rocks and beaches at or near Children's Pool, La Jolla, are almost exclusively harbor seal hauling sites. On rare occasions, one or two California sea lions, *Zalophus californianus*, or a single juvenile elephant seal, *Mirounga angustirostris*, have been observed on the sand or rocks at/near Children's Pool. However, these sites are not normal/usual haul-out locations for either of these two species. The City commissioned two studies for harbor seal abundance trends at his site. Both studies reported rare appearances of sea lions and elephant seals (Yochem and Stewart 1998; Hanan & Associates 2004, 2011). Also, during 2013, we observed only one juvenile sea lion and no elephant seals at CP. There were several instances when Sea World was requested to capture and aid harbor seals with wounds or fishing line wrapped around them. No dead animals were observed.

Harbor seals haul out on the sand, rocks, and breakwater base at/near Children's Pool in small numbers of 0-15 seals to a maximum of about 150-250 seals depending on time of day, season, and weather conditions. Because space is limited behind the breakwater at Children's Pool, Linder (2011) predicted it unlikely that numbers would exceed 250 seals. At low tide, additional hauling space is available on the rocky reef areas outside the retaining wall and on beaches immediately southward. Radio tagging and photographic studies have revealed that only a portion of seals utilizing a hauling site are present at any specific moment or day (Hanan 1996, 2005; Gilbert et.al. 2005; Harvey and Goley 2011; Linder 2011). These studies further indicate that seals are constantly moving along the coast including to/from the offshore islands and that there may be as many as 600 harbor seals using Children's Pool during a year, but certainly not all at one time.

We have fitted a polynomial curve to show potential seals hauling out at Children's Pool by month (Figure 2) based on counts at CP by (Hanan 2004, Hanan&Associates 2011), Yochem and Stewart (1998), and the Children's Pool docents (Hanan 2004). A three percent annual growth rate was applied to the Yochem and Stewart counts to normalize them to H&A and docent counts during 2003-2004. Based on personal observations and monitoring during 2013, Dr. Hanan estimated similar numbers of seals hauling out at CP during 2011 and would expect similar numbers 2014.

**4. A description of the status, distribution, and seasonal distribution (when applicable) of the affected species or stocks of marine mammals likely to be affected by such activities;**

Pacific harbor seals are not "depleted" under the MMPA or "threatened/endorsed" under the Endangered Species Act (Carretta, et. al. 2012). They are found from Baja California, Mexico into Alaska, USA and are one of the most frequently observed marine mammals along this coastal environment. There is a subspecies (*P. v. stejnegeri*) extending harbor seal range to Japan in the Western North Pacific. Harbor seals are also common on both sides of the North Atlantic Ocean with three subspecies and are one of the most common marine mammals in those areas. As mentioned above, harbor seal presence at hauling sites is seasonal with peaks in abundance during their pupping and molting periods. Pupping and molting periods are first observed to the south and progress northward up the coast with time (*e.g.* January – May near San Diego, Hanan 2004, Hanan&Associates 2011; April – June in Oregon and Washington; Jeffries 1984; Jeffries 1985; Huber *et al.* 2001).

California sea lions, *Zalophus californianus*, are not "depleted" under the MMPA or "threatened/endorsed" under the Endangered Species Act (Carretta, et. al. 2012). They are found from southern Mexico to southwestern Canada. They are considered to be at carrying capacity of the environment. There are no rookeries at or near Children's Pool.

Elephant seals, *Mirounga angustirostris*, are not “depleted” under the MMPA or “threatened/endangered” under the Endangered Species Act (Carretta, et. al. 2012). They are found from Baja California, Mexico to the Gulf of Alaska, USA. They are considered to be at Optimum Sustainable Population level. There are no rookeries at or near Children’s Pool.

**5. The type of incidental taking authorization that is being requested (i.e., takes by harassment only; takes by harassment, injury and/or death) and the method of incidental taking;**

All takes of harbor seals, sea lions, and elephant seals during this project will be Level B harassment only. There will be no intrusive, injurious, or lethal takes. There is a high likelihood that many of the harbor seals when present during project activity will not be flushed off the beach, as seals at this site are very conditioned to human presence and loud noises (Hanan 2004, Hanan&Associates 2011, monitoring during 2012, and see <http://www.youtube.com/watch?v=4IRUYVTULsg>). The City is requiring additional mitigation visual barriers to shield construction activities from beach view; daily work hours 08:30-15:30 (IHA allowed 07:00-19:00); along with onsite monitoring.

**6. By age, sex, and reproductive condition (if possible), the number of marine mammals (by species) that may be taken by each type of taking identified in paragraph (a)(5) of this section, and the number of times such takings by each type of taking are likely to occur;**

With construction beginning June 1, 2014, we would expect a range of 0-190 harbor seals present daily during June and a seasonal decline through November to about 0-50 seals present daily (Figure 2). If all estimated seals present are incidentally harassed each day, there could be a maximum of 10,000 harbor seal incidental takes (approximately 2,800 adult males and 2,100 juvenile males; 2,700 adult females and 1,900 juvenile females based on age and sex ratios presented in Härkönen *et. al.*, 1999). We would expect about 90% of the adult females to be pregnant after June/July (Greig 2002). An unknown proportion of the incidental takes would be from repeated exposures as seals return to CP. A polynomial curve fit to counts by month was used to estimate harbor seals expected to be hauled out by day (Figure 2).

Because so few sea lions or elephant seals are ever observed at Children’s Pool, the City requests a maximum incidental take of 100 sea lions and 25 elephant seals.

**7. The anticipated impact of the activity upon the species or stock;**

This type of Level B taking is not expected to affect nor impact harbor seals, sea lions, or elephant seals at the population or stock level.

Since no construction will be performed during the pupping season (Dec 15 through May 30) there will be no impacts on birthing rates nor pup survivorship at Children’s Pool. There will be no in water construction activities in or near the water so pinniped activities in the water should not be affected.

Additionally seals utilizing this beach are a small portion of the California seal stock and any impacts here would have little effects on the harbor seal population as a whole (maximum 500 seals off La Jolla out of 30,196 seals off California (CV=0.157)) or less than 2% of the California stock which does not include significant numbers of seals off Mexico, Oregon, Washington, Canada, and Alaska. We have also requested a potential maximum take of 100 sea lions which is an insignificant portion of the estimated 296,750 California sea lions off California, not including sea lions in Mexico. We have requested a maximum take of 25 elephant seals which is also an insignificant portion of the estimated 127,000 elephant seals off the U.S. and Mexico (Carretta, et. al. 2012) when considering stock or population level impacts.

At the individual level a newly arrived seal (moved in from another area) may not have habituated to humans and noise as seals that have been on site for a while. These recent arrivals may alert to these stimuli, perhaps flushing to the water. But after a few days using this beach, we would expect them to habituate and not react to humans (unless very close to them) or noises at the construction site as observed at CP (Hanan 2004, Hanan&Associates 2011).

**8. The anticipated impact of the activity on the availability of the species or stocks of marine mammals for subsistence uses;**

There will be no impact on subsistence uses as there are no anticipated effects on natality, mortality, or survivorship of pinniped stocks because of this project.

**9. The anticipated impact of the activity upon the habitat of the marine mammal populations, and the likelihood of restoration of the affected habitat;**

All construction activities are beyond or outside harbor seal habitat areas. Visual barriers will be erected to shield construction most activities from seal view; these barriers will dampen but not exclude sound.

The general public has not and will not be excluded from the beaches and areas outside the construction zone. Because the public occasionally harasses the seals with various activities, the NMFS certified monitor will make observations and attempt to attribute any observed harassment to the public or to the construction activities and give all details in the observation report. We will follow NMFS suggested reporting criteria for seal responses to construction: flushing into the water; moving more than 1 m, but not into the water; becoming alert and moving, but do not move more than 1 m; and changing direction of current movement. Additionally, observers will estimate of what portion of seals present were observed to exhibit the behavior, as well as, the apparent source of the stimulus as we anticipate harassment from the public and potentially the construction.

**10. The anticipated impact of the loss or modification of the habitat on the marine mammal populations involved;**

We do not project any loss or modification of habitat for these species.

**11. The availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, their habitat, and on their availability for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance;**

All project activity will occur outside harbor seal pupping and weaning periods. Visual barriers will be constructed to screen seal's views of construction activities. However, because the site is a beach with construction along the cliff and on flat areas above the cliff, we don't think a complete barrier can be constructed to hide all activities. Once the walls of the building are in place, much of the construction activity will take place on the bluff above the beach (thus out of sight) and inside the building: thus a visual and partial sound barrier.

There will be no activities in the ocean or close to water's edge and since harbor seals mate underwater, there will be no takes or impacts during any late mating activities as most, if not all, mating should be completed by time of construction. Sea lions and elephant seals are such infrequent users of this area and their rookeries are so far away (at least 65 miles at offshore islands) that there will be no adverse impact on these species mating activities.

**12. Where the proposed activity would take place in or near a traditional Arctic subsistence hunting area and/or may affect the availability of a species or stock of marine mammal for Arctic subsistence uses, the applicant must submit either a "plan of cooperation" or information that identifies what measures have been taken and/or will be taken to minimize any adverse effects on the availability of marine mammals for subsistence uses.**

There will not be any activities in Arctic areas, and there are no subsistence uses of seals in the vicinity of Children's Pool.

**13. The suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species, the level of taking or impacts on populations of marine mammals that are expected to be present while conducting activities and suggested means of minimizing burdens by coordinating such reporting requirements with other schemes already applicable to persons conducting such activity. Monitoring plans should include a description of the survey techniques that would be used to determine the movement and activity of marine mammals near the activity site(s) including migration and other habitat uses, such as feeding. Guidelines for developing a site-specific monitoring plan may be obtained by writing to the Director, Office of Protected Resources;**

The City has developed a monitoring plan (see attached: Appendix II. Mitigated Negative Declaration, 11/30/2011) based on discussions between the project biologist, Dr. Doyle Hanan, and NOAA Fisheries biologists. The plan has been vetted by City planners and reviewers. The

plan has been formally presented to the public for review and comment. The City has responded in writing and in public testimony (City Council Hearing, December 14, 2011) to all public concerns. The plan has been in place and utilized during 2013 with no problems or suggested changes.

The basic plan is to survey prior to construction activities and then monitor construction activities by NMFS approved monitors with binoculars and handheld digital sound level devices. These units will measure in the 30 – 130 dB range.

Observers will make hourly counts of seals present and record sound levels during those counts and during any periods of apparent seal harassment. They will make and record observations of any apparent responses to sound or visual events that result in behavior changes whether during public or construction stimuli. During these events pictures and video will also be taken when possible. The City's Negative Declaration states: "Monitoring shall assess behavior and potential behavioral responses to construction noise and activities. Visual digital recordings and photographs shall be used to document individuals and behavioral responses to construction."

Observations will be entered into and maintained on Hanan&Associates computers. For the city reporting requirements, we will follow the City's Negative Declaration: "In addition, the biologist shall document field activity via the Consultant Site Visit Record (CSV). The CSV shall be either emailed or faxed to the City's Mitigation Monitoring Coordination (MMC) section on the 1<sup>st</sup> day of monitoring, the 1<sup>st</sup> week of each month, the last day of monitoring, and immediately in the case of any undocumented discovery." And additionally: "The project biologist shall submit a final construction monitoring report to MMC within 30 days of construction completion." These same reports would be sent to NOAA Fisheries using the same schedule or on whatever schedule NOAA requires. Daily monitoring reports will be maintained at Hanan&Associates for the periodic summary reports to the City and to NMFS.

#### **14. Suggested means of learning of, encouraging, and coordinating research opportunities, plans, and activities relating to reducing such incidental taking and evaluating its effects.**

Each demolition/construction phase and potential harassment activity will be evaluated as to observed sound levels and any seal reaction by type of sound source. If there is any flushing due to construction, it will be documented by sex and age class. These data will provide instructional for IHA permitting in future projects. Potential additional mitigation will be discussed and suggested in the final report.

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Southall, B. L., A. E. Bowles, W. T. Ellison, J. J. Finneran, R. L. Gentry, C. R. Greene, D. Kastak, D.R. Ketten, J.H. Miller, P.E. Nachtigall, P. L. Tyack, 2007. Overview. *Aquatic mammals*, 33(4), 411-414.

Yochem, P. K., and B. S. Stewart, 1998. Behavioral ecology and demography of seal and sea lions at the Seal Rock Marine Mammal Reserve. Hubbs-Sea World Technical Report 98-282.

Table 1. Life guard summary report of the area at and near Children’s Pool, La Jolla, California.

CASA 2012

<b>CROWD COUNT</b>	<b>1,351,371</b>
<b>PREVENTIVE ACTIONS</b>	<b>8,613</b>
<b>TOTAL WATER RESCUES</b>	<b>114</b>
<b>MINOR MEDICAL AID</b>	<b>110</b>
<b>SERIOUS MEDICAL AID</b>	<b>14</b>

CASA 2011

<b>CROWD COUNT</b>	<b>1,529,082</b>
<b>PREVENTIVE ACTIONS</b>	<b>7,978</b>
<b>TOTAL WATER RESCUES</b>	<b>86</b>
<b>MINOR MEDICAL AID</b>	<b>90</b>
<b>SERIOUS MEDICAL AID</b>	<b>17</b>

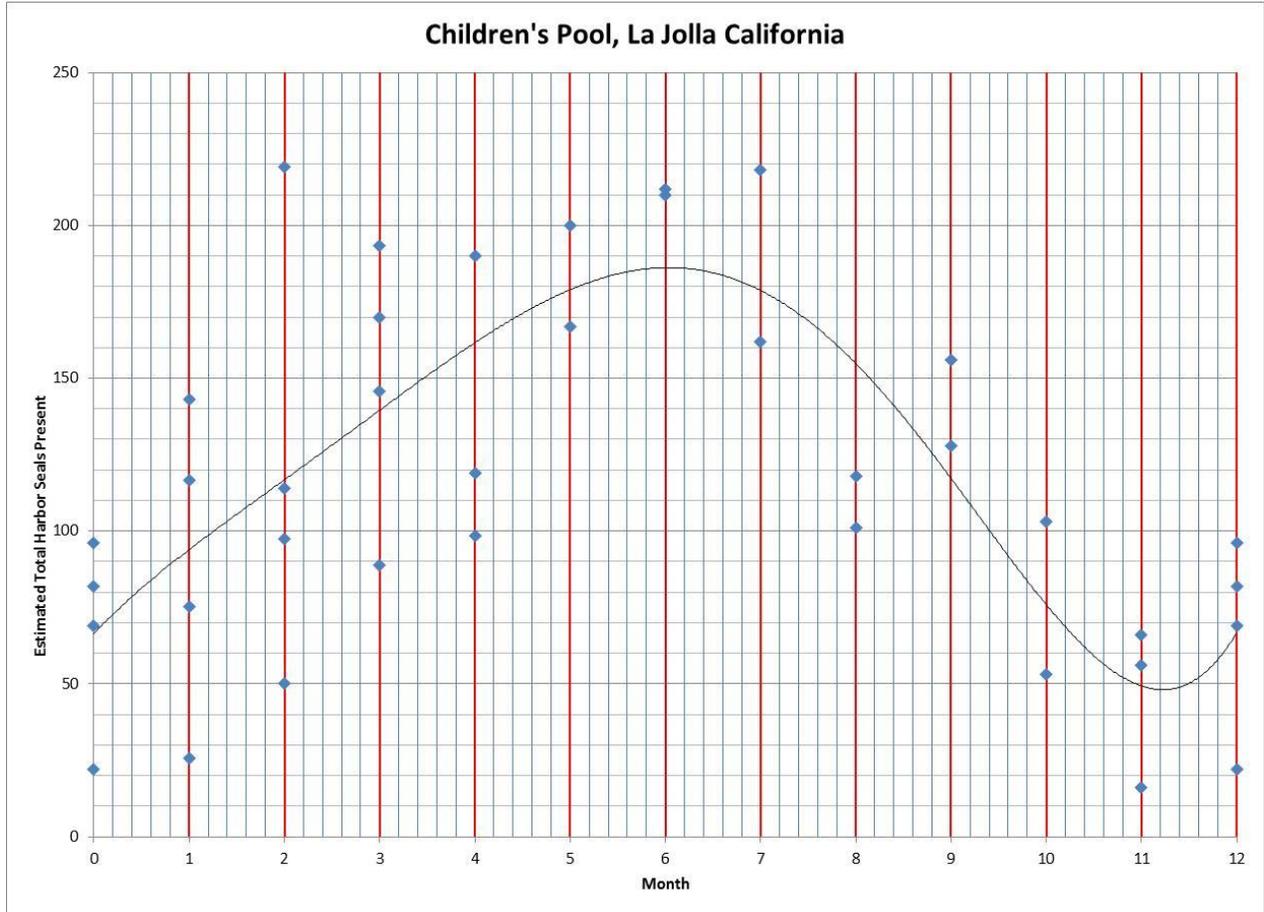
CASA 2010

<b>CROWD COUNT</b>	<b>1,788,100</b>
<b>PREVENTIVE ACTIONS</b>	<b>7,849</b>
<b>TOTAL WATER RESCUES</b>	<b>57</b>
<b>MINOR MEDICAL AID</b>	<b>76</b>
<b>SERIOUS MEDICAL AID</b>	<b>10</b>

Figure 1. Construction site measurements.



Figure 2. Estimated total seals by month based on counts at the site by Hanan&Associates, Yochem and Stewart, and Children’s Pool docents. Polynomial curve fit to counts by month was used to estimate harbor seals potentially hauled out by day.



Appendix I. Mayor Sander's memorandum regarding condemnation.



THE CITY OF SAN DIEGO  
MAYOR JERRY SANDERS

M E M O R A N D U M

DATE: February 22, 2008

TO: Javier Mainar, Assistant Fire Chief, Support Services

FROM: Darren Greenhalgh, Deputy Director, Architectural Engineering and Parks  
Division, Engineering & Capital Projects Department

SUBJECT: Children's Pool Lifeguard Station Structural Condition

---

As requested, Engineering and Capital Projects engineering staff performed a visual inspection of the Children's Pool Lifeguard Station on February 22, 2008 to assess the structural integrity of the building. Previous reports on this building were done on July 2006, September 2005 and March of 1994. Our observations and recommendations are as follows:

Some of the concrete is spalling badly from the nosing of the concrete steps, the perimeter of the front structural concrete slab that supports the perimeter railing, some of the masonry walls around the bathrooms, and other locations. As noted in the March 23, 1994 report the building was experiencing cracking due to the salt water intrusion which was causing the perimeter steel reinforcing to corrode and expand, causing the concrete to spall off.

The two concrete columns facing the ocean at the restroom level, which support the lifeguard viewing room, have gotten to the point where there are major cracks in all faces of the columns. The concrete columns are 12 inches by 10 inches in size and one of the cracks has grown to a width of  $\frac{3}{4}$  inch on the inside face of the column. All faces of the front columns have longitudinal cracks, and the lateral and longitudinal reinforcing steel has been heavily damaged by the salt water environment. In order to avoid a sudden failure, which is normally the failure mode for concrete construction, screw jacks could be used under the concrete beams that the concrete columns support in order to relieve some of the load on those columns. Please be advised that any temporary shoring such as screw jacks will not help prevent failure of the structure in an earthquake.

Previous reports provided possible methods of repairs that could have been performed at that time. In the fourteen years since the initial report, deterioration has progressed without corrections. At this point, after 14 years from the first report in 1994, we suggest that the lifeguard tower should no longer be used, unless remedial action is taken to rehabilitate the

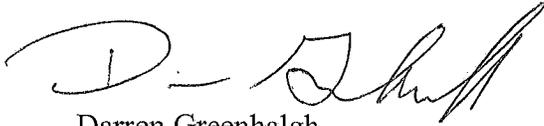
Page 2

Javier Mainar, Assistant Fire Chief, Support Services

February 22, 2008

structure. We recommend that the structure be abandoned and the perimeter secured, because the deterioration has progressed deeply into the front two structural concrete columns that support the front of the lifeguard tower.

If you have any questions please let us know.



Darren Greenhalgh

Deputy Director

cc: Tracy Jarman, Chief, Fire-Rescue Department  
David Jarrell, Deputy Chief of Public Works  
Patti Boekamp, Director, Engineering & Capital Projects Department  
Afshin Oskoui, Assistant Director, Engineering & Capital Projects Department  
Ken Hewitt, Chief, Lifeguard Services  
Darren Greenhalgh, Deputy Director, Architectural Engineering & Parks  
Alex Garcia, Senior Engineer, Engineering & Capital Projects Department ✓



ENTITLEMENTS DIVISION  
(619) 446-5460

## MITIGATED NEGATIVE DECLARATION

Project No. 154844  
SCH No. 2011101019

**SUBJECT:** La Jolla Children's Pool Lifeguard Station: COASTAL DEVELOPMENT PERMIT (CDP), SITE DEVELOPMENT PERMIT (SDP) and CONDITIONAL USE PERMIT (CUP) for the demolition of the existing lifeguard station and construction of a new, three-story, 1,877 square-foot lifeguard station. The new partially subterranean lifeguard station would be located within and adjacent to the existing facility. Existing below grade retaining walls would remain in place and new retaining walls would be constructed along the west side of the ramp to the lower level and an 18 ½ foot wall would be located along the north end of the Lower Level. These new walls would consist of shotcrete tied-back bulkheads, colored and textured to match the adjacent coastal bluffs. Above grade wall height at the Lower Level would vary but would not exceed 12 feet at its highest point. The above grade wall height along the west edge of the ramp would not exceed 4 feet. The walls would be designed for a minimum design life of 50 years and would not be undermined from ongoing coastal erosion. The walls would not be readily viewed from Coast Boulevard, the public sidewalks or the surrounding community.

Lower level improvements include new beach access restrooms and showers, lifeguard lockers and a sewage pump room. The plaza Level plan includes two work stations, a ready/observation room, kitchenette, restroom and first aid station. The observation level includes a single occupancy observation space, radio storage closet, and exterior catwalk. Interior stairs would link the floors.

The existing plaza would be reconfigured to provide a 10 foot wide ramp for emergency vehicles to the beach and for pedestrians to the lower level accessible restrooms and showers. Enhanced paving, seating and viewing space, drinking fountains, adapted landscaping and water efficient irrigation is also included. Applicant: City of San Diego, Engineering and Capital Projects Department.

**Update 11/30/2011**

**Revisions to this document have been made when compared to the Draft Mitigated Negative Declaration (DMND) dated October 6, 2011. Minor revisions have been made that clarifies the project description and Figure 1. The modifications to the FMND are denoted by ~~strikeout~~ and underline format. In accordance with the California Environmental Quality Act, Section 15073.5 (c)(4), the addition of new information that**

**clarifies, amplifies, or makes insignificant modification does not require recirculation as there are no new impacts and no new mitigation identified. An environmental document need only be recirculated when there is identification of new significant environmental impact or the addition of a new mitigation measure required to avoid a significant environmental impact. The addition of corrected mitigation language within the environmental document does not affect the environmental analysis or conclusions of the MND.**

- 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): Biological Resources. The project requires implementation of specific mitigation identified in Section V of this Mitigated Negative Declaration (MND). The project as presented now avoids or mitigates the potentially significant environmental effects identified and the preparation of an Environmental Impact Report (EIR) would not be required.

- IV. DOCUMENTATION:

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

- V. MITIGATION, MONITORING AND REPORTING PROGRAM (MMRP):

**A. GENERAL REQUIREMENTS – PART I**

Plan Check Phase (prior to permit issuance)

1. Prior to Bid Opening/Bid Award 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 have been incorporated.
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.

**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:

**Biologist**

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) No. 154844, shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD's ED, 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 that any other agency requirements or permits have been obtained or are in process 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.
- 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.

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**

<i>Issue Area</i>	<i>Document submittal</i>	<i>Associated Inspection/Approvals/Note</i>
General	Consultant Qualification Letters meeting	Prior to Pre-construction
General	Consultant Const. Monitoring	Prior to or at the Pre-Construction meeting
Biology	Biology Reports	Limit of Work Verification
Final MMRP		Final MMRP Inspection

**SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS:**

**A BIOLOGICAL RESOURCES**

**Biologist Qualification and Construction Monitoring**

**I. Prior to Preconstruction meeting:**

- A. The owner/permittee shall provide a letter to the City's Mitigation Monitoring Coordination (MMC) section stating that a qualified biologist, as defined in the City of San Diego's Biological Review References, has been retained to implement the project's biological monitoring program. The letter shall include the names and contact information of all persons involved in the biological monitoring of the project.
- B. The Biologist shall submit required documentation to MMC verifying that any special reports, maps, plans, and timelines; such as but not limited to, revegetation plans, plant relocation requirements and timing, MSCP requirements, avian or other wildlife protocol surveys, impact avoidance areas, or other such information has been completed and updated.

**II. Preconstruction Meeting:**

- A. The Project biologist shall attend the Preconstruction meeting and discuss the project's biological monitoring program.
- B. The project biologist shall submit a biological construction monitoring exhibit (BCME) (site plan reduced to 11X17) describing the project's biological monitoring program and delineating the location and method of installation of the orange construction fencing to be installed at the limits of disturbance adjacent to any sensitive biological resources as shown on the project's approved construction documents. The exhibit shall also contain a biological monitoring schedule.

III. Prior to Construction:

- A. The project biologist shall supervise the placement of orange construction fencing or equivalent along the limits of disturbance adjacent to sensitive biological habitats as shown on the BCME and approved construction documents. The biologist shall also verify compliance with any other project conditions listed on the BCME required prior to the start of construction.

IV. During Construction:

- A. The project biologist shall monitor construction activities as described on the BCME and approved construction documents to verify compliance and ensure that construction activities do not encroach into biologically sensitive areas beyond the approved limits of disturbance. In addition, the biologist shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR shall be either e-mailed or faxed to MMC on the 1<sup>st</sup> day of monitoring, the 1<sup>st</sup> week of each month, the last day of monitoring, and immediately in the case of any undocumented discovery.

V. Post Construction:

- A. The project biologist shall submit a final construction monitoring report to MMC within 30 days of construction completion. The report shall address all biological monitoring requirements described on the BCME and approved construction documents to the satisfaction of MMC.

VI. Seal Mitigation

The biological monitor shall ensure that the following mitigation measures are implemented. The measures are subject to modifications from the National Marine Fisheries Service (NMFS).

- A. Construction shall be prohibited during the harbor seal pupping season (January 1 to May 1) and for an additional four weeks to accommodate lactation and weaning of alte season pups. Thus, construction shall be prohibited from January 1 to June 1.
- B. Heavy construction (highest sound levels) shall be scheduled during the annual period of lowest haul out occurrence: October to November
- C. Construction shall also be scheduled during the daily period of lowest haul out occurrence, from 08:30 to 15:30 hours.
- D. A visual and acoustic barrier will be erected and maintained for the duration of the project. The temporary barrier shall consist of ½ to ¾ inch plywood constructed 6-8 feet high depending on the location.

VII. Additional Monitoring Responsibilities

- A. Harbor seal monitoring shall be conducted for three to five days prior to construction and shall include hourly systematic counts of harbor seals using the beach, seal rock, and associated reef areas. Monitoring shall assess behavior and potential behavioral

responses to construction noise and activities. Visual digital recordings and photographs shall be used to document individuals and behavioral responses to construction.

### VIII. General Bird Mitigation

- A. If project grading/brush management is proposed in or adjacent to native habitat during the typical bird breeding season (i.e. Feb. 1-Sept. 15), or an active nest is noted, the project biologist shall conduct a pregrading survey for active nests in the development area and within 300 feet of it, and submit a letter report to MMC prior to the preconstruction meeting.
- B. If active nests are detected, or considered likely, the report shall include mitigation in conformance with the City's Biology Guidelines and applicable State and Federal Law (i.e. appropriate follow up surveys, monitoring schedules, construction and noise barriers/buffers, etc.) to the satisfaction of the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and all monitoring results shall be incorporated into the final biological construction monitoring report.
- C. If no nesting birds are detected per III.a above, mitigation under III a. is not required.

### VI. PUBLIC REVIEW DISTRIBUTION:

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

#### United States Government

U.S. Fish and Wildlife Service (23)

National Marine Fisheries Service

Monica DeAngelis

#### State of California

California Department of Fish and Game (32A)

California Coastal Commission (47)

State Clearinghouse (46)

#### City of San Diego

Council Member Lightner, District 1

City Attorney (MS 56A)

Shannon Thomas (MS 93C)

#### Development Services Department

Patricia Grabski (MS 301)

Jim Quinn (MS 501)

Myra Herrmann (MS 501)

Krassimir Tzonoz (MS 501)

Chris Larson (MS 501)

Leslie Henegar (MS 401)

Engineering and Capital Projects  
Jeannette DeAngelis (MS 908A)  
Jihad Sleiman (MS 908A)  
Library Dept.-Gov. Documents MS 17 (81)  
La Jolla Riford Branch Library (811)

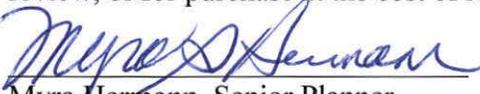
Other

La Jolla Village News (271)  
La Jolla Shores Association (272)  
La Jolla Town Council (273)  
La Jolla Community Planning Association (275)  
La Jolla Shores PDO Advisory Board (279)  
Sierra Club (165)  
San Diego Bay and Coast Keeper (173)  
San Diego Audubon Society (167)  
Jim Peugh (167A)  
California Native Plant Society (170)  
Endangered Habitat League (182 and 182A)

VII. RESULTS OF PUBLIC REVIEW:

- ( ) No comments were received during the public input period.
- ( ) Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (x) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

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.

  
Myra Hermann, Senior Planner  
Development Services Department

October 6, 2011  
Date of Draft Report

Analyst: J. Szymanski

November 30, 2011  
Date of Final Report

Attachments:

Figure 1 - Location/Vicinity Map  
Figure 2 - Site Plan  
Figure 3- Photo Simulations  
Initial Study Checklist



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA  
Governor's Office of Planning and Research  
State Clearinghouse and Planning Unit



Ken Alex  
Director

November 7, 2011

Jeffrey Szymanski  
City of San Diego  
1222 First Avenue, MS-501  
San Diego, CA 92101

Subject: La Jolla Children's Pool Lifeguard Station  
SCH#: 2011101019

Dear Jeffrey Szymanski:

- ① The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on November 4, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Response to Comments

CALIFORNIA STATE CLEARING HOUSE (11/7/2011)

1. Comment noted.

## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-5251  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)  
ds\_nahc@pacbell.net



October 12, 2011

Mr. Jeffrey Szymanski, Environmental Planner

**City of San Diego Development Services Center**

1222 First Avenue, MS 501  
San Diego, CA 92101

Re: SCH#2011101019 CEQA Notice of Completion; proposed Mitigated Negative Declaration for the "La Jolla Children's Pool Lifeguard Station: City Project No. 154844" located in the Community Plan Area of La Jolla; City of San Diego; San Diego County, California

Dear Mr. Szymanski:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3<sup>rd</sup> 604). The court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites. The NAHC wishes to comment on the proposed project.

This letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

② The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC Sacred Lands File (SLF) search resulted as follows: **Native American cultural resources were not identified** within the project area identified. While no cultural resources were identified in the APE, this area of the City of San Diego is considered very culturally sensitive. Also, the absence of archaeological resources does not preclude their existence.

The NAHC "Sacred Sites," as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

NATIVE AMERICAN HERITAGE COMMISSION (10/12/2011)

2. Comment noted, Native American cultural resources contained within the Native American Heritage Commission Sacred Lands File were not identified within the project's APE.

3 Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Special reference is made to the *Tribal Consultation* requirements of the California 2006 Senate Bill 1059: enabling legislation to the federal Energy Policy Act of 2005 (P.L. 109-58), mandates consultation with Native American tribes (both federally recognized and non federally recognized) where electrically transmission lines are proposed. This is codified in the California Public Resources Code, Chapter 4.3 and §25330 to Division 15.

Furthermore, pursuant to CA Public Resources Code § 5097.95, the NAHC requests that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and Section 2183.2 that requires documentation, data recovery of cultural resources.

4 Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C. 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned *Secretary of the Interior's Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

5 Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

6 Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing

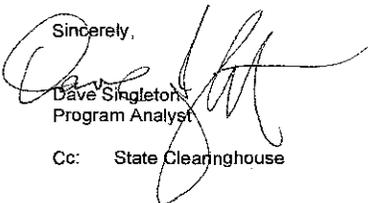
3. The City of San Diego conducted an Initial Study and determined that the project would be located primarily within the previously developed footprint of the existing lifeguard tower. In addition, City Staff conducted a record search of the California Historic Resources Information System (CHRIS) database and verified that no cultural resources are present in or adjacent to the project area. Based upon the previously disturbed nature of the site and lack of previously recorded resources it was determined that the project would not have the potential to impact cultural resources; therefore, the CEQA document was not distributed to the Native American community for consultation.
4. Please see response number 3. It was determined during the Initial Study review process that the project would not have the potential to impact cultural resources and therefore consultation with Native American tribes was not conducted.
5. Comment noted. The City acknowledges the confidentiality of "historic properties of religious and cultural significance" as mentioned in the NAHC letter.
6. The project would be required to adhere to all Federal, State and Local laws, including Public Resources Code Section 5097.98, California Government Code 27491 and Health and Safety Code Section 7050.5 in the event of an unanticipated discovery of human remains during construction related activities.

relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

No response is required.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton  
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

California Native American Contacts  
San Diego County  
October 12, 2011

Barona Group of the Capitan Grande  
Edwin Romero, Chairperson  
1095 Barona Road Diegueno  
Lakeside , CA 92040  
sue@barona-nsn.gov  
(619) 443-6612  
619-443-0681

Sycuan Band of the Kumeyaay Nation  
Danny Tucker, Chairperson  
5459 Sycuan Road Diegueno/Kumeyaay  
El Cajon , CA 92021  
ssilva@sycuan-nsn.gov  
619 445-2613  
619 445-1927 Fax

La Posta Band of Mission Indians  
Gwendolyn Parada, Chairperson  
PO Box 1120 Diegueno/Kumeyaay  
Boulevard , CA 91905  
gparada@lapostacasino.  
(619) 478-2113  
619-478-2125

Viejas Band of Kumeyaay Indians  
Anthony R. Pico, Chairperson  
PO Box 908 Diegueno/Kumeyaay  
Alpine , CA 91903  
jrothauff@viejas-nsn.gov  
(619) 445-3810  
(619) 445-5337 Fax

San Pasqual Band of Mission Indians  
Allen E. Lawson, Chairperson  
PO Box 365 Diegueno  
Valley Center, CA 92082  
alleni@sanpasqualband.com  
(760) 749-3200  
(760) 749-3876 Fax

Kumeyaay Cultural Historic Committee  
Ron Christman  
56 Viejas Grade Road Diegueno/Kumeyaay  
Alpine , CA 92001  
(619) 445-0385

Iipay Nation of Santa Ysabel  
Virgil Perez, Spokesman  
PO Box 130 Diegueno  
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NATIVE AMERICAN HERITAGE COMMISSION (10/12/2011) continued

No response is required.

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2011101019; CEQA Notice of Completion; proposed Negative Mitigated Declaration for the La Jolla Children's Pool Lifeguard Station; located in the La Jolla Community Plan Area of the City of San Diego; San Diego County, California .

**California Native American Contacts**  
San Diego County  
October 12, 2011

NATIVE AMERICAN HERITAGE COMMISSION (10/12/2011) continued

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California Native American Contacts  
San Diego County  
October 12, 2011

NATIVE AMERICAN HERITAGE COMMISSION (10/12/2011) continued

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PHILIP A. MERTEN (11/4/2011)

7. The City of San Diego maintains that the project does not conflict with the appropriate land use plans, policies and regulations, and therefore significant impacts would not occur to Land Use.

November 4, 2011

Mr. Jeffrey Szymanski, Environmental Planner  
City of San Diego, Development Services Center  
1222 First Avenue, MS 501  
San Diego, CA 92101

Transmitted Via Email: [DSDEAS@sanjiego.gov](mailto:DSDEAS@sanjiego.gov)

Re: Comments regarding the DRAFT Mitigated Negative Declaration WBS# S-00644.02.06  
La Jolla Children's Pool Lifeguard Station  
Project No. 154844

Dear Mr. Szymanski,

Thank you for the opportunity respond to the referenced DRAFT Mitigated Negative Declaration. Please accept the following comments pertaining to sections of the DRAFT document.

#### INITIAL STUDY CHECKLIST

Section X. LAND USE AND PLANNING, of the Initial Study Checklist asks: Would 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 plan program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

7 The Environmental Reviewer's response is: "No Impact". The response should be **Potentially Significant Impact.**

<sup>1</sup> Text in red is quoted from the DRAFT Mitigated Negative Declaration.

<sup>1</sup> Text in blue is quoted from the referenced documents.

Issue 1

The La Jolla Community Plan, Natural Resources Element, Natural Resources and Open spaces System, Goals says: "Protect the environmentally sensitive resources of La Jolla's open areas including its coastal bluffs, sensitive steep hillside slopes, canyons, native plant life and wildlife habitat linkages."

Under Shoreline Areas and Coastal Bluffs the La Jolla Community Plan also states:

- 7a. a. "The City should preserve and protect the coastal bluffs, beaches and shoreline areas of La Jolla assuring that development occurs in a manner that protects these resources, encourages sensitive development, retains biodiversity and interconnected habitats and maximizes physical and visual public access to and along the shoreline."
- 7b. b. The City shall maintain, and where feasible, enhance and restore the shoreline areas such as Torrey Pines City Beach, Coast Walk, Emerald Cove, Wipeout Beach and Hospital Point, along with the areas of Scripps Park, Coast Boulevard Park, including Shell Beach and the Children's Pool, in order to benefit present and future residents and visitors to these areas
- 7c. f. Avoid the placement of sea walls, fences and gunite on bluffs, where feasible, in order to preserve the natural and scenic quality of shoreline bluffs.

Under Public Access the La Jolla Community Plan also states:

- 7d. c. The City shall maintain, and where feasible, enhance and restore existing parking areas, public stairways, pathways and railings along the shoreline to preserve vertical access (to the beach and coast), to allow lateral access (along the shore), and to increase public safety at the beach and shoreline areas.

Under the PLAN RECOMMENDATIONS Section the La Jolla Community Plan also states:

- 7e. 4. Coastal Bluffs
  - a. Prohibit coastal bluff development, on or beyond the bluff face, except for public stairways and ramps to provide access from the bluff top to the beach or to maintain bluff stability.

PHILIP A. MERTEN (11/4/2011) continued

- 7a. The new lifeguard tower would be primarily located within the footprint of the existing lifeguard tower. Construction activities and excavation would take place only in areas of the bluff that have been previously disturbed. In addition, the new tower would be set back from its current location thereby providing an increase in the view shed from public viewing areas. A new pedestrian walkway would be constructed on the north-northwest to maximize physical and visual public access along the shoreline.
- 7b. The project would demolish a dilapidated, condemned lifeguard tower and build a new one in its place. As part of the project, stabilization of coastal bluffs would occur that would protect the bluffs and the shoreline.
- 7c. Please note that the LJ CP states that new walls should be avoided as feasible. New retaining walls would be constructed along the west side of the ramp to the lower level, and an 18 ½ foot wall would be located along the north end of the lower level. These new walls would consist of shotcrete tied-back bulkheads, and would be colored and textured to match the adjacent coastal bluffs. The retaining walls would be located in areas that have been previously disturbed by the existing structure and would not be readily visible from prominent public viewing areas. The walls are being constructed in an effort to stabilize the new structure and bluffs and were determined to be integral to the design and an overall benefit for the protection of the bluffs. The new walls would not degrade the natural and scenic quality of shoreline bluffs.
- 7d. The new walkway is a fulfillment of ADA requirements and is being constructed within the existing development footprint. A new pedestrian walkway would be constructed on the north-northwest to maximize physical and visual public access along the shoreline and would occupy the space within the existing plaza, which would not increase the footprint of the developed area.
- 7e. The new ADA walkway would be constructed within the existing development footprint. Sensitive undisturbed bluff faces would not be impacted during or after the construction of the new walkway.

**Issue 1 (continued)**

7f. However, contrary to the goals and recommendations of the La Jolla Community Plan, which recommends preservation of coastal bluffs via the enhancement of existing public access ways, the subject project proposes to destroy the coastal bluff face/top with construction of an entirely new 120 foot long access ramp cut into and parallel to the existing sensitive coastal bluff face to provide handicapped accessible access to the lower level public restrooms. As such, the proposed project does "Conflict with any applicable land use plan, policy, or regulation ..." Therefore, the correct response should be 'Potentially Significant Impact.'

7g. Note: Rather than excavating into the existing sensitive coastal bluff face for a new 12 foot wide by 120 foot long access ramp west of the proposed lifeguard station, the existing vertical access stairway east of the proposed station could be reconstructed to provide a switchbacking handicapped accessible ramp to the lower level public restrooms all within the area of current existing development.

La Jolla Community Plan identifies Coast Boulevard "as a roadway from which a coastal body of water can be seen", and identifies views from the Children's Pool plaza as a "viewshed".

**Issue 2**

8. The La Jolla Community Plan, Natural Resources Element, Natural Resources and Open spaces System, Visual Resources Policies states:

- b. Public views to the ocean from the first public roadway adjacent to the ocean shall be preserved and enhanced, including visual access across private coastal properties at yards and setbacks.

The existing lifeguard tower is 30 wide (diagonal width). The proposed new lifeguard tower will be 40 wide (diagonal width); a 33% increase over that of the existing structure. The proposed lifeguard tower will neither preserve nor enhance the public view from the roadway. To the contrary, the proposed tower structure will reduce the public's view of the ocean from the roadway. As such, the proposed project does "Conflict with any applicable land use plan, policy, or regulation ..." Therefore, the correct response should be 'Potentially Significant Impact.'

PHILIP A. MERTEN (11/4/2011) continued

- 7f. Please see response number 7d and 7e. The new ADA walkway would be constructed within the existing development footprint and therefore, the project would not destroy the coastal bluff face and no significant conflict with the land use plan would occur
- 7g. As mentioned above, the project would not excavate into existing coastal bluffs. The grade change from the public sidewalk to Children's Pool beach is over 20 feet and precludes reconstructing the existing stairs east of the proposed lifeguard station to provide emergency vehicle access. The reconfiguration of the existing stairway to provide a switch-back ramp would require grading in excess of the current design and would not fulfill ADA requirements due to extreme elevation differences and lack of distance. Therefore, the reconfiguration of the stairway to the east is not feasible.
8. The existing Lifeguard tower includes a raised concrete deck surrounded by opaque precast concrete walls that inhibit views of the coastline. The diagonal measurement is 38.5 feet. The corresponding diagonal measurement of the proposed building is 42 feet including roof overhangs, representing a 3.5 foot diagonal measurement increase. The plaza level floor plate has been minimized to 766 sq. ft. and is similar in size to the existing building and raised deck surrounded by concrete railing. At the request of the La Jolla Community Planning Association, the exterior walls of the building are largely glazed to make the building as translucent as possible. The new tower would be set back from its current location thereby providing an increase in viewshed from public viewing areas. Based upon the design of the new lifeguard station, public views to the ocean would not be impacted and a significant Land Use impact would not occur.

**Issue 3**

Section I AESTHETICS, of the Initial Study Checklist asks: Would the project?

b) Substantially degrade the existing visual character or quality of the site and it's surroundings?

9. The Environmental Reviewer's response is: "Less Than Significant Impact". The response should be '**Potentially Significant Impact.**'

9a. Contrary to the goals and recommendations of the LJ Community Plan, which recommends preservation of coastal bluffs via the enhancement of existing public access ways, the subject project proposes an entirely new 8 foot wide by 120 foot long access ramp cut into and parallel to the existing sensitive coastal bluff face to provide handicapped accessible access to the lower level public restrooms. The proposed new ramp will necessitate the removal of the upper portion of the sensitive coastal bluff face over the entire 120 foot length of the ramp. The depth of the excavation and removal of the upper portion of the bluff face will be on the order of a couple of feet deep at the southern end of the ramp, 4 to 5 feet deep adjacent the pump station, to 5 or 6 feet deep near the mid point and 5 or 6 feet deep northern end of the ramp. The removal of a significant portion of a sensitive coastal bluff face will degrade the visual character of the site as viewed from the public beach below the bluff and from the public walkway and bluff top south of the project site. As such, the proposed project **will** 'degrade the existing visual character or quality of the site...' Therefore, the correct response should be '**Potentially Significant Impact.**'

10. **Conclusion**

For all of the reasons stated above **the Mitigated Negative Declaration is flawed** and should be **corrected** to address the issues of Land Use and Planning and Aesthetics, which are significantly affected by the proposed project and which require substantial redesign to mitigate those impacts.

Sincerely,



Philip A. Merten AIA

PHILIP A. MERTEN (11/4/2011) continued

9. The City maintains that impacts to Aesthetics would be less than significant. The new lifeguard tower is designed to enhance, protect and improve the visual quality of the site. It has been designed with input from the local community planning group, lifeguard services, and interested parties. The new walkway is a fulfillment of ADA requirements and is being constructed within the existing development footprint. The walkway would be constructed on the north-northwest to maximize physical and visual public access along the shoreline and would occupy the space within the existing plaza, not increasing the footprint of the developed area.

9a. Please see response number 9.

10. As shown in the above responses and supported in the Initial Study and MMRP, the lifeguard tower would not result in impacts to Land Use and Planning and Aesthetics and no new mitigation would be required.



La Jolla Community Planning Association

November 3 2011

Mr. Jeffrey Szymanski, Environmental Planner  
City of San Diego, Development Services Center  
1222 First Avenue, MS 501  
San Diego, CA 92101

Transmitted Via Email: [DSDEAS@san-diego.gov](mailto:DSDEAS@san-diego.gov)

Re: Comments regarding the DRAFT Mitigated Negative Declaration WBS# S-00644.02.06  
La Jolla Children's Pool Lifeguard Station  
Project No. 154844

Dear Mr. Szymanski,

Thank you for the opportunity respond to the referenced DRAFT Mitigated Negative Declaration. Please accept the following comments pertaining to sections of the DRAFT document.

**INITIAL STUDY CHECKLIST**

Section X. LAND USE AND PLANNING, of the Initial Study Checklist asks: Would 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 plan program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The Environmental Reviewer's response is: "No Impact". The response should be 'Potentially Significant Impact.'

Text in red is quoted from the DRAFT Mitigated Negative Declaration.  
Text in blue is quoted from the referenced documents.

PO Box 889, La Jolla, CA 92038 • 458.456.7900 • <http://www.LaJollaCPA.org> • [info@LaJollaCPA.org](mailto:info@LaJollaCPA.org)

La Jolla Community Planning Association (11/3/2011)

11. This is the same letter that was submitted by Phil Merten. No additional responses are required; please see responses 7-10.

Comments regarding DRAFT Mitigated Negative Declaration WBS# S-00644.02.  
Children's Pool Lifeguard Station  
November 3, 2011  
Page 2

This is the same letter that was submitted by Phil Merten. No additional responses are required; please see responses 7-10.

**Issue 1**

The La Jolla Community Plan, Natural Resources Element, Natural Resources and Open spaces System, Goals says: "Protect the environmentally sensitive resources of La Jolla's open areas including its coastal bluffs, sensitive steep hillside slopes, canyons, native plant life and wildlife habitat linkages."

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Under the PLAN RECOMMENDATIONS Section the La Jolla Community Plan also states:

4. Coastal Bluffs

- a. Prohibit coastal bluff development, on or beyond the bluff face, except for public stairways and ramps to provide access from the bluff top to the beach or to maintain bluff stability.

Comments regarding DRAFT Mitigated Negative Declaration WBS# S-00644.02.  
Children's Pool Lifeguard Station  
November 3, 2011  
Page 3

La Jolla Community Planning Association (11/3/2011) continued

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However, contrary to the goals and recommendations of the La Jolla Community Plan, which recommends preservation of coastal bluffs via the enhancement of existing public access ways, the subject project proposes to destroy the coastal bluff face/top with construction of an entirely new 120 foot long access ramp cut into and parallel to the existing sensitive coastal bluff face to provide handicapped accessible access to the lower level public restrooms. As such, the proposed project *does* 'Conflict with any applicable land use plan, policy, or regulation ...' Therefore, the correct response should be '**Potentially Significant Impact.**'

Note: Rather than excavating into the existing sensitive coastal bluff face for a new 12 foot wide by 120 foot long access ramp west of the proposed lifeguard station, the existing vertical access stairway east of the proposed station could be reconstructed to provide a handicapped accessible ramp to the lower level public restrooms all within the area of current existing development.

## **Issue 2**

Section I AESTHETICS, of the Initial Study Checklist asks: Would the project?

- b) Substantially degrade the existing visual character or quality of the site and it's surroundings?

The Environmental Reviewer's response is: "Less Than Significant Impact". The response should be '**Potentially Significant Impact.**'

Contrary to the goals and recommendations of the LJ Community Plan, which recommends preservation of coastal bluffs via the enhancement of existing public access ways, the subject project proposes an entirely new 8 foot wide by 120 foot long access ramp cut into and parallel to the existing sensitive coastal bluff face to provide handicapped accessible access to the lower level public restrooms. The proposed new ramp will necessitate the removal of the upper portion of the sensitive coastal bluff face over the entire 120 foot length of the ramp. The depth of the excavation and removal of the upper portion of the bluff face will be on the order of a couple of feet deep at the southern end of the ramp, 4 to 5 feet deep adjacent the pump station, to 5 or 6 feet deep near the mid point and 5 or 6 feet deep northern end of the ramp. The removal of a significant portion of a sensitive coastal bluff face will degrade the visual character of the site as viewed from the public beach below the bluff and from the public walkway and bluff top south of the project site. As such, the proposed project *will* 'degrade the existing visual character or quality of the site...' Therefore, the correct response should be '**Potentially Significant Impact.**'

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Comments regarding DRAFT Mitigated Negative Declaration WBS# S-00644.02.  
Children's Pool Lifeguard Station  
November 3, 2011  
Page 4

Conclusion

For all of the reasons listed above **the Mitigated Negative Declaration is flawed** and should be **corrected** to address the issues of Land Use and Planning and Aesthetics, which are significantly affected by the proposed project and which require substantial redesign to mitigate those impacts.

Sincerely,



Tony Crisafi,  
President  
La Jolla Community Planning Association

ELLEN SHIVELY (11/7/2011)

TO: Jeffrey Szymanski  
Environmental Planner  
Development Services Department  
City of San Diego

Project No. 154844  
La Jolla Children's Pool Lifeguard Station

12 Comment - This project design, the actual construction and the maintenance requirements will have a significant impact on the surrounding habitat for all wildlife concerned. The harbor seal colony will not be protected to the necessary extent with a larger lifeguard tower, increased numbers for viewing benches, a roadway to the beach for vehicles and more accessible steps to the sand.

The city is obliged to follow the laws of the Marine Mammal Protection Act of 1972, state wildlife protection laws and their own municipal code to not harm wildlife. Making the lifeguard station oversized (1877 SF), the surroundings more accessible, encouraging more public use of the area, placing a ramp to the lower level bathrooms in a place where more people will be closer to the animals does not favor protecting the "environment" if wildlife is included in that definition.

12 This project is classified as a DRAFT MITIGATION DECLARATION and depends heavily on mitigation for any impacts. Some impacts are deemed "temporary" such as noise and air pollution. Yet, until enough time has elapsed after the demolition and construction activities are completed and the animals return under non-construction conditions, the resulting health damages cannot be determined. For example, Dr. Hanan's suggestion to build plywood barriers to reduce the noise level may or may not be sufficient to prevent temporary or permanent hearing loss for the animals. Even a temporary loss could be deadly for wild marine life.

Unless there is 24 hour camera surveillance, you may never be able to determine the impact to the resident harbor seal colony and other wildlife in the area. During the months of October and November, female seals may be in their third trimester of pregnancy. If the deconstruction and construction take place during the above mentioned months, it will certainly have an impact on the gravid females.

14 In my opinion, the Biological Update submitted by Dr. Hanan and Associates is poorly revised. The large majority of the work is re-presented from his analysis of 2003 and 2004, with some sketchy observations of marine mammals in 2010. He bridges the time with comments such as "he believes" the birth rate is about 40 births per year and that the population is stable at around 200-300 in the colony. Yet, a study by Dr Moore of UCSD estimates that the seal population may be around 500 or so at Children's Pool.

12. A biological resources report was prepared that analyzed potential impacts from the project to surrounding biological communities. It was determined that with implementation of mitigation measures included in the MMRP and in the biological report that impacts would not occur. The draft MND was reviewed by the National Marine Fisheries Services (NMFS) and no conflicts with the Marine Mammal Protection Act were identified. Furthermore, as noted in the MMRP the mitigation was prepared in consultation with the NMFS and the City will continue to consult with the agency as required before, during and after construction.
13. The plywood barriers were suggested by the National Marine Fisheries Service (NMFS) as they have been shown to be effective at other construction sites along the US West Coast for shielding marine mammals mainly from view of the construction activities. To mitigate noise or sound issues, there will be a monitor testing decibel levels. Heavy construction noise will not be allowed when seals are present. No sounds above 90 decibels (potential level of temporary threshold shift) will be allowed in presence of the seals. Based upon the consultation with NMFS and the mitigation included in the MMRP, impacts to sensitive biological resources would be reduced to below a level of significance.
14. The updated biological report relies on the 2003-4 counts with observations at random times in the following years to present. However, in the expert opinion (court certified) of the biologist, the numbers of seals utilizing the beach at any one time can easily be described as in the 2-300 range. Dr. Moore's findings are consistent with the tagging results at Point Conception, California which showed on average 50-70% of the seals hauling out at least briefly during daylight hours.

Project 154844  
Shively

The biologist has relied on La Jolla Friends of the Seals and Animal Protection and Rescue League's Seal Watch figures from six to seven years ago, yet does not request more current figures from either of these organizations for this update.

15 Dr. Hanan comments on page 9 that "loud and startling noises were observed to consistently induce a few seals to flush to the water, and generally the seals were observed to return within a short time". My own observations are at variance with this conclusion in that a flushing often involves most if not all of the seals on the beach who may or may not return for a very long time. What does the doctor mean by "a short time"?

16 I also disagree with Dr. Hanan's startling statement based on comparing Yochem and Stewart (1998) and his own counts. For the difference, he concludes that "increases may indicate a shift in preference" - which is not likely due to known site fidelity - "or more likely a shift in reduction in harassment of seals at Children's Pool." Believe me when I say that harassment of the seals at Children's Pool has not been reduced. As more and more people use the swimming area, as more and more divers use the pool to get to the easy rip current just off the tip of the seawall, as lobster season attracts the scuba fishing crowd, and the pro-beach access crowd becomes more militant in their signage displays and verbal attacks on the pro seal proponents, there has certainly not been a reduction in incidents of disturbances of the seal colony. Quite the opposite situation exists, in fact. Anyone who has visited this beach over any weekend can see for themselves the signage inviting people to use the beach or lose it, a welcome sign stating "the beach is open", and the signs with miss-quotations of the California Coastal Act.

It is unfortunate the city chose the same biological consultants seven years after the first report. A different biologist may have come to very different conclusions and given a more realistic set of advice than Dr. Hanan's "updated" Biological report.

In the Discussion of the Environmental Factors Potentially Affected (p.3 of the text), under DETERMINATION, choice two was marked to substantiate the Negative Mitigated Declaration. Choice four should have been marked as the project certainly MAY have a significant impact and an Environmental Impact Report should be required.

17 I base these comments on the knowledge that long term detrimental effects cannot be pre-determined in a project involving timid, stress prone wild marine mammals. Several months after the project completion may be required to assess the changed or detrimental behaviors. A study done at Strawberry Point near San Francisco is classic in showing that increased human activity may cause site abandonment.

ELLEN SHIVELY (11/7/2011) continued

15. The comments from page 9 of the biological report are based upon the observation of a professional biological consultant. Contradicting evidence should be documented and submitted for review.
16. Dr. Hanan has been monitoring Children's Pool since 1979. He attributes the shift in seals from seal rock to Children's Pool to increasing harbor seal abundance along the whole US west coast and the availability of a relatively undisturbed beach at Children's Pool. There may be temporary disturbances at Children's Pool, but obviously they do not preclude seals from Children's Pool. If the disturbances were great enough, he would expect the Children's Pool site to become a night-time haul out as seen at Carpentaria State Beach.
17. Yes, there was site abandonment at Strawberry Spit as reported in the Biological Report. However, as noted above, mitigation within the MMRP would reduce potential impacts to sensitive biological resources to below a level of significance.

18. Ms. Shively does not cite any references for her statements, conclusions, or beliefs regarding disturbances due to age differences or conditions of pregnancy. We are not aware of any available peer review studies to suggest a need for including these criteria for mitigating for these categories. Dr. Hanan is not aware of a rating scale for hauling sites; however, his PhD dissertation does address hauling site preferences by number of seals utilizing those sites along the California coast which does not bear out Ms. Shively's concerns.
19. The public restroom will be located at the same level as the current shower and public restrooms, no further response is required.
20. A full discussion of potential impacts to pinnipeds was addressed in section IV of the CEQA Initial Checklist under Biological Resources.
21. Noise impacts associated with the pinnipeds was addressed in Iva. of the CEQA Initial Study Checklist under Biological Resources.
22. The lack of a visitor center or an education center in the design of the lifeguard tower is not a CEQA related issue. However the request to incorporate an educational component into the project is being considered by the Applicant Department. The Park Ranger position is filled and fully funded. The Ranger's base of operation is located at the Rose Canyon Operation Facility but his/her work duties would occur at the La Jolla Children's Pool.

Project 154844  
Shively

BIOLOGICAL RESOURCES (p. 8)

- 18 Dr. Hanan identified three potential impacts to the harbor seals. What is left out is the various ages of the animals, their general health and the amount of disturbances to which they are habituated. The very young and the females entering their third trimester are more vulnerable to outside activity and disturbances than are others in the colony. Dr. Hanan identifies nearby Other Haul Out Sites Available.....The sites names are generally second rate in suitability for a variety of reasons such as limited beach space, periodic inundation with the tides and competition with other species. Then there is site fidelity which is a strong attraction for seals likely born where they are hauled out. Displacement will most certainly be a negative aspect on select members.

GEOLOGY AND SOILS (p. 11)

- 19 While not addressed under this section, the project states that the public restrooms will be at the lower level. The question is, does that mean at the same level that the current shower and restrooms are located? If that is so, I withhold comment. If the restrooms are proposed at the sand level, I question the purpose. Is it to increase human presence on the sand which will have a cumulative impact of disturbance and proximity to the animals? In particular, if stairs or a ramp would likely bring foot traffic down to the sand level, the noise of voices, toilets flushing, and showers will be closer to the animals than they currently experience. That would be very harmful. In the best of all plans, the restrooms should be at sidewalk level for the greatest convenience of most visitors and least disturbance to the animals on the beach.

LAND USE AND PLANNING (p. 18)

- 20 Throughout this project description, the impacts on humans are repeatedly addressed. In this section, it is people that the planners are concerned about. This project has the potential to physically divide an established community of pinnipeds. Why is little or unequal consideration given to vulnerable animal populations?

NOISE (p.19)

- 21 The report states that the noise levels will be minimal and temporary for people. No such statement is made about the animal potential auditory loss.

22 PUBLIC SERVICES (p. 21)

PARK: If this lifeguard plan is built according to the current specifications, an opportunity is lost to configure the lifeguard facility to incorporate a visitor center to capitalize on the number of visitors potentially attracted to the year round presence of the harbor seal colony at Children's Pool. Viewing scopes could be installed to generate

Project 154844  
Shively

income, a gift shop and education center would support AB 428 (Kehoe) passed by the California Legislature in 2010 which allowed for establishing a marine mammal park at Children's Pool. Indeed, the City Council approved funding for a Ranger and Docent corps to educate the public for Children's Pool. Where will they work from? No provision for this accommodation has been met.

#### MANDATORY FINDINGS OF SIGNIFICANCE

- (23) I disagree with the wording of (c.) which finds Less than Significant with Mitigation. In its place, I would mark Potentially Significant Impacts. Mitigation measures are very inadequate for the long term effects on other than humans. The pinnipeds are a stable element and should be treated as significant.

In summary, the majority of the biological elements are considered from the human impact. Some aspects of this project have the potential to cause unknown amounts of damage or disturbance to other creatures. These impacts have been given inadequate consideration.

- (24) I am not in disfavor of modernizing this structure from an esthetic and safety perspective. I am however, aware that the pre-planning was not done carefully to fully evaluate all possibilities of impacts on the environment, or toward realizing the value of eco-tourism of the wild harbor seal colony.

- (25) I think an opportunity has been lost by allowing the project to go forward with out a reconsideration in the light of SB 428 which allows this beach to be a marine mammal park. The building of this structure could easily incorporate some of the amenities necessary for this potential to be realized. The opportunity may not come around again in our lifetimes.....and could mean a loss of income, a lesser attractive tourist attraction and complete disregard as the wildlife classroom it is. Luckily, it is not too late to make some of the minor modifications now.

As I said in the beginning, the city should not encourage people to violate the Marine Mammal Protection Act, the state laws to protect wildlife, and their own municipal code which disallows a "take" or harm to wildlife. This project could meet that standard if it is done properly.

Thank You.

Ellen Shively  
La Jolla Friends of the Seals  
PO Box 2016  
La Jolla, Ca 92038

ELLEN SHIVELY (11/7/2011) continued

23. As noted in comment number 12 a biological resources report was prepared and mitigation was identified that would reduce impacts to Biological Resources to below a level of significance.

24. Comment noted.

25. Comment noted. Please see response number 22.

Date: October 31, 2011  
To: Jeffrey Szymanski, Environmental Planner, City of S.D. Dev. Services Center  
Subject: Project No. 154844, La Jolla Children's Pool Lifeguard Station

26 On page 2 of the Mitigated Negative Declaration regarding the La Jolla Children's Pool Lifeguard Station, the last paragraph under "Subject" states that the existing plaza would be reconfigured to provide a ramp for emergency vehicles to the beach. It must be made clear that the ramp will be wide enough to allow for equipment to perform periodic maintenance of the beach and to include truck access for large animal rescue or dead animal removal.

27 On page 6 under the section "VI. Seal Mitigation, Letter A.", it states that pupping season is January 1 to May 1. This is incorrect. It has been declared by NOAA: "The most important birth month for this population (*Children's Pool harbor seals*) is March (NOAA). [Federal Register: August 20, 2004 (Volume 69, Number 161)] [Notices] [Page 51632-51636] In general, the pupping season occurs between early February to May." If you are forced to curtail construction during pupping season it should only be during the actual pupping season in this region; February to May.

28 Section VI Seal Mitigation, A through D, construction will only occur during June 2 - December 31, between the hours of 8:30 - 15:30. Also heavy construction will only occur during October through December. This means the cost of the project will be much higher than normal because of these restrictions not to mention that it will be harder to find a contractor willing to bid on the project. It would be much more cost effective for the City of San Diego and the taxpayers to seek an "Incidental Harassment Authorization" (IHA) from NOAA under the MMPA 109(h) conditions. The harbor seals at Children's Pool are not endangered and were introduced to the area by Sea World's rehab program for 11 years, 1993-2004, with the goal to populate the Seal Rock Reserve area for seal viewing by the public. However the seal population outgrew Seal Rock and then discovered Children's Pool beach. They are thriving with the inevitable human interaction.

29 Attachments included in the Mitigated Negative Declaration were examined. Two observations were made: Figure 1 - Location/Vicinity Map: states Children's "Cove" which is incorrect, should read Children's Pool. Figure 2 - Site Plan: shows that the ramp down to the public restroom level is only about 5' wide. How would any standard sized vehicle access the ten foot wide ramp down to the beach?

30 The "Initial Study Checklist" page 1 (or page 12 of the PDF), item #8, last paragraph, also repeats the statement, "The existing plaza would be reconfigured to provide a ramp for emergency vehicles to the beach". Will a new drawing be prepared to reflect this? This is very important and the report must be accurate to avoid misunderstandings resulting in litigation at further taxpayer cost.

31 This project will have limited impact to the biological resources at CP. It is very unlikely any harm will come to a seal at Children's Pool as a result of the construction activities. We believe we must allow the minor disturbance this project may have on the seals to bring this public safety project to completion as soon as possible.

Marie Hunrichs, Ken Hunrichs  
6530 Springfield St  
San Diego, CA 92114  
619 787-3486

MARIE AND KEN HUNRICHS (10/31/2011)

26. The ramp would be approximately 10 foot wide, which would be wide enough to accommodate emergency vehicle access. Additional language will be added to the project description to illustrate this point.

27. Dr. Hanan has been monitoring Children's Pool since 1979. His research indicates that at Children's Pool, harbor seal pupping season is approximately from January through April, with some births possibly occurring in December and May. The pupping season likely peaks in February or March. The peak pupping period, being towards the center of this range, should not be confused with the total range of when viable pups are present (Dr. Hanan has seen pups born in December but they are usually premature and do not survive). An additional four weeks is being added as a mitigation measure to accommodate lactation and weaning of late season pups.

28. Construction costs associated with the project are not a CEQA related issue and no response regarding those costs will be addressed here. The City will seek an Incidental Harassment Authorization from the National Marine Fisheries Service/NOAA prior to construction which will require mitigating measures to avoid or reduce impacts to marine mammals associated with this project.

29. The correction has been made to Figure 1. All future engineering drawings will include the correction. Please see response number 27, the ramp will be approximately 10 feet wide.

30. Please see responses 27 and 30.

31. Comment noted.

From: John Leek [jleek001@san.rr.com]  
 Sent: Monday, October 31, 2011 9:41 PM  
 To: Kenneth L. Hunrichs  
 Cc: DSD EAS  
 Subject: Re: Project No. 154844, La Jolla Children's Pool Lifeguard Station

- 32 As you know, a letter from NOAA was sent years ago giving San Diego permission to route all the seals forever under 109(h) of the Marine Mammal Protection Act, and mentioning a municipality did not need a permit to do it. Further, the City obtained an IHA years ago for construction work on the sidewalk with no problem, allowing harassment of 187 seals (all that had been counted up to that time). The facts are all there, just nobody will investigate even when given the documents.
- 33 Pupping season has been documented extensively to be February to Mid-April in NOAA documents and court testimony. Witness last season; first successful birth Feb 3, and last of the season on April 8.
- 34 The ramp you mention now is featured in the La Jolla Coastal Plan as historical public access and has to be repaired if only for that, so the City can open the gate it has locked illegally. Not doing that will only imperil the tenuous plans further.

On 10/31/2011 1:36 PM, Kenneth L. Hunrichs wrote:

35 Date: October 31, 2011  
 To: Jeffrey Szymanski, Environmental Planner, City of S.D. Dev. Services Center  
 Subject: Project No. 154844, La Jolla Children's Pool Lifeguard Station

On page 2 of the Mitigated Negative Declaration [ [http://docs.sandiego.gov/citybulletin\\_publicnotices/CEQA/PNI300%2523154844rmd%252010%252006%25202011.pdf](http://docs.sandiego.gov/citybulletin_publicnotices/CEQA/PNI300%2523154844rmd%252010%252006%25202011.pdf) ] regarding the La Jolla Children's Pool Lifeguard Station, the last paragraph under "Subject" states that the existing plaza would be reconfigured to provide a ramp for emergency vehicles to the beach. It must be made clear that the ramp will be wide enough to allow for equipment to perform periodic maintenance of the beach and to include truck access for large animal rescue or dead animal removal.

On page 6 under the section "VI. Seal Mitigation, Letter A.", it states that pupping season is January 1 to May 1. This is incorrect. It has been declared by NOAA: "The most important birth month for this population [Children's Pool harbor seals] is March (NOAA). [Federal Register: August 20, 2004 (Volume 69, Number 161)] [Notices][Page 51632-51636] In general, the pupping season occurs between early February to May." If you are forced to curtail construction during pupping season it should only be during the actual pupping season in this region; February to May.

Section VI Seal Mitigation, A through D, construction will only occur during June 2 – December 31, between the hours of 8:30 – 15:30. Also heavy construction will only occur during October through December. This means the cost of the project will be much higher than normal because of these restrictions not to mention that it will be harder to find a contractor willing to bid on the project. It would be much more cost effective for the City of San Diego and the taxpayers to seek an "Incidental Harassment Authorization" (IHA) from NOAA under the MMPA 109(h) conditions. The harbor seals at Children's Pool are not endangered and were introduced to the area by Sea World's rehab program for

file://C:\MyFiles\Jeff's files\La Jolla Children's Lifeguard\Comment letters LJ Children poo... 11/7/2011

JOHN LEEK (10/31/2011)

- 32. As the project is currently proposed it doesn't qualify for Section 109(h). The 109(h) applies to emergency actions and the City is not declaring a situation of potential harm to public health and welfare, nor have the seals been declared a nuisance.
- 33. Please see response 28.
- 34. This comment does not address the adequacy of the CEQA document; therefore, no further response will be provided.
- 35. The remainder of this comment letter is a copy of the Hunrichs' letter; please see responses 26-31.

JOHN LEEK (10/31/2011) continued

No response required.

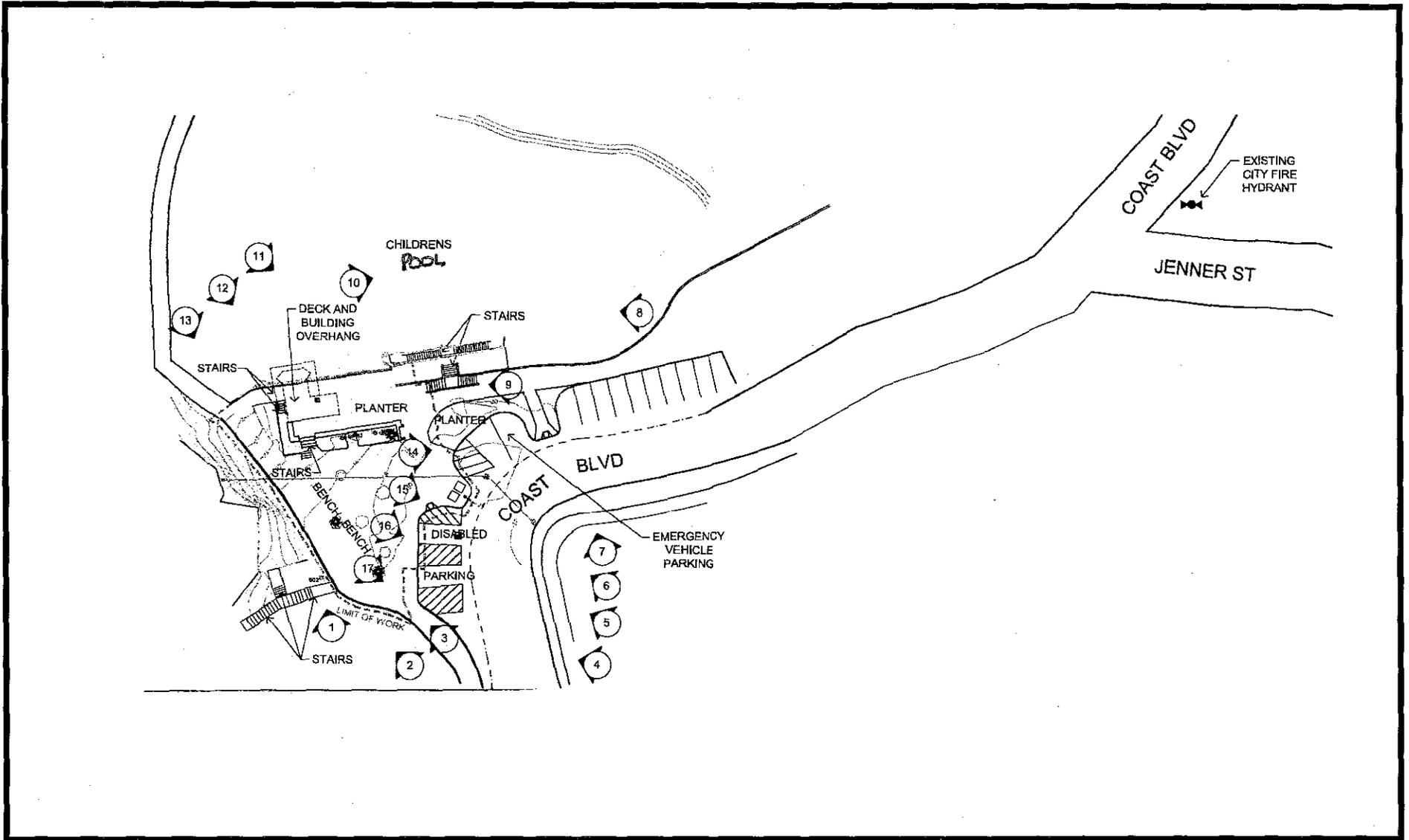
11 years, 1993–2004, with the goal to populate the Seal Rock Reserve area for seal viewing by the public. However the seal population outgrew Seal Rock and then discovered Children's Pool beach. They are thriving with the inevitable human interaction.

Attachments included in the Mitigated Negative Declaration were examined. Two observations were made: Figure 1 - Location/Vicinity Map: states Children's "Cove" which is incorrect, should read Children's Pool. Figure 2 - Site Plan: shows that the ramp down to the public restroom level is only about 5' wide. How would any standard sized vehicle access the ten foot wide ramp down to the beach?

The "Initial Study Checklist" page 1 (or page 12 of the PDF), item #8, last paragraph, also repeats the statement, "The existing plaza would be reconfigured to provide a ramp for emergency vehicles to the beach ". Will a new drawing be prepared to reflect this? This is very important and the report must be accurate to avoid misunderstandings resulting in litigation at further taxpayer cost.

This project will have limited impact to the biological resources at CP. It is very unlikely any harm will come to a seal at Children's Pool as a result of the construction activities. We believe we must allow the minor disturbance this project may have on the seals to bring this public safety project to completion as soon as possible.

Marie Hunrichs, Ken Hunrichs  
619 787-3486, 619 787-3372



## Location Map

La Jolla Children's Pool Lifeguard Station / Project No. 154844

City of San Diego – Development Services Department

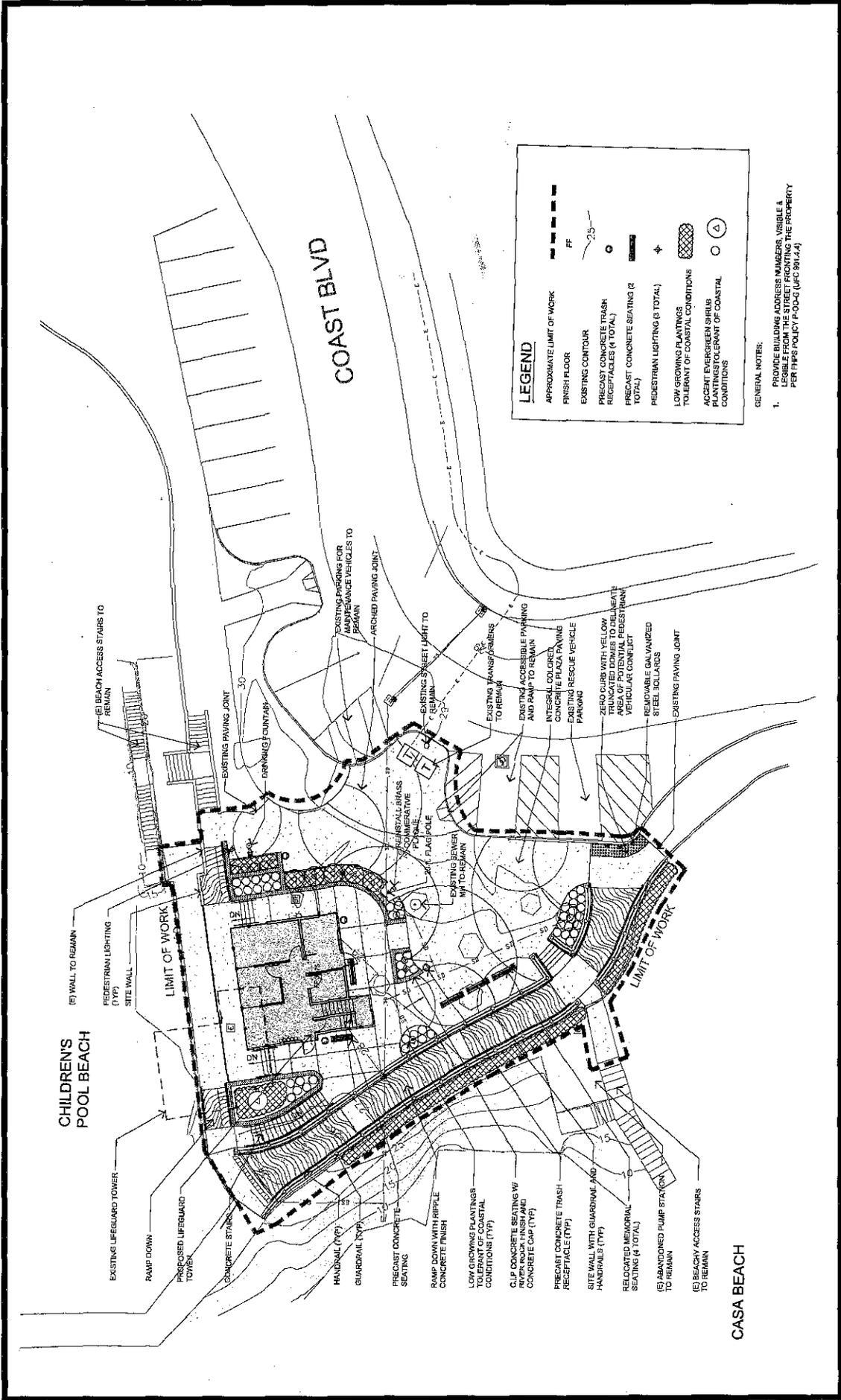
**No. 1**



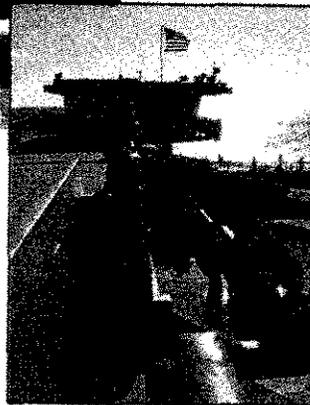
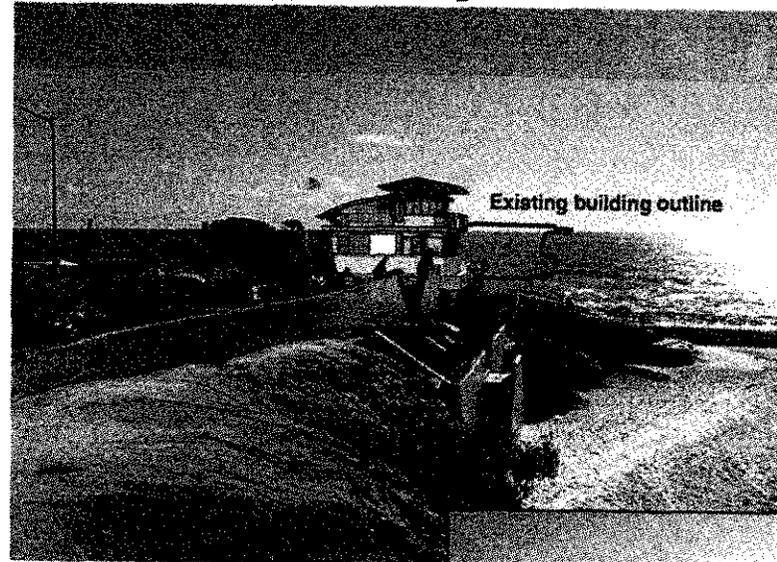
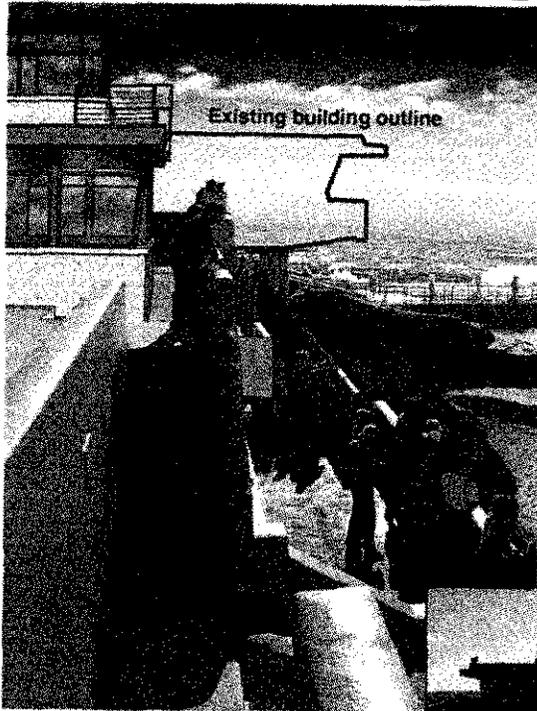
# Site Plan

La Jolla Children's Pool Lifeguard Station / Project No. 154844  
 City of San Diego - Development Services Department

No. 2



CASA BEACH



Existing View



Existing View



## Photo Simulations

La Jolla Children's Pool Lifeguard Station / Project No. 154844

City of San Diego – Development Services Department

No. 3

## INITIAL STUDY CHECKLIST

1. Project Title/Project number: La Jolla Children's Pool Lifeguard Station / 154844
2. Lead agency name and address: City of San Diego, Development Services Department, 1222 First Avenue, MS 501, San Diego, CA 92101
3. Contact person and phone number: Jeff Szymanski, Associate Planner, 619-446-5324
4. Project location: The project would be located at 850 Coast Boulevard, La Jolla, California 92037 within the La Jolla Community Plan.
5. Project Applicant/Sponsor's name and address: City of San Diego, Engineering and Capital Projects Department, contact Jihad Sleiman 600 B Street Suite 800 MS 908a San Diego, CA 92101
6. General Plan designation: City owned beach lifeguard station.
7. Zoning: LJPD-5 and LJPD-6A
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.): COASTAL DEVELOPMENT PERMIT (CDP), SITE DEVELOPMENT PERMIT (SDP) and CONDITIONAL USE PERMIT (CUP) for the demolition of the existing lifeguard station and construction of a new, three-story, 1,877 square-foot lifeguard station. The new partially subterranean lifeguard station would be located within and adjacent to the existing facility. Existing below grade retaining walls would remain in place and new retaining walls would be constructed along the west side of the ramp to the lower level and an 18 ½ foot wall would be located along the north end of the Lower Level. These new walls would consist of shotcrete tied-back bulkheads, colored and textured to match the adjacent coastal bluffs. Above grade wall height at the Lower Level would vary but would not exceed 12 feet at its highest point. The above grade wall height along the west edge of the ramp would not exceed 4 feet. The walls would be designed for a minimum design life of 50 years and would not be undermined from ongoing coastal erosion. The walls would not be readily viewed from Coast Boulevard, the public sidewalks or the surrounding community.

Lower level improvements include new beach access restrooms and showers, lifeguard lockers and a sewage pump room. The plaza Level plan includes two work stations, a ready/observation room, kitchenette, restroom and first aid station. The observation level includes a single occupancy observation space, radio storage closet, and exterior catwalk. Interior stairs would link the floors.

The existing plaza would be reconfigured to provide a ten foot wide ramp for emergency vehicles to the beach and for pedestrians to the lower level accessible restrooms and showers. Enhanced paving, seating and viewing space, drinking fountains, adapted landscaping and water efficient irrigation is also included.

9. Surrounding land uses and setting: Briefly describe the project's surroundings: The land uses vary from residential, to beach recreational, park, and hotel and commercial uses.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.): National Marine Fisheries Service Incidental Harassment Permit.

**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 checked="" type="checkbox"/> Biological Resources    | <input type="checkbox"/> Land Use/Planning             | <input type="checkbox"/> Transportation/Traffic                     |
| <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Utilities/Service System                   |
| <input type="checkbox"/> Geology/Soils                      | <input type="checkbox"/> Noise                         | <input checked="" type="checkbox"/> Mandatory Findings Significance |

**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.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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D) AESTHETICS – Would the project:

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

There are several public views over the project site as identified in the La Jolla Community Plan; however, this project has been designed to minimize impacts to public views. The existing beach access restrooms located at the north face of the bluff would remain in the existing location with the perimeter retaining wall remaining in place. The plaza level floor which sits above the restrooms, shifts slightly to the southeast, opening public views to the Children’s Pool to the north and to the beach west of the building which are currently blocked by the existing structure. Open railing systems further enhance views over existing conditions. The plaza level floor plate has been minimized to 766 square-feet and is similar in size to the existing building and raised deck surrounded by the concrete railing. The Observation Level plan has a narrow north/south profile to minimize sightline intrusion. At the request of the La Jolla Community Planning Association, the exterior walls are largely glazed to make the building as translucent as possible. Based upon the project design the new lifeguard station and associated improvements would not have a substantial adverse effect on a scenic view.

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

As stated in I.a the project has been designed to minimize visual impacts. Therefore the project would not damage scenic resources.

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

Please see I.a. In addition, all proposed retaining walls for the project would be colored and textured to match the adjacent coastal bluff and would not be readily viewed from Coast Boulevard, the public sidewalks or the surrounding community.

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

The exterior building walls would be glazed at the request of the La Jolla Community Planning Group and would not create substantial light or glare impacts to day or nighttime views.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>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:</p>				
<p>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?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>The lifeguard station project is located within a beach and recreation area and is not classified as farmland by the Farmland Mapping and Monitoring Program (FMMP). Similarly, land surrounding the project is not in agricultural production and is not classified as farmland by the FMMP. Therefore, the project would not convert farmland to non-agricultural uses.</p>				
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>Please see II.a</p>				
<p>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))?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>The beach or surrounding community is not zoned as forest land, no conflict would occur.</p>				
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>The lifeguard station project is located within a beach and recreation area and is not designated forest</p>				

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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land. Therefore, the project would not convert forest land to non-forest use.

- 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No existing agricultural uses are located in the proximity of the project that could be affected. Therefore, the project would not convert farmland to non-agricultural uses.

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

Construction of the project could increase the amount of harmful pollutants entering the air basin. However, construction emissions would be temporary and finite. In addition, construction Best Management Practices (BMPs), such as watering for dust abatement, would reduce construction dust emissions by 75 percent.

The project would primarily demolish an existing lifeguard station and then construct a new one. The project would not generate additional trips to this facility once constructed. With the implementation of project BMPs during construction and the lack of operational emissions the project would not result in a conflict of air quality plans.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Please see III.a

- 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)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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As described above, construction operations could temporarily increase the emissions of dust and other pollutants. However, construction emissions would be temporary and implementation of BMPs would reduce potential impacts related to construction activities to a level less than significant. Therefore, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under applicable federal or state ambient air quality standards.

- d) Expose sensitive receptors to substantial pollutant concentrations?

Construction operations could temporarily increase the emissions of harmful pollutants, which could affect sensitive receptors adjacent to the project. However, construction emissions would be temporary and it is anticipated that implementation of construction BMPs would reduce potential impacts related to construction activities to minimal levels. Therefore, the lifeguard station project would not expose sensitive receptors to substantial pollutant concentrations.

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

Operation of construction equipment and vehicles could generate odors associated with fuel combustion. However, these odors would dissipate into the atmosphere upon release and would only remain temporarily in proximity to the construction equipment and vehicles. Therefore, the project would not create substantial amounts of objectionable odors affecting a substantial number of people.

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 lifeguard project is located within Environmentally Sensitive Lands (ESL) in the form of Coastal Bluffs and Coastal Beaches. However, the project as proposed would be located within the previously developed foot-print of the existing lifeguard complex which lacks sensitive habitat. Surrounding vegetation consists primarily of introduced and ornamental plants such as ice plant and a grass lawn. Of most concern would be potential impacts to nearby harbor seals which haul out at the adjacent Children’s Pool Beach and nesting birds. Based upon the sensitivity of surrounding biological resources the City required the preparation of Biotechnical

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Reports (BTR) to access impacts to biological resources (*Biological Report: Update Regarding Pinnipeds and the California Least Tern at Children’s Pool, La Jolla, California, and Lifeguard Tower Reconstruction*, Hanan and Associates Inc., March 2011). The 2011 report updated reports conducted in 2004 and 2010. A summary of the BTR is provided below and is available for review at the offices of the Entitlements Division of Development Services Department, City of San Diego.

Harbor seals are widely distributed in temperate and subarctic waters of the North Atlantic and North Pacific Oceans. Harbor seals are not listed as threatened or endangered under the Federal Endangered Species Act, and are not considered strategic under the Marine Mammal Protection Act (MMPA). Harbor seals often haul out (temporarily leaving the water between periods of foraging activity for sites on land or ice) in protected bays, inlets, and beaches. Coastal areas of La Jolla are thought to have been used for haul out by harbor seals historically. Since the mid 1990s, more frequent use of the Children’s Pool area has been documented as harbor seals have been observed to haul out on the sheltered Children’s Pool Beach.

Surveys conducted at the site from December 2003 to April 2004 indicate that a maximum number of seals observed at the Children’s Pool during any single observation during the study was 164. Currently, the cumulative results of research at the site indicate that approximately 200-300 seals use the site. Since the original surveys in 2004, the project biologist has conducted additional observations of the site (Hanan 2010) and believes that the results from the 2004 research area are representative of the number of seals currently utilizing the Children’s Pool.

The biological resources report identified three potential impacts to the harbor seals resulting from the construction of the project; 1) Haul out site abandonment 2) Short-term or permanent hearing loss and 3) Disruption of pupping behavior. In order to reduce these impacts to below a level of significance the biologist has outlined mitigation measures that must be implemented as a part of the project. In summary the mitigation measures would restrict the timing of the construction to outside of the pupping season, would require the construction of temporary noise barriers, and would require that a biological monitor be present on-site during construction activities. Furthermore, the project biologist would be required to consult with a National Marine Fisheries Service Resource Management Specialist.

In addition, the biological resources report assessed potential impacts to the California least tern. The report found that the La Jolla Children’s Pool area is not considered suitable for least tern breeding and nesting. However, if construction would occur within the avian nesting season pre-construction bird surveys would be required. The mitigation measures shall be detailed and listed in Section V. of the Mitigation Monitoring and Reporting Program (MMRP) and would reduce impacts to biological resources to below a level of significance.

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?

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The project is located within a designated Coastal Bluff and Beach; however, the lifeguard station would be located in the footprint of the existing lifeguard complex and lacks riparian habitat. No substantial adverse effects to riparian habitat 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 IV b., no mitigation is required.

- 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 IV a., mitigation measures are in being incorporated into the project which would reduce impacts to migratory species to below a level of significance.

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

Please see IVa. mitigation is required.

- 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?

The project is not located in or directly adjacent to the City's Multi-Habitat Planning Area (MHPA) or any other conservation planning areas. Therefore the project does not have the potential to conflict with any habitat conservation plans.

V. CULTURAL RESOURCES – Would the project:

- a) Cause a substantial adverse

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change in the significance of an historical resource as defined in §15064.5?

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. CEQA requires that before approving discretionary projects, the Lead Agency must 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.

A record search of the California Historic Resources Information System (CHRIS) digital database was reviewed to determine presence or absence of potential resources within the project site and one-mile radius. No on-site archaeological resources were identified; however, several sites were identified within a one-mile radius. However, since the development of the project would essentially occur within the previously developed foot-print impacts to unknown historical resources are not anticipated and mitigation would not be required.

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|---------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Please see V a., an adverse change to the significance of an archaeological resource is not anticipated.

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|---------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project is underlain by artificial fill and the geologic Point Loma and Bay Point formations. These formations are categorized as having a high sensitivity for paleontological resources. However, because the project would primarily be constructed within the existing foot-print of the current lifeguard station with little excavation, significant impacts to paleontological resources are not anticipated.

- |                                                                                      |                          |                          |                          |                                     |
|--------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Please see V a., impacts to historical resources, including human remains, are not anticipated.

VI. 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:

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| 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. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

The following geotechnical reports were prepared for the lifeguard project: *Limited Geotechnical Investigation, Children's Pool Lifeguard Station, La Jolla California*, (Terracosta, January, 2008), *Update Geotechnical Investigation Children's Pool Lifeguard Station La Jolla California* (Terracosta, April 2011) as well as several Response to Review Comment letters (Terracosta). The Rose Canyon Fault zone, which trends north-northwest, is mapped less than one mile from the project site; however, no known active faults have been mapped in the immediate vicinity of the lifeguard station and it is not located within an Alquist-Priolo Earthquake Fault Zone. Therefore, risks from rupture of a known earthquake fault would remain less than significant.

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| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Design and construction in accordance with prevailing building codes will reduce the potential for structural collapse due to earthquake ground shaking to an acceptable level. Therefore, significant effects are not indicated.

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| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The Pleistocene deposits and Cretaceous Point Loma Formation underlying the development are not susceptible to earthquake induced soil liquefaction. The project's geotechnical consultant evaluated seismic stability of the coastal bluff and indicated that the bluffs are

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adequately stable. No significant effects due to seismic-related ground failure, including liquefaction are indicated.

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| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The City of San Diego Seismic Safety Study maps have designated the project location in geologic Hazard Category 43, which is characterized as being generally unstable with local high erosion problems; however, this location is not mapped as a landslide. The geotechnical reports have addressed slope stability and determined that the site is adequately stable; therefore no significant effects due to landslides exist on the site.

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| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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The existing facility, including the westerly access to the Children's Pool Seawall, is currently being undermined along a significant portion of the westerly access to the seawall and along the westerly half of the sea cliffs backing the Children's Pool Beach. To address coastal erosion and the undermining of the lifeguard station the project has incorporated recommendations from the geotechnical study. The geotechnical report has determination that an 18.5 foot long tie back wall would be constructed along the north side of the lifeguard station and would preclude substantial soil erosion at the project site. The tie-back wall has been incorporated into the project as a feature and is identified on the Preliminary Bluff Projection Walls plan sheet within the project plans.

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Please see VI a) and b), the project site is suitable for the lifeguard station. No impacts would occur.

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| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

The geotechnical reports have addressed general geologic conditions, and it was determined that the site is suitable for the lifeguard station. The project would utilize proper engineering design and standard construction practices which would ensure that the project would not create a substantial risk to life or property and impacts would be less than significant.

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| e) Have soils incapable of adequately supporting the use of septic tanks or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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alternative waste water disposal systems where sewers are not available for the disposal of waste water?

The project is not proposing the construction of septic tanks. Therefore, no impact with regard to the capability of soils to adequately support the use of septic tanks or alternative wastewater disposal systems would result.

**VII. GREENHOUSE GAS EMISSIONS - Would the project:**

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

The City of San Diego is utilizing the California Air Pollution Control Officers Association (CAPCOA) report “CEQA and Climate Change” (CAPCOA 2009) to determine whether a GHG analysis would be required for submitted projects. The CAPCOA report references a 900 metric ton guideline as a conservative threshold for requiring further analysis and possible mitigation. This emission level is based on the amount of vehicle trips, the typical energy and water use associated with projects, and other factors.

CAPCOA identifies project types that are estimated to emit approximately 900 metric tons of GHG’s annually. This 900 metric ton threshold is roughly equivalent to 36,000 square feet of office space, 11,000 square feet of retail, 50 residential units, and 6,300 square feet of supermarkets. The project conducted an independent modeling analysis generated by Urban Emissions Model (URBEMIS) to determine the level of GHG emissions. URBEMIS was developed by the California Air Resources Board to analyze construction related GHGs (i.e. Carbon Dioxide) and quantified the project’s GHG emissions. The model utilizes project information (e.g. total construction months, project type and total project area) to quantify GHG emissions from heavy-duty construction equipment, haul trucks, and worker commute trips associated with projects. The output of the model is carbon dioxide (CO2) which is the major contributor of GHGs.

The results demonstrated that the project would generate approximately 26.71 metric tons of GHG during the first year of construction and 92.71 metric tons during the second year, within minimal emissions during the third year. Auto emissions related to staff traveling to and from the lifeguard station (24.84 MTS/YR) would be negligible. The output for the project falls well below the 900 metric ton per year figure. Therefore, based upon this analysis the project would result in a less than significant CEQA GHG impact and mitigation would not be required.

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

Please see VII.a. It is anticipated that the project would not conflict with any applicable plans,

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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policies, or regulations related to greenhouse gases.

VIII. 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?

Construction of the project may require the use of hazardous materials (fuels, lubricants, solvents, etc.), which would require proper storage, handling, use and disposal; however, the lifeguard project would not routinely transport, use or dispose of hazardous materials. Therefore, the project would not create a significant hazard to the public or environment.

- 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 project would incorporate project design features, as well as incorporate specifications for construction to meet the local, state and federal requirements to address such hazardous materials should they be discovered during construction. Therefore, the project would not involve the release of hazardous materials into the environment. Impacts would remain 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?

There are schools within a one-quarter mile of a school; however, please see VIII.a, impacts would not occur.

- 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?

The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, known as the Cortese list. Therefore, no hazards would occur in relation to the Government Code Section.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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 project is not located within the boundaries of an existing airport land use plan or an airport land use plan pending adoption. The project is not located within the flight path of any airport is located and therefore would not introduce any new features that would create a flight hazard.

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 project is not located within 2 miles of a private airstrip. Therefore the lifeguard station would not result in a safety hazard that would create flight hazards.

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

Construction of the project would temporarily affect traffic circulation within the project APE and its adjoining roads. However, an approved Traffic Control Plan would be implemented during construction which would allow emergency plans to be employed. Therefore, the project would not physically interfere with an adopted emergency response plan or emergency evacuation plan.

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 is located in a developed recreational beach area and is not identified as wildlands that would pose a threat of wildland fires. Additionally, the lifeguard station project would not introduce any new features that would increase the risk of fire.

IX. HYDROLOGY AND WATER QUALITY - Would the project:

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

Potential impacts to existing water quality standards associated with the project would include

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minimal short-term construction-related erosion/sedimentation and no long term operational storm water discharge. Conformance to BMPs outlined in the Water Pollution Control Plan (WPCP) and conformance with the City's Stormwater Regulations would prevent or effectively minimize short-term water quality impacts. Therefore, the project would not violate any existing water quality standards or discharge requirements.

- 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 propose the use of groundwater. Furthermore, the project would not introduce a substantially large amount of new impervious surfaces that could interfere with groundwater recharge. Therefore, the project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge.

- 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?

Please see VI b) the project would not substantially alter any existing drainage patterns and substantial erosion would not occur.

- 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?

Please see IX.c.

- e) Create or contribute runoff water, which would exceed the capacity of

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Conformance to BMPs outlined in the approved WPCP and compliance with the City Stormwater Regulations would prevent or effectively minimize short-term construction runoff impacts. Additionally, no new impervious areas are proposed that would increase runoff from the project area. Therefore, the project would not contribute runoff water that would exceed the capacity of existing storm water systems.

- f) Otherwise substantially degrade water quality?

Conformance to BMPs outlined in the approved WPCP to be prepared for the project and compliance with the City's Stormwater Regulations would prevent or effectively minimize short-term water quality impacts and would preclude impacts to water quality.

- 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 does not propose construction of any new housing.

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

The project is located within the Special Coastal Flood Hazard Area but not within a floodway. However, the proposed lifeguard station would be constructed within the existing footprint of the existing lifeguard station and would not impede or redirect flows.

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

The project would not include any new project features that would increase the risk associated with flooding beyond those of the existing conditions.

- j) Inundation by seiche, tsunami, or mudflow?

The project would not include any new project features that would increase the risk associated with

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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seiche, tsunami, or mudflow beyond those of the existing conditions.

X. LAND USE AND PLANNING – Would the project:

- a) Physically divide an established community?

Implementation of the project would replace an existing lifeguard station and would not introduce any features that could divide an established community.

- 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?

The project site is located in Zone 5 of the La Jolla Planned District. Zone 5 is a Multi-dwelling Residential zone. Therefore, the non-residential use of the structure as a Lifeguard Station is not allowed by right in this particular zone. However, per San Diego Municipal Code Secs. 159.0211(m) and 159.0210(a), certain non-residential uses, including Civic Buildings, are permitted in Zone 5 with a "Special Use Permit" in accordance with Process Three. LDR-Planning has determined that the project fits within the "Civic Buildings" use category. When a Planned District requires certain permits which are not listed in SDMC Ch. 12 (Land Development Reviews), the permit requirement is converted to the equivalent Citywide permit. In this case, the Municipal Code does not have a "Special Use Permit" in Ch. 12. Therefore, as outlined in SDMC Sec. 151.0201(e), the "Special Use Permit" requirement will be implemented through a Conditional Use Permit.

In complying with SDMC the project can be determined to be consistent with all applicable land use plans, policies, or regulations of an agency with jurisdiction over the project and would not conflict with any land use plans. The project is considered an essential public facility and is identified for this use in the La Jolla Community Plan.

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

The project is not within or adjacent to any conservation land use plans and is located within a developed recreational beach. No conflicts with habitat conservation plans would occur.

XI. MINERAL RESOURCES – Would the project?

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

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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be of value to the region and the residents of the state?

The recreational beach and lifeguard station site is not designated for the recovery of mineral resources on the City of San Diego General Plan Land Use Map. Therefore, the project would not result in the loss of availability of a known mineral resource.

- 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 areas surrounding the project site is not designated for the recovery of mineral resources on the City of San Diego General Plan Land Use Map. Therefore, the project would not result in the loss of availability of a locally important mineral resource recovery site.

XII. NOISE – Would the project result in:

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

The development of the project would generate minimal temporary noise from construction; however, the project is required to comply with the City Noise Ordinance and therefore, people would not be exposed to noise levels in excess of noise regulations.

- b) Exposure of persons to, or generation of, excessive ground borne vibration or ground borne noise levels?

Please see XII.a.

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

Please see XII.a.

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

Construction of the project would result in a temporary increase in the ambient noise levels in the

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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project vicinity. However, based upon the temporary nature of the construction noise and the existing surrounding noise levels in the area the increase in ambient noise would be 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 the boundaries of an existing airport land use plan or an airport land use plan pending adoption. Furthermore, the project would not introduce any new features that would expose people residing or working in the project area to excessive noise levels beyond those associated with what currently exist.

- 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 proximity to a private airstrip. Furthermore, the lifeguard station project would not introduce any new features that would expose people residing or working in the project area to excessive noise levels beyond those associated with existing conditions. No impacts would result.

**XIII. 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 would demolish an existing lifeguard station and install a new lifeguard station within the same footprint. The project is intended to improve the conditions at the facility and increase safety conditions for beach users. The project would not extend any existing roadways into an undeveloped area or introduce any new roadways that could induce growth. Therefore, the project would not induce substantial population growth.

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

The project would replace a lifeguard station and would not result in the displacement of any

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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existing housing, or otherwise affect existing housing in any way that would necessitate the construction of replacement housing.

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| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would replace a lifeguard station and would not result in the displacement of any existing housing, or otherwise affect existing housing or other structures in any way that would result in the displacement of any people.

**XIV. 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 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project would not physically alter any fire protection facilities. Replacement and installation of a new lifeguard station would not require any new or altered fire protection services.

- |                       |                          |                          |                          |                                     |
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| ii) Police Protection | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project would not physically alter any police protection facilities. Replacement and installation of a new lifeguard station would not require any new or altered police protection services. The project is designed to improve safety conditions for beach users.

- |              |                          |                          |                          |                                     |
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| iii) Schools | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project would not physically alter any schools. Additionally, the project would not include construction of future housing or induce growth that could increase demand for schools in the area.

- |          |                          |                          |                          |                                     |
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| v) Parks | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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The project would not physically alter any parks or create new housing. Therefore, the project would not create demand for new parks or other recreational facilities.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
vi) Other public facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The project would not increase the demand for electricity, gas, or other public facilities. The project is designed to improve safety conditions for beach users.

**XV. 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?
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|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Implementation of the project would replace and improve a lifeguard station. The project would not generate additional trips to the existing recreation areas in the area or induce future growth that would result in additional trips to these facilities. Therefore, the project would not increase the use of existing recreational areas 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?
- |                          |                          |                          |                                     |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

The project would replace and improve a lifeguard station and does not include the construction of recreational facilities or require the construction or expansion of recreational facilities.

**XVI. TRANSPORTATION/TRAFFIC – Would the project?**

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of 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?
- |                          |                          |                                     |                          |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Construction of the project would temporarily affect traffic circulation within the project's APE and its adjoining roads. However, an approved Traffic Control Plan would be implemented during construction so that traffic circulation would not be substantially impacted. Therefore, the project

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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would not result in an increase of traffic which is substantial in relation to existing traffic capacity.

- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?

Construction of the project would temporarily affect traffic circulation within the project's APE and its adjoining roads. However, an approved Traffic Control Plan would be implemented during construction so that traffic would not exceed cumulative or individual level of service.

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The project does not include any tall structures or new features that could affect air traffic patterns or introduce new safety hazards related to air traffic.

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The project was designed to meet City standards and, therefore, would meet existing levels of safety.

- e) Result in inadequate emergency access?

Construction of the project would temporarily affect traffic circulation within the project's APE and its adjoining roads. However, an approved Traffic Control Plan would be implemented during construction so that there would be adequate emergency access.

- f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Please see XVI a), impacts are not anticipated.

**XVII. UTILITIES AND SERVICE SYSTEMS – Would the project:**

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The project would not produce additional wastewater beyond what is existing and would not exceed the requirements of the Regional Water Quality Control Board.				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The project would not require the construction of any new water or wastewater treatment facilities.				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The project would not result in expanded impervious surface area and would not result in substantial quantities of runoff which would require new or expanded treatment facilities. Therefore, the project would not require the construction of new storm water drainage facilities or expansion of existing facilities.				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
The project would not require the use of additional water beyond the existing, therefore, the lifeguard station would not impact existing water supplies.				
e) Result in a determination by the wastewater treatment provided 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Please see XVII D) no impacts would occur.

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Construction of the project would likely generate waste associated with construction activities. This waste would be disposed of in accordance with all applicable local and state regulations pertaining to solid waste including permitting capacity of the landfill serving the project area. Materials able to be recycled shall be done to local standards regulating such activity. Operation of the project would not generate waste and, therefore, would not affect the permitted capacity of the landfill serving the project area.

- g) Comply with federal, state, and local statutes and regulation related to solid waste?

Any solid waste generated during construction related activities would be recycled or disposed of in accordance with all applicable local, state and federal regulations.

**XVIII. 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?

The project would result in impacts to Biological Resources. However, implementation of the MMRP in section V of the MND would reduce direct and/or potential impacts to these resources to below a level of significance and would not result in degradation to the environment.

- 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

Issue	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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projects, and the effects of probable futures projects)?

When viewed in connection with the effects of other projects in the La Jolla area, construction activities have the potential to impact biological resources which could incrementally contribute to a cumulative loss. However, with implementation of the mitigation measures in Section V of the MND, incremental impacts would be reduced to below a level of significance. Impacts associated with this project combined with other closely related past, present, and reasonably foreseeable future projects would not result in a considerable incremental contribution to any cumulative impact.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?





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: Biological Resources. However, with the implementation of mitigation identified in Section V of this MND the project would not have environmental effects which would cause substantial direct or indirect adverse effects on human beings.

## INITIAL STUDY CHECKLIST

### REFERENCES

#### **I. AESTHETICS / NEIGHBORHOOD CHARACTER**

- City of San Diego General Plan.
- Community Plan.
- Local Coastal Plan.

#### **II. 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, 1973.
- 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.

X Site Specific Report: *Biological Report: Update Regarding Pinnipeds and the California Least Tern at Children's Pool, La Jolla, California, and Lifeguard Tower Reconstruction*, Hanan and Associates Inc., March 2011

**CULTURAL RESOURCES (INCLUDES HISTORICAL RESOURCES)**

X City of San Diego Historical Resources Guidelines.

X City of San Diego Archaeology Library.

\_\_\_ Historical Resources Board List.

\_\_\_ Community Historical Survey:

\_\_\_ Site Specific Report:

**VI. GEOLOGY/SOILS**

X 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.

X Site Specific Report: *Limited Geotechnical Investigation, Children's Pool Lifeguard Station, La Jolla California*, (Terracosta, January, 2008), *Update Geotechnical Investigation Children's Pool Lifeguard Station La Jolla California* (Terracosta, April 2011)

**VII. GREENHOUSE GAS EMISSIONS**

X Site Specific Report: Green House Gas Memo prepared for La Jolla Children's Pool Lifeguard Station, Engineering Capital Projects, March 28, 2011

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

X San Diego County Hazardous Materials Environmental Assessment Listing

\_\_\_ San Diego County Hazardous Materials Management Division

\_\_\_ State Water Resources Control Board Geotracker

\_\_\_ State Assessment and Mitigation, Unauthorized Release Listing, Public Use Authorized.

\_\_\_ Airport Land Use Compatibility Plan.

\_\_\_ Site Specific Report:

**IX. HYDROLOGY/WATER QUALITY**

X 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](http://www.swrcb.ca.gov/tmdl/303d_lists.html)).

\_\_\_ Site Specific Report:

**X. LAND USE AND PLANNING**

X City of San Diego General Plan.

X Community Plan.

X Airport Land Use Compatibility Plan

X City of San Diego Zoning Maps

\_\_\_ FAA Determination

**XI. MINERAL RESOURCES**

X California Department of Conservation - Division of Mines and Geology, Mineral Land  
Classification.

\_\_\_ Division of Mines and Geology, Special Report 153 - Significant Resources Maps.

\_\_\_ California Geological Survey - SMARA Mineral Land Classification Maps.

\_\_\_ Site Specific Report:

**XII. NOISE**

X Community Plan

X San Diego International Airport Master Plan CNEL Maps.

\_\_\_ MCAS Miramar ALUCP

\_\_\_ 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.

\_\_\_ City of San Diego General Plan.

\_\_\_ Site Specific Report:

**XIII. PALEONTOLOGICAL RESOURCES**

X 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.

X 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**

X City of San Diego General Plan.

X Community Plan.

\_\_\_ Series 11 Population Forecasts, SANDAG.

\_\_\_ Other:

#### **XV. PUBLIC SERVICES**

X City of San Diego General Plan.

X Community Plan.

#### **XVI. RECREATIONAL RESOURCES**

X City of San Diego General Plan.

X Community Plan.

\_\_\_ Department of Park and Recreation

\_\_\_ City of San Diego - San Diego Regional Bicycling Map

\_\_\_ Additional Resources:

#### **XVII. TRANSPORTATION / CIRCULATION**

X City of San Diego General Plan.

X Community Plan.

\_\_\_ San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.

\_\_\_ San Diego Region Weekday Traffic Volumes, SANDAG.

\_\_\_ Site Specific Report:

**XVIII. UTILITIES**

X City of San Diego General Plan.

X Community Plan.

\_\_\_ Site Specific Report:

**XIX. WATER CONSERVATION**

X City of San Diego General Plan.

\_\_\_ Community Plan.

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

\_\_\_ Site Specific Report: