



The Law Office of  
Julie M. Hamilton

March 12, 2025

Elyse Lowe  
Development Services Director  
City of San Diego  
ELowe@sandiego.gov

**VIA EMAIL**

**RE: 1004 Rosecrans Street, San Diego – PRJ-1120716**

Dear Ms. Lowe:

I represent Protect Point Loma, a nonprofit corporation devoted to protecting the public health, safety and welfare of Point Loma. My client is opposed to the mixed-use project proposed at 1004 Rosecrans Street, in the Roseville neighborhood of Point Loma. This project has applied for a ministerial building permit under Complete Communities for Housing Solutions (“CCHS”). The project does not qualify for CCHS because it is not legitimately located within the Sustainable Development Area (“SDA”) or a Transit Priority Area (“TPA”). At a minimum, this project must go through a discretionary process and rely on the Affordable Housing Regulations rather than CCHS. Realistically, building high density residential on an abandoned gas station site may expose the residents to toxic substances and should not be allowed without adequate environmental review.

**The Project Site Does Not Qualify for CCHS Because it is Not Located in the SDA.**

The project site is located at the northwest corner of Rosecrans Street and Talbot Street in the Roseville neighborhood of Point Loma. There are no plans for rail in this area now or in the future. MTS Rouse 28 currently operates with less than 20 minutes intervals during the typical morning and evening commute hours. Unfortunately, this is the bus line that serves Naval Base San Diego on Point Loma, the commute hours for the base run two hours ahead of civilian commutes. Traffic to the and from the base is heaviest from 5:00 – 7:00 am and 3:00 pm – 5:00 pm. MTS Route 28 does not and will not operate at intervals of 20 minutes or less during the early commute hours in this area. Regardless, Route 84 intersects Route 28 within one mile of the project site but does not provide service at 20 minutes intervals or less during the commute. There is no discussion of improving the level of service for this bus route in the 2021 Regional Transportation Plan (“RTP”). Similarly, Route 923 intersects Route 28 within one mile of the project site but does not operate at intervals of 20 minutes or less during the commute (military

or civilian).

Although the 2021 RTP does contemplate Bus Rapid Transit for Route 28, there is no intersecting route that is proposed to operate with intervals of 20 minutes or less during the peak hour commute. MTS has made it clear it will not operate a rapid bus over an existing local route, so the City cannot rely on an interpretation that Rapid 28 will run parallel to Local 28, therefore intersecting the local and rapid route. (See Attachment 1.) The project site is not located within an SDA or a TPA because it is not located within 1 mile walking distance of an existing or proposed major transit stop, therefore this project is not eligible for CCHS.

### **The Proposed Project Exceeds the Proposition D Coastal Height Limit.**

Per the Technical Bulletin BLDG-5-4, the height of the building is determined by first establishing the adjacent ground elevation. The adjacent ground elevation is “the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point 5 feet distance from said wall.” The cross sections submitted for preliminary review erroneously show the highest adjacent ground elevation to be 37.10. This measurement is wrongly taken from the edge of the balcony rather than from the exterior wall. The highest ground elevation within 5 feet of the exterior wall is shown on the cross section at 33.00. The lowest adjacent ground elevation is 28.34, therefore the height of the building is measured from the highest adjacent ground elevation. The proposed building exceeds the height limit by 4.10’ per Technical Bulletin BLDG-5-4.

### **The Project is Proposed on the Site of a Former Gas Station.**

Members of Protect Point Loma have requested any and all records related to the development of this site. In the records produced since December 5, 2024; there is no mention of toxic or hazardous materials, nor any mention of the previous gas station located on the site. The underground storage tanks were removed in 1982, and the site was redeveloped with a bank. The applicant is proposing to demolish the existing bank building and construct a mixed-use project with 56 residential units and one level of subterranean parking. In addition, the project site abuts Cabrillo Elementary school to the west and an existing restaurant to the north.

The State Water Resources Control Board closed its case on the project site after the property owners submitted a Corrective Action Plan (“CAP”) calling for natural attenuation of the hydrocarbon constituents that had been monitored for years. Although the monitoring showed diminished levels Volatile Organic Compounds in the years ensuing since removal of the USTs, the site still contained significant amounts of Benzene. In addition, the site was never tested for Lead, given the presence of the tanks in the 60’s and 70’s, it is likely the fuel in the tanks contained significant amounts of lead. The soil and groundwater likely contain two major carcinogens, Benzene and Lead. Natural attenuation of these compounds can take anywhere from 10 to 100 years. The process is enhanced when the ground is oxygenated, but this site has been capped by the bank building and asphalt, thus the contaminated material is not getting oxygenated.

The previously accepted CAP was based on continued use of the site as a business rather than for human habitation. However, VOCs are lighter than air and have the potential for being passed into a residential building by means of vapor intrusion. To date, no soil vapor studies have been performed post-closure to verify the potential impact of vapor intrusion at the site, and surrounding properties. The site may be remediated and the VOCs mitigated to a level that will not impact the health of the residents, the students and staff of the adjacent elementary school and the adjacent restaurant. However, allowing this project to proceed through a ministerial process without knowing the level of contamination and the necessary remediation is contrary to the protections of the California Environmental Quality Act ("CEQA"). Based on the opinion of experts in the field of contamination and remediation, Protect Point Loma believes substantial removal of contaminated soils will be required to excavate for the subterranean parking and protect the residents from the harmful effects of hydrocarbons in the soil.

The proposed project requires a neighborhood development permit or a site development permit because the project is not located in an SDA and exceeds the height limit. The project will not be eligible for a categorical exemption from the California Environmental Quality Act according to CEQA Guidelines §15300.2 (e) because the project site is located on the State Water Resources Control Board's public reporting system, GeoTracker©. A full environmental analysis of the impacts of the proposed project is imperative to protect the residents of the site, students and staff at the adjacent school, the adjacent restaurant as well as groundwater as per the state's Clean Water Act Prop. 65.

Thank you for your time and consideration of the issues raised in this letter. Please feel free to call me if you have any questions of need further clarification.

Regards,



Julie M. Hamilton  
Attorney for RIVSA SB, LLC