

From: [Philip Merten](#)
To: [Sherri Lightner](#); [Neil Kathleen](#); [Lazerow Bert](#); [Weissman Suzanne](#); [Potter Jane](#); [Wise Phil](#); [Garcia, Melissa](#)
Cc: [Schenk Lynn](#); [Segal Bernard](#); [Volker Cameron](#)
Subject: [EXTERNAL] Request for Continuance - CIELO MAR – 8303 La Jolla Shores Drive
Date: Tuesday, August 20, 2024 3:07:10 PM
Attachments: [Small LogoType.png](#)
[Schenk Letter to LJSPDAB 8-20-2024.pdf](#)
[Merten Letter to LJSPDAB 8-20-2024.pdf](#)

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Re: La Jolla Shores Planned District Advisory Board Meeting of August 21, 2024
Agenda Item 8
PRJ-1085883 – CIELO MAR – 8303 La Jolla Shores Drive

Ladies and Gentlemen of the La Jolla Shores Planned District Advisory Board,

I represent Ms. Lynn Schenk who resides at 2446 Vallecitos Court, La Jolla. Ms. Schenks property abuts the southern boundary line of the proposed CIELO MAR subdivision.

Request for Continuance

I respectfully request that your consideration of the project be ‘continued’ to a future meeting. The La Jolla Shores Planned District Advisory Board's review of the subject project tomorrow Wednesday morning is premature because the project’s revised design will likely be further revised in response to the proposed project’s non-compliance with the important La Jolla Shores Planned District Ordinance Regulations and the issues raised in the attached [Schenk Letter to LJSPDAB 8-20-2024.pdf](#) and [Merten Letter to LJSPDAB 8-20-2024.pdf](#).

Secondly, the Advisory Board is charged with reviewing development applications and project documents under review by the Development Services Department. However, according to the email messages from Chandra Slaven and Taylor Evans below the latest revised drawings were only made available to DSD Project Manager Veronica Davison and Melissa Garcia for downloading and posting, on the Advisory Board's web page, after the close of business this past Monday afternoon.

Thank you for your consideration of the significant issues outlined in the attached letters. Thank you in advance for ‘continuing’ your review of the project to a later date after the important Code Issues have been fully addressed in revised drawings and re-submitted to the DSD for review.

Sincerely,

Phil Merten



PHILIP A. MERTEN AIA ARCHITECT
TEL 858-459-4756
E-mail: Phil@MertenArchitect.com

Begin forwarded message:

From: Chandra Slaven <chandraslaven@gmail.com>
Subject: Fwd: La Jolla Shores Planned District Advisory Board: Aug 21, 2024 Meeting Agenda
Date: August 19, 2024 at 4:21:43 PM PDT
To: Philip Merten <phil@mertenarchitect.com>
Cc: "Davison, Veronica" <HDavison@san Diego.gov>, Taylor Evans <taylor@willandfotsch.com>, Andy Fotsch <andy@willandfotsch.com>, Scott Sinnett <srsinnett@gmail.com>

Good afternoon Phil,

I hope this email finds you well!

I have been retained to assist the team with the entitlement of the Cielo Mar PRJ-1085883 (8303 La Jolla Shores Drive). I wanted to let you know that we have successfully resubmitted to DSD today and distributed the same plans to the La Jolla Shores Planned District Advisory Board.

Going forward, please feel free to contact me directly with any questions or concerns. I am happy to schedule a conference call or meeting to discuss any remaining comments. Please advise on a good day and time for you.

I look forward to seeing you Wednesday morning!

Best regards,
Chandra Slaven, AICP
619-316-7645
chandraslaven@gmail.com

The information provided is for general purposes only and does not constitute legal advice. If you need legal advice, please consult a qualified attorney.

----- Forwarded message -----

From: **Taylor Evans** <taylor@willandfotsch.com>
Date: Mon, Aug 19, 2024 at 4:01 PM
Subject: Re: La Jolla Shores Planned District Advisory Board: Aug 21, 2024 Meeting Agenda
To: Garcia, Melissa <MAGarcia@san Diego.gov>, Chandra Slaven <chandraslaven@gmail.com>
Cc: Justin Palacios <justin@willandfotsch.com>, Andy Fotsch <andy@willandfotsch.com>, Dang, Angela <AVDang@san Diego.gov>

Hello Melissa and Angela,

Please see dropbox link below for the 300 ft survey, as well as a link to our submitted plans and responses for your reference.

Dropbox

Link: <https://www.dropbox.com/scl/fo/2s74bn55aactvfrxmdo37/ABL6xfrvjewVhTAfqEixZkM?rlkey=fk5fjv56hpwju6xprgwucxskj&dl=0>

Please let me know if you are able to access these files, or if there is anything else I can provide at this time!

Thank you again, looking forward to presenting this in front of the Board on Wednesday,

Best,

Taylor Evans
Will & Fotsch Architects
1298 Prospect St., Suite 2S
La Jolla, CA 92037
858-224-2486 Office
720-299-6065 Mobile
taylor@willandfotsch.com

LYNN SCHENK

2446 VALLECITOS COURT

LA JOLLA, CA. 92037

RE: 8303 La Jolla Shores Dr.(1085883)

To the Members of the LJ Shores Planned District Advisory Board:

I hope you will give consideration to this written statement and to Mr. Phil Merten, who represents me in this matter.

I AM NOT WRITING TO OPPOSE THE ENTIRE DEVELOPMENT OF THE PROJECT. RATHER I AM RESPECTFULLY ASKING YOU FOR NEIGHBORLY CONSIDERATION.

I am a stranger to the members of this Board but I have served our country, our state and our community for decades and have always tried to be a thoughtful neighbor.

FOR ALL OF US, INCLUDING MEMBERS OF THIS BOARD, OUR HOMES ARE OUR SANCTUARIES WHERE WE REST, EAT, WORK, AND YES, PLAY. HOWEVER, THE "PLAY" HAS LEGAL AND MORAL LIMITS TO BE COMPATIBLE WITH THE RIGHTS OF NEIGHBORS TO LIVE THEIR DAILY LIVES IN PEACEFUL TRANQUILITY.

As I understand it, this project will develop what was once a single lot with one family home, into 6 very large houses each with their own pools and recreation areas. A brand new street will also be built where no street existed before, ending in a new cul de sac very close to my house which is adjacent to the proposed project at its southern end.

The overall project is exponentially larger than just building one new home. It is adding an entire new neighborhood dropped into the midst of a long established one. Briefly, what will this mean? During construction the noise and dust of restructuring the lot to build a new road and 6 large houses will be 6 times greater than building one house. The bulldozers grinding away and the dump trucks with their brain piercing back up sirens will make our lives unlivable. Once the homes are built, the noise will be exacerbated with More garbage truck pickups early in the morning, more cars and trucks for pool services, housekeepers, more gardeners with their gas blowers all week long, more barking dogs, 6 more centers of parties and entertainment and so on. I recognize all of this is allowable, but I am asking that the proponents recognize the impact on us and work with us to mitigate as much as possible.

Specifically, it appears that the lot immediately adjacent to my house--Lot 3-- will be mere feet from my bedroom, dining room, patio, kitchen etc. Please know there is no street, no alley, nothing between us but a chain fence and shrubs. They plan calls for a large outdoor sports area, a pickleball court (with its decibal piercing, annoying whacking), a pool and outdoor patios and terraces right under my windows. This is more like a rec center than a traditional home.

The proponents plan to raise their sports field by 9 feet above existing grade at the street and 8 feet above the existing natural grade near their south boundary (where my house is located). Because the existing grade slopes upward in a southeasterly direction, the elevation of the west end of the swimming pool is being raised 5 feet above the existing natural grade below it. AGAIN, all of this is immediately within a few feet of my house.

I am told the owners building this recreation area and house is a family with 3 pre teen or teenage boys. My fear is the constant noise that would surely come from the outdoor uses of a sports field, pool, pickleball and patios. Think about the cheering, shouting and yelling from soccer, or football, or any game, think of the yelling in a pool (how many Marco Polo's can one be asked to endure), think about the booming electronic music, the bass that rattle windows, the rap lyrics we don't want to hear. Think about outdoor movies with loud speakers-The loud cell phone or other conversations that permeate the tranquility.

I have lived at the beach most of my life- this is not about beach noise. The issue is neighbor generated noise which can happen in Clairemont or San Carlos, or Barrio Logan. Again, it is NOT beach noise or ordinary noise from children at play that is of concern. It is neighbor created from new people who are dropping 6 large homes into a well established community of residents and neighbors--neighbors who have created a tranquil environment where we care about the impact of our activities on one another. The current neighbors have a bond of common courtesy and consideration not to interfere with one another's rights to peace and quiet. The children play in the street and yards but do not have a rec center in our midst.

My fear is about noise from a large outdoor recreation center, sports field, pool, pickleball court, verandas and patios elevated 9 feet from the current natural elevation of the ground and which are incompatible with the existing historic, peaceful culture of this neighborhood. We believe that one's right to use one's home in any manner is not greater than and DOES NOT override a neighbor's rights. Presumably the community we have created is an attraction to the new owners, but if they were looking for a livelier environment, this is not the place.

As I said, I am a stranger to the members of this Board. I assume the architect, proponent and presenter of this project is well known to the board members and is someone you respect and admire. Therefore, it is natural for each of you to give great weight to the proposal. But I am imploring you to please consider not just the new neighborhood dropped in our midst, but the long standing home owners who are merely a fence away—Please care about the impact of these designs on those of us who already live here as much as you care about adding big new homes to our area. Since this is still a design concept, please ask the proponents to work in good faith with the existing neighbors to mitigate the impact to our lives. In the words of another neighbor, the current project design exports the noise of the new additions to long standing home owners adjacent to the project rather than containing it among those who will be generating the new and profoundly additive noise.

I understand the owners have a right to build their dream homes, but not at the expense of my dream, the Volk's dream, Mr. Segal's dream and our right to enjoy our homes in relative peace and quiet.

Thank you for your consideration.

Lynn Schenk



www.MertenArchitect.com

PHILIP A. MERTEN AIA ARCHITECT

1236 MUIRLANDS VISTA WAY LA JOLLA CALIFORNIA 92037 PHONE 858-459-4756 Phil@MertenArchitect.com

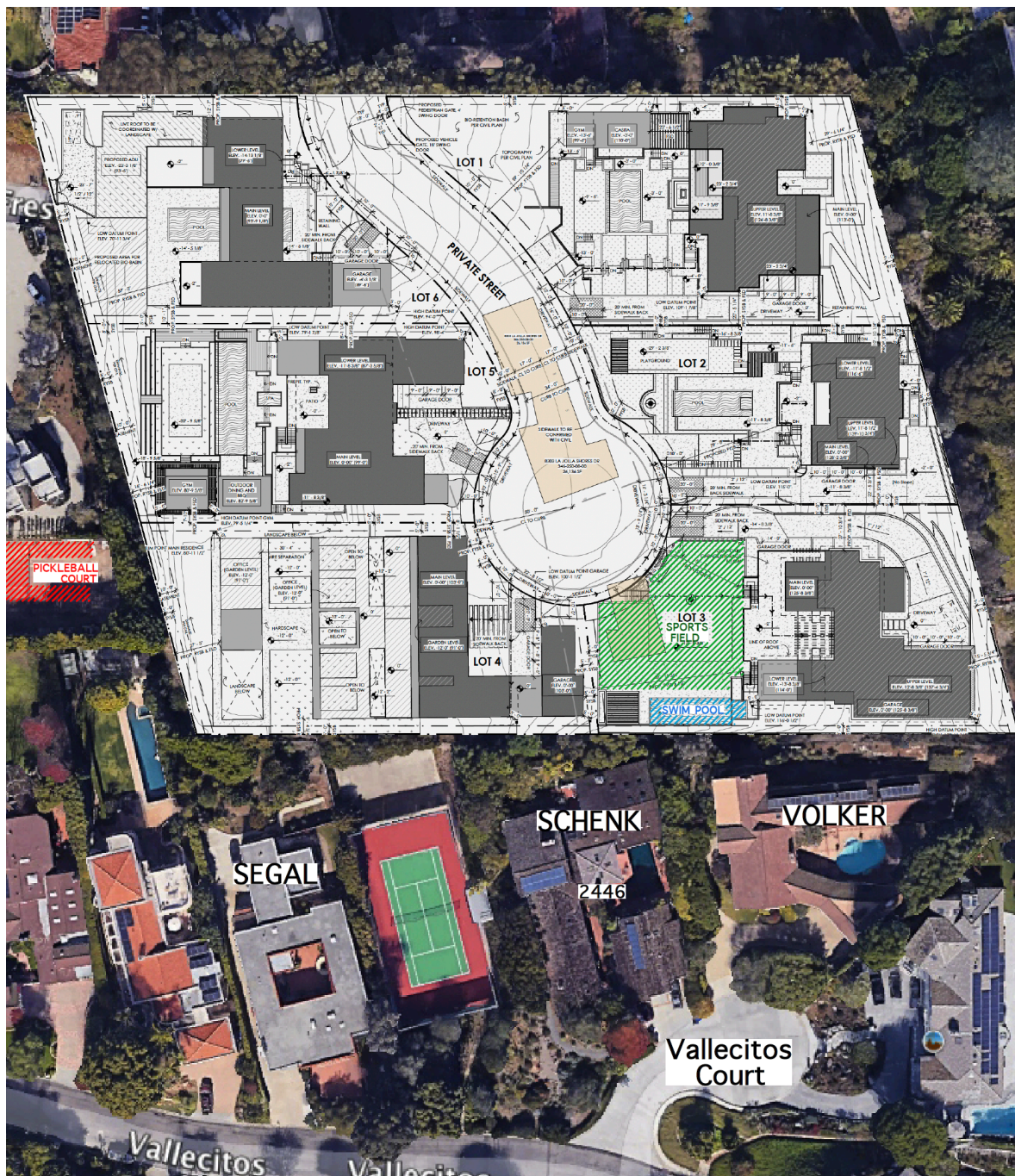
August 20, 2024

La Jolla Shores Planned District Advisory Board

Re: CIELO MAR
8303 La Jolla Shores Drive
Project No. 1085883

Ladies and Gentlemen of the La Jolla Shores Planned District Advisory Board,

I represent Ms. Lynn Schenk who's home at 2446 Vallecitos Court is immediately adjacent the southern boundary of the proposed development as depicted below:



Please consider the following issues as you determine if the proposed project is in compliance with La Jolla Shores Planned District Ordinance:

1. SOUND EMANATING FROM THE PROJECT WILL EXCEED THE MAXIMUM ALLOWED

The San Diego Municipal Code Sec 59.5.0401 limits noise emanating from Single Family Residential properties to 50 decibels from 7 AM to 7 PM, and 45 decibels from 7 PM to 10 PM.

§59.5.0401 Sound Level Limits

- (a) It shall be unlawful for any person to cause noise by any means to the extent that the one-hour average sound level exceeds the applicable limit given in the following table, at any location in the City of San Diego on or beyond the boundaries of the property on which the noise is produced. The noise subject to these limits is that part of the total noise at the specified location that is due solely to the action of said person.

TABLE OF APPLICABLE LIMITS

Land Use	Time of Day	One-Hour Average Sound Level (decibels)
1. Single Family Residential	7 a.m. to 7 p.m. 7 p.m. to 10 p.m. 10 p.m. to 7 a.m.	50 45 40
2. Multi-Family Residential (Up to a maximum density of 1/2000)	7 a.m. to 7 p.m. 7 p.m. to 10 p.m. 10 p.m. to 7 a.m.	55 50 45
3. All other Residential	7 a.m. to 7 p.m. 7 p.m. to 10 p.m. 10 p.m. to 7 a.m.	60 55 50
4. Commercial	7 a.m. to 7 p.m. 7 p.m. to 10 p.m. 10 p.m. to 7 a.m.	65 60 60
5. Industrial or Agricultural	any time	75

At your July 15, Advisory Board meeting the project design presented to you included pickleball courts on Lot 3 and Lot 5 as depicted at <https://www.sandiego.gov/sites/default/files/2024-07/cielo-mar-combined.pdf>. The pickleball courts have since been removed from the revised exhibits posted online at <https://www.sandiego.gov/sites/default/files/2024-08/cielo-mar-combined.pdf>. Although the pickleball courts have been removed from the revised drawings, Lots 3 and 5 still provide sufficient area to construct pickleball courts in the future.

Noise from the previously proposed pickleball courts on Lot 3 and Lot 5 will severely impact all of the residential properties surrounding the proposed development.

PICKLEBALL NOISE EXCEEDS THE MAXIMUM DECIBELS ALLOWED

The average pickleball sound outdoors is 70 decibels measured at 100 feet. The sound is reduced to 64 decibels at 200 feet from the court, and significantly exceeds the allowable sound limit of 50 decibels emanating from a Single Family Residential property

Pickleball noise in decibels

The average pickleball sound, whether indoor or outdoor pickleball, is **about 70 dBA**. As a point of reference, any noise or sound greater than 80 dBA should try to be avoided and a dBA of greater than 90 can be harmful.



[dBA is an *A-weighted decibel* which is an expression of the relative loudness of sounds as perceived by the human ear. A-weighting is the standard for determining hearing damage. Source: [TechTarget](#)]

Even though **pickleball averages 70 dBA** (about the background noise of a Dunkins), this is still too much for some folks – or it just gives them something to hang their hat on. They may argue that any noise level from pickleball may be a nuisance. And, yes, we will admit pickleball noise is unique and can get in our heads as we're lying awake in bed, but it does not make too many people say they want to quit pickleball altogether.

But the fact remains that while the paddle hitting the ball (and the ball bouncing off the court) averages 70 dBA it is still greater than **tennis's average 40 dBA**. The facts are the facts and even in 2023 we cannot argue

against them...you can, but we're not.

The average noise level coming from a pickleball court is measured around [70 decibels](#) at about 100 feet away from the court. This reduces to 64 decibels when measured at 200 feet away from the court. The Occupational Safety and Health Administration prescribes that noise exposure becomes dangerous when an individual is exposed to 90 decibels or greater for eight hours or more. For comparison, typical ambient neighborhood noise is about [45 decibels](#) and average conversation is [around 60 decibels](#). So is pickleball noise dangerous? No. Does pickleball add noise to the environment? Yes.

Ms. Schenk's Bedroom is just 8.5 ft. from the southern boundary line of Lot 3, and 40 feet from the previously proposed pickleball court on Lot 3 (Dwg. No. C-1), and just 15 ft. from the swimming pool on Lot 3. (Dwg. No. C-4) Ms. Schenk's peace and quiet will be severely disrupted by noise coming from the previously proposed pickleball court, sports field, swimming pool and spa due to their close proximity to her living room and bedroom as depicted on the first page; and as explained in Ms. Schenk's attached letter. The likely noise coming from the sports field, swimming pool and spa is exacerbated because the sports field on Lot 3 are proposed to be elevated 9 feet above the current existing grade level at the street; and the swimming pool is proposed to be elevated 5 feet above the current existing grade level at it's western end. Elevating these features places them even closer too Ms. Schenk's home and will only increase the excessive noise being emitted from Lot 3 into Ms. Schenk's property.

Should the Advisory Board decide to recommend approval of the revised project, we respectfully request that your recommendation be conditioned on a requirement that pickleball courts never be allowed or be constructed on the residential lots.

2. EXCESSIVE GRADING PROPOSED ON ALL LOTS

The extent of proposed grading (cut and fill) across all six lots is far in excess of the limitations on grading described in the La Jolla Shores Planned District Ordinance (SDMC Sec 1510.0301(d); and contrary to the Grading Guidelines described in the La Jolla Shores Design Manual (pages 9 thru 14) <https://www.sandiego.gov/sites/default/files/legacy/planning/community/profiles/lajolla/pdf/lajollashoresdesignmanual.pdf>

The Grading Guidelines, page 9 of the La Jolla Shores Design Manual and the LJSPDO Sec. 1510.0301(d) both state:

(d) Grading Regulations

- (1) It is the intent of these regulations to preserve canyons and to prevent the cutting of steep slopes and the excessive filling to create level lots. No grading or disruption of the natural terrain shall be permitted until a permit which includes grading has been approved by the City Manager.
- (2) Grading plans may be approved if it is concluded that:
 - (A) The development will result in minimum disturbance of the natural terrain and vegetation commensurate with the proposed use of the lot or premises.
 - (B) Grading, excavation and filling proposed in connection with the development will not result in soil erosion, silting of lower slopes, slide damage, flooding problems, or excessive cutting or scarring.
 - (C) The proposed development will strive to preserve and enhance the natural environment and any existing aesthetic qualities of the site.

Proposed Depth of Cut and Fill on Various Lots

Lot 1	10 ft. of Fill
Lot 2	14 ft. of Fill
Lot 3	9 ft. of Fill, 11 ft. of Cut
Lot 6	9 ft. of Fill

Contrary to the LJSPDO Sec. 1510.0301(d) Grading Regulations above, the extent of the Cut and Fill on the various lots is intended to create level building pads and level yard areas supported by over height retaining walls which will result in the obliteration of the natural terrain. In particular, the raised grade level on Lot 3 will put the pickleball court, swimming pool and sports field closer to Ms. Schenk's home and exacerbate the disruptive noise into Ms. Schenk's property.

Some of the proposed flat building pads and flat yard areas, and the extent of grading can be seen on the architect's Overall Site Sections on Dwg. No. A509 at <https://www.sandiego.gov/sites/default/files/2024-07/cielo-mar-combined.pdf>. The Grading Plans and Overall Site Section drawings are missing from the Revised Drawings posted at <https://www.sandiego.gov/sites/default/files/2024-08/cielo-mar-combined.pdf>

3. RETAINING WALL HEIGHTS IN REQUIRED SETBACKS EXCEED THE MAXIMUM HEIGHT ALLOWED

Based on the recommendations by some Advisory Board members, in 2020 the La Jolla Community Planning Association requested certain Municipal Code Update revisions be made to the La Jolla Shores Planned District Ordinance. In December 2021 the San Diego City Council adopted the revisions and added the city wide Fence (and retaining wall) Regulations, Chapter 14, Article 2, Division 3 (Fence Regulations) to the LJSPDO.

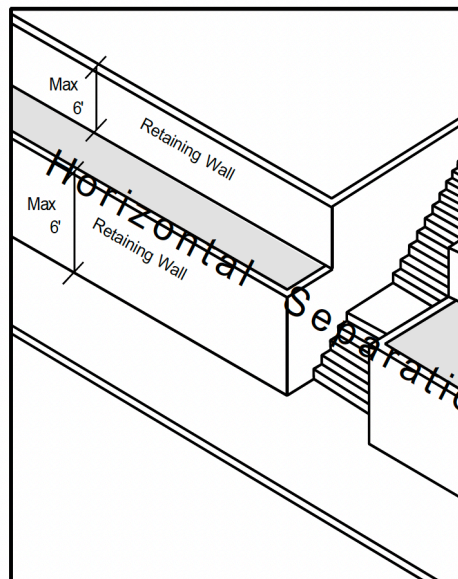
SDMC Sec. 142.0340(c)(1) limits the height of a retaining wall in a required front yard to 3 feet:

- (c) *Retaining Wall Height in Required Front Yards and Required Street Side Yards*
- (1) Two retaining walls with a maximum height of 3 feet each are permitted in the required front and street side yard if the two retaining walls are separated by a minimum horizontal distance equal to the height of the upper wall. See Diagram 142-03H.
 - (2) An open fence not exceeding 3 feet, 6 inches in height is permitted on the top of the upper wall section, or an open fence which in combination with the upper wall section does not exceed 6 feet in height is permitted.

SDMC Sec. 142.0340(d)(1) limits the height of a retaining wall in a required side or rear yard to 6 feet:

- (d) *Retaining Wall Height in Required Side Yards and Required Rear Yards*
- (1) Two retaining walls with a maximum height of 6 feet each are permitted in the required side and rear yard if the two retaining walls are separated by a minimum horizontal distance equal to the height of the upper wall. See Diagram 142-03H.
 - (2) An open fence not to exceed 3 feet, 6 inches in height is permitted on top of the upper retaining wall.

Diagram 142-03H
Retaining Wall Requirements



**Horizontal separation distance shall be
greater than or equal to the
height of the upper wall**

3. RETAINING WALL HEIGHTS IN REQUIRED SETBACKS EXCEED THE MAXIMUM HEIGHT ALLOWED (continued)

In the future when the applicant applies for Building Permits to construct the proposed retaining walls, the heights of the retaining walls **will have to comply** with the retaining wall regulations currently in effect as presented on the previous page.

OVER HEIGHT RETAINING WALLS

Note: The Drawing Numbers (Dwg. Nos.) referenced below refer to the drawing sheet numbers on the applicant's submittal drawings dated 03/18/2024 posted online at <https://www.sandiego.gov/sites/default/files/2024-07/cielo-mar-combined.pdf>.

Please see the applicant's submitted three dimensional rendered exhibits for a graphic depiction of the proposed over height retaining walls in the front, side and rear yard setbacks.

LOT 2, Dwg. Nos. A002 and A204

Retaining wall in the Front Yard Setback is 5' high, where 3' is the maximum height allowed.

Lot 3 Dwg. No. C-4, Dwg. No. A003

Retaining walls in the Front Yard Setback are 4' and 5' high, where 3' is the maximum height allowed. SDMC Sec.142.0340(c)(1). The 4' and 5' high retaining walls are separated by only 1.5'.

Retaining wall in the Front Yard Setback near the western most corner of the Lot is **9 ft.** high, where 3 ft. is the maximum allowed. SDMC Sec.142.0340(c)(1). The 9 ft. retaining wall is topped by a 3.5 ft. solid wall / fence for an overall height of **12.5 ft.** where a **3.5 ft. open fence** is only allowed for a combined height to not exceed **9.5 ft.**

Retaining wall at the driveway is **8 ft.** high, where **3 ft.** is the maximum height allowed in the Front Yard Setback.

The required 10' x 10' triangular visibility area on the north side of the driveway of Lot 3 extends into the adjacent property Lot 2

The retaining wall on the south side of the driveway of Lot 3 exceeds the maximum height allowed for a retaining wall within the required 10' x 10' triangular visibility area. SDMC Sec. 113.0273(b)(3).

The retaining wall in the west side Yard Setback is **8 ft.** in height at the SW corner of Lot 3 where the maximum height allowed is **6 ft.**; and **9' ft.** in height at NW corner Lot 3, where the maximum height allowed is just **3 ft.** within the front yard setback (SDMC Sec. 142.0340(c)(1).

Lot 4 Dwg. No. C-4, Dwg. No. A004

Retaining wall in the south Side Yard Setback is 12' high, where 6' is the maximum height allowed.

Retaining wall in the south Side Yard Setback adjacent the south boundary line is 9' high, where 6' is the maximum height allowed.

Retaining wall at the SW corner of the west Rear Yard Setback is 12' high , where 6' is the maximum height allowed. (27'-6" RYSB per Dwg. No. A004)

Retaining wall adjacent the southern boundary line is 9' high, where 6' is the maximum height allowed.

4. **ELEVATED SWIMMING POOLS NOT ALLOWED WITHIN A STREET YARD OR SIDE YARD SETBACK**

The proposed swimming pools on Lots 1 and Lot 2 are located within the *street yard* of each of the proposed homes.

A *street yard* is defined as:

Street yard means the area of a *lot* or *premises* that lies between the edge of the nearest *street* and the *street wall line*.

A *street wall* line is defines as:

Street wall means all contiguous walls of a building whose overall limits make up the *building facade*. See Section 113.0264 for additional information on determining the *street wall*.

SDMC Sec. 131.0461(a)(11)(B) prohibits the placement of a swimming pool in a *street yard* or interior *side yard* setback if the pool is 3 feet or more above grade.

- (10) Unroofed *structures*: An unroofed portion of a *structure* not in excess of 3 feet above *proposed grade*, with an open safety railing not exceeding 42 inches in height, is permitted within a required side or rear *yard*.
- (11) **Swimming pools, spas**, and hot tubs are permitted within a required *yard* subject to the following:
 - (A) Swimming pools that project 3 feet or less above grade may be located a minimum of 3 feet from the *property line*.
 - (B) **Swimming pools that project greater than 3 feet above grade are not permitted to encroach within a required *street yard* or interior *side yard* setback,** but may encroach into the rear *yard* setback if located a minimum of 4 feet from the rear *property line*.

Contrary to SDMC Sec. 131.0461(a)(11)(B) the swimming pool on Lot 1 (Elev: 110') is located within the *street yard* and is 8 feet above existing grade (Elev: 102') at its west side.

Contrary to the SDMC Section, the swimming pool on Lot 2 (Elev 116.5') is located within the *street yard* and is 13.5 feet above existing grade (Elev: 103') at its west side.

4. ELEVATED SWIMMING POOLS NOT ALLOWED WITHIN A STREET YARD OR SIDE YARD SETBACK (continued)

Contrary to SDMC Sec. 131.0461(a)(11)(B) the swimming pool (Elev: 112') on Lot 3 is located within the proposed 10' interior side yard building setback and is 5 feet above existing grade (Elev:107') at its west end.

5. INDIVIDUAL LOTS HAVE NO ACCESS TO A PUBLIC STREET

According the San Diego Municipal Code (SDMC) Sec. 113.0240 a legal lot must have a minimum of 15 feet of frontage on a public *street*; as do each one of the three existing lots depicted on Dwg. No. A000.1. The current project proposes a private street behind a private gate. Because the 6 proposed new lots front on a private street, not a public *street*, the proposed new lots are **not** in compliance with the SDMC.

6. PROPOSED SETBACKS NOT IN GENERAL CONFORMITY WITH THOSE IN THE VICINITY

According to the Single Family Zone - Development Regulations of the La Jolla Shores Planned District Ordinance, San Diego Municipal Code (SDMC) Sec. 11510.0304(b)(4), says 'Building and structure setbacks shall be in general conformity with those in the vicinity.'

(b) Siting of Buildings

- (1) Buildings with openings (i.e., doors and/or windows) facing the side property line shall be constructed not closer than four feet from said property line, in some circumstances, provided the see-through provisions in Section 1510.0301(c) are observed.
- (2) Buildings without openings facing the side property line may be constructed on the side property line in some circumstances, provided the see-through provisions in Section 1510.0301(c) are observed and provided the drainage of storm water falling on the roof of such building is carried off on the subject property and shall in no way endanger or interfere with an abutting property, easement, or rights-of-way.
- (3) Increased yard dimensions may be required for development adjacent to a public park to avoid any detrimental impact on the park.
- (4) Building and structure setbacks shall be in general conformity with those in the vicinity.**

The LJSPDO **does not** say building and structure setbacks shall be in conformity with the average setbacks within 300 feet of the project.

**6. PROPOSED *SETBACKS* NOT IN GENERAL CONFORMITY WITH THOSE
IN THE VICINITY** (continued)

The LJSPDO says 'Building and structure setbacks shall be in general conformity with those in the vicinity.'

The San Diego Municipal Code does not define 'vicinity'. However Black's Law Dictionary defines 'Vicinity' as 'Quality or state of being near, nearness, propinquity, proximity, near or adjacent;'

The applicant's 300' RADIUS MAP (Revised Drawing No. A000.1) shows the one story VOLKER House being setback **12.6 ft.** from the common south boundary line.

Contrary to being in general conformity with the existing **12.6 ft.** building setback of the one story house in the vicinity, the proposed two story Single Family Residence on Lot 3 is set back just **10 ft.** from the common south boundary line.

Swimming Pool Structure Setback

According to the applicant's Topographic Survey and Boundary Survey (Dwg. No. M-1) the existing swimming pool in the side yard at 2350 Vallecitos is setback **11.5 ft.** from the west subdivision boundary of the Lot 4.

Contrary to being in general conformity with the existing **11.5 ft.** swimming pool setback in the vicinity, the proposed swimming pool on Lot 3 is setback just **5 ft.** from the common south boundary line.

8. ERRONEOUS PROJECT SCOPE on the DSD's Public NOTICE OF APPLICATION:

The project site is erroneously described as being **0.60** acres in size, when according to the architects submittal drawings the total area of the six proposed lots, not counting the area of the private road, is **4.5 acres**.



THE CITY OF SAN DIEGO
DATE OF NOTICE: May 4, 2023

NOTICE OF APPLICATION

DEVELOPMENT SERVICES DEPARTMENT

As a property owner, tenant, or person who has requested notice, you should know that an application has been filed with the City of San Diego for a Process Four, Tentative Map, Site Development Permit, and Coastal Development Permit to consolidate three parcels, and to subdivide into six parcels for the construction of one Single Dwelling Unit at each parcel with common access to Calle del Cielo. The **0.60-acre site** is located at 8303 La Jolla Shores Drive in the La Jolla Shores Planned District Single Family Zone, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limit Overlay Zone, Coastal Parking Impact Overlay Zone, within the La Jolla Community Plan and Council District 1. The application was filed on April 5, 2023.

PROJECT NO:	PRJ-1085883
PROJECT NAME:	8303 LA JOLLA SHORES
PROJECT TYPE:	TENTATIVE MAP/SITE DEVELOPMENT PERMIT/ COASTAL DEVELOPMENT PERMIT/PROCESS 4
APPLICANT:	ANDREW FOTSCH, WILL AND FOTSCH ARCHITECTS
COMMUNITY PLAN AREA:	LA JOLLA
COUNCIL DISTRICT:	1
CITY PROJECT MANAGER:	Veronica Davison, Development Project Manager
PHONE NUMBER/E-MAIL:	(619) 446-5462 / HDavison@sanidiego.gov

ERRONEOUS PROJECT SCOPE on the LJSPRC's MEETING AGENDA of August 15, 2024

The project site is erroneously described as being **0.60** acres in size on the LJSPRC Meeting Agenda, when according to the architects submittal drawings the total area of all six proposed lots, not counting the area of the private road, is **4.5 acres**.

c. Cielo Mar

Project Number: PRJ-1085883

Type of Structure: Single Family Residence

Location: 8303 La Jolla Shores Dr, San Diego, San Diego CA 92037

Applicant's Rep: Andy Fotsch

Applicant's Email: andy@willandfotsch.com

Project Description: Process 4, Tentative Map, Site Development Permit, and Coastal Development Permit to consolidate three parcels, and to subdivide into six parcels for the construction of one Single Dwelling Unit at each parcel with common access to Calle del Cielo. The **.60-acre site** is located at 8303 La Jolla Shores Drive in the La Jolla Shores Planned District Single Family Zone, Coastal Overlay Zone (Non-Appealable Area 2), Coastal Height Limit Overlay Zone, Coastal Parking Impact Overlay Zone, within the La Jolla Community Plan and Council District 1. The application was filed on April 5, 2023.

9. ERRONEOUS PROJECT SCOPE on the LJSPRC's MEETING AGENDA (continued)

Had the Public Notices and LJSPRC Meeting Agenda accurately described the true acreage of the proposed project, I suspect many more La Jolla Shores residents would have attended these public meetings to comment on this major project.

Thank you for your consideration of these critically important issues.

RECOMMENDATION / REQUEST

Because the project is **not** in compliance with the La Jolla Shores Planned District Ordinance and applicable provisions of the San Diego Municipal Code the required Findings for a Coastal Development Permit and Site Development Permit cannot be made; and because the 6 new lots do not front on a public *street* a Tentative Map cannot be approved; We respectfully request the La Jolla Shores Planned District Advisory Board **not** recommend approval of CIELO MAR project at this time. Your consideration of this project should be continued to a later date after the non-compliance with the important Code regulations raised in this letter have been fully addressed in revised drawings and re-submitted to the DSD for review.

As stated previously, should the Advisory Board decide to recommend approval of the revised project, we respectfully request that your recommendation be conditioned on a requirement that pickleball courts never be allowed or be constructed on the residential lots.

Respectfully,

A handwritten signature in black ink, appearing to read "Philip A. Merten". The signature is fluid and cursive, with a large loop at the end.

Philip A. Merten AIA

California Architect License Number: C-6437

Attachment: *Schenk letter to LJSPDAB 8-20-2024.pdf*