

Attention: City Project Manager: Travis Cleveland, Development Project Manager

Project Type: Site Development Permit, Coastal Development Permit and Mitigated Negative Declaration, Process Three

The Notice of Public Hearing was not delivered to me in a timely manner, which can be documented by the delivery issues I have voiced with the USPS. I will be out of the country on October 4, 2023, the date of the Hearing. Since many of my neighbors, who also have expressed grave concerns about this project will also be out of town or in the hospital, we, as a group, asked for an extension period for the Hearing. This was denied without our being given a reason.

I would like to hereby **object to the applicant's (David Mandelbaum) Application** to gain approval or conditional approval to build a 4,900 square foot single family home at 7813 Lookout Drive and a 5,165 square foot single family home at 7729 Lookout Drive.

I **object** on the following grounds:

1. The Application for development of Lots 2 & 5 were filed 4.12.16 by former owners of the property. Due to a Superior Court Case #37-2021-00015704-CU-BC-CTL, filed 4.8.21, the ownership changed in 2022. The Application does not run with the land and expired when ownership changed and should thereby be void.
2. Because the original 2016 Application has not had been updated, seven years later it is out of date and does not take into consideration any of the more recent statutes and regulations. Therefore it should not be admissible.
3. Water drainage issues have become paramount in this area which is on a direct line from Mt. Soledad to the Pacific Ocean. Evidence of Soledad Avenue/Lookout Drive and Torrey Pines Road's tremendous water drainage problems are not addressed at all in the Application, nor is there reference to any studies or plans for proper water drainage of Lots 2 & 5. These issues greatly impact the public's health and safety, yet the applicant and the City of San Diego have ignored them.
4. A large part of Lookout Drive has No Parking signs installed by the City. There is very little on street parking at present. There are No Parking signs in front of the 7813 property. Yet there are no plans for adequate onsite/off street parking in the Application.
5. Letters in your possession from attorney, Deborah M. Rosenthal dated 6.06.18 and attorney, Evelyn Heidelberg dated 8.13.21 detail the fact Lot 5 is not a legal size lot, which should stop this project in its tracks, but is ignored by the City.
6. The approval to work at night and on weekends is abhorrent in a neighborhood setting and should not be allowed under any circumstance.
7. Two La Jolla Community Groups, the LJCPA and the LJSAB have denied approval of both of these projects.
8. 95% of the neighbors on Lookout Drive and the adjoining Soledad Avenue have submitted letters of protest against these projects in 2016 and 2018. Their request for **objection** stands.

I also understand the City of San Diego has requested the Mandelbaums identify the City of San Diego against any wrongdoing on these projects. This is an unusual step. Does it mean that the City knows and acknowledges that the permits applied for are not in conformity with the San Diego Municipal Code? Why would the City even consider approving a Plan which they know is outdated as to ownership and statutes and highly suspects has a grossly negative impact on the health and safety of the concerned neighbors.

Due to not being in San Diego and having poor access to internet, I am not only sending this **Objection** by email, but authorizing my neighbors to deliver it in person at the Hearing. Under these circumstances, I humbly request your accepting my **Objection** as timely.

Susan McKean

Good Morning

I am a neighbor and am writing to express an interest in the decisions for the projects specified above before the close of the public hearing and to provide written public comment.

Initially, I note that the City has taken the highly unusual step of including provisions in the permits that two limited liability company applicants (presumably undercapitalized) must indemnify the City for any claims, actions, proceedings, damages, judgments, or costs that arise in connection with the projects. This is an acknowledgment by the City that these projects do not comply with the applicable laws and regulations and that there are serious public safety concerns arising out of the projects.

The projects should not be approved for the following reasons.

First, **factual errors** exist in the City Staff's draft of permits, resolutions, and Reports to the Hearing Officer. Those drafts and reports state that 2MB Partners LLC and GJ Mandelbaum Holdings LLC filed the applications for the projects. However, in 2016 and 2018, Lookout, LLC was the record owner of Lookout Lots 2 and 5 and filed the Applications for the projects. Lookout LLC was subsequently dissolved after one of the members, MAPA Group LLC filed a complaint, *Maurice Arenson, et al. v. David Mandelbaum, et al.* in San Diego County Superior Court Case No. 37-2021-00015704-CU-BC-CTL.

GJ Mandelbaum Holdings LLC was formed on September 22, 2022, and 2MB Partners LLC was formed on June 23, 2020 (See California Secretary of State website). Therefore, they did not exist in 2016 and 2018, the dates the applications were filed, and could not have possibly filed the applications. Thus, it is an error for the reports, permits, and resolutions to state that those entities filed the applications.

The City assigned the applications to GJ Mandelbaum Holdings LLC and 2MB Partners which is unauthorized under the San Diego Municipal Code. Under San Diego Municipal Code section 112.0102, only the record owner, the owner's authorized agent and any other person with a legal right to the properties may file an application for a permit. **Applications are not covenants running with the land.** GJ Mandelbaum Holdings LLC and 2MB Partners LLC did not exist at the time of the filing of the applications and have no authority to take over or pursue the applications at issue. They must file new applications. Findings cannot be made because these new limited liability companies do not have standing.

There is another factual error in the Staff's Reports, page 2. The Reports state that FAR is not regulated within the LJPDO. This is incorrect—FAR is now regulated within the LJPDO.

Second, findings **cannot be made** that the projects will not be detrimental to public health, safety, and welfare. The projects rely on outdated and stale geological, soil, and drainage reports that are years old (in fact, the project manager was unaware of when reports were

done or if there were reports). The projects are located in the middle of a large hill and on or near the Rose Canyon Faultline. Consequently, there are major drainage and geological concerns.

The applications were split in 2018 (i.e., the applicant engaged in project splitting) in order to avoid the need to submit an overall drainage plan. The plans submitted contain no drainage information whatsoever. However, low-impact development regulations typically require onsite retention of stormwaters and irrigation to avoid impacting off-site locations. The minimal open space provided on each lot raises reasonable concerns about how drainage will be addressed. Additionally, the prior applicants changed the grade of Lots 2 and 5, causing drainage issues for downhill owners.

Moreover, since the geological reports were submitted, the California Geological Survey announced new earthquake maps affecting the projects. The Rose Canyon fault has been found to be larger and more active than when earlier earthquake maps were prepared. City staff acknowledges that the geological reports are outdated by requiring updated geological reports even though staff inconsistently is asking the hearing officer to find no impact on public health, safety, and welfare without updated reports.

Thus, no findings can be made that the projects will not be detrimental to public health, safety, and welfare since it is unknown.

Third, findings **cannot be made** that the projects will comply with the regulations of the Land Development Code. This submission incorporates by reference all of the public's previous correspondence on developments of Lots 2 and 5, including the comments to the Draft Mitigated Negative Declarations dated August 12 and 16, 2021, and the correspondence from the community group hearings.

The proposals are inconsistent with the La Jolla Shores Planned Development Ordinance and the La Jolla Community Plan. The lots are undersized, the proposed homes are oversized and together they will have a serious negative impact on the surrounding community. Indeed, both the LJCPA and the LJSPDAB recommended against approval of the projects.

The proposals are not compatible because (1) the lots are substandard in size or less than half the average size of lots within a 300-degree radius; (2) the projects will result in a density equal to double the surrounding average and are in violation of section 1510.0304 as the Community Groups found; (3) The proposed house on Lot 2 is the same size as the lot with a proposed FAR of .75 which would be the second highest in the vicinity; (4) the building setbacks are wildly incompatible with the surrounding neighborhood. For example, Lot 2 has a front setback slightly over half the community average, while Lot 5's setback is only one-third of other front yards. Essentially, the proposals for lots 2 and 5 shoehorns two homes into undersized lots; and (5) There is minimal landscaping—for example, almost half the front setback for Lot 2 is proposed to be paved, with only narrow slivers of open space along the side boundaries.

In addition, Lots 2 and 5 were illegally created and remain illegal. In or about 1997, the City administratively approved a lot line adjustment among four standard lots created in approximately 1936 and a small partial lot created by conveyance in 1937. No neighbors were notified of the lot line adjustment, there was no public hearing, and there was no analysis of whether the resulting lots met the minimum square footage and frontage requirements of the PDO and Community plan. Under the Municipal Code, as it existed in 1997, lot line adjustments could not be approved unless the resulting lots complied with minimum size and development standards which they did not. In addition, the City did not obtain a coastal development permit for the lot line adjustment, as required by the Coastal Commission. Thus, there can be no finding that the lots are legal.

City Staff **concedes** that the projects violate San Diego Municipal Code section 1510.0304 but contends that section does not apply to these projects. However, the Development Services Department, through its then Assistant Deputy Director (and later Deputy Director until his retirement), Gregory P. Hopkins expressly admitted that Section 1510.0304 applies to these projects. Specifically, in a letter dated December 9, 2013, he expressly stated that "future building development of any of the parcels within the Parcel Map [17187] areas are also required to comply with Sec. 1510.0304 of the La Jolla Shores PDO development requirements." City Staff now contends that section 113.0237, subdivision (b) allows the proposed development. However, that subdivision merely states that a legal lot may be developed and expressly provides that development must "comply with the applicable zone" which includes section 1510.0304.

Please provide me with a copy of the proposed decision.

Sincerely,

Fred Kellogg

Applicants Candidate Findings
FOR HEARING OFFICER
COASTAL DEVELOPMENT PERMIT NO. 2112543
SITE DEVELOPMENT PERMIT NO. 2112544
7729 Lookout Drive Parcel 2 HOME PROJECT NO. 589178 (MMRP)

FINDINGS:

A. Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

The proposed development is located at 7729 Lookout Drive within the La Jolla Community Plan Area and within the La Jolla Shores PDO SF Zone. The 5,154 sq. ft. lot site is not located between the shoreline and the first public roadway. The site is approximately 1500 ft away from the ocean and is not in the appealable Coastal Overlay Zone. The site is a privately owned vacant lot. The proposed new, two level 3,849 sq. ft. home with 1,011 sq. ft. basement will not encroach into any existing or proposed physical accessway legally utilized by the public. The Project site is surrounded on three sides by single family residential development. All the proposed development will be contained within the existing previously disturbed and graded site.

There is no existing physical access that is used legally (or otherwise) by the public, nor is there any public access identified in the Local Coastal Program on or through the site.

Per Visual Resource Recommendation 2(a) of the La Jolla Community Plan, and in accordance with Section 132.0403(a) of Municipal Code – Supplemental Regulations of the Coastal Overlay Zone, the proposed development has been designed and sited in such a manner so as to not adversely affect any designated public view, partially obstructed or otherwise.

There are no public viewing opportunities within the existing side yards through or across the site. Additionally, there are no designated public views identified within, adjacent to, or across the subject site.

The Project proposes the construction of a new two-level home. The ridge heights of the new home will range from 17' to 26' 0-3/8" which is below the maximum permitted height of 30ft. As such, the building conforms with the maximum 30 ft. Coastal Height Limit allowed in La Jolla Shores.

In addition to the regulations of the applicable Municipal Code and Land Use Plan, the proposed development has setbacks, step backs, and articulated building heights that respect the design guidelines outlined in the La Jolla Shores Design Manual. Specifically, the house is oriented to relate to adjacent homes, while enhancing community character with visually compatible architecture, form, style, and scale. The project will not encroach into any existing designated view. As designed, the Project will not obstruct coastal or scenic views from any public vantage point.

The La Jolla Shores PDO does not have an established min. "required" front, side, or rear yard setback, nor does it contain a maximum allowed Floor Area Ratio ("FAR"). Instead, the PDO Municipal Code Section 1510.0304 b (4) in the "Siting of Buildings" section states "Building & Structure setbacks shall be in general conformity with those in the vicinity."

Except for a few anomalous larger side yard setbacks that are not representative of the vicinity, the side yard setbacks within the area range from 0' to 37' 0". The proposed side yard setbacks will range from 4' to 21' consistent with homes within the vicinity.

Regarding front yard setbacks, except for a few anomalous very large front yard setbacks that are not representative of the vicinity, the survey reveals a range of from 0' to 52' 10". The proposed home will have a front yard setback that ranges from 10' 2" to 20', consistent with the other homes within the vicinity. The proposed home will also have a lot coverage of 50% where 60% is allowed.

Except for a few anomalous very large rear yard setbacks that are not representative of the vicinity, rear yard setbacks in the vicinity range from 1' 10" – 58' 9". The proposed home will have a rear yard setback that ranges from 7' 3" to 41' 9", consistent with other homes within the vicinity.

Therefore, the proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program Land Use Plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program Land Use Plan (also see CDP findings 2-4 and SDP findings).

2. The proposed coastal development will not adversely affect Environmentally Sensitive Lands.

The Project requires a Site Development Permit based on the potential presence of Environmentally Sensitive Lands (Archeological resources) which may result in the need for monitoring during grading activities, if any. The Project proposes the grading of the vacant lot and the construction of a new two-level home.

The site is in an area mapped as having the potential for archaeological resources according to the "Geology of San Diego Metropolitan Area, California, La Jolla, 7.5 Minute Quadrangle Maps" (Kennedy and Peterson, 1975). Due to the project location, the project will be required to have Archeological monitoring during all ground disturbing activities.

Archeological monitoring will be required during grading and construction. If resources are discovered, excavation will be halted or diverted to allow recovery, evaluation and recordation of the materials.

The proposed development is located on a previously graded urbanized lot. Drainage from the developed portion of the site will be directed toward the public street storm drain system. This development does not propose to encroach into any undisturbed or natural habitat areas.

The Project site is located within an existing urbanized Single-Family neighborhood and is not located within or adjacent to the Multi-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program. The proposed Project was found to not have a significant adverse effect on the environment.

A Mitigated Negative Declaration was prepared for this Project in accordance with California Environmental Quality Act ("CEQA") Guidelines. The Mitigated Negative Declaration concluded that the proposed Project will not have a significant effect on the environment and that all potential impacts will be mitigated to a level below significant.

A Mitigation Monitoring and Reporting Program (MMRP) will be implemented to reduce potential historical resources (archaeology) was required as the Project site is suspected to have subsurface resources.

The Mitigated Negative Declaration also concludes that there will not be any adverse unmitigated impacts to marine, paleontological, historical, or archaeological resources as a result of Project implementation and the required mitigation (MMRP).

Therefore, the proposed development will not adversely affect identified marine resources, environmentally sensitive areas, historic, archaeological, or paleontological resources (also see CDP finding 1 above, 3 and 4 below, and SDP findings below).

3. The proposed coastal development is in conformity with the Certified Local Coastal Program Land Use Plan and complies with all regulations of the Certified Implementation Program.

The proposed development includes the construction of a 3,849 sq. ft. two-level single-family home and 1,011 sq. ft. basement with two off-street parking spaces. The proposed development is not located between the shoreline and the first public roadway. The Project meets all the Guidelines for the Coastal Overlay and Coastal Height Limitation Overlay Zones. The proposed development will be consistent with the

recommended residential density prescribed by the La Jolla Shores Planned District Ordinance SF Zone and La Jolla Community Plan. The proposed development would also be consistent with the purpose and intent of the SF Zone and will comply with all of the applicable development regulations of the La Jolla Shores PDO, The La Jolla Shores Design Manual, and the La Jolla Community Plan and Land Development Code thru this discretionary entitlement process.

The height, scale, design, and proposed building materials are all consistent with the varied architecture, design, and character of existing single-family development in the surrounding area. The theme of the PDO encourages Unity with Architectural variety. There is no unifying theme of architecture for this neighborhood. Exterior finishes incorporate materials and colors consistent with recently built and remodeled homes in the vicinity and therefore would be visually compatible with the varied design themes, setbacks, parking layout and character of the existing one-, two-, and three-story single-family homes of the surrounding area. This Project will enhance the visual quality of the surrounding area.

The La Jolla Shores Planned District does not contain quantifiable development standards such as minimum building setbacks or maximum FAR. Instead, the Planned District contains language in the General Design regulations which reference the character of the area and the recommendation that new development be in general conformity to surrounding development. Based on a submitted photographic and

neighborhood survey of the existing development bulk and scale comparisons, the proposed residence was found to be in general conformity with setbacks, bulk and scale, and character of the surrounding neighborhood and vicinity, consistent with the La Jolla Shores Planned District's SF-Zone, and the Coastal Overlay Zone. The proposed project meets all the development standards, such as building setbacks, building height, and bulk and scale required by the underlying zone.

As stated above, the La Jolla Shores PDO does not have an established minimum "required" front, side, or rear yard setback, nor does it contain a maximum allowed Floor Area Ratio ("FAR"). Instead, the PDO Municipal Code Section 1510.0304 b (4) in the "Siting of Buildings" section states "Building & Structure setbacks shall be in general conformity with those in the vicinity."

Except for a few anomalous larger side yard setbacks that are not representative of the vicinity, the side yard setbacks within the area range from 0' to 37' 0". The proposed side yard setbacks will range from 4' to 21' consistent with homes within the vicinity.

Regarding front yard setbacks, except for a few anomalous very large front yard setbacks that are not representative of the vicinity, the survey reveals a range of from 0' to 52' 10". The proposed home will have a front yard setback that ranges from 10' 2" to 20', consistent with the other homes within the vicinity. The proposed home will also have a lot coverage of 50% where 60% is allowed.

Except for a few anomalous very large rear yard setbacks that are not representative of the vicinity, rear yard setbacks in the vicinity range from 1' 10" – 58' 9". The proposed home will have a rear yard setback that ranges from 7' 3" to 41' 9", consistent with other homes within the vicinity.

Proposed building elements have been sensitively distributed, with the proposed second level setback from the story below along the front building façade, providing an appropriate and visually compatible transition to existing development in the general vicinity. The architectural form and proposed massing will not be disruptive to the architectural character of the neighborhood particularly when compared to recent remodels and redevelopment in the area.

The building design conforms with the general design regulations of the La Jolla Shores Planned District, per SDMC Section 1510.0301, and is consistent with the Community Character policies of the La Jolla Community Plan.

The project also complies with all the goals and recommendations contained within the La Jolla Community Plan.

The Plan states on page 82, in Community Character

"single dwelling unit residential development in La Jolla covers a "spectrum of densities" and architectural styles and expressions. One of the more critical issues associated with the single dwelling unit is the relationship between the bulk and scale of infill development to existing single family dwelling units."

Community Character is defined on page 84 of the Plan,

"...to promote good design and harmony with the visual relationships and transitions between new and older structures..."

"Community Character" is defined within the Community Plan on pages 81 (4th bullet point "harmonious visual relationship"), page 84 which states in part "...to promote good design and harmony with the visual relationships and transitions between new and older structures...", and on page 90 a),

"in order to maintain and enhance the existing neighborhood character ambience promote good design and visual harmony in the transitions between new and existing structures and preserve the following elements: (1) bulk and scale with regard to surrounding structure or land form conditions as viewed from the public right of way and from parks and open spaces." (Emphasis Added)

As viewed from Lookout Drive, the proposed home addresses each of the design guidelines and policies as contained within the LCP including community character, dealing with the avoidance of extreme and intrusive changes to residential scale, bulk, the design, and harmony of the visual relationship in transitions between newer and older structures, landscape, and streetscape, and sensitive design. Consistent with the LCP recommendations and the community character standards as contained within pages 89 and 90, the proposed home satisfies the recommendations addressing issues such as bulk and scale, height, transitions, street landscape, stair step design, articulation and offsetting planes, and the treatment and variation with the front, side and rear yard setback.

The applicants submitted to the City a Compatibility-Massing, stories/levels, a setback and FAR Study, as well as a surrounding Neighborhood Photo Survey, which compares the proposed home with development in the surrounding neighborhood. The Compatibility Study and the submitted Photo Survey and architectural renderings/simulations clearly demonstrate the proposed home is sensitive in design and scale and will result in an appropriate aesthetic and appropriate transition between existing development and the proposed home.

While some homes within the neighborhood are smaller, by a review of photographs presented, as well as the FAR Study, many of the homes in the vicinity including those within a 1-minute walk are two and three story in height with similar, and in some

cases, larger square footages and/or FARs. There are many large two- and three-story tall homes within a two to three block radius of the site. The proposed home will be consistent with the Community Character in La Jolla Shores and below the maximum 30-foot height limit. The proposed home is approximately 3,849 square feet with a 1,011 sq. ft. basement.

The proposed home meets all the criteria and designs standards as set forth in the La Jolla Community Plan "Community Character" recommendations as set forth on page 89 through 91. Further, the project meets the design and Community Character recommendations as set forth on page 82 of the Community Plan.

The entire neighborhood is comprised of an eclectic mix of 1, 2, and 3 story homes within a large range of sizes and styles. The proposed home will fit nicely into the neighborhood as the project is consistent with the neighborhood's scale and character.

The proposed project is consistent with the General Design Regulations for La Jolla Shores per Section 1510.0301, reflecting an American style of architecture incorporating modern and contemporary influences that is consistent with the area. The decks & courtyard facilitate "indoor-outdoor" living. Appropriate use of natural building materials including stone and wood to reinforce an original design that reflects the guiding principle of "unity with variety" within the surrounding community.

The proposed development conforms to the applicable regulations for building height, density, lot coverage, off-street parking, and landscaping for the LJSPD-SF zone. The structure is sensitively articulated, and the setbacks are in general conformity with those in the vicinity per Section 1510.0304 resulting in an enhancement to the character of the area.

The proposed project complies with all applicable provisions of the Land Development Code and no deviations or variances are required or requested.

Therefore, the proposed development would be in conformity to the Certified Local Coastal Program Land Use Plan and comply with all regulations of the Certified Implementation Program (also see CDP findings 1 and 2 above, 4 below, and SDP findings).

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The proposed development is not between the First Public Roadway and the sea or shoreline.

Therefore, the Coastal Development Permit issued for this Project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act (also see CDP findings 1, 2 and 3 above and SDP findings).

B. Findings for Site Development Permit Approval - Municipal Code Section 126.0504(a)

1. The proposed development will not adversely affect the applicable land use plan.

The proposed development includes the construction of a 3,849 sq. ft. two-story single-family home and 1,011 sq. ft. basement with off-street parking spaces. The proposed development is not located between the shoreline and the first public roadway. The Project meets all the Guidelines for the Coastal Overlay and Coastal Height Limitation Overlay Zones. The proposed development will be consistent with the recommended residential density prescribed by the La Jolla Shores Planned District Ordinance SF Zone and La Jolla Community Plan. The proposed development would also be consistent with the purpose and intent of the SF Zone and will comply with all of the applicable development regulations of the La Jolla Shores PDO, The La Jolla Shores Design Manual, and the La Jolla Community Plan and Land Development Code thru this discretionary entitlement process.

The height, scale, design, and proposed building materials are all consistent with the varied architecture, design, and character of existing single-family development in the

surrounding area. The theme of the PDO encourages Unity with Architectural variety. Exterior finishes incorporate materials and colors consistent with recently built and remodeled homes in the vicinity and therefore would be visually compatible with the varied design themes, setbacks, parking layout and character of the existing one-, two-, and three-story single-family homes of the surrounding area. This Project will enhance the visual quality of the surrounding area.

The La Jolla Shores Planned District does not contain quantifiable development standards such as minimum building setbacks or maximum FAR. Instead, the Planned District contains language in the General Design regulations which reference the character of the area and the recommendation that new development be in general conformity to surrounding development. Based on a submitted photographic and neighborhood survey of the existing development bulk and scale comparisons, the proposed residence was found to be in general conformity with setbacks, bulk and scale, and character of the surrounding neighborhood and vicinity, consistent with the La Jolla Shores Planned District's SF-Zone, and the Coastal Overlay Zone. The proposed project meets all the development standards, such as building setbacks, building height, and bulk and scale required by the underlying zone.

The Community Plan Community Character sections indicates that to address transitions between the bulk and scale of new and older development in residential areas, the existing 30-foot height limit of the single dwelling unit zones and Proposition D should

be maintained. Additionally, structures with front and side yard facades that exceed one story in height should slope, or step back additional stories, up to the 30-foot height limit. The PDO also has a recommendation of stepping back or sloping above the first floor. These design recommendations have been incorporated into the proposed replacement home consistent with the guidelines of the La Jolla Shores PDO and the La Jolla Community Plan.

The La Jolla Shores PDO does not have an established min. "required" front, side, or rear yard setback, nor does it contain a maximum allowed Floor Area Ratio ("FAR"). Instead, the PDO Municipal Code Section 1510.0304 b (4) in the "Siting of Buildings" section states "Building & Structure setbacks shall be in general conformity with those in the vicinity."

Except for a few anomalous larger side yard setbacks that are not representative of the vicinity, the side yard setbacks within the area range from 0' to 37' 0". The proposed side yard setbacks will range from 4' to 6' consistent with homes within the vicinity.

Regarding front yard setbacks, except for a few anomalous very large front yard setbacks that are not representative of the vicinity, the survey reveals a range of from 0' to 52' 10". The proposed home will have a front yard setback that ranges from 10' 2" to 20', consistent with the other homes within the vicinity. The proposed home will also have a lot coverage of 50% where 60% is allowed.

Except for a few anomalous very large rear yard setbacks that are not representative of the vicinity, rear yard setbacks in the vicinity range from 1' 10" – 58' 9". The proposed home will have a rear yard setback that ranges from 7' 3" to 41' 9", consistent with other homes within the vicinity.

Proposed building elements have been sensitively distributed, with the proposed second story setback from the story below along the front building façade, providing an appropriate and visually compatible transition to existing development in the general vicinity. The architectural form and proposed massing will not be disruptive to the architectural character of the neighborhood particularly when compared to recent remodels and redevelopment in the area.

The building design conforms with the general design regulations of the La Jolla Shores Planned District, per SDMC Section 1510.0301, and is consistent with the Community Character policies of the La Jolla Community Plan.

The project also complies with all the goals and recommendations contained within the La Jolla Community Plan.

The Plan states on page 82, in Community Character

"single dwelling unit residential development in La Jolla covers a "spectrum of densities" and architectural styles and expressions. One of the more critical issues associated with the single dwelling unit is the relationship between the bulk and scale of infill development to existing single family dwelling units."

Community Character is defined on page 84 of the Plan,

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"Community Character" is defined within the Community Plan on pages 81 (4th bullet point "harmonious visual relationship"), page 84 which states in part "...to promote good design and harmony with the visual relationships and transitions between new and older structures...", and on page 90 a),

"in order to maintain and enhance the existing neighborhood character ambience promote good design and visual harmony in the transitions between new and existing structures and preserve the following elements: (1) bulk and scale with regard to surrounding structure or land form conditions as viewed from the public right of way and from parks and open spaces." (Emphasis Added)

As viewed from Lookout Drive, the proposed home addresses each of the design guidelines and policies as contained within the LCP including community character, dealing with the avoidance of extreme and intrusive changes to residential scale, bulk, the design, and harmony of the visual relationship in transitions between newer and older structures, landscape, and streetscape, and sensitive design. Consistent with the LCP recommendations and the community character standards as contained within pages 89 and 90, the proposed home satisfies the recommendations addressing issues such as bulk and scale, height, transitions, street landscape, stair step design, articulation and offsetting planes, and the treatment and variation with the front, side and rear yard setback.

The applicants submitted to the City in a Compatibility-Massing, number of stories/levels, and FAR Study, as well as a surrounding Neighborhood Photo Survey, which compares the proposed home with development in the surrounding neighborhood. The Compatibility Study and the submitted Photo Survey and architectural renderings/simulations clearly demonstrate the proposed home is sensitive in design and scale and will result in an appropriate aesthetic and appropriate transition, between existing development and the proposed home.

While some homes within the neighborhood are smaller, by a review of photographs presented, as well as the FAR Study, many of the homes in the vicinity including those within a 1-minute walk are two and three story in height with similar, and in some

cases, larger square footages and/or FARs. There are many large two- and three-story tall homes within a two to three block radius of the site. The proposed two-story home will be consistent with the Community Character in La Jolla Shores and will be below the maximum 30-foot height limit.

The proposed home meets all of the criteria and designs standards as set forth in the La Jolla Community Plan "Community Character" recommendations as set forth on page 89 through 91. Further, the project meets the design and Community Character recommendations as set forth on page 82 of the Community Plan.

The entire neighborhood is comprised of an eclectic mix of 1, 2, and 3 story homes within a large range of sizes and styles. The proposed home will fit nicely into the neighborhood as the project is consistent with the neighborhood's scale and character.

The proposed project is consistent with the General Design Regulations for La Jolla Shores per Section 1510.0301, reflecting an American style of architecture incorporating modern and contemporary influences that is consistent with the area. The decks & courtyard facilitate "indoor-outdoor" living. Appropriate use of natural building materials including stone and wood to reinforce an original design that reflects the guiding principle of "unity with variety" within the surrounding community.

The proposed development conforms to the applicable regulations for building height, density, lot coverage, off-street parking, and landscaping for the LJSPD-SF zone. The structure is sensitively articulated, and the setbacks are in general conformity with those in the vicinity per Section 1510.0304 resulting in an enhancement to the Character of the Area.

The proposed project complies with all applicable provisions of the Land Development Code and no deviations or variances are required or requested.

Therefore, the proposed development would not adversely affect the applicable land use plan (also see CDP and SDP findings 2 and 3).

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The Project requires a Site Development Permit based on the presence of Environmentally Sensitive Lands in the form of potential Archeological Resources. The Project proposes the demolition of an existing home and the construction of a replacement, two- story single family home.

The City of San Diego conducted a complete environmental review of this site. A Mitigated Negative Declaration has been prepared for this Project in accordance with CEQA Guidelines. A Mitigation Monitoring and Reporting Program (MMRP) would be implemented to reduce potential historical resources (archaeology) impacts to a level below significant. Mitigation in the form of on-site monitoring for archaeology is required as the Project is located within a larger area known for subsurface resources.

The Project site is not located within or adjacent to the Multi-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program. The Project site is located within an existing urbanized and fully developed residential neighborhood. The proposed Project was found to not have any significant effect on the environment. The Project would be designed and constructed pursuant to all applicable zoning and building codes and inspected for compliance with all applicable building standards.

Therefore, the proposed development would not be detrimental to public health, safety, and welfare (also see CDP, SDP findings 1 and 3).

3. The proposed development will comply with the applicable regulations of the Land Development Code.

The proposed development includes construction of a two-story single-family home with two off-street parking spaces. The proposed development is not located between the shoreline and the first public roadway. The Project meets all the Guidelines for the Coastal Overlay and Coastal Height Limitation Overlay Zones. The proposed development will be consistent with the recommended residential density prescribed by the La Jolla Shores Planned District Ordinance SF Zone and La Jolla Community Plan. The proposed development would also be consistent with the purpose and intent of the SF Zone and will comply with all the applicable development regulations of the La Jolla Shores PDO, The La Jolla Shores Design Manual, and the La Jolla Community Plan and Land Development Code thru this discretionary entitlement process.

The height, scale, design, and proposed building materials are all consistent with the varied architecture, design, and character of existing single-family development in the surrounding area. The theme of the PDO encourages Unity with Architectural variety. Exterior finishes incorporate materials and colors consistent with recently built and remodeled homes in the vicinity and therefore would be visually compatible with the varied design themes, setbacks, parking layout and character of the existing one-, two-, and three-story single-family homes of the surrounding area. This Project will enhance the visual quality of the surrounding area.

The La Jolla Shores Planned District does not contain quantifiable development standards such as minimum building setbacks or maximum FAR. Instead, the Planned

District contains language in the General Design regulations which reference the character of the area and the recommendation that new development be in general conformity to surrounding development. Based on a submitted photographic and neighborhood survey of the existing development bulk and scale comparisons, the proposed residence was found to be in general conformity with setbacks, bulk and scale, and character of the surrounding neighborhood and vicinity, consistent with the La Jolla Shores Planned District's SF-Zone, and the Coastal Overlay Zone. The proposed project meets all the development standards, such as building setbacks, building height, and bulk and scale required by the underlying zone.

As stated above, the La Jolla Shores PDO does not have an established minimum "required" front, side, or rear yard setback, nor does it contain a maximum allowed Floor Area Ratio ("FAR"). Instead, the PDO Municipal Code Section 1510.0304 b (4) in the "Siting of Buildings" section states "Building & Structure setbacks shall be in general conformity with those in the vicinity."

Except for a few anomalous larger side yard setbacks that are not representative of the vicinity, the side yard setbacks within the area range from 0' to 37' 0". The proposed side yard setbacks will range from 4' to 21' consistent with homes within the vicinity.

The Community Plan Community Character sections indicates that to address transitions between the bulk and scale of new and older development in residential areas, the

existing 30-foot height limit of the single dwelling unit zones and Proposition D should be maintained. Additionally, structures with front and side yard facades that exceed one story in height should slope, or step back additional stories, up to the 30-foot height limit. The PDO also has a recommendation of stepping back or sloping above the first floor. These design recommendations have been incorporated into the proposed replacement home consistent with the guidelines of the La Jolla Shores PDO and the La Jolla Community Plan.

Regarding front yard setbacks, except for a few anomalous very large front yard setbacks that are not representative of the vicinity, the survey reveals a range of from 0' to 52' 10". The proposed home will have a front yard setback that ranges from 10' 2" to 20', consistent with the other homes within the vicinity. The proposed home will also have a lot coverage of 50% where 60% is allowed.

Except for a few anomalous very large rear yard setbacks that are not representative of the vicinity, rear yard setbacks in the vicinity range from 1' 10" – 58' 9". The proposed home will have a rear yard setback that ranges from 7' 3" to 41' 9", consistent with other homes within the vicinity.

Proposed building elements have been sensitively distributed, with the proposed second story setback from the story below along the front building façade, providing an appropriate and visually compatible transition to existing development in the general

vicinity. The architectural form and proposed massing will not be disruptive to the architectural character of the neighborhood particularly when compared to recent remodels and redevelopment in the area.

The building design conforms with the general design regulations of the La Jolla Shores Planned District, per SDMC Section 1510.0301, and is consistent with the Community Character policies of the La Jolla Community Plan.

The project also complies with all the goals and recommendations contained within the La Jolla Community Plan.

The Plan states on page 82, in Community Character

“single dwelling unit residential development in La Jolla covers a “spectrum of densities” and architectural styles and expressions. One of the more critical issues associated with the single dwelling unit is the relationship between the bulk and scale of infill development to existing single family dwelling units.”

Community Character is defined on page 84 of the Plan,

“...to promote good design and harmony with the visual relationships and transitions between new and older structures...”

"Community Character" is defined within the Community Plan on pages 81 (4th bullet point "harmonious visual relationship"), page 84 which states in part "...to promote good design and harmony with the visual relationships and transitions between new and older structures...", and on page 90 a),

"in order to maintain and enhance the existing neighborhood character ambience promote good design and visual harmony in the transitions between new and existing structures and preserve the following elements: (1) bulk and scale with regard to surrounding structure or land form conditions as viewed from the public right of way and from parks and open spaces." (Emphasis Added)

As viewed from Lookout Drive, the proposed home addresses each of the design guidelines and policies as contained within the LCP including community character, dealing with the avoidance of extreme and intrusive changes to residential scale, bulk, the design, and harmony of the visual relationship in transitions between newer and older structures, landscape, and streetscape, and sensitive design. Consistent with the LCP recommendations and the community character standards as contained within pages 89 and 90, the proposed home satisfies the recommendations addressing issues such as bulk and scale, height, transitions, street landscape, stair step design, articulation and offsetting planes, and the treatment and variation with the front, side and rear yard setback.

The applicants submitted to the City in a Compatibility-Massing and FAR Study, as well as a surrounding Neighborhood Photo Survey, which compares the proposed Home with development in the surrounding neighborhood. The Compatibility Study and the submitted Photo Survey and architectural renderings/simulations clearly demonstrate the proposed home is sensitive in design and scale and will result in an appropriate aesthetic and appropriate transition, between existing development and the proposed home.

While some homes within the neighborhood are smaller, by a review of photographs presented, as well as the FAR Study, many of the homes in the vicinity including those within a 1-minute walk are two and three story in height with similar, and in some cases, larger square footages and/or FARs. There are many large two- and three-story tall homes within a two to three block radius of the site. The proposed home will be consistent with the Community Character in La Jolla Shores and below the maximum 30-foot height limit.

The gross floor area of the proposed home is approximately 3,849 square-feet. There will also be a 1,011 sq. ft. basement.

The proposed home meets all the criteria and designs standards as set forth in the La Jolla Community Plan "Community Character" recommendations as set forth on page 89

through 91. Further, the project meets the design and Community Character recommendations as set forth on page 82 of the Community Plan.

The entire neighborhood is comprised of an eclectic mix of 1, 2, and 3 story homes within a large range of sizes and styles. The proposed home will fit nicely into the neighborhood as the project is consistent with the neighborhood's scale and character.

The proposed project is consistent with the General Design Regulations for La Jolla Shores per Section 1510.0301, reflecting an American style of architecture incorporating modern and contemporary influences that is consistent with the area. The decks & courtyard facilitate "indoor-outdoor" living. Appropriate use of natural building materials including stone and wood to reinforce an original design that reflects the guiding principle of "unity with variety" within the surrounding community.

The proposed development conforms to the applicable regulations for building height, density, lot coverage, off-street parking, and landscaping for the LJSPD-SF zone. The structure is sensitively articulated, and the setbacks are in general conformity with those in the vicinity per Section 1510.0304 resulting in an enhancement to the Character of the Area.

The proposed project complies with all applicable provisions of the Land Development Code and no deviations or variances are required or requested.

Therefore, the proposed development would not adversely affect the applicable land use plan (also see CDP and SDP findings 1 and 2 above).

Applicants Candidate Findings
FOR HEARING OFFICER
COASTAL DEVELOPMENT PERMIT NO. 1691683
SITE DEVELOPMENT PERMIT NO. 1691684
7813 Lookout Drive Parcel 5 HOME PROJECT NO. 482904 (MMRP)

FINDINGS:

A. Coastal Development Permit - Section 126.0708

1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

The proposed development is located at 7813 Lookout Drive within the La Jolla Community Plan Area and within the La Jolla Shores PDO SF Zone. The 5,045 sq. ft. lot site is not located between the shoreline and the first public roadway. The site is approximately 1500 ft away from the ocean and is not in the appealable Coastal Overlay Zone. The site is a privately owned vacant lot. The proposed new, two level 2,494 sq. ft. home with 1,812 sq. ft. basement and 594 sq. ft. basement garage will not encroach into any existing or proposed physical accessway legally utilized by the public. The Project site is surrounded on three sides by single family residential development. All of the proposed development will be contained within the existing previously disturbed and graded site.

There is no existing physical access that is used legally (or otherwise) by the public, nor is there any public access identified in the Local Coastal Program on or through the site. Per Visual Resource Recommendation 2(a) of the La Jolla Community Plan, and in accordance with Section 132.0403(a) of Municipal Code – Supplemental Regulations of the Coastal Overlay Zone, the proposed development has been designed and sited in such a manner to not adversely affect any designated public view, partially obstructed or otherwise.

There are no public viewing opportunities within the existing side yards through or across the site. Additionally, there are no designated public views identified within, adjacent to, or across the subject site.

The Project proposes the construction of a new two-level home. The ridge heights of the new home will range from 23 ft. to 26 ft., which is below the maximum permitted height of 30ft. As such, the building conforms with the maximum 30 ft. Coastal Height Limit allowed in La Jolla Shores.

In addition to the regulations of the applicable Municipal Code and Land Use Plan, the proposed development has setbacks, step backs, and articulated building heights that respect the design guidelines outlined in the La Jolla Shores Design Manual. Specifically, the house is oriented to relate to adjacent homes, while enhancing community character with visually compatible architecture, form, style, and scale. The project will

not encroach into any existing designated view. As designed, the Project will not obstruct coastal or scenic views from any public vantage point.

The La Jolla Shores PDO does not have an established min. "required" front, side, or rear yard setback, nor does it contain a maximum allowed Floor Area Ratio ("FAR"). Instead, the PDO Municipal Code Section 1510.0304 b (4) in the "Siting of Buildings" section states "Building & Structure setbacks shall be in general conformity with those in the vicinity."

Except for a few anomalous larger side yard setbacks that are not representative of the vicinity, the side yard setbacks within the area range from 0' – 37'. The proposed side yard setbacks will range from 4'-8" - 28' consistent with homes within the vicinity.

Regarding front yard setbacks, except for a few anomalous very large front yard setbacks that are not representative of the vicinity, the survey reveals a range of from 0' to 52' 10". The proposed home will have a front yard setback that ranges from 6' 1 1/2" to 33', consistent with the other homes within the vicinity. The proposed home will also have a lot coverage of 50% where 60% is allowed.

Except for a few anomalous very large rear yard setbacks that are not representation of the vicinity, rear yard setbacks in the vicinity range from 1' 10" – 58' 9". The proposed

home will have a rear yard setback that ranges from 4' 8 ½" to 16' 0 ¾", consistent with other homes within the vicinity.

Therefore, the proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program Land Use Plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program Land Use Plan (also see CDP findings 2-4 and SDP findings).

4. The proposed coastal development will not adversely affect Environmentally Sensitive Lands.

The Project requires a Site Development Permit based on the potential presence of Environmentally Sensitive Lands (Archeological resources) which may result in the need for monitoring during grading activities, if any. The Project proposes the grading of the vacant lot and the construction of a new two-level home.

The site is in an area mapped as having the potential for archaeological resources according to the "Geology of San Diego Metropolitan Area, California, La Jolla, 7.5 Minute Quadrangle Maps" (Kennedy and Peterson, 1975). Due to the project location, the project will be required to have Archeological monitoring during all ground disturbing activities.

Archeological monitoring will be required during grading and construction. If resources are discovered, excavation will be halted or diverted to allow recovery, evaluation and recordation of the materials.

The proposed development is located on a previously graded urbanized lot. Drainage from the developed portion of the site will be directed toward the public street storm drain system. This development does not propose to encroach into any undisturbed or natural habitat areas.

The Project site is located within an existing urbanized Single-Family neighborhood and is not located within or adjacent to the Multi-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program. The proposed Project was found to not have a significant adverse effect on the environment.

A Mitigated Negative Declaration was prepared for this Project in accordance with California Environmental Quality Act ("CEQA") Guidelines. The Mitigated Negative Declaration concluded that the proposed Project will not have a significant effect on the environment and that all potential impacts will be mitigated to a level below significant.

A Mitigation Monitoring and Reporting Program (MMRP) will be implemented to reduce potential historical resources (archaeology) was required as the Project site is suspected to have subsurface resources.

The Mitigated Negative Declaration also concludes that there will not be any adverse unmitigated impacts to marine, paleontological, historical, or archaeological resources because of Project implementation and the required mitigation (MMRP).

Therefore, the proposed development will not adversely affect identified marine resources, environmentally sensitive areas, historic, archaeological, or paleontological resources (also see CDP finding 1 above, 3 and 4 below, and SDP findings below).

3. The proposed coastal development is in conformity with the Certified Local Coastal Program Land Use Plan and complies with all regulations of the Certified Implementation Program.

The proposed development includes the construction of a 2,494 sq. ft. two-level single-family home and 1,812 sq. ft. basement and 594 sq. ft. basement garage with two off-street parking spaces. The proposed development is not located between the shoreline and the first public roadway. The Project meets all the Guidelines for the Coastal Overlay and Coastal Height Limitation Overlay Zones. The proposed development will

be consistent with the recommended residential density prescribed by the La Jolla Shores Planned District Ordinance SF Zone and La Jolla Community Plan. The proposed development would also be consistent with the purpose and intent of the SF Zone and will comply with all the applicable development regulations of the La Jolla Shores PDO, The La Jolla Shores Design Manual, and the La Jolla Community Plan and Land Development Code thru this discretionary entitlement process.

The height, scale, design, and proposed building materials are all consistent with the varied architecture, design, and character of existing single-family development in the surrounding area. The theme of the PDO encourages Unity with Architectural variety. There is no unifying theme of architecture for this neighborhood. Exterior finishes incorporate materials and colors consistent with recently built and remodeled homes in the vicinity and therefore would be visually compatible with the varied design themes, setbacks, parking layout and character of the existing one-, two-, and three-story single-family homes of the surrounding area. This Project will enhance the visual quality of the surrounding area.

The La Jolla Shores Planned District does not contain quantifiable development standards such as minimum building setbacks or maximum FAR. Instead, the Planned District contains language in the General Design regulations which reference the character of the area and the recommendation that new development be in general conformity to surrounding development. Based on a submitted photographic and

neighborhood survey of the existing development bulk and scale comparisons, the proposed residence was found to be in general conformity with setbacks, bulk and scale, and character of the surrounding neighborhood and vicinity, consistent with the La Jolla Shores Planned District's SF-Zone, and the Coastal Overlay Zone. The proposed project meets all of the development standards, such as building setbacks, building height, and bulk and scale required by the underlying zone.

As stated above, the La Jolla Shores PDO does not have an established min. "required" front, side, or rear yard setback, nor does it contain a maximum allowed Floor Area Ratio ("FAR"). Instead, the PDO Municipal Code Section 1510.0304 b(4) in the "Siting of Buildings" section states "Building & Structure setbacks shall be in general conformity with those in the vicinity."

Except for a few anomalous larger side yard setbacks that are not representative of the vicinity, the side yard setbacks within the area range from 0' – 37'. The proposed side yard setbacks will range from 4'-8" - 28' consistent with homes within the vicinity.

Regarding front yard setbacks, except for a few anomalous very large front yard setbacks that are not representative of the vicinity, the survey reveals a range of from 0' to 52' 10". The proposed home will have a front yard setback that ranges from 6' 1 1/2" to 33', consistent with the other homes within the vicinity. The proposed home will also have a lot coverage of 50% where 60% is allowed.

Except for a few anomalous very large rear yard setbacks that are not representative of the vicinity, rear yard setbacks in the vicinity range from 1' 10" – 58' 9". The proposed home will have a rear yard setback that ranges from 4' 8 ½" to 16' 0 ¾", consistent with other homes within the vicinity.

Proposed building elements have been sensitively distributed, with the proposed second level setback from the story below along the front building façade, providing an appropriate and visually compatible transition to existing development in the general vicinity. The architectural form and proposed massing will not be disruptive to the architectural character of the neighborhood particularly when compared to recent remodels and redevelopment in the area.

The building design conforms with the general design regulations of the La Jolla Shores Planned District, per SDMC Section 1510.0301, and is consistent with the Community Character policies of the La Jolla Community Plan.

The project also complies with all the goals and recommendations contained within the La Jolla Community Plan.

The Plan states on page 82, in Community Character

"single dwelling unit residential development in La Jolla covers a "spectrum of densities" and architectural styles and expressions. One of the more critical issues associated with the single dwelling unit is the relationship between the bulk and scale of infill development to existing single family dwelling units."

Community Character is defined on page 84 of the Plan,

"...to promote good design and harmony with the visual relationships and transitions between new and older structures..."

"Community Character" is defined within the Community Plan on pages 81 (4th bullet point "harmonious visual relationship"), page 84 which states in part "...to promote good design and harmony with the visual relationships and transitions between new and older structures...", and on page 90 a),

"in order to maintain and enhance the existing neighborhood character ambience promote good design and visual harmony in the transitions between new and existing structures and preserve the following elements: (1) bulk and scale with regard to surrounding structure or land form conditions as viewed from the public right of way and from parks and open spaces." (Emphasis Added)

As viewed from Lookout Drive, the proposed home addresses each of the design guidelines and policies as contained within the LCP including community character, dealing with the avoidance of extreme and intrusive changes to residential scale, bulk, the design, and harmony of the visual relationship in transitions between newer and older structures, landscape, and streetscape, and sensitive design. Consistent with the LCP recommendations and the community character standards as contained within pages 89 and 90, the proposed home satisfies the recommendations addressing issues such as bulk and scale, height, transitions, street landscape, stair step design, articulation and offsetting planes, and the treatment and variation with the front, side and rear yard setback.

The applicants submitted to the City a Compatibility-Massing, number of stories/levels, a setback and FAR Study, as well as a surrounding Neighborhood Photo Survey, which compares the proposed Home with development in the surrounding neighborhood. The Compatibility Study and the submitted Photo Survey and architectural renderings/simulations clearly demonstrate the proposed home is sensitive in design and scale and will result in an appropriate aesthetic and appropriate transition between existing development and the proposed home.

While some homes within the neighborhood are smaller, by a review of photographs presented, as well as the FAR Study, many of the homes in the vicinity including those within a 1-minute walk are two and three story in height with similar, and in some

cases, larger square footages and/or FARs. There are many large two- and three-story tall homes within a two to three block radius of the site. The proposed home will be consistent with the Community Character in La Jolla Shores and below the maximum 30-foot height limit. The proposed home is approximately 2,494 square feet with a 1,812 sq. ft. basement and 594 sq. ft. basement garage.

The proposed home meets all the criteria and designs standards as set forth in the La Jolla Community Plan "Community Character" recommendations as set forth on page 89 through 91. Further, the project meets the design and Community Character recommendations as set forth on page 82 of the Community Plan.

The entire neighborhood is comprised of an eclectic mix of 1, 2, and 3 story homes within a large range of sizes and styles. The proposed home will fit nicely into the neighborhood as the project is consistent with the neighborhood's scale and character.

The proposed project is consistent with the General Design Regulations for La Jolla Shores per Section 1510.0301, reflecting an American style of architecture incorporating modern and contemporary influences that is consistent with the area. The decks & courtyard facilitate "indoor-outdoor" living. Appropriate use of natural building materials including stone and wood to reinforce an original design that reflects the guiding principle of "unity with variety" within the surrounding community.

The proposed development conforms to the applicable regulations for building height, density, lot coverage, off-street parking, and landscaping for the LJSPD-SF zone. The structure is sensitively articulated, and the setbacks are in general conformity with those in the vicinity per Section 1510.0304 resulting in an enhancement to the Character of the Area.

The proposed project complies with all applicable provisions of the Land Development Code and no deviations or variances are required or requested.

Therefore, the proposed development would be in conformity to the Certified Local Coastal Program Land Use Plan and comply with all regulations of the Certified Implementation Program (also see CDP findings 1 and 2 above, 4 below, and SDP findings).

4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

The proposed development is not between the First Public Roadway and the sea or shoreline.

Therefore, the Coastal Development Permit issued for this Project is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act (also see CDP findings 1, 2 and 3 above and SDP findings).

B. Findings for Site Development Permit Approval - Municipal Code Section 126.0504(a)

2. The proposed development will not adversely affect the applicable land use plan.

The proposed development includes the construction of a 2,494 sq. ft. two-story single-family home and 1,812 sq. ft. basement with off-street parking spaces. The proposed development is not located between the shoreline and the first public roadway. The Project meets all the Guidelines for the Coastal Overlay and Coastal Height Limitation Overlay Zones. The proposed development will be consistent with the recommended residential density prescribed by the La Jolla Shores Planned District Ordinance SF Zone and La Jolla Community Plan. The proposed development would also be consistent with the purpose and intent of the SF Zone and will comply with all the applicable development regulations of the La Jolla Shores PDO, The La Jolla Shores Design Manual, and the La Jolla Community Plan and Land Development Code thru this discretionary entitlement process.

The height, scale, design, and proposed building materials are all consistent with the varied architecture, design, and character of existing single-family development in the

surrounding area. The theme of the PDO encourages Unity with Architectural variety. Exterior finishes incorporate materials and colors consistent with recently built and remodeled homes in the vicinity and therefore would be visually compatible with the varied design themes, setbacks, parking layout and character of the existing one-, two-, and three-story single-family homes of the surrounding area. This Project will enhance the visual quality of the surrounding area.

The La Jolla Shores Planned District does not contain quantifiable development standards such as minimum building setbacks or maximum FAR. Instead, the Planned District contains language in the General Design regulations which reference the character of the area and the recommendation that new development be in general conformity to surrounding development. Based on a submitted photographic and neighborhood survey of the existing development bulk and scale comparisons, the proposed residence was found to be in general conformity with setbacks, bulk and scale, and character of the surrounding neighborhood and vicinity, consistent with the La Jolla Shores Planned District's SF-Zone, and the Coastal Overlay Zone. The proposed project meets all the development standards, such as building setbacks, building height, and bulk and scale required by the underlying zone.

As stated above, the La Jolla Shores PDO does not have an established minimum "required" front, side, or rear yard setback, nor does it contain a maximum allowed Floor Area Ratio ("FAR"). Instead, the PDO Municipal Code Section 1510.0304 b (4) in

the "Siting of Buildings" section states "Building & Structure setbacks shall be in general conformity with those in the vicinity."

Except for a few anomalous larger side yard setbacks that are not representative of the vicinity, the side yard setbacks within the area range from 0' – 37'. The proposed side yard setbacks will range from 4'-8" - 28' consistent with homes within the vicinity.

The Community Plan Community Character sections indicates that to address transitions between the bulk and scale of new and older development in residential areas, the existing 30-foot height limit of the single dwelling unit zones and Proposition D should be maintained. Additionally, structures with front and side yard facades that exceed one story in height should slope, or step back additional stories, up to the 30-foot height limit. The PDO also has a recommendation of stepping back or sloping above the first floor. These design recommendations have been incorporated into the proposed replacement home consistent with the guidelines of the La Jolla Shores PDO and the La Jolla Community Plan.

Regarding front yard setbacks, except for a few anomalous very large front yard setbacks that are not representative of the vicinity, the survey reveals a range of from 0' to 52' 10". The proposed home will have a front yard setback that ranges from 6' 1 1/2" to 33', consistent with the other homes within the vicinity. The proposed home will also have a lot coverage of 50% where 60% is allowed.

Except for a few anomalous very large rear yard setbacks that are not representative of the vicinity, rear yard setbacks in the vicinity range from 1' 10" – 58' 9". The proposed home will have a rear yard setback that ranges from 4' 8 ½" to 16' 0 ¾", consistent with other homes within the vicinity.

Proposed building elements have been sensitively distributed, with the proposed second story setback from the story below along the front building façade, providing an appropriate and visually compatible transition to existing development in the general vicinity. The architectural form and proposed massing will not be disruptive to the architectural character of the neighborhood particularly when compared to recent remodels and redevelopment in the area.

The building design conforms with the general design regulations of the La Jolla Shores Planned District, per SDMC Section 1510.0301, and is consistent with the Community Character policies of the La Jolla Community Plan.

The project also complies with all the goals and recommendations contained within the La Jolla Community Plan.

The Plan states on page 82, in Community Character

"single dwelling unit residential development in La Jolla covers a "spectrum of densities" and architectural styles and expressions. One of the more critical issues associated with the single dwelling unit is the relationship between the bulk and scale of infill development to existing single family dwelling units."

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As viewed from Lookout Drive, the proposed home addresses each of the design guidelines and policies as contained within the LCP including community character, dealing with the avoidance of extreme and intrusive changes to residential scale, bulk, the design, and harmony of the visual relationship in transitions between newer and older structures, landscape, and streetscape, and sensitive design. Consistent with the LCP recommendations and the community character standards as contained within pages 89 and 90, the proposed home satisfies the recommendations addressing issues such as bulk and scale, height, transitions, street landscape, stair step design, articulation and offsetting planes, and the treatment and variation with the front, side and rear yard setback.

The applicants submitted to the City in a Compatibility-Massing, number of stories/levels, and FAR Study, as well as a surrounding Neighborhood Photo Survey, which compares the proposed Home with development in the surrounding neighborhood. The Compatibility Study and the submitted Photo Survey and architectural renderings/simulations clearly demonstrate the proposed home is sensitive in design and scale and will result in an appropriate aesthetic and appropriate transition, between existing development and the proposed home.

While some homes within the neighborhood are smaller, by a review of photographs presented, as well as the FAR Study, many of the homes in the vicinity including those within a 1-minute walk are two and three story in height with similar, and in some

cases, larger square footages and/or FARs. There are many large two- and three-story tall homes within a two to three block radius of the site. The proposed two-story home will be consistent with the Community Character in La Jolla Shores and will be below the maximum 30-foot height limit.

The proposed home meets all the criteria and designs standards as set forth in the La Jolla Community Plan "Community Character" recommendations as set forth on page 89 through 91. Further, the project meets the design and Community Character recommendations as set forth on page 82 of the Community Plan.

The entire neighborhood is comprised of an eclectic mix of 1, 2, and 3 story homes within a large range of sizes and styles. The proposed home will fit nicely into the neighborhood as the project is consistent with the neighborhood's scale and character.

The proposed project is consistent with the General Design Regulations for La Jolla Shores per Section 1510.0301, reflecting an American style of architecture incorporating modern and contemporary influences that is consistent with the area. The decks & courtyard facilitate "indoor-outdoor" living. Appropriate use of natural building materials including stone and wood to reinforce an original design that reflects the guiding principle of "unity with variety" within the surrounding community.

The proposed development conforms to the applicable regulations for building height, density, lot coverage, off-street parking, and landscaping for the LJSPD-SF zone. The structure is sensitively articulated, and the setbacks are in general conformity with those in the vicinity per Section 1510.0304 resulting in an enhancement to the Character of the Area.

The proposed project complies with all applicable provisions of the Land Development Code and no deviations or variances are required or requested.

Therefore, the proposed development would not adversely affect the applicable land use plan (also see CDP and SDP findings 2 and 3).

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The Project requires a Site Development Permit based on the presence of Environmentally Sensitive Lands in the form of potential Archeological Resources. The Project proposes the demolition of an existing home and the construction of a replacement, two- story single family home.

The City of San Diego conducted a complete environmental review of this site. A Mitigated Negative Declaration has been prepared for this Project in accordance with CEQA Guidelines. A Mitigation Monitoring and Reporting Program (MMRP) would be implemented to reduce potential historical resources (archaeology) impacts to a level below significant. Mitigation in the form of on-site monitoring for archaeology is required as the Project is located within a larger area known for subsurface resources.

The Project site is not located within or adjacent to the Multi-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program. The Project site is located within an existing urbanized and fully developed residential neighborhood. The proposed Project was found to not have any significant effect on the environment. The Project would be designed and constructed pursuant to all applicable zoning and building codes and inspected for compliance with all applicable building standards.

Therefore, the proposed development would not be detrimental to public health, safety, and welfare (also see CDP, SDP findings 1 and 3).

5. The proposed development will comply with the applicable regulations of the Land Development Code.

The proposed development includes construction of a two-story single-family home with two off-street parking spaces. The proposed development is not located between the shoreline and the first public roadway. The Project meets all the Guidelines for the Coastal Overlay and Coastal Height Limitation Overlay Zones. The proposed development will be consistent with the recommended residential density prescribed by the La Jolla Shores Planned District Ordinance SF Zone and La Jolla Community Plan. The proposed development would also be consistent with the purpose and intent of the SF Zone and will comply with all the applicable development regulations of the La Jolla Shores PDO, The La Jolla Shores Design Manual, and the La Jolla Community Plan and Land Development Code thru this discretionary entitlement process.

The height, scale, design, and proposed building materials are all consistent with the varied architecture, design, and character of existing single-family development in the surrounding area. The theme of the PDO encourages Unity with Architectural variety. Exterior finishes incorporate materials and colors consistent with recently built and remodeled homes in the vicinity and therefore would be visually compatible with the varied design themes, setbacks, parking layout and character of the existing one-, two-, and three-story single-family homes of the surrounding area. This Project will enhance the visual quality of the surrounding area.

The La Jolla Shores Planned District does not contain quantifiable development standards such as minimum building setbacks or maximum FAR. Instead, the Planned

District contains language in the General Design regulations which reference the character of the area and the recommendation that new development be in general conformity to surrounding development. Based on a submitted photographic and neighborhood survey of the existing development bulk and scale comparisons, the proposed residence was found to be in general conformity with setbacks, bulk and scale, and character of the surrounding neighborhood and vicinity, consistent with the La Jolla Shores Planned District's SF-Zone, and the Coastal Overlay Zone. The proposed project meets all the development standards, such as building setbacks, building height, and bulk and scale required by the underlying zone.

As stated above, the La Jolla Shores PDO does not have an established minimum "required" front, side, or rear yard setback, nor does it contain a maximum allowed Floor Area Ratio ("FAR"). Instead, the PDO Municipal Code Section 1510.0304 b(4) in the "Siting of Buildings" section states "Building & Structure setbacks shall be in general conformity with those in the vicinity."

Except for a few anomalous larger side yard setbacks that are not representative of the vicinity, the side yard setbacks within the area range from 0' – 37'. The proposed side yard setbacks will range from 4'-8" - 28' consistent with homes within the vicinity.

The Community Plan Community Character sections indicates that to address transitions between the bulk and scale of new and older development in residential areas, the

existing 30-foot height limit of the single dwelling unit zones and Proposition D should be maintained. Additionally, structures with front and side yard facades that exceed one story in height should slope, or step back additional stories, up to the 30-foot height limit. The PDO also has a recommendation of stepping back or sloping above the first floor. These design recommendations have been incorporated into the proposed replacement home consistent with the guidelines of the La Jolla Shores PDO and the La Jolla Community Plan.

Regarding front yard setbacks, except for a few anomalous very large front yard setbacks that are not representative of the vicinity, the survey reveals a range of from 0' to 52' 10". The proposed home will have a front yard setback that ranges from 6' 1 1/2" to 33', consistent with the other homes within the vicinity. The proposed home will also have a lot coverage of 50% where 60% is allowed.

Except for a few anomalous very large rear yard setbacks that are not representative of the vicinity, rear yard setbacks in the vicinity range from 1' 10" – 58' 9". The proposed home will have a rear yard setback that ranges from 4' 8 1/2" to 16' 0 3/4", consistent with other homes within the vicinity.

Proposed building elements have been sensitively distributed, with the proposed second story setback from the story below along the front building façade, providing an appropriate and visually compatible transition to existing development in the general

vicinity. The architectural form and proposed massing will not be disruptive to the architectural character of the neighborhood particularly when compared to recent remodels and redevelopment in the area.

The building design conforms with the general design regulations of the La Jolla Shores Planned District, per SDMC Section 1510.0301, and is consistent with the Community Character policies of the La Jolla Community Plan.

The project also complies with all the goals and recommendations contained within the La Jolla Community Plan.

The Plan states on page 82, in Community Character

“single dwelling unit residential development in La Jolla covers a “spectrum of densities” and architectural styles and expressions. One of the more critical issues associated with the single dwelling unit is the relationship between the bulk and scale of infill development to existing single family dwelling units.”

Community Character is defined on page 84 of the Plan,

“...to promote good design and harmony with the visual relationships and transitions between new and older structures...”

"Community Character" is defined within the Community Plan on pages 81 (4th bullet point "harmonious visual relationship"), page 84 which states in part "...to promote good design and harmony with the visual relationships and transitions between new and older structures...", and on page 90 a),

"in order to maintain and enhance the existing neighborhood character ambience promote good design and visual harmony in the transitions between new and existing structures and preserve the following elements: (1) bulk and scale with regard to surrounding structure or land form conditions as viewed from the public right of way and from parks and open spaces." (Emphasis Added)

As viewed from Lookout Drive, the proposed home addresses each of the design guidelines and policies as contained within the LCP including community character, dealing with the avoidance of extreme and intrusive changes to residential scale, bulk, the design and harmony of the visual relationship in transitions between newer and older structures, landscape, and streetscape, and sensitive design. Consistent with the LCP recommendations and the community character standards as contained within pages 89 and 90, the proposed home satisfies the recommendations addressing issues such as bulk and scale, height, transitions, street landscape, stair step design, articulation and offsetting planes, and the treatment and variation with the front, side and rear yard setback.

The applicants submitted to the City in a Compatibility-Massing number of stories/levels, and FAR Study, as well as a surrounding Neighborhood Photo Survey, which compares the proposed Home with development in the surrounding neighborhood. The Compatibility Study and the submitted Photo Survey and architectural renderings/simulations clearly demonstrate the proposed home is sensitive in design and scale and will result in an appropriate aesthetic and appropriate transition, between existing development and the proposed home.

While some homes within the neighborhood are smaller, by a review of photographs presented, as well as the FAR Study, many of the homes in the vicinity including those within a 1-minute walk are two and three story in height with similar, and in some cases, larger square footages and/or FARs. There are many large two- and three-story tall homes within a two to three block radius of the site. The proposed home will be consistent with the Community Character in La Jolla Shores and below the maximum 30-foot height limit.

The gross floor area of the proposed home is approximately 2,742 square-feet. There will also be a 616 sq. ft. basement.

The proposed home meets all the criteria and designs standards as set forth in the La Jolla Community Plan "Community Character" recommendations as set forth on page 89

through 91. Further, the project meets the design and Community Character recommendations as set forth on page 82 of the Community Plan.

The entire neighborhood is comprised of an eclectic mix of 1, 2, and 3 story homes within a large range of sizes and styles. The proposed home will fit nicely into the neighborhood as the project is consistent with the neighborhood's scale and character.

The proposed project is consistent with the General Design Regulations for La Jolla Shores per Section 1510.0301, reflecting an American style of architecture incorporating modern and contemporary influences that is consistent with the area. The decks & courtyard facilitate "indoor-outdoor" living. Appropriate use of natural building materials including stone and wood to reinforce an original design that reflects the guiding principle of "unity with variety" within the surrounding community.

The proposed development conforms to the applicable regulations for building height, density, lot coverage, off-street parking, and landscaping for the LJSPD-SF zone. The structure is sensitively articulated, and the setbacks are in general conformity with those in the vicinity per Section 1510.0304 resulting in an enhancement to the Character of the Area.

The proposed project complies with all applicable provisions of the Land Development Code and no deviations or variances are required or requested.

Therefore, the proposed development would not adversely affect the applicable land use plan (also see CDP and SDP findings 1 and 2 above).

Re: Hearing Officer Meeting - October 5, 2023

625 WRELTON DR. PTS- 696528

Hearing Officer,

Because the La Jolla Community Planning Association (LJCPA) has not submitted a formal recommendation on this project, I respectfully request the Hearing Officer Public Hearing for this project be delayed until after the LJCPA has submitted it's formal recommendation on the project.

Secondly, the Project encroaches into the required side yard setbacks

Attached is the Staff Report to the Hearing Officer for the 625 WRELTON DR. project.

Surprisingly, or sadly not so surprisingly, page 2 of the PDF Staff Report says: 'The Project is designed in general conformity with setbacks, ...and the RS-1-7 base zone ... Staff supports the determination that the project meets the regulations of the SDMC ...';

Conclusion:

Staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with the adopted City Council policies and regulations (SDMC) section [126.0701et seq.](#) The Project is designed in general conformity with setbacks, bulk and scale, and general design regulations as required by the Community Plan and the RS-1-7 base zone and as recommended by the Community Plan. Staff supports the determination that the project meets the regulations of the SDMC and conforms to the recommendations of the Community Plan. With the

When in fact the SITE PLAN drawing (PDF page 26) and FRONT ELEVATION drawing (PDF page 36) clearly shows the project in violation of the side yard setback requirements and angle building height envelope.

§132.0403 Supplemental Regulations of the Coastal Overlay Zone

- (a) If there is an existing or potential public view and the site is designated in the applicable *land use plan* as a public view to be protected,
 - (1) The applicant shall design and site the *coastal development* in such a manner as to preserve, enhance or restore the designated public view, and
 - (2) The decision maker shall condition the project to ensure that critical public views to the ocean and shoreline are maintained or enhanced.
- (b) A visual corridor of not less than the *side yard setbacks* or more than 10 feet in width, and running the full depth of the *premises*, shall be preserved as a deed restriction as a condition of Coastal Development Permit approval whenever the following conditions exist:
 - (1) The proposed *development* is located on *premises* that lies between the shoreline and the first public roadway, as designated on Map Drawing No. C-731; and
 - (2) The requirement for a visual corridor is feasible and will serve to preserve, enhance or restore public views of the ocean or shoreline identified in the applicable *land use plan*.
- (c) If there is an existing or potential public view between the ocean and the first public roadway, but the site is not designated in a *land use plan* as a view to be protected, it is intended that views to the ocean shall be preserved, enhanced or restored by deed restricting required *side yard setback* areas to cumulatively form functional view corridors and preventing a walled effect from authorized development.

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- (d) Where remodeling is proposed and existing legally established development is to be retained that precludes establishment of the desired visual access as delineated above, preservation of any existing public view on the site will be accepted, provided that the existing public view is not reduced through the proposed remodeling.

Submittal Drawings not stamped or signed by a Licensed California Architect

The State of California Architect's Practice Act requires dwellings over two stories and basement in height to be designed by a Licensed California Architect.

The California Architect's Practice Act requires Architects to stamp and sign instruments of service which includes design drawings prepared and submitted for governmental review.

The Title Sheet of the submittal drawings identify Phil Quatrino of PQ Design Studio as the 'Designer' of the project. However, Phil Quatrino is not a licensed California Architect.

I trust the Hearing Officer will not approve a building design depicted in submittal drawings that are not in accordance with California's Architect's Practice Act, and not in conformity with the San Diego Municipal Code.

Thank you for your consideration of these important issues.

Phil Merten



PHILIP A. MERTEN AIA ARCHITECT. CA License No. C-6437
TEL
858-459-4756
E-mail: Phil@MertenArchitect.com