

## **Pangilinan, Marlon**

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**From:** Anne Gilchrist <qanne4551@gmail.com>  
**Sent:** Tuesday, August 07, 2018 5:33 PM  
**To:** Pangilinan, Marlon  
**Subject:** Mandelbaum Project Lookout Drive

Dear Marlon,

We have been very concerned about this project, as it is too massive for Lookout Drive. This, in our view should be not be passed.

Living on Hillside Drive we see the destruction of all the overbuilding, and hope this does not happen on this small, lovely lane. I can't imagine 5 houses on that property, let alone building them!

Please vote NO.

Regards,

Anne and John Gilchrist  
7590 Hillside Drive

*Jain Malkin*

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7772 Lookout Drive, La Jolla, CA 92037 | 858-454-9141 | jain@san.rr.com

**8 August 2018**

Marlon Pangilinan  
Senior Planner  
City of San Diego Building Dept.  
mpangilinan@sandiego.gov

Dear Marlon Pangilinan:

I am writing to you regarding the Mandelbaum property on Lookout Drive in La Jolla which is going to be discussed at the LJS Planned District Advisory Meeting on August 28. I live very close to this property. What he is proposing to build is totally out of character with neighborhood homes with lots that average 10,000 SF. I refer you to architect Phil Merten's recent letter and analysis of lot sizes and FAR which I feel is correct. Instead, Mandelbaum is trying to build three homes on that size lot and his "numbers" to support it are wacky. This will look like a condo project. The proposed home slated to be built on the empty lot on the south side of the historic Cliff May home (one of his lots) should not be factored into the numbers game as it is not yet built and may never be because its tied up in litigation perhaps for years as I understand it due to the fact that the next door neighbors paid \$1 million for view rights and the proposed home would block their view.

The subdivision of these lots (also explained in Merten's letter) was done illegally and sets a bad precedent for a future owner who buys a 10K SF property with the intention of subdividing it into substandard size lots when those who currently live in this neighborhood have paid high taxes and home prices with the expectation of the type of density that has existed here for decades and that follows LJSPDO regulations. The letter addressed to you by Susie McKean's attorney, Evelyn Heidelberg, accurately details the many issues involved.

I am asking that you not approve this development project.

Very truly yours,



Jain Malkin

## Pangilinan, Marlon

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**From:** Kristine Platt <krisplj@san.rr.com>  
**Sent:** Friday, August 10, 2018 8:10 AM  
**To:** Pangilinan, Marlon  
**Subject:** Mandelbaum Lookout Drive project

> Dear Mr. Pangilinan,

> I am a permanent resident on Lookout Drive and have been a resident of this community for 40 years. In an effort to preserve our designated "Country Lane" and the integrity of our neighborhood I am asking for your time and consideration in this crucial matter of high density development. We as neighbors are pleading for protecting existing surrounding property owners from the impact of lot division, lot size, minimum frontage and set back requirements that do not conform to the land use plan in place. Please visit the study done on October 7, 2016 sent to Robert A Vacchi, Director of Development: outlining each property on Lookout and its lot size and set backs. This new project at 7727-7729 is not in any way in keeping with the neighborhood. It saddens me to see our beautiful Jewel by the Sea lose its charm due to changing the Laws of the land and sacrificing many for a few. Please protect this unique Pacific Coast and ocean setting and preserve its historical character.

There is also a safety feature to consider with more cars. parking, and traffic on this very small street making it next to impossible for an emergency vehicles to pass through.

Thank you for your time and consideration,  
Kristine Platt

## Pangilinan, Marlon

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**From:** Philip Merten <Phil@MertenArchitect.com>  
**Sent:** Saturday, August 11, 2018 3:23 PM  
**To:** Pangilinan, Marlon  
**Subject:** Lookout Drive Lots 2, 4 and 5  
**Attachments:** REVISED Lookout Dwelling Unit Density.pdf

Re:  
Lookout Lot 2`

Project No. 589178

Lookout Lot 4 and 5  
Project No. 482904

Hello Marlon,

The La Jolla Shores Planned District Ordinance, Sec. 1510.0304 states: "... no lot or parcel shall be developed or **occupied by more dwelling units than the average dwelling unit density (units per acre)** of the developed SF Zone within 300 feet of the subject lot or parcel." (emphasis added) To explain how this LJSPDO regulation applies to the subject project(s) referenced above, I prepared the attached *REVISED Lookout Dwelling Unit Density.pdf* exhibit which I presented to the La Jolla Community Planning Association at it's August 2 meeting.

Please distribute this message and the attachment to the members of the La Jolla Shores Planned District Advisory Board in advance of it's next meeting on August 28. Please don't hesitate to call if you have any questions or want to discuss anything contained herein.

Thank you for your cooperation.

Phil Merten



PHILIP A. MERTEN AIA ARCHITECT  
TEL 858-459-4756  
E-mail: [Phil@MertenArchitect.com](mailto:Phil@MertenArchitect.com)

Lookout Lot 2  
Project No. 589178

REVISED

Lookout Lots 4 and 5  
Project No. 482904

## La Jolla Shores Planned District Ordinance - Dwelling Unit Density

San Diego Municipal Code  
(2-2018)

Chapter 15: Planned Districts

### §1510.0304 Single Family Zone-Development Regulations

(a) Dwelling Unit Density Regulation

In the following **Single-Family Zone**, designated on that certain map referenced in Section 1510.0102 unless specified otherwise, **no lot or parcel shall be developed or occupied by more dwelling units than the average dwelling unit density (units per acre) of the developed SF Zone within 300 feet of the subject lot or parcel.** In no event shall any area be included in the calculation of average dwelling unit density if such area lies on the opposite side of a density calculation boundary line indicated on the map referenced in Section 1510.0102. However, in no instance shall the density exceed one unit per acre for areas which have a slope ratio of 25 percent or greater. Dwelling units that are allowed by computing density for those areas with a slope ratio of less than 25 percent may not be placed on slopes with a ratio of 25 percent or greater. In the event the subject parcel is not adjacent to or within 300 feet of subdivided and/or developed lots or parcels so that an average of dwelling unit density within 300 feet can be reasonably obtained, then said parcel shall be limited in dwelling-unit density by the regulation described in Section 1510.0304 (e)(1).

*Density means the relationship between the number of dwelling units existing or permitted on a premises and the area of the premises.*

(continued)

# Lookout Residences

## Lookout Lot Sizes (Lots 2, 4, and 5)

The total area of all 56 lots on the architect's list of lots within 300 feet of the project site is 613,123 s.f., divided by 56 lots is an average lot size of **10,948 s.f.**

The total area of 53 lots (excluding the 3 subject parcels) is 601,188 s.f., divided by 53 lots is an average lot size of **11,343 s.f.**

Regardless of which number or lot area the calculation is based, (average lot size of 11,343 s.f.) **the average size of all the lots within 300 feet of the subject site is 45% greater than the largest of the 3 subject non-conforming parcels ( 5,155, 7,816 and 5,045 s.f. ) and more than twice the size of the lesser 2 subject non-conforming parcels.**

The total area of the combined 3 subject parcels is 18,016 s.f. According to Section 1510.0304 of the LJSPDO, **the total combined area of the subject 3 non-conforming parcels is only large enough to accommodate two Dwelling Units (18,016 sf /10,948 sf = 1.59 DUs)**



## Lookout Residences - Dwelling Unit Density

### §1510.0304 Single Family Zone-Development Regulations

(a) Dwelling Unit Density Regulation

In the following Single-Family Zone, designated on that certain map referenced in Section 1510.0102 unless specified otherwise, no lot or parcel shall be developed or occupied by more dwelling units than the average dwelling unit density (units per acre) of the developed SF Zone within 300 feet of the subject lot or parcel. In no event shall any area be included in the calculation of average dwelling unit density if such area lies on the opposite side of a density calculation boundary line indicated on the map referenced in Section 1510.0102. However, in no instance shall the density exceed one unit

### Average Dwelling Unit Density of all Parcels within 300 feet of the Subject Site

Per the Architect's tabulation the average size of all parcels within 300 feet of the subject site is 11,343 sf.

The average density of all parcels within 300 feet of the subject site is:

$$43,560 \text{ sf/acre divided by } 11,343 \text{ sf/lot} = 3.84 \text{ DUs per acre.}$$

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### Proposed Dwelling Unit Density

**Parcel 2** 43,560 sf/acre divided by **5,155** sf/lot = **8.45 DUs per acre**

**Parcel 4** 43,560 sf/acre divided by **7,816** sf/lot = **5.57 DUs per acre**

**Parcel 5** 43,560 sf/acre divided by **5,045** sf/lot = **8.63 DUs per acre**

**Conclusion: The three non-conforming parcels are proposed to be occupied by MORE Dwelling Units per Acre than the average Dwelling Unit Density (units per acre) of the developed SF Zone within 300 feet of the subject parcels. Because the proposed project conflicts with the LJSPDO, the required 'Findings' for a Coastal Development Permit and Site Development Permit CANNOT be made.**

Frederick and Desiree Kellogg  
7728 Lookout Drive  
La Jolla, CA 92037

August 11, 2018

Chairman Dan Goese and Members  
La Jolla Shores Planned District Advisory Board

Re: Lookout Lot 2

Dear Chairman Goese and Members:

We thank the Committee for an opportunity to express our views of the proposed projects. We reside within 300 feet of the proposed projects and across the street from Lots 1 and 2 in a historic residence designed in the 1930's, by a master architect who designed the Pentagon, the California Club, the Pasadena Museum of History and Beverly Hills High School.

We were dismayed to read and strongly dispute the applicant's characterization that there were "no specific challenges to PDO conformance during lengthy neighborhood meeting, attended by 26 neighbors and two PRC presentations." First, the "neighborhood meeting" was over two years ago in June 2016 and involved discussions of a prior proposal for the lots. Second, the applicant did not invite all neighbors within 300 feet to attend this meeting (including us even though we lived across the street from them). In fact, the applicant invited individuals who were not neighbors, presumably in an effort to garner support. Third, we understand that there was much criticism of the projects provided by neighbors at the meeting. Fourth, the allegation that there were no specific challenges at two PRC presentations is belied by the minutes of the two PRC, the Board's July 16, 2018 and LJCPA meetings. Many neighbors attended and voiced their concerns and opposition at the LJCPA, your Board's July 16, 2018 and two PRC meetings.

We firmly believe that the projects are not in conformity with the PDO, the Community Plan and applicable zoning laws. If approved, the projects would create new precedent in terms of density, bulk and scale and design. For example, Lot 2's FAR is .79 which would be the single largest FAR in the neighborhood, let alone the average FAR in the neighborhood.

Additionally, Lots 2, 4 and 5 are not in compliance with Municipal Code section 1510.0304 as the lots are simply not the average lot size of lots within 300 feet. Rather, the lots are more than two times smaller than the average lot size within 300 feet.

The applicant would have the Committee believe that his lots need not comply with any zoning or planning requirements because they were subdivided in 1912 and lot lined adjusted. Taken to its logical conclusion and precedential effect, any homeowner could lot line adjust their parcels and build structures on the lot line adjusted lots without regard to any zoning and land use density regulations.

We are also very concerned about the inaccuracies in the applicant's FAR and setback charts. For example, the applicant has included a structure on Lot 39 which does not exist and for which the building permits have expired (it is quite questionable whether that project will be built as described in the charts). It also appears that the proposed FARs for the three projects have been included in the charts to increase the average FAR size. Our lot's size is listed as being 5624 square feet, when it is in fact 7125 square feet. Additionally, the setbacks for our house are misleading. As depicted, our house (lot 14) is quite far from the street and below street level. It is only our



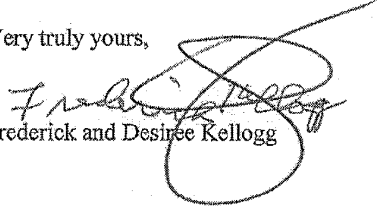
single car garage which is close to the street. As for side setbacks, only the back of our garage (where our garbage cans are located) is two feet away from the property line which abuts the neighbor's garden, not a structure.

The almost identical look and feel of all three houses and the use of common areas is also very concerning; the projects have the appearance of a condominium or subdivision complex. For example, the applicant proposes granting an easement from Lot 1 to create a yard for Lot 2 with the house on lot 2 having a side door opening two feet away from Lot 1. The applicant also proposes using the roof of the house on Lot 4 as a terrace for Lot 1's use. The applicant argues that the projects will become a "family compound." However, the lots are owned by multiple non-family investors who are extremely unlikely to allow just one of the investor's families to live on the properties. These proposed condominium projects simply would not be in keeping with our historic neighborhood character, as there are no condominiums or houses which look alike and possess common areas of use on Lookout Drive.

We are also extremely concerned about the applicant splitting the project to avoid storm water run-off requirements and believe that the projects' plans to dump water directly into the street will have negative impacts, including possible flooding into our property which is below street level. When questioned about the storm water run-off potentially flooding our property from Lot 2, the applicant's representative misrepresented that the street was crowned in front of Lot 2. In reality, the street in front of Lot 2 is flat while the street in front of our house slopes downward, thereby increasing the risk of flooding to our property.

In conclusion, we strongly support rejection of these projects in our historic neighborhood. The project has the appearance of placing a dense track home subdivision/condominium complex in the middle of an old neighborhood. Thank you for your consideration.

Very truly yours,

  
Frederick and Desiree Kellogg



**CROSBIE GLINER SCHIFFMAN SOUTHARD & SWANSON LLP**

Attorneys at Law

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(858) 779-1718

August 17, 2018

**VIA E-MAIL**

Chairman Dan Goese and Members,  
La Jolla Shores Planned District Advisory Board

Re: Lookout Lots 4 & 5 (PTS No. 489204)

Dear Chairman Goese and Members:

By this letter on behalf of my client, Susie McKean who resides at 7809 Lookout Drive (which abuts Lookout Lots 4 & 5), we supplement our letter to you dated July 13. We urge the La Jolla Shores Planned District Advisory Board to vote to oppose the proposed project because it is inconsistent in several respects with provisions of the La Jolla Shores Planned District Ordinance ("LJPDO") and with policies of the La Jolla Community Plan ("LJCP"), as set forth below.

**1. The Project Far Exceeds Average Units Per Acre of Developed Lots in Neighborhood Survey, in Violation of SDMC § 1510.0304(a) and Policies of the LJCP**

The LJSPDO regulates dwelling unit density in single-family zones as follows: "[N]o lot or parcel shall be developed or occupied by more dwelling units than the average dwelling unit density (units per acre) of the developed SF zone within 300 feet of the subject lot or parcel." SDMC § 1510.0304(a).

Considering the developed parcels within 300 feet of Lots 4 and 5 as shown on the applicant's Neighborhood Survey Chart for those lots, it is apparent that the proposed development of Lots 4 and 5 is inconsistent with SDMC section 1510.0304(a). The applicant's Neighborhood Survey Chart includes 42 developed parcels occupying a total of 475,519 square feet, or 10.92 acres.<sup>1</sup> Dividing 42 units by 10.92 acres gives the average of **3.85 units per acre** for developed parcels within 300 feet of the proposed project. (See Exhibit A.)

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<sup>1</sup> The applicant's Neighborhood Survey for Lots 4 & 5 includes a total of 49 entries, three of which are the applicant's vacant lots (Lots 2, 4 & 5), there are three additional vacant lots (Nos. 2, 3 and 7 on the applicant's list and map), and one entry is shown as developed, when in fact it is vacant (No. 39; the owner received a Coastal Development Permit, but that permit has expired). There are seven missing numbers in the applicant's sequence (1, 5, 6, 11, 49, 50 and 51), so what initially appears to be a list of 56 parcels is actually a list of 49 parcels, six of which are vacant and an additional one, No. 39, is vacant but shown as developed.

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In contrast, Lots 4 & 5 occupy 12,861 square feet, or 0.29 acres. (See Exhibit A.) Two units divided by 0.29 is **6.90** units per acre, or almost twice the average units per acre for a portion of the neighborhood within 300 feet of the proposed project (**3.85** units per acre).

These calculations show that the proposed development of Lots 4 & 5 is inconsistent with the LJSPDO and with the mandates under the LJCP to “[m]aintain the existing residential character of La Jolla’s neighborhoods by encouraging buildout of residential areas at the plan density” and “[e]nsure that proposed new development is constructed within the density range identified for the project site on the Residential Densities map.” (LJCP, at pp. 70, 75.) Lots 4 & 5 are within an area designated for Very Low Residential (0-5 units per acre). (LJCP, at p. 73.) The proposed development of Lots 4 & 5, at **6.9 units per acre**, significantly exceeds the maximum residential density permitted under the LCJP.

Mr. Glenn Gargas asserts that SDMC section 1510.0304(a) does not apply to this project, and that it would apply only “if this project were proposing to create one or more new lots.” The creation of one or more new lots occurs as a result of a “subdivision” as defined in Section 113.0103 of the SDMC, which provides that *subdivision* has the same meaning as stated in the *Subdivision Map Act*, Section 66424. The Subdivision Map Act defines “subdivision” as “the division ... of any unit or units of improved or unimproved land ... for the purpose of sale, lease, or financing, whether immediate or future.” Gov’t Code § 66424. Mr. Gargas is in effect opining, without any supporting rationale, that the terms “developed or occupied” means “subdivided.” The City Council, when it adopted the LJSPDO in March 2007 after review by *inter alia* the City Attorney, certainly could have used the SDMC’s defined term “*subdivision*” when it enacted Section 1510.0304’s prohibition on development of a dwelling unit on a lot with more dwelling units than the average units per acre of the developed single family zone within 300 feet of the lot. But, it did not do so. Instead, it used the more general, broader terms “developed or occupied.”<sup>2</sup> Thus, there is no support for Mr. Gargas’ interpretation of SDMC 1510.0304’s prohibition as limited to subdividing a lot.

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<sup>2</sup> It should be noted that had City Council intended the meaning that Mr. Gargas ascribes to Section 1510.0304(a), it could have used the SDMC-defined term “*development*” in that section, because “*development*” is defined to include “the act, process, or result of dividing a parcel of land into two or more parts ...” But, City Council did not use the SDMC-defined term “*development*” or any of its derivatives such as “*developed*” because the term “developed” in Section 1510.0304(a) is not italicized to signify that it is a term defined in SDMC section 113.0103. By using the undefined term “developed” in that provision, City Council will be assumed by the courts to have meant the term “developed” to include the process of placing or constructing a building on property.

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Indeed, the Development Services Department, through its now-Deputy Director (then Assistant Deputy Director) Gregory P. Hopkins expressly conceded that Section 1510.0304 applies in the current context. Specifically, Mr. Hopkins stated, in a letter dated December 9, 2013, 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.” See Exhibit B, p. 2. Mr. Hopkins did not exclude subdivision (a) of Section 1510.0304 from his statement that “Future building development of any of the parcels within the Parcel Map [17187] are also required to comply with Sec. 1510.0304 ....”

For the above-stated reasons, it is apparent that the proposed project should not be approved because it is inconsistent with SDMC section 1510.0304(a).

**2. Although Not Regulated under the LJSPDO, Floor Area Ratio Is a Frequently Used Way to Ascertain a Project’s Compliance with LJCP Policies Regarding Bulk and Scale, and This Project Does Not Comply with Those Policies**

As the Trustees are well-aware, gross floor area and floor area ratio are not development standards LJSPDO, but both the LJSPDO and the LJCP contain regulatory and policy language regarding appropriate building and structure relationships, setbacks, character, and harmonious transitions between new and existing development. The Residential Element of the LJCP provides as follows: “In order to maintain and enhance the existing neighborhood character and ambiance, and to promote good design and visual harmony in the transitions between new and existing structures, preserve the following elements: Bulk and scale [] with regard to surrounding structures ....” LJCP, at p. 76.

The only readily available measurement of bulk and scale is FAR, and based on that metric, the proposed development of Lots 4 & 5 is not consistent with the above-quoted policy in the LJCP requiring preservation of bulk and scale in order to promote visual harmony in the transitions between new and existing structures. In its third version of the applicant’s Neighborhood Survey, dated June 18, 2018, the applicant, in an apparent effort to reduce the disparity between the average floor area ratio within 300 feet of Lots 4 and 5, arbitrarily added 500 square feet to the alleged floor area of each developed parcel, as compared to the floor areas reported in the applicant’s first

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version of its Neighborhood Survey.<sup>3</sup> For the 42 developed parcels included in the applicant's partial Neighborhood Survey, the average FAR is **0.31**.<sup>4</sup> (See Exhibit A.)

By comparison, the applicant reports FAR for Lots 4 & 5, respectively, as 0.43 and 0.74, respectively. The combined average FAR for Lots 4 & 5 based on the applicant's figures is **0.55**, or **77 percent higher than the FAR for the developed parcels within 300 feet**. It should be noted that the applicant's floor area figures for Lots 4 & 5 take advantage of exclusions from floor area per SDMC section 113.02, so that if the full floor area had been included, the FARs for Lots 4 & 5 would be 0.54 and 1.03, respectively, with an average FAR for the project of 0.73.

**3. The Project's Setbacks Are Not in General Conformity with Those in the Vicinity, in Violation of SDMC § 1510.0304(b)(4)**

The proposed project for Lots 4 & 5 are also inconsistent with the requirement for setbacks under the LJSPDO. That requirement is that "[b]uilding and structure setbacks shall be in general conformity with those in the vicinity."

Here, the proposed structures on Lots 4 & 5 would be separated by the bare minimum setback, four feet, from the rear property lines of those lots, each of which abuts Ms. McKean's southern property line. It is apparent from reviewing the applicant's Neighborhood Survey that Ms. McKean's single-family residence was constructed in close proximity to its southern property line. (See Exhibit A (Ms. McKean's property is identified as Number 32 (with Lots 4 & 5 identified as Lots 37 and 38, respectively).) In fact, it is the master bedroom of that structure that is located closest to the southern property line abutting Lots 4 & 5.

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<sup>3</sup> In the second version of its Neighborhood Survey, the applicant added 500 s.f. to the floor area of most of the developed parcels within 300 feet of Lots 4 & 5, but inexplicably added 2,500 s.f. to the claimed floor area for six developed parcels. At the June 18, 2018 meeting of the La Jolla Shores Permit Review Committee, the applicant's representative admitted that the floor area additions for those six lots were stated in error. The applicant apparently arbitrarily assumed that the size of garages had not been included in the floor area reported for each parcel from whatever source it obtained these figures, and arbitrarily assumed that every developed parcel has a 500 s.f. garage. The source of the floor area figures as stated on the applicant's second version of its Neighborhood Survey was "San Diego Public Records Dept and/or Realty Websites." There is no "Public Records Department" at the City of San Diego, and it is common knowledge that realty website information on such matters cannot reasonably be relied upon.


<sup>4</sup> The applicant's Neighborhood Survey states that the average FAR is 0.46, but the applicant has included its three projects as well as a project that was entitled but never constructed, and the entitlements have expired (No. 39 in the applicant's neighborhood survey for Lots 4 & 5, at 7819 Lookout Drive).

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The four-foot separation of the structures proposed on Lots 4 & 5 from Ms. McKean's side property line abutting her bedroom is approximately half of the average setback from the side property line in the Neighborhood Survey prepared by the applicant. The applicant's Neighborhood Survey shows that the average side setback is seven feet, nine inches. Accordingly, the proposed development of both Lots 4 & 5 is not in general conformity with the building setbacks in the vicinity and thus violates SDMC section 1501.0304(b)(4).

For all of the above-stated reasons, we respectfully request that the LJCPA recommend disapproval of the proposed development plan.

Sincerely,



Evelyn F. Heidelberg

EFH/pat  
Exhibit

cc: Ms. Susie McKean  
Mr. Glenn Gargas

# **EXHIBIT “A”**



**LOT SIZE AND FAR OF PARCELS IN VICINITY OF LOOKOUT LOTS 4 & 5<sup>1</sup>**

<b>No.</b>	<b>ADDRESS</b>	<b>APN</b>	<b>FLOOR AREA</b>	<b>LOT SIZE</b>	<b>FAR</b>
1.	7711 Lookout Dr.	352-012-07	2,410	9,901	0.24
2.	7716 Lookout Dr.	352-010-08	3,325	13,839	0.24
3.	7717 Lookout Dr.	352-012-06	2,414	9,039	0.27
4.	7727 Lookout Dr.	352-012-16	3,592	14,181	0.25
5.	7728 Lookout Dr.	352-010-09	3,242	5,624	0.58
6.	7731 Lookout Dr.	352-012-18	3,813	5,097	0.75
7.	7732 Lookout Dr.	352-010-31	3,831	8,530	0.45
8.	7737 Lookout Dr.	352-012-03	3,661	8,773	0.42
9.	7741 Lookout Dr.	352-012-02	1,824	7,950	0.23
10.	7750 Lookout Dr.	352-010-33	5,884	8,821	0.67
11.	7762 Lookout Dr.	346-610-13	6,045	33,977	0.18
12.	7772 Lookout Dr.	352-010-20	4,096	20,600	0.20
13.	7777 Lookout Dr.	352-012-01	3,075	8,438	0.36
14.	7780 Lookout Dr.	352-010-21	3,769	12,663	0.30
15.	7782 Lookout Dr.	352-010-29	4,473	6,098	0.73
16.	7784 Lookout Dr.	352-010-30	4,097	6,098	0.67
17.	7788 Lookout Dr.	352-010-13	2,544	8,830	0.29
18.	7794 Lookout Dr.	352-010-14	2,572	14,867	0.17
19.	7796 Lookout Dr.	352-010-15	3,956	13,338	0.30
20.	7801 Lookout Dr.	352-012-11	3,955	5,702	0.69
21.	7809 Lookout Dr.	352-012-10	2,564	6,168	0.42
22.	7810 Lookout Dr.	352-013-03	4,283	12,750	0.34
23.	7816 Lookout Dr.	352-013-04	2,211	14,440	0.15
24.	7820 Lookout Dr.	352-013-05	8,874	14,492	0.61
25.	7847 Lookout Dr.	352-012-08	2,761	3,764	0.73
26.	7868 Lookout Dr.	352-013-06	4,146	17,502	0.24
27.	7872 Lookout Dr.	352-013-07	4,290	24,394	0.18
28.	7877 Lookout Dr.	352-062-02	2,932	3,358	0.87
29.	7878 Lookout Dr.	352-013-08	4,018	26,136	0.15
30.	7887 Lookout Dr.	352-062-01	2,849	9,744	0.29
31.	1940 Soledad Ave.	352-010-07	2,144	9,901	0.22
32.	2020 Soledad Ave.	352-012-28	2,572	8,263	0.31
33.	2028 Soledad Ave.	352-062-05	3,047	7,083	0.43
34.	2038 Soledad Ave.	352-062-04	4,894	8,696	0.56
35.	2046 Soledad Ave.	352-062-03	3,204	9,470	0.34
36.	7821 Boulevard Pl.	352-013-02	2,493	11,931	0.21
37.	7831 Boulevard Pl.	352-013-01	2,248	12,902	0.17
38.	7711 Hillside Dr.	352-010-05	2,410	9,601	0.25
39.	7719 Hillside Dr.	352-010-03	2,630	10,202	0.26
40.	7721 Hillside Dr.	352-010-04	4,448	9,601	0.46

<sup>1</sup> All information for Nos. 1 through 42 taken from applicant's Neighborhood Survey dated 6/18/18.





**LOT SIZE AND FAR OF PARCELS IN VICINITY OF LOOKOUT LOTS 4 & 5<sup>1</sup>**

No.	ADDRESS	APN	FLOOR AREA	LOT SIZE	FAR
41.	7801 Hillside Dr.	352-010-16	5,083	15,359	0.33
42.	7811 Hillside Dr.	350-162-08	2,748	7,396	0.37
	<b>TOTAL</b>		<b>149,427</b>	<b>475,519</b>	<b>0.31</b>

**PROPOSED DEVELOPMENT FOR LOOKOUT LOTS 4 & 5<sup>2</sup>**

		FLOOR AREA	LOT SIZE	FAR
<b>LOT 4</b>		<b>3,361</b>	<b>7,816</b>	<b>0.43</b>
<b>LOT 5</b>		<b>3,733</b>	<b>5,045</b>	<b>0.74</b>
<b>LOTS 4 &amp; 5 COMBINED</b>		<b>7,094</b>	<b>12,861</b>	<b>0.55</b>

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<sup>2</sup> Information for lot size and FAR for Lots 4 & 5 taken from applicant's Neighborhood Survey. Applicant's calculated FARs reflect exclusion of 837 s.f. of floor area in the structure on Lot 4 and 1,486 s.f. of floor area in the structure on Lot 5, purportedly consistent with SDMC § 113.02.

# **EXHIBIT “B”**



## THE CITY OF SAN DIEGO

Frederick C. Kellogg  
7728 Lookout Drive  
La Jolla, CA 92037

December 9, 2013

Dear Mr. Kellogg

This letter is in response to the letter you sent to Mr. Tom Tomlinson, Interim Director of Development Services dated October 28, 2013 and from Ms. Diane Kane dated October 18, 2013; also addressed to Mr. Tomlinson.

In the abovementioned letters, it was requested that our office review whether a lot or parcel development must be consistent with surrounding neighborhood development; specifically section 1510.0304 of the La Jolla Shores PDO as it pertains to Parcel Map 17817. You also included Ms. Diane Kane's letter requesting the review of two Records of Survey and one Parcel Map to determine, in general, if there was an inappropriate subdivision of land. My analysis of the facts regarding the former, as presented below, reveals that there was no inappropriate division of land.

To begin with, I felt it important to lay out the chronology and legal rationale for the way the current configuration of the lots came into existence. The original underlying lots were created by virtue of the La Jolla Hills Subdivision, Map 1479. Sometime in early 1996 there was an application submitted to the City in order to make a determination of legal lot status and to obtain a Certificate of Compliance (COC) for a portion of Lot 36 of Map 1479.

The City reviewed and approved this COC on August 15, 1996, as Document No. 1996-0416822 because the owner was able to show the City a recorded deed dated prior to March 4, 1972 that described this portion of Lot 36; which date is codified in the SMA. The deed as presented, legally subdivided (or split) Lot 36 by virtue of that instrument (see SMA §66412.6). After approval of the COC, an application was made for a Lot Line Adjustment Parcel Map (LLA). The LLA (PM 17817) that ultimately recorded on January 23, 1997 adjusted the lines using this legally created deed parcel and four other lots created previously by Map No. 1479 (Lots 34, 35, 41 and 42).

The SMA during this time period (1997) allowed for the adjustment of *two or more* parcels, so the applicant for this particular project was able to adjust any number of lots; in this case five (5). This particular section of the SMA (§66412(d)) changed on January 1, 2001 which amended the number of lots that could be adjusted. The number of lots that you can currently adjust stands at *four or fewer*.



### Development Services

1222 First Avenue, MS 501 • San Diego, CA 92101-4155  
Tel (619) 446-5460

To sum this issue up, the LLA that recorded in 1997 **did not** create any new lots but was for lot line adjustment purposes only. There were five legal parcels prior to the LLA and there were five legal parcels after the LLA, which resulted in no subdivision of land pursuant to the Subdivision Map Act (SMA). Additionally, the way the SMA currently reads (§§66412.6 and 66499.30(b)) you can no longer simply deed over a portion of your property to your neighbor or anyone else without coming to the City for approval as this is considered an illegal subdivision. In this particular case, the applicant came to the City for a LLA which was allowed under the provision of §66412(d) of the SMA and the Municipal Code and received the proper approval to adjust the lot lines as shown on Parcel Map 17817. This LLA was reviewed and approved by the requisite disciplines within the Development Services Department and ultimately signed and sealed by the Deputy City Engineer on January 23, 1997.

It should be noted that neither the COC nor the LLA would have required public notice or public hearings as they are categorized a Process One as defined in §112.0501, et seq. of the City of San Diego Municipal Code.

In your letter sent October 28, 2013, you also wanted to know whether Section 1510.0304 of the La Jolla Shores PDO applies to the development of the lots adjusted by virtue of the abovementioned LLA. I have met with our City Planners and their answer to this question is indicated below:

The size of the lot does not come into question for the processing of COC or a LLA because there was no subdivision of land involved. If a Subdivision Map was submitted for review and the lots are proposed to be reduced in size then Development Services would look to the zone to determine the minimum lot size for the zone. Future building development of any of the parcels within the Parcel Map areas are also required to comply with Sec. 1510.0304 of the La Jolla Shores PDO development requirements.

If you have any further questions, please feel free to contact me.

Respectfully,



Gregory P. Hopkins, PLS  
Assistant Deputy Director/City Land Surveyor  
Development Services Department  
(619) 446-5291  
[ghopkins@sandiego.gov](mailto:ghopkins@sandiego.gov)

cc: Hon. Sherri Lightner, Council District1  
Bob Vacchi, Director Development Services  
Sheri Carr  
Ms. Diane Kane

## Pangilinan, Marlon

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**From:** Lani McCoy <lanidmccoy@gmail.com>  
**Sent:** Sunday, August 19, 2018 10:11 PM  
**To:** Pangilinan, Marlon  
**Subject:** Re: Proposed Lookout Drive projects/Mandelbaum

TO: LJS Planned District Advisory Board FROM: Dr. Herbert & Lani McCoy

When I arrived on Lookout Drive in the fifties the property in question was owned by Mr. & Mrs. Logan Abernathy, well known in art circles as she was a noted artist. Both loved the property, especially the open area. When he left in the sixties to relocate to Palm Springs, he said to me, "Doc, I hope the authorities don't cut this property up in order to build a bunch of smaller homes - the aesthetic of the surrounding open space is so special."

The property was then acquired by the Yianilos family who similarly enjoyed and respected the aesthetic of the open area - they added foliage and some lovely trees.

When the current developer (Mr. Mandlebaum) purchased the area, his treatment of the property was severely criticized in multiple articles in the La Jolla Light. The trees were razed almost overnight, taking on a "scorched earth" policy that very much upset his neighbors. And his subsequent plan for its future was exactly what the previous owners had feared might happen with a profit-motivated developer's desire to squeeze as many "spec" houses into a space 'too small.'

We understand that his son & family live on a portion of the property today. Perhaps he might consider giving the entire property to his son who could then with his family enjoy the open aesthetic nature of the space as was conceived originally.

And the rest of us, his neighbors on Lookout Drive, would so appreciate it if he could have a little respect for our wishes, too, in how the ultimate prospect for this area goes forward.

Marlon Pangilinan  
Senior Planner  
City of San Diego Building Dept.  
mpangilinan@sandiego.gov

August 19th, 2018

**Re. Madelbaum project & LJS Planned District Advisory Meeting on August 28.**

Dear Mr. Pangilinan & LJS Advisory board,

We live at 7741 Lookout Dr, in a small cottage built in 1948 by renowned architect Thomas Sheppard. My grandfather, General Alfred Houston Noble, bought the home in 1956 when he retired from the Marines as a 4-star general, and he and my grandmother lived out their days until they passed on, leaving the home to the next generation, who in turn passed it down to us.

Growing up here on lovely Lookout Dr, I've watched it changing from a quaint country lane with front and back yards, to a street with homes being built to cover every square inch "allowable by law," and seen those laws evolve over the years to favor developers of spec homes over the neighborhood residents. Each time someone builds a larger home, it sets a new precedence that developers like Mr. Mandelbaum seek to exploit to their advantage.

In the case of Mr. Mandelbaum's proposed project there are some legal questions that need to be addressed. When the property was subdivided in 1997, the new map was approved by engineering staff that determined that it met requirements for the Subdivision Map Act. Hence, according to the city, the lots are "legal." But the map never went to the Planning Department that should have reviewed it for compliance with the LJ Shores PDO. The Planning Department should also have realized that a lot line change resulting in a new map also needed a Coastal Development Permit. That never happened either. No project in the Coastal Zone is approved until it has received a Coastal Development Permit. The lots were therefore illegally created AND do not comply with the PDO. These facts alone should prevent the Mandelbaum project from being approved, and instigate a reassessment of the legality of this subdivision.

While the character of the neighborhood has changed over time, it has still managed to keep much of its charm, however Mr. Mandelbaum's proposed project seeks to cram too many large homes together on smaller than average lot sizes, often incorporating smaller than average set backs, or shared easements much like you would find in a condo development.

Imagine spending millions for a home with a patio on its roof that only the next-door neighbors have access to? Having people walking around on your roof is akin to living in an apartment, and is inconsistent with a multi-million dollar single-family residential neighborhood.

Two design issues worth mentioning in Mr. Mandelbaum's proposal are; 1) the main front door of the proposed house on Lot 2 opens directly onto the property line of Lot 1; and 2) their are water run-off and easement issues that have yet to be addressed.

As the Neighborhood Watch Captain, I represent the voices of 47 homes on Lookout / Soledad loop, most of whom share the same opinion that this proposed development would be a mistake. We would prefer that other options that are more consistent with neighborhood character be pursued.

Mr. Mandelbaum has provided the city with concocted numbers of comparable FAR ratios and average neighborhood setbacks, and the like, to justify his building plans, but his numbers don't match with several other professional assessments. He has misrepresented his facts so often that nobody believes him anymore. He claims he presented his plans at a meeting of 26 neighbors and nobody objected, but this isn't true. I was at that meeting (years ago) and we were not allowed to keep a copy of his plans for further inspection. They were literally taken out of our hands, and were in any case, different from the ones you see today.

The opinions of neighbors should be taken into account when people want to build new homes on the block. This is a community, not a business district. I understand that Mr. Mandelbaum is a developer and wants to make money, but the plans he has for his proposed project are too dense and not at all in keeping with the character of the neighborhood, and we ask that the city rejects this proposal.

Sincerely,

Bradford Noble & Jorge Masdeu  
7741 Lookout Dr.  
La Jolla, CA 92037

August 20, 2018

**La Jolla Shores Planned District Advisory Board**

Attention: Mr. Dan Goese, Chairman and all

Board members

**Re: July 16 LJPDO Advisory Board meeting: Lookout Lots 2, 4 & 5, Project Numbers 482904 and 589178 (the “Project”) and continuation of said meeting on August 28, 2018**

Dear Mr. Goese and all Board members:

I live on Lookout Drive across from the Cliff May home and Lot 4. I was unable to attend the July 16 meeting of the La Jolla Shores Planned District Advisory Board, during which the Project was partially discussed. I will attend the August 28<sup>th</sup> continuation of this discussion. In advance of the August 28<sup>th</sup> meeting, and to reiterate my July 16<sup>th</sup> letter to you, I am sending this letter to voice my strong objection to this Project and to respectfully request that you deny it for lack of compliance with the La Jolla Shores PDO.

For the record, I voiced my objections to the La Jolla Permit Review Committee in a letter to Mr. David Gordon, Chair of the Permit Review Committee for the May 18<sup>th</sup> meeting. After a second LJPRC meeting in June, the PRC approved the Project 3-2, by including two votes in favor from Committee members who were not in attendance at the May 18<sup>th</sup> meeting and who did not hear the neighborhood’s objections. I also attended the La Jolla CPA meeting on August 2, 2018, and voiced my concerns about the Project there. The LJCPA denied the Project after hearing compelling narrative from many neighbors and attorneys.

My objections are not that Mr. David Mandelbaum and his investors (together, the “Developer”) wants to build homes, but that they want to (1) build so many homes on unqualified lots, and (2) build homes that are overwhelmingly not in character with our neighborhood.

**LOT SIZE:** My strongest objection to this development is the lot size. I fail to understand why these homes are even under consideration, given that **none of the three parcels meet the size requirement under Section 1510.0304 of the LJSPDO**, which requires that density be no greater than the average dwelling density within 300 feet. Many different people have calculated average density for the Project. All have concluded **the average density proposed is about 7.2 units per acre, nearly twice the 3.8 units per acre allowed by the LJSPDO.**

I had an opportunity to ask Mr. Glenn Gargas this question about the small lot sizes. He told me it was not even an issue since the lots were already existing. The only possible interpretation of his answer is that Section 1510.0304 only applies to lots that are not yet created, or were created after the PDO went into effect. I do not see that stated at all in the language of this section, either expressly or implied. I would like your Board to address this specifically.

The Developer, with the support of architect Tony Crisafi, and Mr. Gargas, claims the lots were created prior to 1972 and are therefore exempt from current code requirements. They further claim



the lots attained their current configuration by lot line adjustment in 1997 that did not constitute formation of new lots. However, both an attorney for one neighborhood opposition group, and a member of the LJCPA learned that Lots 2, 4, and 5 were created illegally by a series of improper lot line adjustments during the 1990's. **EACH** lot line adjustment was required to have Coastal Commission approval, however none did. The configuration of the lots after the lot line adjustment created new lots that do not conform to the LJSPDO. The configuration of the lots prior to the illegal lot line adjustments included two parcels and one partial parcel. Only one, possibly two homes could have been built under the pre-1990's configuration.

**Even if you believe the 1990's lot line adjustments did not constitute creation of new lots, and the LJSPDO density requirement does not apply, the Project still does not meet the 10,000 s.f. lot size requirement under the Community Plan, or the 8,000 s.f. minimum for "very low density" zoning like ours under the Municipal Code.**

If you believe that none of San Diego's zoning laws apply to these parcels, then why stop at lot size? Why would the Project be subject to any LJSPDO, Community or Municipal codes? Why would height, setback, bulk and scale requirements be enforced, but not lot size? Surely, if the Project lots were created prior to 1972, none of the other current zoning laws were in effect then either.

Furthermore, again, if you believe that the 1990's lot line adjustments did not create new lots, and therefore the Project lots were created prior to 1972, **grandfather clauses in both the LJSPDO and the Municipal Code still would not allow these homes to be built on these small lots.** Section 1510.0202 of the LJSPDO states a lawful use of land which existed at the time the LJSPDO became effective can be continued "provided no enlargements or additions to such use is made". There are several subsections of 1510.0202 that all speak to the idea of not increasing the degree of non-conformity. Lots 2, 4 and 5 and their predecessors have always been vacant. Anything built on those lots would significantly increase their degree of nonconformity.

Municipal Code sections 4220 and 4221 also speak to existing substandard lots. Section 4220 states a substandard lot shall be deemed to meet the applicable minimum if (1) it existed as an entire lot, or as an entire parcel, for which there is either a recorded deed or a sale prior to the date it was zoned to the classification which caused it to be undersized, and (2) it is not the result of a division of land in violation of any state law or county ordinance. Prior to the 1990's lot line adjustments, Lot 5 was only a partial parcel, and the remaining lot configurations were different than they are now. Additionally, as stated above, the 1990's lot line adjustments did not have Coastal Commission approval and therefore were done in violation of State law or County ordinance.

Municipal Code 4221 states the NET lot area will not be less than the required minimum area prescribed by the lot area designator of the zone, which in this case would be the LJSPDO density requirement, provided one of several conditions are met. One of these conditions is "the site shall in no event be less than 6,000 s.f." – **two of the three lots are less than 6,000 s.f.** Another of the conditions states the lot(s) or building site(s) must be shown on an approved final subdivision map prior to 1969 (which they are not, in their current form) or after 1971, if it existed as an entire lot, or as an entire parcel, for which there is either a recorded deed or a sale, and the site is not the

result of a division of land in violation of State law or County ordinance. Lot 5 did not exist as an entire lot or parcel, and its current configuration is due to a land division violation.

**Concluding this section on LOT SIZE, whether or not your Board agrees that the 1990's lot line adjustments were illegal, whether the lots were created prior to 1972 or after, under ALL THREE San Diego zoning documents - the LJSPDO, the Community Plan and the Municipal Plan – the Project lots are TOO SMALL.**

**CHARACTER OF OUR NEIGHBORHOOD:** The Developer was asked to provide a narrative addressing how the project, among other things, “maintains and enhances the existing neighborhood character and ambiance, and promotes good design and visual harmony with existing structures”. The Developer’s response spoke only to the appearance of rooflines, facades and building materials. While I take issue with their appearance – they look like tract homes and do not meet LJSPDO General Design Regulations – the Developer’s response critically ignores the density of these homes on tiny lots. And it critically ignores that the functional use of these homes would be akin to a condominium project. Specifically addressing appearance, the effect of lot sizes, and functional use, which all factor in to the PDO mandate to maintain and enhance neighborhood character:

**A. Cross Easements and Quasi-Condominium Development:**

1. Cramming these homes in will have the appearance and functionality of a condominium project. In fact, Mr. Mandelbaum first proposed two years ago that Lot 2 be granted easements from Lot 1 and Lot 1 be granted easements from Lot 4. Mr. Crisafi reiterated this intent during the August 2, 2018 LJCPA meeting when **he indicated the Cliff May home/Lot 1 would be granted an easement to use a rooftop terrace on Lot 4.** When I asked if this was truly their intent, Mr. Mandelbaum stated he did not need to answer my question, it was his business. Mr. Crisafi stated the homes are intended to be built as a family compound and if they were ever sold to a third party, they would remove the easement. Please note on the plans for Lot 4, the patio above the living space is called out to have the same building materials as the patio of the Cliff May house. Furthermore, there is no access to the Lot 4 above-living space patio for the Lot 4 resident. It is clear from the plans that Mr. Mandelbaum does indeed intend to grant an easement to Lot 1 to use the patio above the living space of the Lot 4 home. To me, this is unworkable.
2. While viewing the plans at the City, I asked Mr. Gargas about both the 1 foot set back of the Lot 4 house bordering Lot 1, and the fact that there is no access to the above-living space patio for Lot 4. He said he “hadn’t noticed” the 1 foot setback, and that private easements granted between property owners were no concern of the City. I pointed out that Mr. Mandelbaum controls both parcels. His response was “he intends to sell Lot 4”. Setting aside the issue that this statement conflicts with Mr. Crisafi’s, I can’t imagine who would want to buy a home surrounded with retaining walls with a terrace above their living room, which they can’t use, but with neighbors using it, able to look over the edge to see everything they are doing. And what happens if the patio terrace roof leaks? Who is responsible? Furthermore, if Mr. Mandelbaum really

intends to use the homes as a family compound, there would be no need among family to grant an easement to another family member. If a private easement is granted between Lots 1 and 4, there would be no way to enforce its removal for future sales, and would certainly significantly reduce the value of the home on Lot 4.

3. Further to my point in #1. above: when I viewed the plans, there was no sidewalk or walkway from the front of the house proposed on Lot 2 over to its main entrance on the side of the house. This is because there isn't enough space to put a walkway. The only way a person could get to their front door would be to walk on the grass. It's my understanding that subsequent to my letter pointing this out to the Permit Review Committee, suddenly the plans were changed and the entrance is no longer at the side of the house. I don't believe Mr. Mandelbaum intends that at all. I believe, once again, after the home is built he intends to grant an easement from Lot 1 to Lot 2. Since Lot 1 is designated historic, he would at least be required to get approval from the PDO Advisory Board and the Historic Review Board for such an easement. His previous attempts to complete a lot line adjustment to enlarge Lot 2 and decrease Lot 1 were prevented by the HRB.
4. Mr. Mandelbaum has a long history of buying and selling condominium units. A search of his real estate ownership history reveals he has bought and sold over 25 properties, mostly condominiums, in the past ten years, with various investors. He currently owns and leases five condominium properties. Two of Mr. Mandelbaum's investors in the Lookout Project attended the LJCPA meeting. If Mr. Mandelbaum intended to build these properties as a "family compound" he would not have investors in the Project. Keeping these homes for his family is inconsistent with his prior investment history. In addition, given the intimidation tactics and animosity Mr. Mandelbaum has shown to nearly everyone in our neighborhood, it simply is not plausible that he or his family members ever intend to live here long term.

**B. Lot 4 Grading and Lack of Privacy:** Mr. Mandelbaum and his investors propose to significantly re-grade Lot 4 and surround most of the property with retaining walls. My simple calculations show Lot 4 has a 25 percent grade and Lot 5 has about a 20 percent grade. I believe Mr. Mandelbaum should verify to your Board the exact existing grade of each property. Even though he is re-grading Lot 4 to be essentially flat, Mr. Mandelbaum is not showing "subterranean" square footage in his coverage ratio and FAR calculations. Also, by means of a 12.5 foot retaining wall, he proposes almost a zero lot-line home with Lot 1, the historic Cliff May home, which itself appears to be four feet at best from the property line - closer to two feet from the property line when the eaves are factored in. Since the Developer is re-grading Lot 4, I don't believe the "subterranean" Gross Floor Area exclusions should apply. Nearly all of the home will be above grade by the time it is re-graded. Furthermore, by creating a pit into which the Lot 4 home will sit, the resulting home on Lot 4 will have no views, and the homes surrounding it will be able to see into its windows. Combined with the above-living area patio for Lot 1, the Lot 4 home will have no privacy at all.

**C. Setbacks:** The Developer has provided the City a chart listing setbacks for homes within 300 feet of the Project, and has summarized that the Project homes fall within what is currently standard in our neighborhood. **However, under the LJSPDO, setbacks are**

**determined by the average setback on lots within 300 feet. I would like Mr. Mandelbaum to provide a chart showing the average front, side, and rear setbacks of homes within 300 feet of each parcel.** I highly doubt they are as small as he is proposing. His setbacks are not within the norm for our neighborhood at all.

Furthermore, I noted for at least our home, that the setback information he provided is incorrect. Several other neighbors have indicated their information is incorrect as well. I don't know where he got the data, but it should be independently verified. Importantly, for those homes in our neighborhood that do deviate from current setback requirements:

- the large majority of those are garages and ancillary space, not actual living space, such that **the distance between living spaces is much greater than the distance between structures.**
- Several of the setback deviations are pre-WW II when there were no required setbacks for single family homes.
- Many of these deviations are for a corner that is angled toward the property line, not the entire side wall of the home.

**Most of the Developer's proposed homes have full length walls that fall on or within setback lines and are the walls for actual living space, such that the distances between living spaces of the Project homes are as little as eight feet, or as in the case of the Lot 1 and 4 homes, as little as five feet. That is unprecedented in our neighborhood.**

D. **LJSPDO General Design Regulations: Section 1510.0301 of the LJSPDO includes, among other things, a Design Principle. It states, "the theme 'Unity with Variety' shall be a guiding principle. It further states "no structure shall be approved which is substantially like any other structure located on an adjacent parcel." All three of the homes Mr. Mandelbaum proposes look nearly the same – same architectural style, same colors, same building materials. When this was pointed out at the LJCPA meeting, in the context that part of the beauty of our Lookout neighborhood is that every single home is different, Mr. Crisafi stated the homes all look the same to keep in character with the Cliff May house, particularly since Lot 4 carries a historic designation. There is no reason to make all the houses look like the Cliff May house. Making them look all the same, with use easements among them, creates a very distinctive condominium feel. I believe the truth is its cheaper for them to build this way.**

In summary, **this project does not meet the LJSPDO Lot Size requirement nor the LJSPDO mandate that it enhance the character of the neighborhood.** The proposed new homes set an undesirable precedent for subsequent new development on Lookout Drive. This development will reduce property values, when most of us are doing our best to increase our property values. Our neighborhood has grown organically over time. There are no two homes that look alike in our neighborhood, and that is part of its charm. **To cram three tract-style homes, that all look the same, onto those small lots will most definitely look like a planned condo development – not in keeping with the feel of our neighborhood at all.** In our neighborhood, there are just two homes that sit sideways on their lots, as proposed for Lot 2. There are no homes dug down into a series of retaining walls, as with Lot 4. There are no homes sitting on essentially "flag" lots, like Lot 4, with the home tucked back with no views. There are no homes with a roof top patio with no access

for its owner, but 4 feet from another home's living room sliding doors. There are no homes that have granted easements for the benefit of another home.

I am also very concerned about the misrepresentations, confusing information or lack of information Mr. Mandelbaum and his architectural firm, Island Architects, seem to be orchestrating to your Board, the Permit Review Committee, the Community Planning Association, the City, and to our neighborhood. It seems to be a strategy of theirs to get the Project approved. For example, Mr. Mandelbaum has represented at several La Jolla community review meetings and in writing that the neighbors do not object to the Project and that 26 neighbors "approved of his project" at a prior meeting. No one I've spoken to is aware of such a meeting or ever giving their approval. He has also told neighbors that his project is approved and is a "done deal" so there is nothing further they can do, persuading them not to attend the La Jolla community review meetings. Many of our neighbors, myself included, really have no idea if what Mr. Mandelbaum says he is building, will in fact be what gets built.

I am not against anyone making a profit by constructing and selling homes. I believe that if the 1990's lot line adjustments were made legal and Mr. Mandelbaum complied with the LJSPDO, he could build one or two high quality homes instead of three cheaper ones, and he could make as much or more profit. He has to this point categorically scoffed at these suggestions. He has not made any attempt to meet with neighbors since 2016 – to the contrary, there has been a very concerted effort by Mr. Mandelbaum, Mr. Crisafi, and the City to keep information from the neighbors, or make it very difficult to gather.

I appreciate your time and attention to my concerns. I ask that you consider all that Mr. Mandelbaum and his investors are trying to do in our neighborhood, and its impact on our neighborhood character in total.

Sincerely,

*Terri Lundberg*

Terri Lundberg  
7820 Lookout Drive  
770-330-4100 (c)

**LA JOLLA SHORES PLANNED DISTRICT ORDINANCE ADVISORY BOARD**

**LA JOLLA HILLS COMMITTEE  
COMMENTS IN OPPOSITION TO  
LOOKOUT DRIVE PROJECT, LOTS 2, 4 AND 5  
August 28, 2018**

**A. THE LA JOLLA SHORES PDO CONTROLS**

SDMC §1510.0107: Development in La Jolla Shores is subject to both the Planned District Ordinance (PDO) and the Land Development Code (LDC). If there is a conflict, the PDO applies.

**B. THE LA JOLLA SHORES PDO ALLOWS 3.8 UNITS PER ACRE ON THIS SITE**

SDMC §1510.0304: The PDO states: "...No lot or parcel shall be developed or occupied by more dwelling units than the average dwelling unit density (units per acre) of the developed SF Zone within 300 feet of the subject lot or parcel." Steep slopes are counted in the average density calculations, but cannot be developed at densities greater than 1 unit per acre.

Average dwelling unit density within 300' of Lookout Drive Lots 2, 4 and 5 is **3.8 units per acre** or average lot size of **11,343 square feet (.26 acre)**. Applicant's 06/18/18 report showed almost 13,000.

**C. THE PROJECT IS TWICE THE ALLOWABLE DENSITY AND HALF THE LOT SIZE**

The average dwelling unit density of Lookout Drive Lots 2, 4 and 5 is **7.2 units per acre** and the average lot size is **6,035 square feet (.14 acre)**.

The Lookout Drive Project is **twice** the density of the surrounding neighborhood and the lots are **half** the size.

Lookout Lots 1 and 3 are not part of the Project and cannot be counted to determine average density for the **proposed** lots. But, if Lots 1 and 3 are both included, the average dwelling unit density in the 1997 Parcel Map was **5.7 units per acre** and the average lot size was **7,625 square feet**. Since Lot 1 of the 1997 Parcel Map is at least **14,181 square feet**, the average dwelling unit density for the remaining four lots was even higher than 5.7 units per acre.

**D. THE LA JOLLA SHORES PDO REQUIRES COMPATIBLE BULK AND SCALE**

PDO: "In order to maintain and enhance the **existing neighborhood character** and ambiance, and to promote good design and visual harmony in the **transition between new and existing structures**, **preserve bulk and scale with regard to surrounding structures** or land form conditions..."

SDMC 1510.0304: "(b)(4) Building and structure setbacks shall be in general conformity with those in the vicinity; (c): No building shall be erected ... to cover more than 60 percent of the lot...; (h)(1): "... in no case shall th[e] landscaped area be less than 30% of the total parcel ..."

Applicant's 06/18/18 Calculations: The average FAR within 300' is less than **0.36 to 0.51**. Average front setbacks are **17'11"-19'8"**; side setbacks are **6'7"-7'9"**; and rear setbacks are **30'8"-43'6"**.

**LA JOLLA SHORES PLANNED DISTRICT ORDINANCE ADVISORY BOARD**

**E. THE PROJECT IS INCONSISTENT WITH THE NEIGHBORHOOD AND THE PDO**

Scale: Using FAR as an indicator of scale, two of the proposed Lots are more than **twice the FAR** for the majority of lots in the neighborhood. Lot 2 – **0.79 FAR**; Lot 4 – 0.43 FAR; Lot 5 – **0.74 FAR**.

Setbacks: Proposed setbacks meet PDO **minimums**, but they are only **half** of the average setbacks for surrounding homes in violation of existing neighborhood character.

Lot 2 – **9'6"** (F); **4'0"** (S); **4'0"**(R) [Family room door opens onto lot line]

Lot 4 – **8'10"** (F); **4'0"**(S); **6'7"**(R)

Lot 5 – **6'0"** (F); **4'0"** (S); **4'8"** (R)

Bulk: Lot 2 is a 2-story 4070 square foot home with a ground floor foot print of 2794 square feet on a 5,155 square foot lot (more than 50% coverage just for the house).

**F. THE 1997 PARCEL MAP WAS ILLEGALLY RECORDED UNDER THE PDO AND COASTAL ACT**

The PDO requirement that density per acre be no greater than the average within 300' has been in effect since 1974.

In 1996, the Lookout property consisted of 4 lots originally subdivided in 1912 and a portion of an adjacent lot, added to the property in 1937. The configuration of the original lots and their similarity in size to the surrounding lots is shown on the attachment.

In 1997, the Lookout property was reconfigured to create 5 lots by recording a Parcel Map. Except for Lot 1, the Lots 2 through 5 were much smaller than the lot sizes required under the PDO. Three of the lots were only 40% of the required size, while Lot 4 was approximately 60% of the surrounding average. The Parcel Map also allowed almost **double** the density per acre than was allowed under the PDO – 5.7 units per acre instead of 3.8 units per acre. The entire site (all 5 lots) was less than one acre and only 3 dwelling units would have been allowed if the neighborhood consistency requirements of the PDO had been applied to the Parcel Map.

In 1997, the City Code prohibited recording Parcel Maps that failed to meet planning and zoning requirements, including area, frontage and lot depth. Lot line adjustment parcel maps cannot be used to create substandard lots, like the three 5,000 square foot Lookout Lots. Because at least four of the Lookout Lots violated the PDO, the Parcel Map was illegally approved and recorded.

The Lookout Parcel Map required a Coastal Development Permit confirming the lots were all consistent with the PDO and Local Coastal Plan. The City did not require a Coastal Development Permit for the Parcel Map. Without an approved Coastal Development Permit, the Parcel Map never went into effect. Except for the lot that was sold to a third party, the other lots are not legally recognized.

**LA JOLLA SHORES PLANNED DISTRICT ORDINANCE ADVISORY BOARD**

**G. THE LOOKOUT PROJECT CANNOT BE RECOMMENDED AS CONSISTENT WITH THE PDO OR LDC**

As found by the Community Planning Association, the Lookout Project for Lots 2, 4 and 5 will have a serious **negative** impact on the surrounding neighborhood in violation of the PDO. It is poorly designed, with multiple PDO inconsistencies resulting from trying to squeeze 5 houses into an area grandfathered for 4 houses and designated for only three houses under the PDO. The Board should protect the goals of the PDO and existing neighborhood by recommending rejection of the application.

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949-788-8900



# Attachment C.3

Detail  
 La Jolla Hills  
 Subdivision Map #1479  
 1911

Figure 4C.  
 Parcel Map #17817  
 Mike Pallamary

City of San Diego  
 Map Room  
 Development Services

**Estate Development**

George F. & Marion Cottrell	1936
James Logan & Zemula Abernathy	1941
Spero & Theresa Yianilos	1963
	1968
	1998

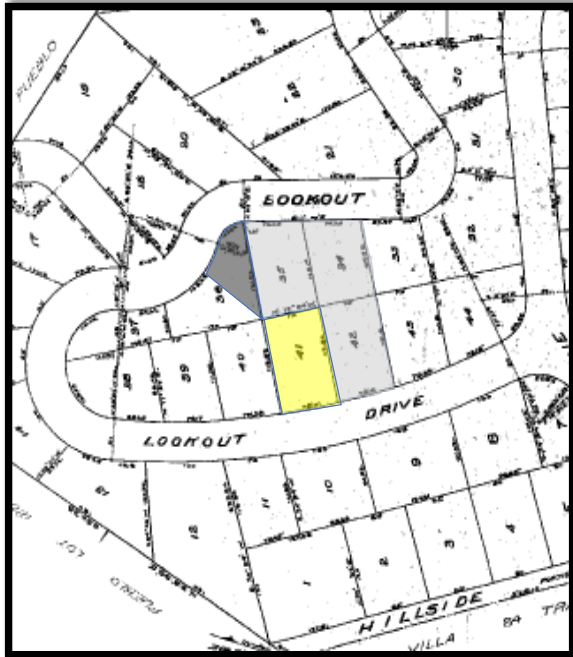


Figure 4A. 7727 Lookout Dr. 1936-41

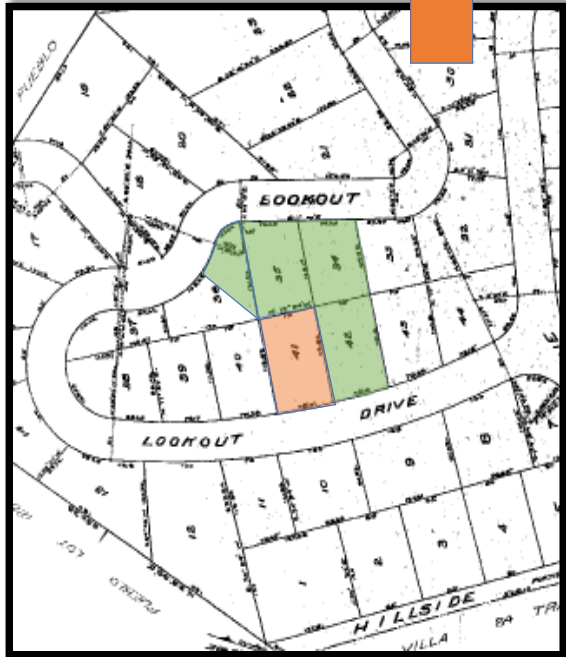
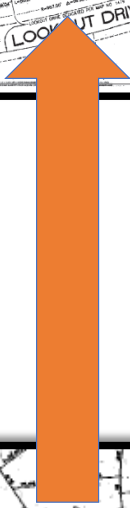
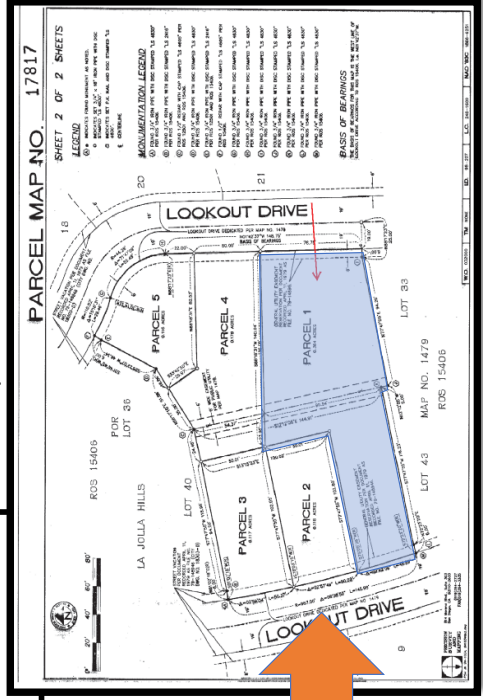


Figure 4B. 7727 Soledad, 1963-68



# PARCEL MAP NO. 17817

SHEET 2 OF 2 SHEETS

## LEGEND

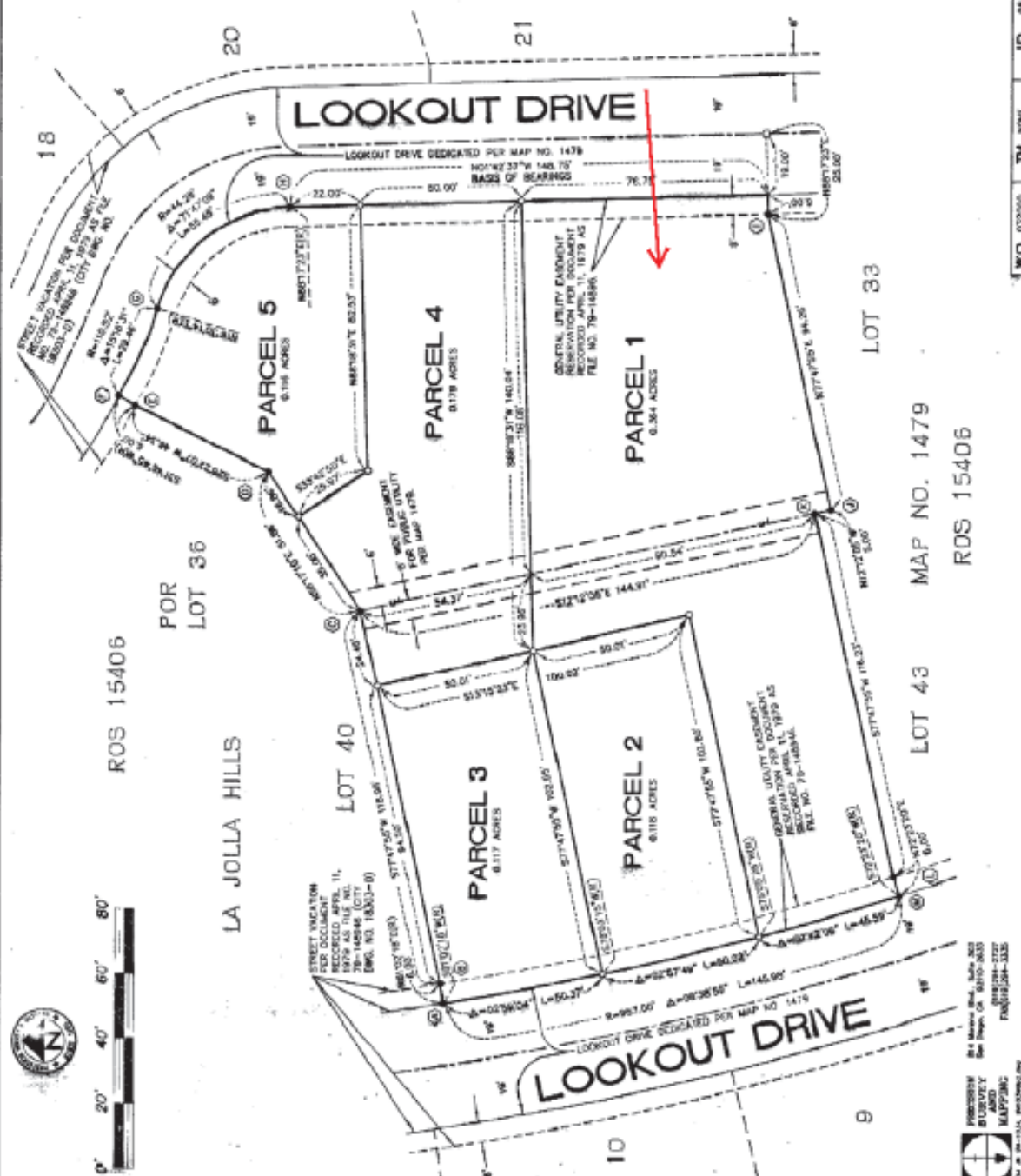
- Ⓢ INDICATES FOUND MEASUREMENT AS NOTED.
- Ⓣ INDICATES SET 3/4" x 18" IRON PIPE WITH DISC STAMPED "LS 4830".
- Ⓤ INDICATES SET P.C. NAIL AND DISC STAMPED "LS 4830".
- Ⓦ CENTERLINE

## MONUMENTATION LEGEND

- ① FOUND 3/4" IRON PIPE WITH DISC STAMPED "LS 4830" PER ROS 15406.
- ② FOUND 3/4" IRON PIPE WITH DISC STAMPED "LS 2419" PER ROS 15406.
- ③ FOUND 1/2" REBAR WITH CAP STAMPED "LS 4830" PER ROS 15406 AND ROS 15406.
- ④ FOUND 3/4" IRON PIPE WITH DISC STAMPED "LS 4830" PER ROS 15406.
- ⑤ FOUND 3/4" IRON PIPE WITH DISC STAMPED "LS 2419" PER ROS 15406 AND ROS 15406.
- ⑥ FOUND 1/2" REBAR WITH CAP STAMPED "LS 4830" PER ROS 15406.
- ⑦ FOUND 3/4" IRON PIPE WITH DISC STAMPED "LS 4830" PER ROS 15406.
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- ⑰ FOUND 3/4" IRON PIPE WITH DISC STAMPED "LS 4830" PER ROS 15406.
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- ⑲ FOUND 3/4" IRON PIPE WITH DISC STAMPED "LS 4830" PER ROS 15406.
- ⑳ FOUND 3/4" IRON PIPE WITH DISC STAMPED "LS 4830" PER ROS 15406.

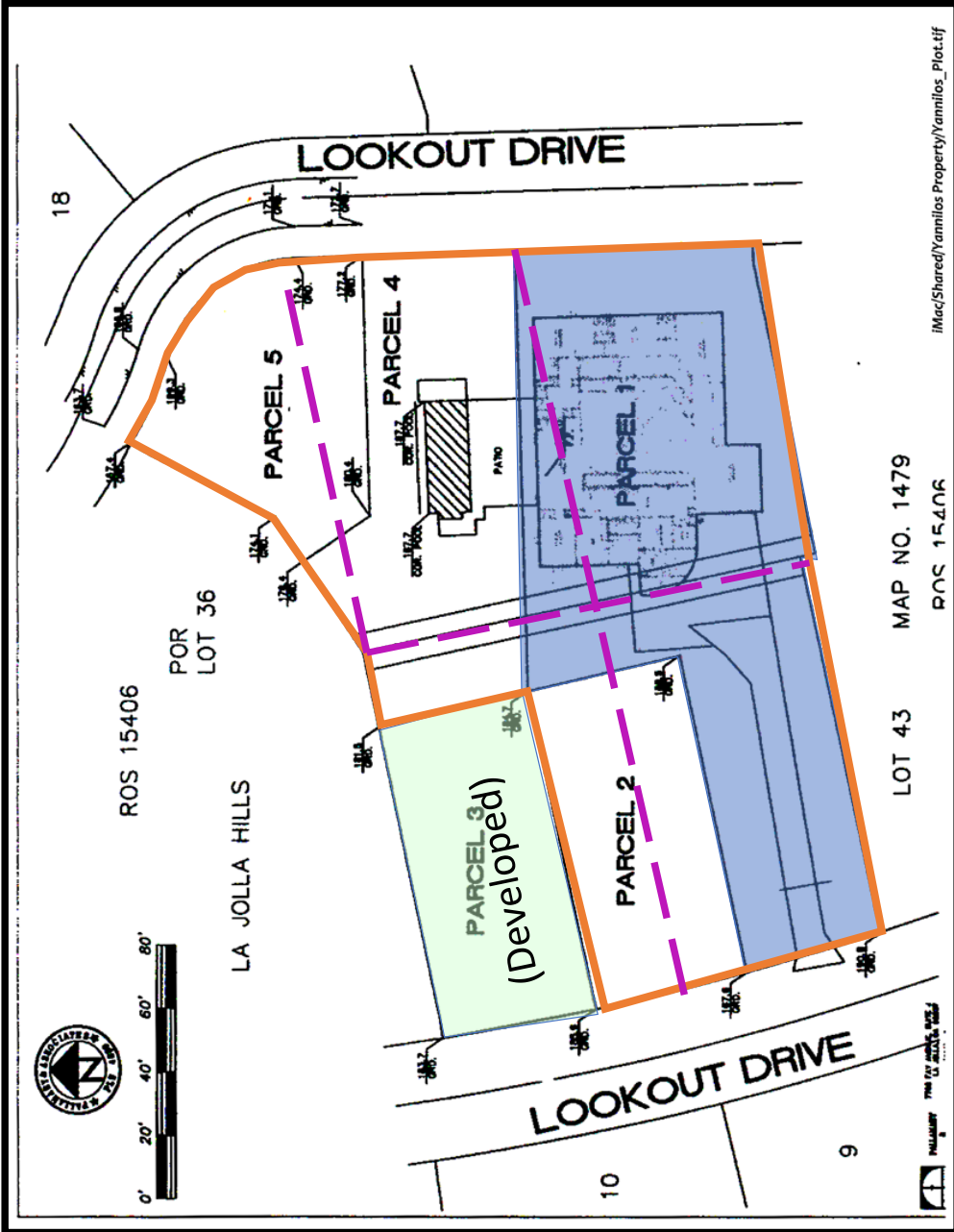
## BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS MAP IS THE WEST LINE OF LOOKOUT DRIVE ACCORDING TO ROS 15406, I.A. NO. 147377M.



SURVEY AND MAPPING
   
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W.C. 002060 TM 8088 ID. 98-207 L.C. 348-1689 MAO 300C 9869-4325



Attachment C.5 (Figure 6)  
 Record of Survey #15406, showing estate boundaries, old and new parcel lines and their relationship to remaining historic site work.