

May 16, 2021

La Jolla Shores Planned District Advisory Board

Attention: Ms. Jane Potter, Chair, and all
Board Members

Re: April 21 LJPDO Advisory Board meeting: Lookout Lots 2 and 5 (the “Project”)

Dear Ms. Potter and all Board members:

I live on Lookout Drive across from the Cliff May home and Lot 4. 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, and inaccurate, incomplete and misleading information provided by the applicant. I further request that you consider this applicant’s utter lack of respect for the neighbors and neighborhood on Lookout Drive and the fact that he has not made an effort to speak or work with our neighborhood in over five years. Five years ago, he and his architect held a neighborhood meeting to allow us to ask questions and voice concerns. During that meeting, both the applicant and his architect were condescending, and unwilling to compromise. Since then, his only communication has been at community review meetings, and that has been unpleasant. It is laughable for him to suggest otherwise.

For the record, I voiced my objections to this Board twice in 2018, and to the La Jolla Permit Review Committee, also in 2018. Please note that after meeting twice to discuss this Project, the PRC approved it 3-2, BUT ONLY by including two votes in favor from Committee members who were not in attendance during the first 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. The LJCPA accurately vetoed this Project due to lot size and density non-conformance, and lack of a Coastal Development Permit when the lots were incorrectly created in 1997.

Mr. Mandelbaum and his architects have continually tried to evade scrutiny of their plans by delivering renderings with no detail; suggesting they are doing the neighborhood a favor by not building on Lot 4, when no such assurance can be trusted; and suggestions that one neighbor, who has moved from our neighborhood, was in favor of this Project, when she was not. To the contrary, Mr. Mandelbaum illegally graded Lot 2 such that it caused flooding to her home, which resulted in a complaint filed with the City.

Please consider the following:

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. The applicant has tried to invalidate the work of many by providing charts showing his average coverage ratio and lot size calculation within 300 feet. His is full of errors! For my home alone, he indicates it is a 1-story home, and calculates coverage ratio based on 1 story. My home is 3 stories, and my coverage ratio is significantly less than what he shows. The same is true of the side set back he shows for my property. He indicates it is less than 4 feet, when it is 6 feet to my side sidewalk, and 8 feet to my walls. Many other neighbors have noted incorrect information listed about their homes too.

I had an opportunity to ask Mr. Glenn Gargas at the City of San Diego 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, which they claim 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 in the 1990's, however none did. **The configuration of the lots after the lot line adjustment created new lots that do not conform to the LJSPDO. Furthermore, 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 do not meet LJSPDO General Design Regulations – the Developer's response critically ignores the density of these homes on tiny lots. To make matters worse – I wrote about this in 2018 – now the applicant has made these houses even larger! 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. Mr. Mandelbaum would have you believe he does not intend to build on Lot 4, and indeed, sold it to his son in a less than arms-length transaction. In fact, Mr. Mandelbaum first proposed in 2016 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. Nothing has happened in the last three years that would prevent these cross-easements from happening. The only thing that has happened is Mr. Mandelbaum has tabled his plans for Lot 4 until he gets Lots 2 and 5 approved.

2. Further to my point in #1. above: when I viewed the plans 3 years ago, 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. 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.
3. 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. 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. **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 an accurate, independently verified chart showing the average front, side, and rear setbacks of homes within 300 feet of each parcel.** His Project setbacks are not within the norm for our neighborhood at all. Furthermore, his setbacks are supposed to be from the edge of the roof eave to the property line – he is calculating them from the house walls to the property line. For the house proposed for Lot 2, the roof eaves would be two feet from the property immediately to the north! Importantly, for those current homes in our neighborhood that do deviate from 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 four feet. That is unprecedented in our neighborhood.

C. **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 (including the tabled Lot 4 house) 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 tract-style homes, that all look the same, onto those small lots will most definitely look like a planned development – not in keeping with the feel of our neighborhood at all.**

I am also very concerned about the misrepresentations, confusing information or lack of information Mr. Mandelbaum and his architectural firm, Island Architects, have passed along over the years. 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 high quality home instead of two or 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)

May 4, 2021

La Jolla Shores Planned District Advisory Board
 Attention: Ms. Jane Potter, Chair
 and all Board Members

Re: PTS 589178, 7729 Lookout Drive, "Lookout Lot 2"

We are residents who live adjacent to or near the development projects currently proposed on Lookout Lots 2 and 5. We strongly oppose BOTH proposed projects for the following reasons:

- Lookout Lots 2 and 5 were part of a Parcel Map created through lot line adjustments. Although they are a legal parcels for transfer, lease or sale, they cannot be developed without a Coastal Development Permit and conforming to community standards. For this reason, an earlier version of this development proposal on these lots was denied by the La Jolla Community Planning Association in 2018.
- Lookout Lots 2 and 5 remain undevelopable because they are half the size of average lots within 300 feet. They do not meet requirements of the LJ Community Plan for the low density residential zone where it is located.

We write to specifically voice our opposition to the 5,367 square foot house proposed to be built on the 5154 square foot Lookout Lot 2.

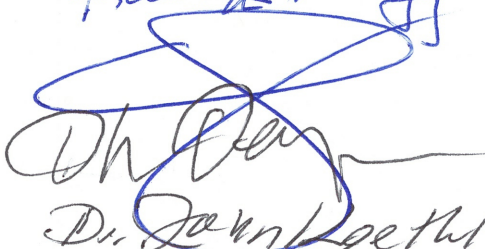
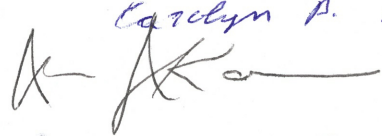
- The proposed house is 213 square feet larger than Lookout Lot 2, while Lot 2 is less than half the average lot size within a 300 foot radius.
- The proposed residence on Lookout Lot 2 exceeds the maximum residential density permitted under the La Jolla Shores Planned District Ordinance.
- The .75 FAR for the proposed house on Lookout Lot 2 would be the second highest of any house within 300 feet. It would be the largest FAR if the 1,011 square foot basement were included in the FAR calculation.
- The proposed setbacks are much smaller than the average setbacks in the neighborhood. This sets an undesirable precedent and an unacceptable breach of privacy for adjacent homeowners.
- There is primarily paving or cement proposed to be installed in front of the house, rather than landscaping. This may not meet the 30% landscaping requirement in the La Jolla Shores PDO.
- Removing the dirt to construct a 1,011 square foot basement would be a hazard and potentially damaging to adjacent homes, particularly considering the lot is in the Rose Canyon fault zone and there are virtually no setbacks.

In summary, the bulk, scale and miniscule setbacks of the proposed development are dramatically inconsistent with the neighborhood. Because of Lot 2's location in the center of a tightly inscribed circle with much older homes, everyone is negatively affected. We have opposed this development for over five years because we care deeply about our neighborhood. The applicant has made zero effort to meet with neighbors in over four years, and has not addressed any of our concerns.

This development is significantly out of character with Lookout Drive. Our neighborhood is part of the Country Club area and was subdivided over a hundred years ago, with many of the original homes built by master architects still remaining. The homes on Lookout Drive have been custom built over the years with careful attention to the surrounding area. We ask that the same consideration be afforded to the neighborhood by this proposal.

Accordingly, we request that you take our concerns into serious consideration and make a recommendation that the project cannot be built as proposed.

Sincerely,

<u>Name</u>	<u>Address</u>
Frederick Kellogg	7728 Lookout Dr.
	7728 Lookout Dr.
Dr. John Koethle	7717 Lookout Dr.
Dr. Claudia Law-Groberg	7717 Lookout Dr.
Carolyn P. Farris	1940 Soledad Ave
	7737 Lookout Drive
Gary Kull MD	7741 Lookout Dr.
Ken Lundberg	7731 Lookout Drive
Kris Jefferies	7820 Lookout Drive
	2038 Soledad Ave

La Jolla Shores Planned District Advisory Board (Page 3)
 Attention: Ms. Jane Potter, Chair
 and all Board Members

Re: PTS 589178, 7729 Lookout Drive, "Lookout Lot 2

Name

Address

Arnold Whitman

7820 LOOKOUT DR

Neil Musselman

7868 Lookout Dr

Peter Blatt

"

Jain Malkin

7772 Lookout Drive

David + Rebecca Levi

7801 Lookout Drive

Arnold

7788 LOOKOUT DR.

Bradford Noble

7741 Lookout Drive

Jayle Masden

7741 Lookout Drive

2028 SOLEDAD AVE

Barry Wotter

2028 Soledad ave

Gina Morataya

7750 Lookout Drive

Karen Resulio

~~7868~~ " "

Peter Blatt

7868 Lookout DR.

(PETER BLATT)

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Sincerely,

Name

Address

Aly McAllister

7762 LOOKOUT DRIVE

Cynthia Valles

7762 Lookout Drive

Susan Lynne Jean

7809 Lookout Dr