

**CALIFORNIA COASTAL COMMISSION**

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**F12a**

**A-6-LJS-21-0049 (Leidy Residence)**

**September, 2021**

**CORRESPONDENCE**

Hearing Date: **Sept. 11, 2012**  
Agenda Item: **F12a**  
Appeal No. **A-6-LJS-21-0049**  
Appellant: **Dr. Lawrence Bogle**  
Position: **Oppose Project /  
Support Appeal**

August 31, 2021

Re: Substantial Issue Determination  
Appeal Number **A-6-LJS-21-0049**  
6219 Avenida Cresta, La Jolla, San Diego

Dear Chairman Padilla and California Coastal Commissioners,

I represent the Appellant Dr. Lawrence Bogle who resides across the street from to the subject project. Please consider the following the reasons why the Appeal is a Substantial Issue for your consideration.

### **Substantial Issue**

Prior the California Coastal Commission transferring administration of the California Coastal Act to the various coastal municipalities, the CCC required the municipalities to develop their own Local Coastal Program Land Use Plans. The municipal Land Use Plans were reviewed and certified by the Coastal Commission for compliance with the Coastal Act.

Conformance with the La Jolla Community Plan and Local Coastal Program Land Use Plan is an essential requirement in the administration of the California Coastal Act, and is the Substantial Issue before you.

In order to preserve the unique character to the La Jolla's established neighborhoods, and that the new projects are designed in context with established neighborhood character, the La Jolla LCP contains recommendations regarding Community Character that address transitions in the bulk and scale of new development in relation to established existing development to maintain the integrity of the streetscape. Specifically, "Structures with front and side facades that exceed one story should slope or step back additional stories (i.e. 'wedding cake' fashion), up to the 30-foot height limit to allow flexibility while maintaining the integrity of the streetscape ..."

The existing homes in the vicinity of the proposed project are a mix of one and two stories in height. In the 1930s and 1940s a very few two story homes with vertical front facades were constructed on Avenida Cresta. The front vertical facades of these 30's and 40's homes are either at an angle to the front building setback line, or are setback 30 feet or more feet from their front property lines. Since the adoption of the LCP in 2001 every new two story home on the Avenida Cresta has a one story element roughly 20 feet from their front property lines with their two story portions stepped well back from the front of the one story element in order to maintain and be in context with the existing primarily one story neighborhood character. The existing neighborhood character as seen from Avenida Cresta is shown in **Attachment A**. Individual Images of the existing homes on Avenida Cresta are in **Attachment C**

Contrary to the Community Character recommendations of the Residential Element of the La Jolla Community Plan and Local Coastal Program Land Use Plan the subject project proposes a two story straight up and down vertical mass immediately adjacent and parallel to the front and side setback lines that provides no stepped transition in building mass to the lower one story elements on the adjacent older existing homes. The disruptive Proposed Project is depicted in **Attachment B**.

A project either conforms to the certified Local Coastal Program, or it does not conform to the certified Local Coastal Program. The project's non-conformance with the certified Local Coastal Program is a Substantial Issue. If non-conformance with the recommendations of the certified Local Coastal Program is not a Substantial Issue, why even have a Local Coastal Program?

As stated previously: Conformance with the certified Land Use Plan is an essential requirement in the administration of the California Coastal Act, and is the Substantial Issue before you.

Thank you for your consideration of this Substantial Issue.

Sincerely,



Philip A. Merten, AIA

**Attachment A Existing Neighborhood Character**  
**Attachment B Proposed Project**  
**Attachment C Individual Homes on Avenida Cresta**

cc: Commissioner Donna Brownsey, Vice Chair  
Commissioner Dayna Bochco  
Commissioner Effie Turnbull-Sanders  
Commissioner Sara Aminzadeh  
Commissioner Dr. Caryl Hart  
Commissioner Mike Wilson  
Commissioner Catherine Rice  
Commissioner Linda Escalante  
Commissioner Meagan Harmon  
Commissioner Roberto Uranga  
Commissioner Carole Groom  
Secretary Wade Crowfoot  
Lt. Governor Eleni Kounalakis  
Secretary David Kim  
Alternate Zahirah Mann  
Alternate Belinda Faustinos  
Alternate Francine Diamond  
Alternate Matt O'Malley  
Alternate Dr. Shelley Luce  
Alternate Rafael Mandelman  
Alternate Maricela Morales  
Alternate Rick D. Rivas  
San Diego Coast District Office c/o Alexander Llerandi,

**GROUNDS FOR THE APPEAL** of the City of San Diego's Approval of a Coastal Development Permit for:**LEIDY RESIDENCE**

6216 Avenida Cresta, La Jolla

San Diego Project No. 639782 - Coastal Development Permit No. 2309399

**GROUNDS FOR THE APPEAL**

A required Finding for a Coastal Development Permit (CDP) is: **'The proposed coastal development is in conformity with the certified *Local Coastal Program land use plan*'**. Contrary to the required 'Finding' for a CDP the proposed development simply does not conform to the certified *Local Coastal Program Land Use Plan (La Jolla Community Plan and Local Coastal Program Land Use Plan)*.

**Neighborhood Character**

In 2004 the surrounding neighborhood was potentially identified as the *La Jolla Hermosa Historic District* in the *La Jolla Historical Survey*, by Architect Milford Wayne Donaldson FAIA and the La Jolla Historical Society, prepared for the City of San Diego Planning Department. The *Historical Survey* identified four historic homes within 1200 feet of the proposed project. Two historic homes designed by Master Architect Thomas Shepard in the late 1920s are at 6019 Avenida Cresta in a French Eclectic style and 6101 Avenida Cresta in a Spanish Eclectic style, both within 900 feet of the proposed project. Not on the *Historical Survey* but across the street from the proposed project at 6219 Avenida is a home originally designed by Master Architect Thomas Shepard in the early 1930's in a Spanish Eclectic style.

The subject site is the grey roof dwelling with the bare rear yard in the center of the following aerial photo looking North.



With the exception of two dwellings on Camino De La Costa (the street below) all of the existing homes in the neighborhood have sloping clay tile or shingle clad roofs.

### Neighborhood Character (continued)

The subject site is the grey roof dwelling with the bare rear yard in the center of the following aerial photo looking east.



With the exception of two dwellings on Camino De La Costa, the street below (West), all of the existing homes in the neighborhood have clay tile or shingle sloping roofs. The majority of homes have singled story elements facing Avenida Cresta. Those homes with two story elements facing Avenida Cresta are set back significantly further from the street.

### LA JOLLA COMMUNITY PLAN AND LOCAL COASTAL PROGRAM

In 2003 the California Coastal Commission certified the *La Jolla Community Plan and Local Coastal Program Land Use Plan*.

To maintain community character **The *Community Character Recommendations of the RESIDENTIAL LAND USE ELEMENT* of the *La Jolla Community Plan and Local Coastal Program Land Use Plan* state:**

#### 2. Community Character

a. 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:

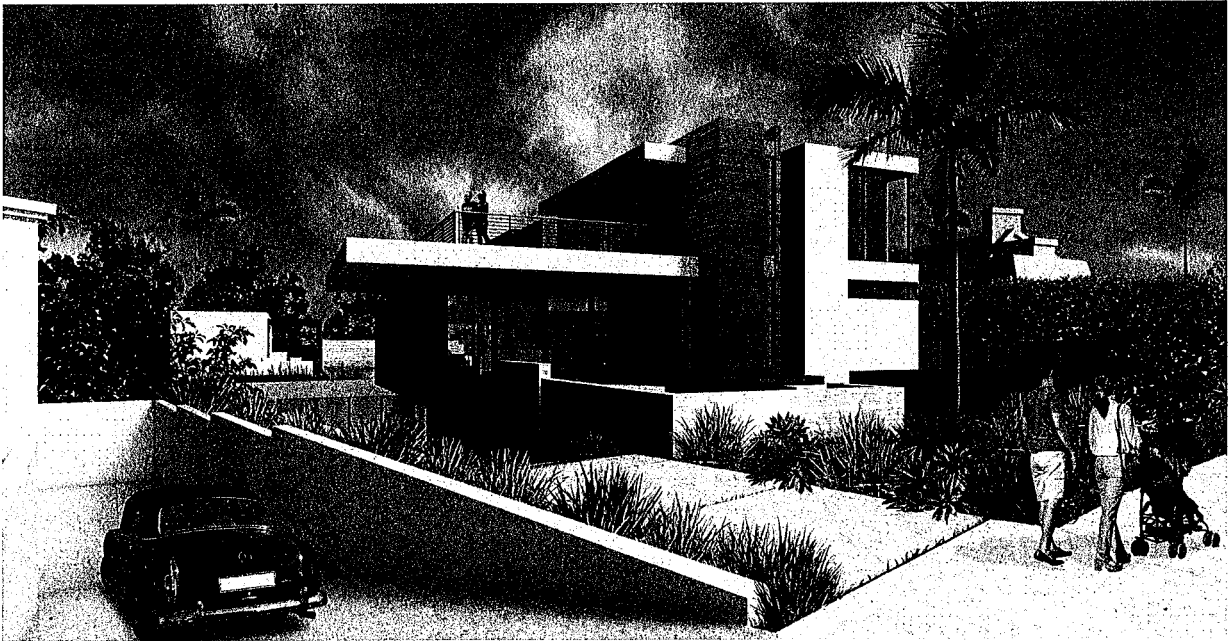
- 1) Bulk and scale - with regard to surrounding structures or land form conditions as viewed from the public right-of-way and from parks and open space;
- 2) Street landscape - with regard to size and shape or generalized type of planting materials;

**LA JOLLA COMMUNITY PLAN AND LOCAL COASTAL PROGRAM (continued)**

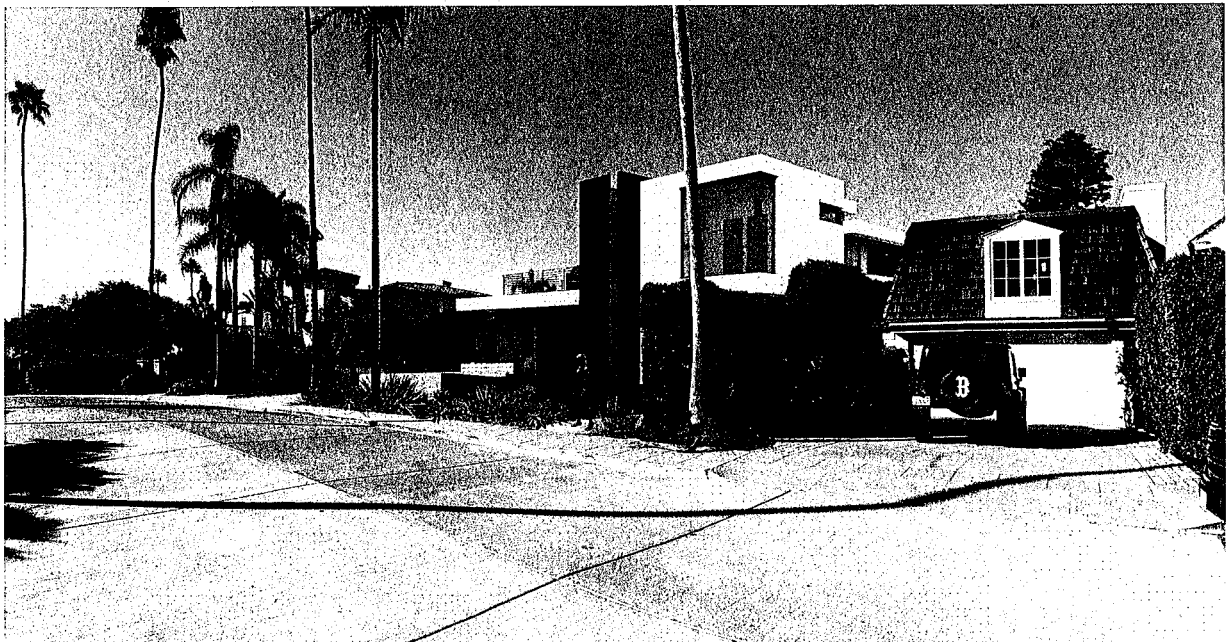
Contrary to the Community Character Recommendations of the *La Jolla Community Plan and Local Coastal Program Land Use Plan*, the voluminous rectangular bulk, height and scale of the front north-west portion of the project immediately adjacent the front yard set back line is so different from that of the adjacent surrounding structures, that it does not preserve nor enhance the bulk and scale of the existing neighborhood character especially as viewed for the public right-of-way (Avenida Cresta).

The excessive and disruptive bulk, height and scale of the project in relation to the adjacent surrounding structures is best illustrated by the applicant's own exhibits (below) as were presented to the La Jolla Community Planning Association.

View from Avenida Cresta looking north-west:



from Avenida Cresta looking south-west:



View

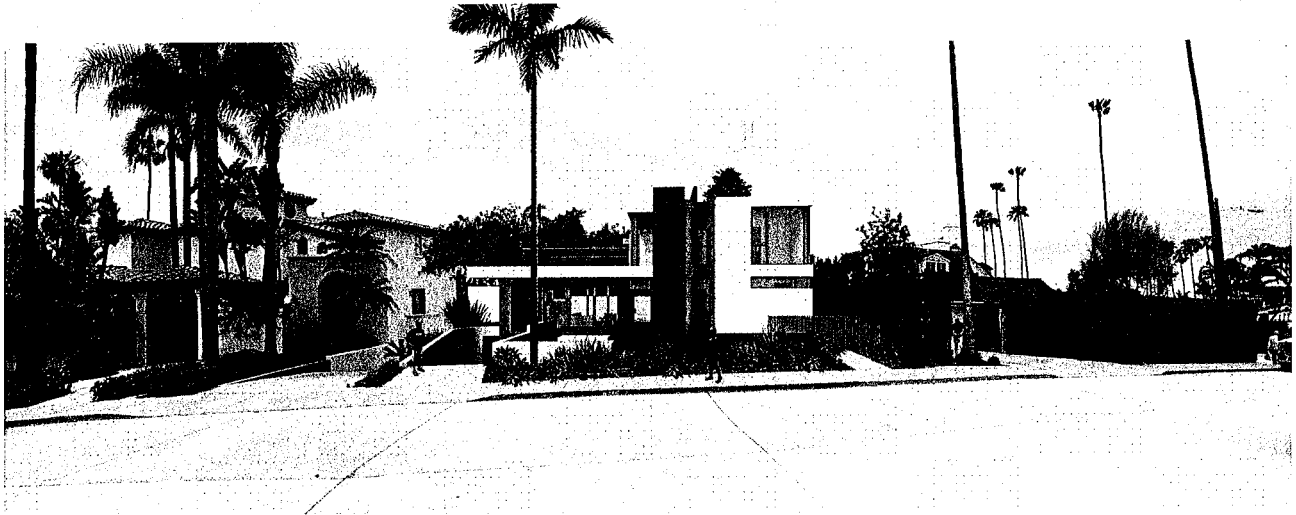
## LA JOLLA COMMUNITY PLAN AND LOCAL COASTAL PROGRAM (continued)

The excessive and voluminous rectangular bulk, 26 foot vertical height and scale of the front north-east portion of the project immediately adjacent the front and side *yard set back* lines is so different from that of the adjacent dwelling on the right (north) that is severely disrupts the existing neighborhood character.

### Insufficient Transition in Bulk and Scale

**The *Community Character Recommendations of the RESIDENTIAL LAND USE ELEMENT of the La Jolla Community Plan and Local Coastal Program Land Use Plan* state:**

- e. In order to address transitions between the bulk and scale of new and older development in residential areas, maintain the existing 30-foot height limit of the single dwelling unit zones and Proposition D. (Structures with front and side yard facades that exceed one story should slope or step back additional stories, up to the 30-foot height limit, in order to allow flexibility while maintaining the integrity of the streetscape and providing adequate amounts of light and air.



Contrary to the *La Jolla Community Plan and Local Coastal Program Land Use Plan* the upper level front (east) and right side (north) exterior wall facades of the voluminous rectangular element, just 20 feet from the front property line and 6'-2" from the side property line, **do not step back from the lower level exterior walls and provide no transition in the height and mass of the proposed home to that of the existing lower adjacent home**

According to the applicant's exhibits, the top of the roof parapet of the proposed voluminous rectangular white colored element adjacent the front building setback line is Elev: 110.16', while the top front ridge of the mansard roof of the adjacent dwelling on the right (north) is Elev: 101.3'. The 9 foot disparity in the proposed new roof elevation to that of the existing roof elevation of the existing home **provides no transition between the bulk, height and scale of the proposed home to that of the existing adjacent home, and lessens the integrity of the streetscape.**

(Note: Had the voluminous rectangular element been located on the southern portion of the subject property, an effective transition between the bulk and scale of the tall existing adjacent home on the left (south) to that of the existing lower adjacent home on the right (north) might have occurred.)

### CONCLUSION:

**As the proposed project is not in conformity with the certified *Local Coastal Program Land Use Plan* the required Finding for a Coastal Development Permit that the 'The proposed coastal development is in conformity with the certified *Local Coastal Program Land Use Plan* ...' cannot be made.**

**CATEGORICAL EXEMPTION FROM CEQA**

Title 24 California Code of Regulations, Chapter, Article 19 Categorical Exemptions,  
**Section 15300.2 Exceptions to Categorical Exemptions states:**

**(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

This particular project is so different from the existing development pattern that the cumulative impact of future projects like this one will forever alter the neighborhood character; and therefore **can not be exempted from CEQA review.**

Submitted By:



Philip A. Merten AIA

Date: July 8, 2021

cc: Commissioner Donna Brownsey, Vice Chair  
Commissioner Dayna Bochco  
Commissioner Effie Turnbull-Sanders  
Commissioner Sara Aminzadeh  
Commissioner Dr. Caryl Hart  
Commissioner Mike Wilson  
Commissioner Catherine Rice  
Commissioner Linda Escalante  
Commissioner Meagan Harmon  
Commissioner Roberto Uranga  
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Secretary Wade Crowfoot  
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Alternate Matt O'Malley  
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Alternate Rafael Mandelman  
Alternate Maricela Morales  
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