

## **CALIFORNIA COASTAL COMMISSION**

SAN DIEGO DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
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# **F12b**

**A-6-LJS-21-0050 (8423 El Paseo Grande)**

**September 2021**

### **EXHIBITS**

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**EXHIBIT 2: Aerial View**

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8423 El Paseo Grande

Scripps Institution  
of Oceanography

Kellogg Park

La Jolla Cove

La Jolla Village

8423 El Paseo Grande

UC San Diego

Legend

6216 Avenida Cresta

EXHIBIT NO. 1

APPLICATION NO.

A-6-LJS-21-0050

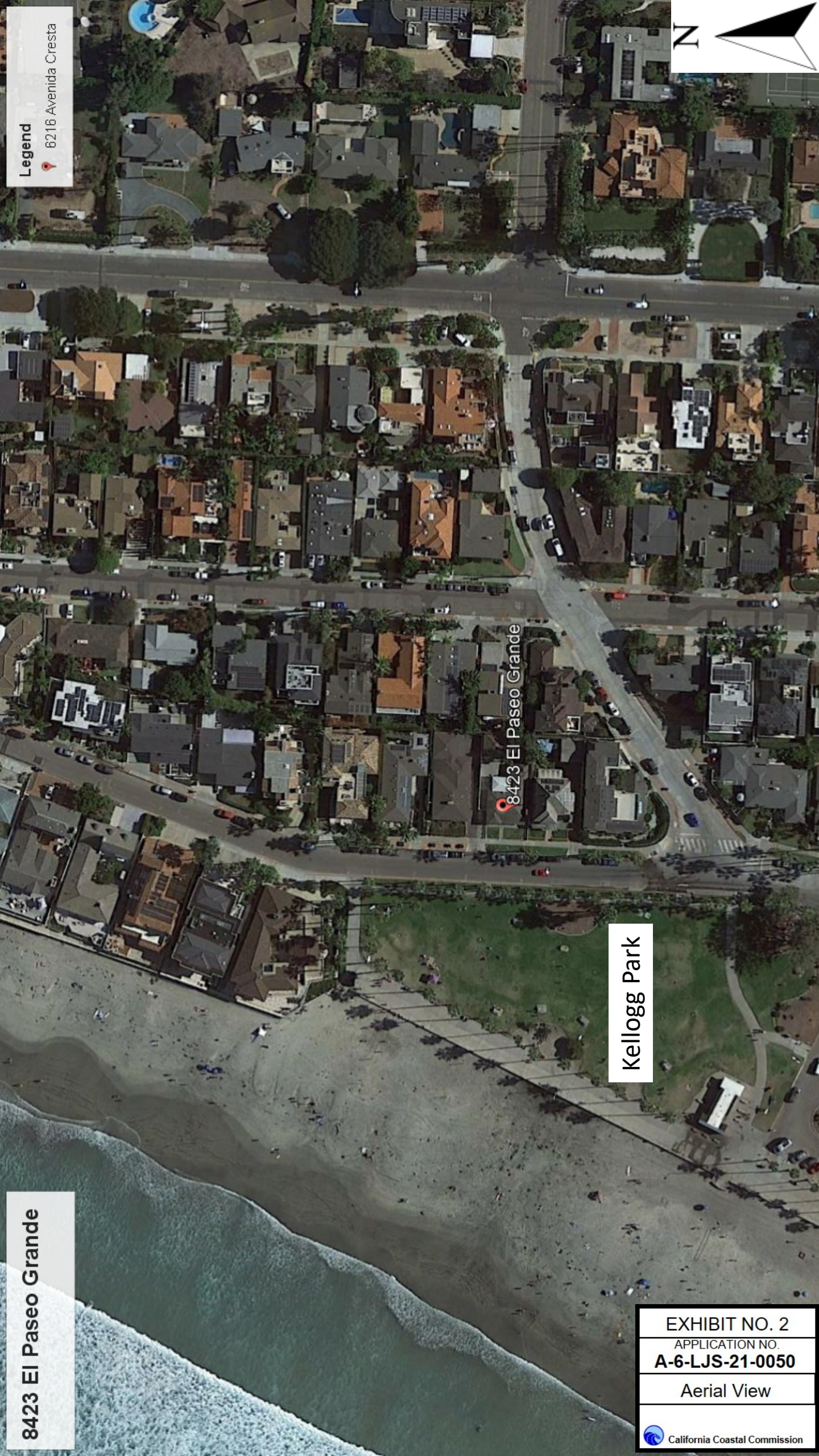
Vicinity Map



California Coastal Commission







8423 El Paseo Grande

Legend

6216 Avenida Cresta

Kellogg Park

8423 El Paseo Grande

EXHIBIT NO. 2

APPLICATION NO.

A-6-LJS-21-0050

Aerial View



California Coastal Commission







COASTAL DEVELOPMENT PERMIT  
8423 EL PASEO GRANDE  
PROJECT DESCRIPTION

DEMO ONE EXISTING SINGLE FAMILY RESIDENCE AND ALL ON-SITE HARDSCAPE AND CONSTRUCT A NEW PROPOSED SINGLE FAMILY RESIDENCE. REQUESTED PERMIT: COASTAL DEVELOPMENT PERMIT

LEGAL DESCRIPTION

LOTS 3 OF BLOCK 38, LA JOLLA SHORES, TRACT NO. 2147, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

GENERAL NOTES

DATE OF SURVEY	.... 12/30/2019, 1/7/2020
SOURCE OF TOPOGRAPHY	.... LANDMARK CONSULTING
ASSESSOR'S PARCEL NO.	.... 346-072-03
SITE ADDRESS:	.... 8423 EL PASEO GRANDE
TOTAL PROJECT AREA	.... 0.12 AC. GROSS (5,241 SF) 0.12 AC. NET (5,241 SF)
TOTAL NO. OF EXIST. LOTS	.... 1
TOTAL NO. OF PROP. LOTS	.... 1
EXISTING EASEMENTS	.... EXISTING 6' UTILITY ESMT
PROPOSED EASEMENTS	.... NONE
NAD 27 COORDINATE	.... 250-1689
CCS 83 COORDINATE	.... 1890-6249
EXISTING USE	.... RESIDENTIAL
PROPOSED USE	.... RESIDENTIAL
BUILDING HEIGHT	.... 26' - 1 5/8"
NUMBER OF STORIES	.... 2
YEAR EX. BLDG CONSTRUCTED	.... 1950
TRANSIT STOPS	.... NONE ALONG FRONTAGE

ZONING

EXISTING & PROP. ZONE	.... LA JOLLA COMMUNITY PLANNED ASSOCIATION
COMMUNITY PLAN	.... LA JOLLA
PLAN DISTRICT	.... LA JOLLA
OVERLAY ZONES:	COASTAL, TRANSIT AREA, PARKING IMPACT AREA, RESIDENTIAL TANDEM PARKING

PUBLIC UTILITIES

STORM DRAIN	.... CITY OF SAN DIEGO
WATER	.... CITY OF SAN DIEGO
SEWER	.... CITY OF SAN DIEGO
FIRE & POLICE	.... CITY OF SAN DIEGO
GAS (UNDERGROUND)	.... SDG&E
ELECTRICITY (OVERHEAD)	.... SDG&E
CABLE TV (OVERHEAD)	.... COX CABLE, AT&T
TELEPHONE (OVERHEAD)	.... COX CABLE, AT&T
SCHOOL DISTRICTS	.... SAN DIEGO UNIFIED

NOTE: ALL PROPOSED UTILITIES SHALL BE INSTALLED UNDERGROUND

IMPERVIOUS AREA

TOTAL DISTURBANCE AREA:	5,241 SF
TOTAL IMPERVIOUS AREA:	
EXISTING:	3,523 SF
PROPOSED:	3,347 SF
IMPERVIOUS % DECREASE:	-5.0%
TOTAL PERVIOUS AREA:	
EXISTING:	1,718 SF
PROPOSED:	1,894 SF
PERVIOUS % INCREASE:	10.2%

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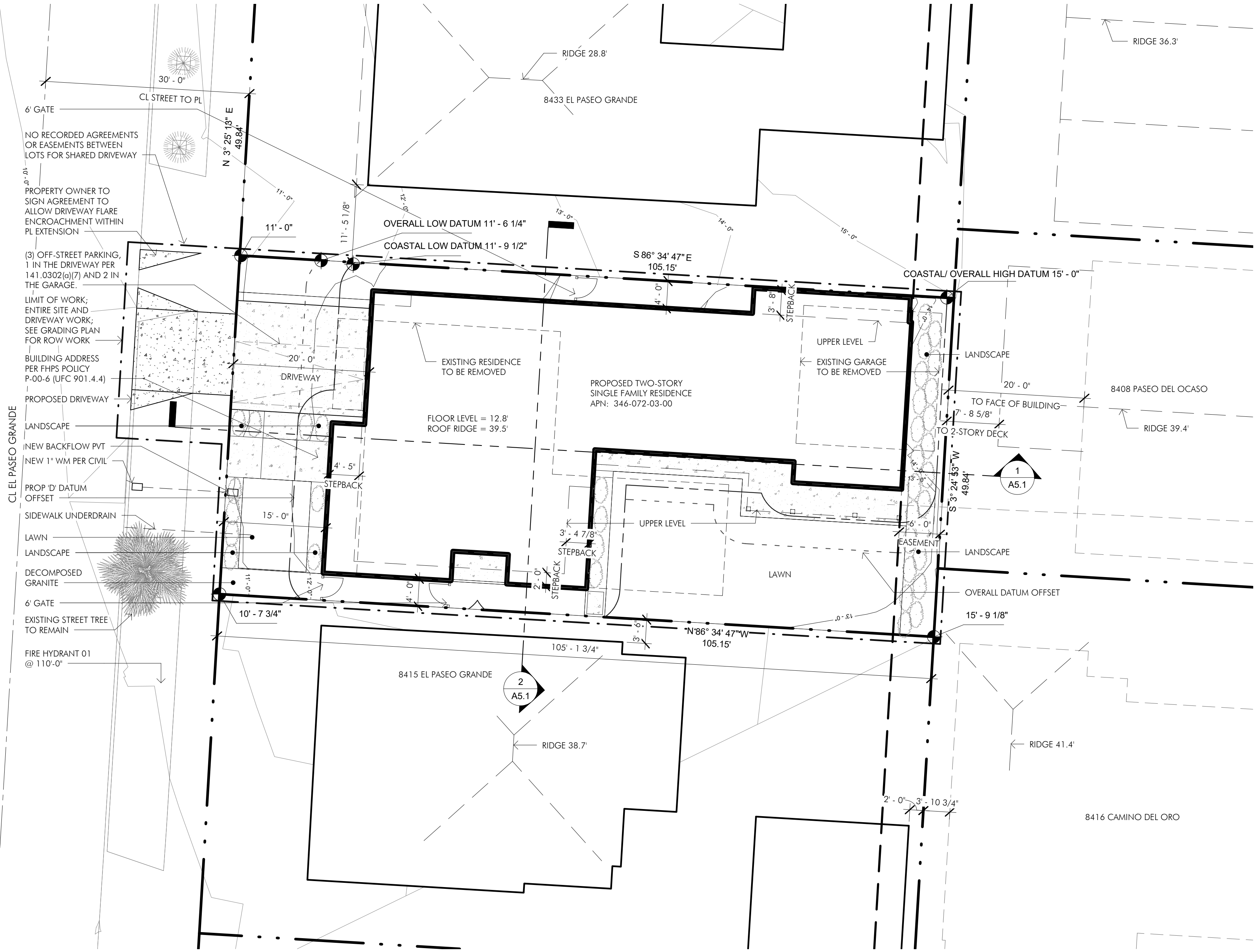
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LA JOLLA SHORES PARK



SITE PLAN 1" = 10'-0" 1 NORTH

- SITE NOTES**
- THE EXISTING WATER AND SEWER SERVICES WILL REMAIN.
  - PER FHPS POLICY P-00-6 (UFC 901.4.4) BUILDING ADDRESS NUMBERS TO BE VISIBLE AND LEGIBLE FROM THE STREET OR ROAD FRONTING THE PROPERTY.
  - THIS PROJECT MUST COMPLY WITH WITH THE MUNICIPAL CODE REQUIREMENTS FOR MAXIMUM HEIGHT OF THE STRUCTURE NOT TO EXCEED 30 FEET (SDMC, SECTIONS 131.0444 AND 132.0505.) HIGHEST POINT ON ROOF EQUIPMENT, PIPE, VENT, ANTENNA OR OTHER PROJECTION SHALL NOT EXCEED 30 FEET ABOVE GRADE.
  - THE HIGHEST POINT OF ANY ROOF, EQUIPMENT, OR ANY VENT PIPE, ANTENNA, OR OTHER PROJECTION SHALL NOT EXCEED 30'-0" ABOVE GRADE.
  - ALL PROPOSED SITE LIGHTING SHALL BE SHIELDED SUCH THAT THE LIGHT SOURCE SHALL BE CONCEALED FROM PUBLIC VIEW.
  - FIRE HYDRANTS, 01 @ 110'-0" FROM PROPERTY SEE SITE PLAN.
  - REFER TO SEPARATE GRADING PLAN FOR REQUIRED EMRA, PERMANENT BMPs, AND WCPC.
  - WATER METERS FOR COMBINED DOMESTIC WATER AND FIRE SPRINKLER SYSTEMS SHALL NOT BE INSTALLED UNTIL THE FIRE SPRINKLER SYSTEM HAS BEEN SUBMITTED AND APPROVED BY THE BUILDING OFFICIAL.
  - AUTOMATIC IRRIGATION SYSTEM CONTROLLERS FOR LANDSCAPING PROVIDED BY THE BUILDER AND INSTALLED AT THE TIME OF FINAL INSPECTION SHALL COMPLY WITH THE FOLLOWING:
    - Controllers shall be weather or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants' needs as weather conditions change.
    - Weather-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s). Soil moisture-based controllers are not required to have rain sensor input.

ISLAND ARCHITECTS

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JOB #: 7010

DRAWN BY: N. WILSON

PROJ. MGR.: H. DUKE

DATE: 03/11/2020 CDP 1

06/12/2020 CDP 2

08/13/2020 CDP 3

REVISIONS

#	DESCRIPTION	DATE
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8423 EL PASEO GRANDE RESIDENCE

8423 El Paseo Grande, La Jolla, CA 92037

A1.1

SITE PLAN

08.13.2020

CITY STANDARD TITLE BLOCK

Prepared By: \_\_\_\_\_

Name: Island Architects

Contact: Nick Wilson

7626 Herschel Avenue

La Jolla, CA 92037

Phone: (858) 459-9291

Street Address: 8423 El Paseo Grande, La Jolla, CA 92037

Project Name: 8423 EL PASEO GRANDE RESIDENCE

Sheet Title: SITE PLAN

Revision 08: \_\_\_\_\_

Revision 07: \_\_\_\_\_

Revision 06: \_\_\_\_\_

Revision 05: \_\_\_\_\_

Revision 04: \_\_\_\_\_

Revision 03: \_\_\_\_\_

Revision 02: 08/13/2020

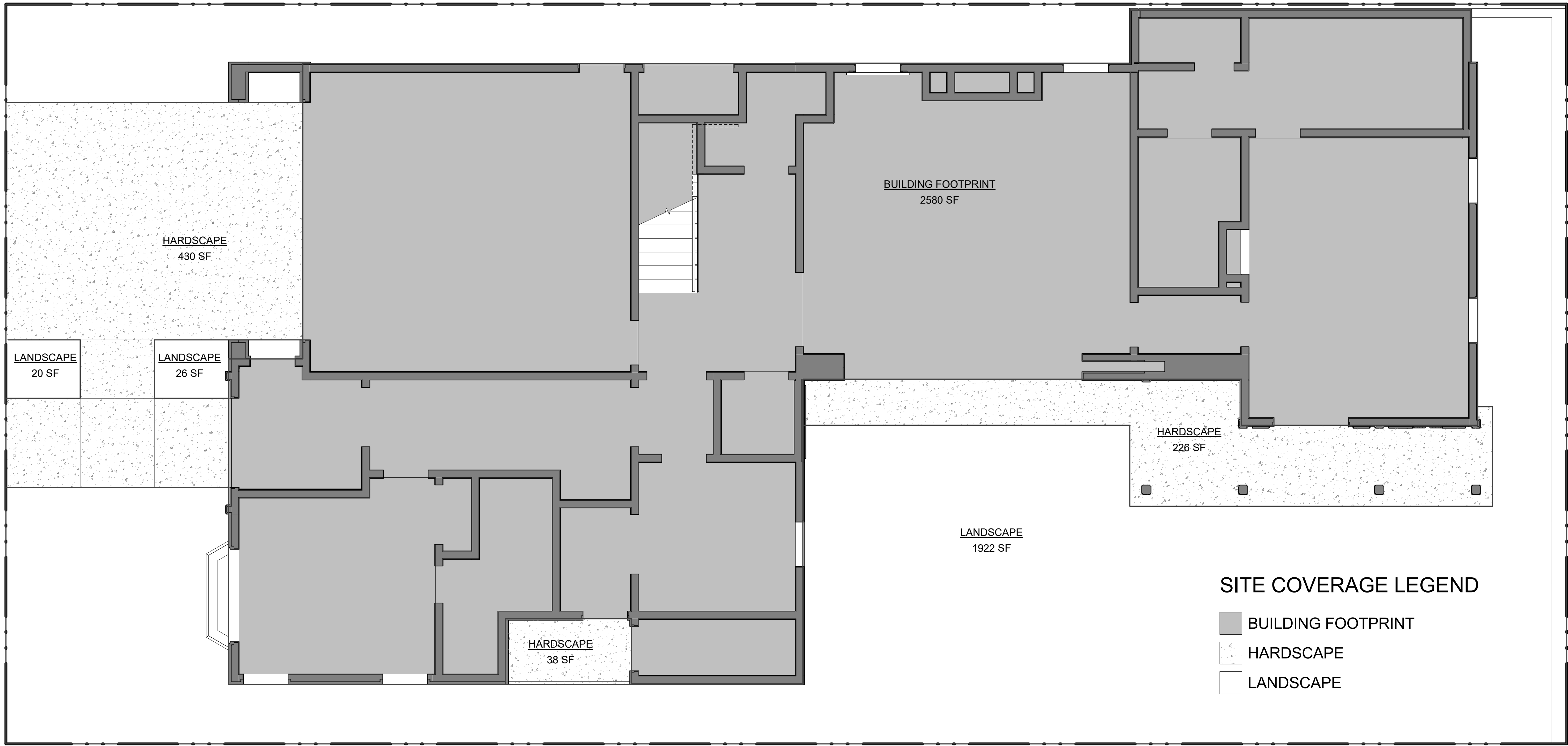
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Original Date: 03/11/2020

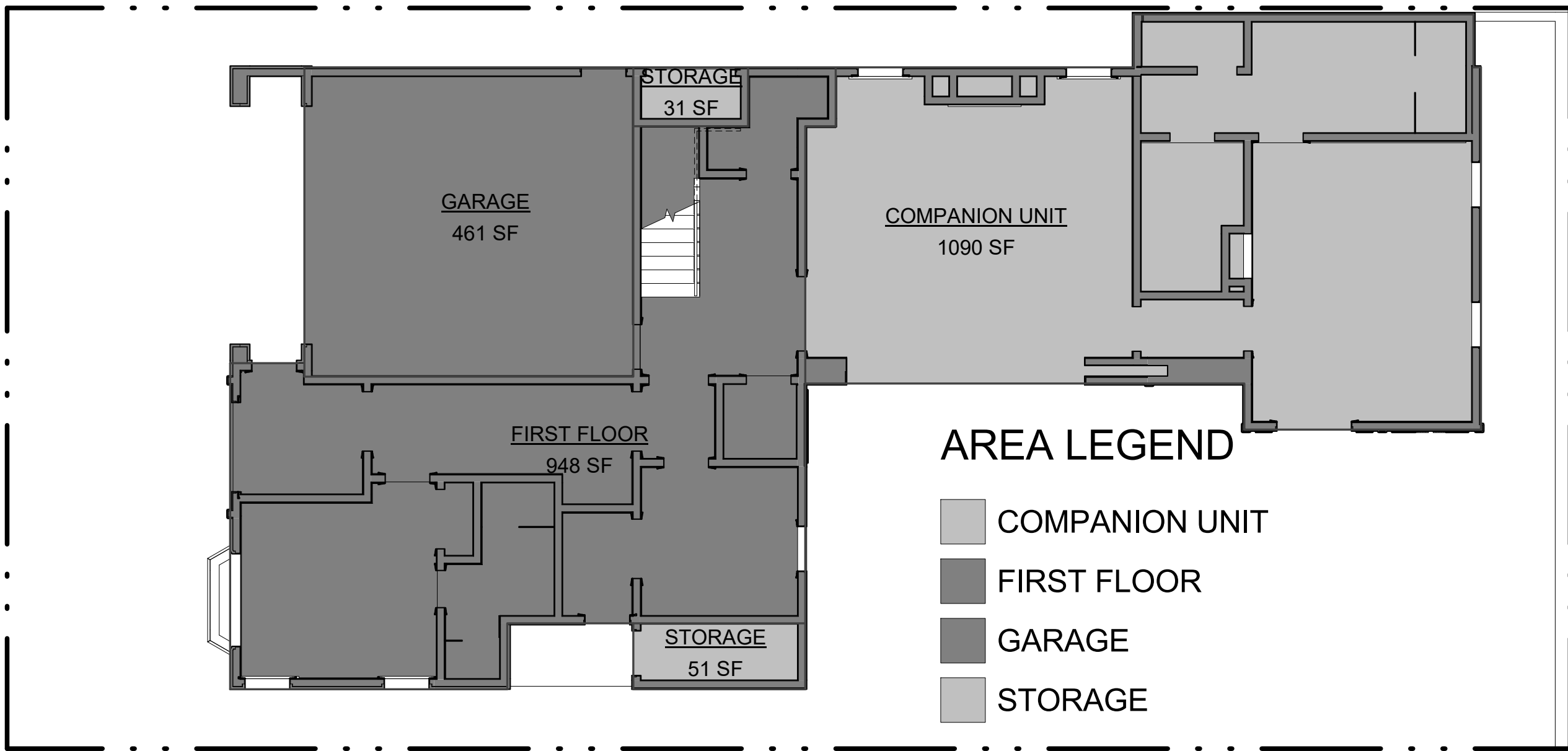
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DEP#: \_\_\_\_\_

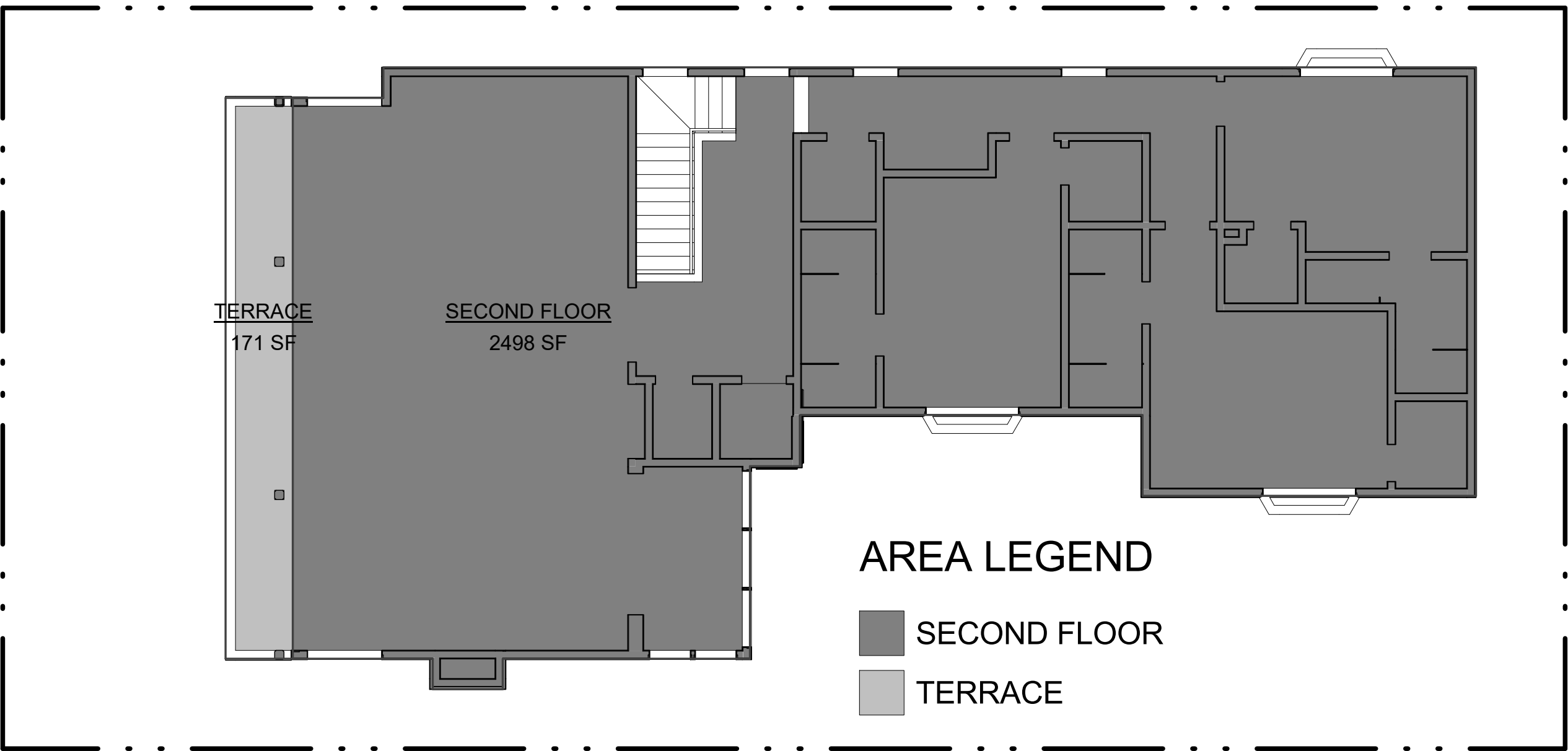




SITE COVERAGE PLAN 1/4" = 1'-0" 1



MAIN LEVEL AREA PLAN 1/8" = 1'-0" 2



UPPER LEVEL AREA PLAN 1/8" = 1'-0" 3

SITE COVERAGE SUMMARY	
LOT SQUARE FOOTAGE	5,241 SF
BUILDING FOOTPRINT	2,580 SF
LANDSCAPE	1,968 SF
HARDSCAPE	693 SF

PRIMARY DWELLING SUMMARY	
MAIN LEVEL	1,491 SF
FIRST FLOOR	948 SF
GARAGE	461 SF
STORAGE	82 SF

UPPER LEVEL	2,669 SF
SECOND FLOOR	2,498 SF
TERRACE	171 SF

EXEMPTIONS	<171 SF>
TERRACE (113.0234)	<171 SF>

GROSS FLOOR AREA (GFA)	3,989 SF
------------------------	----------

FLOOR AREA RATIO	.76
SITE AREA	5,241 SF
GFA	3,989 SF

COMPANION UNIT	
COMPANION UNIT	1,090 SF
PRIMARY DWELLING	3,989 SF

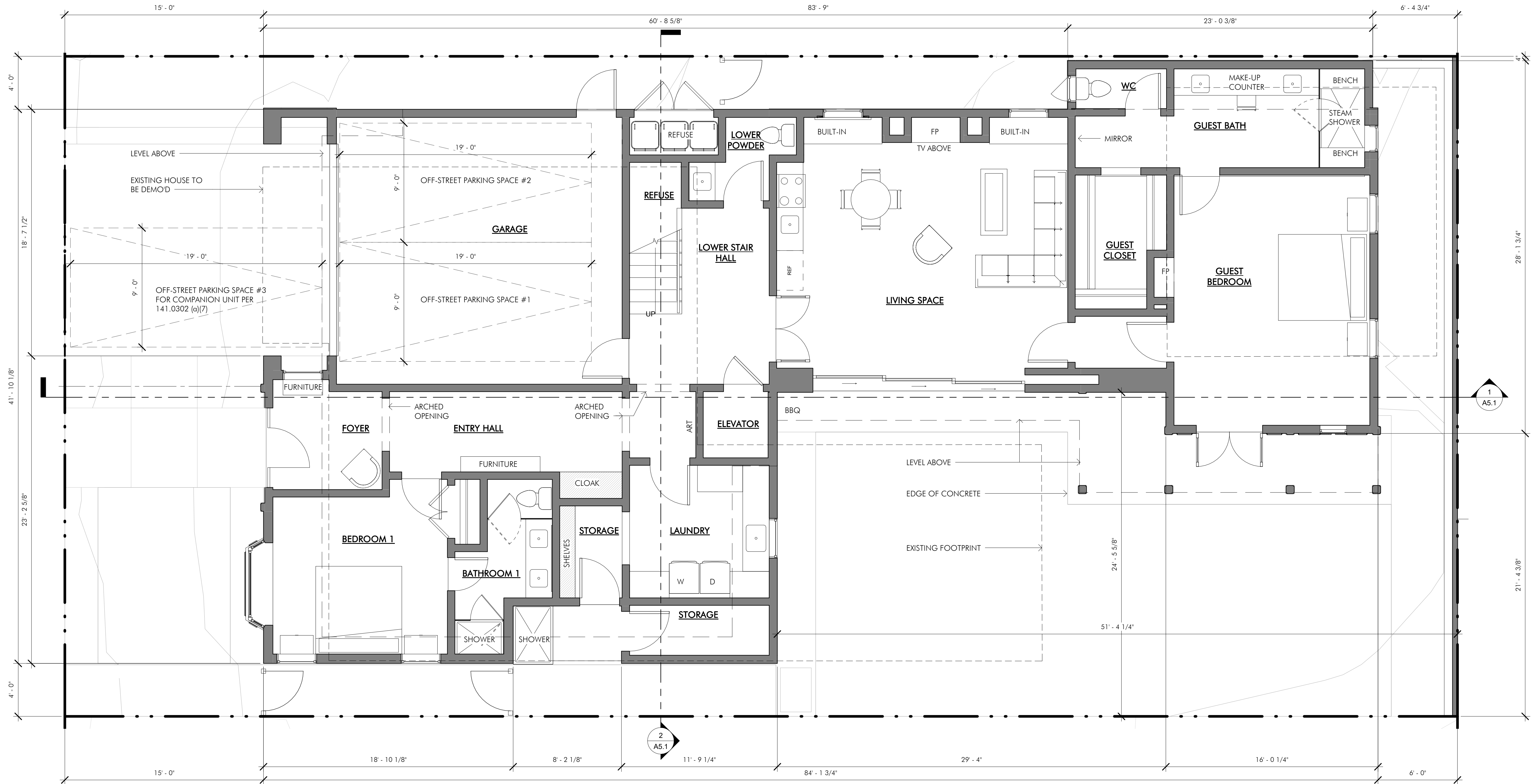
GROSS FLOOR AREA (GFA)	5,079 SF
------------------------	----------

TOTAL FLOOR AREA RATIO	.97
SITE AREA	5,241 SF
GFA	5,079 SF

CITY STANDARD TITLE BLOCK

Prepared By:	Name:	Island Architects	Revision 08:	
	Contact:	Nick Wilson	Revision 07:	
	7626 Herschel Avenue		Revision 06:	
	La Jolla, CA 92037		Revision 05:	
Phone:	(858) 459-9291		Revision 04:	
Street Address:	8423 El Paseo Grande, La Jolla, CA 92037		Revision 03:	
			Revision 02:	08/13/2020
Project Name:	8423 EL PASEO GRANDE RESIDENCE		Revision 01:	06/12/2020
Sheet Title:	AREA CALCULATIONS		Original Date:	03/11/2020
			Sheet:	4 of 10
			DEP#:	





MAIN LEVEL PLAN 1/4" = 1'-0" 1 NORTH

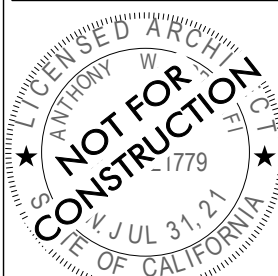
CITY STANDARD TITLE BLOCK

Prepared By: \_\_\_\_\_  
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Contact: Nick Wilson  
7626 Herschel Avenue  
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Street Address: 8423 El Paseo Grande, La Jolla, CA 92037  
Project Name: 8423 EL PASEO GRANDE RESIDENCE  
Sheet Title: MAIN LEVEL PLAN

Revision 08: \_\_\_\_\_  
Revision 07: \_\_\_\_\_  
Revision 06: \_\_\_\_\_  
Revision 05: \_\_\_\_\_  
Revision 04: \_\_\_\_\_  
Revision 03: \_\_\_\_\_  
Revision 02: 08/13/2020  
Revision 01: 06/12/2020  
Original Date: 03/11/2020

Sheet: 5 of 10  
DEP#:

ISLAND ARCHITECTS  
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DRAWN BY: N. WILSON  
PROJ. MGR.: H. DUKE  
DATE: 03/11/2020 CDP 1  
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08/13/2020 CDP 3

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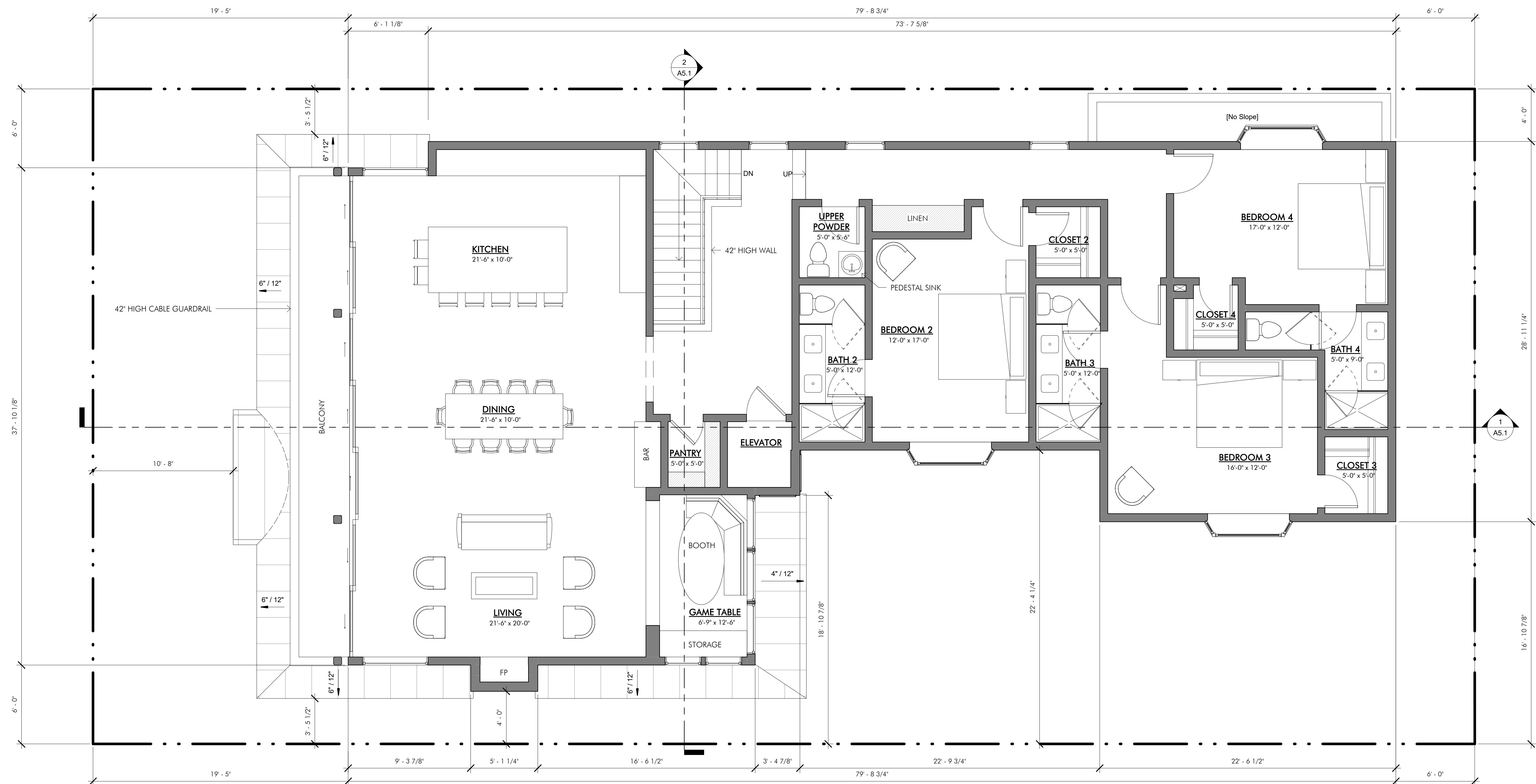
8423 EL PASEO GRANDE RESIDENCE  
8423 El Paseo Grande, La Jolla, CA 92037

A2.1

MAIN LEVEL PLAN

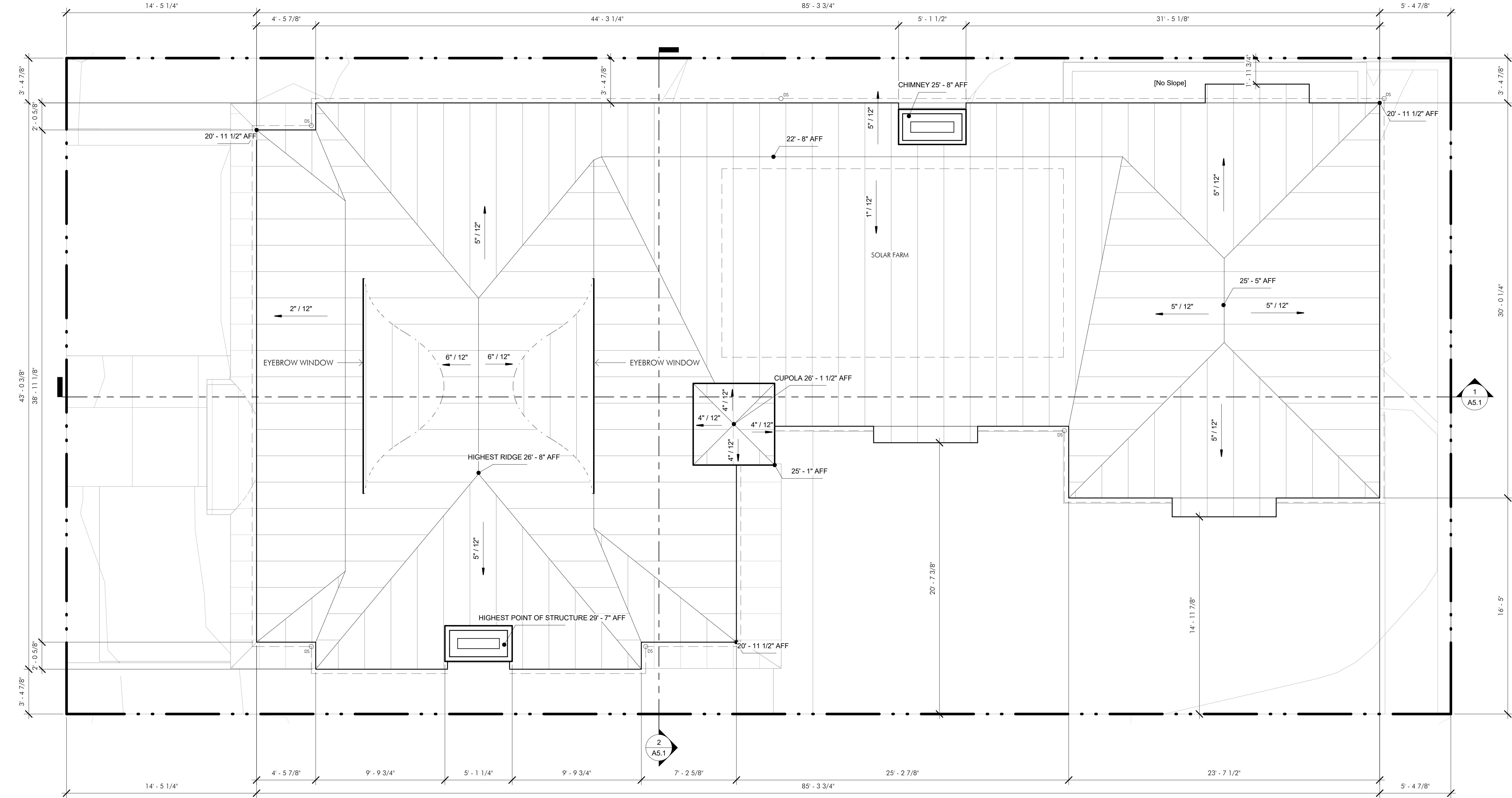
08.13.2020







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ROOF PLAN 1/4" = 1'-0" 1 NORTH

ROOF NOTES:

1. ALL RIDGE DIMENSIONS ARE CALLED OUT TO TOP OF SHEATHING
  2. ALL ELEVATIONS LOCATED AT EDGE OF WALLS ARE TO TOP OF PLATE
  3. ALL PLATE HTS. ARE TAKEN ABOVE MAIN LEVEL F.F. = 0'-0" (EL. + \_\_\_\_\_)
  4. DIMENSIONS SHOWN AT CHIMNEY CAPS ARE TO FINISH MATERIAL
  5. ALL SKYLIGHTS TO BE FLAT, TINTED GLAZING & BRONZE FRAME SKYLIGHT.
  6. RADIANT BARRIER SHEATHING TO BE USED OVER INTERIOR & ATTIC SPACES
- = DOWN SPOUT LOCATIONS  
□ = SCUPPER LOCATIONS

ROOF LEGEND

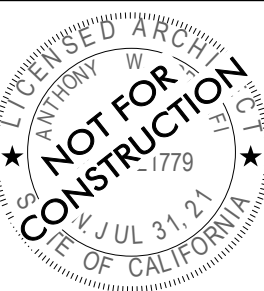
- CDS = Concealed Downspout  
DS = Downspout  
- - - = Gutter

\*All locations to be reviewed by Contractor.

CITY STANDARD TITLE BLOCK

Prepared By:	Island Architects	
Name:	Island Architects	
Contact:	Nick Wilson	Revision 08: _____
7626 Herschel Avenue		Revision 07: _____
La Jolla, CA 92037		Revision 06: _____
Phone:	(858) 459-9291	Revision 05: _____
Street Address:	8423 El Paseo Grande, La Jolla, CA 92037	Revision 04: _____
		Revision 03: _____
		Revision 02: 08/13/2020
Project Name:	8423 EL PASEO GRANDE RESIDENCE	Revision 01: 06/12/2020
		Original Date: 03/11/2020
Sheet Title:	ROOF PLAN	Sheet: 7 of 10
		DEP#:

ISLAND ARCHITECTS  
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DRAWN BY:	Author
PROJ. MGR:	Checker
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03/11/2020	CDP 1
06/12/2020	CDP 2
08/13/2020	CDP 3

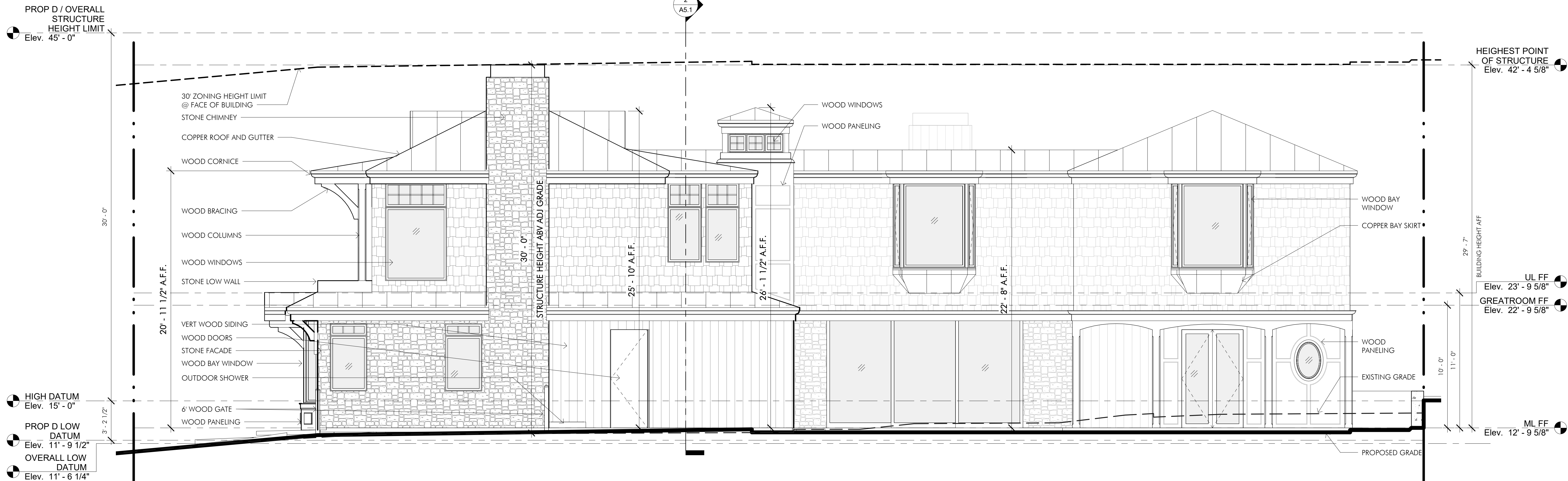
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#	DESCRIPTION	DATE

8423 EL PASEO GRANDE RESIDENCE  
8423 El Paseo Grande, La Jolla, CA 92037

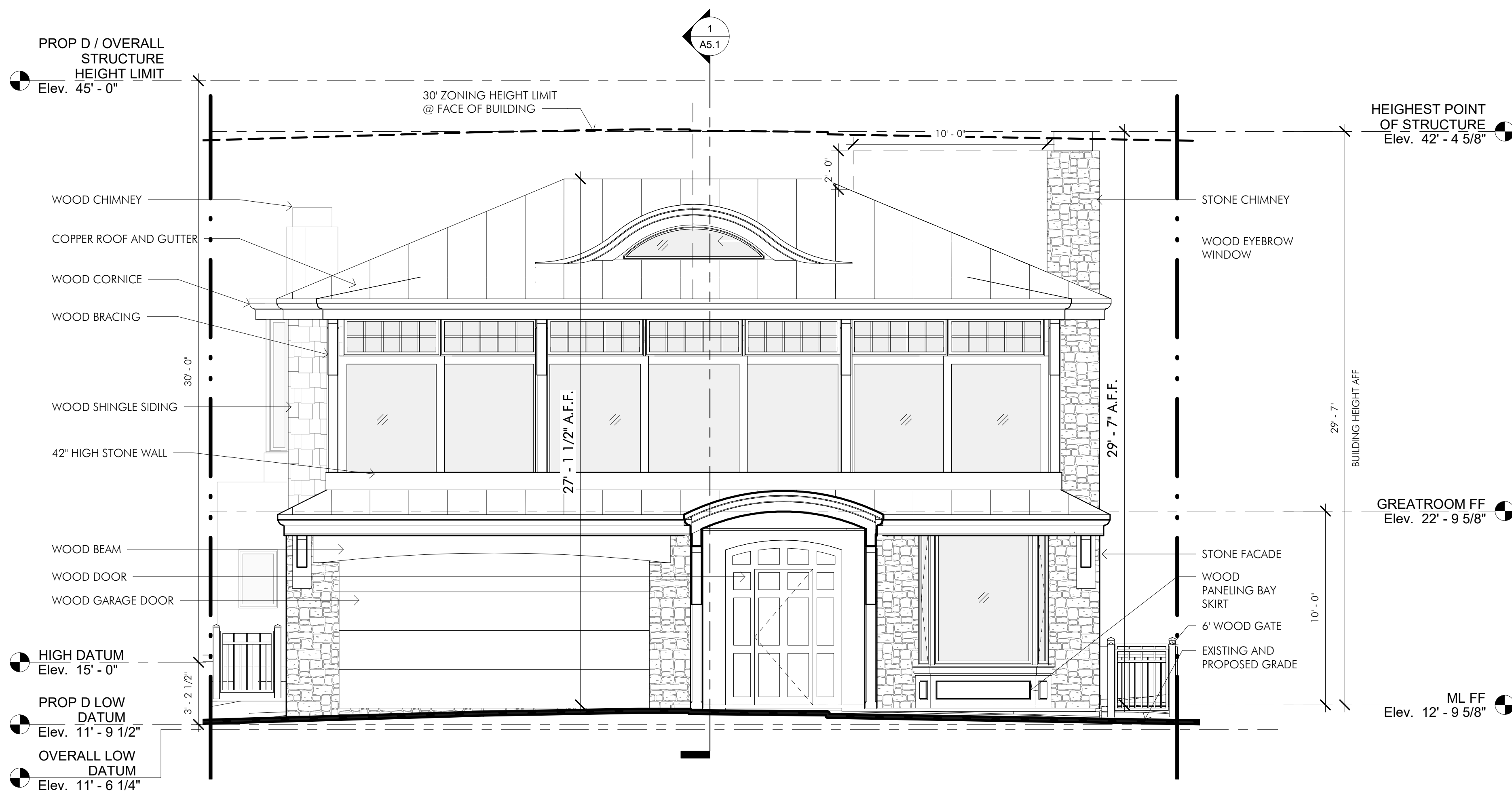
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ROOF PLAN  
08.13.2020





SOUTH ELEVATION 1/4" = 1'-0" 1

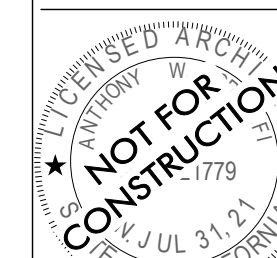
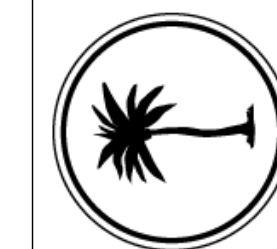


WEST ELEVATION 1/4" = 1'-0" 2

### CITY STANDARD TITLE BLOCK

Prepared By:	Island Architects	Revision 08:	
Name:	Contact: Nick Wilson	Revision 07:	
	7626 Herschel Avenue	Revision 06:	
	La Jolla, CA 92037	Revision 05:	
Phone:	(858) 459-9291	Revision 04:	
Street Address:	8423 El Paseo Grande, La Jolla, CA 92037	Revision 03:	
		Revision 02:	08/13/2020
Project Name:	8423 EL PASEO GRANDE RESIDENCE	Revision 01:	06/12/2020
		Original Date:	03/11/2020
Sheet Title:	EXTERIOR ELEVATIONS	Sheet:	8 of 10
		DEP#:	

ISLAND ARCHITECTS



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DRAWN BY: Author  
PROJ. MGR: Checker  
DATE: 03/11/2020 CDP 1  
06/12/2020 CDP 2  
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REVISIONS
# DESCRIPTION DATE

8423 EL PASEO GRANDE RESIDENCE

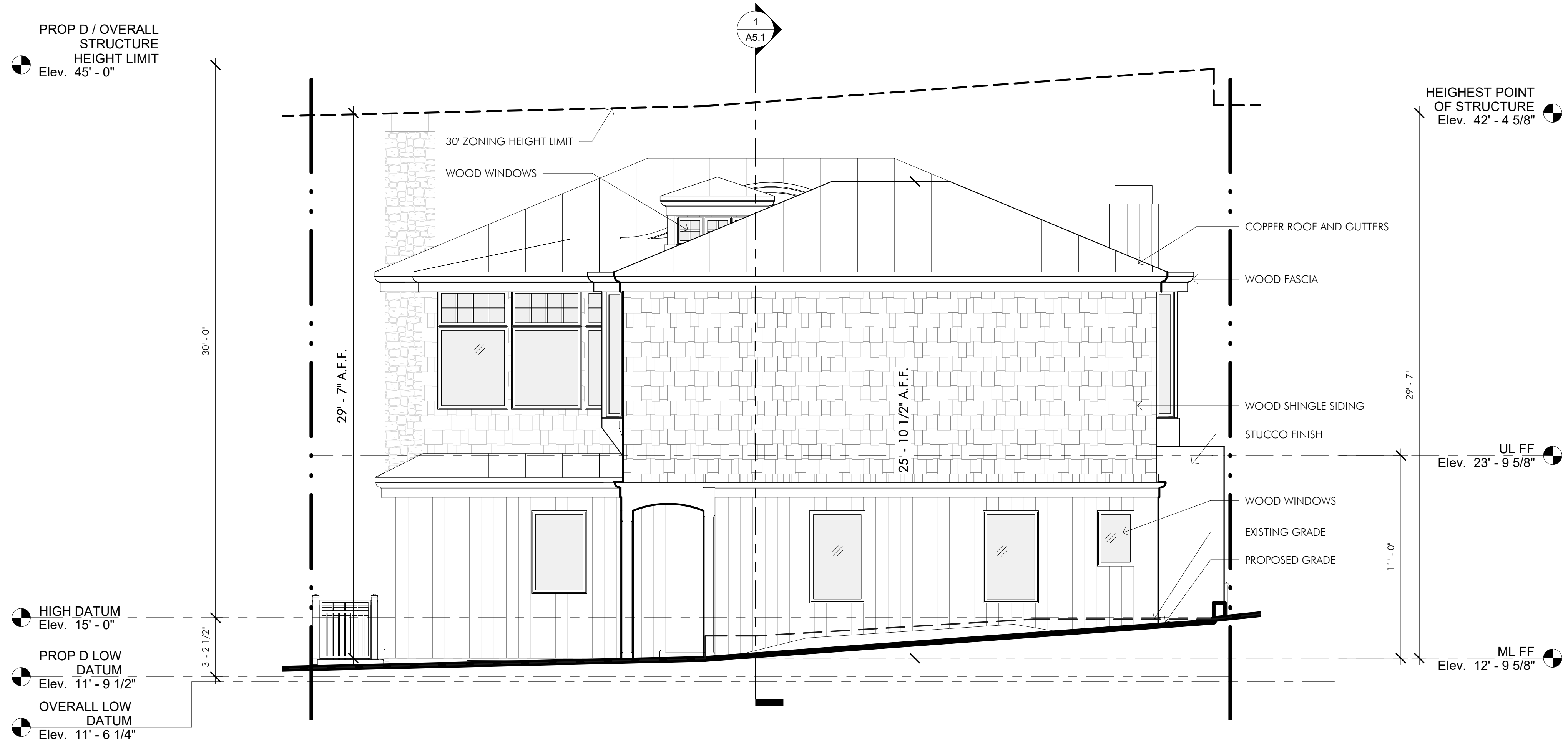
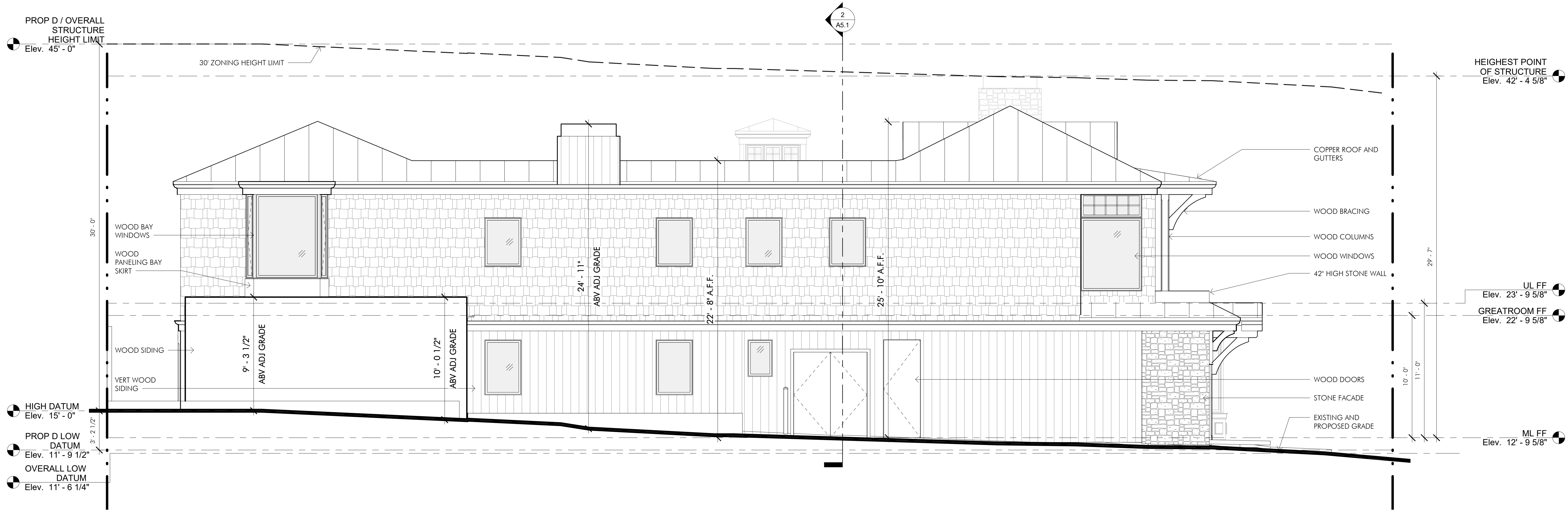
8423 El Paseo Grande, La Jolla, CA 92037

A4.1

EXTERIOR ELEVATIONS

08.13.2020





NORTH ELEVATION 1/4" = 1'-0" 1

EAST ELEVATION 1/4" = 1'-0" 2

CITY STANDARD TITLE BLOCK

Prepared By:	Island Architects	Revision 08:	
Name:	Contact: Nick Wilson	Revision 07:	
	7626 Herschel Avenue	Revision 06:	
	La Jolla, CA 92037	Revision 05:	
Phone:	(858) 459-9291	Revision 04:	
Street Address:	8423 El Paseo Grande, La Jolla, CA 92037	Revision 03:	
		Revision 02:	08/13/2020
Project Name:	8423 EL PASEO GRANDE RESIDENCE	Revision 01:	06/12/2020
		Original Date:	03/11/2020
Sheet Title:	EXTERIOR ELEVATIONS	Sheet:	9 of 10
		DEP#:	

ISLAND ARCHITECTS

TONY CRISAFI LISA KRIEDEMANN R.A.  
7626 HERSCHEL AVENUE  
LA JOLLA, CA 92037  
TEL: 858-459-9291 FAX: 858-459-9291

PROPOSED ARCHITECTURAL NOT FOR CONSTRUCTION  
JUL 31 2020  
STATE OF CALIFORNIA

Copyright Island Architects 2019

JOB #: 7010

DRAWN BY: Author

PROJ. MGR: Checker

DATE: 03/11/2020 CDP 1

06/12/2020 CDP 2

08/13/2020 CDP 3

REVISIONS

# DESCRIPTION DATE

8423 EL PASEO GRANDE RESIDENCE

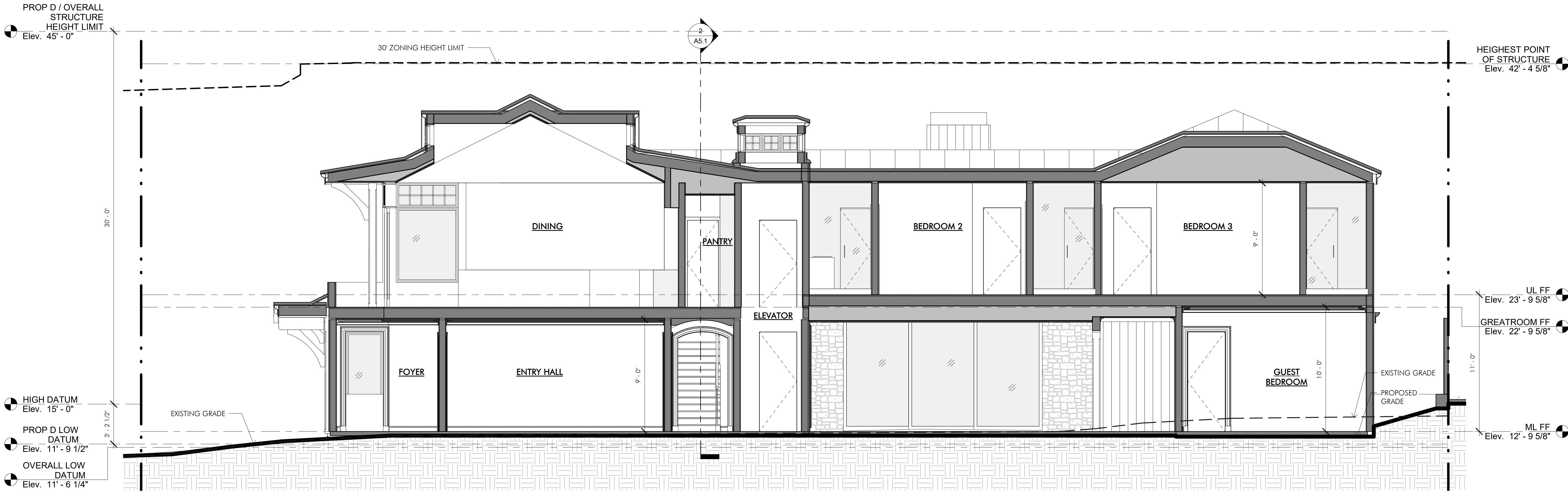
8423 El Paseo Grande, La Jolla, CA 92037

A4.2

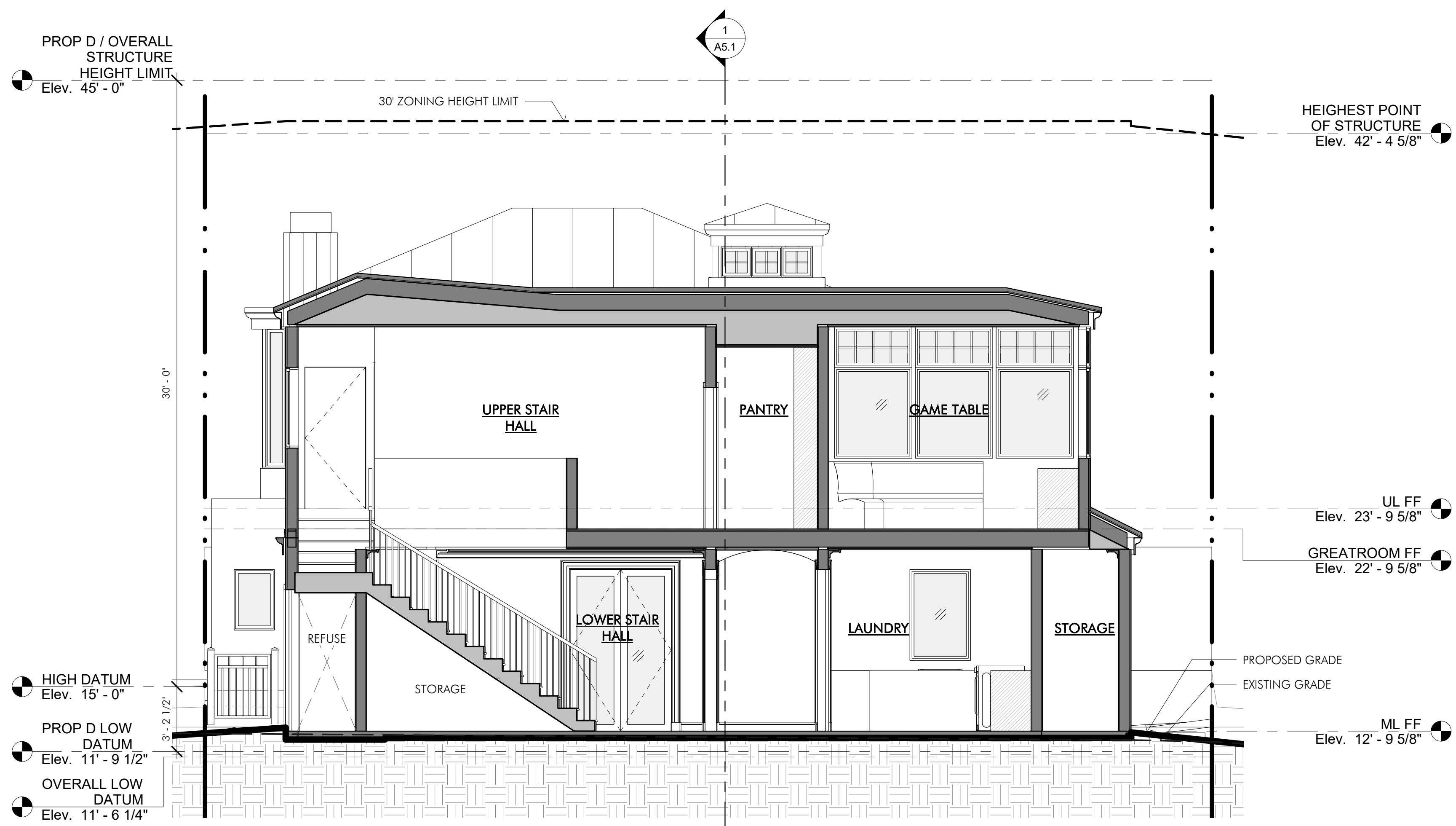
EXTERIOR ELEVATIONS

08.13.2020





SECTION A 1/4" = 1'-0" 1



SECTION B 1/4" = 1'-0" 2

CITY STANDARD TITLE BLOCK

Prepared By:		Island Architects	
Name:		Contact: Nick Wilson	Revision 08:
		7626 Herschel Avenue	Revision 07:
		La Jolla, CA 92037	Revision 06:
Phone:		(858) 459-9291	Revision 05:
			Revision 04:
Street Address:		8423 El Paseo Grande, La Jolla, CA 92037	Revision 03:
			Revision 02: 08/13/2020
Project Name:		8423 EL PASEO GRANDE RESIDENCE	Revision 01: 06/12/2020
			Original Date: 03/11/2020
Sheet Title:		BUILDING SECTIONS	Sheet: 10 of 10
			DEP#:

ISLAND ARCHITECTS

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NOT FOR CONSTRUCTION

Copyright Island Architects 2019

JOB #: 7010

DRAWN BY: Author

PROJ. MGR: Checker

DATE: 03/11/2020 CDP 1

06/12/2020 CDP 2

08/13/2020 CDP 3

REVISIONS

# DESCRIPTION DATE

8423 EL PASEO GRANDE RESIDENCE

8423 El Paseo Grande, La Jolla, CA 92037

A5.1

BUILDING SECTIONS

08.13.2020



**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT OFFICE  
7575 METROPOLITAN DR., SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370  
SANDIEGOCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: San Diego Coast

Appeal Number:

A-6-LJS-21-0050

Date Filed:

7/9/21

Appellant Name(s):

Alelet Gneezy**APPELLANTS**

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

**Note regarding emailed appeals.** Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the North Coast district office, the email address is [SanDiegoCoast@coastal.ca.gov](mailto:SanDiegoCoast@coastal.ca.gov). An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <https://coastal.ca.gov/contact/#/>.

EXHIBIT NO. 4

APPLICATION NO.

**A-6-LJS-21-0050**

Appellants' Appeal



California Coastal Commission

## Appeal of local CDP decision

### Page 2

#### 1. Appellant information<sup>1</sup>

Name: Ayelet Gneezy c/o Everett DeLano  
Mailing address: 104 W. Grand Avenue, Ste. A, Escondido, CA 92025  
Phone number: 760-741-1200  
Email address: everett@delanoanddelano.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other

Describe: Submitted comments to Development Services Dept. of San Diego  
Testified during San Diego Planning Commission Hearing  
Submitted comments to San Diego City Council

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: The San Diego Planning Commission denied our appeal of the coastal  
development permit and site development permit and issued a notice  
of final action on 06/25/21. We now appeal to the Coastal Commission.

<sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.



**Appeal of local CDP decision**  
**Page 3**

**2. Local CDP decision being appealed<sup>2</sup>**

Local government name: City of San Diego  
Local government approval body: San Diego Planning Commission  
Local government CDP application number: 661815  
Local government CDP decision: ☒ CDP approval ☐ CDP denial<sup>3</sup>  
Date of local government CDP decision: 06/25/2021

Please identify the location and description of the development that was approved or denied by the local government.

Describe: The Coastal Development Permit No. 2424435 and Site Development Permit No.  
2429037 was granted by the Planning Commission of the City of San Diego to  
8423 El Paseo Grande LLC, The 0.12-acre site is located at 8423 El Paseo Grande  
in the La Jolla Shores Planned District Single Family Zone. The project site  
is legally described as Lot 3 in Block 38 of La Jolla Shores Unit 6 in San Diego.  
The Project would construct a new single-family residence and a companion  
unit in the place of an existing single-family residence on the same lot.

<sup>2</sup> Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

<sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.





**Appeal of local CDP decision**  
**Page 5**

**5. Identification of interested persons**

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☒ Interested persons identified and provided on a separate attached sheet

**6. Appellant certification<sup>5</sup>**

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Print name Ayelet Gneezy

Signature 

Date of Signature July 7, 2021

**7. Representative authorization<sup>6</sup>**

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☒ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

<sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

**CALIFORNIA COASTAL COMMISSION**

455 MARKET STREET, SUITE 300  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name Ayelet Gneezy

CDP Application or Appeal Number \_\_\_\_\_

**Lead Representative**

Name Everett DeLano  
Title Representing Attorney  
Street Address 104 W. Grand Avenue Ste. A  
City Escondido  
State, Zip CA, 92025  
Email Address everett@delanoanddelano.com  
Daytime Phone (760) 741-1200

Your Signature Ayelet Gneezy Digitally signed by Ayelet Gneezy  
Date: 2021.07.09 11:59:30 -07'00'

Date of Signature Ayelet Gneezy Digitally signed by Ayelet Gneezy  
Date: 2021.07.09 11:59:14 -07'00'



Additional Representatives (as necessary)

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
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Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Your Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_

## Index of Attachments to Appeal

### Index of Attachments - Item 4

1. Letter from Philip A. Merten to Rachel Ferrell, Environmental Analyst, City of San Diego San Diego Development Services Department, dated 11-15-20;
2. Letter from DeLano & DeLano to City of San Diego Development Services Department, dated 11-23-20;
3. Letter from Philip A. Merten to Hearing Officer City of San Diego Development Services Department, dated 2-5-21;
4. Letter from DeLano & DeLano to Hearing Officer City of San Diego Development Services, dated 02-08-21;
5. Letter from Philip A. Merten to San Diego City Council, dated 04-07-21;
6. Letter from Philip A. Merten to San Diego Planning Commission, dated 06-18-21



Attachments to Item #4  
**ATTACHMENT 1**



November 15, 2020

Ms. Rachael Ferrell, Environmental Analyst  
City of San Diego  
Development Services Department  
Environmental Analysis Section  
1222 First Avenue, MS 501  
San Diego, CA 92101

Via Email: DSDEAS@sandiego.gov

Re: DRAFT Mitigated Negative Declaration  
8423 El Paseo Grande  
Project No. 661815

Dear Ms. Ferrell and Ladies and Gentlemen of the Development Services Department,

I represent Doctors Uri and Ayelet Gneezy who reside immediately east and adjacent to the project referenced above.

On the Gneezy's behalf please consider the following reasons why certain conclusions in the DRAFT Mitigated Negative Declaration are erroneous.

**Section XI LAND USE AND PLANNING, paragraph b) of the Initial Study Checklist** (Page 32 of *dsd\_mitigated\_negative\_declaration\_4.pdf*) the 'No Impact' box has been checked;

**XI. LAND USE AND PLANNING – Would the project:**

- a) Physically divide an established community? ☐ ☐ ☐ ☒

The project would construct a new single-family residence and a companion unit in the place of an existing single-family residence. The project is consistent with the General Plan and the La Jolla Community Plan's land use designation (Low Density Residential, 5-9 du/ac) and is within a previously developed lot with access to a public roadway. The project site is located within a developed residential neighborhood and surrounded by similar residential development. The project would not substantially change the nature of the surrounding area and would not introduce any barriers or project features that could physically divide the community. No impacts would result.

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (Including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? ☐ ☐ ☐ ☒

The project is consistent with the General Plan and the La Jolla Community Plan's land use designation which allows up to 5-9 dwelling units per acre. The project is located on a 0.12-acre lot and proposes one unit therefore it is consistent. The project also complies with the LJSFD-SF zoning requirements. Since there are no conflicts with the applicable land use plan, policy, or regulations, impacts would remain below a level of significance.



The section states: 'The project complies with the LJSPD-SF zoning requirements. Since there are no conflicts with the applicable land use plan, policy or regulations ...'

The Initial Study analysis and **conclusion are incorrect** because the proposed project **does not comply with the LJSPDO and does conflict with applicable Land Development Code Regulations in the following ways:**

#### **A. INSUFFICIENT SETBACKS:**

The La Jolla Shores Planned District Ordinance states: 'Building and structure setbacks shall be in general conformity with those in the vicinity.' Vicinity is defined in Black's Law Dictionary as: "Quality or state on being near, or not remote: **nearness**; propinquity; proximity; a region about or **adjacent**;"

The existing development on the subject site as well as the existing adjacent development on both sides of the subject site have one story garage structures that come to within a few feet of their rear property lines. The Gneezy's home directly behind the subject property is set back 20 feet from common rear property line. The neighboring home directly north of the project is setback 11'-5" from the common side property line as depicted on the applicant's Site Plan drawing.

##### **A1. Insufficient North Side Yard Setback**

Contrary to the existing side setback in the vicinity, the project proposes a two story Companion Unit, with a 0 and 4 foot side setback at the ground floor level and 4 foot and 6 foot side setback at the upper floor level; compared to 11'-5" on the adjacent property. The difference between the large existing setback on the north adjacent property and the very small proposed setback are clearly depicted in the perspective rendering on PDF pages 7, 11 and 13.

Contrary to the La Jolla Shores Planned District Ordinance, the proposed north side setbacks are clearly NOT in conformity with those in the vicinity (adjacent property).

##### **A2. Insufficient Rear Yard Setback at Second Floor Level**

The existing one story garage is setback from the rear property line approximately one foot, which is the established rear yard setback. Contrary to the existing second story rear setbacks in the vicinity, the project proposes a two story Companion Unit, with an upper level rear setback of just 10 feet; compared to 20 feet for the two story dwelling on adjacent property in the vicinity. The significant difference between the large existing rear yard setback on the east adjacent property and the substantially smaller proposed rear setbacks are clearly depicted in the applicant's Site Plan and South Elevation drawings.

Contrary to the La Jolla Shores Planned District Ordinance, the proposed east rear yard second story setback is half of the existing setback in the vicinity (adjacent property), and therefore not in conformity with those in the vicinity.

The proposed zero and 4 foot side setbacks and 6 foot north side yard setbacks and 10 foot rear setback for the two story companion unit are not in general conformity with those in the vicinity, and therefore not in compliance with the La Jolla Shores Planned District Ordinance.

#### **B CHARACTER OF THE AREA**

The General Design Regulations of the the La Jolla Shored Planned District Ordinance describe the:

##### **(a) Character of the Area**

In this primarily single-family residential community, a typical home is characterized by extensive use of glass, shake or shingle overhanging roof, and a low, rambling silhouette. Patios, the atrium or enclosed courtyard, and

**B CHARACTER OF THE AREA** (continued)

The existing one story home to be demolished does have a low rambling silhouette and currently conforms with the LJSPDO. But as depicted on applicant's PDF pages 7 and 11 the proposed silhouette is definitely **not low and rambling**.

(b) Design Principle

Within the limitations implied above, originality and diversity in architecture are encouraged. The theme "unity with variety" shall be a guiding principle. Unity without variety means simple monotony; variety by itself is chaos. No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area.

The Design Principal Section of the LJSPDO which says: The proposed silhouette as viewed from the public right-of-way and from the public park across the street is high and box like, and so different in its high box like form and relationship to adjacent structures (height and side setbacks) that it will disrupt the architectural unity of the area. **The proposed project does not conform to the Design Principal Section of the La Jolla Shores Planned District Ordinance.**

**C. EXCESSIVE BULK AND SCALE**

The Design Principal Section General Design Regulations of the La Jolla Shores Planned District Ordinance says: "... no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area." But contrary to that regulation, the project proposes a Floor Area Ratio (FAR) of 0.96, considerably greater in size than the existing FARs of properties in the vicinity. The maximum allowed FAR for a single family zoned parcel outside of the LJSPD is 0.60. The proposed **FAR of 0.96 is 60 percent greater** than would be allowed anywhere outside of the La Jolla Shores Planned District.

The applicant prepared a *Floor Area Ratio* exhibit (PDF page 17). The exhibit is an aerial view of La Jolla Shores neighborhood west of La Jolla Shores Drive. According to the exhibit the range of *Floor Area Ratios* depicted by the colored dots is based on 'DATA RECORDED FROM SCOUTRED WEBSITE ON 7/14/2020'. Unfortunately, **the data from the SCOUTRED WEBSITE is not accurate, and the calculated FARs based on SCOUTRED data are not accurate.**

For example, according to Island Architect's exhibit titled FAR LEGEND, the northern most beach front property on the list has a FAR greater than 1.0; **which is patently false**. I know this because I designed the remodel of the home at 8542 El Paseo Grande in the early 1990's. The existing property has an actual REAL gross floor area (GFA), measured in accordance with the SDMC, of 4,944 s.f. and a site area of 9,313 s.f. for a FAR of 0.53, definitely not greater than 1.0 as indicated on Island Architect's exhibit.

SCOUTRED's data likely comes from the San Diego County Assessor's Office. Unfortunately the County Assessor makes no distinction between below grade basement Livable Area, which is excluded from *gross floor area* by the SDMC, and above grade Livable Area. The Assessor combines both below grade and above grade areas into one Livable Area total. When SCOUTRED's data comes for the County Assessor, projects with basements will show a Livable Area far in excess of the actual *gross floor area* on the property per SDMC Sect. 113.0234; and **the resultant Floor Area Ratios for projects with basements will be inflated above the REAL Floor Area Ratios per SDMC Sec. 113.0234.**



**C. EXCESSIVE BULK AND SCALE (continued)**

There are other existing homes with basements or partial basements in La Jolla Shores. The existing three homes at 8356, 8368, and 8374 Paseo Del Ocaso (green dots) some of which have partial basements and therefore have inflated SCOUTRED Livable Areas. Based on the few researched properties and the discrepancies between REAL data and SCOUTRED inflated data, the applicant's FAR exhibit is extremely misleading and should not be used in comparing or assessing the appropriateness of the proposed 0.96 FAR.

According to a tabulation submitted by the Applicant to the La Jolla Community Planning Association, of the 42 listed properties only 6 properties had Floor Area Ratios in excess of 0.70; and 5 of those properties are on Paseo Del Ocaso, away from La Jolla Shores Park. The sixth property in excess of FAR 0.70 is at 8405 El Paseo Grande with a FAR of 0.87. The proposed project has a FAR more than 10 percent greater than the largest FAR on El Paseo Grande.

Of the 13 properties listed on El Paseo Grande, **the average FAR is 0.54.**

Of the 42 properties listed the **average FAR is 0.55.**

Yet, the applicant proposes a revised project with a Floor Area Ratio (FAR) of 0.96, which is 74.5% greater than the average FAR listed.

Based on the information contained in the applicant's tabulation, it is reasonable to conclude that the current project is significantly larger in size relationship (FAR) that it will "disrupt the architectural unity of the area."

The proposed project with a FAR of 0.96 significantly exceeds the FARs of other projects in the area, and in combination with it's closeness to the side and rear property lines, is so different in 'form' and 'relationship' that it will definitely disrupt the architectural unity of the area. If approved, the 0.96 FAR will set a dangerous precedent for all future projects in La Jolla Shores.

Unfortunately LDR-Planning Staff relied on incorrect Floor Area Ratio data provided by the architect when evaluating the project.

The bulk and scale of the proposed project is not in compliance with General Design Regulations of the La Jolla Shores Planned District Ordinance.

**D. INADEQUATE PARKING**

The project fails to provide the required number of *off-street parking spaces*. The project only provides 2 *off-street parking spaces* where a total of 3 *off-street parking spaces* ( 2 spaces for the dwelling, and 1 space for the companion unit) is the minimum required. As currently proposed the project provides 2 *off-street parking spaces* within an enclosed garage, and the third required *off-street parking space* in the driveway blocking access to the 2 enclosed required parking spaces.

SDMC Sec. 141.0103 **Applicable Regulations for Separately Regulated Uses** including Companion Units specifically incorporates 'All applicable regulations of Chapter 14 (General Regulations)' which include Chapter 14, Article 2, Division 5 (Parking Regulations). SDMC Sec. 142.0510(e)(2)(A) specifically states: '... the **use of a driveway** to satisfy *off-street parking space* requirements is **not permitted.**' Therefore, the proposed project fails to provide required parking for the Companion Unit in accordance with the Parking Regulations for Companion Units, and the La Jolla Shores Planned District Ordinance.

The project's failure to provide all required on-site parking in conformance with the SDMC in the Coastal Overlay Zone reduces the amount of on-street public parking for visitors to the coastline and La Jolla Shores Park (Kellogg Park).

**E. INSUFFICIENT TRANSITION IN BULK AND SCALE**

The Residential Element of the *La Jolla Community Plan and Local Coastal Program* states:

- Maintain the character of La Jolla's residential areas by ensuring that redevelopment occurs in a manner that protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures.

The Residential Community Character recommendations of the *La Jolla Community Plan and Local Coastal Program* states:

- 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;
    - 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 Residential Land Use Element of the *La Jolla Community Plan and Local Coastal Program*, and as depicted on the applicant's drawings, a significant portion of the upper level north side exterior wall and provides no setback from the lower level exterior wall. Other portions of the upper level north side exterior wall are setback only 2 feet from the lower level exterior wall, and do not provide a sufficient step back transition in the bulk of the new two story building from that of the adjacent existing single story home.

The proposed project is not in conformity with the Residential Community Character recommendations of the *La Jolla Community Plan and Local Coastal Program*.

**CONCLUSION:**

As the proposed project neither conforms to the requirements of the La Jolla Shores Planned District Ordinance, nor the Parking Regulations for the City of San Diego, nor the recommendations of the *La Jolla Community Plan and Local Coastal Program*, **Section XI LAND USE AND PLANNING, paragraph b) of the Initial Study Checklist** (Page 32 of *dsd\_mitigated\_negative\_declaration\_4.pdf*) should be revised from 'No Impact' to 'Significant Impact'.

Ms. Rachael Ferrell, Environmental Analyst  
November 15, 2020  
Page 6

Thank you for your consideration of these import issues. The Draft Mitigated Negative Declaration should be revised to correctly identify these significant environmental concerns regarding the proposed project and its impact on the environment and the community.

Respectfully,

A handwritten signature in black ink, appearing to read "Philip A. Merten". The signature is fluid and cursive, with a large initial "P" and a stylized "M".

Philip A. Merten AIA

ec:    Uri Gneezy       [ugneezy@ucsd.edu](mailto:ugneezy@ucsd.edu)  
      Ayelet Gnezt    [AGneezy@ucsd.edu](mailto:AGneezy@ucsd.edu)  
      Everett Delano [everett@delanoanddelano.com](mailto:everett@delanoanddelano.com)  
      Tyler Hee       [tyler@delanoanddelano.com](mailto:tyler@delanoanddelano.com)



Attachments to Item #4  
**ATTACHMENT 2**



# DELANO & DELANO

November 23, 2020

VIA E-MAIL

Development Services Department  
City of San Diego  
1222 First Ave., MS 501  
San Diego, CA 92101  
[DSDEAS@sanidiego.gov](mailto:DSDEAS@sanidiego.gov)

Re: Draft Mitigated Negative Declaration for 8423 El Paseo Grande Coastal Development Permit and Site Development Permit, Project No. 661815

Dear Development Services Department:

This letter is submitted on behalf of Ayelet and Uri Gneezy in connection with the 8423 El Paseo Grande Coastal Development Permit and Site Development Permit Project No. 661815 ("Project") and related Draft Mitigated Negative Declaration ("Draft MND").

I. The City Should Prepare an Environmental Impact Report

CEQA requires the preparation of an Environmental Impact Report ("EIR") whenever substantial evidence in the record supports a "fair argument" that significant environmental impacts may occur. Pub. Res. Code § 21080(d); *No Oil, Inc. v. City of Los Angeles* (1975) 13 Cal.3d 68. If there is "substantial evidence that the project might have [a significant impact on the environment], but the agency failed to secure preparation of the required EIR, the agency's action is to be set aside because the agency abused its discretion by failing to proceed in a 'manner required by law.'" *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002. Here, the City should prepare an EIR before proceeding; the Project is likely to lead to several significant impacts.

A. The Project Will Lead to Significant Impacts to Air Quality

Discussing the Project's potential construction-related air quality impacts, the Draft MND states: "Construction-related activities are temporary, short-term sources of air emissions." Draft MND at 21. It acknowledges: "Sources of construction-related air emissions include fugitive dust from grading activities; construction equipment exhaust; construction-related trips by workers, delivery trucks, and material-hauling trucks; and

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construction-related power consumption.” Draft MND at 21. The Draft MND then reasons: “Any impacts associated with fugitive dust are considered less than significant and would not violate an air quality standard or contribute substantially to an existing or projected air quality violation. No mitigation measures are required.” Draft MND at 21.

It is improper to ignore an impact merely because it might be “temporary” in nature. *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4<sup>th</sup> 1344, 1380 – 81; see also *Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4<sup>th</sup> 1013, 1049 (emissions should be calculated as they will actually occur, not averaged over a longer period of time). Among other things, the Draft MND fails to adequately consider construction-related air quality impacts. The Draft MND only considers fugitive dust associated with land-clearing and grading. It improperly ignores potential impacts from other sources of air emissions, including construction equipment exhaust, construction-related trips by workers, delivery trucks, and material-hauling trucks, and construction-related power consumption. The Project site is adjacent to a number of potential sensitive receptors, single-family residences, and La Jolla Shores Beach and Kellogg Park. Construction activities will expose residents and beach and park users to related air emissions that must be addressed before the Project may be approved.

In addition, the Project will have significant impacts to greenhouse. The California Environmental Quality Act (“CEQA”) is premised in part on “a belief that citizens can make important contributions to environmental protection and ... notions of democratic decision-making ...” *Concerned Citizens of Costa Mesa, Inc. v. 32<sup>nd</sup> Agricultural Assoc.* (1986) 42 Cal.3d 929, 936. “Environmental review derives its vitality from public participation.” *Ocean View Estates Homeowners Assn. v. Montecito Water Dist.* (2004) 116 Cal.App.4<sup>th</sup> 396, 400.

#### B. The Project Will Lead to Significant Impacts to Land Use and Planning

The Draft MND incorrectly claims the Project would have no impact to land use and planning. Draft MND at 32. The Draft MND claims the Project would not conflict with any applicable land use plan, policy, or regulations. Draft MND at 32. As explained in the November 15, 2020 submitted by architect Philip A. Merten in connection with the Project’s Draft MND (“Merten Letter”), the Project is inconsistent with various applicable land use plans, policies, and regulations including provisions concerning setbacks, character, bulk and scale, parking, and transitions in bulk and scale. The Merten Letter is herein incorporated by reference. In addition, the Project is inconsistent with provisions concerning, among other things, public access to beaches and coastline, transportation systems, and residential land use.

“The propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements.” *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 570 (citation omitted). “Because of its broad scope, long-range perspective, and primacy over subsidiary land



use decisions, the 'general plan has been aptly described as the 'constitution for all future developments' within the city or county.'" *Orange Citizens for Parks and Recreation v. Sup. Ct.* (2016) 2 Cal.5th 141, 152 (citation omitted). If a Project "will frustrate the General Plan's goals and policies, it is inconsistent with the County's General Plan unless it also includes definite affirmative commitments to mitigate the adverse effect or effects." *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 379. The La Jolla Shores Community Plan and Local Coastal Program Land Use Plan ("Community Plan") are part of the City's General Plan. Community Plan at 117 (Appendix C).

The Project violates and is inconsistent with provisions of the General Plan, Community Plan, and San Diego Municipal Code ("SDMC"). Among other things, the Project violates Community Plan and SDMC provisions concerning Natural Resources and Open Space Systems, Transportation Systems, and public parking in the Community Plan area.

A goal of the Community Plan's Natural Resources and Open Space Systems Element provides: "Enhance existing public access to La Jolla's beaches and coastline areas (for example La Jolla Shores Beach and Children's Pool areas) in order to facilitate greater public use and enjoyment of these and other coastal resources." Community Plan at 29. To accomplish its goals, Natural Resources and Open Space Systems Element Public Access Policy c. requires: "The City shall maintain, and where feasible, enhance and restore existing parking areas, public stairways, pathways and railings along the shoreline to preserve vertical access (to the beach and coast), to allow lateral access (along the shore), and to increase public safety at the beach and shoreline areas." Community Plan at 41.

In addition, the Community Plan's Transportation Systems Element provides the following goal: "Improve the availability of public parking in those areas closest to the coastline as well as in the village core through a program of incentives (such as peripheral and central parking facilities, parking programs and improved transit)." Community Plan at 55. Transportation Systems Policy 9 requires: "The City should require parking for all proposed projects that adequately addresses the increased demand on some areas of the Coastal Zone." Community Plan at 58. Additionally, the Community Plan requires:

Require that all proposed development maintain and enhance public access to the coast by providing adequate parking per the Coastal Parking regulations of the Land Development Code. This required parking includes higher parking ratios for multiple-dwelling units in the Beach Impact Areas, as well as the required prohibition of curb cuts where there is alley access, in order to retain and enhance publicly-accessible street parking for beach visitors.

Community Plan at 61. The Project violates these goals and policies of the Community Plan. The Project proposes to provide two-off street parking spaces where three are required. *See* Merten Letter at 4. The Project's failure to provide the required number of off-street parking spaces violates the Community Plan's goal and policies concerning transportation and protecting and enhancing public access to the beach and coastline.

In addition, City staff has reasoned the parking provisions of the Land Development Code's Separately Regulated Uses article apply to the Project in claiming the required parking for the Project's proposed companion unit may be located in the Project's proposed driveway. This is incorrect. The Draft MND acknowledges the Project is in the Community Plan Single Family Zone. Draft MND at 1. Pursuant to the La Jolla Shores Planned District Ordinance, for development in the single family zone, "[p]arking shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations)." SDMC § 1510.0304 (f)(1). Among other things, the use of a driveway to satisfying off-street parking requirements is not permitted under Chapter 14, Article 2, Division 5. SDMC § 142.0510(e)(2)(A).

The Project also violates goals and policies of the Community Plan's Residential Land Use Element concerning community character. Among other things, Residential Land Use Element Policy 2.a. requires:

In order to promote development compatible with the existing residential scale:

The City should apply the development recommendations that are contained in this plan to all properties in La Jolla in order avoid extreme and intrusive changes to the residential scale of La Jolla's neighborhoods and to promote good design and harmony within the visual relationships and transitions between new and older structures.

Community Plan at 70. As discussed in the Merten Letter, the Project violates this policy and is inconsistent with the Community Plan's development recommendations. Merten Letter at 5.

C. The Project Will Lead to Significant Impacts to Aesthetics and Neighborhood Character

The Draft MND claims: "The [P]roject is compatible with the surrounding development and permitted by the community plan and zoning designation. The project would not degrade the existing visual character or quality of the site and its surroundings; therefore, impacts would be less than significant." Draft MND at 18.

The City's CEQA Significance Determination Thresholds ("CEQA Thresholds") provide a list of conditions, one or more of which must apply, to determine a project

meets the significance threshold for neighborhood character of: "Projects that severely contrast with the surrounding neighborhood character." CEQA Thresholds at 76. Among other things, a project may have a significant impact to neighborhood character if: "The project exceeds the allowable height or bulk regulations and the height and bulk of the existing patterns of development in the vicinity of the project by a substantial margin." CEQA Thresholds at 76. As detailed in the November 15, 2020 Merten Letter, the Project's proposed bulk and scale are excessive in relation to the existing pattern of development and are not in compliance with the General Design Regulations of the La Jolla Shores Planned District Ordinance. Merten Letter at 3-4. Accordingly, the Project will have significant impacts to neighborhood character and the Draft MND's proposed determinations are not supported by the evidence.

D. The Project Will Lead to Significant Noise Impacts

The Draft MND claims the Project will have a less than significant impact to noise. Draft MND at 33. It acknowledges: "Short-term noise impacts would be associated with onsite grading, and construction activities of the project." Draft MND at 33. The Draft MND claims:

Sensitive receptors (e.g. residential uses) occur in the immediate area and may be temporarily affected by construction noise; however, construction activities would be required to comply with the construction hours specified in the City's Municipal Code (Section 59.5.0404, Construction Noise) which are intended to reduce potential adverse effects resulting from construction noise. Impacts would remain below a level of significance.

Draft MND at 33 (underlining added). The Draft MND's discussion and conclusion concerning construction-related noise impacts are inadequate.

The CEQA Thresholds state: "Temporary construction noise which exceeds 75 dB(A) Leq at a sensitive receptor would be considered significant. Construction noise levels measured at or beyond the property lines of any property zoned residential shall not exceed an average sound level greater than 75-decibels (dB) during the 12-hour period from 7:00 a.m. to 7:00 p.m." CEQA Thresholds at 54. The CEQA Thresholds closely follow the provisions of the City's Construction Noise ordinance, which provides: "[I]t shall be unlawful for any person, including The City of San Diego, to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 a.m. to 7:00 p.m." SDMC § 59.5.0404(b).

The Draft MND fails to adequately address noise-levels associated with the Project's construction activities. The Project site and surrounding properties are designated low-density residential under the Community Plan. Community Plan at 73 (Figure 16). Yet, there is no analysis concerning whether the Project's construction-



related noise levels would exceed the 75 dBA standard beyond the adjacent, residential property lines. The Draft MND claims the Project “would be required to comply with the construction hours” specified by SDMC Section 59.5.0404 to reduce construction noise impacts. Draft MND at 33. There is no evidence to support the Draft MND’s claim the Project will have less than significant impacts to noise. The City improperly ignored this requirement. *Berkeley Keep Jets Over the Bay Comm.*, 91 Cal.App.4<sup>th</sup> at 1380 – 81 (it is improper to ignore noise impacts merely because it might be “temporary” in nature).

E. The Project’s Impacts to Greenhouse Gas Emissions are Inadequately Analyzed and the City Failed to Ensure Public Participation

CEQA is premised in part on “a belief that citizens can make important contributions to environmental protection and ... notions of democratic decision-making ...” *Concerned Citizens of Costa Mesa, Inc. v. 32<sup>nd</sup> Agricultural Assoc.* (1986) 42 Cal.3d 929, 936. “Environmental review derives its vitality from public participation.” *Ocean View Estates Homeowners Assn. v. Montecito Water Dist.* (2004) 116 Cal.App.4<sup>th</sup> 396, 400. The Draft MND claims the Project’s potential impacts to greenhouse gas emissions will be less than significant. Draft MND at 28. The Draft MND references the City’s Climate Action Plan (“CAP”) Checklist completed for the Project in supporting its claim. Draft MND at 28. However, the Project’s completed CAP Checklist was not made available with the Draft MND. The City’s failure to provide all documents and evidence upon which its proposed determinations are based precludes public participation and violates CEQA.

In addition, the Draft MND does not discuss the Project’s construction-related greenhouse gas emission impacts. Draft MND at 28. Under CEQA: “‘Project’ means the whole of an action, which has a potential for resulting in either a direct physical change in the environment.” CEQA Guidelines § 15378(a). Accordingly, a lead agency must review all greenhouse gas emissions from a project, including construction-related emissions. Natural Resources Agency, Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97 (December 2009), page 24, available at: [https://resources.ca.gov/CNRA/legacyfiles/ceqa/docs/Final\\_Statement\\_of\\_Reasons.pdf](https://resources.ca.gov/CNRA/legacyfiles/ceqa/docs/Final_Statement_of_Reasons.pdf). The City’s review of the Project’s potential impacts to greenhouse gas emissions is inadequate and the City must ensure public participation.

II. The Required Findings Cannot be Made

The Public Notice for the Draft MND recommends the following finding: “The recommended finding that the project will not have a significant effect on the environment is based on an Initial Study and project revisions/conditions which now mitigate potentially significant environmental impacts in the following area(s): **Cultural Resources (Archaeology) and Tribal Cultural Resources.**” The Project will lead to significant impacts to, among other things, air quality, greenhouse gas, land use and planning, neighborhood character, and noise. Accordingly, the required findings cannot

City of San Diego Development Service Dept.  
November 23, 2020  
Page 7 of 7

be made and the City must adequately review the Project's potential environmental impacts before proceeding.

III. Conclusion

For the foregoing reasons, Ayelet and Uri Gneezy urge the Development Services Department to reject the Draft MND and require an EIR be prepared for the Project. Thank you for your consideration of these concerns.

Sincerely,



Tyler T. Hee

Enc.

cc:

Benjamin Hafertepe, Development Services, Project Manager  
Philip A. Merten, AIA, Merten Architect

Attachments to Item #4  
**ATTACHMENT 3**





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PHILIP A. MERTEN AIA ARCHITECT

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

February 5, 2021

Hearing Officer  
Development Services Department  
1222 First Avenue, MS 501  
San Diego, CA 92101

TRANSMITTED VIA E-MAIL: hearingofficer@sandiego.gov

Re: 8423 El Paseo Grande CDP/SDP  
Project No. 661815

Dear Hearing Officer, and the Development Services Department,

I represent Doctors Uri and Ayelet Gneezy who reside immediately east and adjacent to the project referenced above. On the Gneezy's behalf please consider the following reasons why the required 'Findings' for the requested permits cannot be made.

The applicant is seeking both a Coastal Development Permit (CDP) and a Site Development Permit (SDP). A required Finding for a CDP is: 'The proposed *coastal development* is in conformity with the certified *Local Coastal Program land use plan* and complies with all regulations of the certified Implementation Program.' A required Finding for a SDP is: 'The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.'

Contrary to the required 'Findings' for a CDP and SDP, the proposed development simply does not comply with the regulations of the Land Development Code (LDC) as contained in the La Jolla Shores Planned District Ordinance (LJSPDO); nor does the project conform to the certified *Local Coastal Program land use plan. (La Jolla Community Plan and Local Coastal Program Land Use Plan)*

#### A. INSUFFICIENT SETBACKS:

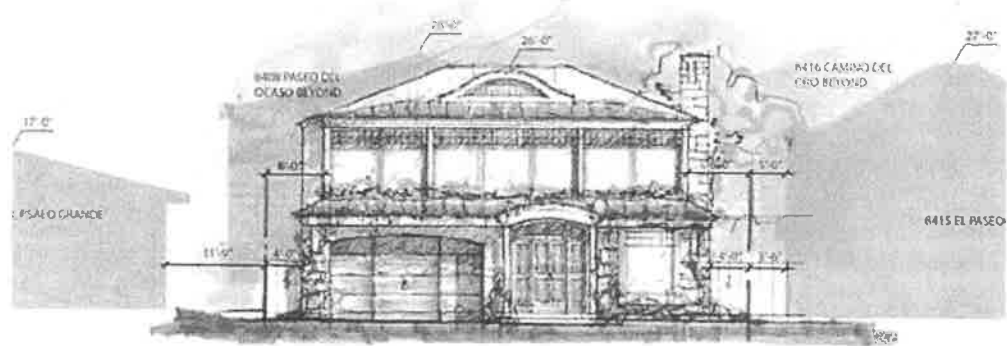
The La Jolla Shores Planned District Ordinance states: 'Building and structure setbacks shall be in general conformity with those in the vicinity.' Vicinity is defined in Black's Law Dictionary as: "Quality or state on being near, or not remote: nearness; propinquity; proximity; a region about or adjacent;"

The existing development on the subject site as well as the existing adjacent development on both sides of the subject site have one story garage structures that come to within a few feet of their rear property lines. The Gneezy's home directly behind the subject property is set back 20 feet from common rear property line. The neighboring home directly north of the project is setback 11'-5" from the common side property line as depicted on the applicant's Site Plan drawing.

##### A1. Insufficient North Side Yard Setback

Contrary to the existing side setback in the vicinity, the project proposes a two story Companion Unit, with a 0 and 4 foot side setback at the ground floor level and 4 foot and 6 foot side setback at the upper floor level; compared to 11'-5" on the adjacent property. The difference between the large existing setback on the north adjacent property and the very small proposed setback are clearly depicted in the architects sketch on the following page.

**A1. Insufficient North Side Yard Setback (continued)**

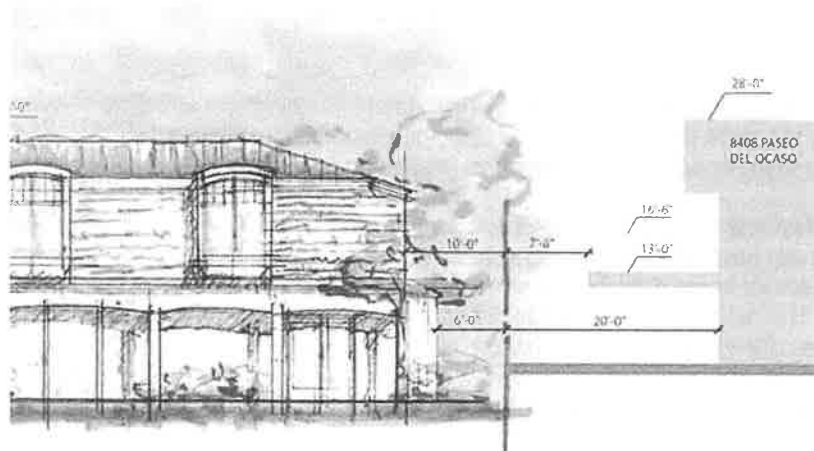


ALL HEIGHT MEASUREMENTS BASED ON PROP. 0' HEIGHT OF PROJECT PROPERTY

The proposed north side setbacks are clearly NOT in conformity with those in the vicinity (adjacent property) and therefore not in compliance with the La Jolla Shores Planned District Ordinance.

**A2. Insufficient Rear Yard Setback at Second Floor Level**

The existing one story garage is setback from the rear property line approximately one foot, which is the established rear yard setback. Contrary to the existing second story rear setbacks in the vicinity, the project proposes a two story Companion Unit, with an upper level rear setback of just 10 feet; compared to 20 feet for the two story dwelling on adjacent property in the vicinity. The significant difference between the large existing rear yard setback on the east adjacent property and the substantially smaller proposed rear setbacks are clearly depicted in the applicant's South Elevation sketch.



EMENTS BASED ON PROP. 0' HEIGHT OF PROJECT PROPERTY

SOUTH ELEVATION  
SCALE 1/8" = 1'-0"

The proposed east rear yard second story setback is only half of the existing setback in the vicinity (adjacent property), and NOT in conformity with those in the vicinity, and therefore not in compliance with the La Jolla Shores Planned District Ordinance.

## B. CHARACTER OF THE AREA

The General Design Regulations of the the La Jolla Shored Planned District Ordinance describe the:

(a) Character of the Area

In this primarily single-family residential community, a typical home is characterized by extensive use of glass, shake or shingle overhanging roof, and a low, rambling silhouette. Patios, the atrium or enclosed courtyard, and

The existing one story home to be demolished does have a low rambling silhouette and currently conforms with the LJPDO. But as depicted on applicant's PDF pages 7 and 11 the proposed silhouette is definitely **not low and rambling**.

(b) Design Principle

Within the limitations implied above, originality and diversity in architecture are encouraged. The theme "unity with variety" shall be a guiding principle. Unity without variety means simple monotony; variety by itself is chaos. No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area.



The proposed silhouette as viewed from the public right-of-way and from the public park across the street is high and box like, and so different in its high box like form and relationship to adjacent structures (height and side setbacks) that it will disrupt the architectural unity of the area. **The proposed project does not conform to the Design Principal Section of the La Jolla Shores Planned District Ordinance.**

### C. EXCESSIVE BULK AND SCALE

The Design Principal Section General Design Regulations of the La Jolla Shores Planned District Ordinance says: "... no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area." But contrary to that regulation, the project proposes a Floor Area Ratio (FAR) of 0.96, considerably greater in size than the existing FARs of properties in the vicinity. The maximum allowed FAR for a single family zoned parcel outside of the LJSPD is 0.60. The proposed FAR of 0.96 is 60 percent greater than would be allowed anywhere outside of the La Jolla Shores Planned District.

The applicant prepared a *Floor Area Ratio* exhibit. The exhibit included an aerial view of La Jolla Shores neighborhood west of La Jolla Shores Drive. According to the exhibit the range of *Floor Area Ratios* depicted by the colored dots is based on 'DATA RECORDED FROM SCOUTRED WEBSITE ON 7/14/2020'.

Unfortunately, the data from the SCOUTRED WEBSITE is not accurate, and the calculated FARs based on SCOUTRED data are not accurate.

For example, according to Island Architect's exhibit titled FAR LEGEND, the northern most beach front property on the list has a FAR greater than 1.0; which is patently false. I know this because I designed the remodel of the home at 8542 El Paseo Grande in the early 1990's. The existing property has an actual REAL gross floor area (GFA), measured in accordance with the SDMC, of 4,944 s.f. and a site area of 9,313 s.f. for a FAR of 0.53, definitely not greater than 1.0 as indicated on Island Architect's exhibit.

SCOUTRED's data likely comes from the San Diego County Assessor's Office. Unfortunately the County Assessor makes no distinction between below grade basement Livable Area, which is excluded from *gross floor area* by the SDMC, and above grade Livable Area. The Assessor combines both below grade and above grade areas into one Livable Area total. When SCOUTRED's data comes for the County Assessor, projects with basements will show a Livable Area far in excess of the actual *gross floor area* on the property per SDMC Sect. 113.0234; and the resultant Floor Area Ratios for projects with basements will be inflated above the REAL Floor Area Ratios per SDMC Sec. 113.0234.

There are other existing homes with basements or partial basements in La Jolla Shores. The existing three homes at 8356, 8368, and 8374 Paseo Del Ocaso (green dots) some of which have partial basements and therefore have inflated SCOUTRED Livable Areas. Based on the few researched properties and the discrepancies between REAL data and SCOUTRED inflated data, the applicant's FAR exhibit is extremely misleading and should not be used in comparing or assessing the appropriateness of the proposed 0.96 FAR.

According to a tabulation submitted by the Applicant to the La Jolla Community Planning Association, of the 42 listed properties only 6 properties had Floor Area Ratios in excess of 0.70; and 5 of those properties are on Paseo Del Ocaso, away from La Jolla Shores Park. The sixth property in excess of FAR 0.70 is at 8405 El Paseo Grande with a FAR of 0.87. The proposed project has a FAR more than 10 percent greater than the largest FAR on El Paseo Grande.

Of the 13 properties listed on El Paseo Grande, **the average FAR is 0.54.**

Of the 42 properties listed the **average FAR is 0.55.** Yet, the applicant proposes a revised project with a Floor Area Ratio (FAR) of 0.96, which is 74.5% greater than the average FAR listed.

Based on the information contained in the applicant's tabulation, it is reasonable to conclude that the current project is significantly larger in size relationship (FAR) that it will "disrupt the architectural unity of the area."



**C. EXCESSIVE BULK AND SCALE** (continued)

The proposed project with a FAR of 0.96 significantly exceeds the FARs of other projects in the area, and in combination with its closeness to the side and rear property lines, is so different in 'form' and 'relationship' that it will definitely disrupt the architectural unity of the area. If approved, the 0.96 FAR will set a dangerous precedent for all future projects in La Jolla Shores.

Unfortunately LDR-Planning Staff relied on incorrect Floor Area Ratio data provided by the architect when evaluating the project.

The bulk and scale of the proposed project is not in conformance with General Design Regulations of the La Jolla Shores Planned District Ordinance.

**D. INADEQUATE PARKING**

The subject project fails to provide a required off-street parking space for the Companion Unit in accordance with the Parking Regulations for Companion Units, and the La Jolla Shores Planned District Ordinance. The project applicant has erroneously designated the required 20 foot driveway as the location of the required third off-street parking space for the Companion Unit. The designated companion unit parking space blocks access to the 2 enclosed required parking spaces for the primary dwelling.

The Companion Unit regulations per SDMC Sec 141.0302(a)(7) state:

- (7) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with Section 141.0302, except as otherwise indicated herein by the zone.

SDMC Sec. 141.0302(a)(7)(C) allows a required off-street parking space for a *Companion Unit* to be located in any '**configuration**' within a *setback* area; but that does not mean any '**location**' within a setback area.

The Companion Unit regulations and the La Jolla Shores Planned District Ordinance (LJSPDO) specifically incorporate Chapter 14, Article 2, Division 5 (Parking Regulations), including SDMC Sec.142.0510(e)(2)(A) which clearly states: '... the use of a driveway to satisfy off-street parking space requirements is not permitted.'

- (2) No vehicle shall be parked in any required front or street side *yard* except where permitted by a particular zone, or except as provided below:
  - (A) An operable vehicle may be temporarily parked on a legal driveway within a required front or street side yard if the vehicle does not in any way impede access to or from more than one required parking space, including tandem spaces, or encroach upon any public sidewalk. Except as specifically permitted by the applicable zone, the use of a driveway to satisfy *off-street parking space* requirements is not permitted.

Therefore, the proposed location of the off-street parking space for the Companion Unit is in violation of Sec.142.0510(e)(2)(A) and not in conformance with the SDMC's Separately Regulated Use Regulations nor the La Jolla Shores Planned District Ordinance.

**D. INADEQUATE PARKING (continued)**

Note: Because the project is located in a Beach Parking Impact Overlay Zone it is critically important that all required off-street parking spaces be provided in accordance with the SDMC, and that the proposed driveway be reserved for guest parking; so that on-street parking remains available for visitors to the coastline and La Jolla Shores Park (Kellogg Park).

For the lack of a suitable required parking space alone, **the project fails to comply with SDMC Sec 142.0510(e)(2)(A), and therefore the required Findings for a CDP and SDP cannot be made, and the Mitigated Negative Declaration should not be certified.**

**E. INSUFFICIENT TRANSITION IN BULK AND SCALE**

The Residential Element of the *La Jolla Community Plan and Local Coastal Program* states:

- Maintain the character of La Jolla's residential areas by ensuring that redevelopment occurs in a manner that protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures.

The Residential Community Character recommendations of the *La Jolla Community Plan and Local Coastal Program* states:

- 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;
    - 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 Residential Land Use Element of the *La Jolla Community Plan and Local Coastal Program*, and as depicted on the applicant's drawings, a significant portion of the upper level north side exterior wall and provides no setback from the lower level exterior wall. Other portions of the upper level north side exterior wall are setback only 2 feet from the lower level exterior wall, and do not provide a sufficient step back transition in the bulk of the new two story building from that of the adjacent existing single story home.

The fact that the side facade above the first story steps back only minimally from the first floor exterior walls is depicted in the architect's Street View image on the next page:

Because the side facade above the first story steps back only minimally from the first floor exterior walls and does not provide an adequate transition in the bulk of the proposed structure from the adjacent one story dwelling, the proposed project is not in conformity with the Residential Community Character recommendations of the La Jolla Community Plan and Local Coastal Program.

**CONCLUSION:**

As the proposed project neither conforms to the requirements of the La Jolla Shores Planned District Ordinance, nor the Parking Regulations for companion units for the City of San Diego, nor the recommendations of the La Jolla Community Plan and Local Coastal Program, the required Findings for a CDP and SDP cannot be made.

**For all of the above reasons the Final Mitigated Negative Declaration can not be certified.**

Thank you for your consideration of these very significant issues.

Sincerely,

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

Philip A. Merten AIA

EC: Benjamin Hafertepe  
La Jolla Community Planning Association

bhafertepe@sandiego.gov  
info@lajollacpa.org

Attachments to Item #4  
**ATTACHMENT 4**





# DELANO & DELANO

February 8, 2021

VIA E-MAIL

Hearing Officer  
Development Services Department  
City of San Diego  
1222 First Ave., MS 501  
San Diego, CA 92101  
[hearingofficer@sanidiego.gov](mailto:hearingofficer@sanidiego.gov)

Re: February 10, 2021 Hearing Agenda Item - 1: 8423 El Paseo Grande Coastal Development Permit, Site Development Permit, and Final MND, Project No. 661815

Dear Hearing Officer:

This letter is submitted on behalf of Ayelet and Uri Gneezy in connection with the 8423 El Paseo Grande Project No. 661815 and related Coastal Development Permit No. 2424435 ("CDP"), Site Development Permit No. 2429037 ("SDP") and Mitigated Negative Declaration ("MND") (collectively referred to as "Project").

I. The Project Violates the Applicable Land Use Plans and San Diego Municipal Code

"The propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements." *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 570 (citation omitted). "Because of its broad scope, long-range perspective, and primacy over subsidiary land use decisions, the 'general plan has been aptly described as the 'constitution for all future developments' within the city or county.'" *Orange Citizens for Parks and Recreation v. Sup. Ct.* (2016) 2 Cal.5th 141, 152 (citation omitted). The La Jolla Shores Community Plan and Local Coastal Program Land Use Plan ("Community Plan") are part of the City's General Plan. Community Plan at 117 (Appendix C).

The Project violates and is inconsistent with provisions of the General Plan, Community Plan, and San Diego Municipal Code ("SDMC"). As explained in a letter dated February 5, 2021 submitted by architect Philip A. Merten ("Merten Letter"), attached hereto as Attachment 1, the Project is inconsistent with various applicable land

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use plans, policies, and regulations including provisions concerning setbacks, character, bulk and scale, parking, and transitions in bulk and scale. In addition, the Project is inconsistent with provisions concerning, among other things, land use, urban design, public access to beaches and coastline, and transportation systems.

A. The Project is Inconsistent with the Community Plan and SDMC

The Project is inconsistent with the Community Plan's objectives and policies including, among others, provisions concerning Natural Resources and Open Space Systems, Transportation Systems, and public parking in the Community Plan area.

The Project violates goals and policies of the Community Plan's Residential Land Use Element concerning community character including, among others, Policy 2.a, which requires:

In order to promote development compatible with the existing residential scale:

The City should apply the development recommendations that are contained in this plan to all properties in La Jolla in order avoid extreme and intrusive changes to the residential scale of La Jolla's neighborhoods and to promote good design and harmony within the visual relationships and transitions between new and older structures.

Community Plan at 70. As discussed in the Merten Letter, the Project violates this policy and is inconsistent with the Community Plan's development recommendations. Attachment 1, p. 6.

In addition, a goal of the Community Plan's Natural Resources and Open Space Systems Element provides: "Enhance existing public access to La Jolla's beaches and coastline areas (for example La Jolla Shores Beach and Children's Pool areas) in order to facilitate greater public use and enjoyment of these and other coastal resources." Community Plan at 29. To accomplish its goals, Natural Resources and Open Space Systems Element Public Access Policy 5.c requires: "The City shall maintain, and where feasible, enhance and restore existing parking areas, public stairways, pathways and railings along the shoreline to preserve vertical access (to the beach and coast), to allow lateral access (along the shore), and to increase public safety at the beach and shoreline areas." Community Plan at 41.

Additionally, the Community Plan's Transportation Systems Element provides the following goal: "Improve the availability of public parking in those areas closest to the coastline as well as in the village core through a program of incentives (such as peripheral and central parking facilities, parking programs and improved transit)." Community Plan at 55. Transportation Systems Policy 9 requires: "The City should

require parking for all proposed projects that adequately addresses the increased demand on some areas of the Coastal Zone.” Community Plan at 58. Additionally, the Community Plan requires:

Require that all proposed development maintain and enhance public access to the coast by providing adequate parking per the Coastal Parking regulations of the Land Development Code. This required parking includes higher parking ratios for multiple-dwelling units in the Beach Impact Areas, as well as the required prohibition of curb cuts where there is alley access, in order to retain and enhance publicly-accessible street parking for beach visitors.

Community Plan at 61. The Project violates these goals and policies of the Community Plan. The Project proposes to provide two-off street parking spaces, within the proposed, attached garage, where three are required. See Attachment 1, pp. 5-6. The Project’s failure to provide the required number of off-street parking spaces violates the Community Plan’s goal and policies concerning transportation and protecting and enhancing public access to the beach and coastline.

In addition, City staff has reasoned the parking provisions of the Land Development Code’s Separately Regulated Uses article apply to the Project in claiming the required parking for the Project’s proposed companion unit may be located in the Project’s proposed driveway. This is incorrect. The MND acknowledges the Project is in the Community Plan Single Family Zone. MND at 1. Pursuant to the La Jolla Shores Planned District Ordinance, for development in the single family zone, “[p]arking shall be provided in accordance with Land Development Code Chapter 14, Article 2, Division 5 (Parking Regulations).” SDMC § 1510.0304 (f)(1). Among other things, the use of a driveway to satisfy off-street parking requirements is not permitted under Section 142.0510(e)(2)(A). Thus, the driveway cannot be used to satisfy the required off-street parking for the Project.

Additionally, even if it could utilize the driveway for its off-street parking, the Project as proposed violates other parking requirements. The Project is located within the Residential Tandem Parking Overlay Zone. MND at 1. Thus, tandem parking may only be counted as two parking spaces toward required off-street parking “[w]ithin the beach impact area of the Parking Impact Area Overlay Zone where access is provided to the tandem space from an abutting *alley*.” SDMC § 132.0905(a)(4) (*italics in original*). The Land Development Code provides: “*Alley* means a public way that is no wider than 25 feet that is dedicated as a secondary means of access to an abutting property.” SDMC § 113.0103 (*italics in original; underlining added*). Here, the Project is within the beach impact area of the Parking Impact Area Overlay Zone, but the tandem parking space in the driveway is only accessible via El Paseo Grande, the primary means of access to the Project site. February 3, 2021 Staff Report (“Staff Report”) at 163.

Also, the Residential Tandem Parking Overlay Zone requires: "Both of the tandem spaces shall be assigned to the same dwelling unit." *Id.* § 132.0905(c). City staff and the Project's plans indicate the tandem parking spaces are assigned one each to the main dwelling unit and the companion unit violating this requirement. Staff Report at 57 & 163.

"[G]eneral consistencies with plan policies cannot overcome 'specific, mandatory and fundamental inconsistencies' with plan policies." *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 239. The Project violates important and mandatory policies of the Community Plan, as well as related provisions of the SDMC.

B. The Project is Inconsistent with the General Plan

The Project is inconsistent with the General Plan's objectives and policies including, among others, provisions concerning land use and urban design.

The Project violates goals and policies of the General Plan's Land Use and Community Planning Element concerning coastal resources including, among others, the goal of: "Preservation and enhancement of coastal resources." General Plan at LU-31. In addition the Project violates Policy LU-E.1 concerning community-specific policies for Coastal Zone communities to address Coastal Act policies regarding circulation, beach impact area, parking, and public access. General Plan at LU-32. The Project is also inconsistent with Policy LU-E.3 regarding required community plan policies implementing Chapter 3 of the Coastal Act and Land Development Code provisions implementing those policies. General Plan at LU-32. As discussed in Section I.A, the Project is inconsistent with community-specific policies in the Community Plan, as well as provisions in the Land Development Code, concerning coastal resources, public access, and parking in the Coastal Zone.

The Project is also inconsistent with provisions of the General Plan concerning consistency of the City's land use plans including, among others, Policy LU-F.1, which requires: "Apply existing or new Land Development Code zone packages or other regulations as needed to better implement the policy recommendations of the General Plan; land use designations of the community plans; other goals and policies of the community plans; and community-specific policies and recommendations." General Plan at LU-31 – LU-33 (emphasis added). As discussed in Section I.A, the Project fails to apply existing regulations to implement the Community Plan's goals and policies. City staff has ignored applicable provisions of the Land Development Code and La Jolla Shores Planned District Ordinance, which implement community-specific policies regarding, among other things, natural resources and open space, transportation systems, and parking requirements.

The Project also violates goals and policies of the General Plan's Urban Design Element, which guide the desirable scale and character of physical development. The Project is inconsistent with, among others, Policy UD-A.5 and UD-A.5.b, which requires: "Design buildings that contribute to a positive neighborhood character and relate to neighborhood and community context... Encourage designs that are sensitive to the scale, form, rhythm, proportions, and materials in proximity to commercial areas and residential neighborhoods that have a well-established, distinctive character." General Plan at UD-9. The Project is out of scale with the existing residential neighborhood, including the existing homes in the immediate vicinity. See Attachments 2 and 3.

The Project is also inconsistent with the General Plan's provisions for distinctive neighborhoods and residential design. The Project violates, among others, the following goal: "Architectural design that contributes to the creation and preservation of neighborhood character and vitality." General Plan at UD-16 (emphasis added). The Project is also inconsistent with Policy UD-B.4.d, which requires: "Maintain existing setback patterns, except where community plans call for redevelopment to change the existing pattern." General Plan at UD-18. The Project fails to meet these requirements. The Project proposes to demolish the existing one-story residence and construct a new two-story residence that will more than triple the existing square-footage. Staff Report at 2. The Project as proposed fails to preserve neighborhood character. See Attachment 1 at pp. 3, 6-7. In addition, the Project fails to maintain the existing side yard and rear yard setback patterns. See Attachment 1 at pp. 1-2.

If a Project "will frustrate the General Plan's goals and policies, it is inconsistent with the County's General Plan unless it also includes definite affirmative commitments to mitigate the adverse effect or effects." *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th 342, 379. The Project frustrates multiple goals and policies of the General Plan and should not be approved as proposed.

## II. The Project Violates the California Coastal Act

The Project violates provisions of Chapter Three of the California Coastal Act ("Coastal Act"). As discussed above, the Project is inconsistent with the Community Plan and La Jolla Shores Planned District Ordinance, which are the local coastal program land use plan and implementation program guiding development for the Project site under the Coastal Act.

In addition, the Project violates Coastal Act provisions including, among others, Section 30252, which requires development maintain and enhance public access to the coast by "providing adequate parking facilities or providing substitute means of serving the development with public transportation." The Project qualifies as "development" pursuant to Section 30106, but fails to provide adequate parking despite its location less than 300 feet from the Pacific Ocean.



The Project also violates Section 30253, which requires development “protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.” La Jolla is designated as a “special community” under the Coastal Act. Community Plan at 19. As discussed in Sections I.A and I.B, and in the Merten Letter, the Project violates goals and policies required by the Community Plan intended to protect the unique coastal resources and characteristics of the surrounding neighborhood.

The Project’s violation of policies protecting public access to the coast in a community designated as a “special community” under the Coastal Act is particularly troublesome given the existing challenges to and limitation on public access due to parking demand in the La Jolla Shores area.

### III. The City Should Prepare an Environmental Impact Report

CEQA requires the preparation of an Environmental Impact Report (“EIR”) whenever substantial evidence in the record supports a “fair argument” that significant environmental impacts may occur. Pub. Res. Code § 21080(d); *No Oil, Inc. v. City of Los Angeles* (1975) 13 Cal.3d 68. If there is “substantial evidence that the project might have [a significant impact on the environment], but the agency failed to secure preparation of the required EIR, the agency’s action is to be set aside because the agency abused its discretion by failing to proceed in a ‘manner required by law.’” *Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002. Here, the City should prepare an EIR before proceeding; the Project is likely to lead to several significant impacts.

#### A. The Project Will Lead to Significant Impacts to Air Quality

Discussing the Project’s potential construction-related air quality impacts, the MND’s Initial Study states: “Construction-related activities are temporary, short-term sources of air emissions.” Initial Study (“IS”) at 21. It acknowledges: “Sources of construction-related air emissions include fugitive dust from grading activities; construction equipment exhaust; construction-related trips by workers, delivery trucks, and material-hauling trucks; and construction-related power consumption.” IS at 21. The Initial Study reasons: “Any impacts associated with fugitive dust are considered less than significant and would not violate an air quality standard or contribute substantially to an existing or projected air quality violation. No mitigation measures are required.” IS at 21.

It is improper to ignore an impact merely because it might be “temporary” in nature. *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Commissioners* (2001) 91 Cal.App.4<sup>th</sup> 1344, 1380 – 81; *see also Taxpayers for Accountable School Bond Spending v. San Diego Unified School Dist.* (2013) 215 Cal.App.4<sup>th</sup> 1013, 1049 (emissions should be calculated as they will actually occur, not averaged over a longer period of time). Among other things, the MND fails to adequately consider construction-related air quality impacts. The MND only considers fugitive dust associated with land-

clearing and grading. It improperly ignores potential impacts from other sources of air emissions, including construction equipment exhaust, construction-related trips by workers, delivery trucks, and material-hauling trucks, and construction-related power consumption. The Project site is adjacent to a number of potential sensitive receptors, single-family residences, and La Jolla Shores Beach and Kellogg Park. Construction activities will expose residents and beach and park users to related air emissions that must be addressed before the Project may be approved.

B. The Project Will Lead to Significant Impacts to Land Use and Planning

As discussed in Sections I.A and I.B above, the Project is inconsistent with multiple requirements from the General Plan, Community Plan, and SDMC. If a project “will frustrate the General Plan’s goals and policies, it is inconsistent with the County’s General Plan unless it also includes definite affirmative commitments to mitigate the adverse effect or effects.” *Napa Citizens*, 91 Cal.App.4th at 379. Despite the Project’s numerous problems, the MND fails to adequately address and mitigate the Project’s adverse effects to land use and planning.

C. The Project Will Lead to Significant Impacts to Aesthetics and Neighborhood Character

The Initial Study claims: “The [P]roject is compatible with the surrounding development and permitted by the community plan and zoning designation. The project would not degrade the existing visual character or quality of the site and its surroundings; therefore, impacts would be less than significant.” IS at 18.

The City’s CEQA Significance Determination Thresholds (“CEQA Thresholds”): “Projects that severely contrast with the surrounding neighborhood character.” CEQA Thresholds at 76. A project may have a significant impact to neighborhood character if, among other things: “The project exceeds the allowable height or bulk regulations and the height and bulk of the existing patterns of development in the vicinity of the project by a substantial margin.” CEQA Thresholds at 76. As detailed in Merten Letter, the Project’s proposed bulk and scale are excessive in relation to the existing pattern of development and are not in compliance with the General Design Regulations of the La Jolla Shores Planned District Ordinance. Attachment 1, pp. 3-5. Additionally the Project fails to provide sufficient transition in bulk and scale. Attachment 1, pp. 6-7. The Project will have significant impacts to neighborhood character and the MND’s proposed determinations are not supported by the evidence.

D. The Project Will Lead to Significant Noise Impacts

The Initial Study claims the Project will have a less than significant impact to noise. IS at 33. It acknowledges: “Short-term noise impacts would be associated with

onsite grading, and construction activities of the project.” IS at 33. The Initial Study claims:

Sensitive receptors (e.g. residential uses) occur in the immediate area and may be temporarily affected by construction noise; however, construction activities would be required to comply with the construction hours specified in the City’s Municipal Code (Section 59.5.0404, Construction Noise) which are intended to reduce potential adverse effects resulting from construction noise. Impacts would remain below a level of significance.

IS at 33 (underlining added). The Initial Study’s discussion and conclusion concerning construction-related noise impacts are inadequate.

The CEQA Thresholds state: “Temporary construction noise which exceeds 75 dB(A) Leq at a sensitive receptor would be considered significant. Construction noise levels measured at or beyond the property lines of any property zoned residential shall not exceed an average sound level greater than 75-decibels (dB) during the 12-hour period from 7:00 a.m. to 7:00 p.m.” CEQA Thresholds at 54. The CEQA Thresholds closely follow the provisions of the City’s Construction Noise ordinance, which provides: “[I]t shall be unlawful for any person, including The City of San Diego, to conduct any construction activity so as to cause, at or beyond the property lines of any property zoned residential, an average sound level greater than 75 decibels during the 12-hour period from 7:00 a.m. to 7:00 p.m.” SDMC § 59.5.0404(b).

The MND fails to adequately address noise levels associated with the Project’s construction activities. The Project site and surrounding properties are designated low-density residential under the Community Plan. Community Plan at 73 (Figure 16). Yet, there is no analysis concerning whether the Project’s construction-related noise levels would exceed the 75 dBA standard beyond the adjacent, residential property lines. The Initial Study claims the Project “would be required to comply with the construction hours” specified by SDMC Section 59.5.0404 to reduce construction noise impacts. Initial Study at 33. There is no evidence to support the claim the Project will have less than significant impacts to noise. The City improperly ignored this requirement. *Berkeley Keep Jets Over the Bay Comm.*, 91 Cal.App.4<sup>th</sup> at 1380 – 81 (it is improper to ignore noise impacts mere because it might be “temporary” in nature).

E. The Project’s Impacts to Greenhouse Gas Emissions are Inadequately Analyzed

The Initial Study incorrectly claims the Project’s potential impacts to greenhouse gas emissions will be less than significant. IS at 28. Neither the MND nor the Project’s Climate Action Plan Checklist consider construction-related greenhouse gas emission impacts. Initial Study at 28. Under CEQA: “‘Project’ means the whole of an action,

which has a potential for resulting in either a direct physical change in the environment.” CEQA Guidelines § 15378(a). Accordingly, a lead agency must review all greenhouse gas emissions from a project, including construction-related emissions. Natural Resources Agency, Final Statement of Reasons for Regulatory Action: Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB97 (December 2009), page 24. The City’s review of the Project’s potential impacts to greenhouse gas emissions is inadequate.

#### IV. The City Cannot Make the Required Findings

In approving a project, administrative findings “‘bridge the analytic gap between the raw evidence and ultimate decision’ and to show the ‘analytic route the administrative agency traveled from evidence to action.’ ... The findings requirement ‘serves to conduce the administrative body to draw legally relevant sub-conclusions supportive of its ultimate decision; the intended effect is to facilitate orderly analysis and minimize the likelihood that the agency will randomly leap from evidence to conclusions.’” *West Chandler Boulevard Neighborhood Assn. v. City of Los Angeles* (2011) 198 Cal.App.4th 1506, 1521 (*West Chandler*) (quoting *Great Oaks Water Co. v. Santa Clara Valley Water Dist.* (2009) 170 Cal.App.4th 956, 971.) The City cannot make the required findings.

The City must make findings for the Project’s CDP including, among other things, that the Project in “is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.” SDMC § 126.0708. Additionally, the City must find make findings for the Project’s SDP including, among other things that the Project “will not adversely affect the applicable land use plan” and “will comply with the regulations of the Land Development Code.” SDMC § 126.0505. As discussed above, the Project violates the General Plan, Community Plan, and Land Development Code provisions of the SDMC. Accordingly, the required findings cannot be made.

In addition, the City cannot make the required findings to certify the MND. The proposed findings for the MND included with the Staff Report claim the “project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment.” However, the Project will lead to significant impacts not addressed by the MND including to, among other things, air quality, greenhouse gas, land use and planning, neighborhood character, and noise.

Accordingly, the required findings cannot be made to approve the Project.

#### V. Conclusion

For the foregoing reasons, Ayelet and Uri Gneezy urge the Hearing Officer to

Hearing Officer  
City of San Diego Development Service Dept.  
February 8, 2021  
Page 10 of 10

reject the Project. Thank you for your consideration of these concerns.

Sincerely,



Tyler T. Hee

Enclosures:

1. February 5, 2021 letter from Philip A. Merten;
2. Project rendering provided to La Jolla Shores Planned District Advisory Board;
3. Photos of Existing Neighborhood Character.

cc:

Benjamin Hafertepe, Development Services, Project Manager  
Philip A. Merten, AIA, Merten Architect



## **ATTACHMENT 1**

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February 5, 2021

Hearing Officer  
Development Services Department  
1222 First Avenue, MS 501  
San Diego, CA 92101

TRANSMITTED VIA E-MAIL: hearingofficer@sandiego.gov

Re: 8423 El Paseo Grande CDP/SDP  
Project No. 661815

Dear Hearing Officer, and the Development Services Department,

I represent Doctors Uri and Ayelet Gneezy who reside immediately east and adjacent to the project referenced above. On the Gneezy's behalf please consider the following reasons why the required 'Findings' for the requested permits cannot be made.

The applicant is seeking both a Coastal Development Permit (CDP) and a Site Development Permit (SDP). A required Finding for a CDP is: 'The proposed *coastal development* is in conformity with the certified *Local Coastal Program land use plan* and complies with all regulations of the certified Implementation Program.' A required Finding for a SDP is: 'The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.'

Contrary to the required 'Findings' for a CDP and SDP, the proposed development simply does not comply with the regulations of the Land Development Code (LDC) as contained in the La Jolla Shores Planned District Ordinance (LJSPDO); nor does the project conform to the certified *Local Coastal Program land use plan*. (*La Jolla Community Plan and Local Coastal Program Land Use Plan*)

#### A. INSUFFICIENT SETBACKS:

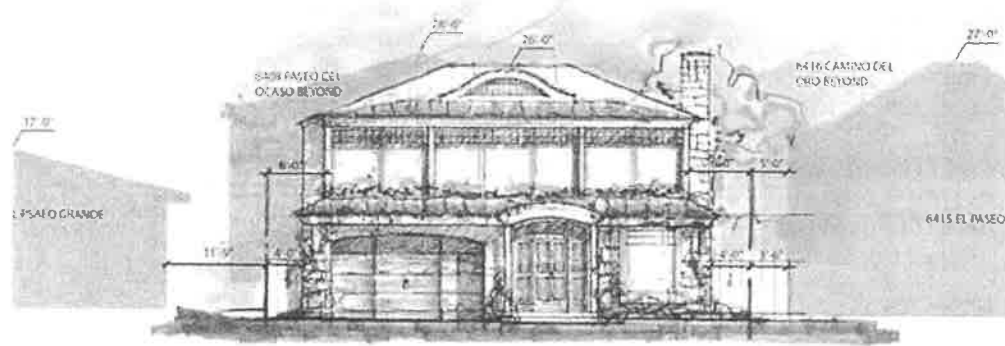
The La Jolla Shores Planned District Ordinance states: 'Building and structure setbacks shall be in general conformity with those in the vicinity.' Vicinity is defined in Black's Law Dictionary as: "Quality or state on being near, or not remote: nearness; propinquity; proximity; a region about or adjacent;"

The existing development on the subject site as well as the existing adjacent development on both sides of the subject site have one story garage structures that come to within a few feet of their rear property lines. The Gneezy's home directly behind the subject property is set back 20 feet from common rear property line. The neighboring home directly north of the project is setback 11'-5" from the common side property line as depicted on the applicant's Site Plan drawing.

##### A1. Insufficient North Side Yard Setback

Contrary to the existing side setback in the vicinity, the project proposes a two story Companion Unit, with a 0 and 4 foot side setback at the ground floor level and 4 foot and 6 foot side setback at the upper floor level; compared to 11'-5" on the adjacent property. The difference between the large existing setback on the north adjacent property and the very small proposed setback are clearly depicted in the architects sketch on the following page.

**A1. Insufficient North Side Yard Setback (continued)**

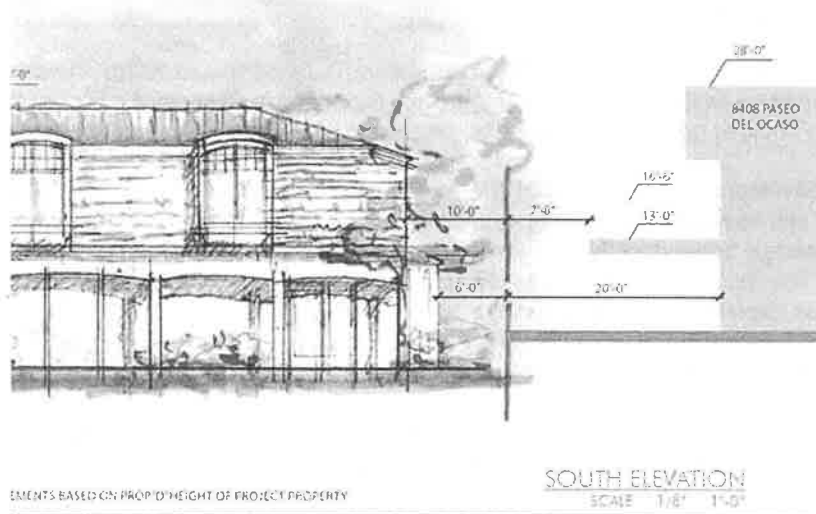


ALL HEIGHT MEASUREMENTS BASED ON PROPOSED HEIGHT OF PROJECT PROPERTY

The proposed north side setbacks are clearly NOT in conformity with those in the vicinity (adjacent property) and therefore not in compliance with the La Jolla Shores Planned District Ordinance.

**A2. Insufficient Rear Yard Setback at Second Floor Level**

The existing one story garage is setback from the rear property line approximately one foot, which is the established rear yard setback. Contrary to the existing second story rear setbacks in the vicinity, the project proposes a two story Companion Unit, with an upper level rear setback of just 10 feet; compared to 20 feet for the two story dwelling on adjacent property in the vicinity. The significant difference between the large existing rear yard setback on the east adjacent property and the substantially smaller proposed rear setbacks are clearly depicted in the applicant's South Elevation sketch.



The proposed east rear yard second story setback is only half of the existing setback in the vicinity (adjacent property), and NOT in conformity with those in the vicinity, and therefore not in compliance with the La Jolla Shores Planned District Ordinance.

## B. CHARACTER OF THE AREA

The General Design Regulations of the the La Jolla Shored Planned District Ordinance describe the:

### (a) Character of the Area

In this primarily single-family residential community, a typical home is characterized by extensive use of glass, shake or shingle overhanging roof, and a low, rambling silhouette. Patios, the atrium or enclosed courtyard, and

The existing one story home to be demolished does have a low rambling silhouette and currently conforms with the LJPDO. But as depicted on applicant's PDF pages 7 and 11 the proposed silhouette is definitely **not low and rambling**.

(b) Design Principle

Within the limitations implied above, originality and diversity in architecture are encouraged. The theme "unity with variety" shall be a guiding principle. Unity without variety means simple monotony; variety by itself is chaos. No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area.



The proposed silhouette as viewed from the public right-of-way and from the public park across the street is high and box like, and so different in its high box like form and relationship to adjacent structures (height and side setbacks) that it will disrupt the architectural unity of the area. **The proposed project does not conform to the Design Principal Section of the La Jolla Shores Planned District Ordinance.**

### C. EXCESSIVE BULK AND SCALE

The Design Principal Section General Design Regulations of the La Jolla Shores Planned District Ordinance says: "... no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area." But contrary to that regulation, the project proposes a Floor Area Ratio (FAR) of 0.96, considerably greater in size than the existing FARs of properties in the vicinity. The maximum allowed FAR for a single family zoned parcel outside of the LJSPD is 0.60. The proposed **FAR of 0.96 is 60 percent greater** than would be allowed anywhere outside of the La Jolla Shores Planned District.

The applicant prepared a *Floor Area Ratio* exhibit. The exhibit included an aerial view of La Jolla Shores neighborhood west of La Jolla Shores Drive. According to the exhibit the range of *Floor Area Ratios* depicted by the colored dots is based on 'DATA RECORDED FROM SCOUTRED WEBSITE ON 7/14/2020'. Unfortunately, the data from the SCOUTRED WEBSITE is not accurate, and the calculated FARs based on SCOUTRED data are not accurate.

For example, according to Island Architect's exhibit titled FAR LEGEND, the northern most beach front property on the list has a FAR greater than 1.0; which is patently false. I know this because I designed the remodel of the home at 8542 El Paseo Grande in the early 1990's. The existing property has an actual REAL gross floor area (GFA), measured in accordance with the SDMC, of 4,944 s.f. and a site area of 9,313 s.f. for a FAR of 0.53, definitely not greater than 1.0 as indicated on Island Architect's exhibit.

SCOUTRED's data likely comes from the San Diego County Assessor's Office. Unfortunately the County Assessor makes no distinction between below grade basement Livable Area, which is excluded from *gross floor area* by the SDMC, and above grade Livable Area. The Assessor combines both below grade and above grade areas into one Livable Area total. When SCOUTRED's data comes for the County Assessor, projects with basements will show a Livable Area far in excess of the actual *gross floor area* on the property per SDMC Sect. 113.0234; and the resultant Floor Area Ratios for projects with basements will be inflated above the REAL Floor Area Ratios per SDMC Sec. 113.0234.

There are other existing homes with basements or partial basements in La Jolla Shores. The existing three homes at 8356, 8368, and 8374 Paseo Del Ocaso (green dots) some of which have partial basements and therefore have inflated SCOUTRED Livable Areas. Based on the few researched properties and the discrepancies between REAL data and SCOUTRED inflated data, the applicant's FAR exhibit is extremely misleading and should not be used in comparing or assessing the appropriateness of the proposed 0.96 FAR.

According to a tabulation submitted by the Applicant to the La Jolla Community Planning Association, of the 42 listed properties only 6 properties had Floor Area Ratios in excess of 0.70; and 5 of those properties are on Paseo Del Ocaso, away from La Jolla Shores Park. The sixth property in excess of FAR 0.70 is at 8405 El Paseo Grande with a FAR of 0.87. The proposed project has a FAR more than 10 percent greater than the largest FAR on El Paseo Grande.

Of the 13 properties listed on El Paseo Grande, **the average FAR is 0.54.**

Of the 42 properties listed the **average FAR is 0.55**. Yet, the applicant proposes a revised project with a Floor Area Ratio (FAR) of 0.96, which is 74.5% greater than the average FAR listed.

Based on the information contained in the applicant's tabulation, it is reasonable to conclude that the current project is significantly larger in size relationship (FAR) that it will "disrupt the architectural unity of the area."

**C. EXCESSIVE BULK AND SCALE** (continued)

The proposed project with a FAR of 0.96 significantly exceeds the FARs of other projects in the area, and in combination with its closeness to the side and rear property lines, is so different in 'form' and 'relationship' that it will definitely disrupt the architectural unity of the area. If approved, the 0.96 FAR will set a dangerous precedent for all future projects in La Jolla Shores.

Unfortunately LDR-Planning Staff relied on incorrect Floor Area Ratio data provided by the architect when evaluating the project.

The bulk and scale of the proposed project is not in conformance with General Design Regulations of the La Jolla Shores Planned District Ordinance.

**D. INADEQUATE PARKING**

The subject project fails to provide a required off-street parking space for the Companion Unit in accordance with the Parking Regulations for Companion Units, and the La Jolla Shores Planned District Ordinance. The project applicant has erroneously designated the required 20 foot driveway as the location of the required third off-street parking space for the Companion Unit. The designated companion unit parking space blocks access to the 2 enclosed required parking spaces for the primary dwelling.

The Companion Unit regulations per SDMC Sec 141.0302(a)(7) state:

- (7) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with Section 141.0302, except as otherwise indicated herein by the zone.

SDMC Sec. 141.0302(a)(7)(C) allows a required off-street parking space for a *Companion Unit* to be located in any '**configuration**' within a *setback* area; but that does not mean any '**location**' within a setback area.

The Companion Unit regulations and the La Jolla Shores Planned District Ordinance (LJSPDO) specifically incorporate Chapter 14, Article 2, Division 5 (Parking Regulations), including SDMC Sec.142.0510(e)(2)(A) which clearly states: '... the use of a driveway to satisfy off-street parking space requirements is not permitted.'

- (2) No vehicle shall be parked in any required front or street side *yard* except where permitted by a particular zone, or except as provided below:
  - (A) An operable vehicle may be temporarily parked on a legal driveway within a required front or street side yard if the vehicle does not in any way impede access to or from more than one required parking space, including tandem spaces, or encroach upon any public sidewalk. Except as specifically permitted by the applicable zone, the use of a driveway to satisfy *off-street parking space* requirements is not permitted.

Therefore, the proposed location of the off-street parking space for the Companion Unit is in violation of Sec.142.0510(e)(2)(A) and not in conformance with the SDMC's Separately Regulated Use Regulations nor the La Jolla Shores Planned District Ordinance.



**D. INADEQUATE PARKING (continued)**

Note: Because the project is located in a Beach Parking Impact Overlay Zone it is critically important that all required off-street parking spaces be provided in accordance with the SDMC, and that the proposed driveway be reserved for guest parking; so that on-street parking remains available for visitors to the coastline and La Jolla Shores Park (Kellogg Park).

For the lack of a suitable required parking space alone, **the project fails to comply with SDMC Sec 142.0510(e)(2)(A), and therefore the required Findings for a CDP and SDP cannot be made, and the Mitigated Negative Declaration should not be certified.**

**E. INSUFFICIENT TRANSITION IN BULK AND SCALE**

The Residential Element of the *La Jolla Community Plan and Local Coastal Program* states:

- Maintain the character of La Jolla's residential areas by ensuring that redevelopment occurs in a manner that protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures.

The Residential Community Character recommendations of the *La Jolla Community Plan and Local Coastal Program* states:

- 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;
    - 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 Residential Land Use Element of the *La Jolla Community Plan and Local Coastal Program*, and as depicted on the applicant's drawings, a significant portion of the upper level north side exterior wall and provides no setback from the lower level exterior wall. Other portions of the upper level north side exterior wall are setback only 2 feet from the lower level exterior wall, and do not provide a sufficient step back transition in the bulk of the new two story building from that of the adjacent existing single story home.

The fact that the side facade above the first story steps back only minimally from the first floor exterior walls is depicted in the architect's Street View image on the next page:



5423 El Paseo Grande, La Jolla, CA 92037  
DATE: 06/15/2008



ISSN 2464-3351 • [www.mindgarden.org](http://www.mindgarden.org)

[illegible]

Because the side facade above the first story steps back only minimally from the first floor exterior walls and does not provide an adequate transition in the bulk of the proposed structure from the adjacent one story dwelling, the proposed project is not in conformity with the Residential Community Character recommendations of the La Jolla Community Plan and Local Coastal Program.

**CONCLUSION:**

As the proposed project neither conforms to the requirements of the La Jolla Shores Planned District Ordinance, nor the Parking Regulations for companion units for the City of San Diego, nor the recommendations of the La Jolla Community Plan and Local Coastal Program, the required Findings for a GDP and SDP cannot be made.

**For all of the above reasons the Final Mitigated Negative Declaration can not be certified.**

Thank you for your consideration of these very significant issues.

Sincerely,

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

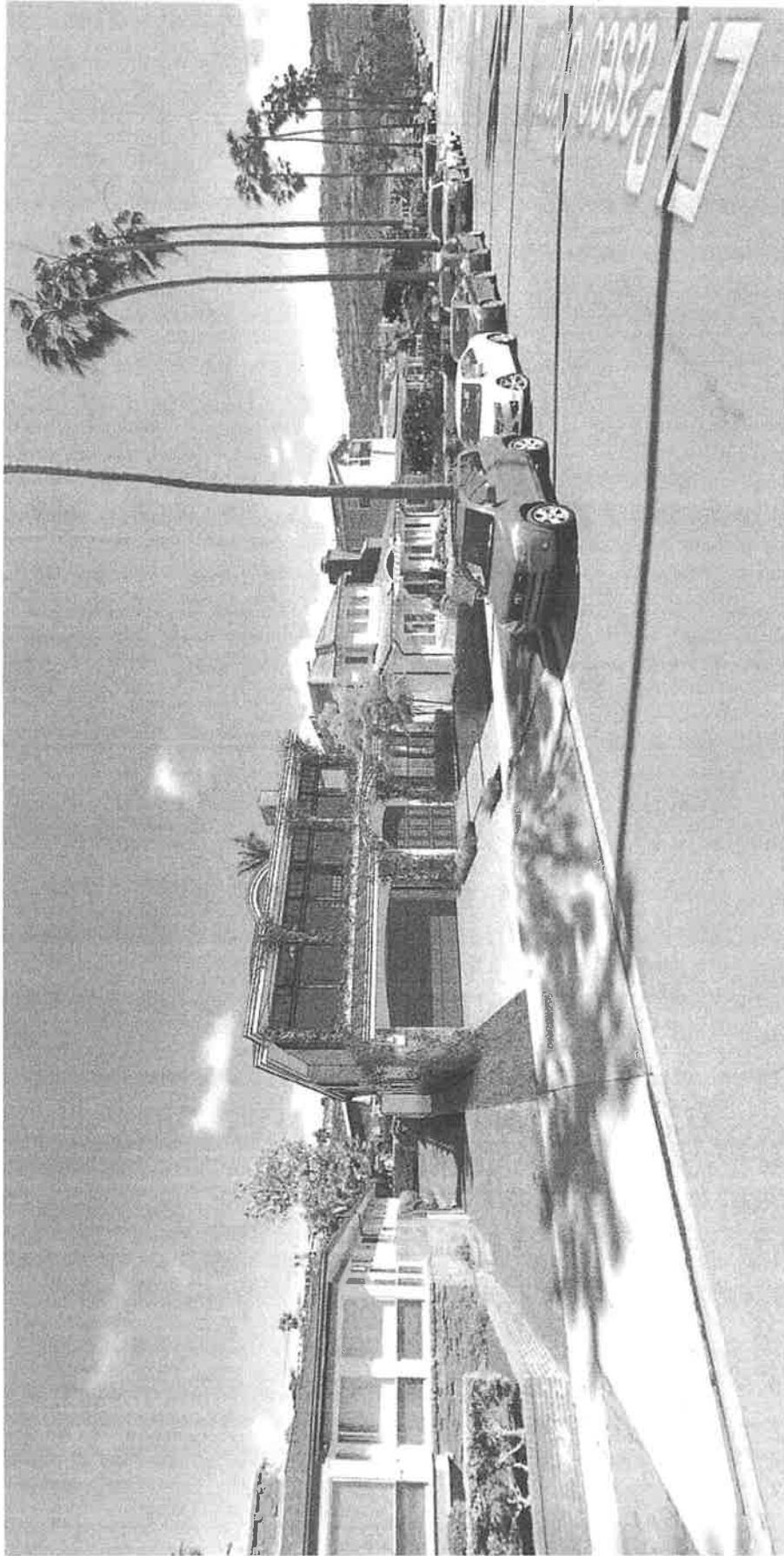
Philip A. Merten AIA

EC: Benjamin Hafertepe  
La Jolla Community Planning Association

bhafertepe@sandiego.gov  
info@lajollacpa.org

**ATTACHMENT 2**

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COMMUNITY REVIEW  
SECOND PRESENTATION

## 8423 El Paseo Grande Residence

8423 El Paseo Grande, La Jolla, CA 92037  
DATE: 07/20/2020



ISLAND  
ARCHITECTS

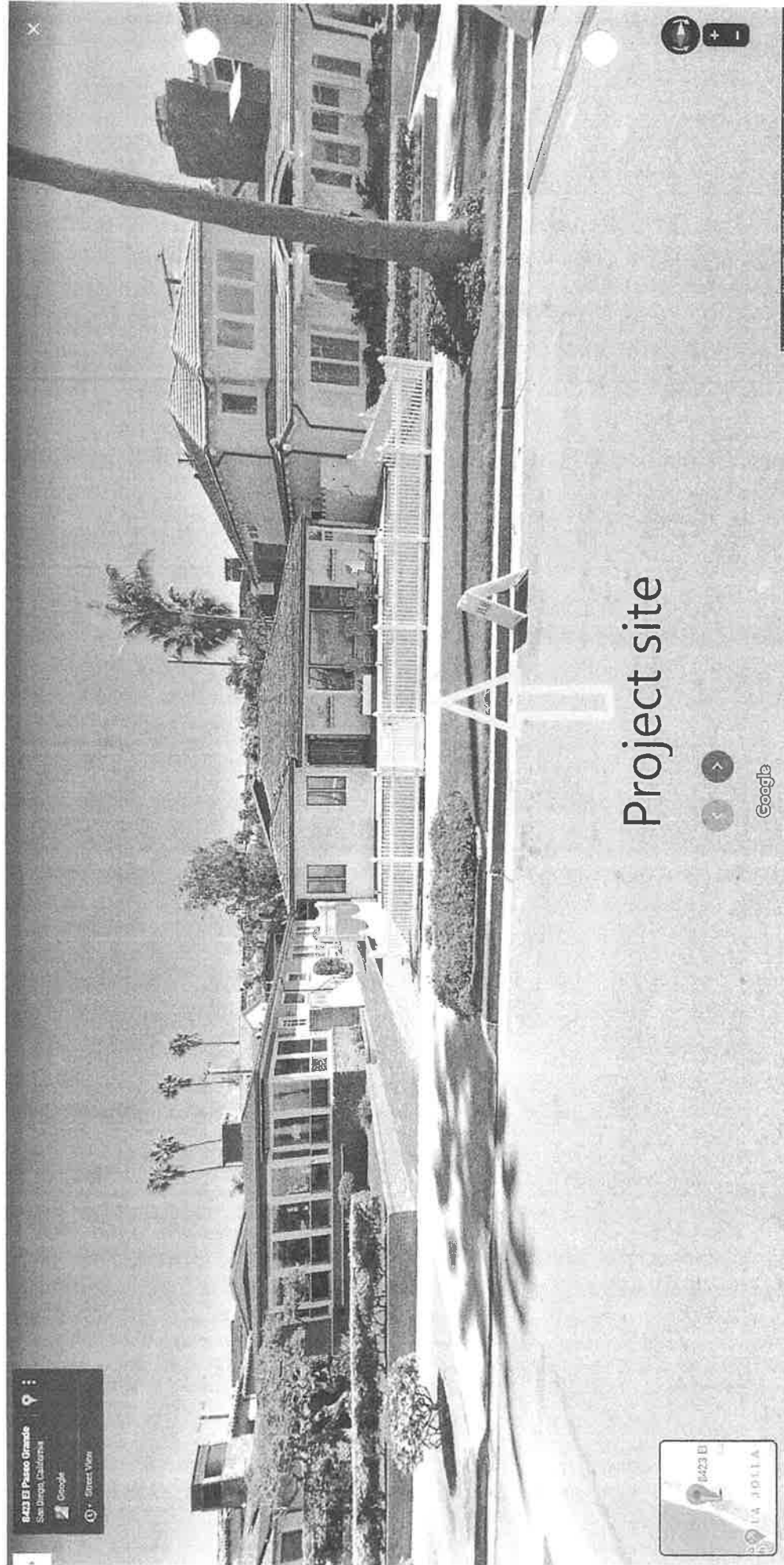
858 459-9391 • 858 456-0051 • [www.islandarch.com](http://www.islandarch.com)

**ATTACHMENT 3**

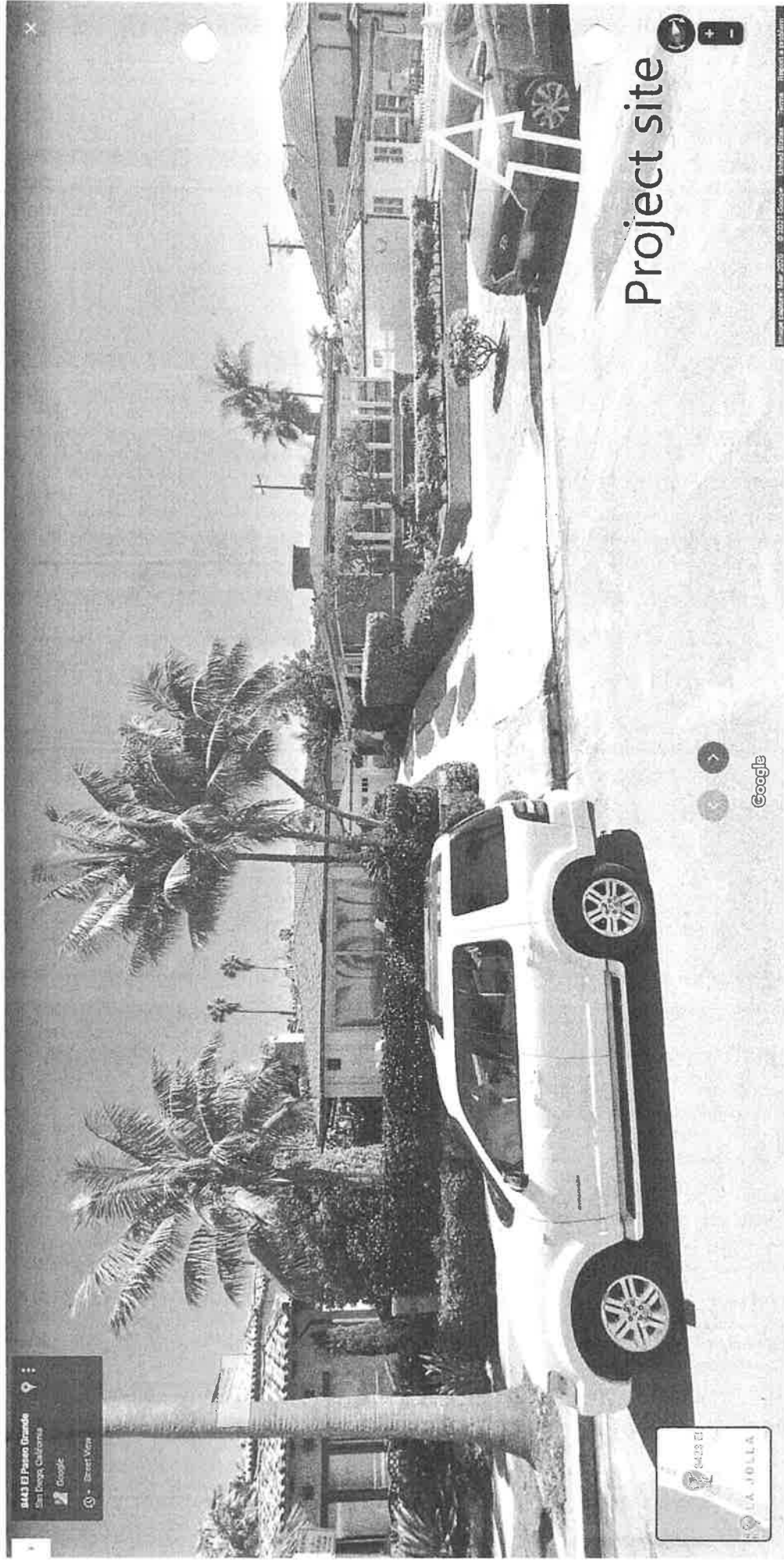
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**Existing Neighborhood Character  
(View from El Paseo Grande)**



**Existing Neighborhood Character**  
**(View from El Paseo Grande - North of Project Site)**



Attachments to Item #4  
**ATTACHMENT 5**



MERTEN

www.MertenArchitect.com

PHILIP A. MERTEN AIA ARCHITECT

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

April 7, 2021

San Diego City Council  
202 C Street, 10th Floor  
San Diego, CA 92101

TRANSMITTED VIA E-MAIL:

Re: City Council meeting April 13, 2021  
**Agenda Item 334**

**Appeal of the Environmental Determination for 8423 El Paseo Grande CDP/SDP  
Project No. 661815**

Dear Council President and Members of the San Diego City Council,

I represent Doctors Uri and Ayelet Gneezy who reside immediately east and adjacent to the project referenced above. On the Gneezy's behalf please consider the following explanation why the Mitigated Negative Declaration (MND) is not adequate because it fails to address a significant negative impact the project will have public access to La Jolla Shores Beach; and therefore the Hearing Officer's Certification of the MND should be overturned.

**PROPOSED PROJECT**

The project consists of a 3,989 s.f. single family dwelling with an attached 1,090 s.f. companion unit for a combined total of 5,079 gross s.f. The combined dwelling units contain two living areas, 2 kitchens, 5 bedrooms, 5 bathrooms, and 2 powder rooms. The project as designed sleeps 10 people. Surprisingly the project only provides 2 off-street parking spaces.

The project is in both the Beach Impact Area and the Campus Impact Area of the Parking Impact Overlay Zone and directly across the street from Kellogg Park and La Jolla Shores Beach, one of the most frequented and densely populated public beaches in all of San Diego. The neighborhood is one of the most sought after and most expensive in San Diego. It is unreasonable to assume the 10 occupants of this high cost dwelling and high cost companion unit will have only two automobiles.

SDMC Sec. 142.0520 requires single family dwellings to have a driveway at least 20 feet in length. Because SDMC Sec. Sec.142.0510(e)(2)(A) prohibits required parking spaces from being located in a driveway, the driveway is reserved for on-site guest parking, in order to preserve on-street public parking for visitors to the beach.

**AFFECT OF INADEQUATE ON-SITE PARKING**

As the project provides only two on-site parking spaces for the main dwelling, and no on-site parking for the Companion Unit, the occupants of the Companion Unit will likely park in the driveway which forces guests to park on-street, or more likely the occupants of the Companion Unit will park on-street; both of which will result in a reduction of available on-street public parking for visitors to the beach and park. The reduction of on-street public parking is contrary to the purpose and intent of the Beach Parking Impact Overlay Zone, and contrary to the goals and provisions of the *La Jolla Community Plan and Local Coastal Program Land Use Plan.*

**MITIGATED NEGATIVE DECLARATION CANNOT BE CERTIFIED**

The Final Mitigated Negative Declaration should not be certified because it simply fails to address the project's negative impact on the availability of public parking for visitors to La Jolla Shores Beach, in the Beach Impact Area and the Campus Impact Areas of the Parking Impact Overlay Zone.

Thank you for your consideration of this significant environmental issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip A. Merten". The signature is fluid and cursive, with the first name "Philip" being the most prominent.

Philip A. Merten, AIA

Attachments to Item #4  
**ATTACHMENT 6**





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PHILIP A. MERTEN AIA ARCHITECT

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

June 18, 2021

Planning Commission  
1222 First Avenue, MS 501  
San Diego, CA 92101

TRANSMITTED VIA E-MAIL: [planningcommission@sandiego.gov](mailto:planningcommission@sandiego.gov)

Re: 8423 El Paseo Grande CDP/SDP  
Project No. 661815

Planning Commission Hearing - June 24, 2021  
Agenda ITEM-3

Dear Planning Commissioners,

I represent Doctors Uri and Ayelet Gneezy who reside immediately east and adjacent to the project referenced above. On the Gneezy's behalf please consider the following reasons why the required 'Findings' for the requested permits cannot be made.

The applicant is seeking both a Coastal Development Permit (CDP) and a Site Development Permit (SDP). A required Finding for a CDP is: 'The proposed *coastal development* is in conformity with the certified *Local Coastal Program land use plan* and complies with all regulations of the certified Implementation Program.' A required Finding for a SDP is: 'The proposed *development* will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.'

Contrary to the required 'Findings' for a CDP and SDP, the proposed development simply does not comply with the regulations of the Land Development Code (LDC) as contained in the La Jolla Shores Planned District Ordinance (LJSPDO); nor does the project conform to the certified *Local Coastal Program land use plan*. (*La Jolla Community Plan and Local Coastal Program Land Use Plan*)

#### A. INSUFFICIENT SETBACKS:

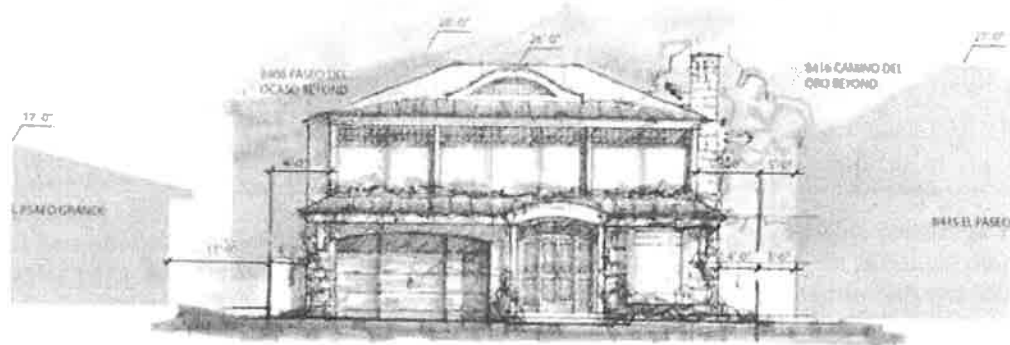
The La Jolla Shores Planned District Ordinance states: 'Building and structure setbacks shall be in general conformity with those in the vicinity.' Vicinity is defined in Black's Law Dictionary as: "Quality or state on being near, or not remote: nearness; propinquity; proximity; a region about or adjacent;"

The existing development on the subject site as well as the existing adjacent development on both sides of the subject site have one story garage structures that come to within a few feet of their rear property lines. The Gneezy's home directly behind the subject property is set back 20 feet from common rear property line. The neighboring home directly north of the project is setback 11'-5" from the common side property line as depicted on the applicant's Site Plan drawing.

##### A1. Insufficient North Side Yard Setback

Contrary to the existing side setback in the vicinity, the project proposes a two story Companion Unit, with a 0 and 4 foot side setback at the ground floor level and 4 foot and 6 foot side setback at the upper floor level; compared to 11'-5" on the adjacent property. The difference between the large existing setback on the north adjacent property and the very small proposed setback are clearly depicted in the architects sketch on the following page.

**A1. Insufficient North Side Yard Setback (continued)**

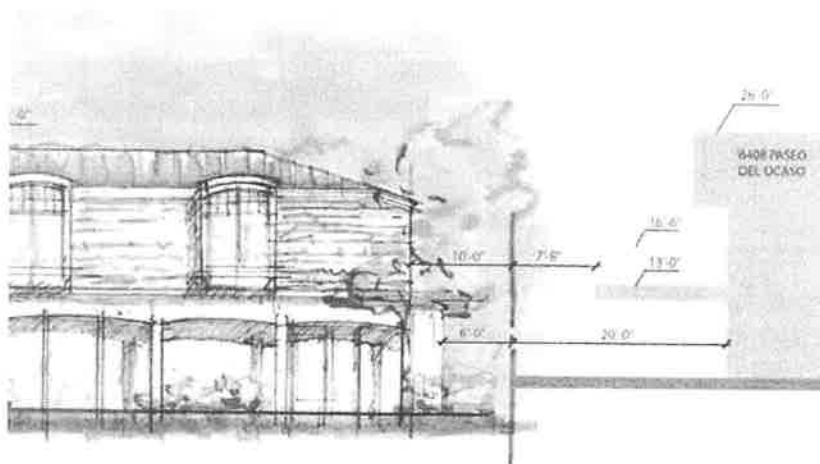


ALL HEIGHT MEASUREMENTS BASED ON PROPOSED HEIGHT OF PROJECT PROPERTY

The proposed north side setbacks are clearly **NOT in conformity with those in the vicinity (adjacent property)** and therefore not in compliance with the La Jolla Shores Planned District Ordinance.

**A2. Insufficient Rear Yard Setback at Second Floor Level**

The existing one story garage is setback from the rear property line approximately one foot, which is the established rear yard setback. Contrary to the existing second story rear setbacks in the vicinity, the project proposes a two story Companion Unit, with an upper level rear setback of just 10 feet; compared to 20 feet for the two story dwelling on adjacent property in the vicinity. The significant difference between the large existing rear yard setback on the east adjacent property and the substantially smaller proposed rear setbacks are clearly depicted in the applicant's South Elevation sketch.



HEIGHTS BASED ON PROPOSED HEIGHT OF PROJECT PROPERTY

**SOUTH ELEVATION**  
SCALE 1/8" = 1'-0"

The proposed east rear yard second story setback is only half of the existing setback in the vicinity (adjacent property), and **NOT in conformity with those in the vicinity**, and therefore not in compliance with the La Jolla Shores Planned District Ordinance.

## B. CHARACTER OF THE AREA

The General Design Regulations of the the La Jolla Shores Planned District Ordinance describe the:

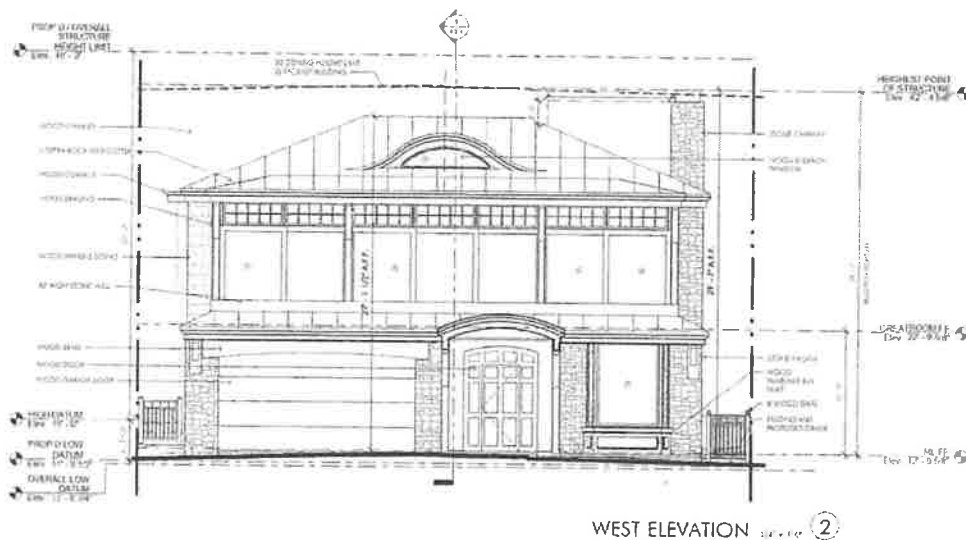
(a) Character of the Area

In this primarily single-family residential community, a typical home is characterized by extensive use of glass, shake or shingle overhanging roof, and a low, rambling silhouette. Patios, the atrium or enclosed courtyard, and

The existing one story home to be demolished does have a low rambling silhouette and currently conforms with the LJSPDO. But as depicted on applicant's PDF pages 7 and 11 the proposed silhouette is definitely **not low and rambling**.

(b) Design Principle

Within the limitations implied above, originality and diversity in architecture are encouraged. The theme "unity with variety" shall be a guiding principle. Unity without variety means simple monotony; variety by itself is chaos. No structure shall be approved which is substantially like any other structure located on an adjacent parcel. Conversely, no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area.



The proposed silhouette as viewed from the public right-of-way and from the public park across the street is high and box like, and so different in it's high box like form and relationship to adjacent structures (height and side setbacks) that it will disrupt the architectural unity of the area. **The proposed project does not conform to the Design Principal Section of the La Jolla Shores Planned District Ordinance.**

### C. EXCESSIVE BULK AND SCALE

The Design Principal Section General Design Regulations of the La Jolla Shores Planned District Ordinance says: "... no structure will be approved that is so different in quality, form, materials, color, and relationship as to disrupt the architectural unity of the area." But contrary to that regulation, the project proposes a Floor Area Ratio (FAR) of 0.96, considerably greater in size than the existing FARs of properties in the vicinity. The maximum allowed FAR for a single family zoned parcel outside of the LJSPD is 0.60. The proposed FAR of 0.96 is 60 percent greater than would be allowed anywhere outside of the La Jolla Shores Planned District.

The applicant prepared a *Floor Area Ratio* exhibit. The exhibit included an aerial view of La Jolla Shores neighborhood west of La Jolla Shores Drive. According to the exhibit the range of *Floor Area Ratios* depicted by the colored dots is based on 'DATA RECORDED FROM SCOUTRED WEBSITE ON 7/14/2020'. Unfortunately, the data from the SCOUTRED WEBSITE is not accurate, and the calculated FARs based on SCOUTRED data are not accurate.

For example, according to Island Architect's exhibit titled FAR LEGEND, the northern most beach front property on the list has a FAR greater than 1.0; which is patently false. I know this because I designed the remodel of the home at 8542 El Paseo Grande in the early 1990's. The existing property has an actual REAL gross floor area (GFA), measured in accordance with the SDMC, of 4,944 s.f. and a site area of 9,313 s.f. for a FAR of 0.53, definitely not greater than 1.0 as indicated on Island Architect's exhibit.

SCOUTRED's data likely comes from the San Diego County Assessor's Office. Unfortunately the County Assessor makes no distinction between below grade basement Livable Area, which is excluded from gross floor area by the SDMC, and above grade Livable Area. The Assessor combines both below grade and above grade areas into one Livable Area total. When SCOUTRED's data comes for the County Assessor, projects with basements will show a Livable Area far in excess of the actual gross floor area on the property per SDMC Sect. 113.0234; and the resultant Floor Area Ratios for projects with basements will be inflated above the REAL Floor Area Ratios per SDMC Sec. 113.0234.

There are other existing homes with basements or partial basements in La Jolla Shores. The existing three homes at 8356, 8368, and 8374 Paseo Del Ocaso (green dots) some of which have partial basements and therefore have inflated SCOUTRED Livable Areas. Based on the few researched properties and the discrepancies between REAL data and SCOUTRED inflated data, the applicant's FAR exhibit is extremely misleading and should not be used in comparing or assessing the appropriateness of the proposed 0.96 FAR.

According to the attached tabulation submitted by the Applicant to the La Jolla Community Planning Association, of the 42 listed properties only 6 properties had Floor Area Ratios in excess of 0.70; and 5 of those properties are on Paseo Del Ocaso, away from La Jolla Shores Park. The sixth property in excess of FAR 0.70 is at 8415 El Paseo Grande with a FAR of 0.87. The proposed project with an FAR of 0.97 is more than 11 percent greater than the largest FAR on El Paseo Grande.

Of the 13 properties listed on El Paseo Grande, the average FAR is 0.56.

Of the 42 properties listed the average FAR is 0.56. Yet, the applicant proposes a project with a Floor Area Ratio (FAR) of 0.97, which is 73% greater than the average FAR listed.

Based on the information contained in the applicant's tabulation, it is reasonable to conclude that the current project is significantly larger in size relationship (FAR) that it will "disrupt the architectural unity of the area."

**C. EXCESSIVE BULK AND SCALE** (continued)

The proposed project with a FAR of 0.97 significantly exceeds the FARs of other projects in the area, and in combination with its closeness to the side and rear property lines, is so different in 'form' and 'relationship' that it will definitely disrupt the architectural unity of the area. If approved, the 0.97 FAR will set a dangerous precedent for all future projects in La Jolla Shores.

Unfortunately LDR-Planning Staff relied on incorrect Floor Area Ratio data provided by the architect when evaluating the project.

The bulk and scale of the proposed project is **not in conformance with General Design Regulations of the La Jolla Shores Planned District Ordinance.**

**D. INADEQUATE PARKING**

The subject project fails to provide a required off-street parking space for the Companion Unit in accordance with the Parking Regulations for Companion Units, and the La Jolla Shores Planned District Ordinance. The project applicant has erroneously designated the required 20 foot driveway as the location of the required third off-street parking space for the Companion Unit. The designated companion unit parking space blocks access to the 2 enclosed required parking spaces for the primary dwelling.

The Companion Unit regulations per SDMC Sec 141.0302(a)(7) state:

- (7) Parking for the entire *premises* shall be brought into compliance with Chapter 14, Article 2, Division 5 (Parking Regulations) and with Section 141.0302, except as otherwise indicated herein by the zone.

SDMC Sec. 141.0302(a)(7)(C) allows a required off-street parking space for a *Companion Unit* to be located in any '**configuration**' within a *setback* area; **but that does not mean any 'location' within a setback area.**

The Companion Unit regulations and the La Jolla Shores Planned District Ordinance (LJSPDO) specifically incorporate Chapter 14, Article 2, Division 5 (Parking Regulations), including SDMC Sec.142.0510(e)(2)(A) which clearly states: '**the use of a driveway to satisfy off-street parking space requirements is not permitted.**'

- (2) No vehicle shall be parked in any required front or street side *yard* except where permitted by a particular zone, or except as provided below:
  - (A) An operable vehicle may be temporarily parked on a legal driveway within a required front or street side yard if the vehicle does not in any way impede access to or from more than one required parking space, including tandem spaces, or encroach upon any public sidewalk. Except as specifically permitted by the applicable zone, the use of a driveway to satisfy *off-street parking space* requirements is not permitted.

**Therefore, the proposed location of the off-street parking space for the Companion Unit is in violation of Sec.142.0510(e)(2)(A) and not in conformance with the SDMC's Separately Regulated Use Regulations nor the La Jolla Shores Planned District Ordinance.**

**D. INADEQUATE PARKING** (continued)

Note: Because the project is located in a Beach Parking Impact Overlay Zone it is **critically important that all off-street parking spaces be provided in accordance with the SDMC, and that the proposed driveway be reserved for guest parking; so that on-street parking remains available for visitors to the coastline and La Jolla Shores Park (Kellogg Park).**

For the lack of a suitable required parking space alone, **the project fails to comply with SDMC Sec 142.0510(e)(2)(A), and therefore the required Findings for a CDP and SDP cannot be made, and the Mitigated Negative Declaration should not be certified.**

**E. INSUFFICIENT TRANSITION IN BULK AND SCALE**

The Residential Element of the *La Jolla Community Plan and Local Coastal Program* states:

- Maintain the character of La Jolla's residential areas by ensuring that redevelopment occurs in a manner that protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures.

The Residential Community Character recommendations of the *La Jolla Community Plan and Local Coastal Program* states:

- 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;
    - 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 Residential Land Use Element of the *La Jolla Community Plan and Local Coastal Program*, and as depicted on the applicant's drawings, a significant portion of the upper level north side exterior wall and provides no setback from the lower level exterior wall. Other portions of the upper level north side exterior wall are setback only 2 feet from the lower level exterior wall, and do not provide a sufficient step back transition in the bulk of the new two story building from that of the adjacent existing single story home.

The fact that the side facade above the first story steps back only minimally from the first floor exterior walls is depicted in the architect's Street View image on the next page:



**E. INSUFFICIENT TRANSITION IN BULK AND SCALE** (continued)



COMMUNITY REVIEW  
FIRST PRESENTATION

**8423 El Paseo Grande Residence**

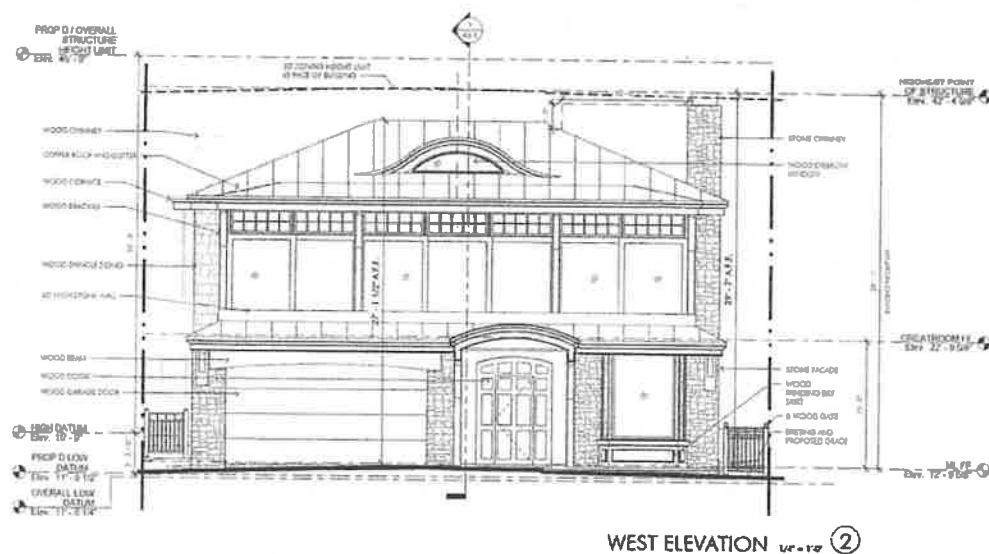
8423 El Paseo Grande, La Jolla, CA 92037  
LWR 06/15/2020



**ISLAND  
ARCHITECTS**

1308 RIVIERA • 949.425.2051 • info@islandarch.com

And the Architect's West (front) Elevation drawing:



Because the side facade above the first story steps back only minimally from the first floor exterior walls and does not provide an adequate transition in the bulk of the proposed structure from the adjacent one story dwelling, the proposed project is **not in conformity with the Residential Community Character recommendations of the La Jolla Community Plan and Local Coastal Program.**

**CONCLUSION:**

As the proposed project neither conforms to the requirements of the La Jolla Shores Planned District Ordinance, nor the Parking Regulations for companion units for the City of San Diego, nor the recommendations of the La Jolla Community Plan and Local Coastal Program, the required Findings for a CDP and SDP cannot be made.

**For all of the above reasons the Final Mitigated Negative Declaration can not be certified.**

Thank you for your consideration of these very significant issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip A. Merten". The signature is fluid and cursive, with a large initial "P" and a stylized "M".

Philip A. Merten AIA

ec: Benjamin Hafertepe  
La Jolla Community Planning Association

bhafertepe@sandiego.gov  
info@lajollacpa.org

encl: Applicant's Neighborhood Survey (following page)

# Applicant's Neighborhood Survey

KEY NOTATION	ADDRESS	LOT SIZE (SF)	*GFA (SF)	FAR	FYSB	SYSB	SYSB	RYSB
SITE	8423 El Paseo Grande	5,241	5,149	0.98	15'-0"	4'-0"	4'-0"	6'-0"
1	8406 El Paseo Grande	14,262	8,000	0.56	12' - 10"	3'-3"	12'-9"	8'-8"
2	8450 El Paseo Grande	11,286	6,620	0.59	14'-6"	3'-3"	3'-8"	14'-6"
3	8454 El Paseo Grande	11,182	6,000	0.54	8'-8"	3'-7"	3'-6"	15'-0"
4	8471 El Paseo Grande	5,443	3,156	0.58	14'-3"	5'-4"	5'-0"	20'-0"
5	8463 El Paseo Grande	5,820	2,334	0.40	15'-1"	1'-6"	3'-8"	20'-0"
6	8455 El Paseo Grande	6,433	4,081	0.63	15'-0"	4'-0"	5'-6"	21'-6"
7	8449 El Paseo Grande	6,361	4,450	0.70	15'-0"	3'-0"	3'-0"	10'-0"
8	8443 El Paseo Grande	5,197	2,052	0.39	15'-0"	4'-0"	4'-0"	20'-0"
9	8433 El Paseo Grande	5,104	2,125	0.42	17'-6"	3'-0"	1'-6"	1'-8"
10	8415 El Paseo Grande	5,294	3,185	0.60	15'-0"	5'-0"	1'-6"	2'-0"
11	8405 El Paseo Grande	6,197	5,361	0.87	18'-0"	5'-0"	15'-0"	4'-0"
12	8389 El Paseo Grande	9,597	2,902	0.30	12'-6"	24'-0"	1'-6"	6'-0"
13	8381 El Paseo Grande	5,475	2,355	0.43	14'-0"	2'-8"	0'-8"	15'-7"
14	8356 Paseo Del Ocaso	4,970	5,337	1.07	20'-0"	5'-0"	15'-0"	20'-0"
15	8368 Paseo Del Ocaso	5,162	5,447	1.06	15'-0"	4'-0"	3'-0"	20'-0"
16	8374 Paseo Del Ocaso	5,248	5,640	1.07	15'-0"	4'-0"	4'-0"	20'-0"
17	8386 Paseo Del Ocaso	6,090	1,835	0.30	20'-0"	1'-6"	1'-6"	1'-6"
18	8416 Camino Del Oro	5,556	3,758	0.68	1'-4"	4'-0"	15'-0"	4'-0"
19	8408 Paseo Del Ocaso	5,397	3,233	0.60	20'-0"	6'-0"	4'-0"	20'-0"
20	8418 Paseo Del Ocaso	5,220	2,672	0.51	18'-0"	6'-0"	4'-0"	12'-0"
21	8424 Paseo Del Ocaso	4,884	3,584	0.73	15'-0"	3'-0"	4'-0"	20'-0"
22	8432 Paseo Del Ocaso	5,126	3,507	0.68	14'-6"	4'-0"	4'-9"	14'-2"
23	8438 Paseo Del Ocaso	5,552	4,994	0.90	15'-0"	4'-0"	5'-0"	13'-0"
24	8448 Paseo Del Ocaso	5,436	3,647	0.67	13'-0"	4'-0"	3'-0"	18'-0"
25	8454 Paseo Del Ocaso	6,315	1,700	0.27	15'-0"	5'-0"	12'-0"	0'-6"
26	8447 Paseo Del Ocaso	11,280	4,226	0.37	23'-0"	3'-1"	5'-1"	6'-0"
27	8439 Paseo Del Ocaso	5,611	1,631	0.29	33'-0"	3'-0"	4'-6"	30'-0"
28	8431 Paseo Del Ocaso	5,221	2,172	0.42	15'-0"	5'-0"	5'-0"	25'-0"
29	8425 Paseo Del Ocaso	5,324	1,566	0.29	15'-0"	4'-0"	1'-8"	12'-0"
30	8415 Paseo Del Ocaso	5,425	4,738	0.87	15'-0"	4'-0"	4'-0"	20'-0"
31	8405 Paseo Del Ocaso	5,283	2,131	0.40	21'-2"	5'-6"	0'-8"	5'-0"
32	8441 Camino Del Oro	6,913	2,503	0.36	3'-0"	9'-0"	20'-0"	5'-0"
33	8387 Paseo Del Ocaso	5,599	2,038	0.36	17'-6"	5'-0"	5'-0"	33'-0"
34	8375 Paseo Del Ocaso	5,592	2,719	0.49	20'-6"	4'-3"	4'-3"	2'-7"
35	8371 Paseo Del Ocaso	5,330	1,694	0.32	25'-0"	1'-6"	3'-0"	1'-6"
36	8361 Paseo Del Ocaso	5,424	2,643	0.49	20'-0"	9'-6"	3'-0"	2'-0"
37	8376 La Jolla Shores Dr	5,644	2,043	0.36	21'-0"	4'-0"	4'-0"	27'-0"
38	8384 La Jolla Shores Dr	5,795	3,190	0.55	15'-0"	4'-0"	4'-0"	18'-0"
39	8392 La Jolla Shores Dr	7,683	2,717	0.35	15'-0"	5'-0"	1'-6"	3'-0"
40	8402 La Jolla Shores Dr	6,656	3,384	0.51	17'-0"	8'-0"	7'-0"	25'-0"
41	8412 La Jolla Shores Dr	5,293	3,084	0.58	15'-0"	4'-0"	3'-3"	20'-8"
42	8422 La Jolla Shores Dr	5,400	3,786	0.70	20'-0"	5'-0"	1'-6"	27'-0"
PREVAILING QUANTITY (MODE)					15'-0"	4'-0"	4'-0"	20'-0"
AVERAGE QUANTITY (MEAN)		6,310	3,474	0.56	55.8%	58.1%	65.1%	32.6%
PERCENTAGE OF PROPERTIES THAT MATCH OR EXCEED PROPOSED CONDITIONS			18.6%	9.3%				

SITES THAT COMPARE IN SIZE AND LAYOUT  
 AREAS THE MATCH OR EXCEED PROPOSED CONDITIONS  
 4'-0" SETBACK DOES NOT INCLUDE PROPOSED ADU  
 \*440 SF ADDED TO HOUSES WITH TWO CAR GARAGES

### List of Interested Parties - Item 5

- 1) City of San Diego, Planning Department, 9485 Aero Drive, M.S. 413, San Diego, CA 92123
- 2) Matthew A. Peterson, Esq., Peterson & Price, 530 B St #1800, San Diego, CA 92101;  
map@petersonprice.com
- 3) Philip A. Merten, Philip A. Merten AIA Architect, 1236 Muirlands Vista Way, La Jolla, CA  
92037; phil@mertenarchitect.com
- 4) Peggy Y. Davis, peggydavislaajolla@gmail.com





THE CITY OF SAN DIEGO

RECEIVED

AL/yes

JUN 30 2021

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

## COASTAL DEVELOPMENT PERMIT NOTICE OF FINAL ACTION

California Coastal Commission, San Diego Area Office  
7575 Metropolitan Drive, Suite 103, San Diego, CA 92108-4402  
Phone (619) 767-2370

June 25, 2021

6-LJS-21-0607

The following project is located within the City of San Diego Coastal Zone. A Coastal Permit application for the project has been acted upon as follows:

**PROJECT NAME - NUMBER:** 8423 El Paseo Grande CDP/SDP - 661815, Mitigated Negative Declaration

**PROJECT DESCRIPTION:** Coastal Development Permit & Site Development Permit to demolish an existing 1,528 square-foot single dwelling unit and detached garage, and to construct a new 3,994 square-foot two-story single-dwelling unit, a new 461 square-foot attached garage, and a new 1,102 square-foot attached companion unit.

**LOCATION:** 8423 El Paseo Grande

**ASSESSOR'S PARCEL NO.:** 346-072-0300

**APPLICANT'S NAME** Nick Wilson – Island Architects  
**ADDRESS & PHONE NO.:** 7632 Herschel Avenue  
La Jolla, CA 92037  
(858)459-9291

**FINAL ACTION:** APPROVED WITH CONDITIONS

**ACTION BY:** Planning Commission

**ACTION DATE:** June 24, 2021

**CONDITIONS OF APPROVAL:** See attached Permit.

**FINDINGS:** See attached Resolution.

- X Appealable to the Coastal Commission pursuant to Coastal Act Section 30603. An aggrieved person may appeal this decision to the Coastal Commission only after a decision by the City Council (or Planning Commission for Process 2 and 3 Coastal Development Permits) ten (10) business days following Coastal Commission receipt of this Notice, as to the Commission's appeal period will conclude.

EXHIBIT NO. 5

APPLICATION NO.

A-6-LJS-21-0050

City Notice of Final  
Action



California Coastal Commission



**CITY CONTACT:**

Benjamin Hafertepe  
Development Services Department  
1222 First Avenue, MS 501  
San Diego, CA 92101-4101  
(619)446-5086 AND [BHafertepe@sandiego.gov](mailto:BHafertepe@sandiego.gov)

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES  
PERMIT INTAKE, MAIL STATION  
501

**WHEN RECORDED MAIL TO**  
**PROJECT MANAGEMENT**  
**PERMIT CLERK**  
**MAIL STATION 501**

INTERNAL ORDER NUMBER: 24008591

SPACE ABOVE THIS LINE FOR RECORDER'S USE

COASTAL DEVELOPMENT PERMIT NO. 2424435  
SITE DEVELOPMENT PERMIT NO. 2429037  
**8423 EL PASEO GRANDE CDP/SDP PROJECT NO. 661815 [MMRP]**  
PLANNING COMMISSION

This Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037 is granted by the Planning Commission of the City of San Diego to 8423 El Paseo Grande, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0505 and 126.0708. The 0.12-acre site is located at 8423 El Paseo Grande in the La Jolla Shores Planned District Single Family Zone, Coastal Height Limitation Overlay Zone, Coastal (Appealable) Overlay Zone, Parking Impact Overlay Zone (Beach & Coastal Impact), Residential Tandem Parking Overlay Zone, and Geo Hazard 52 Zone within the La Jolla Community Plan area. The project site is legally described as: Lot 3 in Block 38 of La Jolla Shores Unit No. 6, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 2147, filed in the Office of the County Recorder of San Diego County, February 26, 1929.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish and existing single dwelling and to construct a new single dwelling unit with an attached garage and attached companion unit described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated [INSERT Approval Date], on file in the Development Services Department.

The project shall include:

- a. Demolition of an existing 1,528 square-foot single dwelling unit and detached garage;
- b. Construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage;
- c. Construction of a new 1,090 square-foot attached companion unit;
- d. Off-street parking; and

- e. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by [ENTER DATE typically 3 years, including the appeal time].
2. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action, or following all appeals.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements

may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

#### **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

11. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

12. The mitigation measures specified in the MMRP and outlined in Mitigated Negative Declaration No. 661815 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

13. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 661815 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

Cultural Resources (Archaeology)  
Tribal Cultural Resources

#### **CLIMATE ACTION PLAN REQUIREMENTS:**

14. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan

Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

#### **ENGINEERING REQUIREMENTS:**

15. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond the closure of the non-utilized portion of existing driveway with current city standard sidewalk/parkway, curb and gutter, adjacent to the site on El Paseo Grande, satisfactory to the City Engineer.

16. Prior to the issuance of any building permit, the Owner/Permittee shall assure by permit and bond, the construction of a new current city standard 12-foot wide driveway, adjacent to the site on El Paseo Grande, satisfactory to the City Engineer.

17. Prior to the issuance of any building permit, the Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the sidewalk underdrains, landscape and irrigation in the El Paseo Grande right of way, satisfactory to the City Engineer.

18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.

19. Prior to the issuance of any construction permit, the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

#### **LANDSCAPE REQUIREMENTS:**

20. Prior to issuance of any construction permits, the Owner/Permittee shall submit to the Development Services Department for approval complete landscape and irrigation construction documents. Construction documents shall comply with the La Jolla Shores Planned District Ordinance (LJSPDO), the La Jolla Community Plan, and the Land Development Manual - Landscape Standards. Unplanted areas, including those consisting of recreational areas, walks (areas used for access whether paved, mulched, stepping stone, or similar), and driveways may not count towards the minimum landscape area required by the LJSPDO.

21. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

22. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

### **GEOLOGY REQUIREMENTS:**

23. The Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of the Development Services Department prior to issuance of any construction permits.

### **PLANNING/DESIGN REQUIREMENTS:**

24. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

25. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

26. Pursuant to SDMC section 126.0707 Conditions may be imposed by the decision maker when approving a Coastal Development Permit. Conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. In any subdivision or other land division, such conditions shall be imposed at the time of the subdivision or other land division, rather than through subsequent development permits.

27. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

### **INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on June 24, 2021 and 5147-PC.



Coastal Development Permit No. 2424435  
Site Development Permit No. 2429037  
Date of Approval: June 24, 2021

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

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Benjamin Hafertepe  
Development Project Manager

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

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**The undersigned Owner/Permittee**, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

**8423 EI PASEO GRANDE, LLC**  
Owner/Permittee

By \_\_\_\_\_  
Mark Richter

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1189 et seq.**

PLANNING COMMISSION RESOLUTION NO. 5147-PC  
COASTAL DEVELOPMENT PERMIT NO. 2424435  
SITE DEVELOPMENT PERMIT NO. 2429037  
**8423 EL PASEO GRANDE CDP/SDP - PROJECT NO. 661815 [MMRP]**

WHEREAS, 8423 EL PASEO GRANDE, LLC, Owner/Permittee, filed an application with the City of San Diego for a permit to demolish an existing single dwelling unit and detached garage, and to construct a new single dwelling unit with an attached garage and an attached companion unit (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037 on portions of a 0.12-acre site;

WHEREAS, the project site is located at 8423 El Paseo Grande in the La Jolla Shores Planned District Single Family Zone, Coastal Height Limitation Overlay Zone, Coastal (Appealable) Overlay Zone, Parking Impact Overlay Zone (Beach & Coastal Impact), Residential Tandem Parking Overlay Zone, and Geo Hazard 52 Zone within the La Jolla Community Plan area;

WHEREAS, the project site is legally described as Lot 3 in Block 38 of La Jolla Shores Unit No. 6, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 2147, filed in the Office of the County Recorder of San Diego County, February 26, 1929;

WHEREAS, on June 24, 2021, the Planning Commission of the City of San Diego considered Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037:

**A. COASTAL DEVELOPMENT PERMIT [San Diego Municipal Code (SDMC) section 126.0708]**

**1. Findings for all Coastal Development Permits:**

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

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and a 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

The project site, which is located less than 300 feet east of the Pacific Ocean, is not located within the First Public Roadway or within a visual access corridor, as identified within the LJCP/LCP. Furthermore, the site is not located near any existing or proposed physical accessway that is legally utilized by the public or within or adjacent to any public vantage points as identified in Figure 9, Pages 35-36 of the LJCP/LCP. All of the proposed development will be contained within the existing disturbed and developed site and has been designed in conformance with all applicable development regulations, including required setbacks, floor area ratio, lot coverage, and structure height. The highest ridge of the new home is 25 feet 10 inches with the chimney measuring at 30 feet, and is in conformance with the maximum 30-foot height limit.

Due to project site's location, and the proposed development contained on private property and designed in conformance with all applicable development regulations, the proposed coastal development will not affect any existing or proposed physical accessway that is legally used by the public, or degrade, eliminate, or detract any protected public views to and along the ocean and other scenic coastal areas as identified in the LJCP/LCP. Based on the above, the proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in the Local Coastal Program Land Use Plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.

- b. The proposed development will not adversely affect environmentally sensitive lands.**

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and a 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

Review of resource maps, aerial and street photography shows that the project site does not contain any Environmentally Sensitive Lands as defined in San Diego Municipal Code section 113.0103. The project site does not contain and is not adjacent to any sensitive biological resources, sensitive coastal bluffs, steep hillsides, or special flood hazard areas, and is not located within or adjacent to the City's Multiple Species Conservation Program/Multiple Habitat Planning Area. Therefore, the project will not adversely affect environmentally sensitive lands.

**c. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.**

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and a 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

The City reviewed the existing single dwelling unit and detached garage to determine whether a potential historical resource exists on site. On July 6, 2020, City Staff concluded the property does not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria.

The project has been designed in conformance with all applicable development regulations per the SDMC. The project site is in the La Jolla Shores Planned District Ordinance – Single Family Zone (LJSPDO – SF) Zone and complies with the development standards required by the underlying LJSPDO – SF Zone including height, density, building setbacks, floor area ratio, lot coverage, and off-street parking. Based on a submitted neighborhood survey of the existing development patterns within the neighborhood, the proposed project was determined to be in general conformance with other buildings as specified in the LJSPDO – SF Zone. In addition, the project has been designed in conformance with the maximum 30-foot height limit. The highest ridge of the new home measures 25 feet 10 inches, and 30 feet at the top of the chimney.

The LJCP designates the project site Low Density Residential with a density range of 5 to 9 dwelling units per acre. The density range is characterized by single dwelling unit residential homes on 5,000 to 7,000 square-foot lots. The LJSPDO – SF Zone allows one dwelling unit per lot. The proposed dwelling unit on the 0.12-acre site is in conformance with the prescribed density per the underlying zone, and the LJCP/LCP land use designation.

LJSPDO requires all buildings and structure setbacks to be in general conformity with those in the vicinity. City staff has reviewed and accepted a survey from the Applicant which contains lot sizes, gross floor areas, floor area ratios, and setback dimensions for building structures within the vicinity of the project site. Front yard setbacks in the vicinity range from 1 foot 4 inches to 31 feet, side yard setbacks within the vicinity range from 1 foot 6 inches to 24 feet, rear yard setbacks within the vicinity range from 1 foot 6 inches to 30 feet, and floor area ratios within the vicinity range from 0.29 to 1.07.

The project proposes a north side yard setback to the main house that ranges from 4 to 6 feet with a 0-foot side setback adjacent to the attached companion unit, and south side yard setbacks ranging from 4 to 24 feet. The proposed development observes a front yard setback of 15 feet along the west property line, and a rear yard setback of 6 feet along the east property line. The floor area ratio for the proposed project is 0.97. Per San Diego Municipal Code section 141.0302(a)(2)(D)(ii), new accessory dwelling unit structures may encroach into the required interior side yard and rear yard setbacks up to the property line to accommodate construction of the accessory dwelling unit. The project contains setbacks and a floor area ratio to be in general conformity with the Land Development Code and properties within in the vicinity.

Additionally, the project proposes a lot coverage of 49 percent, which is below the maximum 60 percent lot coverage allowed per the LJSPDO – Single Family (SF) Zone.

The proposed development has been oriented to relate to adjacent homes, while enhancing community character with visually compatible architecture, form, style, and scale. The project's height, scale, design, and proposed building materials are consistent with the varied architecture, design, and character of the low-density residential development in the surrounding area and in conformance with the LJCP/LCP residential policies related to density, bulk and scale, and materials.

Furthermore, the project site is located less than 300 feet east of the Pacific Ocean and is not located between the sea and the First Public Roadway. The project site is not located with or adjacent to any public coastal access or public vantage points as identified in the LJCP/LCP (Figure 9, Pages 35-36). Due to the location of the project site, the project will not encroach upon any existing physical way used by the public or any proposed access as identified in the LJCP/LCP.

The project is not requesting any deviations or variances from the applicable regulations and has been designed in conformance with all applicable development

regulations set forth in the SDMC, and the LJCP/LCP land use plan. Therefore, based upon the above analysis, the proposed project is in conformity with the Local Coastal Program land use plan and complies with all regulations of the certified implementation program.

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

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet. The project site, which is located less than 300 feet from the Pacific Ocean, is not located between the sea and the First Public Roadway or within a visual access corridor, as identified in the LJCP/LCP. The project will be developed entirely within private property and will not adversely impact any public recreation opportunities. Therefore, the project conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act.

**B. SITE DEVELOPMENT PERMIT [SDMC section 126.0505]**

**1. Findings for all Site Development Permits:**

- a. The proposed development will not adversely affect the applicable land use plan.**

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and a 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

The existing single dwelling unit and detached garage were reviewed to determine whether any potential historical resources exist on site. On July 6, 2020, City Staff concluded the property does not meet local designation criteria as an individually significant resource under any adopted Historical Resources Board Criteria.

The project has been designed in conformance with all applicable development regulations per the SDMC. The project site is in the La Jolla Shores Planned District

Ordinance – Single Family Zone (LJSPDO – SF) Zone and complies with the development standards required by the underlying LJSPDO – SF Zone including height, density, building setbacks, floor area ratio, lot coverage, and off-street parking. Based on a submitted neighborhood survey of the existing development patterns within the neighborhood, the proposed project was determined to be in general conformance with other buildings as specified in the LJSPDO – SF Zone. In addition, the project has been designed in conformance with the maximum 30-foot height limit.

The highest ridge of the new home measures 25 feet 10 inches, and 30 feet at the top of the chimney.

The LJCP designates the project site Low Density Residential with a density range of 5 to 9 dwelling units per acre. The density range is characterized by single dwelling unit residential homes on 5,000 to 7,000 square foot lots. The LJSPDO – SF Zone allows one dwelling unit per lot. The proposed dwelling unit on the 0.12-acre site is in conformance with the prescribed density per the underlying zone, and the LJCP/LCP land use designation.

The LJSPDO requires all buildings and structure setbacks to be in general conformity with those in the vicinity. City staff has reviewed and accepted a survey from the Applicant which contains lot sizes, gross floor areas, floor area ratios, and setback dimensions for building structures within the vicinity of the project site. Front yard setbacks in the vicinity range from 1 foot 4 inches to 31 feet, side yard setbacks within the vicinity range from 1 foot 6 inches to 24 feet, rear yard setbacks within the vicinity range from 1 foot six inches to 30 feet, and floor area ratios within the vicinity range from 0.29 to 1.07.

The project proposes a north side yard setback to the main house that ranges from 4 to 6 feet with a 0-foot side setback adjacent to the attached companion unit, and south side yard setbacks ranging from 4 to 24.5 feet. The proposed development observes a front yard setback of 15 feet, and a rear yard setback of 6 feet along the east property line. The floor area ratio for the proposed project is 0.97. The project contains setbacks and a floor area ratio to be in general conformity with those in the vicinity.

Additionally, the project proposes a lot coverage of 49 percent, which is below the maximum 60 percent lot coverage allowed per the LJSPDO – SF Zone.

The proposed development has been oriented to relate to adjacent homes, while enhancing community character with visually compatible architecture, form, style, and scale. The project's height, scale, design, and proposed building materials are consistent with the varied architecture, design, and character of the low density residential development in the surrounding area and in conformance with the LJCP/LCP residential policies related to density, bulk and scale, and materials.



Furthermore, the project site is located less than 300 feet east of the Pacific Ocean and is not located between the sea and the First Public Roadway. The project site is not located with or adjacent to any public coastal access or public vantage points as identified in the LJCP/LCP Figure 9, Pages 35-36). Due to the location of the project site, the project will not encroach upon any existing physical way used by the public or any proposed access as identified in the LJCP/LCP.

The project is not requesting any deviations or variances from the applicable regulations and has been designed in conformance with all applicable development regulations set forth in the SDMC, and the LJCP/LCP land use plan. Therefore, based upon the above analysis, the proposed project will not adversely affect the applicable land use plan.

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

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and 1,090 square-foot attached companion unit for a total Gross Floor Area of 5,079 square feet.

The project will not be detrimental to the public health, safety, and welfare. A condition of approval requires a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. City staff has reviewed and accepted a preliminary geotechnical report prepared for the site project, which concludes the site's soil and geologic conditions have been adequately addressed.

The project permit also contains specific requirements to ensure compliance with the regulations of the Land Development Code, including those adopted to protect the public health, safety and welfare. Permit requirements include assuring by permit and bond the closure of the non-utilized portion of the existing driveway and installation of a new 12-foot wide City standard driveway adjacent to the site along El Paseo Grande; implementing construction best management practices (BMPs); and entering into an Encroachment Maintenance and Removal Agreement for the sidewalk underdrains, landscape and irrigation in the El Paseo Grande right of way. Therefore, the project will not be detrimental to the public health, safety, and welfare.

**c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.**

The project site is located at 8423 El Paseo Grande within the La Jolla Community Plan and Local Coastal Program Land Use Plan (LJCP/LCP) area. The project site is

developed with a one-story 1,528 square-foot single dwelling unit and a detached garage within an established residential area. The project includes demolition of the existing single dwelling unit and detached garage, and construction of a new 3,528 square-foot two-story single dwelling unit with a 461 square-foot attached garage and 1,090 square-foot attached companion unit for a total of 5,079 square feet. The project site, which is located less than 300 feet east of the Pacific Ocean, is not located between the sea or the First Public Roadway or within a Visual Resources Corridor as identified in the LJCP/LCP. The project has been designed in conformance with all applicable development regulations of the San Diego Municipal Code, including the La Jolla Shores Planned District Ordinance – Single Family Zone and the Coastal Overlay Zone. The project conforms to the maximum 30-foot height limit and 60 percent coverage requirements.

LJSPDO requires all buildings and structure setbacks to be in general conformity with those in the vicinity. City staff has reviewed and accepted a survey from the Applicant which contains lot sizes, gross floor areas, floor area ratios, and setback dimensions for building structures within the vicinity of the project site. Front yard setbacks in the vicinity range from 1 foot 4 inches to 31 feet, side yard setbacks within the vicinity range from 1 foot 6 inches to 24 feet, rear yard setbacks within the vicinity range from 1 foot six inches to 30 feet, and floor area ratios within the vicinity range from 0.29 to 1.07.

The project proposes a north side yard setback to the main house that ranges from 4 to 6 feet with a 0-foot side setback adjacent to the attached companion unit, and south side yard setbacks ranging from 4 to 24 feet. The proposed development observes a front yard setback of 15 feet along the west property line, and a rear yard setback of 6 feet along the east property line. The floor area ratio for the proposed project is 0.97. Per San Diego Municipal Code section 141.0302(a)(2)(D)(ii), new accessory dwelling unit structures may encroach into the required interior side yard and rear yard setbacks up to the property line to accommodate construction of the accessory dwelling unit. The project contains setbacks and a floor area ratio to be in general conformity with the Land Development Code and properties within in the vicinity.

The project does not require or request any deviations. Therefore, the proposed development will comply with the regulations of the Land Development Code.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form,

exhibits, terms and conditions as set forth in Coastal Development Permit No. 2424435 and Site Development Permit No. 2429037, a copy of which is attached hereto and made a part hereof.

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Benjamin Hafertepe  
Development Project Manager  
Development Services

Adopted on: June 24, 2021

IO#: 24008591