

June 15, 2024

Dear Emmett and Sharon,

We are writing to let you know that, after careful consideration, the Architectural Committee of La Jolla Highlands, Unit #2 (“AC”) approves the revised design of your construction project for an ADU at 2734 Bordeaux Avenue as described in the February 20, 2024 design package transmitted to us by Island Architects (“IA”).

As you know, the AC was unable to approve the original design for the ADU because, at 30 feet tall, it clearly violated the height limitation in our Conditions and Restrictions (“CRs”); we also found its size, scale, placement, and design inappropriate for the neighborhood. The new design for a smaller, one-story structure in front of your existing house with a low-profile “green roof” eliminates many of the problematic elements and is a more appropriate style for the neighborhood. Please keep in mind that, as per the CRs, we will need to review and approve other elements of the design as they are developed, such as the eventual landscaping plan. We look forward to receiving these from IA as they become available later in the process. We emphasize that any deviation from the plan presented in February 2024, including adaptations during construction, must be approved by the AC.

We appreciate your offer to meet again with anyone who would like to discuss the revised design. While it is not necessary for us to be involved in discussions between homeowners, the AC is willing to facilitate such a meeting if requested to do so by you or any neighbor. We note that the two neighbors immediately adjacent to your property have expressed to us their objections to the revised design, primarily on the basis that it would still change the existing views from their residences across your lot. While the AC’s approval means that the design does not in our opinion explicitly contradict any clauses in the CRs, it in no way denies the rights of these (or any other) neighbors to have their opinions considered by appropriate decision-making authorities during the permitting process carried out by municipal, county, and state authorities. We have suggested to IA that the installation of temporary story poles indicating the height and extent of the proposed construction might address some concerns, and we hope you will consider doing this.

Although the revised design is approved, we remain concerned about several wider aspects of this proposed construction project. We share the concerns of many neighbors about the fragility of the canyon ecosystem and the diminishment of wildlife habitat that will result from additional construction on the sloped parts of canyon-adjacent lots. We are concerned about potential disturbances of building on a steep hillside which could impact neighboring structures or change the drainage channels of adjacent lots. However, we understand that these considerations are beyond the scope of the AC and that the neighborhood must rely on the City’s expertise during the assessment and permitting process to ensure that the project can be built safely. We stress that construction access must comply with all regulations and in particular cannot block Bordeaux Avenue, because the six homeowners on the cul-de-sac south of your property have no other way to come into and out from their homes.

We understand that you are in the early stages of the permitting process and that you do not intend to start construction until you have moved into the property; we would appreciate being kept informed of your timeline.

Thank you again for your understanding and cooperation during our review process.

Yours sincerely,

A handwritten signature in blue ink that reads "Holly Given". The signature is written in a cursive, flowing style.

Holly Given

for the La Jolla Highlands Unit #2 Architectural Committee:  
Holly Given, H el ene Guilpain, Aler Krishnan

Cc: Island Architects

Forward to: Bordeaux Avenue neighbors

## La Jolla Highlands, Unit 2 Architectural Committee

July 10, 2023

Dr. Emmett Cunningham and Dr. Sharon Shaw  
2734 Bordeaux Avenue  
La Jolla, CA 92037

Dear Emmett and Sharon,

Thank you for arranging for your neighbors and Architectural Committee to review the plans summarizing application PRJ-1087614 for a Coastal Development Permit / Site Development Permit for a guest quarters and auxiliary dwelling unit at 2734 Bordeaux Ave in the La Jolla Highlands Unit 2 subdivision. As you know, the Building Restrictions and Architectural Control in force for La Jolla Highlands Unit 2 were established at the outset of the neighborhood "for the protection and benefit" of all owners. These protective conditions and restrictions convey with the real property and have guided the development and cohesion of the neighborhood ever since. That the neighborhood has consistently renewed them and has continuously kept an Architectural Committee in place attests to our commitment to a common neighborhood aesthetic for the protection and benefit of all.

An essential part of architectural control is the requirement that no building, other structure, or improvement may commence until the complete plans and specifications have been approved in writing by the Architectural Committee. Regrettably, after careful consideration of the plans provided by Island Architects and viewing application PRJ-1087614 at the City of San Diego's Development Services Department, the Architectural Committee finds that we cannot approve the current plan for a multi-story guest quarters and auxiliary dwelling unit at 2734 Bordeaux Ave.

The height of the proposed multi-story auxiliary building clearly violates the condition that "no dwelling without the written approval of the Architectural Committee shall be more than one story in height." The building's proposed height and placement on the slope of the north property line puts it directly in the canyon and ocean views of the two (possibly three) properties to the northeast, which would dramatically change the way those neighbors experience their own homes and likely have a significant and detrimental effect on their property values. This directly invokes our responsibility to provide architectural control for the protection and benefit of those owners, such that we will not make an exception to the height rule in this case. We note that the design presentation refers to the third story of the proposed building as the "office/studio level," which implies an extension of the function of the main house that is not needed for a one-bedroom dwelling unit with a proposed lower story of 914 square feet. We also note that our building restrictions prohibit any outbuilding from being used as a temporary or permanent residence, or any building other than the detached single family dwelling, although we understand that relevant rules within the city and state are in flux and being challenged so we are not resting our non-approval on these points.



While noting that the committee's non-approval pertains to the specific violation of the Height Limit of Dwellings as per the Building Restrictions and Architectural Control for La Jolla Highlands Unit 2, we would also like to share wider reactions by the neighbors to the plans.

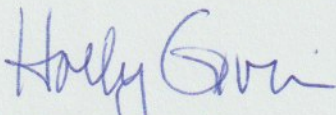
Fifteen owners within the La Jolla Highlands Unit 2 neighborhood viewed the plans either at the in-person presentation or via the electronic package provided by Island Architects. Of these, 13 owners, including the owners of six adjacent canyon properties to the northeast and the south of 2734 Bordeaux, told us that they were categorically opposed to any new construction on any canyon-facing lot downslope of the site intended for the main house. The main reason for this predominant opinion is the recognition of the fragility of the canyon slope environment, concern for the stability and safety of adjacent canyon properties, and the desire to protect the canyon's natural state for the mutual enjoyment of all. Owners feel strongly on this point even knowing it means they are inherently limiting their option to develop their own properties further down into the canyon in the future. Indeed, several owners are shocked at the possibility that any structure would be allowed on canyon slopes that the city of San Diego had previously considered unbuildable, and shared their experiences of the stringent building controls they encountered when they developed their own main houses.


Other concerns expressed by these neighbors were the impact on flora and fauna in the adjacent UCSD Ecological Reserve, disturbance of native *pinus torreyana* found at the proposed building site, the complete lack of access to what would be a stand-alone structure for emergency vehicles, the additional fire risk associated with a new inhabited structure on the canyon downslope, the placement directly over the primary drainage ravine for the adjacent two properties to the northeast and the dubious design on parallel story-height structural footings straddling that ravine, and potential disruption to underlying formations by required structural pilings. Several neighbors pointed out that, at 1800 square feet, the proposed auxiliary building would be larger than the smaller single-family homes in the neighborhood, and that the existing main house with over 6300 square feet of interior living space was the largest possible structure envisioned on that lot by the then-Architectural Committee when they approved its construction in the 2004-2005 time frame.

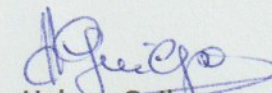
While we know this is not the result you were hoping for, we hope you will carefully consider the perspective of your neighbors as you reconsider your plans for an auxiliary dwelling unit and guest quarters at 2734 Bordeaux. Should you decide to submit revised plans, we ask that story poles be placed to accurately reflect the location and three-dimensional volume of any proposed structures. However, it is difficult to envision how even a modified design could overcome the overwhelmingly negative reaction to the precedent of allowing an auxiliary building on the canyon slope.

Sincerely,

Your Architectural Committee

  
Holly Given, Ph.D.

  
Aler Krishnan

  
Helene Guilpan

Cc: Island Architects







