

# Letter to the Hearing Officer

Subject: Garcia Residence, 812 Havenhurst Point  
Project Number: PRJ-0697754  
Author: Hamid Kharrati, 822 Havenhurst Point  
Date: September 16, 2024

Dear Hearing Officer,

I, Hamid Kharrati, am the owner of the property at 822 Havenhurst point, and have lived in that house Since early 1997. I am requesting Permits for a new construction at 812 Havenhurst Point to be rejected. The plans for this project have been reviewed by our local community (Muirlands Point), La Jolla Development Permit Review Committee (LJDPR), and La Jolla Community Planning Association (LJCPA), and they were rejected at every stage. The applicant has decided to forge ahead with total disregard for the neighborhood and the La Jolla Community.

I reached out to the City Of San Diego Planning Department (City) multiple times over a year ago, called and sent emails, following the directions on the “Notice Of Application” I received from the City of San Diego, dated December 27, 2022. I left voice mails and sent emails requesting a meeting with the City regarding this project, to discuss my concerns, and to receive status on the project. I assumed the project was cancelled since I did not receive replies to my emails, and did not receive call backs from the voicemails I left. I have attached these emails at the end of this letter. I might be able to retrieve records of my phone calls from the phone company records, if requested.

The only other notification I received from the City was the “Notice of Public Hearing”, dated August 20, 2024, for a hearing on September 4<sup>th</sup>. I received this notice in the mail on August 22<sup>nd</sup>, less than two weeks from the date of the hearing. The City made no attempt to hear my concerns, and as far as I can tell, the City has not reached out to anyone in our community, in the LJDPR Committee, or in the LJCPA Committee. So, following the lead of the applicant, the City has decided to recommend the permit request to be approved with no regard to the opinion of the neighborhood and the La Jolla Planning Committees.

I just found out about the report from the City to the Hearing Officer, issued on September 11, 2024. I reviewed the report, and I disagree with the conclusion that the Permit request meets the La Jolla Community Plan (LJCP). I will go through my reasoning and will be glad to answer any questions you might have at the hearing on September 18<sup>th</sup>.

1. The City report indicates that the project was determined to be categorically exempt pursuant to CEQA Section 15302, Replacement or Reconstruction, on May 29, 2024, and the opportunity to appeal that determination ended June 12, 2024. This assertion is completely invalid as my attempts to contact the City, following guidelines provided by the City, were ignored. I had no idea if the project was still ongoing, let alone knowing about a deadline for a determination that was made. I also disagree with the City report assertion that “The exemption consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced”. The new structure is nothing close to the structure that it is replacing. A single-story 3018 SF structure is being replaced with a massive 9950 SF three-story eye sore and is extended somewhere between 25 and 35 feet into the protected canyon (this is based on my own estimate of reviewing the construction plans and would like to get together with city engineers to get the exact number). How does this replacement have substantially the same capacity as the structure it is replacing?!!!
2. The City report indicates that LJCP designates the site as Low Density Residential which allows five to nine (5-9) dwelling units per acre (DU/AC). However, according to LJCP, the site is designated as Very Low Density Residential which allows zero to five (0-5) dwelling units per acre (DU/AC).
3. I disagree with the “Community Plan” section of the report as it misunderstands the LJCP guidelines:
  - a. The City report indicates that “the proposed development has taken the adjacent properties into consideration...”. I live next door, and my house is 1750 SF with a backyard that looks like the extension of the canyon. The house on my other side is slightly smaller than mine. In fact, from the street view, all 8 houses on our street have similar scale/bulk, regardless of their size/SF. As a community we reviewed the story poles from the street and from my house. We took pictures and reviewed them with LJDPR in multiple meetings along with the model of the structure that was presented. The LJDPR committee members visited our neighborhood, and agreed the new massive structure is anything but harmonious to the neighborhood. A committee member commented that the plan is beautiful, but it belongs in the desert somewhere, not on our street.

- b. The City report references this on page 76 of LJCP: “In order to maintain and enhance the existing neighborhood character and ambience, and to promote good design and visual harmony in the transitions between new and existing structures, preserve the following elements”. And the first element is: “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”. The City report indicates that the project addressed bulk and scale by setting the second story further back than the first. Those that have seen the story poles beg to differ. The LJCP asks to keep the bulk and scale, but the proposed structure does not even come close. Questions for the city: Have you driven on our street? Have you seen pictures of the story poles? Have you seen the model of the structure/house that was presented to the LJDPR committee? Have you talked to LJDPR or LJCPA to ask why they thought the scale/bulk of the proposed structure is a problem?
  - c. The City report suggests that we live in a neighborhood where “residential diversity is emphasized more than a uniform theme or development pattern”. It is true that we don’t have track houses in our community, and that each house is different, but there is an overall harmony to the neighborhood. In fact, that is the reason why many of us have chosen to live in this neighborhood. No one house stands out as an eye sore or completely out of scale. I recommend the City staff to take a drive through Muirlands Points community (around 80 houses). LJDPR did that and congratulated our neighborhood for being able to maintain such a harmony.
4. As indicated earlier, my estimation is that the new structure will be extended 25’ horizontally beyond the current structure into the canyon, and that may translate to 35’ down into the canyon. When we had bad fire seasons the fire department inspector came by my house to review it for fire issues. My living structure is far from the canyon, and I did not have to do anything, but apparently, they were asking people to cut back brushes from habitable buildings. We also know the state of the Home Insurance business: more of the big insurance companies are refusing to sign contracts with homeowners. I don’t care what material is used in the house, if the house is surrounded by brush, no insurance company is going to cover it. The fire department is also going to ask that the brushes be cut back substantially. I can imagine the fire department ordering the brushes cleared all the way down the canyon on the proposed lot and adjacent lots. This is a disaster waiting to happen for our canyon and needs to be avoided. There is wording in the City report such as “heavy timber construction may be approved within the designated Zone One are subject to Fire Marshal’s approval”. This

makes no sense and is not something that should be kicked down the road for evaluation after the permit has been issued.

5. The canyon behind the property is a Designated Open Space/Park as can be seen in Figure 7 of LJCP: “Areas intended for park and/or open space uses (May be privately or publicly owned)”. This is an excerpt from “Open Space Preservation and Natural Resource protection” section on page 29 and 30: “The City’s Environmentally Sensitive Lands regulations and Sensitive Coastal Overlay zone regulations restrict the degree to which private development is allowed to encroach upon biologically sensitive open areas, steep hillsides and coastal bluffs in order to preserve their stability, plant and wildlife habitats. In addition, the open space designations and zoning protect the hillsides and canyons for the park, recreation, scenic and open space values. The location of the public and private dedicated and designated open space and park areas in La Jolla are shown on Figure 7 and include, but are not limited to, all lands designated as sensitive slopes, ...”. The proposed massive structure does not preserve the promised scenic and open space value of our protected canyon. I will be looking at a massive three-story structure from my backyard instead of the beautiful canyon that I see today. The story poles that were erected for our community review made that clear. Extending the existing structure into the canyon goes against the city mandate of preserving scenic and open space canyon as seen from my property, all other properties on this protected canyon, and the streets/trails at the bottom of the canyon. Any plan that extends the existing structure further into the canyon beyond its current limit should be rejected by the City.
6. Havenhurst point is at the bottom of steep streets on both sides: Newkirk Drive and Havenhurst Drive. Any home at the bottom of the hills that has dug into the soil is having moisture problems. The situation has been described as “river under our properties”. The massive structure including the basement in the proposed property is going to act like a dam. Any blockage or even slowdown of the subterranean water flow is going to be a major moisture problem for our neighborhood. The City report does not include an engineering report that shows how this issue is being mitigated. Will my house sink in a pool of water that is blocked by the new structure?

In summary, I strongly recommend the hearing officer to reject the existing plan based on the issues I outlined above. The bulk/scale of the proposed building is going to cause irreversible damage to our protected canyon, destroy our neighborhood harmony, and could cause serious damage to adjacent properties.

Thank you,

Hamid Kharrati

**LEGEND**

**Dedicated Open Space/Park**  
 City-owned property that has been formally dedicated by the City or State for park and/or open space under Charter Section 55 of the San Diego Municipal Code. Protected in perpetuity unless changed by a two-thirds vote of the people.

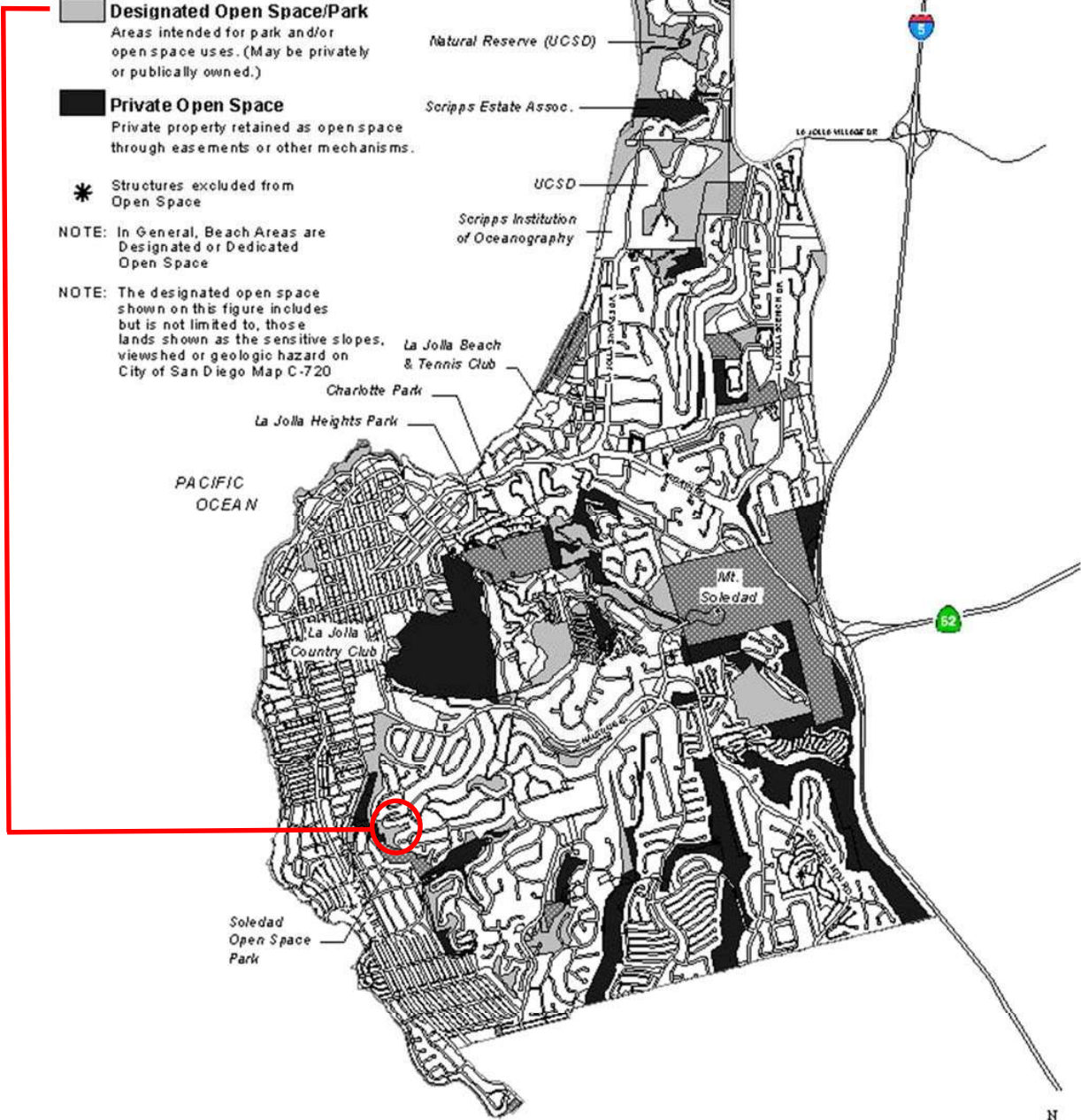
**Designated Open Space/Park**  
 Areas intended for park and/or open space uses. (May be privately or publically owned.)

**Private Open Space**  
 Private property retained as open space through easements or other mechanisms.

\* Structures excluded from Open Space

NOTE: In General, Beach Areas are Designated or Dedicated Open Space

NOTE: The designated open space shown on this figure includes but is not limited to, those lands shown as the sensitive slopes, viewshed or geologic hazard on City of San Diego Map C-720



**Open Space System**



**La Jolla Community Plan**  
 City of San Diego · Planning Department



Figure 7

## Concerns regarding project PTS-697754

Hamid Kharrati <hkharrati@hotmail.com>

Wed 7/19/2023 3:47 PM

To:cclady@gmail.com <cclady@gmail.com>

Cc:Hamid Kharrati <hkharrati@hotmail.com>

Hello Ms. Clady,

I live at 822 Havenhurst Point, La Jolla, CA 92037.

We have talked once in the past regarding my neighbor's development plans at 812 Havenhurst Point, Project No. PTS-697754

I have many concerns and issues with my neighbor's plans. Would you please send me all the cycle issue comments for the project. I would like to review them, and then meet with you and go over my concerns.

I tried calling you one more time and left a message, but I did not hear back from you. I will try calling you again. I would appreciate it if you could call me back at your earliest convenience.

Thank you,

Hamid Kharrati  
(858) 349-8694

**Re: Concerns regarding project PTS-697754**

Hamid Kharrati &lt;hkharrati@hotmail.com&gt;

Wed 10/4/2023 8:28 AM

To: cclady@gmail.com &lt;cclady@gmail.com&gt;

Cc: Hamid Kharrati &lt;hkharrati@hotmail.com&gt;

Hello Ms. Clady,

I just listened to the voice mail you left me on September 28.

The reception was poor and I could only hear a few words here and there, but it appears that it was in response to my (email and voice mail) from July 19th. Unfortunately, after waiting for 2 months I missed your call.

What is the best way of talking to you? Is it possible to set a date and time that I can call you, or you call me?

I have been to all of the local (La Jolla Planning Committee) review of this project. Committee members even came by to the proposed site, reviewed the project, and agreed with all the neighbors that the proposed building is not appropriate for our neighborhood.

We were expecting an invitation from the City of San Diego to review the project. Perhaps the project was rejected based on input from La Jolla Committee? As mentioned, I have called and emailed and received no responses until now.

Here are some of the items I want to talk to you about:

- What is the status of the project? La Jolla Planning Committee rejected the project many months ago. Did city of San Diego reject the project based on input from the La Jolla Planning Committee?
- If the answer to the above is a "no", I would like to get a cycle issue comments from the review process. I also would like to discuss some of the concerns I have about the project (not associated with rejection by La Jolla Planning Committee). I would like to know if the issues I am concerned about have been looked into or addressed.
- If the answer to the above is a "yes", meaning City of San Diego rejected the application based on La Jolla Planning Committee rejection, I would like to know what the next steps are.

I will try calling you again today, but based on previous experience I expect to get your voice mail. I appreciate if you would setup an appointment at a time convenient to you when we can talk.

Thank you,

Hamid Kharrati  
(858) 349-8694

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**From:** Hamid Kharrati <hkharrati@hotmail.com>**Sent:** Wednesday, July 19, 2023 3:47 PM**To:** cclady@gmail.com <cclady@gmail.com>



**Cc:** Hamid Kharrati <hkharrati@hotmail.com>

**Subject:** Concerns regarding project PTS-697754

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I tried calling you one more time and left a message, but I did not hear back from you. I will try calling you again. I would appreciate it if you could call me back at your earliest convenience.

Thank you,

Hamid Kharrati  
(858) 349-8694



THE CITY OF SAN DIEGO

DATE OF NOTICE: December 27, 2022

# NOTICE OF APPLICATION

## DEVELOPMENT SERVICES DEPARTMENT

As a property owner, tenant, or person who has requested notice, you should know that an application has been filed with the City of San Diego for a Coastal Development Permit (CDP) and Site Development Permit (SDP) for the demolition of an existing family residence and the construction of a new 7,069 square foot (sq. ft.), 3-story single-family residence including a 421 sq. ft. Junior Accessory Dwelling Unit (JADU), with a 1200 sq. ft. Accessory Dwelling Unit (ADU) on the upper level, an 898 sq. ft. garage, a new pool, spa, and deck. The property is located at 812 Haven Hurst Point. This 0.51-acre site is in the RS-1-4, Coastal Overlay (Non-appealable) Zone. The application was filed on October 17, 2022.

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<b>PROJECT NO:</b>	<b>PTS-697754</b>
<b>PROJECT NAME:</b>	<b><u>GARCIA RESIDENCE, CDP, SDP</u></b>
<b>PROJECT TYPE:</b>	<b>COASTAL DEVELOPMENT PERMIT and SITE DEVELOPMENT PERMIT, PROCESS 3</b>
<b>APPLICANT:</b>	<b>JESS GONZALES</b>
<b>COMMUNITY PLAN AREA:</b>	<b>LA JOLLA</b>
<b>COUNCIL DISTRICT:</b>	<b>1</b>
<b>CITY PROJECT MANAGER:</b>	<b>Chandra Y. Clady, Development Project Manager</b>
<b>PHONE NUMBER/E-MAIL:</b>	<b>(619) 446-5286 /CClady@gmail.com</b>

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The decision to approve or deny this application will be made at a public hearing. You will receive another notice informing you of the date, time, and location of the public hearing. This project is undergoing environmental review.

Please note that Community Planning Groups provide citizens with an opportunity for involvement in advising the City on land use matters. Community Planning Group considerations are a recommended, but not required, part of the project review process. Please see the Community Planning Group Contact List at <https://www.sandiego.gov/planning/community-plans/cpg/contacts> to inquire about LA JOLLA COMMUNITY PLANNING GROUP meeting dates, times, and location for community review of this project.

If you have any questions about the project after reviewing this information, you may contact the City Project Manager listed above. This information will be made available in alternative formats upon request.

Internal Order No.: 11004541



# MUIRLANDS POINT DECLARATION OF RESTRICTIONS COMMITTEE

September 18, 2024

City of San Diego, Development Services Department Hearing

**Public Comments On Committee's Opposition to:**

**Project Name: Garcia Residence; 812 Havenhurst Pt**

**Project Info: PRJ-0697754**



KEY FACTS ABOUT  
**THE MUIRLANDS POINT DECLARATION OF  
RESTRICTIONS COMMITTEE**

**CURRENT  
COMMITTEE  
MEMBERS**

There are three Committee Members:

- Andy Micheletti, Secretary
- Ben Schwartz, Member
- Dr. Tim Peppers, Member

All three Committee members were elected by a majority of the Muirlands Point lot owners in July 2015.

Mr. Micheletti and Mr. Schwartz have served on the Committee continuously since 2005.

**AUTHORITY**

Muirlands Point is a 59-lot subdivision developed in 1953.

Permanently attached to every lot owner's deed and title is the declaration of restrictions.

The Declaration of Restrictions provides for a three-member Committee. The declarations state:

- No buildings shall be erected until the construction, grading and landscape plan have been approved by the Committee.
- No structure or building of more than one story in height shall be erected without the prior approval of Committee

**HISTORY**

Mr. Micheletti was first elected in 2005, replacing the secretary who had served continuously on the Committee since 1990.

Since 2005, the Committee has ruled on more than 60 separate construction and landscaping projects.

The Committee has denied various projects including 6111 Havenhurst Place with very similar facts to 812 Havenhurst Pt.

The 812 Havenhurst Pt lot owners have attended many Committee meetings reviewing such projects, including 6111 Havenhurst Place.

# REBUTTAL TO REPORT TO THE HEARING OFFICER

At the request of lot owners, the Committee reviewed the September 11, 2024, “Report” to the Hearing Officer regarding the Garcia Residence “Project” and makes the following rebuttal:

- **The Project does not meet the Community Character section of the Residential Element of the La Jolla Community Plan (LJCP) as stated in second paragraph on Page 3 of the Report.**
  - ✓ Page 68 of LJCP “In some areas of La Jolla, certain features that contribute to community character are quite evident.” Others may be more diverse. The 59-lot Muirlands Point development does not contain homes of the size and scale of the proposed Project and the LJCP acknowledges that these character differences should be preserved.
  - ✓ As noted in the Report, the LJCPA denied this project by a large majority (12-1-1) with the statement in the Report – “ Very large project, immediate neighbor had privacy concerns, majority of homes are low rambling roof style and ***this design is not consistent with the neighborhood.*** Bold italic added. LJCPA member actually drove to neighborhood to observe.
- **The Project does not meet the “Bulk and scale” section of the LJCP as stated in fifth paragraph on Page 3 of the Report.**
  - ✓ Page 68 of LJCP states “In order to maintain and enhance the existing neighborhood character and ambiance, and to promote good design and visual harmony ...” The bulk and scale of this project does not meet the initial premise - it does not “maintain and enhance the existing neighborhood character”. The modifications listed in the Report regarding bulk and scale are not adequate to meet the “character” of the neighborhood, as consistently monitored by the Committee.

**MUIRLANDS POINT NEIGHBORHOOD**

**59 LOTS : each lot is marked with a star**

Lot at 812  
Havenhurst Pt



MUIRLANDS POINT AVERAGE HOME SQUARE FOOTAGE			
(per title company records)			
Lot #	Lot Address	home square footage	lot square footage
1	6190 Terryhill Drive	2,358	13,340
2	6180 Terryhill Drive	2,017	12,463
3	1054 Havenhurst Drive	2,614	10,213
4	1044 Havenhurst Drive	1,696	10,651
5	1034 Havenhurst Drive	3,588	10,864
6	1024 Havenhurst Drive	1,764	9,898
7	1014 Havenhurst Drive (Vacant)	0	
8	1004 Havenhurst Drive	2,807	10,332
9	946 Havenhurst Drive	5,144	10,340
10	936 Havenhurst Drive	5,387	10,321
11	926 Havenhurst Drive	3,096	12,383
12	907 Newkirk Drive	2,227	9,649
13	921 Newkirk Drive	3,857	12,224
14	941 Newkirk Drive	2,534	10,519
15	951 Newkirk Drive	2,278	10,496
16	1005 Newkirk Drive	3,384	10,415
17	1015 Newkirk Drive	3,472	10,768
18	1025 Newkirk Drive	2,209	11,165
19	1035 Newkirk Drive	2,615	11,009
20	1045 Newkirk Drive (vacant)	0	12,440
21	1056 Newkirk Drive	1,612	10,435
22	1046 Newkirk Drive	2,028	11,491
23	1036 Newkirk Drive	2,577	11,754
24	1026 Newkirk Drive	3,234	11,165
25	1016 Newkirk Drive	2,718	12,339
26	1006 Newkirk Drive	2,393	11,697
27	946 Newkirk Drive	1,971	11,921
28	942 Newkirk Drive	3,217	12,109
29	932 Newkirk Drive	4,226	13,136
30	922 Newkirk Drive	1,848	13,411

MUIRLANDS POINT AVERAGE HOME SQUARE FOOTAGE			
31	912 Newkirk Drive	3,632	19,590
32	902 Newkirk Drive	1,748	12,160
33	822 Havenhurst Point	1,756	16,821
34	812 Havenhurst Point	3,018	22,356
35	802 Havenhurst Point	3,730	87,120
36	801 Havenhurst Point	3,128	29,185
37	811 Havenhurst Point	2,934	18,303
38	821 Havenhurst Point	4,313	17,933
39	831 Havenhurst Point	3,426	11,325
40	915 Havenhurst Drive	2,674	19,775
41	925 Havenhurst Drive	5,929	20,354
42	935 Havenhurst Drive	4,766	14,616
43	6120 Havenhurst Place	5,134	14,535
44	6110 Havenhurst Place	2,920	20,648
45	6111 Havenhurst Place	3,211	18,725
46	6121 Havenhurst Place	3,344	13,035
47	1005 Havenhurst Drive	2,488	12,078
48	1015 Havenhurst Drive	2,620	12,939
49	1025 Havenhurst Drive	6,757	12,593
50	1035 Havenhurst Drive	3,744	12,265
51	1045 Havenhurst Drive	2,505	10,418
52	1055 Havenhurst Drive	3,195	13,803
53	6130 Terryhill Drive	3,803	11,575
54	6131 Terryhill Drive	2,303	10,730
55	6141 Terryhill Drive	3,194	15,481
56	6151 Terryhill Drive	4,937	12,073
57	6161 Terryhill Drive	2,142	11,525
58	6171 Terryhill Drive	2,244	11,946
59	1145 Inspiration Drive	1,924	10,619
	total square footage for 57 homes	176,390	
	average home square footage	3,095	

**The average home size in the Muirlands Point Development is 3,095 sq ft. The 812 Havenhurst Pt Project is clearly a massive structure with living space and large decks well beyond the size and scale of the neighborhood.**



STREET LEVEL VIEWS OF HOMES  
ON  
HAVENHURST POINT



Picture 3  
- Subject 812

Picture 2

Picture 1

Picture 4



Picture 5

Picture 6

Picture 7

Picture 8



Picture 1



Picture 2



Picture 3



Picture 4



Picture 5 – 2 stories, 1 below street level



Picture 6 – 2 stories, 1 below street level



Picture 7 – 2 stories, 1 below street level





Picture 8



**STORY POLES OF FIRST  
PROPOSED STRUCTURE OVER  
EXISTING HOUSE ON LOT AT  
812 HAVENHURST PT**



Street View – end of cull de sac



Street View – end of cull de sac – poles and flags outlined in black



West Lot Line View



East Lot Line View – from backyard of 822 Havenhurst Pt



Backyard of 822 Havenhurst Pt - poles and flags outlined in black



LAST TWO COMMITTEE  
PROJECTS APPROVED AND  
MOST SIMILAR PROJECT WHICH  
WAS DENIED

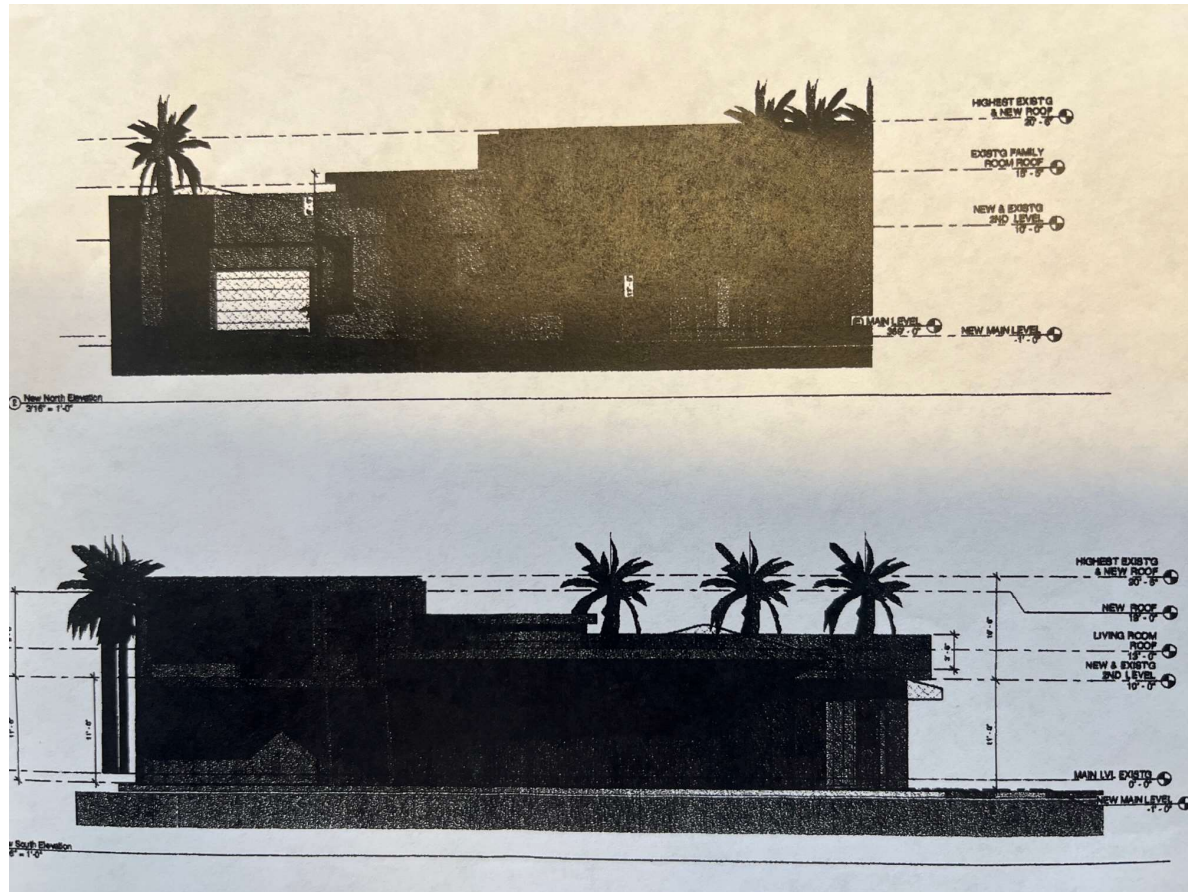




1005 Havenhurst Drive – 2 stories, 1 below street level (2020)



1006 Newkirk Drive – (2019)



6111 Havenhurst Place – (Denied in 2022)

Jülide Aker  
Property Owner of  
801 Havenhurst Pt  
La Jolla, CA 92037

Hearing Officer,  
City of San Diego,  
1222 First Avenue, MS 501  
San Diego, CA 92101

RE: Garcia Residence, project no: PRJ-0697754  
Applicant: Luis Garcia  
Hearing date: September 18, 2024

Dear Hearing Officer,

I own a house on the same street as 812 Havenhurst Point, La Jolla 92037 and I am a neighbour of the Garcia family who wants renovate their older house on 812 Havenhurst Point. My family has lived in and owned our house since the very early 1990s.

I am in full support of the Garcia Residence project. 812 Havenhurst Pt. is old and dilapidated and replacing it with a new building is essential for meeting the needs of the Garcia family. It will provide them with more usable space to accommodate their extended family.

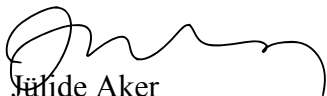
The scale and the stepped-back 2-storey design of the proposed house is in line with other houses in the neighbourhood. There is already a house built in the modernist style on the street and another designed by Frank Lloyd Wright. The houses on Havenhurst Point are an eclectic collection that include modified ranch houses and a Spanish style house and the proposed Garcia Residence design can only compliment the look of the street. The street-facing façade of the proposed project will be a massive improvement from the non-descript appearance of the current structure at 812 Havenhurst Pt.

That being said, the location of the lot at the end of the street and the siting house on the lot are such that the visual impact of the house will be minimal and the bulk of it will not be visible from the street.

Furthermore, a new, well-designed house can only help raise the property values of the houses around it.

I urge you to please approve the building of this proposed house so that the Garcias can finally have their dream house.

Kind regards,



Jülide Aker