



June 25, 2020

La Jolla Community Planning Association

TRANSMITTED VIA EMAIL: info@LaJollaCPA.org

Re: CASS RESIDENCE (Formerly K-4 RESIDENCE)
7595 Hillside Drive
Project No. 522708

Ladies and Gentlemen of the La Jolla Community Planning Association,

I represent Mr. and Mrs. John Gilchrist who reside directly across the street from the above referenced project. The existing dwelling on the property has been vacant for years. The Gilchrists would like to see the project site properly developed in accordance with the La Jolla Community Plan and all applicable rules and regulations.

On June 15 the La Jolla Shores Permit Review Committee reviewed drawings of the subject project dated May 1, 2020, and voted 6-0-1 to recommend the project be DENIED. As you review the project on July 2, I respectfully recommend that the project be DENIED again for all of the following reasons:

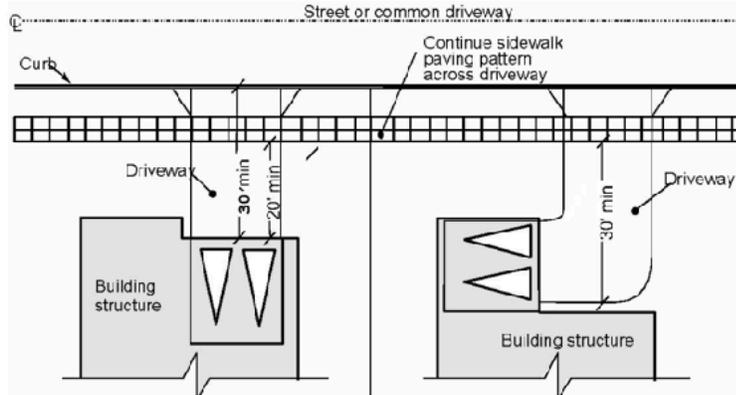
1. The substandard and inadequate driveway length fails to provide two guest parking spaces as required by SDMC Sec. 142.0521(f), Diagram 142-05A;
2. Contrary to SDMC Sec. 142.0521(f), Diagram 142-05A, the proposed project eliminates 2 existing required out-of-the-roadway parallel parking spaces on Hillside Drive;
3. The slope gradient of the substandard driveway ranges from 33 percent on the west side of the driveway to 24 percent on the east side of the driveway, which exceeds the maximum permitted driveway gradient of 20 percent per SDMC Sec. 142.0560(j)(9)(C);
4. Contrary to Engineering Departments regulations the project proposes retaining walls and entry steps, within the public right-of-way immediately adjacent the roadway surface, comprising a safety hazard;
5. The proposed sub-standard 19 and 20 inch west side yard building setbacks of are **not** in conformance with the LJSPDO;
6. Contrary to SDMC Sec. 113.0270(a)(2)(B) the proposed Overall Structure Height of **45 to 50 feet**, exceeds the maximum allowed Overall Structure Height of **40'** on this steeply sloping site within the Coastal Zone ($30' + 10' = 40'$);
7. A new 10 foot deep retaining wall in the western side yard extends into the adjacent property;
8. The 5'-4" high metal fence adjacent the roadway paving as noted on the designer's Site Plan drawing, is neither described or depicted on the applicant's submittal drawings, and is **not** allowed in the public right-of-way per the City Engineering Department;
9. The impact of the proposed project on the seasonal wetland at the rear of the site has not yet been evaluated by the LDR - Environmental Review Section of the Development Services Department.

The project designer / applicant submitted revised drawings to the DSD dated 5-1-2020. The applicant also submitted digital copies of six drawings (Sht. Nos. A.01, A-02, A-03, A-04, A-06 and A-06.1) from those drawings, to the La Jolla Community Planning Association (LJCPA) for it's review of the project. The following comments pertain to the six drawings dated 5-1-2020 submitted to the LJCPA.

1. SUB-STANDARD DRIVEWAY LENGTH and NO ADDITIONAL ON-SITE PARKING

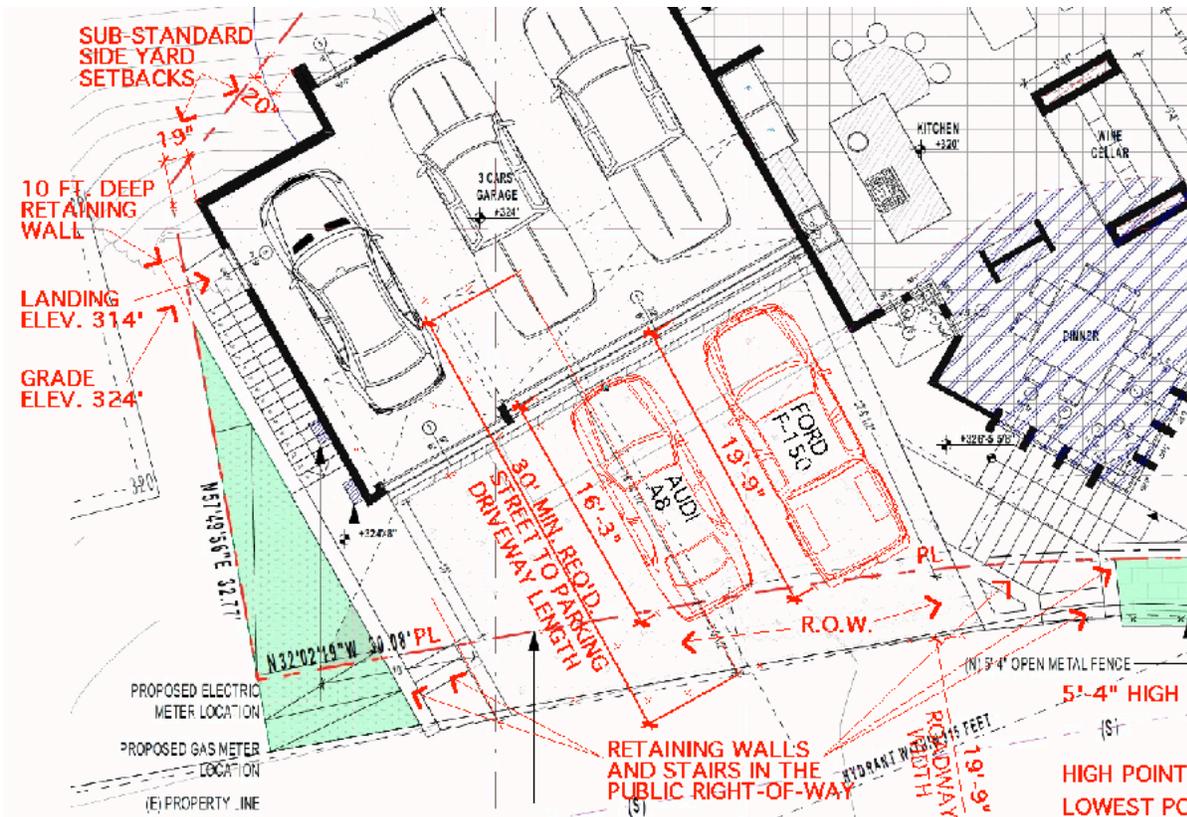
The La Jolla Shores Planned District Ordinance specifically incorporates SDMC Chapter 14, Article 2, Division 5 Parking Regulations. SDMC Sec. 142.0521(f) requires a minimum 30 foot long (curb to garage door) driveway in accordance with Diagram 142-05A:

Diagram 142-05A
Minimum Distance Between an Off-Street Parking Space and a Sidewalk or Curb Opening



¹ *Single dwelling units* that do not provide a driveway at least 20 feet long, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as illustrated in Diagram 142-05A, shall provide two additional parking spaces. These parking spaces may be on-street, abutting the subject property, but shall conform to section 142.0525(c)(4).

Contrary to the Parking Regulations SDMC Sec. 142.0521(f) the applicant proposes a substandard driveway length which fails to provide the required 30 foot minimum driveway length and 20 foot minimum property line to garage length fails to provide two off-street out of the public right-of-way guest parking spaces.

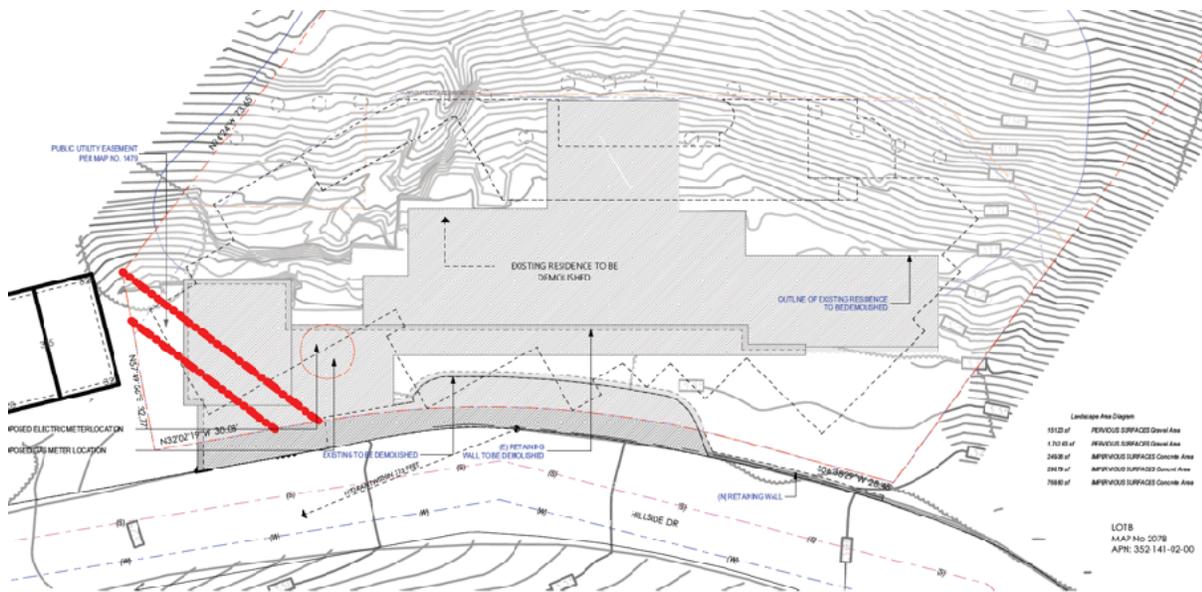


2. ELIMINATION OF TWO EXISTING OUT-OF-THE-ROADWAY PARKING SPACES

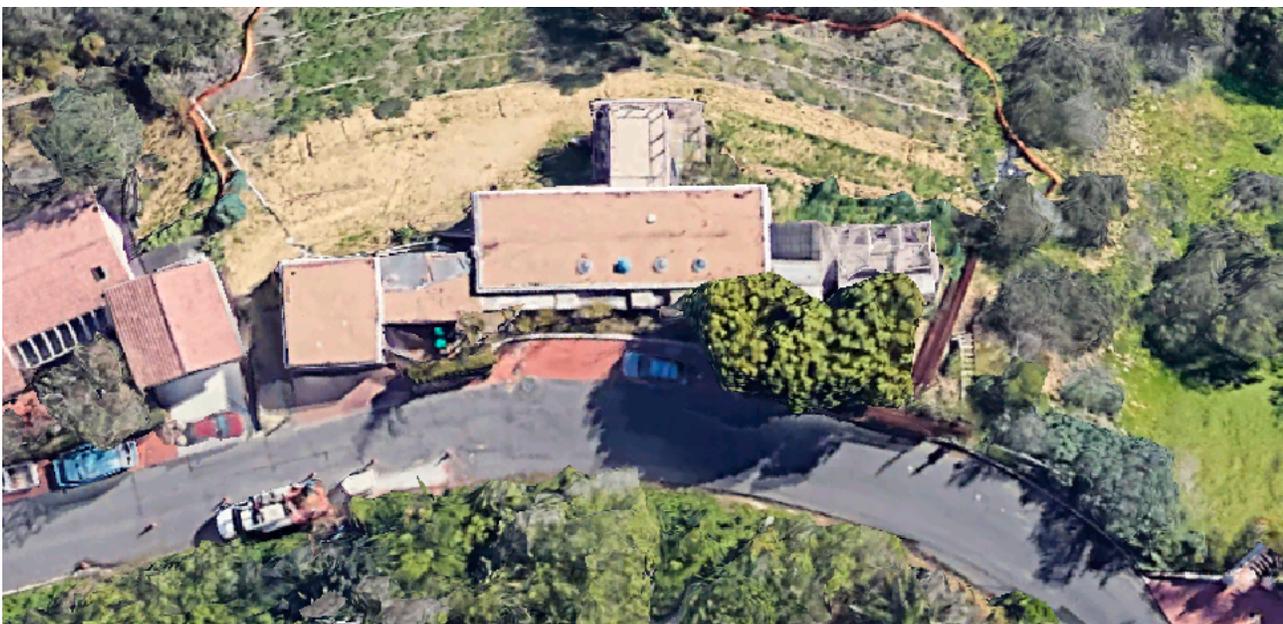
Footnotes to SDMC Diagram 142-05A state:

- ¹ *Single dwelling units* that do not provide a driveway at least 20 feet long, measured from the back of the sidewalk to that portion of the driveway most distant from the sidewalk, as illustrated in Diagram 142-05A, shall provide two additional parking spaces. These parking spaces may be on-street, abutting the subject property, but shall conform to section 142.0525(c)(4).

Contrary to the above requirement, the project eliminates of two existing badly needed parallel out-of-the-roadway parking spaces on the narrow 19'-9" wide roadway, shown on the exhibit and aerial photo below:



Aerial view of the existing red brick paving out-of-the-roadway parallel parking spaces to be eliminated by the proposed design.

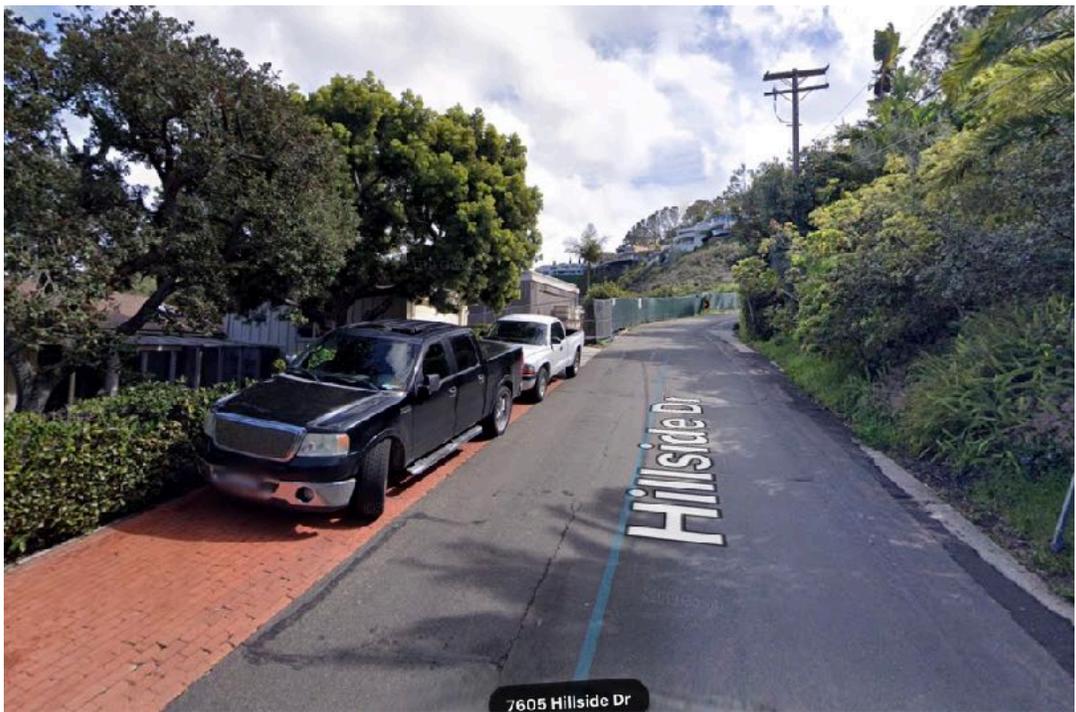


2. ELIMINATION OF TWO EXISTING OUT-OF-THE-ROADWAY PARKING SPACES (continued)

Looking West (downhill) on Hillside Drive. The temporary construction fence obscures the two existing and required out-of-the-roadway parallel parking spaces.

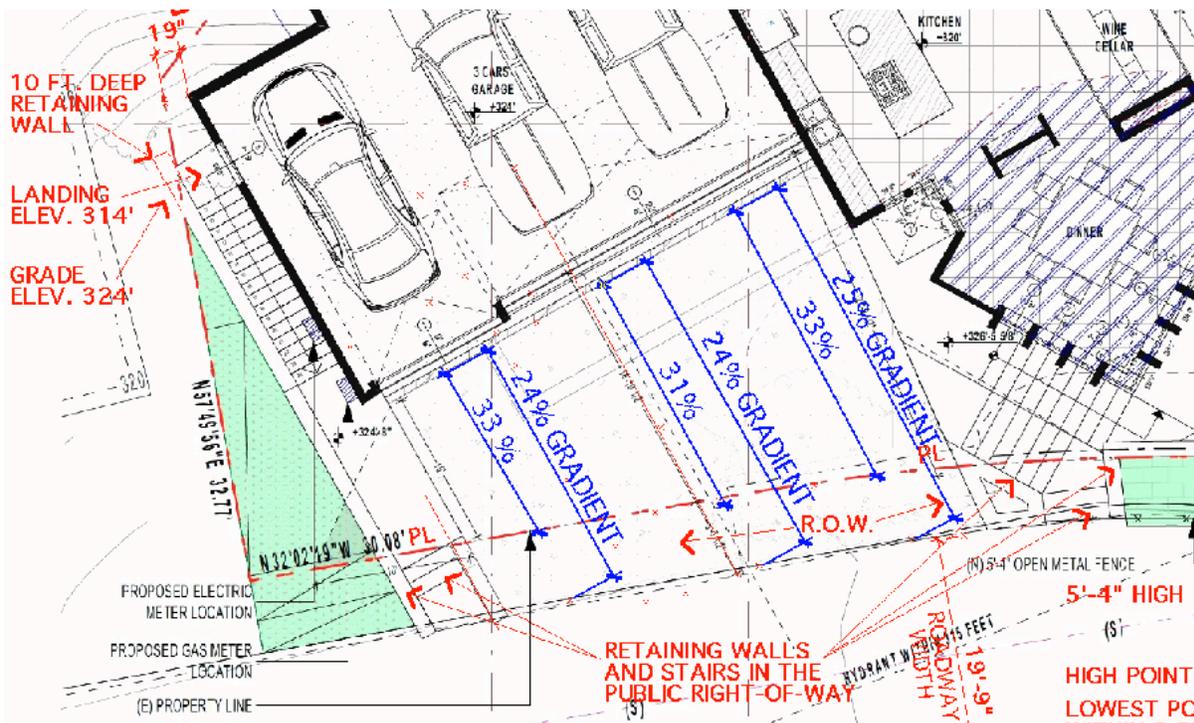


Looking East (uphill) on Hillside Drive toward the proposed project. The existing out-of-the-roadway parallel parking spaces in the foreground are in front of the adjacent property at 7605 Hillside Drive. The subject property is in the distance behind the green construction fence.



3. **DRIVEWAY GRADIENTS of 33, 31 AND 33 PERCENT EXCEED THE MAXIMUM ALLOWED GRADIENT of 20 PERCENT**

For purposes of driveway gradient calculation, driveway lengths are measured from the front property line to the garage. Per SDMC Sec. 142.0560(j)(9)(C), the maximum permitted slope gradient for a driveway is 20 percent.



The western portion of the proposed driveway is just 12 feet in length from the front property line to the drainage channel. From the topographic information on the designer's drawings, existing grade level of the street adjacent the west side of the driveway is Elev. 328'. The proposed garage floor is at Elev. 324' for a difference in vertical height of 4 feet. The driveway would necessarily slope downward a vertical distance of 4 feet over a horizontal driveway length of 12 feet for a driveway gradient of **33 percent** without transitions. The SDMC states that driveways with slopes greater than 14 percent shall have transitions at the first and last 8 feet of the driveway. As the combined length of the required transitions alone would be 16 feet and where the overall drive length is just 12 feet, the western portion of the driveway is unpassable and does not comply with the SDMC.

The driveway in front of the middle parking space is just 16'-10" in length. The existing grade elevation at the street is Elev. 329.5'. The driveway would necessarily slope downward a vertical distance of 5 feet over a horizontal driveway length of say 17 feet for driveway gradient without transitions in excess of **31 percent**. As the combined length of the required transitions alone would be 16 feet and where the overall drive length is just 17 feet, the center portion of the driveway is unpassable and does not comply with the SDMC.

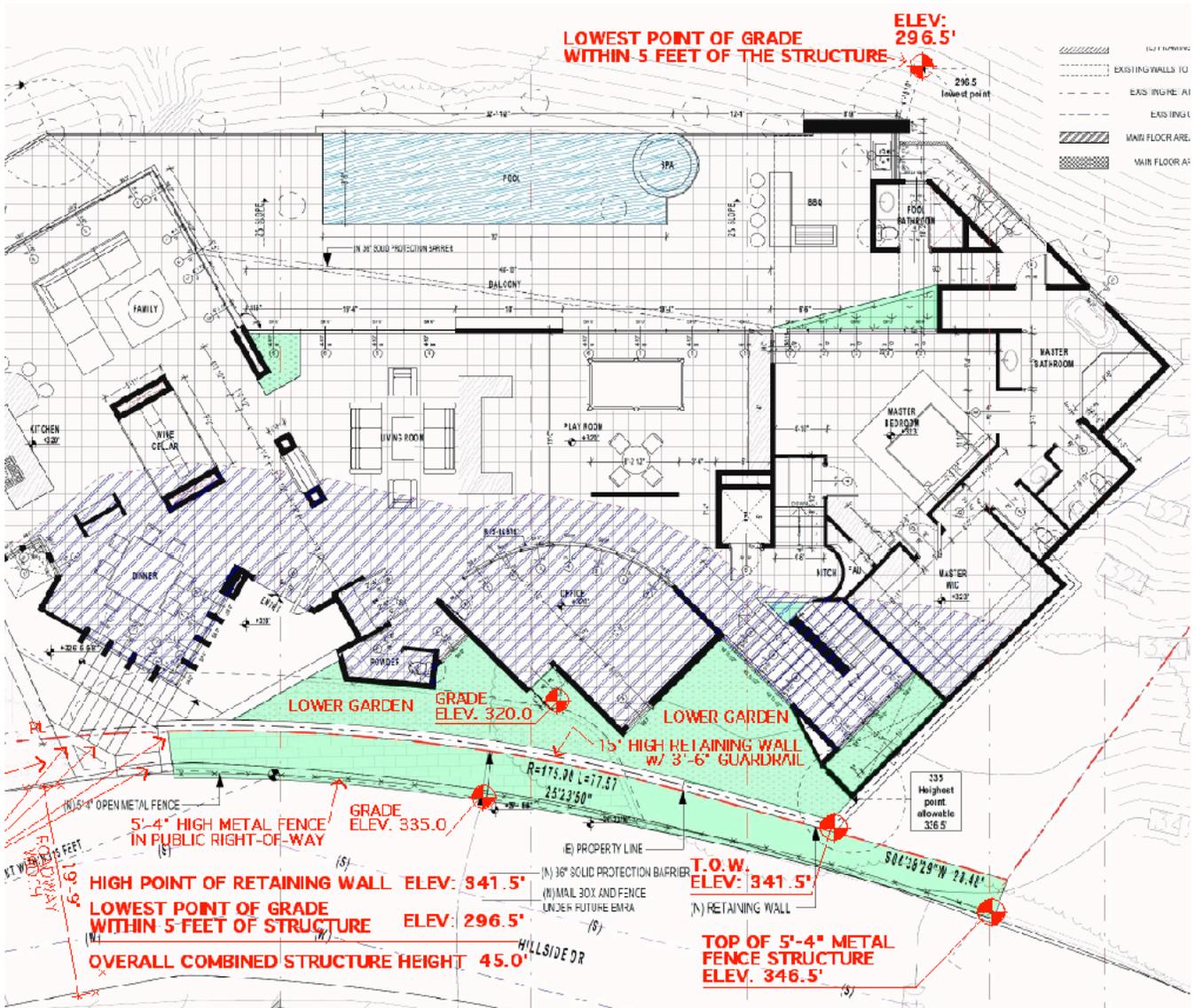
Additionally, the eastern portion of the driveway is just 22' in length. The existing grade elevation at the street is Elev. 330.5'. The driveway would necessarily slope downward a vertical distance of 6.5 feet over a horizontal driveway length of 20 feet for driveway gradient without transitions of **33 percent**. As the combined length of the required transitions alone would be 16 feet and where the overall drive length is just 23 feet, the eastern portion of the driveway is unpassable and does not comply with the SDMC.

Even if the driveway gradients were calculated from the edge of the street pavement to the drainage channel, the slope gradient of the three portions of the driveway from west to east would be **24 percent, 24 percent, and 25 percent**, and would still be unpassable and substantially exceed the maximum permitted driveway gradient of **20 percent** per SDMC Sec. 142.0560(j)(9)(C).

6. OVERALL STRUCTURE HEIGHT EXCEEDS THE MAXIMUM ALLOWED OVERALL STRUCTURE HEIGHT

Overall Structure height is measured from the lowest point of grade within 5 feet of the structure to the highest point of the structure. The SDMC states:

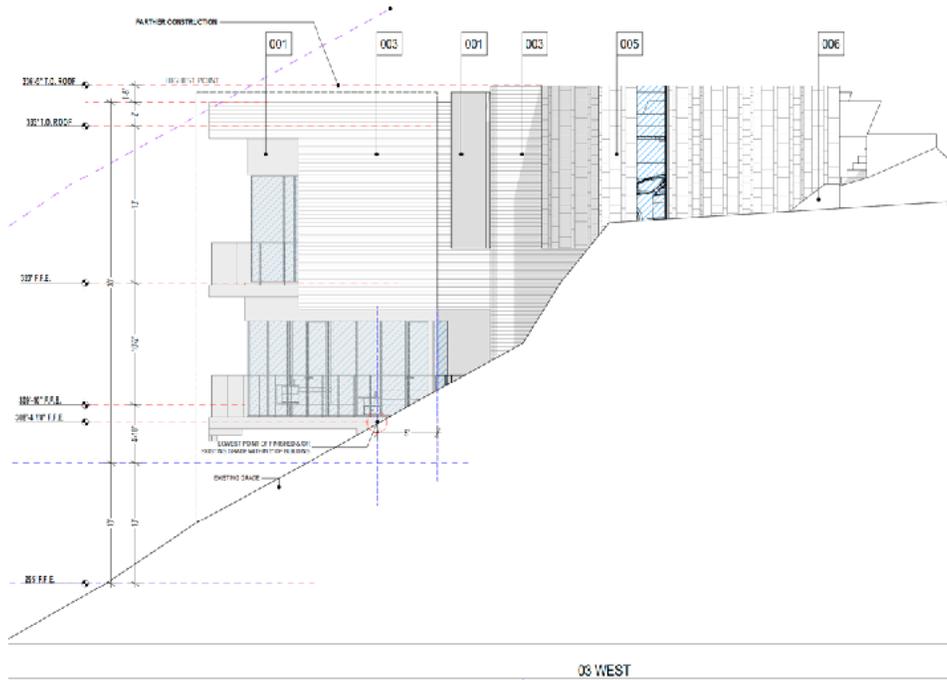
- (3) *Structure height is measured separately for each structure that is separated from another structure on the premises by 6 feet or more. Separation between structures shall be measured in plan view to account for the structural envelope of each structure.*



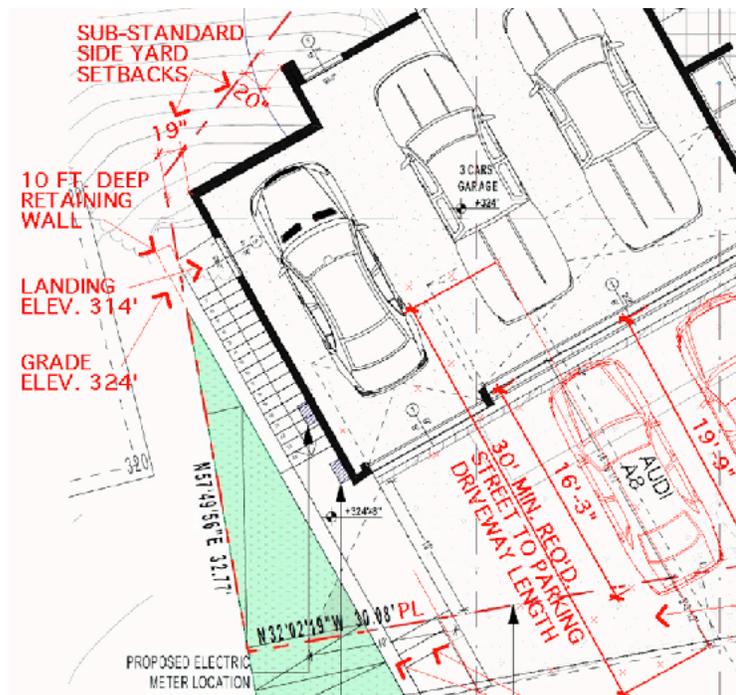
As the front yard property line retaining wall with a 3'-6" solid protection barrier is connected to the dwelling, the Overall Structure Height of the combined structures is taken together and is at **least 45.'** where the maximum allowed Overall Structure Height on this steeply sloping site in the Coastal Zone is 30' + 10' = **40'**. Because the proposed 5'-4" high metal fence *structure* at the street is less than 5 feet from the front yard property line retaining wall, the combined Overall Structure Height for the project is **50'** (346.5' - 296.5' = 50')

7. PROPOSED RETAINING WALL EXTENDS ONTO THE ADJOINING PROPERTY

The solid dark grade line on the designer's 03 WEST Elevation drawing below depicts existing grade along the western side property line. The exterior stairway that connects the exterior terrace at the Ground Floor Level, with garage floor and driveway above at the Upper Floor Level, are **not** shown on the applicant's 03 WEST Elevation.



Had the designer's 03 WEST Elevation drawing shown the proposed stairway adjacent the west exterior wall of the garage, as depicted on the Garage Plan below, one would clearly see that the proposed stairway and landing would be deep below existing grade level. An analysis of the stairway shows that the elevation of the intermediate stair landing adjacent the side property line is roughly Elev. 313.78' where the existing grade level on the adjacent property is Elev. 324'; which places the stair landing more than 10 feet below the existing adjacent grade level.



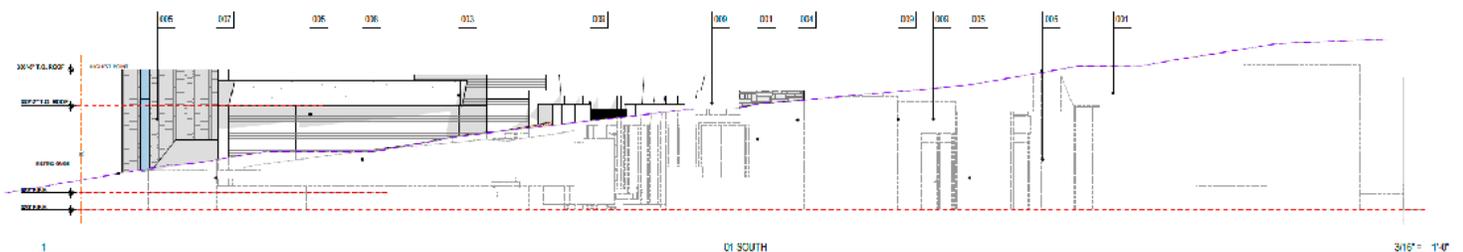
7. PROPOSED RETAINING WALL EXTENDS ONTO THE ADJOINING PROPERTY (continued)

The new retaining wall along the west side of the exterior stair is shown on the preceding Garage Plan. To accommodate the below grade stairway and landing the retaining wall and footing would necessarily have to extend onto the adjacent property. (see **dashed red lines** on preceding Plan) However, the necessary retaining wall simply disappears at the side property line on the designer's preceding Floor Plan drawing. The necessary site retaining wall is **omitted** from designer's Site Plan and Ground Floor Plan drawings.

In order to construct the below grade exterior stairway as shown, a new 10+ ft. high retaining wall and footing will necessarily extend onto the adjacent property, which is **prohibited** by the City of San Diego.

8. PROPOSED 5'-4" METAL FENCE WITHIN THE PUBLIC RIGHT-OF-WAY NOT DESCRIBED

Omitted from the applicant's digital drawings submitted to the LJCPA is an Elevation from the street showing the proposed 5'-4" high open metal fence entirely within the public right-of way and immediately adjacent the paved roadway. Because the roof levels of the eastern half of the dwelling are well below street level as illustrated by the dashed blue line on the South Elevation below, the proposed 5'-4" open metal fence will constitute most of what will be seen from the street.

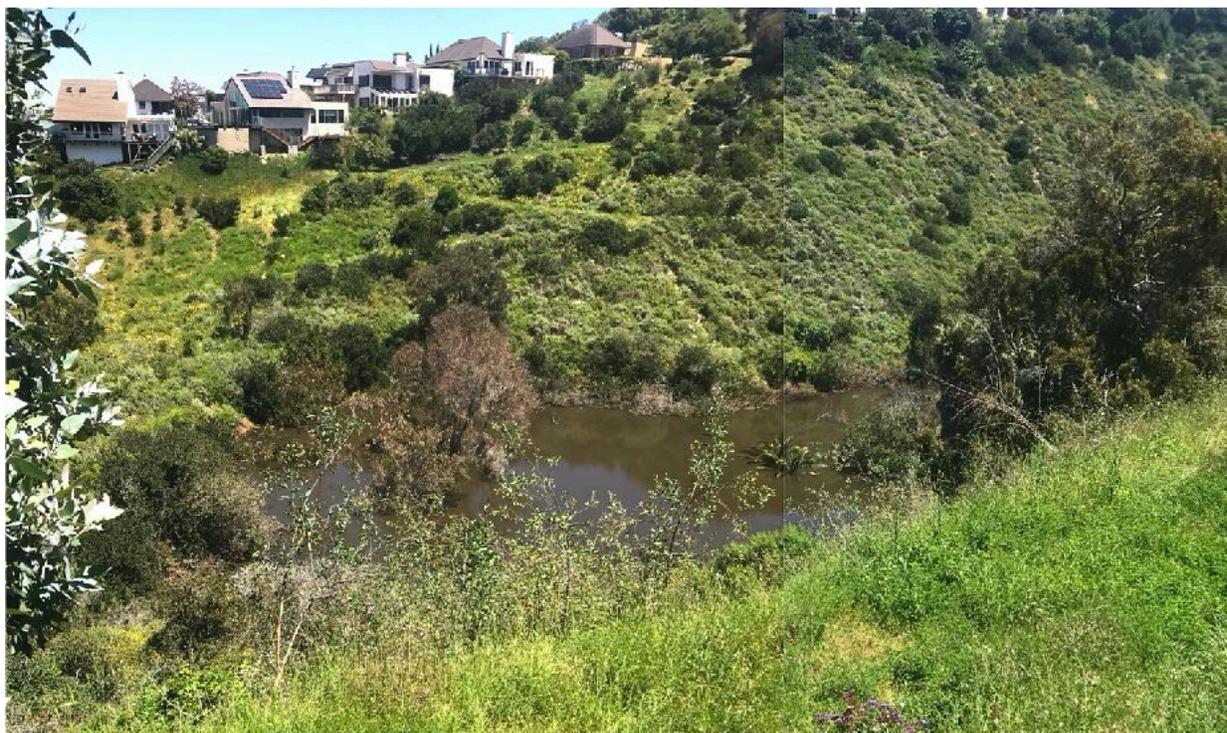


An elevation drawing from the street looking at the project should show the proposed design of the 5'-4" high open metal fence. Without a design for the open metal fence, one might assume the proposed fence may look like the open metal fences at K-4 RESIDENCE property owner Mark Kooklani's three previous projects at 7447, 7451 and 7455 Hillside Drive.



9. ENVIRONMENTAL IMPACT OF THE PROPOSED DEVELOPMENT ON THE SEASONAL WETLAND NOT YET CONSIDERED

A lower portion of the project site lies within a sizable seasonal wetland. Because the LDR - Environmental Review Section of the DSD has yet to receive certain Environmental Studies from the applicant, the environmental impact of the proposed development on the sensitive wetland environment has not yet been considered.



CONCLUSION

To summarize again:

1. The substandard and inadequate driveway length fails to provide two guest parking spaces as required by SDMC Sec. 142.0521(f), Diagram 142-05A;
2. Contrary to SDMC Sec. 142.0521(f), Diagram 142-05A , the proposed project eliminates 2 existing required out-of-the-roadway parallel parking spaces on Hillside Drive;
3. The slope gradient of the substandard driveway ranges from 33 percent on the west side of the driveway to 24 percent on the east side of the driveway, exceeds the maximum permitted driveway gradient of 20 percent per SDMC Sec. 142.0560(j)(9)(C);
4. Contrary to Engineering Departments regulations the project proposes retaining walls, entry steps, and a 5'-4" high metal fence within the public right-of-way immediately adjacent the roadway surface.
5. Sub-standard 19 and 20 inch west side yard building setbacks of are **not** in conformance with the LJSPDO.
6. Contrary to SDMC Sec. 113.0270(a)(2)(B) the proposed Overall Structure Height of 45 to 50 feet, exceeds the maximum allowed Overall Structure Height of 40' on this steeply sloping site in the Coastal Zone (30' + 10' = **40'**).
7. A new 10 foot deep retaining wall in the western side yard extends into the adjacent property.
8. The 5'-4" high metal fence adjacent the roadway paving as noted on the designer's Site Plan drawing, is not described or depicted on the applicant's submittal drawings, and is not allowed is in the public right-of-way per the City Engineering Department;
9. The impact of the proposed project on the seasonal wetland at the rear of the site has not yet been evaluated by the LDR - Environmental Review Section of the Development Services Department.

The proposed project as currently designed is not in accordance with the La Jolla Shores PDO, or applicable sections of the San Diego Municipal Code. Therefore, the required Findings for both Coastal Development and Site Development Permits cannot be made.

Thank you for your consideration of these important Municipal Code and Coastal Develop Permit issues. I look forward to answering any questions you may have.

Sincerely,



Philip A. Merten AIA

Attachment: Excerpt from SDMC Sec. 113.0270(a)(2)(B) Overall Height Measurement

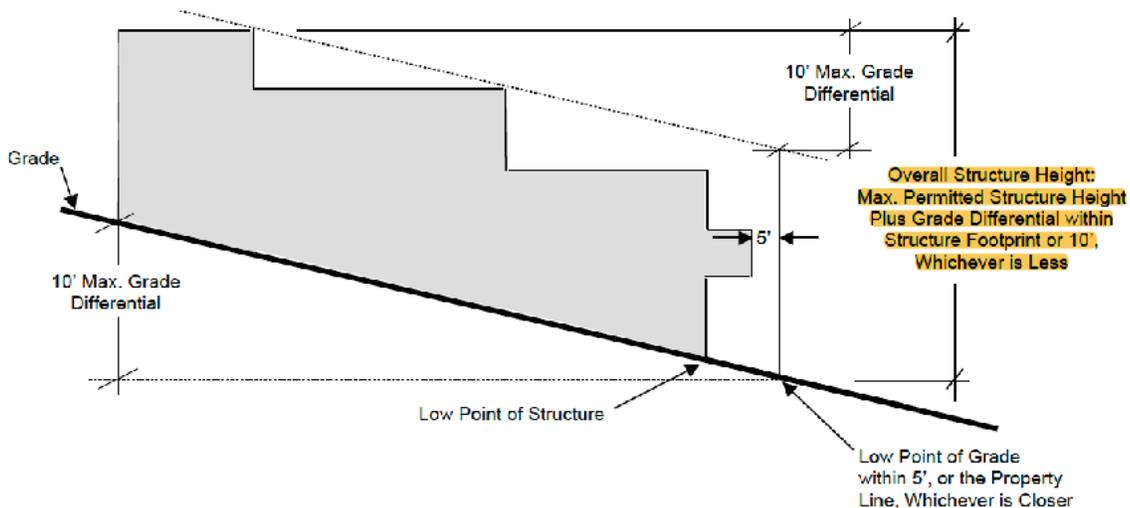
Enclosure: DSD Project Assessment Letter dated 6-15-2020.pdf
(Please note the significant number and subject matter of the unchecked / uncleared Cycle Issues from each of the Land Development Review (LDR) sections)

ATTACHMENT:

- (B) **Overall Height Measurement.** The overall *structure height* is measured from the lowest point of *existing grade* or *proposed grade* within 5 feet of the *structure's* perimeter (building wall, balcony, bay window, or similar *architectural projection*) or at the *property line*, whichever is closer, to the highest point of the *structure*, projected horizontally to directly above this lowest point of *grade*. The overall *structure height* shall not exceed the maximum permitted *structure height* of the applicable zone plus an amount equal to either the maximum *grade differential* within the *structure's* footprint or 10 feet, whichever is less. The *structure height* shall not exceed the maximum allowed by the applicable zone at any one point. This is illustrated in Diagram 113-02LL.

Diagram 113-02LL

Overall Structure Height



- (3) **Structure height** is measured separately for each *structure* that is separated from another *structure* on the *premises* by 6 feet or more. Separation between *structures* shall be measured in plan view to account for the *structural envelope* of each *structure*.

Structure means an edifice or building of any kind or any construction built up or composed of parts joined together in some definite manner including a wall, fence, pier, post, sign, or shelter.