

December 7, 2020

Via Electronic Mail

La Jolla Development Permit Review Committee
P.O. Box 889
La Jolla, California 92037

**Re: 416 Nautilus Street CDP (Project No. 621791)
12/8/20 DPR Meeting, Item 1**

Dear DPR Members:

We represent the applicant for the above-referenced project. I would like to briefly respond to concerns raised by members of the La Jolla Development Permit Review (DPR) Committee project opponents at the November 10, 2020 DPR meeting on the project. Specifically, alleged violations relating to side and rear yard setbacks, the accessory dwelling unit (ADU) allowance and the garage demolition that the City of San Diego (City) previously authorized ministerially.

1. Side and Rear Yard Sets:

The project opponents erroneously assert that an accessory structure cannot encroach into both the side and rear yard setback. That is not the case.

The San Diego Municipal Code (SDMC) clearly allows accessory structures to encroach into *either or both side yard and rear yard setbacks*. This is consistent with the City's long-standing interpretation of SDMC Sections 131.0448(c), 131.0461(a)(12), and 141.0302(a)(2)(D)(ii) and is the case whether the accessory structure is a habitable ADU or non-habitable garage. The intent of each of these sections is clear that such structures may encroach into both side and rear setbacks rather than one or the other.

City staff concurs with this determination.

2. ADU Allowance:

The project opponents further assert that an ADU cannot be allowed on the property because there are already two units on the property. Again, that is not the case.

SDMC Section 141.0302(b)(2) clearly authorizes an ADU notwithstanding that there are 2 existing units on the property. The new ADU will be subject to all of the City's ADU requirements and restriction as required by SDMC Section 141.0302.

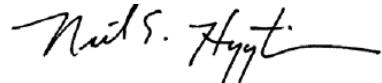
City staff concurs with this determination.

3. Garage Demolition:

Lastly, City LDR-Planning staff has now determined that the garage demolition should be added to the scope of work of the pending CDP package (PTS No. 669815) and the applicant has agreed to add the garage demolition to the scope of work.

We respectfully request that the DPR approve the project. Thank you for your time and consideration.

Sincerely,



Neil S. Hyytinen
HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP