



December 20, 2020

La Jolla Shores Permit Review Committee

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

Ladies and Gentlemen of the La Jolla Shores Permit Review Committee,

I represent Mr. and Mrs. John Gilchrist who reside directly across the street from the proposed project referenced above.

In advance of Monday's LJSPRCommittee meeting I respectfully request that you consider the following information before making any decision about the referenced project.

When you reviewed this project last February, the proposed design conflicted with the La Jolla Shores Planned District Ordinance and the San Diego Municipal Code in numerous ways. I am pleased to see that the project's design has been revised to address some of the code non-compliance issues that existed last spring. However:

OVERALL STRUCTURE HEIGHT STILL EXCEEDS THE MAXIMUM ALLOWED OVERALL STRUCTURE HEIGHT

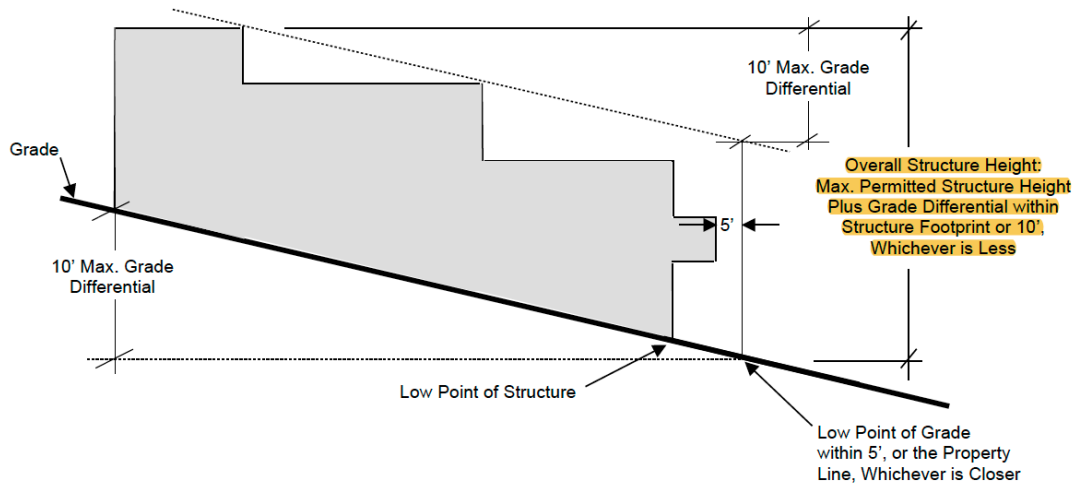
To limit the extent to which structures either extend down, or extend up, sloping hillsides the City Council adopted SDMC Section 113.0270 (a)(2)(B) Overall Height Measurement which limits the overall structure height as follows:

San Diego Municipal Code
(2-2018)

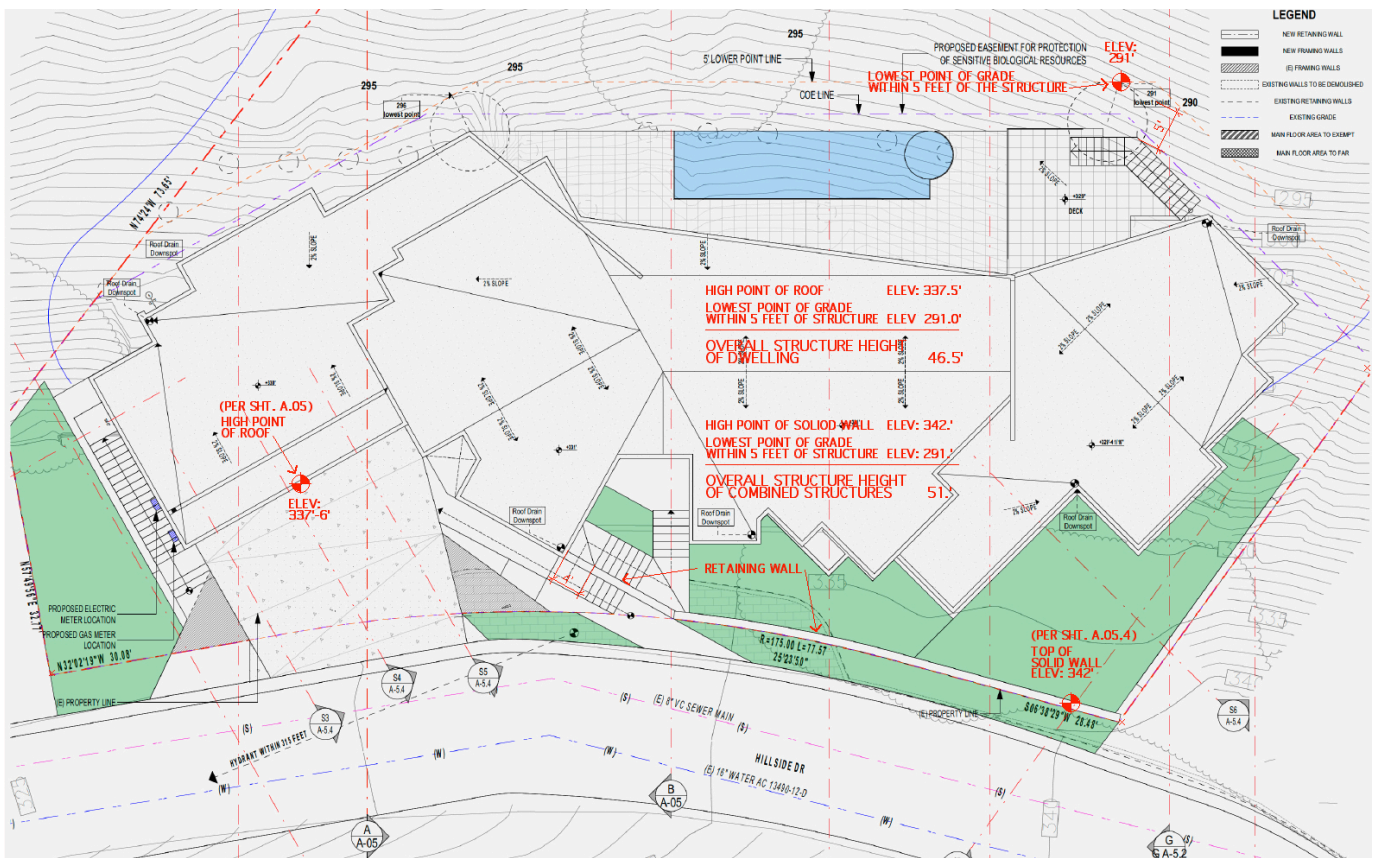
Chapter 11: Land Development Procedures

- (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



The following exhibit is from the architect's Roof Plan (Sht. A.04) which shows the lowest elevation of grade within 5 feet of the dwelling structure to be Elev: 291'; and according to the architect's Building Section (Sht. A.05) the highest point of the roof over the garage is Elev: 337.5'; which equates to an **OVERALL STRUCTURE HEIGHT OF THE DWELLING OF 46.5'** ($337.5' - 291' = 46.5'$); where the maximum allowed Overall Structure Height on this steeply sloping site in the Coastal Zone is $30' + 10' = 40'$.



The City Council also adopted **Section 113.0270 (a)(3) Height Measurement** which 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.*

The project includes a tall retaining wall parallel and adjacent to the front property line. The retaining wall extends to within 4 feet of the dwelling at the front entry stairway. Because the retaining wall structure is not separated from the dwelling structure by 6 feet or more, the retaining wall structure and dwelling structure must be considered together when determining the overall structure height of the project.

According to the architect's Building Section on Sht. A.05 the highest point of the solid guardrail/retaining wall in the front yard is Elev: 342' which equates to an **OVERALL STRUCTURE HEIGHT OF THE COMBINED STRUCTURES OF 51'** ($342' - 291' = 51'$); where again the maximum allowed Overall Structure Height on this steeply sloping site in the Coastal Zone is $30' + 10' = 40'$.

STREET ELEVATION DRAWING OMITTED FROM APPLICANT'S DRAWINGS

Omitted from the applicant's digital drawings submitted to the LJCPA is an Elevation from the street showing the proposed solid guardrail with metal fence adjacent the front property line. 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 (Sht. A.06) the proposed guardrail and open metal fence will constitute most what will be seen from the street. It is imperative that the LJSPRC know what the solid guardrail with metal fence will look from the street.

CONCLUSION

For exceeding the maximum allowed overall structure height alone, the project is not in conformity with the La Jolla Shores Planned District Ordinance.

Therefore the required Finding for a Coastal Development Permit that: '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' (i.e. SDMC) **cannot be made**; and:

The required Finding for a Site Development Permit that: 'The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.' **cannot be made**.

On behalf of Mr. and Mrs. Gilchrist, we simply request that the project be required to conform to all applicable Municipal Code regulations.

Thank you for your continued consideration of this important issue.

Sincerely,



Philip A. Merten AIA