

February 1, 2021

Via Electronic MailLa Jolla Community Planning Association
P.O. Box 889
La Jolla, California 92037**Re: 416 Nautilus Street CDP (Project No. 621791)
2/4/21 LJCPA Meeting, Item 5.2**

Dear President Kane and LJCPA Members:

We represent the applicant for the above-referenced project. First, we would like thank the La Jolla Development Permit Review (DPR) Committee's thoughtful review and recommendation that the findings can be made for the project.

It's unfortunate that we have to take up your time as an action item. The project opponent, represented by Mr. Phil Merten, simply recycles the same arguments that Mr. Merten made at the DPR Committee. Specifically, Mr. Merten alleged violations relating to side and rear yard setbacks and the accessory dwelling unit (ADU) allowance for the property. These allegations are each addressed below.

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 allowed on the property because there are already to 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.

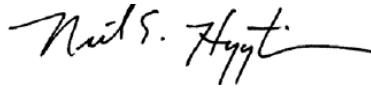
City staff concurs with this determination.

Recent changes to both state and local law have streamlined the process and requirements for ADU's to encourage the development of ADU's to help respond to critical housing shortages. A link to the City's guidance on ADU included for references purposes below. The guidance includes a Q&A video with DSD Assistant Director Gary Geiler that directly addresses and rebuts the erroneous claims made by Mr. Merten regarding side and rear yard setbacks and ADU allowances generally.

<https://www.sandiego.gov/development-services/news-programs/programs/companion-junior-units>

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

Sincerely,

A handwritten signature in black ink that reads "Neil S. Hyytinen". The signature is written in a cursive style with a long horizontal flourish at the end.

Neil S. Hyytinen
HECHT SOLBERG ROBINSON GOLDBERG & BAGLEY LLP