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April 13, 2021

VIA EMAIL (mpangilinan@sandiego.gov)

Ms. Jane Potter
Chair, La Jolla Shores Planned District Advisory Board and
Members, La Jolla Shores Planned District Advisory Board

Re: Lookout Lot 5 (PTS 482904)

Dear Ms. Potter:

By this letter on behalf of my client, Susie McKean who resides at 7809 Lookout Drive (which abuts Lookout Lot 5 to the northwest), we are notifying the La Jolla Shores Planned District Advisory Board that the referenced project, which we understand will be considered by your Board at its meeting on April 21, 2021, is inconsistent in several significant respects with provisions of the La Jolla Shores Planned District Ordinance ("LSPDO") and with policies of the La Jolla Community Plan ("LCP"), as set forth below.

1. The Project Far Exceeds Average Units Per Acre of Developed Lots in Neighborhood Survey, in Violation of SDMC § 1510.0304(a) and Policies of the LCP

The LSPDO regulates dwelling unit density in single-family zones as follows: "[N]o lot or parcel shall be developed or occupied by more dwelling units than the average dwelling unit density (units per acre) of the developed SF zone within 300 feet of the subject lot or parcel." SDMC § 1510.0304(a).

Considering the *developed* parcels within 300 feet of Lookout Lot 5 as shown on the applicant's table and map submitted to the La Jolla Shores Planned District Advisory Board for its March 17, 2021 meeting (Exh. A hereto), it is apparent that the proposed development of Lot 5 is inconsistent with SDMC section 1510.0304(a). As set forth on Exhibit B in footnote 1, the applicant's table and map displaying floor area and lot sizes for nearby properties skewed the results by including the proposed development of Lookout Lot 5 and the accompanying Lookout Lot 2, as well as excluding the development at 7716 Lookout Drive (which is depicted on the applicant's survey map as "13" but which is excluded from the applicant's table used to display

characteristics of parcels. The proposed development of Lookout Lots 2 and 5 have high floor area ratios (see Exh. A; 0.65 and 0.62, respectively) relative to the neighborhood (average of 0.27 (Exh. B), and the development at the 7716 Lookout Drive, which was excluded from the applicant's table and hence from the calculations of floor area ratio, has a very low floor area ratio (0.20).

Exhibit B (the applicant's survey with the corrections noted above) includes 41 developed parcels occupying a total of 485,980 square feet, or 10.92 acres. Dividing 41 units by 11.16 acres gives the average of **3.76 units per acre** for developed parcels within 300 feet of the proposed project. (See Exh. B.) In contrast, Lot 5 occupies 5,045 square feet, or 0.116 acre. The proposed development of Lot 5, at one unit divided by 0.116 is **8.6 units per acre**, or more than **twice** the maximum residential density permitted under the LCP.

Mr. Glenn Gargas, the Project Manager for Lookout Lot 5 when it was considered by the City in 2018, asserted at the time that SDMC section 1510.0304(a) does not apply to this project, and that it would apply only "if this project were proposing to create one or more new lots." The creation of one or more new lots occurs as a result of a "subdivision" as defined in Section 113.0103 of the SDMC, which provides that *subdivision* has the same meaning as stated in the *Subdivision Map Act*, Section 66424. The Subdivision Map Act defines "subdivision" as "the division ... of any unit or units of improved or unimproved land ... for the purpose of sale, lease, or financing, whether immediate or future." Gov't Code § 66424. Mr. Gargas was in effect opining, without any supporting rationale, that the terms "developed or occupied" means "subdivided." The City Council, when it adopted the LJSPDO in March 2007 after review by *inter alia* the City Attorney, certainly could have used the SDMC's defined term "*subdivision*" when it enacted Section 1510.0304's prohibition on development of a dwelling unit on a lot with more dwelling units than the average units per acre of the developed single-family zone within 300 feet of the lot. But, it did not do so. Instead, it used the more general, broader terms "developed or occupied."¹ Thus, there is no support for Mr. Gargas' interpretation of SDMC 1510.0304's prohibition as limited to subdividing a lot.

Indeed, the Development Services Department, through its now-Deputy Director (then Assistant Deputy Director) Gregory P. Hopkins expressly conceded that Section 1510.0304 applies in the current context. Specifically, Mr. Hopkins stated, in a letter dated December 9, 2013, that "Future building development of any of the parcels within the Parcel Map [17187] areas are also

¹ It should be noted that had City Council intended the meaning that Mr. Gargas ascribes to Section 1510.0304(a), it could have used the SDMC-defined term "*development*" in that section, because "*development*" is defined to include "the act, process, or result of dividing a parcel of land into two or more parts" But, City Council did not use the SDMC-defined term "*development*" or any of its derivatives such as "*developed*" because the term "*developed*" in Section 1510.0304(a) is not italicized to signify that it is a term defined in SDMC section 113.0103. By using the undefined term "*developed*" in that provision, City Council will be assumed by the courts to have meant the term "*developed*" to include the process of placing or constructing a building on property.

required to comply with Sec. 1510.0304 of the La Jolla Shores PDO development requirements.” See Exh. C, p. 2. Mr. Hopkins did not exclude subdivision (a) of Section 1510.0304 from his statement that “Future building development of any of the parcels within the Parcel Map [17187] are also required to comply with Sec. 1510.0304”

For the above-stated reasons, it is apparent that the proposed project should not be approved because it is inconsistent with SDMC section 1510.0304(a).

2. Although Not Regulated under the LJSPDO, Floor Area Ratio Is a Frequently Used Way to Ascertain a Project’s Compliance with LJCP Policies Regarding Bulk and Scale, and the Proposed Development of Lookout Lot 5 Does Not Comply with Those Policies

As the City is well-aware, gross floor area and floor area ratio (“FAR”) are not development standards under the LJSPDO, but both the LJSPDO and the LJCP contain regulatory and policy language regarding appropriate building and structure relationships, setbacks, character, and harmonious transitions between new and existing development. The Residential Element of the LJCP provides as follows: “In order to maintain and enhance the existing neighborhood character and ambiance, and to promote good design and visual harmony in the transitions between new and existing structures, preserve the following elements: Bulk and scale [] with regard to surrounding structures” LJCP, at p. 76.

The only readily available measurement of bulk and scale is FAR, and based on that metric, the proposed development of Lot 5 is not consistent with the above-quoted policy in the LJCP requiring preservation of bulk and scale in order to promote visual harmony in the transitions between new and existing structures. In its latest version of its neighborhood survey, dated August 28, 2018, the applicant, in an apparent effort to reduce the disparity between the average floor area ratio within 300 feet of Lookout Lot 5 and its proposed development for that parcel, included the figures for Lookout Lot 5 and Lookout Lot 2, as if they were existing development, and excluded development at 7716 Lookout Drive (with an FAR of 0.20) in an apparent attempt to skew the calculated FAR for the neighborhood higher than it actually is. Corrected for these errors, the neighborhood survey shows an average FAR of for the 41 developed parcels included in the applicant’s partial neighborhood survey, the average FAR is **0.27** (see Exhibit B.)

By comparison, the applicant reports the FAR for Lookout Lot 5 as **0.52**, excluding the basement floor area (consisting of 2,353 square feet).² Even accepting the applicant’s exclusion of 2,353 square feet of basement from the claimed floor area of the house proposed for Lookout Lot 5³, the FAR of **0.52** is **92.6 percent higher than the FAR for the developed parcels within 300**

² Our calculation indicates that the applicant has slightly overstated the FAR for his proposed development of Lot 5: 2,547 square feet divided by 5,045 square feet yields 0.5045. See Exhs. A & B.

³ It should be noted that the applicant’s floor area figures for Lookout Lot 5 takes advantage of exclusions from floor area per SDMC section 113.02, so that if the full floor area had been included, the FAR for Lookout Lot 5 would be 0.97. See Exh. B.

feet. Even correcting for the applicant's miscalculation of the FAR for its proposed development of Lookout Lot 5 (0.50 rather than 0.52)⁴, the FAR for the proposed development of Lookout Lot 5 (at 0.50) is **85.2 percent higher than the FAR for developed property within 300 feet.**

This analysis provides unequivocal support for the proposition that the proposed development for Lookout Lot 5 is not consistent with the above-quoted policies of the LCP regarding bulk and scale.

3. The Project's Setbacks Are Not in General Conformity with Those in the Vicinity, in Violation of SDMC § 1510.0304(b)(4)

The proposed project for Lookout Lot 5 is also inconsistent with the requirement for setbacks under the LSPDO. That requirement is that "[b]uilding and structure setbacks shall be in general conformity with those in the vicinity."

Here, the proposed structures on Lookout Lot 5 would be separated by a claimed distance of four feet, eight inches, barely exceeding the required minimum setback of four feet, from the rear property line of Lookout Lot 5, which abuts Ms. McKean's southern property line. It is apparent from reviewing the applicant's neighborhood survey that Ms. McKean's single-family residence was constructed in close proximity to its southern property line. (See Exhibit A (Ms. McKean's property is identified as Number 32 (with Lookout Lot 5 identified as Lot 38).) In fact, it is the master bedroom of Ms. McKean's home that is located closest to the southern property line abutting Lot 5.

The four-foot, eight-inch separation of the structure proposed on Lookout Lot 5 from Ms. McKean's side property line abutting her bedroom is much lower than the average setback from the side property line in the neighborhood survey prepared by the applicant. The applicant's latest neighborhood survey shows that the average side yard setbacks are six feet, seven inches to six feet, ten inches. It should be noted, however, that the applicant's calculated side yard setbacks improperly included the minimal setbacks of proposed development for Lookout Lots 2 and 5, and excluded the much larger side yard setback of the developed lot at 7716 Lookout Drive. See Exh. A. If the side yard setbacks for proposed Lookout Lots 2 and 5 were excluded from the applicant's calculation, as they should have been, and the side yard setbacks for the developed lot at 7716 Lookout Drive were included, as they should have been, the average side yard setbacks in the neighborhood survey would be considerably higher than six feet, seven inches, to six feet, ten inches. Even with the applicant's errors in calculating average side yard setbacks within 300 feet, which errors result in an understatement of actual average side yard setbacks in the neighborhood, the applicant's calculated average side yard setback is far above the four-foot, eight-inch setback from Ms. McKean's yard by almost two feet (23 inches), or **41 percent**. Accordingly, the proposed development of Lot 5 is not in general conformity with the building setbacks in the vicinity and thus violates SDMC section 1501.0304(b)(4).

⁴ See n.2.

For all of the above-stated reasons, we respectfully request that the Board vote to recommend that the City not approve the above-referenced proposal for Lookout Lot 5 on account of its significant inconsistencies with applicable ordinances, plans and policies.

Sincerely,



Evelyn F. Heidelberg

EFH/pat
Exhibits A, B, C & D

cc: Ms. Susie McKean

EXHIBIT A



* PER WESTERN RESOURCES TITLE REPORT & SAN DIEGO BUILDING RECORDS DEPT

** 250 SQ FT ADDED PER GARAGE PARKING SPACE

*** GROSS FLOOR AREA AND FLOOR AREA RATION PER SAN DIEGO MUNICIPAL CODE SECTION 113.02

SURVEY PRODUCED BY COFFEY ENGINEERING WITH COUNTY ASSESSOR'S PARCEL MAP AND VISUAL SURVEYS

Map #	Site Address	Building sq ft w/o Garage*	FAR w/o Garage	Building sq ft w/ Garage**	FAR w/ Garage***	Lot Size (sq ft)	Levels	Set Back			
								Front	Side	Rear	
4	7811 HILLSIDE DR	2,248	0.30	2,748	0.37	7,396	1	6'-1"	0'-5"	11'-4"	25'-10"
5	7740 HILLSIDE DR	3,028	0.14	3,528	0.17	21,092	1	33'-3"	34'-8"	25'-9"	19'-1"
6	7734 HILLSIDE DR	4,164	0.49	4,914	0.58	8,451	1	9'-9"	5'-5"	3'-1"	5'-4"
7	HILLSIDE DR					10,202					
8	7719 HILLSIDE DR	2,380	0.23	2,630	0.26	10,202	2	10'-8"	3'-0"	10'-1"	26'-10"
9	7721 HILLSIDE DR	4,198	0.44	4,448	0.46	9,601	2	11'-0"	1'-5"	3'-10"	53'-5"
10	7711 HILLSIDE DR	2,160	0.22	2,410	0.25	9,601	1	17'-7"	2'-0"	3'-1"	54'-1"
11	7705 HILLSIDE DR	2,186	0.26	2,436	0.29	8,281	1	15'-4"	7'-0"	1'-5"	41'-0"
12	1940 SOLEDAD AVE	1,874	0.19	2,124	0.21	9,901	2	13'-9"	0'-0"	18'-1"	1'-10"
14	7728 LOOKOUT DR	2,992	0.53	3,242	0.58	5,624	2	8'-5"	10'-10"	2'-10"	23'-9"
16	7794 LOOKOUT DR	2,572	0.17	3,072	0.21	14,867	2	7'-5"	3'-2"	2'-1"	58'-9"
17	7796 LOOKOUT DR	3,456	0.26	3,956	0.30	13,338	2	11'-8"	11'-6"	3'-11"	51'-2"
18	7801 HILLSIDE DR	4,583	0.30	5,083	0.33	15,359	2	9'-8"	37'-0"	2'-7"	44'-3"
19	7762 LOOKOUT DR	5,545	0.16	6,045	0.18	33,977	2	0'-0"	23'-0"	22'-3"	88'-0"
20	7772 LOOKOUT DR	3,596	0.17	4,096	0.20	20,600	2	122'-0"	4'-4"	3'-11"	100'-7"
21	7780 LOOKOUT DR	3,269	0.26	3,769	0.30	12,663	2	52'-10"	3'-7"	7'-0"	43'-10"
24	7732 LOOKOUT DR	3,331	0.39	3,831	0.45	8,530	3	5'-2"	7'-5"	43'-9"	17'-7"
25	7750 LOOKOUT DR	5,348	0.61	5,848	0.67	8,821	3	12'-11"	6'-0"	6'-5"	43'-0"
26	7777 LOOKOUT DR	2,825	0.33	3,075	0.35	8,438	1	15'-0"	11'-11"	4'-9"	8'-0"
27	7741 LOOKOUT DR	1,574	0.20	1,824	0.23	7,950	1	29'-6"	6'-8"	3'-3"	31'-0"
28	7737 LOOKOUT DR	3,161	0.35	3,661	0.42	8,773	1	13'-11"	6'-3"	2'-6"	38'-9"
29	7717 LOOKOUT DR	1,914	0.21	2,414	0.27	9,039	1	13'-0"	9'-6"	3'-3"	28'-9"
30	7711 LOOKOUT DR	3,118	0.31	3,618	0.36	10,045	2	14'-3"	6'-0"	15'-2"	6'-5"
31	7847 LOOKOUT DR	2,261	0.60	2,761	0.73	3,764	2	3'-7"	3'-2"	0'-0"	31'-11"
32	7809 LOOKOUT DR	2,064	0.33	2,564	0.42	6,168	1	12'-8"	11'-11"	5'-3"	5'-8"
33	7801 LOOKOUT DR	3,955	0.69	4,455	0.78	5,702	3	11'-5"	10'-7"	8'-5"	3'-2"
34	7727 LOOKOUT DR (Lot 1)	3,092	0.22	3,592	0.25	14,181	1	132'-9"	1'-11"	3'-3"	18'-8"
35	LOT 2 (PROPOSED)	3,342	0.65	3,842	0.75	5,154	3	10'-2"	4'-0"	6'-0"	7'-3"
36	7731 LOOKOUT DR	3,313	0.65	3,813	0.75	5,097	2	18'-0"	1'-3"	9'-11"	8'-1"
37	LOT 4					7,836					
38	LOT 5 (PROPOSED)	2,647	0.52	2,673	0.53	5,045	2	6'-1 1/2"	6'-1 1/2"	4'-8"	5'-0"
39	7819 LOOKOUT DR	3,056	0.45	3,806	0.56	6,819	2	6'-0"	4'-0"	6'-0"	4'-0"
40	2020 SOLEDAD AVE	2,072	0.25	2,572	0.31	8,283	2	15'-0"	4'-0"	4'-0"	4'-0"
43	7810 LOOKOUT DR	3,783	0.30	4,283	0.34	12,750	2	1'-9"	7'-3"	3'-9"	64'-4"
44	7816 LOOKOUT DR	1,711	0.12	2,211	0.15	14,440	2	7'-11"	3'-2"	2'-2"	84'-9"
45	7820 LOOKOUT DR	8,374	0.58	8,874	0.61	14,492	1	16'-6"	3'-10"	6'-0"	96'-0"
46	7868 LOOKOUT DR	3,646	0.21	4,146	0.24	17,502	2	7'-5"	11'-5"	15'-1"	94'-2"
47	7872 LOOKOUT DR	3,790	0.16	4,290	0.18	24,394	2	9'-0"	11'-0"	1'-0"	138'-7"
48	7878 LOOKOUT DR	3,518	0.13	4,018	0.15	26,136	2	84'-9"	14'-8"	4'-2"	81'-7"
49	1925 SOLEDAD AVE	5,317	0.54	5,817	0.59	9,788	3	16'-2"	7'-2"	3'-0"	26'-8"
50	2005 SOLEDAD AVE	2,636	0.27	3,136	0.32	9,749	2	29'-1"	3'-1"	2'-2"	5'-3"
51	2019 SOLEDAD AVE	3,436	0.35	3,936	0.40	9,749	2	0'-0"	2'-0"	2'-0"	2'-0"
55	2038 SOLEDAD AVE	4,144	0.48	4,894	0.56	8,696	2	4'-6"	12'-4"	0'-0"	20'-10"
56	2028 SOLEDAD AVE	2,547	0.36	3,047	0.43	7,683	3	4'-0"	1'-5"	7'-1"	5'-8"
Average		3,135	0.33	3,580	0.38	10,854		17'-11"	6'-10"	6'-7"	30'-8"
Total							26	12	38		5

LOOKOUT LOT 2

7729 LOOKOUT DR, LA JOLLA, CA 92037

Date: 08/28/2018 UPDATED PROJECT DATA 03/09/2021



**ISLAND
ARCHITECTS**

858.459.9291 • 858.456.0351 • www.islandarch.com

EXHIBIT B

LOT SIZE AND FAR OF PARCELS IN VICINITY OF LOOKOUT LOT 5¹

No.	ADDRESS	APN	FLOOR AREA²	LOT SIZE	FAR
1.	7711 Lookout Dr.	352-012-07	3,118	10,045	0.31
2.	7716 Lookout Dr.	352-010-08	2,825	13,839	0.20
3.	7717 Lookout Dr.	352-012-06	1,914	9,039	0.21
4.	7727 Lookout Dr.	352-012-16	3,092	18,077	0.17
5.	7728 Lookout Dr.	352-010-09	2,992	5,624	0.53
6.	7731 Lookout Dr.	352-012-18	3,313	5,097	0.65
7.	7732 Lookout Dr.	352-010-31	3,331	8,530	0.39
8.	7737 Lookout Dr.	352-012-03	3,161	8,773	0.36
9.	7741 Lookout Dr.	352-012-02	1,574	7,950	0.20
10.	7762 Lookout Dr.	346-610-13	5,545	33,977	0.16
11.	7772 Lookout Dr.	352-010-20	3,596	20,600	0.17
12.	7777 Lookout Dr.	352-012-01	2,825	8,438	0.33
13.	7780 Lookout Dr.	352-010-21	3,269	12,663	0.26
14.	7794 Lookout Dr.	352-010-14	2,572	14,867	0.17
15.	7796 Lookout Dr.	352-010-15	3,456	13,338	0.26
16.	7801 Lookout Dr.	352-012-11	3,955	5,702	0.69
17.	7809 Lookout Dr.	352-012-10	2,064	6,168	0.33
18.	7810 Lookout Dr.	352-013-03	3,783	12,750	0.30
19.	7816 Lookout Dr.	352-013-04	1,711	14,440	0.12
20.	7819 Lookout Dr.		3,056	6,819	0.44
21.	7820 Lookout Dr.	352-013-05	8,374	14,492	0.58
22.	7847 Lookout Dr.	352-012-08	2,261	3,764	0.60
23.	7868 Lookout Dr.	352-013-06	3,646	17,502	0.21
24.	7872 Lookout Dr.	352-013-07	3,790	24,394	0.16
25.	7878 Lookout Dr.	352-013-08	3,518	26,136	0.13
26.	7887 Lookout Dr.	352-062-01	2,349	9,744	0.24
27.	1925 Soledad Ave.	352-051-04	5,317	9,788	0.54
28.	1940 Soledad Ave.	352-010-07	1,874	9,901	0.19
29.	2005 Soledad Ave.	352-051-05	2,636	9,749	0.27
30.	2019 Soledad Ave.	352-051-06	3,436	9,749	0.35
31.	2020 Soledad Ave.	352-012-28	2,072	8,263	0.25
32.	2028 Soledad Ave.	352-062-05	2,547	7,083	0.36
33.	2038 Soledad Ave.	352-062-04	4,144	8,696	0.48
34.	7705 Hillside Dr.	352-010-06	2,186	8,281	0.26

¹ All information for Nos. 1 through taken from applicant's partial Neighborhood Survey, submitted to La Jolla Shores Planned District Advisory Board for its March 17, 2021, meeting, except that that survey omitted from the table labeled "Attachment 5: Lookout Lot 5" in the upper right hand corner, but labeled in the bottom legend for the map "Lookout Lot 2" entry #2 above, for 7716 Lookout Drive (which is identified on the applicant's map as "Map # 13." This table omits the entries the applicant had included for its proposed Lookout Lot 2 and Lookout Lot 5 development, as these are not existing developed parcels or even approved developments.

² Figures are floor area without garage space.

LOT SIZE AND FAR OF PARCELS IN VICINITY OF LOOKOUT LOT 5¹

No.	ADDRESS	APN	FLOOR AREA²	LOT SIZE	FAR
35.	7711 Hillside Dr.	352-010-05	2,160	9,601	0.22
36.	7719 Hillside Dr.	352-010-03	2,380	10,202	0.23
37.	7721 Hillside Dr.	352-010-04	4,198	9,601	0.44
38.	7734 Hillside Dr.	350-280-06	4,164	8,451	0.49
39.	7740 Hillside Dr.	350-280-05	3,028	21,092	0.14
40.	7801 Hillside Dr.	352-010-16	4,583	15,359	0.30
41.	7811 Hillside Dr.	350-162-08	2,248	7,396	0.30
	TOTAL/AVERAGE		132,063	485,980	0.27

PROPOSED DEVELOPMENT FOR LOOKOUT LOT 5

	FLOOR AREA	LOT SIZE	FAR
LOT 5 (per applicant)	2,547	5,045	0.50
LOT 5 (per City)	4,900	5,045	0.97

EXHIBIT C



THE CITY OF SAN DIEGO

Frederick C. Kellogg
7728 Lookout Drive
La Jolla, CA 92037

December 9, 2013

Dear Mr. Kellogg

This letter is in response to the letter you sent to Mr. Tom Tomlinson, Interim Director of Development Services dated October 28, 2013 and from Ms. Diane Kane dated October 18, 2013; also addressed to Mr. Tomlinson.

In the abovementioned letters, it was requested that our office review whether a lot or parcel development must be consistent with surrounding neighborhood development; specifically section 1510.0304 of the La Jolla Shores PDO as it pertains to Parcel Map 17817. You also included Ms. Diane Kane's letter requesting the review of two Records of Survey and one Parcel Map to determine, in general, if there was an inappropriate subdivision of land. My analysis of the facts regarding the former, as presented below, reveals that there was no inappropriate division of land.

To begin with, I felt it important to lay out the chronology and legal rationale for the way the current configuration of the lots came into existence. The original underlying lots were created by virtue of the La Jolla Hills Subdivision, Map 1479. Sometime in early 1996 there was an application submitted to the City in order to make a determination of legal lot status and to obtain a Certificate of Compliance (COC) for a portion of Lot 36 of Map 1479.

The City reviewed and approved this COC on August 15, 1996, as Document No. 1996-0416822 because the owner was able to show the City a recorded deed dated prior to March 4, 1972 that described this portion of Lot 36; which date is codified in the SMA. The deed as presented, legally subdivided (or split) Lot 36 by virtue of that instrument (see SMA §66412.6). After approval of the COC, an application was made for a Lot Line Adjustment Parcel Map (LLA). The LLA (PM 17817) that ultimately recorded on January 23, 1997 adjusted the lines using this legally created deed parcel and four other lots created previously by Map No. 1479 (Lots 34, 35, 41 and 42).

The SMA during this time period (1997) allowed for the adjustment of *two or more* parcels, so the applicant for this particular project was able to adjust any number of lots; in this case five (5). This particular section of the SMA (§66412(d)) changed on January 1, 2001 which amended the number of lots that could be adjusted. The number of lots that you can currently adjust stands at *four or fewer*.



Development Services

1222 First Avenue, MS 501 • San Diego, CA 92101-4155
Tel (619) 446-5460

To sum this issue up, the LLA that recorded in 1997 **did not** create any new lots but was for lot line adjustment purposes only. There were five legal parcels prior to the LLA and there were five legal parcels after the LLA, which resulted in no subdivision of land pursuant to the Subdivision Map Act (SMA). Additionally, the way the SMA currently reads (§§66412.6 and 66499.30(b)) you can no longer simply deed over a portion of your property to your neighbor or anyone else without coming to the City for approval as this is considered an illegal subdivision. In this particular case, the applicant came to the City for a LLA which was allowed under the provision of §66412(d) of the SMA and the Municipal Code and received the proper approval to adjust the lot lines as shown on Parcel Map 17817. This LLA was reviewed and approved by the requisite disciplines within the Development Services Department and ultimately signed and sealed by the Deputy City Engineer on January 23, 1997.

It should be noted that neither the COC nor the LLA would have required public notice or public hearings as they are categorized a Process One as defined in §112.0501, et seq. of the City of San Diego Municipal Code.

In your letter sent October 28, 2013, you also wanted to know whether Section 1510.0304 of the La Jolla Shores PDO applies to the development of the lots adjusted by virtue of the abovementioned LLA. I have met with our City Planners and their answer to this question is indicated below:

The size of the lot does not come into question for the processing of COC or a LLA because there was no subdivision of land involved. If a Subdivision Map was submitted for review and the lots are proposed to be reduced in size then Development Services would look to the zone to determine the minimum lot size for the zone. Future building development of any of the parcels within the Parcel Map areas are also required to comply with Sec. 1510.0304 of the La Jolla Shores PDO development requirements.

If you have any further questions, please feel free to contact me.

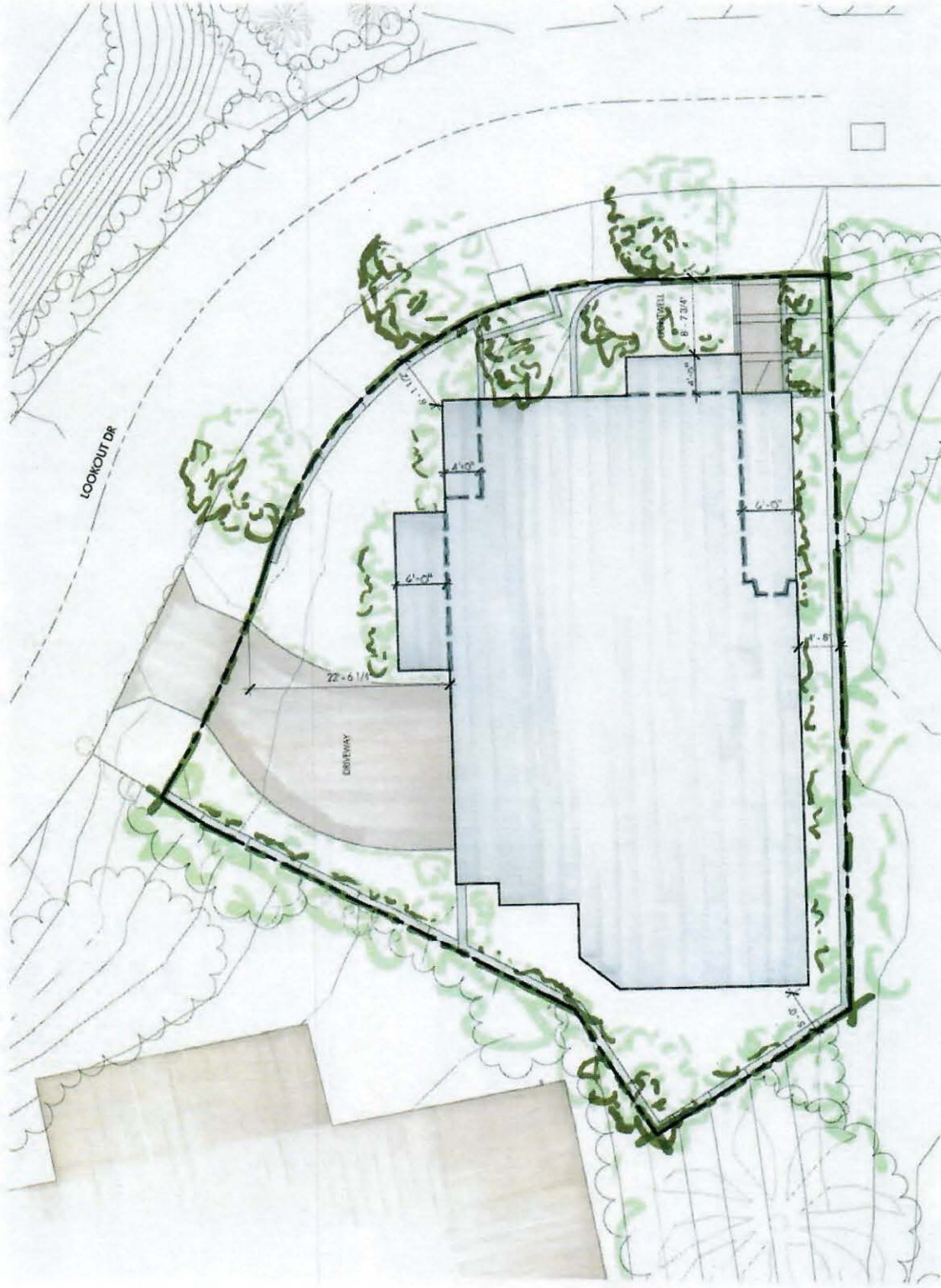
Respectfully,



Gregory P. Hopkins, PLS
Assistant Deputy Director/City Land Surveyor
Development Services Department
(619) 446-5291
ghopkins@sanidiego.gov

cc: Hon. Sherri Lightner, Council District1
Bob Vacchi, Director Development Services
Sheri Carr
Ms. Diane Kane

EXHIBIT D



SITE PLAN
LISAB Meeting
SCALE: 1/8" = 1'-0"

