

April 15, 2021

La Jolla Shores Planned District Advisory Board
c/o Marlon Pangilinan

Transmitted Via E-Mail: mpangilinan@sandiego.gov

Re: **Lookout Lot 2**
Project No. 589178

Lookout Lot 5
Project No. 482904

Dear Ladies and Gentleman of the La Jolla Shores Planned District Advisory Board,
Please consider the following comments as you review the projects referenced above.

Relevance of the 1997 Lot Line Adjustment

When you reviewed the projects in 2018 some Board Members deemed the Lot Line Adjustments that occurred in 1997 to be outside of the Board's consideration of the projects. The Board rightly considers building setbacks from property lines and building floor area in relationship to lot area. The property lines and resultant individual lot areas that affect dwelling unit *density* (units per acre) are integral parts of proposed projects and rightly must be considered.

§1510.0304 Single Family Zone-Development Regulations

(a) Dwelling Unit Density Regulation

In the following **Single-Family Zone**, designated on that certain map referenced in Section 1510.0102 unless specified otherwise, **no 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.** In no event shall any area be included in the calculation of average dwelling unit density if such area lies on the opposite side of a density calculation boundary line indicated on the map referenced in Section 1510.0102. However, in no instance shall the density exceed one unit

The highlighted sentence from the LJSPDO says: " ... no lot or parcel shall be developed **or occupied** by more dwelling units ...".

The phrase "... or **occupied** by more dwelling units" pertains not only to the creation of lots or the subdivision of land; but "... or **Occupied** by more dwelling units" pertains to the occupancy by dwelling units on lots already created as relates to dwelling unit density (units per acre).

Because the size of the individual subject lots (5,154 sf and 5,045 sf) are less than half the average size (10,854 sf) of all 56 lots within 300 feet of the project, the previous LJSPDO section precludes both lots from being occupied by any dwelling unit because the resultant dwelling unit density would be substantially greater than the average dwelling unit density (units per acre) of all lots within 300 feet of the subject lot or parcel. However, the LJSPDO says that lots and uses that existed in 1974 at the time of the adoption of the LJSPDO were deemed to be in compliance with the PDO and allowed to continue.

Though the original lot areas were significantly smaller and did not conform in size with other lots within 300 feet or the dwelling unit density requirement of the LJSPDO, the 1974 lots are said to be 'legal non-conforming' size lots. The City of San Diego allows legal non-conforming lots and uses to continue provided the degree of non-conformity is not increased. Had the lots that existing in 1974 remained intact today, all of the lots could be occupied by new individual dwelling units.

In 1997 the SDMC said:

§ 102.0207 Lot Line Adjustments

A parcel map or other recordable document may be used for the purpose of adjusting lot lines between adjoining lots provided the adjustment does not result in an increase in the number of lots. All lots or parcels must meet the minimum requirements of the Planning and Zoning Regulations and Building Code in regard to lot frontage, depth and area, and also, all existing buildings must meet the minimum requirements for setbacks, lot coverage, parking, etc. The adjusted lot line(s) must be monumented in accordance with Sections 102.0204 and 102.0412 if applicable.

(Amended 1-27-86 by O-16585 N.S.)

The Lot Line Adjustments (LLA) that occurred in 1997, **without benefit of a SDMC required Coastal Development Permit**, resulted in Lots 2 and 5 being less than half the of the average size lots within 300 feet. Contrary to the Lot Line Adjustment regulations above, **not one of the resultant lots met the minimum average lot size / dwelling unit density (units per acre) requirement of the LJSPDO / Planning and Zoning Regulations.**

Because the 1997 LLA resulted in substandard Lots 2 and 5 and according to the LJSPDO may not be occupied by dwelling units because the resultant dwelling unit density would be significantly greater than the average dwelling unit density (units per acre) of all lots within 300 feet of the subject lot or parcel.

Conclusion

If the internal lot lines were adjusted back to what existed in 1974 when the LJSPDO was adopted and the original lots deemed again to be 'legal non-conforming lots', all of the lots might be allowed to be occupied by new individual dwelling units designed in conformance with the LJSPDO. **However, if the internal lot lines are not adjusted back to what existed in 1974, no dwelling units can be constructed on Lot 2 and Lot 5.**

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip A. Merten". The signature is fluid and cursive, with a large initial "P" and a long, sweeping underline.

Philip A. Merten AIA