

November 9, 2020

Via Electronic MailLa Jolla Development Permit Review Committee
P.O. Box 889
La Jolla, California 92037**Re: 305 Bonair CDP/NDP (Project No. 653750)
11/10/20 DPR Meeting, Item 3**

Dear DPR Members:

We represent the applicant for the above-referenced project. I would like to briefly respond to a concern raised by members of the La Jolla Development Permit Review (DPR) Committee at the October 20, 2020 Preliminary Review of the project. Specifically, whether the proposed 7-foot front yard setback constitutes a deviation.

The applicant is not requesting a deviation for the front yard setback nor is one required. The rebuilt unit at 305 Bonair is consistent with the *previously conforming* setback of the pre-existing structure and did not lose *previously conforming* status as a result of the demolition and reconstruction of the unit. San Diego Municipal Code (SDMC) Section 127.0104 (b) simply provides:

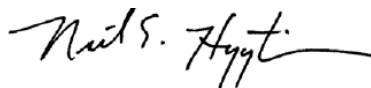
Maintenance, repair, alteration, or replacement of a *structure* with a *previously conforming structural envelope* for proposed *development* that requires a Coastal Development Permit pursuant to Section 126.0704(b) requires a Neighborhood Development Permit decided in accordance with Process Two.

The termination of *previously conforming* status would only apply if the project site contained or abutted a coastal beach or coastal bluff edge – which is not the case here. *See* SDMC § 127.0104 (e). City staff concurs with this determination.

We recognize that the current front yard setback does apply to the approximately 3-foot addition on the eastern side the unit. Accordingly, the northeast corner of the unit (*i.e.*, along the addition area) will be pulled back to comply with the current 10-foot setback requirement as identified in the project plans.

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