

**Subject:** Confirmation - Amendment Request Form  
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## Amendment Request Form

<b>Date of Request</b>	04/03/2020
<b>Submitter Name</b>	Diane Kane, President, La Jolla Community Planning Association
<b>Affiliation</b>	Other
<b>Email Address</b>	dkane002@san.rr.com
<b>Phone Number</b>	858-459-9490
<b>Name of Item</b>	LDC Sec. 126.0704(a)(5) Coastal Development Permit (CDP) Exemption (50% Rule )
<b>Type of Amendment</b>	Correction
<b>Is this implementing a state law?</b>	N/A
<b>Bill Number (if applicable)</b>	California Coastal Act of 1976 (Public Resources Code section 30000, et seq.) and the California Code of Regulations, Title 14, Division 5.5., Chapter 8, Subchapter 2, Article 17.
<b>Is compliance with the state bill mandatory or optional?</b>	Mandatory
<b>Background</b>	<p>§126.0704. Exemptions from a Coastal Development Permit</p> <p>The following coastal development is exempt from the requirement to obtain a Coastal Development Permit:</p> <p>(5)The demolition or removal of 50 percent or more of the exterior walls of the existing structure.</p> <p>When adopted to comply with the Coastal Act, the "50% Rule" for a Coastal Development Permit Exemption was widely understood as retaining 50% or more of the building's exterior envelope, including facade and roof. It was intended to facilitate minor remodels: small rear additions, partial second stories and other construction totaling less than 1,000 sq. ft., which was the limit for CDP Exemptions prior to the 2000 Code Update.</p>
<b>Issue</b>	In practice, only 50% of stud wall framing is currently retained, while both interior and exterior materials, window and door openings, height and slope of roof can be, and often are, totally changed. A small amount

of original framing can be encapsulated within new construction that maximizes zoning densities. Features include full second stories, full live-in basements, covered loggias, semi-enclosed carports, recreational roof decks and other elements that greatly increase GFA, bulk and scale. Under this definition, a "50% remodel" results in a completely new structure that has been processed ministerially with no community review. These projects do not transition well to adjoining properties, invade resident privacy and and disrupt neighborhood character. They have resulted in the severe loss of mature vegetation, altered underground water movement and disrupted light and air patterns. Coastal neighborhoods have been flooded with insensitive redevelopment of original building stock that has changed their character, contrary to adopted community plans. Existing supplies of smaller affordable homes is being rapidly diminished and replaced with expensive luxury housing that is exacerbating regional housing affordability. Furthermore, these projects are not paying their fair share of Development Impact Fees-- normally attached to new construction-- but, evaded through "remodels." Older neighborhoods are absorbing significantly increased density without commensurate infrastructure investment to accommodate it.

**Objective**

Continue to allow exemptions for rehabilitation and minor additions in the Coastal Zone, as intended. But, require more extensive projects (redefined as "remodels" under current staff interpretation) to obtain a Coastal Development Permit that includes community review, where many negative effects associated with new construction currently using the 50% CDP Exemption could be minimized or mitigated through re-design.

**Solution**

This proposal more clearly defines what types of projects qualify for Coastal Development Permit Exemptions and how to determine 50% of an existing structure, as understood prior to the 2000 Code Update.

Project Type: Rehabilitation

Rehabilitation keeps existing structures in service through environmental, technical and structural upgrades. These include low water use plumbing and irrigation; energy efficient insulation, windows and doors, lighting and HVAC systems; solar panel additions; seismic, fire and life safety upgrades.

What is 50%?

Small additions that:

- A. Increase existing GFA by no more than 50%; or,
- B. Result in a building using no more than 50% of allowable FAR; and
- C. Do not involve a property that has used the 50% CDP exemption within the last 3 years.

**List of code sections affected by your proposal**

LDC Sec. 126.0704(a)(5)

**Is it controversial?**

Unsure

## File Attachments



**Voice of San Diego Loophole Lets Developers Build New Homes and Call Them Remodels.pdf**

(4557k)



**50% Language Amendment.docx**

(14k)



**FiftyPercent.pdf**

(8202k)



**What does a 50%.pdf**

(229k)



**5912 Beaumont 50% Remodel \_2.jpg**

(145k)

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