La Jolla Community Planning Association

P.O. Box 889
La Jolla, CA 92038

Mara W. Elliott, City Attorney

City of San Diego

1200 Third Avenue, Suite 1620

San Diego, CA 92101

Dear Ms. Elliott,

The La Jolla Community Planning Association requests your opinion on the legal status of a “Draft” Information Bulletin that interprets LDC Sec. 126.0704(a)(5). This provision exempts minor remodels of structures located in the Coastal Overlay Zone from needing a Coastal Development Permit. The exemption was intended to provide regulatory relief for homeowners wishing to do modest additions, defined as affecting less than 50% of the exterior walls of an existing structure. A Draft Information Bulletin was developed that further explains/defines/clarifies the code language for residential projects in the Coastal Zone.

This draft bulletin has no name, date or other identifiers to indicate who wrote it, when it was written or how it was approved for general use. However, it is widely used to approve ministerial exemptions from the Coastal Development Permit process that result in completely new construction. Bits and pieces of former “exterior walls” are now mere ghosts of their former selves. Studs stripped of exterior cladding, windows, and wallboard are today suspended over full basements, encased in new framing and completely engulfed with new materials. Their only function is to grandfather non-conforming setbacks and to avoid community review and CEQA review. Clearly, the intent and purpose of the LDC Coastal Permit Exemption has been hijacked by creative applicants with help from unidentified city staff.

This has left La Jollans with no voice in the majority of new residential construction being permitted today. The result is enormous boxy buildings with limited articulation that do not respect existing neighborhood patterns. Lack of community review means a poor transition between new and existing construction, and buildings that are out of scale and character with their neighbors. Although the ministerial process assumes that there is no significant impact from a single minor remodel, the repeated exercise of this provision for entirely new construction has resulted in a massive, yet unacknowledged, cumulative impact to our community. Over the past decade, entire neighborhoods have lost privacy, mature vegetation, coastal views and ocean breezes that were once shared neighborhood amenities.

This is not what La Jollans envisioned in our 2004 community plan goals for residential areas that:

* Provide a high quality residential environment in La Jolla that respects its relationship to the sea, to hillsides and to open space; and,
* Maintain the character of La Jolla's residential areas by ensuring that redevelopment occurs in a manner that protects natural features, preserves existing streetscape themes and allows a harmonious visual relationship to exist between the bulk and scale of new and older structures.

It is also not consistent with LDC Sec. 131.0403 that describes Residential Zones “which promote neighborhood quality, character and livability … while minimizing adverse impacts to adjacent properties.”

We request further legal comment on the provision of “phased remodels,” in this Draft Information Bulletin that allows serial demolition and permitting. The result of this process is, again, entirely new construction that has avoided both a Coastal Development Permit and community review. The Draft Information Bulletin states that:

 “The requirement that ‘existing walls’ be in place on or before March 17, 1990 was removed with the adoption of the LDC in 2000.”

But, we see nowhere in the current Land Development Code where phased or serial permitting is allowed. According to the City of San Francisco Planning Department, "Serial permitting is typically characterized by work that is allowed to occur piecemeal in order to avoid a process or regulation.” This is clearly happening as a result of this Draft Information Bulletin.

If this Draft Informational Bulletin has no formal status, we ask that its use be immediately suspended and that all projects that have received construction permits, but have not advanced to construction, be immediately referred to the Community Planning Association for review and comment. If the City wishes to formalize the Informational Bulletin’s status, please commence appropriate public review, comment and adoption proceedings.

Robert Steck

Chair, La Jolla Community Planning Association