

November 19, 2025

Christopher Ackerman-Avila Via: Email CAckermanAvi@sandiego.gov

Subject: Response to Letter from the La Jolla Shores Planned District Advisory Board

Dear Mr. Ackerman-Avila,

The La Jolla Shores Planned District Advisory Board appreciates your response (see Reference 2 below) to our August letter (see Reference 1 below) that documents the concerns of the La Jolla Shores Planned District Advisory Board (Board) with the City's failure to enforce the La Jolla Shores Planned District Ordinance (LJSPDO). However, we have further questions about the following statements in your response:

- "That is true [a Coastal Development Permit (CDP) was needed], and the project obtained the CDP."
We agree with the first statement--a CDP was needed, but the project does not appear to have one. The project appears to have been exempted from a CDP, even though it does not meet the San Diego Municipal Code (SDMC) parameters for an exemption. Additionally, the project is in the La Jolla Shores Planned District, so the criteria in Information Bulletin 621 require review by our Board. Not only were we unaware of this project, but also the neighbors and the general public did not have the opportunity to provide input because the City did not seek the SDMC-required recommendation from our Board.
- "State Law supersedes [the LJSPDO and hence the Local Coastal Program]."
Please provide the citation for the applicable State Law. Does the City of San Diego use State Law directly? If not, how have the provisions of State Law been incorporated in the SDMC?
- "You can reassure them that Coastal Commission reviewed and approved."
Specifically, what did the Coastal Commission review and approve?

It should be noted that **this project was not just an ADU**. It was to add a **second story** ADU with a roof deck on top of the ADU to an existing single-story home and also some remodeling, including an addition to the first floor. The project description from ACCELA is:

DSD Defined Scope:

LA JOLLA; Combination building permit for remodeling work, a first floor addition, and a (N [new]) 2nd-story ADU atop an (E [existing]) garage to an (E) single-story SDU [single dwelling unit]. Work to include a roof deck atop the proposed ADU. [PRJ-1112468/PMT-3298091 – 7741/7743 Lookout Drive]"

This project should have had a CDP and should have been reviewed by our Board.

We would appreciate your help with this matter. Because we are a Mayoral-appointed Board, we believe the communication between the Mayor's office and our Board is important. We also would appreciate it if you could have DSD staff explain the basis of their decision to not refer this project to us. We believe that these types of projects should always be directed to our Board for the SDMC required recommendation.

Sincerely,

Jane Potter

Chair, La Jolla Shores Planned District Advisory Board

References:

1. Letter from La Jolla Shores Planned District Advisory Board to Mayor dated August 30, 2025. (Attached)
2. Email Response from Chida Warren dated September 16, 2025. (Attached)

DRAFT

August 30, 2025

202 C Street, 11th Floor
San Diego, CA 92101

Transmitted via email: MayorToddGloria@sandiego.gov

Dear Honorable Mayor Todd Gloria,

Subject: Requirement for La Jolla Shores Planned District Advisory Board Project Review

We appreciate Development Services Department's (DSD's) efforts to make sure that projects within the La Jolla Planned District are referred to the La Jolla Shores Planned District Advisory Board (LJSPDAB) for review by the public and the LJSPDAB. During non-agenda public comment at our June 18, 2025 meeting, members of the public brought to the LJSPDAB's attention a project that apparently circumvented the LJSPDAB review process. In particular, a project at 7741/7743 Lookout Drive was approved with a Process One decision.

San Diego Municipal Code (SDMC) §1510.0201 requires that all projects within the La Jolla Shores Planned District (LJSPD) have a Process 3 Site Development Permit unless the project is found to be "minor in scope." If a project is determined to be minor in scope, only then can it be approved as a Process One decision. The parameters for "minor in scope" are detailed in DSD Information Bulletin 621 and the SDMC. The LJSPDAB provides project recommendations to the City Manager (DSD) on all projects, including determining whether or not a project can be considered "minor in scope." The LJSPDAB made no such determination for the Lookout Drive project.

The project at 7741/7743 Lookout Drive was approved with a Process One decision with Staff citing SDMC §151.0401 (b) as the reason a ministerial permit was issued. §151.0401 (b) [See Attachment 1] says that in order for an ADU approval to be a Process One in a Planned District, it must be permitted as a limited or conditional use in the specific Planned District Ordinance, or called out in the Table 131-04B as a Limited Use.

ADU's are not specified as a Limited or Conditional Use in the La Jolla Shores Planned District Ordinance and are not a limited use in the LJSPD-SF zone [LJSPD-SF Zone is not in Table 131-04B or its footnotes]. Therefore, the project does not qualify for an automatic Process One Decision. A Process Three LJSPD permit is required unless the project is determined by the LJSPDAB to be "minor in scope." The LJSPDAB did not have the opportunity to consider whether the Lookout Drive was a minor project, because it was not referred to us.

LJSPDAB agrees with the concern raised by the neighbors that the scope of the project should have required a Process Two Coastal Development Permit because it was not exempted by SDMC 126.0704(a)(9) as detailed in Attachment 2.

The LJSPDAB wants to know why this project did not come for review by our Board and the public prior to the issuance of a ministerial permit. We also respectfully request that Staff review the process for identifying projects that by ordinance require review and recommendation by the LJSPDAB to prevent future oversights.

Sincerely,



Jane Potter

Chair, La Jolla Shores Planned District Advisory Board

Attachments:

1. SDMC Code Sections
2. Email from A.J. Remen

cc: Council President Joe LaCava
LJSPDAB Members and Support Staff
Elyse Lowe, DSD Director
A. J. Remen

ATTACHMENT 1 SDMC Code Sections

§151.0401 (b) states:

The permit process for a separately regulated use shall be determined in accordance with applicable planned district use regulations, with the exception of the following uses, which shall be permitted as a Process One *construction permit* in all planned district zones **that permit the use as either a limited or conditional use... in accordance with the regulations in Section 141.0302.** [Emphasis added]

§141.0302

ADUs are permitted in all zones allowing residential uses, and *JADUs* are permitted in all Single Dwelling Unit Zones by-right as a limited use decided in accordance with Process One, indicated with an "L" in the Use Regulations Tables (Table 131-04B) in Chapter 13, Article 1 (Base Zones). See Attachment 1.

ATTACHMENT 2

Fwd: 7741 Lookout Drive : ADU addition

mailbox:///C:/Users/sherr/AppData/Roaming/Thunderbird/Profi...

Subject: Fwd: 7741 Lookout Drive : ADU addition
From: Jane <jpotter46@san.rr.com>
Date: 5/30/2025, 6:53 PM
To: Sherri Lightner <sherri@lightner.net>, Philip Wise <covevu@gmail.com>

FYI

Unable to forward attachments-
Sent from my iPhone

Begin forwarded message:

From: AJ Remen <aremen@aristaarchitects.com>
Date: May 30, 2025 at 11:22:21 AM PDT
To: "Garcia, Melissa" <MAGarcia@san-diego.gov>, "Dang, Angela" <AVDang@san-diego.gov>
Cc: Jane Potter <jpotter46@san.rr.com>, Suzanne Weissman <weissmansuzanne@gmail.com>, lazer@san-diego.edu, kneil@att.net, Robin Madaffer <robin@sdlandlaw.com>
Subject: 7741 Lookout Drive : ADU addition

Good morning Melissa, Angela and LJSAB members,

We were recently contacted by our client at **7777 Lookout Drive**, who brought to our attention that a building permit was issued for an **Accessory Dwelling Unit (INCLUDING at ROOF DECK)** at the neighboring property, **7741 Lookout Drive**. This development raises **serious concerns** regarding the **legitimacy of the permit**, particularly given the property's location within the **La Jolla Shores Planned District Overlay Zone**.

Our client is deeply troubled by the fact that this permit appears to have been approved **exclusively through a ministerial process by DSD staff**, without any discretionary review or involvement from City Planning staff or the Advisory Board. In response to our inquiry, a planning staff reviewer cited **Section 151.0401(b)(1)** of the Municipal Code, stating that ADUs are permitted as **Process One construction permits** in all planned district zones, including La Jolla Shores, so long as the use is either limited or conditional under the applicable regulations.

However, we believe this interpretation **conflicts with multiple provisions** of the Municipal Code and **undermines the regulatory intent** of the La Jolla Shores Planned District. We have attached three relevant documents that highlight this apparent inconsistency:

1. Information Bulletin 621 – Additions in La Jolla Shores

This bulletin has long been used to guide development in the Shores, clearly requiring a **Site Development Permit (SDP)** for any project involving an increase in height. Section II.C specifically addresses increases from existing development, underscoring the necessity for discretionary review.

2. Section 126.0704(a)(9) – Exemptions from Coastal Development Permit (CDP)

This section plainly states that any ADU **not entirely within the existing primary structure** is **ineligible for exemption** and **requires a full CDP**. Given that the subject site is within the Coastal Zone, a garage-top ADU should unquestionably trigger this requirement.

3. Section 151.0401(b) – Uses Permitted in Planned Districts

While this section is cited as permitting ADUs ministerially, it appears to create a **loophole** that effectively circumvents both SDP and CDP requirements—an outcome that seems **contrary to the intent** of the Planned District and Community Plan.

Additionally, we have provided an **exhibit** illustrating the proposed location of the ADU and its **relative bulk and scale** in comparison to our client's property. As the exhibit clearly shows, the ADU will **loom directly over** our client's inner courtyard, drastically impacting their **privacy**, sunlight, and overall enjoyment of their property. This close proximity and significant scale is not only visually overwhelming but further emphasizes the need for **discretionary review** to properly assess the impact on the surrounding properties and the neighborhood character.

We are bringing this to the immediate attention of City staff and Advisory Board members not only because this project threatens our client's **privacy, property value, and quiet enjoyment**, but because it sets a **dangerous precedent**. If this ADU is allowed to proceed without discretionary oversight, it opens the door for **widespread circumvention of the review process** in the La Jolla Shores Planned District. It effectively **nullifies the Advisory Board's role** and could enable 'unchecked' development of large ADUs—up to 1,200 square feet—across the district without any public input or community-based review.

We respectfully urge the City to **re-examine this permit's compliance** with all applicable municipal code provisions and to address the broader policy implications of allowing such developments to proceed outside of established discretionary review channels.

Regards,



ARISTA
ARCHITECTS

AJ Remen

Principal, Lic. # C37018

phone (858) 454-4555 | cell (858) 231-3607

7755 Fay Avenue, Suite C | La Jolla, CA 92037

ARISTAARCHITECTS.COM

7741 Lookout letr fr LJSPDAB

From: Warren, Chida <CWarrenDarby@sandiego.gov>

Sent: Tuesday, September 16, 2025 2:00 PM

To: Garcia, Melissa <MAGarcia@sandiego.gov>

Cc: Nasrallah, Matthew <MNasrallah@sandiego.gov>; Ackerman-Avila, Christopher <CAckermanAvi@sandiego.gov>

Subject: Re: Letters from the Board

Hi Melissa,

Here is the response I received to the board's letter:

"The letter states that a Coastal Development Permit (CDP) was needed. That is true, and the project obtained the CDP. The letter also states that generally these types of projects are Process 3, appealable to the Planning Commission. However, state law supersedes this requirement and we have a separate agreement to have the CDP be processed by the California Coastal Commission ministerially (process 1, no discretion, just check the boxes and staff can approve). In short, all appropriate processes were conducted and LJSPDO has no jurisdiction over the project. However, you can reassure them that Coastal Commission reviewed and approved."

I've cc'd Chris Ackerman-Avila [Mayor's Sr Policy Advisor] on this email, should you have any additional questions or concerns.

Best,

Chida R. Warren, MPA (she/her)
Director of Appointments/Boards and Commissions
Office of Mayor Todd Gloria
City of San Diego
202 C St., 11th Floor
San Diego, CA 92101
Cell: (858) 298-1124

Email: CWarrenDarby@sanidiego.gov