



April 29, 2024

To: Planning Commission

Re: 2024 Land Development Code Update – Citywide Item 4 (Parking Structures)

Summary of NFABSD Recommendation

The language of the regulation should be amended to clarify that this excludes both “developments” and “zoned premises” that include single unit or duplex developments.

Detailed Response

In response to questions from Neighbors For A Better San Diego, City Staff have stated that this regulation is not intended to apply to single family homes and duplexes. However, the code language does not explicitly state that these zones are excluded.

While the stated intent is that this only applies to multi-family zones, the code itself only refers to exempting single family and duplex “development.” Development is not the same as zone, and we believe that in the future this could be misinterpreted to apply to a pre-existing, non-conforming development within a single family or duplex zone.

This is not a hypothetical concern. There are a number of parcels in the City that have multi-family properties that are grandfathered into single-family zones. Accordingly, the code should be updated to explicitly state that single-family zones are excluded from this regulation.

The proposed code change is shown below:

2024 **LDC** Update – Citywide 4/19/2024 Draft

1. (A) ~~The intent of this section is to facilitate the development of parking facilities for multiple dwelling unit and commercial development.~~ This exclusion from *gross floor area* does not apply to garages or carports that serve *single dwelling unit* or duplex *development*.
2. (B) [No change in text.]

Because the language about the intent is being stricken, the remaining code should be amended to state that:

“This exclusion from *gross floor area* does not apply to garages or carports that serve *single dwelling unit* or duplex *development*, or that are on premises zoned for *single dwelling unit* or duplex *development*.”

We also recommend that the City provide a definition of “parking structure” in the Municipal Code independent of the proposed FAR calculation code.



April 29, 2024

To: Planning Commission

Re: 2024 Land Development Code Update – Citywide Item 25 (ADU Front Yard Setback)

Summary of NFABSD Recommendation

This proposed regulation to allow an ADU to be built in the front yard setback of a single-family zoned premises is being presented to comply with state law. Accordingly, the proposed LDC revision should make it clear that a development using this regulation is restricted to only a single ADU.

Detailed Response

This proposed change to San Diego's ADU regulations is being made to comply with state law, which only permits a single ADU to be added to a single-family zoned parcel. Therefore, if a development has to violate the front yard setback in order to build an ADU, then that implies that the premises cannot accommodate more than one ADU and is therefore ineligible for the Bonus ADU program. This needs to be made clear in the code and in San Diego's ADU handbook.

Again, the state ADU code only allows exemptions from underlying zoning, including setbacks, for a single ADU and a single JADU on a single-family zoned premises. San Diego's Bonus ADU program was not envisioned by the state legislature.

Even for a single ADU, it is unclear how Development Services will apply this regulation. In particular, how will DSD prioritize which setbacks can be violated?

Proposed code revision (proposed further amendment is highlighted in purple):

(D) An ADU with a gross floor area of 800 square feet shall be permitted on a *premises* with an existing or proposed *dwelling unit* regardless of maximum *lot coverage*, maximum *floor area ratio*, front yard setbacks, and minimum open space requirements.

*Notwithstanding the above, exemptions from these requirements apply **only** where an ADU of up to 800 sf is not feasible on the premises without violating one or more of these requirements/rules (maximum lot coverage, maximum FAR, front yard setbacks, minimum open space).*

The *development* shall comply with the *floor area ratio* of the underlying base zone unless the *development* incorporates an existing *structure* that exceeds the allowable *floor area ratio* or is under the allowable *floor area ratio* by less than 800 square feet, **8** in which case an ADU that does not exceed 800 square feet shall be permitted.



April 29, 2024

To: Planning Commission

Re: 2024 Land Development Code Update – Downtown Item 25 (Underutilized Properties)

Summary of NFABSD Recommendation

To encourage landowners to take advantage of this incentive to address San Diego's immediate and ongoing housing challenges, we recommend that the incentive time out at end of RHNA cycle.

Detailed Response

The justification for this bonus is to induce development of underutilized properties in order to meet San Diego's near term housing needs under the current RHNA cycle (2021-2029). It is critical that some sense of urgency be created to turn these parcels over to higher use. Accordingly, Neighbors For A Better San Diego recommends that this incentive be timed out at the end of the current RHNA cycle.

Without this expiration, there is no urgency to the landowner to put an underutilized parcel to better and higher use. Because bonus incentives and upzoning increase land values without triggering reassessment or other increases in the carrying cost of the land, the City is effectively rewarding landowners for not developing their properties. This transfer of wealth to the landowner is paid for by higher housing costs (rents) for tenants.

See proposed code change on the next page.

Proposed code change:

- (v) For *development* meeting the criteria in Sections 143.0720(c)(1), 143.0720(c)(2), 143.0720(d)(1), 143.0720(d)(2), 143.0720(d)(3), 143.0720(e), 143.0720(f), 143.0720(g), 143.0720(h), or 143.0720(i); where the *premises* contains any of the following uses as of January 1, 2023: Vehicle & Vehicular Equipment Sales & Services, Automobile Service Stations, Car Wash, Oil Change and Lubrication Service, Moving & Storage Facilities, Parking Facilities, Surface Parking lots, Maintenance & Repair Facilities, or Drive-Throughs ~~Restaurants~~, and those uses are to be replaced with residential *development*, the *development* shall receive an additional density bonus of 50 percent shall be added to the of the AHR bonus ~~percentage~~.

NFABSD's recommendation is to insert an additional line at the end of the above code section stating that:

"This density bonus shall expire at the end of the current RHNA cycle (2021-2029)."

This could be further clarified to state that the project only has to be permitted by the deadline. Construction could be completed after that deadline.



April 25, 2024

City of San Diego Planning Commission
City Administration Building, 12th Floor
202 C Street, San Diego, California 92101

Subject: Equity Forward: Draft Environmental Justice Element

Dar Chair Moden and Planning Commissioners,

On behalf of the San Diego Chamber of Commerce (Chamber) and the undersigned organizations, I am writing to express some broad concerns we have with the current iteration of the proposed Draft Environmental Justice Element. As the leading advocates for our region’s business community and representing a wide variety of industries that are crucial to our region’s economy, we want to ensure that any Environmental Justice Element of the City’s General Plan takes into consideration the economic effects of proposed policies on our region’s businesses and workers. We are supportive of City efforts to decrease greenhouse gas emissions and ensure a healthy climate for San Diego but believe these actions must be balanced with the economic realities of our region. Many of the existing environmental justice efforts recognized in this Draft Element have been supported by our industries in the past, including Housing Action Package 2.0, Complete Communities Housing Solutions, and the City’s Climate Action Plan. However, we are concerned with proposed actions in this Draft that could have a tangible negative effect on the local business community, especially small businesses and critical industries that sustain our region’s economy.

Our first concern is the inclusion of actions to discontinue incompatible industrial land uses. Specifically, the Draft mentions the consideration of “strategies to phase out incompatible land uses particularly in EJ communities” (EJ-B.9 (a)). Incompatible industrial land use regulation was recently established as part of Housing Action Package 2.0. Specifically, HAP 2.0 established a regulation for

discontinuing incompatible uses in the San Diego Promise Zone on land zoned for residential use within a certain distance of sensitive receptors over a period of 15 years. We are concerned that this Draft may seek to expand these regulations to other areas of the City without careful consideration of the economic impacts of the regulation recently established in HAP 2.0. We would ask that no expansion of this existing regulation take place at this time. We are concerned by the practical implications of this “incompatible uses” language. The City should evaluate the economic impact of further regulation beyond what was established by HAP 2.0 and should allow businesses to focus on compliance with established air quality regulations. The City should also be careful to narrowly define “incompatible uses” so as not to encapsulate additional business types that are beyond the scope of HAP 2.0’s regulations.

In addition, the Draft Element makes mention of a proposed study to evaluate the economic and environmental impact of incompatible industrial uses at distances of up to 1,000 feet from residential uses and other sensitive receptors. If this type of study were to move forward it is critical that it evaluates the direct economic impact to both affected businesses *and* affected industries as a result of this type of regulation. The regulations established in HAP 2.0 and proposed here can potentially have massive financial implications for small businesses forced to relocate operations. Additionally, if crucial small businesses are forced to relocate, this could have detrimental effects on various industries at large in San Diego that rely on these small businesses to thrive. An evaluation of economic impact should take into consideration the potential effects on vital industries if businesses were forced to physically move their location from their current operational areas. Any study of regulatory expansion must include the tangible fiscal effect on affected businesses to truly capture an overall picture of the broader economic effect.

We also have concerns with language in the Draft mandating building decarbonization and “reach codes”. Both building decarbonization and reach codes are drastic policies that have the potential to pose a large financial burden to businesses, residential properties, and new development. These policies are infeasible without extended timelines, realistic objectives, and state and local financial incentives. We do not believe these proposed policies are necessary for this Environmental Justice Element and would request their removal.

Finally, although we are appreciative of the spirit of section EJ-B.12 of the Draft, we want to make clear that the zero emissions transition of heavy-duty vehicles will be complex and pose a financial burden on trucking companies and other operators of heavy-duty vehicles. The Chamber is asking the City take into consideration the costs associated with this transition when establishing any incentive programs and provide adequate funding mechanisms for this transition, including seeking and securing grant funding from the state of California. Additional electric vehicle charging infrastructure is sorely needed to aid this transition and the City should also seek ways to facilitate its construction

and acquisition. Simply put, while exploring incentives are appreciated, they do not capture the full financial and capital investment private sector and private industries must make when public agencies enact new regulations, like zero emission vehicles. The City must address the economic realities of the affected industries and businesses throughout this plan.

Thank you for your thoughtful consideration of our feedback and for hearing our concerns. If you have any questions, please contact Evan Strawn, Policy Advisor, estrawn@sdchamber.org.

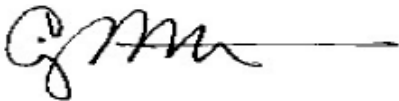
Respectfully,



Jerry Sanders
President & CEO
San Diego Regional Chamber of Commerce



Lori Holt Pfeiler
President & CEO
Building Industry Association of San Diego
County



Craig Benedetto
Legislative Advocate
BOMA San Diego & NAIOP San Diego



Chris Duggan
Director, Government Affairs
California Restaurant Association



Melanie Woods
Vice President, Local Public Affairs
California Apartment Association



Alan Pentico
Executive Director
Southern California Rental Housing
Association



Melanie Cohn
Sr. Director, Regional Policy & Government Affairs
Biocom California

TO: City of San Diego Planning Commission
FROM: Saad Asad
DATE: April 29, 2024
SUBJECT: Support for the 2024 Land Development Code Updates

Planning Commission Members,

Please support the proposed 2024 land development code updates. These targeted reforms are essential for addressing San Diego's housing crisis and creating a more sustainable and equitable city.

San Diego faces a severe housing shortage, with a deficit of over 100,000 homes, according to an estimate from [SANDAG](#). This shortage has led to skyrocketing housing costs, with the median home price reaching \$900,000 in 2024, making homeownership unattainable for many families. Additionally, the lack of affordable housing has contributed to a growing homelessness crisis, with over 8,000 individuals experiencing homelessness in the city.

The proposed code updates directly address these issues by:

- 1. Incentivizing housing production:** By converting unused ground-floor commercial space into residential units and updating parking and childcare facility codes, the city can encourage more housing development, particularly for middle-income households.
- 2. Streamlining the development process:** Resolving inconsistencies between city plans, state law, and existing code will provide more precise rules and reduce delays, resulting in a more predictable and efficient entitlement process for housing projects. This will help accelerate the delivery of much-needed housing.
- 3. Promoting sustainable growth:** The Complete Communities program updates will make it easier to build housing while still providing community benefits, such as public spaces. This approach ensures that San Diego remains a livable and vibrant city for all residents as it grows.
- 4. Supporting inclusive communities:** By allowing a larger mix of homes and retail in employment zones, permitting behavioral health facilities in more areas, and streamlining regulations for sidewalk cafes and urgent care facilities, the code updates foster the creation of diverse and inclusive neighborhoods.

These reforms align with the city's Climate Action Plan goals of reducing greenhouse gas emissions by promoting infill development and reducing vehicle miles traveled. They also support the city's Vision Zero initiative by requiring bike and transit amenities in sports arena regulations, making it safer and more convenient for residents to choose sustainable transportation options.

I urge the Planning Commission to approve the proposed 2024 land development code updates. By implementing these reforms, San Diego can address its housing crisis, promote sustainable growth, and create a more equitable and thriving city for all residents.

Thank you for your consideration.

Sincerely,
Saad Asad