

DATE

30 APR 24

NON-AGENDA PUBLIC COMMENT

PRINT

NAME

CESAR B JAVIER

PRINT

TOPIC

CITY MUN. CODE RULE 11
EXEMPTING CERAMICS TOXICITY

NOTE: Optional information subject to public disclosure.

ADDRESS:

5232 Streamwood Dr

CITY:

SD

PHONE #:

619 200-8762

EMAIL ADDRESS:

cesarjavier079@gmail.com

REPRESENTING:

Community Volunteer D-9

What Is Non-Agenda Public Comment?

Non-Agenda Public Comment is an opportunity for members of the public to address the decision maker(s) on topics of interest not on today's agenda but within the jurisdiction of the decision maker(s). Please note the following:

1. You may only speak once during Non-Agenda Public Comment in each meeting.
2. Unlike the process governing agendized items, you may not donate time to anyone or have time donated to you.
3. The maximum time allotted to you will be three minutes. This time may be reduced in the event more than eight people submit speaker slips on the same topic. There is a limit of 16 minutes on any one topic.

A more detailed discussion of Non-Agenda Public Comment is on the reverse side of this form.

DATE

NON-AGENDA PUBLIC COMMENT

PRINT NAME *John Alvarado*

PRINT TOPIC *John Alvarado*

NOTE: Optional information subject to public disclosure.
ADDRESS: _____
CITY: _____ PHONE #: _____
EMAIL ADDRESS: _____
REPRESENTING: _____

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DATE

4/30/24

NON-AGENDA PUBLIC COMMENT

PRINT

NAME

Trevor Hansen

PRINT

TOPIC

Concern w/ PRJ-1113222 building project

NOTE: Optional information subject to public disclosure.

ADDRESS:

4602 Amapo Ave

CITY:

SD 92117

PHONE #:

720-771-8281

EMAIL ADDRESS:

TrevorHansen@gmail.com

REPRESENTING:

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Trevor Hansen
Non-agenda
public comment
720-771 8289

Monday, April 29th, 2024

Dear Commissioner Modén, Commissioner Boomhower,
Commissioner Miyahara, Commissioner Mahzari,
Commissioner Otsuji, and Commissioner Malbrough,

We are writing as members of a cul-de-sac community on Almayo Ave in zip code 92117 to share our concerns about the project submitted in permit number **PRJ-1113222**. Our understanding is that this high density project requests to build 8 two-story buildings and 17 ADUs for a total of 25 new structures, all located on a 19,600 sq/ft lot that currently only has one single family home. We are writing this letter to share our concerns with the commission:

- How traffic and parking will be accommodated for these 26 structures. Our neighborhood is a double dead end street where children regularly play basketball in the street.
- The effects of such a high density project on water demand. Both 4601 and 4602 have poor water pressure that notably deteriorates when multiple appliances are run.
- Whether the existing sewage infrastructure will allow 25 buildings to funnel into pipes built for one house's waste. Both 4601 and 4602 required significant plumbing repairs within the last two years, including injecting a liner into the city line.
- How all of the construction vehicles will be accommodated during construction and access the lot (the existing single family home will remain in place according to the permits).

Given that this type of project is unprecedented in our neighborhood, we are unsure what other questions ask about but we trust that the commission has a thorough review process. Beyond our concerns in the list above, what other steps are being taken to ensure a project of this size doesn't have lasting negative consequences for existing residents?

Thank you for hearing our concerns and sharing information about the commission's review process so we can better understand all the considerations that go into a project of this size.

Sincerely,

<u>NEIL LACEY</u>	<u>4986 TRIANA ST SD CA 92117</u>	<u>4/29/24</u>
Name	Address	Date
<u>SUZANNE STEEL</u>	<u>4943 ALMAYO CT. SD CA 92117</u>	<u>4/29/24</u>
Name	Address	Date
_____	_____	_____
Name	Address	Date

E. KRAIG BEAVER	4980 TRIANA ST	4/29/24
Name	Address	Date

Michelle Beaver	4980 Triana St.	4/29/24
Name	Address	Date

Allie White	4663 ALMAYO AVE	4/29/24
Name	Address	Date

Eric Stalmy	4902 ALMAYO AVE.	4/29/24
Name	Address	Date

Anita Beckmann	4614 Almayo Ave	4/24/24
Name	Address	Date

Amber Bartley	4640 Almayo Ave	4/29/24
Name	Address	Date

Ariana Bartley	4640 Almayo Ave	4/29/24
Name	Address	Date

Trevor Hansen	4602 Almayo Ave	4/29/24
Name	Address	Date

Samantha Clark		4/29/24
Name	Address	Date

Jason Booth		4/29/24
Name	Address	Date

Name	Address	Date
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Name	Address	Date
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Name	Address	Date
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Name	Address	Date
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City of San Diego Planning Commission

Date: 4/30/2024 Agenda Item Number: # 1

Item Name: 2024 Update to SDMC - LSPDO Minor in

REQUEST TO SPEAK

*Scope Development
Criteria (Item #20)*

IN FAVOR

PRINT
NAME

Kathleen Neil

NOTE: The following information is optional:

ADDRESS: _____

CITY: _____ PHONE #: _____

EMAIL ADDRESS: Katneilycpa@outlook.com

REPRESENTING: La Jolla Shores Planned District Advisory Board

CHECK ONE OF THE FOLLOWING BELOW, IF APPLICABLE:

Yo voy a hablar en español y necesito la asistencia de un interprete. Se le proporcionará una "Guía para solicitador servicios de traducción."

I am donating my time to _____

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I am part of an organized presentation. Our speakers, in order are:

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I would like to register my position, but I do not wish to speak.

City of San Diego Planning Commission

Date: 4/30 Agenda Item Number: 1

Item Name: _____

REQUEST TO SPEAK

IN FAVOR

PRINT
NAME

Marcela Escobar-Eck

NOTE: The following information is optional:

ADDRESS: _____

CITY: _____ PHONE #: 619-889-0226

EMAIL ADDRESS: mescobareck@atlantissd.com

REPRESENTING: _____

CHECK ONE OF THE FOLLOWING BELOW, IF APPLICABLE:

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I would like to register my position, but I do not wish to speak.

City of San Diego Planning Commission

Date: 4.30.24 Agenda Item Number: 1

Item Name: Land Development Code Update

REQUEST TO SPEAK

IN FAVOR

PRINT NAME

CRAIG BENEDETTO

NOTE: The following information is optional:

ADDRESS: 530 B STREET # 920

CITY: SD PHONE #: (619) 546-7451

EMAIL ADDRESS: Craigb@calstreet.com

REPRESENTING: NAIOP & BOMA

CHECK ONE OF THE FOLLOWING BELOW, IF APPLICABLE:

Yo voy a hablar en español y necesito la asistencia de un interprete. Se le proporcionará una "Guía para solicitador servicios de traducción."

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City of San Diego Planning Commission

Date: 4/30/24 Agenda Item Number: 1

Item Name: 2024 Update to San Diego Municipal Code (COC update)

REQUEST TO SPEAK

IN FAVOR

PRINT
NAME

Evan Strawn

NOTE: The following information is optional:

ADDRESS: _____

CITY: _____ PHONE #: _____

EMAIL ADDRESS: _____

REPRESENTING: _____

CHECK ONE OF THE FOLLOWING BELOW, IF APPLICABLE:

Yo voy a hablar en español y necesito la asistencia de un interprete. Se le proporcionará una "Guía para solicitador servicios de traducción."

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I would like to register my position, but I do not wish to speak.

City of San Diego Planning Commission

Date: 4/30/24 Item Number: 1

Item Name: LDC Update

REQUEST TO SPEAK

IN OPPOSITION

PRINT NAME

Danna Givot

NOTE: The following information is optional:

ADDRESS: _____

CITY: _____ PHONE #: _____

EMAIL ADDRESS: _____

REPRESENTING: _____

CHECK ONE OF THE FOLLOWING BELOW, IF APPLICABLE:

Yo voy a hablar en español y necesito la asistencia de un interprete. Se le proporcionará una "Guía para solicitador servicios de traducción."

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I would like to register my position, but I do not wish to speak.

City of San Diego Planning Commission

Date: 4/30/24 Item Number: #1

Item Name: LDC Update

REQUEST TO SPEAK

IN OPPOSITION

PRINT NAME

Paul Krueger

NOTE: The following information is optional:

ADDRESS: _____

CITY: _____

EMAIL ADDRESS: _____

REPRESENTING: _____

ceding time
↓

CHECK ONE OF THE FOLLOWING BELOW IS APPLICABLE:

Yo voy a hablar en español y necesito la asistencia de un interprete. Se le proporcionará una "Guía para solicitador servicios de traducción."

I am donating my time to DANNA GIVOT

Time is being donated to me. Please see the attached slips.

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I would like to register my position, but I do not wish to speak.

City of San Diego Planning Commission

Date: 4/30/24 Item Number: 1

Item Name: LDC Update

REQUEST TO SPEAK

IN OPPOSITION

PRINT
NAME

David Moty

NOTE: The following information is optional:

ADDRESS: _____

CITY: _____ PHONE #: _____

EMAIL ADDRESS: _____

REPRESENTING: _____

CHECK ONE OF THE FOLLOWING BELOW, IF APPLICABLE:

*Yo voy a hablar en español y necesito la asistencia de un interprete.
Se le proporcionará una "Guía para solicitador servicios de traducción."*

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I would like to register my position, but I do not wish to speak.

City of San Diego Planning Commission

Date: 4/30/24 Item Number: 1

Item Name: LDC Updates 2024

REQUEST TO SPEAK

IN OPPOSITION

PRINT NAME

Geoff Hueter

NOTE: The following information is optional:

ADDRESS: _____

CITY: _____

EMAIL ADDRESS: _____

REPRESENTING: _____

He has a presentation

CHECK ONE OF THE FOLLOWING BELOW, IF APPLICABLE:

Yo voy a hablar en español y necesito la asistencia de un interprete. Se le proporcionará una "Guía para solicitador servicios de traducción."

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I would like to register my position, but I do not wish to speak.

City of San Diego Planning Commission

Date: 30 Apr 24 Agenda Item Number: 2

Item Name: Envi Juden

REQUEST TO SPEAK

IN FAVOR

PRINT NAME

CESAR P JAVIER

NOTE: The following information is optional:

ADDRESS: 5232 Stearns Dr

CITY: SD PHONE #: 619 200-8762

EMAIL ADDRESS: cesarjavier079@gmail.com

REPRESENTING: Community Volunteer D-9

CHECK ONE OF THE FOLLOWING BELOW, IF APPLICABLE:

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I would like to register my position, but I do not wish to speak.

City of San Diego Planning Commission

Date: 1/30/24 Agenda Item Number: #2

Item Name: #2 Env Justice

REQUEST TO SPEAK

IN FAVOR

PRINT
NAME

David Moty

NOTE: The following information is optional:

ADDRESS: _____

CITY: _____ PHONE #: _____

EMAIL ADDRESS: _____

REPRESENTING: _____

CHECK ONE OF THE FOLLOWING BELOW, IF APPLICABLE:

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I would like to register my position, but I do not wish to speak.

City of San Diego Planning Commission

Date: 4/2/24 Item Number: 2

Item Name: General Plan Environmental Justice

REQUEST TO SPEAK

IN OPPOSITION

PRINT NAME

Evan Strawn

NOTE: The following information is optional:

ADDRESS: _____

CITY: _____ PHONE #: _____

EMAIL ADDRESS: _____

REPRESENTING: _____

CHECK ONE OF THE FOLLOWING BELOW, IF APPLICABLE:

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I would like to register my position, but I do not wish to speak.

City of San Diego Planning Commission

Date: 4/30/21 Agenda Item Number: 2

Item Name: EJ Rivera

REQUEST TO SPEAK

IN FAVOR

PRINT NAME

Geoffrey Huxler

NOTE: The following information is optional:

ADDRESS: _____

CITY: _____ PHONE #: _____

EMAIL ADDRESS: _____

REPRESENTING: _____

CHECK ONE OF THE FOLLOWING BELOW, IF APPLICABLE:

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Re: Recommendations from Neighbors For A Better San Diego Regarding Land Development Code Update 2024

These comments were also submitted to the Planning Commission webform on 4/29/24 for the 4/30/24 meeting.

Submitted comments on the following code proposals:

Citywide Item 4 (Parking Structures)

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.

Citywide Item 11 (ADU Street Trees)

The reduction in “allowed developable area” should also apply to the FAR calculation for the allowed number of Bonus ADUs.

Citywide Item 18 (CCHS Transition Planes)

CCHS transition planes should apply to the closest RS zoned premises and not just adjacent premises. Transition planes should also be applied to street widths. The recommended angle for transition planes is 45 degrees.

Citywide Item 25 (ADU Front Yard Setback)

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.

Citywide Item 67 (Child Care FAR Bonus)

Recommend that the regulations be revised to explicitly exclude lower density multi-family zones, including RM-1-1 and RM-1-2, and possibly RT-1-1 and RT-1-2 zones.

Downtown Item 25 (Bonus for underutilized properties)

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.

These recommendations are detailed below.

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 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.

Citywide Item 11 (ADU Street Trees)

Summary of NFABSD Recommendation

The reduction in "allowed developable area" should also apply to the FAR calculation for the allowed number of Bonus ADUs.

Detailed Response

The proposed change recognizes that ADU regulations should be based on the "allowable developable area" of the parcel and not the total area of the parcel, with specific application to Open Space Residential zones and environmentally sensitive lands.

In order to be consistent, the proposed reduction in the effective size of the lot should be applied to ALL lot size calculations for ADUs/JADUs. In particular, the allowed floor area ratio for the Bonus ADU program should be calculated based on the allowable developable area and not total lot size as it is now.

Not only is this additional change necessary for legal consistency, it is also necessary because Open Space Residential zones and environmentally sensitive lands are also areas of high fire risk. That risk is exacerbated by the overdevelopment encouraged by the Bonus ADU program.

Citywide Item 18 Complete Communities Housing Solutions (Transition Planes)

Summary of NFABSD Recommendation

CCHS transition planes should apply to the closest RS zoned premises and not just adjacent premises. Transition planes should also be applied to street widths. The recommended angle for transition planes is 45 degrees.

Detailed Response

Angle planes are critical in urban planning because they reduce the feeling of urban canyons and ensure air circulation and resulting air quality. Currently, CCHS floor area ratio (FAR) allowances are applied to broad swaths of communities regardless of intended zoned building heights and intended transitions between different densities. CCHS regulations should encapsulate guidelines for transitions between zones.

Relative to the specific code proposal in the 2024 LDC Update, and given that San Diego has permitted CCHS projects up to 40 stories high (hundreds of feet), angle planes should be applied to the nearest RS-zoned parcel, not just RS-zoned parcels that share a property line.

Angle planes should also be scoped to street widths (e.g., measured from the lot line of the closest property across the street from the project).

To mitigate the creation of urban canyons, the recommended angle plane is 45 degrees.

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, § in which case an ADU that does not exceed 800 square feet shall be permitted.

Citywide Item 67 (Child Care Facilities FAR Bonus)

Recommend that the regulations be revised to explicitly exclude lower density multi-family zones, including RM-1-1 and RM-1-2, and possibly RT-1-1 and RT-1-2 zones.

Given the extremely generous proposed 10:1 density bonus and the limited 10-year period for maintaining the child care facility to qualify for the bonus, there is a potential for gaming this regulation, particularly in lower density multi-family zones.

The City has responded that these concerns are unwarranted because the specific regulations on child care facilities make them infeasible for many parcels.

We recommend that it be made explicit that these regulations only apply in the zones for which they were conceived. In particular, we recommend that certain lower-density multi-family zones (e.g., RM-1-1, RM-1-2, and possibly RT-1-1 and RT-1-2) be exempted from this proposed change.

We understand the need for childcare for San Diego families, and this change is not intended to inhibit incentives for creating new facilities, but rather to make sure that the regulations aren't taken advantage of to create phantom facilities that will be converted to other uses as soon as the 10-year child care restriction expires.

Downtown Item 25 (Density bonus for 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.

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.