Kensington Talmadge
PLANNING GROUP

P.O. Box 16391, San Diego CA 92176
www.ktpg.org

April 25, 2010

Honorable Jerry Sanders, Mayor
Honorable Todd Gloria, Councilmember District 3
Leo Wilson, Chair - CPC

Gentlemen:

Attached please find the motion passed by the Kensington Talmadge Planning Group relating to increased notification requirements concerning specified local projects. We request that the City of San Diego consider modifying the notice requirements contained in the City's Municipal Code to reflect these suggested changes.

Please let me know if you have any questions. Thank you for your consideration.

Sincerely,

Thomas C Hebrank

Thomas C. Hebrank
Chair, Kensington-Talmadge Planning Group

KTPG unanimously approved this motion

February 10, 2010

KTPG supports increased notification requirements concerning specified local projects and requests that the City of San Diego modify the notice requirement in the Municipal Code

Part 1 - The KTPG supports improving the effectiveness of public notices

The Mid-Cities Community Plan includes the concept of a City of Villages. That concept depends upon the community being well-informed of changes to their community, and upon the community members having a say in those changes.

The KTPG believes that the City of San Diego and all its agencies should strive for openness and communication with community members.

The State of California recognizes that residents, property owners, and business owners are entitled to be notified about public or private projects that may have an impact on their daily lives, property values, and livelihood. This includes reaching out directly to community members in certain circumstances. California requires mailed notices to be sent to all addresses within "…300 feet of the real property that is the subject…" of a hearing.

For projects of a certain scale, notifying community members within a 300 foot radius is an appropriate distance. However, some development projects have more impact than others. Some occupy an entire city block, or even more than one city block. There is no set size for a city block. Common sizes in San Diego range from perhaps 250 feet wide to perhaps 750 feet long. Therefore, a 300 foot notice requirement may not even be notifying all properties within one block in each direction.

Large projects have a bigger impact on the character of the community, as well on the traffic flow and parking. These impacts often affect the community for considerably more than one block away from the project. As such, projects such as this should be required to provide more notice to the community.

The 300 foot Notice Requirement is the minimum requirement set by the State of California. The State does not prohibit individual municipalities from setting stricter requirements and providing more notice to the community. In fact, other cities in California have chosen to require notice to a larger portion of the community. Additionally, these cities also include clauses that allow an even greater radius of notification be required when it is determined to be necessary or desirable.

San Diego, as America's Finest City, should heed the example of communities such as Pasadena, California, who have chosen to go beyond the minimum required by the State of California. KTPG requests the City of San Diego adopt stronger practices for notifying the community. A specific suggestion is proposed in Part 2 below.

Currently, When the Land Development Code requires a Notice of Application, Notice of Future Decision, Notice of Public Hearing, or other mailed notice, the notice distance is the same (300 feet from the boundary of the development) regardless of the scope or size of the project.

KTPG requests the City of San Diego modify the Notice by Mail requirement to distinguish between two classes of projects. Some projects would continue to have a 300 foot notice requirement, while larger projects would have a 1,000 foot notice requirement. The law would be changed to read as follows (The text in bold shows changes from existing law.):

Part 2 – Proposed Notice by Mail Requirement

§112.0302 Notice by Mail

(a) General Provisions. When the Land Development Code requires a Notice of Application, Notice of Future Decision, Notice of Public Hearing, or other mailed notice, the notice shall be postage prepaid and addressed to the persons identified in Section 112.0302(b). Notice by mail shall be considered complete at the time of deposit in the United States Mail.

(b) Persons Entitled to Notice. Except as provided in Section 112.0302(c), the

Notice of Application, Notice of Future Decision, and Notice of Public Hearing shall be mailed to the following:

(1) The *applicant*;

(2) Nearby addresses;

(A) All addresses located within 300 feet of the boundary of the real property that is the subject of the application, including each address within a condominium or apartment complex;

(B) If one or more of the following apply then the notice requirement will be expanded to include all addresses located within 1,000 feet of the boundary of the real property that is the subject of the application, including each address within a condominium or apartment complex

(i) if the proposed development would increase the cumulative size of existing structures by more than 50%

(ii) if the proposed development would increase the cumulative size of existing structures by more than 5,000 square feet

(iii) if there are no existing structures on the parcel, and the proposed development project would include 5,000 square feet or more

(iv) if the proposed development would increase the projected Average Daily Trips on any adjacent street or at any adjacent intersection by more than 10%. (within 1000 feet)

(3) Owners of Nearby Properties

(A) The owners of any real property, as shown on the latest equalized property tax assessment roll of the San Diego County Assessor, located within 300 feet of the boundary of the property that is the subject of the application;

(B) If one or more of the following apply then the notice requirement will be expanded to include the owners of any real property, as shown on the latest equalized
property tax assessment roll of the San Diego County Assessor, located within 1,000 feet of the boundary of the property that is the subject of the application

(i) if the proposed development would increase the cumulative size of existing structures by more than 50%

(ii) if the proposed development would increase the cumulative size of existing structures by more than 5,000 square feet

(iii) if there are no existing structures on the parcel, and the proposed development project would include 5,000 square feet or more

(iii) if the proposed development would increase the projected Average Daily Trips on any adjacent street or at any adjacent intersection by more than 10%.

(4) The officially recognized community planning group, if any, that represents the area in which the proposed development is located; and

(5) Any person who has submitted a written request for notification of the proposed *development* to the City staff person named in the Notice of Future Decision.

(c) Alternative to Mailed Notice. If the number of tenants and owners to whom