Mid-City Communities Plan Update
Mobility and Economic Development

Planning Commission January 9, 2025

NEIGHBORS for a BETTER SAN DIEGO

Topics

- Inbound/Outbound Job Commutes
- Mid-City economy – local services and retail
- Village Propensity Map
- Demographic stagnation and move to opportunity
- Revitalizing Mid-City corridors

Most Mid-City residents work elsewhere

Figure 4-11 Commute Inflow/Outflow Analysis

Source: DRAFT Existing Conditions Report, P. 74

Economy is mostly local services and retail

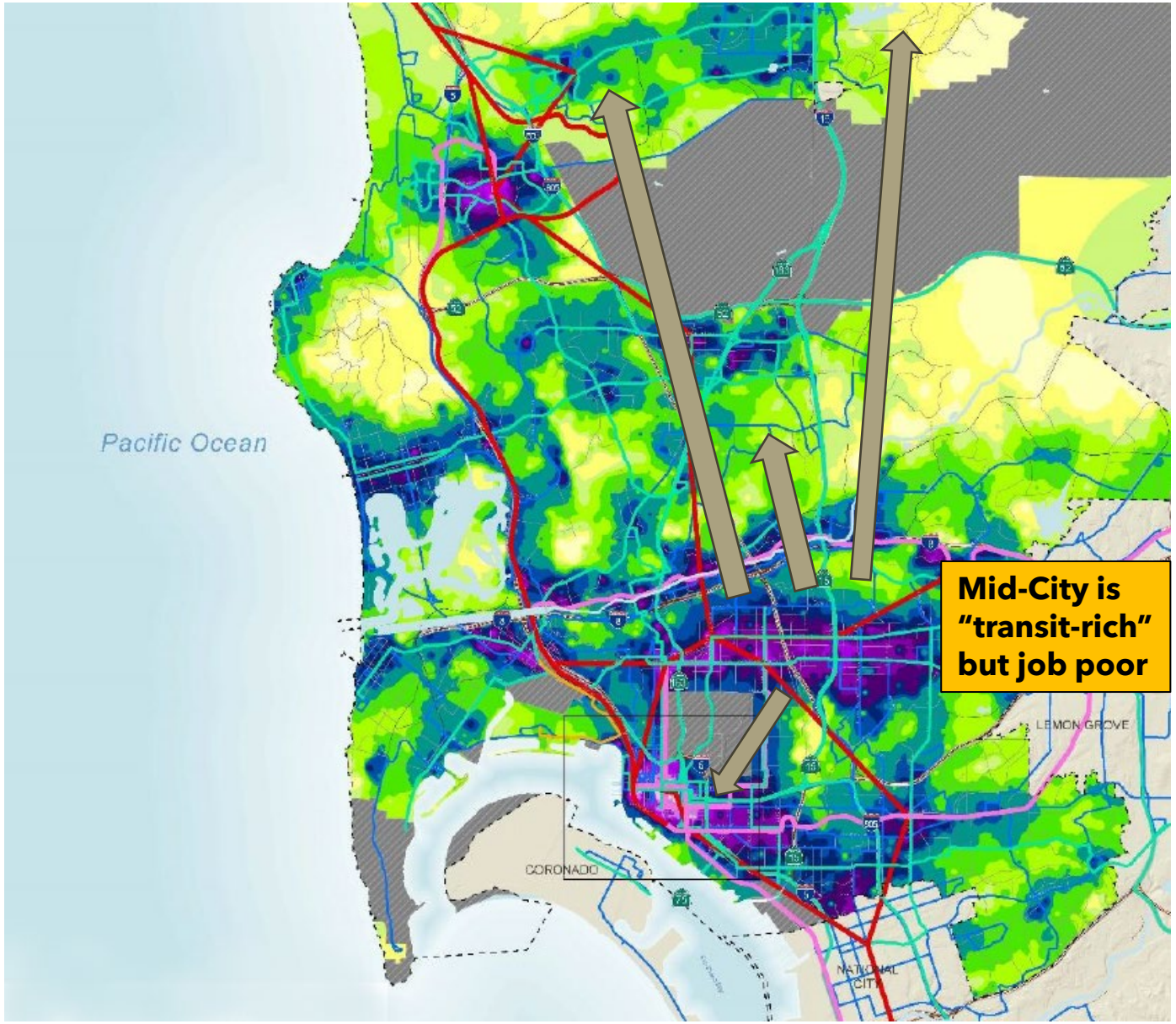
Table 4-4 Employment Profile (2019)

NAICS Industry Sector	Count	Share
Construction	532	3%
Education and Health Care	9,032	43%
Finance and Real Estate	639	3%
Manufacturing, Transportation and Warehousing	842	4%
Retail and Wholesale Trade	3,374	16%
Accommodation and Food Services	2419	11%
Professional, Scientific, Information and Technical Services	1,976	9%
Administration & Support, Waste Management and Remediation	461	2%
All Other	1,827	9%

Source: Longitudinal Employer-Household Dynamics (LEHD) 2019

Source: DRAFT Existing Conditions Report, P. 74

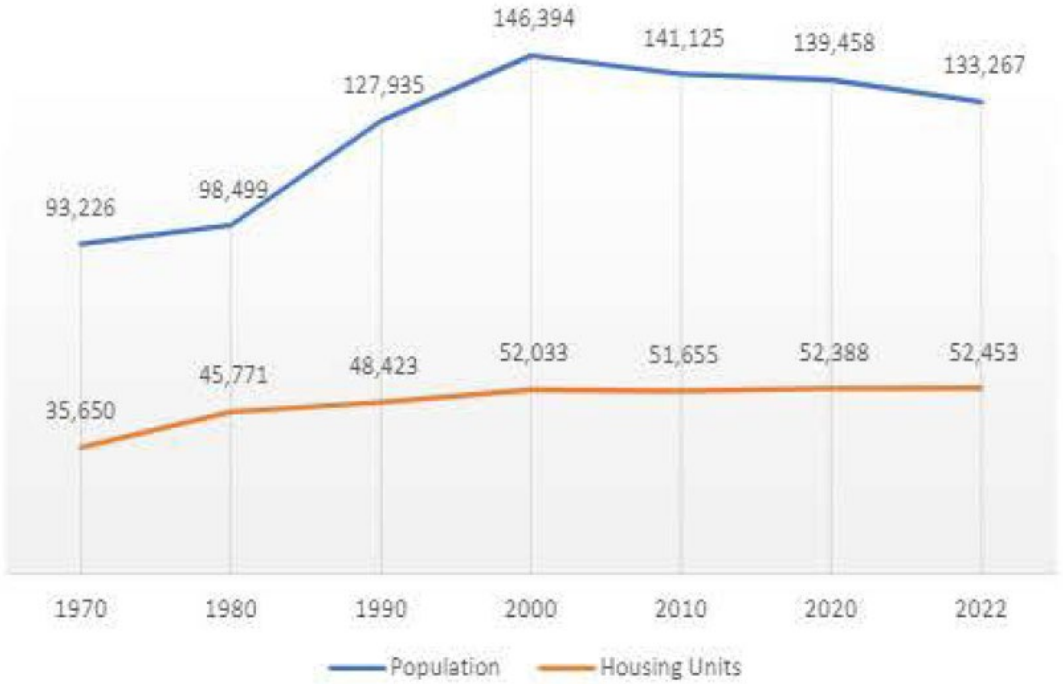
Blueprint SD Village Climate Goal Propensity Map doesn't reflect the commuting reality of Mid-City



Source: DRAFT Existing Conditions Report, P. 74

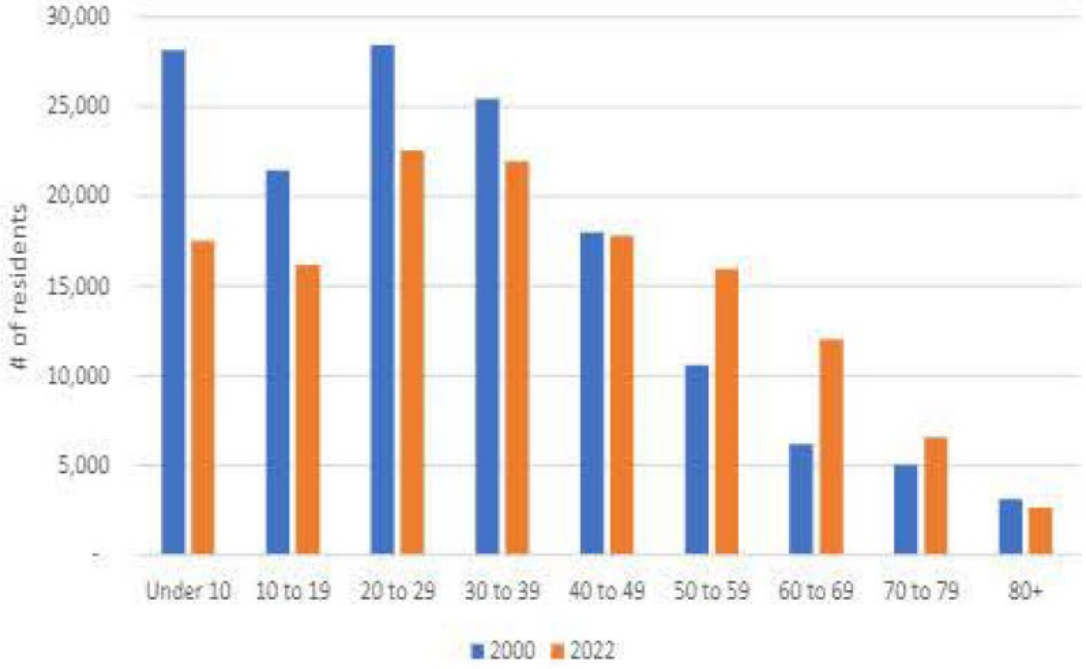
Younger residents are moving to opportunity

Figure 1-4 Mid-City Population and Housing Growth



Source: Mid-City Community Plan (1984 & 1998); SANDAG (2000, 2010, 2020, 2022) Data Extracted on 02/2024

Figure 1-5 Mid-City Population Change by Age



Source: SANDAG (2000, 2022) Data Extracted on 03/2024

Source: DRAFT Existing Conditions Report, P. 7

Think bigger:

How do we get from here…

… to here?

Source: Grand Boulevards and the AB 2011 Revolution, HDR 2022

Conclusions

- Most working residents commute to areas outside of Mid-City, especially dispersed job areas north of I-8 that are difficult to reach with public transit.
- Because Mid-City lacks high-paying job centers, young people are leaving Mid-City for higher opportunity areas elsewhere in San Diego.
- Without economic development and community improvements, Mid-City will continue to stagnate and fall further behind the rest of San Diego.

Thank you!

Geoffrey Hueter
Chair, Neighbors For A Better San Diego
Better4SD@gmail.com
NFABSD.org

NEIGHBORS for a BETTER SAN DIEGO

Rebuttal to Development Services Report to San Diego Planning Commission

- At the request of lot owners, the Committee reviewed the January 9, 2025, Development Services Department (DSD), "Presentation" to Deny the Appeal of the approval of the Garcia Project and makes the following rebuttal:

- **The DSD is not correct when it concludes that "The proposed design, bulk and scale, and height is consistent with existing properties within the neighborhood."**

  ✓ The bulk and scale review does not consider the "before" and "after" change in the overall height and width of the Garcia Project from the street level.

  The following pages do a true analysis of the lots the DSD selected and why their design, bulk and scale are significantly different than the Garcia Project.

- **For the reasons above, the Committee recommends that San Diego Planning Commission approve the appeal to Deny the building permit on the Garcia Project**

Appeal Issues

Excerpt: Development Services Department (DSD) Presentation

Scale and Character of Muirlands Point Neighborhood

The proposed design, bulk and scale, and height is NOT consistent with existing properties within the neighborhood as shown below and on the following slides:

Unlike the Proposed Plan, this remodel did not change the overall height of the structure

original height of single-story structure

original grade-level (1953)

To build garage , soil removed from1953 graded lot

RESULT: No impact or minimal impact to light, size and views on lots above

936 Havenhurst Drive has a two-story presence from the public right-of-way and has a floor area of 5,387 SF on a 10,321 SF lot with a 0.52 FAR.

Very much smaller than the proposed design 9,394 SF per DSD presentation

Excerpt: Development Services Department (DSD) Presentation

Appeal Issues

Scale and Character of Muirlands Point Neighborhood

Unlike the Proposed Plan, this lot is well below street-level

single-story design – from the street view on a lot below street level

Very steep street – line marks high point of street at lot corner

RESULT: No impact or minimal impact to light, size and views on lots above

1025 Havenhurst Drive has a two-story presence from the public right-of-way and has a floor area of 6,757 SF on a 12,593 SF lot with a 0.53 FAR.

ONE

Very much smaller than the proposed design 9,394 SF per DSD presentation

Garcia Project – “Before”

Excerpt: Committee’s Review of Garcia Plan

Story poles and flags outlined in black- now 1,608 SF to be added above street-level of existing house

Garcia Project – "After"

Excerpt: Development Services Department (DSD) Presentation

Substantially more SF (1,608) above the original single-story structure - plus additional SF for the over-hang

RESULT: Large impact to light, size and views on lots close to this Project

CALIFORNIANS FOR HOMEOWNERSHIP

MATTHEW GELFAND, COUNSEL
MATT@CAFORHOMES.ORG
TEL: (213) 739-8206

January 8, 2025

VIA EMAIL

Planning Commission
City of San Diego
202 C Street
San Diego, California 92101
Email: planningcommission@sandiego.gov; lngates@sandiego.gov

RE: Oceanview Terrace
Agenda Item 1., No. PRJ #1091403

To the Planning Commission:

Californians for Homeownership is a 501(c)(3) organization devoted to using legal tools to address California's housing crisis. We are writing regarding the project at issue in Case No. PRJ-1091403. The City's approval of this project is governed by the Housing Accountability Act, Government Code Section 65589.5. For the purposes of Government Code Section 65589.5(k)(2), this letter constitutes our written comments on the project.

The Housing Accountability Act generally requires the City to approve a housing development project unless the project fails to comply with "applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete." Gov. Code § 65589.5(j)(1). To count as "objective," a standard must "involve[e] no personal or subjective judgment by a public official and be[] uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official." Gov. Code § 65589.5(h)(8). In making this determination, the City must approve the project if the evidence "would allow a reasonable person to conclude" that the project met the relevant standard. Gov. Code § 65589.5(f)(4). Projects subject to modified standards pursuant to a density bonus are judged against the City's standards as modified. Gov. Code § 65589.5(j)(3).

The City is subject to strict timing requirements under the Act. If the City desires to find that a project is inconsistent with any of its land use standards, it must issue written findings to that effect within 30 to 60 days after the application to develop the project is determined to be complete. Gov. Code § 65589.5(j)(2)(A). If the City fails to do so, the project is deemed consistent with those standards. Gov. Code § 65589.5(j)(2)(B).

If the City determines that a project is consistent with its objective standards, or a project is deemed consistent with such standards, but the City nevertheless proposes to reject it, it must

525 S. Virgil Avenue
Los Angeles, CA 90020

make written findings, supported by a preponderance of the evidence, that the project would have a "specific, adverse impact upon the public health or safety," meaning that the project would have "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete." Gov. Code § 65589.5(j)(1)(A); *see* Gov. Code § 65589.5(k)(1)(A)(i)(II). Once again, "objective" means "involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official." Gov. Code § 65589.5(h)(8).

Even if the City identifies legally sufficient health and safety concerns about a project, it may only reject the project if "[t]here is no feasible method to satisfactorily mitigate or avoid the adverse impact . . . other than the disapproval of the housing development project . . . ." Gov. Code § 65589.5(j)(1)(B). Thus, before rejecting a project, the City must consider all reasonable measures that could be used to mitigate the impact at issue.

These provisions apply to the full range of housing types, including single-family homes, market-rate multifamily projects, and mixed-use developments. Gov. Code § 65589.5(h)(2); *see Honchariw v. Cty. of Stanislaus*, 200 Cal. App. 4th 1066, 1074-76 (2011). And the Legislature has directed that the Act be "interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, housing." Gov. Code § 65589.5(a)(2)(L).

When a locality rejects or downsizes a housing development project without complying with the rules described above, the action may be challenged in court in a writ under Code of Civil Procedure Section 1094.5. Gov. Code § 65589.5(m). The legislature has significantly reformed this process over the last few years in an effort to increase compliance. Today, the law provides a private right of action to non-profit organizations like Californians for Homeownership. Gov. Code § 65589.5(k). A non-profit organization can sue without the involvement or approval of the project applicant, to protect the public's interest in the development of new housing. A locality that is sued to enforce Section 65589.5 must prepare the administrative record itself, at its own expense, within 30 days after service of the petition. Gov. Code § 65589.5(m). And if an enforcement lawsuit brought by a non-profit organization is successful, the locality must pay the organization's attorneys' fees. Gov. Code § 65589.5(k)(2). In certain cases, the court will also impose fines that start at $10,000 per proposed housing unit. Gov. Code § 65589.5(k)(1)(B)(i).

In recent years, there have been a number of successful lawsuits to enforce these rules:

- In *Eden Housing, Inc. v. Town of Los Gatos*, Santa Clara County Superior Court Case No. 16CV300733, the court determined that Los Gatos had improperly denied a subdivision application based on subjective factors. The court found that the factors cited by the town, such as the quality of the site design, the unit mix, and the anticipated cost of the units, were not objective because they did not refer to specific, mandatory criteria to which the applicant could conform.

- *San Francisco Bay Area Renters Federation v. Berkeley City Council*, Alameda County Superior Court Case No. RG16834448, was the final in a series of cases relating to Berkeley's denial of an application to build three single family homes and its pretextual denial of a demolition permit to enable the project. The Court ordered the city to approve the project and to pay $44,000 in attorneys' fees.

- In *40 Main Street Offices v. City of Los Altos*, Santa Clara County Superior Court Consolidated Case Nos. 19CV349845 & 19CV350422, the court determined that the Los Altos violated the Housing Accountability Act, among other state housing laws, by failing to identify objective land use criteria to justify denying a mixed-use residential and commercial project. The City was ultimately forced to pay approximately $1 million in delay compensation and attorneys' fees in the case.

- In *Californians for Homeownership v. City of Huntington Beach*, Orange County Superior Court Case No. 30-2019-01107760-CU-WM-CJC, a case brought by our organization, the court ruled that Huntington Beach violated the Housing Accountability Act when it rejected a 48-unit condominium project based on vague concerns about health and safety, including traffic concerns similar to those raised by comments on the project you are considering. Following the decision, the City agreed to pay $600,000 in attorneys' fees to our organization and two other plaintiffs.

Based on the above legal framework, state law requires the City to approve this project. We have also considered the City's environmental review for the project and determined that it complied with state law. We urge you to approve the project.

Sincerely,

Matthew Gelfand

CALIFORNIANS FOR HOMEOWNERSHIP

MATTHEW GELFAND, COUNSEL
MATT@CAFORHOMES.ORG
TEL: (213) 739-8206

January 8, 2025

VIA EMAIL

Planning Commission
City of San Diego
202 C Street
San Diego, California 92101
Email: planningcommission@sandiego.gov; lngates@sandiego.gov

RE: 812 Havenhurst Point
Agenda Item 2., No. PRJ-0697754

To the Planning Commission:

Californians for Homeownership is a 501(c)(3) organization devoted to using legal tools to address California's housing crisis. We are writing regarding the project at issue in Case No. PRJ-0697754. The City's approval of this project is governed by the Housing Accountability Act, Government Code Section 65589.5. For the purposes of Government Code Section 65589.5(k)(2), this letter constitutes our written comments on the project.

The Housing Accountability Act generally requires the City to approve a housing development project unless the project fails to comply with "applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete." Gov. Code § 65589.5(j)(1). To count as "objective," a standard must "involve[e] no personal or subjective judgment by a public official and be[] uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official." Gov. Code § 65589.5(h)(8). In making this determination, the City must approve the project if the evidence "would allow a reasonable person to conclude" that the project met the relevant standard. Gov. Code § 65589.5(f)(4). Projects subject to modified standards pursuant to a density bonus are judged against the City's standards as modified. Gov. Code § 65589.5(j)(3).

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