



CITY OF SAN DIEGO

NOTICE OF PUBLIC HEARING

DATE OF MEETING: TUESDAY, MARCH 4, 2025
TIME OF MEETING: 10:00 A.M.
PLACE OF MEETING: COUNCIL CHAMBERS, 12th FLOOR,
CITY ADMINISTRATION BUILDING,
202 "C" STREET, SAN DIEGO, CALIFORNIA, 92101

PROJECT TYPE: MUNICIPAL CODE AMENDMENT AND LOCAL COASTAL
PROGRAM AMENDMENT, PROCESS FIVE

PROJECT NAME: SAN DIEGO MUNICIPAL CODE AMENDMENT TO SECTION
131.0431 DEVELOPMENT REGULATIONS TABLE 131-04D
RELATED TO RS-1-2 ZONES IN THE ENCANTO
NEIGHBORHOODS AND SOUTHEASTERN SAN DIEGO
COMMUNITY PLANNING AREAS AND RESCISSION OF
JANUARY 28, 2025 ACTIONS ON ITEM 331 RELATED TO THIS
ITEM AND TO THE CITY'S ADU DENSITY BONUS PROGRAM

APPLICANT: CITY OF SAN DIEGO

**COMMUNITY
PLAN AREA:** ENCANTO NEIGHBORHOODS AND SOUTHEASTERN SAN
DIEGO / CITYWIDE

COUNCIL DISTRICT: 4, 8, 9, AND ALL DISTRICTS

FOR ADDITIONAL INFORMATION, PLEASE CONTACT
Liz Saidkhanian, Principal Planner / esaidkhanian@sandiego.gov / 619-533-5990

PLEASE ACCEPT THIS AS A NOTICE TO INFORM YOU, as a property owner, tenant or interested citizen, that the Council of The City of San Diego, California will conduct a public hearing, as part of a scheduled City Council meeting, on the following actions:

Consider rescinding the January 28, 2025 City Council actions on Item 331 to remedy an alleged Brown Action violation and adopting an amendment to San Diego Municipal Code Section 131.0431, the Development Regulations for Residential Zones, to remove footnote 7 in Table 131-04D.

On January 28, 2025, the City Council introduced Item 331, San Diego Municipal Code Amendment to Section 131.0431 Development Regulations Table 131-04D related to RS-1-2 Zones in the Encanto Neighborhoods and Southeastern San Diego Community Planning Areas; Process 5. The City Council voted unanimously, 8-1-0, with one Councilmember absent, to approve Item 331 to adopt an amendment to the San Diego Municipal Code and Local Coastal Program, Development Regulations for Residential Zones Section 131.0431, to remove footnote 7 from the Development Regulations Table 131-04D and requested that staff return to City Council within 60 days with an action item to repeal the City's Accessory Dwelling Unit (ADU) Density Bonus Program so that the ADU Density Bonus Program is consistent with the state-mandated ADU regulations for single-family zoned parcels. On February 5, 2025, the City of San Diego received a letter from Hoffman & Forde, Attorneys at Law, alleging a Brown Act violation in the approval of Item 331 on the Council's January 28, 2025, agenda due to the request for city staff to return to the City Council within 60 days with an action item to repeal the City's ADU Density Bonus Program not being listed as a potential action on the agenda. The City Council will consider rescinding the January 28, 2025 City Council action to remedy the alleged Brown Act Violation and consider amending the San Diego Municipal Code Section 131.0431, the Development Regulations for Residential Zones, to remove footnote 7 in Table 131-04D.

Footnote 7 in Table 131-04D currently reduces the minimum lot size for the RS-1-2 zones from 20,000 square feet to 5,000 square feet in the Encanto Neighborhoods and Southeastern San Diego Community Planning Areas and applies the development regulations of RS-1-7 zones to subdivisions. With the removal of footnote 7, lots

zoned RS-1-2 in the Encanto Neighborhoods and Southeastern San Diego Community Planning Areas would use a minimum lot size of 20,000 square feet and the development regulations of the RS-1-2 zone.

On December 19, 2024, the Planning Commission voted, 5-1-0, with one Commissioner absent, to recommend approval of the amendment to San Diego Municipal Code Section 131.0431, the Development Regulations for Residential Zones, to remove footnote 7 in Table 131-04D with no conditions.

The Environmental Policy Section of the City Planning Department has reviewed the San Diego Municipal Code Amendment to remove footnote 7 in Table 131-04D and conducted a consistency evaluation pursuant to CEQA Guidelines Section 15162. Implementation of this project's actions would not result in new significant direct, indirect, or cumulative impacts over and above those disclosed in the following certified environmental document:

[Final Environmental Impact Report \(EIR\) for the Southeastern San Diego and Encanto Neighborhoods Community Plan Updates \(SCH No. 20151006\)](#), certified by the San Diego City Council on December 2, 2015 (Resolution R-31077).

Implementation of the amendment to San Diego Municipal Code Section 131.0431 would not result in new or more severe significant impacts over and above those disclosed in the previously certified environmental document.

Notice of Availability of Local Coastal Program Amendment:

This San Diego Municipal Code amendment amends the Land Development Code, which is part of the City's Local Coastal Program, and state law requires the California Coastal Commission certification of amendments to the Local Coastal Program before they can take effect in the Coastal Zone. The final decision by the City Council will occur no sooner than six weeks after the date of mailing of this notice. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment, however it will take effect outside of the Coastal Zone following adoption by the City Council.

If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the City Planning Department, Attention: Liz Saidkhanian, Principal Planner, City Planning Department, 5th Floor, 202 "C" Street, MS 413, San Diego, CA 92101, esaidkhanian@sandiego.gov before the close of the City Council public hearing. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice or written in correspondence to the City at or before the public hearing.

The decision of the City Council is final.

COMMUNICATIONS

Instructions for providing testimony during the March 4, 2025 Council Meeting are posted on the City Clerk's website at <https://www.sandiego.gov/city-clerk/officialdocs/participate-council-meetings>. The amount of time allotted for each speaker will be determined at the discretion of the Chair, who will generally allow between one and three minutes per speaker depending on the number of speakers in the queue for that item.

Comments may also be submitted electronically using the City Clerk webform at <https://www.sandiego.gov/form/agenda-comment-form> by indicating the agenda item number for which you wish to submit your comment. Comments submitted using this form will be distributed to the City Council and made a part of the record but will not be read into the record. Please note that electronic comments submitted using this form are limited to 500 words, but attachments are allowed. If the size limitations are met, please send materials to cityclerk@sandiego.gov.

Additionally, you may write a letter to the Mayor and City Council, Attention: City Clerk, City Administration Building, 202 "C" Street, San Diego, CA 92101-4806, Mail Station 2A; OR you can reach us by FAX: (619) 533-4045. All communications will be forwarded to the Mayor and Council.

The public may view the meetings on public television (within the City of San Diego only) on City TV Channel 24 for Cox Communications and Time Warner Cable or Channel 99 for AT&T, or view the meetings online, located at http://sandiego.granicus.com/player/camera/5?publish_id=1648.

In accordance with the Brown Act, the agenda will be posted 72 hours in advance of the City Council meeting. Please refer to the City Clerk's website to view the agenda, and for further instruction and applicable deadlines for submitting public comment or written materials.

If you wish to challenge the Council's actions on the above proceedings in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the City Council at or prior to the public hearing.

REQUESTS FOR ACCESSIBILITY MODIFICATIONS OR ACCOMMODATIONS

As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the City Clerk at (619) 533-4000 or via email cityclerk@sandiego.gov. The City is committed to resolving accessibility requests swiftly in order to maximize accessibility.

Notice date: 2-18-2025

**DIANA J.S. FUENTES
SAN DIEGO CITY CLERK**