



Pacific Beach Planning Group

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[DRAFT 2-10-25]

DATE

Mayor Todd Gloria and DSD Staff

Re: Base Zone Density Calculation for Project Vela
970 Turquoise Street (PRJ-1121764)

Dear Mayor Gloria

The Pacific Beach Planning Group is sending this letter to formally advise you and the Development Services Department (DSD) Staff that we believe the preliminary calculation of the base density for the proposed Project Vela is seriously flawed. The preliminary base density has been preliminarily stated by DSD as 31 units, but PBPG believes the proper figure is 20 units, as explained below.

The Erroneous Preliminary Base Zone Density Calculation

The preliminary Base Zone Density calculation is reflected in Comment 00593 under the “DSD-Planning Review” section of DSD’s Project Issues Report for PRJ-1121764, which reads as follows:

[Comment 00593 | Page | Closed]

Site is zoned CC-4-2 (1 unit per 1,500sf of site area pursuant to Table 131-05E). **The density is being calculated in dwelling units per acre using the community plan prescribed density of 43 dwelling units per acre.** The site is comprised of 4 parcels. The base zone density is calculated as follows:

- APN 415-172-14-00: 7,283sf (0.167ac) = 7.19 rounds up to 8 units
- APN 415-172-15-00: 7,288sf (0.167ac) = 7.19 rounds up to 8 units
- APN 415-172-16-00: 7,064sf (0.162ac) = 6.97 rounds up to 7 units
- APN 415-172-17-00: 7,499sf (0.172ac) = 7.4 rounds up to 8 units

Total base zone density is 31 units.

(Note: The emphasis in **underlined bold italics** above was added by PBPG)

PBPG believes this calculation of 31 units is in error because the calculation purports to use a PB Community Plan provision for “prescribed density” that is clearly inapplicable to this project. As shown below, the provision that the applicant is attempting to invoke expressly

applies only to discretionary process projects, and not to ministerial process projects like Project Vela.

The inapplicable provision of the PB Community Plan that the applicant is apparently attempting to use for this ministerial project appears as “Policy d.” (also as “Policy 4”) in the “Policies for Commercial Land Use” portion of the “Plan Elements” section, on page 41 of the PB Community Plan document as follows:

POLICIES:

...

- d. To promote transit and pedestrian use along the community's commercial spines, mixed-use commercial projects shall be allowed with an increased residential density of up to 43 dwelling units per acre or shared parking as an incentive, **only if designed as a transit-oriented development through a discretionary permit process.**

The language in bold underlined italics (emphasis added by PBPG) is clear. Only projects that are reviewed through a discretionary permit process are eligible for the increased density incentive under this provision. Because Project Vela is a ministerial process that will not go through a discretionary permit process, the density incentive in Policy 4 of the PB Community Plan is inapplicable, and it would be improper to apply it to this project.

It is important to note that a project will not automatically qualify as a transit-oriented development merely because it is built in a Transit Priority Area. Certain additional criteria must be met, as reflected in some of the other specific comments in the Project Issues Report. The clear intent of Policy d is that those criteria be evaluated and assessed at some point by a body with some discretionary authority. Simply stated, it would be improper to allow the applicant here to claim the advantages of a ministerial process while also claiming the benefits of a base density incentive that is only available through a discretionary permit process.

Note that under Council Policy 600-24, PBPG is the officially recognized advisory group on matters involving the implementation of the Pacific Beach Community Plan. Fortunately, we believe that the language in the PB Community Plan here is unambiguous and speaks for itself. The base zone density incentive simply does not apply to Project Vela.

The Correct Base Zone Density Figure is 20 Units

Comment 00593 above also provides the applicable density standard in the absence of the inapplicable Community Plan policy standard. That applicable standard is “1 unit per 1,500sf of site area.” Consequently, the base zone density can be calculated as follows:

- APN 415-172-14-00: $7,283\text{sf}/1500\text{sf} = 4.86$ rounds up to 5 units
- APN 415-172-15-00: $7,288\text{sf}/1500\text{sf} = 4.86$ rounds up to 5 units
- APN 415-172-16-00: $7,064\text{sf}/1500\text{sf} = 4.71$ rounds up to 5 units
- APN 415-172-17-00: $7,499\text{sf}/1500\text{sf} = 4.99$ rounds up to 5 units

Note that the total square footage of the project site is 29,134sf. Dividing that by 1500 yields 19.42, which rounds up to 20 units. So, even if the calculation is based on an

aggregation of the square footage of the four parcels, the result is still a base zone density figure of 20 units.

In our email dated [date], PBPG made certain requests in this matter, and at this time we will repeat the most significant requests below.

No Voluntary Concessions: Please ensure that the DSD does not grant any variances or waivers of Building Code standards and requirements other than the concessions and incentives that are clearly and expressly required under the state density bonus law. If there is any uncertainty regarding the application of the law or any reasonable grounds for denying an incentive or concession under the State Density Bonus Law (Cal Gov Code Section 65915 et seq), they should be denied.

Strict Compliance with the Code: Please ensure DSD scrutinizes this project very carefully with respect to compliance with every aspect of the Municipal Code and regulatory standards, such as but not limited to the Floor Area Ratio (FAR) and the calculation of the Base Zone Density, and ensure DSD makes publicly available its findings to the extent allowed by law.

Commit Legal Resources: PBPG is confident that if DSD engages in an appropriate review of this project, there will be sufficient grounds to deny the project application. However, we anticipate the applicant would then file a legal action to challenge that determination. We urge your office to prepare for such an occurrence and commit to coordinating with the City Attorney's office and devoting sufficient resources to defend against such an action, including through the appeals process.

Again, we greatly appreciate your efforts to date to ensure this proposal gets the appropriate scrutiny and treatment it deserves.

Sincerely

Marcella Bothwell, MD, PBPG Chair

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