

Footnote 7

San Diego Planning Commission

December 19th, 2024

From the City of San Diego Planning Department's Website

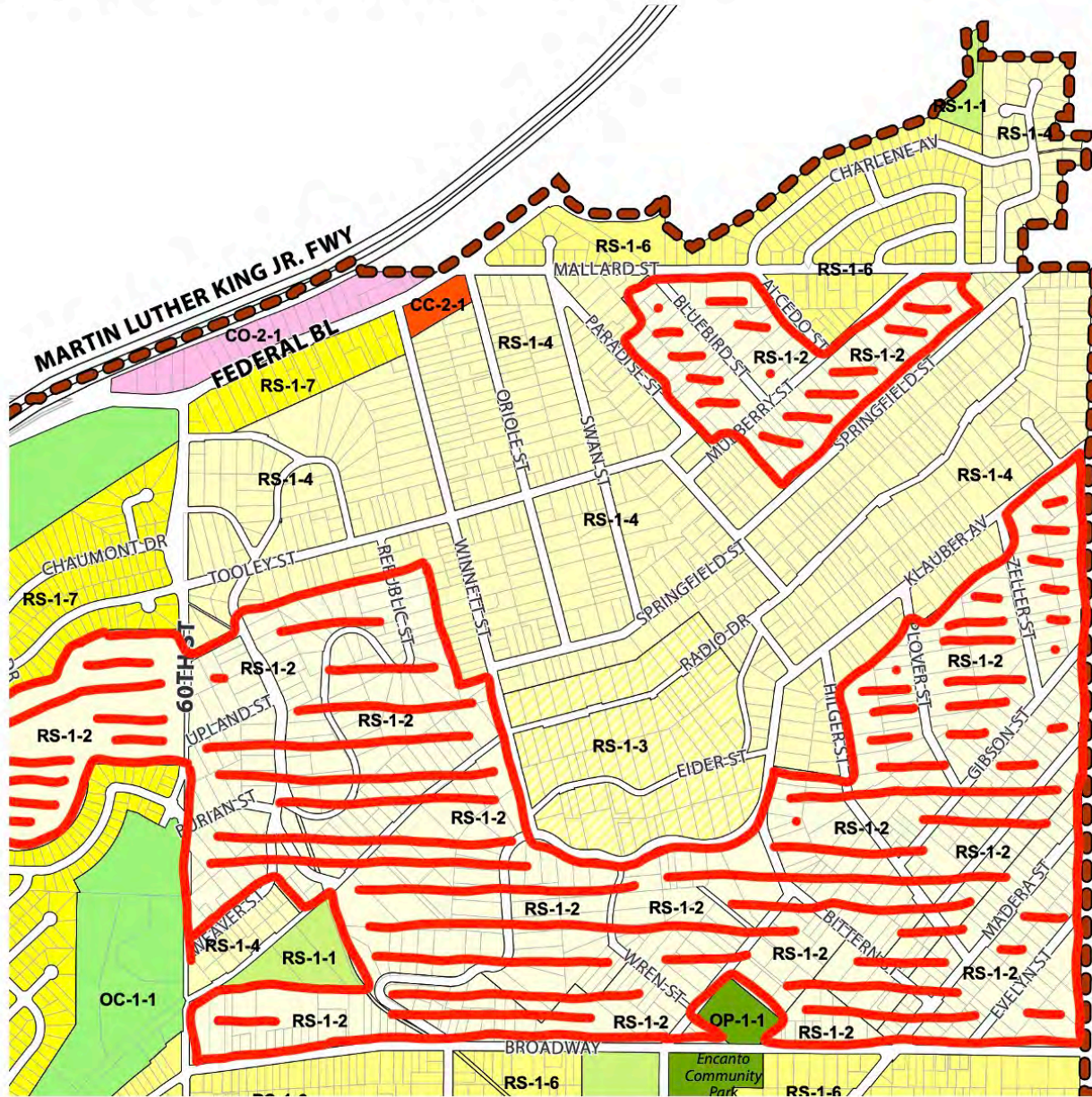
- The City Planning Department's vision is **a forward-thinking leader that works together with the people of San Diego to find and implement solutions that improve the lives of the City's community members.**
- We acknowledge the effect of planning decisions on historically marginalized and underserved communities, and we are dedicated to developing equitable policies to remedy systemic inequities.
- We welcome the opportunity to work collaboratively with others to achieve the common goal of improving social equity in our city.

An intersection at 69th street, Akins Ave and Imperial Ave in Encanto.

This busy intersection has been closed since the January floods.



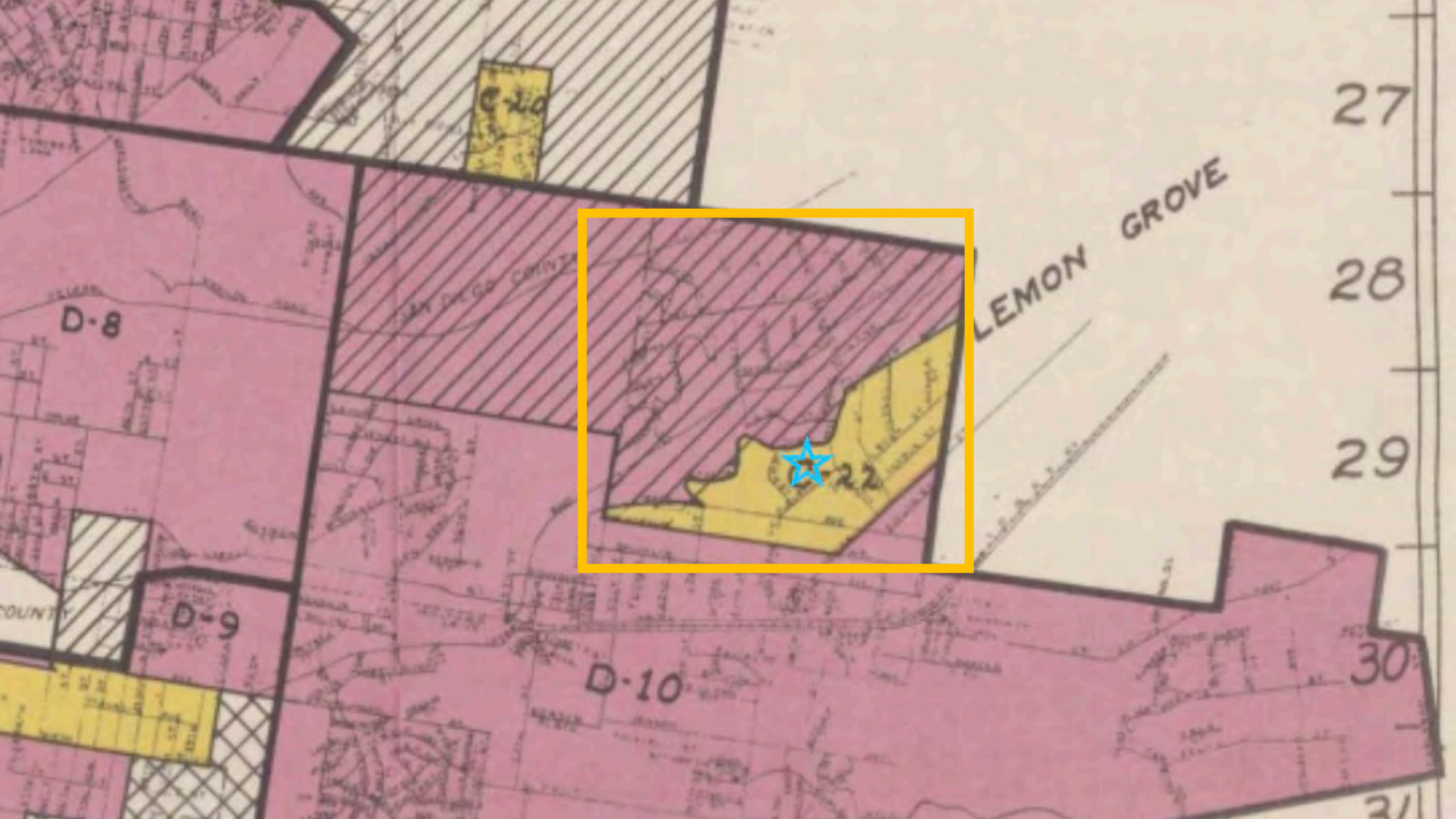
Left in red: Footnote 7 affected area



Right: zoning area as it appears on all maps



Hidden in plain view. Zoning on right is what appears on all maps and published notices from the city.

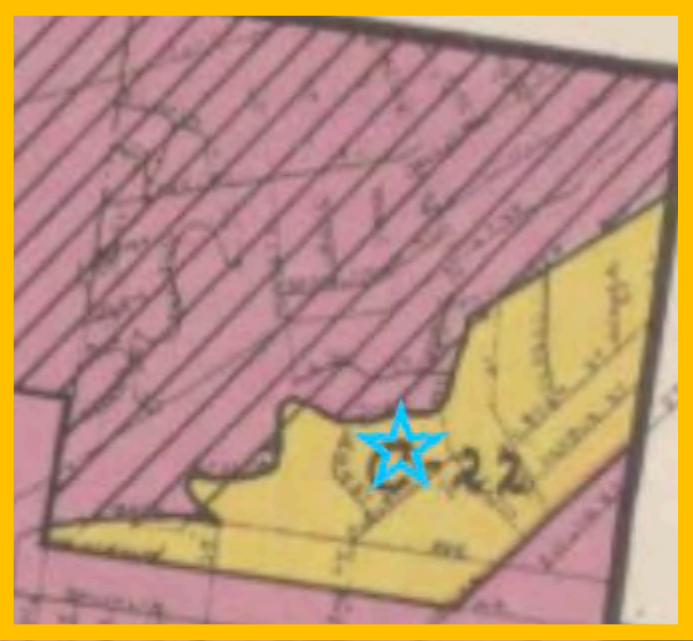


C-20

27

LEMON GROVE

28



29

D-8

D-9

D-10

D-22

30

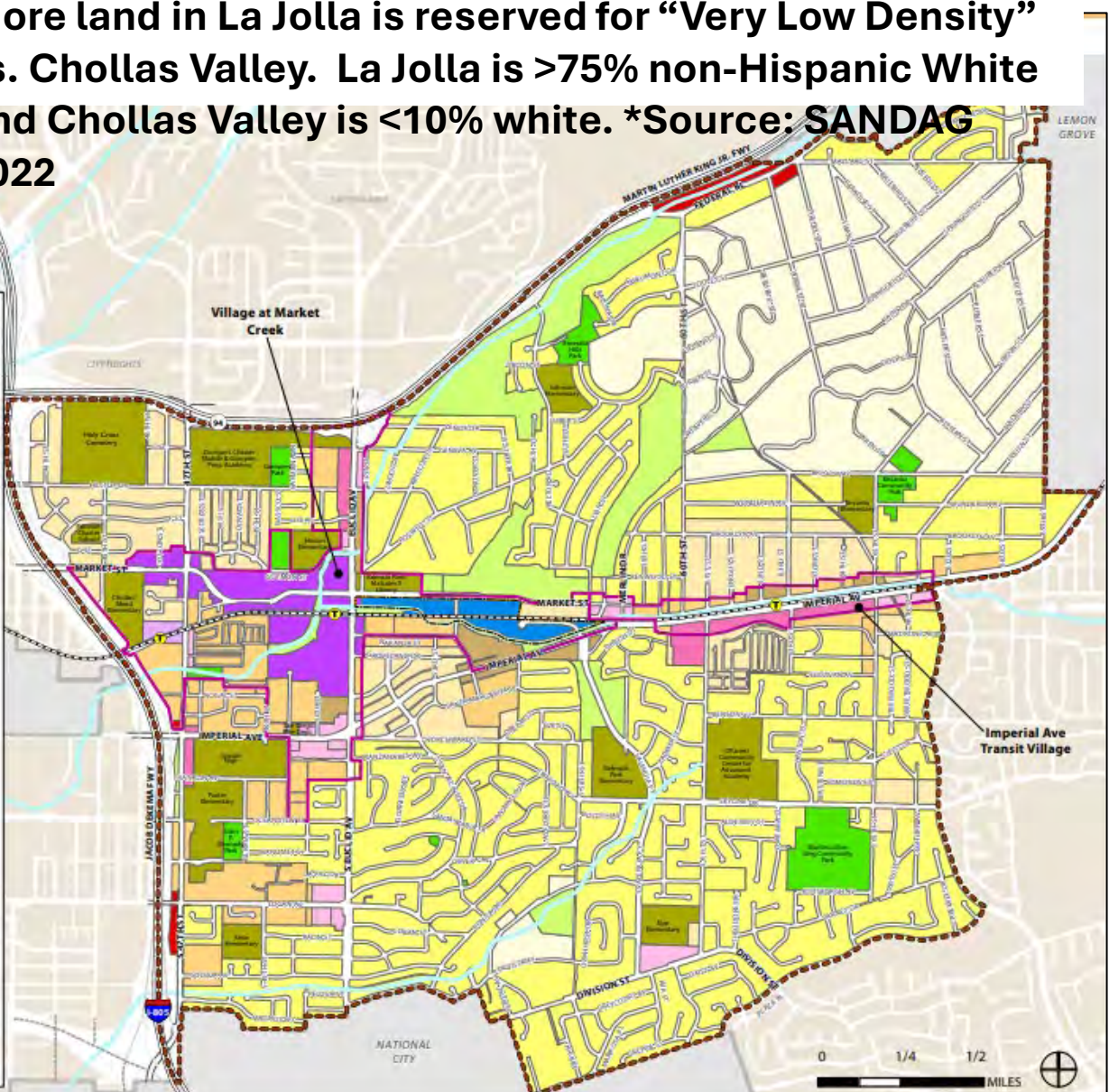
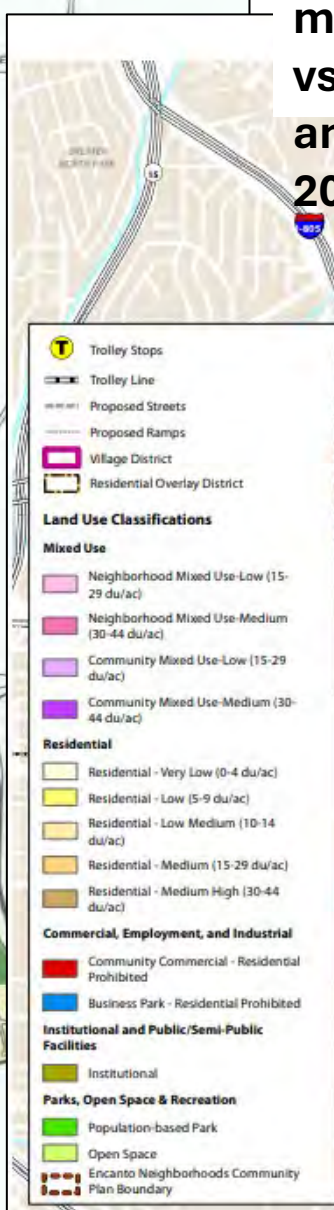
31

- Legend**
- Very Low Density Residential (0-5 DU/AC)
 - Low Density Residential (5-9 DU/AC)
 - Low Medium Residential (9-15 DU/AC)
 - Medium Residential (15-30 DU/AC)
 - Medium High Residential (30-45 DU/AC)
 - Commercial/Mixed Use
 - Parks, Open Space
 - Schools
 - Cultural
 - Community Facilities

La Jolla

Disparate Impact. Footnote 7 adversely affects Chollas Valley.

La Jolla on left, Chollas Valley on right. Significantly more land in La Jolla is reserved for “Very Low Density” vs. Chollas Valley. La Jolla is >75% non-Hispanic White and Chollas Valley is <10% white. *Source: SANDAG 2022



Footnote 7 created a Disparate Impact

- "Disparate impact zoning" refers to zoning law or policy that, while seemingly neutral on its face, disproportionately harms a protected group in housing access, often based on race or ethnicity, due to its design or application, essentially creating a discriminatory effect even without explicit discriminatory intent; this is considered a violation under the Fair Housing Act's "disparate impact" doctrine.
- Chollas Valley had 100% of its RS-1-2 zone eliminated via Footnote 7, transferring what was left to wealthier, whiter neighborhoods like La Jolla which through Footnote 7, increased their real share of remaining RS-1-2 from 61% to 74% while Chollas Valley (Encanto) was reduced to 0%
- La Jolla is >75% White, non-Hispanic, and Chollas Valley is <10% white.

Distribution of inequity to the wealthiest, highest opportunity areas of the city

Reduces Encanto's share of RS-1-2 to 0% while increases La Jolla's share to 74%

Without Footnote 7

District	RS-1-2 (acres)	% RS-1-2
1	1,328	61%
7	376	17%
4	372	17%
8	63	3%
2	20	1%
9	4	0.20%
6	2	0.10%
3	0	0%
5	0	0%
Total	2,166	100%

With Footnote 7

District	RS-1-2 (acres)	% RS-1-2
1	1,328	74%
7	376	21%
4	0	0%
8	63	4%
2	20	1%
9	4	0.22%
6	2	0.11%
3	0	0%
5	0	0%
Total	1,793	100%





- P-UD-26:** Preserve the existing single-family large lot development in areas where topographic conditions foster large lots and in areas located away from mass transit and transit corridors.
- Preserve large-lot, single-family neighborhoods in order to retain the rural atmosphere which is characteristic of Encanto Neighborhoods.
 - Preserve the natural canyons and slopes of Encanto Neighborhoods as part of new residential development.

Regarding Footnote 7, Mike Hanson, Planning Director, said to KPBS, “I didn’t give direction for it to be included and didn’t work on it personally.” Mike Hanson is the person circled in red while his right hand, Renee Mezo reports on Footnote 7, saying, “Many of the lots in Encanto are small as well, so we didn’t want to ding those lots with this minimum lot area requirement so we added that Footnote in there.”

“Best Practice” vs. “Disparate Impact”

- While "best practice" refers to a policy or action that is generally considered poor or ineffective, "disparate impact" specifically refers to a situation where a seemingly neutral policy or practice unintentionally disadvantages a particular group of people, often based on a protected characteristic like race or gender; not following "best practice" can sometimes lead to a "disparate impact" if it disproportionately affects a protected group without careful consideration.
- City Planning: “We are dedicated to developing equitable policies to remedy systemic inequities.” - Except, as the city says, in Encanto, Footnote 7 was added because they have “small lot sizes and we didn’t want to ding them.”

Summary

- Footnote 7 is illegal; the city misled the public and planning commission on why it was implemented when directly asked by William Hoffman, a planning commissioner in 2019.
- The city has been unable to provide any history for the existence of Footnote 7.
- Footnote 7 is in violation with the Chollas Valley Community Plan, creating a density of 8.7 dwelling units per acre vs. the community plan's maximum of 4 du/acre, and in the case of RS-1-2 zoned land, as was the case in the 2015 EIR, a complete buildout of 2.18 du/acre.
- Footnote 7 was deemed to be following the 2015 Encanto EIR, which is impossible considering the density multiplier it created of 399% over the evaluated 2015 EIR.
- Footnote 7 was targeted only at 2 of 52 planning group areas, with only Chollas Valley having any RS-1-2 land and being majority minority community, creating a disparate impact.
- Federal and State Due Process laws were violated when public participation was removed.
- City Planning Department Policy: We acknowledge the effect of planning decisions on historically marginalized and underserved communities, and we are dedicated to developing equitable policies to remedy systemic inequities.
- The City has not taken responsibility for Footnote 7 and continues to marginalize the impact of it upon the Chollas Valley.