

Surf Cup PRJ-1105341- May 10, 2024

#	Question (Public)	Response to Question (DSD)
1	The most recent project proposed for the same parcel went through nearly seven years of mitigation efforts with the City to deal with building near or on the parcel's sensitive wetlands. Will this project face the same level of environmental scrutiny? Who is responsible for ensuring that this project also meets the required conditions to mitigate its presence near the wetlands, what are those conditions, and when will this review happen?	As with any project requiring discretionary approval, City staff will conduct an independent CEQA and Land Development Code review of the proposed project. The applicant is required to ensure that any conditions or mitigation measures placed on the project are carried out and will be verified by City staff prior to permit issuance. If after any permits are issued, there are suspected violations, members of the public can file a report to the Building and Land Use Enforcement Division, via https://www.sandiego.gov/development-services/building-land-use-enforcement .
2	The owner of the property, Surf Real Estate, a Florida LLC, has been served with civil penalty notices and orders by the City for illegally grading the wetlands, removing native vegetation, and compacting the land for parking. Surf Real Estate has also been cited by the San Diego Regional Water Quality Control Board for violations of the federal Clean Water Act and California Water Code for illegally pumping stormwater into the San Dieguito River. These actions also resulted in two cease and desist orders from the State of California. Is the DSD aware of their checkered history as stewards of this land, and will this have any bearing on how carefully their proposal is vetted, especially with regard to the environment? What, if any, is the plan to deal with future stormwater drainage and to ensure storm drains are functioning properly north of the parcel?	DSD's Building and Land Use Enforcement Division (BLUE) has an active case (CE-0518995) at this property. BLUE issued a Civil Penalty Notice and Order (CPNO) to the responsible parties on 02/13/2023 for unpermitted grading, unpermitted use, removal of native vegetation within an Environmentally Sensitive Area, and the absence of erosion and sediment control Best Management Practices (BMPs). The CPNO requires the property owner to correct the violations by obtaining the proper permits (i.e SDP and grading). The proposed stormwater conveyances, treatment, and discharges will be reviewed during the discretionary and ministerial permit reviews to ensure that the development conforms with the Regional Water Quality Control Board's permit requirements (Order R9-2013-0001) and the City's Stormwater Manual. BLUE will continue to enforce the CPNO until the violations have been resolved. After permit issuance, BLUE may enforce the permit conditions, scope, plans, and Stormwater Maintenance and Removal Agreement to ensure that the development's drainage system are maintained and function properly.
3	Does the municipal code allow for such a large, two-story commercial facility on agriculturally zoned land in a floodplain that is already negatively impacted by Surf Cup Sports' operations on the adjacent fields? That activity, as you may know, is the focus of a lawsuit against the City for not enforcing the Grant Deed restrictions governing use of the land. When considering this project and the integrity of its developers, does the DSD take into account that lawsuit or the fact there now is a second lawsuit involving one of Surf's Florida shell companies and the purchase of property directly abutting the parcel?	The San Diego Municipal Code (SDMC) allows for the proposed two-story assembly and entertainment uses, subject to a Conditional Use Permit, in an agricultural zone, subject to the underlying regulations (pursuant to Section 131.0322 and 141.0602). Staff does not take into account any lawsuits on properties or property owners as the SDMC does not prohibit permit applications from persons subject to lawsuits.
4	The proposed project includes permanent industrial lighting. Are there dark sky regulations for this area and if so, how will surrounding residents be protected?	The City of San Diego is not part of the International Dark Sky Community. Lighting on the site will be subject to SDMC 142.0740, which outlines all lighting regulations on private property.
5	The applicant is Kathi Riser, not Pioneer Sports. Kathi Riser is a principal at the Atlantis Group, a land-use consulting firm owned by the former director of DSD and working directly for Pioneer Sports/ Surf Del Mar. How can we be certain that the City will properly evaluate this project and its suitability for the river valley and surrounding communities, given this close association? We are especially concerned since this is the same firm that is on record for lobbying nearly every member of the City Council (and their staff) on other projects (perhaps even this project?) – officials who could eventually be asked to vote on this proposed development. Can you or your colleagues state that there has been no favorable or fast-tracking treatment for this project in the DSD and/or that there will be none in the future? Given this perceived conflict of interest, what assurances do we have that lobbied City officials will recuse themselves from any decision-making or vote with regard to this project?	As with any project requiring discretionary approval, City staff will conduct an objective review regardless of who the applicant is. The Planning Commission and the City Council are subject to strict conflict of interest codes and are advised by the Ethics Commission. https://www.sandiego.gov/ethics/faqs/commission
6	Notification. Where was the original notice of service actually sent – to the Fairbanks Ranch Planning Group or the Fairbanks Country Club on the other side of the river valley? Why wasn't the notice sent to residents who would be directly impacted, even if only a few feet beyond the 300-ft. notification radius? This was not the case with the previous two projects proposed for this parcel when all nearby homeowners and businesses were notified properly, rather than finding out about the project through word of mouth, weeks after the permit application was filed.	Pursuant to San Diego Municipal Code (SDMC) Section 112.0302(3) "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;" are entitled to a notice. In addition, pursuant to SDMC 112.0302(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." is also entitled to a notice. Based on SDMC 112.0302(5) and the request from a local resident, approximately 130 notices were mailed to properties outside of the 300-foot radius but within the local area. In relation to the planning group notification, the Fairbanks Country Club Community Planning Group was also provided a notice. DSD offers members of the public to subscribe https://visitor.r20.constantcontact.com/manage/optin?v=001L8yzO-DYgLyogX8cwfGReoCytPqndbbduQxrJk7sduDznp93MyOgbbKdWsvN9VFYXcnyGqkynWNaHidctd8lvFnpT1gKv0IA994juCAGM%3D for all notices (City wide) or specific communities throughout the City.
7	What limitations on size of building, parking, lights, traffic, and drainage can we expect the DSD to request prior to public input?	The size of the buildings will be subject to the AR-1-1 base zone regulations, including but not limited to height, setbacks, and lot coverage. Parking and drainage will be subject to Transportation and Engineering, respectively. The base zone regulations can be found here https://docs.sandiego.gov/municode/MuniCodeChapter13/Ch13Art01Division03.pdf
8	On traffic specifically, nearly 10,000 trips going in and out of the adjacent Surf Cup Sports Park were first recorded on one Thursday in 2019. Since then the daily and weekend trips to and from the Sports Park has increased exponentially. Who will do the traffic study for this project and how can we be assured that it will reflect true conditions on this Level of Service F roadway, and not mid-week trip recording? Also, how does this project impact the proposed widening of El Camino Real and the new bridge, a project long on the books and one that will benefit the community long before a new sports complex?	Staff's understanding is that LLG Transportation Engineers have been retained as the project's traffic consultant. DSD staff is in a scoping process with the consultant now. This project is not anticipated to affect the El Camino Real CIP project that includes the bridge.