



Permitting of Affordable ADUs Based on Future Transit Stops

Executive Summary

A key deficiency of San Diego's application of the TPA map to the Unlimited Bonus ADU program is the mismatch between the plan horizon (Regional Transportation Plan) of the Major Transit Stops map, which for some stops extends to 2050 and the 10-15 year deed term of ADU affordability deeds. Given that the primary objective of transit-focused incentives is access to transit, the allowance of future transit stop in permitting affordable ADUs results in the absurd condition that an affordability deed can expire before the transit stop exists.

Summary of Issue

Bonus ADUs may be permitted based on inclusion of future transit stops in Transit Priority Areas. While there is a question of whether the San Diego TPA definition is restricted to the near-term Regional Transportation Improvement Program or allows the inclusion of speculative future stops in the Regional Transportation Plan, the proposed SDA would enshrine the allowance of the RTP in constructing the SDA map.

ADU affordability deeds are extremely short (10-15 years) in comparison to other affordable housing programs (typically 55 years). Specifically, the bonus ADU program allows bonus ADUs to be permitted based on

- 15-year deed for moderate income households (110% AMI)
- 10-year deed for very low (50% AMI) and low (60% AMI) income households

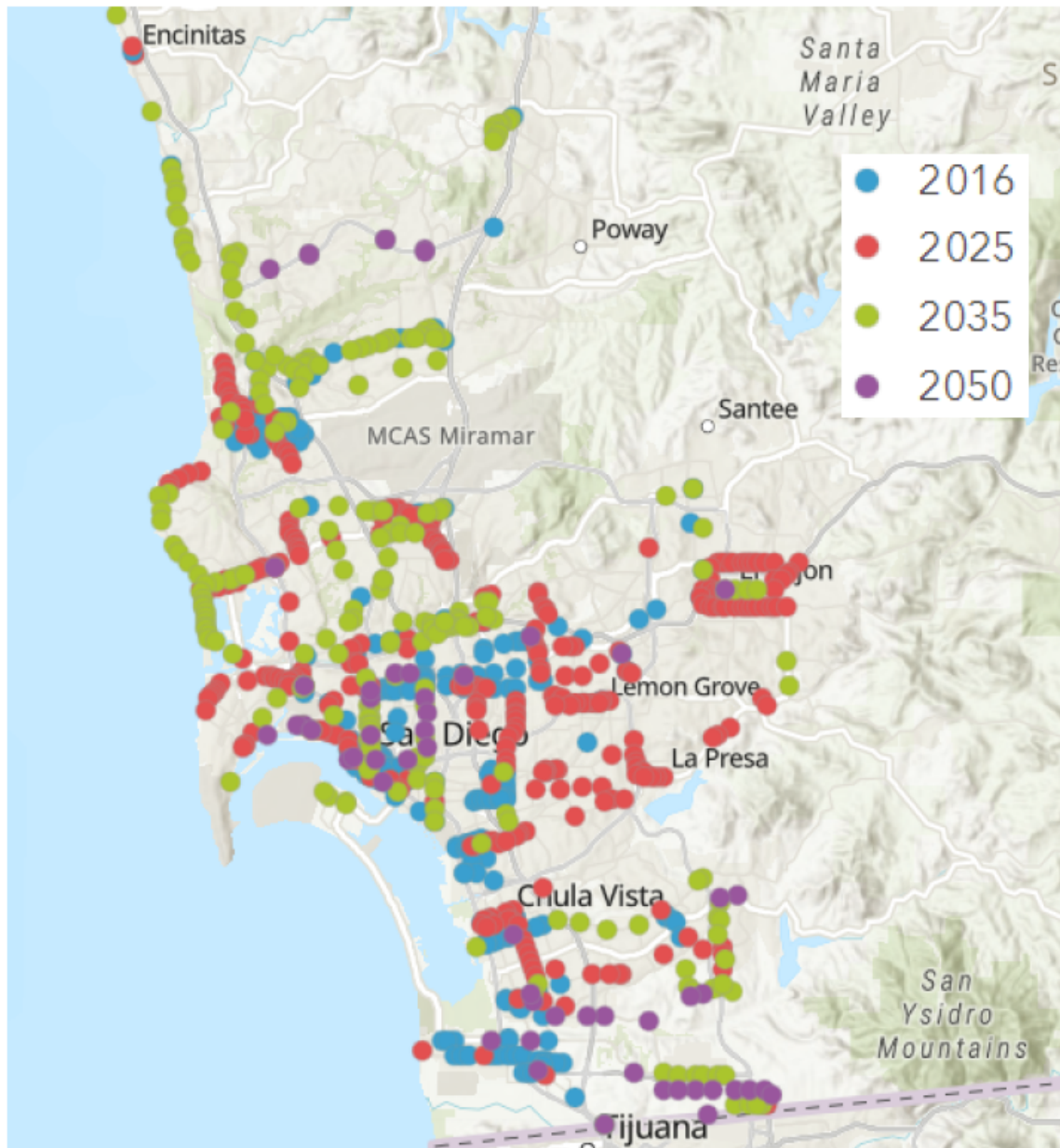
These allowances don't make sense if the deeds expire before the transit stop gets built.

Transit Plan Horizons

San Diego's TPA Maps cover existing, funding, and proposed SANDAG transit plans out to 2050, as shown in the table below.

Year	Status	Number of Designated Major Transit Stops
2016	Existing	299
2025	FUNDED	657
2035	FUTURE	919
2050	FUTURE	973

The map below visualizes when the phases will be built out.



Note that all of these stops are currently included in San Diego's TPA map and as proposed would be also included in San Diego's SDA map.

TPA/SDA Permitting Transparency

Permitting projects under TPAs has proven to be challenging because the Major Transit Stops map is subject to constant revision as transit services are changed and SANDAG transit plans are updated. To ensure that TPAs/SDAs are being applied correctly to San Diego's permitting process, permit documentation must be elaborated to indicate which transit stop was used as the basis for the TPA allowances, along with the qualifications of that stop under Public Resources Code 21064.3.

Further, if the transit stop does not already exist and is instead part of a future transit plan, then the documentation should indicate which SANDAG transit planning cycle (e.g., 2025, 2035, or 2050).

For SDAs, further information should include Mobility Zone, CTCAC, or Special Plan being used to allow the public to verify that the Parcel is in fact in the SDA and eligible for SDA-based incentives.

Conclusion

It is hard to see how SDAs are compatible with Affirmatively Furthering Fair Housing if the SDA definition is being expressly written to allow a condition where an affordable housing unit is being permitted on the basis of access to transit, yet that transit won't exist for years or even decades into the future. Either the ADU bonus program should be amended to extend affordability deeds based on when the underlying transit stop becomes existent or the speculative Regional Transportation Plan should be excluded from the SDA definition.