



Response to the Planning Department Staff Report Related to SDAs

Executive Summary

Neighbors For A Better San Diego has reviewed the January 25, 2023, Staff Report to the City Council regarding the 2022 LDC. Specific Responses to the analysis of Sustainable Development Areas are detailed below.

Topic 1. Page 2 of the Staff Report states that:

*This new geographic designation is intended to align with the City's Climate Action Plan (CAP) goals to ensure that the City's home development incentive programs focus development in areas have **convenient access to high quality transit** and safe and enjoyable walking, rolling and biking options for moving around. Locating new homes **near transit** where people are more likely to have lower rates of vehicular travel is a key component identified in Strategy 3 of the City's CAP.*

NFABSD Response: There are no respected academic or professional sources that consider ½ to 1 mile from transit as "convenient access" to transit.

- The Federal Transit Administration (FTA) states "On the local level, transit-supportive/oriented/related districts generally focus on **areas within 1/2 mile of transit stations/stops**; local zoning tools allow for more concentrated growth near transit stations/stops." Federal Transit Administration https://www.transit.dot.gov/sites/fta.dot.gov/files/FTA_Report_No._0054.pdf
- ½ to 1 mile is not considered "**near transit**" by authoritative sources

"High quality transit" is related to its "sphere of influence, with higher quality transit having a greater sphere of influence. The FTA ascribes the following "spheres of influence" to the transit San Diego offers – **none exceed ½ mile**:

- **Enhanced bus – adjacent parcel**
- **Bus Rapid Transit (San Diego has none at the moment) – ¼ mile**
- **Streetcar (trolley 8-15 minute peak headway) – ¼ mile**
- **Light Rail Transit (trolley 5-15 minute peak headway) – ½ mile**
- **San Diego has no transit meeting the criteria of Heavy (3-10 minute peak headway) or Commuter (20-30 minute peak headway) Rail**
https://www.transit.dot.gov/sites/fta.dot.gov/files/FTA_Report_No._0054.pdf

The Planning Department has provided no evidence that people living beyond ½ mile from transit are likely to become transit users. SANDAG research has given us important information to the contrary about transit users in the region:

- 97% of area transit users walk to transit
 - Of them, **92% walk ½ mile (10 minutes) or less**
 - 70% walk ¼ mile (5 minutes) or less
- Only 1-2% of area transit users “roll” to or from transit

Topic 2. Page 3, Paragraph 2 of the Staff Report states that:

*The existing definition of a TPA, which is rooted in state law, is a high-level definition that measures the areas located near transit by measuring a **0.5-mile straight line distance, rather than a walking distance**. At the time that the definition was originally applied to the City’s development programs, **more refined data showing the areas of the City that were within a close walking distance to transit – taking into account physical barriers such as freeways and steep hillsides – was not available**. As more refined data has become available, the ability to focus development in the areas of the City that truly have the best access to transit is now technically feasible.*

NFABSD Response: SB743 made clear the legislature’s intention that TPAs were to be ½ mile walking distance, not “as the crow flies”:

- 65088.4 (a) **It is the intent of the Legislature to balance the need for level of service standards for traffic with the need to build infill housing** and mixed use commercial developments **within walking distance of mass transit facilities**, downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing needs.

The technology to map walking distance is not new and has been available as long as the TPA has existed in state code:

- Google Maps has had this capability for at least a decade.
- NFABSD’s mapping specialist confirms that ArcGIS has had this capability for **20 years**.
- Neighbors For A Better San Diego has been working with ArcGIS generated walking distance TPA maps for San Diego since late 2021.

Topic 3. Page 3, Paragraph 3 of the Staff Report states that:

*It is also important to recognize that our climate goals are not just served by eliminating vehicular trips with transit, but by **reducing overall vehicle miles travelled (VMT)**. Project sites located in areas with other walking, rolling and bicycle infrastructure, as well as areas that are in*

communities with relatively less overall vehicular travel, are also places where new development can implement Strategy 3 of the CAP.

NFABSD Response: To reduce VMT, housing density must be concentrated within ½ mile from transit because that is where the diverse land uses will be clustered to create the symbiotic relationship of transit-supportive development. For example, the Orange County Transit Authority Transit-Supportive Design Guidelines state that:

- “Most of the traffic reduction benefits of transit-supportive communities occur not because of increased transit ridership but, rather, because of increased walking for the 80% of household travel that is not commute-related.”
- **“Transit-supportive communities encourage a mix of land uses at both the neighborhood and corridor scales. Encouraging a diverse mix of land uses (residential, commercial, recreational, and civic) – for the quarter-mile area around bus stops and frequent transit corridors and the half-mile area around rapid transit stations – can help create neighborhoods where home, work, shopping, recreation, and transit services are within walking distance.** Such neighborhoods enable residents to meet many of their daily needs within walking distance and to combine several errands on the same trip. **This strategy supports both a higher walk and transit mode share for trips as well as reduced vehicle miles travelled (VMT) per capita”.**

Source: Orange County Transit Authority Transit-Supportive Design Guidelines June 30, 2021 <https://octa.net/pdf/OCTATransit-SupportiveDesignGuidelines.pdf#page=9>

The Planning Department has provided no evidence that allowing dense development (Complete Communities and ADU Bonus Program) up to 1 mile from transit will result in either reduced VMT or increased transit adoption.

Topic 4. Page 3, Paragraph 4 of the Staff Report states that:

*To define a new SDA, City staff identified areas that have good walk, roll, bike and other micro-mobility access to transit. Taking this into consideration, people who live in homes **located 0.75 miles from a major transit stop**, at an average walking pace of three miles per hour, can reach their destination in about **15 minutes**. Taking into account the more compact development anticipated to occur through the City’s incentive programs, this is a reasonable distance of travel to a major transit stop, especially where neighborhood amenities, such as grocery stores, restaurants, and other social gathering spaces, can be visited along the way. This is even more true in the City’s communities with relatively less vehicular travel (in Mobility Zone 1 and VMT efficient communities, also defined as Mobility Zone 3), where people are more likely to walk, and when they choose to drive, drive fewer overall miles. In this instance, people who live in **homes located one mile from a major transit stop**, at an average walking pace of three miles per hour, can reach their destination in about **20 minutes**. This is a reasonable distance for VMT efficient communities with more investments existing and planned for walking, rolling, biking*

and transit. This is especially important because these are areas where critical active transportation investments can be delivered most efficiently, resulting in the greatest levels of VMT reductions, especially where increased density will exist to support the investments.

NFABSD Response: Please refer to comments on point 1 above. To summarize:

No respected academic or professional sources indicate that people will willingly walk ½ to 1 mile to transit or consider this convenient walking distance to anywhere (especially somewhere like a grocery store requiring carrying parcels).

- SANDAG research tells us that 92% of people in the area walk ½ mile (10 minutes) or less to transit and only 1-2% roll
 - Hoping that people will suddenly decide to double or triple their walking distance is unrealistic.
 - Most of the now non-existent neighborhood amenities will be on the transit corridors, which are not generally “along the way” and are preferably avoided in favor of safer, quieter side streets.

Topic 5. Page 3, Paragraph 5 of the Staff Report states that:

*To ensure the **SDA furthers fair housing** throughout the City, the walking distance of a major transit stop increases from 0.75 to 1.0 miles in Mobility Zone 4 to include properties in areas designated as Highest and High Resource Opportunity Areas by the California Tax Credit Allocation Committee¹. This would expand the eligibility of the City’s housing incentive programs and allow for more affordable housing in areas with more economic and education opportunities and fewer environmental issues....*

Removing opportunities for increased housing in high opportunity areas could be counter to the State of California Housing Crisis Act of 2019, which limits cities’ ability to reduce the intensity of land uses available for housing. Additionally, cities are required by State Law to take meaningful actions that affirmatively further fair housing by addressing significant disparities in housing needs and replacing segregated living patterns with truly integrated and balance living patterns. The City committed to affirmatively further fair housing in its Housing Element programs and policies.

If the City were to reduce intensity of land uses in high resource communities, this could be a violation of these requirements. The Department of Housing and Community Development has an Accountability and Enforcement Division that enforces these statutes and has the ability to decertify housing elements that are not in compliance with state law. Without a certified housing element, the City could face limited access to state funding, fines and fees, and could be subject to legal challenges that suspend local land-use authority and lead to the court-approval of housing developments.

The decertification threat is specious. According to the Planning Department’s own presentation to the Planning Commission on 10/27/22, The Housing Crisis Act of 2019 is not an area of concern for SDAs because:

Complete Communities and the ADU Bonus Program were not included in the adequate sites inventory.

- *SDAs would not amend any General, Community or Specific Plan land use designation, nor would they rezone property.*



Sustainable Development Area

Would this amend land use or rezone property?

- City incentive programs, such as Complete Communities, are opt-in programs
- SDA does not amend any General Plan or Community Plan land use designations and does not rezone property

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- *66300(a)(7)(b)(1)(A) Changing the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use or reducing the intensity of land use within an existing general plan land use designation, specific plan land use designation, or zoning district below what was allowed under the land use designation and zoning ordinances of the affected county or affected city, as applicable, as in effect on January 1, 2018, except as otherwise provided in clause (ii) of subparagraph (B). For purposes of this subparagraph, “less intensive use” includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or anything that would lessen the intensity of housing.*

Conversely, building so-called “transit-oriented development” up to one mile from transit, as SDAs would encourage, might actually “**impede fair housing choice**” according to San Diego’s Housing Element 2021-2029 Assessment of Fair Housing:

“Access to public transit is of paramount importance to households affected by low incomes and rising housing prices. Public transit should strive to link lower income persons, who are often transit dependent, to major employers where job opportunities exist. Access to employment via public transportation can reduce welfare usage and increase housing mobility, which enables residents to locate housing outside of traditionally low-income neighborhoods. **The lack of a relationship between public transit, employment opportunities, and affordable housing may impede fair housing choice.** Persons who depend on public transit may have limited choices regarding places to live. In addition, seniors and disabled persons also often rely on public transit to visit doctors, go shopping, or attend activities at community facilities. Public transit that provides a link between job opportunities, public services, and affordable housing helps to ensure that transit-dependent residents have adequate opportunity to access housing, services, and jobs.”

The San Diego Regional Analysis of Impediments of Fair Housing notes that:

- “Having **access to quality jobs and effective public transportation helps facilitate a good quality of life and improved life outcomes.** Unfortunately, research has shown that racial and ethnic minorities, individuals with disabilities, and other protected classes often have restricted access to these vital amenities.”
- In fact, limited access to public transit may counteract some of the benefits of affordable housing, according to the 2020 San Diego Regional Analysis of Impediments to Fair Housing.

Locating dense and affordable housing beyond one-half mile from transit presents real challenges for low-income households, communities of concern and people with disabilities.

- San Diego’s 2022 Metropolitan Transit System Customer Satisfaction Survey Results confirm its users are generally lower income people of color with significant population of elderly and disabled passengers:
 - 84% of its riders earn < \$50K/year
 - 55% earn < \$20K/year
 - 76% are people of color
 - 14% are 65+
 - 12% of its riders are disabled

Topic 6. Page 4, Paragraph 2 of the Staff Report states that:

*The SDA expands land areas beyond a TPA while also refocusing City incentive programs in areas that are **more transit supportive**.*

NFABSD Response: There is no evidence provided to believe that the additional acreage provided by the SDAs are **“more transit-supportive”** than the TPA.

The fact that the SDA includes areas between ½ to 1 mile away from transit stops actually **excludes SDAs from being considered “transit-supportive” according to the Federal Transit Administration’s definition.**

Please review point 2 above for a definition of transit-supportive neighborhoods.

- **The Federal Transit Administration states:** “On the local level, transit-supportive/oriented/related districts generally focus on **areas within 1/2 mile of transit stations/stops**; local zoning tools allow for more concentrated growth near transit stations/stops.”
https://www.transit.dot.gov/sites/fta.dot.gov/files/FTA_Report_No._0054.pdf
- It is important to understand that transit-supportive development is supposed to describe the type of development that may be supported by transit and that, in turn, may support transit.
 - With SDAs encouraging dense development up to a mile from transit, unless all the experts are wrong, developments beyond ½ mile from transit will not be “transit-supportive.” Residents in those communities are unlikely to become transit users.
- The Orange County Transit Authority Transit-Supportive Design Guidelines define “transit-supportive communities” as **the quarter-mile area around bus stops and frequent transit corridors and ^{SEP}the half-mile area around rapid transit stations.”**

Further, developments in SDA areas between ½ and 1 mile away from transit stops will be either completely ineligible for major grant funding (CA grants) or at a severe disadvantage (federal funds) in applying for those monies.

Topic 7. Page 4 of the Staff Report states that:

*The SDA includes approximately 688 **more** developable acres eligible for the Complete Communities Housing Solutions Program.*

NFABSD Response: The calculation of 688 addition acres eligible for the SDA that were not in the TPA is incorrect. **That number should be 633.**

Totaling the parcels in the Planning Department’s acreage spreadsheet, there are 913 SDA acres outside the TPA and 280 TPA acres outside the SDA. Therefore, **the difference is 633 acres.**

Topic 8. Page 4, last paragraph of the Staff Report states that:

*While developing the SDA definition, staff reviewed **the use of a 0.5 mile walkshed and the use of the Regional Transportation Improvement Program five-year transportation network**. Both proposals would result in a reduction of the area of eligibility for the City's housing programs compared to the current TPA.*

NFABSD Response: San Diego's Municipal Code defines the TPA as based on the **Transportation Improvement Program (TIP)**, so keeping the SDA at that represents **NO CHANGE** in policy.

- *Transit priority area* means the area defined in **California Public Resources Code Section 21099**, as may be amended, or an area within one-half mile of a *major transit stop* that is existing or planned, if the planned *major transit stop* is scheduled to be completed within the planning horizon included in a **Transportation Improvement Program**.
<https://docs.sandiego.gov/municode/MuniCodeChapter11/Ch11Art03Division01.pdf>

SB743 made clear the legislature's intention that TPAs were to be ½ mile walking distance, not "as the crow flies". The "crow flies" definition was a city departure from state code that must be corrected.

- 65088.4 (a) *It is the intent of the Legislature to balance the need for level of service standards for traffic with the need to build infill housing and mixed use commercial developments **within walking distance of mass transit facilities**, downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing needs.*