



February 28, 2023

Council President Elo-Rivera
Council President Pro Tem Montgomery Steppe
Councilmember LaCava
Councilmember Campbell
Councilmember Whitburn
Councilmember von Wilpert
Councilmember Campillo
Councilmember Lee
Councilmember Moreno

Dear Council President Elo-Rivera and Councilmembers,

Neighbors For A Better San Diego (NFABSD) opposes the introduction of so-called Sustainable Development Areas (SDAs) as a replacement for Transit Priority Areas (TPAs) in local land development codes, as proposed in Item 5 of the Land Development Code update.

While the proposed SDA does use walking distance to determine distance to a Major Transit Stop, as advocated by NFABSD, the replacement of the half-mile distance with a one mile distance basically undoes the benefits of mapping walking distance and results in a map that is even larger than the already overly-expansive TPA map.

Every home built one mile from transit under SDA incentives will take away from the number of homes built close to transit. The resulting low-density infill development violates San Diego's Climate Action Plan both by reinforcing suburban automobile use patterns for longer trips and by failing to create centralized mixed-use densities that would facilitate walking and biking for local neighborhood trips.

The SDA definition has been materially revised at every step of the review process. The justification and analysis of these changes has not been properly presented or analyzed in the Staff Reports or represented on the DRAFT webmap, including the most recent changes to add Specific Plans to the SDA definition. (Specifically, the Staff Report has not been updated to include the unspecified added acreage from Specific Plans.)

Detailed Analysis

Neighbors for a Better San Diego has analyzed several elements of the proposed SDA project. Our analyses are being provided as attachments. The general areas of concern include:

(Attachment A.1-A.5) Lack of adherence to widely-adopted transit-oriented development standards. The Staff Reports and presentations continue to confuse the possibility that a person a mile away from transit can access transit with the likelihood that they will do so. Moving development into automobile-dependent suburbs, infill or not, will irrevocably undermine San Diego's ambitions to change residents' mobility habits.

(Attachments B.1-B.4) Omission of a full analysis of San Diego's capacity under SDAs. The Staff Report is careful to only report differences in acreage between existing Transit Priority Areas and the proposed Sustainable Development Areas. A complete analysis of all SDA and non-SDA areas shows that if the distance to transit in the SDA is set to the widely accepted distance of one-half mile, San Diego has the allowed capacity to build over 1.6 million homes, 15 times our housing target under RHNA. This gives San Diego the flexibility to concentrate development closer to commercial and transit corridors where it will have the most beneficial impact. Decreasing the walking distance of the SDA to ½ mile would also create the critical density of 15-20 people per acre needed to drive transit adoption and would re-vitalize San Diego's transit corridors.

(Attachments C.1-C.5) Ever-changing code during review and out of scope for the Land Development Code update. Substantial changes have been made to the SDA code at every step of the review process, including the most recent introduction of Specific Plans into the code right before it was presented to Land Use and Housing. As a result, the Staff Reports and presentations have lacked data analysis needed to make informed decisions.

SDAs represent a major change to San Diego land use policy, and include many elements, such as mobility zones, CTCAC opportunity zones, and specific plans, that were not part of the TPA definition. Accordingly, it can be argued that the SDA definition should have gone through a standalone review process with appropriate accompanying PEIRs, such as have been done for Complete Communities and other major housing programs.

(Attachments D.1-D.8) Over-consideration of some regulatory risks and under-consideration of other regulatory risks. On the one hand, the Planning Department appears to have taken care to make sure that the footprint of the SDA is bigger than the TPA, so as not to risk imagined decertification by HCD. On the other hand, the Planning

Department has ignored the risks of losing funding as a result of the one-mile transit distance being outside of funding guidelines, which are restricted to projects inside $\frac{1}{2}$ and sometimes even $\frac{1}{4}$ mile to transit. Affirmatively Furthering Fair Housing (AFFH) requires credible access to transit. Locating housing a mile from transit and including transit stops in future regional plans that may never materialize violates the transit equity requirements of AFFH.

Because of the numerous concerns about SDAs, we ask the City Council to remove the SDA proposal from the 2022 LDC update. If the Planning Department wants SDAs to be considered as change to San Diego's land use regulations, then it should be presented as a standalone item, including full presentation of the underlying data and proper public workshops.

Taking the Staff Report at face value, the acreage added above and beyond the TPA provides the capacity under bonus incentives to build 160,000 additional homes, roughly equivalent to 5 community plan updates. Just as we wouldn't approve a CPU in a Land Development Code update, we shouldn't be doing that with a completely new and untested transit-oriented development concept.

Respectfully,

Geoffrey Hueter
Chair, Neighbors For A Better San Diego

ATTACHMENTS

(A) LACK OF ADHERENCE TO WIDELY-ADOPTED TRANSIT-ORIENTED DEVELOPMENT STANDARDS

- Attachment A.1: One-Half Mile Walking Distance Standard for Transit-Oriented Development
- Attachment A.2: Critique of San Diego's Transit Priority Map
- Attachment A.3: Viability of "Rolling" to Transit as Justification for 1 Mile Distance From Transit
- Attachment A.4: Permitting of Affordable ADUs Based on Future Transit Stops
- Attachment A.5: Misclassification of Rapid Buses as Bus Rapid Transit

(B) OMISSION OF A FULL ANALYSIS OF SAN DIEGO'S HOUSING CAPACITY UNDER SDAS

- Attachment B.1: Equating Acreage to Housing
- Attachment B.2: SDA Housing Capacity
- Attachment B.3: Expanded SDA Undermines Climate Action
- Attachment B.4: Response to Staff Report

(C) EVER-CHANGING CODE DURING REVIEW AND OUT OF SCOPE FOR THE LDC UPDATE

- Attachment C.1: Sustainable Development Area Code Revision Timeline
- Attachment C.2: EIR Considerations
- Attachment C.3: Definitional Incongruities
- Attachment C.4: Need for EIR to Convert Bonus ADU Code to SDAs
- Attachment C.5: Need for EIR to Convert Complete Communities Housing Solutions to SDAs

(D) OVERCONSIDERATION AND UNDERCONSIDERATION OF REGULATORY RISKS

- Attachment D.1: Grant Restrictions
- Attachment D.2: AFFH Requires Close Proximity to Transit
- Attachment D.3: Challenges of Changing Mobility Zones
- Attachment D.4: Challenges of Changing Opportunity Zones
- Attachment D.5: SANDAG'S Controversial Endorsement of 1 Mile SDA
- Attachment D.6: SANDAG Letter 1-19-23
- Attachment D.7: HCD Letter 2-9-23
- Attachment D.8: SDAs and Transit Equity